
Case Number	20/03276/FUL (Formerly PP-09081153)
Application Type	Full Planning Application
Proposal	Demolition of outbuildings, erection of 4 dwellinghouses with associated parking, landscaping and formation of access.
Location	Kenwood Hall Hotel Kenwood Road Sheffield S7 1NQ
Date Received	21/09/2020
Team	South
Applicant/Agent	Franklin Ellis
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:

KWH-FEA-B1-XX-DP-A-2200_RevP3 Plot A - Proposed GA Plans and Elevations - Published Date 11 Nov 2021

KWH-FEA-B1-XX-DP-A-2210_RevP2 Plot B - Proposed GA Plans and Elevations - Published Date 11 Nov 2021

KWH-FEA-B1-XX-DP-A-2220_RevP2 Plot C - Proposed GA Plans and Elevations - Published Date 11 Nov 2021

KWH-FEA-B1-XX-DP-A-2230_RevP2 Plot D - Proposed GA Plans and Elevations - Published Date 11 Nov 2021

KWH-FEA-S1-XX-DE-A-3200_RevB Housing Context Elevations - Sheet 1 - Published Date 11 Nov 2021

KWH-FEA-S1-XX-DE-A-3201_RevB Housing Context Elevations - Sheet 2 - Published Date 11 Nov 2021

KWH-FEA-EX-XX-DS-A-3403_RevF Site Sections - Proposed - Published Date 11 Nov 2021

KWH-FEA-S1-XX-SK-A-25051_RevD Proposed Site Layout - with Retained Trees - Published Date 11 Nov 2021

KWH-FEA-S1-XX-SK-A-25053_RevD Proposed Site Layout - in Context Published Date - 11 Nov 2021

KWH-FEA-S1-XX-DP-A-1000_RevC Site Location Plan - Published Date 21 Sep 2020.

Reason: In order to define the permission.

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

3. No development shall commence until full details of measures to protect the existing trees, shrubs and hedges to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

4. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

Reason: In the interests of sustainable development and given that drainage works are 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 in order to ensure that the proposed drainage

system will be fit for purpose.

5. No development shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of sustainable development and given that drainage works are 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 in order to ensure that the proposed drainage system will be fit for purpose.

6. Before development commences a report shall have been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the 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 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 of the development. 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.

7. No phase of the development (including works of demolition, construction, or other enabling, engineering or preparatory works), shall take place until a Highway Management Plan (HMP) relevant to that particular phase has been submitted to and approved by the Local Planning Authority.

The HMP shall assist in ensuring that all Contractor highway / vehicle activities are planned and managed so as to prevent nuisance to occupiers

and/or users of the surrounding highway environment. The HMP shall include, as a minimum:

- a. Details of the means of ingress and egress for vehicles engaged in the relevant phase of the development. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.
- b. Details of the equipment to be provided for the effective cleaning of wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway; and
- c. Details of the site accommodation, including compound, contractor car parking, storage, welfare facilities, delivery/service vehicle loading/unloading areas, and material storage areas.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of highway safety.

8. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

9. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

10. No phase of the development (including works of construction, enabling, engineering or preparatory works), shall take place until a Construction Ecological Management Plan relevant to that particular phase has been submitted to and approved by the Local Planning Authority.

The Plan shall include, as a minimum:

- Details of the relevant Licenses obtained for creating the new artificial badger sett and closure of the existing sett.
- A risk assessment of the potentially damaging construction activities in relation to wildlife and habitats.
- A method statement for the protection of any protected species that may be encountered on site.
- The use of protective fencing, exclusion barriers and wildlife safety measures.

The development shall thereafter be carried out in accordance with the approved details and retained until the relevant phase has been completed.

Reason: To ensure that no offences in respect of protected species are committed and that the ecological interests of the site are maintained in accordance with NPPF Paragraphs 174 and 180, Core Strategy Policy CS 74 and UDP Policy GE11.

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

11. 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.
 - b) Be capable of achieving the following noise levels:
Bedrooms: Noise Rating Curve NR25(*) (2300 to 0700 hours);
Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
Other Habitable Rooms: Noise Rating Curve NR35 (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.

[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

12. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative

timeframe to be agreed in writing by the Local Planning Authority. The scheme shall include the following details:

- a) all hard materials and surfacing, including samples when requested;
- b) tree and plant species, sizes, numbers, locations, planting methods (for trees) and soil depths, construction details and specification for tree pits including future maintenance strategy;

Thereafter, the landscaping works shall be carried out in accordance with the approved details before occupation of the building. All proposed tree planting should be in accordance with BS 5837: 2012 (Trees in relation to Design, Demolition and Construction - Recommendations).

Reason: In the interests of the visual amenities of the locality, and to ensure the appropriate quality of development.

13. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

14. Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

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

15. A sample panel of all proposed masonry/stone shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of the building works and shall be retained for verification purposes until the completion of such works.

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

16. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

17. 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:

- (a) External Doors
- (b) Windows
- (c) Window reveals
- (d) Rainwater goods
- (e) Balconies
- (f) Parapet details
- (g) Junction of contrasting materials

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

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

18. Where any development including demolition commences more than two years from the date of the original protected species surveys, or, having commenced is suspended for more than 12 months, development shall cease, until additional/updated protected species surveys have been submitted to and approved in writing by the Local Planning Authority. Thereafter the proposed development shall be carried out in accordance with the approved details, including any revised or additional mitigation measures identified.

Reason: To ensure the ecological interests of the site are maintained in accordance with Policy GE11 of the Unitary Development Plan and that no offence is committed in respect of protected species legislation.

19. Prior to the occupation of any of the dwellings hereby approved, full details of bat and bird boxes to be erected/installed on the buildings within the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the development and permanently retained thereafter.

Reason: In the interests of bio-diversity.

20. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

21. The dwellings shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

22. The dwellings shall not be occupied until the privacy screens as shown on the approved plans serving the roof terraces have been installed. These screens shall be to a minimum privacy standard of Level 4 Obscurity and shall thereafter be retained.

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

23. Before the first occupation of Plot D as shown on the approved plans, the first and second floor windows in southwest elevation facing the rear of the properties along Cherry Tree Road, shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity and any part of the windows that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows 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.

24. Details of all boundary treatments/hedgerows shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellings shall not be used unless such means of site boundary treatment/hedgerows has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

25. Before the first occupation of the dwellings, full details of the one way operation of the driveway serving the development shall have been submitted to and approved in writing by the Local Planning Authority. The details shall then be implemented as approved.

Reason: In the interests of the efficient operation of the private driveway.

26. The proposed green/biodiverse roof (vegetated roof surface) shall be installed on the roof(s) in the locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green/biodiverse roof(s) shall be installed prior to

the use of the building commencing and thereafter retained. The plant sward shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

Other Compliance Conditions

27. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: In order to ensure that any contamination of the land is properly dealt with.

28. The dwellings shall not be occupied unless the car parking areas of the site have been constructed of a permeable/porous material (including sub base). Thereafter the approved permeable/porous surfacing material shall be retained.

Reason: In order to control surface water run off from the site and mitigate against the risk of flooding.

29. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellinghouses shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: To ensure that there is no visual intrusion which would be detrimental to the character and amenities of the locality.

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. 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.

3. The applicant should be aware that a legal agreement has been completed in respect of this proposal.
4. 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.

5. 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.
6. Green/biodiverse roof specifications must include substrate growing medium type and depths (minimum 80mm) and plant schedules. It should be designed to detain at least 60% of the annual average rainfall. A minimum of 2 maintenance visits per year will be required to remove unwanted species

(as is the case with normal roofs). Assistance in green roof specification can be gained from The Green Roof Organisation (www.grouk.org) or contact Officers in Environmental Planning email: EnvironmentalPlanning@sheffield.gov.uk. Alternatively see the Local Planning Authorities Green Roof Planning Guidance on the Council web site.

LOCATION AND PROPOSAL

The application site is located within, and forms part of the grounds of the Kenwood Hall Hotel, Nether Edge. The site is allocated as a Housing Area within the Unitary Development Plan and falls within the Nether Edge Conservation Area. The Hotel and its grounds form part of the locally listed Historic Park and Garden which is a non-designated heritage asset as defined in the National Planning Policy Framework.

The wider area is characterised by a mixture of property styles and designs. In addition to the hotel, there are large mid-19th Century properties that are set within sizeable grounds, 1920's and 1930's houses, and then some more recent infill sites, and apartment schemes. The area contains mature trees and landscaping within the highway and within private gardens, with the properties generally set back from the road, behind strong boundary treatments.

Planning Permission is sought for the removal of existing outbuildings, greenhouse and polytunnel on the site, and the erection of 4 detached dwellinghouses referred to as Plots A (4 bed), B (4 bed), C (6 bed) and D (5 bed) set within their own curtilages.

Prior to submission of this planning application, the site of the four plots A-D contained a row of brick and timber buildings under a pitched roof, a greenhouse, and a polytunnel which appeared to be used for storing materials and a trailer. This part the Hotel grounds was not well used and was an unkempt area in a secluded part of the site. Subsequently during the Covid pandemic the site has been used as a community garden, however this use was only temporary and the applicant has confirmed it has now ceased.

RELEVANT PLANNING HISTORY

There is an extensive planning history relating to the Hotel and its grounds.

Pre-application advice was sought on this site which concluded that the principle of a high quality contemporary designed development on this part of the site could be supported.

Planning permission was granted in February 2020 for the 'Demolition of banqueting hall and outbuildings, and erection of a block of 9no. residential apartments (Block A) with associated parking, landscaping works and ancillary works. (Amended Plans and Description) Ref 19/02022/FUL. This scheme originally proposed an additional 27 flats within Blocks B and C which were located in a similar position to the 4 houses proposed in this application.

A subsequent application has just been granted which was subject to a legal agreement for the Demolition of the banqueting hall and outbuildings, and erection of a block of 7no. residential apartments (Block A) with associated parking, landscaping works and ancillary works. Ref 20/03258/FUL.

Planning permission was granted in November 2019 on the former Stable Block for

"Demolition of existing garages and alterations and extensions to stable block to form 2x dwelling houses, erection of 1x dwelling house and landscaping works to form car parking and amenity area". Ref 19/02020/FUL. These works are currently on site.

SUMMARY OF REPRESENTATIONS

There have been 101 individual representations received objecting to the scheme, in addition to comments from Councillor Teal, Historic England, the Sheffield Conservation Advisory Group, Sheffield and Rotherham Wildlife Trust, and Yorkshire Gardens Trust.

Individual representations:

Principle:

- Within the Sheffield Development Framework Core Strategy, heritage landscapes and community gardens/urban farms are considered worthy of safeguarding. The proposed development contravenes CS47 relating to open space.
- The grounds, including the kitchen garden were designed by horticulturalist Robert Marnock and are an important mid-19th century landscape. Developments in the area have encroached upon the Kenwood estate but the Kitchen Garden is still in its original state. This will be lost forever if built on. Other Marnock designed landscapes in Sheffield are celebrated and preserved.
- The density of buildings on a small site will be high and out of keeping.
- The surrounding area has a high density of flats and houses converted for multiple family living. This has resulted in a high proportion of the population having no access to green space, with this site currently open to and enjoyed by the community.
- The Sheffield Plan consultation sets draft objectives for a Green city, safeguarding Sheffield's urban green spaces. This scheme goes against those principles.
- The scheme will not provide affordable housing, when there is an acute shortage of dwellings of a high standard in this inner-city multicultural ward.
- Local infrastructure -schools and medical centres - would not be able to cope with an increase in demand. They are already full, with insufficient staffing and resources.
- The sense of community experienced within the site will be taken away by the proposal.
- The proposed development will mean a net loss of open space in an area of the city where there is an identified shortage of open space.

Ecology and Landscaping:

- The removal of the trees and construction on this wild and cultivated land will damage plant habitats and wildlife including bats, birds and badgers. This goes against planning policy and the Wildlife and Countryside Act.
- The site is a feeding site for bats, a large variety of birds, foxes, owls, squirrels etc. In 2018 local ecologist, Jim Clarke, recorded 46 bird species in and around the grounds (including street trees on adjacent roads). Many of these species will take

advantage of the combination of open space with mixed vegetation bordered by mature trees that is provided by the old kitchen garden and adjacent land.

- House type D is within 7 metres of an active badger sett, with footage of badgers feeding within the grounds and adjacent gardens.

- Little thought has been given to biodiversity, and there will be a reduction in tree coverage including three magnificent and highly prominent Poplar trees (G7 in Arboriculture Assessment).

- The ecology survey has been carried out at wrong time of the year, and should be carried out May to September, in addition to being several years old, with no specific bird survey being carried out, and the generic habitat survey not scheduled at a time of year to document breeding birds.

Amenity:

- The 3 storey houses will overlook existing properties, and their gardens, especially from plots C and D where there are large terraces and 13 large windows facing Cherry Tree Road properties. In particular to 59, 59a and 61 Cherry Tree Road, whereby Plot D is only 3.5 metres from the garden of 59a Cherry Tree Road.

- The road serving houses C and D is close to the rear boundary of properties along Cherry Tree Road leading to significant increase in noise, disturbance, and pollution.

- The proposed landscape buffer proposed at the rear of properties along Cherry Tree Road is insufficient.

- The vehicle traffic will create air and noise pollution on the surrounding area.

- Construction noise and disturbance will impact on the immediate and wider area.

