

Planning and Highways Committee

Tuesday 2 February 2021 at 2.00 pm

**To be held as an online video conference.
To access the meeting, click on the 'View
the Webcast' link below**

The Press and Public are Welcome to Attend

Membership

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

Substitute Members

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

PUBLIC ACCESS TO THE MEETING

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. 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 emailing abby.brownsword@sheffield.gov.uk

FACILITIES

N/A

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
2 FEBRUARY 2021**

Order of Business

- 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 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 14)
Minutes of the meeting of the Committee held on 12th January 2021.
- 6. Applications Under Various Acts/Regulations** (Pages 15 - 16)
Report of the Director of City Growth
- 6a. Application No. 20/01667/FUL - Waggon and Horses, 57 Abbeydale Road South / and Park Land Adjacent, Sheffield, S7 2QQ.** (Pages 17 - 38)
- 6b. Application No. 20/03197/FUL - St Lukes Church, Blackbrook Road, Sheffield, S10 4LQ.** (Pages 39 - 52)
- 6c. Application No. 20/02057/FUL - Land Between 94 and 98 Wheel Lane, Grenoside, Sheffield, S35 8RN.** (Pages 53 - 78)
- 6d. Application No. 20/03328/FUL - Land off Black Lane and to the rear of 547-573 Loxley Road, Sheffield, S6 6RR.** (Pages 79 - 94)
- 6e. Application No. 20/03110/FUL - 8 Springfield Glen, Sheffield, S7 2HL.** (Pages 95 - 108)
- 7. Proposed Changes to the Public Path Network at Hunshelf Bank, Stocksbridge, Sheffield, S36** (Pages 109 - 118)
Report of the Director of Operational Services.
- 8. Proposed Closure of Footpaths off Harborough Road, Manor Park, Sheffield, S2** (Pages 119 - 128)
Report of the Director of Operational Services.
- 9. Record of Planning Appeal Submissions and Decisions** (Pages 129 -

10. Date of Next Meeting

The next meeting of the Committee will be held on Tuesday 23rd February 2021 at 2pm.

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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.

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Planning and Highways Committee

Meeting held 12 January 2021

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

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

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 The Chair confirmed receipt of an additional representation from an objector to Agenda Item No. 7c, Application No. 20/03202/FUL – Land at the rear of 17 to 31, Tetney Road, Sheffield, S10 3GZ. Members confirmed that they had all received the representation.

3.2 Councillor Roger Davison declared a personal interest in Agenda Item 7e, Application No. 20/04068/FUL – 240 Greystones Road, Sheffield, S11 7BR, as a local ward member. Councillor Davison declared that he had not given an opinion or made up his mind on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

3.3 Councillor Peter Garbutt declared a pecuniary interest in Agenda Item 7b, Application No. 20/03338/FUL – 1 Ecclesall Road South, Sheffield, S11 9PA, as prior to being a local ward member, he had represented objectors to the application. Councillor Garbutt left the meeting and took no part in the discussion or voting thereon.

3.4 Councillor Andrew Sangar declared a personal interest in to Agenda Item No. 7c, Application No. 20/03202/FUL – Land at the rear of 17 to 31, Tetney Road, Sheffield, S10 3GZ, as the application site, whilst not in the Fulwood ward, was adjacent to the ward boundary. Councillor Sangar declared that he had not given an opinion or made up his mind on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee held on 8th December 2020 were approved as a correct record.

5. SITE VISIT

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

6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

6a. APPLICATION NO. 19/01553/FUL - LAND TO REAR OF 32-38 GREENHILL MAIN ROAD, SHEFFIELD, S8 7RD

- 6a.1 Further representations, along with the officer response and an update on the Five Year Housing Land Supply were included within the Supplementary Report circulated and summarised at the meeting.

- 6a.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

- 6a.3 Helen May attended the meeting and spoke against the application.

- 6a.4 Caroline McIntyre attended the meeting and spoke in support of the application.

- 6a.5 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also having regard to representations made during the meeting.

- 6a.6 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for the erection of 4 dwellinghouses (Re-submission of 17/05025/FUL) (Amended Plans) at land to rear of 32-38 Greenhill Main Road, Sheffield, S8 7RD (Application No. 19/01553/FUL).

6b. APPLICATION NO. 20/03338/FUL - 1 ECCLESALL ROAD SOUTH, SHEFFIELD, S11 9PA

- 6b.1 Additional representations, along with the officer response were included within the Supplementary Report circulated and summarised at the meeting.

- 6b.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

6b.3 Vivian Lockwood and Councillor Barbara Masters attended the meeting and spoke against the application.

6b.4 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also having regard to representations made during the meeting.

6b.5 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for the change of use from car showroom (Use Class Sui Generis) to offices (Use Class E) including the alteration of cladding (Amended Description & Additional Details including supporting / highways information) at 1 Ecclesall Road South, Sheffield, S11 9PA (Application No. 20/03338/FUL).

6c. APPLICATION NO. 20/03202/FUL - LAND AT REAR OF 17 TO 31, TETNEY ROAD, SHEFFIELD, S10 3GZ

6c.1 An update on the Five Year Housing Land Supply were included within the Supplementary Report circulated and summarised at the meeting.

6c.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

6c.3 Martin White and Ian Queening attended the meeting and spoke against the application.

6c.4 Paul Brailsford attended the meeting and spoke in support of the application.

6c.5 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary condition, now submitted and also having regard to representations made during the meeting.

6c.6 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for the erection of 4 dwellinghouses with associated parking and landscaping works (Resubmission of application 18/01297/FUL) at land at rear of 17 To 31 Tetney Road, Sheffield, S10 3GZ (Application No. 20/03202/FUL).

6d. APPLICATION NO. 20/03153/FUL - LAND TO FRONT OF 26 & 28 DRURY LANE, SHEFFIELD, S17 3GG

6d.1 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.

- 6d.2 Sophie Douglas attended the meeting and spoke in support of the application.
- 6d.3 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report, now submitted and also having regard to representations made during the meeting.
- 6d.4 **RESOLVED:** That (1) an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, for the change of use of land to form residential curtilage on land outside no's 26 and 28 Drury Lane at land to front of 26 & 28 Drury Lane, Sheffield, S17 3GG (Application No. 20/03153/FUL); and
- (2) No objection be raised to the proposed Stopping Up of the areas of highway shown on the plan referenced as HR\D209, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected and Legal Services be authorised to take all necessary action on the matter under the relevant powers contained within Section 247 of the Town and Country Planning Act 1990.

6e. APPLICATION NO. 20/04068/FUL - 240 GREYSTONES ROAD, SHEFFIELD, S11 7BR

- 6e.1 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues set out in the report.
- 6e.2 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report, now submitted.
- 6e.3 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, for the demolition of attached garage and porch, erection of two-storey side and single-storey front extension to dwellinghouse with rear decking at 240 Greystones Road, Sheffield, S11 7BR (Application No. 20/04068/FUL).

7. ENFORCEMENT UPDATE REPORT

- 7.1 Khalid Mahmood, Enforcement Team Leader, attended the meeting and presented the report.
- 7.2 Khalid informed the Committee that this was the six monthly Enforcement Update Report and included details of all ongoing, open cases.
- 7.3 The Committee went through the report and asked questions on individual cases.
- 7.4 Councillor Peter Price asked about the situation at 23 Brathay Close,

S4 8BQ and it was explained that although an enforcement notice had been served, a planning application had now been received to retain the outbuilding and fence. It was suggested that the application could be brought before Committee for a decision.

- 7.5 Councillor Chris Rosling-Josephs asked a question about the long running situation at 126 Birley Spa Lane, S12 4EJ as the site had now been sold on but the unauthorised use was still in place. It was explained that direct action was still being considered, but there would be an initial cost to the Council. Discussions were ongoing with the new owner of the property.
- 7.6 Councillor Dianne Hurst thanked officers for their hard work in resolving the issue at 270 Handsworth Road, S13 9BX.
- 7.7 Councillor Andrew Sangar asked for updates on the cases regarding the Former Loxley Works, Low Matlock Lane, S6 6RP, the Plough Inn, 288 Sandygate Road, S10 5SE and 131 Oakbrook Road, S11 7EB. It was explained that the breach of condition notice at Low Matlock Lane regarding a septic tank had now been resolved and would be discharged. Much of the site at the Plough Inn had now been cleared and the unauthorised use had ceased. Officers were awaiting proof that planning permission was being complied with at 131 Oakbrook Road.
- 7.8 The Chair thanked officers for their hard work.
- 7.9 **RESOLVED:-** That members note the current progress on actions.

8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 8.1 The Committee received and noted a report of the Chief Planning Officer detailing new planning appeals received and planning appeals allowed or dismissed by the Secretary of State.
- 8.2 Michael Johnson (Service Manager - Development Management) informed Committee that a public inquiry would be held into the appeal of the Hepworth Site.
- 8.3 Members were informed that an appeal against an officer decision (which was a resubmission following a Committee refusal) at 499 Loxley Road, Sheffield, S6 6RP (Case No: 20/00500/FUL) had been dismissed by the inspector who agreed that the development would lead to an erosion of character on this part of Loxley Road, including a loss of glimpsed views to the valley behind.

9. DATE OF NEXT MEETING

- 9.1 It was noted that the next meeting of the Planning and Highways Committee would be held on Tuesday 2nd February 2021 at 2pm.

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 02/02/2021

Subject: Applications under various acts/regulations

Author of Report: Michael Johnson, Chris Heeley and Dinah Hope

Summary:

Reasons for Recommendations

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

Recommendations:

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

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Case Number	20/01667/FUL (Formerly PP-08737171)
Application Type	Full Planning Application
Proposal	Use of adjacent park land as external trading area for Public House including provision of seating area, siting of container unit for use as servery and provision of additional access to site from Millhouses Park and associated works
Location	Waggon and Horses, 57 Abbeydale Road South / and Park Land Adjacent Sheffield S7 2QQ
Date Received	27/05/2020
Team	South
Applicant/Agent	Melling Ridgeway And Partners
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:
 - Site Location Plan / 5610-412 B (uploaded on 23 Jun 2020)
 - Proposed Elevations and Site Section / 5610/408B (emailed to Planning Officer on 20 Jan 2021)
 - Proposed Site Plan / 5610/402A (uploaded on 18 Nov 2020)
 - Tree Protection Plan / 1044 WNH 003 A (uploaded on 18 Nov 2020)

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. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

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

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

5. Prior to their installation, details of the external finish and colour of the container unit/servery and external steel steps shall be submitted to and approved in writing by the Local Planning Authority. The container/servery and steps shall then be implemented in accordance with approved details.

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

6. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Reason: In the interests of the visual amenities of the locality.

7. The soft landscaped areas shall be managed and maintained for a period of 5 years from the date of implementation and any plant failures within that period shall be replaced in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality.

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

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

commenced.

9. No development shall commence until the approved details of measures to protect the existing trees to be retained, have been implemented. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

10. The indicated boundary treatment details are not hereby approved. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the external trading area shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

Reason: In the interests of the visual amenities of the locality.

11. The development shall be carried out in accordance with the submitted flood risk assessment (ref 13th November 2020 / 20/027.01 / JOC Consultants Ltd) and the following mitigation measures it details:

- Finished floor levels of the server unit shall be set no lower than 98.3 metres above Ordnance Datum (AOD)

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

Reason: To reduce the risk of flooding to the proposed development and future occupants.

12. No external lighting shall be provided unless and until full details of such lighting have been submitted to and approved by the Local Planning Authority. The submitted details shall include a report which demonstrates that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light'. Only the approved lighting details shall be implemented as part of the development.

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

Other Compliance Conditions

13. No loudspeakers shall be fixed externally nor directed to broadcast sound outside the building at any time.

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

14. No customers shall be present within the new outside seating area on the existing park land between 21:00 - 09:00 hrs on any day.

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

15. Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

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. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and the Environment Agency advise they are consulted us at the earliest opportunity.

3. The Environment Agency strongly recommend the use of flood resistance and

resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance.

Further guidance on flood resistance and resilience measures can also be found in:

Government guidance on flood resilient construction

<https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>

CIRIA Code of Practice for property flood resilience

https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

Site Location



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LOCATION AND PROPOSAL

The application site is located to the south-east of Abbeydale Road South, and features the 'Waggon and Horses' Public House (PH) and some adjacent parkland. The PH sits within Millhouses Park, and the site is designated as 'Open Space' within the Adopted Unitary Development Plan.

The application relates to the portion of parkland adjacent to side of the premises facing north-east and land at the rear of the building.

Permission is sought to enable conversion of the space to an external trading area for the PH. This would involve:

- Provision of 20 tables giving 160 covers for customer use to include two entry/exits to the park,
- the siting of a container unit (4.6m by 2.1m) as a serving facility.
- some re-levelling and surfacing works. Adaptation works to facilitate car park access from the park. Formation of perimeter treatments and creation of small railway sleeper/retaining structures.
- Removal of 5 trees, as well as some minor canopy-lifting and crown reduction works to other trees and removal of understorey planting.

RELEVANT PLANNING HISTORY

10/01293/FUL: Formation of beer garden including installation of ten tables/chairs and planting areas and erection of perimeter fencing (As per amended drawings received 06/08/2010).

This application related to the conversion of space used a car park to the PH, rather than parkland or car parking facilities associated to the park. However, the approval was not implemented.

Approved - 17.08.2010

SUMMARY OF REPRESENTATIONS

Following publicity given to the application representations both for and against the proposals have been submitted, and are summarised below:

Objections

Following neighbour notification and the placement of site notices; a total of 56 representations have been received in objection to the scheme.

The objections to the scheme are summarised as:

Park / Open Space Issues

- Conflict with Core Strategy policy CS47. Reduction of public open space where current levels are the lowest in the city following recent, local developments on open space/s. Open space particularly valuable to those without a garden and during

pandemic. Millhouses Park is a destination park.

- A key purpose of parks is to encourage healthy activity, as per Green and Open Spaces Strategy. Scheme reduces opportunity to exercise.
- Affected part of park is quieter than elsewhere, bringing mental health benefits. Used by older people, families picnicking, children on bikes/scooters and playing in trees. Gives a shaded area and forms a psychological barrier between park and pub. Near to children's play area.
- Effects on park's general character, particularly area next to Pub and in the child's play/skate park area, bouncy castle and ice cream van area and outdoor gym. Loss of family atmosphere, replaced by tense, uncomfortable ambience. Noise, smoke, litter and broken glass spread into park. Overlooking to park users.
- Introduction of alcohol adjacent to park users would cause offence to and discourage Muslim park users, often visiting from Sharrow with less park space.
- Antisocial behaviour / disturbance. Children exposed to environment where alcohol consumed without parental consent. Safeguarding issues.
- Entry/exit points from beer garden to park would promote excessive and anti-social behaviour. Additional accesses through busy, flower garden area should be avoided. Space should be isolated from park.
- Increase vandalism and graffiti in park.
- Policing of negative impacts will fall to Sheffield Council.

Ecological Issues

- Portion of parkland is well used by bird-life. Observed (in spring 2018) that 10-15 bird species used area at one time (including 3 species on RSPB's amber / red list).
- Loss of mental health benefits of contact with nature.
- Tree and shrub removal will decrease habitat value of space.
- Negative ecology impacts of noise, litter, light pollution, odours, and increased adult presence.

Landscaping Issues

- Trees would be felled, and others impacted by proposals. Loss of screening. Impacts on air quality along Abbeydale Road corridor.

Commercial Issues

- Leasing of public parkland (which was donated to Sheffield's people) for commercial gain/profit would set precedent.
- Impacts to park café.
- Other under-used pubs in locality.

Residential Living Conditions

- Existing late-night noise issues in this area will be exacerbated, affecting members of local community (i.e. at Ranulf Court's retirement flats and nearest parts of Hartington Avenue and Pingle Road). Acoustics magnify sound during summer months. Pub customers currently congregate in the application area, causing anti-social behaviour.
- Existing anti-social behaviour elsewhere in the park (including late-night, alcohol consumption) would increase.

Highways Issues

- Additional traffic in area. Heavy parking on Abbeydale Road South and surrounding side roads will worsen.

Other Issues

- Site notification is not obvious. Lack of official consultation.
- Existing pub car park (rarely used) or space at rear of pub represent better alternative locations. Scheme includes 4 times more seating, a servery and entry points into park, compared to previously proposed scheme which was met with substantial opposition (a 2,000 signature petition).
- Adequate seating at pub frontage.
- Friends of Millhouses Park not consulted. Friends Group have raised funds for park, paid for all key attractions, organised volunteer events, and maintaining the park. Friends Group is opposed to the application.

Non-Material Planning Issues

- No Licence has been issued, and this should be acquired before determination of application. Cricket club are only able to serve alcohol within premises
- Publicity posters located around park with an invalid web address have discouraged comment.
- Health issues related to alcohol.

Carter Knowle and Millhouses Community Group have made three representations which are summarised as follows:

- Application makes no reference to Policy CS47 or to the Building Better Parks Policy.
- No Design and Access Statement is supplied, no separate community consultation undertaken, application doesn't set out benefits, provide business case, demonstrate value for money, provide an environmental assessment, a H&S assessment, assess impacts on other users, assess the increased footfall and vehicles in area, or provide an equalities assessment. There is no indication of proposed hours of use, no assessment of impacts on residents, and no assessment of possible alternatives.
- Inadequate/delayed notice provided. Planning On-Line has been slow/inaccessible.
- Parks and Countryside are understood to be fully supportive of proposal, which is against Building Better Parks Policy. Proposal was signed off improperly by Cabinet lead for Culture and Leisure in Feb 2020, given failures to abide by policy and before the pandemic's effects.
- Sets precedent.

Cllrs Barbara Masters and Shaffaq Mohammed have submitted a joint objection and have undertaken a local survey. The comments are summarised as:

- Decision should be deferred given the way the application has been progressed and their survey's findings.
- Given pandemic many residents are not aware of application. No consultation prior to application's submission, preventing discussion / compromise.
- People have been reliant on Planning Portal, that's not conducive to scrutiny. Not accessible to all. Proper public consultation would have overcome this.
- Submitted documents are unclear / contradictory.
- Setting of precedent for further park disposal.

- Building Better Parks strategy outlines a procedure for assessing proposals which haven't been followed.

Cllrs Masters and Mohammed's survey was delivered to 650 local properties, and 102 were returned. The main conclusions are summarised as:

- 69% were in favour of application (but only 25% unreservedly), 25% against and 6% undecided.

Concerns as follows:

- sets precedent for disposal of park land
- container inappropriate for setting
- littering and antisocial behaviour
- pub should take responsibility for customer behaviour
- tree removal
- pub should remain shielded from park,
- car park should be used (ie application reference 10/01293/FUL).
- park is a family space, atmosphere would be affected by a space for alcohol consumption, especially next to a main entrance to park
- servery and chairs/tables requires permanent changes to be made.
- affect existing café's viability
- rent won't be spent on park and won't compensate for harm to park users,
- additional traffic and parking
- environmental damage (i.e. heaters)

The responses in favour of the proposals commented that:

- scheme relates to small, rarely used area of park,
- will attract more business to pub,
- pub is a community facility and proposal gives additional space to families, and allows supervision of children in park,
- will provide commercial connectivity to general area,
- will enhance park as a destination given COVID restrictions,
- will provide council with rental income,
- café cannot cope at busy times

Support

A total of 45 representations have been submitted supporting the proposal. These are summarised as:

Open Space / Park Issues

- Space of low landscape / ecological value. Space is sloped and too close to main road. It is shaded. Least attractive part of the park, subject to low usage. Proposal will enhance park.
- Existing outdoor area is responsibly managed and clean. Pub users are largely local families, not rowdy drinkers. The pub is friendly and part of community.
- Gives safe environment to enjoy food/drink, isolated from a busy road. Would be well used by many local families and mature clientele. Would help to normalise

drinking for children before becoming adults. Council should support provision of outdoor spaces for people to meet. Allows children to play whilst parents/carers sit and have a drink/food. Encourages park usage.

- May contribute to reduction in casual drinking nearby in park.
- Loss of park space could be compensated for by s106 funds, and scheme would constitute sustainable development.
- Other non-recreational / commercial uses operate in the park.
- Café is overwhelmed by demand and closes at 5pm. Café and pub offer complementary facilities. Proposal will also complement the ice cream van.
- Drinks shouldn't be taken into the park, and this should be enforced.

Landscaping Issues

- Affected trees are of low quality.

Living Conditions

- Existing seating area doesn't cause noise impacts, proposed additional seating is further away.
- Would only be well used in hotter weather. Usage later into evening will be unusual.

Highways Issues

- Adequate parking exists and wouldn't create congestion.

Commercial Issues

- Will enhance commercial viability of pub, when many other local pubs are closing. Local businesses should be supported, other local businesses will benefit. Provision of jobs.
- Pandemic has highlighted need for outdoor spaces to eat and drink.
- Park's facilities have always adapted with times, and proposal would address a real need, heightened by pandemic.
- Sheffield lacks good beer gardens.

Lease / Licensing Issues

- Lease would need to be tight and could be terminated early if necessary. Space would need to be kept litter free. Pub would need to ensure customers drink responsibly. Pub will provide WCs for increased numbers.
- Licensing will be able to deal with any problematic issues.

The Council's Parks and Countryside Service were consulted as an owner of adjoining land. The comments received are summarised as:

- Parks and Countryside officers have been working with Waggon and Horses staff since 2017, and in principle it has been agreed that a 10-year lease with market rent will be negotiated. Income raised will be reinvested into the park.
- Main concern is to ensure the area must be strictly managed without overspill into the park.
- Parks and Countryside were not able to carry out a partner consultation process in

advance of application, due to submission of the planning application.
- a full tree survey has been submitted.

PLANNING ASSESSMENT

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's planning priorities for England and how these are expected to be applied. The key principle of the NPPF is the pursuit of sustainable development.

Policy Context

Paragraph 12 of the NPPF makes it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Paragraph 12 continues that where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

Paragraph 213 of the NPPF states that policies should not be considered as out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Therefore, the closer a policy in the development plan is to the policies in the Framework, the greater the weight that may be given.

