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| Case Number | 23/00334/FUL (Formerly PP-11894213) |
| Application Type | Full Planning Application |
| Proposal | Change of use of public house to create 16 bed HMO (Sui Generis) retention of rear dormer window and erection of a single-storey side extension with associated works (Amended description) |
| Location | The Sportsman 156 Darnall Road Sheffield S9 5AD |
| Date Received | 01/02/2023 |
| Team | North |
| Applicant/Agent | Space Studio Ltd |
| 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 hereby permitted shall be carried out in complete accordance with the following plans, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Site Location Plan - drawing no A22-113-01 revision B published 11.04.2023

Proposed Ground Floor and First Floor Plan - drawing no A22-113-06 revision C published 24.10.2023

Proposed Second Floor Plan and Roof Plan - drawing no A22-113-07 revision C published 24.10.2023

Proposed Front and Rear Elevations - drawing no A22-113-08 revision B published 05.10.2023

Proposed Side Elevations - drawing no A22-113-09 revision B published 05.10.2023

Flood Risk Assessment by SpaceStudio Ltd - Job Number A22-113 rev A published 05.10.2023

Reason: In order to define the permission.

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

3. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance 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.

4. 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.

5. 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.

6. No development shall commence until full details of measures to protect the existing trees (including those close to or adjoining the site) 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.

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

7. 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.

8. 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.

9. 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.

10. 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.

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

11. Prior to the development being brought into use, at least two bird boxes and two bat boxes shall have been installed either on the building or within the site in accordance with details first submitted to and approved in writing by the Local Planning Authority. Thereafter the bird and bat boxes shall be retained.

Reason: In the interest of biodiversity and ecological enhancement

12. Prior to the occupation of the development, full details of bin storage shall be submitted to and approved in writing by the Local Planning Authority. Bin storage shall thereafter be provided in accordance with the agreed details prior to the occupation of the development and shall be retained for the lifetime of the development.

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

13. Prior to the occupation of the development, full details of the boundary treatment to the rear yard/garden shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be provided in accordance with the agreed details prior to the occupation of the development and shall be retained for the lifetime of the development.

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

14. The development shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the development commencing, and shall thereafter be retained.

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

Other Compliance Conditions

15. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped

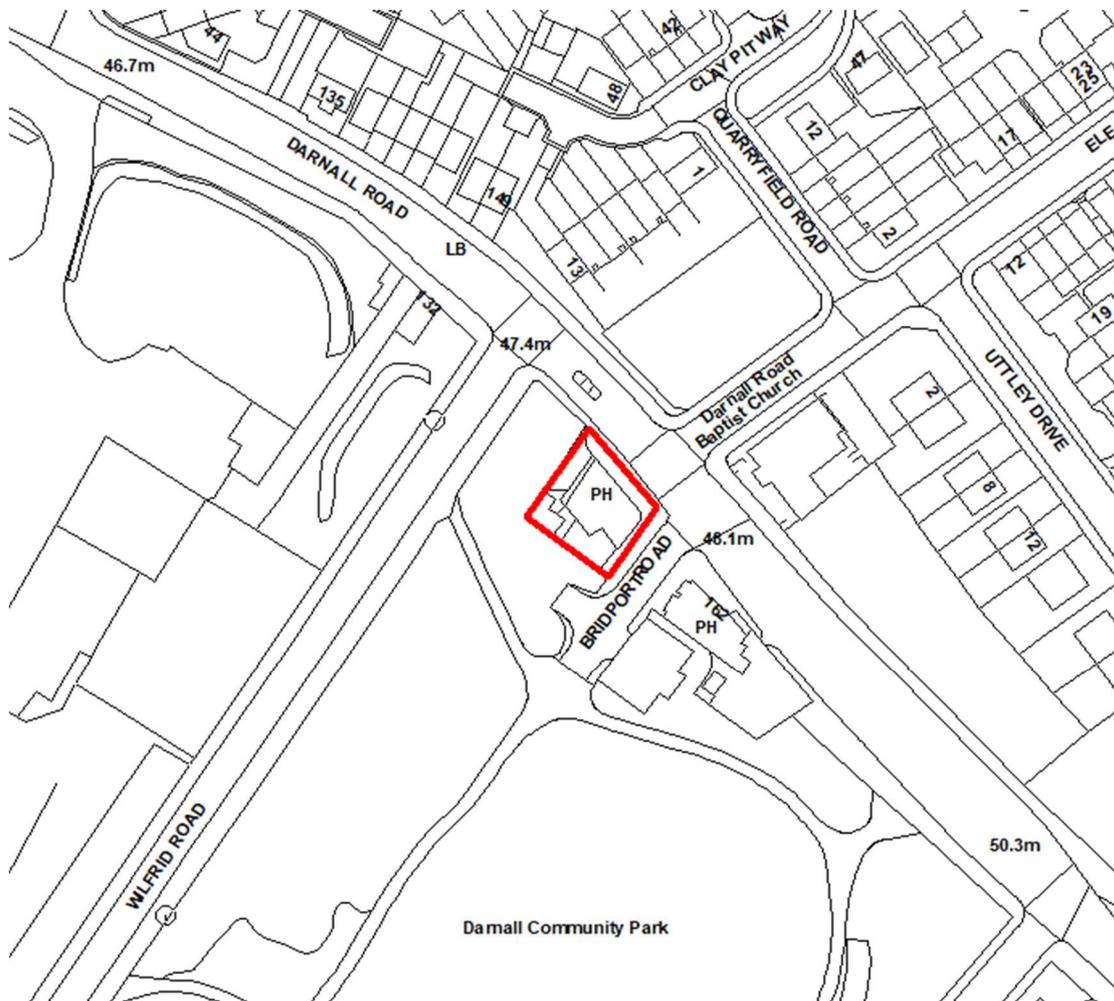
areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

