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Case Number	21/01636/FUL (Formerly PP-09707697)
Application Type	Full Planning Application
Proposal	Demolition of building and erection of 2no. three-storey buildings consisting of 14no. residential apartments with commercial premises (Class E) at ground floor, provision of undercroft car/cycle parking and associated landscaping works (as per amended drawings received 27.5.22)
Location	60 Little London Road Sheffield S8 0UH
Date Received	08/04/2021
Team	South
Applicant/Agent	Spring Planning Ltd
Recommendation	G Conditional Subject to Legal Agreement

## **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:

Drawing Number LLR-HLM-01-ZZ-DR-A-00600 Revision PL4 (SITE LOCATION PLAN) published 19.07.2022

Drawing Number LLR-HLM-01-ZZ-DR-A-00605 Revision PL3 (PROPOSED SITE LAYOUT) published 27.05.2022

Drawing Number LLR-HLM-01-ZZ-DR-A-00610 Revision PL3 (PROPOSED SITE ELEVATIONS) published 27.05.2022

Drawing Number LLR-HLM-01-ZZ-DR-A-006119 Revision PL3 (BLOCK -1 GA PLANS) published 27.05.2022

Drawing Number LLR-HLM-01-ZZ-DR-A-00620 Revision PL3 (BLOCK -1 GA PLANS) published 27.05.2022

Drawing Number LLR-HLM-01-ZZ-DR-A-00640 Revision PL3 (BLOCK -1 GA ELEVATIONS) published 27.05.2022

Drawing Number LLR-HLM-01-ZZ-DR-A-00650 Revision PL3 (BLOCK -1 GA SECTIONS) published 27.05.2022  
Drawing Number LLR-HLM-02-ZZ-DR-A-00625 Revision PL3 (BLOCK -2 GA PLANS) published 27.05.2022  
Drawing Number LLR-HLM-02-ZZ-DR-A-00626 Revision PL3 (BLOCK -2 GA PLANS) published 27.05.2022  
Drawing Number LLR-HLM-02-ZZ-DR-A-00645 Revision PL3 (BLOCK 2 GA ELEVATIONS) published 27.05.2022  
Drawing Number LLR-HLM-02-ZZ-DR-A-00651 Revision PL3 (BLOCK -2 GA SECTIONS) published 27.05.2022  
Drawing Number LLR 01 revision D (LANDSCAPE MASTERPLAN) published 27.05.2022

Reason: In order to define the permission.

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

3. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
  - The requirement to seek preservation in situ of identified features of importance.
  - The programme for post-investigation assessment.
  - The provision to be made for analysis and reporting.
  - The provision to be made for publication and dissemination of the results.
  - The provision to be made for deposition of the archive created.
  - Nomination of a competent person/persons or organisation to undertake the works.
  - The timetable for completion of all site investigation and post investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

4. 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.

5. 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.

6. 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.

7. No phase of the development (including works of construction, 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 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 interests of the amenities of the locality and occupiers of adjoining properties and the protection of the free and safe flow of traffic on the public highway.

8. No development shall commence (including any works of demolition or site preparation) until a Construction Environmental Management Plan (CEMP) has been

submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures. The CEMP shall include strategies to mitigate any residual environmental or amenity impacts that cannot be adequately controlled at source.

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

9. No development shall commence until a document detailing methods for dealing with Japanese Knotweed and Himalayan Balsam has been submitted to and approved in writing by the Local Planning Authority. The Japanese Knotweed and Himalayan Balsam shall thereafter be removed in accordance with the approved methodology.

Reason: In the interests of ensuring the safe redevelopment of the site and of biodiversity.

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

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

11. 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.

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

12. No above ground works shall commence until the river naturalisation works have either:

a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development hereby approved is brought into use and the development shall not be brought into use until the river naturalisation works listed below have been carried out.

Reason: In the interests of biodiversity.

13. Prior to the improvement works indicated in the preceding condition being carried out, full details of these river naturalisation works shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity.

14. Full details of a riverside walkway, including connections to the walkway on adjacent sites, shall be submitted to and approved by the local planning authority before that part of the development commences. Such details shall include:

- Surface materials;
- Balustrade details to the River Sheaf;
- Lighting; and
- Management arrangements, including measures for maintaining public access to the walk at all times.

The riverside walk shall be a minimum of 1.8 metres wide and be completed to adoptable standards and in accordance with the approved details before the development is brought into use.

Reason: In the interests of promoting walking routes and the visual amenities of the locality.

15. 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.

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

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

17. 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 approved noise survey ENS - Noise Impact Assessment ref: NIA/9686/21/9743/v2/Little London Road; dated: 23rd April 2021.
  - b. Be capable of achieving the following noise levels:  
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);  
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);  
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);  
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
  - c. Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.
- Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

19. Before the commercial use(s) hereby permitted commences, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:
- a. Be based on the findings of approved noise survey ENS - Noise Impact Assessment ref: NIA/9686/21/9743/v2/Little London Road; dated: 23rd April 2021.
  - b. Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:
    - (i) as a 15 minute LAeq, and;
    - (ii) at any one third octave band centre frequency as a 15 minute LZeq.
  - c. Be capable of restricting noise breakout and transmission from the commercial use(s) and any associated plant or equipment, to all adjoining residential accommodation to levels complying with the following:
    - (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
    - (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
    - (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);

(iv) Bedrooms: LAFmax 45dB (2300 to 0700 hours).

Before such scheme of 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 a 15 minute LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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

20. 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.

21. A sample panel of the proposed masonry 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 before any masonry works commence and shall be retained for verification purposes until the completion of such works.

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

22. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

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

Windows

Window reveals

Doors

Eaves and verges

External wall construction

Brickwork detailing

Balconies

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

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

24. The development hereby approved 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 purpose intended.

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.

25. The development hereby approved shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented. The means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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.

26. The development hereby approved shall not be used unless the cycle parking accommodation as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

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

27. No part of the development shall be occupied until details of on-site signage for the one-way system within the site have been submitted to and approved in writing by the Local Planning Authority. The approved signage shall be installed prior to occupation of the development hereby approved and permanently retained thereafter.

Reason: In the interests of the free and safe flow of traffic on the public highway.

28. Notwithstanding the approved drawing/s, 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.

29. 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.

30. The Local Planning Authority shall be notified in writing when the landscape works are completed.

Reason: To ensure that the Local Planning Authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

31. The development shall be carried out in full accordance with the MITIGATION,

COMPENSATION AND ENHANCEMENT RECOMMENDATIONS as set out in Section 5 of the Peak Ecology 'Protected Species Surveys, Little London Road, Sheffield - Project No: PTADe01, Date 14/09/2021', and the mitigation, compensation and enhancements shall be permanently retained thereafter.

