

Planning and Highways Committee

Tuesday 28 September 2021 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

Councillors Dianne Hurst (Chair), Tony Damms, Roger Davison, Peter Garbutt, Brian Holmshaw, Bob McCann, Zahira Naz, Peter Price, Chris Rosling-Josephs, Andrew Sangar, Garry Weatherall, Richard Williams and Alan Woodcock

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.

****PLEASE NOTE:** Meetings of Planning and Highways Committee have to be held as physical meetings. Social distancing restrictions and other public health safety measures still apply. The Council Chamber can accommodate all Planning and Highways Committee Members, plus officers, and a limited number of members of the public within a safe indoor environment.

However, if you would like to attend the meeting, you must register to attend by emailing committee@sheffield.gov.uk 2 clear days in advance of the date of the meeting. This is necessary to facilitate the management of attendance at the meeting to maintain social distancing. In order to ensure safe access and to protect all attendees, you will be required to wear a face covering (unless you have an exemption) at all times within the venue. It is also recommended that you undertake a Covid-19 Rapid Lateral Flow Test within two days of the meeting. You can order tests online to be delivered to your home address, or you can collect tests from a local pharmacy. Further details of these tests and how to obtain them can be accessed here - [Order coronavirus \(COVID-19\) rapid lateral flow tests](https://www.gov.uk/order-coronavirus-covid-19-rapid-lateral-flow-tests) - GOV.UK (www.gov.uk). We are unable to guarantee entrance to observers, as priority will be given to registered speakers. To observe the meeting as a member of the public, please click on the 'view the webcast' link provided on the meeting page of the website and then click on the 'Click for more details about Planning and Highways Committee' header which will enable you to see the presentations made.

Further information on this or any of the agenda items can be obtained by speaking to Abby Brownsword on telephone no. 0114 273 5033 or by emailing abby.brownsword@sheffield.gov.uk.

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
28 SEPTEMBER 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 - 12)
Minutes of the meeting of the Committee held on 7th September 2021.
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Tree Preservation Order No. 441, 35 Greenhill Main Road, Sheffield, S8 7RB** (Pages 13 - 40)
Report of the Director of City Growth.
- 8. Applications Under Various Acts/Regulations**
Report of the Director of City Growth
- 8a. Application No. 21/01928/FUL - Silver Lodge Residential Care Home, 12 Housley Lane, Sheffield, S35 2UD** (Pages 41 - 64)
- 8b. Application No. 21/01808/FUL - 298 Norton Lane, Sheffield, S8 8HE** (Pages 65 - 94)
- 9. Record of Planning Appeal Submissions and Decisions** (Pages 95 - 100)
Report of the Director of City Growth
- 10. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 19th October 2021 at 2pm.

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Planning and Highways Committee

Meeting held 7 September 2021

PRESENT: Councillors Peter Price (Chair), Tony Damms, Roger Davison, Brian Holmshaw, Dianne Hurst, Bob McCann, Zahira Naz, Chris Rosling-Josephs, Andrew Sangar, Richard Williams, Alan Woodcock and Anne Murphy (Substitute Member)

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Peter Garbutt and Garry Weatherall.

1.2 Councillor Anne Murphy acted as substitute for Councillor Garry Weatherall.

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 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 17th August 2021 were approved as a correct record.

5. SITE VISIT

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

6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

6a. **APPLICATION NO. 21/00234/FUL - LAND AT JUNCTION WITH HERRIES ROAD, HERRIES ROAD, SOUTH AND PENISTONE ROAD NORTH, SHEFFIELD, S6 1QE**

- 6a.1 Additional and amended information, along with revised conditions 2, 19, 25 and 29 were detailed 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 Simon Ogden attended the meeting and spoke against the application.
- 6a.4 Lydia Sadler attended the meeting and spoke in support of the application.
- 6a.5 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also having regard to representations made during the meeting.
- 6a.6 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for the erection of a retail unit (Class E(a)), gym (Class E(d)), 2 storage and distribution units (Class B8), 1 storage and distribution unit with outside storage and racking (Class B8), 2 drive thru restaurants (Class E(b/Sui Generis)), 1 builders merchant (Sui Generis) to include display, sale and storage of building timber and plumbing supplies, plant and tool hire, including outside display and storage along with storage racking, ancillary kitchen joinery showroom, 1 vehicle maintenance, repair and MOT unit (Class B2) and 2 substations including provision of car parking and junction improvements to Penistone Road and Herries Road, access onto Herries Road/Herries Road South, servicing, landscaping, pedestrian access and associated on and off site works (resubmission of application 19/00037/FUL) (Amended Description) at Land At Junction With Herries Road, Herries Road South And Penistone Road North, Sheffield, S6 1QE (Application No. 21/00234/FUL).
- 6b. APPLICATION NO. 21/00418/FUL - VERY MUCH SO PRODUCTIONS, 8 STRETTON ROAD, SHEFFIELD, S11 8UQ**
- 6b.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.
- 6b.2 Gillian Adey attended the meeting and spoke against the application.
- 6b.3 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report, now submitted and also having regard to representations made during the meeting.

6b.4 **RESOLVED:** That an application for planning permission for the use of office building as a studio for after school arts classes at Very Much So Productions, 8 Stretton Road, Sheffield, S11 8UQ, be REFUSED, for the reasons set out in the report, now submitted, (Application No. 21/00418/FUL).

6c. APPLICATION NO. 21/02304/FUL - 56 HUNTINGDON CRESCENT, SHEFFIELD, S11 8AX

6c.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.

6c.2 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report, now submitted.

6c.3 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, for the erection of single-storey side/rear extension to dwellinghouse at 56 Huntingdon Crescent, Sheffield, S11 8AX (Application No. 21/02304/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.

7.2 The Planning Officer drew Members attention to the dismissal of appeal against the refusal at Committee of a development at Loxley Road.

7.3 The Inspector stated that, in the absence of the Council being able to demonstrate a 5-year supply of deliverable housing sites, the policies which were most important for determining the application were considered out of date, as specified in footnote 8 of the NPPF. In such circumstances, the NPPF indicates that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance (including the Green Belt) provided a clear reason for refusing the proposed development.

7.4 In this case, the conflict that the Inspector found with Green Belt policies in the NPPF provided a clear reason for refusing the development proposed. He found that the proposed development would fail to accord with the development plan and policies in the NPPF as a whole. As such, he concluded that it would not represent sustainable development and that the appeal should be dismissed.

7.5 **RESOLVED** that the report be noted.

8. DATE OF NEXT MEETING

- 8.1 It was noted that the next meeting of the Planning and Highways Committee would be held on Tuesday 28th September 2021 at 2pm.



SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 14 September 2021

Subject: Tree Preservation Order No. 441,
35 Greenhill Main Road, Sheffield, S8 7RB

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

Summary: To seek confirmation of Tree Preservation Order No. 441

Reasons for Recommendation

To protect a tree of visual amenity and historical value to the locality

Recommendations

Tree Preservation Order No. 441 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No. 441 & map attached.
 - B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
 - C) Letter of objection to the serving of the TPO
 - D) Tree Officer's response to claims made by the objector
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Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE 28th SEPTEMBER 2021

TREE PRESERVATION ORDER NO. 441
35 GREENHILL MAIN ROAD, SHEFFIELD, S8 7RB

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 441.

2.0 BACKGROUND

2.1 Tree Preservation Order No.441 ('the Order) was made on 29th April 2021 to protect a large mature Lime tree (*Tilia x europaea*) located within the curtilage of 35 Greenhill Main Road, S8 7RB. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 The Lime is positioned close to the rear boundary of 35 Greenhill Main Road. It is of considerable age and stature, dating from between 150-200 years and is a component of the character of the Listed building. As such it has cultural and heritage significance, as well as arboricultural merit. Although offering limited visual amenity along Greenhill Main Road, it is particularly prominent when viewed from Torwood Drive. The visual amenity, combined with the heritage and cultural significance and its arboricultural merit, makes this tree worthy of retention.

2.3 Greenhill Main Road is identified as the spine of the Greenhill Conservation Area, so the tree was already protected to a limited extent by Section 211 of the Town and Country Planning Act 1990. This requires that notice is served upon the Council before works to a tree can be carried out. This gives the Council the opportunity to make a Tree Preservation Order where that is considered expedient. Notice was served in March 2021 with intention of removing the tree. This was refused. A formal Tree Preservation Order was therefore considered expedient in order to fully protect the tree in the long-term.

2.4 A condition inspection of the tree was carried out by Sheffield City Council's Tree Officer at the time, Peter Simpson MICFor MArborA. The tree was found to be in good health when inspected and had no obvious health and safety reasons requiring major intervention which would negate the tree's contribution to the amenity of the locality or its arboricultural merit. A TEMPO assessment was carried out following the inspection which supported the protection of the tree (see Appendix B).

2.5 The TEMPO Assessment demonstrated the tree is a significantly sized specimen of reasonably good health and showing little sign of decline. The tree is of fine form and arboricultural merit, as well as having historic value as a component of the listed building's original garden.

2.6 One objection to the Order was received by the applicant. These claims have been addressed by the Tree Officer. A full copy of the objection and Peter's response are included as appendix C & D. The applicant's objections are listed below, all of which have been responded to in detail and shown not to negate the protection and retention of the tree.

- Proximity to the building

- Shading

- Lack of visual amenity

- health concerns

These concerns have been addressed and the response to these are still felt to be valid.

3.0 VISUAL AMENITY ASSESSMENT

3.1 The tree is a large specimen, visible from both Greenhill Main Road and Torwood Drive. As well as its visual amenity, the tree is likely to represent a component of a historical landscaping scheme from over a 150 to 200 years ago and forms part of the historical value associated with the adjacent listed building.