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.

Site Location



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LOCATION AND PROPOSAL

The site relates to a former Public House known as The Sportsman on Darnall Road.

It is understood that the building has been vacant for approximately one year. It is positioned on the corner of Darnall Road and Bridport Road. To the south-east and on the opposite corner of Bridport Road there is a former pub which received planning permission in 2019 to be converted to a nursery. To the north-east and on the opposite side of Darnall Road lies Darnall Baptist Church along with a tree covered embankment and housing beyond. Immediately to the south and south-west of the building lies Darnall Community Park which is accessible via the end of the Bridport Road.

The site is designated as an Open Space area as defined by Sheffield Unitary Development Plan (UDP). Land to the north and north-east of the site is designated as a Housing Area and to the north-west lies a designated Mixed-Use Area.

Planning permission is sought for the change of use of the former public house to create a 16 bedroomed House in Multiple Occupation (HMO) (Sui Generis) including retention of a rear dormer window and erection of a single-storey side extension and associated works.

Amended plans have been submitted through the course of the application reducing the number of bedrooms from 19 to 16. The proposed side extension has also been amended so that it is setback fractionally from the front elevation of the building.

There are five bedrooms proposed on the ground floor with a communal kitchen and lounge area, as well as a store. Seven bedrooms are proposed on the first-floor, as well as a store. Three bedrooms are proposed on the second floor within the roofspace. All but four bedrooms are en-suite, and the four which are not are on the ground floor and would share two toilets.

HMO definition

A small HMO (Use Class C4) is usually defined as a shared house occupied by 3-6 unrelated individuals, as their only or main residence who share basic amenities such as a kitchen, toilet or bathroom. Dwellinghouses (Use Class C3) can change to a small HMO (Use Class C4) without planning permission, unless there are restrictions in the locality such as an Article 4 Direction.

HMOs shared by 7 or more persons fall outside the established use classes, known as 'sui generis', and thus require planning permission in any instance. The application proposal is a large HMO and thus falls outside the established use classes order.

Notwithstanding the requirement for planning permission, HMOs also need to comply with the Regulatory Reform (Fire Safety) Order 2005, as well as requiring a HMO License and adhering to the requirements of the license.

PLANNING HISTORY

No relevant planning history.

SUMMARY OF REPRESENTATIONS

Site notices were posted near to the site on 10.05.2023, giving an expiry date for comments of 04.06.2023.

Clive Betts MP has raised concerns with the proposal stating the following:

- Concerns regarding the number of people projected to be housed. It seems to be a large number and appears that efforts have been made to minimise room sizes in order to achieve as many rooms as possible. The rooms look very small for the accommodation.
- Communal facilities do not appear sufficient. It seems the building should have fewer rooms and more facilities to be used communally.
- There is a complete lack of parking. It is appreciated that there is vacant land around, but it is hoped that the land will be regenerated as part of the general redevelopment of the Lower Don Valley. If the area is developed for industry or residential use, there is a need for parking associated with that development. It seems unfair that this building is the first of what may be many in the area in the future, that it should not be required to provide parking when all future developments will have to make provision.

