

# Planning and Highways Committee

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**Tuesday 23 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**

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## **Membership**

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

## **Substitute Members**

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

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## **PUBLIC ACCESS TO THE MEETING**

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

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You 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.brownword@sheffield.gov.uk.

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## **FACILITIES**

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N/A

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

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 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 2<sup>nd</sup> February 2021.
- 6. Tree Preservation Order No. 439, Land Storrs Bridge Lane, Loxley, Sheffield** (Pages 15 - 34)  
Report of the Director of City Growth.
- 7. Applications Under Various Acts/Regulations**  
Report of the Director of City Growth
- 7a. Application No. 19/03890/OUT - 9-11 Wood Royd Road, Sheffield, S36 2TA** (Pages 35 - 78)
- 7b. Application No. 20/03663/FUL - Site Of Former Forte Posthouse Hotel, Manchester Road, Crosspool, Sheffield, S10 5DX** (Pages 79 - 102)
- 7c. Application No. 20/04220/FUL - Tapton Elms Lodge, 46 Taptonville Road, Sheffield, S10 5BR** (Pages 103 - 118)
- 7d. Application No. 20/03978/FUL - The Poplars, 21 Chorley Drive, Sheffield, S10 3RQ** (Pages 119 - 136)
- 7e. Application No. 20/04543/FUL - Avec Building, 1 Sidney Street, Sheffield, S1 4RG** (Pages 137 - 146)
- 7f. Application No. 20/03479/FUL - Regency House, 75 - 77 St Mary's Road, Sheffield, S2 4AN** (Pages 147 - 160)
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 161 - 164)  
Report of the Director of City Growth

**9. Report Correction and Apology**

(Pages 165 -  
166)

**10. Date of Next Meeting**

The next meeting of the Committee will be held on Tuesday 16<sup>th</sup> March 2021 at 2pm.

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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# Agenda Item 5

SHEFFIELD CITY COUNCIL

## Planning and Highways Committee

Meeting held 2 February 2021

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

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

- 1.1 An apology for absence was received from Councillor Peter Garbutt. Councillor Ruth Mersereau acted as substitute.
- 1.2 The Chair informed the Committee that following the sad death of Councillor Peter Rippon, it was necessary to elect a Co-Chair for the remainder of the municipal year and moved Councillor Alan Law. The motion was seconded and it was:
- 1.3 **RESOLVED:-** That Councillor Alan Law be elected Co-Chair of the Planning and Highways Committee for the remainder of the municipal year.

### **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. 6e, Application No. 20/03110/FUL – 8 Springfield Glen, Sheffield, S7. Members confirmed that they had all received the representation.
- 3.2 Councillor Ruth Mersereau declared a personal interest in Agenda Item 6a, Application No. 20/01667/FUL – Waggon and Horses, 57 Abbeydale Road South and Park Land Adjacent, Sheffield, S7 2QQ, as she had objected to the application. Councillor Mersereau left the meeting and took no part in the discussion or voting thereon.
- 3.3 Councillor Roger Davison declared a personal interest in Agenda Item 6a, Application No. 20/01667/FUL – Waggon and Horses, 57 Abbeydale Road South and Park Land Adjacent, Sheffield, S7 2QQ, 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.
- 3.4 Councillor Andrew Sangar declared a personal interest in Agenda Item 6b,

Application No. 20/03197/FUL – St Lukes Church, Blackbrook Road, Sheffield, S10 4LQ, as a local ward member. 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.

- 3.5 Councillors Jack Clarkson and Alan Law declared personal interests in Agenda Item No. 7, Proposed Changes to the Public Path Network at Hunshelf Bank, Stocksbridge, Sheffield, S36, as Local ward Members and Stocksbridge Town Council Members. Councillors Clarkson and Law declared that they had not given an opinion or made up their mind on the changes prior to the meeting, therefore would take part in the discussion and voting thereon.

#### **4. MINUTES OF PREVIOUS MEETING**

- 4.1 With the addition of the tribute made to Councillor Peter Rippon, the minutes of the meeting of the Committee held on 12<sup>th</sup> January 2021 were approved as a correct record.

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

##### **5a. APPLICATION NO. 20/01667/FUL - WAGGON AND HORSES, 57 ABBEYDALE ROAD SOUTH / AND PARK LAND ADJACENT, SHEFFIELD, S7 2QQ**

- 5a.1 Further representations, along with the officer response, information regarding a consultation exercise by the potential future landlord of the scheme and information on the Public Sector Equality Duty were included within the Supplementary Report circulated and summarised at the meeting.
- 5a.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 5a.3 Mike Hodson attended the meeting and spoke against the application.
- 5a.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.
- 5a.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 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 at Waggon and Horses, 57 Abbeydale Road South / and Park Land Adjacent, Sheffield, S7 2QQ (Application No. 20/01667/FUL).

**5b. APPLICATION NO. 20/03197/FUL - ST LUKES CHURCH, BLACKBROOK ROAD, SHEFFIELD, S10 4LQ**

- 5b.1 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 5b.2 Simon Goldsmith and David Shapiro attended the meeting and spoke against the application.
- 5b.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.
- 5b.4 **RESOLVED:** That (1) an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, for 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 at St Lukes Church, Blackbrook Road, Sheffield, S10 4LQ (Application No. 20/03197/FUL),  
(2) a directive be made to encourage the Church to work with the community and the local planning authority to develop a travel plan that promotes sustainable travel and addresses existing congestion and parking issues, final wording to be agreed by officers and Co-Chairs.

**5c. APPLICATION NO. 20/02057/FUL - LAND BETWEEN 94 AND 98 WHEEL LANE, GRENOSIDE, SHEFFIELD, S35 8RN**

- 5c.1 A report correction regarding ridge heights was included within the Supplementary Report circulated and summarised at the meeting.
- 5c.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 5c.3 Cheryl Hall, Mark Ellis, Anne Markland, Mark Barlow, Paul Salt, Jane Nashvili, Councillor Alan Hooper (Ecclesfield Parish Council) and Councillor Mike Levery attended the meeting and spoke against the application.
- 5c.4 The Committee considered the report 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.

5c.5 **RESOLVED:** That an application for the erection of two dwellings with associated access, parking and landscaping (Amended plans published 03.12.2020) at Land Between 94 and 98 Wheel Lane, Grenoside, Sheffield, S35 8RN (Application No. 20/02057/FUL) be REFUSED on the grounds that the application would result in overdevelopment of the site which would impact on the amenity of future residents. The proposal would also be overbearing with the height and general massing being incongruous within the streetscene. The final wording to be agreed by officers and Co-Chairs.

**5d. APPLICATION NO. 20/03328/FUL - LAND OFF BLACK LANE AND TO THE REAR OF 547-573 LOXLEY ROAD, SHEFFIELD, S6 6RR**

- 5d.1 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 5d.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.
- 5d.3 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, for the erection of agricultural/horticultural storage and workshop building and polytunnel at Land off Black Lane and to the rear of 547-573 Loxley Road, Sheffield, S6 6RR (Application No. 20/03328/FUL).

**5e. APPLICATION NO. 20/03110/FUL - 8 SPRINGFIELD GLEN, SHEFFIELD, S7 2HL**

- 5e.1 Additional information received from the applicant and an additional representation, along with the officer response, were included within the Supplementary Report circulated and summarised at the meeting.
- 5e.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 5e.3 Mark Atkin, Andrew Atkin, Philip Arnold and Councillor Barbara Masters attended the meeting and spoke against the application.
- 5e.4 Jonathan Clarke attended the meeting and spoke in support of the application.
- 5e.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.

- 5e.6 It was moved and seconded that the application be deferred pending a site visit. On being put to the vote, the motion was lost and it was:
- 5e.7 **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 demolition of side porch and detached garage, erection of single-storey side/rear extensions and provision of render and timber cladding to dwellinghouse at 8 Springfield Glen, Sheffield, S7 2HL (Application No. 20/03110/FUL).

**6. PROPOSED CHANGES TO THE PUBLIC PATH NETWORK AT HUNSELF BANK, STOCKSBRIDGE, SHEFFIELD, S36**

- 6.1 Mark Reeder attended the meeting and presented the report.
- 6.2 Mark informed Committee that the changes had been previously approved by Committee at the meeting held on the 25<sup>th</sup> August 2020.
- 6.3 Five public objections had been received. Four had been resolved and withdrawn by the objectors. One objection remained and agreement was being sought to forward the order to the Secretary of State for confirmation.
- 6.4 **RESOLVED:** That the Director of Legal Services 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, to the Secretary of State for confirmation.

**7. PROPOSED CLOSURE OF FOOTPATHS OFF HARBOROUGH ROAD, MANOR PARK, SHEFFIELD, S2**

- 7.1 Mark Reeder attended the meeting and presented the report.
- 7.2 Mark informed the Committee that it was necessary to close a short length of footpath and a short, unmade path on the site due to the development of the whole site.
- 7.3 **RESOLVED:** That (1) no objections be made 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 of the report, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
- (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.

**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.

**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 23<sup>rd</sup> February 2021 at 2pm.



## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

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

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**Date:** 23<sup>rd</sup> February 2021

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**Subject:** Tree Preservation Order No. 439  
Land Storrs Bridge Lane, Loxley, Sheffield

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**Author of Report:** Jack Foxall, Urban and Environmental Design Team

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**Summary:** To seek confirmation of Tree Preservation Order Nr. 439

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### Reasons for Recommendation

To protect trees of visual amenity value to the locality

**Recommendation** Tree Preservation Order Nr. 439 should be confirmed

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**Background Papers:** A) Tree Preservation Order Nr. 439 and map attached  
B) TEMPO assessment attached  
C) Objection received 27<sup>th</sup> January 2021  
D) Response to objection sent 12<sup>th</sup> February 2021

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**Category of Report:** OPEN

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# REGENERATION & DEVELOPMENT SERVICES

## REPORT TO PLANNING & HIGHWAYS COMMITTEE 23<sup>rd</sup> FEBRUARY 2021

### TREE PRESERVATION ORDER NR.439 LAND AT STORRS BRIDGE LANE, LOXLEY, SHEFFIELD

#### 1.0 PURPOSE

- 1.1 To seek confirmation of Tree Preservation Order Nr. 439.

#### 2.0 BACKGROUND

- 2.1 Tree Preservation Order Nr. 439 was made on 6<sup>th</sup> October 2021, on trees on land at former brick refactory works at Storrs Bridge Lane, Loxley, Sheffield. A copy of the order with its accompanying map is attached as Appendix A.
- 2.2 Trees at this site are considered to be under possible threat because of potential future development works.
- 2.3 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out prior to serving the Order. A copy of the TEMPO assessment is attached as Appendix B. These trees were found to be of significant amenity value to the local area and consequently suitable for protection according to the TEMPO criteria. Officers therefore considered it expedient in the interests of amenity to make the Tree Preservation Order.

#### 3.0 OBJECTIONS

- 3.1 No objections to the Order have been received within the statutory period. However, an objection to the TPO dated 27<sup>th</sup> January 2021 was received by email from Mr D. Kennedy on behalf of Patrick Properties Ltd. Also enclosing a more detailed Objection Note prepared by Mr J. Berry at Tyler Grange Group Ltd. The closing date for objections or representations to be submitted for consideration with regard to the order was 6<sup>th</sup> November 2020, as stated on notices issued to all affected parties including Patrick Properties Ltd. As such, the Council is under no obligation to consider this objection under the requirements of the Town and Country Planning (Tree Preservation)(England) Regulations 2012. Nonetheless, the Council's Legal Services Officer responded to Mr Kennedy's objection by email on 12<sup>th</sup> February 2021. The full text of this objection is attached as Appendix C, and the full text of the response is attached as Appendix D.
- 3.2 The conclusions of the objection and the Council's response are summarised in the following paragraphs:
- 3.3 Objection  
Woodland categorisation is not appropriate for trees bordering Storrs Bridge Lane, and lack of protection of large areas of woodland to the south of the site is inconsistent.

Response

*Woodland categorisation was judged the most suitable of the limited range of categories available under the TPO Regulations. Protection of large areas of woodland to the south of the site was not judged to be expedient as no development is proposed here as part of proposals submitted under planning application 20/01301/OUT.*

**3.4 Objection**

Tree Evaluation Method for Preservation Orders (TEMPO) assessment would either indicate that trees do not merit TPO protection, or at best would just qualify for possibly meriting TPO protection.

Response

*The TEMPO assessment undertaken by officers was clear that TPO protection of trees was fully justified on both amenity and expediency criteria.*

**4.0 EQUAL OPPORTUNITIES IMPLICATIONS**

4.1 There are no equal opportunities implications.

**5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS**

5.1 There are no property implications.

5.2 Protection of the trees detailed in Tree Preservation Order Nr. 439 will benefit the visual amenity of the local environment.

**6.0 FINANCIAL IMPLICATIONS**

6.1 There are no financial implications.

**7.0 LEGAL IMPLICATIONS**

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

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

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

7.4 A local authority may only confirm an order after considering any representations duly made in respect of that order. No such representations have been received within the statutory period, however one objection was subsequently received in respect of Tree Preservation Order No.439.

8.0 RECOMMENDATION

9.1 Recommend Tree Preservation Order Nr. 439 be confirmed.

Colin Walker  
Chief Planning Officer

23<sup>rd</sup> February 2021

**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 439 (2020)**  
**Land at Storrs Bridge Lane, Loxley, Sheffield**

The Sheffield City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. This Order may be cited as Tree Preservation Order No 439 (2020) – Land at Storrs Bridge Lane, Loxley, Sheffield

**Interpretation**

2. (1) In this Order “the authority” means the Sheffield City Council.  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.  
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

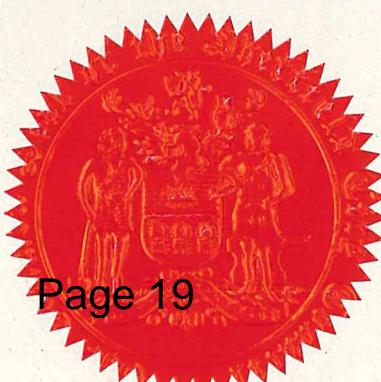
**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated 6<sup>th</sup> OCTOBER 2020

EXECUTED AS A DEED  
By Sheffield City Council  
whose common seal was  
hereunto affixed in the presence of )

*David Jeffries*  
Duly Authorised Signatory



## SCHEDULE

### Specification of trees

#### Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation

#### Trees specified by reference to an area

(within a dotted red line on the map)

Reference on map	Description	Situation

#### Groups of trees

(within a solid red line on the map)

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

#### Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
W1, W2, W3 W4, W5, W6	Trees of whatever species contained therein	SK 293 899

NORTH

Reservoir covered 183.0m

W1

W2

W3

W4

W5

W6

TREES SPECIFIED INDIVIDUALLY  
None

TREES SPECIFIED BY REFERENCE  
TO A GROUP  
None

TREES SPECIFIED BY REFERENCE  
TO AN AREA  
None

TREES SPECIFIED BY REFERENCE  
TO WOODLAND  
(Within a continuous black line on the map)

W1 Trees of whatever species contained therein  
W2 Trees of whatever species contained therein  
W3 Trees of whatever species contained therein  
W4 Trees of whatever species contained therein  
W5 Trees of whatever species contained therein  
W6 Trees of whatever species contained therein

OS Grid Reference SK 293 899

20-1574 - 2088

Duly Authorised Signatory

STORRS BRIDGE LANE, LOXLEY SHEFFIELD

PLACE	
I 2000/AI	
REF	DATE
JF	SEPT 2020
AI/UED/808/439	

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FIELD CITY COUNCIL  
DEVELOPMENT SERVICES

EE PRESERVATION ORDER  
No. 808/439

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# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/09/20 Surveyor: Jack Foxall

### **Tree details**

TPO Ref (if applicable):  
Owner (if known):

Tree/Group No: W1 Species: Horse chestnut, oak, hawthorn, sweet chestnut  
Location: Stover Bridge Ln pine, holly

## REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### **Part 1: Amenity assessment**

#### a) Condition & suitability for TPO

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

#### Score & Notes 3

*Many good specimens, but some with poor form or defects*

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

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

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

#### Score & Notes 4

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

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

Consider realistic potential for future visibility with changed land use

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

**Score & Notes 4**  
*Very prominent from Stover Bridge Ln + Loxley Rd*

#### d) Other factors

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

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

#### Score & Notes 4

*Prominent boundary feature group*

### **Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

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

#### Score & Notes 3

*Outline application, including removals in W1*

### **Part 3: Decision guide**

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

#### Add Scores for Total:

18

#### Decision:

TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/09/20

Surveyor: Jack Foxall

### Tree details

TPO Ref (if applicable):

Owner (if known):

Tree/Group No: W2

Species:

Sycamore, oak, ash, willow,  
birch, alder, holly

Location: Hepworth site NW boundary

## REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

#### a) Condition & suitability for TPO

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

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

Score & Notes 3

Mixed, unmanaged condition, but generally fair to good.

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

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

Score & Notes 4

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

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

Consider realistic potential for future visibility with changed land use

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

Score & Notes 4

Prominent from Storr Budge Ln, public footpath and internal site route.

#### d) Other factors

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

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

Score & Notes 4

Significant large group defining boundary between developed land and agriculture.

### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes 3

Critical application, including removals in W2

### Part 3: Decision guide

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

Add Scores for Total:

18

Decision:

TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/09/20

Surveyor: Jack Foxall

### Tree details

TPO Ref (if applicable):

Owner (if known):

Tree/Group No: W3

Species:

oak, birch, hazel,  
willow

Location: End of Stour Bridge Lane

## REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

#### a) Condition & suitability for TPO

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

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

Score & Notes 3

Close growing and appear unmanaged, but no major issues or defects.

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

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

Score & Notes 4

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

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

Consider realistic potential for future visibility with changed land use

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

Score & Notes 3

Visible from Stour Bridge Lane and Loxley Pool

#### d) Other factors

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

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

Score & Notes 4

Significant group defining boundary between developed land and open fields

### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes 3

Outline application, including removal of W3

### Part 3: Decision guide

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

Add Scores for Total:

17

Decision:

TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/09/20 Surveyor: Jack Foxall

### Tree details

TPO Ref (if applicable):

Owner (if known):

Tree/Group No: W4

Species:

Sycamore, Alder, Hazel,  
Ash

Location: West of Mepham Site by river Loxley

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

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

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

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

#### Score & Notes 3

Limited access, but appear fair to good.  
Ivy cover.

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

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

#### Score & Notes 2

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

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

Consider realistic potential for future visibility with changed land use

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

#### Score & Notes 3

Visible from public footpath  
and internal site route.

##### d) Other factors

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

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

#### Score & Notes 4

Significant group forming part of  
characteristic woodland cover along river.

#### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

#### Score & Notes 3

Outline application

#### Part 3: Decision guide

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

Add Scores for Total:

15

Decision:

TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/09/20

Surveyor: Jack Foxall

### Tree details

TPO Ref (if applicable):

Owner (if known):

Tree/Group No: WS Species: Beech, birch  
Location: Banks of river Loxley oak, ash, Sycamore, Alder, willow,

## REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

#### a) Condition & suitability for TPO

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

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

#### Score & Notes 3

Access limited in places, but generally good to fair.  
Issue tipping at east end. Some poor form close to river, but usual for this situation.

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

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

#### Score & Notes 4

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

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

Consider realistic potential for future visibility with changed land use

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

#### Score & Notes 3

Visible from public footpaths and internal site routes

#### d) Other factors

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

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

#### Score & Notes 4

Major riverside woodland group.  
Prominent landscape feature

### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

#### Score & Notes 3

Outline application

### Part 3: Decision guide

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

#### Add Scores for Total:

17

#### Decision:

TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 17/09/20

Surveyor: Jack Foxall

### Tree details

TPO Ref (if applicable):

Owner (if known):

Tree/Group No: W6 Species:

Location:

Oak, sycamore, alder, willow

poplar, birch

North - east boundary by mill race / pond

## REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

#### a) Condition & suitability for TPO

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

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

Score & Notes 3

Some good specimens, ivy clad at eastern end

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

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

Score & Notes 4

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

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

Consider realistic potential for future visibility with changed land use

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

Score & Notes 4

Prominent from public footpath,  
Lodley Rd and internal  
site routes

#### d) Other factors

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

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

Score & Notes 4

Prominent landscape feature defining  
mill race / pond and boundary to open field

### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes 3

Outline application

### Part 3: Decision guide

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

Add Scores for Total:

18

Decision:

TPO

# **Storrs Bridge Lane, Loxley - TPO Objection Note**

## **Sheffield City Council Tree Preservation Order No 439 (2020)**

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### **1.0 Introduction: Site, Survey and Planning Context**

---

- 1.1 This 'Objection Note' has been prepared by Tyler Grange Group Ltd (TG) in relation to TPO No 439 (2020).
- 1.2 Centred on grid reference SK294899, the site is located to the south of Loxley Road (B6077), off Storrs Bridge Lane, Sheffield, S6 6SX. The site is accessed from Storrs Bridge Lane to the north and from a farm track off Rowell Lane in the east.
- 1.3 A BS5837:2012 tree quality survey of the site was carried out in October 2019. It consisted of a ground level visual assessment. No invasive investigations or climbing inspections were undertaken; however, signs of substantial defect or disease were recorded.
- 1.4 The developed area of the site is relatively level with a number of discreet areas of former and operational industrial uses; interconnected by a series of non-adopted roadways and bridges. The disused and semi derelict buildings are predominantly associated with the former Hepworth Claypit Factory site which was operational until the 1990's including a furnace, refractory works and storage units. The buildings are largely in a state of disrepair and there is evidence of some anti-social behaviour, notably fly-tipping and graffiti within the site.
- 1.5 Tree cover comprises a network of established woodland areas and regenerative canopy coverage. The site is characterised by pockets and boundary tracts of woodland tree cover with scattered emergent stock also present throughout the site, with more limited, younger and self-seeded tree cover present across the previously developed / former industrial portions of the internal areas of the site. A steep wooded slope is present in the south of the site and a more gentle slope and mill pond are located in the north.
- 1.6 A hybrid planning application for the proposed demolition of existing buildings and structures, provision of a residential led mixed-use development that will deliver up to 300 dwellings, reinstatement works, site remediation, green infrastructure, landscaping and associated infrastructure with vehicular access from Loxley Road submitted in detail, has been submitted to Sheffield City Council (ref. 0/01301/OUT).
- 1.7 The planning application was submitted on 23<sup>rd</sup> April 2020. A preliminary Arboricultural Impact Assessment was prepared by Tyler Grange Group Ltd (TG) to accompany the submission (document ref. 1290/R01a, dated February 2020).

Tyler Grange Group Limited, Marsden Estate, Rendcomb, Cirencester, Gloucestershire, GL7 7EX

Tel: 01285 831804 [www.tylergrange.co.uk](http://www.tylergrange.co.uk)

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- 1.8 The Decision Notice, dated 17<sup>th</sup> September 2020 confirmed that the planning application had been refused, but loss of protected trees was not specifically cited.

## **2.0 Objections to Tree Preservation Order No 439 (2020): Procedure and Methodology**

---

### Timing

- 2.1. The TPO was made on 6<sup>th</sup> October 2020. This was made after the planning application was determined. The AIA report submitted with the planning application did not include the TPO in its baseline as it was not in existence at the time of the BS5837 tree quality survey, the assessment of impacts or for the duration of the determination period.
- 2.2. The Officers Report, uploaded to the Sheffield City Council website on 8<sup>th</sup> September 2020 states that “*there are number of protected trees on the site subject to a TPO*” adding that the proposed tree losses detailed within the AIA report are “*considered unacceptable from both a tree protection and landscape view*”.
- 2.3. Such comments, referring to the removal of protected trees were queried, as they were not protected at the time of the planning submission or determination and may have prejudiced the determination of the planning application without allowing an opportunity for a revised assessment of potential tree losses to be undertaken in the context of the wider TPO.

### Consistency with Wider Site

- 2.4. In terms of consistency of the TPO in the context of the wider site there are issues to raise in terms of the selection of which trees to protect and which that have been selected for inclusion within the TPO as follows.
- 2.5. TPO W1 is a linear belt of highway trees, although only one side of the roadside stock has been protected. The western side of the highway includes additional roadside trees which have not been included within the TPO. Classifying the W1 area as ‘woodland’ should also be reviewed given the context and arrangement of the highway trees within W1. These represent a linear belt of trees rather than a stand of woodland tree cover.
- 2.6. The wider southern woodland backdrop and eastern extents of the wider woodland enclosure bounding the site have also not been protected under the recent TPO. The southern backdrop of woodland trees is arguably more prominent than the internal areas of the site that have been protected by the TPO; however, the wider surrounding woodland encompassing the site to the east and south has not been deemed suitable for protection.

### TEMPO Methodology

- 2.7. Paragraph 198 of the Town and Country Planning Act 1990 states that “*If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.*” (TG emphasis).

- 2.8. When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice. 'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. National Guidance, Paragraph: 007 Reference ID: 36-007-20140306, states that "*Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public*".
- 2.9. National Guidance, Paragraph: 008 Reference ID: 36-008-20140306 notes that "*Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including size and form, future potential as an amenity, rarity, cultural or historic value, contribution to, and relationship with, the landscape and contribution to the character or appearance of a conservation area*".
- 2.10. To take the above factors into account when reviewing new TPOs, it is understood that Sheffield City Council would typically review prospective trees by way of an inspection undertaken by an Arboriculturist from the Parks and Countryside Trees and Woodlands service for general condition and suitability for protection, and that a 'Tree Evaluation Method for Preservation Orders (TEMPO)' assessment would be carried out prior to serving an Order.
- 2.11. TEMPO, developed by Forbes-Laird Arboricultural Consultancy, is designed as a field guide to decision-making. It has been utilised by a number of Local Planning Authorities to stand as a record that a systematic assessment has been undertaken when justifying the placement of a new TPO, or reviewing the suitability of an existing TPO.
- 2.12. Taking each TEMPO criteria in turn, the following observations have been noted:
- Condition: The TEMPO guidance describes 'Fair' condition as "*Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so*". For groups of trees, the TEMPO guidance states that the '*average condition should be considered*'. It is therefore determined that the 'Fair' rating appropriately describes the trees covered by the TPO given the site's current condition and the naturalised context of the trees under review. The trees are not in obvious decline, nor in notably good health on average. Under the TEMPO scoring this would provide a score of 3 points.
  - Retention Span: It is worth considering the 'do nothing' scenario should the site's tree cover continue to naturalise and eventually decline, as a result of over shading, degradation of understorey or ground flora, canopy conflicts, lack of disease monitoring, and competition for light, nutrients and water. The trees exhibit a collective condition of no better than moderate form and vitality. It could be argued that the remaining longevity and future contribution could be reduced to 20-40 years, or lower in some areas of the site to 10 – 20 years where degradation and naturalisation is more advanced. The trees associated with W1 are not significant trees in the local surroundings in terms of maturity, character or screening function, and are not particularly suitable in terms of their proximity to the road. Under the TEMPO scoring this would provide scores of 1 or 2 points.