Reason: In the interests of biodiversity.

32. The proposed green/biodiverse roof(s) (vegetated roof surface) shall cover a minimum area of 80% of the roof and shall be installed prior to the use of the building commencing. Full details of the green/biodiverse roof construction and specification, together with a maintenance schedule, shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. Unless an alternative specification is approved the green/biodiverse roof shall include a substrate growing medium of 80mm minimum depth incorporating 5-20 % organic material. 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.

33. The Local Planning Authority shall be notified in writing upon completion of the green/biodiverse roof.

Reason: To ensure that the local planning authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

34. The development shall be carried out in accordance with the submitted flood risk assessment produced by Eastwood and Partners dated 24th November 2021, reference 45334 Issue 3, and the following mitigation measures it details:
- Commercial finished floor levels shall be set no lower than 78.11 metres above Ordnance Datum (mAOD)
  - Flood flow routes must be maintained across the site
  - All residential accommodation will be located on the first floor and above

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In order to reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that movement of flood water is maintained.

#### **Other Compliance Conditions**

35. The Commercial (Use Class E3) premises shall only operate during the following hours:

Monday to Saturday: Between 0800 hours and 2000 hours

Sundays and Public Holidays: Between 0900 hours and 1800 hours

Reason: In order to protect the amenities of occupiers of adjoining property

36. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2300 on Mondays to Saturdays and between the hours

of 0900 to 2300 on Sundays and Public Holidays.

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

37. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

38. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of adjacent dwellings from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
2. Acoustic emissions data for the system.
3. Details of any filters or other odour abatement equipment.
4. Details of the system's required cleaning and maintenance schedule.
5. Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building).

The approved equipment shall then be installed, operated, retained and maintained in accordance with the approved details.

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

39. 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.

Attention is Drawn to the Following Directives:

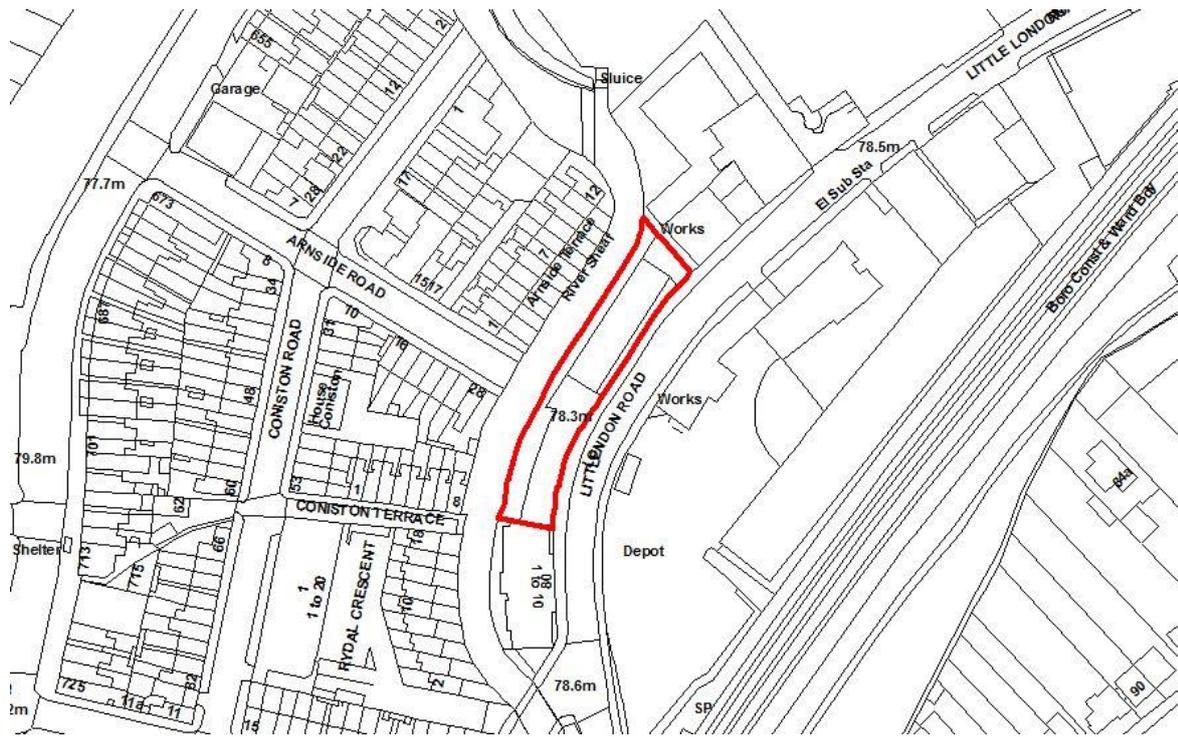
1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. By law, this development requires the allocation of official, registered 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](mailto: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.

# Site Location



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## LOCATION AND PROPOSAL

The application site is located to the west of Little London Road. It is allocated as being in a Fringe Industry and Business Area under the adopted Unitary Development Plan (UDP). The site currently includes a single-storey, timber construction building which is now vacant having most recently been used as Laces Boxing Gym. There is also a hard surfaced area, previously used for car parking purposes. The site's rear boundary is adjacent to the River Sheaf.

The surrounding area is characterised by a mixture of property types and uses, including commercial/factory units, a day care nursery and children's play centre occupying a converted paint factory, a dog care facility and a timber merchant, as well as new housing to the south /south-west at the former Abbey Glen laundry site, and historic, terraced housing on the opposite side of the River Sheaf.

Planning permission is sought for the demolition of the existing building and the construction of two separate blocks, each of three storeys in height. These would include 14 apartments (including 2no x 1 bed and 12no x 2bed), with two separate Class E commercial units at the Ground Floor of Block 2. To enable the construction of the blocks, the scheme involves the building up of the site's rear portion, currently riverbank, to create a level plateau. The layout features 11 off-street parking bays and a riverside walk provision.

## RELEVANT PLANNING HISTORY

Pre-application advice was sought on this site, which concluded that the principle of apartments with some accompanying commercial elements on the site could be supported.

Planning permission was granted in 2003 for a two-storey production/office building. (Ref 03/02337/FUL)

In 2008, an outline application partly including the current site in addition to the Stokes Paints site on the opposite side of Little London Road was sought for 71 residential units. Outline permission was refused for reasons including detrimental impacts of noise from adjacent businesses on potential future occupiers, unacceptable implications of the proposed parking and access arrangements, layout and massing being out of keeping with the area's character and harmful to visual amenities of the locality giving overlooked and cramped private amenity spaces and overlooking between buildings. It was also concluded as part of the refusal, that it had not been demonstrated that the proposal would not be liable to flooding (Ref 08/01115/OUT).