- This area is near a school and this increase in pollution and noise will have a negative impact on the young people

Highways:

- The proposed vehicular access on the corner of Cherry Tree Drive is already dangerous, being too wide with no pavement to one side of the junction, where 5 roads meet, and this would make it a 6 road junction.

- Further traffic will increase the use of this hazardous entrance, with 4 large dwellings having at least 2 cars each, and reusing this access will include incoming traffic associated with the hotel.

- There is a private house at No. 53 Kenwood Road (Kenwood Lodge) which is just inside the gates at the junction with Cherry Tree Drive. This set of gates is the sole entrance and exit point with no separate pedestrian entrance. The front door opens within 2 metres of the driveway and the garden is open to the driveway, which is dangerous to people and pets within No. 53.

- The drive is not wide enough for two cars to pass and has not been used for many years.

- If 80 cars a day can enter the site this will be a dangerous place for anyone in the vicinity.

- There are other entrances into the Hotel which should be used and have better visibility than the proposed entrance, where there is space to wait to turn into the site.

Design:

- The proposal would increase built up space and impact on the site with historic and architectural interest
- The proposal will impact adversely on the setting of the Historic Park and Gardens of Kenwood Hall. The houses are set forward from the frontage of the existing hotel buildings on raised ground, as viewed from the lawns.
- Much of the existing evergreen vegetation is to be cleared from the existing boundary between the housing site and the gardens, so the new highly glazed three-storey development will become more visually dominant than the existing Victorian buildings. Although the proposal is for separate, modernist houses, their design is such that they will tend to read as a single mass that will dominate both the historic gardens and existing Victorian hotel building.
- The north elevation of house A is ill-considered for its location, while the appearance of the scheme as a whole is somewhat 'bling' yet incoherent and undeserving of the historic, conservation content of the site.
- The Sustainability report does not present factual information and lacks proper assessment/details such as thermal ratings.
- It would undermine the essence of Nether Edge as a conservation area, destroying an important historic landscaping within the Kenwood Character Area.
- The proposed buildings are not architecturally in keeping with those of the surrounding conservation area, not only the historic 19th Century Kenwood Hall but also the other residential houses in the area.
- National policy requires developments within a Conservation Area to 'conserve' and 'enhance' the area, this proposal does neither.
- The proposed development is in the core of the Kenwood Conservation Areas, containing one of the 'most successful' of the 19th century landscape gardeners, Robert Marnock (1800-1889). He advised on the orientation of the house and he carefully re-shaped the land so as to create a bowl shaped lawn, with glimpses of the surroundings, but principally secluded. Despite it being a hotel this status of a single property has thus far been largely maintained, but is now being compromised as bits are sold off.

Community Garden:

- The old, sheltered kitchen garden, brought back into use by The Kenwood Community Growers (KCG) has been a huge success. Local people grow food which is donated Food Works for use in their kitchen at Sharrow Community Forum. The food grown on site is organic, and local, cutting down on food miles, and the site is ideal with nowhere else in the area able to accommodate it.
- This garden is especially suitable due to its large green house already on the site.
- The volunteering opportunities are also important and have a positive impact on people's lives and their mental and physical well-being.

Others:

- There will be a displacement of water caused by the houses and parking which would increase run-off and flooding

Councillor Teal:

- The traffic issue is particularly salient given the dangerous intersection that is being proposed to carry an increase in vehicular movements, at unsafe speeds around the blind corner. This large intersection is set to become a six-way junction if this plan goes ahead. It is a recipe for road accidents and potential fatalities.
- The proposal to create an access road past the front of the former gate house at 53 Kenwood Road will increase the dangers.
- Sheffield Biological Records will show that the site has significant wildlife and ecological value. These facts have been detailed in many of the objections and cannot be overlooked. The Council declared a Climate Emergency in January 2019 and the scientific evidence shows we also face an Ecological Emergency. We must place significant consideration in our decision making on the welfare and protection of wildlife, trees and plants.
- The ecology of the site ought to be protected by a Local Plan, unfortunately this has been beset by continuing delays. However, in the absence of this, there can be little doubt, given that most green space in this area is private gardens, of the importance of the Kenwood Hall grounds to the local community.
- The hotel owners and staff have always shown tremendous generosity towards the community and my understanding is this application has been brought about my financial duress. While I do not want this business to fail, I believe the Council must take the longer-term view. We have a duty to protect green spaces, particularly those of such historic value, so rare in Sheffield, as Kenwood Hall. The Council need to listen to the wisdom of local people who understand the implications of the changes to traffic and the reduction of green space better than the planning committee ever could.

Historic England:

- Do not wish to offer any comments, suggesting views are taken from the Council's specialist conservation and archaeological advisers.

Sheffield Conservation Advisory Group (CAG):

- While the Group considered the replacement of the previously proposed apartment block (part of the original application 19/02022/FUL though this element was withdrawn) by four houses to be an improvement on earlier proposals, they were still not convinced that the current proposal would preserve and enhance the conservation area and thought that it would be detrimental to the landscape as designed by Robert Marnock. They were concerned that the drawings showing the location and form of the proposed houses were not entirely accurate given a fall of some 4 or 5 metres across the site, and the impact that the houses would have would be greater than suggested by the drawings. In general, the Group is very concerned about the erosion of landscape quality of this important historic landscape by the accretion of development at its edges.

Sheffield and Rotherham Wildlife Trust:

- The main badger sett is still present and very much active and seems to have been ignored in this most recent application in particular with reference to Plot D, which may affect the sett. This is clearly unacceptable and we object to the

application.

- We also object as Kenwood Community Growers have clearly transformed the previous derelict garden into a thriving community growing garden. We support their objection.

Yorkshire Gardens Trust:

- The proposed development is in the core of the Nether Edge Conservation Area, containing one of the 'most successful' of the 19th century landscape gardeners, Robert Marnock (1800-1889). He advised on the orientation of the house, and he carefully re-shaped the land so as to create a bowl-shaped lawn, with glimpses of the surroundings, but principally secluded. Despite it being a hotel, this status of a single property has thus far been largely maintained and is now being compromised as bits are sold off.

- The proposals are for an undulating part of the site, which is characteristic for Marnock's approach, but this is to be regraded and reshaped to accommodate Plots A-D.

- The site of Plots A-D is not a previous development, containing parts of the old kitchen garden and shrubbery, which provides a backing to the main lawn to provide seclusion.

- In addition, the proposed buildings are in a faux-modernistic style that is completely incongruous within the environment here; they are totally insensitive and damaging in both their approach and execution.

- The planting precedent proposed is 18th Century, but we are working with the site of a garden laid out in the mid nineteenth century, and the selection of plants is primarily a 20th Century nurserymen's range.

- The plots and glazed elevations with the inevitable domestic infrastructure facing out across the bowl of lawn, will look totally out of place, damaging the setting when viewed from the original Hall, its terraces and the designed gardens.