The assessment of this development proposal needs to be considered in light of paragraph 11 of the NPPF, which states that for the purposes of decision making, where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development.
- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

The above is often referred to as the tilted balance. All local policies referred to in this report will be assessed in association with their consistency with the NPPF and offered weight accordingly.

The Development Plan in this case comprises the Unitary Development Plan (UDP), 1998 and The Core Strategy, 2009.

Principle of Proposed Use

The application site is in an Open Space Area under the Adopted Unitary Development Plan's (UDP) designation.

UDP Policy LR5 'Development in Open Space Areas' remains valid, with Core Strategy Policy CS47 'Safeguarding of Open Space' also relevant.

LR5 closely aligns with the NPPF, and so is afforded significant weight. Policy CS47 is multi-faceted, with its numerous elements according to the NPPF to varying extents, so is therefore attributed moderate weight.

Policy CS47a) states development in Open Space areas will not be acceptable, where it would result in a shortage of either informal or formal open space in the local area. An open space assessment has been carried out, which shows there to be a surplus of informal open space in the local area. Policy CS47a) is considered to align with NPPF paragraph 97a) in this respect, which states that open space is able to be built on providing it is surplus to requirements.

As such, the principle of the proposed development would be supported by the relevant local and national policies.

Concerns have been raised around converting park space that is publicly owned, having been originally gifted to the City, into commercial space.

Whilst the nature of the proposed use would differ from its intended operation when the land was originally donated, this wouldn't be a material planning issue and neither would it constitute a reason to resist the application. However, NPPF paragraph 92a) is relevant as it requires planning decisions to plan positively for the provision of shared spaces such as public houses, amongst other uses. In this respect, the current pandemic has evidenced that the ability of pubs to have outdoor seating areas can make a substantial difference to their viability, in terms of accommodation and attracting customers. It is therefore considered that the current proposal would enable the venue to operate flexibly in its response to current and future circumstances, in accordance with NPPF paragraph 92a).

Amenities of Park Users and Local Residents

UDP policy LR5i) requires development in Open Space areas to not result in over-development or to harm the character of area. LR5k) requires proposed uses to be compatible with surrounding land uses. As above, this policy accords with the NPPF and so is afforded significant weight.

- Impacts on Park-Users

A range of concerns have been raised relating to the nature of the use as outdoor space for use by the pub and the implications of alcohol consumption immediately adjacent to the public park. Included in these responses are concerns that the family focused character of the park would be undermined by the atmosphere generated within and adjacent to the proposed area.

Conversely the supporting representations include comments that an external pub area would be well used by families and would complement activities within the park.

It would not be reasonable to base this planning assessment and judgement on an

assumption that a boisterous, intimidating atmosphere would be consistently generated by customers using the proposed external area. The area would be expected to be used, at least partly, by families consuming food and drink together.

Also, the proposed servery would be staffed, giving opportunity for customer behaviour to be monitored and managed. The managed nature of the space would help to prevent the space from being an uncontrolled environment. Concerns have been raised that park visitors who are Muslim, would be offended by observing alcohol consumption and discouraged from attending the park. However, the area of the park affected accounts for a very small proportion of the overall area of the park. Additionally, the park entrance immediately to the north of the site of the proposed external area is one of several entry/exit points to the park, which gives opportunities to avoid the entry point in question.

The proposal includes 2 entry / exit points from the extended external seating area into the park (the third being just an access to the car park area). Concerns that these will lead to the pub's activities 'leaking out' into the park would be prevented by on-site management. Equally, some connectivity between the spaces would facilitate positive interactions between the two spaces.

Therefore, it is not considered that the proposal would affect the character of the park to a level which would warrant the refusal of the application and so complies with Policy LR5's relevant aspects. Equally, it is not considered that it would be reasonable to conclude that the proposal would be incompatible with the park to a level sufficient to warrant refusal of the application.

-Impacts on Nearby Residents

The nearest neighbouring residential occupiers are the retirement apartments at Ranulf Court on the opposite side of Abbeydale Road South. These are a minimum of 30 metres away and are separated by the busy, four-lane highway. Other neighbouring occupiers are separated by a substantially greater distance than this. The pub currently provides around 9 tables across its frontage, giving seating for approximately 72 persons.

The proposed area would include seating for a further 160 potential customers. The separation distances to neighbouring occupiers and the main arterial nature of the intervening highway, would lessen the potential for noise generated as part of the proposal to have significantly harmful impacts on neighbouring living conditions.

However, to prevent the potential for noise dispersal into the late evening period, when the highway activity begins to reduce, it is considered necessary to limit the operating times of the extended area to between 09:00hrs and 21:00hrs.

It is also considered necessary to prevent the installation of loudspeakers within the space and the positioning of loudspeakers to allow the broadcasting of sound outside the building. Also, it would be necessary to require that any external plant for heating and/or cooling for example would need to be approved by the planning authority before installation. Conditions covering these items are therefore included within the recommendation.

Providing the proposed use operates in accordance with these conditions, it is considered that the amenities of other park users and surrounding residents would not be unacceptably harmed, and the requirements of UDP policy LR5k) would be complied with.

Design Issues

UDP policy LR5i)'s requirement for development to not result in over-development or to harm the character of area is also pertinent to the proposal's visual impacts and implications for the surrounding street scene.

UDP Policy BE5 'Building Design and Siting' and Core Strategy Policy CS74 'Design Principles' require development to be well designed and in scale and character with the locality. BE5 m) states that temporary buildings will only be permitted where they are required to meet short-term operational needs and would not be in prominent locations or Conservation Areas.

UDP policy BE20 'Other Historic Buildings' encourages the retention of historic buildings which are of local interest, but not listed, wherever practicable.

NPPF Paragraph 124 highlights the importance of good design as a key aspect of sustainable development.

At paragraph 197 the NPPF states that the effect of an application on a non-designated heritage asset should be taken into account when determining an application, and in weighing applications affecting such assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The local and national policies are closely aligned and so can be offered significant weight.

Whilst the existing stone pub is part of a distinct collection of heritage buildings along this length of the road, it is not listed or in a conservation area. Similarly, the park does not have any special designations. That said, the building and especially its north gable is reasonably prominent from the road when travelling outward from the city. As a result, the Applicant has agreed that the servery unit should be located in position offset from the gable of the building. This means that it would not conceal the north facing stone gable when viewed from Abbeydale Road. The Applicant is also agreeable to the container being painted a dark colour, so that it is read as part of the surrounding landscape.

UDP policy BE5m) states that temporary buildings will only be permitted where they would meet short-term operational needs, and where they aren't in prominent locations or Conservation Areas. The servery would comprise an upcycled shipping container. This would be located and coloured to acceptably minimise its prominence. The upcycled container would still constitute a 'temporary building', and wouldn't be proposed for a short-term period, however, since the adoption of the UDP the use of shipping containers in circumstances such as these has become

more common place, and they can be seen as providing additional accommodation in a 'light-touch' way. As a consequence, and also given the agreement/s regarding location and colour of the container, it is considered that its visual implications would be acceptable avoiding the type of harmful effects which underpinned policy BE5m).

Overall, the proposal is considered to have acceptable impacts on the visual appearance of the building and its wider setting, complying with the relevant local and national policies in this respect.

Landscaping

UDP Policy GE15 'Trees and Woodland' requires developers to retain mature trees, copses and hedgerows, wherever possible and to replace any trees which are lost.

The local and national policies reflect the NPPF in part but the latter is more strategic with regard to habitats, their protection, enhancement and biodiversity net gain. As such moderate weight can be offered to this local policy.

The proposal involves the removal of 5 separate trees, namely T2, T9, T17 and two trees in G16, as identified in the tree survey and site layout plan which accompany the application. It is also proposed to carry out canopy lifting to T7 and trees in G8, and minor crown reduction to trees in G11, G12 and G13.

T17 is dead and T2 and T9 are small trees with significant issues that will not survive much longer. As a result, there is not considered to be any objection to the removal of these trees.

The two trees in G16 (all Lawson Cypress trees) are at the group's north-east edge. It is considered that their removal would have minimal impacts in landscaping terms on the group and the wider setting.

The canopy lifting and crown reduction works would have minimal landscape impact and will not unacceptably affect the contributions made by the trees within the context of the overall park.

As such, the proposed trees removal and pruning works are considered acceptable in overall landscaping terms.

Regarding the retained trees, the proposals are satisfactory. The proposed works will safeguard their root networks by maintaining existing levels within the root protection areas. The proposed steps will be formed using 'hand-dig' construction techniques and piled foundations to avoid root intrusion. As a result, these additional structures would be considered to avoid any harm to the retained trees.

Details of hard and soft landscaping will be required by condition, along with boundary treatment measures. These will be required to be robust and visually acceptable in their context.

Overall, the proposal is considered to have acceptable implications in regards to landscaping issues, satisfying the requirements of UDP policy GE15.

Ecology

Paragraph 170 of the NPPF states that development should minimise impacts on and provide net gains for biodiversity.

UDP Policy GE11 'Nature Conservation and Development' requires that the natural environment is protected and enhanced. The design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

Again, this local policy complies in part with national policy, however the NPPF is more strategic regarding habitats, their protection, enhancement and biodiversity net gain. As such moderate weight can be offered to this local policy.

The space is comprised of poor amenity grassland that is partially shaded. It also includes an area of hardstanding. The loss of this area of grassland is considered to be of negligible significance in ecological terms.

The trees proposed for removal are dead, of poor quality or are non-native, and so their loss would not lead to adverse biodiversity impacts. The proposed crown and canopy works are minimal within their context, and as they relate to non-native Lawson Cypress trees would not be considered to adversely affect the area's biodiversity to a significant extent.

Overall, the proposal would not be considered to have any adverse effects on the biodiversity of the site or the surrounding area, and the relevant policies would be complied with.

Flood Risk

Core Strategy policy CS67 'Flood Risk Management' amongst a detailed series of requirements states that where an overriding case exists for developing in an area with a high probability of flooding, more vulnerable uses should be above the ground floor level, the building should be resilient to flood damage and adequate on and off-site flood protection measures should be provided.

The NPPF's focus is on the sequential and impact tests. In Paragraph 163, the NPPF states planning authorities should ensure that flood risk is not increased elsewhere, and where appropriate applications are supported by a site-specific flood-risk assessment. It adds that development should only be allowed in areas at risk of flooding where in light of the assessment, it's demonstrated that in a site the most vulnerable development is located in areas of lowest risk the development is flood resistant, sustainable drainage systems are included, residual risks are managed and safe escape routes are included.

The local policy accords with the NPPF and is therefore afforded significant weight. The application included a Flood Risk Assessment, which was amended following input of the Environment Agency.

Whilst the NPPF's focus is the sequential and impact tests, the current application isn't required to provide a sequential test as it's an extension of an existing premises, and given this context the relevant Planning Practice Guidance states it isn't pragmatic to apply the sequential test.

The site is located mainly within flood zone 1 (low risk), however, the remaining portion is designated as being within each of zones 2 (medium risk), 3a (high risk) and 3b (functional floodplain).

The modified flood risk assessment advises that a small portion of the server's footprint would be within zone 2. To prevent additional flood risk, the internal floor level of the server unit is proposed to be raised above the existing ground by a maximum of 500mm.

The Environment Agency have responded to this amended document, confirming that it overcomes their earlier objection, and that it would not generate any additional risks of flooding to the proposal and/or its users.

Therefore, the scheme is acceptable in this regard, meeting relevant planning policies. It is recommended that any approval would need to be subject to the condition recommended by the Environment Agency.

Access / Mobility

UDP policy BE7 'Design of Buildings used by the Public' requires there to be safe and easy access for people with disabilities to such buildings along with appropriate parking spaces.

The NPPF requires buildings to be inclusive and safe for existing and future users. BE7 accords with the NPPF, and so is afforded significant weight.

The proposed details are considered to provide appropriate facilities and an inclusive environment for disabled customers. On this basis, the proposal is acceptable in this respect and would meet the relevant policy requirements.

Highways Issues

Paragraph 109 of the NPPF states "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

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

UDP policy LR5 doesn't include any elements specific to the highway implications of proposals in Open Space Areas.

CS51 accords with the NPPF, and so is afforded significant weight.

The proposal would be likely to attract additional custom to the venue. This will include those from the locality where customers visit by foot. There will also be

'linked-trips', where people visiting the park by car combine this with a visit to the venue's additional facilities. In addition, there will be a proportion solely visiting the venue by car.

Concerns have been raised about the ability of the surrounding roads (Abbeydale Road South, Pingle Road, and Hartington Avenue) to accommodate extra on-street parking. Additionally, the Pub would retain its existing car parking facilities, with only 1 of the existing 31 spaces removed as part of the proposed alterations.

The park has its own 'Pay & Display' parking facilities which would also be able to accommodate any additional parking requirements. The North Car Park is approximately a 200metre walk (via the park), which is considered sufficiently close to encourage its use for this purpose.

As a result, it is not considered that any on-street parking generated by the proposal would be sufficiently harmful to surrounding highway safety to warrant a recommendation for refusal of the application. On this basis, the relevant policy requirements would therefore be complied with.

Some representations have suggested the existing car park should be used instead of the existing parkland. Such a proposal would involve the loss of current parking facilities, so would potentially lead to additional highway impacts, and regarding this issue would not be considered to be a preferable alternative.

RESPONSE TO REPRESENTATIONS

Most representations have been addressed in the above assessment. Regarding the remaining comments the following points can be made:

- Given the poor health and quality of the trees proposed for removal, it is not considered they would have any significant beneficial impacts in air quality management terms. There would therefore be no objection to their removal in respect to this issue.
- The possible implications on trade at the park café do not form a material planning consideration and wouldn't form a reason to not approve the application.
- The availability of other under-used pubs locally would also not form a material planning consideration.
- The potential for the application to cause an increase in existing anti-social behaviour elsewhere in the park cannot be clearly demonstrated, and would represent an unreasonable assumption. Management of behaviour in the proposed additional space would discourage and prevent this.
- Four site notices were strategically located adjacent to the park and on the opposite side of Abbeydale Road South, in accordance with statutory requirements and the Statement of Community Involvement.
- The Friends of Millhouses Park group were notified of the proposal. No response was received.
- The current application is required to be assessed on its merits, and it is not possible to instead consider a different alternative.
- The level of objection to a previously proposed version of the scheme is not considered pertinent to the current assessment. The inclusion of an invalid web

address on publicity posters (not planning site notices) around the park doesn't give reason to delay determining the planning application.

- Health issues around alcohol would not form a material planning consideration.
- A license would be required in relation to the proposal, and this would need to be sought separately from the current application. The details of a license granted to the cricket club would not be relevant to the current assessment.
- A Design and Access Statement was provide with the application, albeit sometime after its submission.
- The 'Building Better Parks Policy' is not a planning policy, and it is not necessary to assess whether the planning application meets the requirements of this policy or not. The Community Group commented that the application wasn't accompanied by a number of different documents, however, these are not required as part of a planning application and the application's determination cannot be delayed on this basis.
- The comments about the operation of the Council's Planning On-Line service are understood to stem from a period in 2020 when IT systems were being modified. However, that is some months ago and the Portal is understood to have been operating efficiently for a substantial time now.
- The amended documents are considered to clarify the precise details of the proposal.
- Each application is determined on its own merits, and so an approval here wouldn't form a precedent.
- A section 106 financial contribution is not considered necessary in order to allow the application to be supported.

SUMMARY AND RECOMMENDATION

The application relates to a portion of existing parkland, adjacent to the curtilage of the Waggon and Horses Public House located to the south-east of Abbeydale Road South.

Planning permission is sought to allow the portion of parkland to be used as an external seating/serving area by the Waggon and Horses. This would involve the installation of a serving unit in the form of an upcycled container unit, the provision of around 20 tables giving 160 covers, and the removal of some existing trees.

The proposal would not result in a shortage of informal open space within the area. It would have an acceptable impact upon the appearance of the site and its contribution to the surrounding street-scene. There would also not be harmful impacts on the character of the surrounding parkland and living conditions of surrounding residential occupiers.

It would have acceptable impacts in relation to trees in/adjacent the site and would not have unacceptable impacts upon biodiversity. The implications for local highway safety and disabled users would be considered to be acceptable.

Furthermore, it is considered that the relevant development policies that are most important for determining this application can still be afforded substantial weight as they accord with the corresponding sections within the NPPF.

Overall, the scheme is considered to meet the requirements of the relevant local and national planning policies. Consequently, the scheme is considered acceptable and

conditional approval is therefore recommended.

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Case Number	20/03197/FUL (Formerly PP-07199255)
Application Type	Full Planning Application
Proposal	Alterations and extensions to church including extension to create chapel and new main entrance to the south elevation, first-floor extension to create meeting room, cafe extension with green roof, landscaping and associated works
Location	St Lukes Church Blackbrook Road Sheffield S10 4LQ
Date Received	15/09/2020
Team	West and North
Applicant/Agent	Mr Gerry Smith
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:

Ground Floor Plan Proposed Dwg No:1015-005 rev D
First floor Plan Proposed Dwg No: 1015-051 rev A
Sections Proposed Dwg No: 1015-052 rev A
Elevations Proposed Dwg No: 1015-053 rev B
Tree Protection Plan Dwg No: SLL03 rev A
Green Roof details Dwg No: SLL05
Site Location Plan Dwg No: 1015-101
Block Plan Dwg No: 1015-102

Reason: In order to define the permission.

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

definition)

3. No development shall commence until full details of the foundation and structural design of the front (cafe) extension have been submitted to an approved in writing by the Local Planning Authority. The extension shall be constructed in accordance with the approved details.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

4. No development shall commence until the measures to protect the retained trees shown on Weddles Landscape Tree Protection Plan dwg No: SLL 03 Rev A have been implemented. The protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

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

5. The proposed green roof(s) (vegetated roof system) shall be provided on the roof(s) in the locations shown on the approved plans prior to the use of the buildings commencing. Full details of the green roof construction and specification, together with a maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site and unless otherwise agreed in writing shall include a substrate based growing medium of 80mm minimum depth incorporating 15-25% compost or other organic material. Herbaceous plants shall be employed and the plants shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

6. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

7. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped

areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Reason: In the interests of the visual amenities of the locality.

8. 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.

9. The development shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

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

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

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

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

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

Reason: In the interests of the amenities of the locality and occupiers of

adjoining property.

Other Compliance Conditions

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. Green / brown roof specifications must include drainage layers, growing medium type and depths (minimum 75mm, but depends on system and type employed) and plant schedules. It should be designed to retain at least 60% of the annual rainfall. A minimum of 2 maintenance visits per year will be required to remove unwanted species (as is the case with normal roofs). Assistance in green roof specification can be gained from the Sheffield Green Roof Forum - contact Officers in Environmental Planning in the first instance: 2734198 / 2734196. Alternatively visit www.livingroofs.org or see the Local Planning Authorities Green Roof Planning Guidance on the Council web site.
3. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

Site Location



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LOCATION AND PORPOSAL

This application relates to St Luke's Church. An octagonal two storey building located on the corner of Blackbrook Road and Blackbrook Drive at Lodge Moor. The site is in an allocated Housing Area in the adopted Sheffield Unitary Development Plan (UDP). The church building occupies most of the site. There is a small car park and a children's play area to the rear. Several mature trees are located on the Blackbrook Road frontage.

Planning permission to construct a single storey and first floor side extension, and a single storey front extension is proposed. The side extension accommodates a small chapel at ground floor and an additional meeting room above. The front extension will be used as a café. Internally, glazed retractable doors will allow the existing worshipping area to be connected to the café space and the proposed chapel. The remainder of the works are largely internal and designed to improve the flexibility of the space and the operation of the various community activities that take place within the church.

PLANNING HISTORY

There is no recent or relevant planning history. In 2015 and 2019 the applicants engaged with the Council's paid pre-application service.

SUMMARY OF REPRESENTATIONS.

Residents in the immediate vicinity of the site were informed of the development by individual letter. A site notice was posted outside the site to inform the wider community. The level of consultation carried out accords with the Council's published guidance.

1 letter of support, 18 letters of objection and 2 petitions with a total of 71 signatures have been received. The issues raised are summarised as follows:

In objection.

- Parking associated with the existing church is insufficient; the extensions reduce the already limited parking and will increase the use of the building, creating further traffic issues.
- Blackbrook Drive/Road is a very busy road and often reduced to single width by traffic associated with the Church.
- There will be increased congestion as a result of the development.
- Traffic management including speed humps and road narrowing is required.
- Parking restrictions (lines and paint) are required to prevent residents' drives from being obstructed and to protect road junctions.
- The front extension will reduce visibility of vehicles exiting Blackbrook Drive, which is often congested with traffic associated with the church.
- Increased danger to pedestrians.
- There is a long-standing history of accidents on Blackbrook Road.
- Bin lorries and NHS care workers find it difficult to access Blackbrook Drive due to on street parking issues.
- The development will increase the likelihood of visitors using residents' drives

- to turn vehicles around.
- Moving the main entrance to the building to Blackbrook Drive will exacerbate highway issues.
 - Parking wardens are used at busy times which illustrates how problematic parking already is.
 - The introduction of a commercial café and associated signage will change the character of the area.
 - The development will appear out of character as the front extension is located close to the back edge of the footway.
 - The extensions overlook neighbouring properties.
 - Loss of trees (protected by TPO) will harm the character of the area.
 - It would be environmentally more sustainable to retain the trees and reduce the size of the extensions.
 - Removal of vegetation will increase run off.
 - Increase in traffic pollution.
 - Increasing the size of the building would be at the expense of the well-being of residents.
 - Impact on the environment of residents from noise, light and privacy.
 - The facilities are income generators for the church and may attract users from other parts of the city.
 - Existing local café businesses will be harmed by the development.
 - The size and scale of the existing church is already excessive in comparison to surrounding houses.
 - Residents have previously rejected proposals put forward to them by the church.
 - The development will affect property values.
 - There is no need to expand the capacity of the church.
 - There have been noise, disturbance and anti-social behaviour issues associated with the café and existing youth club.
 - The church could become a destination for wedding receptions, disco's, private functions etc.
 - Disruption during the construction phase.
 - Loss of view from residents' properties.
 - Litter is an increasing problem in the area.
 - The building already has catering facilities.
 - Residents have not been notified.
 - Parking wardens are used at busy times which illustrates how problematic parking already is.