## SUMMARY OF REPRESENTATIONS

### Original Submission

Following the placement of site notices, advertisement in the press and direct notification of neighbours in respect of the originally submitted proposal drawings, a total of 88 objections were received. These are summarised as follows:

## Design Issues

- Overdevelopment. Closer to 3.5 storeys with a four-storey element. No height dimensions provided.
- Area predominantly red brick, including original properties. The supplied 'Local Character Study' features Langdale Street as the only street where this isn't the case. Development conflicts with character of Victorian terraces and is ugly (as are the existing, dwellings at Abbey Glen).
- Site has never included a permanent building, so is arguably not a brownfield site. This is partly due to it being part of the functional flood plain. Valuable piece of green space in urban landscape. Currently site features a low impact, light industrial use and similar business use/s preferred to current proposal.
- Submitted drawings and visuals don't match. Scheme doesn't provide visual enhancements.
- Small, privately rented flats not required.
- Fly-tipping at site can be controlled in alternative ways.
- Site is not allocated for residential use. A previous application at the Stokes Paint site was rejected because of this.

## Living Conditions

- Overbearing impacts and excessive height. Overshadowing (of houses on Arnside Terrace, Arnside Road and Coniston Terrace). Resulting impacts on gardens.
- Loss of privacy to surrounding dwellings and gardens (raised by No's 8 Coniston Terrace; 2, 3, 5, 8, 10 & 12 Arnside Terrace & 28 Arnside Road). Two-storey building would resolve this. No overlooking study provided. Differing measurements for separation distance/s provided. Relationship between Arnside Terrace and development not comparable to properties on a terraced street.
- Loss of light. Houses at Arnside Road already have low light. Sun-path details are only provided for June. Additional details needed in winter months also. Raised by occupier of 6, 10 & 12 Arnside Terrace.
- Impacts on outlook from Arnside Terrace.
- Noise/Construction disturbance affecting neighbours and wildlife. Impacts for shift workers. Construction at Abbey Glen lasted for 6 years. Existing noise has increased since tree removal.
- UDP policy H5 instructs flat developments should not lead to nuisance for neighbours. Scheme represents severe nuisance. Roof terrace causes antisocial behaviour / noise implications. Roof level wall and projecting stairwell ought to be removed.
- Loss of green space and negative mental health impacts.
- No lift in Block 2. Non-compliance with 2010 Equality Act.

## Highway Issues

- Inadequate parking bay numbers. Limitations of parking layout will cause on-street parking. Will affect pedestrian and cycling movement/s. Underground/croft parking not used at Abbey Glen development.

- Car park entry/exit at a blind bend.
- Additional car/vehicle movements would conflict with the proposed Sheaf Valley Cycle Route and Little London Road safety. Reduced pavement width affects pedestrian movements. Disincentivising cycling.
- Providing site as part of the Sheaf Valley Cycle way would reduce on-street parking in a heavily parked area.

#### Air Pollution

- Known health risks exist when air pollution is high
- Existing Abbey Glen development has harmed air quality in area.
- Tree removal has caused traffic pollution.

#### Sustainability & Ecology

- Loss of local habitat. Removal of a rare, naturalised section / habitat of riverbank is not sustainable. Impacts on riparian ecology. This section of the river is occupied by ducks, heron, moorhen, wood pigeon, grey wagtail, yellow wagtail, hawk, mandarin, mallard, dipper, goldcrest, ground nesting bird, kingfisher, heron, owl, and many other bird species (including protected species), bat, brown trout, water vole, reptiles, amphibians, crayfish and pollinating insects. Water voles returned in 2018. Mandarins were nesting in February 2021 before the tree removal works. Bats and birds (some protected) nest in the old boxing club building (laundry site development demolished old bat roost). Site is part of a commuting route. Loss of trees, flora/fauna and scrubland habitat and impacts on bat activity. Public highly value site.
- Ecological Appraisal done outside of optimal survey season and doesn't recognise the biodiversity present. No details provided on riparian and white clawed crayfish. Doesn't recognise river corridor's importance, in an area lacking in open space.
- Trees removed with no permission, so good view lost, increased visibility of the eyesore building. Decreased carbon absorption. Removal before completion of the Ecological Appraisal. No trees present at Arnside Terrace side of road.
- Noise and pollution will affect river quality, inhibit regrowth of the riverbank and biodiversity.
- No mitigation proposals, i.e., green/brown roof, bat/bird boxes or landscaping details.
- Light pollution will affect wildlife corridor. Sensitive lighting design will be required.
- Sheffield is committed to dealing with a climate emergency. Harmful impacts to river counter this initiative. South Yorkshire Green Infrastructure Strategy not addressed as part of development.

#### Flood Issues

- Site is flood zone 3A (high probability flood zone). The SHLAA 2015 and 2020 HELAA Report states this category is unsuitable for housing. Proposal would fail the flooding sequential test. The exception test (part B) isn't met, as

the proposal will increase flood risk elsewhere and will not reduce flood risk overall. The Environment Agency object.

- Increased flood risk to existing properties and further downstream.
- Proposed flood wall would add to visual scale of the development. A wall will prevent escape of water to Little London Road, and lead to increased pressure on riverside wall opposite. Site allows flood waters to return to river from Little London Road and acts as a flood plain. Low-level Rydal Road bridge issues are still present and remain a problem. Increased hard surfacing will reduce rainfall interception.
- Development (and its flood wall) will increase pressure on flood wall on Arnside Road (cellars already flood during high rainfall) and increase flooding on surrounding streets and businesses on Abbeydale Road and Broadfield Road. 30+ homes are protected by this wall. FRA gives no details of impacts upon these homes. Wall is 9 inch thick, with no foundations / reinforcement. Would not withstand water pressure. A ruptured wall would lead to a dangerous surge of water. Narrowed river channel could increase this. The Abbey Glen reinforced concrete wall will transfer load to the double skin brickwork. Increased water table since development at Abbey Glen site.
- FRA details provided with 08/0115/OUT show that site was previously undeveloped, and shows where floods are likely to occur from and where water re-enters the site. No updated flood details are provided to show that the existing road bridge would avoid the same scenario and that the development of this functional floodplain wouldn't result in flooding to neighbouring residential and commercial property. The EA objected to the 2008 application. Planning Statement doesn't refer to the 2008 application.
- Removed trees increases flood risk.
- Items excluded within FRA. No consideration given to climate change impacts.
- Applicant argues that high quality architecture will result, as a compensation but this is not thought correct and site should be a pocket park instead. Proposed business units will be empty. The concrete defence wall could be built adjacent to roadside. Provision of housing is not a valid argument as there are many sites with permission undeveloped.
- The proposal does not include flood risk mitigation strategies re climate change. No compensatory storage is provided.
- Will cause anxiety during high rainfall.
- Development does not take into account Sheffield Waterways Strategy.