- The hard detailing proposed is standard 21st century detailing paying no respect to the historic materials.

- The Garden Trust disagrees with the Heritage Assessment, and the impact on the original Hall and the mitigation approach.

- The general nature of the proposals promotes the car and a way of life which does not combat global climate change.

- The Kenwood Community Growers are doing a great job in renovating the old kitchen garden and providing free of charge food for community forums.

- The principle of the development of Plots A-D is inappropriate to the character of the site, adversely affecting this historic character and does not enhance or conserve the site, contrary to NPPF paragraphs in conserving and enhancing historic environments and does not address the statutory duty of section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

PLANNING 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 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 i) 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 ii) 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 instance, the site lies within the Nether Edge Conservation Area which is a designated heritage asset identified by footnote 7 to paragraph 11 and should be taken into consideration in the tilted balance process in respect of para 11 d) i).

In this context the following assessment will:

- Consider the degree of consistency that policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Apply 'the tilted balance' test as appropriate, 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 development in land use policy terms
- The design of the proposal and its impact on the surrounding street scene, Conservation Area, Listed Building, and locally listed Historic Park and Garden
- The effect on future and existing occupiers living conditions
- Whether suitable highways access and off-street parking is provided
- Impact on Landscaping
- Impact on Ecology

- Land Use Principle

The application site falls within a Housing Area as identified in Sheffield's Unitary Development Plan (UDP). Redeveloping the site for housing (Use Class C3) is in line with the preferred use identified within UDP policy H10 'Development in Housing Areas'. It is therefore acceptable in principle.

However, it should be noted that whilst the principle is acceptable in terms of policy H10, the policy also states that any proposal would also be subject to the provisions of Policy H14 'Conditions on Development in Housing Areas' and BE5 'Building Design and Siting' being met. Furthermore, the principle of housing on this parcel of land is also subject to the more recent Core Strategy policy CS74.

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. Housing on greenfield sites should not exceed more than 12% completions and be on small sites within the existing urban areas, where it can be justified on sustainability grounds.

The weight to be given to policies CS23 and CS24 is open to question as they are restrictive policies, however the broad principle is reflected in paragraph 119 of the Framework, which promotes the effective use of land and the need to make use of previously developed or 'brownfield land'.

In this instance, in accordance with the NPPF definition, the site as a whole as shown within the red line boundary is classed as a both a greenfield site and brownfield site. Whilst the part of the site proposed for plots A-D contained a number of outbuildings and a hardstanding, it is considered a greenfield site. Completions on greenfield sites are well below the 12% figure, and the NPPF does not require a brownfield first basis. In this regard CS23 and CS24 can be offered some weight, and the principle of developing this site within an existing urban area, in a sustainable location, close to facilities within Nether Edge is supported in policy terms.

The Hotel has confirmed in writing that whilst it was happy to allow, free of charge, the temporary use of part of the site to local community food production during the pandemic period (following a personal request by Councillor Teal). This temporary use has now ceased, and the Hotel was unable to extend the temporary use into 2022.

Therefore, the principle in land use terms of developing this site for housing should not be undermined by the temporary informal arrangement of the use of part of the site as a Community Garden.

- Efficient Use of Land/Density

Policy CS26 'Efficient Use of Housing Land and Accessibility' of the Core Strategy encourages making efficient use of land to deliver new homes at a density appropriate to location depending on relative accessibility. The density requirements are a gradation flowing from highest density in the most accessible locations down to lower densities in suburban locations with less accessibility. This is reflected in part by paragraph 125 of the NPPF, albeit the NPPF does not list maximum densities and therefore Policy CS26 is considered to carry moderate weight in determination of this application.

Paragraph 124 of the NPPF promotes making efficient use of land taking account of a number of factors including identified housing needs; market conditions and viability; the availability of infrastructure; the desirability of maintaining the prevailing character of the area, or of promoting regeneration; and the importance of securing well designed places.

For a site such as this, CS26 part (d) is relevant and states that a range of 30-50 dwellings per hectares is appropriate where a development is within the remaining urban area.

The application site is approximately 0.64 hectares but this includes the access road, landscaped areas, and the site of the former banqueting hall which has permission for apartments within Block A. To get a more accurate reflection of density, the proposed 4 plots have an area of approximately 0.23 hectares in total, and this would give a density of approximately 17.4 dwellings per hectare. This figure is lower than the suggested range in CS26, however given the sensitive location of the site, and the likely impacts of a higher density scheme it is considered acceptable. By contrast, the 9 units proposed within Block A which have already been approved would give a density of approximately 65 dwellings per hectare. Therefore it is considered that this lower density figure is within the spirit of the policy, and reflects the urban grain of the surrounding area which is relatively low density developments.

As such the proposal complies Policies CS26 and of the Core Strategy and paragraph 124 and 125 of the NPPF in relation to densities and efficient use of land.

- Design and Heritage Assets Policy

The Council has a statutory duty contained within sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving heritage assets and their setting or any features of special architectural or historic interest which they possess.

The Core Strategy policy CS74 'Design Principles' requires development to enhance distinctive features of the area, which is backed up through UDP policies H14 'Conditions on Development in Housing Areas' and BE5 'Building and Design Siting' which expect good quality design in keeping with the scale and character of the surrounding area.

Chapter 12 of the NPPF requires good design, whereby paragraph 126 states that

good design is a key aspect of sustainable development and should contribute positively towards making places better for people. Paragraph 134 requires that development which is not well designed should be refused. It goes on to say that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally, taking into account any local design guidance and supplementary planning documents.

The application site itself falls within the Nether Edge Conservation Area which is a heritage asset as defined by the NPPF. Policies BE16 'Development in Conservation Areas' and BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' of the UDP are relevant. These seek to ensure that development would preserve or enhance the character or appearance of the Conservation Area, and that traditional materials are used.

UDP Policy BE19 'Development Affecting Listed Buildings' states that proposals for development which affect the setting of a Listed Buildings will be expected to preserve the character and appearance of the building and its setting. This is in line with guidance contained in the NPPF at Chapter 16 'Conserving and enhancing the historic environment'. A similar duty is required by Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990, which states that the local planning authority shall have 'special regard to the desirability of preserving the building or its settings or any features of special architectural or historic interest which it possesses'.

Policy BE21 'Historic Parks and Gardens' within the UDP states that the character, setting and appearance of Historic Parks and Gardens will be protected. Historic Parks and Gardens are defined as public or private parks and gardens which have a historic layout, landscape, or architectural feature. Within this policy there is a list of Historic Parks of Sheffield, with the list of gardens found in the Supplementary Planning Guidance.

Chapter 16 of the NPPF considers the conservation and enhancement of the historic environment and states that when considering the impact of a development on the significance of a heritage asset, great weight should be given to the asset's conservation, and paragraph 200 requires that any harm to the asset from development within its setting should require clear and convincing justification.

