
Appeal Decision

Site visit made on 21 May 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2020

Appeal Ref: APP/J4423/W/20/3246490

Cleared Site, Sheffield Road, Tinsley, Sheffield S9 1RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by CityFibre against the decision of Sheffield City Council.
 - The application Ref 19/03085/FUL, dated 19 August 2019, was refused by notice dated 16 December 2019.
 - The development proposed is the provision of a data centre comprising two cabins, air conditioning units, two generators and fence within an outdoor compound.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of a data centre comprising two cabins, air conditioning units, two generators and fence within an outdoor compound at Cleared Site, Sheffield Road, Tinsley, Sheffield S9 1RQ in accordance with the terms of the application, Ref 19/03085/FUL, dated 19 August 2019, subject to the conditions set out in Annex A.

Main Issue

2. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site forms part of a triangular plot of vacant land that is unkempt and subject to fly tipping. In front of the site, adjacent to Sheffield Road are 2 48-sheet advertising hoardings that have permission¹ to be replaced by similarly sized digital LED displays. The site is located close to a junction of the M1, and Sheffield Road is a main road between Rotherham and Sheffield. To the rear of the site is a private unmade road (Wharf Road) which is gated but provides pedestrian access to the adjacent canal which appeared to be a popular recreational route.
4. The proposal would comprise 2 single storey buildings with emergency generators and air conditioning units located between them. The site would be enclosed with wire mesh fencing and landscaping would be provided along Wharf Road and between the site and the advertising hoardings at the front.

¹ Application Reference 17/03466/HOARD

5. The surrounding area comprises predominantly commercial and industrial uses, although there is a residential area on the other side of the road. The character of the commercial and industrial area is mixed: there are a number of poor quality uses that have a run down appearance and further along the road there are some large heavy industrial uses that front the road; however, to the north-east of the site there are a number of more modern office and industrial units which have vegetation along the Sheffield Road frontage which creates a more attractive appearance.
6. The data centre would house servers that would support high speed fibre optic broadband provision in the surrounding area. Paragraph 112 of the *National Planning Policy Framework* highlights the importance of high quality and reliable communication infrastructure and provides support for the expansion of electronic communication networks, including full fibre broadband connections.
7. As a specialist warehousing use the proposal would not be out of character in this commercial and industrial area. The buildings would have a modern appearance, and although quite utilitarian and minimalistic, I do not agree with the Council that they would resemble portacabins. In comparison to the other modern commercial and industrial buildings nearby they would be small in scale, particularly in terms of their height, but the proposed materials would be similar to the metal clad industrial units.
8. Located behind landscaping and the advertising hoardings there would be little visibility of them from Sheffield Road other than in short range views from the east. As such, they would not be prominent features in the street scene. In views that would be possible, whilst the appearance would not be as attractive as the nearby office development, in the context of the large modern industrial sheds in the vicinity, these small-scale buildings would reflect and be in keeping with the character created by the more recent developments in the area. Moreover, given this I see no reason why they would discourage other modern, well designed developments on the other vacant land immediately adjacent to the site.
9. From Wharf Road, the derelict and unkempt appearance of the site is particularly apparent at present. The development would significantly improve the appearance of the site, having a positive visual impact on the area. From the rear, whilst the buildings will be visible, particularly until the landscaping matures, given the surrounding commercial context, they would not appear incongruous features.
10. I note the Council's comments about the retention of the advertising hoardings at the front of the site, the impact they have on the area, and the fact that they will to some extent hide the proposed landscaping to the front of the site. However, these are not located on the appeal site and do not form part of the appeal scheme.
11. All in all, I consider that the proposed development would not have an adverse impact on the character and appearance of the area. Accordingly, there would be no conflict with Policy CS74 of the *Sheffield Development Framework Core Strategy (adopted March 2009)* or Policy IB9 of the *Sheffield Unitary Development Plan (adopted March 1998)* which seek high quality developments of a scale and nature appropriate to the site and that help to transform the character of run-down areas.

Conclusion and Conditions

12. For the reasons set out above, I conclude the appeal should be allowed.
13. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans, as this provides certainty. In the interests of the character and appearance of the area conditions are required to control the external appearance and landscaping of the proposal. However, to provide clarity and precision I have altered the wording suggested by the Council for these conditions.
14. For reasons of highway safety, a condition is necessary to control the access and parking arrangements for construction vehicles. This needs to be a pre-commencement condition as it relates to actions during the construction phase. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the appellant has provided written agreement to this pre-commencement condition.

Alison Partington

INSPECTOR

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plans Drawing Number P1808_068-PL_001-C; Existing Site Plan Drawing Number P1808_068-PL_002-A; Existing Site Elevations Drawing Number P1808_068-PL_003-A; Proposed Site Plan Drawing Number P1808_068-PL_004-D; Proposed Site Elevations Drawing Number P1808_068-PL_005-D.
- 3) No development above ground level shall commence until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Before the development hereby permitted is brought into use details of both hard and soft landscape works shall be submitted to, and approved in writing by, the local planning authority. These details shall include:
 - i) boundary treatments;
 - ii) hard surfacing materials;
 - iii) planting plans;
 - iv) written specifications (including cultivation and other operations associated with plant and grass establishment);
 - v) schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate
 - vi) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details and the agreed implementation programme. The completed scheme shall be managed 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.

- 5) No development shall take place until details of the means of ingress and egress for vehicles engaged in the construction of the development and contractor parking have been submitted to, and approved in writing by, the local planning authority. Thereafter the construction ingress and egress for such vehicles shall be obtained only at the approved points and the contractor parking shall be provided and used throughout the construction period.