

# Planning and Highways Committee

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**Tuesday 25 June 2019 at 2.00 pm**

**To be held at the Town Hall, Pinstone  
Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

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Councillors Jayne Dunn (Chair), Peter Rippon, Dianne Hurst, Jack Clarkson, Tony Damms, Roger Davison, Alan Law, Zahira Naz, Peter Price, Chris Rosling-Josephs, Andrew Sangar, Bob McCann and Peter Garbutt

## **Substitute Members**

In accordance with the Constitution, Substitute Members may be provided for the above Committee Members as and when required.

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## **PUBLIC ACCESS TO THE MEETING**

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The Planning and Highways Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues.

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday. You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

Recording is allowed at Planning and Highways Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings.

Planning and Highways Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

Further information on this or any of the agenda items can be obtained by speaking to Simon Hughes on 0114 273 4014 or email [simon.hughes@sheffield.gov.uk](mailto:simon.hughes@sheffield.gov.uk).

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## **FACILITIES**

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
25 JUNE 2019**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 10)  
Minutes of meetings of the Committee held on 15<sup>th</sup> May 2019 and 4<sup>th</sup> June 2019.
- 6. Site Visit**  
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee.
- 7. Proposed Closure of Public Footpath SHE/346 AT Wadsley Bridge, Sheffield, S6.** (Pages 11 - 22)  
Report of the Director of Culture and Environment.
- 8. Highways Act 1980 Section 119 Proposed Diversion of Part of Public Footpath BRA/84 at Swinglee Farm, Rivelin, Sheffield S6** (Pages 23 - 30)  
Report of the Director of Culture and Environment.
- 9. Tree Preservation Order No. 430 - Trees in Front Garden at 10 Stumperlowe Hall Road, S10 3QR** (Pages 31 - 56)  
Report of the Director of City Growth.
- 10. Applications Under Various Acts/Regulations** (Pages 57 - 58)  
Report of the Director of City Growth
- 10a. Land Adjacent 1 Sandygate Grange Drive, Sandygate Road, Sheffield, S10 5NH (Case No. 19/00405/TEL)** (Pages 59 - 70)
- 10b. Land To The Rear Of 12 Worrall Drive, Sheffield, S35 0AT (Case No. 19/00167/FUL)** (Pages 71 - 84)
- 11. Record of Planning Appeal Submissions and Decisions** (Pages 85 - 90)  
Report of the Director of City Growth

**12. Date of Next Meeting**

The next meeting of the Committee will be held on 16<sup>th</sup> July 2019.

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its executive or any committee of the executive, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest (DPI)** relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Audit and Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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## SHEFFIELD CITY COUNCIL

### Planning and Highways Committee

#### Meeting held 15 May 2019

**PRESENT:** Councillors Jayne Dunn (Chair), Peter Rippon (Chair), Dianne Hurst, Jack Clarkson, Tony Damms, Roger Davison, Alan Law, Zahira Naz, Peter Price, Chris Rosling-Josephs, Andrew Sangar, Bob McCann and Peter Garbutt

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#### **1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

#### **2. APPOINTMENT OF CHAIR AND DEPUTY CHAIR**

2.1 **RESOLVED:** That Councillors Jayne Dunn and Peter Rippon be appointed Co-Chairs for the 2019/20 municipal year.

#### **3. DATES AND TIMES OF MEETINGS**

3.1 **RESOLVED:** That a meeting of the Committee be held on Tuesday 4<sup>th</sup> June 2019 and every three weeks thereafter at 2.00pm, as follows:-

25<sup>th</sup> June 2019  
16<sup>th</sup> July 2019  
6<sup>th</sup> August 2019  
27<sup>th</sup> August 2019  
17<sup>th</sup> September 2019  
8<sup>th</sup> October 2019  
29<sup>th</sup> October 2019  
19<sup>th</sup> November 2019  
10<sup>th</sup> December 2019  
7<sup>th</sup> January 2020  
28<sup>th</sup> January 2020  
18<sup>th</sup> February 2020  
10<sup>th</sup> March 2020  
31<sup>st</sup> March 2020  
21<sup>st</sup> April 2020  
12<sup>th</sup> May 2020  
2<sup>nd</sup> June 2020

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**SHEFFIELD CITY COUNCIL**

**Planning and Highways Committee**

**Meeting held 4 June 2019**

**PRESENT:** Councillors Peter Rippon (Chair), Jayne Dunn, Dianne Hurst, Jack Clarkson, Tony Damms, Roger Davison, Alan Law, Zahira Naz, Peter Price, Chris Rosling-Josephs, Bob McCann, Peter Garbutt and Vickie Priestley (Substitute Member)

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Andrew Sangar. Councillor Vickie Priestley acted as substitute.

**2. EXCLUSION OF PUBLIC AND PRESS**

2.1 No items were identified where resolutions may be moved to exclude the press and public.

**3. DECLARATIONS OF INTEREST**

3.1 Councillors Chris Rosling-Josephs and Bob McCann declared personal interests as local ward Members in an application for planning permission at Damons Restaurant, 2 Sevenairs Road, Sheffield, S20 1NZ (Case No. 19/00638/FUL). Councillors Rosling-Josephs and McCann declared that they had not given an opinion or declared their positions on the application prior to the meeting and would therefore take part in the discussion and vote thereon.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee held on 23<sup>rd</sup> April 2019 were approved as a correct record.

**5. TREE PRESERVATION ORDER NO. 421: SITE OF NHS HEALTH AND SOCIAL CARE, FULWOOD HOUSE, WOOFINDIN ROAD, SHEFFIELD**

5.1 The Director of City Growth submitted a report seeking to confirm Tree Preservation Order No. 421 made on 21<sup>st</sup> February 2019, in respect of trees at the Site of NHS Health and Social Care, Fulwood House, Woofindin Road, Sheffield. The report stated that the trees were considered to be under possible threat because of future development works. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out prior to making the Order, which found the trees suitable for protection. In view of the assessment, it was considered expedient to make an Order to protect the trees

5.2 The Tree Preservation Order, Tree Schedule, site plan and TEMPO's were attached to the report now submitted.

5.3 **RESOLVED:** That no objections having been received, Tree Preservation Order No. 421 made on 21<sup>st</sup> February 2019, in respect of trees at the Site of NHS Health and Social Care, Fulwood House, Woofindin Road, Sheffield, be confirmed unmodified.

**6. TREE PRESERVATION ORDER NO. 428: 12 WOODVALE ROAD, SHEFFIELD**

6.1 The Director of City Growth submitted a report seeking to confirm Tree Preservation Order No. 428 made on 10<sup>th</sup> January 2019, in respect of a tree on land at 12 Woodvale Road, Sheffield, S10 3EX. The report stated that the tree was under threat because of a Section 211 Notice received from the householder. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out prior to making the Order, which found the tree suitable for protection. In view of the assessment, it was considered expedient to make an Order to protect the tree.

6.2 An objection to the Tree Preservation Order from the householder was detailed and the officer's response to the objections was provided. The Tree Preservation Order, Tree Schedule, site plan and TEMPO, along with correspondence that had been received from the householder, were attached to the report now submitted. A supplementary report circulated at the meeting noted that the response to the objection had been sent on 18<sup>th</sup> February 2019.

6.3 **RESOLVED:** That, following consideration of the objection now reported, Tree Preservation Order No. 428, made on 10<sup>th</sup> January 2019, in respect of a tree on land at 12 Woodvale Road, Sheffield, S10 3EX, be confirmed unmodified.

**7. TREE PRESERVATION ORDER NO. 429: 1 SALE HILL, SHEFFIELD, S10 5BX**

7.1 The Director of City Growth submitted a report seeking to confirm Tree Preservation Order No. 429 made on 19<sup>th</sup> December 2018, as corrected in a supplementary report circulated at the meeting, in respect of a tree on land at 1 Sale Hill, Sheffield, S10 5BX. The report stated that the tree was under threat because a Section 211 Notice had been received. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out prior to making the Order, which found the tree suitable for protection. In view of the assessment, it was considered expedient to make an Order to protect the tree.

7.2 The site plan was attached to the report now submitted.

7.3 **RESOLVED:** That no objections having been received, Tree Preservation Order No. 429 made on 19<sup>th</sup> December 2018, in respect of a tree on land at 1 Sale Hill, Sheffield, S10 5BX, be confirmed unmodified.

**8. TREE PRESERVATION ORDER NO. 431: 47 COLLEGIATE CRESCENT, SHEFFIELD, S10 2BR**

8.1 The Director of City Growth submitted a report seeking to confirm Tree

Preservation Order No. 431 made on 17<sup>th</sup> January 2019, as corrected in a supplementary report circulated at the meeting, in respect of a tree at 47 Collegiate Crescent, Sheffield, S10 2BR. The report stated that the tree was under threat because a Section 211 Notice had been received. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out prior to making the Order, which found the tree suitable for protection. In view of the assessment, it was considered expedient to make an Order to protect the tree.

8.2 Two objections to the Tree Preservation Order were detailed and the officer's response to the objections was provided. The TEMPO, along with correspondence that had been received from the householder, was attached to the report now submitted.

8.3 **RESOLVED:** That, following consideration of the objection now reported, Tree Preservation Order No. 431, made on 17<sup>th</sup> January 2019, in respect of a tree at 47 Collegiate Crescent, Sheffield, S10 2BR, be confirmed unmodified.

## **9. SITE VISIT**

9.1 **RESOLVED:** That the Chief Planning Officer, in liaison with a Co-Chair, be authorised to make arrangements for a site visit, in connection with any planning applications requiring a visit by Members, prior to the next meeting of the Committee.

## **10. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

10.1 **RESOLVED:** That the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date and as amended in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose.

### **10a. LAND AT JUNCTION WITH CARR ROAD HOLLIN BUSK LANE, SHEFFIELD, S36 1GH (CASE NO: 17/04673/OUT) - DEFERRED**

10a.1 This application was deferred.

### **10b. 20 CRESWICK LANE, SHEFFIELD, S35 8NL (CASE NO: 18/04123/FUL)**

10b.1 Following consideration of a further objection received, as outlined in a supplementary report circulated at the meeting and having heard representations at the meeting from Councillor Adam Hurst, local ward Member and a member of the public speaking against the application and the Planning Agent and the

applicant speaking in support of the application, an application for planning permission for the demolition of rear conservatory and erection of a single-storey rear extension, also alterations/extension to roof including removal of chimneys, raising of roof height, new windows/rear dormer and alterations to fenestration at 20 Creswick Lane, Sheffield, S35 8NL (Case No. 18/04123/FUL), be granted, conditionally, for the reasons detailed in the report, now submitted.

**10c. LAND ADJACENT 1 SANDYGATE GRANGE DRIVE, SANDYGATE ROAD, SHEFFIELD, S10 5NH (CASE NO: 19/00405/TEL) - DEFERRED**

10c.1 This application was deferred.

**10d. DAMONS RESTAURANT, 2 SEVENAIRS ROAD, SHEFFIELD, S20 1NZ (CASE NO: 19/00638/FUL)**

10d.1 Subject to the inclusion of an additional condition, as outlined in a supplementary report circulated at the meeting and having heard representations at the meeting from the Applicant speaking in support of the application, an application for planning permission for the use of restaurant (use Class A3) as a drinking establishment (use Class A4) including relocation of entrance canopy, replacement doors and windows, provision of external seating areas and alterations to parking arrangements at Damons Restaurant, 2 Sevenairs road, Sheffield, S20 1NZ (Case No. 19/00638/FUL) be granted, conditionally, for the reasons detailed in the report, now submitted.

**11. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

11.1 The Committee received and noted a report of the Chief Planning Officer (a) the planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals, along with a summary of the reasons given by the Secretary of State in his decisions.

**12. DATE OF NEXT MEETING**

12.1 It was noted that the next meeting of the Committee would be held on Tuesday 25th June 2019 at 2.00pm, in the Town Hall.



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Culture and Environment

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**Date:** 25<sup>th</sup> June 2019

**Subject:**

PROPOSED CLOSURE OF PUBLIC FOOTPATH SHE/346 AT WADSLEY BRIDGE, SHEFFIELD S6.

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**Author of Report:** Mark Reeder 0114 2736125

**Summary:**

To seek authority to refer the City of Sheffield (footpath SHE/346) Public Path Closure Order 2018 to the Secretary of State for Environment, Food and Rural Affairs for confirmation in the light of an objection received.

**Recommendations:**

Instruct the Director of Legal Services to refer the City of Sheffield (Footpath SHE\346 at Wadsley Bridge, Sheffield) Footpath Closure Order 2018 to the Secretary of State for confirmation.

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**Background Papers:**

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**Category of Report:** OPEN

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PROPOSED CLOSURE OF PUBLIC FOOTPATH SHE/346 AT WADSLEY BRIDGE,  
SHEFFIELD 6.

1. PURPOSE

- 1.1 To seek authority to refer the City of Sheffield (footpath SHE/346) Public Path Closure Order 2018 to the Secretary of State for Environment, Food and Rural Affairs for confirmation in the light of an objection received.

2. BACKGROUND

- 2.1 Following authority obtained at this Committee on 24<sup>th</sup> October 2017, the City Council made an Order on 7<sup>th</sup> June 2018, under Section 118 of the Highways Act 1980, for the closure of footpath SHE/346 at Wadsley Bridge, Sheffield 6. A copy of the Order and plan are attached as Appendix A.
- 2.2 Following publication of the Order, including the posting of relevant Notices and Plans at the Claywheels Lane entrance to the footpath, the Director of Legal Services received one objection. The objector has stated that the closure of this cul-de-sac footpath will prevent him carrying out regular inspections of his adjacent property which is being maintained by the tenant.
- 2.3 The content of this objection is summarised in Appendix B to this Report, along with the Officer responses. Officers believe that, despite the objection, the Council will still be able to achieve the closure of the path on the basis that it is not necessary for public use.

3. LEGAL IMPLICATIONS

- 3.1 If objections are made to a public path extinguishment order made under section 118 of the Highways Act 1980, and those objections cannot be resolved by discussion or negotiation with the objectors, the order then needs to be referred to the relevant Secretary of State for confirmation such that it can take effect.

- 3.2 The Secretary of State will decide whether to confirm an order after consideration of the objections and representations. The Council is entitled to decide in light of opposition to an order (as in the present case) not to refer it to the Secretary of State but rather withdraw it instead.
- 3.3 If an authority feels it can no longer support the proposal then a formal resolution by that authority not to proceed is required to bring about the withdrawal of the order. The City Council has resolved to take similar action to this in the past, and this order will be withdrawn if Committee chooses not to approve the recommendation contained in this Report.

