

Planning and Highways Committee

Tuesday 6 April 2021 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

Councillors Jayne Dunn (Chair), 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.

PUBLIC ACCESS TO THE MEETING

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

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

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

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

Further information on this or any of the agenda items can be obtained by speaking to Abby Brownsword on 0114 273 5033 or by emailing abby.brownsword@sheffield.gov.uk.

FACILITIES

N/A

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
6 APRIL 2021**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 14)
Minutes of the meeting of the Committee held on 23rd February 2021.
- 6. Tree Preservation Order No.440 (Hallam Cricket Club, 314 Sandygate Road, Sheffield, S10 5SE)** (Pages 15 - 26)
Report of the Director of City Growth.
- 7. Applications Under Various Acts/Regulations** (Pages 27 - 28)
Report of the Director of City Growth
- 7a. Application No. 20/03568/FUL - 162-170 Devonshire Street, Sheffield, S3 7SG** (Pages 29 - 56)
- 7b. Application No. 20/02764/FUL - Within The Curtilage Of 27 Cawthorne Grove, Sheffield, S8 0NB** (Pages 57 - 82)
- 7c. Application No. 21/00303/CHU - 6 Bishopdale Rise, Sheffield, S20 5PE** (Pages 83 - 96)
- 7d. Application No. 21/00415/FUL - 40 Haggstones Road, Sheffield, S35 0GP** (Pages 97 - 104)
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 105 - 110)
Report of the Director of City Growth
- 9. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 27th April 2021 at 2pm.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Planning and Highways Committee

Meeting held 23 February 2021

PRESENT: Councillors Jayne Dunn (Chair), Jack Clarkson, Tony Damms, Roger Davison, Peter Garbutt, Dianne Hurst, Bob McCann, Zahira Naz, Peter Price, Andrew Sangar, Jim Steinke, Mike Chaplin (Substitute Member) and Garry Weatherall (Substitute Member)

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Alan Law and Chris Rosling-Josephs

1.2 Councillors Mike Chaplin and Garry Weatherall acted as substitutes.

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 informed Committee that representations had been sent to Members for Agenda Item No's 7b (Application No. 20/03663/FUL – Site of Former Forte Posthouse Hotel, Manchester Road, Crosspool, Sheffield, S10 5DX), 7c (Application No. 20/04220/FUL – Tapton Elms Lodge, 46 Taptonville Road, Sheffield, S10 5BR) and 7e (Application No. 20/04543/FUL – Avec Building, 1 Sidney Street, Sheffield, S1 4RG). Members confirmed that they had all received the representations.

3.2 Councillor Jack Clarkson declared a personal interest in Agenda Item 7a, Application No. 19/03890/OUT – 9-11 Wood Royd Road, Sheffield, S36 2TA, as a local ward member. Councillor Clarkson declared that he had not given an opinion or made up his mind on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

3.3 Councillor Peter Garbutt declared a personal interest in Agenda Item 7f, Application No. 20/03479/FUL – Regency House, 75-77 St Mary's Road, Sheffield S2 4AN, as a member of the Green Party. The Green Party had made an objection, but Councillor Garbutt had not been aware of the objection being sent. Councillor Garbutt 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 7b,

Application No. 20/03663/FUL – Site of Former Forte Posthouse Hotel, Manchester Road, Crosspool, Sheffield, S10 5DX, as the majority of the Conservation Area fell within the Fulwood Ward. 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 Councillor Andrew Sangar also declared a personal interest in Agenda Item 7d, Application No. 20/03978/FUL – The Poplars, 21 Chorley Drive, Sheffield, S10 3RQ., 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.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee held on 2nd February 2021 were approved as a correct record.

5. TREE PRESERVATION ORDER NO. 439, LAND STORRS BRIDGE LANE, LOXLEY, SHEFFIELD

- 5.1 Jack Foxall (Planning Officer – Landscape) attended the meeting and presented the report.
- 5.2 Jack Foxall informed Committee that the trees had been at imminent threat of removal and following a survey had been found to be of significant amenity value. It had therefore been expedient to create a Tree Preservation Order.
- 5.3 1 objection had been received, out of time, and this had now been responded to.
- 5.4 **RESOLVED:** That Tree Preservation Order No. 439 be confirmed.

6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

6a. APPLICATION NO. 19/03890/OUT - 9-11 WOOD ROYD ROAD, SHEFFIELD, S36 2TA

- 6a.1 A further representation, along with the officer response and revisions to planning conditions were included within the Supplementary Report circulated and summarised at the meeting.
- 6a.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 6a.3 Julie Brearley, Councillor Francyne Johnson, Lisa Banes, Peter Morgan, Richard Crowther and Mark Whitaker attended the meeting and spoke against the

application.

- 6a.4 Jim Lomas attended the meeting and spoke in support of the application.
- 6a.5 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also having regard to representations made during the meeting.
- 6a.6 **RESOLVED:** That an application for planning permission for 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 at 9-11 Wood Royd Road, Sheffield, S36 2TA (Application No. 19/03890/OUT) be REFUSED, on the grounds of impact on the character and appearance of the area, impact on a non-designated heritage asset and biodiversity. Concerns were also raised regarding flooding in the area and pedestrian safety.
- 6b. APPLICATION NO. 20/03663/FUL - SITE OF FORMER FORTE POSTHOUSE HOTEL, MANCHESTER ROAD, CROSSPOOL, SHEFFIELD, S10 5DX**
- 6b.1 Further representations, along with the officer response and an update on the progress of the legal agreement were included within the Supplementary Report circulated and summarised at the meeting.
- 6b.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 6b.3 Brian Holmshaw attended the meeting and spoke against the application.
- 6b.4 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also having regard to representations made during the meeting.
- 6b.5 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, subject to Legal Agreement, for the reasons set out in the report and supplementary report, now submitted, for 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 at the site Of the Former Forte Posthouse Hotel, Manchester Road, Crosspool, Sheffield, S10 5DX (Application No. 20/03663/FUL).

6c. APPLICATION NO. 20/04220/FUL - TAPTON ELMS LODGE, 46 TAPTONVILLE ROAD, SHEFFIELD, S10 5BR

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

6c.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.

6c.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 and supplementary report, now submitted.

6c.4 **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 existing rear extension and erection of new two-storey rear extension and single-storey side extension at Tapton Elms Lodge, 46 Taptonville Road, Sheffield, S10 5BR (Application No. 20/04220/FUL).

6d. APPLICATION NO. 20/03978/FUL - THE POPLARS, 21 CHORLEY DRIVE, SHEFFIELD, S10 3RQ

6d.1 Clarification of a representation received from Councillor Alston as an objection was included within the Supplementary Report circulated and summarised at the meeting.

6d.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.

6d.3 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted.

6d.4 **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 existing dwelling house, erection of 3 detached dwelling houses and associated works at The Poplars, 21 Chorley Drive, Sheffield, S10 3RQ (Application No. 20/03978/FUL).

6e. APPLICATION NO. 20/04543/FUL - AVEC BUILDING, 1 SIDNEY STREET, SHEFFIELD, S1 4RG

- 6e.1 Further representations, along with the officer response, and an additional condition were included within the Supplementary Report circulated and summarised at the meeting.
- 6e.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.
- 6e.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 and supplementary report, now submitted.
- 6e.4 **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 a building in a Conservation Area to allow future re-development at Avec Building, 1 Sidney Street, Sheffield, S1 4RG (Application No. 20/04543/FUL).

6f. APPLICATION NO. 20/03479/FUL - REGENCY HOUSE, 75 - 77 ST MARY'S ROAD, SHEFFIELD, S2 4AN

- 6f.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.
- 6f.2 Harry Spawton and Ciaran O'Shea attended the meeting and spoke in support of the application.
- 6f.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 and supplementary report, now submitted and also having regard to representations made during the meeting.
- 6f.4 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for the change of use with associated external alterations from student accommodation (sui generis) to an overflow Initial Accommodation Hostel for those seeking asylum (sui generis) at Regency House, 75 - 77 St Mary's Road, Sheffield, S2 4AN (Application No. 20/03479/FUL).

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 7.1 The Committee received and noted a report of the Chief Planning Officer detailing

new planning appeals received and planning appeals allowed or dismissed by the Secretary of State.

8. REPORT CORRECTION AND APOLOGY

8.1 Lucy Bond (Area Team Manager) presented a report correction and apology to Councillor Vickie Priestley in relation to Application No. 19/01970/OUT (Wiggan Farm, 30 Towngate Road) which had been considered at Committee on 8th December 2020.

8.2 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 wished to formally extend their apologies to Councillor Priestley for any upset this had caused.

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 16th March 2021 at 2pm.



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 6th April 2021

Subject: Tree Preservation Order No.440 (Hallam Cricket Club, 314 Sandygate Road, Sheffield, S10 5SE)

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

Summary: To seek confirmation of Tree Preservation Order No. 440

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendations Tree Preservation Orders No. 440 should be confirmed.

Background Papers: A) Tree Preservation Orders No. 440 and map attached.
B) Tree Evaluation Method for Preservation Order (TEMPO) assessment attached.

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

6th April 2021

TREE PRESERVATION ORDER NO. 440

Hallam Cricket Club, 314 Sandygate Rd, Sheffield, S10 5SE

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 440.

2.0 BACKGROUND

2.1 Tree Preservation Order No.440 was made on 8th October 2020 to protect a group of mature trees along the boundary of the site, visible from both Sandygate Road & Carsick Hill Road, as well as the wider residential area. A copy of the order with its accompanying map is attached as Appendix A.

2.2 A application was made to the Council's Planning Department for the erection of ball-stop netting along the northern and southern boundaries of the cricket ground (and associated support-masts). The installation of the masts would have required significant excavations into the Root Protection Area of these trees which would almost certainly have led to the loss of several specimens.

2.3 No objections to the order have been received.

3.0 VISUAL AMENITY ASSESSMENT

3.1 The trees are large, mature specimens and of significant amenity value when viewed from Sandygate Road, Carsick Hill Road & Coldwell Lane, contributing to the leafy character of this area of the city. They are considered to contribute positively to the visual amenity of the area.

3.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by the Landscape Planning Officer and Tree Officer from SCC's Urban & Environmental Design Team and are attached as Appendix B. The assessment produced a clear recommendation for protection.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

5.1 There are no environmental and property implications based on the information provided.

5.2 Protection of the tree detailed in Tree Preservation Order No.440 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 (section 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 The 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 made in respect of that order. No such representations have been received in respect of Tree Preservation Order No.408.

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.440 be confirmed.

Colin Walker, Chief Planning Officer

5th March 2021

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Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No 440 (2020)

Hallam Cricket Club, 314 Sandygate Rd, Sheffield S10 5SE

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 440 (2020) – Hallam Cricket Club, 314 Sandygate Rd, Sheffield S10 5SE

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

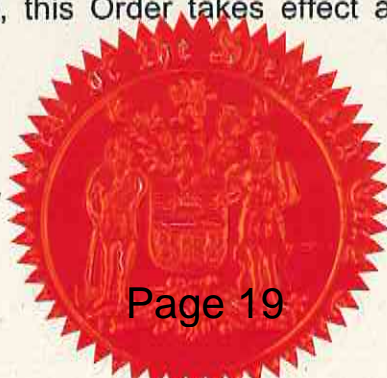
3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions 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 8th OCTOBER 2020

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



David Sellars
Duly Authorised Signatory

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Hornbeam – <i>Carpinus betulus</i>	SK 312 867
T2	Elm – <i>Ulmus procera</i>	SK 312 867

Trees specified by reference to an area

(within a dotted red line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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Groups of trees

(within a solid red line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
G1	15 x Sycamore – <i>Acer pseudoplatanus</i>	SK 312 867

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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NOTES / REVISIONS:

Notes:

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TREE SCHEDULE

○ Trees specified individually, (Enclosed in black on the plan)

T1 Hornbeam - *Carpinus betulus*
 T2 Elm - *Ulmus procera*

⊗ Other trees not included in this Preservation Order

Trees specified by reference to an area - None

Trees specified by reference to an group - G1
 15Nr Sycamore - *Acer pseudoplatanus*

Trees specified by reference to a woodland - None

SK 312 857

Measurements shown approximate

SHEFFIELD CITY COUNCIL

PLACE

PLANNING SERVICE CITY GROWTH

TREE PRESERVATION ORDER

No. 440

TITLE
 Hallam Cricket Club, 314 Sandygate Rd,
 Sheffield S10 5SE

SCALE

1:1000 @ A4

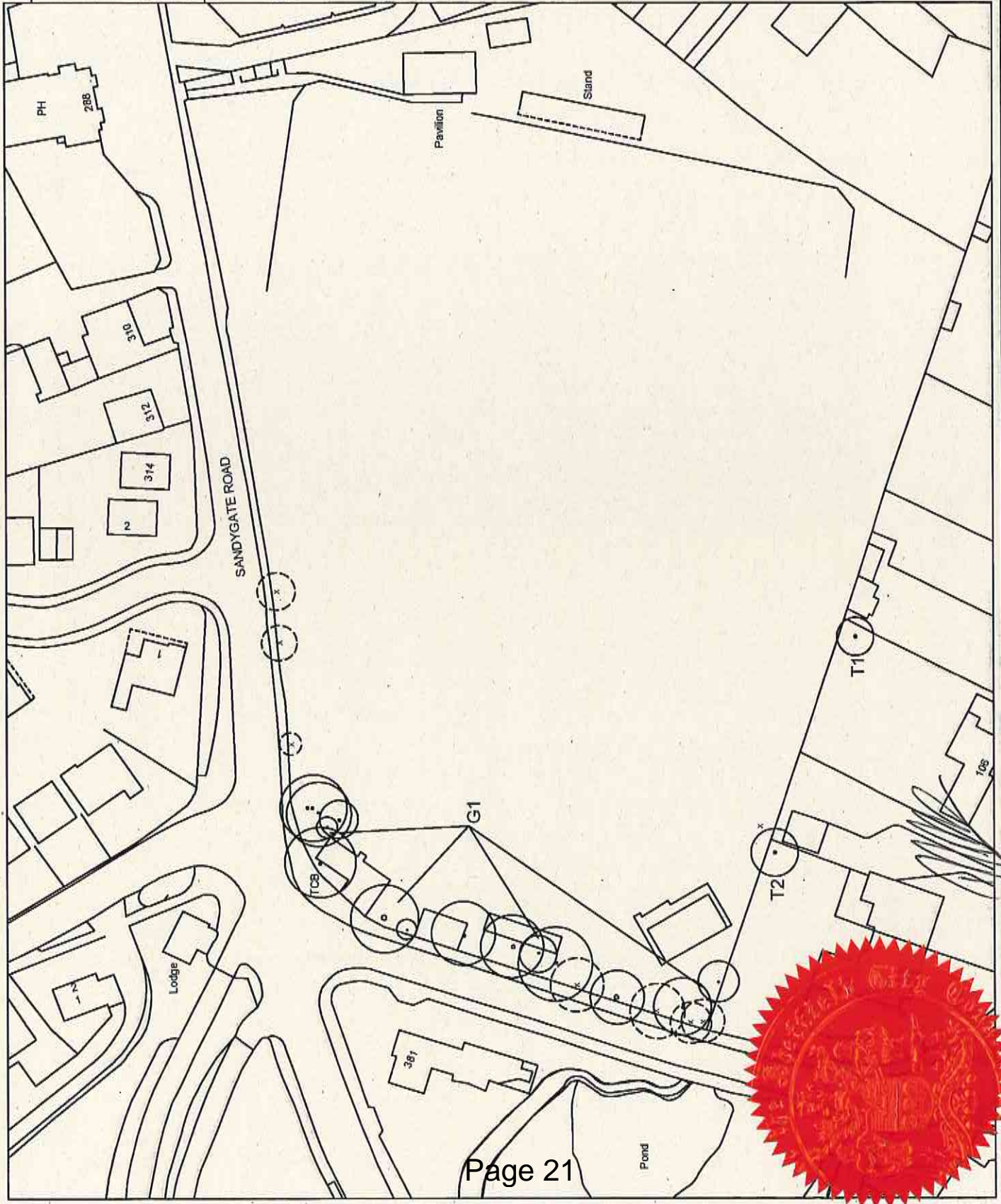
Drawn by: BT

Checked by:

Date: 06.10.2020

Drawing No:

A4/JUED/808/440





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TREE SCHEDULE

● Trees specified individually.
 (Enfolded in black on the plan)

T1 Hornbeam - *Carpinus betulus*

T2 Elm - *Ulmus procera*

⊗ Other trees not included in this Preservation Order

Trees specified by reference to an area - **10m**

Trees specified by reference to a group - **G1**

Trees specified by reference to a woodland - **None**

SK 312 867

Measurements shown approximate

SHEFFIELD CITY COUNCIL PLACE

PLANNING SERVICE CITY GROWTH

TREE PRESERVATION ORDER No. 440

TITLE:
 Hallam Cricket Club, 314 Sandygate Rd,
 Sheffield S10 5SE

SCALE:
 1:1000 @ A4

Drawn by: ST	Checked by:	Date: 06.10.2020
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Drawing No:
 A4/UEd/808/440

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TREE EVALUATION METHOD FOR PRESERVATION ORDERS -TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: Surveyor: 06.10.20 - SAM TROXN

Tree details

TPO Ref (if applicable):
 Owner (if known): *MILLAM CRICKET CLUB*
 + 106 + 110 *MY PARK ROAD*

Tree/Group No:
 Location:
 Species: *10 SYCAMORE*
1 ECM
1 HOANBEAM

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

5 **Score & Notes**
MATURE TREES HIGHLY VISIBLE FROM SURROUNDING AREAS + CAR STRIPS

* 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 **Score & Notes**
NO VISIBLE DEFECTS WITH HEALTHY CANOPY

*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

4/5 **Score & Notes**
LARGE GROUP CONTRIBUTING TO STREET + CARPARK AREAS

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

4 **Score & Notes**
ESTABLISHED GROUP OCCUPYING HIGHLY VISIBLE CORNER

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

Part 3: Decision guide

Tree details

TPO Ref (if applicable):
 Owner (if known): *gncc*
 Any 0 Do not apply TPO

Tree/Location:

Add Scores for Total:

17
20/21

Decision:

TPO

Saeed

TREE EVALUATION METHOD FOR PRESERVATION ORDERS -TEMPO

SURVEY DATA SHEET & DECISION GUIDE

6. October 2020.

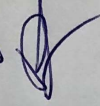
Date: Surveyor:

Tree details

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

Hallam Cricket Ground. Syc
Tree/Group No: G1 - Syc
Location: T1 - Elm.

Species: 10 Sycamore
1 Elm Sp. *1 hedge in lawn*

Office
P. Simpson 

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 trees important in local street scene + setting of cricket ground

* 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 Syc with good prospects

*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 Score & Notes 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

4 trees visible to ground users, and users of streets + local houses.

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. Large Syc growing as group, loss of individuals would limit amenity value of 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 Planning Application.

Part 3: Decision guide

Tree details

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

Tree/
Lo

Add Scores for
Total:

Decision:

Any 0

Do not apply TPO



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 06/04/2021

Subject: Applications under various acts/regulations

Author of Report: Lucy Bond/Chris Heeley/Dinah Hope

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

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

Category of Report: OPEN

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Case Number	20/03568/FUL (Formerly PP-09131119)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of a four-storey office building (Use Class E) (Amended information, including Heritage Statement, published on 10 February 2021)
Location	162-170 Devonshire Street Sheffield S3 7SG
Date Received	12/10/2020
Team	City Centre and East
Applicant/Agent	Urbana Town Planning
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 complete accordance with the following plans:

910-CPA-ZZ-DR-A-0100 - Location Plan

910-CPA-ZZ-GF-DR-A-0200 Rev P1 - Ground Floor Plan (published 12.10.2021)

910-CPA-ZZ-01-DR-A-0201 Rev P1 - Level One Plan (published 12.10.2021)

910-CPA-ZZ-02-DR-A-0202 Rev P1 - Level Two Plan (published 12.10.2021)

910-CPA-ZZ-03-DR-A-0203 Rev P1 - Level Three Plan (published 12.10.2021)

910-CPA-ZZ-RF-DR-A-0204 Rev P1 - Roof Plan (published 12.10.2021)

910-CPA-ZZ-XX-DR-A-0700 Rev P1 (except roof edge detail) - Cross Section (published 12.10.2021)

910-CPA-ZZ-XX-DR-A-0600 Rev P2 - South Elevation (published 10.02.2021)

910-CPA-ZZ-XX-DR-A-0601 Rev P2 - North Elevation (published 10.02.2021)

910-CPA-ZZ-XX-DR-A-0602 Rev P2 - West Elevation (published 10.02.2021)
910-CPA-ZZ-XX-DR-A-0603 Rev P2 - East Elevation (published 10.02.2021)

Reason: In order to define the permission

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

3. The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site in accordance with the hereby approved plans has been made and evidence that such a contract has been made has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that premature demolition does not take place and result in an undeveloped site, some time before rebuilding, which would be detrimental to the visual character of the locality and the setting of designated heritage assets.

4. 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 have 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. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

5. 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.

6. 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.

7. 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.

8. 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.

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

9. No above ground works shall commence until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

10. 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.

11. 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.

12. Prior to construction of the following elements commencing large scale details at 1 to 20 scale shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented.

- Oversailing eaves.
- Typical window details including the curved corner window.
- Entrance details.
- Brickwork detailing.
- Reveals to recessed brickwork.

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

13. Prior to construction above ground level commencing, details of a scheme to incorporate public art into the design of the development shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented before the first occupation of the building.

Reason: In the interests of the visual amenities of the locality and in order to

comply with Unitary Development Plan Policy BE12.

14. The office accommodation shall not be brought into use unless a scheme of sound insulation works has been implemented and is thereafter retained. Such works shall:

- a) Be based on the findings of an approved noise survey of the application site.
- b) Be capable of achieving the following noise level:
Noise Rating Curve NR40 (0700 to 2300 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilations.
[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

Reason: In the interests of the amenities of the future occupiers of the building.

15. Prior to above ground construction commencing, details of obscured glazing to the three bays opposite the student flats facing on to Westhill Lane along with details to prevent overlooking from the level three offices and terrace opposite the student flats shall be submitted to and approved by the Local Planning Authority. Thereafter the approved details shall be implemented before the offices are brought into use and shall thereafter be retained.

Reason: In the interests of protecting the privacy of adjacent residential occupiers.

16. The building shall not be used unless the cycle parking accommodation has been provided and details of the cycle stands have been submitted to and approved by the Local Planning Authority. Thereafter, such cycle parking accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport it is essential for these works to have been carried out before the use commences.

17. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of any upper floor offices from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be installed prior to such use commencing and be thereafter retained and maintained.

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

Other Compliance Conditions

18. The development shall be carried out in accordance with the details in the submitted drainage report (Surface Water Discharge Assessment KRP/37024-003 (dated 29 August 2014)), unless an alternative scheme has first been submitted to and approved by the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

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

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

20. No doors or windows shall open out over the highway

Reason: In the interests of pedestrian safety

21. The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

22. Should the building be used as a cafe/restaurant, the restaurant shall only be used between 0800 hours and 0030 hours (the following day) on any day.

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

Attention is Drawn to the Following Directives:

1. 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

2. You are required as part of this development, to carry out works within the public highway: as part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Highway Co-Ordination
Sheffield City Council
Town Hall
Sheffield
S1 2HH

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

Where the notice is required as part of S278 or S38 works, the notice will be submitted by Highways Development Management.

3. The applicant is advised to give consideration to the security recommendations of the Police which can viewed on the application file on the Council website. However, the Council would be unlikely to support flush entrances.
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

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

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. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the land contamination reporting submitted in connection with preceding planning proposals for the site (ref.17/00532/COND1), but there may be contamination within the land which has not been discovered by the surveys/assessments.
7. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority
8. 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.
9. 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

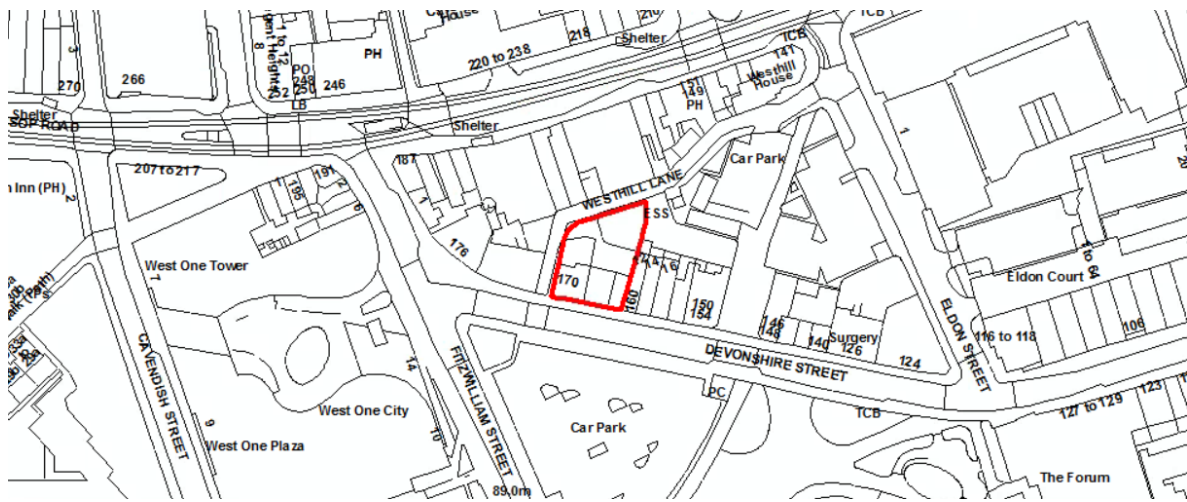
site preparation and construction works and propose suitable mitigation measures in relation to noisy processes and/or equipment.

- 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.

10. The applicant is advised to consider the guidance from CADENT and the Northern Power Grid which can be viewed on the online application file.
11. 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.

Site Location



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INTRODUCTION

Planning permission was granted a number of years ago for the demolition of 162-170 Devonshire Street and the erection of a three-storey building to form ground floor commercial units with residential units above (reference 14/03473/FUL). The scheme that was granted permission was for a traditional design to Devonshire Street replicating the Georgian style architecture but with a modern wing to the rear.

This application attracted a high degree of public interest; a significant concern being the loss of independent traders who occupied the shops at the time. Other representations were concerned with the loss of the existing buildings which were considered to be an important part of Sheffield's townscape and heritage.

A further permission under Section 73 of the Planning Act granted alterations to the approved plans but retained the design character of the original scheme (reference 17/00532/FUL).

LOCATION AND PROPOSAL

The application site is located on the north side of Devonshire Street adjacent to the junction with Westhill Lane. It comprises of three 3 storey Georgian properties with vacant shops on the ground floor forming part of a terrace of shops. The buildings are faced in red brickwork one of which has been painted/rendered. They have sash windows on the upper floors with modern shop fronts and pitched slate roofs. The rear area is surrounded by a galvanised palisade fence and is overgrown.

Devonshire Green and the associated surface car park are across the road to the south of the site. There are 3 storey shops to the east with flats on the upper floors accessed from the rear. To the west there is the rear of Bar Beyond with the West One mixed used use scheme beyond that. To the north are the rear elevations of commercial uses that face on to West Street and a contemporary 7 storey student block.

The application is seeking permission to demolish the existing buildings and construct a contemporary 4 storey office building with 100% site coverage. Although the scheme is clearly designed as an office building the changes to the use classes order mean that it can also be used for shops and cafés /restaurants without the need for a change of use. Pedestrian access to the building will be from Devonshire Street with cycle storage, bins and back of house facilities accessed from Westhill Lane. Each floor has an open plan office layout providing approximately 1100m² of floorspace.

The building is positioned to the back edge of the footpath on all the frontages. The illustrations show it faced in a black/grey brickwork with large regular window openings set within deep reveals between brick columns, with floor levels defined by solid course brickwork. The corners to Westhill Lane are curved and decorative brickwork is proposed to the parapet. The fourth floor is fully glazed and has been designed with an oversailing metal roof, it is set back approximately 1.2m which allows for a small terrace.

The applicant has advised that the previous scheme was marketed 'softly' by several letting agents. Two retail/food and drink operators are identified as having shown interest but ultimately did not proceed. They have advised that, following tenders, construction costs on the previous scheme proved prohibitive. They have stated that, even pre-Covid, the viability of the retail/leisure and food and drink sector had begun to change due to saturation of convenience goods operators and due to the number of units available; and that the pandemic will exacerbate this significantly. The applicant's view is that offices will still be required in this location where the scheme will suit flexible and cost sensitive operators. They consider that an office use is an active use in terms of the number of people within the space and patronising the area, and activity/vibrancy in terms of comings and goings. The use class proposed does allow for retail and food and drink uses and these uses would be their first choice, but they consider that the deals are not there to be done in Sheffield City Centre at the present time. They have stated that the previous occupiers of the shops struggled to pay rents at rates that were set 10 years ago and that rents in Devonshire Street are lower than Sharrowvale Road or Broomhill/Banner Cross. They also suggest that some of the existing shops on Devonshire Street opened for reduced hours even before the pandemic and this is indicative of the low viability of this location.

RELEVANT PLANNING HISTORY

14/03473/FUL - Granted Conditionally 26.03.2015 – Demolition of 162-170 Devonshire Street and erection of a three-storey building to form ground floor commercial 4 units (one A1 shop unit and one A3 restaurant/café unit), 2 studio apartments, 6 one-bedroom apartments and 4 two-bedroom apartments.

This scheme was of considerable public interest and the decision was subject to a judicial review (CO Ref: CO/2151/2015) on the grounds that the Local Planning Authority failed to consult English Heritage and failed to determine whether the impact of the proposal on the setting of the two nearby listed buildings was harmful or not. The judicial review was dismissed. The submission of the subsequent Section 73 variation (17/00532/FUL) and conditions applications, together with limited works being carried out on site in early 2018, mean that the approved permission has been implemented and therefore the permission is still valid and extant.

The approved scheme allowed demolition of the existing buildings and replaced them with a traditional façade to Devonshire Street of a similar design to the existing buildings, with a modern wing to the rear. The permitted uses are a shop and food and drink unit on the ground floor with apartments above.

SUMMARY OF REPRESENTATIONS

64 objections have been received one of which is on behalf of the resident's association for the City Centre and one from Hallamshire Historic Buildings. The grounds of objection are as follows:

- The buildings should be restored and are ideally suited to small independent businesses, they are of historical interest being some of the oldest commercial and domestic buildings in the city centre and part of a

street frontage of character buildings. The buildings are identified in the Urban Design Compendium as an important early group of buildings. Sheffield has few historical buildings in the City Centre, and these should be retained.