Paragraph 203 of the NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into consideration, and a balanced judgment required having regard to the scale of any harm of loss and the significance of the heritage asset.

There are parallels between the aims of local and national heritage policy. Local policy does not however include the Frameworks requirement to balance potential public benefits of a scheme against any harm caused to the significance of a designated heritage asset. On that basis the weight that can be attributed to local policy is reduced.

In this location, Policy CS31 'Housing in the South West' states that, in South-West

Sheffield priority will be given to safeguarding and enhancing its areas of character. As such, the scale of new development will be largely defined by what can be accommodated at an appropriate density through infilling, windfall sites and development in district centres and other locations well served by public transport.

This policy aligns closely with the aims of paragraph 130 of the NPPF which promotes developments that are visually attractive and sympathetic to local character and can therefore be given weight.

Design, Townscape and Conservation Area Assessment

Firstly, the principle of the removal of the row of brick and timber outbuildings, the green house and the polytunnel is acceptable and will not harm the character of this part of the conservation area, as they are not worthy of retention.

The surrounding area is characterised by a mixture of building styles and designs. Kenwood Road would originally have comprised of spacious laid out properties, however some of these properties have either been replaced, or seen development within their grounds, creating gradual increase in densities and designs. Within the early part of the 20th Century, the wider area was filled in, with an increase in the density and reduction of plot sizes, which is apparent along Cherry Tree Road, Montgomery Avenue and Rundle Road for example.

The Hotel were originally built as private residence known as Kenwood Hall, and it had extensive grounds. The site has seen significant changes in the past, with large scale additions and extensions to the main Hotel building in the 1970's and 1980's. What is clear is that the original Hall was laid out with the main elevations facing to the south and east, with a raised terrace area overlooking the formal lawn to the south and the lake to the east.

The scheme has been the subject of extensive pre-application advice, which concluded that any development within the grounds of the Hotel should not encroach on the formal lawn area and should be limited to the western part of the site which was originally designed for back of house services. A contemporary approach to development of the site was supported in principle.

The boundary of the proposed development sits adjacent to, but does not encroach onto the formal lawned area, with the five individual large trees along the western part of the lawns being retained.

The proposed houses are individually designed and are orientated to take their main aspect towards the formal lawn area and the lake beyond. There is a natural dip in the land in this location and the dwellings are to sit within this, albeit some regrading of the land for the footprint of the buildings is required, but the rear gardens will then follow the natural topography down to the formal lawn and will have hedgerows to demark the boundaries of the plots. The land then banks up towards the boundary with the houses along Cherry Tree Road.

This part of the site is not visible from the highway, with primarily private views of the site from the properties along Cherry Tree Road and Kenwood Road, and from visitors to the Hotel. Amended plans have been received showing additional

planting within landscaping strips at the front of the plots towards the access road, this will help to break up the buildings and soften the presence of car parking. Green roofs have been included to the roof spaces to the front of the buildings and the terraced areas which could have accommodated furniture, sunshades and the like have been removed.

Furthermore, the west entrance to the hall was originally designed as a secondary entrance, with the more formal gate lodge at the north entrance. As such the Hotel is hidden somewhat by the stable block development and evergreen planting towards the corner of the Hotel. The proposed location for plots A-D is behind the main elevations of the Hotel, and will not impact on its setting, appearing as subservient development. The massing of the buildings proposed when viewed as you approach along the access road is broken up, with relatively narrow projections to the front giving the sense of more space between buildings.

Contemporary buildings are acceptable in conservation areas, and this approach has been accepted for Block A within the Hotel grounds. This contemporary design approach is of high quality, and natural good quality materials are proposed within the scheme including natural stone and natural metal cladding.

The proposed development is set out over two main storeys with a flat roof to keep the height to a minimum. An additional storey is proposed which is set back, again under a flat roof. Elevational treatment has been amended to incorporate more stonework to Plot A which is closest to the hotel, to reflect a more sensitive approach. Materials samples and large scale details can be conditioned to ensure that where contrasting materials meet, there is a slight set back and neat joint can be achieved.

There can be no doubting that the proposal will bring built development to an area of the site which has previously contained the kitchen garden and a limited number of buildings. However, the proposed dwellings whilst of generous proportions are not considered to be over development or of an excessive footprint to curtilage ratio. Whilst the design does not mirror the more traditional architectural styles found within the conservation areas is acceptable and will not adversely impact on the character of the wider conservation area as a whole.

Listed Building and Non-Designated Historic Garden Assessment

The closest Listed Building is the former North Lodge to the Hotel, including the boundary wall and gate piers, which is Grade II. The Hotel itself is not listed, nor are any of the other structures within the grounds. North Lodge is on the opposite side of the hotel grounds (approximately 250 metres away) and is not read in the same context as this application. Therefore, there will be no impact on its setting.

The curtilage of the Hotel is a locally listed Historic Park and Garden but is not on the National Register, therefore it is not identified as a designated heritage asset as listed under footnote 7 of paragraph 11 of the NPPF. This is unlike other parks within the vicinity such as the General Cemetery and the Botanical Gardens which are on the National Register and have statutory protection. However, it is a non -

designated heritage asset and therefore requires consideration in the light of paragraph 203.

The landscape setting to the Hotel (formally Kenwood Hall) was designed by Robert Marnock, who was one of the leading landscape gardeners of the mid-19th century, and laid out the Botanical Gardens, Western Park and Oakes Park in Sheffield, along with gardens within many other cities. This site is more secluded in that it was originally a private residence as opposed to a public park. The garden has been reduced in size by housing developments around the edges in the 1920's and 1930's and by significant extensions within the Hotel grounds in the 1970's and 1980's.

The garden was designed to have views from the balustraded terraces on the south and east side of the house, over the lawns which are backed by evergreen shrubbery. One of the most attractive features is the lake with the island and perimeter walk. The terrace and lawns are shielded from the former service buildings including the kitchen garden which forms part of this application site, and the west drive by a bank planted with evergreens.

This bank of evergreens which are positioned close to the southwest corner of the original Hall are to be retained, with the proposed development located on the other side. This allows for the views from the south and east elevations of the original Hall and from the original terraces to remain over the of the formal lawns to the south, and over the lake to the southeast.

It is acknowledged that there will be tree losses (see section below for details) to facilitate the development, but these are being kept to a minimum and would in part form part of future management proposals for the site. The site has had little landscaping management in this location. The boundary for the new houses is to be hedging on to the more formal lawn area, and the type of hedging can be controlled through condition to ensure that its appropriate for its location.