#### 4 HIGHWAY IMPLICATIONS

- 4.1 The highway implications of the proposed Footpath Closure Order were described in the Report approved by this Committee on the 24<sup>th</sup> October 2017. The proposal has not altered since that date; hence it is still recommended that the footpath should be closed.

#### 5 CONSULTATIONS

- 5.1 Officers have written to the objector, to try to ensure that they had a full understanding of the proposal and to see if a negotiated solution could be reached in order to resolve the objection. Unfortunately no response was received.

#### 6 MATTERS ARISING AT THE MEETING OF THE PLANNING AND HIGHWAYS COMMITTEE 27TH NOVEMBER 2018

- 6.1 At the meeting of the Planning and Highways Committee on 27th November 2018 a member of the public raised concerns that the possible reopening of the Don Valley Railway might require the former station at Wadsley Bridge to be reopened and that removing the path might sever a public route to the station.
- 6.2 In light of this comment the Committee deferred their decision, pending further information, to a later time. Since that meeting discussions with Transport Planning Colleagues have confirmed that; though there is a desire (by a private group) to reopen the line, there are no firm proposals (approved or otherwise) that have been submitted to the Council. Additionally no concerns or objections were made during the draft Order period between the 7<sup>th</sup> June and 19<sup>th</sup> July 2018, other than those from the aforementioned landowner.

6.3 Colleagues in Legal were consulted regarding this matter and have advised that:

*The Council should take into account the situation as it exists 'on the ground' at the time when determining whether to make or confirm an order on the basis that a path is "not needed". If the path is in use at that moment, and will remain in use unless and until replaced by an alternative path at some indeterminate time in the future, it follows that the path is needed for public use. Path SHE/346 is not currently in use nor is it intended to be replaced by an alternative path. It is currently obstructed and incapable of being used. If there is evidence of need or use having been curtailed by the obstruction, then the order should not be made or confirmed unless (as is the case here) the obstruction has existed for so long that there can be no real suggestion of continuing need or use.*

## 7 EQUAL OPPORTUNITY IMPLICATIONS

7.1 No particular equal opportunity implications arise from the proposals in this report.

## 8 ENVIRONMENTAL IMPLICATIONS

8.1 No particular environmental implications arise from the proposals in this report.

## 9 FINANCIAL IMPLICATIONS

9.1 All the costs of the Closure Order process and any other associated costs will be met from the Public Rights of Way maintenance budget, as described in the report of 24<sup>th</sup> October 2017.

## 10 CONCLUSION

10.1 Officers' view is that the closure of the footpath has no bearing whatsoever on the objector's ability to inspect property within his ownership and, amongst other things, verify that the property is being maintained. If the property has been let out then it would be a standard term in any tenancy/ lease under which the owner is entitled to have access to the property to check that a tenant's obligations as to maintenance (etc.) are being fulfilled. Finally the purpose of a public footpath is not to provide a land owner with the means of inspecting private land. It is considered that the objection is not reasonable and, therefore that Confirmation of the Order by the Secretary of State should be sought.

10.2 In considering whether to proceed further with the proposed Footpath Closure, it is necessary to balance the objection received against the justifications for supporting the proposal in the first place. Therefore, as this Board has previously approved the closure, and the situation on the ground has not materially altered from when the Order was made, it is proposed that the Order be submitted to the Secretary of State for confirmation.

## 11 RECOMMENDATION

11.1 Instruct the Director of Legal Services to refer the City of Sheffield (Footpath SHE\346 at Wadsley Bridge, Sheffield) Footpath Closure Order 2018 to the Secretary of State for confirmation.

Philip Beecroft  
Head of Highway Maintenance

25<sup>th</sup> June 2019

# **APPENDIX A. ORDER**

## **PUBLIC PATHS EXTINGUISHMENT ORDER** **HIGHWAYS ACT 1980**

### **SHEFFIELD CITY COUNCIL** **CITY OF SHEFFIELD** **(FOOTPATH SHE\346)** **PUBLIC PATH EXTINGUISHMENT ORDER 2018**

This Order is made by the Sheffield City Council ('the Authority) under Section 118 of the Highways Act 1980 ('the 1980 Act) because it appears to the Authority that the footpaths described in paragraph 1 below are not needed for public use.

#### **BY THIS ORDER:**

1. The public rights of way over the land situate in the Wadsley Bridge area of Sheffield shown by a continuous bold line on the Map attached to this Order and described in the Schedule to this Order shall be extinguished within 365 days from the date of confirmation of this Order.

2. Notwithstanding anything contained in this Order the statutory undertakers shall continue to enjoy all such rights in respect of any apparatus belonging to them on, under, adjacent or over the land referred to in paragraph 1 hereof as they may have hitherto enjoyed.

#### **SCHEDULE**

Footpath SHE\346 commencing at a point marked A on the order map (grid reference 432710:391716), point A being located on the northern boundary of Clay Wheels Lane and 19.5 metres east of the junction with Limestone Cottage Lane, then continuing in a north easterly direction for a distance of 86.5m to a point marked B on the order map (grid ref: 432741:391805), then continuing in a generally south westerly direction for a distance of 604m to a point marked C on the order map (grid ref: 433282:391529), that point being located where the path meets the access road which branches north off Halifax Road.

DATED this 7<sup>th</sup> day of June, 2018

THE COMMON SEAL of )  
The Sheffield City Council )  
was hereunto affixed )  
in the presence of:- )

  
  
Duly Authorised Signatory







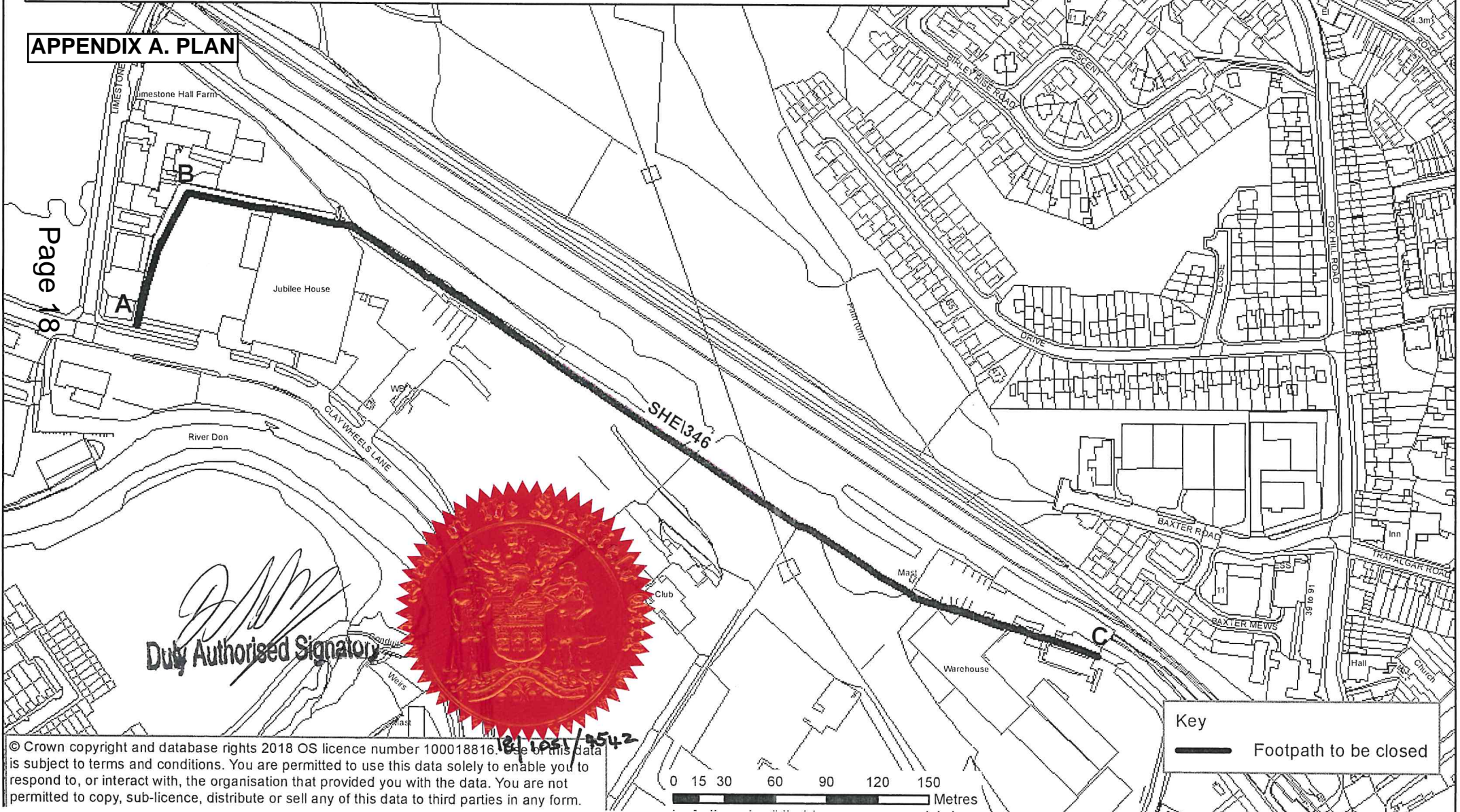
Highways Act 1980 Section 118  
Proposed Closure of Footpath SHE\346,  
Wadsley Bridge, Sheffield

Scale: 1:3,000



APPENDIX A. PLAN

Page 18

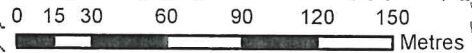


*[Signature]*  
Duty Authorized Signatory



Key

— Footpath to be closed



## APPENDIX B

### PROPOSED CLOSURE OF PUBLIC FOOTPATH SHE/346 AT WADSLEY BRIDGE, SHEFFIELD 6.

OBJECTOR	VIEWS EXPRESSED IN OBJECTION	OFFICER OPINION
<p data-bbox="33 264 478 407">Owner of industrial land and buildings at Clay Wheels Lane, Sheffield, which backs onto the subject footpath.</p> <p data-bbox="96 743 138 906" style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 19</p>	<p data-bbox="583 264 1276 516">Accessing the footpath enables the proprietor and others to ensure that the property that is owned by the family pension scheme is being maintained by the tenant of the property and to inspect the same at regular intervals. Closing the footpath would deprive the proprietor of this opportunity in the future.</p>	<p data-bbox="1350 264 2043 443">Due to its nature as a cul-de-sac footpath this narrow route has seen extremely minimal use for many years and has become impassable due to overgrown vegetation, such as that shown in the photographs attached as Appendix C.</p> <p data-bbox="1350 483 2043 735">Due to the overgrown nature of the footpath, it is thought unlikely that inspections of the rear of the property would have been possible via the footpath for at least the last 8 years. Therefore, Officers believe that legal closure of the path will make no practical change to the situation which has persisted for a considerable time anyway.</p> <p data-bbox="1350 776 2043 1206">The ownership of the relevant part of the subsoil of the subject path is unregistered with the Land Registry, and thus unknown. Therefore, under the 'Ad Medium Filum presumption', Officers believe that, upon legal closure of the path, ownership and control of enough of the path land would revert to the objector so as to facilitate his continued desired inspection access to his premises anyway. On that basis, Officers believe that, despite the objection, the Council will still be able to demonstrate to a Planning Inspector that the path is not necessary for public use.</p>

## OBJECTOR

## VIEWS EXPRESSED IN OBJECTION

## OFFICER OPINION

The statements below, from the report presented to this committee on 27<sup>th</sup> October 2017, explain how the cul-de-sac footpath was created.

- 2.1 *Footpath SHE/346 has a recorded length of 720 yards and commences at Clay Wheels Lane at a point just east of the junction with Limestone Cottage Lane. From this point it heads north for 85 metres before heading east until it terminates on the eastern side of the former Wadsley Bridge Railway Station. Beyond this point there is no further public access.*
- 2.2 *During the time that the railway station was operating, and latterly before the sale of the land by the British Railways Board, the public were able to continue their journey from or towards Halifax Road without obstruction.*
- 2.3 *Under section 57 of the British Transport Commission Act 1949 (amended by the Railways Act 1993) a public right of way cannot be established over any road, footpath, thoroughfare or place whilst it is the property of the railway. Consequently, when the redundant railway property and land was sold (in 1995) to a private individual, a public right of way – between the easternmost point of footpath SHE\346 and Halifax Road - could not be claimed.*

Consequently the path ceased to be used by the public and over a period of time has become overgrown.



# APPENDIX C



Entrance at Claywheels Lane



Entrance at Station Approach

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Culture and Environment

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**Date:** 25<sup>th</sup> June 2019

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**Subject:**

HIGHWAYS ACT 1980 SECTION 119 PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH BRA/84 AT SWINGLEE FARM, RIVELIN, SHEFFIELD S6

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**Author of Report:** Mark Reeder 0114 2736125

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**Summary:**

To seek authority to process the Public Path Diversion Order required to alter the course of definitive public footpath BRA/84, at Swinglee Farm, Rivelin, Sheffield.

**Recommendations:**

Raise no objections to the proposed diversion of definitive public footpath BRA/84, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

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**Background Papers:**

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**Category of Report:** OPEN

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## DIRECTOR OF CULTURE AND ENVIRONMENT

REPORT TO PLANNING  
AND HIGHWAYS COMMITTEE  
25<sup>th</sup> June 2019

### HIGHWAYS ACT 1980 SECTION 119 PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH BRA/84 AT SWINGLEE FARM, RIVELIN, SHEFFIELD S6

#### 1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Diversion Order required to alter the course of definitive public footpath BRA/84, at Swinglee Farm, Rivelin, Sheffield.

#### 2.0 BACKGROUND

- 2.1 The City Council's Public Rights of Way (PROW) office is making an application requesting the diversion of part of definitive public footpath BRA/84, at Swinglee Farm, Rivelin, Sheffield, as shown on the plan included as Appendix A (hereby referred to as 'the plan').
- 2.2 Footpath BRA/84 runs for 1038m, north from Manchester Road to Rod Side via land at Swinglee Farm and Swinglee Grange.
- 2.3 The proposal is to divert a 70 metre section that runs on the south side of a dry stone wall between points shown as a solid black-line on the plan, a section that regularly suffers from the effects of waterlogging. The alternative route will run north of the wall between and is shown as a broken black-line on the plan. The surface of the alternative route will be surfaced with crushed stone, providing a more suitable path.
- 2.4 The current route passes through land registered to the owner of Swinglee Grange, who supports the proposal.
- 2.5 The proposed new route will only pass through land registered to the owner of Swinglee Farm, who is supporting the proposal.

