

Case Number	21/02714/FUL (Formerly PP-09907726)
Application Type	Full Planning Application
Proposal	Extension including roof lift and front dormers to create habitable accommodation on first and second floors for use as 10-bed House in Multiple Occupation (sui generis), with retail unit (Use Class E(a)) on ground floor and associated first floor office
Location	715 - 717 Abbeydale Road Sheffield S7 2BE
Date Received	13/06/2021
Team	South
Applicant/Agent	Anva - Mr Ali Ay
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:

Site Location Plan

As published by the Local Planning Authority on 14th June 2021

009.21/06 Rev G Proposed Ground Floor Plan/Site Plan
009.21/06A Proposed main access to flat/refuse store and cycle areas
009.21/07 Rev G Proposed First Floor Plan
009.21/08 Rev G Proposed Loft Floor Plan
009.21/09 Rev G Proposed Roof Plan
009.21/10 Rev G Proposed Front and Rear Elevations
009.21/11 Rev G Proposed Side Elevations

As published by the Local Planning Authority on 22nd March 2022

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

3. Before the development is commenced, full details of the proposed external materials shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

4. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:

- a. Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b. Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
- c. Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future occupiers of the upper floor accommodation.

5. Before the first occupation of the building hereby permitted the window serving 'Room 1' as specified on the approved plans shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity up to a minimum level of 1.7 metres above internal finished floor level and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.

Reason: In the interests of the amenities of occupiers of adjoining property it is essential for these works to have been carried out before the use commences.

6. Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

Windows
Window reveals
Doors
Eaves

Thereafter, the works shall be carried out in accordance with the approved details.

Reason: In order to ensure an appropriate quality of development.

7. Before the use of the development is commenced, Validation Testing of the sound insulation and/or attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

- a) Be carried out in accordance with an approved method statement.
- b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound insulation and/or attenuation works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

8. Prior to above ground works details of bat and bird boxes (a minimum of two each) shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall include a time schedule for implementation. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable development and supporting bio-diversity.

9. Prior to the retail unit being brought into use full details of the entrance to facilitate level access to the unit shall be submitted to and approved in writing by the Local Planning Authority. The unit shall not be brought into use until the approved works to provide level access have been completed.

Reason: In the interest of providing disabled access.

10. Before the shop front is installed full details of any security measures, including roller shutter and housing (which shall be internal) shall have been submitted to and approved by the Local Planning Authority. The shop front and security measures shall then be implemented in accordance with the approved plans and retained as such thereafter.

Reason: In the interests of the visual amenity of the locality.

11. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a portion of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

Other Compliance Conditions

12. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

13. The flat roof areas of the development hereby permitted shall not be used as balconies, roof gardens or similar amenity areas.

Reason: In the interests of the amenities of occupiers of adjoining properties.

14. The room identified on the Proposed Loft Floor Plan (drawing number 009.21/08 RevG) as 'room' shall not at any time be used as a bedroom or other main habitable room at any time.

Reason: In the interests of the amenities of future occupiers.

15. The upper floor accommodation shall be occupied by a maximum number of 10 residents.

Reason: In order to ensure occupants benefit from appropriate levels of communal space and on site facilities.

16. The residential accommodation shall not be used unless the cycle parking accommodation for 11 cycles as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport it is essential for these works to have been carried out before the use commences.

17. No customer shall be permitted to be on the premises outside the following times: 08:00-23:00.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties

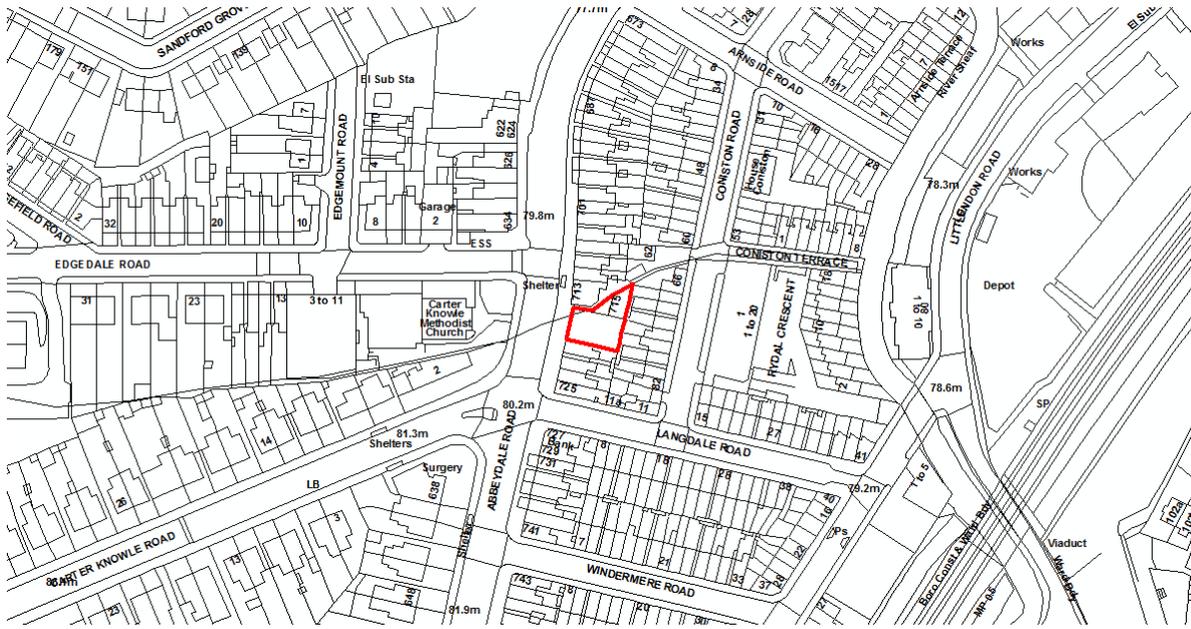
when selling or letting the properties.

5. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

6. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

Site Location



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LOCATION AND PROPOSAL

The application relates to a site currently occupied by a single storey structure most recently in commercial use filling the entire plot and located on a busy section of Abbeydale Road, a major arterial route into the city centre.

The site is located within an allocated Local Shopping Centre as designated within the Unitary Development Plan.

The adjacent units are in commercial use at ground floor, No. 713 as a pharmacy and No. 719 as a newsagents. The first floor above No. 713 appears to be used for storage. The first floor above No. 719 has indications that it may be a residential flat. The rear the site adjoins domestic curtilage (rear gardens/yards) of terraced housing fronting Coniston Road.

The application seeks to demolish the existing building on the site and erect a two storey brick built building with additional accommodation in the roof space served by dormers.

The stated uses within the building would be as follows:

Ground floor: Retail unit (Class E)

First Floor: An office, 5 bedrooms with en-suite and a kitchen/living room.

Second Floor/roof space: 5 bedrooms with en-suite. A further non-designated room is indicated but this could not serve as a bedroom since it has no outlook.

RELEVANT PLANNING HISTORY

Planning permission was refused in 1974 for the use of building as tyre store and fitting bay (74/00233/FUL)

Planning permission was refused in 1975 for the use of premises as car and van hire depot and store (75/00606/FUL)

Planning permission was granted for the use of premises for motor car sales, motor cycle spares and accessories and ancillary hardware goods. (77/01547/FUL)

Planning permission was refused in 1990 for the use of the building as a restaurant. (90/02283/OUT)

Planning permission was granted in 2001 for the use of building as a gymnasium. (01/01401/FUL)

Planning permission was granted in 2002 for the use of the building for a gymnasium without complying with condition 4 (restriction of house of opening) imposed by 01/01401/FUL. (02/01634/FUL).

Planning permission was granted in 2008 (08/01104/CHU) for use of the premises as a pharmacy

REPRESENTATIONS

There have been 44 representations received in response to the public notification process, with 42 being objections (including one from Cllr Allison Teal), one being neutral and one being a letter of support.