39 representations from 34 households have been received, 38 in objection and 1 in support.

The objections are summarised below:

Material Planning Considerations

- Object if the building is to house ex-offenders as a halfway house, due to position adjacent to a local park and near to schools.
- No notification to residents of who the housing is for and the people it is aimed at.
- Concerns of crime and anti-social behaviour associated with a potential use as a halfway house.
- Granting an HMO is inviting people who can pose serious risk to young people in the park.
- Concerns regarding fire safety as 19 rooms housing up to 23 people with only a single staircase next to the kitchen, acting as the sole emergency exit.
- Inadequate provision of toilet, shower and washroom facilities for a significant number of tenants.
- Inadequate storage facilities both in private rooms and communal area.
- The square footage of the rooms provided does not meet the recommended sizes for a living area under a HMO license, affecting quality of life of tenants.

- No details of refuse are included.
- No parking provision, adding significant pressure on local parking.
- No provision for disabled access.
- Work has already commenced on the property.
- Concerns that not all neighbours have been notified of the application.
- Already lost many pubs and amenities in the local area.
- Concerns of overlooking from windows towards properties opposite.
- The property does not have sufficient outdoor space, therefore residents may congregate outside premises.
- The windows have been specified to be white uPVC as existing, whereas they were originally timber.
- Concerns of loss of light and overshadowing.
- Concerns of traffic generation and highway safety concerns from the use.
- The submission states the existing use is a pub with 9 bed HMO above – incorrect as the accommodation was landlord accommodation associated with the pub.
- The existing plans are inaccurate, as there is no reference to the function room.

Non-material Planning Considerations

- House prices will be affected.
- Turning the property into a 19-bedroom property is another way for greedy landlords to make an earner.

The letter of support states the following:

- The property was sold in 2022 as the public house was unviable.
- There was no function room within the property.
- The rear yard was never a parking area.
- The proposed use would be more benign to the local community than a struggling public house with late night opening and music.
- 19 rooms with presumably 19 people would be much fewer than people within a viable pub.
- The property is close to public transport, the Sports College and walking distance of the City Centre and Meadowhall.

PLANNING ASSESSMENT

Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The Council's development plan comprises the Core Strategy 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 published in 2018 and revised in September 2023 (the NPPF) is a material consideration.

Paragraph 219 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

Paragraph 11 of the NPPF requires that development that accords with up-to-date policies should be approved without delay. In instances where policies which are most important for determining the application are out-of-date, granting permission 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 weighed against policies in the NPPF taken as a whole.

Paragraph 47 requires development to be determined in accordance with the development plan unless material considerations indicate otherwise.

The park is designated as an Open Space area as defined by Sheffield Unitary Development Plan (UDP).

PROPOSED USE

The definition of open space in the National Planning Policy Framework (NPPF) is:

- All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

The use of the word 'and' indicates that the site has to offer an important opportunity for sport and recreation and if it does, it can also make a contribution to visual amenity.

Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

UDP Policies LR4, LR5 and LR8 (Development in Open Space), and Core Strategy Policies CS47 (safeguarding open space) are applicable for such designations.

UDP Policy LR4 states that open spaces will be protected where it is needed for outdoor recreation or where it contributes to the natural environment, urban heritage or quality of life.

UDP Policy LR5 states that development in open space areas will not be permitted where they would harm the appearance of a public space.

UDP Policy LR8 states development in open spaces will not be permitted where it involves the loss of recreation space for a housing area below the minimum guidance, in an area where residents do not have easy access to a park or where it provides a well-used or high-quality facility for people living or working in the area.

Core Strategy Policy CS47 (Safeguarding Open Space) seeks to protect open space and prevent development that would result in the loss of open space which is of high quality or of heritage landscape.

Open space is defined within the UDP as 'a wide range of public and private areas'. This includes parks, public and private sports grounds, school playing fields, children's playgrounds, woodland, allotments, golf courses, cemeteries and crematoria, nature conservation sites, other informal areas of green space and recreational open space outside the confines of the urban area.

The UDP policies go beyond the requirements of the NPPF, as the protection of open space for visual amenity alone is not consistent with it, and they therefore carry reduced weight. However, the application site is a former Public House and therefore the site does not function as a parcel of open space.