#### Riverside Walk/Open Space

- No riverside footpath is provided, contrary to Core Strategy policy CS48 & CS73 and UDP policy GE17. Would prevent completion of the River Sheaf Walk.
- A path could connect to the existing path at adjacent site (currently fenced off).

#### Other

- Inadequate neighbour notification. Insufficient time length.
- Matter should be dealt with at public Committee Meeting, involving a

site visit.

- Impacts on health and wellbeing from loss of nature.
- Properties should not be rental. Developer should not be allowed so many properties in the area, causing gentrification.

#### Non-Material Planning Considerations

- Alternative use/s, such as shelter for the homeless suggested.
- Scheme is led by profit.
- Construction disruption. Abbey Glen development took over 6 years and affected health and wellbeing. Same developer constructed adjacent site and caused multiple local problems. Suggestions about sensitive working practices.
- Concrete foundations will cause damage to land.
- Impacts on property prices in area.
- The landowner's actions have been irresponsible.
- Previous adjacent development has not been built in accordance with original plans.

#### Sheaf & Porter River Trust

Two comments have been received from the Sheaf and Porter Rivers Trust regarding the initially submitted drawings, which are summarised as follows:

- Site represents one of the few locations where the Sheaf is able to be viewed. Scheme will prevent any improved access. Too small to accommodate the development.
- Site is located in flood Zone 3A. Development fails the sequential test. Without compensatory storage would increase flood risk to properties on the west bank of the river.
- Scheme out of scale with surrounding townscape.
- Overshadowing of houses.
- Unfeasible parking arrangements. Unsafe manoeuvres to exit/access highway. Reducing potential for active travel.
- Removal of riverbank makes the section of river a concrete drainpipe. Harm to wildlife. Canalisation works at Abbey Glen should not be repeated and is now outdated. Abbey Glen, at least, included some de-culverting.
- Trust is keen to re-naturalise as much riverbank as possible
- Flood waters prevented from returning to river from Little London Road.

#### Sheffield & Rotherham Wildlife Trust

Sheffield & Rotherham Wildlife Trust have objected, and their comments are summarised as follows:

- Tree removal, identified as having some suitability as habitat for bats and birds, or with a potential roost feature.
- Potential flooding issues appear to warrant further investigation.

- Anecdotal reports of a kingfisher (Schedule 1 species) seen on the site. Tree removal and construction disturbance is likely to negatively impact on resting and hunting opportunities, which should be addressed with suitable mitigation.

Nether Edge and Sharrow Sustainable Transformation (NESST).

An objection was received from Nether Edge and Sharrow Sustainable Transformation. The comments are summarised as follows:

- Need for housing and use of brownfield sites is recognised.
- Development needs to recognise climate emergency, and climatic shifts that have occurred, and the hydrological changes that have taken place. Existing impacts locally of higher water tables.
- Hardening the riverbank, increases surface run-off, increasing flood risk. Tree removal will have destabilized riverbank. Proposed wall will increase flows and flood risk elsewhere.
- Concerns for biodiversity.
- Physiological and psychological impacts. Impacts on mental health.
- Detrimental impacts on wildlife.
- Should be a pocket park to mitigate flood risk.

Councillor Representations

Alison Teal commented in her previous capacity as a Councillor (prior to May '22 elections), and her comments are summarised as follows:

- Strong public feeling regarding damaging impact to riverbank and wildlife.
- High flooding risks should mean application is not approved.

SUPPORT

One representation in support of the application was received raising the following points:

- Existing building is an eyesore. Unmaintained. Poor training environment.
- Area has benefitted from high quality housing and flats. Anti-social behaviour and crime reduced.
- Area lacks high quality accommodation. Scheme will provide this.
- Provision of housing units is welcomed.

AMENDED SUBMISSION

Additional notification was carried out in relation to the amended drawings. In response 10 objections were received and these comments are summarised as follows:

- Main concerns remain.
- Site is not 'zoned' as residential.

Design Issues

- Overdevelopment. Overbearing impacts (to Arnside Terrace). Out of keeping with area's terraced housing. Excessive height.
- Out of keeping with surroundings. No Landscape and Visual Impact Assessment.

#### Living Conditions

- Overlooking to Arnside Terrace (raised by occupier of 12 Arnside Terrace); front gardens and bedrooms.
- Loss of privacy to Arnside Terrace (raised by occupier of 12 Arnside Terrace). Not addressed via oriel windows. Unacceptable according to Supplementary Planning Guidance.
- Loss of light to Arnside Terrace (raised by occupier of 12 Arnside Terrace). Increased bills.
- Impacts on mental health.

#### Highway Issues

- Increased traffic movements at a dangerous bend.
- Parking at Abbey Glen not utilised.
- Proposed amendments to road layouts mean parking won't be used & instead cars will be parked at Coniston and Langdale Road
- Site should be used as extension of the Sheaf Valley cycle route. Current scheme conflicts with it.
- Query impacts on the Sheaf Valley Cycle Route.

#### Sustainability & Ecology Issues

- Loss of habitat and biodiversity. Used by duck species, moorhens, brown trout, water voles and bats. Any mitigation still disturbs natural environment.
- A cantilevered walkway would cause shade and attract unwelcomed uses.
- Rewilding of site would be preferential.
- Ecological assessments not independent.
- Felling of trees, shows developers approach. Was done before Preliminary Ecological Appraisal.
- Proposed compensation measures are not like-for-like.
- Ecology report and biodiversity net gain documents are of poor quality.

#### Flood Issues

- Due to high flood risk, buildings should not be erected.
- Increased flood risk. Environment Agency's feedback noted, however, no comment given regarding effects upon floods onto street on opposite side of river. Proposal features a taller wall, which will push waters into houses at opposite side of river. Canalisation effect.
- Landscaping of river channel will increase flood risk and be washed away at high water times.
- Improvements to drainage are needed.

#### Riverside Walkway/Open Space

- Addition of a full section of River Sheaf Walk welcomed. Railings should match elsewhere as per recent Costa Coffee application 21/03835/FUL
- Cantilevered path would attract undesirable usage.

#### Other Issues

- Area should be a green space/pocket park.
- Local infrastructure is already overstretched.
- Lack of developer consultation with local community. Inadequate neighbour notification.
- Application 21/02714/FUL (715-717 Abbeydale Road) shouldn't be approved as it will set a precedent for this development.
- Inadequate notification.

#### SUPPORT

1 representation was received in response to notification of the amended submission. This is summarised as follows:

- River Sheaf Walk is adopted, a planning condition should require riverside railings to match standard provision.