#### 3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies.
- 3.2 The Peak and Northern Footpath Society are in agreement with the proposal, but have asked that consideration is given to the provision of appropriate gates and that the new path suitably be waymarked. The PROW office has

confirmed that work will be carried out to either repair the current gates or replace if necessary.

- 3.3 Not all the consultees had responded at the time of writing this report. But of those that have responded no objections have been received.
- 3.4 If any negative comments relating to the application are received before the Planning and Highways Committee meeting, they will be reported verbally.

#### 4.0 LEGAL IMPLICATIONS

- 4.1 The Director of Legal & Governance has been consulted and has advised that if the Council was minded to agree to this application it would be appropriate to process the diversion using the powers contained within Section 119 of the Highways Act 1980. These powers provide for a public footpath to be diverted if it is expedient in the interests of the landowner, and if the Council believes that the proposed alternative will be substantially as convenient to the public as the existing path.

#### 5.0 HIGHWAY IMPLICATIONS

- 5.1 The subject path BRA/84 is part of the definitive public footpath network in the Rivelin/Stannington area.
- 5.2 The proposed alternative will run parallel with the current route, over an improved surface, and will make negligible difference to the total length of the route.
- 5.3 The proposed diversion should therefore not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.

#### 6.0 EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposal in this report.

#### 7.0 ENVIRONMENTAL IMPLICATIONS

- 7.1 No particular environmental implications arise from the proposal in this report.

## 8.0 FINANCIAL IMPLICATIONS

- 8.1 All the costs of the Diversion Order process and the provision and future maintenance of the new path will be met from the Public Rights of Way maintenance budget.
- 8.2 The anticipated costs, of physically providing the new route, are in the region of £900. The cost of the Order is £4260, which covers consultation, administration and advertising in the press. Due to the work that would be required to resolve the drainage issues along the current route, diverting the path is considered to be a more cost effective option.

## 9.0 CONCLUSION

- 9.1 Based on the above information, the proposed diversion of definitive public footpath BRA/84, as shown on the plan included as Appendix A, is supported by Officers.

## 10.0 RECOMMENDATIONS

- 10.1 Raise no objections to the proposed diversion of definitive public footpath BRA/84, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
- 10.2 Authority be given to the Director of Legal & Governance to
- a. take all necessary action to divert the footpath under the powers contained within Section 119 of the Highways Act 1980;
  - b. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved;
  - c. submit the Order to the Secretary of State for confirmation in the event that objections are received which cannot be resolved.

Philip Beecroft  
Head of Highway Maintenance

25<sup>th</sup> June 2019

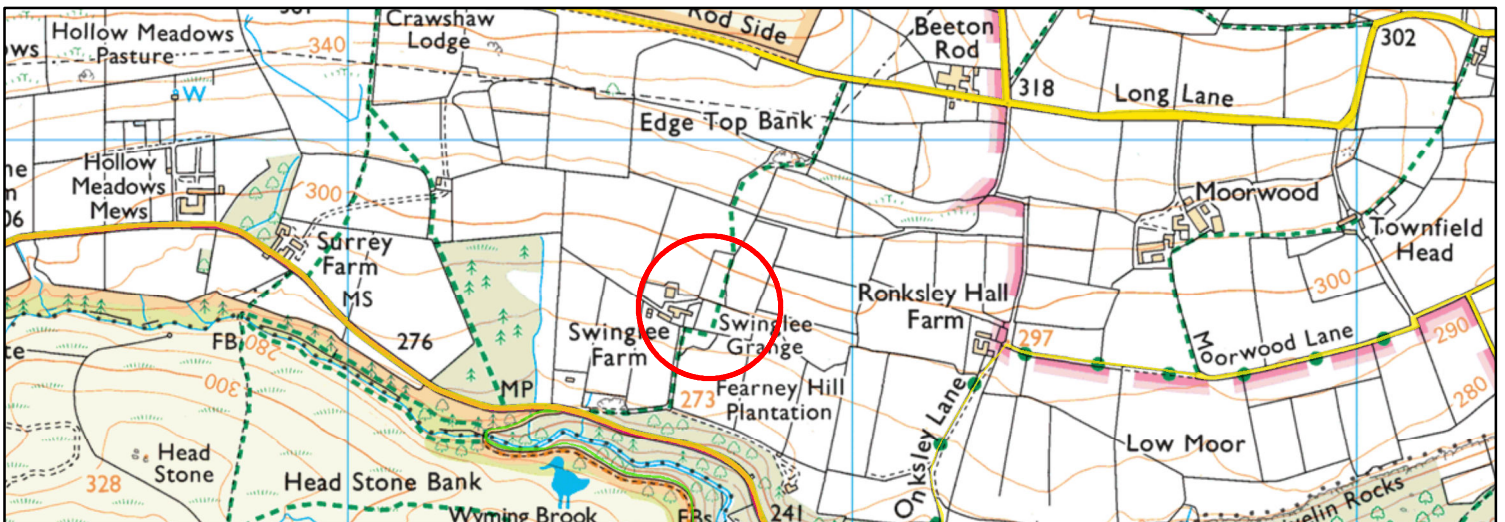
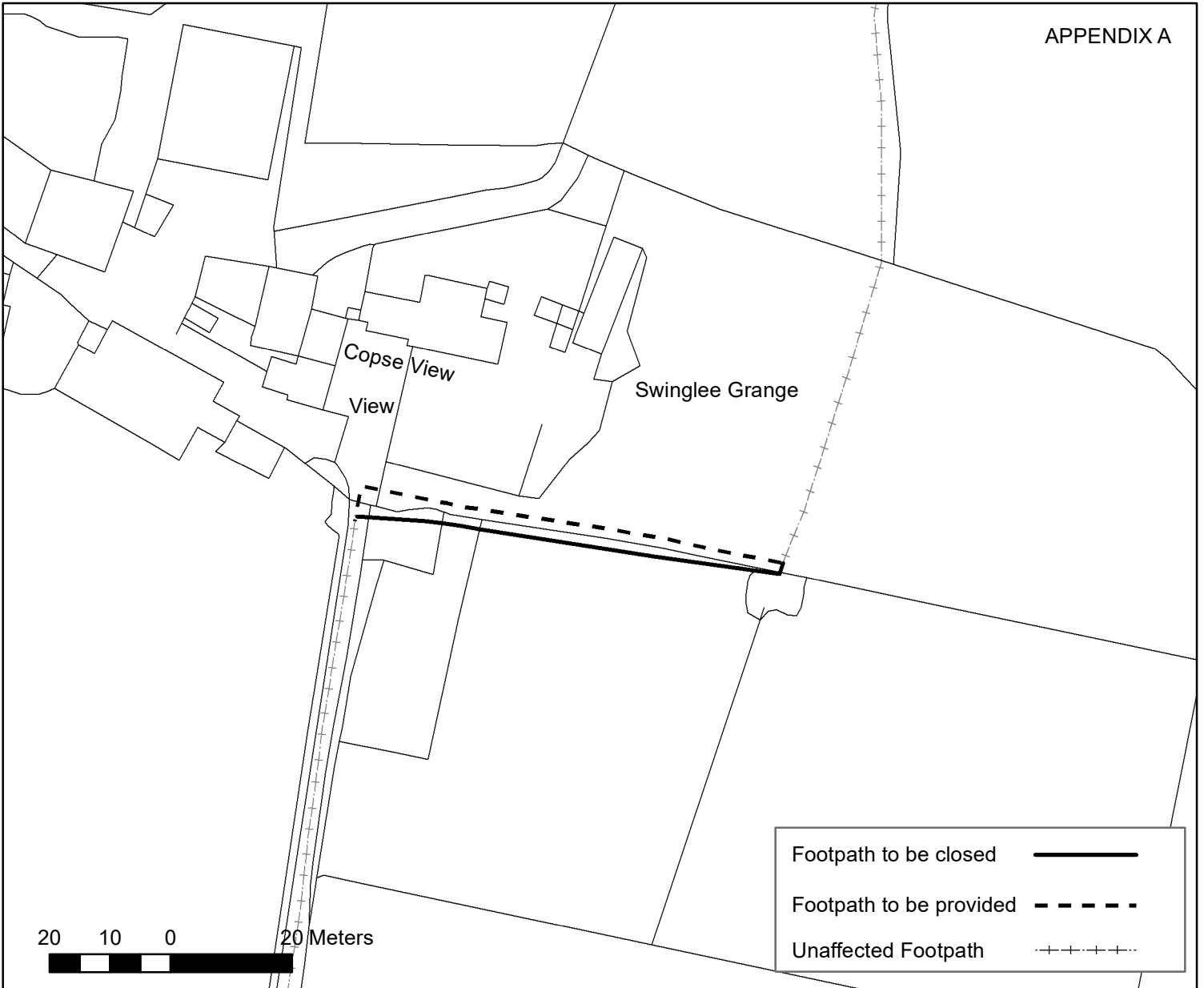
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**PROPOSED DIVERSION OF FOOTPATH BRA\84  
AT SWINGLEE FARM, RIVELIN, SHEFFIELD**



APPENDIX A



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## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

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**Report of:** Director of City Growth Service

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**Date:** 25<sup>th</sup> June 2019

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**Subject:** Tree Preservation Order No. 430  
Trees in front garden at 10 Stumperlowe Hall Road S10 3QR

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**Author of Report:** Sam Thorn, Urban and Environmental Design Team

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**Summary:** To report objections and to seek confirmation of Tree Preservation Order Nr. 430

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### Reasons for Recommendation

To protect trees of visual amenity value to the locality

**Recommendation** Tree Preservation Order Nr. 430 should be confirmed

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**Background Papers:** A) Tree Preservation Order Nr. 430 and map attached  
B) TEMPO assessment attached  
C) Objections received 7<sup>th</sup> & 8<sup>th</sup> February 2019  
D) Response to Objections  
E) Planning Officer's Delegate Report

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**Category of Report:** OPEN

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## REGENERATION & DEVELOPMENT SERVICES

### REPORT TO PLANNING & HIGHWAYS COMMITTEE

25<sup>th</sup> JUNE 2019

#### TREE PRESERVATION ORDER NR.430

10 STUMPERLOWE HALL ROAD, SHEFFIELD S10 3QR

#### 1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order Nr. 430.

#### 2.0 BACKGROUND

2.1 Tree Preservation Order Nr. 430 was made on 10<sup>th</sup> January 2019 to protect trees in the front garden of 10 Stumperlowe Hall Road, Sheffield S10 3QR. A copy of the order with its accompanying map is attached as Appendix A.

2.2 Trees on this site are considered to be under threat because of proposed development works.

2.3 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out prior to the Order being made, and trees were inspected by an Arboriculturist from the Parks and Countryside's *Trees and Woodlands Service* for general condition and suitability for protection. A copy of the TEMPO assessment is attached as Appendix B. The trees were found to be in good order, of significant amenity value to the local area and consequently suitable for protection according to the TEMPO criteria. Officers therefore considered it expedient in the interests of public amenity to make the Tree Preservation Order.

#### 3.0 OBJECTIONS

3.1 An objection to the TPO was received by email from the applicant, Mr Charles Tordoff, on 8<sup>th</sup> February 2019. Alongside this objection, the Arboriculturist who provided the original tree report as part of the current planning application also lodged an objection. The Council's Legal Services Officer acknowledged Mr Tordoff's objection by email on 8<sup>th</sup> February 2019. The full text of these objections is attached as Appendix C. An objection to the TPO was received by email from the applicant, Mr Charles Tordoff, on 8<sup>th</sup> February 2019. Alongside this objection, the Arboriculturist who provided the original tree report as part of the current planning application also lodged an objection. The Council's Legal Services department acknowledged Mr Tordoff's objection by email on 8<sup>th</sup> February 2019. The full text of these objections is attached as Appendix C. A full response from the Council's Planning Services department is attached as Appendix D.

3.2 The conclusions of the objection and the Council's response are summarised in the following paragraphs:

### 3.3 Objection

Two of the four trees protected by the TPO are not strong enough specimens to justify legal protection. They were assigned BS5837 retention category C1 (Unremarkable trees of very limited merit.) According to the applicant's Arboriculturist, both trees 'exhibit numerous large deadwood branches as a result of lateral suppression by the adjacent trees (past and present) that have competed for light resources. Their stability is at least in part dependent upon their neighbouring trees, as they grow within a row along the site's north edge. Those neighbouring trees are particularly low quality Lawson cypress trees which cannot be felt to merit TPO as they were not protected following the TEMPO assessment. The removal of these neighbouring Lawson Cypress would increase the vulnerability of the two Larch to being windblown (TPO trees T3 and T4).

#### Response

*All trees on site were assessed according to the TEMPO methodology, which is the recognised arboriculture industry standard. Of the 21 trees on site, 4 of these were considered to be strong enough specimens to warrant protection. Their visual amenity, life-expectancy and contribution to the character of the areas were deemed significant. A copy of this assessment is attached.*

*The officer from the Parks' Woodland Team who carried out the original assessment returned to site on 17<sup>th</sup> May 2019 to carry out a second assessment. On both visits, both T3 & T4 were scored as Category B specimens and Mr Coe's original classification as category can be disputed for the following reasons...*

- *The dead wood can be easily removed and is a result of shade from neighbouring trees rather than a significant defect which cannot be addressed and which has an impact on the health and longevity of the life.*
- *The trees are early mature specimens which, if managed appropriately, will grow for many more years than the 10 years as is attributed to category C specimens.*
- *It is agreed that removing the neighbouring trees may have an impact on both these trees from wind loading but these trees (Lawson Cypress) should not need to be removed if the site is to remain as a garden*

A copy of the Cascade chart for tree quality assessment from BS5837 is included as appendix E. The relevant columns re lifespan and defects/maintenance are circled with a dashed thick black line for the category B scores of SCC. Category C trees, as identified by John Coe, are circled using a solid thin grey line

### 3.4 Objection

The serving of this TPO was late in the determination process and the issue of trees, and their contribution to the site, were not highlighted at an earlier stage in the planning process. Trees were not raised as part of the previous scheme's refusal.