SUMMARY OF POINTS RAISED

Objection

Cllr Teal objects on the following grounds:

- The proposal will exacerbate existing parking congestion in the locality;
- The building occupies the whole site...how will waste management be addressed?;
- The residential accommodation appears to be designed for transient living. The city needs affordable housing.

Points raised by other objections:

Design/Layout Quality

- the design is out of character with the locality and will have a negative impact on the skyline;
- design will cause 'canyonisation' of the street due to its height;
- the accommodation would be of a poor quality;
- absence of private amenity space for future occupants;
- insufficient bin storage.

Highways Impact

- insufficient cycle parking is provided for residents;
- inadequate parking/loading turning;
- insufficient off-street car parking;
- will generate additional traffic leading to accidents;
- where will customers park?

Impact on Neighbours

- the proposals would overshadow and overlook adjacent residential properties;
- will cause loss of greenery to the rear of properties on Coniston Road;
- would impact on the natural light, and privacy of Nos. 70, 74 & 76 Coniston Road;
- the development breaks the 45 degree rule thereby causing overbearing on neighbouring properties;
- there is insufficient distance between the rear wall and the rear elevations of properties on Coniston Road;
- 24 hour retail operation will result in noise and disturbance to nearby residents;
- the size of the internal spaces mean guests will congregate outside resulting in noise disturbance.

Ecology

- a tall building will adversely impact on local protected species;

- bats are suspected to be roosting in the building.

Other

- the locality does not need any more HMO's;
- this part of Abbeydale Road smells of sewage and further residents will make things worse;
- would encourage vermin;
- will result in additional littering;
- the area is already too densely populated.

Points raised that are not material

- Sheffield does not need more student accommodation;
- there are already enough shops in the locality and another would impact on the existing business custom;
- will attract anti-social behaviour;
- will create highways difficulties during construction;
- there is no need for an additional supermarket;
- would be a good location for a restaurant;
- a residents parking scheme needs to be implemented in the locality;
- illegal parking already adversely affects highway safety and this scheme will make things worse;
- scaffolding during construction would impede the footway;
- very little time to comment on the application;
- there is no access for emergency vehicles;
- would create a precedent for further HMO's in the locality;
- the construction phase will impact on the ability of neighbouring residents to work from home;
- how will the boundary wall's integrity be assured?
- will impact on private views.

Neutral Comments

- objectors have also claimed that there will be a damage to wildlife. This does not seem to be true;
- it is important for any development to improve provisions for nature. This could be in the form of wildlife bricks and bird boxes being incorporated into the design to support birds, bats, mason bees and other invertebrates.

Support

- there are insufficient convenience stores in the locality so this is welcomed;
- we live in a world where people work all hours and don't shop at set hours. Also many don't have cars so a convenience store will serve these people.

ASSESSMENT

Policy Context

The Council's development plan comprises the Core Strategy (CS) which was adopted

in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework revised in 2021 (NPPF) is a material consideration.

The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

The Council has released its revised 5-Year Housing Land Supply Monitoring Report. This new figure includes the updated Government's standard methodology which includes a 35% uplift to be applied to the 20 largest cities and urban centres, including Sheffield.

The monitoring report released in August 2021 sets out the position as of 1st April 2021 – 31st March 2026 and concludes that there is evidence of a 4-year supply of deliverable supply of housing land. Therefore, the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites.

Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date according to paragraph 11(d) of the NPPF. The so called 'tilted balance' is therefore triggered, and as such, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In this context the following assessment will:

- Assess the proposals compliance against existing local policies as this is the starting point for the decision-making process. For Sheffield this is the UDP and Core Strategy.
- Consider the degree of consistency these policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Consider whether harm accrues and if necessary apply 'the tilted balance' test, including considering if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Key Issues

The main issues to be considered in this application are:

- The acceptability of the different aspects of the development in land use policy terms,
- The design of the proposals and their impact on the surrounding street scene.
- The effect on future and existing occupiers living conditions,
- Whether appropriate highways access and off-street parking is provided.

