



Appeal Decision

Site visit made on 26 September 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

Appeal Ref: APP/J4423/W/24/3345694

12-18 Haymarket, Sheffield S1 2AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr T Lee, Leaworks East Ltd against the decision of Sheffield City Council.
 - The application Ref is 23/03720/FUL.
 - The development is change of use into 60 shared residential facilities with large shared areas including a gym.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on
 - (i) the living conditions of future occupiers;
 - (ii) the balance of housing stock; and
 - (iii) waste, recyclable material and bicycle storage.

Reasons

Living Conditions

4. The appeal site relates to part of the former British Home Stores department store building on Haymarket in Sheffield City Centre. The building forms part of an urban block located adjacent Commercial Street, Haymarket, Shude Hill and Dixon Lane.

5. The ground floor of the appeal site is occupied by B&M Bargains, the 1st floor used as a snooker hall, the proposal is to convert the 2nd and 3rd floors, which are currently vacant, into 60 ensuite bedsits with separate communal kitchen diner and alterations to basement to form gym and includes shared amenity space. The bedsits would be reasonably self-contained in respect of cooking, toilet and shower facilities.
6. The proposal development includes the insertion of new windows within the external elevations. Also proposed is the formation of a central atrium by removing part of the existing building roof and the 2nd floor ceiling and constructing a glazed roof over the resultant void to create a 2 storey internal enclosed atrium.
7. The size of rooms are constrained however this is not unusual for student accommodation. Nevertheless, due to the in-room facilities occupants would likely to spend a significant amount of time within them, despite the availability of communal areas.
8. I understand that the scheme has been revised in an attempt to overcome the previous dismissed appeal¹. Notwithstanding this, I agree with the findings of the previous Inspector that occupiers of the rooms which would rely on internally facing windows would likely utilise window coverings to block some of the view and noise from the large communal area directly next to them. This raises additional concerns about the actual daylight these rooms would receive in practice.
9. The rooms are likely to feel claustrophobic due to the proposed layout, which includes no external-facing windows and their close proximity to the communal space.
10. The inclusion of 'private space' which appears to be a segregated area in front of some of these internal windows on the second floor, would not mitigate the lack of light privacy or the noise and disturbance occupiers of these units would face.
11. I find that the layout does not provide adequate accommodation which would harm the living conditions of future occupiers.
12. There is conflict with Policy CS74 of the Sheffield Development Framework, Core Strategy (2009) (the Core Strategy), which seeks amongst other things for developments to be of a high quality, that contributes to a healthy, safe and sustainable environment.
13. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Balance of Housing

14. The Council confirm that the area lies within an area known as Castlegate, Core Strategy Policy CS17 confirms this as: 'an area for a mix of uses including offices, housing, hotels and leisure, linking the Heart of the City with Victoria Quays, as a focus for mixed waterside uses'. Core Strategy Policy CS74(f) seeks to ensure developments help to transform the character of physical environments that have become run down and are lacking in distinctiveness.

¹ APP/J4423/W/23/3319894

15. The Sheffield City Centre Strategic Vision (2022) seeks to create an inclusive neighbourhood in Castlegate, providing homes that cater for a wide variety of demographics to create a more balanced community in the City Centre.
16. Policy CS41 of the Core Strategy seeks to limit new or conversions to purpose-built student accommodation and Houses in Multiple Occupation (HMO) where the community is already imbalanced by a concentration of such uses or where the development would create imbalance.
17. The Council have highlighted that more than 20% of residences within 200 metres of the application site are shared housing. Whilst it appears that a previous approval for the appeal site is included in the figures provided by the Council, nonetheless the amount of shared housing exceeds 20%. I have not been provided with substantive evidence from the appellant to persuade me that these figures are inaccurate.
18. I find that the appellant has failed to demonstrate that the proposed development would not imbalance the housing stock in this area. There is conflict with Core Strategy Policies CS41 and CS74 which seek amongst other things to ensure high quality homes create a balanced community and achieve a vibrant, sustainable community in the City Centre.

Waste, recyclable material and bicycle storage

19. The Sheffield City Council's - Highway Development and Adoptions Information Sheet 4 - 1 - August 2016 (Bicycle Parking Guidelines) 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. The plans confirm three areas in which 10 bikes on racking would be provided. The appellant has drawn my attention to a bike storage double stacking solution. A condition could be imposed to ensure this was delivered, retained and made secure.
21. Three 1100 litre refuse bins are denoted on the plans to cater for the 60 residential units and also the proposed basement gym.
22. It is proposed to utilise a service lift from the basement to ground floor for the transfer of refuse and bikes. The appellant confirms that this would allow refuse collection from the same point as existing refuse collection for the snooker hall and retail unit.
23. Notwithstanding this I have not been provided with substantive evidence to demonstrate that the proposed waste and recyclable material storage would be adequate for the number of occupants and gym users.
24. The proposal is contrary to Core Strategy Policy CS64 which seeks to ensure developments minimise waste and promote recycling.

Planning Balance

25. The Council confirm that they cannot currently demonstrate the requisite supply of deliverable housing sites. In accordance with the Framework there is therefore a presumption in favour of allowing new residential development, paragraph 11 (d)(ii) of the Framework.

26. For decision makers this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
27. The Framework seeks amongst other things to ensure developments are of good design, sympathetic to their surroundings and maintains the supply of housing to meet the needs of the area ensuring there is an appropriate mix of housing types for the local community.
28. The proposal would result in benefits in terms of providing new homes, which could be delivered quickly, in a sustainable location. The proposal would also have economic benefits through the creation of employment opportunities during the construction phase of the development and spending in the local area by future occupiers. The proposed development would positively contribute towards the housing supply and bring back into active use vacant floors within a large centrally located building.
29. Collectively the benefits outlined above attract significant weight in favour of the proposal, given the shortfall in housing delivery.
30. Notwithstanding this I find that the adverse impacts would not significantly and demonstrably outweigh the benefits set out above.

Conclusion

31. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR