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# Appeal Decision

Site visit made on 4 September 2023

**by T Burnham BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 September 2023**

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**Appeal Ref: APP/J4423/W/23/3319894**  
**12-18 Haymarket, Sheffield S1 2AX**

- 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 Leaworks East Limited against the decision of Sheffield City Council.
  - The application Ref 22/03856/FUL (Formerly PP-11633736), dated 20 October 2022, was refused by notice dated 8 February 2023.
  - The development proposed is change of use into shared residential facilities with large shared areas including a gym.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The description of the proposal has changed significantly from the application form to the decision notice. Whilst I acknowledge the greater depth of the Council description and note the work involved in the scheme, the original description is sufficient, if succinct, at describing the proposal and I have considered it on that basis.

## Main Issues

3. The first main issue is the effect of the proposal on the living conditions of future occupiers including whether the proposal would contribute towards a vibrant, sustainable community within the City. The second is whether the proposal would provide suitable access, refuse and cycle storage.

## Reasons

4. The proposal relates to a large building within a central location within Sheffield City Centre formerly occupied by a department store. Whilst some sections of the building are in use for retail, associated storage and a snooker hall, the second and third floors are currently unused having apparently previously formed purpose as stock rooms.

### *Living conditions*

5. The well sized nature of the rooms and the inclusion of a good range of features within them means that in reality, residents would be likely to spend a significant amount of time within them, despite the availability of communal areas. It is likely that appropriate levels of fresh air could be provided through the methods proposed.

6. Having viewed the building internally and externally, rooms 20-23 and 54-57 would have acceptable outlook albeit they are close to the neighbouring building but that does not have excessive height. The close relationship would not bring about privacy concerns, given the heavily built up city centre environment and on the basis that the evidence does not indicate there is residential use at the neighbouring building.
7. However, the outlook from the windows of rooms 68 and 69 would be poor. This is because this area of the building is set down against the mass of higher parts of the host building which would result in outlook from these rooms being largely onto the elevations of the building at close quarters, particularly with regard to room 68.
8. Further, the arrangement of rooms with no external windows at second and third floor level would be problematic. Given the length of the rooms 12-16, 29-33, 46-50 and 63-67 it would appear possible to light well the ends of the bedroom closest to the communal amenity/study area through the provision of the central glazed roof. However, the opposite ends of the well sized rooms are likely to struggle for natural light.
9. The outlook of these rooms would also be compromised. Whilst floor to ceiling windows would be provided, the evidence indicates that the bottom portion of the windows serving these rooms would be obscure glazed.
10. It is also likely that any occupant of these rooms would be likely to draw a heavy blind or similar feature to shield themselves somewhat from the large communal amenity study area which would be directly adjacent. This then leads to further questions on the daylight that would be provided to these rooms in reality on the ground. These rooms would have a claustrophobic feel given the proposed set up at the site, which includes a lack of external facing window and proximity to the communal area.
11. The proposal would therefore have an unacceptable adverse impact on the living conditions of future occupiers at the site. The proposal would subsequently conflict with Policy CS74 of the Sheffield Core Strategy (SCS) (2009). Amongst other things this requires development that is of a high quality that contributes to a healthy, safe and sustainable environment. There would also be conflict with the Framework<sup>1</sup> at Paragraph 130 which amongst other things states that planning decisions should ensure that developments create places with a high standard of amenity for future users.
12. The proposal by reason of the significant adverse impacts outlined above would not contribute towards creating an attractive, sustainable and successful neighbourhood and would consequently further conflict with Policy CS74 in this respect.

#### *Access/refuse and cycle storage*

13. I accept that Dixon Lane suffers from a degree of poor environmental quality, particularly away from its intersection with the reasonably busy Haymarket at its western end and the Norfolk Arms/Ibis hotel located close to its eastern end.
14. However, it is possible that Dixon Lane suffers from a lack of use and it is entirely possible that introducing an access to the proposal here would see a greater degree of natural surveillance to the street than may currently be the case. The street is straight and short with clear visibility available into and out of it at the

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<sup>1</sup> National Planning Policy Framework 2023.

eastern and western end. I have no reason to consider that an access from this street would be inappropriate.