3.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Urban & Environmental Design's serving Tree Officer, Peter Simpson, and is 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.441 will benefit the visual amenity of the local environment and protect the historic and cultural asset of the adjacent building which itself is listed.

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. As discussed, a detailed response by the serving Tree Officer has been provided to the single objection.

8.0 RECOMMENDATION

- 8.1 Recommend Provisional Tree Preservation Order No.441 be confirmed.

Michael Johnson, Chief Planning Officer

17th September 2021

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No 441 (2021)

35 Greenhill Main Road, Sheffield, S8 7RB

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 441 (2021) – 35 Greenhill Main Road, Sheffield, S8 7RB

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.

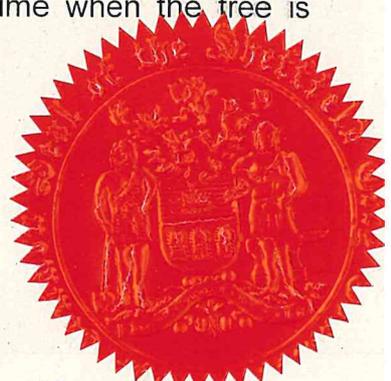
Application to trees to be planted pursuant to a condition

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 29TH APRIL 2021

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

[Handwritten Signature]
Page 17
Duty 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	Common lime – Tilia sp.	SK343 812

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>
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Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 23/4/2021 Surveyor: Peter Simpson Tree Officer

Tree details C/A HORTON GREENHILL
 TPO Ref (if applicable): _____ Tree/Group No: T1 Species: Common Lime
 Owner (if known): MR. CHRIS EVANS Location: REAR OF PROPERTY

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

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

Score & Notes Large healthy tree, some 3. minor dead wood, smaller than 10cm Ø. Occluding cavity at approx 2m on E

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

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

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

Score & Notes Large Mature tree in 4. excellent health showing little signs of decline or structural weakness

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes 3. Visible from Main Street (CA) in Locality

d) Other factors

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

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or 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

Score & Notes tree shows signs 2 of much past management but has excellent form.

Score 10

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes TCA Application 21/01370/TCA. 5 fell tree, applicant not involved in reduction

Score 12.

expires 13 days as of this note.

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-10 | Does not merit TPO |
| 11-14 | TPO defensible |
| 15+ | Definitely merits TPO |

Add Scores for Total:
17

Decision:
Definitely Merits a TPO.

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Christopher Glyn Evans
The Manor, 35 Greenhill Main Road
Sheffield, S8 7RB
21st May 2021

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

Your reference LS/RC/94232

Dear Legal Services Department,

I write in response to your letter dated 29th April with the above reference.

I strongly object to your departments decision to apply a Tree Preservation Order on the tree in question and refute the reasons set out in your letter.

I have owned and lived in the property where the tree is situated since 2013. The property is a Grade2 listed building that dates to the 16th Century and is of significant historical importance to the city, and I have always had serious concerns over the tree's proximity to the building.

The main central trunk of the tree is within 6-metres of the building and is very close to a large bay window at the rear of the property which measures 5 x 3-metres and has 11 large panes of glass within its construction. Many of the branches protrude and hang over a great deal of the building and I have had several instances where branches have broken off from the tree, and having fallen to the ground have then hit and shattered some of the glass panes in the bay window, which have had to be replaced.

Other than the issue of falling branches, the branches and leaves hold a lot of water and cast a lot of shade, which creates cold shady damp areas at the rear of the house. This severely affects the guttering, facias, and soffits at the rear of the building which deteriorate quickly and regularly need to be repaired and replaced.

In my opinion the tree is simply much too close the house and poses an ongoing threat to the building and needs to be removed.

I must then challenge the reasons presented by your officer for applying the TPO:

Legal Services Department
21st May 2021
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The tree is not visually prominent as inferred by the officer. In fact, the house obscures probably 80% of the tree from view looking from Greenhill Main Road, and standing on the pavement at Greenhill Main Road much of the remaining part of the view of the tree is obscured by a Cherry Tree in the front garden. I strongly challenge the officers view and suggest that very few people would even notice that a tree is present, and as only about 20% of the tree is visible from the main road then it is certainly not prominent. I attach pictures to support this.

I am not suggesting that the tree is at present unhealthy but there is a large decay pocket present on the front of one of the main trunks where the tree splits into three separate off shoot trunks, and this adds further concern and worry about the longer-term potential danger to the house. I attach a photo to evidence this point.

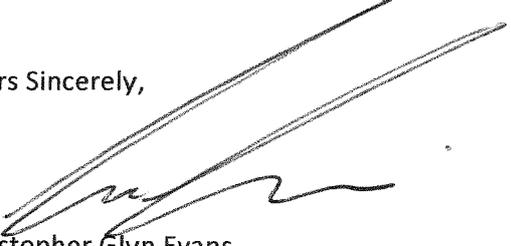
I feel very strongly that this tree is simply too close to such an old house. The building is grade 2 listed and of historical importance to the city and as the owner of the property I feel extremely uncomfortable that such an imposing tree is so close.

I have called the officer of this case several times to discuss this matter further but despite leaving several voice messages my attempts to reach out appear to have been ignored.

The property benefits from having a significant garden area at the rear, and if it could be agreed that this tree should be removed then I would be happy to plant other trees further away from the house and would be happy if this were a condition of agreement as a way in which we could work together.

I truly hope that this preservation order is reversed and that we can agree that the tree is to be removed. My priority must be the building and I will have no choice but to continue to challenge any preservation order.