The Darnall Community Park to the rear of the site is clearly an area of functional open space. The Sportsman does not provide a recreational function to support the park and is a plot independent of the park, and whilst positioned adjacent to it, it is not connected with the park or its function as parcel of open space. Consequently, the change of use of the premises to form a house in multiple occupation (HMO) would not therefore result in the loss of open space provision or facilities connected with the adjacent park (functional open space), nor would the redevelopment of the site be harmful to or restrict access to Darnall Community Park.

Whilst the site is designated as part of a wider Open Space Area in the Sheffield Unitary Development Plan (UDP), it is clear that this wider designation is now somewhat outdated as the application site does not function as open space as per the definition within the NPPF, and therefore the redevelopment of this site would not result in the loss of a functional open space area.

The principle of the proposed use of the site as a house in multiple occupation does not therefore undermine the aims of local and national open space policies, and as such would not breach UDP Policies LR4, LR5 and LR8, despite their reduced weight, or the aims of the NPPF.

COMMUNITY FACILITY

The Unitary Development Plan defines Public Houses as a community facility. UDP Policy CF2 says that development which would result in the loss of community facilities will be permitted if the loss is unavoidable and equivalent facilities would be provided in the same area; or the facilities are no longer required; or where a change of use of a building is involved, equivalent accommodation would be available elsewhere.

UDP Policy CF2 is broadly compliant with the aims of paragraph 84 d) of the NPPF which seeks to retain community facilities such as public houses.

The site is not registered as an Asset of Community Value. The public house seems to have been closed for approximately one year and it is acknowledged that there is an existing public house (Terminus Tavern) half a mile away on Main Road, Darnall. Other than one comment regarding several pubs and amenities closing in the local area, the public comments received do not suggest or indicate that the public house was well used. Given this context, it is not considered that its loss would be harmful, and it is acknowledged that there is a public house within the local area.

Consequently, the proposal is considered compliant with regards to UDP Policy CF2 and the NPPF.

HOUSING LAND SUPPLY

The NPPF requires local authorities to identify a 5-year supply of specific 'deliverable' sites for housing. Policy CS22 of the Core Strategy sets out Sheffield's housing targets until 2026; identifying that a 5-year supply of deliverable sites will be maintained. Sheffield cannot demonstrate a 5-year land supply and currently has a 3.63 year supply of deliverable housing units.

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 therefore triggered, and planning permission for housing should be granted unless 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.

In addition to the above, the NPPF (paragraph 60) attaches significant weight to boosting the supply of new homes. The provision of a single new residential unit (16 bedroomed HMO) would make a small, but positive contribution to the City's obligation to the supply of housing.

DESIGN & IMPACT ON HERITAGE ASSETS

Paragraph 130 of the NPPF sets out a series of expectations including ensuring that developments add to the quality of the area, are visually attractive as a result of good architecture; layout and landscaping; are sympathetic to the local character

and surrounding built environment; establish and maintain a strong sense of place; optimise the potential of a site and create places that are safe, inclusive and accessible.

The existing building is an attractive brick faced Victorian/Edwardian public house with brick walls that define the rear yard. There is a small gable feature to the front elevation and the entrance door has a decorative architrave. There are three original dormer windows positioned on the front roof plane positioned equidistant apart. The north-western side of the property has a gabled roof and what appears to be the remnants of a gable wall of what would have been an attached building. The south-eastern side of the property has a hipped roof. It is understood that the building originally had white timber windows, however these have recently been replaced with white uPVC windows.

The following alterations and extensions have been undertaken and/or are proposed:

- The front dormer windows have been refurbished and had new glazing inserted.
- New white uPVC windows have been inserted into the property.
- A large box dormer window has been constructed on the rear roof plane.
- A single-storey side extension is proposed on the north-western side of the building.

The front dormer windows look almost identical to how they were originally, albeit refurbished and now within uPVC windows. The retention of timber windows would be preferable, however replacement uPVC windows of a similar design would not require planning permission. The retention of the windows and their refurbishment will aid in preserving the buildings original appearance.