In support.

- The development will provide a much-needed social centre for the area.
- The development would not cause any overlooking.
- Existing local café facilities will not be put out of business as there are not any in the locality.
- Objections have been exaggerated by people in the area.

PLANNING ASSESSMENT

Policy Context

The National Planning Policy Framework (NPPF/Framework) sets out the Government's planning priorities for England and describes how these are expected to be applied. The key principle of the Framework is the pursuit of sustainable development, which involves seeking positive improvements to the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

The documents comprising of the Council's Development Plan (UDP and Core Strategy) date back some time and substantially predate The Framework. Paragraph 12 of the Framework makes it clear that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

The Framework (paragraph 213) also identifies that existing development plan policies should not simply be considered out-of-date because they were adopted or made prior to its publication. Weight should be given to relevant policies, according to their degree of consistency with the Framework. The closer a policy in the development plan is to the policies in the Framework, the greater the weight it may be given.

The assessment of this development also needs to be considered in light of paragraph 11 of the Framework, which states that for the purposes of decision making, where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or
- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

This is referred to as the "tilted balance".

Land Use

The site is in a Housing Area in the UDP. The use of the site/building as a church is established. The principle of extending the building to include additional/ancillary facilities is acceptable. It accords with Policy H10, subject to other material considerations and relevant local and national policies.

Design Issues

Chapter 12 of the Framework is concerned with achieving well-designed places. Paragraph 124 identifies that good design is a key aspect of sustainable development.

Paragraph 127 of the Framework sets out a series of design expectations which include:

- ensuring that developments add to the quality of the area.
- are visually attractive as a result of good architecture, layout and landscaping.
- are sympathetic to the local character and surrounding built environment.
- establish and maintain a strong sense of place.
- optimise the potential of a site and create places that are safe, inclusive and accessible.

Policy CS74 of the Core Strategy (CS) and UDP policies BE5 and H14 seek to secure high quality developments that enhance the character and appearance of the area. These policies reflect the aims of the Framework and therefore continue to carry substantial weight.

The proposed side and front extensions have been designed as contemporary additions to the distinctive hexagonal church building. The café extension is single storey and will continue to be read against the existing two storey church building. The extension is largely glazed, broken up with masonry and features a distinctive vertical brise soleil. The façade will be animated by the activities within, which will enhance the building's relationship with the street.

The side extension is a small addition in the context of the existing building. It accommodates a small chapel that can be separated or joined to the main worshipping area by a set of new (internal) sliding glazed doors. The elevations are detailed with decorative brickwork and projecting slot windows. The first-floor extension, which provides additional meeting space, is set back behind the chapel. It links the two hexagonal structures that make up the existing church and is largely glazed.

The extensions are considered to complement the appearance of the existing building and do not harm the character of the area or appearance of the street scene. The development is acceptable from a design perspective.

Landscape Issues

Paragraph 170 b) of the Framework requires development to contribute to and enhance the natural and local environment and expects planning decisions to recognise the benefits of trees and woodland.

Policy GE15 of the UDP seeks to protect mature trees and landscaping where possible and requires trees that are lost to be replaced. The aims of local policy reflect those of the Framework and therefore retain weight.

The site is not covered by any statutory ecological designations or tree preservation orders (TPOs) and is not in a Conservation Area.

The application is accompanied by a tree survey which identifies that 4 of the 5 mature trees on the Blackbrook Road site frontage are category C (low value) specimens. It is not possible to accommodate the front extension without removing a

mature oak and a sycamore (cat C). A less mature sweet cherry (cat C) is also to be removed to accommodate the side extension and amendments to the car park layout.

The loss of trees is unfortunate; however, the most valuable specimens are retained, and will continue to contribute to the appearance of the street scene. The café extension will be cantilevered off the existing building to avoid the need to disturb the root protection area of the beech tree (category A) on the corner of Blackbrook Road. The trees adjacent to the church's ramped pedestrian entrance from Blackbrook Road are unaffected and retained. The retained trees will be protected during construction in accordance with the relevant British Standard.

There is very little room within the site to accommodate compensatory tree planting. Raised planting beds, clipped hedges and shrub planting will replace the gravelled areas on the southern and eastern edges of the site. These will better define the site boundary and enhance its appearance. The extensions will also be covered with extensive sedum/green roofs, which goes some way to compensate for the loss of trees within the site. Green roofs also slow down surface water run-off.

The loss of three low quality (cat C) trees is unfortunate, however considering the above their loss does not justify a reason to refuse the application.

Amenity Issues

Paragraph 127(f) of the Framework identifies that development should create places with a high standard of amenity for existing and future users. Development should also be appropriate for its location taking account of the effects of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (paragraph 180).

Policy H14 identifies that in housing areas non housing uses should not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby. Development should also be on a scale consistent with the residential character of the area or meet primarily local needs.

The local policy requirement for existing and future users to be afforded a good standard of amenity is attributed substantial weight, as it robustly reflects the objectives of The Framework.

Dwellings on the eastern side of Blackbrook Road (opposite the site) are positioned slightly below the level of the application site and the adjoining road. Whilst the floor level of the café is to be raised to protect existing trees, the privacy of residents is unaffected as they remain approximately 25 metres away. Furthermore, the glazing on the front elevation of the café is broken up with vertical timber 'fins' which will obscure direct views into and out of the café.

The café will serve coffee and light refreshments. It is considered that its operation will not cause any odour, noise or disturbance issues.

The church is long-established and operates on an unrestricted basis. Several

community activities take place within the building and it also accommodates a well-established children's nursery. The extensions to the building and alterations to the internal layout assist with meeting safeguarding requirements for the existing nursery, as well as increasing the flexibility of the space. The café has been designed as a social space accessible to all, not just church users.

The church is already used for weddings and celebrations. The new facilities could potentially increase the frequency and duration the church is used. This is not considered problematic from an amenity perspective as it's a well-established facility and the building is self-contained. The use of external areas is limited to a small playground at the rear of the building used by the existing nursery during the daytime.

The extensions and alterations will allow the church to cater for the needs of the existing congregation, particularly during the busier religious celebrations (Easter and Christmas). They will also allow the church to enhance their links with the local community by providing a wider range of facilities accessible to all. Considering the above the development is acceptable from an amenity perspective.

Highways Issues

The Framework (paragraphs 102 to 111) promote sustainable transport. Paragraph 108 specifically requires that when assessing applications for development it should be ensured that a) appropriate opportunities have been taken up to promote sustainable transport modes given the type of development and the location, b) safe and suitable access to the site can be achieved for all users and c) any significant impacts from the development on the transport network or highway safety can be cost effectively mitigated.

The Framework (paragraph 109) is clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. Policies H14 of the UDP expects sites to be adequately served by transport facilities, provide safe access, appropriate parking and not to endanger pedestrians.

Policy CS51 'Transport Priorities' within the CS sets out six strategic transport priorities for Sheffield and CS53 'Management of Demand for Travel' identifies a variety of ways in which increased demand for travel will be managed across the City.

The aims and objectives of these local plan policies reflect those of the Framework and therefore retain substantial weight in this context.

Some of the existing 9 off street parking spaces are not usable. 10 new parking spaces are proposed in a slightly reconfigured car park, including two disabled space.

It is not possible to accommodate the existing parking needs of the church within the site. Indeed, when the church was originally built (1960's) it is doubtful that it was designed to accommodate the church's parking needs. Car ownership, and the

frequency and way in which the building is used has increased over the years, as has parking demand. Most visitors' vehicles are now accommodated on the highways adjoining the site, with spikes in demand occurring when the traditional Sunday service(s) and other religious festivals take place.

Congestion and highway safety concerns in this area are acknowledged. The proposed extensions and alterations to the building are not however likely to significantly increase traffic volumes or parking demand. The extensions are modest in size and are designed to support the efficient operation of the building and demands of the existing congregation.

The proposed chapel extension is small and ancillary to the main existing worshipping area. The additional first floor meeting space is modest in size and isn't envisaged to generate a significant volume of traffic. The café will support the established community/church uses. External customers are unlikely to come from beyond the local area and could reasonably access the site on foot.

Pedestrian/vehicle visibility is not considered to be detrimentally affected by the extensions which remain set back from the back edge of the footway. The building will continue to be accessed by pedestrians from both Blackbrook Road and Blackbrook Drive. The proposal to modify the Blackbrook Drive entrance to the church does not raise any highways concerns.

The junctions of Blackbrook Road and Blackbrook Drive are protected by double yellow lines which prevents indiscriminate parking. The enforcement of these restrictions remains the responsibility of the police. Extending the double yellow lines would reduce the availability of on street parking to the detriment of both residents and users of the church.

Access to the church is to be improved. A new external ramp is proposed alongside the eastern elevation. The existing ramped access to the south elevation will also be improved. Doors will be widened, and level thresholds provided to allow buggies and wheelchairs to more easily access the building. Internally a new lift will allow all users to access facilities on the 1st floor.

The development is not considered to have an unacceptable impact on highway safety, and no 'severe' cumulative impact on the highway network which are the Framework tests in this respect. On balance the community benefits derived from the scheme are considered to outweigh any perceived harm.

RESPONSE TO REPRESENTATIONS

New landscaping and a green roof will mitigate surface water run-off from the site. The proposed works are not considered to generate any anti-social behaviour issues.

Perceived impacts on property values (positive or negative) are not planning matters.

There is no right to a view within planning legislation.

Given the limited size of the café and its location within the church, it is not considered to detrimentally affect the viability of other catering facilities in the area.

The proposal is unlikely to lead to an increase in littering. It remains the responsibility of the applicants to appropriately manage such issues.

There will be some inevitable noise and disturbance during the construction phase.

The works are not however significant. Construction noise and hours of work are adequately controlled by separate legislation.

All other matters have been addressed in the main body of the report.

SUMMARY AND CONCLUSION

The extension and alterations are modest. They are high quality contemporary additions and do not harm the appearance of the building or character of the area.

The extensions allow the building to be used more flexibly and address operational issues (safeguarding) for the well-established nursery.

It is not possible to accommodate the front extension without removing a mature oak and a sycamore tree. A less mature sweet cherry is also to be removed to accommodate the side extension and amendments to the car park. The trees are all category C (low value) species and are not protected by TPO. Their loss is unfortunate but not significantly harmful to the character or appearance of the area.

The higher quality specimens are to be retained and the front extension has been designed (cantilevered) to avoid root protection zones. The extensions will have green/sedum roofs and a new landscaping scheme will replace the existing poor aggregate surfacing within the site.

The café facility will function alongside the church and its other community facilities.

It will also be open to the general public and will contribute positively to the vitality of the area.

There are no amenity concerns. The building is self-contained and occupies a large site. The extensions have been designed to integrate with the building and protect the amenities of adjoining properties. The public highways, footways and verges adjoining the site separate the church from most residential properties in the locality, the amenities of which are not harmed by the proposals.

The reported parking and congestion issues associated with the church are acknowledged. Unfortunately, it's not possible to materially increase off street parking within the site to cater for busier times, such as Sunday services, and other religious festivals when more people are on site at the same time.

The extensions to the building are modest and designed to improve the way the building is operated and the church's links with the local community. They are not

considered to materially increase the volume of traffic coming to or from the site, or severely materially affect the safety or operation of the highway, which are the Frameworks tests in relation to highway related matters.

The most important local policies in the determination of this application, which in this case are concerned with, highway related issues, design, amenity and landscape impacts, do, when considered as a collection, align with the Framework. Section d) of paragraph 11 of the Framework is not therefore applied in this instance.

It is recommended that planning permission is granted conditionally.

Case Number	20/02057/FUL (Formerly PP-08833038)
Application Type	Full Planning Application
Proposal	Erection of two dwellings with associated access, parking and landscaping (Amended plans published 03.12.2020)
Location	Land Between 94 and 98 Wheel Lane Grenoside Sheffield S35 8RN
Date Received	25/06/2020
Team	West and North
Applicant/Agent	Oakleaf Architecture Ltd
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:

A(PL)-101 rev A - Existing site plan (red and blue line);
A(PL) 102 rev B Proposed Site Plan;
A(PL)-105 rev D Proposed Street Scene Elevation;
A(PL)_106 rev D Proposed Site Sections;
A(PL)-108 rev A - Wheel Wash Location;
A(PL)-001 rev B (House one) Plans and Elevations;
A(PL)_020 rev A House Two Proposed Plans and Elevations.

Reason: In order to define the permission.

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

3. No demolition and/or construction works shall be carried out unless the approved equipment for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway have been provided. The wheel washing facilities shall remain available at all times during construction works.

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

4. No development shall commence until full details of the garden, parking area and access road levels have been submitted to and approved in writing by the Local Planning Authority. These shall be in substantial accordance with the approved plans. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the appropriate development of the site and amenities of adjoining properties.

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

5. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details that have been submitted to and approved by the Local Planning Authority. Thereafter the approved surface water drainage works shall be installed and retained.

Reason: To ensure that the site is properly drained and in order to prevent overloading and surface water discharge from entering the foul sewer network

6. If any unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service should be contacted immediately. A Remediation Strategy shall then be submitted to and approved in writing by the Local Planning Authority before any works recommence. Works shall thereafter be carried out in accordance with the approved Remediation Strategy.

Reason: In the interests of the safe development of the site and amenity of future residents.

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, layout and marking out of the car parking accommodation and the surfacing of the access road shall have been submitted to an approved in writing by the Local Planning Authority. The development shall not be used unless the car parking accommodation has been provided in accordance with the approved details and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby

approved.

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

8. The development 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 development 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.

9. Within 3 months of the commencement of development full details of the design, height, appearance and location of the proposed driveway gates and their method of operation shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be provided in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained. The gates shall be designed so that when open they do not project over the adjoining footway.

Reason: In the interest of highway safety.

10. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality.

11. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Reason: In the interests of the visual amenities of the locality.

12. Notwithstanding the hereby approved plans, the boundary treatments are not approved. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before above ground works commence, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellinghouses shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

Reason: In the interests of the visual amenities of the locality and the amenity of adjoining residents.

Other Compliance Conditions

13. The flat roofed area to the rear of house one and two shall not at any time be used as a balcony, roof garden or similar outside amenity area.

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

14. The first floor window in the side elevation of house one facing No.98 Wheel Lane and the first floor window in the side elevation of house two facing No. 94 Wheel Lane shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the windows shall at any time be glazed with clear glass.

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

15. The dwellings shall be constructed in accordance with the materials specified on the approved drawings.

Reason: In the interest of the visual amenity of the area.

16. 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 dwellinghouses 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 of house two and the stepped nature of the curtilage of houses one and two.

Attention is Drawn to the Following Directives:

1. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential

occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, Howden House, Union Street, Sheffield, S1 2SH, tel. 0114 2734651.

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

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. 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.
5. 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.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

Site Location



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LOCATION AND PROPOSAL

This application relates to a parcel of land between numbers 94 and 98 Wheel Lane at Ecclesfield. It is the site of a former covered reservoir enclosed on all sides by stone walls. There are two unauthorised storage containers on site and concrete footings were poured for one dwelling some time ago. The footings are unauthorised following the court's decision to quash planning consent ref: 18/00924/FUL.

The application site covers an area of approximately 0.2 hectares and is entirely within a Housing Area as defined in the adopted Sheffield Unitary Development Plan (UDP). The applicant owns a further parcel of land beyond the rear boundary of the application site which is in the Green Belt.

The application site is elevated above Wheel Lane and retained by a 1.8-metre-high stone wall. Generally, site levels rise from east to west following the topography of Wheel Lane, they also rise gradually towards the rear (south) of the site. Ground levels on the application site have been altered by previous foundation and site clearance work.

The site has a long planning history and more recently an application for a detached dwelling house (18/02229/FUL) and a subsequent scheme for two detached dwellings (19/03073/FUL) were refused. In November 2020 the Planning Inspectorate dismissed the applicants appeal against the refusal of application ref: 19/03073/FUL.

As amended full planning consent is sought for two dwellings with associated access and landscaping.

RELEVANT PLANNING HISTORY

06/04610/OUT	Erection of two dwellinghouses and garages – Granted Conditionally
09/03060/FUL	Erection of two detached dwellinghouses – Granted Conditionally.
18/00924/FUL	Erection of one dwellinghouse - Granted Conditionally - Decision quashed by the courts.
18/02229/FUL	Erection of one dwellinghouse (Re-submission of planning permission 18/00924/FUL) - Refused.
19/03073/FUL	Erection of 2no. Dwellings with associated parking - Refused (Appeal dismissed)

The most recent application (Ref: 19/03073/FUL) was refused for the following reasons:

1. The Local Planning Authority considers that the proposed development would, as a result of its height and general massing, fail to suitably respect the established character of the immediate surroundings, with a particular note to the proposed ridge height relative to the adjacent properties, and would therefore represents an incongruous feature within the established street

scene. As a result, the development is considered to be contrary to Paragraphs 124 & 127 of the National Planning Policy Framework, Section a) of Policy H14 & Policy BE5 within the adopted Sheffield Unitary Development Plan and Policy CS74 within the Sheffield Development Framework Core Strategy.

2. The Local Planning Authority considers that, owing to the large scale of the rear single storey element of house one and its proximity to no. 98 Wheel Lane, when taking account of factors such as the orientation with this neighbouring property, which is set to the east, and the difference in land levels, with no. 98 Wheel Lane being on lower ground, the proposal would have an imposing and unacceptable overbearing and shadowing impact on this neighbouring property. As a result the development is considered to be contrary to Paragraph 127 of the National Planning Policy Framework and Section c) of Policy H14 within the adopted Sheffield Unitary Development Plan.
3. The Local Planning Authority consider that the proposed development would constitute an overdevelopment of a site of restricted dimensions owing to the size of house two and the site access arrangement proposed. The development therefore results in insufficient amenity space and an unsatisfactory environment for occupiers of house two. This development is therefore contrary to Policy H14 (c) of the Unitary Development Plan and paragraph 127 of the National Planning Policy Framework.

The Planning Inspectorate dismissed the applicants appeal (Ref: APP/J4423/W/20/3254108) against the refusal of application Ref: 19/03073/FUL for the following reasons:

The overall scale, height and dominant roof form of the proposed dwellings was considered by the Inspector to be incongruous, disrupt the stepped roof line of existing properties, significantly harming the character and appearance of the area.

The level difference along with the height and projection of the single storey element of house one was considered to significantly harm the living conditions (outlook/light) of No. 98 Wheel Lane.

The inspector concluded insufficient amenity space was provided for House 2 as a result of the layout and design of the scheme.

SUMMARY OF REPRESENTATIONS

Owing to changes to the submitted scheme several separate rounds of public consultation have taken place.

24 letters of objection and 2 letters of support have been received in relation to the initial consultation process (26 in total). In some cases, multiple letters have been received from the same address.

The issues raised are summarised as follows:

- There have been very few changes from the previous applications which were unanimously rejected by the Planning Committee.
- The scheme does not comply with the Council's recommendation on application ref: 19/03073/FUL.
- The development is out of keeping with the character of the area and dwarfs neighbouring properties.
- The site is being overdeveloped; the gardens are too small for the size of the dwellings proposed.
- The scheme will overshadow, overlook and affect the light, privacy and amenity of adjoining properties.
- French doors at rear provide access on to a flat roof which could lead to overlooking.
- Boundary fencing will be overbearing and overshadow adjoining dwellings detrimentally affecting their living conditions.
- The size, scale and massing of the dwellings is not appropriate; their overall height should be reduced, as should ground levels to reflect adjoining properties.
- The buildings now resemble blocks of flats, is there an intention is to convert them to flats in the future?
- The plans are inadequate and misleading as crucial dimensions have been omitted from the drawings.
- Substantial parts of the property's gardens are in the Green Belt and should not be built on or tended as a domestic garden.
- As cars exit the site, they will disrupt the flow of traffic on Wheel Lane where traffic moves very fast.
- Two parking spaces are inadequate for five-bedroom houses.
- Gates clanging open and shut and frequent use of the drive by vehicles will cause disturbance.
- One dwelling would be more appropriate.
- Two shipping containers have been placed on the site without permission.
- Concerns that the footings laid previously without permission will be used.
- Four water metres have been installed.
- The developer should not benefit from CIL self-build exemption.
- The dwellings proposed will not address the need to provide smaller homes form down-sizers and newly forming households in Ecclesfield as identified by the Council.
- Supporters of the application do not live in the area and don't provide reasons for their support.
- The site was a beautiful tranquil landscape home to a colony of bats.
- Large structures could give rise to retaining wall and stability issues.
- Paying too much for the land does not justify such large dwellings.
- Developers have the right to make a profit but not at the cost or detriment to residents.

Ecclesfield Parish Council

- The Parish Council do not oppose the development of this site, the current proposal is not however suitable for the location and should be refused.

- Out of character with neighbouring properties
- The size, siting, height and massing would have a negative impact on the character and amenity of the areas.
- Concerns with overlooking, loss of privacy, inadequate parking and impact on the Green Belt.
- The development is contrary to adopted local and national planning policies and would have an unacceptable impact on local infrastructure.
- The planning committee is urged to visit the site prior to deciding the application to better understand the effect of the development.

Grenoside Conservation Society

- Objections are the same as for the previous applications.
- Scale, mass, size and design of the houses remains unacceptable
- The dwellings are overbearing and out of character with the street scene and Green Belt.
- It is imperative that the Green Belt boundary is clearly marked as new owners will utilise Green Belt land for outdoor space based on the size of the houses proposed.
- Site must be developed in a sympathetic manner.
- Members should visit the site.

In support (2)

- The application is supported (no detail provided).
- There is a national shortage of housing and this development makes use of brownfield land.
- The scheme has been altered to take account of neighbour's complaints.
- The site is currently a blot on the landscape.