#### 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 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 key issues to be considered in assessment of this application are:

- Acceptability of the development in land use policy terms,
- Design of the proposal
- Effects on future and existing occupiers' living conditions,
- Whether suitable highways access and off-street parking is provided
- Implications in flood risk terms
- Implications on ecological factors

### Land Use Principle

The application site is located within a Fringe Industry and Business Area (FIBA) in the UDP. The UDP states in Policy IB6 'Development in FIBAs' that Class B1(now Class E), B2 and B8 uses are preferred and C3/Housing uses are acceptable. Policy IB9 'Conditions on Development in Industry and Business Areas' supplements this by stating that the preferred uses should be dominant.

Core Strategy Policy CS5c) 'Locations for Manufacturing, Distribution/Warehousing and other Non-Office Businesses' continues this theme, by identifying the area as important for manufacturing, distribution, warehousing and other non-office business uses. Additionally, Policy CS30d) 'Jobs and Housing in the Sheaf Valley and Neighbouring Areas' encourages existing business and industry areas to provide for local jobs and enterprises.

Therefore, residential development would be contrary to some policy elements of the UDP and NPPF which require sufficient provisions for non-housing uses (including employment uses) in appropriate locations. However, a key element of the proposal is the Class E component/s of the proposal at the ground floor of Block 2.

The former B-class (office and industrial) uses are preferred in IB6, and some of these (i.e. the 'old' Class B1 uses) now sit in the E Use Class elements proposed as part of the application. It is considered that were the proposed uses specifically within the E9(g) sub class, they would qualify as preferred uses and the scheme would largely meet with the requirements of UDP Policies IB6 and IB9. Similarly, and in regard to the Core Strategy, any Class E use would help to meet the aims of the Core Strategy CS30d, in its promotion of local jobs and enterprises in general. As such, in land use terms the proposal would be considered to achieve adequate compliance with the relevant local plan policies.

Therefore, providing residential uses do not suffer unacceptable living conditions, and existing businesses are protected from negative impacts of a sensitive use being in an industry and business area, the principle of the proposal would be considered acceptable.

However, it should also be noted that whilst the commercial element of the scheme enables the principle of the proposal to be acceptable in regard to IB6, the policy also requires proposals to be subject to the wider provisions of IB9 and BE5 'Building Design and Siting'.

Policy CS23 'Locations for New Housing' of the Core Strategy 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 case, and based on the NPPF definition, the site is classed as previously developed land / brownfield. Notwithstanding this, completions on greenfield sites are well below the 12% figure and so were the car park component of the site to be considered as forming curtilage to the paint factory to which it was allied (on the opposite side of the road), there would not be a policy issue with use of this greenfield element of the site.

#### 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 several 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 this site, CS26c) is relevant and states that a range of 40-60 dwellings per hectare is appropriate.

The site is approximately 0.1 hectares, which gives a density of 136 dwellings per hectare. This figure exceeds the stated range. However, apartment proposals rarely fall within the relevant ranges, particularly where there is little site space surrounding the site, and where parking is at an undercroft level. The policy adds that densities outside of the ranges are allowed when they achieve good design and reflect the character of an area. As discussed below, the scheme is considered to achieve good design and therefore the range exceedance is acceptable and is within the spirit of the policy.

As such, the proposal complies with Policy CS26 and NPPF paragraphs 124 and 125 regarding densities and land use efficiency.

## Design Issues

Core Strategy policy CS74 'Design Principles' requires development to enhance distinctive features of the area, which is backed up through UDP policies IB9 'Conditions on Development in Industry and Business 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 130a) states that development should add to the overall quality of the area. 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 local plan policies ally closely with the NPPF's provisions and so are afforded significant weight.

There are not considered to be any issues around the removal of the existing prefabricated building.

The surrounding area is characterised by a mixture of building styles and designs. The residential accommodation to the south of the site includes 3 storey accommodation (incorporating accommodation at the dual-pitched roofing level). It

features a black brick, with black window frames, outward projecting bay windows and balcony elements. The commercial accommodation to the north and to the opposite side of Little London Road features a two storey, flat-roofed brick building.

The scheme was revised so the two buildings are positioned adjacent to the back-edge of footpath. Whilst this gives the building an immediate presence from the pavement, it avoids potentially superfluous space lying to the building's frontage, which can become prone to litter and high maintenance in terms of landscaping. This adjacency would also mirror the relationship of the apartments/office to the south and the traditional pattern of nearby commercial buildings.

The scale and massing of the buildings would be three storeys height. The three-storey height would align to the eaves level of the adjacent apartment building. It would exceed the adjacent, two-storey premises by 1.0metres (approximately). As such, the proposed scale and massing would be in keeping with the character of the Little London Road frontage.

The building would also be visible from the opposite side of the river. The intervening space created by the river channel would help to ensure that the three storey buildings would be viewed as being of acceptable scale and massing when viewed from public vantage points at the opposite side of the river.

In terms of proposed materials, the indicated items are a mid-red brick and grey cladding, along with glazed balustrades. There would also be grey doors and windows and areas of recessed brickwork. In principle, these are acceptable, and further details will be required to be submitted via conditions.

In elevational terms animation would be created by the chamfered front elevations, along with the indented and outward projecting elements. These give the elevations a degree of variation and animation. Subject to agreement of details via condition the elevations are considered acceptable in terms of impact upon the scheme's appearance within the street scene.

Overall, the proposal is considered to have acceptable impacts in design terms, therefore satisfying the requirements of the relevant local plan policies and NPPF requirements.

Subject to conditions on any approval, the application complies with policies BE5 and the relevant aspect of IB9, Core Strategy Policy CS74, and Paragraph 130 of the NPPF.

## LIVING CONDITIONS

UDP Policy IB9b) 'Conditions on Development in Industry and Business Areas' requires that development should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions. 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.

IB9b) accords with the NPPF so would be afforded substantial weight, although other elements of the policy wouldn't fully accord and so the overall policy is afforded moderate weight in this respect.

#### (a) Impact on Neighbouring Occupiers

The closest neighbouring properties to the application site are the houses at; Arnside Terrace, No28 Arnside Road, No8 Coniston Terrace and the apartments at No 80 Little London 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; blank elevations of two storey buildings should not be placed closer than 12 metres from a ground floor main habitable window. 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

Building 2 is located in the northern part of the site. The rear elevation of Building 2 is separated by approximately 17.5 metres from the front elevations of No's 1-12 (inclusive) Arnside Terrace. The area adjacent to the front elevation of Arnside Terrace is a semi-communal space, with a footpath serving all 12 houses running adjacent to the front elevations. The river is also situated in the intervening space. The windows to this rear elevation are an oriel type, which reduce direct outward views. These oblique views will therefore be at angled, longer separation distances to the windows of the relevant Arnside Terrace houses. All the rear elevation windows to Block 2 serve bedrooms, and don't include principal lounge / reception room accommodation. There are no rearward facing balconies to Block 2.