Potential Impacts and Heritage Conclusion

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, greater weight should be given to the asset's conservation. Paragraph 200 specifically states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Significance can be harmed or lost through development within its setting. Paragraph 202 goes on to say that where a proposed development will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

There are two designated heritage assets relating to the site, the first is the conservation area, and the second is the listed building. It is considered in this instance that the proposal would lead to less than substantial harm to the conservation area, but there is no harm to the setting of North Lodge, the listed building. In accordance with paragraph 202 of the NPPF this harm should therefore

be balanced against any public benefits. This is undertaken in the summary and recommendation section at the end of this report.

The impact on the non-designated heritage asset of the locally listed historic park and garden is acceptable in this instance.

Subject to conditions on any approval, the application complies with policies BE5, BE15, BE16, BE21 and H14 of the UDP, Core Strategy Policy CS74, sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 130 of the NPPF.

- Living Conditions

Policy H14 'Conditions on Development in Housing Areas' part (c) requires that new development in housing areas should not cause harm to the amenities of existing residents. This is further supported by Supplementary Planning Guidance 'Designing House Extensions' (SPG) which whilst strictly relevant to house extensions, does lay out good practice detailed guidelines and principles for new build structures and their relationship to existing houses.

The NPPF at paragraph 130 Part (f) requires a high standard of amenity for existing and future users.

The UDP policy is therefore considered to align with the requirements of paragraph 130 so should be given significant weight.

Impact on Neighbouring Occupiers

The closest neighbouring properties to the application site are those houses which back onto the site along Cherry Tree Road, in particular No's 53, 55, 57, 59 and 59A. No. 53 Kenwood Road (Kenwood Lodge) is positioned at the site entrance at the junction of Cherry Tree Road, Kenwood Road and St Andrews Road.

The House Extension Supplementary Planning Guidance referred to above includes a requirement for two storey dwellings which face directly towards each other to have a minimum separation of 21 metres; two storey buildings should not be placed closer than 12 metres from a ground floor main habitable window; and a two-storey extension built along site another dwelling should make an angle of no more than 45° with the nearest point of a neighbour's window to prevent adverse overshadowing and overbearing. These guidelines are reflected in the South Yorkshire Residential Design Guide (SYRDG), which Sheffield considers Best Practice Guidance, but which is not adopted as Supplementary Planning Guidance.

Overlooking

Plots D and C are located closest to the western boundary of the application site, which is shared with the rear boundaries of No's 53-59a Cherry Tree Road. The side elevation of Plot D is within approximately 4 metres of the rear boundary of No's 59a and 59. One window is proposed at first floor, and a window at second

floor level which is set back. These windows serve a bathroom and dressing room and conditions can secure obscure glazing to ensure no adverse overlooking back towards the rear garden of Nos 59a and 59 and their neighbours.

Amended plans have been received which show that the roof terrace to Plot D has been removed in part and replaced with a green roof to the section closest to boundary with No's 59a and 59. Furthermore, a privacy screen has been introduced to the section of roof which is to be accessible to occupiers to prevent views to and from the terrace of Plot D and No's 59a and 59.

The amended plans also show the flat roof to Plot C closest to the boundary with 55 and 57 being a green/brown roof with the terraced area located away from this shared boundary. There is a bedroom window at first floor level in Plot C which looks over the proposed new driveway, located approximately 5 metres away from the shared boundary with No. 55 and 57.

Main facing windows in the upper floors of the rear elevation of the houses along Cherry Tree Road are approximately 32 metres at the closest to main habitable windows in the proposed new houses which is significantly above the recommended distance in the SPG of 21 metres. Furthermore, the proposed new houses are set at a lower level by approximately 4 metres taking account of the natural fall in land from the houses along Cherry Tree Road down their tiered gardens to the application site.

A landscape strip is proposed along the boundary between the new houses and the existing houses along Cherry Tree Road which will provide some screening.

Windows in Plots A and B are set further away from the boundary of the site with the houses along Cherry Tree Road, and as such no adverse overlooking will be created.

Planning permission was granted for the nearby stable block which included the erection of a new dwelling. There are no habitable windows in the side of Plot A looking towards the stable block houses, and the roof terrace is now positioned on the opposite side of the building to ensure no adverse overlooking.

Overbearing and overshadowing

The proposed new houses are north/east and east of the houses along Cherry Tree Road, at a lower level by approximately 4 metres. Guidelines in the SPG recommend that a two-storey building should not be placed closer than 12 metres from a ground floor main habitable window. The closest relationship between the proposed new dwellings and the existing neighbours is that between Plot D and 59 and 59A Cherry Tree Road, where there is approximately 23.5 metres, with the new dwellings set approximately 4 metres lower. Therefore, no adverse overbearing or overshadowing will be created by the proposal.

All other properties within the wider area, including those under construction within the stable block development are sufficient distance away from the proposed 4 new units.

Noise and Disturbance

Access to the site is obtained from existing access at the junction with Kenwood Road, Cherry Tree Road and St Andrews Road, which runs within close proximity of No.53 Kenwood Road. This is an existing access which serves the Hotel complex, and the noise and disturbance from the vehicular movements associated with the 4 new houses will not be significant.

Plots D has its driveway running close to the rear boundary of the houses along Cherry Tree Road. The driveway is positioned at a lower level than the houses and approximately 20 metres away. A landscape strip is proposed along the boundary which will limit car head lights shining into the existing properties, so there will be no adverse noise and disturbance, and a condition can ensure that this is coupled with an appropriate boundary treatment whilst this landscape strip establishes.

Amenity for Future Occupiers.

The South Yorkshire Residential Design Guidance (SYRDG) suggests 93 square metres floor area as a minimum for a 4 bedroom plus unit, with the National Space Standards recommending between 116-134 square metres for the 5-bedroom house over three floors. In this instance all plots have a gross internal area double the recommended guidelines (264-312 square metres) with occupiers having a good outlook from habitable rooms. In addition, occupiers of each unit have access to a good-sized private garden and roof terrace area in excess of the SPG (50 square metres) and SYRDG (60 square metres) guidelines. Furthermore, privacy screens have been incorporated into the plans to ensure that when future occupiers are using the roof terraces, each will be afforded privacy if the other roof terraces are being used.

The Hotel use adjacent does host weddings and other functions, and so inevitably there could be some noise breakout from the Hotel building. This is considered not to be to a detrimental level and will not cause significant harm to future residents, who in addition, would be aware of that when they were choosing to live within the grounds of an existing Hotel use.

Living Conditions Conclusion

It is inevitable that there will be a change to the outlook from those properties closest to the application site, with the aspect from the rear of the houses and gardens over this parcel of land. However, the proposed development is considered to be sensitive to the location of the existing properties and is not considered to create an adverse level of overlooking, overbearing or overshadowing which would warrant refusal of the application.

Therefore, the application complies with policies H14 of the UDP and paragraph 130 of the NPPF.

Highways Impact

Policy CS51 'Transport Priorities' identifies strategic transport priorities for the city, which include containing congestion levels and improving air quality.