Housing Supply considerations

Policy CS22 - Scale for the Requirement for New Housing of the Sheffield Development Framework Core Strategy (CS), sets out Sheffield's housing targets until 2026.

This development will make a positive contribution towards the Councils housing land supply of deliverable sites and this should be afforded appropriate weight as a material consideration.

Paragraph 69 of the revised NPPF sets out that ‘Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes’.

Policy CS23 and CS24 are restrictive policies, but the broad principle is reflected in paragraph 119 of the NPPF, which promotes the effective use of land and the need to make use of previously-developed or ‘brownfield land’.

Policy CS23 of the Core Strategy ‘Locations for New Housing’ states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure.

Policy CS24 ‘Maximising the Use of Previously Developed Land for New Housing’ prioritises the development of previously developed (brownfield) sites.

This development is taking place on previously developed land and therefore is considered acceptable with regard to Policy CS24.

Therefore, it is considered that the proposal is consistent with the aims of policies CS23 and CS24.

Paragraph 124 of the NPPF states:

Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services—both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

Policy CS26 ‘Efficient Use of Housing Land and Accessibility’ requires housing developments to make efficient use of land, but that it should be in keeping with the character of the area. In this location, the scale of the proposal and the introduction of ‘living over the shop’ for the HIMO are considered to satisfy the requirements of the policy.

In conclusion the development will make a small, but positive contribution to the housing stock in the city with a density appropriate when considering the context of the site.

LAND USE POLICY

Unitary Development Plan

The proposed retail ground floor use would fall under the relatively new Use Class E.

Policy S7 of the Unitary Development Plan does not refer to the new Class E (having pre-dated its designation) but refers to the acceptability of the proposed uses as follows:

Retail:	Preferred
Housing (Use Class C3):	Acceptable

Since the upper floors of the proposal are proposed as a Sui Generis HMO the policy requires that it be considered on its merits. In terms of the character of the use this is considered to most closely align with housing use since the proposal is for residential accommodation.

Both of the above uses are subject to the constraints of Policy S10 'Conditions on development within Shopping Areas. However, all of the above uses are acceptable. The compliance, or otherwise, of each of these uses with regard to policy S10 (and any subsequent requirements for conditions) will be explored in the assessment of the scheme.

National Planning Policy Framework (NPPF)

Paragraph 86 of the National Planning Policy Framework says that planning decisions should support the role that town centres (and primary shopping areas) play at the heart of local communities.

Shared housing Density in the locality

Policy CS41. Seeks to limit concentrations of shared housing within localities. The policy states that if more than 20% of properties with 200 metres of the site are in shared occupation further such development should be resisted. In this case the concentration of shared housing within 200m is 9% and as such the proposal would be in compliance with the requirements of policy CS41

Environmental Considerations

Demolition

The scheme would involve demolition but the existing building is not considered to have architectural merit and its loss would not adversely impact on the street scenes of Abbeydale Road or the character of the locality.

Design

Local Policy

UDP Policy BE5 (Building Design and Siting) states that original architecture will be encouraged, but that new buildings should complement the scale, form and architectural

style of surrounding buildings.

Core Strategy Policy CS74 (Design Principles) within the Core Strategy states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

UDP Policy H14 'Conditions on Development in Housing' states that new development and extensions will only be permitted where they are well designed and in scale and character with neighbouring buildings, where the site would not be overdeveloped or cause serious loss of existing garden space which would harm the character of the neighbourhood.

UDP Policy S10 'Conditions on Development in Shopping Areas' states that development should be well designed and of a scale and nature appropriate to the site

These policies are consistent with Paragraph 130 of the NPPF which states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The existing building is not considered to have any significant architectural merit but rather to represent an anomalous presence with a generally adverse impact on visual amenity in the locality. The flanking buildings rise to two storey with pitched roofs and it is felt that the street scene elevation of the proposal responds appropriately to this established character. The eaves line is carried through from No. No.719 as is the ridge height of the pitched roof. Window styles are complimentary and reflect those on flanking properties.