- Relative Public Visibility: The TPO tree stock is located upon private land but is visible from a number of public footpaths that traverse the site, although the visibility is restricted to the immediate surroundings given the presence and extent of adjoining woodland and the intervening derelict-built form. The woodlands W2, W3, W4, W5 and W6 provide a degree of visual enclosure to on-site public receptors but their visibility is more restricted in the wider landscape context owing to the surrounding topographical arrangement and proximity. Under the TEMPO scoring this would provide scores of 3 or 4 points.
  - Relative Public Visibility: The trees are not of particularly good form, rare or unusual. The trees do not have identifiable historic, commemorative or particular habitat importance beyond that of a typical woodland habitat in a settled context given their condition and location, nor are the TPO trees on average classified as veteran or ancient specimens. Under the TEMPO scoring this would provide a score of 1 point.
- 2.13. Following the above stages, trees must have accrued 9 or more points to qualify for further assessment under the TEMPO methodology. Working through the commentary and associated point scoring set out above, the judgement results in only 8 points being scored and the trees would not quality for consideration to be protected. Assuming the upper scoring is applied, where the trees are deemed to be 'large' and 'clearly visible to the public', with an average retention span of 20-40 years rather than 10-20 years, a score of 10 points is obtained.
- 2.14. The next section of the TEMPO methodology is designed to award points based on three levels of identified threat to the trees concerned. In accordance with the TEMPO guidance, planning department receives an application for outline planning consent on the site where the trees stand, there is deemed to be a 'Foreseeable threat to tree' and under the TEMPO scoring this would provide a score of 3 points.
- 2.15. In conclusion, the points scored can be argued as being either 9 points in total, with the trees not meriting a TPO, or at best 13 points, where the TPO is considered defensible, but where the trees have failed to convincingly quality under all sections of the assessment. A score of 13 would not warrant the highest scoring available (16+ points) and as a result is not considered to 'definitely merit a TPO' in accordance with the TEMPO guidance.
- 2.16. It is our professional opinion that the TPO should be reviewed, as consideration of the TEMPO methodology suggests that the TPO in its current form as an arrangement of arbitrary woodland blocks does not warrant the formal protection currently being afforded.

**Jonathan Berry – Director**  
*BA(Hons) DipLA CMLI AIEMA M.Arbor.A*

**Response to TPO Objection Note for TPO 439 at Storrs Bridge Lane, Loxley, prepared by Tyler Grange.**

**Timing**

TPO 439 was made on 6 October 2020. Para 2.2 refers to comments in the Planning Officers Report dated 8 September regarding a number of trees on the site subject to a TPO, and that these comments may have affected the planning decision without allowing an opportunity for consideration of protected status to be included in application submissions.

My understanding is that these comments in the Officers Report referred to TPO 15. This order was made in 1974 and covers part of the woodland area within the south-east of the application site. Please refer to the relevant Planning Officer to confirm.

**Consistency with Wider Site**

Para 2.5 queries the woodland categorisation for W1 bordering Storrs Bridge Lane. This category was felt to be the most suitable of the limited range of categories available under the TPO legislation. This categorisation will be reviewed in light of comments prior to confirmation.

Para 2.6 queries omission of woodland to the south and east of the site from the Order. Because planning application documents included retention, enhancement and no development within these large woodland habitat areas, TPO protection was not considered to be expedient.

**TEMPO Method**

Condition

Para 2.12 states that the 'Fair' rating for condition should be applied, accruing 3 points. Generally agreed.

Retention Span

Para 2.12 states that the 'do nothing' scenario should be considered with resulting reduction in longevity. However, TEMPO guidance is clear that assessment should be based on the assumption that trees will be maintained in accordance with good practice.

Relative Public Visibility

Para 2.12 states that a score of 3 or 4 would be appropriate for visibility. Generally agreed.

Para 2.12 contains an additional item headed 'Relative Public Visibility'. I assume this is intended to refer to the TEMPO section 'Other Factors'. This states that a score of 1 point would be appropriate, applicable to trees with no additional redeeming features. However, TEMPO assessment criteria under this section includes 'tree groups, or principal members of groups important for their cohesion'. This criteria was judged to apply to many trees included within the Order.

Para 2.14 states that the 'foreseeable threat to tree' criteria is applicable under part 2 of the TEMPO assessment. Agreed.

Para 2.15 states that scoring under TEMPO assessment would not warrant TPO protection. However, results of TEMPO assessment carried out by the Council indicated that a TPO was fully justified. This informed the view that it was expedient to make the Order.

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# Agenda Item 7a

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Case Number	19/03890/OUT (Formerly PP-08233859)
Application Type	Outline Planning Application
Proposal	Outline planning application, with all matters reserved except for access, for the partial demolition of dwellinghouse, retention of 2-storey stone barn, demolition of single storey ancillary buildings, erection of up to 41 dwellinghouses, formation of vehicular access point and provision of open space and landscape buffer - Amended description
Location	9-11 Wood Royd Road Sheffield S36 2TA
Date Received	24/10/2019
Team	West and North
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditional Subject to Legal Agreement

## Time Limit for Commencement of Development

1. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of appearance, design, siting and landscaping (matters reserved by this permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

2. The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

3. Application for approval in respect of any matter reserved by this permission must be made 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)**

4. The development shall be carried out broadly in accordance with the following documents and plans:-
  - Heritage Impact Assessment published 17/11/2020
  - Indicative Layout and Design Code published 09/11/2020
  - Site profiles (Drawing No. 19/004/021 Revision B) published 31/08/2020
  - Flood Risk Assessment and Drainage Strategy published 1/11/2019

Reason : In order to define the permission

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

5. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

6. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

7. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

8. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

9. No development shall commence until detailed proposals for surface water disposal, including calculations have been submitted to and approved in writing by the Local Planning Authority. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of QBar based on the area of the development. An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

10. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the local planning authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

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

11. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

12. No demolition and/or construction works shall be carried out unless equipment is provided 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. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

13. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

14. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

15. No development shall commence until further intrusive site investigations have been undertaken to establish the exact coal mining legacy issues on the site and a report explaining the findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include the submission of a layout plan which identifies the exact location of mine entry 428398-038, including grid coordinates (if found present within the site), and the calculated zone of influence (no-build zone) around the mine shaft. In the event that site investigations confirm the need for remedial works, details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

16. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

17. No development shall commence until a fully updated bat and reptile surveys shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the ecological interests of the site are maintained in accordance with Policy and that no offence is committed in respect of protected species legislation.

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

18. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:

- a) been carried out; or
- b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use.

Highways Improvements:

- Construction of new priority junction and footways to serve the development site, broadly in accordance with the submitted drawings.
- Any accommodation works to statutory undertaker's equipment, traffic signs, road markings, lighting columns, highway drainage and general street furniture necessary as a consequence of the development.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway.

19. Prior to the commencement of development, a Landscape and Biodiversity Enhancement Master Plan shall be submitted to and approved in writing by the Local Planning Authority. The content of the Plan shall include:
  - An assessment of baseline conditions set out in the ecological report and species surveys (RammSanderson September 2019, 3079-PEAR V1) to establish if there have been any changes in the presence and/or abundance of protected species and identify any likely new ecological impacts.
  - Where the survey results indicate that changes have occurred that will result in ecological impacts not previously considered as part of this outline application, the originally approved ecological mitigation measures shall be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

- Aftercare and long-term management and maintenance of ecological features including an appropriate monitoring strategy.

- Biodiversity Net Gain calculations using the DEFRA 2.0 metric.

- Provision and specification of bird nesting and bat roosts (boxes) opportunities within/adjoining the site.

Works shall then be carried out in accordance with the revised approved ecological mitigation measures and timetable.

Reason: To ensure the ecological interests of the site are maintained and that the habitat creation on site and subsequent management measures are sufficient to deliver a net gain in biodiversity as required by the NPPF paragraph 170.

20. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed , the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted ; and
- ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal

21. Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any remedial works will have been completed to the satisfaction of the Local Planning Authority prior to full occupation of the development.

Reason: In the interests of traffic safety and the amenities of the locality.

22. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:  
a) Be based on the findings of a noise report by a qualified noise consultant.  
b) Be capable of achieving the following noise levels:  
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);  
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);  
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);  
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the future occupiers of the dwellinghouses

23. Before the dwellinghouses are brought into use, Validation Testing of the sound insulation and/or attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

- a) Be carried out in accordance with an approved method statement.
- b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound insulation and/or attenuation works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

24. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

### **Other Compliance Conditions**

25. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented. The means of vehicular access shall be restricted

solely to those access points indicated in the approved plans.

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.

26. No building or other obstruction including landscape features shall be located over or within 4 (four) metres either side of the centre line of the public sewer i.e. a protected strip width of 8 (eight) metres that crosses the site . If the required stand -off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken .

Reason: In order to allow sufficient access for maintenance and repair work at all times

27. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage

28. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: In order to ensure that any contamination of the land is properly dealt with.

29. No development shall take place within 35 metres of the Clough Dike Culvert.

Reason: To reduce the risk of flooding to the proposed development and future occupants from blockages to the existing culvert(s).

Attention is Drawn to the Following Directives:

1. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;

- Reference to permitted standard hours of working;
- 0730 to 1800 Monday to Friday
- 0800 to 1300 Saturday
- No working on Sundays or Public Holidays
- Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
- A communications strategy for principal sensitive parties close to the site.
- Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
- Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
- Vibration.
- Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
- A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at [eps.commercial@sheffield.gov.uk](mailto:eps.commercial@sheffield.gov.uk).

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

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

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

3. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

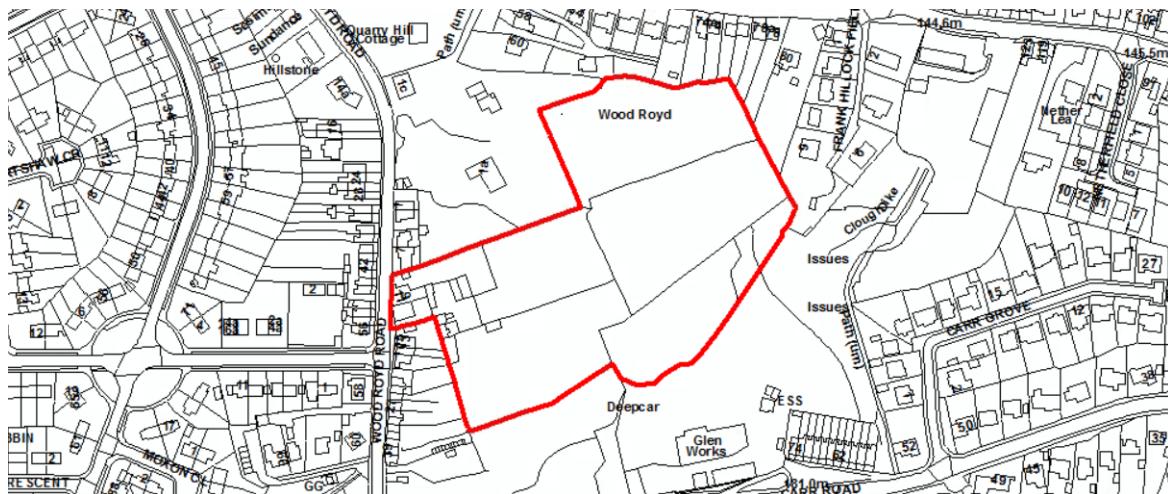
You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett

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

Tel: (0114) 273 6349  
Email: [james.burdett@sheffield.gov.uk](mailto:james.burdett@sheffield.gov.uk)

## Site Location



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## **SITE LOCATION**

This application relates to Wood Royd Farm in Deepcar. The site is situated to the east of Wood Royd Road, and is made up of a former farmstead that dates from the late 18<sup>th</sup> century and the adjoining agricultural fields. The site includes a farmhouse, a two-storey stone barn and associated single storey outbuildings that include two 'nissen' style huts (half-cylindrical with a skin of corrugated iron). To the east of the farmstead are 5 individual fields that are divided up by low drystone walling. The site contains few trees, largely around the perimeter, and the five grassland compartments comprise of poor semi-improved and neutral grassland.

The application site is situated within both a designated Housing Area and an Open Space Area as set out on the Sheffield Unitary Development Plan Proposals Map. The Housing Area occupies the western section of the site towards Wood Royd Road and covers approximately 9,200 square metres (40%) of the total site area, the remaining area of approximately 14,000 square metres being open space (60%).

The site also lies within The Coal Authority High Risk Development Area associated with former mining activities/works.

The site covers an area of approximately 2.35 hectares, the majority of which is open pasture. The land extends back from Wood Royd Road for about 220m. The site's front section to Wood Royd Road, which contain the farm buildings is relatively level, beyond which, the land falls quite steeply away to the north, east and south. Due to the topography of the site, the lowest section of the site (AOD 172.69) is about 17.5m below the ground levels to Wood Royd Road (AOD 200.5).

Access into the site is taken from Wood Royd Road, to the southern side of the farmhouse.

The site is bounded by residential properties to its north, east and west, including either side of the farmhouse fronting onto Wood Royd Road. Beyond the site's northern field are detached and terraced dwellinghouses, some of which front onto Haywood Lane, and to its north-east is a small group of houses that front onto Haywood Lane and Frank Hillock Field.

A dense woodland belt (Fox Glen Wood Local Wildlife Site) and further residential development lies to the south and south east of the site, beyond which is an open storage commercial business (Glen Works) and a large detached dwellinghouse that take their access from Carr Road.

## **PROPOSAL**

Outline planning permission is being sought to erect up to 41 dwellinghouses on this site. All matters are reserved except for access.

The proposal has been amended during the course of the application with the number of dwellinghouses reduced by one. The proposal now includes the demolition of the front section of the farmhouse to Wood Royd Road and the retention of the site's attached stone barn (both were previously shown to be

demolished in their entirety) and the demolition of the single storey ancillary buildings.

It is noted that while the farmhouse and stone barn are included within the red line boundary, the demolition of part of the front section of the farmhouse and any subsequent proposal to change the use of the barn to an alternative use, such as residential, are not permitted under this outline application and would be subject to separate full planning applications at a later date.

## **RELEVANT PLANNING HISTORY**

No relevant history.

## **SUMMARY OF REPRESENTATIONS**

Five site notices were posted within the vicinity of the site on the 3 December 2019. The application was also advertised in the Sheffield Telegraph on the 7 November 2019.

Two rounds of consultation were undertaken: the first on validation of the application and the second in November 2020 following the receipt of amended plans and a revised heritage design statement.

Letters of objections have been received from 105 properties. A number of households have written in more than once.

Representations have also been received from Stockbridge Town Council, the Campaign for the Protection of Rural England (CPRE), Sheffield and Rotherham Wildlife Trust and Town and Local Councillors Julie Grocott and Francyne Johnson.

A summary of comments received under each round of consultation is listed below.

First round of consultation:

### **Development Plan/Housing Land Supply**

- The supporting information infers that local planning policy is out of date and carries limited weight. The reference to this is incorrect and the existing Core Strategy still applies where it is in-line with the NPPF. The NPPF clearly states that local policies should not be considered out of date simply because they predate the NPPF. The NPPF gives protection to green spaces.

### **Highway Issues**

- The current vehicular access to the site is not adopted and is just an infrequently used track with substandard visibility, obstructed by the building-lines of adjacent properties, beyond the control of the applicant.
- The development site access would be less than 20 metres north of the Armitage Road junction on the opposite side of Wood Royd Road, which also has poor visibility. Section 3.16 of the submitted Transport Assessment

seems to imply that because visibility is substandard at Armitage Road, the precedent has been set for it to be substandard from the development site access. For a development of this type and scale, the layout of the new junction arrangement should be to adoptable standards, which given the visibility situation, would not seem to be achievable here.

- There are hazard markings in the middle of Wood Royd Road opposite Armitage Road, demonstrating safety concerns.
- Do not agree with the assertion in the Transport Assessment that development trips will be insignificant.
- The Transport Assessment has under predicted development trips.
- The development dwellinghouses would mean an additional 80 or more cars using Wood Royd Road, adding to congestion during the peak periods.
- On street parking is already problematic close to the site entrance.
- Wood Royd Road should be made residents parking only with a 20 mph speed limit.
- The development site should have space set aside for existing residents to park on.
- Make Wood Royd Road one-way.
- Construction traffic will obstruct Wood Royd Road, residents won't be able to park and school children will be endangered.
- The development will increase traffic using Carr Road trying to join Manchester Road, which is already problematic.
- Lots of houses on Wood Royd Road have no off-street car parking. The new access arrangement for the development will reduce on-street parking opportunities for residents still further.
- Parking in the vicinity of Armitage Road reduces the width of Wood Royd Road to single-file traffic, making it difficult to drive along during school times and at rush hours. Buses sometimes struggle to manoeuvre and there can be conflicting bus movements, which occasionally results in vehicles having to reverse.
- Visibility is restricted by the brow of the hill on Wood Royd Road.
- The eastern footway along Wood Royd Road is fragmented, causing pedestrians to walk in the carriageway.
- The layout relies on existing road users reacting to slow moving traffic leaving the development site.
- Access to the shops and amenities is via a steep hill, which makes walking and cycling unlikely. This is an unsustainable location.
- The local road network is already too congested
- A site visit should be carried out by the Highways Dept.

## Heritage Issues

- The Department of Culture, Media and Sport states that most buildings from 1700-1850, which retain a significant proportion of their original fabric, are likely to be considered to hold special interest.
- The original farm buildings may not be listed but they are some of the oldest in the vicinity.

## Design/Landscape Character

- These dwellings would not add to the overall quality of the area.
- The loss of open space would result in over-development and harm the character of the local area.
- The properties above the area to be developed overlook the Wharncliffe Craggs, which must be upheld as a valued landscape as it is particularly out of the ordinary.
- Developers are trying to build on green spaces in the valley, cramming more houses into every available piece of ground and ruining the character of the area.

## Infrastructure/Services

- The schools, GP surgeries and dentists in the area struggle to cope currently. The provision of additional housing will place further strain on services which are already stretched.
- The local infrastructure is already at breaking point. Transport in and out of the area is impossible at busy times. A next to useless bus service, no tram or rail service and the main road into Sheffield is totally inadequate for the volume of traffic.
- HMAP confirms Stocksbridge is overcrowded by 7% compared to the wider Sheffield area (3%). Furthermore, Stockbridge High School is listed as being oversubscribed in 2019/20.
- There are already a lot of new houses at Fox Valley, with more due to be built near Station Road at Deepcar and potentially at Hollin Busk.

## Ecology Issues

- Bats have roosts in the outbuildings.
- The drystone walls provide a habitat for a number of animal and plants.
- The natural habitat for birds, badgers, foxes and hedgehogs will be lost. Hedgehogs are a protected species, and their numbers are already in decline.
- The site is an important habitat for reptiles.
- The site is an important green corridor.
- The development will result in the loss of flora and fauna.

## Residential Amenity Issues

- The construction of the houses would cause a lot of dust and noise over a long period of time, involving heavy machinery and deliveries entering and exiting the site at the top of Wood Royd Road.

## Flooding/Drainage Issues

- The site is currently agricultural land. It serves an important role in holding flood waters from Fox Glenn and Clough Dike. Building on this site would

cause problems for the natural flow of water run-off, reducing the natural permeability of the ground. The fields are part of a natural soakaway.

- Owing to the slope of the land, the developer intends to pump drainage up to the existing system. If the pump fails or is overwhelmed by the volume to be drained, the overflow will discharge onto properties on Haywood Lane.
- The issue of flooding is only going to get worse in the future. The development likely to pose a risk of flooding of the new properties based on the fact that they are situated in the run-off area from the culvert should it overflow again.

### Loss of Open Space

- Open green spaces should be retained. Once they are lost they are lost forever, hence their protection in the first place.
- There are more appropriate brownfield sites that should be developed first.
- The Council has adopted a policy of 'green corridors' with inter-connecting green links. One of these links is the subject of this application, which runs up the hillside and separates Deepcar from Stocksbridge. The application seeks to destroy this green separation and continue urban sprawl across the hillside.
- Residents of Deepcar live here because of the greenspaces, which are rapidly being lost to development.
- The development is solely being pushed through to meet government targets on housing.
- Local people value the green nature of the area with open views across the hillside and access to open countryside for walking and recreation.

### Other/Miscellaneous Issues

- Based on the statements made by DLP, the only benefit we can ascertain from this proposal is that the supply of market and affordable housing provided meets a small shortfall of housing land availability. That shortfall only being 0.3 years and that this outweighs the apparent limited harm of the development.
- The submission claims that the UDP and policy LR5 have effectively expired, but where is the evidence.
- Consideration must be given to the stability of the site given the history of mine working in the area.
- Roof mounted solar panels will not work owing to the planned orientation of the roofs, the site being on a steep north facing slope.
- The stated contribution to the economic and social elements of sustainability in the planning statement have not been identified.

### Non-Planning Issues

- There are a number of better options for the site.
- Loss of views.

Stocksbridge Town Council objected to the application for the following reasons:

- The proposed development site is very close to the junction of Armitage Road with Wood Royd Road. The centreline of the proposed access is around 20m from edge of Armitage Road, and the application justifies this close proximity by making reference to the junction spacing guidance in section B.3.1.2 of South Yorkshire Residential design guide. This guidance does not however stipulate that the distance should be measured from the centreline of the proposed and existing junctions; indeed, when measured from the edges of the existing and proposed junction the separation is actually around 9 metres.
- Visibility at the access point to the proposed development is constrained due to the building lines of adjacent properties. The transport statement says that cars climbing Wood Royd Road would see slow-moving cars exiting the site and therefore be able to react in time. Stocksbridge TC would argue that road safety is the responsibility of everyone, and does not believe that the sole onus of road collision avoidance should be placed on road users who are already negotiating a steep incline on a road with two-way traffic, restricted width due to numerous parked vehicles, and already having to anticipate the busy Armitage Road junction which is also utilised by public transport.
- The application site is currently undeveloped except for grazing purposes, and as such allows a certain degree of natural surface water permeation at this critical location between Fox Glen, which is known to flood frequently and severely during bad weather events, and Clough Dyke, which also floods to a considerable degree during such events. The development of this site would inevitably lead to a reduction in the natural permeability of the ground, and indeed an acceleration of the downhill flow of surface water toward Clough Dyke and, ultimately, the B6088 Manchester Road and the Little Don.
- The site is currently home to a plethora of wildlife including birds and bats, which rightly enjoy protection under planning and environmental regulations. No assessment has yet been made of the precise species count at this site, however it is known locally to have a wide variety. This site is also close to the willow tit habitat which was recently restored in an effort to increase the South Yorkshire population of this threatened species. The site is currently divided up into fields by a number of dry-stone walls, which are known to provide a habitat for a variety of plant and animal species due to their ability to provide a range of temperatures, levels of light and degrees of water saturation in close proximity, as well as helping to provide a conduit along which wildlife can move from one area to another.
- Wood Royd Road is already a very busy road in comparison to its width, and feeds onto Carr Road, a major local road which is even busier, particularly at peak times. The applicant's own assessments concede that the development of this site would lead to a considerable increase in vehicle movements to and from the site. It is entirely likely that the majority of these vehicle movements would link to Carr Road in order to connect to the bypass and M1, as this connectivity is suggested as an argument to demonstrate the sustainability of the site by the applicant. This would however exacerbate the problems faced by local people at the congested junction of Carr Road and Manchester Road, near the Vaughton Hill traffic lights, which already cause significant tailbacks in all directions. Unfortunately, the applicant's traffic study was conducted at a time of the day when traffic was at or close to its minimum level.

- Local services such as schools, medical and dental services are full and will struggle to cope with the additional housing which has been built or for which permission has already been granted. The provision of additional houses will cause further strain.
- The approval of this planning application would permit the demolition of a farmhouse which, although not listed by Historic England, predates an 1851 Ordnance Survey map of the local area and has therefore been a fixed part of the local built heritage for at least 170 years. The official guidance for adding buildings to the List, from the Department of Culture, Media and Sport, states that most buildings from 1700-1850 which retain a significant proportion of their original fabric are likely to be considered to hold special interest, and therefore are worthy of consideration for inclusion on the List.
- Very careful consideration must also be given to the stability of the application site, given the history of mine workings in this area. This not only potentially weakens the ability of the surface to bear weight, but also significantly complicates the consideration of issues such as underground drainage.

Councillor Julie Grocott stated that over 30 local residents attended a Stockbridge Town Council meeting to make objections to the above application. In addition to concerns about road safety, the ecology of the site, flooding, safety due to old mine shafts and the demolition of the farmhouse, residents claimed that no planning notices were displayed on the boundary of the site. She also states that, since this meeting, a number of photographs and videos of recent flooding in the area have been submitted, which seems to suggest that flooding starts at Hollin Busk, comes into Fox Glen then across Wood Royd Road and into the site and then into the houses on Haywood Lane.

Councillor Francyne Johnson objected to the development for the following reasons:

- Any additional traffic in this area will have to use Carr Road to gain access to the M1 motorway or get into Sheffield. This is already a congested junction. Putting more vehicles onto this road is not feasible.
- The access road into the proposed site is opposite Armitage Road. The site lines at this point are not safe, due to the incline of the road, parked vehicles and the road being a bus route.
- Local residents in the cottages don't have any alternative but to park on the road. One side of the road does not have a footpath so residents walking out of the proposed development will be walking out onto the road. Bearing in mind the site lines this is not safe.
- The site is currently used for grazing and as such it deals with the water run-off and local flooding from Fox Glenn and Clough Dyke. These two areas do suffer from flooding and have recently caused local houses on Wood Royd Road to flood. This proposed site would increase the flow of surface water, causing problems further down the hillside.
- Not aware of any assessments being carried out on this site with regard to wildlife and protected species of bird and bats, which do inhabit this site. Building will have a detrimental impact on the local wildlife.
- Local amenities such as GP surgeries, dentists and schools are currently under pressure due to demand in the local area. Building more homes without

address these important needs will place a further strain on the already stretched services.