A large box rear dormer window has been constructed. A large dormer window is not ideal; however, it is shown to be inset from the side elevations of the building which reduces its prominence and visibility from certain vantage points. It is inset from the north-western elevation (gabled side) by approx. 400mm and the other side elevation (facing Bridport Road) by approx. 4m and set down from the ridge of the roof by approx. 250mm. The dormer window has been constructed and has been viewed on site. It has been finished in a grey coloured uPVC cladding, with the colour blending in almost seamlessly with that of the new grey roof tile. The dormer is not readily visible from the street, but it is visible from the rear, both at the end of Bridport Road and from Darnall Community Park. It is considered that the use of grey coloured cladding has ensured that the dormer is not overly prominent. Dormer windows are found on many properties in the area and as such it is not an alien feature on the rear of such a building. Given the use of cladding and the position at the rear of the building, it is not considered harmful to the appearance of the host property or that of the wider area. It is also acknowledged that the land levels and foliage at the rear, within the park, provides some screening of the property.

A flat roofed single-storey extension is proposed on the north-western side of the building, adjacent to the grassed area bordering Wilfrid Road. The extension would

essentially infill a parcel of land which is within the established curtilage of the premises, currently bounded by a small fence. Amended plans have been received showing that the proposed extension is now to be setback from the front elevation of the building by approx. 300mm, to give a clear transition between the original building and the extension. The proposed extension is very simple in form, which is considered appropriate to ensure that the decorative former public house building remains the focal point and so as not to detract from it. The rear part of the extension is shown to be angled in relation to the rear elevation of the building, which is unusual, however it would not be noticeable from the side elevation due to the longer extent of the proposal projecting along the side boundary and the angled plane returning back towards the rear elevation, thereby in affect screening this unusual junction. Additionally, the existing rear boundary wall will screen this angled part of the extension from Darnall Community Park. It is considered important to source an appropriate facing brick for the extension, to ensure that it closely matches that of the existing building and as such a condition is advised to secure samples prior to the construction of the extension.

The proposed extension would be partially screened by existing trees within the adjacent grassed area between the site and Wilfrid Road, nevertheless it would be visible from both Wilfrid Road and Darnall Road from the north-west. From Wilfrid Road, the extension would be seen against the backdrop of the gable of the existing building and the section which projects beyond the rear elevation could be read as part of the rear boundary wall – full details of the boundary treatment are to be conditioned. Furthermore, the topography of the grassed area to the side of the building will help partially screen the lower part of the side elevation of the extension. Subject to the sourcing of a high-quality brick and given the setback of the proposed extension from the front elevation alongside its simple form, it is considered that the proposed extension is acceptable in this instance and will ensure that the building remains the architectural focal point.

The re-use of the building will secure the future of a character building and is an opportunity to provide the refurbishment of it. All in all, the proposal is considered to contribute positively to the visual amenity of the area and would incrementally support the regeneration of the area.

Paragraphs 199 to 202 of the NPPF require the assessment of the impact of a development upon a Heritage Asset. In this instance there are three heritage assets in excess of 30 metres to the north-west of the site. They are as follows:

- Former offices at Sanderson Kayser's Darnall Works (Grade II Listed)
- Lodge, Weybridge Cabin and boundary walls at Darnall Works (Grade II Listed)
- Darnall Steelworks (Ancient Monument)

Further to the above, UDP Policy BE19 seeks to protect listed buildings. UDP Policy BE22 seeks to preserve and protect Ancient Monuments. These policies broadly align with the NPPF.

In addition to the NPPF, the Statutory Duty contained under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act)

requires the Local Planning Authority 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.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

As discussed, the proposal would introduce a new side extension and large rear dormer window, whilst providing an overall refurbishment of the building. The design of these features has been assessed above. The application building is an attractive Edwardian/Victorian building and adds character to the street. The building is however positioned in excess of 30m from the three heritage assets referenced, being separated by a grassed area and the highway of Wilfrid Road. So, whilst The Sportsman is located within the vicinity of three designated heritage assets, it is not readily visible in context with them, and they are visually separated by Wilfrid Road and soft landscaping. Consequently, despite some intervisibility between the site and the three heritage assets, the development will not affect the setting of these heritage assets to any meaningful degree and thus it is considered that any impact would be negligible and would cause no harm to the designated heritage assets in question.

As no harm is identified in this instance, an assessment of public benefits to off-set any identified harm is not required in this instance.

The proposals are therefore considered to be compliant with paragraphs 199 to 202 of the NPPF and also with the specified Local Plan Policies.

RESIDENTIAL AMENITY

The site is designated within an Open Space policy area, and there are no direct policies linked to residential amenity.