The use of dormers is not common on neighbouring buildings but they do appear in the locality (fronting Abbeydale Road) and it is understood that these are needed to make the scheme viable. In this case the form and scale of the dormers is considered appropriate and mirrors the better examples already present in the street scene.

On front elevation the proposals should therefore represent a significant improvement over existing in terms of street scene.

The use of red brick as the main facing material and appropriate roof materials, whilst not specified can be secured through condition.

Residential amenity considerations

Policy S10 (conditions on Development in Shopping Areas) expects new development to not cause existing residents or visitors to suffer from unacceptable living conditions.

NPPF paragraphs 130 and 185 sets out similar aims in terms of ensuring decisions take into account the impact of pollution on health and living conditions and secure high standards of amenity. The local and national policies closely align and significant weight can therefore be given to policy S10

Impact On Existing Residents.

Physical Presence and New Fenestration

It is not considered that the front elevation of the building and its associated fenestration has any implications for existing residential amenity. The physical presence of the proposal will not impact on the first floor properties flanking the development site.

To the rear of the site borders the curtilages of properties fronting Coniston Road.

The in situ building does feature a significant wall of masonry on the boundary with Nos. 68-78 inclusive Coniston Road. This varies in height from approximately 2.5 metres to 4 metres. The intention is to retain this height of boundary wall within the new structure at ground floor. Whilst Officers would have preferred to have seen some reduction in this massing of masonry it is considered that this element of the proposal does not result in overbearing/ overshadowing in excess of existing and as such, it would not be reasonable to resist the proposal on this basis.

The two storey element of the scheme with its associated pitched roof lies at a greater distance from the rear elevations of properties on Coniston Road (approximately 17.6 metres in the case of the main rear elevation and 13.4 metres in the case of the central off-shot element)

Supplementary Planning Guidance (Designing House Extensions) lays out good practice with regard to appropriate separation distances between main aspect windows and new development. Guideline 5 states that a two storey gable end (which would have a slightly greater presence than the proposal) should be located no closer than 12 metres to main aspect windows. Since the separation distances here exceed the 12 metre specification the proposal therefore satisfies SPG.

In terms of potential overlooking the proposal would introduce windows into the main rear elevation that achieve separation of 17.6 metres to the rear elevation of properties on Coniston Road. Though falling short of the established 21 metre guideline this is considered acceptable in this case as it mirrors the relationship between first floor windows in the rear elevations of other properties to the south on Abbeydale Road and those on Coniston Road.

The windows in the central offshoot would achieve a separation distance of 13.4 metres to windows in the rear elevation of Coniston Road properties. This would represent a

shortfall when compared to SPG guidelines. Such separation distances between the backs of first floor flats above shops and terraces to the rear are quite frequent in locations elsewhere in the city (e.g. locations on Abbeydale Road itself and on Ecclesall Road). However, the intention here is to have the lower panes of this window glazed with obscure glass and this, combined with the not insignificant separation distance, should negate any significant overlooking towards properties on Coniston Road. This will be secured by an appropriate condition.

In terms of the proposed accommodation leading to noise (through resident activity) it would be difficult to support a refusal on the basis of such a judgement.

Whilst concerns have been raised by objectors with regard to the proposed use the difficulty in establishing a material difference between family occupancy and proposed occupancy in as far as internal noise is concerned would lie in the inability to assess definitively the behaviour patterns of alternative occupants.

It is felt that to draw any subjective judgements on these matters would be open to significant criticism and would be extremely difficult to establish definitively.

As far as external noise is concerned, this is likely to be centred on the comings and goings of residents and given the busy location of the site fronting Abbeydale Road it is considered highly unlikely that the relatively low number of occupants would result in noise disturbance.

The proposed HMO would not be (definitively) expected to lead to additional refuse generation compared to any other development of flats/apartments. The site incorporates sufficient locations / space for wheelie bins and this would avoid litter bins being left out on Abbeydale Road after collection day.