Whilst some outward views to Arnside Terrace's front garden spaces may also be achievable, it is not considered that this would be harmful given the distance and that these spaces are subject to existing views from other properties within the same terrace and also from the communal pavement.

The amended plans show that the initially proposed roof terrace will be removed and be replaced by a green roof and solar panel array. Therefore, outward views from the building's roof level would not be generated.

No 8 Coniston Terrace and No 28 Arnside Road feature blank side elevation facing towards Block 1. As a result, there would not be any window-to-window overlooking impacts from the rear elevation windows of Block 1.

No 8 Coniston Terrace and No 28 Arnside Road's rear garden space would be separated by approximately 11.5 metres from the rear elevation of Block 1, which features habitable room windows and two balconies (one at 1<sup>st</sup> and 2<sup>nd</sup> floor levels).

This separation would exceed the SPG's requirement for minimum 10metre length gardens to enable sufficient privacy for adjoining gardens. Allied to the overlooking which these gardens are currently subject to, given the close-knit nature of the terraced accommodation, the potential impacts would not be considered to constitute a serious harmful impact upon privacy. As such, the proposal arrangements will not lead to unacceptable levels of overlooking which would be adequate to warrant refusal of the application.

No 80 Little London Road includes a blank side elevation, and so would not be affected by the proposed building in these regards.

#### Overshadowing and Overbearing

The proposed Block 2 is located to the east / south-east of the Arnside Terrace properties. 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, with this distance normally being greater with extra storeys.

The proposed buildings' three storeys would necessitate this distance being greater, and the 17.5 metre separation would be considered adequate to cater for the additional storey.

The South Yorkshire Residential Design Guidance requires buildings to not exceed a 25 degree line taken from the centre point of the lowest window at existing neighbouring properties. The proposed building would not exceed a 25 degree line taken from the windows at Arnside Terrace.

Further to this, the applicant has provided details of a sun path analysis. This shows that in June there would not be any overshadowing of neighbouring properties. In September, some a.m. shadowing of the front garden spaces at Arnside Terrace would arise. These details are considered to evidence that the proposal would not create excessive overshadowing which would undermine neighbours' living conditions to a sufficient degree which would be capable of supporting a refusal of the application.

#### Noise and Disturbance

The plot was historically used as a Boxing Gym, and its car park used for that purpose as well as providing car parking for the Stokes Paints unit on the opposite side of Little London Road. The vehicle movements associated to the proposed 11 bay car park would not be considered to exceed the previously generated noise levels to a significant level which would be capable of supporting a reason for refusal.

The outdoor spaces have been revised so to include only balconies. The scope for noise escape from these would not be significant.

#### (b) Amenity for Future Occupiers

The South Yorkshire Residential Design Guidance (SYRDG) suggests 46 and 62

sqm as minimum floor space/s for 1 and 2 bed units respectively. The National Space Standards recommends 37-50 and 61-70m<sup>2</sup> respectively. The proposed 1 bed flats would achieve a minimum 57m<sup>2</sup> and the 2 bed flats a minimum 72m<sup>2</sup>, thereby meeting the requirements of each of these documents.

External amenity space provision is in the form of external balcony spaces. The balconies would range from 2.9 to 6.1m<sup>2</sup>. SYRDG states that a minimum of 190m<sup>2</sup> of shared private space should be available for the scheme and adds that where shared private space cannot be provided balconies of a minimum 3m<sup>2</sup> should be provided. Each apartment has a balcony, and the smallest of these would be only very marginally beneath the 3m<sup>2</sup> threshold. This would be beneath the level of communal amenity space set out as a guideline requirement in the SYRDG, however, the riverside walk way will be available to residents of the development, and this will be a valuable amenity opportunity to occupiers of the development. Additionally, the linear nature of the site means that incorporating external amenity space into the layout is impractical.

A Noise Survey has been supplied with the application and based upon this document the Council's Environmental Protection Officer concludes that with appropriate sound insulation measures the apartments would achieve appropriate internal noise levels. Additionally, it is concluded that the proposed residential accommodation would not act to limit the commercial / industrial activities in the surrounding area.

#### Living Conditions Conclusion

It is inevitable that the proposal will lead to some change to the outlook from existing neighbouring properties towards/over this parcel of land. However, the proposal is considered to have acceptable impacts upon living conditions of surrounding occupiers, avoiding detrimental impacts from overlooking, overbearing and overshadowing impacts which would warrant a refusal of the application. Therefore, the application complies with the relevant aspects of UDP Policy IB9 and paragraph 130 of the NPPF.

#### Highways Impacts

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

UDP Policy IB9f) requires developments to be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

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 proposed layout drawing shows the site including a one-way entry/exit arrangement and 11 parking bays.

The Council's relevant parking guidelines set out maximum standards in accordance with Core Strategy Policy CS53; where a maximum of 1 bay is required for a 1 bedroom unit and 2 bays for a 2 bedroom unit along with 1 visitor bay per 4 units. For 14 units (12 x 2 bed and 2 x 1 bed) this would therefore mean a maximum provision of 30 spaces.

As such the proposed parking would fall beneath the maximum provision. However, this location is sustainable, being approximately 300 metres walk to the Local Shopping Centre at Abbeydale Road and its high frequency bus routes. The layout shows cycle parking/storage for 14 cycles. As such, it is considered that excessive on-street parking would not arise from the proposal, and as such it is considered appropriate to accept the proposed parking ratio.

The parking layout is capable of functioning as intended. As such, there would not be any concerns that parking would unintentionally occur on surrounding streets.

The proposal is therefore not considered to pose a severe impact on the surrounding highway network or highway safety complying with the relevant UDP, Core Strategy and NPPF policies as identified 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.

UDP Policy GE17d) encourages the creation of a continuous public footpath along one bank of major rivers and streams, except where this would conflict with important nature conservation interests or public safety.

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.

Numerous representations have been made in relation to the removal of trees from the riverbank portion of the site and the rear area of the existing plateau. which took place a short while after the application was submitted.

The removed trees have been assessed by the Council's Landscaping Officer. It is considered that whilst they offer some significant visual amenity, they are not considered to be strong enough specimens to warrant any formal protection via a Tree Preservation Order. Therefore, subject to the provision of suitable replacements to offset the losses, there is no objection to the removal of the trees.