- Demolition will result in the total loss of locally important heritage assets which are vitally important to the character of the Devonshire Quarter. They have value in their own right and group value as whole that is more than the sum of the parts.
- The scheme will have a negative impact on the distinct character of the Devonshire Green Area of Special Character and on the listed Wharncliffe Fire Clay Works. 162-170 Devonshire Street are a significant part of a row of historic frontages which form a complimentary setting to appreciate the listed building.
- The negative impact of this loss was to some extent mitigated by the complementary design of the previous scheme. The heritage statements fail to assess the impact on the west facing frontage of Wharncliffe Works. The rundown appearance of the rear yards is not a visual/setting problem. The yards are a dominant feature in the setting of the works and present the original historic context for the building. As a result, the development will be detrimental to its setting in contravention of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which should be given significant weight.
- The design is poor, unimaginative, an eyesore, bears no relationship to its surroundings, will dominate the area, adds to the blandness of the City Centre and the architecture and is not in keeping with this part of the city.
- It significantly increases the massing from the previous scheme and extends well above the roof line of the existing buildings. It is bulky and the brick colour is insensitive. The design would not appear out of place in a modern inner-city development but fails to acknowledge the local historic context.
- The design should be a sympathetic like for like development as was the previous scheme which accords with UDP policies BE15 and BE18(c) which have been confirmed as still applying in recent appeal decisions. The proposal is contrary to paragraphs 39, 127 of the NPPF and to the National Design Guide paragraphs 41, 43, and 48. These recognise that development should be sympathetic to local character and history and point to the importance of community acceptance of a design.
- The design and access statement, planning statement and heritage statements are criticised as containing contradictory arguments. It is argued that the original heritage statement would have at least concluded that the current proposal would have a moderately negative impact. It is stated that the most recent heritage addendum is an incoherent addition to the original statement and reaches its conclusions without a proper explanation. It is argued that it is not clear that a proper heritage statement has been submitted.
- The scheme should provide independent shops and apartments and a social focus, which could support the areas focus for arts. Loss of this character will affect the number of visitors to the city. Policy CS74 of the Sheffield Core Strategy indicates that development is expected to "respect, take advantage of and enhance the distinctive features of the

city" including the distinctive heritage of the city, which the current proposal fails.

- Permission was granted previously for a more sympathetic scheme and now it is claimed that this establishes the principle of demolition. That previous scheme may no longer be commercially viable and the full weight of the impact of the loss of the unlisted local heritage assets should be considered during the planning balancing exercise.
- There is no need for more student accommodation and the scheme is unlikely to be viable. There is no need for office space an office block will not bring vibrancy to the area and support the local residents and Devonshire Green and it does not create an active frontage.
- The owners have neglected the site for 5 years allowing it to become an eyesore. The structural surveys indicate the buildings are serviceable and demolition is not required for health and safety reasons.
- Demolition will have a negative ecological impact and undermines carbon neutrality. A development that fails to take the opportunity to maximise re-use by re-using the building cannot be considered sustainable and cannot be considered to be well-designed.
- Lack of parking will exasperate existing parking problems.

PLANNING ASSESSMENT

Policy

The National Planning Policy Framework (NPPF)

Paragraph 38 of the NPPF says local planning authorities should approach decisions on proposed development in a positive and creative way. They should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 80 says significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.

Paragraph 11 defines the presumption in favour of sustainable development to be:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) 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.

Development Plan Policies

The site is located within the Central Shopping Area in the Unitary Development Plan. Policy S3 says shops (A1) are preferred whilst B1 office uses (now class E) are defined as being acceptable. The commentary on the policy says that there are opportunities for shopping on Devonshire Street and good opportunities for specialist shops in accessible but less costly locations. It accepts that it is not necessary to have high concentrations of shopping in these areas and other uses like offices are also acceptable. The policy says all development must comply with Policies H12 and S10.

Policy S10 says that in shopping areas new development will be permitted provided that it would not lead to a concentration of uses which would prejudice the dominance of preferred uses in the Area or its principal role as a Shopping Centre. Dominance is defined as a level of development sufficient to help secure an adequate supply of the preferred land use (or uses) for city-wide needs in appropriate locations and to establish or maintain the distinctive character and role of the Area. This will usually mean that non-preferred uses do not occupy more than half of the Area. In this case even with the development on this site, shopping uses will remain dominant in the Central Shopping Area.

The site also lies within the City Centre Housing Priority Area. Unitary Development Policy H12 says that housing will be promoted in the City Centre where it would help to strengthen existing communities where it is already established. It says in the City Centre Housing Priority Zone, housing will be expected to form a significant proportion of any new development. The commentary on the policy says that housing will play an important part in the Council's plans to make the City Centre more lively, safer and interesting. It will help prevent dead areas occurring when shops and offices are closed. It says that there is a lot of pressure for commercial development in the Housing Priority Zone. Commercial uses are encouraged in those parts of the Zone which lie in Business and Shopping Areas, but it is important to include a suitable proportion of new housing. The Zone has a generally satisfactory environment including some significant areas of open space which will be important for residents.

Core Strategy (CS) Policy CS3 promotes the City Centre as a location for office development.

Policy CS17 says that the distinctive and fundamental roles of different quarters in the City Centre will be consolidated and strengthened. For the Devonshire Quarter this is – a thriving, distinctive and vibrant area with city living, niche shops, restaurants and bars and a variety of business uses together with the City Centre's largest green space, Devonshire Green.

Core Strategy (CS) Policy CS18 does not include Division Street / Devonshire Street as part of the 'Primary Shopping Area' where retail uses are required on the ground floor frontages, but it is recognised as one of the Shopping Streets at the approaches to the Primary Shopping Area. On such streets, small shops, food and drink outlets and services that would promote the vitality of the area will be acceptable on ground floor frontages.

Core Strategy Policy CS27 is concerned with housing in the City Centre and says further expansion of City Centre living, with a mix of tenures and sizes of unit, including affordable housing, will form part of a mix of uses. Around Devonshire Green is one of the areas where this policy applies.

Other relevant land use policy

Other Council strategies single out Devonshire Street and Division Street as locations to promote small shops. These include the Devonshire Quarter Action Plan (2001) and the draft City Centre Plan (2018) the latter of which states: *“Division St and Devonshire St are currently the main City Centre concentration of independent fashion, specialist shops and food and drink, supported by its strong footfall and lively Devonshire Green park. The Council wants to retain the distinct character of this area and will continue to support independent retailers to thrive”*. It is then noted as a location for ‘small and independent retail and food & drink’ on Plan iv. These are material considerations and should be given weight, especially given the strength of public opinion concerning these properties in recent years. The Action Plan says that on Devonshire Street a maximum of one third of the linear ground-floor frontage on any block (i.e., all those properties contained between any two public highway junctions) will be permitted to change to non-shopping uses. The Green Room is a food and drink use and one of the shops is used as a Tattoo Parlour (sui generis use) in the same block and combined with an office use on the ground floor of the development over 50% of the frontage will be in non-retail usage. Therefore, the proposal is contrary to the Devonshire Quarter Action Plan.

In September 2020 the government altered the Use Classes Order to include a broader range of uses within a new use class E (commercial, business and service). Prior to this offices, A1 retail and restaurants/cafes were in separate use classes but now they all fall within the same use class. It is the government’s intention with this change to allow greater flexibility for changes of use within town centres unless there are clear reasons not to do so.

The most recent Employment Land Review (2020) noted an overall shortage of land for economic uses. This review would seem to support an employment use on this site.

Policy Conclusion

The development plan policies promote retail uses (on the ground floor), residential uses and offices in this area of the City Centre. However, none of the policies say any of these uses must be provided on this site except the Devonshire Quarter Action Plan which requires the retention of a proportion of shopping uses on the Devonshire Street ground floor frontage. However, given the recent changes to the use classes order, which allows a broader range of uses and more flexibility in the new Class E, it is concluded that restrictive policies on the percentage of a frontage that should be given over to a specific use are out of date.

The proposal will replace vacant shop units with offices. The applicant was encouraged to provide shopping and food and drink uses on the ground floor frontage facing Devonshire Green during pre-application discussions in order to

promote the vitality and viability of the area and maximise active uses but has declined to do so. Given the weak market for new retail uses; the governments changes to the use classes order; and the age of the Devonshire Quarter Action Plan, (which is now 20 years old) it is concluded that there is insufficient justification to resist this application on the basis that it does not provide retail uses. If permission is granted, the building can be used for retail uses without the need for planning permission.

Both office uses and housing uses are acceptable in policy terms and the main development plan land use policies (with the exception of ground floor frontage policy) cited above are up to date and should be given significant weight. Bar Beyond has been granted permission on appeal to use the external area immediately to the west of the site up until 03.30 hours on any day with music allowed until 10pm. There are also several other late night uses around this site. This means that this is not an ideal location for housing and, in many ways, is more suited to a daytime office use.

The proposed office development is supported by up-to-date development policies and therefore paragraph 11d) is not engaged in this instance.

Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 says that Local Planning Authorities shall have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Paragraph 192 of the NPPF 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.

Paragraph 194 says that 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 says 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.

Paragraph 197 says that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining applications. 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.

Paragraph 200 says that Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The glossary of the NPPF defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Unitary Development Plan Policy BE19 is concerned with development affecting listed buildings. It says that proposals for development within the curtilage of a building or affecting its setting, will be expected to preserve the character and appearance of the building and its setting. This policy can be attributed significant weight as it is in line with the NPPF.

Unitary Development Plan BE20 says that the retention of buildings which are of local interest but not listed will be encouraged wherever practicable.

Policy BE15 refers to preserving or enhancing areas of special architectural or historic interest, it says that development which would harm the character or appearance of listed buildings and Areas of Special Character (ASC) will not be permitted. The site lies within an ASC as defined in the Unitary Development Plan Proposals Map. Policy BE18 says that in ASC the following will be expected:

- a) the submission of planning applications which provide enough information to enable an assessment to be made of the impact of the development on the Area; and
- b) the retention of buildings, walls, trees, open spaces and other features that contribute to the character of the Area; and
- c) new development which respects the appearance and character of the Area.

This policy has very little weight as ASC's were effectively candidate Conservation Areas and this one has not been designated 23 years after the plan was produced. The Inspector for the UDP Inquiry said this policy would cease to have effect if the areas were not quickly changed to Conservation Areas. Only a small number have subsequently become Conservation Areas.

The National Planning Practice Guidance says that significance derives not only from a heritage asset's physical presence, but also from its setting. It states that in the planning context heritage interests may be archaeological, architectural, artistic, or historic. Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent, and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals. Proposed development affecting a heritage asset may have no impact on

its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) to identify which policies apply. It goes on to say the extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. It also says that it may be influenced by other environmental factors such as noise and dust and other land uses in the vicinity.

Historic Environment Good Practice Advice in Planning. Note 3: The Setting of Heritage Assets (Historic England 2017a) provides guidelines on assessing impacts on the setting of heritage assets.

Conservation Principles and Guidance for the Sustainable Management of the Historic Environment (2008) by Historic England provides guidance on assessing the significance of built heritage assets.

Sheffield Urban Design Compendium defines the terrace of properties which include the application buildings as unlisted buildings which contribute to the character of the area. It describes distinct character areas and the row of shops and the Wharncliffe Fireclay Works on Devonshire Street as an important early group of buildings, forming part of a group including the Fitzwilliam to Eldon Street section of West Street.

The application is supported by an archaeological assessment and building appraisal which was prepared in 2015 to support the previous application. In addition, a Heritage Statement Addendum Report dated February 2021 assesses the impact of the current scheme on heritage assets.

There are a number of designated heritage assets in the area comprising of listed buildings and the Hanover Conservation area which is located approximately 235m to the west of the site and the City Centre Conservation area is approximately 250m to the east of the site. Taking into account the nature of these assets, the scale of the development, the surrounding built form and distance of these heritage assets from the site, it is considered that the setting of only the former Wharncliffe Fireclay Works and the sewer gas lamp, which are to the two nearest designated heritage assets, will be affected by the proposal.

Nos 140 to 146 Devonshire Street (the former Wharncliffe Fireclay Works) which is listed grade II are located approximately 40m to the west of the site. These are a 2 and 3 storey brick faced building fronting on to Devonshire Street (and Devonshire Green across) and date from the late 19th century. The building is faced in red brick with stone dressings and ornate terracotta decoration and has an attractive shopfront. Now used as shops, café and restaurant with flats above. Wharncliffe Works has historic and aesthetic/architectural interest.

Close to the corner of Westhill Lane and Eldon Street there is a sewer gas lamp which is listed grade II. This is a cast iron structure dating from late 19th century. The sewer lamp has historic and technological interest.

The original setting of these two listed structures was of densely packed domestic, industrial, and commercial buildings. This has been eroded by demolition of much of their original surroundings, the loss of street frontage and by modern development such as the Royal Plaza development and the car park on the corner of Westhill Lane and Eldon Street.

The setting of Wharnccliffe Works will be affected due to the loss of context by the demolition of buildings on site which are of a similar scale and character to the designated heritage assets. However, the limited quality of the buildings to be lost, (due to unsympathetic alterations, rebuilding of the frontage of one of the units and their poor condition, particularly the rear of the site), diminishes their importance to the setting of the designated heritage assets. The condition of the rear part of the site currently has a negative impact on the setting of the heritage assets. The scheme will remove this blight and will improve the aesthetics of Westhill Lane and help to address security and antisocial behaviour issues by improving the level of surveillance. This will result in a minor improvement in the setting of the sewer lamp. The loss of the buildings on site however will have a minor negative impact on the setting of Wharnccliffe Works due to the reduction in its historic context. This will have a less than substantial impact, but this is judged to be very much at the lower end of the spectrum of what would be considered to be less than substantial.

The demolition of the buildings on site will lead to the complete loss of a non-designated heritage asset of local importance. The buildings on the site comprise of a row of terraced shops fronting Devonshire Street of 3 storeys which date from the early 19th century. They are faced in brickwork although the brickwork on the western most building has been painted white. They have pitched slate roofs with stone dressings and sash windows on the upper floors. The frontage of the middle unit has been rebuilt. The shopfronts have been significantly altered. The side and part of the rear elevation has been rendered and there is a large mural painted over part of the rear elevation. The rear yard is bounded by a palisade fence and is overgrown with some rubble and debris on site. The buildings are not listed and do not lie within a conservation area and therefore are non-designated heritage assets.

The buildings have some evidential value in that they are typical of the regency period; however, the principle façade of numbers 164-166 is a modern rebuild which reduces the buildings' overall significance. The buildings have retained some historic fabric which is of importance. However, numbers 168-170 have lost a substantial number of original features and the removal of walls and fittings and windows has reduced their significance. They are one of the oldest commercial and domestic buildings in the centre which adds to their significance. They have some historic value as small independent shops from the early 19th century until recently. They have some aesthetic value as typical shops and dwellings of the era, but this has been diminished by modern alterations and rebuilding works and the poor condition and appearance of the rear of the site. They have considerable communal value as shown by public interest in the application which derives from people seeing the buildings as a source of identity and distinctiveness.

The setting of the site has changed considerably since the buildings were built. This has been due to the loss of historic fabric during the 1940s air raids; slum clearance; the landscaping of Devonshire Green and the modern developments such as West

One. However, the neighbouring 19th century buildings to the east which are of similar scale and character contribute to the historical significance of the buildings and their location, facing on to Devonshire Green, makes a positive contribution to their setting.

Having regard to the significance of the buildings as described above their total loss is considered to have moderate negative impact on the locality.

The replacement building adopts an unashamedly contemporary design and extends above the roof of the existing traditional terrace to which it is attached. It is a high-quality scheme which responds in a modern way to the heritage sensitivity of the site. This takes the form of a perimeter block scheme that reinforces the historic street pattern. A design which embodies a vertical emphasis and regular rhythm of window openings with a modern brick finish which are contemporary responses to the historic context. The mix of traditional and modern materials helps to tie the development in with both its traditional and modern neighbours.

Whilst the current scheme is taller than the adjoining terraces it addresses this prominent corner site and responds to the large open space of Devonshire Green. The new design will form an abrupt change from the existing traditional terrace; however, it should not be a requirement for new development to copy traditional architectural designs even if it were within a conservation area. Contemporary schemes can be equally successful provided that they are of high quality and take account of their context. In this case the scheme will contribute positively to its context, enhancing both the Devonshire Street frontage and the rear of the site which has become degraded and run down. It will also reinstate the street frontage to Westhill Lane with large, glazed openings creating a welcoming and permeable frontage. Considering the quality of the replacement scheme and the loss of existing buildings it is concluded that the impact on the heritage assets will be minor negative.