A further round of consultation was carried out in September following the submission of amended plans. An additional 21 letters of objection were received. All but one representation has been made by people who previously commented on the application. Only those issues that have not been raised previously have been summarised:

- There has been no material change in the plans.
- Insufficient reduction in the height of the properties.
- The development still shows an intention to use the unauthorised foundations.
- The Green Belt should be preserved at all costs.
- The ground levels should be reduced as indicated in the 2006 consent.
- Ridge heights should reflect the road gradients and adjoining properties.
- Previous proposal (approved) did not include extensions to the rear.
- There have been material alterations to the plans since the 2006 consent.
- Traffic calming measures were introduced on Wheel Lane due to excessive traffic speeds.
- Three storey properties are proposed without taking account the elevated site levels.
- The development will do nothing to alleviate the city's affordable housing

shortage.

Grenoside Conservation Society

- Previous objections remain.

Ecclesfield Parish Council

- Previous objections remain.

A further round of consultation was carried out in December 2020 following the submission of amended plans. An additional 20 letters of representation were received. 1 in support and 19 in objection. The objections are summarised as follows:

- The alterations are not materially different, and all previous objections remain as only the roof height has been amended.
- Lowering house two does not address the considerable issues with this development and is not acceptable when considered in the context of neighbouring properties.
- The Council should be mindful of the extensive negative commentary in the planning inspectors report, which have been ignored by the developer.
- The submitted plans are misleading and lack detail and dimensions.
- Concerns that the ridges will not actually be lowered in accordance with the proposed plans.
- Residents are yet again faced with further consultation and the need to object to another set of plans.
- Unhappy at the costs to the Council of having to continue to deal with this application.
- The developer is submitting plans of a nearly identical proposal in the hope that residents will get fed up and go away.
- The area is a conclave for native species.
- Why do two properties need four water service points?
- The planned properties remain out of character, inappropriate and out of context
- The properties should be lower and further apart, they remain overbearing of adjacent properties.
- Lowering ridge on only one property will make the development even more out of keeping with neighbouring properties.
- There are unresolved highways issues, traffic and safety of the access is still relevant.
- Visibility is inadequate. The front boundary wall should be taken in and residents will not be able to see vehicles approaching on Wheel Lane.
- Access should be provided, and parking removed from the rear in order to fit in the character of the area.
- No professional consideration is being given to the consequential effect of the development on increased on street parking and associated highways safety issues.
- Illegal footings should not be used to accommodate the development.

- Enforcement action should have already been taken to remove the illegal footings/water meters.
- Complaints about the shipping containers have been ignored, despite them being an eye sore.
- This matter has been going on since 2018 and the applicants must be told that no further amendments to the plans can be tolerated.
- Balconies will infringe on privacy of neighbours.
- Levels need to be reduced and the dwellings accessed directly from the road, not down a narrow track.
- Dwellings will be visible from over half a mile away.

Grenoside conservation Society

- Both dwellings remain out of scale and proportion to the street.
- The mass and design of the houses remains unacceptable. They should be amended to recognise the semi-rural location, building line, street scene and views of neighbours.
- The dwellings are overbearing and out of character.
- Car parking is still not adequate for size of the houses proposed. There is insufficient on street parking available.
- The gardens remain disproportionate to the size of the house and the development is too big for the site.
- The Green Belt boundary should be clearly demarcated to prevent erosion by the developer.
- The design and footprint of both houses must be scaled down.
- Reasons for refusal of the previous applications have been ignored.

Ecclesfield Parish Council

- The amended plans do not make the scheme acceptable and the Parish Council reiterate previous objections and support the wider community's strong opposition to this application.
- The Parish Council is not opposed to the development however the development is simply unsuitable.
- The scheme is overdevelopment and would harm local amenity and quality of the life.
- The size, massing, scale and height will have a negative impact on the character and amenity of the area.
- There will be overlooking and loss of privacy, inadequate parking and impacts on the Green Belt.
- The development is contrary to local planning policies.

1 letter in support has been received and is summarised as follows:

- The re-use of an empty brown belt space is welcomed.
- Objection to more residents in the area, however as the houses in the street are already large and high up there would be no objection to living next door to them.
- The gap in the row of houses looks odd and the development will add value

- without harming wildlife
- There are bigger developments to object to that will ruin the area without objecting to filling one small void that in the grand scheme is barely noticeable.

PLANNING ASSESSMENT

Policy Context

The National Planning Policy Framework (NPPF/Framework) sets out the Government's planning priorities for England and describes how these are expected to be applied. The key principle of the Framework is the pursuit of sustainable development, which involves seeking positive improvements to the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

The documents comprising of the Council's Development Plan (UDP and Core Strategy) date back some time and substantially predate The Framework. Paragraph 12 of the Framework makes it clear that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

The Framework (paragraph 213) also identifies that existing development plan policies should not simply be considered out-of-date because they were adopted or made prior to its publication. Weight should be given to relevant policies, according to their degree of consistency with the Framework. The closer a policy in the development plan is to the policies in the Framework, the greater the weight it may be given.

The assessment of this development also needs to be considered in light of paragraph 11 of the Framework, which states that for the purposes of decision making, where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or
- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

This is referred to as the "tilted balance".

In addition to the potential for a policy to be out of date by virtue of inconsistency with the Framework, paragraph 11 makes specific reference to applications involving housing. It states that where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer (which for SCC is 5%, pursuant to para 73 of the Framework) the policies which are most important for determining the application will automatically be considered to be out of date.

Set against this context, the development proposal is assessed against all relevant policies in the development plan and the Framework below.

Principle of Development

The application site is entirely within a designated Housing Area as defined by the Unitary Development Plan (UDP). Policy H10 of the UDP identifies housing as the preferred use of land in these areas. The principle of the development is therefore acceptable from a land use perspective.

The land to the rear of the site within the blue line on the submitted plans is in the applicant's ownership. This land is in the Green Belt but does not form part of the application site and no development is proposed in the Green Belt as part of this scheme.

Housing Land Supply

The Framework requires local authorities to identify a 5-year supply of specific 'deliverable' sites for housing. CS22 of the Core Strategy sets out Sheffield's housing targets until 2026; identifying that a 5-year supply of deliverable sites will be maintained. However, as the Local Plan is now more than 5 years old, the Framework requires the calculation of the 5-year housing requirement to be undertaken based on local housing need using the Government's standard method.

Sheffield has updated its housing land supply based on the revised assessment regime, and now has a 5.4-year supply of deliverable housing units in accordance with the requirements of the Framework. The contribution two dwellings would make to the City's obligations to maintain a 5-year housing land supply is small. It is however attributed positive weight given how narrow the 5-year supply is, and the significant weight the government attaches to boosting the supply of new homes.

Housing Density

Core Strategy Policy CS26 encourages making efficient use of land to deliver new homes at a density appropriate to the location depending on relative accessibility. The highest density of development is promoted in the most sustainable/accessible locations.

The policy is considered consistent with paragraph 122 of the Framework which promotes the efficient use of land subject to the consideration of a variety of factors including housing need, availability of infrastructure/sustainable travel modes, desirability of maintaining the areas prevailing character and setting, promoting regeneration and the importance of securing well designed and attractive places.

The site is approximately 0.22 hectares and the two dwellings proposed results in a density of 9 dwellings per hectare. This falls below the recommended density identified in policy CS26 (30 to 50 dwellings per hectare); however, the development is considered comparable to the density and pattern of development of existing housing on Wheel Lane.

Taking account of the size of the site and the desirability of maintaining the areas prevailing character, purely from a density perspective the erection of two dwellings on this site is considered acceptable.

Previously Developed Land

The Framework makes it clear that a site will be excluded from being classed as previously developed if 'the remains of the permanent structures or fixed surface structures have blended into the landscape.'

The unauthorised footings do not establish that the site is previously developed. However, as a result of the former use, there remains some ambiguity as to whether the site is classed as previously developed, or not. For completeness both scenarios are considered as follows;

- If Previously Developed

Core Strategy Policy CS24 (Maximising the use of previously developed land for new housing) states that priority will be given to the development of previously developed sites. Furthermore, the Framework promotes making effective use of land in meeting the need for homes (para 117) and gives substantial weight to the value of using suitable brownfield land within settlements for new homes (para 118 c) and promotes the development of under-utilised land.

- If Not Previously Developed

Core Strategy Policy CS24 states that no more than 12% of dwelling completions will be on greenfield sites in the period between 2004/05 and 2025/26. It goes on to state that in the period to 2025/26, housing on greenfield sites will only be developed in certain circumstances, including on small sustainable sites within existing urban areas or larger villages.

Completions of properties on greenfield sites have not reached the 12% stated in CS24 and are closer to 5%. Moreover, the development is considered to be on a sustainably located small site and makes efficient use of land taking account of site constraints.

Unlike CS24, which stipulates a proportionate prioritisation of brownfield land, the Framework actively promotes the reuse of Brownfield or previously developed land but does not specifically advocate a 'brownfield first' approach. Given this, policy CS24 carries reduced weight. Nevertheless, in both scenarios the proposals are considered to comply with both CS24 and the Framework, which places great emphasis on boosting the supply of homes.

Design, Layout and Impact on the Street Scene

Chapter 12 of the Framework is concerned with achieving well-designed places and paragraph 124 identifies that good design is a key aspect of sustainable development.

Paragraph 127 of the Framework which is concerned with design sets out a series of expectations including ensuring that developments:

- add to the quality of the area.
- are visually attractive as a result of good architecture, layout and landscaping.
- are sympathetic to the local character and surrounding built environment.
- establish and maintain a strong sense of place; and
- optimise the potential of a site and create places that are safe, inclusive and accessible.

Paragraph 130 of the Framework makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Policies CS74 of the CS and UDP policies BE5, H14 and H15 all seek to secure high quality developments which are of an appropriate scale and which enhance the character and appearance of the area.

The part of UDP Policy H14 which is most relevant to design and street scene states that new development will be permitted where they are well designed and in scale and character with neighbouring buildings and where the site would not be overdeveloped.

UDP Policy BE5 'Building Design and Siting' also provides design guidance stating good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. Section a) of Policy BE5 notes that original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings.

Core Strategy Policy CS74 'Design Principles' (e) expects high quality development which contributes to place making and is of a high quality.

These local policies reflect of the aims of the Framework and continue to carry substantial weight in the assessment of this development.

The planning history relating to the historic grant of full and outline consent for two dwellings on this site is acknowledged. The Planning and Highways Committee decision to refuse permission for two dwelling houses in November 2019 (ref: 19/03073/FUL) and the Planning Inspectorates subsequent dismissal of the appeal (November 2020) are however far more relevant to the assessment of this scheme.

Two dwelling houses are proposed. House 1 is positioned adjacent to No.98 and house 2 adjacent to No.94 Wheel Lane. Both dwellings face Wheel Lane and the front elevations are generally aligned with the siting (front) of other dwellings in the street. A shared parking area is proposed to the rear, the layout of which is not considered to harm the character of the area.

The character and external appearance of other dwellings in the area is varied. Each of the proposed dwellings are two storeys high with further accommodation in the

roof. Notwithstanding the concerns Members had with the scale and massing of the previous dwellings, there were no in principle objections to their external appearance. Despite this the applicants propose to replace the red brick of the previous scheme with an off-white render. Render is used widely in the local area (including on an adjoining property) and is therefore acceptable. A blue brick provides a robust finish to the base, where the buildings intersect the ground.

Fenestration detailing has been simplified by omitting ground floor bay windows as well as head and cill detailing. Front doors are proposed, they were previously on the side elevation. As with the previous scheme's dormer windows are proposed to the front and rear. Dormer cheeks and windows are to be finished in dark grey/black.

The contemporary external appearance and detailing of the dwellings is acceptable.

Many properties along this part of Wheel Lane are elevated above the road, as would be the case with the dwellings proposed. Some properties further to the south accommodate garages at a lower ground floor level, accessed directly from the road. Considering this it's not reasonable to insist that site levels are reduced to the road level as several objectors have requested. Indeed, it could be argued that such an approach is out of character with this part of Wheel Lane.

Wheel Lane falls in an east west direction and the ridge line of existing properties staggers to reflect this. The height difference between properties is not uniform but does have a rhythm. The site is flanked by No.98 which is a dormer bungalow and No.94 a traditional single storey bungalow, both of which have pitched roofs. Dwellings of different scale are however evident in the locality, including two storey properties to the east and west.

One of the reasons for refusal of 19/03073/FUL stated that the development failed to respect the established character of the immediate surrounding, and represented incongruous features in the street scene as a result of their height and general massing, with particular reference to the excessive ridge height relative to No.98 Wheel Lane. The Planning Inspector also found that the scale, height and dominant roof form of the dwellings harmed the character of the area.

Under planning ref: 18/0229/FUL the ridge of house 1 was 3.6 metres higher than the corresponding ridge of No.98. It was reduced under application ref: 19/03073/FUL but remained 3.195 metres higher than the ridge of No.98. These previous fairly minor alterations to the scale of the development were clearly not acceptable to Members or the Planning Inspector.

In response, the applicants propose to decrease the scale of the dwellings by reducing ground levels, roof proportions and the overall height of the dwellings. As amended the ridge of house 1 would be approximately 2.3 metres higher than the ridge of No. 98 Wheel Lane. The ridge of House 2 is approximately 1.3 metres taller than house 1.

The height (eaves and ridge) of No.98 Wheel Lane has been increased in the past and is approximately 2.3 metres taller than the neighbouring property No.100 Wheel Lane. The relative ridge height of No. 98 Wheel Lane and house 1 is now very

similar to the height difference between No.100 and No.98 Wheel Lane (2.3 metres). The change in scale between existing and proposed dwellings is no longer considered excessive or harmful to the appearance of the street scene.

House 2 remains taller than No.94 Wheel Lane. However, further reductions to the plot and floor levels and amendments to the roof proportions and the overall height of house 2 have been made in response to the Planning Inspectors' comments. These amendments are a clear improvement. Both dwellings now better reflect the topography of Wheel Lane and the stepped roof form of existing dwellings.

The reduction in the footprint (width and depth) of both dwellings increases the spacing between house 1 and house 2 and the gable end of house 2 and No.94 Wheel Lane. When these amendments are considered alongside the proposals to reduce the height of the dwellings the overall massing of the scheme is decreased, and now considered acceptable.

The proposed dwellings, as a result of their reduced height/scale, massing, size and amended design are no longer considered incongruous, or to harm the character of the area or appearance of the streetscene.

The development is acceptable from a design perspective.

Amenity Issues

Paragraph 127(f) of the Framework identifies that development should create places with a high standard of amenity for existing and future users. Development should also be appropriate for its location taking account of the effects of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (paragraph 180).

Policies H14 (Conditions on Development in Housing Areas) and H15 (Design of New Housing Developments) are considered to align with the Framework as they expect new housing developments to provide good quality living accommodation to ensure that basic standards of daylight, privacy, security and outlook are met for existing and future residents. These local policies are therefore afforded weight.

Overbearing and Overshadowing

The single storey element of house 1, proposed under application ref: 19/03073/FUL was at a higher level than No.98 Wheel Lane. As a result, Members felt that the scale of this specific element of house 1 when also taking account of its orientation, had an imposing and unacceptable overbearing impact on the amenities of No.98. The Planning Inspector also felt that the resultant impact on light and outlook would harm the living conditions of No.98.

In order to address this issue, the applicants have reduced the finished floor and associated ground levels of house 1 so that they now approximately reflect the finished floor and garden level (closest to the rear elevation) of No. 98. In addition, the depth of both the two storey and single storey elements of both houses have been reduced. These amendments remove any unacceptable overbearing and

overshadowing of No.98.

As part of the previous application (19/03073/FUL) the two-storey element of house 1 was not considered to have an unacceptable impact on the amenities of No.98. Consequently, it did not form part of the reasons for refusal. The Planning Inspector also did not raise any issues with this element of the scheme. As such officers do not consider that the two storey elements of house 1 to have an unacceptable impact on No.98. In fact, any perceived impact is lessened by the proposed reduction in site levels and the amendments to the depth and footprint of house 1.

The width of the site access road provides sufficient separation between house 2 and No.94 Wheel Lane to prevent any unacceptable overbearing, shadowing or loss of light from occurring. The reduction in site levels, footprint and width of house 2 increases the separation distance between the gable wall and the corresponding side elevation of No.94 from approximately 6.9 to 8 metres.

There are windows in the side elevation of No.94 overlooking the access road, however these are not primary windows to main habitable rooms, and they are reliant on light from third party land. Taking account of the above, and the fact that house 2 is located to the east of No.94 no unacceptable overbearing, shadowing, or over dominance will occur.

Overdevelopment

The Council do not have any specific minimum space standards. Some general guidance is contained in the adopted Supplementary Planning Guidance (SPG) for Designing House Extensions. It identifies that 50 square metres of garden space should be provided for a two or more-bedroom dwelling to avoid the overdevelopment of a plot. As the SPG relates to house extensions the principles set out within the document are used as guidance only when considering proposals for new dwellings. The impact a proposal has on the character of the area and the amenities of existing and future residents are the primary considerations in determining if the site will be overdeveloped.

Only 50 sq. metres of private amenity space was provided with house 2 as part of the previous application. This was insufficient for the size of the dwelling proposed, resulting in an overdevelopment of the site. The Planning Inspector concurred that insufficient amenity space was provided, however the Inspector felt this occurred as a result of the design and layout of the scheme rather than an overdevelopment of the site.

Each of the dwellings proposed (as amended) still contain 5 bedrooms and associated living space, distributed over three floors including the roof space. The site access arrangements are unchanged from the previous scheme; parking for both dwellings is to the rear in a shared parking court.

The applicants have however sought to address the overdevelopment issues by reducing the overall footprint of each house. As a result, the private rear garden area of House 2 has been increased by 36 sq. metres and is now approximately 86 sq. metres in area.

The amenity space for House 2 remains smaller than House 1 and other dwellings in the immediate locality, however it now provides future occupants with a more useable private garden. It is also akin to the size of gardens associated with some more modern forms of housing where there is a drive to make more efficient use of land.

The garden of house 1, which was previously found to be of an acceptable size, remains largely unchanged. It is approximately 142 square metres and is terraced to reflect the changes in site levels.

Considering the above, the scheme no longer represents an overdevelopment of the site. An appropriate balance has been struck between making efficient use of the site, providing amenity for future residents and protecting the amenities of existing residents, and the character of the area. It is recommended that permitted development rights are removed to prevent the erosion of the garden space, and to protect the amenities of adjoining properties due to the terraced nature of the gardens.

Overlooking

Window openings are proposed at ground and first floor level in the side elevations of each dwelling. The ground floor window in the east elevation of house 1 facing No.98 provides light to an office. It is set away from the boundary, behind an existing stone wall or new boundary which will prevent overlooking. The first-floor window provides light to a dressing room and can be obscured.

The windows in the side elevation of house 2 provide light to an office at ground floor and walk in wardrobe at first floor. The ground floor window will be largely obscured by the retained boundary wall and the upper floor window can be obscured. As these windows overlook the site access road, they are not considered to cause any harmful overlooking.

The alignment of the dwellings is similar to neighbouring properties. The dwellings are orientated to look over Wheel Lane and their rear garden/parking areas. This will not lead to any harmful overlooking over and above what is considered reasonable in residential areas.

Juliette balconies are proposed at first floor level to the rear of each dwelling. In terms of overlooking the impact of Juliette balconies is similar to a traditional window, as access to the flat roof element is not permitted (secured by condition).

No harmful overlooking or other amenity issues will arise from these features of the development.

The lowering of the site levels reduces the ability for future occupiers of house 1 to see over the existing stone boundary wall with No. 98 Wheel Lane. However, site levels vary and increase towards the rear of the site, as do No.98's and so it will be necessary to provide some fencing or alternative boundary treatment a minimum of 1.8 metres in height to maintain privacy levels. The provision of such boundary

treatment would accord with permitted development rights for the enclosure of land. Given this and the land level differences across the site it is not considered that the impact of a new fence would be materially different to the relationships between existing properties in the locality and is therefore acceptable.

The boundary treatment will not result in any significant overshadowing or overbearing of adjoining properties.

Other Amenity Issues

The access road to the site adjoining No.94 is flanked on both sides by a stone wall that is approximately 1.4 metres high. No.94 is elevated above the level of the access road and part of the site boundary is supplemented with hedge planting which screens the rear garden. It is not considered that the vehicle movements associated with two dwellings would be excessive or give rise to any unacceptable noise and disturbance to either of the adjoining properties.

Bin storage is provided within the curtilage of each property and domestic waste will be taken down the track to the highway for collection. Details of the site access gates are to be controlled by condition and their operation will not have any harmful effect on the living conditions of adjoining properties.

The reduction in site levels and the overall size and footprint of both dwellings is considered to mitigate any harmful impacts on the adjoining properties. An appropriate amount of private amenity space is now provided for each dwelling. Consequently, proposal is acceptable from an amenity perspective.

Highway Issues

The Framework (paragraphs 102 to 111) promotes sustainable transport. Paragraph 108 specifically requires that when assessing applications for development it should be ensured that a) appropriate opportunities have been taken up to promote sustainable transport modes given the type of development and the location, b) safe and suitable access to the site can be achieved for all users and c) any significant impacts from the development on the transport network or highway safety can be cost effectively mitigated.

Policy CS51 'Transport Priorities' within the CS sets out six strategic transport priorities for Sheffield. CS53 'Management of Demand for Travel' identifies a variety of ways in which increased demand for travel will be managed across the City. Policies H14 and H15 of the UDP, which are primarily concerned with housing development, expect sites to be adequately served by transport facilities, provide safe access, appropriate parking and to not endanger pedestrians.

The existing access to the site from Wheel Lane is to be utilised. The access road is approximately 5.5 metres in width which is sufficient to enable two vehicles to pass each other (and for construction vehicles to access the site). The proposed security gates will be set back 6 metres to allow vehicles to pull clear of the highway when entering the site. Vehicles can turn in the shared parking area at the rear of the site and exit in a forward gear onto Wheel Lane.