Yours Sincerely,



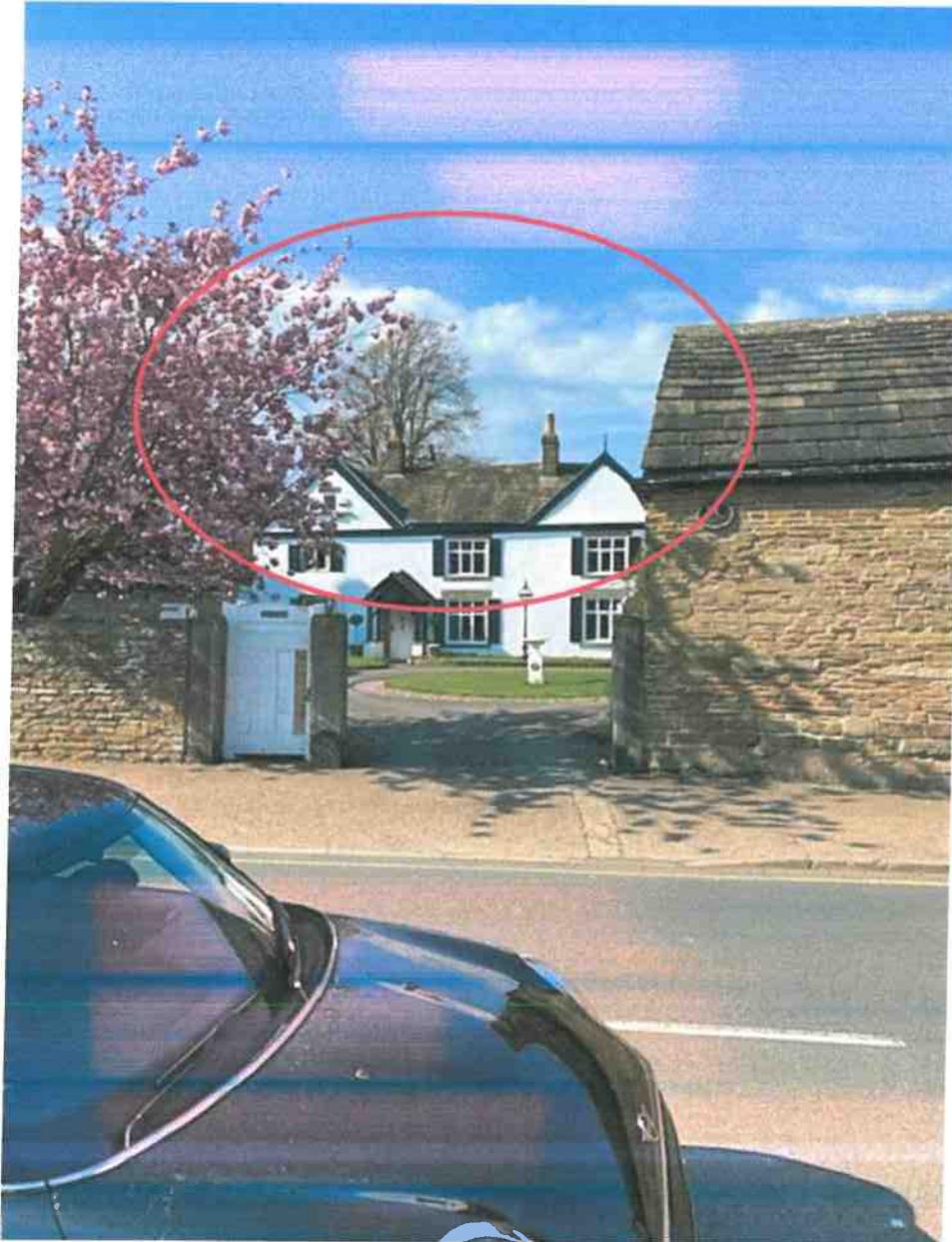
Christopher Glyn Evans

Enclosure

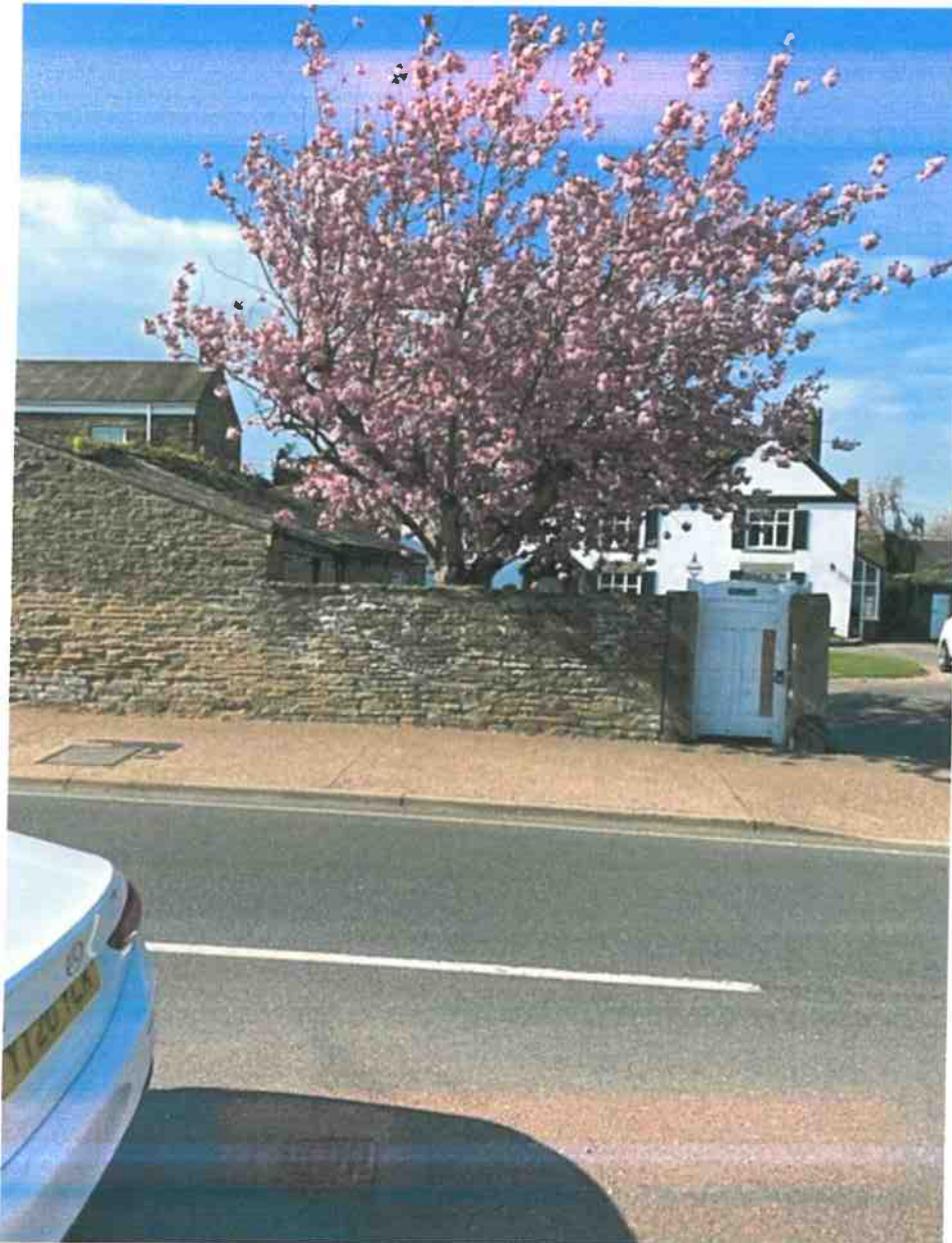
View directly from front gates of house, photo taken 30th April 2021



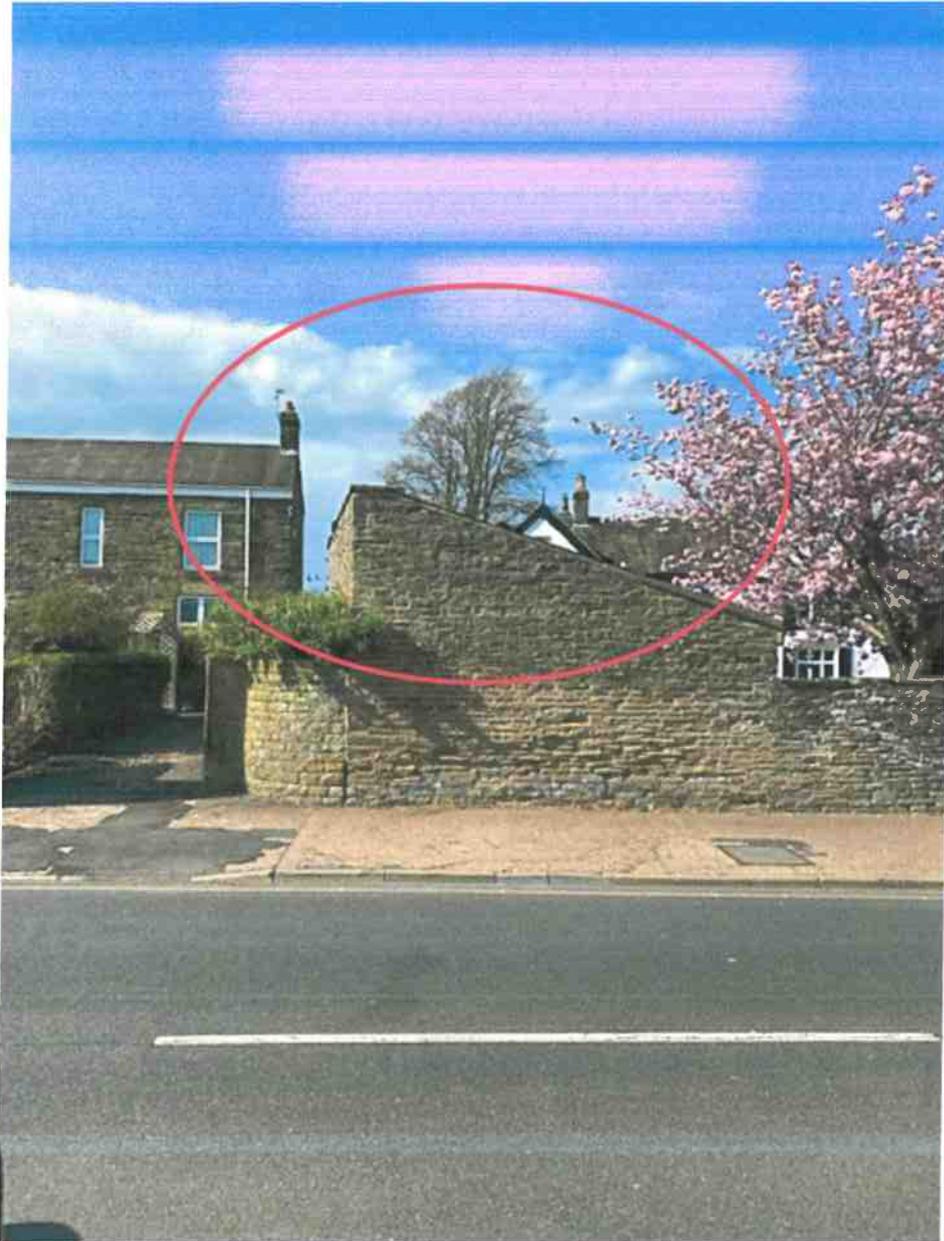
View from Greenhioll main Road – phot taken 30th April 2021



View from Greenhill Main Road directly opposite the house – photo taken 30th April 2021



View from Greenhill Main Road from right hand side of property – photo taken 30th April 2021



View from rear of property – photo taken 30th April 2021



View from pavement on Torwood Drive – photo taken 30th April 2021



View from end of Torwood Drive – photo taken 30th April 2021



Further views from front of house taken from Greenhill Main Road on 21st May 2021