UDP Policy H14 'Conditions on Developments in Housing Areas' part (d) requires that permission will be granted where there would be appropriate off-street parking for the needs of the people living there.

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. Paragraph 111 of the NPPF states that '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.'

Those local policies broadly align with the aims of Chapter 9 of the NPPF (Promoting Sustainable Transport) although it should be noted that in respect of parking provision, the NPPF at paragraphs 107 and 108 requires consideration to be given to accessibility of the development, the development type, availability of public transport, local car ownership levels and states that maximum standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or optimising density in locations well served by public transport.

The main entrance to the hotel is by the signposted access along Kenwood Road. The Banqueting Hall which could accommodate up to 200 guests, is then serviced by two access points (which are currently gated) onto Kenwood Road which are located approximately 90 metres to the west of the main hotel entrance. A further access point is located along Cherry Tree Road close to the junction with Kenwood Road and St Andrews Road. These access points have historically provided access and egress from the site.

It is proposed to access the development from Cherry Tree Road, with this access point remaining unaltered. A one-way route through the site would lead around to the proposed houses, and then egress from the site would take place onto Kenwood Road from the eastern access point which is to be retained (adjacent to the former banqueting hall, and site of the approved apartment scheme Block A).

The existing use of the access points is currently low due to limited use of the banqueting hall, however when the banqueting hall was in use, it would see quite intensive use of the access points.

The wider site currently benefits from permission for the construction of 9 apartments within Block A, and works are underway for the conversion of the former stable block site to provide 3 houses. This application would therefore increase the number of dwellings on the site by a further 4 units. Whilst this may increase the traffic generated at present, it would not be of such a magnitude to represent any detriment to the safety or operation of the highway network.

The Council's revised parking guidelines set out maximum standards in accordance with Core Strategy Policy CS53, and for a 4 bedroom unit 3 spaces are required as a maximum and 1 space per 4 units for visitors. In this instance,

the proposal includes parking provision of at least 4 spaces per dwelling which is acceptable.

The level of parking is considered appropriate for this location, and the introduction of the one-way route through the site will improve the access/egress from the site which is considered favourable. The proposal is considered to not pose a severe impact on the surrounding highway network, or highway safety, complying with UDP, Core Strategy and NPPF policies as listed above.

- Landscaping

UDP Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected. Policy BE6 (Landscape Design) expects good quality design in new developments to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation.

CS74 'Design Principles' part (a). requires high-quality development that will respect, take advantage of, and enhance natural features of the City's neighbourhoods.

These policies are considered to align with the NPPF and therefore be relevant to this assessment on the basis that paragraph 130 expects appropriate and effective landscaping, along with sympathetic developments including landscape setting.

The site is within the Nether Edge Conservation Area and as such the trees within the site are protected, but it does also contain a group Tree Preservation Order (TPO) which was put on the site prior to it becoming a conservation area.

5 prominent trees along the eastern boundary of the site, within or close to the formal lawn are to be retained. These include T21, a high-quality Sycamore Tree, T22 a moderate quality Austrian Pine, T23 a moderate quality Yew, T27 a moderate quality Austrian Pine and amended plans show the retention of T20, a moderate quality Yew tree. It is also proposed to retain the Group G9 which is identified in the report above as the group of evergreen trees to the southwest corner of the original Hall and adjacent to the raised terraces.

A tree survey has been submitted with the application and colleagues from the Environmental Planning Team (Landscape) have visited the site. The site has not been extensively managed in recent years, with this area containing a number of trees which are in close proximity to each other. Whilst it is clear that the tree losses are inevitable in order to facilitate the development, some of the trees are identified as having defects which is likely to limit their future prospects.

A replanting scheme is proposed which shows the band of trees along the driveway from Cherry Tree Road (which have outgrown their locations in some cases, thus reducing its landscape and aesthetic values on entering the site). It is proposed manage this area and provide new tree planting to mitigate for the necessary tree removal in what is considered to be an important view into the site. Amended plans have been received which show the enlargement of the

planting/landscape strip to the front of Plots A and B, and green/brown roofs have been included on the majority of the roof spaces. All boundary treatments demarking the individual plots are proposed as hedging and these features can be conditioned to ensure that new trees and hedging is of an extra heavy standard and native to the conservation area.

In conclusion, the trees which individually are of high or moderate quality along the eastern boundary of the site are being retained, as is the group of evergreen trees adjacent to the original Hall. The replacement landscaping plans for the wider site, and the landscaping within each of the 4 new plots are acceptable. Consequently, the proposal complies with paragraph 130 of the NPPF and UDP policy.

- Ecology and Biodiversity

UDP Policy GE11 'Nature Conservation and Development' states that the natural environment should be protected and enhanced and that the design, siting and landscaping of development needs to respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

NPPF paragraph 174 a) and d) identifies that planning decisions should contribute to and enhance the natural and local environment, minimise impacts on and provide net gains in biodiversity. Furthermore, paragraph 180 a) identifies that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Part d) of paragraph 180 goes on to state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Local policy aligns with the NPPF and is therefore relevant to this assessment.

An ecology survey was carried out accompanying the application for Block A as originally submitted which sought permission for the erection of Block A and for the erection of 27 units within Block B and C which occupied a similar location to the proposed 4 houses in this application. (Block's B and C were then omitted from the application by the applicant before a decision was issued).

An updated Ecology survey has been submitted with this application dated August 2020. This details that there was no new evidence of bat roosts within this part of the site, with internal and external inspections undertaken of the brick built timber fronted outbuildings and the glass house building. A precautionary working method was recommended when removing the buildings on site. A number of trees providing suitable bird nesting habitats are to be removed, and it is intended that this will be undertaken outside of the nesting season or will be preceded by a nesting bird check by a suitably experienced ecologist.

There is a badger sett in the southern section of the site closest to the proposed Plot D. Survey work, including infra red cameras, has been carried out in 2019 and 2020 which showed the sett was partially active. This sett will need to be closed

under a Natural England Licence. It is proposed to create an artificial sett within the wider grounds of the Hotel site away from the development to mitigate for its loss. This needs to be carried out under strict guidelines and under Licence from Natural England, between July and November, and the existing sett can only be closed once the badgers have relocated to the new artificial sett.

A number of bio-diversity measures are proposed, including the use of soft landscaping using native and ecologically valuable species to the gardens, landscaping strips, hedges to form the boundaries of the plots, and the green/brown roofs. A condition on any approval can ensure these details are controlled and that bat and bird boxes are positioned on the new buildings/within the grounds.

Therefore, whilst there are protected species on the site, mitigation measures can ensure that they are protected and not harmed complying with Policy GE11 and paragraphs 174 and 180 of the NPPF.