Congestion and highway safety concerns in this area are acknowledged. The limited number of vehicle movements associated with two dwellings will not however have an unacceptable impact on highway safety, and certainly no 'severe' cumulative impact on the highway network which are the NPPF tests in this respect. The proposed sight lines from the vehicle access point are satisfactory.

The submitted plans indicate that two parking spaces are provided for each dwelling. This meets the maximum parking standard for a 5-bedroom property as set out in the Council's latest Car Parking Guidelines published in August 2016. Although not shown on the submitted plans, there is space to accommodate a third vehicle for each dwelling.

The speed limit on this section of Wheel Lane is 30 mph. There are no on-street parking restrictions in place immediately adjoining the site, although speed reduction warnings (lines and paint) are present on the road surface. Any additional parking demand over and above what would normally be anticipated with two 5-bedroom dwellings could be reasonably accommodated on street without affecting highway safety. Additional parking on the access road could also be accommodated without impeding access to either plot.

The proposed access and parking arrangements are considered to accord with the Framework, UDP Policy H14 and Core Strategy Policy CS53.

Local Nature Site

The site falls within a Local Nature Site with geological interest as identified by the UDP Proposals Map. UDP Policy GE13 states that development affecting Local Nature Sites should, wherever possible, be sited and designed to protect and enhance the most important features of natural history interest.

GE13 goes on to state that where development would decrease the nature conservation value of a Local Nature Site, that decrease should be kept to a minimum and compensated for by the creation or enhancement of wildlife habitats elsewhere within the site or local area. Policy GE11 seeks to protect and enhance the natural environment and promote nature conservation.

Paragraph 170 of the Framework identifies that planning decisions should contribute to and enhance the natural and local environment, mitigating harm on and provide net gains in biodiversity. Local policies are considered to broadly align with the aims of the Framework and continue to carry weight.

This site is an infill plot within an established housing area and was previously a covered reservoir, which has been infilled. The only notable recognisable features relate to boundary walls and these are largely retained. It is not proportionate to consider further opportunities to create or enhance wildlife habitats elsewhere within the site or local area, although new garden areas are being created.

Given the above the development is considered to comply with the relevant sections of Policy GE13 and the Framework.

Landscape and Green Belt Impacts

Paragraph 127 of the Framework requires developments to be sympathetic to local character and history, including the surrounding built environment and landscape setting. The Government also attaches great importance to Green Belts (Chapter 13 Framework).

UDP Policy GE4 states that the scale and character of any development which would be conspicuous from the Green Belt should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment.

UDP Policy BE6 'Landscape Design' requires new development to provide a suitable landscape scheme with regards to new planting and/or hard landscaping and details of existing vegetation to be removed or retained. Development should also try to integrate existing landscape features and use native species where appropriate.

These local policies retain weight in the consideration of this application.

Officers are satisfied that the Green Belt boundary indicated on the submitted plans is correct and no development is proposed in the Green Belt.

Most of the vegetation has been cleared from the site. The mature trees to the rear in the Green Belt are adequately distanced to remain unaffected by the development. The submitted plans indicate lawn and hard surfaced amenity areas are proposed and a post and rail fence to parts of the site boundary. The details provided are acceptable from a landscape perspective and satisfy the requirements of UDP Policy BE6. Full details of landscaping and hard surfacing can be secured by conditions.

Although no development is proposed within the Green Belt it is acknowledged that longer distance views of the dwellings could be available from the Green Belt to the south and from the rear most section of some of the adjoining neighbouring gardens, which are also in the Green Belt.

The proposal is however an infill plot on an established residential street, and the development will be viewed in the context of the existing residential properties located either side of the site. The proposal does not therefore harm the openness of the adjoining Green Belt.

Drainage and Flooding

Core Strategy Policy CS 67 (Flood Risk Management) seeks to reduce the extent and impact of flooding and requires the use of sustainable drainage systems or sustainable drainage techniques, where feasible and practicable. Policy CS 63 (Responses to Climate Change) also promotes the adoption of sustainable drainage systems (SuDS).

The Framework seeks to ensure that areas at little or no risk of flooding are developed (Flood Zone 1) in preference to areas at higher risk (Flood Zones 2 & 3) and that the effects of flooding are reduced through the use of sustainable drainage

systems. CS 63 and 67 are compatible with the Framework in terms of reducing the impacts of flooding and therefore retain substantial weight.

The site is in Flood Zone 1 (the lowest risk of flooding) as such the management of surface water is the primary consideration. Yorkshire Water has no objection to the scheme subject to conditions requiring the discharge of surface water to be reduced and managed sustainably where possible.

Subject to appropriate drainage details being secured by condition, the proposal is acceptable from a drainage perspective.

Ground Conditions

The site was formerly a covered reservoir. The Council's Environmental Protection Service has identified a potential for ground contaminants associated with made ground. However, the risks are not considered to be significant and can be controlled by condition.

Community Infrastructure Levy (CIL)

Sheffield has an adopted Community Infrastructure Charging schedule. The site falls within CIL Charging Zone 3. Within this zone there is a CIL charge of £30 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

The applicant is claiming self-build exemption.

RESPONSE TO REPRESENTATIONS

Most of the matters raised within the representations have been addressed in the above assessment. The remaining comments are addressed as follows:

- The current proposal has been assessed on its individual merits taking account of the most relevant planning history relating to the site including the previous refusal of planning permission.
- The removal of any historic reservoir structures is a matter for the applicant; the planning authority cannot insist these works are undertaken.
- Conversion of the property to create flats or apartments would require separate planning consent.
- Comments in support or objection are considered on their merits regardless of the geographical location of the contributors.
- There is no right to a view across another person's land.
- Any future proposals to build on the Green Belt land to the rear will require planning consent and would be judged on their individual merits.
- Any proposals to alter the Green Belt boundary should be undertaken through the Local Plan review process.
- Profits derived from the development are not planning matters, neither is the land's value.

- As less than 5 homes are proposed there is no requirement to provide affordable housing.
- The scheme is not of a scale that requires dwellings of differing sizes, types and tenures to be provided.
- The existing footings and shipping containers are unauthorised and subject to separate enforcement investigations.
- The submitted information is sufficient to enable the proposed levels to be ascertained.
- Given the level of excavation identified on the plans it is not envisaged that stability issues will be a factor in the future. However, this will be a consideration of the Building Control process.
- As the site has been largely cleared in the recent past it is not considered to hold any notable potential from an ecological standpoint.

SUMMARY AND RECOMMENDATION

This application seeks full planning permission for two detached dwelling houses, associated access and landscaping.

In 2006 and 2009 consent for two dwellings was granted but never implemented. Subsequent applications for a single dwelling (18/02229/FUL) and a revised scheme for two dwellings (19/03073/FUL) were refused. An appeal against 19/03073/FUL was dismissed in November 2020. The site does not therefore benefit from any form of extant planning consent.

The site is in an allocated Housing Area as defined in the UDP, and the principle of redeveloping it for housing is acceptable in principle.

The applicant owns additional land to the rear of the site which is in the Green Belt. No part of the application site encroaches into the Green Belt and the development is not considered to affect the openness or appearance of the Green Belt.

The previous application for two houses was refused on design and amenity grounds. The rear single storey element of house 1 was considered to overshadow and be overbearing of No.98, with particular reference to the difference in site levels. The scale and massing of the dwellings was considered incongruous and harmful to the appearance of the street scene, with reference again to the relative height difference of No.98 Wheel Lane. Sufficient amenity space was not provided for the future occupants of house 2. The Planning Inspector reached similar conclusions when dismissing the recent appeal.

The applicant has sought to address the previous reasons for refusal and the comments of the Planning Inspector by reducing the scale, size, footprint and proportions of the proposed dwellings.

The ground and floor levels of house 1 have been reduced and are now set at approximately the same floor and garden level (immediately to the rear of the house) as No.98 Wheel Lane. These amendments remove any harmful overbearing or overshadowing of adjoining properties, and do not result in any loss of light or outlook that would be detrimental.

The ground and floor levels of house 2 have also been reduced as has the overall height of the dwelling. The footprint of house 2 has been reduced allowing a satisfactory private garden of approximately 86 sq. metres to be provided. House 1 has a larger garden similar in size to No.98 Wheel Lane. The site is no longer considered to be overdeveloped.

The site is flanked by a dormer and traditional single storey bungalow, there are however other two storey properties in the immediate street scene. The difference in ridge height between No.98 and house 1 (2.3 metres) now reflects the change in ridge heights between No. 100 and No. 98. The scale and height of House 2 has been reduced and is now only 1.3 meters higher than the ridge of house 1. The proposed dwellings now better reflect the sloping topography and stepped ridge line of existing properties on Wheel Lane.

The overall width and depth of both dwellings has also been reduced. This has increased the spacing between the properties and the distance between No. 94 and the gable end of house 2.

In combination these factors reduce the overall scale and massing of the development and mitigate any harmful impact on the street scene or character of the area. The site is no longer overdeveloped. The amended scheme addresses the previous reasons for refusal and the comments of the Planning Inspector. It is considered that this site is now capable of accommodating two detached dwelling houses.

Appropriate off-street parking is provided within the site. The small increase in vehicle movements associated with the development can be readily accommodated on the adjoining highways without detriment to safety.

The most important local policies in the determination of this application, which in this case are concerned with housing land supply, highway related impacts, design, amenity and landscape impacts, do, when considered as a collection, align with the Framework. Section d) of paragraph 11 of the Framework is not therefore applied in this instance.

The development will make a small but positive contribution to the Council's obligations to maintain a 5-year supply of deliverable sites. The revised scheme has adequately addressed the previous reasons for refusal and subsequent appeal decision. It is now considered to comply with the relevant adopted local and national planning policy and guidance.

It is recommended that planning permission is granted conditionally.

Case Number	20/03328/FUL
Application Type	Full Planning Application
Proposal	Erection of agricultural/horticultural storage and workshop building and polytunnel
Location	Land off Black Lane and to the rear of 547-573 Loxley Road Sheffield S6 6RR
Date Received	22/09/2020
Team	West and North
Applicant/Agent	Simon Elliott Associates
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:

Site location Plan with Redline Boundary published 24.09.2020
Proposed Polytunnel Elevations and Floor Plan published 24.09.2020
Proposed Storage and Potting Shed Elevations and Floor Plan and Site Plan (amended) received 19.01.2021

Reason: In order to define the permission.

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

3. Development shall not commence unless a scheme of sound insulation and/or attenuation works has been installed to the potting shed building and thereafter retained. Such works shall be based on the findings of a noise report submitted to and approved in writing by the Local Planning Authority and shall include an assessment of noise impacts on nearby noise sensitive

uses, in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

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

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

4. The proposed facing materials and roofing materials shall be as listed on the submitted application forms (Polytunnel) and as detailed on the Revised Plan (potting shed) Rev B received 19.01.2021 unless alternative details have been first submitted to and approved in writing by the Local Planning Authority. Thereafter the structures shall be finished in accordance with the approved materials.

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

5. The intensity, direction and angle of any external lighting shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to its installation. The Local Planning Authority reserve the right to require modifications at any time should the direction, intensity or angle of the floodlights become different to those approved and/or lead to light pollution.

Reason: In the interests of the amenities of the locality.

6. Prior to the commencement of above grounds works, full details (including siting and design) of the ecological enhancements to be provided within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved enhancements shall be installed on site prior to the development being brought into use and retained thereafter.

Reason: In the interests of protecting and enhancing biodiversity

Other Compliance Conditions

7. The business shall be operated so that no machinery, plant or equipment shall operate, no works of repair shall be carried out, nor shall any goods be received at or despatched from the premises outside the hours of 0800 to 1800 and Monday to Friday, or at any time on Saturdays, Sundays or Public Holidays.

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

8. Any fork lift trucks or other mobile plant or equipment operated on site and requiring the use of audible reversing alarms shall be fitted with white noise 'beepers', and shall not operate with a standard 'beeper' audible warning signal on the site at any time.

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

9. All mechanised processes associated with the development shall be carried out within the buildings on site, as approved in writing by the Local Planning Authority. No noisy machinery shall be operated in the open air.

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

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. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.

Site Location



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Location and Proposal

The application site relates to land to the south of No's 547 - 561 Loxley Road. The land is currently used in connection with nearby Loxley Nurseries for horticultural purposes.

The site is accessed from the west via Black Lane and is largely enclosed by existing conifer hedging and vegetation. Within the site at present are various plant growing bays, fencing and informal storage buildings.

This application seeks consent for a polytunnel which would be sited along the southern boundary of the site and which measures approximately 47m x 7.3m with an overall height of approximately 3.4m.

A storage and workshop building is proposed centrally within the site. This measures approximately 25m x 10m with a height originally proposed at approximately 6 metres to the ridge the roof. During the course of the application the scheme has been amended, reducing the ridge height to 5.5m and the eaves to 4m and also amending the materials to vertical boarded timber cladding.

The buildings will be use in connection with the existing horticultural activities on site, with the polytunnel used for growing and the shed to accommodate machinery to facilitate plant potting. The shed would also be used for the storage of materials used in association with the growing of plants.

Site History

09/02937/FUL In November 2009, an application for the erection of a water tank was refused at committee on the grounds that it would be conspicuous in the locality, would detract from the openness and character of the locality and as such was considered to be contrary to Policy GE4 of the UDP.

Representations

15 letters of objection have been received following publicity of the scheme. This includes a letter of objection from Friends of Loxley Valley. In addition, Bradfield Parish Council have commented on the proposal. The points raised are summarised below:

- Inappropriate siting in the middle of the countryside.
- The Loxley Valley should be protected from unsightly buildings.
- Objection to the length and especially the height of the structures, which seem overly large for the purposes stated and the size of the site.
- The size of the potting shed structure would not be in keeping with the environment and will be an eyesore to all residents and members of the public walking in the Green Belt of Loxley, detracting from the open character of the

area contrary to the UDP.

- The proposed buildings would spoil much of Loxley's 'natural' and gentle character.
- The proposal would significantly alter the beautiful views of the Loxley Valley, behind houses, and due to its size will alter the landscape for others living on and behind Loxley Road.
- The existing slope of the land would not provide screening. The hedges would not screen unless grown to an unacceptable height.
- The poly tunnel would be highly visible. If the inner row of conifers grew further they would provide screening and they would not detract from the openness of the countryside.
- The covering letter attached to the application states that the buildings are consistent with agricultural/farm buildings. The inference being that the planned structures would integrate into the surrounding area. There are no such farm structures that are located some 30 metres from 10 – 12 domestic dwellings.
- The scheme should be amended to reduce the height, have a flat roof and relocate the structures at the furthest point from the domestic dwellings.
- The scale of polytunnels can be seen on the nursery site at Long Lane.
- The height of the potting shed is not marked on the plan.
- The height of existing screening suggest that the proposal will be very high.
- The field was originally a natural sheep field in Green Belt. The land should at the very least be retained as a green plant setting and any applications to erect/build structures for whatever means should be refused.
- Floor space is increasing from 45 to 580sq.m on a small piece of land. We also do not believe these buildings are needed for extra security but for more use as storage and a workshop.
- Concern is raised regarding the potential for alternative use of the structures in the future.
- Concern is raised that no detail is provided about lighting.
- Concern is raised regarding noise and disruption as a result of the work and nature of the proposed development, particularly due to the proximity of the cemetery.
- Objection is raised regarding noise from music and vehicles/ workshop and impact on wildlife from this.

- The development would destroy wildlife.
- Concern is raised regarding the impact on highway safety, particularly during construction and as a result of the development.
- There is no access to mains water which will lead to more problems with vehicular access.
- Concern is raised regarding traffic congestion and pollution.
- There is a natural spring that runs down to the river at Loxley Valley next to the sports ground. This sports ground is used regularly by young children for football. The risk of contamination to the river and sports ground should any significant rainfall or flooding occur is a real concern.
- Reference is made to the previous refused application. This was for a much smaller development and the site has not changed since then.
- Comment is made regarding the changed character of the site from open field to enclosed working nursery, with high borders blocking views.
- Plans submitted showing existing layout is misleading as they do not show the existing screen hedging which is directly at the bottom of 547- 561.
- Disappointed that neighbours 565-573 have not been advised/consulted on proposed plans.
- Objection is made to the consultation process being reliant on people having internet access and being computer literate. Thus meaning not everyone can comment.
- Although the site slopes down from north to south away from our houses, the structures will not be well screened.
- Comment is made regarding the recent removal of conifers along the northern edge of the site.
- Granting consent for this could result in further applications for more structures.
- Query is raised as to why the applicants can't build on another site in their ownership.
- It is claimed that the need for storage has not been justified in this location.
- More weight is being given to a business than to 20 – 30 residents.
- The development would devalue property.

Friends of Loxley Valley:

This is a prominent Green Belt site when viewed from Loxley Rd, Rodney Hill and the valley sides. As such it falls under the principle of, 'Development not damaging views in and into the Loxley Valley,' which is enshrined in section a) of the Supplementary Planning Guidance, on P26 of the Loxley Valley Design Statement.

Concern is raised regarding the development of the site in past years and it is queried whether the existing buildings are permitted development.

Concern is raised that it might not be possible to screen a large white polytunnel from view.

Concern is raised that in the future further applications for similar structures would be made as has been the case on the main nursery site. Concern is raised that this once meadow would be similarly covered to the detriment of the openness of the Green Belt.

As LVPS stated in 2009, regarding the potential development of this site, it would, 'result in the overdevelopment of a sensitive and attractive pastoral site in a very pretty Green Belt setting.'

Concern is raised that the structures would affect the openness of the Green Belt, particularly the polytunnel.

Bradfield Parish Council

There are concerns that this application is out of keeping with the area.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is also a material consideration.

Assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or

assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is referred to as the “tilted balance”.

The most important policies for this application relate to:

- Whether the development is appropriate in the Green Belt.
- The visual impact of the development on the open character of the Green Belt and whether the scheme is of an acceptable design.
- The impact of the development on residential amenities.
- The impact of the development on highway safety.

Principle of Development

UDP policy GE3 relates to new buildings in the Green Belt and states that in the Green Belt the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture and other listed appropriate purposes.

Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but goes on to explain that exceptions to this include buildings for agriculture.

The aims of the local and national policies closely align with significant weight therefore afforded to the UDP policy.

The definition of agriculture includes horticulture, which relates to the growing on of plants. It is necessary for the land to be in use for agriculture and used for the purposes of trade and business.

The new buildings are for use in connection with the existing horticultural use of the site. They do not constitute inappropriate development in the Green Belt and they are considered to be acceptable in principle as permitted by Policy GE3 of the UDP and paragraph 145 (a) of the NPPF.

Impact on the Character of the Green Belt / Visual Impact

UDP Policy GE1 (Development in the Green Belt) states that, unless very special circumstances exist, development that, amongst other things, would lead to the encroachment of urban development into the countryside will not be permitted.

UDP Policy GE2 (Protection and Improvement of the Green Belt Landscape) states that in the Green Belt, measures will be taken to maintain and enhance those areas with a generally high landscape value.

Policy GE4 (Development and the Green Belt Environment) states the scale and

character of any development which is permitted in the Green Belt or would be conspicuous from it, should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment.

Paragraph 133 of the NPPF states that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belt are their openness and permanence.

NPPF paragraph 134 sets out five purposes of the Green Belt which include: to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment.

The aims of the NPPF closely aligns with UDP policies GE1, GE2 and GE4 and the local policy can be given significant weight.

UDP Policy BE5 (Building Siting and Design) and Core Strategy Policy CS74 (Design Principles) are also of relevance and both seek to ensure good quality design in all new development.

In addition, the site falls within the area covered by the Loxley Valley Design Statement Supplementary Planning Guidance (SPG). It is considered that the most relevant sections are:

- 2.1 which states that development should not damage important views in and into the Loxley Valley.
- 2.2(a) which states that new structures should harmonise in design and scale, and be of materials consistent with neighbouring buildings, to produce a sense of unity.
- 2.3(b) which states that new barns should be set below the skyline and within the curtilage of existing buildings. They should be of dark colour to blend with the landscape and screened with groups or clusters of trees and shrubs, native species, preferably from seed of local provenance, from local nurseries.
- 2.3 (f) which promotes wildlife access for new outbuildings.

As described above, the proposed development is not inappropriate development and so it is not, by definition, harmful to the Green Belt. Moreover, due to its character and siting, it is considered that the development would not appear as urban sprawl.

The site is located on gradually sloping land, on the valley side. Houses on Loxley Road abut the site to the north and are elevated above the site. To the west between Black Lane and the site is an intervening field used for grazing. The access track to the site runs along the bottom of this and the western boundary of the site consists of conifer hedging at approximately 3 metres in height. The southern boundary of the site is formed by a further conifer hedge at approximately 1.8 metres in height. The eastern boundary is a mix of vegetation with some mature trees.

Within the site there are growing bays laid out and towards the southern edge are some storage buildings. Whilst the site is intensively used at present, much of it is screened by the existing hedging and internal views of the site are not prominent from public view points from this side of the valley, i.e. from Black Lane, or the footpaths that run close to the bottom of the valley.

It is acknowledged that the residents to the north have a clear view of the site, however it is not the role of the planning system to protect individuals private views.

There are glimpses of the site between the houses on Loxley Road however these views are not prominent

Visibility of the site from the opposite side of the valley is over a long distance and seen against the backdrop of residential development to the north.

The proposed potting / storage shed would be positioned to the south of an internal conifer hedge which is approximately 2 metres in height and orientated running east to west, midway down the site.

The siting of this is considered appropriate as it runs across the slope of the valley rather than down it which would generate the need to change levels and potentially elevate it to create a level platform.

The decision to position the shed midway down the site does make it more prominent than had it been built along the northern boundary. However, this gives some breathing space between the houses and the building. It is also clear from the style of the building that it is for use in connection with the existing horticultural use of the land and it would not appear as an urban encroachment. Furthermore there is other nearby development located beyond the urban edge including dwellinghouses to the east which are positioned partway down the slope of the valley, a pavilion further down Black Lane serving the sports ground, and a cemetery to the west. The proposed development do not sit in an entirely rural setting and the presence of other structures means that they would not appear as isolated structures.