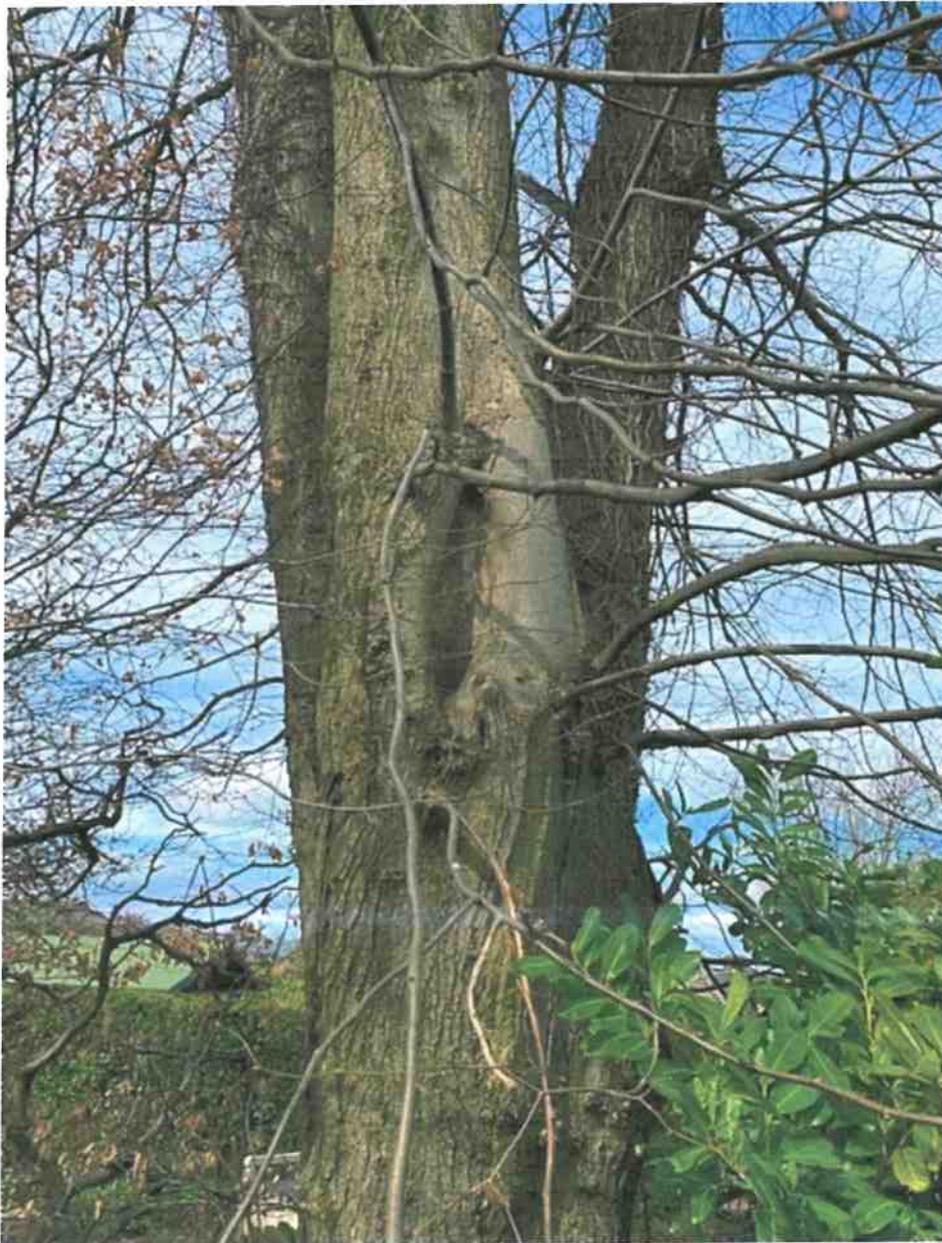
Further views from front of house taken from Greenhill Main Road on 21st May 2021



Further views from front of house taken from Greenhill Main Road on 21st May 2021



Picture of decay pocket on main trunk



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Responses to 25 May Objection Letter TPO No.808/441

The following sets out my responses to the objections raised by Mr C Evans in his objection letter.

The main central trunk of the tree is within 6 m of the building....many of the branches hang over a great deal of the building....

I do not agree with the statement the tree overhangs the building. While not measured, I estimated the tree is in the region of 8 m from the rear elevation of the building at its nearest point. The photo below clearly shows that at no point does the tree overhang the building.

When viewed, the tree was not in leaf, and the branch structure of the tree could clearly be seen. I could see no major dead wood, defect limbs, or evidence of large limbs lost. The tree is in excellent health and vigour and poses little risk of failing in its current condition. The tree does contain minor deadwood, but this is very small and limes retain deadwood. When it is shed it is generally very light and unlikely to break a window.

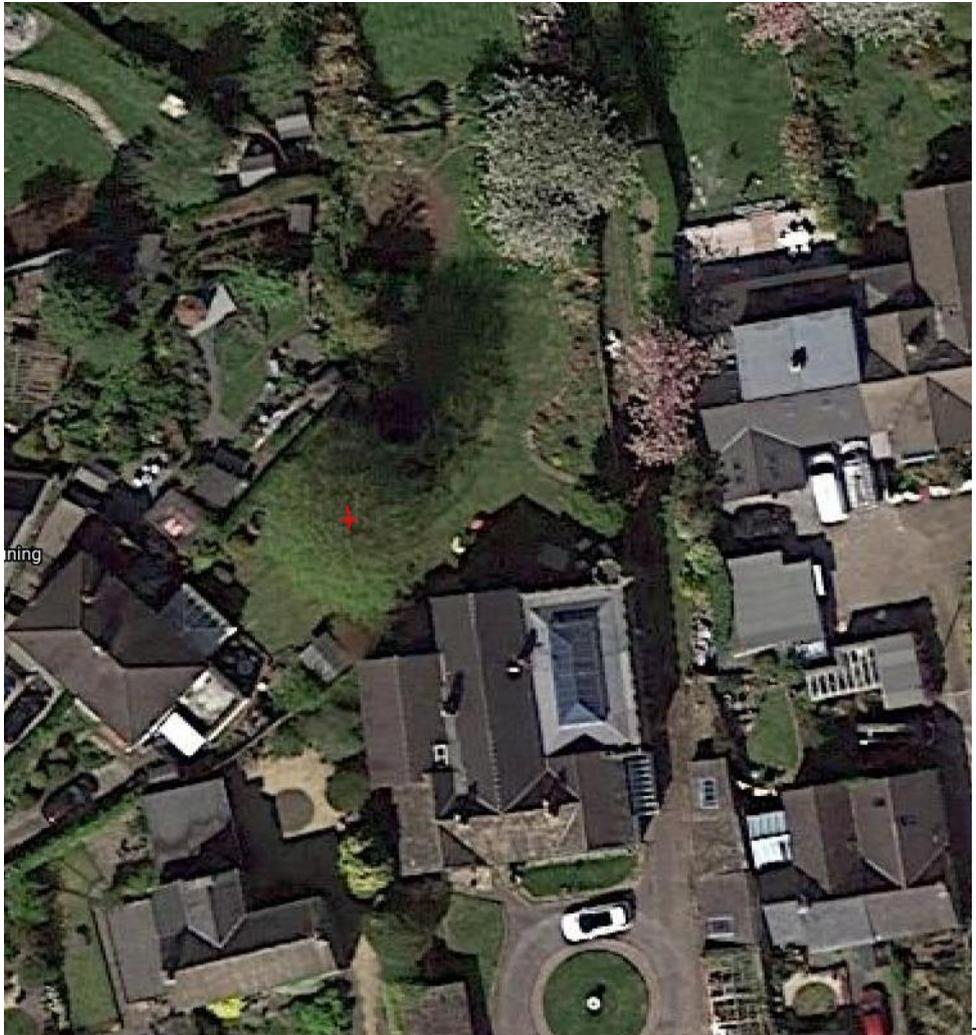
The serving of the TPO would not prevent the owner carrying out appropriate and proportional pruning to remove any deadwood, dangerous branches or branches causing a nuisance.



Photo demonstrating the tree canopy is clear of building and does not overhang it at any point.

Other than the issue of falling branches...casts a lot of shade...severely affect the guttering....

The tree is located directly north of the building, therefore its shadow arc will track west, north, east during the day, and at no point will the tree cast direct shade on the tree. As previously discussed, the tree is located far enough from the building to allow airflow around the building, and a level of careful crown reduction (in line with BS3998:2010) could further enhance this.



Picture 2 Google earth image. Tree stem marked with red cross.

The tree is not visually prominent....

I would argue the objector's own photographs indicate that the tree is visible from public areas and is especially prominent in views from Torwood Drive. Furthermore, the tree is clearly of considerable age, and its presence enhances the setting of the historical property. In one photo, the objector claims the cherry tree on the frontage blocks views of the tree. As part of the TCA application which lead to the serving of the TPO permission was granted to reduce the frontage cherry tree by 30%, thus reducing the screening effect.

The tree scored well in a TEMPO assessment gathering 17 points. Only 3 of these were awarded for public visibility, with it being acknowledged that the tree fell in C) Medium trees, or large trees with limited views only. However, due to its excellent health, form, size and historical context, the tree still scores highly to warrant a TPO.

I am not suggesting the tree is unhealthy...decay pocket....

The decay pocket was noted during the site visit, but it is shallow, occluding well, and typical of the species. I could see no significant structural or physiological issue which would suggest the tree didn't have a minimum of 40 + years future safe contribution.

I feel strongly the tree is simply too close...

I estimate the tree to be in the region of 150 – 180 years old. The tree has co-existed with the house for this period up to this point. I could see no evidence of any structure impact of the tree on the property, nor did the owner claim, or offer any evidence of any such damage. To remove such a significant tree as a precaution over potential future damage appears to be a gross over reaction.

I would be happy to plant other trees....

As the tree removal was the subject of a TCA application SCC could not enforce this measure, nor would new planting compensate for such a large and significant trees removal, taking over 150 years to reach the age of the current tree.

Other Comments

During the site visit I offered to compromise with the applicant and allow a crown reduction of the tree, in line with BS3998:2010 to reduce the size of the canopy, allay some of his fears, and retain the tree. This was rejected outright, with the applicant feeling the tree is too big, and in the wrong place.

While the purpose of the visit was to review a TCA application, it was noted some tree works which would have required notification had been completed in the garden.

The lime tree in question is of considerable age and stature. Limes are commonly found in historical properties and it is likely this tree represents a component of a landscaping scheme from over a 150 to 200 years ago. As such it has cultural and heritage significance, as well as arboricultural merit.

Large canopied trees are increasingly being recognised for the significant role they play in air quality improvement and carbon sequestration. In the era of climate emergencies historic trees with such fine form as this should be offered a level of protection from removal without significant justification.