It has been assessed that the development will result in a minor improvement in the setting of the sewer lamp and will have a less than substantial impact on the setting of the Wharnccliffe Works and a minor negative impact will result due to the loss of the non-designated existing buildings. It is therefore necessary to consider whether there is a clear and convincing justification for the development and to weigh the harm to the significance of the heritage assets against the public benefits of the proposal as required by paragraphs 194 and 196 of the NPPF. It is also necessary to weigh up the minor negative impact of the loss of the existing non-designated heritage buildings in the balance of overall benefits and disbenefits. This exercise is undertaken in the conclusion section of this report.

Design Issues

Core Strategy Policy CS74 says that high quality development will be expected which would respect, take advantage of and enhance the distinctive features of the city including the townscape character of the city's quarters, with their associated scale, layout, built form, building styles and materials and the distinctive heritage of the city, particularly buildings associated with the City Centre. It also says that development should contribute to place making, be of high quality and help to

transform the character of physical environments that have become run down and are lacking distinctiveness.

The NPPF promotes well designed buildings and places in paragraph 124.

Paragraph 127 says that planning policies and decisions should ensure that developments:

- a) 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.
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

This group of buildings, together with the remainder of the street frontage onto Devonshire Green, creates a widely recognised and distinctive image of the city, to both residents and visitors.

The Sheffield City Centre Urban Design Compendium recognises the contribution that this group of buildings has to the distinctive character of the Devonshire Quarter, identifying them as buildings of character.

Although run-down the existing buildings make a positive contribution to the character of the local townscape. Their loss would cause an abrupt change to what is a harmonious run of buildings of similar age and scale. The previous scheme sought to temper this by largely recreating the style.

However, it is recognised that the principle of the demolition of the existing buildings has already been established under the 2014 consent. The buildings are not listed or in a conservation area and the applicant has re-submitted a brief structural report submitted with the previous 2014 permission which raises some structural issues, particularly in respect of the upper floors of No. 162 and the gable wall, upper floors and roof structure of Nos 168/170. It says that in the longer term, if the properties are to remain in occupation, several issues will need to be addressed. The assessment was dated April 2014 and there is no evidence of significant repair work having been undertaken since.

The new scheme maintains the existing building line to Devonshire Street.

The scale and massing of the building with the setback upper floor extending one storey above the ridge line of the adjacent shops is acceptable and does not over dominate the existing buildings in the terrace.

The confident modern design utilises brick as the main material which is appropriate to the context albeit of a contrasting colour. The design adopts a regular rhythm of window openings with a strong vertical emphasis which echoes the established rhythm of the traditional buildings nearby. The curved corner with larger window openings responds to this key focal point and will help to establish a sense of place. The large window openings throughout the main elevations will provide a welcoming and active frontage to the street. The deep reveals and brick detailing will create strong modelling to the elevations and add visual interest.

It is considered that the modern design is high quality and will create a visually attractive frontage to this prominent site. Its positioning on the site, scale and massing, use of materials and contemporary interpretation of traditional design features is sympathetic to the character of the area. It is considered that by these means the design has responded to local character and history. It is accepted that slavishly reproducing traditional designs is not the only way to achieve a considered response to local character. As paragraph 127c of the NPPF says when promoting well-designed places, developments should be, *“sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);”*

The new design is welcoming and will help to create a sense of place with its glazed elevations which will contribute positively to natural surveillance.

It is therefore considered that the proposal meets the development plan and NPPF design policies, and the design should be supported.

Amenity Issues

There are existing flats at first and second floor level above the shops immediately to the east of the site. The ones nearest to the site are accessed from the rear by external steps across a single storey flat roof rear extension to the shops.

The new office building will be constructed along the shared boundary with the adjacent flats and shops and will present a brick elevation between 3 to 4 storeys high with a slightly set back upper floor on top. This will extend approximately 16m past the rear elevation of the adjacent shops/flats. There are windows to the flats which are set in from the boundary approximately 1.5m. The layout of the flats is unclear but from a previous application report it seems that the first floor contains a kitchen and living room with the second-floor accommodating bedrooms. It seems likely that the kitchen/dining areas are at the rear with the living room at the front although this has not been confirmed. If this is correct it means the outlook and natural lighting from the nearest flat will be adversely affected by the office building. There is evidence on google maps of a table and chairs which suggest that some of the flats use the terrace on top of the ground floor extension as outdoor space in

summer. This area is unlikely to receive much direct sunlight as it is north east facing and already screened from midday and afternoon sun. Any late afternoon early evening sunlight will be lost, and the side wall of the office building is likely to appear quite overbearing.

The applicant has been asked to set back the building along this boundary or create a courtyard at the rear to mitigate the impact on the nearest flat. They have resisted this on the basis that they do not consider there will be a detrimental impact on adjoining occupiers. More reasonably they also argue that creating a courtyard would have a significant impact on the layout of the offices as the stair core would need to be relocated, which would make the rear part of the site unmarketable and restrict the space for offices at the front. The applicant also argues that windows facing on to a courtyard would create overlooking of the adjoining flats, although your officers consider this could be designed out to a large degree. Furthermore, they argue that the development would restrict overlooking from the student scheme to the north on the opposite side of Westhill Lane. Whilst this is true, the overlooking would not be significant in a city centre context as there is some 20m of separation and in any case a courtyard scheme would present a frontage to Westhill Lane and so would also prevent this overlooking. They also point out that there is a large area of amenity space close by on Devonshire Green.

Despite the above points your officers remain firmly of the view that the proposal will have a significant harmful impact on the amenity of the nearest flat primarily due to the overbearing impact of the large flank wall on the outlook from the windows and on the approach to the flats. On the positive side it will remove the dilapidated rear yard which is currently detracting from the amenity of the flats.

Setting back the development on the boundary with the flats will potentially put at risk the whole scheme. Whilst the impact on the nearest neighbour will be significant there are wider community benefits from developing this site which are referred to in the conclusion and in this case are considered to outweigh the amenity impacts.

Westhill Lane is a narrow Lane and the office windows on this elevation will be directly facing the student apartment windows to the north on the opposite side of Westhill Lane. The window separation is approximately 5m and the lower level south facing windows in the student scheme will also be affected by loss of sunlight. This arrangement will result in a serious loss of privacy for the student bedrooms unless mitigated. Whilst window to window outlook distances across a street of 12m wide have been accepted on numerous occasions in city centre locations, 5m is considered to be unacceptable particularly given that the windows are so large. Removing part of the development along the Westhill Lane frontage or removing windows would not be desirable as the built form helps to reinforce the original street pattern and removing windows altogether would significantly affect the attractiveness of the scheme and detract from the elevations. In this instance a reasonable mitigation is that the lower part of the office windows to above eye level are obscure glazed in order to minimise the privacy issues whilst still allowing light into the offices. This has been accepted by the applicant.

Sustainability

The site is sustainably located and has the potential to minimise the need for travel by private car. Development of brownfield sites is encouraged, although re-use of existing buildings is more sustainable than redevelopment. There is some doubt in this case as to whether the existing buildings could meet modern business needs. New buildings are more energy efficient and conditions are proposed that will require the new building to meet the Council's sustainable design standards in Policies CS64 and CS65 of the Core Strategy. This means the office building will need to be designed to BREEAM Very Good standard and designed to ensure 10% of the predicted energy needs are met from renewable or low carbon sources or by additional energy efficiency measures. This is secured by condition.

Access Issues

The proposed development results in 100% site coverage and consequently no off-street vehicle parking is proposed. There are extensive on-street parking controls in the vicinity of the site so parking should not have an adverse impact on the highway or the amenities of adjoining occupiers. The site is highly accessible being close to the tram stop on West Street and high frequency bus services. Given this, there is no requirement for off-street parking and the lack of parking will encourage sustainable travel to the site.

A small cycle parking area is provided on the ground floor within the building with wider door openings to facilitate access with a bike.

Level access is provided to the building from Devonshire Street and lift access and disabled toilets on all floors therefore the proposal will facilitate inclusive access.

Archaeology

The South Yorkshire Archaeological Service has advised that building recording and below ground archaeology should be investigated in this case. A method statement for both these elements was approved under a condition discharge application under the previous 2014 permission. However as this is a new permission and considerable time has passed it is appropriate to apply the same condition to this application in order to ensure archaeological interest is properly investigated.

Drainage

The drainage report says the ground conditions will not support soakaways and the site is remote from a watercourse. Therefore, surface water will be discharged to the public sewer via a storage tank with a restricted discharge of 5 litres/second across return periods up to 1 in 100. Yorkshire Water has advised that the submitted details are acceptable and that a condition should be attached requiring the approved details to be implemented.

SUMMARY AND RECOMMENDATION

The proposed use is supported by Development Plan policies and will support economic growth. It will deliver an employment use in a sustainable location. This should be given significant weight as required by paragraph 80 of the NPPF.

The site has been vacant for several years and is run down, with the rear of the site detracting from the appearance and amenity of the area. The proposal will regenerate the site and improve its appearance. The new building is a high-quality design which responds to the context in a contemporary way in line with paragraph 127c of the NPPF. It will have a strong relationship with the surrounding street frontages and Devonshire Green and the large, glazed opens will provide active frontages and natural surveillance. It meets the Development Plan and NPPF design policies, and the strong design should be given significant weight in the planning balance.

The proposal is judged to have a less than substantial harmful impact on the setting of the listed Wharnccliffe Fireclay works and a beneficial impact on the setting of the listed sewer lamp.

The total loss of the existing buildings which are undesignated heritage assets will have a minor harmful heritage impact. The heritage impact should be given significant weight. The significance of the heritage impact is limited as it is judged that it will have a minor impact on the setting of the listed former Wharnccliffe Fireclay Works. The buildings on site which will be totally lost will have a minor heritage impact taking into account their significance as local undesignated heritage assets of limited quality, against the heritage benefits of the replacement scheme.

There will be harmful impact on the amenity of occupiers of the nearest flats due to the dominance of the flank wall when experienced from the nearest flat and external terrace. This should be given moderate weight.

The previous consent which permits the demolition of the buildings with a traditional design and providing accommodation for a shop/food and drink use and flats has been lawfully started but has not been progressed and the site remains a vacant blight on its surroundings.

Given the heritage impacts outlined above it is necessary to consider whether there is a clear and convincing justification for these impacts; whether they are outweighed by the public benefits and taking into account the significance of the total loss of non-designated heritage assets as required by paragraphs 194, 196 and 197 of the NPPF.

As concluded above the heritage impacts are judged to be minor negative. The economic benefits from developing the site for offices and the environmental benefits of regenerating this run-down site in a prominent location with a high-quality scheme that will enhance the streetscape and Devonshire Green provide a clear and convincing justification for the development and as such it is concluded that the public benefits outweigh the heritage harm. The benefits of the scheme also outweigh the harm to the amenity of adjacent residential occupiers.

Regard has been given to the desirability of preserving the setting of listed buildings as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is concluded that the development complies with Development Plan and NPPF policies when taken as a whole and that the scheme constitutes sustainable development which should be granted planning permission subject to the listed conditions.

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Case Number	20/02764/FUL (Formerly PP-08968890)
Application Type	Full Planning Application
Proposal	Erection of 3no. dwellinghouse with integral garages
Location	Within The Curtilage Of 27 Cawthorne Grove Sheffield S8 0NB
Date Received	14/08/2020
Team	South
Applicant/Agent	Cadenza VM Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:
 - Drawing No 635_LP_01 revision B (Proposed Site Location Plan), as published on the 18th February 2021
 - Drawing No 635_SK9_01 revision B (Proposed Lower Ground Floor/Site Layout Plan), as published on the 18th February 2021
 - Drawing No 635_SK9_02 revision C (Proposed Upper Ground Floor Layout Plan), as published on the 18th March 2021
 - Drawing No 635_SK9_03 revision C (Proposed First Floor Layout Plan), as published on the 18th March 2021
 - Drawing No 635_SK9_04 revision B (Proposed Roof Layout Plan), as published on the 18th February 2021
 - Drawing No 635_SK9_06 revision C (Proposed Elevations Plan), as published on the 18th March 2021
 - Drawing No 635_SK9_07 revision B (Proposed Site Sections & Plot 3 Rear Elevation Plan), as published on the 18th February 2021
 - Drawing No 635_SK9_09 revision B (Proposed Site Sections Plan), as published on the 18th February 2021

- The Preliminary Ecological Appraisal (PEA) dated July 2020 and carried out by Weddle Landscape Design, as published on the 14th August 2020
- The Coal Mining Risk Assessment Report (reference no PR/AJK//45206-003-12) dated 10th August 2020 and produced by Eastwood & Partners Consulting Engineers, as published on the 14th August 2020
- The Phase 1 Geotechnical and Geo-Environmental Site Investigation Report (reference no 45206-002) dated 10th August 2020 and carried out by Eastwood & Partners Consulting Engineers, as published on the 21st August 2020 and
- The additional 3D Visuals, as published on the 18th February 2021

Reason: In order to define the permission.

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

3. No development shall commence until full details of the 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 lifetime 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.

4. 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.

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.

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

8. 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.

9. 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.

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

10. 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.

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

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

12. No dwelling which is shown on the plans to be provided with screen walling and/or fencing shall be used unless such screen walling and/or fencing has been erected in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such screen walling and/or fencing shall be retained.

Reason: In the interests of the amenities of the locality and occupiers of the proposed dwellings.

13. The dwellings shall not be occupied 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 dwellings being occupied 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.

14. The dwellings shall not be used unless the car parking accommodation for 3 vehicles per dwelling 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.

15. Full details of an ecological management plan with the aim of encouraging biodiversity enhancements and mitigation for the site, shall have been submitted to and approved by the Local Planning Authority, thereafter, the details outlined in the approved plan shall be implemented prior to any of the dwellings being occupied and thereafter retained.

Reason: In the interests of biodiversity and the ecology of the area.

16. 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.

Other Compliance Conditions

17. 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.

18. 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.

19. 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.

20. Notwithstanding the details shown on the approved plans, all of the window openings on the rear elevations of the Plot 1 and Plot 2 dwellings at the proposed first-floor level (as shown on approved drawing numbers 635_SK9_03 Revision C and 635_SK9_06 Revision C) shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of those windows shall at any time be glazed with clear glass.

Reason: In the interests of the amenities of occupiers of adjoining property and the future occupants of the proposed new dwellings.

21. No gates shall, when open, project over the adjoining public highway on Cawthorne Grove.

Reason: In the interests of highway safety.

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

Reason: In the interests of the amenities of occupiers of adjoining property and the future occupants, bearing in mind the restricted size and dimensions of each curtilage.

23. Where access driveways give both vehicular and pedestrian access to a dwelling, the driveway shall be at least 3.2 metres in width.

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

Attention is Drawn to the Following Directives:

1. Any work carried out on the proposal without having all the necessary pre-commencement conditions discharged may result in the whole development being unauthorised.
2. 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

3. The applicant is advised to contact the Council's Development Services, Land Drainage, Howden House, 1 Union Street, Sheffield, S1 2SH (Telephone Sheffield 2735847) to seek approval for the proposed drainage arrangements, as soon as possible, prior to the commencement of development.
4. 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

5. 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.
6. 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.

7. 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

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.