Sheffield and Rotherham Wildlife Trust objected to this application for the following reasons:

- Although the UDP maps date from 1998, they have not been superseded and it is clear that part of the site is currently allocated as open space. It is not clear how the proposed development would be in line with this allocation.
- The Sheffield Core Strategy ‘Policy CS33 Jobs and Housing in Stocksbridge/Deepcar’ says industrial land identified in Stocksbridge/Deepcar as surplus to operational requirements that could still provide employment and business opportunities for local people will be safeguarded for business development. New housing will be limited to previously developed land within the urban area. Opportunities will be taken as they arise to improve the environment of Stocksbridge District Centre and to enable its improvement and expansion when land becomes available. As this application is not on previously developed land, an assessment should be made against this policy.
- Immediate neighbours to site have been able to provide very specific information about a known bat roost. Every summer for several years they have observed bats emerging from the area of the east-facing circular window in Building B4. This roost has not been picked up by the ecological surveyor. Having read the PEAR it looks like there was only one surveyor attempting to survey several low and moderate risk buildings (including B4) during the dusk and dawn surveys. It is not possible for one surveyor to properly survey several buildings on their own in two surveys and it looks like an active, known bat roost was missed on this occasion. As bats are a protected species, all low and moderate buildings, including B4, requires further survey in the summer season by a suitable number of experienced ecologists before any planning decision can be made as the current information is unsound. Further surveys should not be conditioned.
- The PEAR identifies Fox Glen Wood LWS as being adjacent to the application site. It details at Paragraph 5.1.1 that ‘The current proposals include south and south-eastern facing gardens (dwellings 31-40, 44 & 45; ref: Wood Royd Road Concept 01 Site Layout), as such, there remains a risk of introduced species encroaching into this ancient woodland from these gardens. Given this LWS’s proximity to the site, it is advised that some mitigation be put in place to ensure no impacts occur from the influx of additional local residents and potential garden flora escapees.
- As per Natural England guidance (Natural England 2019), a buffer of at least 15m should be maintained between Fox Glen Woods LWS and the development, to prevent root damage. Further mitigation to prevent the encroachment of garden species into the woodland could include the installation of close-board fences on the property boundaries.
- An ecologically sensitive lighting plan will be required to reduce impacts on the LWS if the application is successful.
- The submissions from the Environment Agency, Yorkshire Water and many local residents highlight the role the current open space provides in terms of flood alleviation. Perhaps the site could instead be developed as a natural

flood management site. If the development is to be granted, it is recommended natural swales being part of a SUDS in line with SCC Policy SP47. Also concerned about potential impact of any development on the water levels in Fox Glen Local Wildlife Site.

- If this development was to be granted, then a condition should be that the development should allow the passage of hedgehogs through the site – due to the reduction of the ecological corridor.
- The development would result in the loss of agricultural buildings which may result in the loss of swift habitats. Recommend the inclusion of swift bricks as well as more general bird and bat boxes as mitigation.
- It is recommended that a Construction Ecological Management Plan (CEMP) and Ecological Management Plan be conditioned given the proximity to the LWS.

Second round of consultation:

The majority of the comments state that the revisions do not overcome their initial objections to the proposal to develop the site for housing, particularly with regard to highway safety, loss of open space, flooding and impact on protected species. While some commentators are pleased that the amended proposals now retain the majority of the farmhouse and stone barn, most raise the same issues as referred in the original submitted comments, and as such it is not considered necessary to list them again.

- The proposal to leave the ancient farmhouse and attached barn is a positive but this is negated by the proposal to remove the gable end and part of the living quarters of the house.

Additional comments have been received from Friends of Wood Royd Road and the Campaign for the Protection of Rural England (Peak Park), who did not make comments in the first round of consultation. These are summarised below.

Friends of Wood Royd Road objected to the application for the following reasons:

- There are over 100 objections to this application to build on ancient green fields.
- Wood Royd Farm is one of the original farms along the valley sides that the modified application now plans to retain but demolish its gable end. This constitutes damage to a heritage asset and building on its associated green fields causes significant harm to its natural setting.
- Wood Royd is part of a green link that runs up the hillside and includes Fox Glen Local Wildlife Site and Hollin Busk, that separates Stocksbridge from Deepcar. This application would eliminate the lower part of this green link.
- This application does not accord with Sheffield City Council Policy in relation to using brownfield land first and there are already 3 large housing developments on nearby brownfield land at Fox Valley, Deepcar (Wharncliffe Park) and Oughtibridge.
- Following refusal at Hollin Busk (12 votes to 1) and Wiggan Farm (9 votes to 3), the Planning Committee should maintain a consistent approach on heritage green fields and refuse this application.

- Access to local infrastructure is already strained and this development incorporates no plan to mitigate for the additional demand on services that it proposes to create.
- Traffic on Wood Royd Road is already extremely heavy. When buses come out of Armitage Road onto Wood Royd Road, they block both roads completely because of the tightness of the corner and parked cars. Cars regularly mount the pavements on this corner to avoid buses, causing great danger to pedestrians. The proposed development would perhaps add another eighty-four cars a day into this junction.
- There is a blind hill summit just before the junction and the new road.
- The extra traffic from the development would join Carr Road, a main arterial Road taking traffic from both Stocksbridge and Deepcar onto Manchester Road. It is already backed up in the rush hours and the junction with Manchester Road cannot cope with the number of cars, buses and logging wagons at present.
- The application includes photos which may paint a different picture to the reality faced by the residents and users of Wood Royd Road.
- The site, grassland with bordering woodlands, performs an important natural flood management function absorbing and slowing the flow of water. Whilst this site has been classified as low flood risk, it is surrounded by areas of medium and high flood risk and the value of this site as a natural run off soakaway cannot be overestimated.
- The topography of this site is very steep and it falls away from Wood Royd Road leading water down the hill towards Clough Dike eventually joining the Don. The NPPF states that 'cumulative impacts' in areas susceptible to flooding and the future impacts of climate change must be taken into account when considering development and there is no evidence that the increasing cumulative impacts have been fully considered in the documents attached to this application. The drainage strategy acknowledges this when it states that further investigations are needed to understand the drainage value of the soil and the ways in which development would inevitably change the course of run-off water.
- In mid-January, a matter of weeks ago, a generator was situated metres away from the proposed site on Wood Royd Road pumping water away to prevent flooding to nearby properties. Only one year ago the cottages bordering this site flooded. The culvert on Wood Royd Road runs very deep underground and it regularly blocks and floods. This is an ongoing issue that the Environment Agency is aware of and local Cllrs have been dealing with. Due to the costs of a permanent solution to this problem, work is currently budgeted for by the Environment Agency to take place in 6 years' time, in the meantime it is monitored by Amey who bring in a pump when it is nearing a breach. Adding further flooding pressures to this area for all the reasons outlined would be very unwise.
- The Steel Valley Project have recently completed a £30,000 project to improve the habitat of the local Willow Tit population in the bordering woodland at Fox Glen. The Willow Tit is the UK's most threatened resident bird on the Red List. Willow Tits need very specific wet features in their habitat to survive and thrive, as they nest in soft rotting deadwood. Water run-off from the site fields and the nearby culverts runs into Clough Dike which runs through Fox Glen. Changes to the water levels in this location could be

disastrous for the Willow Tit population and undo all the excellent work and significant investment from the Steel Valley Project.

- Bats are present on the site and are frequently spotted in large numbers. The site includes a number of dry-stone walls, which are a vibrant habitat, allow passage of small animals, and are used as a navigational tool by birds and bats.

The Campaign for Protection of Rural England (CPRE Peak District) are concerned about biodiversity and loss of open green space in this development and therefore wish to object as follows:

- This site is an area of recognised open green space, an 'other local nature site' and part of the Green Links network. It is unclear how this proposed development is consistent with the site allocation and loss of open space. In addition, many of the residents have highlighted a population of bats in the area which hold importance to the local biodiversity of the area. Thus, the proposed development would remove a significant portion and, arguably, some of the last of Deepcar's green spaces.
- Contrary to the applicant's assertion, Sheffield Council has published an up-to-date Housing Requirement assessment and reported on delivery. It does have a 5-year deliverable supply with the necessary margin. Recent delivery exceeds requirement and so is fully policy compliant. There is thus no demonstrable need to build on a recognised Open Space, as per NPPF paragraph 97.
- The saved UDP policies and Core Strategy therefore still have considerable weight where relevant and in line with NPPF, despite the applicant asserting otherwise.
- Thus, there is no overriding presumption in favour of any and all 'sustainable development' when on an allocated Open Space. In the longer term the Council should consider allocating the open space area as a Local Green Space under paragraph 99 of the NPPF. This would also help achieve paragraph 8c of the NPPF (the environmental objectives of sustainable development).
- The proposals are contrary to CS47 and the saved UDP policies as there will be substantial loss of locally cherished landscape, ecological value and biodiversity. The Council are entitled to have regard to this in considering the NPPF whilst weighing the planning balance.
- We very much endorse the objections made by other parties and we urge the Council to refuse the current proposal.

Councillor Julie Grocott states that her previous objections still stand. While welcoming the fact that the farmhouse and barn would remain, the detrimental impact of this development cannot be understated. She also points out that the emerging Sheffield Plan features sustainability and the use of brownfield sites as favoured building areas for the future and that during periods of heavy rainfall, SCC have to bring generators onto the site to pump water away from the cottages to prevent flooding.

## **PLANNING ASSESSMENT**

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:

- i) 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
- ii) 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.

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 13 of the NPPF confirms 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.

In addition to the potential for a policy to be out of date by virtue of inconsistency with the NPPF, paragraph 11 of the NPPF makes specific provision in relation to applications involving the provision of housing and provides that where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer the policies which are most important for determining the application will automatically be considered to be out of date.

As Sheffield can demonstrate a five year housing supply the most important policies in the determination of this application are not automatically considered to be out of date. The most important local policies in the determination of this application, which in this case revolve around housing land supply, highway related impacts, design, amenity, flood risk and landscape impacts.

Set against this context, the development proposal is assessed against the relevant policies in the development plan and government policy contained in the NPPF.

It is considered that the main issues relevant to this application are as follows:

- The Principle of Development – Policy and Land Use.
- Highway Issues.
- Design and Landscaping Issues and Impact on the Character and Appearance of the Surrounding Area.
- Ecology and Biodiversity Issues.
- Flooding/Drainage Issues.
- Effect on the Residential Amenity of Neighbouring Properties.
- Ground Conditions and Coal Mining Legacy.
- Heritage and Archaeology Issues.
- Affordable Housing.
- Sustainability Issues.
- Community Infrastructure Levy (CIL).
- Other Issues.

### The Principle of Development – Policy and Land Use

The application site covers two land use designations, the upper western section of the site (approximately 40%) is situated within a Housing Area and the lower eastern section (approximately 60%) is situated within an Open Space Area as set out on the UDP Proposals Maps. On account of the site's dual designation, it is necessary to assess the application against policies listed within both the Housing and Leisure and Recreation Chapters of the Sheffield Unitary Development Plan (UDP). Consideration is also given to policies in the Sheffield Development Framework Core Strategy (2009) and government policy contained in the NPPF.

The application site would not fall within the definition of previously developed land and would be classed as greenfield since the definition of previously developed land in the glossary to the NPPF excludes land that is or was last occupied by agricultural buildings.

### The Housing Area

In Housing Areas, housing (Use Class C3) is listed as the preferred use under UDP Policy H10. The supporting text to this policy states that housing is preferred in existing housing areas because the areas generally provide adequate living conditions already, and as new housing needs a large amount of land, the release of site's in Housing Areas would reduce demand for building on greenfield sites and open spaces in the built-up area.

UDP Policy H14 sets out conditions that development in Housing Areas are expected to meet. These include at part a), that new buildings are well designed and would be in scale and character with neighbouring buildings, at part c) the site would not be over-developed or deprive residents of light, privacy, and at part d), it would

provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

UDP Policy H15 relates to the design of new housing developments. This policy amongst other things states that new housing will be expected to provide easy access to homes and circulation around the site for people with disabilities, provide adequate private gardens or communal open space to ensure that basic standards of daylight, privacy and outlook are met for all residents

The application should also be assessed against Core Strategy Policies CS23, CS24, CS26 and CS33.

Policy CS23 sets out locations for new housing and says that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. In the period between 2008/09 to 2020/21, the main focus will be on suitable, sustainably located sites within, or adjoining the main urban areas of Sheffield and the urban area of Stocksbridge/Deepcar.

In terms of Policy CS23, notwithstanding the site's open space designation in the UDP, the application site is located within the urban area of Deepcar and therefore would comply with this policy.

Policy CS24 states that priority will be given to the development of previously developed sites and that no more than 12% of dwelling completions will be on greenfield sites between 2004/05 and 2025/26.

Policy CS26 seeks the efficient use of housing land and sets out density ranges that new housing developments should achieve. The density ranges are based on a range of factors but primarily based on the site's proximity to services and public transport. The policy does allow development outside the specified ranges set out within the policy, but only where they achieve good design, reflect the character of an area or protect a sensitive site.

In relation to Policy CS24, the Council's latest figures show that of all housing completions, over 95% of these have been on previously developed sites. The proposal to erect 41 dwellinghouses across the full site would therefore comply with this policy. CS24 is considered to be broadly consistent with government policy contained in the NPPF, where it states in paragraph 117 that policies should set out a strategy for meeting need in such a way that 'makes as much use as possible of previously-developed or brownfield land.' However, while the NPPF actively promotes the reuse of brownfield land, it does not specifically advocate a 'brownfield first' approach.

In relation to Policy CS26, the site is located in an area where a density in the order of 30 to 50 dwellinghouses per hectare should be achieved. This policy is broadly consistent with government guidance contained in the NPPF where, at paragraph 122, it 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. Also at paragraph 123 (part b) where it states that it may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range.

The proposed development of 41 dwellinghouses on this 2.35 hectare site equates to a density of approximately 17.4 dwellinghouses per hectare, which would fall below the desired density range set out in Policy CS26. However, as a large proportion of the site would remain undeveloped due to the physical constraints and sloping topography of the site, as well as the requirement to provide a 15m wide buffer between the development and the adjoining LWS, it is considered reasonable to expect a much lower density on this site, with the lower density better reflecting the character of the area. It is considered therefore that the development would not conflict with Policy CS26.

Policy CS33 relates to jobs and housing in Stocksbridge/Deepcar. It states that new housing in these areas will be limited to previously developed land within the urban area. The development of this greenfield site for housing would therefore be contrary to this policy. However, like CS24, this policy is only broadly consistent with the NPPF and is arguably too restrictive in its aims. While the NPPF actively promotes the reuse of brownfield land, it does not specifically advocate a 'brownfield first' approach and it does not exclude the development of greenfield sites. In this regard CS33 is given less weight.

In terms of the part of the development site that is located entirely within the Housing Area therefore, it is considered that there are no substantive policy objections against the erection of new housing. As previously stated, the Council is currently achieving over 95% of all housing completions on previously developed sites, and as such would not conflict with Core Strategy Policy CS24. It is considered that the proposed density range does not conflict with Policy CS26, given local circumstances. It is also considered that, while the development conflicts with Policy CS33 in relation to new housing being limited to previously developed land within the urban area, CS33 carries reduced weight in the planning balance as described above.

As such, the principle of developing the western part of the site for housing is considered to be acceptable.

#### The Open Space Area

The majority of the application site (approximately 60%) is situated on land that is designated an Open Space Area. The land is currently in agricultural use and is primarily used for grazing.

The relevant development plan policies in respect of the development of open space are UDP Policies GE7, LR5, and LR8, and Core Strategy Polices CS47 and CS72.

Policy GE7 of the UDP is concerned with the protection of the rural economy and agriculture. The permanent loss of the best and most versatile agricultural land should not be permitted, and neither should development that seriously harms agricultural activities or the viability of a farm. More up to date policy in the NPPF

(paragraph 170) requires the wider benefits of natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land - to be recognised.

Footnote 53 of the NPPF clarifies that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The best and most versatile agricultural land lies in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The weight attributed to GE7 is reduced as a result of the more flexible approach advocated by the NPPF.

The site covers an area of approximately 2.35 hectares, the vast majority of which are pastoral fields for the grazing of sheep. While the development would remove the land from agricultural use, given the location of the site, which is surrounded by development on three sides, it is not considered that the retention of the land for agricultural use can be justified. The applicant has confirmed that the land no longer forms part of any operational agricultural unit and has not been commercially farmed from the site and existing buildings for at least two generations. The outbuildings on site are not in agricultural use and the barn is being used for domestic storage purposes only. The land is occasionally used by a friend of the applicant to graze sheep, not for financial gain or remuneration, but as a favour and to maintain the appearance of the site. The economic impact of the loss of the site is therefore low and to an extent counterbalanced by the economic benefits derived from the proposed development. Furthermore, as the land is grade 4 (poor quality) in accordance with the ALC, the development would not result in the loss of the best and most versatile agricultural land that the NPPF seeks to protect.

There are no policy objections to the loss of the outbuildings and area of grazing land.

UDP Policy LR5 relates to development in Open Space Areas and lists a number of criteria where development will not be permitted. These include, where the development would:

- cause damage to mature or ancient woodland or result in a significant loss of mature trees.
- significantly detract from the green and open character of the Green Network.
- make an open space ineffective as an environmental buffer.
- result in over-development or harm the character of an area.
- harm the rural character of a wedge of open countryside.
- the proposed use would be incompatible with the surrounding land uses.

Open space is defined within the UDP as ‘a wide range of public and private areas’. This includes parks, public and private sports grounds, school playing fields, children’s playgrounds, woodland, allotments, golf courses, cemeteries and crematoria, nature conservation sites, other informal areas of green space and recreational open space outside the confines of the urban area. On the Proposals Map, areas over 0.4 hectares are normally defined as Open Space Areas or are included in the Green Belt.

The application site is part of a privately owned area of open countryside. It is used as grazing land and is not accessible to the public. The site's value to the local community is the visual amenity afforded by its open character and appearance from public vantage points located outside the site, along with views from private residential properties. As the site has no public access, the visual amenity afforded by its open character can only relate to views over it from surrounding vantage points.

Turning to the consistency of UDP policy LR5 with the NPPF, the key issue to consider is whether an area of inaccessible land, allocated as open space but valued only for its visual amenity from public vantage points outside the site, falls within the definition of open space in the NPPF annexe. The second issue leading from this is whether NPPF paragraph 97 applies; this relates to open space.

The NPPF annexe defines open space as: 'All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity'. The use of the word 'and' indicates that the site has to offer an important opportunity for sport and recreation and if it does, it can also make a contribution to visual amenity i.e. visual amenity itself is not a reason for it being classed as open space. The site has no public access and does not provide any opportunities for sport or recreation.

Visual amenity is not a standalone function of open space as per the NPPF annexe definition and NPPF paragraphs 96 and 97 which relate to open space cannot apply to land valued only for visual amenity.

Furthermore, NPPF paragraph 97 cannot apply to land primarily safeguarded for its visual amenity because open space protected for its visual amenity could never be deemed surplus to requirement (NPPF paragraph 97a) or be replaced by equivalent or better provision (NPPF paragraph 97b). Therefore, the protection of land for visual amenity alone is not consistent with the open space policies of the NPPF.

On this basis, it is considered that UDP Policy LR5 goes beyond the requirements of the NPPF and any element of it relating to the protection of open space for visual amenity alone is not consistent with the NPPF and can only carry limited weight.

As policy LR5 forms part of the statutory Development Plan, the application is still assessed against its criteria below but within the context that this policy can only be given limited weight in the decision making process.

While the proposal involves the loss of open fields, it is not considered that it would conflict with the broad list of conditions in policy LR5 which restricts development in open space areas. The development would not cause damage to mature or ancient woodland, or result in a significant loss of mature trees across the site. The development would not cause damage to a nature conservation site, with the amended indicative plan incorporating a buffer (minimum distance of 15m) between the site and the adjacent local wildlife site. The site is not of such quality that it is of city-wide importance and it would not be overdeveloped, as the built form including

gardens and roads represents about 60% of the total site area, with the remaining area laid as a central open green space, wooded margin and buffer zone. Moreover, owing to its location within the built-up area of Deepcar, the development would not harm the rural character of a wedge of open countryside.

UDP Policy LR8 relates to development in local open spaces and details that development will not be permitted, where it would involve the loss of recreation space which: i) serves a Housing Area and where provision is at or below the minimum guidelines; ii) is in an area where residents do not have easy access to a Community park; or iii) provides a well-used or high quality facility for people living or working in the area.

Policy LR8 is not considered to be applicable with respect to this application since this policy relates to the loss of recreation space. The site is not used for recreational or leisure purposes, but instead is in use for the grazing of animals for agriculture.

Core Strategy Policy CS47 seeks to safeguard open space by restricting development in instances where there would: a) be a quantitative shortage of either informal or formal open space in the local area; b) it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value; c) it would deny people in the local area easy or safe access to a local park or to small informal open space that is valued or well used by people living or working in the local area; or d) it would cause a break in the city's Green Network.

As Policy CS47 relates to specifically to the 'Safeguarding of Open Space', and the application site does not fit into any of the formal or informal categories of open space defined in paragraph 9.26 of the Core Strategy (outdoor sports facilities, parks, accessible green spaces and countryside and areas for informal recreation etc), Policy CS47 cannot therefore apply to the application and the scheme cannot be assessed against it.

Core Strategy Policy CS72 relates to protecting countryside not in the Green Belt. It says that the green, open and rural character of areas on the edge of the built-up areas but not in the Green Belt will be safeguarded through protection as open countryside, including at part d), south of Stocksbridge (at Hollin Busk).

Policy CS72 does not make specific land allocations and protects countryside for its own sake i.e. it is a restrictive policy and in effect places an outright bar on development in the countryside. It was adopted within a national planning policy context of restriction where there was sufficient land for housing within the district and additional housing land did not need to be found.

The policy approach in CS72 is not consistent with the NPPF, which does not protect countryside for its own sake (i.e. it does not impose outright restrictions on development in countryside) but instead requires that all decisions recognise the intrinsic character and appearance of the countryside.

On this basis, it is concluded that policy CS72 goes beyond the requirements of the NPPF and can only carry limited weight.

However, as policy CS72 forms part of the statutory Development Plan, the application is still assessed against it but within the context that any conflict can only be given limited weight in the decision making process.

Policy CS72 relates to countryside situated on the edge of built-up areas. Unlike land at Hollin Busk, the application site is contained by built development on three sides and is not open countryside or land that is situated on the edge of the built-up area.

Officers acknowledge that the application site is highly valued by local residents and recognise the ecological and environment benefits of open spaces within built up areas. As set out within the supporting text to UDP Policy LR4, Sheffield is a relatively green city, reflecting both its topography and historical development. It goes on to say that open spaces are an important part of the character of Sheffield and enhance the quality of urban life.

The UDP also recognises that because these areas are not built on, they are subject to many pressures from development, particularly those which are in private ownership. Many open spaces contain valuable wildlife, geological and archaeological sites, or are part of the Green Network, with the most valued including long established parks, sites that contain mature or ancient woodland and those that provide an important contribution to the setting of a listed building.

Whilst the application site provides some ecological and environmental benefits discussed further below, it comprises of low quality agricultural land (grade 4) which is not publicly accessible and so cannot be used for either recreation or sport by people living or working in the area. The site therefore fails to meet the purposes of open space areas as defined in the NPPF, and the categories of open space defined in paragraph 9.26 of the Core Strategy, and its protection cannot be justified when assessed against government policy in this regard.

However, the development of the site for housing would, as proposed, include provision of an enhanced and publicly available open space area (approximately 2750 square metres), a wooded margin of 5,500 square metres and would be adequately set back from the LWS to prevent any adverse effects on this established woodland and its ecological and environmental value. The overall built up area, including private gardens, would amount to approximately 60% of the site area, with the remaining land laid out as formal and informal open space.

#### Housing Land Supply

Chapter 5 of the NPPF relates to delivering a sufficient supply of homes and states at paragraph 59 that, to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land comes forward where it is needed.

Paragraph 73 of the NPPF expects local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing.

The Council, as of December 2020, is able to demonstrate a 5.4 year supply of deliverable housing sites. However the delivery of up to 41 houses on this site would make a valuable contribution to the delivery of housing in the city, to which it is considered weight should be given in the planning balance.

### Highway Issues

The NPPF (paragraphs 102 to 111) promotes sustainable transport. Paragraph 109 makes it clear that 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.

Core Strategy Policy CS51 relating to the strategic priorities for transport includes maximising accessibility, containing congestion levels and improving air quality and road safety. Policy CS53 relating to the management of demand for travel includes implementing travel plans for new developments to maximise the use of sustainable forms of travel and mitigate negative impacts of transport, particularly congestion and vehicle emissions.

UDP Policy H14 part (d) requires development to not endanger pedestrians, provide safe access to the highways network and appropriate off-street parking. Policy H15 (Design of New Housing Developments) identifies that easy access to homes and circulation around the site for people with disabilities or with prams should be provided.

The local plan policies are considered to align with the NPPF.

Outline planning permission is sought for up to 41 dwellinghouses, with all matters reserved except for access.

Wood Royd Road is a single carriageway road subject to a 30mph speed limit. The existing access to the site comprises of a narrow farm track set between two stone pillars located to the south of no.s 9-11 Wood Royd Road. In the vicinity of the site, several residential properties on both sides of the carriageway have direct driveway access and in many cases residents have to reverse out into the carriageway due to the lack of on-site turning.

There are no parking restrictions along Wood Royd Road in the vicinity of the site and many residents park on-street, in particular along the western edge of the carriageway where there is a continuous footway. On the eastern side of the carriageway there is a long gap in footpath provision to the north of the site access.

The proposed site access measures 5.5 metres in width, in order to allow two cars to pass and refuse vehicles to enter the site, with 1.8 metres wide footways provided on either side. The footway would tie into the existing provision to the south of the site, and then be extended along the site frontage to the north.

The centreline of the proposed access has been positioned 20 metres to the north of the Wood Royd Road and Armitage Road junction, in accordance with Section B.3.1 of the South Yorkshire Residential Design Guide, on streets with design speeds over

20mph, where the minimum junction spacing is 40 metres for same side junctions and 20 metres for opposite side junctions.

By demolishing part of the barn, as amended, the proposed access achieves a visibility splay to the north of 2.4 metres by 41 metres, 1.3 metres off-set from the channel, and 2.4 metres by 43 metres to the south. The brow of the hill on Wood Royd Road is sufficiently far north to have no bearing on the available visibility from the site access.

Objectors have raised the issue of existing on-street parking effectively reducing the width of Wood Royd Road to single-file traffic, and of parked cars potentially obstructing visibility to and from the proposed site access.

As mentioned above, on-street parking to the north of the proposed junction occurs on the western side of Wood Royd Road. As there is not the width to park on both sides of the road (and there is no footway on the eastern side), sightlines to and from the proposed site access to the north will be generally free from obstruction. To the south of the proposed site access, the on-street parking flips to the eastern side of Wood Royd Road. Vehicles leaving the development site would be able to edge towards the centreline in the road to optimise the view of oncoming traffic before fully pulling out safely.

Recorded personal injury accidents have been reviewed for the past 5-year period. One slight injury was sustained during that timeframe, at the junction of Carr Road with Wood Royd Road (150 metres south of the development site). It involved three vehicles, but no vulnerable road users. All accidents are regrettable, but no personal injury accidents have occurred in close proximity to the development site. There have been no personal injury accidents recorded at the Armitage Road junction.

The application site is situated within the residential conurbation of Deepcar and a good range of facilities are available within walking distance. The document titled 'Providing for journeys on foot' published in the year 2000 by The Institute of Highways and Transportation quotes 'acceptable' and 'maximum' walking distances to different types of destination. For schools, the distances are 1000 and 2000 metres respectively (acceptable and maximum). Stocksbridge High School is 1700 metres away. Deepcar St John's Junior School 500 metres away.