The building would be positioned to the south of the internal hedge which runs east to west within the plot. This hedge is approximately 2 metres in height. The structure is sizable in terms of footprint, but within the context of the size and width of the site it is not overly large and the adjoining hedge will help to mitigate its visual impact in some views.

The building would be visible above the height of some existing boundaries. The applicant has reduced the height of the building following concerns raised, but has indicated that the height proposed is necessary to accommodate the machinery for potting and vehicles/ machinery to enable the large pallets of potting compost to be lifted into these machines.

The proposed materials have been amended during the course of the application to vertical timber cladding for the walls and grey profiled metal cladding for the roof. These are appropriate materials which would sit comfortably in the landscape. This accords with the Guidance contained within section 2.3 (b) of the SPG relating to

barns.

The shed would be visible from Black Lane but would not appear overly conspicuous or out of character. The network of footpaths below the site is distanced by intervening fields and from these, there would be limited visibility of the proposed structures. From the other side of the valley the development would be seen in context with the other features discussed above.

This building is appropriate development and typical in scale, massing and appearance of an agricultural storage building in a rural area. It is considered that the building would not damage important views into or out of the valley or cause an unacceptable degree of visual harm to the open character of the Green Belt.

The polytunnel is proposed to be sited running east to west along the southern boundary. There would be some visibility of the tunnel, due to it exceeding the height of the southern conifer hedge and also the side elevation would be visible from Black Lane. The nature of the materials would also add the visibility of this. However, the visual impact has been minimised by siting it adjacent the boundary where there is some screening. The curved design also reduces the massing and therefore the prominence of the polytunnel. Again this type of development is not inappropriate and in the context of the site's use and the immediate area, where there are existing structures on the valley side, and from long distances, it is considered that the polytunnel would not be visually harmful and would not significantly harm views or detract from the open character of the Green Belt.

Residential Amenity Impact

The proposed structures are to be sited within the centre of the site and towards the southern boundary. There would be approximately 50 metres between the development and the boundaries of the nearest residential properties. As such the development would not result in residential disamenity through overshadowing or overbearing implications.

UDP Policy GE24 seeks to ensure that development would not create noise levels which would cause a nuisance or be located so that sensitive uses and sources of noise pollution are close together.

During the course of the application the applicant has provided further details of the machinery to be used on site. This includes a potting machine, a compost handling machine, a vertical bale opening machine and a fork lift. These have the potential to cause some noise nuisance, without mitigation. The applicant has confirmed that all machinery with the exception of the fork lift will operate solely within the building.

The fork lift already operates on site and would be used outside the building for unloading / loading supplies, comings and goings to the main nursery site on Long Lane and also within the shed for stacking and moving materials.

Officers are satisfied that the distance of the building from residential properties, together with sound attenuation measures (based on a noise report) and controls over the hours of use for operating the machinery reserved by condition, will prevent

unacceptable levels of noise nuisance from arising. Furthermore, a condition can control the noise on any beepers on the forklift to ensure that they are white noise rather than standard.

Paragraph 180 of the NPPF seeks to ensure impacts of development in terms of pollution are appropriate in terms of impact on health and living conditions as well as the natural environment. As discussed above the scheme would be compatible with the adjacent residential uses and also the wider area which, whilst largely open fields, is not devoid of noise generating activity due to its proximity to the urban edge, sports ground and cemetery.

The scheme also accords with paragraph 127 (f) of the NPPF which seeks to promote high standards of amenity.

The aims of the local policy closely align with the aims of the NPPF. The local policies are therefore attributed significant weight.

Highway Safety Implications

There is an existing access into the site off Black Lane. The applicant has confirmed that significant changes in vehicle movements would not arise as a result of the scheme. There would be no deliveries or collections from the site by external companies. These would be delivered to the main site on Long Lane and transported to the site using small pick-up vehicles that already visit the site daily. No visitors or sales would take place from the site.

At present, on average 2-3 employees work on site at any time. This would increase to around 3-4. Employees come from the main site in vehicles and generally park at the Long Lane site.

Any intensification of vehicle movements arising from the proposed development would not be significant and so do not generate highway safety concerns.

There would be some inevitable activity during construction, however the scale of the build is not significant to the extent that significant issues would arise.

The scheme would accord with the aims of paragraph 109 of the NPPF, which seeks to avoid unacceptable impacts on highway safety.

Response to Representations

Many of the issues raised by objectors have been discussed above. Remaining issues are addressed below.

The height of the potting shed is not marked on the plan – Whilst it is not annotated, the plan is drawn to scale.

Concern is raised regarding the potential for alternative use of the structures in the future – Should the use of the site change, this would have to go through an application process and be assessed at that point in time.

Concern is raised that no detail is provided about lighting - This issue can be controlled by condition.

Concern is raised regarding noise and disruption as a result of the work and nature of the proposed development, particularly due to the proximity of the cemetery and impact on wildlife - Some noise and disturbance may occur during construction. Separate legislation exists to address significant issues that arise in this respect. Other noise generation issues are discussed above.

The development would destroy wildlife – The areas where the proposed structures would be sited are already used as growing bays and so the development would be highly unlikely to impact on wildlife. However a condition is proposed to secure ecological enhancements as a result of the development in line with 2.3 (f) of the Loxley Valley Design Statement SPG.

There is no access to mains water which will lead to more problems with vehicular access – The existing activities on site already require water. It is not anticipated that there would be a greater need for vehicular access as a result of the development.

Concern is raised regarding contamination and pollution – The nature of the proposal is such that it would not materially result in any implications in this regard.

Reference is made to a previously refused application for a much smaller development and the site has not changed since then - The previous application was refused at committee against officer recommendation. At that time it is understood that the current extent of activities on site were not established. In the intervening time there have been physical and visual changes on site, with the establishment of the growing bays, boundary hedging and informal buildings. The laying out of the growing beds would not have required planning permission. The current scheme is not inappropriate development and the impact is assessed above.

Plans submitted showing the existing layout are misleading as they do not show the existing screen hedging which is directly at the bottom of 547- 561. The plans are sufficient in demonstrating what is proposed and where. A site visit was undertaken pre-lockdown which allowed for the impacts to be fully assessed.

Disappointed that neighbours 565-573 have not been consulted on proposed plans. - Neighbours directly abutting the site have been informed of the application in line with our Statement of Community Involvement.

Objection is made to the consultation process being reliant on people having internet access and being computer literate. Thus meaning not everyone can comment – It is still possible to comment via mail to Howden House.

Granting consent for this could result in further applications for more structures – Any future applications would be assessed on their own merits.

Query is raised as to why the applicants can't build on another site in their ownership/ alter the design and siting of what has been submitted – The application

has been submitted on this site and a decision must be taken applying the relevant policies.

The development would devalue property – Non planning issue.

Comment is made regarding the recent removal of conifers along the northern edge of the site. – Non planning issue

Loss of beautiful view and impact that this has on residents health and well-being – The impact on wider views is discussed above. Individuals do not have a right to a view across other people's land.

Summary and Conclusion

The scheme involves the erection of a horticultural storage / workshop building and a polytunnel to be sited on land that is currently used for horticultural purposes. The site is located in the Green Belt and such development is not inappropriate.

Whilst the development is fairly sizeable, it can be accommodated on site without it appearing over developed.

The structures would be visible from outside the site, however their siting is appropriate and amended plans have reduced the height of the shed. The structures are utilitarian in their design and due to their nature would not appear out of character in this location. They have been sited and designed as far as possible to avoid being overly conspicuous, mitigated to a degree by existing hedging, and given the wider context and pattern of development on this side of the valley they would not cause unacceptable harm to important views or compromise the appearance and open character of the Green Belt To an unacceptable degree.

Whilst the mechanical equipment to be accommodated within the shed would generate some noise, a set of conditions are proposed to ensure measures that mitigate this. These measures, together with the distance of the shed from neighbouring residential property, is such that the scheme would not have an unacceptable impact on the amenities of these residents and the general amenity of the wider locality.

Significant intensification of vehicle movements would not be generated as a result of this scheme. The development would not have a material impact on highway safety.

As the aims of the local policies and the NPPF closely align it is not necessary to implement the "tilted balance." The local policies carry sufficient weight.

For the reasons above the scheme accords with policies GE1, GE2, GE3, GE4, GE24 BE5, CS74, the aims of the Loxley Valley Design Statement and SPG and the NPPF. Approval is recommended subject to the proposed conditions.

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Case Number	20/03110/FUL (Formerly PP-09051445)
Application Type	Full Planning Application
Proposal	Demolition of side porch and detached garage, erection of single-storey side/rear extensions and provision of render and timber cladding to dwellinghouse
Location	8 Springfield Glen Sheffield S7 2HL
Date Received	09/09/2020
Team	South
Applicant/Agent	Brightman Clarke 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:

Amended Proposed Plans (Refs: 18-044-P00, Rev. A; 18-044-P01, Rev. A; 18-044-P02, Rev. A; 18-044-P04), Received 3rd November 2020.

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)

Other Compliance Conditions

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.

LOCATION AND PROPOSAL

The application relates to a detached single-storey dwellinghouse located on Springfield Glen, a cul-de-sac in the Ecclesall ward of the city. The site is in an allocated Housing Area as defined in the adopted Unitary Development Plan (UDP) for Sheffield. The locality is residential in character, and Springfield Glen consists exclusively of detached single-storey properties, of mid-late Twentieth Century design.

Springfield Glen lies on a slope, with the dwellings at the western end, nearest to the junction with Springfield Road, at a higher land level than those at the eastern end – at the head of the cul-de-sac. This means that the topography of the application site specifically is such that there is a visible step up between no. 8 and no. 6, and a step down between no. 8 and no. 10.

The application proposes to demolish a detached garage and an attached canopy structure lying to the side and rear of the original dwellinghouse, alongside the shared boundary with no. 10 Springfield Glen. In its place, consent is sought to erect a single-storey side/rear extension, as well as a smaller single-storey rear extension situated close to the boundary with no. 6 Springfield Glen.

RELEVANT PLANNING HISTORY

77/01082/FUL - Extension to hall and to form WC – Granted: 25.05.1977.

SUMMARY OF REPRESENTATIONS

Councillor Barbara Masters has objected, raising concerns with the potential impact of the extension on neighbouring properties due to the proposals being out-of-character with the surrounding area in appearance and size. Councillor Masters also expressed that the proposals' proximity to no. 10 in particular would have a detrimental impact on this neighbouring dwelling's internal light levels, as well as on ease of access to the main entrance of the dwelling.

A total of 23 representations have been received during this application process, all of them in objection to the scheme.

Immediate neighbours were notified of the original application by letter (dated 24/09/2020), following which 11 objections were received; and notified again by letter with regards to the set of amended plans on 03/11/2020, following which another 12 objections were received. The vast majority of representations have been from other residents of Springfield Glen, except for two objections from persons with an interest in the property at no. 10 Springfield Glen.

Overall, the objections raise various issues and the material planning concerns that can be considered in this planning assessment are summarised below:

Design

- The side extension will reduce separation between nos. 8 and 10, altering the overall appearance of the Glen and harming the residential character of

the area.

- The extension will spoil the symmetry of the house, being too close and significantly higher than the house next door.
- The proposed materials (black wood cladding and white rendering) are out-of-keeping with the rest of the dwellings in the Glen, which have a similar appearance in type/colour of brickwork.
- Black cladding on white mortar will completely spoil the look of the neighbourhood.
- No matching of adjacent house materials is proposed or that of existing materials at no. 8.
- This application, if granted, will change the whole character and ambience of the Glen, due to its' physical appearance and size being out-of-keeping with the rest of the local area and destroying the uniformity that exists due to the considerate way in which all improvements/extensions have been made previously.
- Extensions should harmonise with other residential development in the vicinity, in terms of scale and design, spacing within the plot, and the prevailing architectural design. The current proposal does nothing to address these points.
- The scale, massing and materials of the proposed scheme is a dominant and visually intrusive form of development, constituting an incongruous addition to the host property.
- It will create a terracing effect which will harm the existing harmony of the bungalows and street scene and the character of space that exists on all other property boundaries here.
- Springfield Glen is characterised by bungalows set away from the highway with significant separation between them. The existing distance between no.8 and no.10 is approx. 3.34m. The garage at no.8 is set back from the front elevation by approx. 11.66m. The entrance to no.10 is located on its side elevation, adjacent to the boundary with no.8. The proposed extension would reduce the gap between the bungalows from the existing 3.34m to 1.07m and would be detrimental to the host dwelling's design.
- The extension is out-of-proportion with the host property and its height obscures the entire length of no.10. As such this is overdevelopment and the extension would compete with the host property.
- Natural surveillance of the area would be reduced. The design of the bungalows with significant gaps between them allow for unrestricted views of the street scene where there is gradual interplay between the public and private realms.
- The building line sits forward of no. 10. The view from the lower part of the street will be the sheer prominence of the overpowering gable end. This large blank gable end will be of detriment to the character of the street.
- The proposed plans are a modern interpretation of the current properties, and as such, will 'stick out like a sore thumb', being out of character with the rest of the street and may not stand the test of time.

Amenity

- Over-bearing impact of the front elevation on the street scene.
- Over-bearing impact of the side extension on no. 10.
- Over-shadowing impact of the side extension on no. 10 - the extension will

be only 920mm from no. 10's dining room, bathroom windows and main entrance, and will reduce natural light by breaching the 45-degree rule on the vertical plane.

- The proposed side extension will be higher than no. 10, on land that is already higher than the land level at no. 10.
- It will create a sense of enclosure to the occupiers of no. 10.
- The existing gap of 0.95m between no. 8's garage and no.10 is limited to the rear part of no. 10 (due to the garage being set back) and does not affect the amenity of no.10. The proposed extension is approx. 17.73m deep, maximum height 5.37m, and with the gap between the properties reduced this would be detrimental to no.10 in terms of loss of daylight/sunlight.
- It is acknowledged the revised plans show the proposed scheme set only slightly further from the boundary with no.10. This does not overcome the impact of the development on the host property, street scene and adjoining property at no.10.

Highway Safety

- No provision has been made for adequate off-street parking. The garage and majority of the main driveway will be removed, and what remains will be of insufficient width to provide the necessary off-street parking spaces, in accordance with current Council planning guidelines.
- For dwellings with 3 bedrooms, the guidelines state that 2 car parking spaces will be required.
- Loss of a significant amount of off-road parking space is likely to result in increased on-street parking in this narrow cul-de-sac.

Other issues

- The proposed side extension will cause safety and security issues for no. 10, as the main entrance will no longer be visible from the road making it easier for undesirables to break in.
- The proposals will have a huge impact on the environment as no. 10 will have to use more energy for lighting, increasing the carbon footprint, which must be avoided as much as possible.
- An extension up to the boundary with no. 10 will make it difficult for Emergency Services to access the property if required. This would also be true for anyone accessing no. 10 in a wheelchair or using mobility aids.
- The amended plans indicate the scale as 1:50 and 1:100, however no scale bar is provided so accuracy cannot be checked, preventing the Council from making accurate decisions.
- All previous approved schemes on Springfield Glen are modest extensions to the rear or small front porches, no permission has been granted for extensions of this magnitude.
- The proposals will impact upon no. 10's right to safe and secure accommodation as prescribed by Article 8 of the Human Rights Act (2000).

Non-planning issues

- The development would result in significant highway disruption due to numerous heavy vehicles. It is unlikely there would be adequate storage space 'on-site', potentially meaning more impact on the road with skips etc.

- General disruption to neighbours as a result of building operations.
- The base of the garage will need to be raised by at least 1m to be extended and joined to the main house, because of the lie of the land. This will affect no. 10's legal right to uninterrupted light.
- Insufficient space between nos. 8 and 10 for eavesdrop. The applicant has no legal right of eavesdrop along the whole of the boundary with no. 10, and no right would be granted if the application succeeds.
- A side extension will effectively block access and egress to no. 10 as any contractors, equipment and scaffolding would block the entrance.
- Digging down under no. 10 would be necessary to lay foundations for the extension. The applicant has no legal right to enter for this purpose, and no such right of access would be granted.
- Maintenance and repair to nos. 8 and 10 would be almost impossible and dangerous as there would be insufficient space between.
- There is no provision for storage of refuse bins. There will be no access to the rear of no. 8 which means the bins will be on view and if placed on the two driveways it will further reduce off-street parking space.
- Loss of value of neighbouring property.
- Loss of daylight/sunlight and lack of sufficient air flow between properties due to the height and mass of the extension would cause structural dampness.
- No.10's drainage is located along the boundary with no. 8. Excavation for foundations near the drainage would negatively affect the structural integrity of the drainage system at no.10.
- Disturbance of the ground to lay foundations risks disturbing the natural drainage. No. 10 is most at risk from any disturbance because it is at a lower level. There is no indication that this has been explored. Neither is there any indication of how the void between the existing ground level and the new ground floor level is to be filled to prevent it acting as a reservoir allowing water to seep onto no. 10.
- No environmental assessment has been requested – this is regrettable. This is an area affected by numerous streams. Several building alterations in the general area over the years have caused streams to be diverted from their natural course, causing a range of problems affecting structures. It has not been possible to rectify some of these.
- The resident at no. 6 will not give permission to the neighbour at no. 8 to attach a gate, for security purposes, to no. 6.
- Lack of communication and cooperation with the neighbours at no.10.
- The submitted application form contains inaccuracies in the answers to questions 6 (Trees and Hedges), 8 (Parking) and 11 (Authority Employee/Member).

PLANNING ASSESSMENT

Planning Policy Context

UDP policies BE5 ('Building Design and Siting') and H14 ('Conditions on Development in Housing Areas'), and Core Strategy policy CS74 ('Design Principles'), expect good quality design in keeping with the scale and character of the surrounding area. Also relevant is the Council's Supplementary Planning

Guidance (SPG) on 'Designing House Extensions' which sets out design and privacy standards.

These policies are in conformity with the National Planning Policy Framework (NPPF) and in particular paragraph 127 which states that planning decisions should ensure that developments are visually attractive as a result of good architecture and result in a high standard of amenity.

Design

The existing dwelling at no. 8 Springfield Glen has a relatively linear form with a pitched roof and a front porch featuring a gable facing the highway. Whilst all the dwellings on Springfield Glen are similar to each other and all have pitched roofs, there are two distinct types – those with a pitched roof slope facing the highway, like the application site and its neighbour at no. 6; and those whose roofs are orientated through 90 degrees from the former type, such that the front elevations are represented as a gable feature, often with a central stone chimney, including no. 10. There is roughly an equal split between the two types on this road.

The proposed side/rear extension will extend the linear form of the original dwelling towards its side boundary with no. 10. The front elevation of the dwelling at no. 10 is positioned approximately 2 metres further back from the front boundary than that of the application site, no. 8. This may serve to emphasise the differences in size and appearance between these two properties, but given that they differ in their original design, and there are similar variations between adjacent dwellings throughout Springfield Glen, it is not considered that the form and mass of the proposed side extension will have a significant impact on the appearance of the host dwelling, or the wider street scene.

The front elevation of the dwelling as existing is faced mainly in reconstituted stone blockwork, with some small areas of light-coloured brickwork, both of which materials are common across nearby dwellings. Viewing the street scene of Springfield Glen, the palette of materials besides stone blocks and light brick includes areas of cream or white render and dark brown-/red-stained timber cladding (to nos. 10 and 12).

The proposals in this application will result in changes to the appearance of the facing materials, in that it is proposed to apply off-white render to bottom half of the front elevation and the entirety of the front porch feature, and to use black timber cladding for the area above the render, up to the eaves of the roof. The small areas of existing light-coloured brick will also be painted black (below the rendered areas). Whilst there is no precedent in the street scene for black facing materials, the contrast between this and the off-white render will have an appearance that is similar in character to the dark brown/red timber cladding at the neighbouring property. Overall, the impact of the proposed facing materials will be to afford the host dwelling a more contemporary appearance. It is considered that although the proposals will result in the dwelling having a more contemporary appearance than others in the Glen, the differences that make it appear contemporary do not represent a stark departure from the existing palette of materials. It is often preferable to utilise contemporary facing materials, as opposed to trying to source

materials that match those from an earlier time, which can result in a dwelling with a pastiche appearance.

The height of the ridge of the roof of the application site will not be raised as a result of the proposals. Due to the slope in Springfield Glen being readily perceived, the difference in overall height between the application site and its neighbours – the ‘steps’ between roof ridge heights – that exists presently will remain following the proposed development. The reduction in separation distance between nos. 8 and 10 will, however, be reduced. There is enough differentiation in the design of the two properties to ensure that they will continue to be perceived as individual detached dwellings, and no terracing effect will occur.

The side gable of the host dwelling will be positioned closer to no. 10 as a result of the proposals. However, as there will be no raising of the roof height, or extension forward of the original front elevation, it is not considered that the side gable will be any more visible or imposing when viewed from further along Springfield Glen, i.e. at the head of the cul-de-sac. In fact, from certain angles a lower proportion of it may be visible than at present, due to being obscured by the view of no. 10.

In terms of the impact of the reduction of the separation distance between facing side elevations within the street scene as a whole, this is considered to be minimal, as it will reflect similar separation distances between nos. 8 and 6, and between nos. 10 and 12. As these are close to the application site, it is considered that the impact of the design of the side extension and its projection towards no. 10 will not have a negative effect on the appearance of the dwelling or the street scene in general, and therefore is acceptable. In summary, the proposals raise no conflict with the relevant policies – BE5 and H14 of the UDP, CS74 of the Core Strategy, guidelines 1, 2 and 3 of the SPG, and paragraph 127 of the NPPF.

Amenity

UDP Policy H14 states that new development in Housing Areas should not cause harm to the amenities of existing residents, and Core Strategy Policy CS74 requires that development contributes to the creation of successful neighbourhoods. As stated above, these policies are in conformity with paragraph 127 of the NPPF which requires the creation of places with high standards of amenity.

The proposals in this application can be divided into three elements: the side/rear extension close to the boundary with no. 10, the cladding and rendering of the front elevation, and the small rear extension close to the boundary with no. 6. Whilst the former two elements were discussed in the previous section due to their design being visible from within the public realm, the latter has not been discussed thus far as it will only be visible from the rear of the application site and adjacent rear gardens, to a lesser degree.