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Case Number	21/01928/FUL (Formerly PP-09769742)
Application Type	Full Planning Application
Proposal	Demolition of conservatory, porch and external structures, internal and external alterations including erection of new entrance porch to allow use of care home (Use Class C2) as 10 apartments (Use Class C3), provision of car parking and associated works (amended description).
Location	Silver Lodge Residential Care Home 12 Housley Lane Sheffield S35 2UD
Date Received	26/04/2021
Team	West and North
Applicant/Agent	Planning Prospects 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:

Plan Number WAL 21-08-06A Redline Site Plan published 27.04.21

Plan Number WAL 21-08-09F Proposed Site Layout Plan published 14.09.21

Plan Number WAL 21-08-02G Proposed Floor Plans published 24.08.21

Reason: In order to define the permission.

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

3. 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.

4. No development shall commence until details of measures to facilitate the provision of gigabit-capable full fibre broadband within the development, including a timescale for implementation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/timetable thereafter.

Reason: To ensure that all new Major developments provide connectivity to the fastest technically available Broadband network in line with Paragraph 114 of the National Planning Policy Framework.

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

5. 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.

6. The development shall not be used unless a level threshold has been provided to the new main entrance thereto in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such level threshold shall be retained.

Reason: To ensure ease of access and facilities for disabled persons at all times it is essential for these works to have been carried out before the use commences.

7. Before the first unit is occupied, full details of suitable and sufficient secure covered cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the units shall not be occupied unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

8. Prior to that part of the development commencing, details of the construction method of any new or replacement hard surfacing and drainage arrangements shall have been submitted to and approved in writing by the Local Planning Authority . Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In order to ensure protection of the trees and suitable surface water drainage arrangements.

Other Compliance Conditions

9. The development shall not be occupied unless the car parking accommodation for 14 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic

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

10. No site clearance works, development of any kind and related tree works shall be carried out until the tree protection measures identified in the approved 'Pre Development Arboricultural Report' Revision 1 published 25.08.21 have been provided. The protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

11. The west facing windows in flat 7 as annotated on the approved plans shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the window shall at any time be glazed with clear glass.

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

Attention is Drawn to the Following Directives:

1. The 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.
2. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.

3. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
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. The applicant is advised to have regard to the consultation response received from Northern Powergrid which is published on 19.05.21
6. 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.
7. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process.

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

Site Location



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LOCATION AND PROPOSAL

This application relates to the vacant Silver Lodge Care Home located on Housley Lane in Chapeltown.

The building is set within enclosed grounds, with amenity space to the rear and hard surfacing to the front which is used as car parking. There is a small outbuilding/bin store to the front of the site and the trees within the site are covered by a Tree Preservation Order (TPO).

This application seeks consent to convert the building to 10 apartments comprising 9 x 2 bedroomed apartments and 1 x 1 bedroomed apartment. Externally an entrance lobby is proposed on the northern side of the building, decking on the west elevation, a replacement metal stairway on the southern elevation, and alterations to the building's fenestration. The remaining part of the former bin store/garage building located adjacent to the site entrance is to be retained and reused as a bin store.

The existing conservatory at the rear of the building, an entrance porch to the side, the external staircases and a small section of a remain garage/outbuilding are proposed to be demolished and removed.

The scheme has been amended during the consideration of the application. The number of apartments has been reduced from 14 to 10 and a new porch/lobby extension added to the north side of the building.

PLANNING HISTORY

There is no relevant planning history.

SUMMARY OF REPRESENTATIONS

A first round of public consultation took place in May 2021. 1 letter of support, 16 letters of objection (from 15 Households) and 2 letters of comment, neither for or against, have been received. The comments raised are summarised below.

Neighbour comments:

In objection:

- Disproportionate number of dwellings to size and scale of properties along the lane.
- The scheme would be an overdevelopment; high density living is out of character with the immediate surroundings.
- Objections have been raised with regards to highway safety and issues of vehicle conflict.

- Objection is raised regarding the access, which is detailed as being, narrow single track, unadopted, poor condition, gradient, with a blind junction at Moorwoods Lane.
- This development 14 – 28 cars plus visitors. Objections is raised on the grounds of insufficient parking. This was previously for 6 or 7 cars.
- Objection is raised to Increased traffic on the lane.
- Existing problems at the junction with Burncross Road and Housley Lane are detailed, with little space for cars to pass, cars have to reverse back onto the main road, which is a major highway safety issue.
- There is no segregated pedestrian path. This would be a problem during development and following occupation. Vehicles would conflict with walkers and school children.
- Objection that no improvements to the lane are proposed.
- Increased use of the lane would be detrimental to health and wellbeing of existing residents.
- Concern is raised about the impacts of overspill parking on lane and onto private property.
- It is commented that with the previous use no residents had cars, there was minimal staff, and the only issues of parking were at Christmas, celebration days etc.
- The Design and Access statement over stipulates the number of vehicles the care home generated.
- Retiree flats would be preferred as they would have one car.
- Concern is raised that the number of disabled bays are low.
- Query is raised as to who will maintain Housley Lane, as the surface deteriorates due to increased use.
- Any parking on lane causes issues at present, e.g. at school times.
- Comment that this school access should be closed.
- The road should be adopted if the development is approved.
- Concern is raised that the designers are not aware of the character of the area.
- Concern is raised regarding lack of detail regarding materials and areas of infill, new surfaced areas and level changes. Importance is raised regarding quality of development.
- Concern is raised regarding overlooking to the south
- Extra traffic will cause pollution near the school.
- Concern about extension of hard standing and resulting impact on drainage and run off down the lane.
- Objection is made to the future noise and traffic pollution arising from the development.
- Comment is made that works have commenced and issues are highlighted about noise, traffic, and mud on the road.
- Concern about damage to third party property
- Concern is raised regarding he works to the group 1 trees, and that this may cause noise and light pollution to neighbouring property.
- Nature of flats don't fit with demographic, families and mature couples.

- Comment is made that the development is aiming to take advantage fact that the local plan has not been agreed.
- Comment is made that trees have been damaged.
- Comments are made that there are bats are in the area. Concern is raised that an outbuilding has been demolished without any surveys being carried out to establish whether there is a roost there or not.
- Concern is raised that works have commenced and there may be asbestos.
- Concern about sewer capacity and water pressure is raised.
- Comment is made regarding affordable housing should be delivered via contribution.
- Comment is made regarding the quality and size of the bin store.
- Comment that the single bed properties are at odds with surrounding properties. Units should be larger and aimed at families or retirees to maintain the dynamic of the area (as required by H5 and H14).
- Comment is made regarding consistency of plans and accuracy of details.
- Objection to the removal of any mature trees.
- Concern is raised as to whether internal fire escapes would be sufficient for the development.
- Comment is made that there is no lift access.
- It is commented that there are underground streams to the front of 7 Housley Lane and along Burncross Road.
- Concern is raised regarding the reference to refreshment facilities within the supporting submission and potential antisocial (rubbish/noise) behaviour that this could result in.
- Comment is made that no works shown to insulate the existing building and therefore reduce its carbon footprint.
- Call made to reduce units to 6 or 7.
- Comment made about loss of care home
- Existing drainage sewer problems cited
- Errors highlighted in Arboricultural Report. Works to trees could be avoided by providing additional parking to the rear of the property.
- There has been Insufficient neighbour notification.

In support:

- No objection to the development, query is raised regarding ground maintenance.

Neutral comments:

- Query is raised regarding tenure and target market.
- Query is made regarding the provisions for ground maintenance, with some concern about the safety of existing trees within the site.
- Query is raised as to why works have already commenced.
- Comment is made that the company is newly established.
- Request for a site visit.

Ecclesfield Parish Council have commented:

- Vehicle access is inadequate and in a poor and dangerous condition.
- If approved the developer should improve the access to the site.

Following the receipt of amended plans a further round of consultation was carried out in August 2021 and a further 11 objection letters have been received from 8 addresses, who had previously responded. The objections are summarised below:

- Plans do not overcome concerns and the original concerns are reiterated.
- Small apartments below size of residential design guide.
- Request for committee site visit.
- Plans show 11 apartments, but description states 10.
- Concern is raised that the flats would be HIMO's.
- Flat 11 doesn't comply with Building Regulations and will require a 'corridor' to the 'lobby' thus reducing the 'living' space floor area further.
- The plans do not show maintenance of the trees around the site.
- Comment is made that ownership of the site extends to the centre of the lane; query is raised regarding upkeep of this. A Section 106 should be required to make improvements to the lane including surfacing, drainage, and pedestrian refuges.
- The roads should be inspected.
- Comment about inconsiderate hours of ground maintenance.

PLANNING ASSESSMENT

Policy Context

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

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in July 2021 (the NPPF) is a material consideration (paras 2 and 218 of the NPPF).

Paragraph 219 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

In all cases the assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied and that where there are no relevant development plan policies, or where the policies which are

most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF that protect areas or assets of particular importance (including SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provides a clear reason for refusing the development proposed;

or

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is referred to as the “tilted balance” and this assessment will have due regard to this.

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

As of 1 April 2021, and in relation to the local housing need figure at that date taking account of the 35% urban centres uplift, Sheffield can only demonstrate a 4-year deliverable supply of housing land. Because the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, the relevant policies for determining applications that include housing are considered to be out-of-date according to paragraph 11(d) (footnote 8) of the Framework.

Considering the above and the fact that no ‘protected areas or assets of particular importance’ are affected the ‘tilted balance’ is engaged, and planning applications for housing should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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

Land Use

The site lies in a Housing Area in the UDP. UDP Policy H10 (Development in Housing Areas) identifies C3 residential use as the ‘Preferred’ land use in Housing Areas. Therefore, the proposed residential development is compatible with the UDP’s designation and an acceptable use.

Core Strategy Policy CS23 (Locations for New Housing) identifies that new housing will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. It goes on to state that in Chapeltown/High Green housing developments will be limited to suitable and sustainable sites within the

existing built-up area.