Deepcar Medical Centre is 450 metres away, a similar distance for groceries, takeaways and a newsagents. There is a children's playground 120 metres away and there are bus stops within easy walking distances for service numbers 23/23a, 57 and SL1/SL1a.

Objectors also raised concerns about the volume of traffic likely to be generated by the development and the ability of the local highway network to accommodate any increases.

Trip generation from the development (based on 42 houses) was derived from TRICS, which predicted 5 arrivals and 13 departures (18 two-way trips) during the

weekday morning peak 0800 to 0900 hours, and 13 arrivals and 8 departures (21 two-way trips) during the weekday evening peak of 1700 to 1800 hours.

Officers agreed with objectors that these flows seemed an under-estimation of the likely generation so they were assessed against background survey work for a recent residential development on the edge of Stannington serving 84 family houses, where the surrounding neighbourhood has similar characteristics to the application site.

The survey found that the peak hour two-way trip rates were 24% higher than the TRICS data contained in the Transport Assessment. While officers are currently unable to undertake any comparator surveys close to the Deepcar application site (as they wouldn't be representative), applying the 24% increase from Stannington to the 41 houses in Deepcar would give 22 two-way trips during the morning peak and 26 two-way trips during the evening peak. These are still low flows and would not materially impact on the circulation of traffic on the local highway network.

Considering the above, and as this is an outline planning application dealing only with the principle of access, from a highway perspective there are no substantive objections to the development of the site for up to 41 dwellings subject to the imposition of conditions to secure necessary highway improvements and visibility splays.

#### Design and Landscape Issues and Impact on the Character and Appearance of the Surrounding area

Chapter 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development, which creates better places in which to live and work. Paragraph 127 states that, amongst other things, planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The relevant policies of the development plan in respect of design and layout of new housing development are UDP Policies BE5, H14, and H15 and Core Strategy Policy CS74.

Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings and that designs should take advantage of the site's natural features.

UDP Policy H14 relates to conditions in Housing Areas, and at part (a), states that new buildings should be well designed and in scale and character with neighbouring buildings.

UDP Policy H15 relates to the design of new housing developments and amongst other things states that ease of access to homes and circulation around the site for people with disabilities and prams will be expected, as would adequate private

gardens to ensure basic standards of daylight, privacy and outlook for all residents.

Core Strategy Policy CS74 (Design Principles) expects high-quality development that respects, takes advantage of and enhance the distinctive features of the city, its districts and neighbourhoods including, at part (c), the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

Within the vicinity of the site entrance, the character of the area is one of traditional two-storey stone housing. Although there is some variation across the wider area, the predominant material is coursed local gritstone that in most instances has darkened as a result of years of pollution.

As stated, the application has been submitted in outline, with all matters reserved except for access. Matters of appearance, siting and design will therefore be subject to a separate Reserved Matters application. Nevertheless, as part of this outline application, the applicant has submitted a Design Guide and indicative layout drawings that would provide a clear steer of how the site could be developed.

The site would be accessed from Wood Royd Road to the southern side of the now retained farmhouse. The site's existing single storey farm buildings would be demolished.

The main access road would extend in a eastwardly direction through the central part of the site, following the upper edge of the adjacent woodland then arching in a northerly direction towards the north-eastern edges of the site. From the main access road, two secondary access roads would branch off to form two smaller cul-de-sacs, the first in a southward's direction serving eleven dwellinghouses (Plots 31-41) and the second in a northerly direction serving fifteen dwellinghouses (Plots 07-21). The layout also includes a green corridor running north-south, the purpose of which is to help manage the layout given the sloping topography of the site whilst creating an attractive setting for the new homes. The layout plan shows the central green corridor would cover an area of 2,750 square metres, the wooded margin some 5,500 square metres, and the 15m buffer zone some 1,390 square metres.

As set out in the Design Guide, the proposed layout seeks to respect and positively respond to the site's existing landscape, particularly the heavily wooded boundaries that provide an attractive woodland fringe to the east and south. To protect the woodland, the houses along the southern boundary would be positioned not less than 15m from the woodland edge and further planting is proposed along the site's northern and eastern boundaries.

The proposal includes a mixture of detached and terraced housing. The house types are envisaged to be traditional in form, principally 2-storey in height with pitched roofs not less than 30 degrees.

In terms of materials the Design Guide states that the secondary access roads would be surfaced in permeable block paving. The houses would be constructed largely using local coursed stone, with stone heads and cills, factory finished timber windows and doors and be roofed with natural blue slate. Boundary walls would be

natural stone to match the houses. It is envisaged that stone salvaged from the removal of the natural stone field boundaries would be reused as boundary walls and landscaped features within the public realm.

The front section of the existing farmhouse (approximately 4m) would be demolished, in order to achieve improved sight-lines to Wood Royd Road, and the materials used extended to its eastern side. Works to the farmhouse and adjoining barn would be subject to a full planning application as they fall outside the scope of this outline application.

It is considered that the site can reasonably accommodate up to 41 dwellinghouses with a range of house types that would sit comfortably within the context of the site and not unduly harm the character of the surrounding area.

The use of natural stone and slate is welcomed as is the careful treatment of the site's boundaries and incorporation of an open space area and landscaped buffer to provide a soft edge to the adjoining woodland.

It is considered therefore that development would therefore comply with Policies BE5, H14 (a) and H15, and Core Strategy Policy CS74.

#### Ecology and Biodiversity Issues

Policy CS74 of the Core Strategy expects high-quality development that respects and enhances the distinctive features of the city including its Green Networks, important habitats, waterways, woodlands, and other natural features.

Policy GE11 of the UDP seeks to protect and enhance the natural environment and promote nature conservation. UDP Policy BE6 requires new development to provide a suitable landscape scheme with regards to new planting and/or hard landscaping and details of existing vegetation that is to be removed or retained.

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, mitigating harm and providing net gains in biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

It is considered that the local policy aims of protecting and enhancing ecology are compatible with the Framework and therefore retain substantial weight.

The site has been subject to a Preliminary Ecological Appraisal Report (PEAR) which identified that it comprises largely of poor semi-improved grassland.

The survey found that the existing trees on site had negligible potential for roosting bats and of the ten buildings on site, including the farmhouse and barn, three were classified as having moderate bat roosting habitat potential, five low and two negligible. During nocturnal bat surveys carried out on site (one dusk emergence and one dawn re-entry survey), no bats were recorded roosting at the site, with the author of the report stating that the surveys indicate that bat roosting is not actively taking place. The report does however advise that due to the transient nature of bat

roosts, works should take place within 12 months of the survey (which has now passed) otherwise two further nocturnal surveys of the buildings with moderate potential should be carried out prior to any demolition work. No evidence of the roost in the barn referred to by objectors was found, but the barn is now being retained in accordance with the amended scheme.

No nesting bird activity was recorded during the survey; however it is possible that the site will support active bird's nests during the bird nesting period. The Wildlife and Countryside Act gives general protection to wild birds and it is illegal to disturb wild birds while they are nesting.

Though the habitats on site are suitable for reptiles none were recorded, and there were no badger setts or field signs observed during the survey.

The report identifies the importance of Fox Glen Woods LWS, which is designated for its ancient woodland, and notes that nearby south and south-east facing gardens risk introduced species encroaching into the ancient woodland. It recommends that a 15m buffer be maintained between the LWS and the proposed development in line with Natural England guidance (2019). The revised scheme features a 15m landscape buffer between the development and the LWS as recommended.

SCC Ecologists have confirmed that they are generally satisfied with the report's findings and that the application does not raise any specific constraints from habitat values in respect of the proposed development.

In relation to biodiversity net gain (BNG), as this is an outline application with all matters (except for access) reserved and there is no agreed layout from which to calculate habitat loss, it is considered necessary to condition baseline BNG calculations and assessment and for these to be delivered at reserved matters stage, along with follow up protected species and reptile surveys.

With appropriate mitigation measures, it is considered that any effect on protected species and habitats as a result of the development would not be significant.

### Flooding/Drainage Issues

UDP Policy GE17 relates to rivers and streams. It states that as part of the development of the Green Network, all rivers and streams will be protected and enhanced for the benefit of wildlife and, where appropriate, for public access and recreation. This includes not permitting the culverting of any river or stream unless necessary and setting back new development to an appropriate distance from the banks of rivers and streams to allow for landscaping. The UDP defines an appropriate distance as being 8 metres in the case of major rivers and streams.

Core Strategy Policy CS 67 (Flood Risk Management) seeks to reduce the extent and impact of flooding by requiring all developments to significantly limit surface water run-off, to use Sustainable Drainage Systems (SuDS) or sustainable drainage techniques, and to ensure that any highly vulnerable uses are not located in areas at risk of flooding.

These development plan policies are broadly consistent with government policy contained in NPPF which states, at paragraph 155, that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

The application was accompanied by a Flood Risk Assessment (FRA) which states that the application site is in Flood Zone 1 (at low risk of flooding from fluvial and tidal sources) and there are no open watercourses located within the site area.

Clough Dike, a main river, flows adjacent to the site's south-eastern site boundary and flows underground in two culverted sections. This culvert is a masonry structure with a stone slab soffit which is approximately 5m below ground at the upstream-end and 20m below ground at the downstream-end.

The FRA shows that the site is generally unaffected by surface water flooding. However, there is an overland flow path originating from an off-site area along Armitage Road, to the west of the site boundary, which crosses the site in a north-easterly direction. The LLFA also commented that recent incidents of flooding in the area caused by the exceedance of Clough Dyke confirm that overland flow routes do impact on the site.

The FRA states that based on the underlying geology, hydrogeology and soils, it is anticipated that the site has limited potential for infiltration, although this would need to be ascertained through testing. In addition to the soil composition, owing to the steep fall in levels across the site, the use of infiltration features such as soakaways is likely to be limited.

An attenuation-led drainage strategy is therefore proposed by the applicant, with SuDS features to capture, contain and convey surface water run-off to an appropriate and available discharge receptor. The FRA details that the proposed layout would allow the conveyance of surface water across and from the site, that the surface water drainage strategy for the proposed development would include measures for the management of impacts on the surface water run-off regime, and that the drainage strategy could also be used to help manage the surface water flood risk.

The surface water drainage strategy provided for the proposed development adheres to the sustainable drainage hierarchy and also incorporates sustainable drainage systems (SuDS). Although not established at the moment, if a surface water drainage connection from the site to Clough Dike could be achieved, then a discharge into this watercourse at an attenuated rate is suggested. If this is not possible, the FRA suggests a drainage connection from the site to one of the surface water sewers in the area.

The FRA states that, with the incorporation of a sustainable surface water drainage strategy, the proposed development can manage the quantity and quality of surface water runoff. Options for the discharge receptors have been identified and considered in accordance with the sustainable drainage hierarchy and further consultation and detailed design would be required for the discharge receptor at detailed stage. The FRA also recommends that the finished floor levels of buildings

should be elevated above surrounding ground levels by at least 150mm.

The Environment Agency (EA) initially stated that the FRA was unacceptable and did not adequately assess the development's flood risk. The FRA failed to identify the exact location of the Clough Dike culvert and no details were provided to ascertain whether the proposed development would increase the loading on the culvert structure.

The applicant sought to address the concerns raised by the EA and submitted further information regarding the location of the culvert, including photographs showing its entry and exit points. These photographs indicate that the culvert runs to the south and outside the boundary of the site. In response to the additional information provided by the applicant, the EA withdrew their objection subject to a condition requiring that no development take place within 35m of the Clough Dike Culvert.

Yorkshire Water have recommended that if granted, conditions be imposed that include no building or other obstruction be located over or within 4m either side of the centre line of the public sewer, the use of separate systems of drainage for foul and surface water on and off site, and that no piped discharge of surface water from the development be allowed until the completion of surface water drainage works.

The LLFA has confirmed that the proposed range of SuDS techniques are acceptable, subject to arrangements for the management of all surface water infrastructure.

While the development would lead to the hard surfacing of a large proportion of the site, a detailed drainage scheme should ensure that there are no significant harmful impacts from surface water run-off. The proposal is therefore acceptable in principle from a drainage perspective.

#### Effect on the Residential Amenity of Neighbouring Properties

UDP Policy H14 (c) expects sites not to be overdeveloped or development to deprive residents of light, privacy or security and, at part (k), to not lead to air pollution, noise, smell, excessive traffic levels or other nuisance for people living nearby. This is reflected in paragraph 127(f) of the NPPF, which states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

As the application has been submitted in outline with all matters reserved except for access, the applicant has only submitted an indicative plan of how the site could be developed to accommodate 41 dwellinghouses.

The properties likely to be most affected by the development include a small group of dwellinghouses that are situated to the north and south of the existing farmhouse. However, the indicative plan shows that appropriate garden sizes and privacy distances can be achieved that would comfortably accord with the guidance contained in the SPG Designing House Extension. A more detailed assessment of amenity issues will be carried out at reserved matters stage when the proposed

layout, scale and external appearance of development is known.

No. 17 Wood Royd Road lies to the southern side of the proposed access road and has ground and first floor windows within its side elevation facing the access road. The residents of this property would experience some increased noise disturbance resulting from the increased use of the reconfigured access road, however it is considered that the impact would not be so significant as to warrant a refusal on amenity grounds. A distance of approximately 7m would be maintained between the side elevation of no.17 and the nearest part of the vehicular access, which together with appropriate acoustic boundary treatment and/or planting should prevent any significant noise disturbance over and above that already experienced from traffic on Wood Royd Road.

Based on the above, it is considered that the development would not significantly impact on the residential amenity and living conditions of neighbouring properties.

#### Ground Conditions and Coal Mining Legacy

The application site is situated within a Development High Risk Area for former coal mining activities, meaning that an assessment needs to be undertaken to establish whether there are coal mining features and hazards which may impact on the proposed development.

The application was accompanied by a Coal Mining Risk Assessment (CMRA) which explains that the risks to the proposed development would stem from coal seams being worked at shallow depth and the presence of a recorded mine entry. The report recommends that intrusive investigations be carried out in the form of trial pit/rotary boreholes in order to establish the depth and conditions of any coal seams, as well investigate the exact location and condition of the on-site mine entry.

The Coal Authority has stated that they agree with the recommendations of the report in that there is a potential risk to the development from former coal mining activity as well as from mine gas. The Coal Authority has stated that they have no objection subject to the imposition of conditions that require intrusive site investigations to be carried out, and if necessary remedial/mitigatory measures to ensure that the site is, or can be made safe and stable for the proposed development.

The Council's Environmental Protection Service (EPS) confirmed that the application site shares a boundary with adjacent land that has been identified as potentially contaminated due to a former use as a quarry and brick works. The site is also in close proximity to other areas identified as potentially contaminated due to its former use as a quarry (presumed infilled) and historic landfill sites. Additionally, as the site falls within an area known for former coal mining activities, there is potential for the presence of contaminants and/or ground gases which could impact upon human health and/or the environment.

It is therefore considered necessary for the full suite of land contamination conditions to be attached in the interests of remediating any known or found contamination on site.

## Heritage and Archaeological Issues

Paragraph 189 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It goes on to say that when weighing up proposals that directly or indirectly affect non-designated heritage 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 applicant submitted a Heritage Impact Assessment (HIA) which was updated during the course of the application in response to comments received from South Yorkshire Archaeological Service (SYAS) and the decision of the applicant to retain the two-storey stone barn that was initially proposed to be demolished,

The HIA states that the site does not include any designated heritage assets, and does not lie within a designated area or within the setting of any designated heritage assets.

Wood Royd Farm is a linear farmstead that dates from the late 18<sup>th</sup> century. The HIA found that the main range has retained its overall structural form but has undergone considerable repair and extension over its lifetime. The outbuildings are deemed to be of limited interest. It goes on to say that there is moderate potential for the proposed development to impact upon archaeological remains within the site, with these likely to be associated with the 18<sup>th</sup> and 19<sup>th</sup> century mining and farming activities.

The HIA concludes that the development will result in the partial loss of the linear farmstead and associated outbuildings, which would amount to a minor degree of harm to the architectural and historical interests of Wood Royd Farm. The report also states that there would be a moderate to high degree of harm to the ability to experience the architectural and historic interest of Wood Royd Farm through the development of the open pastoral fields.

It is accepted that there would be some minor harm to the significance of the farmhouse, a non-designated heritage asset, as a result of the loss of the front section of the building in order to achieve improved sight lines at the site entrance. However, it is considered that this would not diminish the integrity or character of the building. It is also considered that, while the open pastoral fields associated with the former farmstead offer a degree of historic association, this does not justify retention of the land at the expense of developing the site for housing.

The South Yorkshire Archaeology Service has recommended that their standard condition be attached to any grant of outline permission that sets out a strategy for archaeological investigation in the form of a Written Scheme of Investigation (WSI).

Subject to this being attached, it is considered that the requirements of Paragraphs 189 and 197 of the NPPF would be met.

### Affordable Housing

Core Strategy Policy CS40 expects developers of housing developments in all parts of the city to contribute to the provision of affordable housing, where practicable and financially viable. Guideline GAH3 of the CIL and Planning Obligations Supplementary Planning Document (December 2015) sets out circumstances where the Council may accept a commuted sum in lieu of an on-site contribution, for instance, where significantly more affordable housing of a high quality could be provided in the local area through off-site provision.

In the Stocksbridge/Deepcar Affordable Housing Market Area it has been shown that 10% affordable housing is viable on the majority of sites, and is therefore the expected developer contribution for this part of the city.

The application was accompanied by an Affordable Housing Statement that details that the applicant is agreeable to the provision of affordable housing in accordance with development plan policy and within the definition of Annex 2 of the NPPF subject to an independent viability assessment when details are confirmed.

The mechanism for securing the provision of affordable housing cannot be done by planning condition, and instead must be secured by legal agreement. The applicant has therefore agreed to enter into a legal agreement with the LPA in order to secure the delivery of 10% affordable housing provision, and has provided officers with a draft legal agreement.

The Council's Strategic Housing Section has confirmed that, based on the 10% contribution rate, this would equate to four affordable units, and recommends on-site provision of one 2-bed, two 3-bed and one 4-bed units for Affordable Rent (the tenure which the current transfer rate is based on).

### Sustainability Issues

A Sustainability Statement was submitted with the application which sets out the requirements of Core Strategy Policy CS65, including the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

The Sustainability Statement states that it is not possible to identify detailed measures to ensure how the 10% requirement would be delivered, although it does say that this is expected to be achieved through the use of solar panels/photovoltaics cells. The requirements of Core Strategy Policy CS65 can be

secured by planning condition.

The application site is situated in a sustainable location with a range of shops and services within walking distance. A regular bus service runs along Carr Road.

### Community Infrastructure Levy

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

The site falls within CIL Charging Zone 3 (north west). Within this zone there is a CIL charge of £30 per square metre.

### Other Issues

Environmental Protection Service (EPS) advises that the development is of a scale that would warrant a Construction Environmental Management Plan (CEMP) to manage and minimise local impacts on amenity and other environmental impacts. The content of the CEMP, which is secured by condition, would place a restriction on working hours (0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturday) as well as controls over noise and dust emissions.

EPS also advise that good acoustic design should be informed by an Initial Site Noise Risk Assessment, as per the best practice guidance contained in PPG: Planning & Noise (May 2017). These matters can also be secured by planning condition.

## HEAD OF TERMS

The applicant will enter into an agreement with the Council to secure the delivery of affordable housing equivalent to 10% of gross floor space of total number of units

## SUMMARY AND RECOMMENDATION

The application relates to Wood Royd Farm, a former farmstead and adjoining fields that are situated to the east of Wood Royd Road in Deepcar.

The application site is situated within both a Housing Area and Open Space Area as set out on the Sheffield Unitary Development Plan Proposals Map.

Outline planning permission is being sought to erect up to 41 dwellinghouses, with all matters reserved except for access.

As amended, the proposal includes the partial demolition of the farmhouse and the retention of the adjoining stone barn.

The principle of erecting housing within the designated Housing Area is acceptable

and there is no policy objection to development on the greenfield land given the Council is currently achieving over 95% of all new house completions on brownfield sites.

In relation to the erection housing within the designated Open Space Area, it has been found that the development would not conflict with UDP Policy LR5, and that LR5 can only be given limited weight as the elements of it relating to the protection of open space for visual amenity alone are not consistent with the NPPF.

Policies LR8 and CS47 are not considered to be applicable with respect to this application since LR8 relates to the loss of recreation space, the site is used for grazing, and application site does not fit into any of the formal or informal categories of open space defined in the Core Strategy.

Policy CS72 relating to countryside situated on the edge of built-up areas goes beyond the requirements of the NPPF and can only carry limited weight, but in any case the proposal doesn't conflict with it because the application site is contained by built development on three sides and is not open countryside or land that is situated on the edge of the built-up area.

The proposals would provide an enhanced area of open space of some 2,750 square metres within the development site, as well as a landscape buffer that would ensure minimal impact on the adjoining local wildlife site.

It is considered that the development would not result in unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe.

There are no policies of restriction within the NPPF which set out a clear reason for refusing consent and NPPF paragraph 11di) is not therefore triggered by the application proposals.

Whilst a number of local plan policies carry reduced weight, the majority of the most important local polices in the determination of this application, which in this case revolve around housing land supply, highway related impacts, design, amenity, flood risk and landscape impacts, do, when considered as a collection, align with the NPPF. As such the tilted balance set out in section dii) of paragraph 11 is not applied in this instance.

It is therefore recommended that outline planning permission is granted conditionally and subject to a legal agreement.

# Agenda Item 7b

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Case Number	20/03663/FUL (Formerly PP-09160482)
Application Type	Full Planning Application
Proposal	Erection of 15 storey tower containing 103 no. 1-3 bed apartments with swimming pool and gym at ground floor level, landscaped podium deck at level 1, vehicle parking beneath and associated landscaping
Location	Site Of Former Forte Posthouse Hotel Manchester Road Crosspool Sheffield S10 5DX
Date Received	20/10/2020
Team	South
Applicant/Agent	Axis Architecture
Recommendation	Grant Conditionally Legal Agreement

## 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:

24072-000-RevA (Location Plan) published 11 Feb 2021  
24072-(01)03-RevJ (Site Plan) published 11 Feb 2021  
24072-(02)00-RevR (Site plan of Level 0) published Oct 2020  
24072-(02)00-01-RevH (Site plan of Level 0) published Oct 2020  
24072-(02)00-02-RevG (Tower Car Park) published Oct 2020  
24072\_(02)01-01-REVG (Site plan of Level 0) published Oct 2020  
24072\_(02)01-02-REVH (Tower car park) published Oct 2020  
24072\_(02)T0-PL-RevG (Floor plan level 0) published Oct 2020  
24072\_(02)T1-PL-RevF (Floor plan level 1) published Oct 2020  
24072\_(02)T2-PL-RevE (Floor plan level 2) published Oct 2020

24072\_(02)T3-PL-RevB (Floor plan level 3) published Oct 2020  
24072\_(02)T4-PL-RevB (Floor plan level 4) published Oct 2020  
24072\_(02)T5-PL-RevB (Floor plan level 5) published Oct 2020  
24072\_(02)T6-13-PL-RevD (Floor plan level 6-13) published Oct 2020  
24072\_(02)T14-PL-RevA (Floor plan level 14) published Oct 2020  
24072\_(03)01.02-RevF (GA Sections) published Oct 2020  
24072\_(03)02.02-RevF (GA Sections) published Oct 2020  
24072\_(03)03.02-RevC (GA Sections) published Oct 2020  
24072(04)01-RevZ (NE-Elevation) published Oct 2020  
24072(04)02-RevY (SW-Elevation) published Oct 2020  
24072(04)03-RevW (SE-Elevation) published Oct 2020  
24072(04)04-RevX (NW-Elevation) published Oct 2020

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 equipment is provided 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. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

4. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

5. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

Reason: In the interests of protecting the free and safe flow of traffic on the

public highway it is essential that this condition is complied with before any works on site commence.

6. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

7. No development shall commence until full details of measures to protect the existing trees, shrubs and hedges to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge 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.

8. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface

water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

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

9. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

10. Full details of the acoustic fencing and planting scheme to the site boundary 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 development shall not be used unless such means of acoustic boundary treatment and planting has been provided in accordance with the approved details and thereafter such acoustic fencing and planting shall be retained.

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

11. 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.

12. 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.

13. The proposed green/biodiverse roof (vegetated roof surface) shall be installed on the roof(s) in the locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green/biodiverse roof(s) shall be installed prior to the use of the building commencing and thereafter retained. The plant sward 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.

14. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield Development Framework Core Strategy.

15. Prior to the occupation of any part of the development, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority. Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.  
The Travel Plan(s) shall include:

1. Clear and unambiguous objectives and modal split targets;
2. An implementation programme, with arrangements to review and report back on progress being achieved to the Local Planning Authority in accordance with the 'Monitoring Schedule' for written approval of actions consequently proposed,
3. Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the Local Planning Authority.
4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

On occupation, the approved Travel Plan(s) shall thereafter be implemented, subject to any variations approved in writing by the Local Planning Authority.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield (and/or Core

## Strategy) Policies

16. Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local planning Authority before the commencement of development:
  - (i) Windows
  - (ii) Window reveals
  - (iii) Doors
  - (vii) Brickwork/Cladding detailing
  - (viii) Balconies/railings
  - (ix) Entrance canopies

Thereafter, the works shall be carried out in accordance with the approved details.

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

17. Samples of all proposed external materials and finishes, including windows, shall be submitted to and approved in writing by the Local Planning Authority before 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.

18. A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority prior to the commencement of the building of any external walls and shall be retained for verification purposes until the completion of such works.

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

19. Prior to any landscaping or external works being commenced, full details of all hard surfaced areas within the site shall have been submitted to and approved by the Local Planning Authority. Such details shall consist of porous materials, or shall direct surface water run off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. Thereafter the hard surfacing shall be implemented in accordance with approved details.

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

20. Prior to completion of the superstructure frame, full details of the electric car charging points within the site shall have been submitted to and approved in writing by the Local Planning Authority and the building shall not be occupied unless such electric car charging points have been provided in accordance with the approved plans and, thereafter, shall be retained.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield Development

Framework Core Strategy.

### **Other Compliance Conditions**

21. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: In order to ensure that any contamination of the land is properly dealt with.

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

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

23. The residential units shall not be occupied until details of a scheme have been submitted to and approved by the Local Planning Authority to ensure that future occupiers of the residential units will not be eligible for resident parking permits within the designated Permit Parking Zone. The future occupation of the residential units shall then occur in accordance with the approved details.

Reason: In the interests of highway safety and the amenities of the locality it is essential for this scheme to be in place before the use commences.

24. The swimming pool shall remain for the use of residents only, and shall not be used by non-residents.

Reason: In the interests of the amenities of occupiers of adjoining property, and highway safety.