It is therefore concluded that the attached properties would not be subject to unacceptable impacts upon living conditions.

The Retail Use at Ground Floor (potential noise/external plant)

The application seeks permission for the retail store to be open 24 hours a day. Officers consider that this would likely introduce unacceptable noise and disturbance to nearby residents (and future occupants of the HMO above) and a condition should therefore be added to any permission limiting opening to 08:00-23:00 hours.

Conditions relating to the installation of externally mounted plant or equipment should also be added to any approval.

Living Conditions for Future Occupants

Abbeydale Road is one Sheffield's busiest main roads, especially close to the junction of Carter Knowle Road, and therefore generates a considerable amount of ambient noise immediately adjacent to the proposed HMO. Whilst it is not considered reasonable to expect that residents fronting this major road should enjoy the same level of amenity that might be afforded in a solely residential area nonetheless it is considered appropriate that a suite of conditions be added to any permission limiting the noise break-in to the proposed bedrooms to ensure an acceptable level of amenity for future occupants.

Each of the bedrooms appears to have a reasonable level of outlook and to benefit from natural light. The shared communal kitchen has some outlook/natural lighting.

No external amenity space is indicated on the plans but this is not entirely unusual for 'above shop' type living spaces. Whilst the use of the flat roof area could potentially provide some outside seating/drying space this would lead to privacy issues for the first floor off shot flat dweller, and could also result in overlooking/ noise issues for neighbouring dwellings and so such a use has not been sought by Officers. The flat roof itself should be conditioned so that it cannot be used for sitting out.

Highways And Access Considerations

The NPPF seeks to promote sustainable transport and locations, emphasising pedestrian and cycle movements followed by public transport in Paragraphs 110 and 112. Paragraph 110 states that safe and suitable access to the site should be achieved by all users. Paragraph 111 goes on to detail that new development 'should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

There have been various retail uses on the ground floor of the existing building over the years, so the principle is long established. The shop sits within a parade of other shops, all of which are serviced from on-street. There are zig-zag road markings in front of the shop associated with the nearby pedestrian crossing. Parking in this area for servicing would therefore be illegal.

The zig-zags then join a bus clearway marking which protect two bus shelters from being obstructed by parking. In most instances, bus clearways are in operation 24 hours a day. However, outside the parade of shops, the bus clearway is in operation from 7 am to 11.30 pm. Servicing is permitted from on-street outside of these hours and without limitation from neighbouring side streets. The transport statement supplied with the application indicates that deliveries for the shop would take place via a 'Transit' type van before 7 am, or later in the evening. The signal-heads for the pedestrian crossing are attached to totem poles, so motorists approaching from the north would see the top signal-head over a parked van.

Over the past 5 years, there have been four slight personal injury accidents recorded at the pedestrian crossing. The types of accident have all been different. Given the volume of traffic using Abbeydale Road and amount of use of the crossing, officers do not consider this to be a significant concern.

With regard the 10-bed multiple occupancy element of the development, this is unlikely to generate much in the way of on-street car parking demand. The location of the site is highly sustainable in terms of public transport provision, with a good range of shops/amenities within easy walking distance.

This is backed up by the 2011 census for area covering Abbeydale Road on both sides, Langdale Road and Coniston Road. The car ownership profile was 0.7 cars/vans per household. 46% of households had no car/van. 42% had one car/van. 9% had 2, and 3% had three cars/vans. Given the scale of development and likely low car ownership profile, it would be disproportionate to expect the applicant to fund the provision of a residents permit parking scheme in the area.

The development proposal includes bicycle parking provision for 11 bikes, secure and set within the footprint of the building.

Appropriate bin storage will be provided for both uses at ground floor and this could be serviced by waste disposal vehicles on Abbeydale Road in a manner already employed by neighbouring commercial interests. Highway Officers do not consider that the quantum of development and corresponding waste generation justifies a requirement for the introduction of a Traffic Regulation Order on Abbeydale Road.