Core Strategy Policy CS22 (Scale of the Requirement for New Housing) relates to the scale of the requirement for new housing and sets out Sheffield's housing targets until 2026; identifying that a 5-year supply of deliverable sites will be maintained. However, the NPPF now supersedes this, and the Council cannot demonstrate adequate Housing Land Supply at this point. Weight cannot therefore be afforded to the housing figures identified in Policy CS22.

However, it is considered that weight can still be afforded to policy CS23 on the basis that it links to key themes in the NPPF including increasing the supply of new homes, regeneration and sustainable development, the efficient use of land, brownfield land development, sustainable development, and sustainable travel.

The government attaches significant weight to boosting the supply of new homes. The development of small windfall sites, such as this, are specifically supported by the NPPF (Paragraph 69) given the important contribution they can make to meeting the city's housing requirements and the relative speed with which they can be delivered. This is a redundant site, located within an existing settlement and its redevelopment for housing is afforded great weight by Framework Paragraph 69 c).

This development will make a positive contribution towards the Council's housing land supply of deliverable sites and as such is afforded considerable weight as a material consideration in the determination of this application. Furthermore, apartments would add to the overall mix of accommodation within the immediate area.

Amenity

UDP Policy H14 (Conditions on Development in Housing Areas) part (c) seeks to ensure that sites are not overdeveloped or deprive residents of light, privacy or security.

Policy H5 (Flats, Bed-sitters and shared Housing) a) seeks to ensure that a concentration of these uses would not cause serious nuisance to existing residents and H5 b seeks to ensure satisfactory living conditions for occupants of the accommodation and their neighbours.

Supplementary Planning Guidance on Designing House Extensions sets out specific amenity standards that are applied to house extensions, whilst this is not directly applicable, the principles are used as a gauge to assess residential amenity.

Paragraph 130(f) of The Framework identifies that development should create places with a high standard of amenity for existing and future users. Development should also be appropriate for its location taking account of the effects of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (paragraph 185).

Local policies align with the Framework and are therefore afforded substantial weight.

Amenity for Existing Residents

The new lobby/porch element of the building is small scale and of sufficient distance from surrounding neighbouring properties so that no overshadowing or overbearing would occur.

In terms of privacy, the front and rear elevations are a significant distance from neighbouring properties and therefore outlook from the proposed flats, in these directions, will not detrimentally affect neighbour's privacy.

Existing habitable room windows face the northern and southern boundaries. On the south elevation there would be some alterations to the fenestration, with a minor increase in the number/size of openings. Due to the existing relationship between the building and adjacent residential properties, and the separation distances retained, the privacy of neighbouring properties would not be detrimentally affected.

On the north elevation, the impact on neighbour's privacy would be similar to existing. Some additional windows are proposed in the entrance lobby/porch and the north facing fenestration in what would be flat 4, which is at ground floor. The neighbour at No 30 Housley Lane has a lean-to glazed extension abutting the site boundary. There is no screening, but the neighbouring site is at a higher level. Windows to habitable rooms would face this neighbour, however as they are set well off the boundary and in a similar position as the former care home main entrance there will be no loss of privacy or material impact on amenity.

To the rear the large conservatory would be demolished and replaced by an area of decking which is 1 metre above the external ground level. The decking is of a modest size and is set well away from the site boundaries. Existing boundary treatment offers screening and for these reasons the decking is not considered to harm the amenity of adjoining properties.

The area is predominantly residential with family houses set in spacious plots. Apartments are compatible with the residential character of the area.

The care home had 28 bedrooms and its operations would have generated a lot of activity associated with its occupiers, staff, deliveries, and visitors etc. Vehicle movements generated by the scheme are likely to be less intensive than those associated with the previous care home. The amenity of residents is not considered to be harmfully affected by vehicle movements.

The use of the building as 10 apartments is not considered to generate any other noise or disturbance issues.

Amenity for future occupiers

The site benefits from a significant amount of attractive amenity space within the site,

that all future residents will be able to access.

The number of units has been reduced from 14 to 10 during the course of the application to improve the internal layout and amenity standards for future occupiers.

The apartments are of an acceptable size and all but two of them now accord with the space standards set out in the South Yorkshire Residential Design Guide (SYRDG). Two apartments fall short of the SYRDG space standards, but not significantly, and the quality of these units remains acceptable. The SYRDG is not adopted by the Council as policy and is used as guidance only. Compliance is not therefore strictly required. Regard is also had to the fact that this is a conversion scheme and not a new build.

All apartments are considered to have acceptable outlook and privacy. One of the bedrooms in flat 4 which is in the basement, and flat 5 which is located at ground floor level would have a high-level window only. This arrangement is not unusual, particularly in conversion schemes such as this where there are internal layout constraints. Each of the flats has a second bedroom with a conventional outlook which allows future occupiers to choose how to make best use of the spaces. Officers are of the view that the amenity of future residents would not be harmfully affected by these arrangements.

The outlook from the bedrooms of flat No 10 is also limited due to one bedroom being served solely by a roof light and the other looking onto the gable of another part of the existing building. These arrangements arise as a result of the limitations associated with the layout and arrangement of the existing building. The amenity of future occupiers is however considered to be acceptable.

NPPF paragraph 125 sets out the importance of using land efficiently and emphasises that where there is a shortage of land for meeting identified housing needs, as is the case in Sheffield, it is important that planning decisions avoid homes being built at too low densities and ensure that developments make optimal use of each site. Paragraph 125 (c) states that authorities should take a flexible approach to applying policies relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

The above assessment demonstrates that the units would have acceptable living standards and the provision of 10 units would be make efficient use of the site.

The site is in a residential area and not considered to be affected by any sources of noise and disturbance. No specific noise mitigation measures or enhanced glazing specifications are required.

The proposal is acceptable from an amenity perspective.

Highway Safety

Policy H5 of the Adopted Unitary Development Plan requires c) appropriate off-street car parking for the needs of the people living there.

Policy H14 part d) requires new development to provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

Core Strategy Policy CS53 'Management of Demand for Travel' sets out a variety of ways in which the increased demand for travel will be managed across the city including applying maximum parking standards to all new developments to manage the provision of private parking spaces.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. For the reasons detailed above, this would not be the case.

It is considered that the aims and objectives of these local plan policies reflect those of the Framework and can be considered to have substantial weight in this context.

The site is accessed from Burncross Road via Housley Lane (unadopted), a narrow single-track road with no pavement. The junction with Burncross Road is not double width. Housley Lane links to Housley Park (unadopted), which then joins Loundside. The condition of Housley Lane is varied and in some places the surface unbound and potholed. Lound Infant School can be access via Housley Park and Housley Lane.

The site is approximately 650m away from Chapeltown shopping centre and its associated amenities. Chapeltown is well served by rail and bus links.

The condition and layout of the access routes to the site do not meet modern standards, however the proximity of the site to Chapeltown Centre and its associated transport links means that the site is sustainably located, which could in turn reduce the reliance on the private car.

The care home had 28 bedrooms and would have generated a number of staff, medical and visitor related trips as well as regular deliveries. The use of the site for 10 apartments is not considered to lead to an intensification in the use of the adjoining highways, over what would have been generated by the care home. Consequently, it is concluded that a refusal of the application on highways safety grounds could not be justified.

The 14 car parking spaces proposed would adequately serve the development given the sustainable location of the site. Regard is had to the previous use on site which had potential for high parking demand. The submission maximises the space to the south side and front of the site to accommodate on-site parking. Whilst there is additional space to the rear which could have accommodated additional parking the this would be at the expense of external amenity space, also the presence of the protected trees within the site imposes limitation in terms of site layout.

A condition will be attached to ensure that level access is provided to the new entrance and the accessible parking space shown on the plans is provided. Only one accessible space is proposed. The provision of further mobility compliant spaces

would affect the overall level of parking across the site. On balance the number spaces proposed, and their arrangement is acceptable.

Given the above the scheme is acceptable from a highways perspective and is not considered to detrimentally affect the safe operation of the adjoining highways network.

Design

UDP Policy BE5 (Building Design and Siting), and H14 (Conditions on Development in Housing Areas) seek to secure high quality developments which are of an appropriate scale and which enhance the character and appearance of an area.

Core Strategy Policy CS74 (Design Principle) also expects high quality development that respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods. It should create a healthy and sustainable environment and transform the character of physical environments that have become run down.

NPPF paragraph 126 promotes high quality and beautiful buildings with good design being a key aspect of sustainable development that creates better places to live, work and establish communities. Furthermore, NPPF paragraph 130 sets out a series of expectations including ensuring that developments add to the quality of the area, are visually attractive as a result of good architecture; layout and landscaping; are sympathetic to the local character and surrounding built environment; establish and maintain a strong sense of place; optimise the potential of a site and create places that are safe, inclusive and accessible.

These NPPF principles align closely with the local policies described above and, therefore, it is considered that they can be afforded significant weight.

The site is currently vacant and overgrown. Supporting submissions detail that it has been vacant since late 2019. Owing to this, the site has an air of neglect. This conversion scheme would reverse this and improve the character of the site and immediate area.

The building is set well back from Housley Lane and is somewhat screened by mature trees on the site frontage. It is therefore not prominent in the street.

The front elevation is the main element which would be visible from public aspects. Alterations to the front elevation include the removal of an external staircase and amendments to the fenestration, which would improve the appearance of the building.

The amendments to the size and detail of various existing window openings, new window openings, infilling of redundant doors and windows and the installation of replacement anthracite grey windows are acceptable.