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. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk)

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

3. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

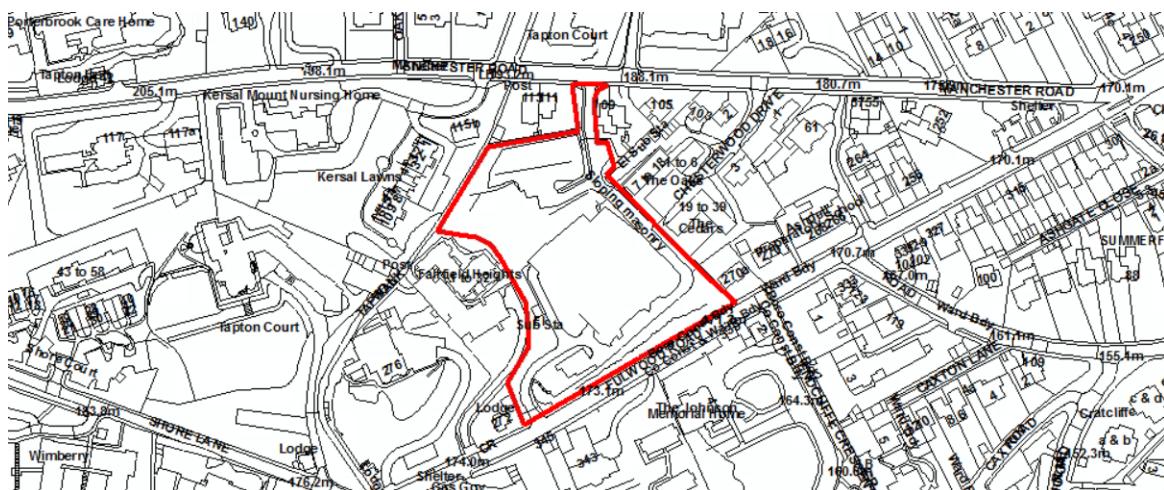
To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

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

4. 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.
5. The applicant should be aware that a legal agreement has been completed in respect of this proposal.

## Site Location



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## **LOCATION AND PROPOSAL**

The application site relates to the former Forte Posthouse Hotel (Hallam Tower) which is located within a Housing Area, and both the Endcliffe Conservation Area to the south of the site and the Broomhill Conservation Area to the north of the site as identified in the Unitary Development Plan (UDP).

The site is characterised by the steep topography of its location, rising from Fulwood Road up to Manchester Road, with two separate entrances, one from each of these roads. The site has been left vacant now for more than 10 years.

Planning permission has previously been granted (most recently in 2019) for the rebuilding of the former tower up to 13 storeys in total. This development has commenced on site through the demolition of the existing buildings, the discharging and/or varying of all pre-commencement conditions, and ground preparations taking place.

Permission has also been granted in 2020 to allow an alternative scheme to the car park and main block, to just allow for a revised underground car park, with podium above and ancillary building for use as a management suite, and alterations to the swimming pool complex, thereby omitting the 'main block' from the scheme.

This new application seeks full planning permission for the erection of a 15-storey tower containing 103 No. 1-3 bed apartments with swimming pool and gym at ground floor level, landscaped podium deck at level 1, vehicle parking beneath and associated landscaping.

## **PLANNING HISTORY**

There is an extensive planning history relating to this site. The most relevant of applications include:

In 2020, an application was granted for the formation of car park with landscaped podium deck above, erection of a single storey building above podium deck containing management suite and swimming pool. Application No. 19/03655/FUL.

In 2019, a Section 73 application was granted to allow the reduction of basement car park to 1 level, omission of lower car park entrance ramp, reconfiguration of main entrance, revisions to surface car parking and landscaping, addition of residents swimming pool at level 0, omission of continuous balconies and glazed façade, amended materials and new cladding to all elevations incorporating recessed balconies and alterations to external spaces (Application under Section 73 to vary condition 33 (Approved Drawings) as imposed by planning permission 17/01438/FUL). Application No. 18/01814/FUL.

In 2017, a Section 73 application was granted for the demolition of the tower above floor 3, and the rebuilding of the tower between 0.3 metres and 0.5 metres taller the previously approved scheme. Application No. 17/01438/FUL.

In 2009 permission was granted for the partial demolition, retention, extension and conversion of tower, and erection of 2 x 4 storey blocks to create 122 units, and 11 x 3 storey townhouses in grounds, with associated basement car parking (Application No. 06/00836/FUL). This application was subject to a separate Section 73 application to vary the wording of a number of conditions and the legal agreement which was granted in 2013 under Application No. 12/03386/FUL.

## REPRESENTATIONS

### Conservation Advisory Group (CAG)

Although the Group recognised that the proposal to increase in height of the tower was not a major addition to the development, members nevertheless concluded that because it neither preserved nor enhanced the conservation area, it should be rejected.

### Historic England

Historic England do not wish to offer any comments. They suggest seeking the views of the Councils specialist conservation advisers.

### Objections

In total, 9 individual letters have been received objecting to proposal. In addition, 1 letter from a management company which is on behalf of 38 residents living in Fulwood Park Mansions has been received. Issues raised include:

- The original building was a hotel, which was occupied in a transitory manner. Having individually owned flats, lived in full time, will cause loss of privacy to immediate neighbours. This is further exacerbated by the additional two storeys.
- The existing physical bulk of the building was large, adding an extra two storeys will make this worse.
- The proposal is completely out of character with the green suburb of Broomhill which is mostly Victorian/Edwardian buildings. The final demolition of the tower should now restrict any high-rise development. Any additional height will make it worse.
- There will be an increase in traffic onto the already congested roads which will result in standing traffic in tailbacks and increased pollution.
- The construction works will be unbearable to the high-density apartments within the surrounding apartment schemes.
- The 15-storey tower will reduce light to neighbouring buildings, including apartments within Kersal Lodge and Fulwood Park Mansions.
- We supported the last application as it was an improvement over the existing derelict buildings, but this is squeezing 50% extra when nobody's looking.
- The advertisement hoardings outside the property reflect the previous approval for a 10-storey block and not this application.
- The density ratio of units per hectare will be beyond that level which is acceptable and will be out of character with the surrounding properties.

- The access is close to the boundary with side of No 109 Manchester Road, with significant noise from traffic, which will be exacerbated by stopping and starting at the access gates, which themselves will be noisy. This is a particular problem as 109 Manchester Road has 5 main habitable windows in the side with no buffer or mitigation measures.
- The site plan is incorrect with the lay-by parking area shown extending into the rear garden of 109 Manchester Road.
- Acoustic fencing needs to be provided for the full length of the property boundary to 109 Manchester Road to ensure the amenities are occupiers of 109 are protected.
- The proposal would be too much a burden on the community with the extra people.
- The existing large mature trees towards the Fulwood Road frontage should be retained, providing an acoustic barrier.
- There will be an extra strain on local resources including drainage, and the water table.
- Why were we not informed directly?
- The proposal is close to boundary with Fulwood Park Mansions and it could affect the stability of the building.
- There will be a lowering of property values through a loss of existing panoramic views from neighbouring sites.
- No information from the developer about start and finish times for construction, or noise and dust.
- The site should be developed for low rise residential development.

A petition with 16 signatures from people living in Kersal Mount has also been received objecting to the proposal. Comments raised include:

- All residents are retirees and the proposal will impact on their wellbeing, during construction and once completed.
- There is a limited amount of light as a result of the trees around the site and increasing the height will have a further negative impact.
- The addition of a larger building will have more dwellings and increase traffic and footfall around the flats.

## **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, which involves seeking positive improvements in 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.

## Policy Context

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

The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

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 confirms 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 relevant policies of the statutory Development Plan are set out below under each subheading, along with an assessment of their degree of consistency with the policies in the NPPF. Conclusions are then drawn as to how much weight can be given to each policy in the decision-making process in line with the requirements of NPPF paragraph 213.

The assessment of this development proposal also 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:

- (i) The application of policies in the NPPF which relate to protection of certain areas or assets of particular importance provides a clear reason for refusing the development proposed or
- (ii) 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.

The 'certain areas or assets' referred to in (i) includes Conservation Areas.

## BBEST Neighbourhood Plan

Para 48 of the NPPF states: 'Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)’

The BBEST Neighbourhood Plan has reached the Examination (Reg 17) Stage. The appointment of an examiner is now being progressed. The policy weight will only change once the examiner’s report has been issued. Policies are considered to have limited weight if there is no inconsistency with the NPPF, and no unresolved significant objections. Reference is made to the policies in the relevant sections below.

#### Land Use Principle

The application site falls within a Housing Area as identified in the Unitary Development Plan (UDP) for Sheffield. Redeveloping the site for housing (Use Class C3) is in line with the preferred use identified within UDP policy H10 ‘Development in Housing Areas’. It is therefore acceptable in principle.

However, it should be noted that whilst the principle is acceptable in terms of policy H10, the policy also states that any proposal would also be subject to the provisions of Policy H14 ‘Conditions on Development in Housing Areas’ and BE5 ‘Building Design and Siting’ being met. Furthermore, the principle of housing on this parcel of land is also subject to the more recent Core Strategy policy CS74.

Policy CS23 of the Core Strategy ‘Locations for New Housing’ states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. Policy CS24 ‘Maximising the Use of Previously Developed Land for New Housing’ prioritises the development of previously developed (brownfield) sites. Housing on greenfield sites should not exceed more than 12% completions, and part (b) be on small sites within the existing urban areas, where is can be justified on sustainability grounds.

The weight to be given to policies CS23 and CS24 is open to question as they are restrictive policies, however the broad principle is reflected in paragraph 117 of the Framework, which promotes the effective use of land and the need to make use of previously developed or ‘brownfield land’.

In this instance, in accordance with the NPPF definition, the site is classed as brownfield. In this regard CS23 and CS24 can be offered some weight, and the principle of developing this site within an existing urban area, in a sustainable location close to local facilities is supported in policy terms.

#### Housing Land Supply

Paragraph 73 of the NPPF requires LPA’s to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirements.

Policy CS22 'Scale of the Requirement for New Housing' of the Core Strategy is the most up to date development plan policy in relation to delivering a sufficient supply of housing for Sheffield, stating that a 5-year supply of deliverable sites will be maintained at all times.

This policy is only partly in conformity with the NPPF, as the Core Strategy is now more than 5 years old, the NPPF states that the housing requirement must be based on the local housing need figures using the Government's standard methodology.

The Five-Year Housing Land Supply Monitoring Report (updated Dec 2020) sets out Sheffield's net housing requirement for the 5-year period 2020/21 to 2024/25.

The current housing need figure over the 5 years is 10,655 (2,131 per year) with a 5% buffer of 533, giving a total net 5-year requirement of 11,188.

The report identifies a gross supply of 12,381 new homes over the 5-year period from sites with full or outline planning permission, development plan allocations, sites with permission in principle and sites identified on the brownfield register. Estimated losses of 250 are deducted from this figure producing a net supply of 12,131 additional homes over the 5-year period compared. Sheffield can therefore demonstrate a 5.4-year housing land supply.

When considering housing land supply, the presumption in favour of sustainable development as set out in paragraph 11 is not applied to the tilted balance in this case, as Sheffield demonstrates a deliverable 5+ year land supply.

#### Efficient Use of Land/Density

Policy CS26 'Efficient Use of Housing Land and Accessibility' of the Core Strategy encourages making efficient use of land to deliver new homes at a density appropriate to location depending on relative accessibility. The density requirements are a gradation flowing from highest density in the most accessible locations down to lower densities in suburban locations with less accessibility. This is reflected in para 123 of the NPPF and therefore Policy CS26 is considered to carry substantial weight in determination of this application.

Paragraph 122 of the NPPF promotes making efficient use of land taking account of a number of factors including identified housing needs; market conditions and viability; the availability of infrastructure; the desirability of maintaining the prevailing character of the area, or of promoting regeneration; and the importance of securing well designed places.

The application site is approximately 1.3 hectares. This would give a density of approximately 79 dwellings per hectare. In this location, the suggested range within the CS26 (b) is 50-80 dwellings, based on the site being within easy walking distance of Broomhill District Shopping Centre. Local and national policies seek to encourage efficient use of land and it is considered that the proposed density, is within the spirit of Policies CS26 of the Core Strategy and paragraph 122 of the NPPF in relation to densities and efficient use of land.

#### Design and Impact on Character of Conservation Area(s)

The Council has a statutory duty contained under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving heritage assets and their setting or any features of special architectural or historic interest which they possess.

The Core Strategy policy CS74 'Design Principles' requires development to enhance distinctive features of the area, which is backed up through UDP policies H14 'Conditions on Development in Housing Areas' and BE5 'Building and Design Siting' which expect good quality design in keeping with the scale and character of the surrounding area.

Chapter 12 of the NPPF requires good design, whereby paragraph 124 states that good design is a key aspect of sustainable development and should contribute positively towards making places better for people. Paragraph 130 requires that planning permission should not be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Paragraph 131 goes on to say that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally, so long as they fit in with the overall form and layout of their surroundings.

The application site itself falls within both Endcliffe and Broomhill Conservation Areas which are heritage assets. Policies BE16 'Development in Conservation Areas' and BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' of the UDP are relevant. These seek to ensure that development would preserve or enhance the character or appearance of the Conservation Area, and that traditional materials are used.

Chapter 16 of the NPPF considers the conservation and enhancement of the historic environment and states that when considering the impact of a development on the significance of a heritage asset, great weight should be given to the asset's conservation, and (para 194) that any harm to the asset from development within its setting should require clear and convincing justification.

It is considered that the design and conservation policies within the UDP and Core Strategy reflect and align with the guidance in the NPPF, and therefore are considered consistent with the NPPF and so can be afforded significant weight.

Policy DDHM1 of the BBEST Neighbourhood Plan applies to this development proposal. This policy relates to 'Key Design Principles' and sets out 8-character areas and general design principles. Policy DDHM6 also relates to 'Development within the North East and North West Character Area' and seeks to preserve the residential character of these areas and any development should preserve the existing scale, grain and layout. Policy DDHM7 relates to 'Development within the Endcliffe Character Area' and seeks to preserve the landscape character and sense of openness. These policies can be afforded limited weight as they are considered consistent with the NPPF if there are no significant unresolved objection policies following consultation.

Works have commenced on site to implement the previous approval which relates to a 13-storey tower (18/01814/FUL). (3 storeys within the plinth, 9 storeys above, and then a setback top floor storey). This has an overall height from the base of the ground floor to the top of the roof of approximately 40 metres. This new application essentially seeks to add 2 main storeys to the building, with the setback storey remaining on the top. This amounts to an increase in height over and above the 18/01814/FUL approval of approximately 5.7 metres, taking the height of the building to approximately 45.7 metres. The original tower on site before demolition was approximately 39.5 metres in height.

The application also removes the previously approved 3 to 5 storey block of development which was positioned to the east of the tower, facing Fulwood Park Mansions, and replaces this with an under-croft car park with a landscaped podium above.

The tower will clearly have an impact visually and will be visible from long range views, with the previously approved 13 storey scheme rising above the tree line and horizon from certain vantage points. The proposals result in an increase in overall height of approximately 12%. However, it is considered that the additional two storeys will not impact on the long-range views significantly. The building will still read as a tall building in the Conservation Area, the principle of which is established, and the visual impact of this from longer distance views will be limited. Close up views of the extra two storeys essentially at level 13 and 14, with the top floor remaining set back will again, not impact significantly on the appearance of the tower from ground level, owing to the limited increase and angle of view from, for instance, Fulwood Road.

Materials have been approved on the previous scheme as large cladding panels in two colours, with a brick plinth, and this is to be replicated on this application. These remain acceptable.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (Broomhill and Endcliffe Conservation Areas in this instance), greater weight should be given to the asset's conservation. Paragraph 194 specifically states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.

Paragraph 196 requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is considered in this instance that the proposal would lead to less than substantial harm to the heritage assets, and the balancing exercise is conveyed in the summary and recommendation section at the end of this report.

Subject to conditions on any approval, the application complies with policies BE5, BE15, BE16, and H14 of the UDP, Core Strategy Policy CS74, sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and

paragraph 130 of the NPPF.

### Living Conditions

Policy H14 'Conditions on Development in Housing Areas' part (c) requires that new development in housing areas should not cause harm to the amenities of existing residents. This is further supported by Supplementary Planning Guidance 'Designing House Extensions' (SPG) which whilst strictly relevant to house extensions, does lay out good practice detailed guidelines and principles for new build structures and their relationship to existing houses.

The NPPF at paragraph 127 Part (f) requires a high standard of amenity for existing and future users.

The UDP policy is therefore considered to align with the requirement of paragraph 127 so should be given significant weight.

Nearby neighbouring properties include the apartments within Fulwood Park Mansions which are to the east of the site, approximately 55 metres from the tower to the blank gable end, and approximately 75 metres where main habitable windows face directly towards the tower. Fairfield Heights is located to the north west of the tower and is approximately 22 metres to the corner of the building. The apartments within Kersal Mount are approximately 75 metres away, with the houses along Manchester Road approximately 70 metres to the north. Close to the access from Fulwood Road is a small lodge building at 272 Fulwood Road

This application seeks to erect the building on the footprint of the original tower. The previous approval extended up 13 storeys in total and included recessed balconies. This permission is being implemented currently, so this assessment concentrates on the addition of a further two storeys to the building.

It is considered that the addition of two extra storeys, which are essentially at the top of the building, will not create any additional adverse overlooking, nor any adverse overbearing or shadowing. Whilst it is acknowledged that the tower has been demolished for some time, and neighbouring properties do have an outlook over this vacant site at present, there is an extant permission which is currently being built on site for the 13-storey tower.

Furthermore, this application does remove the main block which had previously been approved and was between 3 and 5 storeys, which was joined to the tower and extended out to the east and was much closer to the occupants of Fulwood Park Mansions. In this respect, this new scheme significantly improves the amenities afforded to occupiers of Fulwood Park Mansions.

Acoustic fencing is proposed along the east boundary onto Fulwood Park Mansions, and this should be extended to run up to 109 Manchester Road. This is to reduce any noise generated from vehicles accessing the car parking and moving around the site.

Regarding the amenities of future occupiers, the vast majority of the units have a private balcony or terrace area. A large area of amenity space is created to the top of the podium above the car parking. Each unit has a good outlook from all windows, and each unit is of a reasonable size.

It is considered that the proposal meets the requirements of Policy H14 of the UDP and paragraph 127 of the NPPF in providing and maintaining appropriate living conditions.

#### Highways

UDP Policy H14 ‘Conditions on Developments in Housing Areas’ part (d) states that permission will be granted where there would be appropriate off-street parking for the needs of the people living there.

Policy CS53 ‘Management of Demand for Travel’ of the Core Strategy seeks to make the best use of the road network, promote good quality public transport, walking and cycling and use travel plans to maximise use of sustainable forms of travel and mitigate the negative impacts of transport.

The NPPF seeks in Chapter 9 (Promoting Sustainable Transport) to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. It is important to note that paragraph 109 of the NPPF states that ‘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.’

The UDP and Core Strategy policies broadly align with the aims of the NPPF, although it should be noted that in respect of parking provision, the NPPF at paragraphs 105 and 106 requires consideration to be given to accessibility of the development, the development type, availability of public transport, local car ownership levels and states that maximum standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or optimising density in locations well served by public transport.

The Council’s revised parking guidelines set out maximum standards in accordance with Core Strategy Policy CS53, and for a 2-3 bedroom house outside of the city centre, 2 spaces are required as a maximum.

This application proposes 126 parking spaces (plus 3 spaces for management) for the 103 units. Whilst this is not at maximum standards, 1 space per unit is considered acceptable in this location, with some of the larger units having a tandem/double parking space, and 16 visitor car parking spaces included.

Furthermore, the site is in a very sustainable location, with access to good transport links, and within easy walking distance of Broomhill District Shopping Centre which offers a wide range of facilities and services. In addition, secure cycle storage is provided within the lower section of the tower also and area under the podium.

The site is accessed via the existing entrances on Manchester Road and Fulwood Road, which have good visibility splays, with entrance gates positioned well into the site.

The proposal is considered to not pose a severe impact on the surrounding highway network, or highway safety, complying with UDP, Core Strategy and NPPF policies as listed above.

### Sustainability

The NPPF advises that there is a presumption in favour of sustainable development. This comprises of three dimensions which must be considered together. These are an economic role, a social role and an environmental role.

In this instance, the site is a large vacant parcel of land and will deliver economic regeneration to this part of the city.

On a social role, the proposal will be providing private flats regenerating the area and provide a vibrant and welcoming environment.

In an environmental role, the proposal seeks to remove a vacant brownfield site which is within two conservations areas, with a high quality development. The proposal will take the opportunity to introduce soft landscaping features which will help to improve biodiversity.

Policy CS63 of the Core Strategy 'Responses to Climate Change' gives priority to developments that are well served by sustainable forms of transport, that increase energy efficiency, reduce energy consumption and carbon emissions and that generate renewable energy. Policy CS64 'Climate Change, Resources and Sustainable Design of Development' sets out a suite of requirements in order for all new development to be designed to reduce emissions. Policy CS65 'Renewable Energy and Carbon Reduction' sets out objectives to support renewable and low carbon energy generation and further reduces carbon emissions.

New developments are expected to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable, low carbon energy, or a 'fabric first' approach where this is deemed to be feasible and viable.

A fabric first approach is to be implemented, in this instance. In addition, there is a large landscaped roof to the podium which will retain rainfall, and electric vehicle charging points are proposed. This includes 5no dedicated electric vehicle rapid-charging points being provided, which all occupants will be able to book and use and which are to be placed in the visitor spaces on the roadway adjacent the existing sub-station / bin store access. In addition, the power supply has been designed with infrastructure in place to allow individual apartment owners to have their own electric vehicle charging point allocated to their parking space as and when required. Relevant conditions can be attached to any approval to ensure that these features are provided.

Overall, it is considered that the proposal meets the local sustainability policy requirements, CS63, CS64 and CS65.

#### Trees/Landscaping

UDP Policy BE6 'Landscape Design' expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation. CS74 'Design Principles' part (a). requires high-quality development that will respect, take advantage of and enhance natural features of the City's neighbourhoods.

These policies are considered to align with the NPPF and therefore be relevant to this assessment – on the basis that paragraph 127 c) expects new development to be sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

There are a number of mature trees within the site, which are concentrated towards the Fulwood Road boundary. Tree protection measures for retained trees and a comprehensive landscape scheme have been submitted and approved in relation to the previous application, which will significantly improve the overall appearance of the site.

#### Flood Risk/Drainage

Core Strategy Policy CS67 'Flood Risk Management' states that the extent and impact of flooding should be reduced by incorporating mitigation measures in developments. The site itself is located within Flood Zone 1 and therefore not at any significant risk of flooding.

The previous application had a requirement to reduce the existing surface water run-off. This condition has been discharged, following the submission of satisfactory proposals and calculations have been submitted allowing for the 1 in 100-year event plus +30% for climate change, which include large attenuation tanks.

#### Affordable Housing

Core Strategy Policy CS40 'Affordable Housing' requires that all new housing developments over and including 15 units to contribute towards the provision of affordable housing where this is practicable and financially viable.

The Council's Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (December 2015) includes guidance on affordable housing and is based on gross internal floor space. The proposed development exceeds the 15 or more dwellings threshold and lies within an area where there is a required level of contribution of 10% identified in Guidelines GAH1 and GAH2 of the Planning Obligations document.

In this instance, the applicant has provided a full viability assessment to the valuer, who has independently assessed the proposal.

The applicant's original viability appraisal suggested that they did not consider any affordable housing to be viable as part of this development. Following assessment of the applicant's viability appraisal by the Council's consultant, it was considered that the scheme could provide a contribution of £128,000, whilst maintaining reasonable developer profit. The applicant has agreed to pay this sum, which will be secured by legal agreement.

### Community Infrastructure Levy (CIL)

CIL has now been formally introduced; it applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. 'In this instance the proposal 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'.

### SUMMARY AND CONCLUSION

Planning permission has been granted previously for the erection of a 13-storey tower which sits on the same footprint as the former Hallam Tower. This permission is being implemented on site at present. This scheme proposes to add an additional two storeys to the height of the tower, and to replace the existing 3 to 5 storey block of development which was originally proposed to the east of the tower, with undercroft car parking and landscaped podium above.

The proposal will deliver a high-density development, on a brownfield site in a sustainable location which will bring positive regeneration benefits, including the provision of 103 residential units in a manner which provides good quality living accommodation and has no significant adverse impact upon living conditions of neighbouring occupiers.

The proposal is acceptable in highway terms, providing sufficient off street car parking, cycle parking and servicing arrangements, and will not adversely impact on the surrounding highway network.

The scheme proposes a high-quality contemporary scheme, which is considered overall to result in less than substantial harm to the heritage asset (Broomhill and Endcliffe Conservation Areas). The public benefits of the proposal are that it would deliver 103 units to the housing market, which would provide employment opportunities during construction. In addition, the proposal would develop a brown field site, which has been left vacant and is currently an eyesore within two conservation areas, proposing a high quality scheme which would improve the appearance of the site.

Therefore it has been demonstrated that although less than substantial harm is identified to heritage assets, even when considerable importance and weight is given to this less than substantial harm, this is outweighed by the public benefits that this

proposal will deliver and the heritage requirements of the NPPF are satisfied. Paragraph 11 of the NPPF says that there is a presumption in favour of sustainable development.

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF says that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

The application lies within a Housing Area, is of an appropriate density on a brown field site, within a sustainable location. The associated policies are not considered to be out of date.

The site is also within two conservations areas, Broomhill and Endcliffe, and the heritage and design policies are the most important policies for determining this application and these policies are not considered to be out of date, with the heritage requirements of the NPPF satisfied.

It is concluded that the proposals accord with the provisions of the Development Plan when considered as a whole and that the policies which are most important in the determination of this application are consistent with the aims and objectives of the National Planning Policy Framework.

It is therefore recommended that planning permission be granted subject to the listed conditions.

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# Agenda Item 7c

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Case Number	20/04220/FUL (Formerly PP-09295141)
Application Type	Full Planning Application
Proposal	Demolition of existing rear extension and erection of new two-storey rear extension and single-storey side extension
Location	Tapton Elms Lodge 46 Taptonville Road Sheffield S10 5BR
Date Received	27/11/2020
Team	South
Applicant/Agent	Jeff Sowerby Architect
Recommendation	Grant Conditionally

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

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

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

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

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

Drawing Number HALO 11 Rev D (Proposed Elevations) published 11 Feb 2021

Drawing Number HALO 10 Rev H (Proposed Plans) published 11 Feb 2021  
Location Plan Ref: 1:1250 - Scan Date 30 Nov 2020

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 measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge 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)**

4. 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.

5. A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority before any masonry works commence and shall be retained for verification purposes until the completion of such works.

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

6. A sample panel of the proposed new stone boundary wall shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority before any masonry works to the boundary wall commence and shall be retained for verification purposes until the completion of such works.

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

#### **Other Compliance Conditions**

7. The 3 windows on the elevation of the extension facing north towards No. 9 Hallamgate Road; shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the window shall at any time be glazed with clear glass.