### Response

*Although not explicitly identified as a reason for refusal of the first application, trees were highlighted as being of significance by the fact that a tree report was required as part of the first application. This report identified the trees as being Category C which generally means that trees are of low quality and retention cannot be justified. The Officer dealing with this application took this at face value.*

*In refusing the first application (referenced 17/03139/FUL) the officers report sets out 'whilst it is accepted that the trees that are to be lost are of lower quality, they do still add to the leafy green character of the area and the trees that are to be retained would not appear as prominent within the street scene, being located behind the new dwellinghouse.*

*It is considered that, on balance the proposed development would have an adverse impact upon the character and appearance of the area, due to the siting, scale and massing of the proposed dwellinghouse and the loss of the open planted area.' A copy of the delegated report is attached as Appendix F*

*A tree report was then requested as part of the second application (referenced 18/02685/FUL) which highlighted their continued importance in determining the application. This was provided by the applicant on 29<sup>th</sup> November 2018. The trees were again identified in the revised report as being 'Retention Category C'; however the table at Appendix A of the Tree Report indicated that the condition of several of the trees was good, both physiologically and structurally which raised questions re the of the findings*

*The second application received a large number of objections, many of which highlighted the loss of the trees as a key complaint.*

*In order to address these objections and establish the importance of trees, the Planning Officer dealing with the application consulted the Urban & Environmental Design Team in December 2018.*

*Specialist arboricultural input was provided by a Tree Officer from SCC's Parks & Woodlands' Tree Team. Both Officers visited the site together to make a detailed assessment. The consultation period was interrupted by the Christmas break, meaning Officers weren't able to meet until early January.*

#### 4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

#### 5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

5.1 There are no property implications.

5.2 Protection of the trees detailed in Tree Preservation Order Nr. 430 will benefit the visual amenity of the local environment.

## 6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

## 8.0 LEGAL IMPLICATIONS

8.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area. In addition, where it appears to the local authority to be necessary in connection with granting planning permission, it shall be its duty to make a TPO to either give effect to those conditions or otherwise (sections 197 and 198, Town and Country Planning Act 1990).

8.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.

8.3 A local authority may choose to confirm a TPO it has made. If an order is confirmed, it will continue to have legal effect until such point as it is revoked. If an order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.

8.4 A local authority may only confirm an order after considering any representations made in respect of that order. The representations received in respect of Tree Preservation Order No.430 are detailed in this report, alongside an officer response to the points raised.

## 9.0 RECOMMENDATION

9.1 Recommend Tree Preservation Order Nr. 430 be confirmed.

Colin Walker  
Chief Planning Officer

17<sup>th</sup> June 2019

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## SCHEDULE

### Specification of trees

#### Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Pinus niigra (Corsican Pine)	OS Grid Reference: SK307 860
T2	Larix Dicuda (Larch)	
T3	Larix Dicuda (Larch)	
T4	Larix Dicuda (Larch)	

#### Trees specified by reference to an area

(within a dotted red line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>

#### Groups of trees

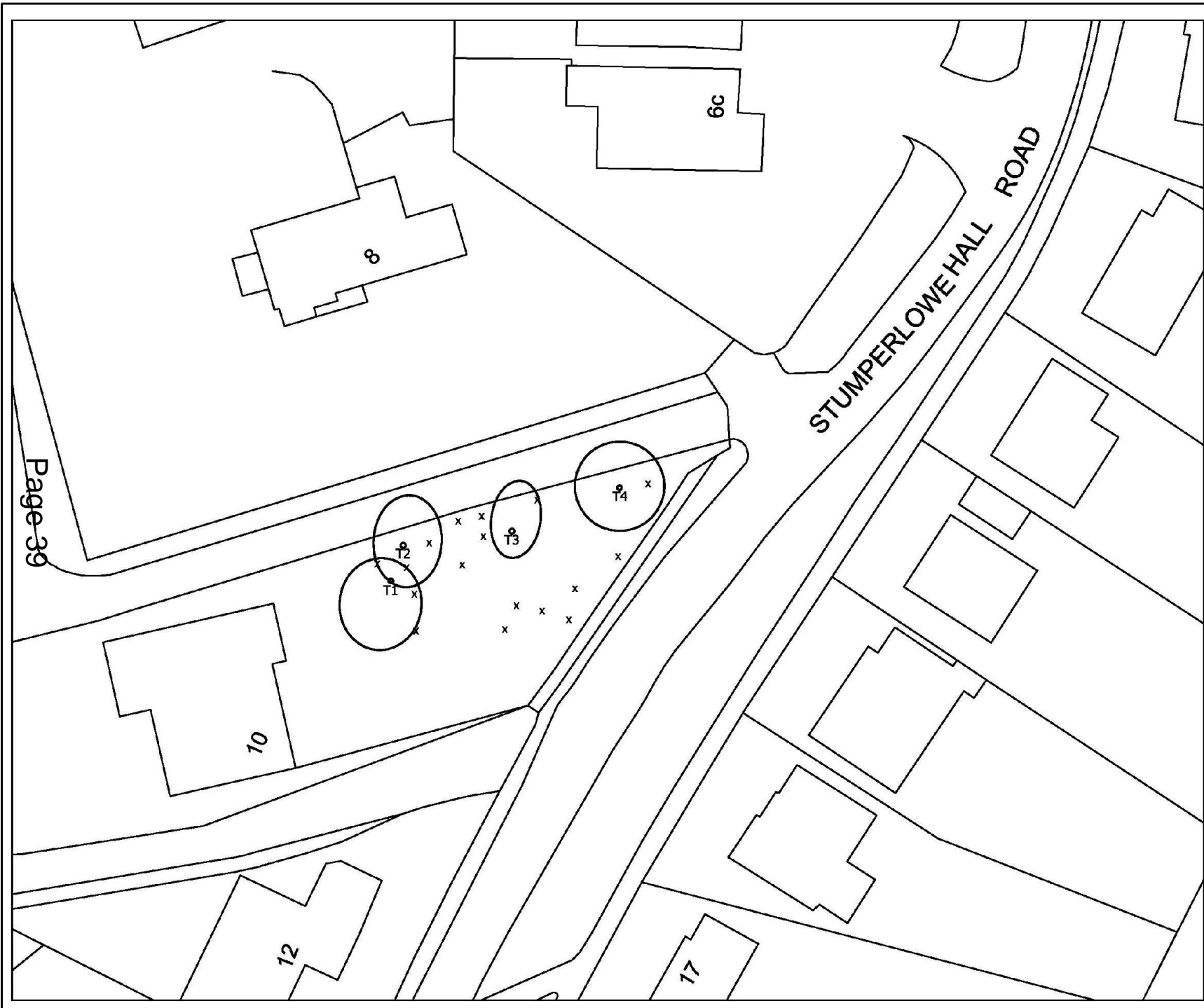
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>

#### Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>



Page 39

**NOTES / REVISIONS:**

**Notes:**  
 The use of this data acts as agreement to the following statements:  
 a. Copyright Sheffield City Council, All rights reserved in Chapter IV of the Copyright, Designs and Patents Act 1988 have been generally asserted  
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**TREE SCHEDULE**

- Trees specified individually. (Encircled in black on the plan)
- T1 Corsican Pine - *Pinus niagra*
- T2 Larch - *Larix Dicuda*
- T3 Larch - *Larix Dicuda*
- T4 Larch - *Larix Dicuda*
- X Other trees not included in this Preservation Order

Trees specified by reference to an area - None  
 Trees specified by reference to an group - None  
 Trees specified by reference to a woodland - None

SK 307 860  
 Measurements shown approximate

<b>SHEFFIELD CITY COUNCIL</b>		
<b>PLACE</b>		
<b>PLANNING SERVICE CITY GROWTH</b>		
<small>SCHEME:</small>		
<b>TREE PRESERVATION ORDER</b>		
<b>No. 430</b>		
<small>TITLE:</small>		
<b>10 Stumperlowe Hall Road,</b>		
<b>Sheffield, S10 3QR</b>		
<small>SCALE:</small>		
<b>1:1500 @ A4</b>		
<small>Drawn by:</small>	<small>Checked by:</small>	<small>Date:</small>
ST		09/01/2018
<small>Drawing No:</small>		
<b>A4/UED/808/430</b>		

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# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 04.01.19 Surveyor: SAM MONN + JEZ RUTTS

Tree details  
 TPO Ref (if applicable): Tree/Group No: T1 Species: COBBIAN PINE  
 Owner (if known): Location: FRONT GARDEN OF 10 SPUMBERLOWE HALL ROAD

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

##### a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous\* Unsuitable

\* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes  
5

##### b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes  
4

##### c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes  
4

##### d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes  
2

#### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes  
2

#### Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:  
17

Decision:  
TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 04.01.19	Surveyor: SAM TROKUN + JEZ PLATTIS
----------------	------------------------------------

<b>Tree details</b>	Tree/Group No: TZ	Species: LARKIN - LARKIN DECIDUA
TPO Ref (if applicable):	Location: FRONT GARDEN of 10 STAMPEXLOWE HALL RD	
Owner (if known):		

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous\* Unsuitable

\* Relates to existing context and is intended to apply to severe irremediable defects only

<b>Score &amp; Notes</b>
5

**b) Retention span (in years) & suitability for TPO**

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

<b>Score &amp; Notes</b>
4

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

<b>Score &amp; Notes</b>
3

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b>
1

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b>
3

**Part 3: Decision guide**

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

<b>Add Scores for Total:</b>
16

<b>Decision:</b>
TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 04.01.19	Surveyor: SAM THORN & JEL PHATTS
----------------	----------------------------------

<b>Tree details</b>	Tree/Group No: T3	Species: LARCH - LARIX DECIDUA
TPO Ref (if applicable):	Location: FRONT GARDEN OF 10 SUMMERLOVE HILL RD	
Owner (if known):		

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous\* Unsuitable

<b>Score &amp; Notes</b>
3

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

<b>Score &amp; Notes</b>
4

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

<b>Score &amp; Notes</b>
3

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b>
1

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b>
5

**Part 3: Decision guide**

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

<b>Add Scores for Total:</b>
16

<b>Decision:</b>
TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 04.01.19	Surveyor: SAM THOMAS + JESS PLATT
----------------	-----------------------------------

<b>Tree details</b>	Tree/Group No: T4	Species: LARIX - LARIX DECIDUA
TPO Ref (if applicable):	Location: FRONT GARDEN OF 10 SUMMERLOVE HALL RD	
Owner (if known):		

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

<b>Score &amp; Notes</b>
5

\* Relates to existing context and is intended to apply to severe irremediable defects only

**b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

<b>Score &amp; Notes</b>
4

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

**c) Relative public visibility & suitability for TPO**

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

<b>Score &amp; Notes</b>
4

**d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |  |                          |   |
|--|--|--------------------------|---|
| 5) Principal components of formal arboricultural features, or veteran trees                    | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>Score &amp; Notes</b></td> </tr> <tr> <td style="text-align: center; vertical-align: middle;">1</td> </tr> </table> | <b>Score &amp; Notes</b> | 1 |
| <b>Score &amp; Notes</b>   |  |                          |   |
| 1  |  |                          |   |
| 4) Tree groups, or principal members of groups important for their cohesion                    |  |                          |   |
| 3) Trees with identifiable historic, commemorative or habitat importance                       |  |                          |   |
| 2) Trees of particularly good form, especially if rare or unusual                              |  |                          |   |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) |  |                          |   |
- 1) Trees with poor form or which are generally unsuitable for their location

**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |   |  |                          |   |
|---|--|--------------------------|---|
| 5) Immediate threat to tree inc. s.211 Notice | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>Score &amp; Notes</b></td> </tr> <tr> <td style="text-align: center; vertical-align: middle;">5</td> </tr> </table> | <b>Score &amp; Notes</b> | 5 |
| <b>Score &amp; Notes</b>                      |  |                          |   |
| 5   |  |                          |   |
| 3) Foreseeable threat to tree                 |  |                          |   |
| 2) Perceived threat to tree                   |  |                          |   |
| 1) Precautionary only                         |  |                          |   |

**Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

<b>Add Scores for Total:</b>
19

<b>Decision:</b>
TPO



Alan Tordoff  
10 Stumperlowe Hall Road  
Fulwood  
Sheffield  
S10 3QR

Legal Services Department, Legal & Governance  
Sheffield City Council  
Town Hall  
Pinstone Street  
Sheffield  
S1 2HH

8<sup>th</sup> February 2019

Dear Sirs,

**OBJECTION TO TREE PRESERVATION ORDER REFERENCE LS/RC/86124, RELATING TO 10 STUMPERLOWE HALL ROAD, SHEFFIELD S10 3QR**

We are writing to object to tree preservation orders put on two trees in our garden under the above TPO. The order affects four trees in all, two of which, trees T1 and T2, we are happy to retain and protect. The two trees we wish to object to are trees T3 and T4, which are described by our arboricultural consultant, Jon Coe, as 'unremarkable trees of very limited merit'. A letter in support of this objection, which expands on this description, is attached to this document.

A full planning application for development of this site with a single dwellinghouse, reference 17/03139/FUL, was validated on 3 August 2017. During the determination process the planning authority requested a tree report, which we commissioned from Jon Coe, and which we duly submitted on 17 October 2017. The application was refused planning permission on 5 March 2018 on the ground that the proposed house was 'out of scale and character in the street scene'. No mention was made at any point of any issue concerning trees on the site.

Taking into account planning officer and design officer comments, a second application, reference 18/02685/FUL, was submitted and was validated on 31 July 2018. On 5 November 2018 Lucy Hirst, the case officer, requested a revised tree report, stating that the initial tree report was no longer relevant to the revised scheme. In fact the footprint of the revised design affected exactly the same trees as in the initial tree report. Nonetheless we commissioned a second tree report from Jon Coe, which was submitted on 29 November 2018.

On 9 January 2019 the applicant received a letter from Sheffield City Council stating that as of 10 January 2019 the Council had made a tree preservation order on four trees on the site. Considering that the relationship between these four trees and the proposed development is no different to the relationship back on 17 October 2017 when the initial tree report was submitted, we wish to know what has changed in the interim period.

We find the decision to apply TPOs at this incredibly late stage in the planning application process extremely questionable. If there had been an issue with any trees on the site we should have known about it no later than November 2017. As a result of, at best, the planning authority's incompetence on

this matter, we are facing considerable bills in professional fees that could have been avoided with timely advice on the issue of trees back in 2017.

We seek both a retraction of the TPOs on trees 3 and 4 in TPO 430 and an explanation as to how, exactly, TPO 430 came about.

Yours Faithfully,

Alan Tordoff

Legal Services Department  
Legal and Governance  
Sheffield City Council  
Town Hall  
Pinstone Street  
Sheffield S1 2HH



Jon Coe Tree ServicesLtd  
13 Green Oak Road  
Totley  
Sheffield  
S17 4FP

SCC reference: LS/RC/86124

Planning application relevant to this case: 17/03139/FUL

7<sup>th</sup> February 2019

To whom it may concern,

This letter is written in support of an objection to a Tree Preservation Order (TPO) by the tree owners and the applicant for 18/02685/FUL.