Some of the former window and door openings will be infilled with stone to match the existing building. Grey composite timber cladding is to be used on the single storey projection to the front. The materials proposed are acceptable.

A new porch is to be added to the north elevation. It will have a mono-pitch, form a continuation of an existing single storey element of the building and be finished in composite timber cladding. This element would not be visually prominent and its design is acceptable. The application of render to a small discreet section of the side elevation is also acceptable.

A new external stair access is proposed on the southern (side) elevation. It replaces an existing external stair in a similar position. The existing conservatory on the rear elevation is to be replaced with a smaller area of raised timber decking.

Overall, the scheme would have an acceptable impact on the character and appearance of the area.

Landscaping

Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected. This is supported UDP Policy BE6 (Landscape Design) which expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation.

Paragraph 131 of the NPPF recognises the important contribution trees make to the character and quality of urban environments, and their role in helping to mitigate climate change. It sets out that existing trees should be retained where possible.

The aims of policies GE15 and BE6 are considered to align with the Framework and continue to carry substantial weight.

The trees within the site are protected by TPO. An Arboricultural Statement has been submitted which details that the works proposed would not result in the loss of protected trees. The plans have also been altered during the scheme to ensure their retention.

Two trees are proposed to have minor pruning work. This is acceptable.

The Arboricultural Statement identifies methods for the protection the trees during construction and clearance work and contains recommendations relating to resurfacing works in the root protections areas of existing trees. Conditions are recommended to require works to be carried out in accordance with the recommendations of the statement.

The impact on the existing landscaping within the site is considered acceptable.

Ecology

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

Core Strategy Policy CS74 (Design Principles) identifies that high-quality development will be expected, which respects, take advantage of and enhances the distinctive features of the city, its districts and neighbourhoods, including important habitats.

NPPF paragraph 180 sets out principles to ensure that biodiversity and habitats are protected.

The aims of the local and national policies broadly align and the local policy can be afforded significant weight.

Representations received during the course of this application have highlighted bats in the area and their presence in a demolished outbuilding has been queried. In order to mitigate any impact on bats which could use the existing outbuilding at the front of the site, the agent has confirmed that the building will be retained as existing. This structure was previously used as a bin store and will continue to be used in this way. Consequently, there will be no material impact on bats, if present.

The remains of a small external WC, which has largely already been demolished, will be removed. Officers are of the view that this would not have potential for roosting bats.

The development would reuse the existing building and does not result in the loss of surrounding vegetation or trees. This would protect existing habitats within the site.

Sustainability Issues

Core Strategy Policy CS65 (Renewable Energy and Carbon Reduction) states that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy, if feasible and viable. An equivalent 10% reduction in a development's energy needs from a fabric first approach is also acceptable

Framework Paragraph 157 confirms new development should comply with any development plan policies or local requirements for decentralised energy supply unless this is demonstrated to be not feasible or viable. Sustainability is also a key theme in the NPPF. Local policies are compatible with the NPPF and therefore significant weight can be given to these.

A condition will be attached to secure this policy requirement.

Drainage

Policy CS67 seeks to limit surface run off and ensure developments are protected

from flooding and minimise their impact elsewhere.

The Framework seeks to ensure that development does not increase flood risks elsewhere and that the most vulnerable development is located in areas at the lowest risk of flooding. Paragraph 169 requires major development to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. In doing so the systems used should take account of the advice of the Lead Local Flood Authority.

The local and national policies align and the local policy can be given significant weight.

The site is located in Flood Zone 1, where there is a low flood risk.

In terms of the impact on surface water, the areas where parking is proposed is predominantly hard surfaced at present. A small area of additional surfacing would be required to facilitate the provision of the turning area within the site adjacent to the southern boundary. There would be a no significant impact on surface drainage. No details regarding proposals for replacement surfacing have been provided. Details of replacement and new hard surfacing will be secured by condition to ensure that suitable drainage is incorporated and the TPO trees within the site are protected.

Contaminated Land

UDP Policy GE25 seeks to ensure that any contaminated land is identified and effectively treated

The Framework (paragraph 183) identifies that a site should be suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or previous activities such as mining.

The aims of policy GE25 and the NPPF closely align, in this respect and significant weight can be afforded to the local policy.

The Council's Environmental Protection Service have confirmed that records relating to the site have been reviewed and there are no concerns in respect of potential land contamination.

Community Infrastructure Levy

The site falls within CIL Charging Zone 3 and a CIL charge of £30 per square metre applies. There is an additional charge associated with the national All-in Tender Price Index for the calendar year in which the relevant planning permission is granted. All charges accord with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

Response to Representations

Concern has been raised regarding the scheme being overdevelopment and high density – the above assessment details that the units are of appropriate quality and there is generous amenity space. The density would be approximately 31 dwellings per hectare, which is not high.

Comment is made that no improvements to Housley Lane are proposed – the lane is outside the applicant's ownership and given the previous use of the site and the nature of the development proposed, improvements are not justified.

Concern is raised regarding overspill parking onto private property – parking capacity has been assessed above. With reference to parking on private land, this would be regarded as a private issue.

Concern is raised regarding pollution from traffic – given the previous use of the site the scheme would have a neutral impact on this.

Comment is made that works have commenced and trees have been damaged – any works that commence in advance of any approval are at the applicant's own risk. The applicant is aware that the trees are protected on site.

Concern is raised regarding noise, traffic and mud on the road as a result of the construction / conversion – it is recognised that there will be an element of noise and disruption as a result of development. Separate legislation exists to control noise nuisance, and a directive will be added regarding working hours. Given that this is a conversion rather than a new build it is not considered necessary to add a specific condition relating to mud on the highway.

Development is aiming to take advantage of the fact that the local plan has not been agreed – whilst the key housing policies are out of date, the scheme is compliant with both local and national policies.

Comment is made regarding the quality and size of the bin store – the existing structure is to be retained. This served the care home and is of adequate size to cater for the development.

Comments are made regarding consistency of plans and accuracy of details within the submission – the plans are inconsistent, and it is clear what is proposed.

It is commented that there are underground streams to the front of 7 Housley Lane and along Burncross Rd – the site is in a low flood risk area, and additional physical development is minimal. There would be a neutral impact on these features.

Concern is raised as to whether internal fire escapes would be sufficient for the development – this is a building regulations consideration rather than a planning issue.

Comment is made that there is no lift access – there is no planning requirement for this.

Comment is made that the school access should be closed – this is a separate issue outside the parameters of this application.

Query is raised regarding tenure and target market – the submission details that this is market housing.

Request for a site visit – this has been carried out.

Comment is made that affordable housing should be via contribution – in this instance the number of units being created does not trigger the affordable Housing Policy.

Comment has been made about the maintenance of Housley Lane – this is a private issue.

Query is made regarding the provisions for ground maintenance – this is an issue for the developer.

Concern about damage to third party property – this is a not a planning issue.

Concern about sewer capacity and water pressure is raised – this is a not a planning issue.

Concern is raised that works have commenced and there may be asbestos – a directive can be added to highlight this to the developer.

Concern is raised that refreshment facilities will be provided – the plans do not propose anything other than housing. Reference to refreshment facilities is made in the context of internal building regulation standards and is a not a planning issue.

Concern is raised regarding inconsistencies between the cover letter, plans and elevations and the design and access statement – plans have been amended during the course of the application, which has superseded elements of earlier forms and submissions. The concerns raised regarding consistency have been noted and final plans have been checked for consistency and compliance will be conditioned with these.

Comment made about loss of care home – this has been vacant for a number of years. The site is redundant and the proposed use is acceptable.

Concern is raised regarding the works to the group 1 trees, and that this may cause noise and light pollution to neighbouring property – these are minor works and the nature of the development in terms of noise and light is compatible with the amenities of the area.

Query about maintenance of land at the back of the site, including vegetation and

tree overhanging No 6 and 8 Bents Close – no works are proposed in this part of the site. This is a private issue.

Concern has been raised that there has been insufficient neighbour notification – all surrounding neighbours have been notified by letter, site notices were erected and an advert placed in the press. This is in line with the Council's Statement of Community Involvement.

Concern is raised that the flats would be HIMOs – the planning definition of a HIMO is 'small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom'. The units are one or two bed roomed and each unit has its own facilities. The application is for C3 use rather than C4 HIMO.

Concern is raised that aspects of the scheme would not be compliant with Building Regulations – this is not a planning issue.

Comment about inconsiderate hours of ground maintenance – this is a not a planning issue.

Other issues are covered in the main body of the report.

SUMMARY AND CONCLUSION

This application seeks planning permission to convert a former care home into 10 apartments, with associated external alterations and the addition of a small porch and area of decking.

In the absence of a 5-year supply of housing land the tilted balance is engaged in accordance with Paragraph 11 of the NPPF and the positive and negative aspects of the scheme must be carefully weighed.

Based on the content of this report, it is considered that there would be a number of benefits that will arise from this application including:

- The scheme would deliver 10 residential units which would contribute to City's housing land supply, at a time when it has been identified that there is a deficiency.
- The site is in sustainable location and makes use of an existing vacant building at an appropriate density
- The development of apartments would add diversity to the mix of housing in this area, which is currently predominantly family housing. This would be within an established housing area and therefore compatible with surrounding land uses.
- The scheme would have an acceptable impact on the streetscene and offer visual improvement by reusing a vacant site/building.

- The scheme would have an acceptable impact on the amenities of surrounding occupiers and would allow for existing trees within the site to be retained.

- The development will trigger financial contributions through the Community Infrastructure Levy which would be invested in infrastructure and the provision of services within the city. Once occupied there would be increased Council Tax revenue.