#### Walkway

The amended drawings show a walkway along the site's rear boundary, adjacent to the river. This would measure a minimum of 1.8 metres in width. The riverside walkway would be connected to Little London Road at each end, and also give a potential connection to the existing pathway at the rear of the adjacent apartments and also the potential for a future connection to the site to the north. The proposed walkway width would be considered acceptable, and the two connecting lengths would ensure that it would be permeable and positively contribute to pedestrian/cyclists' movements, and potentially to further future additions to the route.

To ensure that the walkway was made available, and it was kept permanently open to public access, it is necessary it is secured by legal agreement.

#### Planting / Tree replacement

The Landscape Masterplan shows four replacement trees. These are considered by the Council's Landscaping Officer to be appropriately located and to make a positive contribution to the street scene, located in close proximity to the back edge of the footpath. These provisions are welcomed.

The Landscaping Officer suggests that the portions of planting at the two rear corners of the building would be difficult to maintain and likely to be stepped-on. As such, it is envisaged that as part of condition/s covering landscaping layouts these elements would be removed, and instead given to additional paved areas to give more passing space.

#### River Naturalisation

The landscaping plans show planting within the river, following suggestions raised by the Council's Landscaping Officer. These berms are welcomed, and an appropriate condition should be added to any consent to secure these features and appropriate detail, which will be subject to discussions with and input from the Wild Trout Trust who have particular expertise in this regard.

In summary, the proposed landscaping arrangements are considered to be acceptable, and as such the proposal complies with paragraph 130 of the NPPF and the relevant UDP policies.

## 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.

A Preliminary Ecology Assessment (PEA) was supplied with the application and then followed with a Protected Species Survey. In brief, the Protected Species Survey identifies that; no field signs were found of water voles or otters, the bankside habitats were found to be unsuitable for water vole, the surveyed area was not considered to include any suitable holts or hold-up areas for otters, the river was considered to provide optimal habitat for crayfish, however, American signal crayfish were observed meaning populations of the native crayfish are highly unlikely to persist. During surveys a nesting moorhen was noted on the riverbank directly opposite the site. No bats were found to be roosting within the building present in the site, and along the river there was found to be constant bat foraging.

The Council's Ecologist has viewed each of these submissions, and it is concluded that they have been carried out at optimal times of year, and sufficiently address the concerns that have been previously raised regarding the possible presence of protected species. As such, it is concluded that protected species are not a constraint to the site's development.

The surveys include some recommendation for biodiversity enhancements, and it is recommended that these should be conditioned. In addition, green roofs are proposed on both buildings.

Additionally, it is known that there are invasive species present (Japanese Knotweed and Himalayan Balsam), and it is necessary that a method statement setting out how these will be eradicated is required via condition on any approval.

Therefore, protected species do not represent a constraint to development of the site. It will be necessary to add conditions detailing enhancement measures and invasive species eradication. As such, the development would comply 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 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.

The proposal would satisfy the requirements of CS65 by a combination a 'fabric first' approach and a PV panel array. In principle, these methods are considered to be satisfactory and appropriate condition/s will be imposed to require these provisions.

## Flood Risk and 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, using 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 falls within Flood Zone 2 and 3a, which is medium to high risk of flooding.

The Flood Risk Assessment identifies that surface water disposal would be gravity fed to the River Sheaf. Given that infiltration is unlikely to be feasible, the discharge to the adjacent river is considered as acceptable in principle. This would, in principle, be acceptable, and the technical details would need the input of the Environment Agency through discharge of conditions. Alternatively, if it is able to be demonstrated that the site previously discharged to the public sewer, that option may be feasible as an alternative.

To mitigate for surface run-off, a condition on any approval can ensure that calculations are submitted demonstrating a 30% reduction in surface water run-off.

The proposed drainage measures would therefore comply with Core Strategy CS67 and paragraph 169 of the NPPF.

The submitted Flood Risk Assessment (FRA) and its amended versions have been considered and assessed by the Environment Agency (EA). The EA initially objected to the proposal, as it featured development classified as 'More Vulnerable', with the site lying within flood zone 3b - functional flood plain according to their records, which is classified as incompatible development that should not be permitted as per the Technical Guidance to the National Planning Policy Framework document.

Additionally, the EA objected because development would encroach on a watercourse and associated riparian zone which have significant ecological value. The riverbank's riparian habitat is set amongst stretches where the channel is walled, as per the opposite bank, making the remaining short and sporadic sections of semi-natural, vegetated, bankside habitat become increasingly important.

In response to the first of EA's objections, the Applicant prepared additional documentation. The amended FRA included the following mitigation measures:

- Commercial finished floor levels shall be set no lower than 78.11 metres above Ordnance Datum (mAOD)
- Flood flow routes must be maintained across the site
- All residential accommodation will be located on the first floor and above

The mitigation measures are considered by the EA to overcome the first of their originally raised concerns around flood risk. They therefore advise that any approval should include a condition requiring implementation of these mitigation measures.

In connection to the EA's second objection regarding the lost ecological value of the watercourse and riparian zone, a Biodiversity Net Gain Statement was prepared which outlines the biodiversity mitigation measures proposed as part of the scheme. The submitted documents show a Biodiversity Net Gain equal to 72%. This gain is achieved in a range of ways, such as the green roofs, mixed scrub, replacement trees provisions within the site. This would be considered to re-achieve (and enhance) the biodiversity provided at the existing riparian zone. As such, the EA withdrew their earlier objection in relation to this issue also.

The EA advise that whilst they have withdrawn their objection, the sequential/exception tests need to be applied by the Local Planning Authority.

The sequential test is intended to direct development to the lowest possible flood classification. As such, available sites capable of accommodating the development in question are required to be assessed. Additionally, the relevant NPPF Technical Guidance document identifies that the Exception Test is also required to be satisfied.

The Applicant has not undertaken a Sequential Test, as it was considered inevitable that it would identify multiple alternative sites capable of accommodating the proposed level of development. As such, it is acknowledged by the Applicant that the Sequential Test has not been passed.

Notwithstanding the failure of the Sequential Test, it is acknowledged that the development has the potential to regenerate a partly vacant brownfield site in a sustainable area. Additionally, the development has the potential to benefit the visual appearance of the site and the surrounding housing area. As such, there is scope that the scheme would achieve regeneration and sustainability benefits which would outweigh the failure of the sequential test.