Paragraph 130 of the NPPF seeks to create places that are safe and with a high standard of amenity for existing and future users and ensure quality of life is not harmed.

The nearest sensitive use is housing situated on Quarryfield Road and Uttley Drive to the north and east of the site. These properties and gardens are approximately 40m from the site and those on Uttley Drive are screened to an extent by a landscaped mound. To the south and west the site adjoins Darnall Community Park, with the former Public House (now understood to be a nursery) to the south-east. Darnall Road is a relatively busy road with significant HGV use.

Given the context and the previous use of the site as a Public House, there is considered to be no reason why a house in multiple occupation (residential use) should cause significant amenity impacts in this location. Despite having 16 bedrooms proposed, the comings and goings associated with the HMO would likely be less than that associated with the former public house use, although it is appreciated that comings and goings could now occur throughout the day and

night rather than being restricted by licensed opening hours. Nevertheless, it is unlikely that residents would be coming and going throughout the night on a regular basis. The use is residential in character and as such would be compatible with the local area, given the designation of land as a Housing Area immediately opposite the site.

New windows are proposed within the rear elevation including the new dormer windows. These windows would overlook both the rear yard and provide outlook towards the Darnall Community Park. These windows would therefore not introduce any privacy concerns to any nearby neighbouring property or premises but would have the benefit of providing informal surveillance of Darnall Community Park.

Concerns have been raised by local residents that windows within the front elevation would overlook neighbouring properties opposite. The windows within the front elevation are existing and are at least 40 metres from the nearest neighbour on Quarrfield Road and thus any overlooking would not be significant.

The proposed extension would not be positioned adjacent to any neighbouring properties and thus no overlooking, overbearing or overshadowing concerns would arise from its construction.

It is considered that both the proposed use of the premises as a house in multiple occupation and the associated extensions would not result in any harm to living of the occupants of neighbouring properties. The proposal would therefore comply with the aims of the NPPF.

Future Occupiers

Sixteen bedrooms are proposed. The submitted plans show that four bedrooms on the ground floor would share two toilets, whereas the remaining bedrooms would each have an en-suite. The plans show that each room would have sufficient space for at least a bed, desk and wardrobe space. The bedrooms range from 9.8 sq metres up to 22 sq metres, with the average size coming out at approximately 14 sq metres.

All bedrooms would achieve outlook and light from either windows facing out over Darnall Road, Bridport Road or towards the rear overlooking the yard and/or Darnall Community Park. The outlook at the rear looking into the rear yard is not ideal, however this would be improved through soft landscaping in this area. It is recommended that soft landscaping is secured via condition and to help improve outlook towards the rear to a small degree.

Plans show a large communal kitchen/lounge area (46sq metres) and a second communal kitchen (10.8 sq metres) at ground floor level. These communal facilities are to be shared by all residents.

It is understood that all rooms exceed the minimum sizes required under a HMO license. The minimum sleeping room floor area sizes for a HMO license are understood to be the following:

- 6.51 m² for one person over 10 years of age
- 10.22 m² for two persons over 10 years
- 4.64 m² for one child under the age of 10 years

Although the number of bedrooms appears significant, the plans demonstrate that each room would be an acceptable size. The large communal areas may not suit everyone, but ultimately future occupiers would be aware of the layout prior to taking up residence. HMO Licensing includes full requirements for living standards, including matters such as a minimum number of ovens, hobs and microwaves to be shared amongst residents depending on the number living within the premises, and the communal space is large enough to ensure that compliance with licensing requirements can be achieved. Ultimately compliance with HMO licensing is separate from the granting of planning permission.

The site is immediately adjacent to a housing area and adjacent to a park. The location is considered to be appropriate for residential accommodation. The proposed plans show that the building would have all the necessary facilities required for independent living and it is considered that the proposed accommodation would provide living conditions to an acceptable standard. There is only a small rear yard, which is not sufficient to cater for the number of bedrooms proposed, however there is a public park immediately to the rear of the site which provides good quality recreational space for residents to use.

Consideration has been given to whether a noise impact assessment report was necessary due to the position of the premises adjacent to a relatively busy road. Given the context of the site next to a park and adjacent to an established residential area, it was considered unnecessary to request such a report. Acoustic requirements for conversions under Building Regulations will ensure appropriate sound insulation can be achieved.

LANDSCAPING

Policy BE6 of the UDP states that good landscape design will be required in all new developments. This policy is consistent with Paragraph 130 b) of the NPPF which expects effective landscaping to contribute to the attractiveness of new development.