8. Failure to carry out this development in accordance with the approved plans may result in enforcement action. Please contact the Planning Department if you wish to amend any design or specifications for your proposed development.
9. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

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

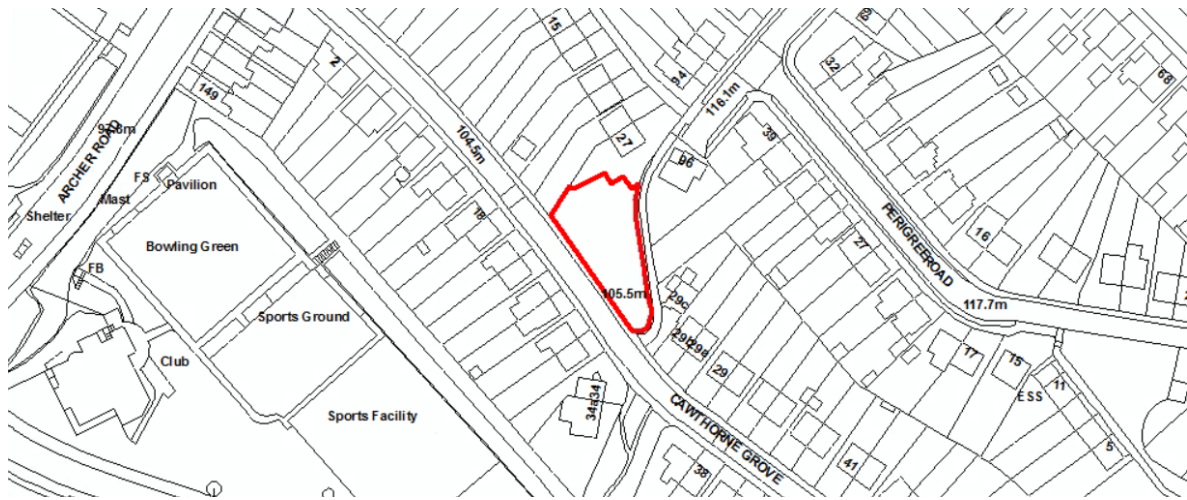
The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk

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

10. 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.
11. 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.

Site Location



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INTRODUCTION

This is a full application for the erection of 3no. dwellings with off-street car parking and associated hard and soft landscape works within the residential curtilage of 27 Cawthorne Grove. When the application was originally submitted, the proposal was for the erection of 4 dwellings. Amended plans are now showing 3 dwellings.

27 Cawthorne Grove is a two-storey semi-detached hipped-roof residential property that is sited in an elevated position on the plot. The property has a principal elevation fronting towards Todwick Road and a large rear garden that slopes down towards Cawthorne Grove. The rear garden appears to have been overgrown with trees and shrubs and, it is understood that a recent attempt has been made to clear the site. A public footpath runs adjacent to the site linking Cawthorne Grove to Todwick Road. The site frontage along Cawthorne Grove currently consists of a low-level natural stone retaining wall with a range of dense 3m high boundary hedging above (laurel and holly), there are still a few ornamental trees dotted around the site.

The immediate area is almost entirely residential in nature and, there is a prevailing character of mainly 2-storey semi-detached properties (1930's - 1940's) along Cawthorne Grove. There are 3no. 1970's houses adjacent to the site/public footpath that are 3-storey in appearance and each having a basement level garage, but at ground level on Cawthorne Grove. There is also a recently constructed contemporary-designed detached dwelling near the top section of the site (fronting Todwick Road).

The proposed development seeks to subdivide the site and create 3 new dwellings (1 pair of semi-detached dwellings and a separate detached dwelling). The accommodation being provided for each of the new dwellings would be spread over 3 levels. Plots 1 and 2 would be identical and include:- a living/dining space and a single garage at lower ground floor level, two bedrooms and a bathroom at upper ground floor level and a further bedroom and bathroom at first-floor level (3 bedrooms in total). The plot 3 detached dwelling would include a living and separate dining kitchen at lower ground floor level, 2 bedrooms and a bathroom at upper ground floor level and 2 further bedrooms and a bathroom at first floor level (4 bedrooms in total).

In addition to the integral garage, each dwelling will also have enough hard-surfaced parking space for at least 2 additional vehicles (at least 3 parking spaces in total for each dwelling). Each dwelling will also have some garden amenity space.

All of the new dwellings would be constructed in brickwork and would have slate roofs.

RELEVANT PLANNING HISTORY

Previous and/or relevant planning history for this property/site includes:-

20/00384/FUL – a two-storey side extension to the main/host dwelling (no.27 Cawthorne Grove). This application was conditionally approved in April 2020. This approval has not yet been implemented. It should be noted that the current planning

application for the 3 new dwellings (reference 20/02764/FUL) does show the proposed two-storey side extension to no.27 Cawthorne Grove.

REPRESENTATIONS

Original Submission

This application had initially resulted in 12 separate representations being received in response to the proposal of 4 dwellings. All of the 12 representations raised objections to the proposal and, 11 of the 12 representations were from properties on Cawthorne Grove. The remaining objection was from a ward Councillor (Cllr. Ian Auckland).

The initial reasons for objection (based on the 4-dwelling scheme) have been summarised and are listed below.

Neighbour representations:-

Design/Character

- The proposed new dwellings are not aligned with surrounding properties.
- The buildings are too high and will spoil the skyline views.
- The new houses resemble office buildings or cramped student living accommodation.
- The new dwellings have cramped living spaces with little outside space/garden areas.
- 2 houses with a different design would be more acceptable on this plot.
- The design is not in keeping with other properties on Cawthorne Grove.
- The new units don't fit with the lie of the land and general character of the area.
- 4 dwellings would constitute an overdevelopment of the plot and some of the new dwellings would be positioned too close to existing homes.
- The gardens appear to be very small.
- Cawthorne Grove is unique in this area, as it's a residential street with a majority of 1930's traditional material, two-storey, semi-detached houses. The proposed development, while semi-detached properties, are four-storeys high, non-traditional building materials, does not fit within the current building line and would totally dominate the street scene therefore would be a huge departure from the character of the street.
- All of the elevation plans submitted show the ridge height of the houses at the same level as the streetlight, however, as the street light is 6m high, this would give a maximum head height for each of the 4 levels as 1.5m. As the recommended ceiling height for new builds is 2.4m the actual height of the new buildings will tower above the street lighting by at least 3.6m. These new houses will totally dominate the road, overshadowing all other buildings and would feel oppressive, particularly the two that are immediately adjacent to the public footpath.
- The adjoining houses and other houses in the surrounding area have significant green space, most having mature trees, wild spaces and natural privacy from adjoining properties and gardens.

- The statement regarding the 'awkward and oversized garden' is purely a matter of opinion. Cramming 4 houses on to this small piece of land is certainly not going to 'enhance this quiet street' and there is nothing remotely traditional, as stated, about the proposed houses. The proposed development would see the street dominated by 4 four storey houses that will look totally out of place on the street as they do not reflect the character of rest of the houses on Cawthorne Grove.
- The houses with the roofline referred to are set far back from the street and up the gradient of the hill. This development will totally change the streetscape as it would see a four-storey high gable end immediate adjacent to the pavement which will dominate the whole road. Even from the junction of Archer Road these properties would be visible.
- This design and proposals show no regard for the current residents of Cawthorne Grove. Furthermore, little thought has been given to the future occupants of the new houses, with there being very little outside amenity space to enjoy.

Traffic

- As a result of this development, there could be up to 8 additional vehicles on the road, and the increased level of movements by those vehicles would result in traffic congestion and higher traffic emissions in the area.
- The construction of 4 dwellings on this land would be overdevelopment of the area and would set a precedent allowing all the property owners on the north side of Cawthorne Grove to construct new dwellings in their back gardens, in essence doubling the number of homes on the street that is not, and was never planned to be, capable of supporting the current level of associated traffic and parking let alone the increase new development would bring.
- Parking is already an issue on Cawthorne Grove where double parking is the norm and, as it is a narrow road, vehicles are often parked on pavements to allow vehicles to pass. While the proposed plans do include parking for two cars at each property, the development will without doubt increase the number of vehicles parking on the street. In addition to this, the large vehicles needed for the construction of these properties would result in the road being impassable during the building period.
- Although the new dwellings will have integral garages, they are highly likely to just end up being used for storage purposes. The dwellings could end up being occupied by larger families with more than 2 cars. The street is very narrow and, parking is already extremely difficult, this development will just add to an already congested road. Many residents on the road (some with health issues and disabled person badges) are already having to park too far away from their homes.
- Whilst each of the new houses might have 2 off-street car parking spaces, there is no provision for other vehicles or for visitors.

Amenities

- The position and cramped nature of the dwellings would mean that the new dwellings would be severely overlooked by no.27 and no.25 Cawthorne Grove.

- Any noise or smoke from BBQs and gatherings at the new dwellings would affect existing neighbours living higher up.
- The construction of the development would cause a lot of disruption (noise, dust construction vehicle parking etc.).
- If allowed, this development would just be 8m from neighbouring properties directly opposite, the development would therefore tower over those neighbouring properties, causing overshadowing, loss of light and loss of privacy. Neighbours have a right to enjoy their own homes without them being compromised.

Landscaping/Ecology/Biodiversity

- Local wildlife would not be attracted to the new dwellings because they are mainly dominated by hard surfaces and angled buildings.
- In order to accommodate the new dwellings being built, the proposal will result in the loss of greenery and hedging which currently surrounds the site.
- The plot is best suited to a maximum of one house (if at all any) built in a similar style to those around it. With access to a large garden, thereby maintaining the ecological and wildlife balance in the neighbourhood.
- There is lots of wildlife on the land and in the hedgerow, badgers, foxes, hedgehogs etc.
- Before the current owner bought this property, the garden was a heavily wooded area that was a haven for wildlife being regularly visited by owls among other species. The hedge along Cawthorne Grove was kept tidy and the whole area certainly was not an eyesore. The current owners have cut down the trees on the garden and made no attempt to tidy the debris; rubbish from the current building project at the top of the site has been thrown on to the garden and the hedge that borders the pavement on Cawthorne Grove has been left to grow out of control, now causing pedestrians to walk on the road at some points. I agree this area is now an eyesore but, this is the result of the 'work' carried out by the current owners and not the historical use of the garden.

Drainage

- The size of the area being proposed to be converted into non-permeable ground will represent a potential and significant increase of rainwater flow onto Cawthorne Grove and the existing sewage network. Any SUDS system would be into non fractured sandstone and due to site constraints, would offer little mitigation in the event of a large influx of rain.

Miscellaneous

- The 3 storey houses further along the road overlook open space/common ground and don't overlook other residential properties.
- There are no environmental/sustainable features in this development such as solar panels.
- This application should be determined by the Planning Committee and a site visit undertaken to fully understand the impact of the proposal.

- It is understood that there have been problems with asbestos at some of the local houses in the area.
- There will be lots of disruption caused when it comes to linking the new dwellings to the various services, for example, the main sewer (which is 3 metres deep) is positioned beneath the road itself.
- The consideration and professionalism of the developer has been lacking throughout the renovation of the existing property; a simpler undertaking to the proposed. The mature trees previously present were felled soon after purchase and burnt on site. Only with the intervention of the environmental agency did the developer stop burning. Softer approaches were tried but met with hostility. Rubbish on site was cleared by residents and not the developer as it was left in an unsightly condition for months. When the old roofing tiles were removed, they were dumped on site and left uncovered initially; the old tiles contained asbestos and many had been broken during removal.
- In the submitted design and access statement, the developer makes reference to a new contemporary designed house, that new house is in fact on Perigree Road and does not have a frontage on, and is barely visible from, the street level of Cawthorne Grove. There are 3 houses on the street that were not built in the 1930's (they were built over 40 years ago) but they were constructed with the same building materials as all of the other houses on Cawthorne Grove and as such, they don't look out of place on the road.
- Any new development of the site should be done in a considerate manner and, the new properties should not have a negative impact to the existing residents on Cawthorne Grove.

Cllr Ian Auckland has raised the following reasons for objection:-

- The principle of Housing Development on this site is accepted; however, the original and regular built form to the front elevations of properties on Cawthorne Grove remains mainly undisturbed, and the proposed design and appearance of the proposed development has an adverse and unacceptable impact on the established street form. The scale and massing of the proposed dwellings, taken as a whole, is over dominant of properties nearby, and is overdevelopment having regard to the topography and constrained boundaries of the site. Access from the properties to the highway might not conform to expected standards, (and residents concern about access and parking are to be expected). The stronger relationship, in terms of public amenity, is of the proposed development to the established properties opposite on Cawthorne Grove, and the visual connection to a "modern" property above, (on Perigree Road) is weak and should be discounted.

Amended Submission

5 additional representations (all from residents on Cawthorne Grove) were received following the amendment reducing the scheme from 4 dwellings to 3. They raised the same concerns and issues as mentioned above with two additional matters also raised:-

- Two dwellings would be better suited to the site than 3; and

- There are not enough sustainable design features incorporated into the development.

Other Representations:-

South Yorkshire Police have raised no objections to this application.

PLANNING ASSESSMENT

It is considered that the key issues relating to this application are:-

- The acceptability of the proposal in land use policy terms.
- The overall design of the development and its impact on the street scene and character of the area.
- Whether or not the proposal will have a significant impact on either the existing neighbours or the future occupants of the development.
- The impact of the development on highway safety and whether or not there will be adequate off-street car parking provision.
- The impact of the development on landscaping and ecology.

The National Planning Policy Framework (NPPF)

The key consideration to be taken from the NPPF is a 'presumption in favour of sustainable development'. The document summarises delivering sustainable development as planning for prosperity (economic role), for people (social role), and for places (environmental role).

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development which for decision making means:-

- (c) approving developments that accord with an up-to-date development plan without delay; and
- (d) 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 the framework taken as a whole.

With specific regard to Housing, the NPPF confirms the Government's key objective as being to increase significantly the delivery of new homes. The housing delivery should include increasing the supply of housing; delivering a wide choice of high-quality homes and opportunities for home ownership; and creating sustainable, inclusive and mixed communities.

In addition, the NPPF attaches great importance to the design of the built

environment. It seeks to ensure planning decisions optimise site potential to accommodate development, whilst responding to local character and the identity of local surroundings.

Local Policy

The site lies within a Housing Policy Area as designated in the adopted Sheffield Unitary Development Plan (UDP).

The most relevant UDP policies to be referred to in considering the merits of the application are:

- BE5 (Building Design and Siting)
- BE9 (Design for Vehicles)
- H10 (Development in Housing Areas)
- H14 (Conditions on Development in Housing Areas)

Relevant Core Strategy Policies are:

- CS22 Scale of the Requirement for New Housing
- CS23 Locations for New Housing
- CS24 Maximising the Use of Previously Developed Land for New Housing
- CS26 Efficient Use of Housing Land and Accessibility
- CS64 Climate Change, Resources and Sustainable Design of Developments
- CS65 Renewable Energy and Carbon Reduction
- CS67 Flood Risk Management
- CS74 Design Principles

Principle of Development

Land Use and Housing Supply

Policy H10 of the UDP 'Conditions on Development in Housing Areas' identifies housing (use class C3) as the preferred use of land in the policy area. As such, the principle of the redevelopment of this site for housing purposes is considered to accord with policy H10. Policy H10 promotes new homes as the priority use in housing areas across the city, which facilitates housing delivery and is consistent with paragraphs 59 and 67 of the NPPF.

Policy CS22 – 'Scale for the Requirement for New Housing' of the Sheffield Development Framework Core Strategy (CS), sets out Sheffield's housing targets until 2026. The NPPF 2019 provides more up to date guidance on this matter and requires local authorities to identify a 5-year supply of specific 'deliverable' sites for housing.

Policy CS22 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 figure using the Government's standard methodology. In accordance with the Sheffield Housing and Economic Land Availability Assessment report), as of September 2020, the gross number of dwelling completions was 3,101 homes in 2019/20 (this represents a 55% increase on the previous year), the

majority of CS22 therefore carries very limited weight. However, the policy states that a 5-year supply of deliverable sites will be maintained at all times, and the most recent published monitoring data (December 2020) concludes that there is a 5.4 year supply. This part of the policy is in conformity with the NPPF.

In relation to paragraph 11 of the NPPF, 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 relate to housing land supply, design, living conditions, highway related impacts, sustainability, and ecology impacts, do, when considered as a collection, align with the Framework. As such section d) of paragraph 11 is not applied in this instance.

Nevertheless, this development of 3 new dwellings would make a small contribution towards the Council's housing land supply of deliverable sites and this should be afforded some weight as a material consideration.

Paragraph 68 of the NPPF states 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'.

The proposal therefore accords with Core Strategy Policy CS23 (Locations for Housing Development) as in location terms this is considered to be suitable and sustainable site within the existing urban envelope.