Accessibility considerations

Policy BE7 (Design of Buildings Used by the Public) expects appropriate access to buildings and in this instance this would mostly relate to provision of level access into the retail unit so as to assist wheelchair users and others with mobility problems. Level access can be secured through condition

Landscape considerations

Unitary Development Plan Policy BE6 'Landscape Design' says that good quality landscape design will be expected in new developments and refurbishment schemes. Applications for planning permission for such schemes should, where appropriate, include a suitable landscape scheme.

Paragraph 130b) of the NPPF promotes well designed places by appropriate and effective landscaping. Policy BE6 is consistent with the NPPF and should be given significant weight.

The site constraints allow little scope for landscaping but an absence of such is consistent with other development in the locality where residential flats are located above shops. There is no reason to resist the proposal on these grounds.

Ecology And Biodiversity Considerations

Paragraph 174 of the NPPF says that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts and providing net gains in bio-diversity.

Some representations have suggested that there may be protected species habitat within the building but this is not mentioned by others living nearby. It is considered likely that bats may forage in the locality (as they do in many places in the city) but it is considered unlikely that roosts are actually present. The building has been, until recently used on a regular basis and there are no obvious gaps in its fabric. A survey has not therefore been sought from the Applicant. In the event this is the case the disturbance/removal of such roosts is protected by other legislation.

Other representations state that the introduction of a 'tall building' will adversely impact on flight patterns but as the building will be no higher than the flanking building at No. 719 this is considered highly unlikely.

The proposed building does display potential for the siting of bird/bat boxes and, in the interests of biodiversity) details of these should also be secured by condition.

Site lighting should also be designed to give consideration for bats.

With the above measures in place and the new planting proposed the development is expected that the development can deliver a biodiversity enhancement in line with the NPPF.

Sustainability Considerations

In terms of the 3 overarching objectives of sustainable development defined in paragraph 8 of the NPPF.

The proposal will contribute to the economic objective – in supporting the city economy which is a key economic objective whilst at the same time as providing employment in construction and during the operational phase.

It will contribute to the social objective – by providing a destination and support a vibrant shopping centre.

It will contribute to the environmental objective by enhancing the built environment by making efficient use of land.

Community Infrastructure Levy

CIL has now been formally introduced; it applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. In this instance the proposal falls within CIL Charging Zone 3. Within this zone there is a CIL charge of £30 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010'.

Response to representations

Matters relating to design, residential amenity, highways, ecology, and density of shared accommodation have been dealt with in the main body of the report

Other matters raised

The integrity of boundary walls is a matter for building regulations.

The introduction of an HMO into the locality would not create a precedent. All such applications would be considered on their merits and the requirements of Policy CS41 limit excessive concentrations of this form of development.

Illegal car parking is a matter for the police.

Noise from construction is controlled through Environmental Health legislation

SUMMARY AND RECOMMENDATION

The proposed development accords with the land use policies for this site.

It will deliver an appropriate mix of uses which will transform this rather run down and

vacant site.

The wider benefits associated with this regeneration scheme will deliver uses that will contribute to the vitality and viability of the shopping centre and provide additional housing which significantly outweigh the limited negative impacts.

The design is considered of good quality and will ensure the development responds appropriately its context. The development will function well by providing an active and well overlooked street frontage.

The site is well located to benefit from sustainable travel options and is a sustainable form of development contributing to the NPPF's overarching objectives for sustainable development, whilst being consistent with the Council's sustainable design planning policies.

Conditions will ensure that the impact of uses will be controlled such that they should not have a significant harmful impact on local residents.

Paragraph 11 of the NPPF says that there is a presumption in favour of sustainable development.

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
Paragraph 12 of the NPPF says that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

Overall it is concluded that this is a scheme of acceptable quality which should enhance the street scene of Abbeydale Road. It is a welcome regeneration project which meets the Development Plan objectives and it will contribute to the vitality and viability of the Shopping Area. There are no adverse impacts that significantly and demonstrably outweigh the benefits.

It is therefore recommended planning consent be granted subject to the listed conditions.