Over-shadowing and over-dominance

The third element of the proposals – the smaller rear extension – will project approximately 4 metres (measured along its longest side elevation) from the rear

elevation of the original dwelling, and approximately 2m beyond the rear elevation of no. 6. It will also be separated from the boundary with this neighbour by approximately 1m. Sheffield's Supplementary Planning Guidance, 'Designing House Extensions', states under Guideline 5 that: "a single storey extension built adjacent to another dwelling may not extend more than 3m beyond that other dwelling". This element of the proposals will not exceed this, and so is found to be acceptable.

The curtilage of the dwellinghouse as existing includes a detached garage situated to the rear of the dwelling, lying along the side boundary with no. 10. The element of the proposed development that constitutes a side/rear extension will replace the garage with extended habitable accommodation for the dwelling. The rear elevation of the existing garage is approximately aligned with the rear elevation of a small rear extension that exists adjacent at no. 10. The proposed side/rear extension at no. 8 will project approximately 9.5m from the rear elevation of the original dwelling, and its rear elevation will not project beyond the rear elevation of the neighbouring dwelling at no. 10. In this way, it will not cause any over-shadowing of windows in the rear elevation at no. 10.

This element of the proposals will also project from the side elevation of the original dwelling in the direction of the boundary with no. 10 but will leave a separation of approximately 0.2m from this boundary. This will result in approximately 1m of separation between the facing side elevations of the host dwelling as proposed and no. 10, inclusive of the neighbouring dwelling's side passage.

Due to the front elevations of properties on Springfield Road being situated at differing distances from the highway, the proposed side/rear extension will also project forward of the front elevation of no. 10, as the existing host dwelling also does. The closest feature of the front elevation of no. 10 to the side/rear extension would be the garage door, with the closest habitable room window being approximately 5m from the furthest extent of the proposed side/rear extension. This corner of the development would make an angle of approximately 30 degrees from the closest edge of the living room window at the front of no. 10. This angle and separation distance is considered adequate to ensure there will be no unreasonable over-shadowing of the front elevation of this neighbouring dwelling.

The increase in proximity of the side elevation of the host dwelling as a result of the proposed side/rear extension will cause some loss of light to the side passage and side-facing glazing at no. 10. The level of over-shadowing or over-dominance must be assessed for its impact upon neighbouring amenity levels in order to determine the acceptability of the proposal.

At present, no. 8's existing detached garage lies on the shared boundary between the properties at a length of approx. 6m. Projecting from the front of this, also on the boundary, is a canopy structure constructed from timber and plastic, with timber fence panels (permitted development) measuring approx. 4m in length. It is considered that these existing features already provide a sense of enclosure to a certain degree for the residents of no. 10 as they enter or exit the dwelling from the main entrance in the side elevation, which directly faces the timber fence panels.

The existing detached garage has a flat roof and the structure sits on a lower land level than the main dwelling. As previously discussed, the proposed side/rear extension will extend the ridge of the original dwelling's pitched roof to the side, and the ridge of the extension will also extend to the rear (turned through 90 degrees from the original dwelling's roof ridge), such that when viewed from the rear garden, the rear elevation of the extension will represent a gable end.

Although land levels slope away across the application site towards no. 10, and the roof ridge height will be maintained at one level, the proposed side elevation of the extension will be built up from an area of relatively flat ground, currently designated as no. 8's and no. 10's driveways. As a result, the height to the eaves of the side/rear extension from adjacent ground level will be no greater than the existing. However, it will be situated closer to the side elevation of no. 10 and will have increased in its overall length alongside no. 10.

As well as the main entrance to this neighbouring dwelling, the facing side elevation at no. 10 contains obscure-glazed windows serving a bathroom, adjacent to the main entrance, and windows serving the dining room in the existing rear extension, facing the boundary with no. 8. It should be noted that side windows in no. 10's rear extension are not the only source of light to this room, as the extension is similar to a conservatory – with roughly half of each elevation being glazed (with a brick plinth below) and having a glazed roof. As a result of this room having several aspects, it is not considered imperative that light levels reaching the side elevation that faces the proposed extension at no. 8 is protected.

Guideline 5 of the SPG encourages the protection of 'main windows' from over-shadowing or loss of light. Bathrooms and WCs are not considered to be the main habitable rooms of dwellings and so neither would the windows serving them be considered to be 'main windows'. Similarly, a door serving a main entrance, whether it is glazed or not, would not be considered in this category of 'main windows' requiring protection in the planning process, due to its transitory purpose, and the likelihood that a minimal amount of time is spent in these areas of a dwelling by inhabitants.

One of the representations received suggested that the height of the proposed side/rear extension at no. 8 would make an angle greater than 45 degrees when measured on a vertical plane from the openings in no. 10's facing side elevation. This relationship has not been considered as part of this planning assessment as within Sheffield's SPG for house extensions the '45 degree rule' is only applied horizontally and only to 2-storey extensions.

Any potential loss of direct sunlight is also a consideration. The orientation of the application site and its adjacent neighbours are such that they have south-facing rear gardens and rear elevations. The side elevation of no. 10 facing the proposed side/rear extension is orientated to the west. Consequently, the roof of the proposed extension is anticipated to have a somewhat obscuring impact on light reaching no. 10 from the setting sun. However, in considering the impact of this on the amenity and living conditions of occupiers of no. 10, particularly when using the room(s) at the rear of the dwelling, it should be noted that no. 10 is situated at a lower land level than the application site, such that some of the sun's light would

already be obscured during its descent by surrounding development and mature trees. Therefore, it is not considered that the loss of light from the setting sun as a result of the proposals represents a significant detrimental impact on light levels at no. 10.

In summary of the over-shadowing and over-dominance impacts that would arise from the proposed extensions at no. 8, it is accepted that the reduction in the separation distance between facing side elevations, and the increase in the overall height and length of development on the shared boundary, will cause some over-shadowing of windows and openings in the side elevation of no. 10, but it is not considered that this will represent such an unreasonable decrease in amenity levels for this neighbouring dwelling as a whole, or of its main living rooms in particular, as to warrant a refusal of planning permission on these grounds.

Privacy

Guideline 6 of the SPG states that “extensions should protect and maintain minimum levels of privacy” and provides guidance on appropriate distances between new elevations containing windows or other openings and existing dwellings. There are no side-facing windows proposed for the external side elevations of the extensions in this application, and the proposed front- and rear-facing windows are to be placed at a sufficient distance from neighbouring dwellings so as to maintain the existing privacy levels, both for occupiers of the application site and for neighbours.

The proposed openings in the internally-facing side elevations of the rear extensions will direct views predominantly towards other parts of the application site and will not represent a significant increase in views of the rear of no. 6 (which the longest element of the proposals will face towards) in comparison to those already available as a result of no. 6 being at a higher land level than the application site. Therefore, any impact upon the privacy of neighbouring gardens or dwellings from these proposals will be very limited and not unreasonable. Overall, the proposed extensions will not have significant impacts upon neighbouring amenity levels and the plans are found to comply with policies BE5 and H14 of the UDP, CS74 of the Core Strategy, guidelines 4, 5 and 6 of the SPG, and paragraph 127 of the NPPF.

Highways Safety

The proposed development will result in the loss of an off-road parking space, and the addition of a bedroom to the host dwelling. This is a regrettable situation, albeit one which does not present cause for refusal of the planning application, as Springfield Glen is a quiet cul-de-sac subject to limited traffic. Therefore, it is considered that if the proposals result in more frequent parking on the highway by the occupants of no. 8, it will not have a significantly negative impact on the ability of other vehicles or pedestrians to pass by, or on the overall safety of the highway.

Other Issues

Natural surveillance of this residential area, specifically of no. 10's main entrance

and particularly from dwellings opposite on Springfield Glen, will not be so significantly reduced as to warrant a refusal on security grounds.

Issues relating to the climate, environment and energy consumption are valid and are recognised by officers, but in this instance are also not considered to be so significant as to bring the planning process to a halt, and indeed, to make conditional demands of the applicants in relation to environmental benefits would be disproportionate and unreasonable of the planning authority.

In response to representations asserting that the reduction in the width of space between nos. 8 and 10 could obstruct wheelchair or emergency services' access to the dwelling at no. 10, it should be noted that the proposals for no. 8 do not encroach upon no. 10's property. Any access to no. 10 via land belonging to no. 8 at present should be considered to be 'borrowing' from, or utilising, land beyond the boundary of no. 10. Therefore, it would be unreasonable to resist these proposals on the basis that they will result in a loss of a potential to utilise the neighbouring property for access to no. 10.

In response to the concern raised that insufficient scale information had been provided on the submitted drawings to enable the planning authority's officers to make accurate decisions, it is confirmed that the software available to officers in their assessment has not encountered any problems examining the drawings and the information provided was sufficient to make reliable measurements in line with our expectations for applications.

It has been highlighted that no other dwellings on Springfield Glen have been subject to any extensions or development of a similar design or scale to these. Each planning application must be assessed on its own merits. The absence of similar previous applications or development is not automatically a hindrance to the success of a planning proposal. If this application were to achieve consent and be developed, it would not set a precedent and it would still remain that any future applications for similar development in this area should be considered on their individual merits.

One of the representations received has also requested that consideration be given to the responsibilities of the Council under Article 8 of the Human Rights Act (2000). The proposals set out in the above planning assessment are considered to be compatible with Human Rights. Planning proposals may interfere with an individual's rights under Article 1, Protocol 1, and Article 8, which provide that everyone has the right to peaceful enjoyment of his possessions and respect for their private and family life, home and correspondence. Interference with these rights can only be justified if it is in the public interest, in accordance with the law and is necessary in a democratic society. In planning decisions, there is a need to balance the competing interests and rights of the landowners, other individuals, and wider public issues.

The potential interference here has been fully considered within the report, in particular the impacts on the amenities of existing and future residents and on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

RESPONSE TO REPRESENTATIONS

The majority of issues raised through representations are discussed in the above report. Those which are not, are addressed in the section below:

- The agent has been invited to comment on the perceived inaccuracies on the application form but all related matters have been considered in this assessment;
- Issues relating to residential waste drainage and ground water drainage (for a development of this scale), subsidence, noise, devaluation of neighbouring properties, and provision of bin storage are not planning considerations.
- Issues concerning building works or disruption at this scale of development fall outside of the planning process, as it is a domestic extension. Hours of work and noise nuisance are covered by separate legislation (Environmental Protection Act).
- Statements regarding the legal rights of neighbours to withhold from the applicant access to neighbouring property for the purposes of development or future maintenance and repairs are also not planning considerations.
- No environmental assessment has been requested for this application as it is not a requirement for a householder development of this scale.
- Consultation of neighbours by applicants prior to the application process is also not a requirement. Responsibility for this aspect lies with the Local Planning Authority and separately with the applicant prior to construction under the Party Wall Act.

SUMMARY AND RECOMMENDATION

The proposed single-storey side/rear extensions and provision of render and timber cladding to the front elevation of the dwellinghouse is considered acceptable from both design and amenity perspectives and would not detrimentally affect the character and appearance of the dwelling nor significantly harm neighbouring living conditions.

In summary, the proposal is considered to accord with the provisions of the Unitary Development Plan, adopted SPG guidance, the Core Strategy and the National Planning Policy Framework. It is recommended that planning permission is granted conditionally.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Operational Services

Date: 2nd February 2021

Subject:

PROPOSED CHANGES TO THE PUBLIC PATH NETWORK AT HUNSHELF BANK,
STOCKSBRIDGE, SHEFFIELD S36

Author of Report: Mark Reeder 0114 2736125

Summary:

To seek authority to refer the City of Sheffield Public Path Diversion Order (parts of public footpaths STO\2A and STO\3 at Stocksbridge Steels, Stocksbridge, Sheffield S36) 2020 ("the Order) to the Secretary of State for Environment, Food and Rural Affairs for confirmation in light of objections received.

Recommendations:

That the Director of Legal Services refers the City of Sheffield Public Path Diversion Order (parts of public footpaths STO\2A and STO\3 at Stocksbridge Steels, Stocksbridge, Sheffield S36) 2020, to the Secretary of State for confirmation.

Background Papers:

Category of Report: OPEN

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PROPOSED CHANGES TO THE PUBLIC PATH NETWORK AT HUNSHELF BANK,
STOCKSBRIDGE, SHEFFIELD S36

PURPOSE

1.0 To seek authority to refer the City of Sheffield Public Path Diversion Order (parts of public footpaths STO\2A and STO\3 at Stocksbridge Steels, Stocksbridge, Sheffield S36) 2020 (“the Order”) to the Secretary of State for Environment, Food and Rural Affairs for confirmation in light of objections received.

2.0 BACKGROUND

2.1 Following authority obtained at this Committee on 25th August 2020 the City Council notified interested parties that an Order had been made on 12th November 2020, under Section 119 of the Highways Act 1980 (“the 1980 Act”), for the diversion of parts of Public Footpaths STO\2A and STO\3 through Liberty Steels site at Stocksbridge, Sheffield S36. A copy of the Order and plan are included as Appendix A.

2.2 The notification procedure included the posting of relevant Notices and Plans, at all access points of the footpaths in question, for a period of 6 weeks. During this period, the Director of Legal Services received 5 objections to the proposal. The content of these is summarised in Appendix B to this Report, along with the Officer responses.

3.0 LEGAL IMPLICATIONS

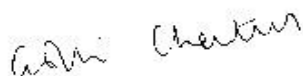
3.1 The 1980 Act states that if objections are made to a Footpath Diversion Order, and not resolved by discussion/negotiation, the Order then needs to be referred to the relevant Secretary of State if it is to be confirmed. An order cannot come into effect until it is confirmed. Referral of the order will result in consideration of the objections by an Inspector appointed by the Planning Inspectorate’s Rights of Way team.

3.2 There is no requirement that an order which is opposed (as in the present case) must be referred to the Secretary of State. Therefore, if an authority feels it can no longer support an order then a formal resolution, by that authority, not to proceed, is all that is required to bring the procedure to an end. The City Council has taken similar action to this in the past. This would be the outcome here if Committee chooses not to approve this Report.

- 3.3 If the Order is referred to the Secretary of State for confirmation and subsequently confirmed, it will take effect on the date which notice of confirmation is publicised.
- 4.0 CONSULTATIONS
- 4.1 Officers have written to all objectors, addressing their concerns, and seeking confirmation that they wish for their objections to stand. However, at the time of writing this report no further responses have been received. Therefore, all objections are considered to remain unresolved.
- 5.0 HIGHWAY IMPLICATIONS
- 5.1 The highway implications of the proposed Footpath Diversion Order were described in the Report approved by this Committee on the 25th August 2020. The proposal has not altered since that date; hence it is still recommended that the footpaths should be diverted.
- 6.0 EQUAL OPPORTUNITY IMPLICATIONS
- 6.1 No particular equal opportunity implications arise from the proposals in this report.
- 7.0 ENVIRONMENTAL IMPLICATIONS
- 7.1 No particular environmental implications arise from the proposals in this report.
- 8.0 FINANCIAL IMPLICATIONS
- 8.1 The financial implications of the proposed Footpath Diversion Order were described in the Report approved by this Committee on the 25th August 2020. The proposal has not altered and consequently there have been no changes to the financial implications.
- 9.0 CONCLUSION
- 9.1 In considering whether to proceed further with the proposed footpath it is necessary to balance the objections received against the justifications for supporting the proposal in the first place. Therefore, as this Committee has previously approved the making of the Diversion Order, 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.

10.0 RECOMMENDATIONS

- 10.1 That the Director of Legal Services refers the City of Sheffield Public Path Diversion Order (parts of public footpaths STO\2A and STO\3 at Stocksbridge Steels, Stocksbridge, Sheffield S36) 2020, to the Secretary of State for confirmation.



Gillian Charters

Head of Highway Maintenance

2nd February 21

APPENDIX A

NOTICE OF PUBLIC PATH ORDER HIGHWAYS ACT 1980 SHEFFIELD CITY COUNCIL

CITY OF SHEFFIELD PUBLIC PATH DIVERSION ORDER (PARTS OF PUBLIC FOOTPATHS STO/2A AND STO/3 AT STOCKSBRIDGE STEELS, STOCKSBRIDGE SHEFFIELD S36) 2020

The above Order, made on the 12th day of November 2020, under Section 119 of the Highways Act 1980, will divert:

1. The whole width of public footpath numbered STO\3 with a recorded width of 1.2 metres commencing at a point marked A on the order map (grid reference 426980:398891), point A being located at the intersection with footpath STO/1B, then continuing in a generally north westerly direction for a distance of 933m to a point marked C on the order map (grid ref: 426099:399147).
2. The whole width of public footpath numbered STO\2A with a recorded width of 1.2 metres commencing at a point marked B on the order map (grid reference 426182:399112), point B being located at the intersection with footpath STO/3, then continuing in a generally north easterly direction for a distance of 155m to a point marked D on the order map (grid reference 426327:399139).

The aforementioned paths will be diverted to:

1. A footpath with a width of 1.8 metres, commencing at a point shown as C on the Order Map (grid reference 426099:399147) and heading in an easterly direction for 228 metres to a point shown as D on the Order map (grid reference 426327:399139).
2. A footpath with a width of 1.8 metres, commencing at a point shown as E on the Order map (grid reference 426479:399145) and heading in a generally south easterly direction for 449 metres to a point shown as F on the Order map (grid reference 426899:398977) where it meets STO\1B.

A copy of the Order and the Order Map have been placed and may be seen free of charge at the **First Point Reception, Town Hall, Pinstone Street, Sheffield, S1 2HH**, from 8.45 a.m. to 4.45 p.m. on Mondays to Fridays. Copies of the Order and Map may be bought there at the price of £12.00. Telephone enquiries can be made by ringing 0114 2734034 (Ref: LS/RC/92580).

Any representations about or objections to the Order may be sent in writing to the **Director of Legal Services, Sheffield City Council, Legal Services, Town Hall, Sheffield, S1 2HH** and quoting the above reference, not later than the **21st day of December, 2020**. Please state the grounds on which they are made. In submitting an objection it should be noted that the personal data and correspondence relating to any objection will enable Sheffield City Council to contact you directly to address the issues raised. If any person does not wish personal data to be used in this way, they should state why when submitting the objection. If there is to be a local Public Inquiry, the representations will be seen by the Inspector who may give them less weight as a result.

If no such representations or objections are duly made, or if any so made are withdrawn, the Sheffield City Council may confirm the Order as an unopposed Order. If the Order is sent to the Secretary of State for Environment, Food & Rural Affairs for confirmation any representations and objections which have not been withdrawn will be sent with the Order.

DATED this 12th day of November, 2020



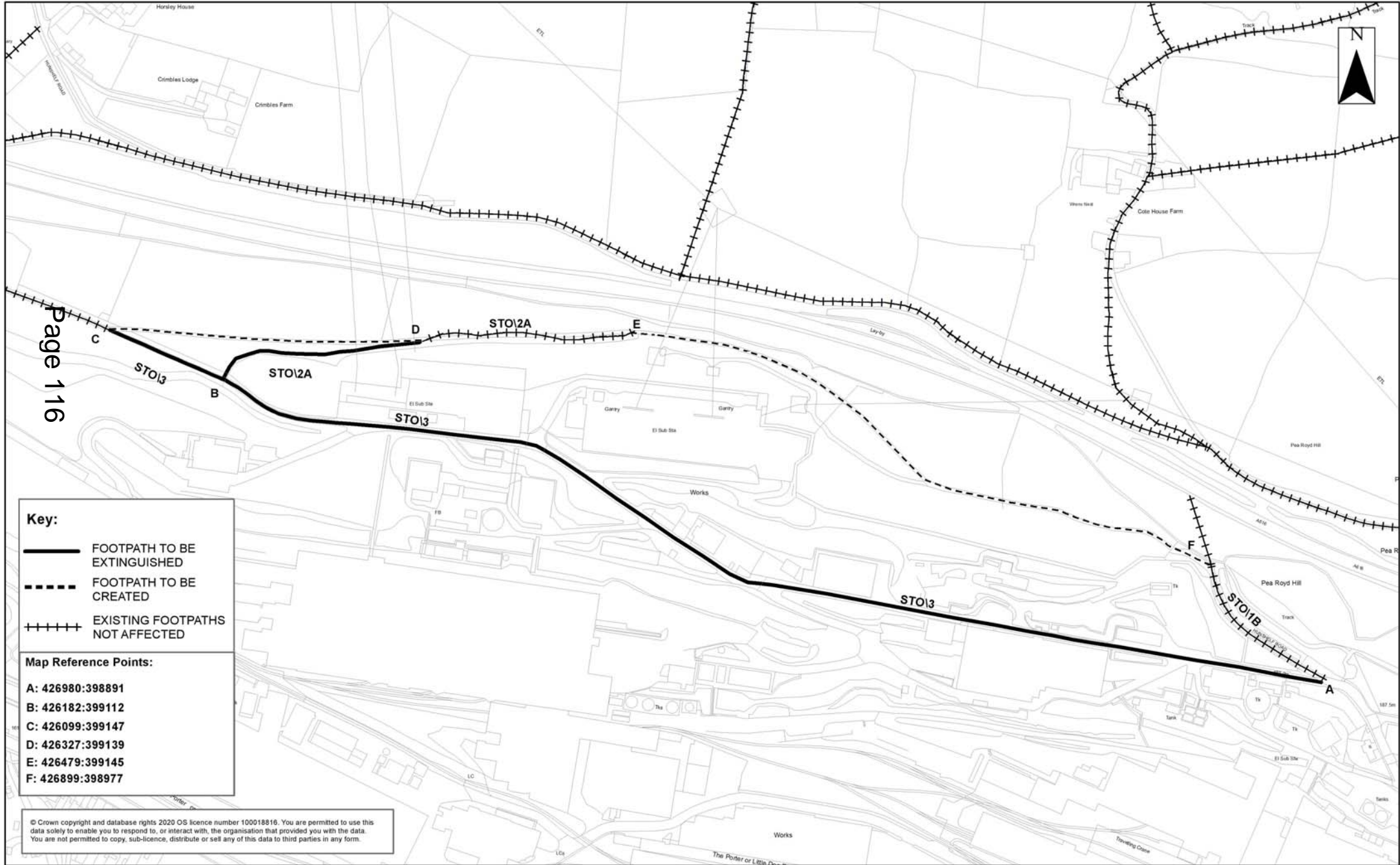
Gillian Duckworth



Highway Records
Operational Services
Howden House
Union Street
Sheffield
S1 2SH

**CITY OF SHEFFIELD PUBLIC PATH DIVERSION ORDER (PARTS OF
PUBLIC FOOTPATHS STO/2A AND STO/3 AT STOCKSBRIDGE STEELS,
STOCKSBRIDGE SHEFFIELD S36) 2020**