The Order is TPO no. 430 applying to 10 Stumperlowe Hall Road, Sheffield S10 3QR.

I have been involved as an arboricultural consultant with this site since October 2017, when I made an initial survey visit and subsequently prepared a report to support my client's planning application. I understood at this point from my client that pre-app advice from Sheffield City Council (SCC) had indicated that there was potential for a dwelling house to be constructed.

In November 2018 my client contacted me to say that following refusal of the initial application (17/03139/FUL) the site layout had been amended to take account of further advice given by SCC. I note from the decision notice associated with that earlier refusal that there is no mention of trees. I understand also from my client that in the various subsequent advice received from SCC, trees were never mentioned.

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phone: 07747 664560 email: [jon@joncoetreeservices.co.uk](mailto:jon@joncoetreeservices.co.uk) [www.joncoetreeservices.co.uk](http://www.joncoetreeservices.co.uk)

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Registered office at 13 Green Oak Road, Sheffield, United Kingdom S17 4FP

Page 1

I duly prepared a second tree report to accompany this revised layout for re-submission (the re-submitted application also carried SCC reference 17/03139/FUL). On 10th January of this year (2019) the above TPO was served. In both the historic and the current applications my client had been given no previous indication of Tree Officer objections (whether written or otherwise) - the first comments regarding the trees has come in the form of a TPO at the final stage prior to determination. The inclusion of larch trees T3 and T4 on the TPO can effectively prevent development of this plot. I note that at both planning applications TPO trees T1 and T2 were selected for retention, with provisions made for this via method statement and tree protection plan: retention of T1 and T2 has always been planned.

I wish to object to this TPO for my client on the grounds listed below. In doing so I take as fact the information my client has given me regarding pre-app advice that has been received, and that I understand has been ongoing since 2016.

1. Trees T3 and T4 are identified as numbers 12 and 14 respectively in the Arboricultural Impact Assessment that accompanied the application. Both were assigned BS5837 retention category C1 ("*Unremarkable trees of very limited merit*"), despite their apparently meriting TPO according to SCC TEMPO assessment. Both exhibit numerous large deadwood branches as a result of lateral suppression by the adjacent trees (past and present) that have competed for light resources. Importantly also I note that their stability is at least in part dependent upon their neighbouring trees, as they grow within a row along the site's north edge. Those neighbouring trees are particularly low quality Lawson cypress trees which cannot be felt to merit TPO as they were not protected following the TEMPO assessment. The removal of these neighbouring Lawson Cypress would increase the vulnerability of the two larch to being windblown (TPO trees T3 and T4).
2. As an arboricultural consultant, I regularly advise clients who own sites with trees but who wish to make fruitful planning applications. In line with my professional organisations' codes of ethics I always advise clients not to proactively fell trees, but to fully engage with the planning process, and to

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Page 2

submit surveys and arboricultural impact assessments as required. When a client has sought pre-app advice over a period exceeding two years and submitted two applications (with the considerable associated expenses including multiple plans and reports) and yet a decision to make a TPO preventing development is made in the final weeks before determination, it is easy to see why clients might doubt my professional advice. Issues of statutory tree protection in this case have been very poorly handled, undermining confidence among consultants and applicants, and creating a precedent that sends exactly the wrong signals to those who would submit planning applications to SCC.

As a final comment I note that the presence of a TPO does not preclude planning permission from being granted. The presence of a TPO on trees T3 and T4 (TPO numbering) does not in any way alter the findings of the Arboricultural Impact Assessment submitted in support of the application (tree report JC.109.181127). Given that there is a current application in for determination, I recommend that the removal of these two low quality larch trees be permitted in line with that report's findings, despite their current TPO status. I also consider that failure to first remove the TPO from these two larch trees would reflect very poorly on the integrity of SCC's tree protection procedures.

Yours faithfully



Jon Coe BSc (Hons) Arb. MArborA - for Jon Coe Tree Services Ltd

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Page 3

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**Planning Services, City Growth Department**

Interim Head of Planning: Colin Walker  
Howden House · 1 Union Street · Sheffield · S1 2SH

Tel: 0114 2734181  
E-mail: [lucy.hirst@sheffield.gov.uk](mailto:lucy.hirst@sheffield.gov.uk)  
Website: [www.sheffield.gov.uk](http://www.sheffield.gov.uk)



2<sup>nd</sup> May 2019

Mr Alan Tordoff  
10 Stumperlowe Hall Road  
Sheffield  
S10 3QR

Dear Mr Tordoff

**Objection to Tree Preservation Order LS/RC/86124 10 Stumperlowe Hall Road, Sheffield S10 3QR**

I refer to your letter of 11<sup>th</sup> February and apologise for the delay in getting back to you.

I understand you are happy to incorporate trees T1 and T2 into your scheme but are objecting to the inclusion of T3 and T4 within the preservation order and have asked how the issuing of the tree preservation order (TPO 430) has come about.

In dealing with application 17/03139/FUL concerns were raised regarding the affect that development would have upon the character and appearance of the area and the officer's report does mention the loss of the trees. A tree report was requested and this identified the trees as being Category C which generally means that trees are of low quality and retention cannot be justified. As Officers had concerns regarding the impact that development would have upon the character and appearance of the area, and were looking to refuse the scheme, the content of the tree report was taken at face value and not reviewed by landscape officers.

A revised scheme was submitted under application reference 18/02685/FUL and a further tree report was submitted. This identified two of the trees as Category B (T1 and T2); however all the rest were classed as being within retention Category C. This seemed at odds with the description of the trees in the final column of the table contained within Appendix A of the report as a number of the trees identified as being Category C are referred to in the report as being of good physiological and structural condition (which would normally mean they are Category B).

The trees appear to be of good condition and in representations local residents have objected to their removal.

To establish the quality of the trees, and whether they were worthy of retention, landscape officers visited the site on 4<sup>th</sup> January 2019 and an assessment was made of each of the trees.

The assessment found T1 and T2 to be of good condition. T3 was assessed to be of fair condition, but still worthy of a preservation order, and T4 to be of good quality.

The assessment was made using a scoring sheet. Each of the trees was given a score for condition, potential life span, relative public visibility and other factors. The final part of the assessment sets out that a score of 12-15 means a TPO is defensible and a score of 16+ definitely would merit a TPO. T1 scored 17, T2 and T3 scored 16 and T4 had a score of 19. On the basis of these scores the trees were felt to merit the making of a preservation order.

The assessment has been reviewed by officers, alongside your letter and that of Jon Coe Tree Services, dated 7<sup>th</sup> February 2019; however the trees scored highly and so the Council's position with regard to the inclusion of T3 and T4 within the order remains unchanged.

I am sorry that the assessment of the trees was not carried out earlier in the process; however as stated above the originally submitted tree report was taken at face value.

As the trees are considered to be worthy of retention (hence the issuing of the TPO), the current scheme is not considered to be acceptable. The development would result in the loss of T3 and T4 and so would be detrimental to the character and appearance of the area.

Given the above, my advice would be to withdraw the application. If I do not receive confirmation from you of this within the next 14 days, I will assume you require a decision to be made on the application as it stands, in which case, it is likely that a refusal would be the outcome. You can of course appeal against a refusal of permission.

I trust this clarifies the Council's position.

Yours sincerely

Lucy Hirst  
Planning Officer  
West & North Team





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Table 1 Cascade chart for tree quality assessment

Category and definition	Criteria (including subcategories where appropriate)	Identification on plan
<b>Trees unsuitable for retention (see Note)</b>		
<b>Category U</b> Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years	<ul style="list-style-type: none"> <li>Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)</li> <li>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline</li> <li>Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality</li> </ul> <p><i>NOTE</i> Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.</p>	See Table 2
<b>Trees to be considered for retention</b>		
<p><b>1 Mainly arboricultural qualities</b>      <b>2 Mainly landscape qualities</b>      <b>3 Mainly cultural values, including conservation</b></p>		
<b>Category A</b> Trees of high quality with an estimated remaining life expectancy of at least 40 years	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the dominant and/or principal trees within an avenue)	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features
<b>Category B</b> Trees of moderate quality with an estimated remaining life expectancy of at least 20 years	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and storm damage), such that they are unlikely to be suitable for retention for beyond 40 years, or trees lacking the special quality necessary to merit the category A designation	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality
<b>Category C</b> Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees with material conservation or other cultural value
		Trees with no material conservation or other cultural value

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## SHEFFIELD CITY COUNCIL Planning and Highways Committee

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**Report of:** Director of City Growth Department

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**Date:** 25/06/2019

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**Subject:** Applications under various acts/regulations

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**Author of Report:** Michael Johnson and Chris Heeley 2039183

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**Summary:**

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### Reasons for Recommendations

(Reports should include a statement of the reasons for the decisions proposed)

**Recommendations:**

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### Background Papers:

Under the heading "Representations" a Brief Summary of Representations received up to a week before the Committee date is given (later representations will be reported verbally). The main points only are given for ease of reference. The full letters are on the application file, which is available to members and the public and will be at the meeting.

**Category of Report:** OPEN

Application No.	Location	Page No.
19/00405/TEL	Land Adjacent 1 Sandygate Grange Drive Sandygate Road Sheffield S10 5NH	
19/00167/FUL (Formerly PP- 07555371)	Land To The Rear Of 12 Worrall Drive Sheffield S35 0AT	

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Case Number	19/00405/TEL
Application Type	Telecommunications Prior Notification
Proposal	Erection of 12.5m monopole (Application for determination if approval required for siting and appearance).
Location	Land Adjacent 1 Sandygate Grange Drive Sandygate Road Sheffield S10 5NH
Date Received	31/01/2019
Team	West and North
Applicant/Agent	WHP Wilkinson Helsby
Recommendation	Grant Conditionally Prior Notification

Subject to:

- 1 The development shall be begun not later than the expiration of five years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Attention is Drawn to the Following Directives:

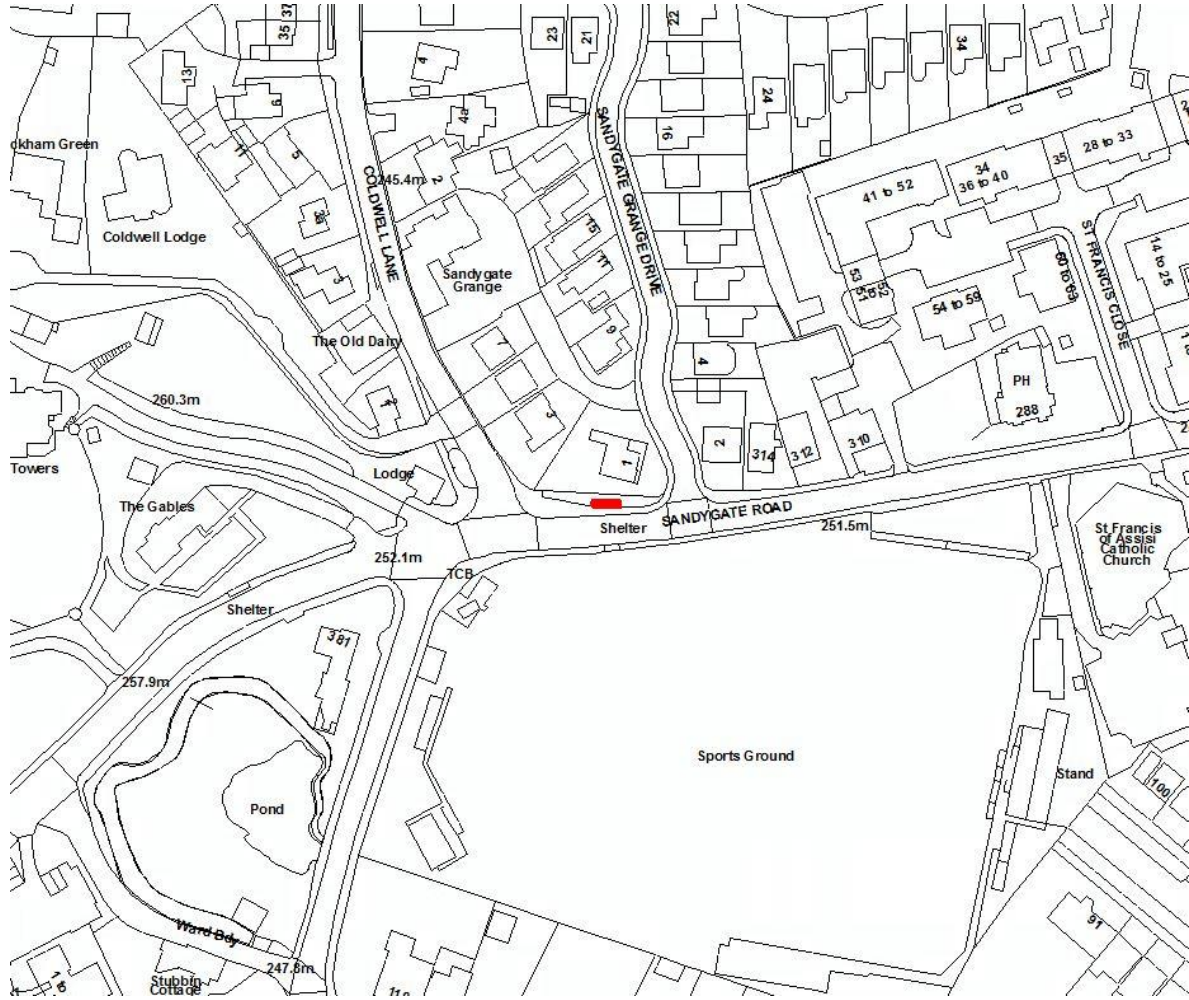
1. The applicant is advised that under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended); that when no longer required or viable, the equipment shall be removed from the site and it shall be returned to its former condition.
2. The following drawings constitute the approved plans for this application:  
  
002 Site Location Plan Issue D  
200 Proposed Site Plan Issue D  
250 Proposed elevations A Issue D  
330 Cabinet Layout Issue D

- Published 22.05.2019

3. The applicant is advised that the street cabinets and associated equipment are permitted development under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as the base of each structure is not more than 1.5 square metres in area.