The NPPF (paragraph 118) gives substantial weight to using brownfield land within settlements to meet the needs for new homes, which is consistent with the broad approach of Policy CS23. The policy guides provision of new homes primarily to land within the main urban area of Sheffield which is consistent with both paragraph 118 and the Government's ambition of significantly boosting the supply of housing (at paragraph 59).

Sustainable Use of Land

National Planning Policy Framework (NPPF) at paragraph 123 identifies the importance of making sure developments make optimal use of the potential of each site. Para 123 c) states that local authorities should refuse applications which they consider to not make efficient use of land, taking into account the policies contained in the NPPF.

Core Strategy Policy CS23 seeks to focus at least 90% of new dwellings in the main urban area. The proposals are in accordance with this policy.

Core Strategy Policy CS24 gives priority to previously developed sites. The proposal is located on a greenfield site since the NPPF states that the definition of 'previously developed' excludes land in built-up areas such as residential gardens.

Paragraph 118(c) of the NPPF gives "substantial weight to the value of using suitable brownfield land within settlements for homes", which is consistent with the strong approach taken in Policy CS24, and reflected in the policy target of delivering no more than 12% of new homes on greenfield land. New house building in Sheffield is significantly below the 12% target at closer to 5/6%.

Greenfield development can be accepted on small sites within the existing urban areas where it can be justified on sustainability grounds as specified in Policy CS24 (b) or where monitoring shows that there is less than a 5 year supply of deliverable sites – CS24 d).

Given the fine margin in Sheffield's Housing supply at present (5.4 years), part d) of the policy is considered to have moderate weight.

Residential gardens are excluded from the 'previously developed' definition. The site currently serves as the garden to No. 27 Cawthorne Grove and until recently had included boundary hedging, trees and shrubs which, it is acknowledged were in need of management. Despite the overgrown nature of the garden and its sloping terrain, the site was clearly identifiable as being part of the existing garden of 27 Cawthorne Grove.

Given that approximately only 6% of new housing development in Sheffield is using greenfield land, the proposed development of the site would be acceptable with regards to paragraph 118 of the NPPF and also satisfy the objective of significantly boosting the supply of new homes in the city (NPPF paragraph 59). It would also be acceptable in regard to Policy CS24.

Policy CS26 specifies density ranges for new housing developments. Subject to protecting the character of an area, at least 40-60 dwellings per hectare are normally expected in Housing Areas such as this.

The proposal for the 3-dwelling plot represents a density of approximately 44.39 dwellings per hectare. If one includes the host dwelling site area as well (i.e. no.27 Cawthorne Grove), the density of the site as a whole (for the 4 dwellings) would be approx. 41.75 dwellings per hectare. By comparison, the density for some of the neighbouring properties 29B and 29C Cawthorne Grove is approx. 40 dwellings per hectare and no.25 Cawthorne Grove is approx. 33 dwellings per hectare. The proposed density level for the proposal site therefore lies comfortably within the expected range for a suburb area such as this.

For these reasons outlined above, officers are satisfied that the proposal conforms with Core Strategy Policy CS26.

Grain of Development, Scale, Massing and Design Issues

The NPPF advises at Paragraph 127 that planning policies and decisions should ensure that developments:

- 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; and

- 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 (such as increased densities); and
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

Local Plan policies are considered to broadly reflect these priorities and are therefore considered to carry weight.

Chapter 12 of the NPPF requires good design, with paragraph 124 stating good design is a key aspect of sustainable development and should contribute positively to making places better for people.

Policy BE5 of the UDP states that new buildings should complement the scale, form and architectural style of surrounding buildings and the street scene.

Policy H14 states that new development should be (a) well designed and in scale and character with neighbouring buildings, and (c) not result in the site being over-developed.

Policy CS74 (Design Principles) within the Core Strategy states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

In this instance, the proposed new development would clearly be seen in the context of the Cawthorne Grove street scene as opposed to the Todwick Road Street-scene. The 1970's, 3 storey houses, are the immediate neighbours with context also provided by the 2 storey 1930's semi's opposite. NPPF guidelines state that innovative and contemporary designed schemes should not be resisted based on purely design grounds, particularly in less sensitive areas.

With the amendments now made to the scheme, the new dwellings have a general appearance of being 3 storeys (unlike the originally submitted 4-dwelling scheme which owing to prominent front dormer features created an appearance of the 4-storey, very top heavy dwellings, unusually tall in the street-scene. The overall reduction in the scheme from 4 dwellings to 3 has enabled the new amended single detached dwelling (plot 3) to be significantly set back from the back edge of the front boundary, thereby respecting an established building line along Cawthorne Grove and reducing its overbearing prominence for anyone walking along that section of the public footpath.

As Cawthorne Grove is a narrow road, the set-back dwelling on Plot 3, together with its reduced height will now be positioned further away from the 2-storey houses directly opposite on Cawthorne Grove, thereby alleviating to some degree the concerns relating to overbearing and loss of privacy.

The reduction in the scale of the development from 4 to 3 dwellings along with the changes made to the house-designs of the new semi-detached units on plots 1 and

2 also now means that the dwellings have a reduced width and, it will now only be the attached garage element of plot 1 that will be positioned to the immediate front of the approved, but not yet built, two-storey side extension of the host dwelling (27 Cawthorne Grove).

In this respect therefore, officers consider that the configuration and mass of the new dwellings and their proximity to one another and surroundings (as shown on the amended plans) represents a development that has a greatly improved layout, is more reflective in terms of built form, is less cramped and appears less imposing in the street-scene.

The proposed new dwellings and walls (separation and retaining) will be faced in brickwork and the roofs to the dwellings will be in natural slate. The proposed materials are appropriate for the location. It would be necessary however to impose a suitably worded planning condition to agree the specific type/brand of brickwork and roofing materials

The NPPF focuses on achieving well designed places and good design. Policies BE5, H14 and CS74 are consistent with paragraph 127 of the NPPF and are therefore considered to carry significant weight.

Taking into account the design, scale and density elements of the revised 3-dwelling scheme as a whole, it is considered that the proposed development is well designed and would reflect a scheme that knits reasonably well with the urban grain. In this regard, the proposal would satisfy UDP Policies BE5 and H14, Core Strategy Policy CS74 and, paragraph 127 of the NPPF.

Living Conditions

UDP policy H14 'Conditions on Development in Housing Areas' requires that development sites should not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

The guidelines found in the adopted Supplementary Planning Guidance on Designing House Extensions are not strictly applicable since they technically relate to house extensions, however, they do give guidelines that have widely been used for new dwellings as well as for household extensions and therefore are established within the Council's decision-making process. The guidelines give useful parameters relating to matters such as overshadowing, window to window separation distances and, minimum garden sizes.

The design of the scheme has been amended such that the windows that were originally shown at the rear of plot one (facing the rear elevation of the host dwelling) have now been either repositioned elsewhere (now side facing) or, are now windows to non-habitable rooms (bathrooms or landings etc) and are therefore capable of being obscure glazed without impacting on living conditions of the occupants. This will ensure that there will be no direct loss of privacy from windows at the rear of the host dwelling and the rear facing windows of the plot 1 dwelling.

Bedroom 3 of plot 1 (located on the upper ground floor level) will have a side facing window overlooking the roof of the side garage. This window will be positioned approx.4 metres from the side (west) boundary of the plot one garden. A new side boundary wall with a close-boarded timber fence is being proposed and this should ensure that there is no direct overlooking from the plot one bedroom 3 window over the resulting lower rear garden of the host dwelling (27 Cawthorne Grove).

A consequence of the proposed development will be that the host dwelling (27 Cawthorne Grove) will have a significantly reduced sized rear garden, however it will still be 88 sq. metres which is significantly higher than the SPG recommended minimum of 50 sq. metres for new dwellings. Officers also note that the proposed 3 new dwellings will also have larger private garden/amenity space than the SPG recommended 50 sq. metres (Plot 1 having approx. 85 sq. metres, Plot 2 having approximately 55 sq. metres and Plot 3 having approx. 77.5 sq. metres. These figures do not include the hard-surfaced hardstanding/car parking areas which if utilised, would make the amenity space figures significantly larger than the recommended SPG 50 sq. metres.

At its closest point, the proposed new plot 3 dwelling will be approx. 19 metres away from the closest dwelling on the opposite side of Cawthorne Grove, however, due to these front elevations being within the public domain and therefore visible from within the street-scene, it is not necessary to require windows on the front elevations to maintain the 21 metre window to window separation distance and as such, the 19 metre separation as in this instance is considered acceptable.

The site at present (as a garden to no. 27 Cawthorne Grove) is very steep which makes it very difficult to use and manage in any meaningful way, and as a consequence, the existing site has been left overgrown and unkempt which has to a degree resulted in an unsightly appearance in the street-scene on Cawthorne Grove , particularly now that the site has been cleared of some of the natural growth-hedging and trees. However, as a result of this proposal, a series of terraces (with retaining walls) will be formed which will make the spaces more useable as amenity areas for the future occupants whilst also resolving the untidy appearance of the site that now currently exists in the street-scene. Officers do consider that more can be done in terms of soft landscaping, to help soften the appearance of the development and to also re-introduce opportunity for wildlife to flourish and therefore recommend that appropriate planning conditions be imposed requiring details of a landscaping scheme to be submitted and approved.

Officers are satisfied that each of the new dwellings will have good outlooks from all of the main habitable rooms and that the new dwellings will also each have an acceptable area of private amenity space. The plans also show that designated bin storage areas will be provided for each of the dwellings and that these will be located within the front forecourt/garden areas and screened from the street scene by existing high boundary hedging.

With the exception of the existing host property which would end up with a much smaller garden than what it currently has most other neighbouring properties will not be significantly affected by the proposal.

It is concluded therefore that the proposed development will not impact on living conditions for neighbouring residents and, that it will provide acceptable amenities for the future occupants, thereby satisfying the requirements of UDP Policies BE5 and H14 and, Policy CS74 of the Sheffield Core Strategy.

Highway Considerations and Car Parking

Policy H14 states that planning permission will be granted for houses only if there would be appropriate off-street car parking for the needs of the people living there.

The Council's Car Parking Guidelines indicate that the maximum provision for a 2-3 bedroom dwelling should be the provision of 2 off-street car parking spaces.

Cawthorne Grove is a narrow road and many of the properties directly opposite the site only have provision for one off-street car parking space or in some instances, none. As a consequence, there is already some degree of on-street parking taking place. Under this proposal however, each of the new dwellings will have an integral garage and a further two off-street car parking spaces with adequate space for vehicles to turn on site. Therefore, there is adequate provision for parking and any increased traffic coming to the site is likely to have a minimal impact.

Because of existing high boundary hedging along the Cawthorne Grove frontage, the access drives have been widened to 3 metres which will provide adequate inter-visibility at each site entrance/egress point thereby minimising potential risk for pedestrians.

Some of the representations have referred to construction traffic and the potential disruption that this could create on such a narrow road. Whilst officers recognise that this could cause some disruption for neighbours, it would only be a temporary issue during construction. Appropriate conditions are recommended requiring the developer to provide a construction traffic management plan that would identify appropriate areas for construction traffic, loading/unloading of materials and wheel washing facilities etc.

The NPPF at paragraph 109 states that development should only be refused or prevented on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe. In this instance, the dwellings would have adequate off-street car parking provision (with space for vehicles to manoeuvre) and there would be adequate visibility at the site entrances to each of the dwellings. It would be considered unreasonable therefore to refuse this application on highway grounds in this instance.

Sustainability Considerations

Core Strategy policy CS64 deals with 'Climate Change, Resources and Sustainable Design of Developments'. Policy CS65 also seeks to promote renewable energy and carbon reduction and requires developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

The supporting design and access statement states that measures will be taken to

ensure a low carbon footprint. The submitted Design & Access statement also refers to low energy lighting being used on the development and, that wherever possible, the construction materials will be sourced locally. Officers consider that there is scope for more to be achieved (in terms of solar energy, water recycling etc.) and therefore recommend that appropriate conditions be imposed requiring more to be achieved in this respect to ensure compliance with the above policy.

Drainage Issues

Policy CS67 Flood Risk Management expects developments of this size to seek to minimise surface water run-off, including, for example, use of permeable paving. Because of the site gradients and the high level of hard surfaced areas being proposed as a result of this development, the developer will need to demonstrate that there are appropriate drainage measures in place to help mitigate against the impact of climate change and the likely increase in surface water run-off. It is therefore appropriate in this instance to impose appropriate conditions to ensure no increase in surface water run-off from the site.

Potential Land Contamination Issues

Following consultation, officers from the Council's Environmental Protection Service (EPS) have stated that the land on and immediately adjoining the development site has been the subject of potentially contaminated former uses, which have the potential to impact upon human health and/or the environment and as such, appropriate land contamination conditions are recommended.

Biodiversity

NPPF paragraph 170 states that developments should contribute to and enhance the natural environment and provide net gains for biodiversity and paragraph 175 d) states that opportunities to incorporate biodiversity improvements should be encouraged in new development.

The development has already resulted in the removal of some trees and shrubs from the site (works carried out prior to the application being submitted). The loss of these habitats is regrettable; however, the site wasn't protected in any way and their removal wouldn't form a basis to resist the scheme.

Officers consider that it is appropriate therefore to impose planning conditions (as mentioned earlier in the report) requiring a soft landscaping scheme to be provided and measures to improve overall biodiversity. These could include features built into the development and would assist in improving wildlife habitats in the area.

Community Infrastructure Levy (CIL)

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

In this instance the proposal falls within a Zone 4 area where there is a CIL charge of £50 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.

RESPONSE TO REPRESENTATIONS

Matters relating to design, residential amenity, highways, landscape, drainage, biodiversity and sustainability have been dealt with in the main body of this report.

SUMMARY AND RECOMMENDATION

This is an application for new housing development within a Housing Area as identified by the UDP. This application was originally submitted for 4 dwellings (2 pairs of semi-detached dwellings all having a 4-storey appearance) within the curtilage of no.27 Cawthorne Grove. The scheme has since been significantly amended and is now for 3 smaller dwellings (a pair of semis and a detached unit) all of which now have a three-storey appearance. Each of the new dwellings has 3 off-street car parking spaces and provision for vehicles to turn on site.

Officers are satisfied that the overall design, scale and form of the dwellings is acceptable and not out of character, scale and form with the existing adjacent dwellings on Cawthorne Grove. The dwellings have been designed in such a way that the amenities and living conditions of neighbouring residents and future occupants of the dwellings (including the original host dwelling) are protected and in line with adopted SPG in terms of design and amenity criteria.

There would be no adverse impact upon highway safety and the development would make a small, but positive contribution to housing supply Sheffield.

Officers are satisfied that the proposals will accord with local and national planning policies and therefore recommend that this application (as amended) be conditionally approved.

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Case Number	21/00303/CHU (Formerly PP-09418927)
Application Type	Planning Application for Change of Use
Proposal	Use of dwellinghouse as residential children's home (Use Class C2) for up to 3 no. residents including 1 no. bedroom for staff member
Location	6 Bishopdale Rise Sheffield S20 5PE
Date Received	25/01/2021
Team	City Centre and East
Applicant/Agent	Mr Carl Nelson - Rise Above Care
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:

Location Plan (published 25.01.2021)

Reason: In order to define the permission.

Pre-Commencement Condition(s)

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

Other Compliance Conditions

3. Prior to the use commencing the drive shall be marked out with 4 vehicle parking spaces which shall be retained for the parking of vehicles in connection with the use of the property as a children's home and thereafter

the parking areas shall not be used for any other purpose.

Reason: In order to ensure an appropriate level of parking and in the interests of the traffic safety and amenities of neighbouring residential occupiers.

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.

Site Location



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LOCATION AND PROPOSAL

The application site comprises of a 4-bedroom detached 2 storey residential property which is part of a modern estate of 100 similar properties. The rear garden is approximately 11m deep and 14m wide and has an area of approximately 160m². The double garage at the front of the property has been converted into living accommodation. There is off road parking in front of the house.

The whole estate is accessed off Parkgate Drive from Quarry Hill which is a busy road. The site is located approximately 25m from the junction of Bishopdale Rise with Parkgate Drive.

There is no open space within the estate but there are areas of open countryside within walking distance of the site. Mosborough Primary School is located approximately 1.4km to the south-east of the site and there are play areas off Owlthorpe Grove approximately 700m from the site and 1km from the site off High Street and adjoining Bridle Stile.

The submitted plans show the house as existing with 2 large living rooms on the ground floor along with a kitchen and 4 bedrooms on the first floor. This layout would be retained with the master en-suite bedroom doubling as an office and staff sleeping accommodation.

The applicant has advised that this home will be aimed at children between the ages of 7-11. Children are expected to stay 12 -18 months or possibly longer. The children may have suffered abuse or neglect and have been removed from the family. The children's home will help the children to recover from trauma before they are placed back with the family or in a foster home. The children will be drawn from wider than the Sheffield area and are likely to be placed with local schools.

There will be two staff on duty overnight, one will be sleeping and the other on duty. During the day there will be up to 4 staff on duty with one member of staff per child and the home manager present during the normal working day.

The home has to be registered with Ofsted. The Children's Homes (England) Regulations 2015 require that an independent person visits the children's home once a month. The visits may be unannounced. The independent person produces a report about the visit which sets out whether the children are effectively safeguarded and whether the conduct of the home promotes children's well-being.

The applicant has advised that local residents will be provided with contact numbers when the home is operational so that they can raise any concerns with staff.

SUMMARY OF REPRESENTATIONS

66 individual representations, mainly from residents of the estate, objecting to the scheme have been received together with a petition signed by 81 people. The petition is signed by many of the same residents who have objected to the application individually. One of the letters of objection is from Clive Betts MP. One letter of support has been received which is from the owner of the property. The

comments against and in favour of the scheme are summarised below:

Access

- The site is located close to a junction. If cars are parked on street close to the junction it forces drivers to encroach on the opposite side of the carriageway where there is limited visibility which is a hazard. The site is located at a busy point where over half the estate traffic must pass by.
- There is an existing problem with on street parking. The estate has one point of entry, such that additional on-street parking will restrict access for many. The road is steep and affected by snow and ice in bad weather. Limited public transport means everyone would arrive by car. The vehicles of staff (10), visitors, vehicles delivering to this business will contribute to the parking problems, add to traffic, create problems for delivery/refuse vehicles visiting other houses (which have increased due to the pandemic) and also create safety problems.
- There would be far more parking than suggested by the applicant. The numbers of vehicle movements to the site would be far more than a normal residential house. These would include families, police, probation, immigration agencies, medical officials, voluntary agencies, regulatory agencies, therapists, potential foster parents, tutors, children's personal advisors, youth offending teams, friends of the children, other people who are part of their support network, minibuses for transporting children, review/staff meetings being held at the premises, doubled up parking during staff hand over, staff going in and out (e.g. for taking children to different schools). Pavement parking would be a hazard for pedestrians. Photographs submitted showing 3 cars parked on the carriageway of Bishopdale Rise.
- Off-site parking at the Ridgeway Arms is not a solution to the parking issues as it may not always be available, due to its distance from the site and given how busy it is during peak times.
- Increased mileage and safety concerns due to traffic having to turn in the turning heads beyond the site when unable to find a space near the site.
- Vehicles will need to be moved on and off the drive to let blocked in cars move off the drive causing delays for other residents.
- Vehicles attracted to the site would cause potential delays for emergency vehicles. The fire brigade has concerns having put up notices warning about on street parking 18 months ago. An extract from an email from the fire service is attached to the MPs correspondence which says that the signs were put up in this area some time ago as crews were tasked to identify sites where local crews had experienced parking issues in the past. It says that the writer is not aware that South Yorkshire Fire Authority expressed any specific concerns in relation to the area, other than the action of fixing the signs to inform local residents / vehicle owners.
- Pollution from additional traffic.

Lack of amenities

- There are no playgrounds, greenspaces, community halls near to the site. The garden is not large enough for children with special needs.

Inappropriate Use

- The proposed use is different from a residential use as children will live there on a temporary basis and it will be run as a business to make money. This could set a precedent for other properties on the estate to change to businesses which would change the whole character of the estate.
- This is a residential estate and not appropriate for a children's home and business, it is better suited to a self-contained area that can be managed and monitored effectively or one of the many buildings that need regeneration. Concerns about children being brought up in a small unit with intensive living. Although some objectors acknowledge that it is an admirable use.
- Deeds/covenant prevent businesses operating from the estate.

Noise/Amenity/Safety

- Increased noise due to increased traffic/visits to the property - there would be comings and goings all night and the properties are not adequately insulated. The owners of the business will not be living on site to ensure residents are not disrupted. This use would create a nuisance and annoyance to the neighbouring owners.
- There is a fear it would lead to additional crime and affect the safety of existing resident's children, increase insurance premiums. Anti-social behaviour is a concern dependent on the age of the children. Concerns about the safety of children crossing busy roads.
- The property overlooks adjoining properties, and this would affect the enjoyment of those properties.

Lack of publicity for the planning application.

- This application affects the whole estate not just those near the site and so the site notices should have been displayed and whole estate consulted.

Non planning considerations

- It would adversely affect house prices, prevent house sales (Members should note that this is not a planning consideration)
- This is a new business with no proven track record and little information has been provided about the type of children who will live on the site, whether it will be used for short or long term placements and how it will operate. Only one adult sleeping over is inadequate. Fear of granting permission setting a precedent and the impacts increasing in the future if the business expands.

Comments in favour of the proposal

- There is a shortage of care homes in Sheffield and this will help many vulnerable children.
- The directors of the company have over 12 years' experience in caring for children - the age of the company is not relevant as to whether it will be properly run. In any case it will be regulated by Ofsted.

- If permission is granted the Council can deal with any environmental or security concerns.
- The property can accommodate 4 cars on the drive and deliveries will be similar to any residential property. It will not have a detrimental impact on parking or traffic flow. The character of the use is not significantly different from a residential property. There is no covenant restricting its use.
- The estate is entirely suitable for children and many of those objecting have brought up children themselves on the estate without having parks and other facilities in walking distance. A care home in this location will allow vulnerable children to experience normality.
- The property was previously occupied for nearly 10 years by occupants who had health needs requiring visits by ambulances, doctors, mental health workers. There were no complaints about traffic or noise. Visits to the property by emergency services and others will be no different for a children's home than when it was previously occupied by the writer's family or indeed any family.

PLANNING ASSESSMENT

Policy

A children's home can either fall within use class C2 (residential institutions) or use class C3(b) (dwellinghouses) of the Town and Country Planning (Use Classes) Order. The distinction largely depends on whether or not the children are in themselves capable of living together as a single household and whether the care provided is on a permanent basis or on shift patterns. If the children are being looked after by a permanent occupant of the dwelling, then the use would probably fall within class C3(b). However, when the care is based on shift patterns and the carers are not resident they could not be regarded as living together in a single household and the use would fall within class C2. In this case the carers are not resident so this would be a class C2 residential institution use requiring planning permission.

The National Planning Policy Framework (NPPF) says that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as having 3 overarching objectives - an economic objective; a social objective; and an environmental objective.

In this case the development has implications for all three objectives. Economic objective in that there will be jobs created by the proposal; social objective in that it provides accommodation that will help to meet the social needs of the community; and environmental objective in that it will impact on the environment of local residents primarily due to the traffic implications. As explained below it is your officers' view that the negative environmental implications are limited and that the proposal is appropriate for this site, delivering social and economic benefits which means that overall it constitutes sustainable development.

The site lies within a housing area as identified in the Unitary Development Plan (UDP). Policy H10 says that housing is the preferred use and residential institutions (C2) are acceptable uses. It says that residential institutions in Housing Areas allow residents to live in the community and enjoy the same housing environment as

everyone else. This is consistent with the NPPF paragraph 59 which recognises that it is important that the needs of groups with specific housing requirements are addressed. Policy H14 says that non-housing uses must occupy only a small area and not lead to a concentration of uses that would threaten the residential character of the housing area. They must be on a scale consistent with the residential character of the Area; meet primarily local needs or occupy an existing building set in its own grounds.

In this case the application relates to a single dwelling and is to accommodate 3 children which would not be unusual in a property of this scale. As explained below the environmental and traffic impacts are limited and as such the development passes the policy tests of occupying only a small area; not leading to a concentration of uses that would threaten the residential character and being on a scale consistent with the residential character of the housing area. Therefore, there is no objection in principle to the development in policy terms.

Policy H8 is titled 'housing for people in need of care'. This includes supportive accommodation which is defined as purpose-built or converted exclusively for specific groups of people, consisting of grouped self-contained accommodation or a shared house with resident or visiting caring support. This definition applies to this proposal, although the reasons for the policy suggest that it was mainly intended to apply to adult accommodation, although this is not explicit. The intention of the policy is to ensure that residents have a good quality environment. It says that supportive accommodation will be permitted provided it would:

- Be within easy reach of a shopping centre and public transport; and
- Be suitable for people with disabilities.
- Provide a reasonable and attractive area of accessible private open space or be immediately next to an area of public open space; and
- Not involve extensions which would remove essential open space.

In this case the site is not within easy reach of a shopping centre. There are bus stops close to the site on Moor Valley between Sheffield and Chesterfield with a 30 to 40 minute frequency. The house has bedrooms on the first floor which means it is not suitable for people with disabilities. It does have an attractive private garden and will not involve extensions that would remove essential open space. Therefore, the proposal does not comply with all elements of this policy. However, it needs to be recognised that access to the shopping centre; public transport and being suitable for people with disabilities is less relevant in this case when it is targeted at younger children who would not be expected to travel to these facilities on their own and the children's home would not be housing disabled children. It is therefore concluded that the lack of full compliance with this policy is not a sufficient basis for resisting this application.

Access Issues

UDP policy H14 says that change of use will be permitted provided that it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

In your officers' view, access is the key consideration in this case. The primary issues to judge are how different the traffic and parking generated by the proposed use will be from that of the existing authorised use as a dwelling house and whether this will have any significant safety or amenity impacts for neighbours.

The application site is located within an estate of detached houses which have off road parking. There are approximately 100 houses on the estate all accessed from a single point off Quarry hill. Bishopdale Rise is a standard residential estate road 5.5 metres wide with footpaths either side.

The applicant has advised that there will be 2 carers present at the site overnight and up to 4 during the day. They will comprise of a manager and 3 staff providing one to one care. The manager would tend to work 9am to 5pm. They have advised that they will operate a shift system with two or three days on shift to minimise the number of movements to the site. This would mean that on most occasions the daytime carers will remain on shift overnight meaning that there will be no need for staff changeover in the evening. They have advised that the maximum number of staff cars at the site will be 4 even during shift changeovers. There will be occasional visitors to the site in addition to this as advised below.

Residents have raised concerns about additional traffic due to visitors and servicing of the care home. The applicant has advised that parents and other family members are very unlikely to be allowed to visit the property for safeguarding reasons and because the property is not sufficiently large to facilitate satisfactory visits with other children and staff within the property. Visits are likely to take place at a contact centre or in a public space if the weather is good.

The applicant has also advised that it is highly unlikely that probation officers/youth offending teams and medical staff will be attending the facility as the facility will not be taking children with significant health problems or disabled children, as the property is not considered to be suitable. Therefore, any visits by medical services are not likely to be significantly different to that of a dwelling house. Offending behaviour is usually not an issue with the younger children that the applicant is targeting.

They will not be taking asylum seekers and therefore there will be no visits by immigration agencies. The applicant considers there will be no reason for voluntary organisations to visit the premises. A minibus will not be required for a small home such as this.

There will be a visit from Ofsted before the premises opens followed by a visit after 6 months and thereafter yearly visits. There will also be monthly visits by an independent person. There will be a social worker for each child and a visit should take place every 6-8 weeks.

If children require therapy, given the size of the home it is likely that they will be taken to the therapist rather than the therapist coming to the site. They will endeavour to place children within mainstream local schools but if this is not possible for any reason tutors will be employed. The applicant has advised that they would endeavour to arrange tutoring off-site if required as it tends to be more productive as

children tend to see it as homework if tutoring takes place in the home.

The transporting of children to schools will depend on the educational arrangements in place for the children, if they are going to the same school and start at the same time they can be transported together. If not, then they will be taken on separate journeys. There is the potential for foster parents to visit the premises, but this would be very infrequent as the applicant is expecting the children to stay with them for 12-18 months before moving on. There may be visits by advocates for the children who do not feel confident in speaking for themselves. The applicant's experience is that if required much of this will take place over the phone with a face to face visit once every 6 months.

Cleaning will be undertaken by staff so there will be no cleaners visiting the premises. Food shopping will either be carried out by staff when the children are at school or there will be a single weekly shop delivery as with any other family dwelling. Staff will eat meals with the children. Waste will use the normal household bins and therefore there will not be a separate commercial waste collection.

The existing off road parking is sufficient to accommodate 4 cars. The drive is approximately 10m long by 5/6.5m wide. This is sufficient to accommodate 2 cars side by side and another two behind these. Whilst it will be tight to accommodate 4 cars on the drive this is achievable as a standard parking space is 2.5m by 5m. As the drive is wider nearer the house there should be sufficient space to get through to the door. This arrangement is clearly dependent on the staff using the parking responsibly as it is with any house and will involve staff moving cars to release blocked in vehicles. Any additional visitors as described above would need to park on street.

A 5 metre wide carriageway is sufficient to allow 2 cars to pass and a car or fire engine to pass a car parked on street. On street parking on both sides of the street directly opposite would prevent any vehicles from passing, if not directly opposite but close together it would be likely to cause difficulties for emergency vehicles or delivery vehicles as is the case in most streets. Although the fire service has displayed posters about considerate parking this is not an issue that is particular to this estate only; it is an issue throughout the city. It does not mean it is any worse in this street than elsewhere in the city. Nor does it mean that applications which are likely to increase on street parking in locations where leaflets have been displayed should be refused planning permission in principle. There is a risk in any street that inconsiderate parking will cause obstruct emergency vehicle access. It is your officers' judgement that this is not anymore of a concern on this street than any other cul de sac street.

Whilst it seems likely that there is the potential for reduced family visits to the children's home it is likely that there will be more movements overall due to staff movements and children being transported to places individually rather than as a family group, occasional visits by other agencies and manoeuvring vehicles on and off the drive.

Additional traffic attracted to the site is likely to be more noticeable to residents because the roads that serve these houses are relatively quiet as they are not

affected by passing traffic. This is likely to cause some inconvenience and additional disturbance to residents closest to the site and to those opposite as careless parking will make getting in and out of the drive more difficult. However, it is considered that this would not be at a level where it would create significant amenity, traffic or pedestrian safety issues. It should be noted that it is not inconceivable that a 4 bedroomed family house could have 4 cars with 2 working adults and 2 adult children. There is no evidence that there would be a significant change in delivery vehicle visits to the site.

The highway officer has advised that there is likely to be a slight increase in on street parking but not significant enough to cause a safety problem or justify a refusal of planning permission, particularly bearing in mind the test within paragraph 109 of the National Planning Policy Framework which states that “development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

Local Facilities

A number of residents have raised concerns about the lack of local facilities for children in the vicinity of the site. As a house of this size could be expected to accommodate 3 children as part of a family set-up; the same as the proposed children’s home; there is no material difference between the access to local facilities from the existing and proposed use.

Amenity/noise/pollution

UDP Policy H14 says that for non-housing (C3) uses change of use will be permitted provided that it would not lead to air pollution, noise, smell, excessive traffic levels or other nuisance or risk to health and safety for people living nearby. Further, it states that sites should not be over-developed or deprive residents of light, privacy, or security. This is consistent with NPPF paragraph 180 which states that developments should avoid noise giving rise to significant adverse impacts.