There is limited, if any, scope to provide significant soft landscaping within the confines of the application site. There is a small rear yard area currently enclosed by a brick boundary wall and soft landscaping is proposed here to help with surface water drainage and it is considered necessary to improve outlook for ground floor windows at the rear. As described above, a condition is recommended to secure soft landscaping in this area.

The proposed extension would be located on an existing area of hardstanding but would sit close to existing trees located within the adjoining grassed area to the north-western side of the premises. The proposed extension would be built on what is currently a raised platform of substantial construction which is bound by a concrete post fence. The occurrence of this platform means that tree roots will

unlikely be underneath the area where the extension is proposed. Nevertheless, the adjacent tree(s) should be protected during construction and thus it is recommended that tree protection measures are secured by condition.

On the basis of the above, the scheme would be compliant with UDP Policy BE6 and paragraph 130 b) of the NPPF.

ECOLOGY

Paragraph 180 a) and d) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, minimise impacts on and provide net gains in biodiversity.

Policy GE11 of the UDP seeks to protect and enhance the natural environment ensuring that the design, siting and landscaping of development respects and promotes nature conservation and includes measures to reduce any potentially harmful effects of development.

Given that the building is a former public house with no soft landscaping, it is considered that the site provides little, if any ecological value at the present time, although the surrounding Darnall Community Park clearly provides significant ecological value to the area as a whole.

Given the site constraints, there is also little opportunity to enhance the biodiversity of the site under this application to any meaningful degree. However, soft landscaping is to be proposed (and reserved by condition) within the rear yard which should help improve biodiversity of the site. It is recommended that a condition requiring bird and bat boxes either on the building or within the rear yard is also imposed. Securing these features will provide a small enhancement to the site which is considered proportionate to the scale of development.

It is considered that the proposed extension and change of use of the site to a HMO would have a negligible impact upon the biodiversity of the site given the small size of the site and due to its position adjacent to a main road. Nevertheless, the imposition of the aforementioned conditions will secure some biodiversity enhancement and support the provisions of UDP Policy GE11 and paragraph 180 of the NPPF.

HIGHWAYS

Development should seek to ensure highway safety as required under paragraph 108 of the NPPF. Paragraph 109 of the NPPF further 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'.

The site is situated on Darnall Road. The property does not include any off-street parking provision but there is plenty of on-street parking available in the locality and the surrounding area does not appear to have any parking restrictions. There are also bus stops within 200m of the site that are served by half hourly to 40

minute services and the tram stop is located just over 700m from the site. Therefore, the site is considered to be reasonably served by public transport.

Whilst the lack of dedicated parking provision is not ideal, it is considered that the surrounding roads could cater for any additional parking demand generated by the proposal. Given the sustainable location of the site, it is not considered that a refusal could be substantiated on highway grounds on the basis of a lack of parking provision.

The proposed extension is not considered to introduce any highway concerns given it is to be set away from the junction of Wilfrid Road and Darnall Road and thus would not impact visibility of drivers using the nearby highways.

Consequently, the proposal is considered acceptable under the provisions of paragraph 108 of the NPPF.

Refuse Collection

A condition is recommended to secure full bin storage details, which will be expected to be positioned within the rear yard. Ultimately bins will need to be stored on street on collection days, which is not uncommon. Darnall Road and Bridport Road can be easily accessed by a refuse vehicle.

Coal Mining

The site is located within a Coal Mining Referral Area and therefore a Coal Mining Risk Assessment (dated 7th March 2023) by Groundsmiths Ltd has been submitted with the application.

The Coal Authority has been consulted on this application and have confirmed that the content and conclusions of the submitted report are sufficient for the purposes of the planning system, demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Land Contamination

In light of the fact that the proposal lies within a Coal Mining Referral Area and due to both the proposed residential use and the fact an extension is proposed, there is a potential impact upon human health and the property from mine gases. A mine gas risk assessment along with the standard suite of land contamination conditions are therefore recommended. It is considered that the recommended conditions are proportionate with the risk proposed given that this is for a change of use and new extension proposed.

Flood Risk

Core Strategy Policy CS67 (Flood Risk Management) seeks to reduce the extent

and impact of flooding and requires the use of Sustainable Drainage Systems or sustainable drainage techniques, where feasible and practicable.