# Site Location



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## LOCATION AND PROPOSAL

The application site is on an area of grass verge on the northern side of Sandygate Road between the Coldwell Lane and Sandygate Grange Drive junctions, adjacent to the side boundary of number 1 Sandygate Grange Drive, which is marked by a low stone wall with high close boarded timber fence at the back edge of the verge. A single 8 metre high black street lamp column currently exists adjacent to the verge, together with a dropped crossing which serves to aid pedestrians crossing to the bus shelter on the opposite side of the road.

The surrounding area is predominantly residential, however directly opposite are the premises of Hallam Football Club which are bounded by a high stone wall and substantial boundary trees. The site is allocated as a Housing Area as defined in the adopted Sheffield Unitary Development Plan (UDP).

Prior approval is sought for the erection of a 12.5 metre high monopole. This represents an amendment from the original submission which was for a 15 metre high monopole.

The application has been submitted under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) and in accordance with the electronic communications code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003. The development is permitted development under Part 16 of the GPDO, subject to condition A.3; which requires the developer to apply to the Local Planning Authority for a determination as to whether prior approval is required for the siting and appearance of the development only.

The provision of the associated street cabinets and equipment is permitted development under Schedule 2, Part 16 of the Order as the base of each structure is not more than 1.5 square metres in area.

The principle of the development is accepted by the provisions of the GDPO. The impacts of the proposal in terms of siting and appearance are addressed within the following report.

## RELEVANT PLANNING HISTORY

There is no planning history which is directly relevant to this proposal.

## SUMMARY OF REPRESENTATIONS

The proposal has been advertised by way of neighbour notification letters and site notice.

A total of 80 letters of representation have been received from 56 households following two rounds of notification.

1 letter of support has been received in favour of the proposal in order to maintain good mobile phone coverage in the area.

## Original Submission

The representations received following notification of the original submission raised the following concerns:

- Impact on the nearby listed buildings
- Impact on the character and appearance of the area
- Impact on green space and planting
- Appearance and finish - the white finish would stand out against existing street furniture
- Loss of visual amenity for local residents
- Impact on views
- Overbearing impacts
- Proximity to residential properties
- Impact on house values
- Proximity to the Ranmoor Conservation Area
- Impact on historical assets including Hallam FC, the oldest football club
- Impact on The Plough Inn's designation as an Asset of Community Value
- Highway safety impacts
- Impact on highway line of sight when emerging from side adjacent roads on to Sandygate Road
- Health impacts
- Another mast in the area considered to be unnecessary
- Lack of evidence that other options have been properly considered such as sharing existing masts and alternative locations (as required by the NPPF)
- Concerns that the correct application procedure has not been followed with regards to notification of the land owner and public consultation
- Concerns regarding impacts over the construction period and subsequent maintenance
- Query regarding the cabinets being permitted development
- Impact on TV signals in the immediate area
- Potential interference with other electrical equipment, including implanted medical equipment
- Inaccuracies in the applicant's submission

## Revised Submission

The representations received following notification of the amended submission raised the following additional concerns:

- The revised height is considered to be cosmetic, failing to mitigate the issues.
- Question raised regarding the acceptability of a 12.5 metre high mast when a 15 metre high mast hasn't been deemed acceptable.
- The revised position would not comply with ICNIRP guidelines and concern that a valid ICNIRP certificate for the proposed location would be approved.
- The revised siting will decrease physical distance between the proposed antenna and people and thus will worsen potential health effects.
- The plan labels cite the wrong address.
- Concerns that the proposed stone wall and boundary fencing in the area has been represented at the wrong heights.

- Vertical elements such as telegraph poles have been resisted in the area and so are not in keeping with the local character.
- Concern that a Proximity to schools will impact on the health of children
- Proposals would inhibit the “right to peaceful enjoyment of all their possessions” as protected under the Human Rights Act 1998
- Concern regarding the obstruction of visibility for emergency vehicles attending the nearby hospital.
- Lack of evidence to demonstrate that the existing siting at The Plough Inn is no longer required.
- Statement that the proposal is “crucial due to the need to ensure the Emergency Services Network” is misleading and lacks evidence.
- Claim that the LPA has dealt with the application in a positive and proactive manner in accordance with the NPPF cannot be substantiated.

### Conservation Advisory Group (CAG)

At the request of a Member of the public the proposal was considered at the CAG meeting on 21 May. The minutes from the meeting note that their comments were as follows:

The Group considered that the siting of the mast at the proposed location would have an adverse effect on the views of the nearby listed Towers and Lodge and was not therefore acceptable. The Group recommended that the mast and associated boxes be sited in a less sensitive position and a site on the other side of Sandygate Road might be preferable.

### RESPONSE TO REPRESENTATIONS

The comments made in respect of the siting and appearance of the equipment are covered in the main body of the report as these are the key considerations in this case.

Members are advised that the prior notification procedure only allows for the consideration of the siting and appearance of the telecommunications mast. This is set out in Under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The potential health impacts of a proposal are not covered by the Prior Notification Procedure. In any event the application is accompanied by an ICNIRP Declaration, which has been revised following the submission of the revised proposal, and so there is no compelling reason to warrant withholding planning permission on the grounds of a perceived risk to public health.

It is accepted that there were some minor inaccuracies in the submitted materials (specifically in relation to the depicted height of the existing street light column and boundary fencing / walls; and an inaccurate statement about the presence of existing telecoms equipment) but your officers consider that it has been possible to undertake a thorough and accurate assessment of the application. Additional supporting documents, such as photomontage images, together with further discussions with the applicant and a number of site visits have aided in reaching a conclusion and recommendation in this case. In response to the comment regarding

labelling of the plans; all drawings have now been amended to ensure the correct address is cited.

Notice was served on the owner of the land (the Council's Highways Service as the verge forms part of the adopted highway) on 26 September 2018 explaining that the application was to be submitted, in line with the requirements of the GPDO.

The applicant has confirmed that the mast will operate on its own secure bespoke frequency band so will not interfere with other electronic devices in the area.

The proposed development site is not within the Ranmoor Conservation Area and, as such is not considered to be a threat to its appearance or character.

A planning application has recently been lodged (reference 19/02130/FUL) to demolish the existing Plough Inn (where there is a current telecoms installation) and replace it with 8 dwellings. Whilst the assessment of this recent application has not been concluded this is a clear indication that an alternative location for telecommunications equipment in the area needs to be found, in line with the applicant's need argument.

Members should note that the proposed re-siting of the telecommunications equipment does not have any bearing on the Asset of Community Value designation at The Plough Inn.

Members are advised that impact on property values and loss of views are not material planning considerations.

## PLANNING ASSESSMENT

### Applicant's Case / Need

Whilst it is not a requirement for the applicant to provide a justification for the need for the installation, they have nevertheless explained their case. They have been given a Notice to Quit (NTQ) their current site at the Plough Inn on Sandygate Road, which is a building mounted installation approximately 100 metres to the east of the application site. As a result of this NTQ they urgently need to find a new site in the locality in order to maintain coverage for EE Ltd and H3G LTE; together with the Emergency Services (i.e. it is a shared facility). They have stated that the location has been identified because it meets the specific technical and operational requirements of the operator as it is near central to the search area. As explained above, the Council has now received an application to redevelop the site of the Plough Inn, although it is accepted that it is in its very early stages of assessment.

### Policy

The National Planning Policy Framework (NPPF) states that "Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections."

It then goes on to state that “the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion... Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate”

Paragraph 115 of the NPPF imposes certain requirements in respect of both planning applications and prior approval applications. This includes a requirement for the developer to submit a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection and evidence to show that they have “explored the possibility” of installing antennae on a building, mast or structure that already exists.

Paragraph 116 of the NPPF states that: “Local Planning Authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure”.

These issues will be addressed in the following report.

The site is located in a Housing Area as designated in the adopted Sheffield Unitary Development Plan. Telecommunications installations are not specifically mentioned within the main policies relating to development within Housing Areas and therefore must be determined on their own merits and in line with UDP Policy BE14 and the guidance contained in the NPPF.

UDP Policy BE14 ‘Telecommunications’ is relevant and states that telecoms development should be sited and designed so as to minimise its visual impact, subject to technical and operational considerations and new equipment should share masts or be sited on existing structures where this is technically and economically possible.’ This is in line with the guidance contained in the NPPF.

#### Site selection

The applicant has submitted site specific supplementary information in respect of the site selection rationale and the requirements to develop in the S10 area to maintain coverage. This information includes an assessment of alternative sites (namely: Church of St Francis; Carsick Hill Road; Coldwell Lane and Ringstead Crescent) and explains why they have been discounted. This is in line with the requirement of the NPPF to show that the operator has explored the possibility of installing the equipment elsewhere. They have not identified any sites suitable for sharing on existing structures or buildings in the cell search area that would perform the required coverage. Concerns expressed by objectors regarding the lack of precise detail are acknowledged but Members are advised that, in your officers’ view, the applicant has fulfilled the requirements of the NPPF both in terms of site selection and mast sharing / minimising the number of installations (particularly as this is a direct replacement for an existing facility which will be decommissioned). Part 16 of the GPDO requires the removal of redundant telecoms equipment therefore it is not

considered that the proposal will lead to cluttering or unnecessary provision in the area.

Included within the justification for the site selection is the requirement to avoid a “cluttered” area where trees and buildings could interfere with the signal. Due to the fairly open nature of this specific site (and in large part why it has been chosen as the optimum site by the operator); it has been possible to secure a reduction in the monopole height from 15 metres to 12.5 metres. It is considered that this reduction will further integrate the mast into the existing street furniture and reduce any overbearing impacts

#### Highway safety

The submission incorrectly refers to the site as one which houses existing telecoms. This is not correct; in fact the site is currently open and free from development, other than the presence of a street light column. The grass verge offers a very limited degree of visual amenity; however its main purpose is understood to be to ensure a line of sight for vehicles emerging from the Coldwell Lane junction with Sandygate Road.

A high number of the objections to the proposal refer to the highway line of sight and express concerns that the development would obstruct this and lead to safety issues. In response the applicant has agreed to set the cabinets further back in to the grass verge to address this. Amended plans published on the 29th April 2019 indicate this new equipment layout and the Highway Officer has reviewed the plans and confirmed that the proposals will not affect the required line of sight.

As it has been demonstrated that the line of sight at the adjacent junctions will be kept clear, officers do not consider that the proposed siting would be detrimental to the visibility of road users. Officers do not consider that the mast or associated cabinets would lead to highway safety issues for road users or pedestrians.

Highway safety concerns also relate to the construction period and subsequent maintenance of the equipment. It is not considered that disruption during these periods would warrant refusal on siting grounds given the limited scale and nature of the development. The developer would need to obtain any necessary permits to carry out the work in the highway and would be required to use safe working practices.

#### Siting and Appearance

The street works monopole design has been selected to minimise visual impact upon the street scene by integrating with the existing street furniture such as street lighting columns which are a common feature in the built environment. Telecommunications monopoles are now a regular feature on many highway verges as communications networks have expanded.

Since its original submission, the proposed mast has been reduced in height from 15 metres to 12.5 metres in order to promote its integration in to the street scene by relating it more appropriately to the surrounding lighting columns and the

surrounding buildings and structures (albeit it is acknowledged that the pole is approximately 4 metres higher than the lighting columns on Sandygate Road). It is considered that this reduces the visual impacts and prevents an overly dominant feature in the street scene.

It is not considered that the proposed development on the grass verge will lead to any significant loss of visual amenity; it is noted that such provision is not uncommon in residential areas, regularly forming part of the street furniture. The development will not lead to any significant loss of green open space and will not lead to a removal of landscaping.

1 Sandygate Grange Drive is adjacent to the site however it does not front Sandgate Road and has no direct aspect onto it. The dwelling is orientated as such that the proposed mast will be read against the side elevation of the two-storey dwelling which has no windows or doors. Both the gable end and the boundary fencing which runs parallel with Sandygate Road indicate that the proposed siting is directly to the side of the dwelling and therefore not an overly dominant feature when viewed from the main front or rear windows.

The proposed siting is approximately 39 metres from a Grade II listed building at the junction of Sandygate Road with Coldwell Lane, known as The Lodge. The potential visual impacts on the setting of this historical asset have been assessed with the help of Conservation Officers, aided by the submission of photo montage images and with the benefit of site visits. It is concluded that the important views of the building will be retained and that the mast is far enough removed from the building to not harm its setting.

It is not considered that the proposal will have an adverse impact on the siting of the adjacent historic Hallam Football Club site, which has no special protection. The Football Club grounds are surrounded by a substantial stone wall and significant tree coverage such that views of the mast from within the grounds will be fairly limited. The Football Club also has floodlighting columns that are not dissimilar in height to the proposed mast so there is already a precedent for vertical features in the landscape.

## Human Rights

In making its decision, the Council should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner which is incompatible with the European Convention on Human Rights. Particular reference is made to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of possessions, including land). In addition, under Article 6 the applicant and those third parties (including local residents) who have made representations have the right to a fair hearing which means that full consideration should be given to their comments.

When making its decision the Council must balance any likely private harm against the wider public good to ensure that interference with anyone's rights shall only be permitted if it is proportionate (the degree of harm to the individual balanced against



the public interest). On this occasion it is the view of Officers that any interference is in accordance with the law and justified as being in the public interest. Any restriction on rights caused as a result of the proposal is considered to be proportionate to the wider benefits of the proposal that such a decision falls within the margin of discretion afforded to the Council.

## SUMMARY AND RECOMMENDATION

Prior approval is sought for the erection of a 12.5 metre high monopole. This represents an amendment from the original submission which was for a 15 metre high monopole.

The development is permitted development under Part 16 of the GPDO, subject to condition A.3; which requires the developer to apply to the Local Planning Authority for a determination as to whether prior approval is required for the siting and appearance of the development only.

Telecommunications monopoles are now a regular feature on many highway verges as communications networks have expanded. It is accepted that telecommunications equipment is required in housing areas and it is considered that the proposed siting would not be harmful to the character or appearance of the area. It is also not considered that it will harm important views of the nearby Grade II Listed Building or the historic Hallam Football Club.

It has been demonstrated that the siting would not obstruct the line of site at the Coldwell Lane junction and as such officers are unable to substantiate a refusal on highway safety grounds despite concern from residents in the area.

In line with the requirements of the NPPF the operator has explored the possibility of installing the equipment elsewhere and sequentially the proposed site is acceptable in this respect.

In light of the above assessment your officers recommend conditional approval of this prior notification application.