In these circumstances the Exceptions Test also needs to be applied. Regarding the 1<sup>st</sup> part of the Exceptions Test, it is required that the development provides wider sustainability benefits to the community that outweigh flood risk. In this regard the Applicant states the scheme will lead to the following benefits:

- sustainable development by reusing a previously developed brownfield site in a sustainable location
- renewable energy measures (PV cells), green/brown roofs and SUDs,
- regeneration of a vacant eyesore site with a good quality design
- provision of 14 housing units which is of significant benefit to the City in light of the City's absence of a five-year housing supply,
- provision of business floorspace giving opportunity for small business
- creation of a new, publicly accessible river walkway/cycleway providing the opportunity to link to the Abbey Glen apartment building to the south and future development sites to the north,
- provision of surveillance and enhancement of the pedestrian experience along Little London Road,
- proposed drainage, including attenuation of surface water/storm water and restriction of discharge will be a significant improvement on the existing situation. Unblocking of existing drainage culvert to the north of the site which

will help with existing drainage flows, and net increase in the flood plain storage of 1.9m<sup>3</sup>.

- naturalisation of River Sheaf, enhancing habitat for wildlife and significantly enhancing appearance of the river
- Biodiversity Net Gain at the site of 72%, in addition to naturalisation of the river including new planters, two semi mature trees, green/brown roofs, bird and bat boxes.
- incorporation of public art

The benefits to the surrounding community achieved by these additional elements are considered to result in the 1<sup>st</sup> part of the Exceptions Test being met.

The 2<sup>nd</sup> part of the Exceptions Test requires evidence that the development will be safe for its lifetime. Amended Flood Risk Assessment documentation has been supplied, along with the Addendum FRA. The Environment Agency confirms their acceptance of the development, subject to appropriate conditions. As such, the proposal development is considered safe for its lifetime and to avoid detrimental flooding impacts off-site.

Overall, the Exceptions Test is satisfied.

The EA have provided additional comment regarding concerns raised about the implications of the development for the wall at the opposite bank. They conclude that there would not be any increase in pressure on the opposing river wall, because the drawings show that the wall is tied in at both ends and so there will be no effect on water flow, and the proposed wall is topped with a permeable fence/railing ensuring the free flow of flood water across the site. It is also commented that the ground level of the development site is lower than at the opposing bank, and so water would spill over its usual flow path over the development site before rising to a height that would put pressure on the opposing wall. They also add that a bespoke flood risk permit for this work will be required from the EA, which will cover issues around the river wall's construction.

In summary, the proposal is considered acceptable in relation to the relevant local plan policies and NPPF paragraphs connected to flood risk.

#### Archaeology Issues

UDP policy BE22 'Archaeological Sites and Monuments', states development will not normally be allowed which would damage or destroy significant archaeological sites and their settings.

Paragraph 203 of the NPPF requires the impacts on non-designated heritage assets to be considered in determining applications, with the scale of any harm to the asset being balanced against its significance.

BE22 aligns with the underlying principles of paragraph 203, so can be afforded moderate weight.

The Council's Archaeology Service advise that the site used to be crossed by a goit

which was supplying water to Little London Wheel (to the north) and probably also acting as a tail goit for Smithy Wood Wheel (to the south). It is not known when this was constructed or when the wheels served by it were constructed. As such, any information which could be gathered would therefore be valuable. As a result, it is considered appropriate that some archaeological investigation is required by condition, which could be combined with the further geotechnical investigation detailed below.

Therefore, the proposal is considered acceptable in regard to the relevant local plan policies and NPPF provisions.

### Contamination Issues

Given the previous industrial usage of the site, a Phase 1 Risk Assessment report has been submitted. The Council's Environmental Protection Officer has reviewed this document, and it is concluded that the report does not adequately identify all contaminative former uses within the vicinity of the site, which have the potential to impact upon human health and/or the environment. For instance, Council records indicate the presence of a historic landfill on the opposite side of Little London Road. On this basis, the Phase 1 document cannot be accepted.

Although not accepted, the current Phase 1 recommends both intrusive investigation and gas monitoring and suggests a minimum of 3 boreholes are investigated. However, the submitted Phase 2 assessment only details 2 boreholes, and an inadequate number of gas monitoring visits.

Consequently, both submitted reports are considered unacceptable, and as such it is recommended that the full set of land quality conditions are attached to any approval.

### 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 4. Within this zone there is a CIL charge of £50 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010'.

### RESPONSE TO REPRESENTATIONS

The majority of comments have been addressed in the above assessment section. A number of points did not receive a response, and the following feedback is provided:

- Submitted drawings are consistent.
- Fly-tipping has not been a determinative factor in the assessment.

- Noise disturbance during construction is, to a certain extent, an inevitable outcome of development. For a development of this magnitude limits would not typically be placed on working hours/practices, given that Environmental Protection powers exist to deal with any statutory nuisance. A Construction Ecological Management Plan can be conditioned.
- The absence of a lift in Block 2 would not form a material planning consideration, instead being covered under other legislation.
- The vehicle movements associated to the development would not generate any significant implications for air quality.
- The removed trees were taken out legitimately, with no planning powers to require their retention.
- The South Yorkshire Green Infrastructure Strategy has not been adopted as a document/best practice guide in Sheffield, and so has no weight in the City. However, the scheme has been assessed in terms of its implications upon landscaping and ecological issues.
- The Sheffield Waterways Strategy is not adopted as a material planning consideration.
- Neighbour notification was undertaken as per statutory requirements and the Council's Code of Practice on publicity for planning applications.
- The current scheme is required to be assessed on its merits, rather than those of alternative options.
- Construction implications are not material planning considerations.
- The impacts on property prices are not material planning considerations, however, some contributory factors are and these have been assessed.
- The actions of the developer at the adjacent site are not material to the current assessment.

## SUMMARY AND RECOMMENDATION

The application seeks planning permission for the erection of 14 apartments and Class E commercial units.

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 14 additional housing units will

make a small contribution to meeting the current housing shortfall. There would be economic benefits though expenditure in construction, in the supply chain, and in local spending from residents.

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 proposal is not considered to create any significant or severe highway safety issues. It would be acceptable in flood risk terms, being safe for its lifetime and avoiding generating flood risk elsewhere. Whilst the flood sequential test would not be satisfied, it is considered that there would be merits to the development such as the provision of a riverside walkway which would outweigh this failure of the Sequential Test. It would meet the requirements of the Exceptions Test. Overall, in regard to flood issues the proposal would be considered to be acceptable.

There are therefore 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 the listed conditions and to the completion of a legal agreement covering the provision and maintenance of a publicly accessible riverside walkway.

#### HEADS OF TERMS FOR LEGAL AGREEMENT

1. Provide a public access area adjacent to the River Sheaf as shown on the Proposed Site Layout Drawing Ref: LLR-HLM-01-ZZ-DR-A-00605 Revision PL3
2. To use the public access area as a public access area only
3. Ensure the public access area remains open to the public
4. Maintain the public access area (including any street furniture and lighting installed)
5. Prevent closure of the public access area other than for maintenance
6. Provide connections to similar public access area provisions, which either currently exist or which comes into existence at a later date without charge to any person in relation to such connection

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