The NPPF (Section 14) seeks to ensure that areas at little or no risk of flooding are developed (Flood Zone 1) in preference to areas at higher risk (Flood Zones 2 & 3). Policy CS67 is considered compatible with the NPPF in terms of reducing the impacts of flooding and therefore retains substantial weight.

A portion of the site is located within Flood Zone 2 and a Flood Risk Assessment (FRA) was submitted with the application, however The Environment Agency (EA) objected on the grounds that the FRA was not compliant with paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist.

The agent consequently engaged with the EA directly and has now submitted an updated FRA.

Public Houses and dwellings are considered to be 'more vulnerable' under Annex 3 of the Flood Risk Vulnerability Classification Table in the NPPF. 'More vulnerable' uses do not require the exception test to be applied and are considered appropriate in Flood Zone 2.

The submitted Flood Risk Assessment states that a potential cause of flood risk is Darnall Road which acts as an Overland Flow Path. The application site level is elevated 54m above sea level, with the River Don level being approx. 40m above sea level, which is approximately 1km from the site so would be very unlikely to affect the site.

The entry points into the building from Darnall Road are level with the footpath and the rear entrance from Bridport Road is slightly higher due to the gradient. The flood maps show that the rear garden and entrance is not within Flood Zone 2.

On site drainage will be maintained as a regular maintenance schedule is required for a registered HMO. The FRA goes on to state that the rear yard is to be formed of mainly natural materials, such as grass and wood chippings etc, in place of existing flag stones and tarmac, thereby improving surface water drainage within the site and reducing surface water runoff. This can be secured by condition.

In terms of a safe means of escape from the building, there is an external terrace at first floor level which provides access down to the rear yard which is outside of Flood Zone 2. In the event of a flood, all occupants are to be moved to the first-floor accommodation and/or first floor rear terrace. The cellar is not to be used within the development.

The FRA further states that floor levels are not to be altered and that any internal works are to use water resistant building materials where possible, such as tiled floors and walls, as well as low-absorption boards etc. Existing power sockets and new power sockets are to be positioned 1m above the finished floor levels.

It is stated that Kirk Bridge Dike Culvert runs close to the application site. The

proposed extension would be positioned within proximity to the culvert. The agent has discussed the proposed extension with The EA directly and they have agreed the proposed layout of the extension in relation to the culvert. An Environmental permit will however be required separately from any planning permission to allow a new build within 8m of the existing culvert.

The submitted FRA is considered to be consistent with the EA standing advice and, while the EA have not removed their objection at the time of writing this report, it is expected that they will and the proposal is considered to be acceptable in flood risk terms. Members will be updated with regards to the EA's position in a supplementary report to committee.

CONCLUSION AND RECOMMENDATION

Planning permission is sought for the change of use of a public house to create 16 bed House in Multiple Occupation (HMO) (Sui Generis), including the retention of a rear dormer window and erection of a single-storey side extension and associated works.

Whilst the site is designated as Open Space, the site is clearly not functional open space or used in connection with the designation, and as such the change of use of the premises to a HMO would not result in the loss of open space. The principle of the development is therefore accepted under paragraph 97 of the National Planning Policy Framework (NPPF) and is also considered to comply with Open Space policy outlined within Policies LR4, LR5 and LR8 of the UDP as well as Core Strategy Policy CS47.

The proposed extension and alterations to the building are acceptable and considered to have a negligible impact upon the setting of the three nearby heritage assets – the former offices at Darnall Works (Grade II Listed), the Lodge, Weybridge Cabin and boundary walls at Darnall Works (Grade II Listed) and Darnall Steelworks (Ancient Monument).

The submitted plans demonstrate that living standards would be acceptable and the use of the building as an HMO (residential) would not detrimentally impact the occupants of nearby properties and it is a use appropriate and compatible with such a location.

Biodiversity enhancement will be achieved through a degree of soft landscaping within the rear yard and a condition securing bird and bat boxes.

The submitted Flood Risk Assessment has demonstrated that the proposed use is appropriate in Flood Zone 2 and the proposal is considered to be acceptable in flood risk terms.

For the reasons given within the report, it is considered that the development would be in accordance with the aims of the National Planning Policy Framework and local plan policies, specifically UDP Policies LR4, LR5, LR8, BE5, BE6, BE19, GE11 as well as Core Strategy Policies CS63, CS67, CS47 and CS74.

It is recommended that planning permission is granted conditionally.