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Case Number	19/00167/FUL (Formerly PP-07555371)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse
Location	Land To The Rear Of 12 Worrall Drive Sheffield S35 0AT
Date Received	17/01/2019
Team	West and North
Applicant/Agent	Burnell Briercliffe Architects
Recommendation	Grant Conditionally

### **Time limit for Commencement of Development**

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

### **Approved/Refused Plan(s)**

2. The development must be carried out in complete accordance with the following approved documents:

Drawing P.02 Proposed Site Plan  
Drawing P.03 Rev A Proposed Plans and Sections  
Drawing E.01 Rev A Proposed Elevations  
Drawing E.02 Rev A Proposed Street Elevation to Mowson Lane

Reason: In order to define the permission

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

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

3. 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.

4. The dwellinghouse shall not be used unless the car parking accommodation for the development 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.

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

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

6. Notwithstanding the submitted plans, the dwellinghouse shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority showing a reduced height boundary wall to the immediate east of the driveway, thereby creating intervisibility between pedestrians using the public footpath and vehicles leaving the drive. The boundary wall shall have been provided in accordance with the aforementioned approved details prior to occupation.

Reason: In the interests of pedestrian safety.

7. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, crossing the existing grassed public footpath leading to the driveway, including full details of gates to the driveway shall have been submitted to and approved in writing by the Local Planning Authority. The dwellinghouse shall not be used unless the surfacing has been provided in accordance with the approved plans and thereafter such surfacing shall be retained.

Reason: To ensure satisfactory parking provision in the interests of pedestrian safety and the amenities of the locality.

8. The development shall not be used unless a screen wall as shown on the plans has been erected in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such boundary treatment shall be retained.

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

#### **Other Compliance Conditions**

9. The gradient of shared pedestrian/vehicular access shall not exceed 1:12.

Reason: In the interests of the safety of road users.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the side or rear elevation(s) facing north towards Worrall Drive or west to No 13 Mowson Lane of the dwellinghouse hereby permitted without the prior written approval of the Local Planning Authority.

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

11. The first floor windows on the elevation of the dwellinghouse facing north towards Worrall Drive shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the window shall at any time be glazed with clear glass.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwelling shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage.

13. The dwelling shall not be occupied unless the hard surfaced areas of the site are constructed of permeable/porous surfacing material and sub base. Thereafter the approved permeable/porous surfacing material and sub base shall be retained.

Reason: In order to control surface water run off from the site and mitigate against the risk of flooding.

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. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677  
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

3. 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.

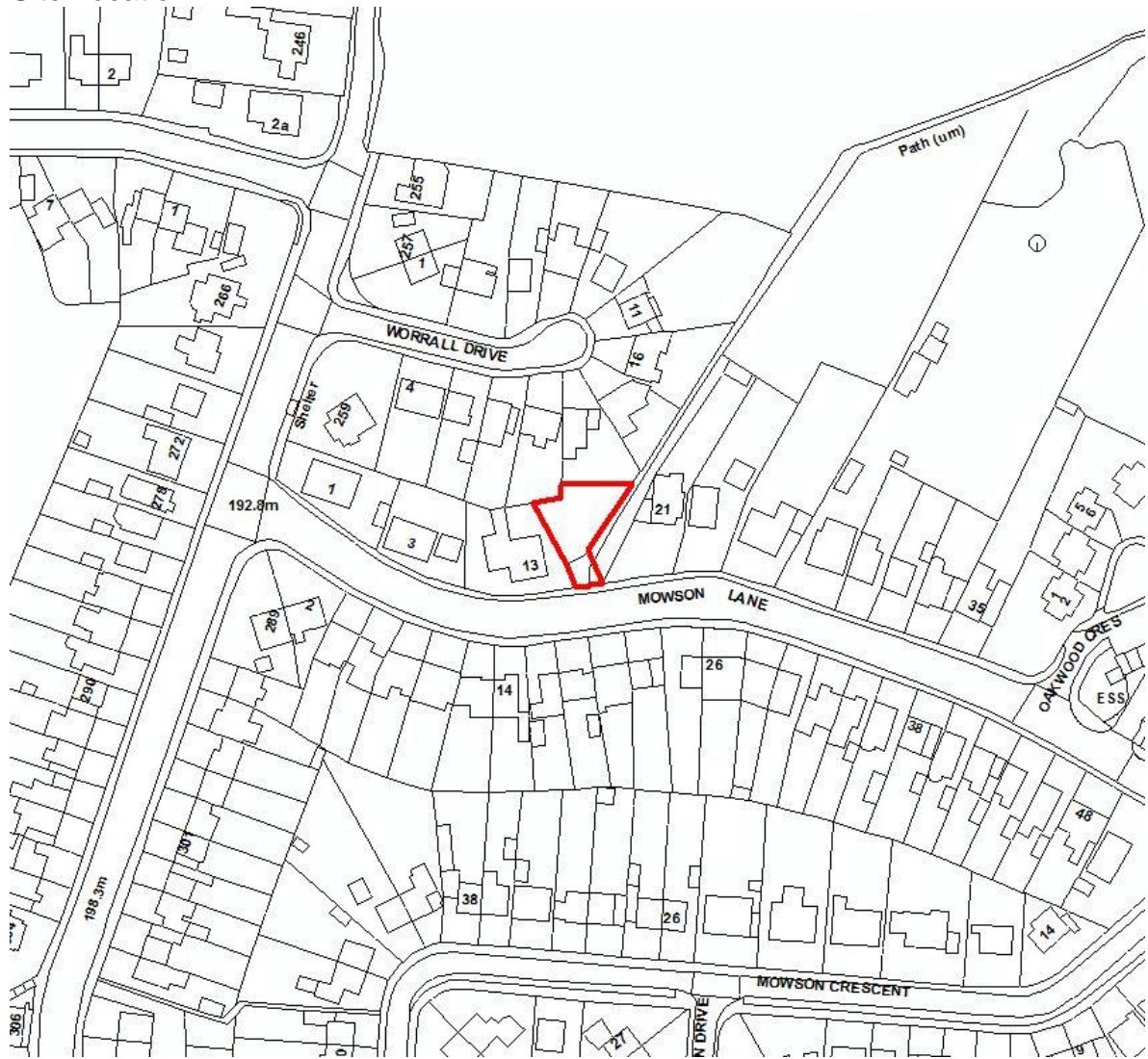
4. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.
5. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

Ms D Jones  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6136  
Email: [dawn.jones@sheffield.gov.uk](mailto:dawn.jones@sheffield.gov.uk)

Site Location



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## LOCATION AND PROPOSAL

The application relates to a parcel of land to the rear of 12 Worrall Drive that backs onto Mowson Lane. The site is currently used as a garden to No.12 Worrall Drive. A public footpath runs along the eastern boundary and the site is between two dwellings on Mowson Lane.

Planning permission is sought for the erection of a detached dwelling house on the site. This would be in the form of a 3 bedroomed dwelling house with living accommodation in the roof. The property would be accessed from Mowson Lane with an integral garage and drive. To the side and rear of the property a garden area is proposed.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area.

## RELEVANT PLANNING HISTORY

Planning permission was refused for the erection of a bungalow by application 82/01335/FUL (formerly 82/2498P)

A further application for a bungalow and garage was refused by application 88/01664/FUL (formerly 88/1019P)

The applications were refused as it was considered that the proposal would represent an overdevelopment of the site, resulting in a property with little in the way of garden space which would be detrimental to local amenity.

It was also considered that the development would be hazardous to pedestrian and highway safety, due to poor visibility to the west.

## SUMMARY OF REPRESENTATIONS

Bradfield Parish Council have objected to the proposal as they feel it is inappropriate development.

An objection has also been received from the Worrall Environmental Group. This raises the following concerns:

- The application would appear to land grab a section of a public footpath.
- The access would entail a metaled surface being put over a public footpath to obtain vehicular access.
- Vehicles passing over a public footpath and the pavement of Mowson Lane would create Health and Safety issues to any pedestrians.

In addition 12 representations have been received from the occupiers of neighbouring properties. These raise the following issues:



- The development could obstruct the public footpath and it is not clear how this will remain unobstructed should development go ahead.
- The footpath is used by walkers and on occasion schoolchildren to walk safely from Bradfield School through to Manchester Road thus avoiding the walk down Stockarth where there are no pavements. It is important that public safety is considered.
- The development would be out of character with the area and would spoil the current street scene, altering the current open aspect.
- The development would be 'garden grabbing' and the proposed dwelling is inappropriate for the site.
- The development would have an adverse effect on the residential amenity of properties adjacent to the proposed dwelling.
- The plot is inadequate in size, shape and position to accommodate a four bedroom detached dwelling house with integral garage.
- Visibility onto Mowson Lane will be limited.
- Windows in the proposed dwelling would overlook neighbouring property.
- A 1.8m brick wall around the property is proposed. This would be totally overbearing and would be detrimental to the enjoyment of neighbouring gardens as well as users of the public footpath.
- The property would be within 13-14m of neighbouring dwellings and so would be overbearing and would prevent occupiers of neighbouring property from extending their dwellings in the future.
- Building works and the proposed new dwelling could place extra strain on the existing drainage system which has in the past suffered from blockages.
- Both the existing house at 12 and the proposed development are family houses and should have adequate and appropriate outdoor space. The proposed development would result in both dwellings lacking in amenity space.
- The development would result in the loss of ecological habitat as a garden pond would be removed.
- The proposed dry stone wall along the edge of the footpath could prove to be unstable and a hazard for people using the footpath.
- The development would be in breach of the Human Rights Act Article 8 (Right to respect for private and family life, home and correspondence).

The following non-planning considerations were also raised:-

- Given the proximity of the proposed dwelling to the boundary, it is possible that access would be required for the erection of scaffolding etc in order to complete the work. This may not be forthcoming.
- No 13 has enjoyed uninterrupted views since the 1860s; any loss of the right to its enjoyment of those views would have a substantial adverse impact on its residential amenity.

## PLANNING ASSESSMENT

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. Within such areas UDP Policy H10 sets out that housing is the preferred use.

UDP Policy H14 'Conditions on Development in Housing Areas' is also applicable. Policy H14 states that new development and extensions will only be permitted where they are well designed and in scale and character with neighbouring buildings, where the site would not be overdeveloped or deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood, and it would provide safe access to the highway network and appropriate off street parking.

Policy H14 is supplemented by an adopted SPG on Designing House Extensions. Although written for house extensions the guidance given is still considered relevant for new dwellings. This document provides more detailed guidance on matters such as design, overbearing and overshadowing impacts as well as privacy.

Core Strategy Policy CS24 is also relevant. This policy states that priority will be given to the development of previously developed sites and no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26.

The Strategic Housing Land Assessment Interim Position Paper 2017 indicates that approximately 5% of gross dwelling completions since 2004/5 have been on greenfield sites. Although the site is classed as being greenfield it is within a relatively sustainable location, close to public transport links and local services and is surrounded by residential properties. The erection of a single dwelling on this site would assist in meeting the Council's targets for the delivery of new housing and complies with Core Strategy Policy CS24.

Sheffield is in the process of updating its 5-year housing land supply position, however given the changed assessment regime identified in the revised NPPF (2018, as updated in 2019) and associated Practice Guidance, further detailed work is required. We will therefore be undertaking additional work, including engagement with stakeholders, to reflect the requirements of national policy and guidance before publishing our conclusions in a monitoring report later this year. At the current time, the Council cannot therefore demonstrate a five year

supply. The Council's most recent assessment of supply, contained in the SHLAA Interim Position Paper (2017), showed a 4.5 year supply of sites.

This development would make a small contribution to the supply of housing within the city.

Policy CS26 of the Core Strategy relates to the efficient use of housing land. In parts of the urban area that are not near Supertram stops or close to high frequency bus routes such as here, it details that the density should be in the order of 30-50 dwellings per hectare. The policy does stipulate however that the density of new developments should be in keeping with the character of the area.

The proposal seeks to erect a single dwelling on a piece of land with an area of approximately 300sqm. The development would have a density of approximately 33 dwellings per hectare. In addition the retained plot of the host property (12 Worrall Drive) would be in the region of 340sqm. As such the proposed development would not represent an overdevelopment of the site.

The revised National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 117 of the revised NPPF sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

It is considered that the proposed development would be of an appropriate density and is in a relatively sustainable location. In principle, and in land use policy terms, the application is considered to be acceptable.

### Street Scene

The proposed dwelling house would front onto Mowson Lane, albeit set back by approximately 12.5m from the back edge of the footway. Immediately to the west of the site is No.13 Mowson Lane. This is a traditional double bay fronted property of stone construction. To the east the site is bounded by a dry stone wall and hedge with a fairly wide grassed public footpath. Beyond this is No 21 Mowson Lane which is a detached dwelling house, again of two storeys. Further along Mowson Lane are bungalows and on the opposite side of the lane are pairs of semi-detached dwellings. Building materials also vary with a mixture of stone, red brick and render.

The proposed dwelling house would be sited constructed from red brick with a slate roof and would be two-storeys with the upper storey to be located within the roof space with two dormers on the front elevation. The property would also have a gable facing the highway which would contain a large glazed area, giving the property a more contemporary feel.

As set out above there is considerable variation within the street. Properties further along Mowson Lane have dormers to the front.

The submitted street scene elevations show that the development would be respectful to the sloping nature of the site (which falls to the east), the proposed dwelling being set down from No.13 and just slightly higher than No.21, thereby following the natural topography.

The applicant has indicated that the dry stone wall that forms the current boundary to the eastern side would be retained and rebuilt (to provide screening to the garden from the public footpath) to a height of 1.8m.

The position of the dwelling relative to the edge of Mowson Lane, although set some distance behind no.13, would be similar to that of no.21.

It is considered that on balance the development would not be harmful to the character and appearance of the area. Paragraph 130 of the revised NPPF (2019) sets out that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Given the wide variations in the street scene and the set-back nature of the site the proposed dwellinghouse is considered to be acceptable in terms of design.

#### Amenity

The new dwelling would be sited to the rear of properties on Worrall Drive and has been arranged internally such that the main aspect from the property would be onto Mowson Lane.

The submitted plans indicate that a distance of 12m would be maintained between the rear of an existing single-storey extension to No.12 and the proposed dwellinghouse. No 12 has also been extended with a conservatory and this would be closer to the proposed dwellinghouse (with a separation of around 10m).

Properties on Worrall Drive are at a slightly lower level than the neighbouring dwelling (No.13) on Mowson Lane. The proposed dwellinghouse has been designed to try and minimise any overbearing impact, the upper floor accommodation being within the roof space and the street scene elevation shows that the eaves of the gable feature on the front elevation of the proposed dwelling would be level with the eaves of No.12 Worrall Drive.