The housing is designed such that it does not impinge excessively on the privacy of adjoining occupiers. There is no reason why the overlooking from use of the property as a children’s home would be significantly different than overlooking from a family house.

The property is a large family house with a large garden which provides generous private amenity space sufficient to meet the needs of the intended number of occupants.

There is no reason to suppose that the occupation of the house as a children’s home will create more noise and disturbance than a normal family house, other than noise caused by the additional visitors which is discussed above. It is concluded that the amount of additional traffic attracted to the development will not be at a level that it will have a significant impact on air quality/pollution or undermine the residential character of the area.

There is no evidence that the proposal would cause an increase in anti-social behaviour, crime or danger to existing residents' children. The planning system exercises no control over the behaviour or character of who might occupy a property, whether it is a dwelling house or a children's home. Whilst fear of crime can be a planning consideration it needs to be clearly supported by evidence that this would be likely to be a problem. There is no such evidence which would be robust enough to justify a reason for refusing planning permission in this case given the small scale nature of the use.

Management/operation of facility

Local Planning Authority decisions should focus on whether the proposed development is an acceptable use of land. Planning decisions should assume that separate legislation which controls the operation of a children's homes will operate effectively and it is not for the planning authority to duplicate these controls. This principle applies even if the operators of children's home do not have a track record and it is a new business venture. The Children's Homes (England) Regulations 2015 provides quality standards for children's homes. Ofsted is the registration authority for children's homes and as registration authority regulates and inspects children's homes.

Restrictive Covenant/loss in value/future development

The owner of the property has said that there are no restrictive covenants that apply to the property although residents say that a covenant restricts the use of the property as a business. Regardless of who is right, a covenant is not a matter which is relevant to Local Planning Authority's assessment. As with all planning applications it is the applicant's responsibility to ensure that they comply with any other legal requirements outside of planning controls. If they are not able to do this, they will not be able to proceed.

The positive or negative effect of a planning application on the value of property is not a material planning consideration.

Future development or expansion of the property will be subject to planning permission and the impacts of any such proposals if they arise will be considered at that time. Speculation about future development is not relevant to the consideration of this application.

Benefits

The application will provide accommodation for a disadvantaged group of people and provides the prospect of improving their life chances. This is a social benefit of the proposal which should be given some weight in determining the application.

SUMMARY AND RECOMMENDATION

The application is acceptable in policy terms in principle as this is a small residential children's home which is appropriate to locate within a residential area for the reasons given above. Whilst it is a residential institution the character of the use is

similar to that of a dwelling house. The key differences relate to the number of vehicle movements as described above and the potential for additional on street parking. Whilst there are likely to be small increases in both which may cause some additional disturbance and nuisance from time to time, the impact is likely to be relatively minor and not significantly different to living next to a busy household with 4 cars.

It is not considered that it will give rise to significant safety or amenity concerns such that they could justify refusing planning permission especially when taking into account the social benefits of the facility. The Council 's Children and Young People's Service has advised that they use independent children's homes to place some of Sheffield's children in care. There are insufficient placements currently locally and nationally which makes it difficult to find the right placements for children and young people and more placements are needed in the city. Therefore, there is a clear need for facilities and this fits with the NPPF requirement to meet the differing housing needs of the community, as such this benefit should be given weight in determining this application.

Whilst the proposal does not totally comply with Policy H8 of the UDP it is considered to comply with the Local Development Plan when considered as a whole and is also consistent with the aims of the NPPF as it is considered to be sustainable development for which planning permission should be granted.

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Case Number	21/00415/FUL (Formerly PP-09473062)
Application Type	Full Planning Application
Proposal	Erection of single-storey side extension including porch to dwellinghouse
Location	40 Haggstones Road Sheffield S35 0GP
Date Received	01/02/2021
Team	West and North
Applicant/Agent	DVS Architecture
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:
 - Location Plan, Proposed Site Plan, and Existing and Proposed Floor Plans and Elevations - dwg.no. RE-PL1 Rev B, published 02.03.2021

Reason: In order to define the permission.

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

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

Other Compliance Conditions

3. The materials to be used externally shall match those of the existing building in colour, shape, size and texture.

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

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 proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

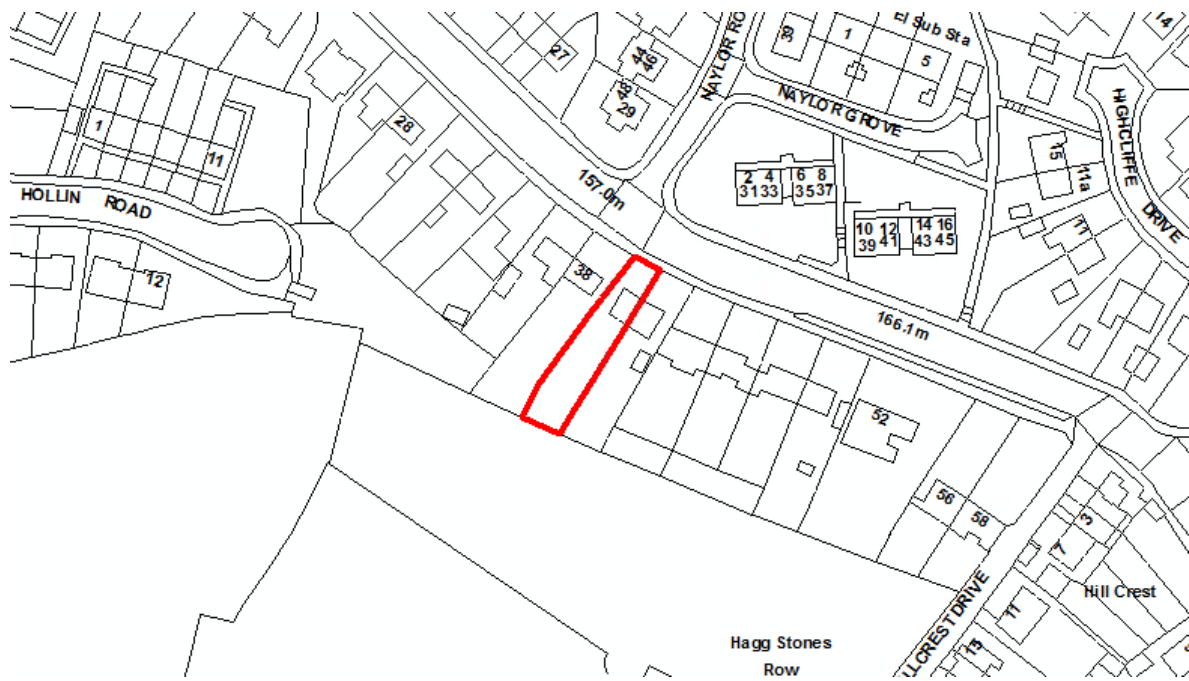
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Site Location



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LOCATION AND PROPOSAL

The subject property is a semi-detached dwelling with a hipped roof located on the south side of Haggstones Road. There are existing two-storey and single storey rear extensions and a single storey porch at the front.

There is a small garden area and hardstanding for parking at the frontage. At the rear of the site is a deep garden with a detached garage set behind the rear elevation of the main dwelling. This rear garden slopes upwards and away from the dwelling in a southerly direction.

The dwelling is set at a higher land level than that of the highway and the neighbouring property at number 38 to the west.

At the rear of the site is an area of open space. The site is located in a Coal Mining Referral Area. The surrounding area is predominantly residential in character. Planning permission is sought for the erection of single-storey side extension including porch to the rear.

Amended plans were received clarifying the footprint of the adjoining neighbour at no.38 and on-site parking arrangements.

PLANNING HISTORY

07/02928/FUL	Two-storey rear extension to dwellinghouse, granted conditionally - 10.09.2007
92/02364/FUL	Single storey extension to dwellinghouse, permitted development - 22.04.1992
79/02552/FUL	Alteration of part of the ground floor to form office accommodation, granted conditionally - 29.11.1979

REPRESENTATIONS

Immediate neighbours were notified, no representations were received.

PLANNING ASSESSMENT

Policy Context

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. This assessment takes account of Policies BE5 and H14 from the Sheffield Unitary Development Plan (UDP) and the provisions of Policy CS74 of the Core Strategy regarding design principles. The Supplementary Planning Guidance (SPG) on Designing House Extensions is also relevant to the determination of this application.

The National Planning Policy Framework (paragraph 127) states that developments need to contribute towards creating visually attractive, distinctive places to live, work

and visit, whilst also being sympathetic to local character. Innovation should not be prevented but developments should add to the quality of an area whilst providing a high standard of amenity for existing and future users. This assessment will have due regard to this overarching principle.

It is considered that the development plan policies being relied upon in making this recommendation below remain in accordance with the National Planning Policy Framework and can be offered substantial weight.

Design

Guidelines 1 to 3 of the Supplementary Planning Guidance on Designing House Extensions state that development must be compatible with the character and built form of the area; development should not detract from the host dwelling or from the general appearance of the street or locality; and extensions should be built of matching materials and features.

The proposed single storey extension would be set back from the principal elevation of the main dwellinghouse with a mono-pitch roof. It would measure approximately 6.3m in depth, 2m in width, 3.28m from ground to eaves level, and 4.1m from ground to ridge height. It would be subordinate to the main dwellinghouse and compatible with the character and built form of the area.

The extension would be visible from the streetscene but it would not detract from the host dwelling or from the general appearance of the street or locality.

Elevation and roof materials would match those of the existing dwellinghouse.

The proposal is considered to be acceptable in design terms and in accordance with the policies set down above.

Impact on Neighbours

Guidelines 4 to 6 of the Supplementary Planning Guidance on Designing House Extensions state that development should not lead to an overdevelopment of house plots or leave little garden space; they should ensure that minimum levels of privacy are maintained; and not lead to unreasonable over-shadowing or overdominance of neighbouring dwellings.

The dwelling would retain ample amenity space following construction of the proposed extension and does not constitute an overdevelopment of the plot.

There would be no side-facing windows to the extension, only 2 rooflights and a rear door, and there are no windows in the side elevation of the neighbouring property. The development therefore protects and maintains minimum levels of privacy and there would be no unreasonable overshadowing or over-dominance of neighbouring dwellings and no serious reductions in the light and outlook of the dwelling to be extended.

It is considered that the proposal does not raise any amenity issues and complies with

the relevant UDP policies and SPG guidance on Designing House Extension.

Highways

Guideline 8 of the Supplementary Planning Guidance states that developments should not lead to highway safety issues and should provide adequate parking arrangements. The proposed extension will form a utility room and porch only and does not propose any increase in bedroom provision. As existing off-street parking to the front of the site will be retained, the development would not adversely affect highway safety.

Other Issues

The property is located within an area defined as a Coal Authority Development High Risk Area. A standard directive will advise the applicant that this be considered as part of a subsequent Building Regulations application.

CONCLUSION AND RECOMMENDATION

It is considered that the proposed single storey side extension is well designed, in scale and character with the host dwelling and the wider streetscene and it will not lead to adverse impacts on adjoining properties. As such it is considered that the proposed development accords with UDP Policies H14 and BE5, as well as Policy CS74 of the Core Strategy; Paragraph 127 of the NPPF, and the Council's SPG on Designing House Extensions.

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

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 6 April 2021

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

2.0 NEW APPEALS RECEIVED

<p>(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of 15.0m monopole with associated cabinets and ancillary works (Application to determine if approval required for siting and appearance) at Land at Herries Road, opposite Elsworth House, Herries Road South, Sheffield, S6 1QS (Case No: 20/03775/TEL).</p>
<p>(ii) An appeal has been submitted to the Secretary of State against the delegated decisions of the City Council to refuse planning permission for the provision of an outdoor covered shelter at Chantreyland Nursery, Grange Barn, 34 Matthews Lane, Sheffield, S8 8JS (Case no's: 20/03633/FUL and 20/03634/LBC).</p>
<p>(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of 20m high Phase 8 monopole, provision of associated equipment cabinets and ancillary works (Application for determination if approval required for siting and appearance) Erection of 20m high Phase 8 monopole, provision of associated equipment cabinets and ancillary works (Application for determination if approval required for siting and appearance) at Telecommunications mast Shirecliffe Road, between Standish Drive and Miles Road, Sheffield, S4 7DU (Case No: 20/03010/TEL).</p>
<p>(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for an illuminated digital display panel at K R Auto's, 522 London Road, Sheffield, S2 4HP (Case No: 20/02423/ADV).</p>
<p>(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of 2x dwellinghouses at land between 53 Beighton Road And 35A Greengate Road, Woodhouse, Sheffield, S13 7PN (Case No: 20/01455/FUL).</p>
<p>(vi) An appeal has been submitted to the Secretary of State against the</p>

delegated decision of the City Council to refuse planning permission for an outline planning application (seeking approval for all matters except landscaping) erection of 9 apartments in a 1 x 3/4 storey block with provision of new access and associated car parking accommodation at Land at Crookes Road / Weston View, Sheffield, S10 5BZ (Case No: 20/01240/OUT).

(vii) An appeal has been submitted to the Secretary of State against the committee decision of the City Council to refuse planning permission for an Outline application for up to 85 residential dwellings including open space (Amended Description) at Land at junction with Carr Road, Hollin Busk Lane, Sheffield, S36 1QP (Case No: 17/04673/OUT).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a single-storey rear/side extension to dwellinghouse and a single-storey front extension to the garage (Resubmission of planning application number 20/00963/FUL) at 25 Highfield Lane, Sheffield, S13 9NA (Case No: 20/02828/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the proposed extension to the garage on the street scene with Highfield Lane.

He noted that there was a strongly defined front building line on Highfield Lane and that the proposed extension to the garage would breach this line and be a prominent feature from the footway, due to its proximity. The flat roof form would be a discordant feature, extended from the existing pitched roof and would result in an incongruous addition to the street scene. Whilst the extensions to the house were considered acceptable by both the Council and the Inspector, the Inspector concluded that the extension to the garage was contrary to local and national policies in respect of design and he therefore dismissed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of rear dormer extension and provision of rear balconies at first and third floor levels of dwellinghouse at 483 Loxley Road, Sheffield, S6 6RP (Case No: 20/01465/FUL) has been dismissed.

Officer Comment:-

The main issue was the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular reference to privacy. The Inspector concluded that, due to the elevated nature, size and position of the proposed balconies, and the extent of views from them, they would result in

unacceptable harm to the living conditions of neighbours due to a loss of privacy, and that the proposal therefore conflicts with Guideline 6 of the Council's Designing House Extensions Supplementary Planning Guidance, Policy H14 of the Unitary Development Plan and paragraph 127 of the National Planning Policy Framework which stipulate, amongst other things, that new development will be permitted provided that it would not deprive residents of privacy.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the retention of shed and timber decking at Field at rear of 254 and 254A High Greave, Sheffield, S5 9GR (Case No: 15/02654/FUL) has been dismissed.

Officer Comment:-

The main issues were whether the shed and decking are inappropriate development in the Green Belt having regard to the NPPF and relevant development plan policies; the effect of the development on the openness of the Green Belt and the purposes of including land within it; and, if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

The Inspector noted that the paddock in which the building is positioned is a large open area surrounded, in parts, by built development and that the development is clearly visible between gaps in the vegetation along High Greave and from the surrounding residential properties. While the building has a simple form which has some similarities with a rural building, he felt that its use and overall appearance results in an urbanisation of that part of the paddock. He therefore found that the development resulted in a loss of Green Belt openness and impacted on the purposes of including the land within it, and that the very special circumstances necessary to justify the development do not exist.

4.0 APPEALS DECISIONS – ALLOWED

Nothing to report

5.0 CIL APPEALS DECISIONS

Nothing to report

6.0 NEW ENFORCEMENT APPEALS

(i) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the notice which is the unauthorised change of use of the land to a vehicle repair workshop and for the storage, display and sale of motor

vehicles at Land and buildings at 244A High Greave, Sheffield, S5 9GR
(Planning Inspectorate Ref: APP/J4423/C/20/3264768).

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

6 April 2021

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