15. Although the raised walkway clearly does not serve Haymarket to the extent it once may have done, it does still currently provide access to the building across Haymarket from steps on its western side. It has open sides, good visibility and does not feel unsafe or unpleasant to use. Therefore, access taken from this walkway would not be unacceptable. There would therefore be no conflict with regard to Policy CS74 of the SCS nor the Framework with regard to this matter.
16. The evidence indicates that the refuse storage and cycle area would occupy the same space within the basement. Positively, the cycle storage would be located close to the entrance such that it would be easily accessible from Dixon Lane.
17. However, the space would be shared with the refuse storage area. The amount or type of refuse and recycling bins required to service the proposal is not clear, but the building and the level of accommodation would not be insubstantial and therefore it can reasonably be assumed that this requirement would be notable.
18. Firstly, having to store a bicycle along with refuse and recycling is unlikely to lead to a pleasant or safe environment or offer any encouragement or support to utilise this mode of travel. Further, I am in doubt that any significant level of cycle storage could be provided within the allocated area as well as the refuse and recycling bin provision.
19. The Sheffield City Council Guidelines<sup>2</sup> seeks to set out minimum cycle parking standards. The most comparable standard requirement for this development would appear to be that for Student/Nursing Housing. At 1 space per 2 residents this would indicate a cycle parking requirement in excess of 30 spaces.
20. It is unlikely that this level could be provided within the area shown on the plan alongside waste storage. There would therefore be conflict with the advice within the guidance. The Framework at paragraph 104 also advises amongst other things that transport issues should be considered from the earliest stages of development proposals so that opportunities to promote cycling are identified and pursued. Such provision is important to a proposal such as this which may be likely to attract younger and less wealthy residents, who are possibly more likely to utilise cycling as a method of travelling within the City. The appellants evidence also indicates that the local environment is generally conducive to encouraging cycle trips.

### **Other Matters**

21. I note the vision for the area identified within the evidence and I have outlined above how the living conditions identified above as a result of particular aspects of the proposal would be harmful to the desire for high quality development within the area.
22. However, there is nothing firm before me to suggest that a more comprehensive redevelopment of this site will occur within a short period of time. I am informed that the strategic vision masterplan should only be afforded some limited weight and although the evidence indicates the site appears to be proposed for redevelopment under the Castlegate Masterplan, that document appears to date from 2006 and also references upper floor residential uses.

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<sup>2</sup> Sheffield City Council – Highway Development and Adoptions Information Sheet 4 – Bicycle Parking Guidelines 2016.

23. There is insufficient evidence before me to conclude that the provision of this type of accommodation would cause an oversupply of such accommodation or imbalance within the area.
24. The appellant outlines their concerns over the Council's handling of the application, however that is a matter to be dealt with between those parties.

### **Other Considerations**

25. Set against the harm identified there would be social and economic benefits associated with the proposal. The proposal would contribute to the overall supply of housing and would provide some support to the local economy both during and after construction. An on site gym would provide health benefit to residents. I afford these matters moderate weight. The evidence on the need for student accommodation is mixed and inconclusive and I afford this matter limited weight.

### **Planning Balance**

26. The Framework places significant emphasis on achieving well designed places. At paragraph 130, amongst other things, it states that planning decisions should create places which promote health and well being with a high standard of amenity for future users. There is support for cycling at Paragraph 104. Therefore, the conflict between the proposal and Policy CS 74 of the SCS should be given significant weight in this appeal. The conflict with the guidelines relating to cycle parking should also be afforded significant weight. As the proposal would be contrary to this policy and guidance, there would be conflict with the development plan as a whole.
27. The evidence indicates that the local planning authority cannot demonstrate a five-year supply of deliverable housing sites with a 3.63 year supply figure advised. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
28. I accept that there would be economic and social benefits associated with the provision of the scheme and acknowledge the deficiency in supply of deliverable housing sites. However, whilst the contribution would be moderate with regard to the scheme, I have identified significant adverse impacts associated with the proposal regarding living conditions. I afford these adverse impacts significant weight. There also appear to be deficiencies with regard to the bin and cycle storage space which I have also afforded significant weight.
29. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

### **Conclusion**

30. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which indicate that a decision should be made otherwise than in accordance with it. The appeal should therefore be dismissed.

*T Burnham* INSPECTOR