Guideline 5 of the Council's SPG on Designing House Extensions sets out that a two storey extension should not be placed within 12m of ground floor main facing windows, to prevent unreasonable overshadowing or overdominance.

The proposed dwellinghouse would be within 10m of conservatory windows on the rear of No.12; however the conservatory is also served by windows on the side elevation and so would not be unreasonably overshadowed. The new dwellinghouse would be 12m from other ground floor windows in this property. On

balance it is considered that the development would not result in unreasonable overshadowing or loss of light to properties on Worrall Drive.

No.13 Mowson Lane has windows on the ground floor that serve habitable rooms that look out to the east over the development site. The proposed dwellinghouse would be set back from the side of No.13 Mowson Lane so as not to be directly in front of these windows. These rooms are also believed have secondary windows on the front and rear elevations. These rear facing windows would be within a 45 degree angle scribed from the corner of the proposed gable wall of the application proposal. This is contrary to Guideline 5 of the SPG however this is designed for immediately adjoining properties and a situation where no alternative windows are available as a light source.

No.13 has been extended with a single-storey projection to the rear, furthest from the boundary with the development site. The proposed dwellinghouse would be sited such that a separation distance of 12m between the extension to No.13 and the proposed dwellinghouse would be maintained. It is worth noting that the 12m distance guide relates to proximity to a full two storey height gable positioned on the same ground level. In this case the application site is at a lower level and the proposed side gable is not a full two storeys. Therefore the impact is reduced. In addition there would be a gap between the rear corner of no.13 and the taller elements of the proposal that would allow sunlight to penetrate to the garden of no.13.

There would undoubtedly be some loss of sunlight and some overshadowing to the rear garden of no.13, however for the reasons given above this is not considered to be at a level that is sufficiently harmful to resist granting planning permission.

It is considered that, whilst the site is tight, the development would not give rise to unacceptable levels of overshadowing and overdominance such as to warrant a refusal of the application.

Amended plans have been received during the course of the application. On the side elevation which faces towards No.13 Mowson Lane a door is proposed on the ground floor. Although glazed this would be largely obscured by boundary treatments and the door would open onto a lobby, not a habitable room. It is considered that the development would not give rise to overlooking to the west.

On the rear elevation the proposed development would have three windows on the upper floor. These would all serve bathrooms and so overlooking towards properties on Worrall Drive would not occur either. However, to prevent any potential future overlooking in this direction it is recommended that, should planning permission be granted, a condition be attached to any consent prohibiting these windows from being clear glazed and permitted development rights be removed so that new clear glazed windows cannot be inserted.

On the eastern elevation of the proposed dwelling house a sun room is proposed on the ground floor. Overlooking from this room would be largely prevented by boundary treatment (1.8m high stone wall with planting to the inside). On the first floor a secondary bedroom window is proposed. This would be afforded a view

across to the front / side of No.21 Mowson Lane; however the attached garage of No.21 would be positioned between the two dwellings and there are no windows on the side of No.21. The proposed development would not allow for overlooking to the rear garden of No.21.

As already mentioned, the main aspect of the proposed dwelling house would be to the front, with a distance of around 30m between the proposed development and properties on the opposite side of Mowson Lane.

Guideline 6 of the Council's SPG on Designing House Extensions set out that a minimum separation distance of 21m should be maintained between main facing windows.

It is therefore considered that the proposed development would not give rise to unacceptable levels of overlooking, loss of privacy or overshadowing to neighbouring properties. The proposed separation distance between the properties would comply with guidelines contained within the Council's SPG on Designing Extensions. Consequently the proposal is not considered to contravene the Human Rights Act (Article 8).

The proposed development would have a small strip of garden to the rear and a more useable area in excess of 50sqm to the side. In addition the host property (No.12 Worrall Drive) would retain ample private amenity space, the main rear garden area being in excess of 80sqm.

It is considered that the development would not be harmful to the amenity of occupiers of neighbouring property and living standards for occupiers of the development would be satisfactory. The development would accord with UDP Policy H14 as well as paragraph 127 of the revised NPPF (2019).

## Highways

The proposed development would be accessed from Mowson Lane. The applicant currently has a vehicular access from Mowson Lane, which has in the past been used for accessing the property to park a caravan. The frequency of use of this access is disputed by neighbours.

In order to gain access to the property users have to overrun a grassed area to the south. To the east is a public footpath that may also share a small portion of this area. The grassed area is not owned by the Council and it is not clear who does own this area of land. The applicant has tried to investigate this, serving the correct notices and publishing an advertisement in the Sheffield Telegraph. No representations have been received as a result.

At present the boundary consists of a wall, approximately 1.25m in height with a conifer hedge planted behind. The applicant is looking to remove the hedge and extend the wall such that it is 1.8m in height, providing privacy to the garden.

It is considered that provided the area of land to the south of the access remains open, as it is at present, and no new gates are erected at the point where the drive

meets Mowson Lane, the development would not be hazardous to users of the public footpath.

If planning permission is given full details of the proposed gates to the drive and surfacing of the grassed area in question should be made a condition of any consent as well as details of how water will be prevented from spilling onto the public highway. It is also recommended that the height of the wall at the access be reduced, such that it is no more than 1m in height to aid visibility for drivers exiting the site.

Subject to the imposition of such conditions it is considered that the use of the access point by a single dwelling house would pose no significant safety concerns for users of the footpath.

The submitted plans indicate that the proposed dwelling house would have space to park two cars within the site, clear of the public footpath, as well as an additional space within the proposed integral garage.

The level of parking proposed is adequate. No 12 Worrall Drive also has parking to the front (accessed from Worrall Drive) and this would remain unaltered.

It is considered that the proposal would not result in an increase in traffic which would be detrimental to highway safety within the area.

The development would accord with UDP Policy H14 and, with heed to paragraph 109 of the revised NPPF (2019) which sets out that development should only be prevented 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, it is considered that a refusal on highways grounds cannot be justified.

#### Community Infrastructure Levy (CIL)

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development. Mostly CIL replaces some previous payments negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43).

In this instance the proposal falls within Zone 3. Within this zone there is a CIL charge of £30 per square metre. The applicant has completed a CIL form which sets out that the development proposes 140sqm of residential floor space; however the applicant has also set out that they are to claim self-build relief.

#### Response to Representations

The effect development would have upon residential amenity and highway safety has been dealt with in the report above.

Loss of view is not a planning consideration.

Any future drainage problems would be a private matter to be resolved between the two parties as would access for the construction of the proposed development. A condition will ensure that all hard surfaced areas of the site are porous to minimise surface water run off.

Obstruction of the public footpath during construction works would also not be a reason to withhold planning permission.

In terms of ecology, there is no evidence to indicate the presence of protected species and the owners of No.12 could alter their garden, without the need for planning permission, involving removal the garden pond. As set out above, both No.12 and the new property would have ample garden space and so a sizeable garden habitat would be retained. A refusal of the application on ecological grounds cannot be justified.

#### SUMMARY AND RECOMMENDATION

Planning permission is sought for the erection of a single dwellinghouse on land to the rear of properties on Worrall Drive. The proposed dwellinghouse would front onto Mowson Lane from where the site would be accessed. Adjacent to the site is a public footpath.

The development site is within a housing area and is surrounded by residential properties. Although the site is tight, there would be space within the site to provide a dwellinghouse, associated parking and amenity space. It is considered that the development would not give rise to unacceptable levels of overshadowing or overlooking and the site would not be overdeveloped. In addition the development would not cause significant highway safety concerns.

It is considered that, on balance the development would accord with UDP Policy H10 and H14, Core Strategy Policy CS24 and 26 as well as guidance contained within the revised NPPF and the Council's Supplementary Planning Guidance on Designing House Extensions. It is recommended that planning permission be granted with conditions.





## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of City Growth Department

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**Date:** 25 June 2019

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Marie Robinson 0114 2734218

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**Summary:**

List of all newly submitted planning appeals and decisions received, together with a brief summary of the Inspector's reason for the decision

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
25 JUNE 2019

### 1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

This report provides a schedule of all newly submitted planning appeals and decisions received, together with a brief summary of the Secretary of State's reasons for the decisions.

### 2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for erection of 5 terraced dwellinghouses at land to rear of 32-38 Greenhill Main Road Sheffield S8 7RD (17/05025/FUL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for change of use of ground floor from residential (Use Class C3) to retail (Use Class A1), and provision of new shop front (Amended description and amended plans received 24th September 2018) at curtilage of 120 Bushey Wood Road Sheffield S17 3QD (18/01553/FUL)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for partial demolition of existing house, and erection of a new dwellinghouse (Amended Description) at 104 Page Hall Road Sheffield S4 8GW (18/01688/FUL)

### 3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeals against the non-determination of applications for planning permission (Case no. 17/01969/FUL) and listed building consent (Case no. 17/04014/LBC) for the extension to apartment block to form a dwellinghouse at Manor Lodge Primary School Manor Lane Sheffield S2 1TR have been dismissed.

Officer Comment:-

The Inspector identified the main issues as being:-

- a) the effect of the proposal on the special interest of the former Manor Lodge Primary School, a Grade 2 Listed Building; and
- b) the effect of the proposal on the living conditions of neighbouring residents, with particular regard to light and outlook.

In respect of a) the Inspector noted the significant historic interest of the former school as being amongst the earliest in the country to be built after the 1870 Education Act. She also noted its architectural interest and its commanding presence in the street scene.

She noted the extension would be subservient to the main building but shared the Council's concern that the design has a bland, modern appearance, with a tenuous visual relationship to the school building and did not adequately respond to the high architectural qualities of the listed building. In addition its position would harm the setting of the listed building by encroaching on the openness that surrounds the school.

She concluded therefore that the works would conflict with the statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the setting of the Listed Building, as well as local policies (BE15, BE19 of the UDP and CS74 of the Core Strategy).

She considered the harm to be 'less than substantial' within the meaning of para 195 of the NPPF. The public benefits (adding a house to the supply of housing in the area, and making efficient use of the land) were not sufficient in her view to outweigh the harm to the heritage asset and the scheme therefore conflicts with the aims of paras 193-196 of the NPPF.

For b) she noted a number of windows, albeit secondary windows on the side elevations of the school building that provide light to the apartments therein. Although secondary windows, she considered the proximity of the proposed development would result in a harmful reduction of light to the adjacent dwellings, and outlook from them in conflict with policy H14 of the UDP.

For the above reasons the Inspector concluded the scheme was unacceptable and dismissed both appeals.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning consent for the erection of 2 dwellings with integral garages at land between No 89 and Junction with Long Lane Cockshutts Lane Sheffield S35 0FX (Case No 18/03116/OUT) has been dismissed.

Officer Comment:-

The Inspector noted that whilst the application was in outline form with all matters reserved, the description indicates single storey properties and he had regard to this in his determination.

He identified the main issues as being:-

- a) Whether the development was inappropriate development in the Green Belt;
- b) Its effect on the openness of the Green Belt; and

c) If inappropriate whether any very special circumstances exist to outweigh the harm, which by definition would be caused.

In terms of a) the appellant considered the proposal represented the 'limited infilling' that the NPPF identifies as an exception to the listed inappropriate development. However the Inspector felt that due to the location and size of the site, as well as it being outside the designated Housing area, it did not constitute a small gap or limited infilling in the context of policy GE5 of the Unitary Development Plan or the NPPF.

He therefore felt it represented inappropriate development within the Green Belt, and gave this substantial weight in accordance with the NPPF.

For b) he noted that the dwellings would be set back from the highway and would be partially screened by existing vegetation. However, vantage points were available and level changes were such that it would have visual impact on the openness of the Green Belt. He concluded this would harm the openness of the Green Belt.

In terms of c) the proposals offered two new dwellings that would be accessible to shops and services and contribute to housing supply. However, whilst beneficial, the scale of the benefits would be limited.

In summary, he did not consider the limited contribution to the Council's 5 year housing supply and adding to the built character of development in the area outweighed the substantial harm to the Green Belt and dismissed the appeal.

(iii) To report that an appeal against the delegated decision of the Council to refuse approval of detail reserved by condition consent for the application to approve details in relation to condition number(s): 4 (Remediation), 5 (Tree Protection), 6 (Construction Works), 7 (Dilapidation Survey), 8 (Materials, Landscaping, Illuminations and Long/Cross Sections), 9 (Surfacing - Individual and Private Drives), 11 (Footway Reconstruction), 12 (Surface Water Spillage), 13 (Travel Plan) , 14 (Surface Water Drainage - Disposal), 15 (Phasing Strategy), 16 (Landscape Management Plan) & 17 (Surface Water Drainage Scheme) as imposed by planning permission 16/03083/FUL at land south of Monteney Road and east of Morrall Road Sheffield S5 9AJ (Case No 16/03083/COND1) has been dismissed.

Officer Comment:-

The only elements of this application that was refused were related to conditions 8 and 9. These concern amongst other matters the surfacing materials for the driveways of the 79 properties within the development.

The Inspector identified the main issue therefore as being whether the details were acceptable in terms of highway safety and pedestrian/vehicular access arrangements.

The developer's proposal was for a bitumen apron with rolled and compacted aggregate on a cement dusted stone sub base. The developer acknowledged the potential for displacement of aggregate by requiring homeowners to maintain their driveways, including raking the aggregate and brushing back stones from the highway. The Inspector considered it unlikely that all homeowners would do so and that material would clearly spill onto the highway and be left unattended.

Such an uneven surface would affect cyclists and lead to pedestrians, including infirm, elderly and disabled, to lose their footing. The Inspector felt this would be exacerbated in inclement weather and he concluded this would cause harm to highway safety.

He did not accept the appellant's point that Local Plan policy does not presume against such surfaces, and acknowledged the South Yorkshire Residential Design Guide states that drives should be surfaced with bound material to prevent the deposition of loose material on the highway. Whilst this is not formally adopted by the Council, he gave it some limited weight.

The appellant had also argued their approach would offer a sustainable urban drainage solution, however whilst the Inspector acknowledged this he did not feel that outweighed the highway safety concerns, particularly given the wider drainage sustainability requirements of the development.

He considered the proposals to be contrary to the aims of policies BE5 and H14 of the Unitary Development Plan and dismissed the appeal.

#### 4.0 APPEALS DECISIONS – ALLOWED

Nothing to report.

#### 5.0 ENFORCEMENT APPEALS

Nothing to report

#### 6.0 RECOMMENDATIONS

That the report be noted.

Colin Walker  
Interim Head of Planning

*25 June 2019*

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