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

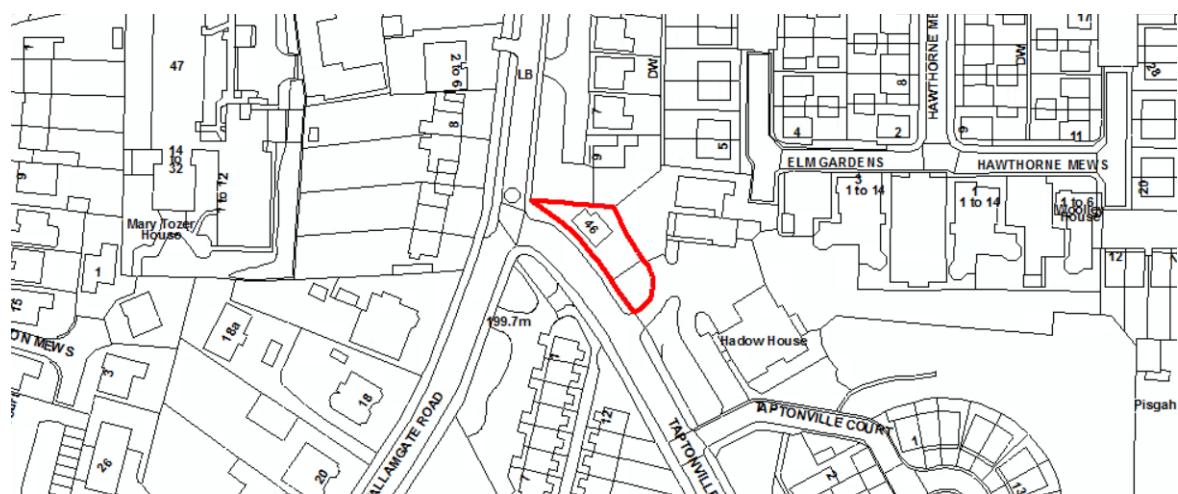
8. The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Reason: In the interests of the amenities of 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 in accordance with the requirements of the National Planning Policy Framework. The Local Planning Authority considered that it wasn't necessary to have detailed discussions in this case.

## Site Location



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## **LOCATION AND PROPOSAL**

This application relates to a small Victorian Lodge building, which at present is used as a residential dwelling house. This Lodge building will have originally served the adjacent Hadow House (also known as Tapton Elms).

The site is located within a Housing Area as allocated within the adopted Sheffield Unitary Development Plan (UDP). The site also falls within the Broomhill Conservation Area, with this building and others within the immediate area also being covered by an Article 4 direction. The Article 4 direction removes permitted development rights on elevations fronting the highway, so in this instance, it would cover the front elevation only.

The surrounding area is characterised by a mixture of house types. These are predominately traditional in character, although there is a large new build estate located immediately to the rear and side of the site.

Planning permission is sought for the erection of:

- Two storey rear extension and single storey side extension.
- Extension of existing boundary wall around the site.
- Provision of 2no. parking spaces to rear.

## **RELEVANT PLANNING HISTORY**

Planning permission was refused in May 2020 for the ‘Erection of two/single-storey rear/side extension to dwellinghouse, extension of existing boundary wall around the site and provision of 2no. parking spaces to rear’. There were two reasons for refusal. The first was the design/scale/massing/appearance being out of keeping with the host house and the surrounding street scene/conservation area. The second was the unacceptable overlooking created from a window in the rear serving a bedroom to adjacent properties.

## **REPRESENTATIONS**

### **Conservation Advisory Group (CAG)**

While the Group found the presentation of this proposal unhelpful and drawings did not properly represent the context, they considered that the proposed extension was an improvement on the existing extension and would not in any case be visible from the road.

### **Objections**

18 letters have been received objecting to the application, including from the Hallamshire History Buildings Society, and Broomhill and Sharrow Vale Green Party. Comments include:

## Design

- The previous application 20/00508/FUL was refused because in scale, design and use of materials it would dominate the look of the building and local area. This new application likewise goes against NPPF 196, with extensions on three sides that would almost totally overwhelm the original building.
- The building is identified as a building of Townscape Merit in the Broomhill Conservation Area, and any alterations need to be considered with utmost care.
- The Lodge (even in its dilapidated state), its garden and trees are an attractive part of the Conservation Area. The lodge, along with the coach house and Hadow House, make a historic group, which is locally and nationally a key exemplar of the mid-Victorian high-status suburb.
- There is no heritage Statement, just a brief mention on the Design and Access Statement.
- An improved, sensitive and modestly scaled replacement could be acceptable, rather than a large extension, squeezing on to the site, in large smooth sandstone and aluminium.
- The plans show a gross overdevelopment (approximately 125%) of a beautiful little cottage that has history, almost doubling the ground floor, and the upper floor being increased by two thirds. This would be overbearing and out of context.
- The new appearance of the front of the building viewed from Taptonville Road is out of character with the Lodge and the Conservation Area, with the proposal being clearly visible. This is also the case from the beginning of Hallamgate Road.
- The proposal is out of character with the conservation area and the host building, it remains dis-proportionate, proposing too many modern features.
- The window in the side at first floor level is overly large which could lead out to a roof terrace.
- More information is needed for how the old and new stone will meet, and finer details of the head, cills, window reveals etc, these are required either before the any approval is considered, or at conditions stage.
- The existing lodge should not be sand-blasted as this would completely alter its appearance.
- The Pevsner Architectural Guide of Sheffield ‘Harman and Minns 2004’ quotes the building as a pretty lodge within Broomhill.
- The changes do not go far enough to from the previous refusal to make it acceptable. The scale will overwhelm the existing building and still do not address the comments from BBEST, or Hallamshire Historic Buildings Society.
- The application is contrary to policies BE5(c), BE15, BE16, and H14 of the UDP, Core Strategy Policy CS74, Guideline 2 of the SPG and paragraphs 127(c) and 196 of the NPPF, and therefore permission should be refused.

## Amenity

- The size of the 2 storey rear extension would provide a very poor outlook for No. 9 Hallamgate Road facing a brick wall.

- The lack of detail on the north east and north west elevations give a bland façade, which would directly overshadowing No. 9 Hallamgate Road and No. 5 Elm Gardens.
- The proposal completely eliminates its current rear garden area.

### Landscaping

- There is a loss of garden space and of trees, with the arboricultural report not being updated to reflect the new plans.
- No tree protection has been installed on site at present.

### Highways

- Secure internal bike storage should be included to promote active travel.
- Is there sufficient car parking provided for the application site and the adjacent Coach House site.

### Others

- Stone blasting has been carried out on the adjacent site.
- There are concerns about the treatment of trees on the adjacent site by this applicant and the developer.
- Fencing has been erected on this site and the adjacent site without planning permission.
- The site includes a grassed area to the left of the drive that provides access to the Coach House and Hadow House.
- Fencing has been erected in the summer, not all of this land appears to be owned by the applicant.
- Only 3 neighbours have been informed of the application.
- The application fails to provide sufficient information about materials, dimensions, and architectural details, with few dimensions provided.

### Support

9 letters of support have been received. These are not from immediate neighbours, but those living elsewhere within the City. Comments include:

- The property has had poor maintenance and neglect from its previous owners, it good to see someone is going to give it attention and that the building will complement the site it occupies instead of the ruin it is at present.
- The current rear extension that wraps around the garden on the south east side is a complete eyesore, this proposal would be a massive implement on the current appearance of the building.
- The proposal will not detract from the charm of the locality.
- The improvements will reduce the households carbon footprint.

### Neutral

1 letter which is neutral which neither objects to, nor supports the application:

- The rear of the building as existing is out of character, so the remodelling is welcomed.
- The replacement of the timber fencing is welcomed but this needs to be carried out in stone.
- The building should have Passivhaus level of design, featuring renewable energy, electric car changing points, low-carbon heating and water capture.

## **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, which involves seeking positive improvements in 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.

### Policy Context

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

The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

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 confirms 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 relevant policies of the statutory Development Plan are set out below under each subheading, along with an assessment of their degree of consistency with the policies in the NPPF. Conclusions are then drawn as to how much weight can be given to each policy in the decision-making process in line with the requirements of NPPF paragraph 213.

## Key Issues

The main issues to be considered in this application are:

- The design of the proposed extension and its impact on the character of the Conservation Area and surrounding street scene.
- The effect on future and existing occupiers living conditions.
- Whether suitable highways access and off-street parking is provided.
- The impact of the proposal upon the existing landscaping of the site.

## Design and Conservation Policy Context

The Council has a statutory duty contained under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving heritage assets and their setting or any features of special architectural or historic interest which they possess. The Broomhill Conservation Area is the heritage asset in this case.

The Core Strategy policy CS74 'Design Principles' requires development to enhance distinctive features of the area, which is backed up through UDP policies H14 'Conditions on Development in Housing Areas' and BE5 'Building and Design Siting' which expect good quality design in keeping with the scale and character of the surrounding area.

Chapter 12 of the NPPF requires good design, whereby paragraph 124 states that good design is a key aspect of sustainable development and should contribute positively towards making places better for people. Paragraph 130 requires that planning permission should not be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Paragraph 131 goes on to say that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally, so long as they fit in with the overall form and layout of their surroundings.

The application site itself falls within the Broomhill Conservation Area which is the heritage asset. Policies BE16 'Development in Conservation Areas' and BE17 'Design and Materials in Areas of Special Architectural or Historic Interest' of the UDP are relevant. These seek to ensure that development would preserve or enhance the character or appearance of the Conservation Area, and that traditional materials are used.

Chapter 16 of the NPPF considers the conservation and enhancement of the historic environment and states that when considering the impact of a development on the significance of a heritage asset, great weight should be given to the asset's conservation, and (para 194) that any harm to the asset from development within its setting should require clear and convincing justification.

The Supplementary Planning Guidance (SPG) for Designing House Extensions, requires at Guideline 1 extensions to be compatible with the character and built form of the area, and Guideline 2 requires extensions not to detract from that dwelling, or the general appearance of the street or locality.

## The BBEST Neighbourhood Plan

Para 48 of the NPPF states: 'Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given).
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The BBEST Neighbourhood Plan has reached the Examination (Reg 17) Stage. The appointment of an examiner is now being progressed. The policy weight will only change once the examiner's report has been issued. Policies are considered to have limited weight if there is no inconsistency with the NPPF, and no unresolved significant objections.

Policy DDHM1 of the BBEST Neighbourhood Plan applies to this development proposal. This policy relates to 'Key Design Principles' and sets out 8 character areas and general design principles. Policy DDHM6 also relates to 'Development within the North East and North West Character Area' and seeks to preserve the residential character of these areas and any development should preserve the existing scale, grain and layout. These policies can be afforded limited weight as they are considered consistent with the NPPF if there are no significant unresolved objections following consultation.

It is considered that the design and conservation policies within the UDP and Core Strategy reflect and align with the guidance in the NPPF, and therefore are considered consistent with the NPPF and so can be afforded significant weight.

## Design, Townscape and Impact on Conservation Area Assessment

The immediate area surrounding the site is characterised by residential dwellings. Adjacent to the lodge is Hadow House and the Coach House which are traditional buildings and form part of a group. There are then traditional buildings further down Taptonville Road, and along Hallamgate Road. Immediately to the north and east (and further to the south) of the site are new builds which form part of the redevelopment of the former University buildings and gardens. Directly opposite the site is a group of 12 modern terraces on Taptonville Head.

The existing lodge building was built in the mid-1800's and would have served Hadow House. The lodge has a two-storey rear extension with stonework to the ground floor, and render above, under a flat roof, which joins onto the original lodge in an awkward manner, cutting through and removing part of the original fascia on the side gable. This is particularly visible when travelling up Taptonville Road towards Hallamgate Road, and the removal of this modern and less sympathetic addition is welcomed.

The property has an Article 4 direction on it. This Article 4 removes the majority of permitted development rights on domestic dwellings and some commercial units. This is particularly to control incremental changes to the elevations of a building facing a highway or area of open space. The Broomhill Article 4 Direction was served on those properties within the Conservation Area which were identified as buildings of townscape merit, as in this instance.

The previous refusal proposed extensions which enclosed/wrapped around the existing lodge and were considered to dominate the existing traditional lodge building. They sought to increase the footprint of the building from approximately 61 square metres to 166 square metres and incorporate a two storey element which projected significantly out to the side along the south elevation.

This new scheme proposes to demolish the existing two storey element to the rear and to erect a new two storey extension. Amended plans have been submitted which show the two storey element set in from the side elevation of the original lodge by 0.5 metres, along with restoring the fascia and gable feature on the side. This will enhance the appearance of the original lodge building when viewing it as you travel up Taptonville Road, with the new two storey element sitting slightly behind it, reading as a distinctly separate element. The ground floor has been reduced in size, being pulled back from the front elevation so that it sits 3 metres back, and now projects 4 metres to the side (the previous refusal was 8 metres to the side). The wrap around element at ground floor to the north elevation has also now been removed in part. This gives a proposed floor area of approximately 115 square metres.

Whilst the proposal does enlarge this small lodge building, it is now considered to be at level which no longer encompasses or overwhelms the existing lodge. The ground floor extension is set back, reduced in size, and proposes more stone work and less glazing. The two-storey element is now set in from the side elevation and allows for the original side gable to be restored. Materials are detailed as natural stone with aluminium openings.

It is considered that this application is of an appropriate scale and massing, and no-longer injurious to the character of the original lodge, the street scene, or wider Conservation Area.

It is proposed to increase the length of the stone boundary wall fronting Taptonville Road. Providing this new area of stone wall matches the materials and coursing of the original wall, this will not in itself lead to any harm to the character of the street scene, or wider conservation area.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (Broomhill Conservation Area in this instance), greater weight should be given to the asset's conservation. Paragraph 194 specifically states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Significance can be harmed or lost through development within the heritage assets

setting. Paragraph 195 and 196 go on to say that where a proposed development will lead to substantial harm, or less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this instance, it is considered that taking into account the removal of the unsympathetic extension, and its replacement with a well-designed, albeit larger extension, set back from the face of the restored gable wall of the lodge, aiding interpretation of its original form, it will result in a neutral impact that causes no harm to the character of the Broomhill Conservation Area as a whole. With regard to the above NPPF paragraphs therefore, there is no requirement for public benefits to be demonstrated.

Subject to conditions on any approval, the application complies with policies BE5, BE15, BE16, and H14 of the UDP, Core Strategy Policy CS74, Guideline 1 and 2 of the SPG, BBEST Neighbourhood Plan, sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 130 and 193 of the NPPF.

### Living Conditions

Policy H14 'Conditions on Development in Housing Areas' part (c) requires that new development in housing areas should not cause harm to the amenities of existing residents. This is further supported by Supplementary Planning Guidance 'Designing House Extensions' (SPG).

The NPPF at paragraph 127 Part (f) requires a high standard of amenity for existing and future users.

The UDP policies are therefore considered to align with the requirement of paragraph 127 so should be given significant weight in the context of carrying out an analysis of whether or not a proposal complies with the development plan.

The closest neighbouring properties to the application proposal are the adjacent properties within the Coach House which is currently being renovated/ altered, No 9 Hallamgate Road which is behind/to the side, and the end property at No. 1 Taptonville Head which is opposite.

The Supplementary Planning Guidance (SPG) for Designing House Extensions, requires at Guideline 5 that unreasonable overshadowing and over dominance of neighbouring dwellings should be avoided. Two storey buildings should not be placed closer than 12 metres from a ground floor main habitable window, and a two storey extension built along site another dwelling should make an angle of no more than 45° with the nearest point of a neighbour's window to prevent adverse overshadowing and overbearing. These guidelines are reflected in the South Yorkshire Residential Design Guide (SYRDG), which Sheffield considers Best Practice Guidance, but which is not adopted as Supplementary Planning Guidance.

The two-storey extension is positioned approximately 12 metres away from the closest elevation of No 9 Hallamgate Road, which stands slightly higher. The

Coach House which is behind is more than 12 metres away, with the properties on the opposite side of the road along Taptonville Road and Hallamgate Road more than 30 metres away. Therefore it is considered that a two storey extension under a flat roof will create no adverse overbearing or overshadowing to any nearby occupiers.

Guideline 6 of the SPG seeks to protect and maintain minimum levels of privacy. It states that two storey dwellings which face directly towards each other should be a minimum of 21 metres distant, and that rear garden lengths should be at least 10 metres to ensure that privacy is retained. Windows serving the ground floor extension can adequately be screened by appropriate boundary treatment to prevent unacceptable overlooking.

At two storey level, a new full height window is proposed serving the new bedroom which looks down the garden area to the side, or over the public highway with approximately 30 metres at a considerable angle to the closest property at No. 1 Taptonville Head. No access is proposed on top of the ground floor extension, and a condition can be attached to any approval to ensure this is not used as a balcony/terrace.

The previous scheme proposed a window in the rear elevation of the building which served the smallest bedroom. This resulted in this window being approximately 6 metres to the boundary shared with the Coach House, and only approximately 2.8 metres to the boundary with No. 9 Hallamgate Road which was considered to create an unacceptable level of overlooking.

This amended scheme proposes no windows in the rear elevation. At first floor, two small high-level windows and a small landing window are proposed in the side elevation facing towards No. 9 Hallamgate Road. These are set in from the boundary slightly and are proposed to have obscure glazing. Therefore it is considered that no adverse overlooking is created by the proposal.

Guideline 4 of the SPG requires that a minimum of 50 square metres of private amenity space is provided for a two or more bedrooomed house. Whilst there is a reduction in the amount of amenity space within the red line boundary, what is proposed is private, and amounts to more than the 50 square metres, measuring approximately 150 square metres including the areas under the trees.

Therefore the application complies with policies H14 of the UDP, Guideline 4, 5 and 6 of the SPG and paragraphs 127 of the NPPF.

#### Highways

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. Paragraph 109 of the NPPF states that '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.'

UDP Policy H14 'Conditions on Developments in Housing Areas' part (d) requires that permission will be granted where there would be appropriate off-street parking for the needs of the people living there.

Those policies broadly align with the aims of Chapter 9 of the NPPF (Promoting Sustainable Transport).

The site is located within the main urban area, and close to Broomhill District Shopping Centre, which has a wide variety of facilities and services and there are regular buses running along Manchester Road.

The application proposes two car parking spaces which is considered to be sufficient for this size of property in a very sustainable location, and is not therefore considered to impact on highway safety.

### Landscape

Policy GE15 'Trees and Woodlands' and Policy GE11 ' Nature, Conservation and Development' within the UDP require that trees and woodlands are encouraged and protected, and the design and siting of development should respect natural features of value. This is supported through Policy BE6 'Landscape Design' which seeks at part (c) to integrate existing landscape features in the development including mature trees and hedges. The aim of these policies firmly aligns with the broad aims of Chapter 15 'Conserving and Enhancing the Natural Environment' of the NPPF and specifically paragraph 175.

Guideline 7 of the SPG requires that all developments should minimise adverse effects on the landscape in the area.

At present there are three trees within the site boundary. It is proposed to extend the existing stone wall to enclose these trees within the private amenity space. A condition on any approval can ensure that a construction method is provided for working within the root protection area of any tree within the site, along with the protection of the trees during construction works.

Therefore the application does not raise any significant concerns in respect of policies GE11, GE15 and BE6 (c) of the UDP, Guideline 7 of the SPG and paragraph 175 of the NPPF.

## 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 arboculturalists report has not been updated - This has not been requested as the development is pulled further away from the existing trees within the site.
- The tree protection measures would be a condition on any approval, and not be required to be erected prior to a decision.

- Issues relating to the adjacent site are not being assessed as part of this application.
- The applicant has confirmed that they own all of the land within the site boundary.
- Immediate neighbours, and all those who commented on the previous refusal have been sent neighbour letters, and a site notice has been posted.
- The drawings are to scale, and whilst they don't have many dimensions labelled, they are considered to be of an appropriate standard.

## **SUMMARY AND RECOMMENDATION**

The removal of the existing unsympathetic extension to the rear of the property is welcomed. The overall design, scale and massing of the proposal is now considered to be acceptable, and will not adversely impact on the host building, the surrounding street scene, or the Brooomhill Conservation Area.

The proposal will not impact on the amenity and living conditions of existing adjoining residents to an adverse level, with a good level of amenity afforded to future residents.

There are three trees within the garden space and it is intended to erect a timber fence and stone wall close to them. Subject to further information regarding protection of the trees during construction, which will be obtained through a relevant condition, it is not considered that the proposal would have an adverse impact on the existing trees.

No highways issues have arisen from the proposed development.

As such the proposal complies with the above mentioned Unitary Development Plan and Core Strategy Policies, Supplementary Planning Guidance for Designing Housing Extensions and paragraphs within the National Planning Policy Framework.

It is therefore recommended that planning permission is granted subject to conditions.

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Case Number	20/03978/FUL (Formerly PP-09234147)
Application Type	Full Planning Application
Proposal	Demolition of existing dwelling house, erection of 3no. detached dwelling houses and associated works
Location	The Poplars 21 Chorley Drive Sheffield S10 3RQ
Date Received	11/11/2020
Team	West and North
Applicant/Agent	Mr Peter Noble
Recommendation	Grant Conditionally

## Time limit for Commencement of Development

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

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

## Approved/Refused Plan(s)

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

Drawing No.- 019027-AAD-00-00-DR-A-0003-rev P03 (proposed site plan) published 10.02.21

Drawing No.- 019027-AAD-ZZ-00-DR-A-0008-rev P03 (demolition and proposed elevations and section plan) published 10.02.21

Drawing No.- 019027-AAD-00-ZZ-DR-A-0009-rev P03 (proposed context elevation and section) published 10.02.21

Drawing No.- 019027-AAD-03-ZZ-DR-A-0008-rev P01 (proposed elevations - plot 3) published 25.12.20

Drawing No.- 019027-AAD-00-ZZ-DR-A-0008-rev P02 (proposed elevations

and section) published 23.12.20

Drawing No.- 019027-AAD-01-ZZ-DR-A-0004-rev P01 (proposed floor plans and elevations -plot 1) published 25.12.20

Drawing No.- 019027-AAD-02-ZZ-DR-A-0005-rev P01 (proposed floor plans and elevations -plot 2) published 25.12.20

Drawing No.- 019027-AAD-03-ZZ-DR-A-0007-rev P01 (proposed floor plans - plot 3) published 25.12.20

Drawing No.- 019027-AAD-00-00-DR-A-0010-rev P01 (site location plan) published 11.11.20

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 equipment is provided 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. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway, it is essential that this condition is complied with before any works on site commence.

4. Any intrusive investigations recommended in the report, "Phase 1 Geotechnical and Geoenvironmental site investigation. Eastwood and Partners. 04.11.2020. Job no. 45377", shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

Reason: In order to ensure that any contamination of the land is properly dealt with.

5. Any remediation works recommended in the approved Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

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

6. 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.

7. 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.

8. 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.

9. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

10. Full details of the proposed driveway crossings from Chorley Drive, including details of existing highway trees and tree roots located in the highway grass verge, shall be submitted to and approved in writing by the local planning authority. Where the new driveway crossings will result in the loss of a highway tree, details of a suitable replacement shall be provided. The provision of replacement trees and the construction of the new driveway crossings shall be carried out in accordance with the approved details before

the development is occupied and shall thereafter be retained.

Reason: In the interests of protecting highway trees.

11. 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 dwellings 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.

12. The driveways 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 driveways 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.

13. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy

Reason: In order to ensure that any contamination of the land is properly dealt with.

14. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and 2 Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

## **Other Compliance Conditions**

15. The dwellings shall not be used unless the car parking accommodation for dwellings 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.

16. The hard surfaced areas of the site shall be constructed of permeable/porous materials. Thereafter the approved permeable/porous surfacing material shall be retained.

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

17. All windows in the side/gable elevations of the proposed dwellings shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the window shall at any time be glazed with clear glass.

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

## **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. It is advised that the site layout is amended to allow for adequate protection of the sewers. For further information, the developer should contact the Developer Services Team: telephone 0345 120 84 82 (option 1) or email [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk).

Yorkshire Water Authority advise that the following points should be addressed:

- i) the submitted drawing appears to show buildings proposed to be built-over the line of public sewer crossing the site. In this instance, the checks have indicated that the proposal falls outside the scope of Requirement H4 of the Building Regulations. Diversion of the sewer or alteration of the layout will be required.
- ii) the submitted drawing should show the required building stand-off from public sewer -- or an agreed alternative scheme If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Registered Office Yorkshire Water Services Limited Western House Halifax

Road Bradford BD6 2SZ Registered in England and Wales No. 2366682  
www.yorkshirewater.com

Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

2. On the Statutory Sewer Map, there is a small diameter public combined sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over.

A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

3. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

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

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

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

4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114

2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk)

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

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

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

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

6. As the proposed development will involve the closing/diversion of a public highway(s) you are advised to contact the Highway Records team as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the highway(s) under Section 247 of the Town and Country Planning Act 1990. This process can take several months to complete.

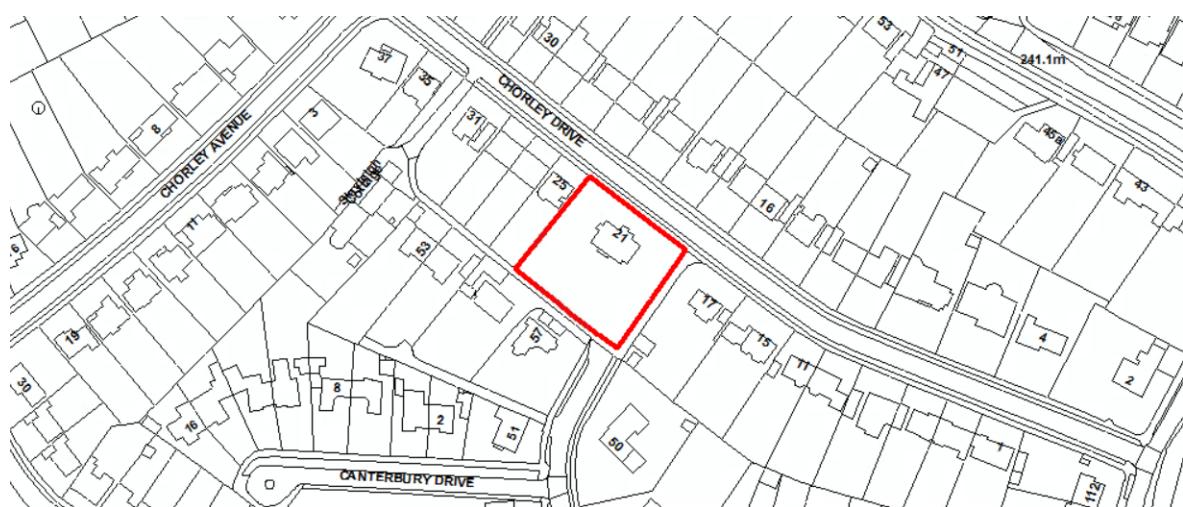
Principal Engineer, Highway Records  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6301 or 273 6125  
Email: [highwayrecords@sheffield.gov.uk](mailto:highwayrecords@sheffield.gov.uk)

7. 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.
8. 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.
9. 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](mailto:epsadmin@sheffield.gov.uk).