- Sustainability

Policy CS63 'Responses to Climate Change' of the Core Strategy sets out the overarching approach to reducing the city's impact on climate change. These actions include:

- Giving priority to development in the city centre and other areas that are well served by sustainable forms of transport.
- Giving preference to development on previously developed land where this is sustainably located.
- Adopting sustainable drainage systems.

At the heart of the NPPF, there is a presumption in favour of sustainable development (paragraph 11), with paragraph 152 stating that the planning system should support the transition to a low carbon future in a changing climate.

Policy CS64 'Climate Change, Resources and Sustainable Design of Development' sets out a suite of requirements in order for all new development to be designed to reduce emissions. In the past residential developments had to achieve Code for Sustainable Homes Level Three to comply with Policy CS64. This has however been superseded by the introduction of the Technical Housing Standards (2015), which effectively removes the requirement to achieve this standard for new housing developments.

Policy CS65 'Renewable Energy and Carbon Reduction' of the Core Strategy sets out objectives to support renewable and low carbon energy generation and further reduce carbon emissions. This is supported by Paragraph 157 of the NPPF and therefore can therefore be given substantial weight.

New developments of 5 or more houses are expected to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable, low carbon energy, or a 'fabric first' approach where this is deemed to be feasible and viable.

Whilst this site is for 4 houses, the agent has confirmed a fabric first approach is to

be implemented in this instance, which seeks to minimise heat loss, with future occupants having the ability to choose between de-carbonised air-source (or ground sourced) heat pumps, or more conventional systems. Green roofs are proposed to a large section of each of the units.

All new hardstanding areas within the new houses such as the driveways and patios are permeable, with the exception of the roadways within the wider site. Sustainable Urban Drainage Systems (SUD's) are proposed, which includes attenuation storage for the 1 in 100 year plus climate change event, and this will be underground in cellular units or porous subbase within the parking areas. This is estimated to be around 52 cubic metres.

Relevant conditions can be attached to any approval to ensure that these features are provided and the 10% target is met.

Overall, it is considered that the proposal meets the local sustainability policy requirements, CS63, CS64 and CS65 and the NPPF.

- Flood Risk/Drainage

Policy CS67 'Flood Risk Management' of the Core Strategy states that the extent and impact of flooding should be reduced. It seeks to ensure that more vulnerable uses (including housing) are discouraged from areas with a high probability of flooding. It also seeks to reduce the extent and impact of flooding through a series of measures including limiting surface water runoff, through the use of Sustainable drainage systems (SUDS), de-culverting watercourses wherever possible, within a general theme of guiding development to areas at the lowest flood risk.

Policy CS67 is considered to align with Section 14 of the NPPF. For example, paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided and development should be directed away from areas at the highest risk. Paragraph 167 states that when determining applications, Local Planning Authority's should ensure that flood risk is not increased elsewhere with relevant applications being supported by a Flood Risk Assessment. Paragraph 169 expects major developments to incorporate sustainable drainage systems unless there is clear evidence to demonstrate otherwise.

The site does not fall within a high or medium risk flood zone that would affect the principle of the development.

To mitigate for surface water runoff, permeable paving to all hardstanding areas (excluding the roadways within the wider site) is proposed. A condition on any approval can ensure that calculations are submitted demonstrating a reduction in surface water run-off and allowing for the 1 in 100-year event plus +30% for climate change.

Therefore, the proposal complies with CS67 and paragraph 169 of the NPPF.

- 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'.

Affordable Housing.

Core Strategy Policy CS40 'Affordable Housing' requires that all new housing developments over and including 15 units to contribute towards the provision of affordable housing where this is practicable and financially viable.

The Council's Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (December 2015) includes guidance on affordable housing and is based on gross internal floor space. The proposed development lies within an area where there is a required level of contribution of 10% identified in Guidelines GAH1 and GAH2 of the Planning Obligations document.

In this instance this application seeks permission for 4 detached dwellings. However, development within the grounds of the Hotel should be treated as a whole, and not disaggregated. Therefore, the cumulative effect of all the developments within the Hotel should be taken into consideration. At the time of submission this included the 3 houses within the stable block which is currently being implemented, and the extant permission for 9 units within Block A, which would trigger the requirement for affordable housing.

However, a legal agreement has now been entered into, signed and sealed to rescind the 9 units within Block A and replace it with the 7-unit scheme referred to in the planning history above, and therefore there remains less than 15 units within the grounds of the Hotel, and the affordable housing threshold is not reached.

RESPONSE TO REPRESENTATIONS

The majority of comments raised in the representations have been covered in the main body of the report. The outstanding comments are referenced below:

- Noise and disturbance are an avoidable consequence of development. Construction hours are controlled through other legislation, and a relevant directive will be added to any decision to remind the developer of their obligations.
- The Ecology survey was updated in August 2020 just prior to the submission of the application.
- Regarding the one-way system to be imposed on the occupier of No. 53 Kenwood Road, this property is owned by the Hotel and it is believed that there a private arrangement between the Hotel and the occupier regarding the access.

SUMMARY AND RECOMMENDATION

This application seeks planning permission for the erection of 4 dwellings on the site.

Sheffield has updated its 5 year housing land supply position to reflect the deliverability of sites as at 1 April 2021 and in relation to the local housing need figure at that date taking account of the 35% urban centres uplift. Using up to date evidence, Sheffield can demonstrate a 4 year deliverable supply of housing land, with details set out in the 5 Year Housing Land Supply Monitoring Report.

Therefore, because the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, the relevant policies for determining applications that include housing should be considered as automatically out-of-date according to paragraph 11(d) of the Framework. The so called 'tilted balance' is triggered, and planning permission for housing 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 Framework taken as a whole.

The proposal would deliver a number of benefits, with the NPPF emphasising the importance of delivery of housing. The provision of 4 additional homes will make a small contribution to meeting the current shortfall. There would be economic benefits though expenditure in construction, in the supply chain, and in local spending from residents.

The proposal is not considered to create any significant or severe highway safety issues. The scheme proposes a development at an appropriate scale and mass which sits comfortably within its setting and is a good quality contemporary scheme. There are no adverse impacts on occupiers of neighbouring properties.

The scheme proposes a high-quality scheme, which is considered overall to result in less than substantial harm to the designated heritage asset (Nether Edge Conservation Area). In accordance with paragraph 202 of the NPPF this harm should therefore be balanced against any public benefits. The public benefits of the proposal are that it would deliver 4 units to the housing market, which would provide employment opportunities during construction. These benefits would outweigh the harm in this instance. There is also no significant harm or loss to the non-designated heritage asset, in this instance the local listed garden.

In considering the impact on heritage assets (in line with footnote 7 to paragraph 11 d) i)) it has been concluded that application of NPPF policy does not provide a clear reason for refusal as the less than substantial harm is outweighed by public benefit.

There are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development. Taking into account the tilted balance set out in paragraph 11(d) of the Framework, the application is recommended for approval subject to conditions.

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