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Page 116

Key:

- FOOTPATH TO BE EXTINGUISHED
- FOOTPATH TO BE CREATED
- EXISTING FOOTPATHS NOT AFFECTED

Map Reference Points:

- A: 426980:398891
- B: 426182:399112
- C: 426099:399147
- D: 426327:399139
- E: 426479:399145
- F: 426899:398977

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APPENDIX B

City of Sheffield Public Path Diversion Order (parts of public footpaths STO\2A and STO\3 at Stocksbridge Steels, Stocksbridge, Sheffield S36) 2020

OBJECTOR	VIEWS EXPRESSED	OFFICER OPINION
<p>Mr D Pickersgill – Secretary of Stocksbridge Walkers are Welcome.</p> <p>Ms W Ward – Stocksbridge resident</p> <p>Ms L Bruce – Stocksbridge resident.</p> <p>Mr A Ward – Stocksbridge resident</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 117</p>	<p>The formal notice has a major and significant error. The map claims that the bridleway which was re-laid in the summer of 2015 is ‘to be created’ – this is incorrect. It has existed as a pathway for many years.</p> <p>The aim of this Diversion Order is to close a long-established route through the steelworks. This route has been in existence since before 1810, well before the growth of the steelworks</p> <p>Stocksbridge Steelworks has a long history. However, it currently employs fewer people than at any time in the last 100 years. If a right-of-way has been possible since the steelworks encroached upon Bramall Lane, there seems no reason to suddenly close this long-established route. In the longer term, will the steelworks still exist in a few decades? If this is the case, it is likely to have a smaller footprint.</p> <p>This route should be retained. There is no urgent reason to close this long-established inclusive route: one which provides a circular walk on Hunshef Bank (without attempting to cross the by-pass), an opportunity to see both wonderful countryside and the industrial impact.</p>	<p>The term ‘created’ in the plan key refers to the legal process that will create public rights between points C to D and E to F and not the physical construction of the route, which was indeed built/improved in 2015.</p> <p>The argument for diverting the original path is that it meets the test, as required under Section 119 of the Highways Act 1980, that it is expedient to the landowner and that the alternative to be provided is substantially as convenient to the public as the existing path.</p> <p>Buildings along the subject route have recently been brought back into service. Consequently, this has resulted in increased traffic movements in the area. At times this involves the loading and unloading, by forklift truck, of large HGV vehicles. The applicant is seeking diversion on the grounds of security and privacy, and speculation on the long-term future of this site should not be an argument for not diverting the footpath.</p> <p>This refers to a ‘circular walk’ from point A to C then back to A via points D,E and F, as shown on the Order plan included as Appendix A. Whilst it is true that the closure will remove this ‘circular walk’ parts of that route (the sections constructed in 2015) are ‘permissive’ paths with no formal legal status and could theoretically be closed by the landowner without notice.</p> <p>The countryside and industrial impact can be viewed safely from the proposed new route.</p>

OBJECTOR	VIEWS EXPRESSED	OFFICER OPINION
<p>Mr D Pickersgill – Secretary of Stocksbridge Walkers are Welcome.</p> <p>Ms W Ward – Stocksbridge resident</p> <p>Ms L Bruce – Stocksbridge resident.</p> <p>Mr A Ward – Stocksbridge resident</p> <p>Ms A Wright – Stocksbridge resident</p>	<p>In current times, the 2015 path is proving too narrow to easily allow social distancing whereas the route through the steelworks, a much wider route easily allows such distancing. The path through the steelworks should be open at all times, especially in times such as these.</p> <p>I use it as part of a round walk along Hunshelf, and to walk into Stocksbridge from the Smithy Moor area, where I live.</p> <p>In cold and windy weather, it is more sheltered than the new path along the top.</p> <p>There is also less of a climb when carrying shopping.</p>	<p>The subject part of footpath STO/3 (along the private road through the works) only has a legal width of 1.2 metres. Currently there are no physical restrictions preventing users from using any part of the private road. However, should they choose to, the landowner could segregate the footpath from the private road (with a fence, for example), giving users a very much narrower available width, which was nevertheless legally acceptable. The proposed alternative route will have a minimum legal width of 3.5m, increasing to 5.5m in some places, once converted to a Public Bridleway.</p> <p>The provision of the new sections of footpath will ensure that this longer walk (a round walk taking in Underbank Lane, Bramall Lane, Hunshelf Road and Manchester Road) is still possible.</p> <p>Due to the lack of buildings the new route is more open and in parts less sheltered on both sides. However, Officers feel that the shelter from cold and wind afforded by the buildings alongside the existing route is really quite limited, and note that the proposed new route is free from motorised traffic, and thus considered a safer option overall.</p> <p>It is acknowledged that the new route is higher and, in part, steeper than the existing route through the works, but given that any walker accessing from the east will already have undertaken a very steep climb (around 500m in length) up Hunshelf Road, or Underbank Lane if coming from the west, it is not considered by Officers to be substantially less convenient, and due to the nature of Stockbridge's topography it is certainly not unique to walkers in this area.</p>



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Operational Services

Date: 2nd February 2021

Subject:

PROPOSED CLOSURE OF FOOTPATHS OFF HARBOROUGH ROAD, MANOR PARK, SHEFFIELD 2.

Author of Report: Mark Reeder 0114 2736125

Summary:

To seek authority to process the Public Path Closure Order required to close footpaths between Harborough Road, Harborough Rise and Beaumont Road North in the Manor Park area of Sheffield, shown as a solid black line on the plan attached as Appendix A.

Recommendations:

Members raise no objections to the proposed closure of footpaths between Harborough Road, Harborough Rise and Beaumont Road North, shown as solid black lines 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.

Authority be given to the Director of Legal and Governance to

- A. take all necessary action to close the footpaths by order under the powers contained within Section 257 of the Town and Country Planning Act 1990.
 - B. confirm the order as an unopposed order, in the event of no objections being received.
-

Background Papers:

Category of Report: OPEN

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DIRECTOR OF OPERATIONAL SERVICES

REPORT TO PLANNING AND HIGHWAYS COMMITTEE 2nd February 2021

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257. PROPOSED CLOSURE OF FOOTPATHS OFF HARBOROUGH ROAD, MANOR PARK, SHEFFIELD 2.

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Closure Order required to close footpaths between Harborough Road, Harborough Rise and Beaumont Road North in the Manor Park area of Sheffield, shown as a solid black line on the plan attached as Appendix A.

2.0 BACKGROUND

- 2.1 On the 30th September 2020 planning permission (ref: 20/00014/FUL) was granted for the erection of 47 dwellings (including 2, 3 and 4 bedroom properties) with associated car parking, roads, footpaths and landscaping works on land at Harborough Road, Beaumont Road North and Harborough Rise at Manor Park, Sheffield 2.
- 2.2 In order to enable the approved development to be carried out, it is necessary to close the footpaths that run through the site which are shown as solid black lines on the plan attached as Appendix A, replacing them with the new Highways shown stippled on the plan attached as Appendix B.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies, including footpath societies.
- 3.2 Not all the consultees had responded at the time of writing this report. No objections have been received from those that have responded.
- 3.3 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 If the Council is satisfied that the footpath needs closing to enable the approved Development to be carried out, it would be appropriate to process the closure using the powers contained within Section 257 of the Town and Country Planning Act 1990.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The footpath shown on the plan in Appendix A from points A to F (via points B, C, D and E) is an adopted public footpath. The footpath shown between points G and H, is also an adopted public footpath.
- 5.2 The footpath shown between points B to E on the plan has no recorded legal status. However, as it appears to have been used by the public for some time it is considered prudent to include it within this proposal. Doing so will prevent any public rights from being established if the application is successful.
- 5.3 As part of the new development a new cul-de-sac all-purpose highway and link footpath will be provided. These are shown on the plan included as Appendix B.
- 5.4 Therefore the closure of the existing footpaths should 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 proposals in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

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

8.0 FINANCIAL IMPLICATIONS

- 8.1 All costs accruing to the Council (Highway Maintenance Division) in association with this proposal will be met by the Applicant (including commuted sums for the future maintenance of the new Highways, if applicable).
- 8.2 Therefore there will be no increase in liability on the Highway Maintenance revenue budget.

9.0 CONCLUSION

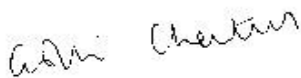
9.1 The Highway Authority is satisfied that the proposed closure of these footpaths is necessary to enable the approved Development to be carried out. Based on all of the above information, the application is supported.

10.0 RECOMMENDATIONS

10.1 Members raise no objections to the proposed closure of footpaths between Harborough Road, Harborough Rise and Beaumont Road North, shown as solid black lines 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 and Governance to

- a. take all necessary action to close the footpaths by order under the powers contained within Section 257 of the Town and Country Planning Act 1990.
- b. confirm the order as an unopposed order, in the event of no objections being received.

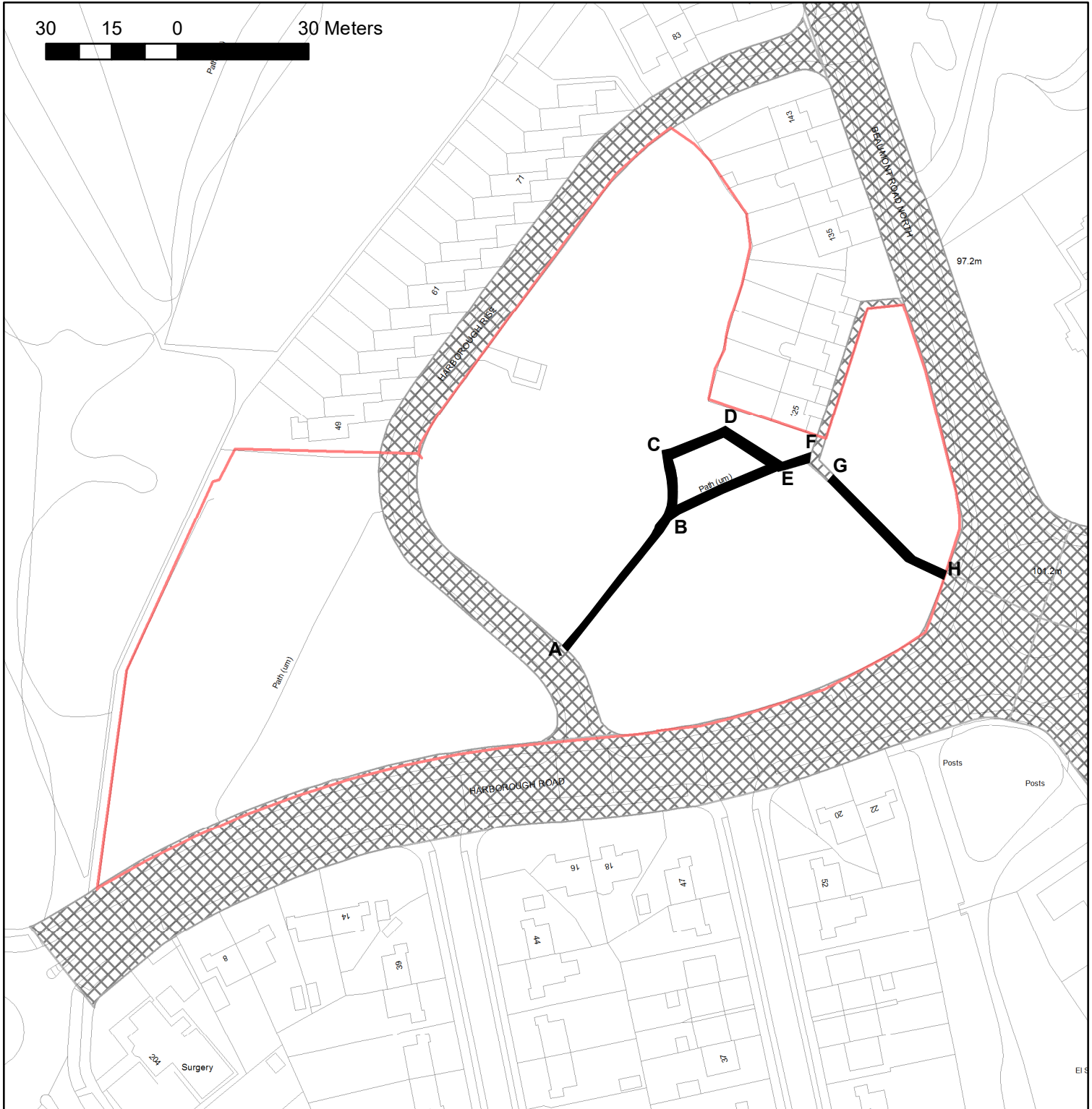


Gill Charters

Head of Highway Maintenance

3rd February 2021

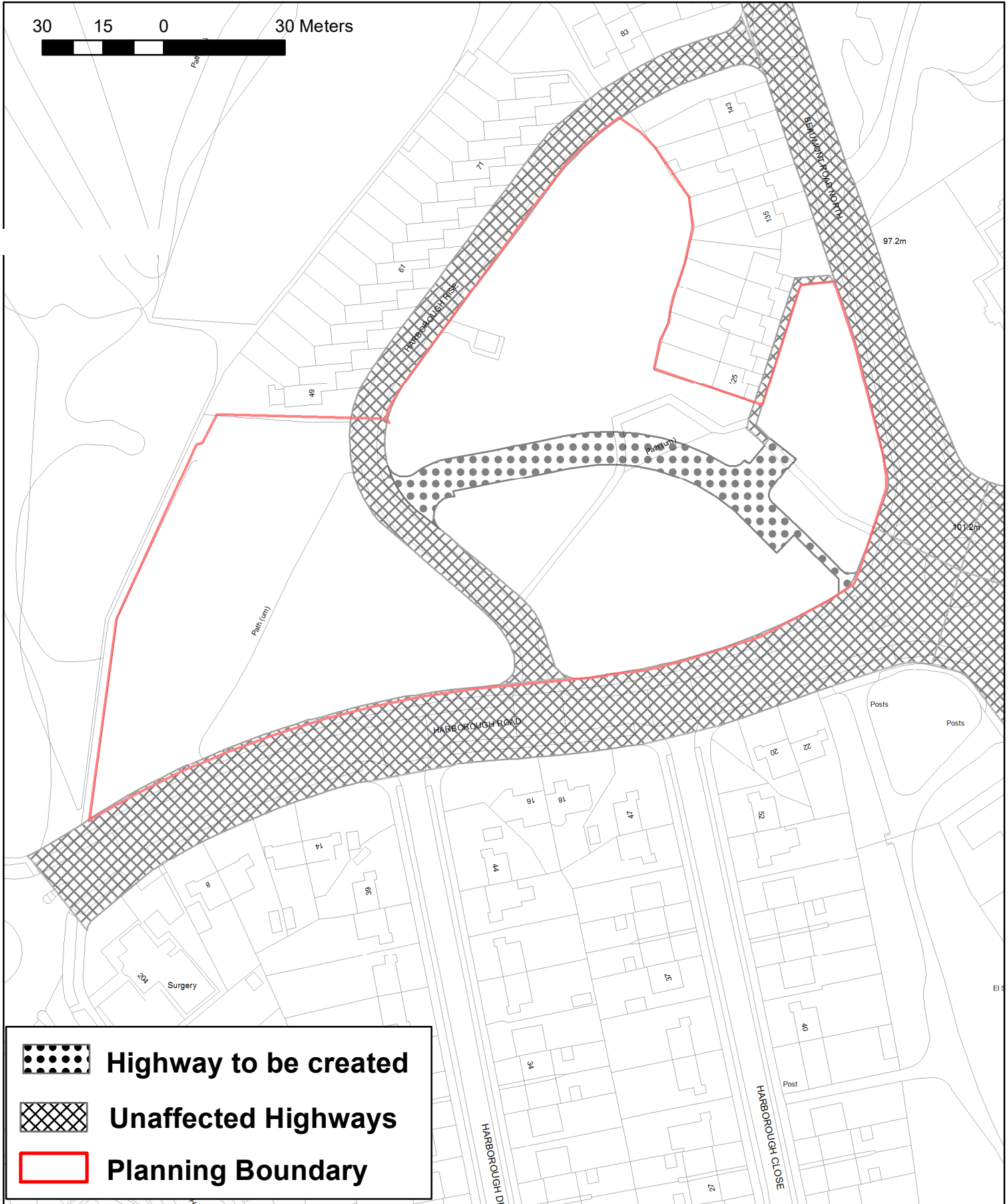
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- Footpaths to be closed**
- Unaffected Highways**
- Planning Boundary**

Map Reference Points:	A: 438261:386763	B: 438286:386794
	C: 438286:386807	D: 438299:386812
	E: 438310:386805	F: 438318:386806
	G: 438323:386802	H: 438349:386779

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 2 February 2021

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

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 the erection of single-storey front extension to dwellinghouse at 1 Twickenham Glade, Sheffield, S20 4HY (Case No: 20/02656/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 the replacement of windows and entrance door to the front elevation and replacement of small bathroom window to dwellinghouse at 59 Greenhill Main Road, Sheffield, S8 7RE (Case No: 20/02318/LBC)
(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of a two-storey rear extension, alterations to roof space to form habitable accommodation including erection of front and rear dormer windows, formation of ground floor front box window and first-floor front balcony (amended description 24.08.2020) at 808 Ecclesall Road, Sheffield, S11 8TD (Case No: 20/02169/FUL)
(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for alterations to form roof top bar area with glass screens and erection of external access stairway at Psalter Tavern, 178-180 Psalter Lane, Sheffield, S11 8UR (Case No: 20/01928/FUL)
(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the demolition of rear conservatory and decking, erection of two/single-storey rear extension and provision of rear raised terrace with glass balustrade and steps to garden at 118 Dalewood Road, Sheffield, S8 0EF (Case No: 20/01673/FUL)
(vi) An appeal has been submitted to the Secretary of State against the committee decision of the City Council to refuse planning permission for the

an application to allow use of basement as a living room or bedroom (Application under Section 73 to remove condition 3 of planning permission no. 10/01518/CHU) at 7 Nile Street, Sheffield, S10 2PN (Case No: 19/03389/CHU)

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the demolition of car showroom and workshops, erection of 14no. townhouses with integral garages and parking spaces plus associated external works at Cloverleaf Cars, Main Road, Wharncliffe Side, Sheffield, S35 0DQ (Case No: 19/03142/FUL) has been dismissed.

Officer Comment:-

The main issue was whether or not the proposal would provide an adequate standard of living accommodation for future occupiers, with particular regard to outlook and light.

Due to changes in level and the short rear gardens, the Inspector concluded that the proposal would not provide an adequate standard of living accommodation for future occupiers, with particular regard to private outdoor space, outlook and light for the occupiers of two plots; Nos 1 and 13. The proposal therefore conflicts with Policies H14 and H15 of the Unitary Development Plan.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the continuation of use of land for the purpose of storage (Use Class B8 - Storage or Distribution) (Application under Section 191) at Land adjacent to the former Bell Hagg Public House, Manchester Road, Crosspool, Sheffield, S10 5PX (Case No: 19/03033/LU1) has been dismissed.

Officer Comment:-

The main issue concerned the use of the site for storage purposes. The onus is on the appellant to demonstrate that a storage use has been carried out continuously for more than 10 years prior to the application date.

The Inspector concluded that the appellant had failed to demonstrate, on the balance of probability, that a storage use has been carried out continuously for a period of more than 10 years and the evidence was not sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. Accordingly, the Inspector found the Council's decision to refuse to grant a certificate to be well-founded.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for alterations to and raising roof height of garage to provide living accommodation for dependent relative at Far End Cottage, Rye Lane, Sheffield, S6 6GX (Case No: 20/01862/FUL) has been allowed.

Officer Comment:-

The main issues were whether the proposal is inappropriate development in the Green Belt; the effect on the openness of the Green Belt; and, if the development is inappropriate, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

The Inspector noted that paragraph 145 of the NPPF states that the construction of new buildings within the Green Belt is inappropriate development but lists certain forms of development which are not regarded as inappropriate, including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy GE6 of the UDP sets out that extensions to houses in the Green Belt will be permitted only where they, amongst other things, form a minor addition to the original house. Considered against the Framework test, the permitting only of 'minor' extensions is, in the Inspector's judgement, more restrictive than the 'not disproportionate' test, and so GE6 can be afforded only limited weight.

The Council's Designing House Extensions Supplementary Planning Guidance (SPG) defines a 'minor' addition as up to one-third of the cubic content of the original house. But again, as the 'minor' definition used in the UDP and SPG is not directly comparable to the 'disproportionate' test of the Framework, the Inspector again afforded the SPG reduced weight, noting that the assessment of whether the proposal would amount to 'disproportionate additions' is a matter of judgement based on the particular facts of the case.

Ultimately, while the existing single storey garage and front extension already cumulatively exceed the SPG threshold in terms of cubic content, it was concluded that the addition of the proposed extension would not result in disproportionate additions over and above the size of the original building, would not be inappropriate development in the Green Belt and would not conflict with Policy GE6 or the provisions of the Framework.

The appeal was therefore allowed.

5.0 CIL APPEALS DECISIONS

Nothing to report

6.0 ENFORCEMENT APPEALS NEW

Nothing to report

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report

9.0 RECOMMENDATIONS

That the report be noted.

Colin Walker
Interim Head of Planning

2 February 2021

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