## Site Location



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## **LOCATION AND PROPOSAL**

The application site is located within the Fulwood district and relates to a domestic dwelling and its generous curtilage situated on the south side of Chorley Drive.

The site covers approximately 0.177 hectares and currently features a large detached three storey dwellinghouse, No. 21 Chorley Drive, a hardstanding to the side and a large rear garden which is set at a lower level than the ground floor of the main dwelling because the site slopes down from north to south. The rear garden also incorporates a tennis court.

A public footpath runs along the south-eastern site boundary, separating it from No. 17 Chorley Drive and connecting Chorley Drive to Canterbury Avenue.

The area is wholly residential in character, predominantly consisting of detached and semi-detached housing which varies in style, but which is characterised by steeply pitched roofs and the use of render.

The application seeks full planning permission to demolish the existing house and construct three detached dwellinghouses. All three houses will have front entrances and off-street parking accessed from Chorley Drive and gardens to the front and rear, with plots 2 and 3 benefiting from additional parking spaces within garages to the rear accessed from Canterbury Avenue.

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

## **RELEVANT PLANNING HISTORY**

The most recent planning application is ref. 03/02724/OUT- Erection of 2 dwellings (Renewal of outline planning permission - application under section 73 to vary conditions 2 & 3 (start date - commencement of development)) which was granted on 22.09.2003.

## **SUMMARY OF REPRESENTATIONS**

85 objections from residents have been received plus letters of objection from the Peak & Northern Footpaths Society, Sheffield Ramblers and Cllr Sue Alston (Neutral).

The vast majority of objections related to the loss of the public footpath along the south-eastern boundary as proposed in the original submission. The scheme has since been amended to include retention of the footpath.

Other material planning concerns raised by objectors include:

- the houses are too close together and represent an over-development of the site.
- the development is not in-keeping with the character of the area in terms of design and materials proposed, in particular the use of grey brick.

- harmful impact on highway safety as a result of additional traffic, likely
- increase in on-street parking and the narrowness of the proposed front drives.
- impact on pedestrian safety.
- overlooking of neighbouring gardens.
- there are inaccuracies on the submitted plans.

In addition, concerns were raised about disruption during construction (non-planning matter) and boundary issues (private matter).

## **PLANNING ASSESSMENT**

### **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 (UDP) 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.

Paragraph 11 of the NPPF states that where there are no relevant development plan policies, or 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 NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Footnote 7 of the NPPF sets out that out-of-date policies include those relating to the provision of housing in the event where the local planning authority cannot demonstrate a five-year housing supply of deliverable housing sites. At present, Sheffield is able to demonstrate a 5.4 year supply of deliverable housing sites across the city. As such, the Council's policies with regard to housing land supply are not automatically 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 NPPF below.

### **Principle of Development**

Chapter 5 of the NPPF seeks to significantly boost the supply of homes.

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

The application site is part previously developed (the land occupied by existing structures) and part greenfield (the residential garden).

Core Strategy Policy CS24 relates to the use of previously developed land for new housing and sets out that not more than 12% of dwellings should be built on greenfield land. Given that the Council is currently achieving a build rate on previously developed land of more than 95%, the proposals comply with policy CS24. However, as the NPPF actively promotes the reuse of previously developed land but does not specifically advocate a ‘brownfield first’ approach, policy CS24 carries reduced weight.

Paragraph 68 of the revised NPPF sets out that ‘small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

Policy CS31 (Housing in the South West) of the Core Strategy states that, in South-West Sheffield priority will be given to safeguarding and enhancing its areas of character. As such, the scale of new development will be largely defined by what can be accommodated at an appropriate density through infilling, windfall sites and development in district centres and other locations well served by public transport.

The site is not within a Conservation Area and the garden that is to be developed does not contribute greatly to the character and appearance of the area; being concealed behind the existing property and in large part hard surfaced.

The submitted plans seek to develop the site with three dwellings. The density of development would equate to approximately 25 dwellings per hectare. This is roughly in line with the aspirations of Core Strategy Policy CS26 which sets an appropriate density range for this location of between 30 - 40 dwellings per hectare.

Paragraph 122 of the NPPF sets out that planning policies and decisions should support development that makes efficient use of land, taking into account land suitability, local market conditions and viability, maintaining an area’s prevailing character and setting (including residential gardens) and the importance of securing well-designed, attractive and healthy places.

The proposal would achieve an efficient use of land and make a positive contribution to the supply of housing, whilst avoiding over-development and maintaining the character of the area in relation to density.

It is considered that in principle the development of the site for housing would accord with UDP policy H10, Core Strategy Policies CS24, CS26 and CS31 as well as paragraphs 68 and 122 of the NPPF.

## Design Issues

Chapter 12 of the NPPF 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 NPPF sets out that decision should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

UDP Policy H14 relates to conditions on development in Housing Areas and in particular part (a) expects new buildings and extensions to be well designed and in scale and character with neighbouring buildings. UDP Policy BE5 also seeks to ensure good design and the use of good quality materials in all new buildings and extensions.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments and further endorses the objectives of policies H14 and BE5. Policy CS74 seeks high quality development which respects and enhances the distinctive features of the city, its districts and neighbourhoods including, at part (c) the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

These local design policies are considered to be up to date and in accordance with the NPPF.

The area does not have any special protection in planning terms. The character and external appearance of dwellings in the area is varied, however the predominant character of the area is defined by large semi-detached and detached two-storey houses finished in render and/or red brick with steeply pitched roofs.

The proposed dwellinghouses generally follow the established pattern of houses in the area being arranged with small front gardens, incorporating off-street parking, and large rear gardens. Whilst plots 2 and 3 also benefit from double garages located to the rear which are accessed off Canterbury Avenue, this is not considered to harm the character of the area.

The street scene context elevations indicate a general rising of ridge lines from east to west reflecting the rise of the natural ground level and neighbouring properties, which is considered to be appropriate.

In respect of scale and massing the proposals are for two storey frontages and three storeys to the rear, with pitched roofs. These aspects mirror the prevailing scale in the locality.

The proposed palette of materials is simple and clean, in line with the houses within the immediate vicinity. Render is the primary facing material, with some elements of pale grey brick detailing, while window frames are shown to be in dark black or grey. The proposed materials palette is a contemporary interpretation of local character and is broadly supported, subject to details which will be conditioned to ensure appropriate quality.

Limited information has been submitted in relation to the proposed boundary treatments and so a condition will be imposed to provide further details.

It is considered that the proposed dwellinghouses will not appear incongruous in the street scene and as described, the design approach raises no significant issues.

#### Amenity Issues

UDP policy H14 expects new development to safeguard the amenities of residents. The guidelines contained within the Council's supplementary planning guidance (SPG) 'Designing House Extensions' are also relevant.

Paragraph 127 of the NPPF states that the planning system should seek to secure a high standard of amenity for existing and future users.

Policy H14 and its supporting guidance are considered to be consistent with paragraph 127 of the NPPF with regard to residential amenity and therefore carry significant weight.

Nos. 25 and 17 Chorley Drive sit either side of the proposed dwellings, which will be more or less in line with the established front and rear building lines. The basement level of the house on plot 3 extends along the south-eastern site boundary to accommodate a gym, home office and double garage. Plot 3 is on slightly higher ground than No.17 but as the rear projection is at basement level and separated from No.17 by the now retained public footpath as well as trees and hedging along the boundary of No.17, it is considered that the side wall of the rear projection will not have a harmful impact on the rear garden of No.17.

There are some windows in the gable end elevations of the proposed dwelling's, but these serve none habitable rooms (bathrooms and wc.s), with the exception of some small dining room windows. A condition is proposed to secure obscure glazing of the side windows in order to protect the amenities of the occupiers of neighbouring properties.

Properties to the rear are situated in excess of 30m from the rear elevations of plots 1 and 2, though plot 2 also incorporates a detached single storey garage adjacent the rear site boundary which will sit opposite a garage to the side of No.57 Canterbury Avenue with no harmful impact. The rear of plot 3 faces onto Canterbury Avenue.

Properties opposite the site to the north are approximately 30m away, exceeding the 21 metre separation distance recommended in Guideline 6 of the supplementary planning guidance. It is therefore considered that the proposed dwellings are sufficiently separated from neighbouring dwellings and will not lead to any unreasonable overshadowing or overbearing impacts.

All three properties incorporate rear facing terraces which will offer some views across neighbouring gardens. However, the terraces are at ground floor level, are partly inset (i.e. enclosed) and, due to the changes in level and with appropriate boundary treatments, it is considered that the opportunities for overlooking will be

limited and the impact on the privacy of the occupiers of neighbouring dwellings will not be harmful. A raised garden area shown to the rear of plot 1 is an existing feature of the site and so will not have any significant adverse impacts.

An additional three residential properties in a residential area raises no obvious noise disturbance concerns for existing neighbours.

The site lies within a quiet, residential setting with low background noise levels and no sound attenuation measures over and above standard building regulation requirements are required.

#### Future Occupants

The internal layout of the houses will provide for good outlook and natural lighting to all main habitable spaces. The rear gardens of plots 1 and 2 are generous. The rear garden area of plot 3 is reduced due to the basement level projection, but in all case the garden sizes exceed the requirements of the Guideline 4 of the supplementary planning guidance.

In view of the above, the proposals are considered to comply with UDP Policy H14 and the supplementary planning guidance.

#### Highway Issues

UDP policy H14(d) expects new development to provide safe access to the highway network, appropriate levels of parking and to not endanger pedestrians. Policy H14 is consistent with the NPPF, which also promotes sustainable transport, but clarifies in paragraph 109 that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Vehicular access will be via Chorley Drive to the front and also, for two plots 2 and 3, via Canterbury Avenue to the rear. Visibility is good and each house will have 4 off-street parking spaces (including 2 in the garage for each house).

The construction of the proposed driveway crossings from Chorley Drive will likely impact on a mature highway tree. While highway trees in the locality contribute to the character of the area, this is a quiet residential road and so that contribution is considered to be of local significance only. Furthermore, the highway tree, a cherry, is classed as a category C tree in the submitted tree survey (thin crown and in a state of decline). It is therefore considered that, subject to a condition requiring details of the proposed driveway crossings, existing highway trees and the replacement of any lost highway trees, the construction of the proposed driveway crossings is acceptable.

It is considered that the level of parking provision is acceptable and unlikely to lead to a significant increase in on-street parking and that three additional dwellings along Chorley Drive will not adversely impact on highway safety.

## Landscape Considerations

UDP Policy BE6 expects good quality landscape design in all new development which makes use of existing landscape features and promotes nature conservation, while a key principle of the NPPF is to conserve and enhance the natural environment (Chapter 15). It states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (paragraph 170).

The proposed development would not result in the loss of any protected species habitat. The site has been used in large part as domestic garden but much of this was given over to hard surfacing, including the tennis court.

Existing vegetation along the boundaries is to be retained where possible and, subject to conditions seeking full details of proposed hard and soft landscaping and any new boundary treatments, the development raises no concerns in this regard.

## Flood Risk and Land Drainage

Yorkshire Water have raised an objection to the proposed layout based on the fact that their historic records show a public sewer running through the rear garden from midway down the north-western site boundary to the south eastern corner of the site. The exact location of the sewer is not known but it is understood that this is only likely to impact on one of the proposed detached garages.

In discussion with Yorkshire Water the applicant has agreed to undertake further investigations to determine the exact location of the sewer and, if necessary, the applicant will secure the appropriate consents that will allow them to divert the sewer between the garages.

Subject to compliance with standard conditions, the remainder of the development does not raise any drainage concerns.

It is also recommended that a condition be attached to any consent requiring details of all hard surfaced areas to be submitted for approval prior to the commencement of development and that all hard surfaces will need to be finished in a porous / permeable material in order to reduce surface water run-off.

## Community Infrastructure Levy

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development.

In this instance the proposal is liable for CIL charges in Zone 5, at a rate of £80 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.

## **SUMMARY AND RECOMMENDATION**

Permission is sought for the erection of 3 detached dwellinghouses.

The UDP identifies the site as being within a Housing Area where housing is the preferred use of land.

The proposed dwellings are considered to be of an acceptable design which would not adversely impact on the character of the area.

Each house would have 4 off-street parking spaces, the development would not result in unacceptable levels of overlooking or overshadowing of neighbouring property and occupiers of the proposed development would be afforded satisfactory living conditions with ample private amenity space.

Overall, the proposed development is considered to be in accordance with UDP policies BE5, BE6, H10 and H14, and policies CS24, CS26, CS31 and CS74 of the Core Strategy as well as guidance contained within the revised NPPF.

It is therefore recommended that Members grant planning permission subject to the proposed conditions.

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# Agenda Item 7e

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Case Number	20/04543/FUL (Formerly PP-09283426)
Application Type	Full Planning Application
Proposal	Demolition of a building in a Conservation Area to allow future re-development
Location	Avec Building 1 Sidney Street Sheffield S1 4RG
Date Received	21/12/2020
Team	City Centre and East
Applicant/Agent	Capital Delivery Service Sheffield City Council
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:

Demolition and Restoration Plan: PC05942 AL(0)001 rev A (published 21.12.2020)  
Location Plan: PC05942 Loc 01 (published 21.12.2020)

Reason: In order to define the permission.

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

3. No demolition shall commence until a Demolition Environmental Management Plan has been submitted to and approved by the local planning authority. The Management Plan shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby

sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

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 timber knee rail indicated in drawing AL(0)001 Rev A, shall be extended to run between the part of the site occupied by the Avec Building and the existing car parking area, in order to effectively prevent parking on the cleared site. The timber rail shall be installed immediately following site clearance.

Reason: In order to define the permission.

#### **Other Compliance Conditions**

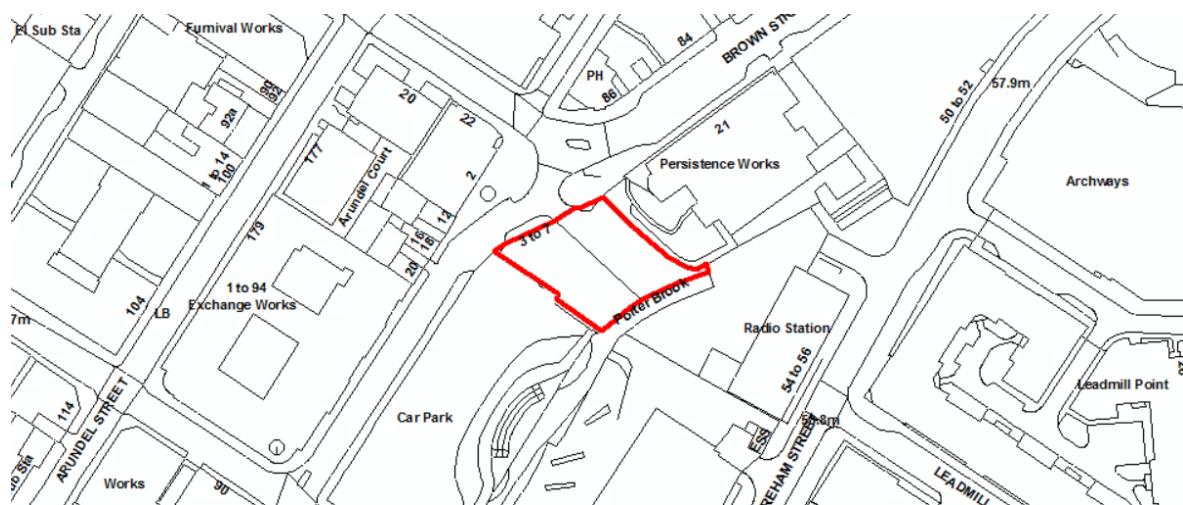
Attention is Drawn to the Following Directives:

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. The required Demolition Environmental Management Plan should include, as a minimum;
  - Reference to permitted standard hours of working;
  - 0730 to 1800 Monday to Friday
  - 0800 to 1300 Saturday
  - No working on Sundays or Public Holidays
  - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
  - A communications strategy for principal sensitive parties close to the site.
  - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
  - Noise - including welfare provisions and associated generators, in addition to demolition activities.
  - Vibration.
  - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
  - Details of site access & egress for construction traffic and deliveries.

- A consideration of potential lighting impacts for any overnight security lighting.

Further advice can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at [eps.commercial@sheffield.gov](mailto:eps.commercial@sheffield.gov)

## Site Location



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## **LOCATION AND PROPOSAL**

The application relates to the vacant Avec building, a 2/3 storey brick/clad flat roof building located close to the junction of Brown Street and Sidney Street.

The building is rectangular in shape with the narrowest elevation fronting the street and the longer sides running the length of the site between the highway to the front and the Porter Brook to the rear. A car parking area associated with the building is located to the side of the site and beyond this lies Persistence Works, a four storey contemporary concrete building. A modern apartment block is located directly opposite the site on the other side of Sidney Street whilst a car park is positioned to the south west and bounds the Porter Brook Pocket Park adjacent to the river.

The site is located within a Fringe Industry and Business Area as allocated in the UDP and is also within the Cultural Industries Quarter Conservation Area.

Permission is sought for the demolition of the building and restoration to allow for the future redevelopment of the site. The applicant has clarified that the site will not be used for additional car parking, with only the current parking area retained for local users. Funding for the demolition has been secured by the Council from the Sheffield City Region (SCR) and is intended to commence in March; following this the site will be marketed for redevelopment in April.

Demolition can often be carried out under a prior notification procedure. However, in this instance the site falls within the Cultural Industries Quarter Conservation Area and so requires a full planning application in accordance with section 196D of the Town and Country Planning Act 1990.

## **RELEVANT PLANNING HISTORY**

There is some limited planning history to the site but none of it particularly relevant to the determination of this application.

## **SUMMARY OF REPRESENTATIONS**

The Sheaf and Porter Rivers Trust has commented on the application, the main points are summarised below:

- Welcome the demolition of the building which does not contribute to the character of the Conservation Area but occupies a key position and offers the opportunity to open up and restore the Porter Brook and linked spaces along Sheffield's Rivers.
- The de-culverting and naturalisation of the Porter Brook on the adjacent NCP site and the creation of the pocket park has transformed the river.
- Improvements to the riverside and an interim footpath could be delivered as part of this application. Improvements include: a temporary footway; a knee rail to separate the footway from the car park; a safety rail adjacent to the river; clearance of overhanging planting; channel naturalisation; remove or cut through concrete boundary wall of Persistence Work; reduce size of substation.

- Ongoing discussions with Yorkshire Artspace may result in their opening their permissive right of way on a 24 hour basis.
- Future redevelopment of the site should extend the riverside park to create a site frontage on to the river.

52 letters of representation have been received; the points raised are detailed below:

- Many representations support the suggestions in the Sheaf and Porter Rivers Trust.
- In recognition of the excellent work already done by the Sheaf and Porter Rivers Trust, the Council is urged to work with them to join up the missing link that is presented by providing a footpath through this site.
- A footpath link is present at either side of this site adjacent to the river, this development provides the opportunity to extend the footpath and provide the missing link.
- Other developments upstream of Matilda Street are at various stages of opening up access and re-naturalisation of the river; this site is a key continuation of the riverside development.
- It would be regrettable for work to have been carried out elsewhere next to the Porter Brook and for it to not be fully completed.
- This would only be a short stretch of path, but key to part of the overall picture.
- Provision of a temporary footway would provide a clear precedent to future developers of the site.
- To build a car park without a riverside path is contrary to the Sheffield Local Plan, City Centre Policies and active travel guidance by Sheffield City Region.
- To build a car park would be a misuse of public funds.
- The footpath would improve natural surveillance and reduce anti-social behaviour.
- Prioritising extra parking over the needs of residents, visitors and workers does not fit with the desire to create active travel.
- Opportunity to improve river biodiversity and habitat.
- Will add to the greening of the City Centre, making a more pleasant environment.
- Additional parking cannot be justified given the climate emergency that the authority has declared.
- The Council should be trying to reduce the City's over reliance on car usage and promote active travel.
- The path will benefit physical and mental health.
- The site represents an opportunity to extend pedestrian and cycling links and increase the size of the pocket park.
- River corridors have great potential in reducing the lack of open space in the City Centre.
- The application does not take into account the interests of the general public, the area or its neighbours.
- The site may never get redeveloped or it may take a long time and the opportunity for the footpath never realised.

- Provision of riverside path will cost very little and there will still be space for parking.
- The planning application for the adjacent site (14/04010/RG3) argued the case for the pocket park on the basis of Core Strategy Policies CS45, CS46 and CS48. These are all relevant to the current application.
- The site is identified in the City Centre Breathing Spaces Strategy (2011) and is part of a long-term proposal to create a green corridor along the Porter Brook through the CIQ.
- Object to the use of site on the basis of increased traffic - if parking is proposed local residents should be allowed permits.
- Footpath would promote equality, sustainability, human health and environmental health.
- The riverside footpath will present a pleasant and preferred route between the Town Centre, Hallam University and a number of local residences.
- Extension of footpath would benefit businesses in and around Brown Street, Matilda Street, Sidney Street and Shoreham Street.

## **PLANNING ASSESSMENT**

The site is located in the Cultural Industries Quarter Conservation Area and in assessing the proposal it is necessary to assess the impact on this designated heritage asset and any nearby listed buildings.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Policy BE15 of the UDP 'Areas and Buildings of Special Architectural or Historic Interest' states that development which would harm the character or appearance of Listed Buildings and Conservation Areas will not be permitted.

UDP Policy BE 16 'Development in Conservation Areas' states that development should preserve or enhance the character or appearance of the conservation area. It also requires that sufficient information is submitted to enable the impact on the area to be properly considered.

Chapter 16 of the National Planning Policy Framework 2019 (NPPF) Conserving and Enhancing the Historic Environment states that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Paragraph 189 advises that, in determining applications, local planning authorities should require an applicant to describe the significance of an affected asset, including any contribution made by their setting, at a level proportionate to the assets' importance, while paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification.

Paragraph 190 requires local planning authorities to identify and assess the significance of a heritage asset that may be affected by a proposal and to minimise the conflict between the conservation of the asset and impact of the proposals. Paragraph 192 requires local planning authorities to take account of the desirability

of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 193 states that great weight should be given to the heritage asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to the significance of a designated heritage asset needs clear and convincing justification. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Finally Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### Impact on Conservation Area

The Conservation Area Appraisal identifies 6 distinct character areas. The Avec building falls within the Matilda Street Central Area. This area is described as being characterised by later development. Paragraph 4.2.3 of the appraisal states 'The area bounded by central Matilda Street, Sidney Street and Shoreham Street has suffered extensive demolition and only a few key remnants of the original character of the area remain; Sidney Works, the 1800s buildings opposite Porter Brook and the Sidney Street west frontage'.

The Avec building is identified as a building with a negative impact on the area in the Conservation Area Appraisal. It is constructed from brickwork and cladding and has a run-down appearance. Given that the building is identified as negative in townscape terms, its loss will not have a harmful impact on the character of the conservation area and will indeed allow for the future redevelopment of the site. Such redevelopment with a carefully considered and well detailed building of suitable scale and massing (subject to a future application) could serve to improve and enhance the character of the conservation area.

### Impact on Listed Buildings

The development is not located in close proximity to any listed buildings, its demolition will therefore not have any impact on any listed heritage assets. In summary it is concluded that the existing building does not contribute positively to the character of the conservation area. As such its removal will not be harmful to the character of the conservation area and in fact offers the potential to create a positive new building. The proposed demolition is therefore considered to comply with the relevant development plan policies and Chapter 16 of the NPPF.

### Impact on Porter Brook

The Porter Brook River runs to the south-east of the application site. The removal of

the Avec building and redevelopment of the site offers the opportunity to link the pedestrian route along the Porter Brook which currently exists as part of the pocket park to the south-west of the site and the pedestrian footpath to the rear of Persistence Works to the north-east of the site. Indeed, the Informal Planning Advisory Note prepared to support the future redevelopment of the site will detail the requirement to provide a pedestrian link. Any planning application will be required to provide such a pedestrian link adjacent to the river.

It is considered that a request to provide the footpath at this stage, even in a temporary form cannot be justified given that the application is only seeking demolition of the building and the fact that in itself that demolition is acceptable in its own right based on the assessment above. The requirement to provide a footpath is not proportionate to the development proposed through the application, nor is it necessary to make the principle of development acceptable. The Property Services Section of the Council has confirmed that funding for the demolition is from the Sheffield City Region (SCR) and the funding bid did not include any funds to provide a pedestrian link. The demolition of the building will pave the way for a future redevelopment scheme and will make it much more attractive to prospective development partners as the expense of the demolition will have already been undertaken.

Similarly, works to re-naturalise and improve the habitat of the adjacent river cannot be justified as part of the demolition scheme. Such requirements are not considered to be proportionate, reasonable or directly relevant to the application under consideration which is simply the demolition of the building. Such works will be considered as part of any future planning application for the site and are likely to be justifiable as part of the consideration of biodiversity net gain.

It is noted that there is no guarantee in relation to timescales for the future redevelopment of the site. However, the Council are committed to marketing the site and have estimated this to commence in April. Despite the uncertainty over timescales the fact that the provision of a footpath would be disproportionate to the development proposed through the application under consideration here still stands. In light of the above, it is concluded that the provision of a footpath and works to the Porter Brook cannot be justified as part of the current application. The Local Planning Authority does however recognise the opportunity that this site presents for connecting the route adjacent to the river and will seek to ensure that such a link is provided as part of the future redevelopment of the site. Indeed this is specified in the Informal Planning Advice Note that has been prepared to aid the marketing of the site.

#### Method of Demolition

A brief description of demolition has been provided. In essence the site will be secured with an appropriate boundary treatment, asbestos will then be removed, followed by soft strip of internals. The information submitted at this stage details that the contractor will be required to submit a demolition method statement as part of the tender submission. It is considered necessary to condition a demolition environmental management plan to ensure that the demolition is planned and managed so as to prevent nuisance and minimise disamenity to nearby sensitive

uses.

#### Highways

The applicant has clarified that it is not proposed to use the site for additional car parking. The existing access and parking area to the north-east of the building will be retained and used for staff of red tape studios as is currently the case. The rest of the site will be covered with compact aggregate and surrounded by a timber knee rail to prevent vehicular access and parking.

#### **RESPONSE TO REPRESENTATIONS**

The above report addresses the points raised through neighbour representation.

#### **SUMMARY AND CONCLUSION**

The demolition of the Avec Building is acceptable from a heritage aspect and will not have a detrimental impact on the character of the Conservation Area. The importance of the continuation of the footpath adjacent to the Porter Brook is recognised and will be promoted through the redevelopment of the site. Indeed it is expressly included in the Informal Planning Advice Note that will accompany the marketing particulars. However, it is not appropriate to require provision of the footpath at this stage as it is not proportionate to the proposed demolition. The demolition complies with relevant national and local policies as outlined in the above report and is therefore recommended for approval subject to the listed conditions.

Case Number	20/03479/FUL (Formerly PP-08909137)
Application Type	Full Planning Application
Proposal	Change of use with associated external alterations from student accommodation (sui generis) to an overflow Initial Accommodation hostel for those seeking asylum (sui generis)
Location	Regency House 75 - 77 St Mary's Road Sheffield S2 4AN
Date Received	06/10/2020
Team	City Centre and East
Applicant/Agent	Gerald Eve LLP
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 shall be carried out in accordance with the following approved plans published 06.10.2020:

Site Location Plan - 1503\_311  
Proposed Block Plan - 1503\_317  
Proposed Ground and First Floor Plan - 1503\_318  
Proposed Second and Third Floor Plan - 1503\_319  
Proposed Fourth and Roof Plan - 1503\_320  
Proposed Elevations and Sections - 1503\_321

Reason: In order to define the permission

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

3. No above ground works shall commence until the safety improvements listed below have either:
  - a) been carried out; or
  - b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the building is brought into use and the building shall not be brought into use until the highway improvements listed below have been carried out.

Safety Improvements:

Safety bollards/barriers to protect the St Mary's Road and Mary Street pedestrian entrances from vehicle incursion.

Reason: In the interests of the public safety of future occupiers of the site and neighbouring buildings.

4. Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety and the amenities of the locality.

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

5. 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 amenities of future occupiers of the site.

6. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:
  - a. Be based on the findings of approved noise survey (ref: 0726/ISS, revision: 1, dated: 10/09/20, prepared by: Lighthouse Acoustics).
  - b. Be capable of achieving the following noise levels:  
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);  
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);  
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);  
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
  - c. Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

Before the scheme of sound insulation works is installed full details thereof

shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

7. Before the use of the development is commenced, Validation Testing of the sound insulation and/or attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:
  - a) Be carried out in accordance with an approved method statement.
  - b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound insulation and/or attenuation works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

8. The reinstatement works to the Mary Street elevation to facilitate the provision of the new windows and door shall match existing.

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

### **Other Compliance Conditions**

9. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing 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 it is essential for these works to have been carried out before the use commences.

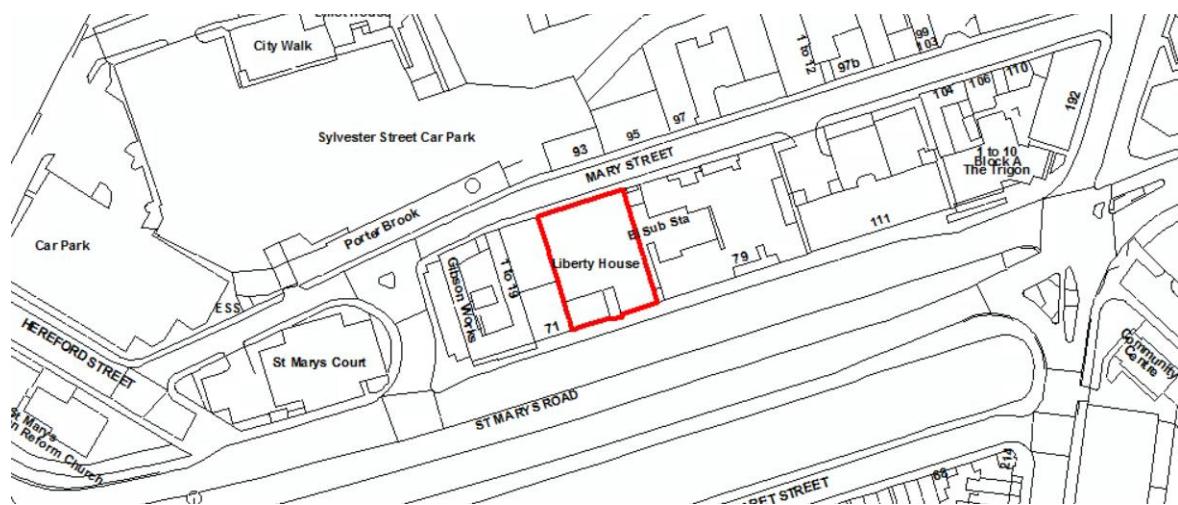
10. The facility shall be operated in accordance with the Regency House Management and Operations Plan produced by Mears and published 06.10.2020.

Reason: In the interests of ensuring the safe operation of the facility

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 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.
3. The applicant is advised that the Police have recommended that in the interests of the safety of residents the building should benefit from 24/7 on site security using SIA accredited staff and should not have any signage identifying it as an asylum facility.

## Site Location



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## **LOCATION AND PROPOSAL**

The application site occupies a plot with frontages to St Mary's Road and Mary Street. It is located between the Jet Centro apartment scheme to the east and a vacant building to the west. To the south the building faces on to the busy inner ring road. To the north, Mary Street is much quieter with a 3 storey building used for low key storage opposite the site; the Porter Brook; and a large residential scheme under construction comprising of 300+ apartments, commercial space and buildings between 5 and 14 storeys high. The surroundings are residential and commercial in character.

The site lies at the southern edge of the Cultural Industry Quarter (CIQ) Conservation area. There are listed buildings to the west of the site (Gibson Works) and to the north (Elliot House). The site falls within flood zone 2.

Buildings cover 100% of the plot and were last used as student accommodation. Facing St Mary's Road, the building is two storeys high, faced in brick and stone with regular large timber and timber sash frame windows and probably built for a metal trades business. To the rear, the buildings are between 4 and 5 storeys high and rendered with modern window insertions.

The application is seeking permission to change the use of the building from student accommodation (*sui generis*) to an overflow initial accommodation hostel for those seeking asylum (*sui generis*). The applicant has a contract with the Home Office to provide asylum services. The site will provide overspill facilities for 4/6 week stays for asylum seekers when the existing facility in Wakefield is at capacity and whilst their applications are being considered. The Wakefield site is regularly over capacity and there are health and safety, security and well-being benefits of providing an overspill facility rather than placing asylum seekers in HMO properties.

The facility will accommodate up to 105 residents including families, although numbers are likely to be less in the winter when there are fewer families and because residents will only be transferred when capacity is exceeded at Wakefield. The split is 20% family rooms and 80% individual rooms but in terms of numbers of people it will be nearer a 50/50 split between families and individuals. Communal rooms, courtyard space, a teaching room, meeting rooms, offices and laundry facilities will be provided.

The site will be staffed 24 hours a day and there will be a resident welfare manager and a migrant help office with drop-in sessions for residents. There will be permanent staff and transitory professionals and volunteers etc who will visit from time to time. It is not expected that the development will impact significantly on social services - children will not register with schools and vulnerable migrants will not be housed at the Sheffield site. There will be a relationship with a local medical practice. Residents are not allowed to work and will receive a daily subsistence payment. Residents will have to sign in and out; there will be CCTV coverage of the communal areas and antisocial behaviour could impact on the claimant's asylum application. Residents will not have access to vehicles and they will be transported to the site during working hours in small groups.

External alterations comprise of a sliding door entrance and three new windows on the ground floor of the Mary Street frontage. Three new windows facing on to the Jet Centro courtyard at ground floor are also proposed together with a new sliding door entrance to the St Mary's Road frontage. The single storey flat and pitched roof over the covered courtyard is to be removed to create a small open courtyard and a terrace area at first floor level.

Internally the format of the existing student rooms is largely maintained on the upper floors. The main changes are at ground floor level where 4 accessible rooms are created together with 3 sitting rooms; health room; laundry; stores; offices etc.

## **RELEVANT PLANNING HISTORY**

95/0135P – Alterations and extensions to building for use as part student living accommodation and part of ground floor for business (class B1)/ Shop (class A1) purposes. (Granted Conditionally 1.5.1995)

## **SUMMARY OF REPRESENTATIONS**

The applicant has submitted a Statement of Community Involvement in support of the application. The following groups were consulted

Local residents  
Local businesses  
Sheffield City Council elected members  
Sheffield City Council officers  
City Ward Members  
City of Sanctuary  
Voluntary Sector Members  
Statutory Stakeholders

Emailed letters were sent to stakeholders and a notice sent to 642 local residences and businesses to the north side of the Inner Ring Road. Video briefings were undertaken with the Director of Housing, officers, elected members and the voluntary sector. A consultation web site was set up and an online survey.

The feedback consisted of questions/concerns raised about room sizes and the number of families and children who could be accommodated. Clarification was sought on what facilities would be available and how health and wellbeing, social distancing and circulation space would be catered for. Four residents commented; of which 2 supported the plans; one was against; and one undecided. The feedback included concern about noise impact when working on shifts and that a resident had got used to no longer being overlooked by the previous occupants. It was also stated that it would be useful to have feedback from residents who live near to similar facilities. A comment was made that the proposal may affect their ability to sell a property. There was also support for asylum accommodation.

South Yorkshire Police have considered local crime data and had a meeting with the facility operator as well as making enquiries with the local police regarding the operation of the primary facility in Wakefield. They have confirmed they have no

substantive objections to the application on the grounds of crime and disorder. They have however recommended conditions that there should be 24/7 Security Industry Authority approved security staff; no signage identifying the building as an asylum facility and bollards/barriers to prevent hostile vehicle incursion.

Sheffield Green Party have objected to the application on the following grounds which are largely unrelated to planning considerations.

- They oppose the current asylum systems “Compliant Environment” outsourcing asylum housing to for profit companies and the inadequate support of service users.
- The rooms are too small and not suitable for prolonged periods of stay especially for families and young children.
- Shared bathrooms will mean that public health threats will be exacerbated and place service users at unnecessary risk.
- The green space nearby is very small and inadequate.
- They are concerned that curfews may be put in place and bricking up entrances is akin to detention and imprisonment.

## **PLANNING ASSESSMENT**

### **Policy Issues**

The application site lies within a Fringe Industry and Business Area in the Unitary Development Plan. Preferred uses are business, industry and warehousing. Hostel uses are acceptable provided they would not lead to a concentration of uses which would prejudice the dominance of industry and business in the area or cause the loss of important industrial sites (Policies IB6 and IB9).

Core Strategy Policy CS27, which is more up to date, identifies certain areas of the City Centre for expansion of City Living. These areas include the part of the Cultural Industries Quarter which the site lies within.

Policy CS17 says that the distinctive and fundamental roles of different ‘quarters’ of the City Centre will be consolidated and strengthened. For the Cultural Industries Quarter it says it will be an area with a wide mix of uses and established as the main location for the city's creative and digital industries, as one of the key growth clusters for the economy of the City Region.

Policy CS41 seeks to promote mixed communities by limiting new or conversions to hostels, purpose-built student accommodation and houses in multiple occupation where the community is already imbalanced by a concentration of such uses or where the development would create imbalance.

Policy CS40 relates to affordable housing. Policy GAH1 in the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document says a contribution will be sought on new housing developments. Housing developments are defined as including all types of housing, including independent homes for older people and purpose-built student accommodation. It does not include institutional housing which would be wholly or partly affordable, such as care

homes. It covers both new build and conversions. Whilst asylum hostels are not specifically referenced under this policy, they are a form of institutional housing and are likely to provide accommodation for people who have no means of supporting themselves and therefore are affordable. Given this it is considered that the affordable housing policy does not apply to this type of accommodation.

The authorised use of the building is as student accommodation. Hostel accommodation is acceptable in principle and the proposal will not change the balance of shared housing and non-industrial uses. Given this and that Core Strategy policies support City Living the use is considered to be acceptable in principle. The site is well located for residents to be able to walk to services and shops which is essential for the proposed use. This is consistent with the National Planning Policy Framework (NPPF) paragraph 59 which recognises the need to address the needs of groups with specific housing requirements and paragraph 92(e) which requires an integrated approach to considering the location of housing, economic uses and community facilities and services.

#### Amenity Issues and security

Prior to moving to the Sheffield site users will have an induction and health screening and have access to welfare support in the principal facility at Wakefield. The hostel is for temporary accommodation of 4/6 weeks (average stay expected to be significantly less than 4 weeks) prior to users being dispersed into local authority areas. It is likely to serve the more independent users requiring less welfare support and those with no health vulnerabilities or complex needs. There will be a local agreement for medical treatment services which is being discussed with NHS England. Induction will include safety procedures, house rules, acceptable behaviours, security advice, information on the local area and activities available.

It will be staffed 24 hours every day and will include a hotel manager, 2 welfare workers, 4 security staff, 4 housekeeping staff and 2 maintenance staff.

Each room will have its own cooking facilities and there will be laundry facilities on site. There will be access to drop-in sessions at set times by migrant help who provide free independent advice, guidance and information on the asylum process, accommodation, financial support, finding legal representation and any other asylum related matters. The welfare managers will dedicate 20 hours per week to organising and facilitating a varied programme of activities focusing on the different Service User types. This could be basic English as a Second Language (ESOL) / conversation sessions, play sessions for children, craft activities, Life in the UK sessions etc. They will also be working with local voluntary and community sector organisations to support and expand these activities where appropriate. There will be a children's play area and the applicant considers that the shared living model helps to provide companionship and to combat loneliness. A typical programme of activities has been submitted in support of the application.

The applicant has measures in place for keeping the site clean and undertaking repairs. The security team will always have 2 members of staff on duty, 24/7, 365 days a year. Additional security is provided by CCTV cameras. Users will have to sign in and out with access to the building via intercom - users will have to return to

the building by 10pm and are not allowed to stay out overnight. Users will be required to refrain from any activity that might cause nuisance to local residents. There will be a zero-tolerance policy on alcohol. If a service user does not comply with the rules of the site, they will be issued with a warning letter and the Home Office will be informed. Any continued anti-social behaviour could put a Service User's Home Office support at risk. The Police will be invited to visit the site regularly and any criminal activity will be reported immediately to the Police and the Home Office will be informed. A member of staff will be available outside normal hours to meet with and discuss any concerns raised by local residents. The applicant considers the impact on local social services should be minimal as the most vulnerable users will not be allocated to this site.

The applicant has pointed out that there are supermarkets and public spaces close to the site. Users will be health screened and not allocated to this site if they have a specific health need.

The applicant has advised that the accommodation will comply with Home Office specifications and rooms will adhere to HMO space standards.

A highly accessible location where there are lots of facilities and services within walking distance of the site is considered to be good location for a facility such as this.

The applicant has put forward a comprehensive set of measures to minimise the risk of the proposal causing disturbance to residential neighbours. Given this and the fact that the authorised use is for student accommodation, which would involve a similar level of occupancy and activity, it is considered that there is no basis for resisting this application on the grounds of its potential amenity impact on neighbours.

Three new windows are proposed to two accessible rooms and the female sitting room on the ground floor which will overlook the courtyard to the Jet Centro residential apartments. Normally it would not be acceptable for residential schemes to acquire their amenity from adjoining land. However, in this instance there are already numerous upper floor windows which overlook the same space so the additional windows will not prejudice the development of this land any more than the existing windows do. Directly facing windows in the apartment scheme are some 20 metres away and the courtyard is already overlooked by numerous windows in both schemes. Given this, it is considered that the amenity impact of these additional window does not justify opposing the application.

It is considered that the levels of amenity for occupiers of the facility are adequate. In terms of on-site outdoor space, a small courtyard is proposed and a larger terrace area. Whilst this is not ideal for families, given the expected short length of stays it is not considered to be unacceptable. There is a play area and hard-court pitch on Duchess Road close to the site. South Street Park and the fitness facilities and open space adjoining the U Mix centre are not too far away. There are also other open space areas within the City Centre such as Devonshire Green and the Peace Gardens.

Concerns have been raised that the rooms are too small especially for families. The applicant has advised that all rooms for individuals will be single occupancy which is no different from when previously occupied by students. They have also advised that rooms will adhere to the HMO standards and Home Office specifications. There are to be 21 family rooms for 2 or 3 people which would mean up to 53 people could be accommodated from family groups. The family rooms are single room layouts and not very large - similar in size to a student room in many cases which is far from ideal. However, this is specialist short term accommodation, where occupiers are likely to have few possessions and in this case the space standards are considered to be a matter for the Home Office rather than the local planning authority. There are separate communal family, female and mixed rooms which will provide some separate internal space for families outside of their private rooms. The applicant is also proposing to provide a programme of activities to help residents.

Concerns have been raised about public health and security issues associated with shared bathrooms. Given housekeeping staff will maintain communal facilities and there will be security staff on site there are safeguards in place to address these concerns. There is also no reason to assume that asylum seekers should be more prone to these issues than the population in general and such concerns are not material to the planning consideration of this case.

Objections have been raised about the asylum system and the restrictions on resident's liberty. However, these are not planning issues as they are not related to the control and use of land.

Whilst the amenity standards for families would not be suitable for long term accommodation this is short term accommodation. In addition, this is largely a matter for the Home Office who are responsible for the health and wellbeing of asylum seekers in their care.

It is therefore concluded that there are no amenity issues that would justify refusal of this application and that the measures identified are in accordance with the requirements of NPPF paragraph 91 to achieve healthy, inclusive and safe places.

#### Access Issues

UDP Policy IB9 expects developments to be adequately served by transport facilities and provide safe access to the highway network. The NPPF is more up to date in that Paragraph 108 states that appropriate opportunities to promote sustainable transport modes must be taken up. The application site is located in a highly accessible location with many facilities including public transport located within easy walking distance of the site. The transport assessment sets out the site's accessibility by different modes. It is mainly likely to be accessed on foot and the site is well served by good quality footpaths. It is concluded that this is a good location for a facility which will be occupied by users without access to their own transport.

The occupiers will not have their own transport and there is no requirement for parking on this highly accessible site.

The majority of users will be dropped off on Mary Street. Disabled drop off will take place from the layby on St Mary's Road where there is a dropped kerb in front of the entrance and because it is not practical to adapt the Mary Street entrance. The existing raised threshold and ramp will be removed and a 1 in 14 ramp created to a new set back sliding door. The existing timber cart entrance doors will be held open permanently with handrails fitted. A new platform lift is to be installed in the existing lift shaft. An accessible toilet will be provided adjacent to reception. Accessible rooms are located at ground floor level and these rooms will have their own en-suite toilets. The number of accessible rooms meets guidance, given that users with more complex needs will not be housed at this facility. An access strategy has been prepared by professional access consultants and the Council's access officer is satisfied with the details submitted.

It is therefore considered that the proposals are in accordance with the local development plan and NPPF in relation to transport and access issues.

#### Flood Risk

In line with Chapter 14 of the NPPF, the flood risk implications of the proposed change of use must be considered. The application site lies within flood zone 2. Porter Brook is located to the north of Mary Street part in open channel and part in culvert and the River Sheaf lies 300 metres to the east of the site. The 1 in 100 year flood level is 62.39m AOD. The back of pavement levels on Mary Street vary between 63.05m and 63.45m AOD, whilst back of pavement levels on St Mary's Road vary between 64.55m and 64.97m AOD. The ground floor levels within Regency House vary between 63.85m and 65.13m AOD. As the 1 in 1000 year flood level is 63.01m AOD, the ground floor levels are above the 1 in 1000 year flood level. The floods in 1973, 1991 and 2007 did not affect either St Mary's Road or Mary Street.

The site is considered to be at low risk from the other potential sources of flooding.

The proposed use is classed as a 'more vulnerable' use which is listed as appropriate in flood zone 2 and the exception test does not apply in such cases.

The sequential test does not apply to changes of use of the type proposed.

The Flood Risk Assessment recommends that the Building Management sign up to the EA rapid response flood warning service and this is addressed in the proposed conditions in this case.

The proposed flood risk assessment is considered to be acceptable and there are no significant flood risk concerns associated with this proposal. The proposal is therefore in accordance with the requirements of the NPPF in respect of flood risk.

#### Noise

UDP Policy IB9 states that developments should not cause residents (including in hostels) to suffer from unacceptable living conditions. This is in line with the requirements of paragraph 180 of the NPPF and as such can be given significant

weight. A noise assessment has been submitted in support of the application. Background noise levels were measured in rooms on the St Mary's Road and Mary Street frontages. The noise readings on the St Mary's Road frontage exceeded the internal noise limits recommended by the Council's Environmental Protection Service. The applicant is proposing secondary glazing which should be a minimum 6mm thick with a minimum 100mm cavity. Mechanical ventilation is proposed for meeting the ventilation requirements.

The Environmental Health Officer is satisfied with the noise assessment and has recommended noise insulation and validation conditions are attached to a consent. It is therefore concluded that the development is in accordance with the local development plan and NPPF in respect of noise.

#### Design and impact on heritage assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

UDP Policy BE 16 'Development in Conservation Areas' says that permission will only be given for development within conservation areas which would preserve or enhance the character or appearance of the Conservation Area. It says that these principles will also be material considerations in considering proposals which would affect the setting of a Conservation Area or significant views into, or out of, the Area. It also states that redevelopment of sites which detract from a Conservation Area will be encouraged where it would enhance the character or appearance of the Area.

Policy CS 74 of the Core Strategy states High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including the distinctive heritage of the city, particularly the buildings and settlement forms associated with the metal trades (including workshops, mills and board schools) and the City Centre.

Paragraph 192 of the NPPF goes further and says that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Although there are some listed buildings reasonably close to the site given the very limited external alterations required, the proposal will not affect their setting.

The alterations to the façade of the building are minor. The more pleasing façade to St Mary's Road is to be maintained as existing; the timber entrance doors are to be pinned back and new glazed sliding doors set back within the building to accommodate a ramped entrance. The Mary Street elevation is of limited

architectural merit and the changes involve replacing blocked up and recessed openings with matching windows and creating a new entrance. The design of the alterations is considered to be acceptable and they will marginally improve the appearance of the building by providing a better grouping of openings. The changes will also result in more activity along the street which will provide more natural surveillance of this quiet street. The painting of the existing untreated render will spruce up the elevation. It is considered the proposed changes will marginally enhance the character of the conservation area. The proposals are therefore considered to be consistent with the Planning Act; the local Development Plan and the NPPF design and heritage policies.

### Community Infrastructure Levy

The development is CIL liable if it is development over 100 square metres but it would come under 'All Other uses' on the Council's Charging Schedule and is therefore a zero rate.

### **RESPONSE TO REPRESENTATIONS**

The Police have recommended conditions as described above. It is understood the applicant has agreed to SIA accredited security staff. However, this and the signage recommendation are outside of effective planning control and therefore they are covered as an advisory note rather than a condition. A condition is attached requiring security bollard/barriers to be provided adjacent to the entrances.

### **SUMMARY AND RECOMMENDATION**

The proposed change of use is consistent with the development plan land use policies which allow for hostel uses in this location. The hostel will have similar characteristics to the authorised student accommodation use and the management arrangements should ensure that it will not create significant amenity issues for local residents.

There are concerns about the amenity provided for family groups by single room accommodation and shared facilities, although the internal noise climate will be acceptable. This is short term accommodation and the Home Office and HMO standards will be met. Given that the residents are in the care of the Home Office it is considered that this is matter for them rather than the local planning authority. The site is well located in terms of access to the facilities that residents are likely to require on foot. There are no significant access concerns and the relatively minor external changes will marginally enhance the appearance of the site and the character of the conservation area.

In summary it is concluded that the scheme is in compliance with the local development plan when taken as a whole and is in line with the guidance contained in the National Planning Policy Framework. It is therefore recommended that planning permission be granted subject to the listed conditions.



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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

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**Date:** 23 February 2021

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

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**Author of Report:** Abby Hartley

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**Summary:**

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

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

### REPORT TO PLANNING & HIGHWAYS COMMITTEE 23 February 2021

#### 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 retention of terrace over single-storey rear extension and erection of 1.8m obscure screening (resubmission of 20/00197/FUL) at 18 Town End Road, Sheffield, S35 9YY (Case No: 20/01965/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 demolition of side porch, erection of two-storey side and single-storey rear extension to dwellinghouse at 62 Linaker Road, Sheffield, S6 5DT (Case No: 20/01503/FUL)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the alterations to building to create dwellinghouse at Land off More Hall Lane, Sheffield, S36 3ST (Case No: 19/04447/FUL)

#### 3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the removal of 12.4m mast and erection of 20m monopole and associated equipment cabinets and ancillary works (Application for determination if approval required for siting and appearance) at telecommunication mast opposite 518 Bellhouse Road, Sheffield, S5 0EP (Case No: 20/02971/TEL) has been dismissed.

Officer Comment:-

The site lies close to the four-way intersection of Bellhouse Road with Concord Road and Nether Shire Lane. This large forecourt area currently accommodates two mobile phone masts. The proposal would replace one of the existing masts. The main issue was the effect of the siting and

appearance of the proposal on the character and appearance of the locality.

The Inspector felt that the open nature of the site, when taken with the height and overall diameter of the structure, would cause the proposal to be visually prominent from the north and south where it would tower over the surrounding trees and buildings. In the context of mainly two-storey domestic development, the mast would appear industrial in scale and appearance.

The Inspector concluded that, whilst the proposal would replace some existing apparatus, the difference in scale and design would cause it to appear incongruous in its setting and result in significant harm to the character and appearance of the locality. Accordingly, the proposal conflicted with Policies BE14 and H14 of the UDP.

#### 4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the imposition of Condition 4 (“The garage buildings, cycle and motorcycle stores hereby approved shall be used solely for the purposes of parking cars, cycles and motorcycles and for no other purpose.”) on the delegated decision of the Council to grant planning permission for the retention of garage for use as cycle/motor cycle store (Garage 1), retention of triple garage (Garage 2), erection of a single garage and alterations to existing bin store (Garage 3), erection of single garage and provision of bin store and covered cycle store (Garage 4), and retention of a garden store (Store 1) at Adjacent 59 Daniel Hill Mews, Opposite 75 Daniel Hill Mews, Adjacent 1 Daniel Hill Mews, Opposite 6 Daniel Hill Mews, Adjoining 83 Daniel Hill Mews, Sheffield, S6 3JJ (Case No: 19/00331/FUL) has been allowed and condition 4 has been replaced by two new conditions:

- 1) The garage buildings and motorcycle stores hereby approved shall not be used other than for the parking of cars and motorcycles and for purposes incidental to the use of the dwellinghouses known as Daniel Hill Mews.
- 2) The cycle stores hereby approved shall not be used other than for the parking of cycles associated with the use of the dwellinghouses known as Daniel Hill Mews.

#### Officer Comment:-

The Inspector felt that condition 4 was not reasonable or necessary. He considered that the proposal would not have an unacceptable effect on highway safety by way of the parking provision and concluded that the appeal should be allowed and condition 4 be removed, subject to the imposition of the conditions that relate to the incidental use of the garage buildings and the motorcycle stores, and the cycle parking provision.

#### 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

*23 February 2021*

# Agenda Item 9

## REPORT CORRECTION AND APOLOGY

Planning application reference 19/01970/OUT (Wigan Farm, 30 Towngate Road) was considered by the Planning and Highways Committee on the 08<sup>th</sup> of December 2020. Within the report the following comment was incorrectly attributed to Councillor Vickie Priestley instead of a member of the public: 'Houses were levelled on the Parson Cross estate, why not rebuild the affordable housing there instead of on our green space.'

Whilst the comment had no material bearing on the outcome of the application, officers wish to formally extend their apologies to Councillor Priestley for any upset this has caused.

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