Whilst the access and level of parking are a site constraint, the above assessment highlights the intensity of traffic and parking demand that could be generated if this building was brought back into use as a C2 unit. In comparison, the proposed development is not considered to have an unacceptable impact on highway safety.

In applying the titled balance in favour of sustainable development in NPPF Paragraph 11 (d), great weight is given to the benefits highlighted above, particularly the provision of housing in a sustainable location, making use of an existing building and providing visual betterment to the area. The limited adverse aspects of the scheme do not significantly and demonstrably outweigh the benefits and as such, it is recommended that planning permission is granted subject to conditions.

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Case Number	21/01808/FUL
Application Type	Full Planning Application
Proposal	Demolition of dwellinghouse and erection of 14 apartments in 2x three/four-storey blocks with associated parking
Location	298 Norton Lane Sheffield S8 8HE
Date Received	19/04/2021
Team	South
Applicant/Agent	EDGE AD 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:

Site Location Plan / Proposed Site Plan Ref: A20-30-01 Rev P2 Published Date 09 Sep 2021

Proposed Elevations Ref: A20-30-03 Rev P2 Published Date 09 Sep 2021

Proposed Sections Ref: A20-30-04 Rev P2 Published Date 09 Sep 2021

Proposed Floor Plans Ref: A20-30-02 Rev P1 Published Date 20 Apr 2021

Reason: In order to define the permission.

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

3. No development (including demolition or other enabling, engineering or preparatory works) shall take place until a phasing plan for all works associated with the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing plan.

Reason: In order to define the permission and to assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy

4. No phase of the development (including works of demolition, construction, or other enabling, engineering or preparatory works), shall take place until a Highway Management Plan (HMP) relevant to that particular phase has been submitted to and approved by the Local Planning Authority. The HMP shall assist in ensuring that all Contractor highway / vehicle activities are planned and managed so as to prevent nuisance to occupiers and/or users of the surrounding highway environment. The HMP shall include, as a minimum:
 - a. Details of the means of ingress and egress for vehicles engaged in the relevant phase of the development. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.
 - b. Details of the equipment to be provided for the effective cleaning of wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway; and
 - c. Details of the site accommodation, including compound, contractor car parking, storage, welfare facilities, delivery/service vehicle loading/unloading areas, and material storage areas.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the locality and occupiers of adjoining properties and the protection of the free and safe flow of traffic on the public highway.

5. 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.

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

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

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

into use until the drainage works approved for that part have been completed.

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

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

8. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

9. Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

- (a) External doors
- (b) Windows
- (c) Window reveals
- (d) Parapet/roof details
- (e) Rainwater goods
- (f) Balconies

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

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

10. 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.

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

a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the apartments are brought into use:-

Highways Improvements:

Reinstate redundant vehicle access onto Norton Lane

Creation of proposed new vehicle access onto Norton Lane

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

12. Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

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

13. The development shall not be used unless the car parking accommodation for 17 cars as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

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

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

Framework Core Strategy.

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

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

16. 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.

17. The proposed green/biodiverse roofs and wall (vegetated roof/wall surface) shall be installed on the roofs and wall in the locations shown on the approved plans. Details of the specification and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green/biodiverse roofs and wall shall be installed prior to the use of the building commencing and thereafter retained. The plant sward shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

18. Before the first occupation of the building hereby permitted, the obscure glazed panels to the balconies on the rear block as shown on the approved plans, shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity. The screens shall be permanently retained in that condition thereafter.

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

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

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

Framework Core Strategy.

20. Prior to the occupation of any of the dwellings hereby approved, full details of bat and bird boxes to be erected/installed on the buildings within the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the development and permanently retained thereafter.

Reason: In the interests of bio-diversity.

21. The stone boundary wall to the front of the site fronting Norton Lane shall be retained, with the exception of creating the new access point, and the existing access point shall be reinstated as stone wall with details to match existing, prior to occupation of the building.

Reason: In order to protect the character of the street scene.

Other Compliance Conditions

22. The proposed new gates into the site shall be set back 10 metres from the back edge of the footpath.

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

23. The building shall not be occupied unless the car parking and driveway areas of the site are constructed of permeable/porous surfacing. Thereafter the approved permeable/porous surfacing material shall be retained.

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

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. 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

3. 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.

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. Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

Form Dem 1 (Notice of Intention to Demolish) is available from Building Control, Howden House, 1 Union Street, Sheffield S1 2SH. Tel (0114) 2734170

Environmental Protection Services can be contacted at Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH. Tel (0114) 2734651

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. 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:

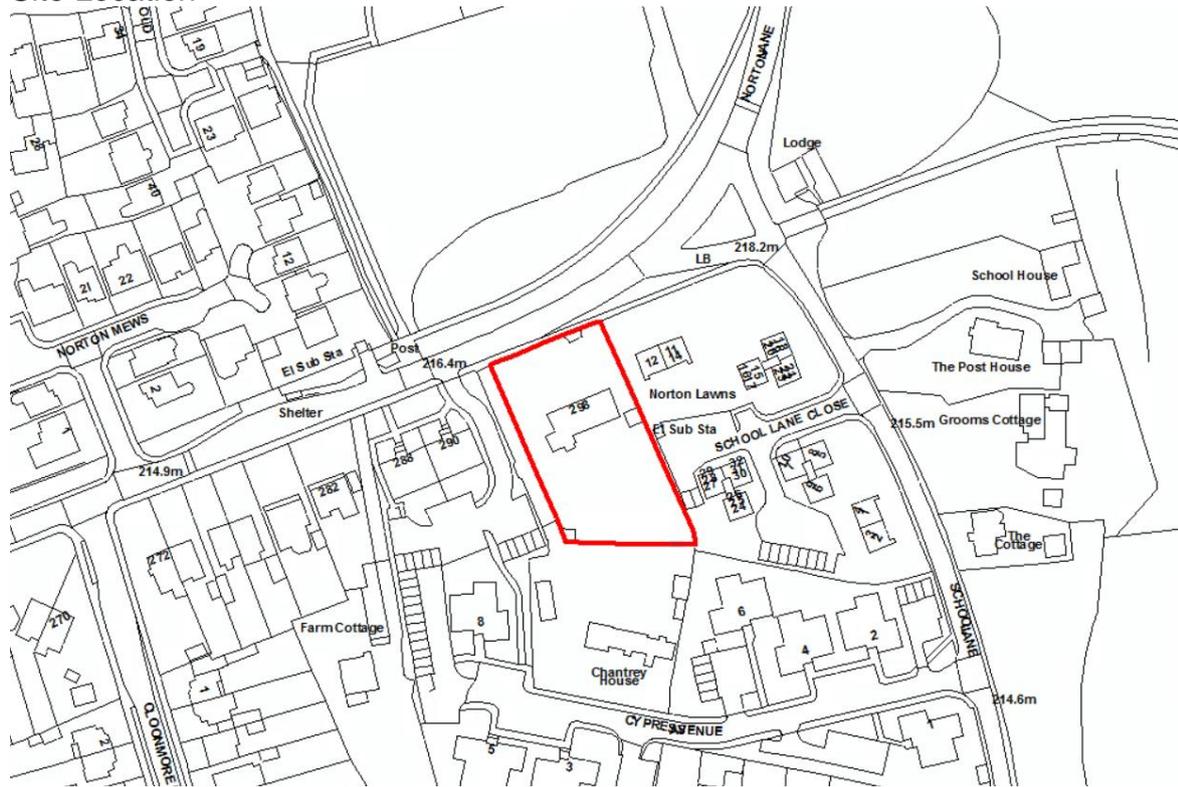
Ms D Jones
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street

Sheffield
S1 2SH

Tel: (0114) 273 6136

Email: dawn.jones@sheffield.gov.uk

Site Location



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LOCATION AND PROPOSAL

This application relates to 298 Norton Lane, a large residential building currently used as a family home. Vehicular access is provided from Norton Lane at present with a stone boundary wall running along the front of the site. The side and rear boundaries of the site consist of a high stone/brick wall with perimeter landscaping.

The site falls within an allocated Housing Area as defined in the adopted Sheffield Unitary Development Plan (UDP). The surrounding area is predominantly residential in character, with the immediate area consisting of 2 and 3 storey flats under pitched roofs to the east and west of the site (sides) and a Grade 2 Listed Building - Chantrey House/Chantrey Cottage (also known as Maugerhay) immediately to the rear of the site. Beyond the Listed Building blocks of flats stretch around the site to the rear.

Within the wider area there is more of a mixture of housing types, with detached and semi-detached properties, with Norton Primary School and playing fields on the opposite side of Norton Lane.

The application seeks permission to demolish the existing building on the site and to erect a 3 and 4 storey building to provide 14 two-bedroom units. To the front occupying a similar footprint to the existing building the 3-storey element is proposed with the 4 storey block to the rear. The existing vehicular access is to be blocked up and a new access formed towards the western boundary of the site. Within the site 17 parking spaces are provide including two disabled spaces and an area of shared amenity space. Amended plans have been received during the application process following negotiations with the agent.

RELEVANT PLANNING HISTORY

Pre-application advice was sought for the demolition of the existing building on the site and the erection of a new apartment scheme, including relocation of the access. This concluded that a scheme with good quality materials of high-quality design was acceptable in principle subject to detailed design.

REPRESENTATIONS

Following consultation of the application, 23 representations objecting to the proposal have been received in total including from Councillor Ayris.

Cllr Ayris:

- The proposal will overlook properties along Norton Lane and Norton Lawns
- This is an overdevelopment of the site footprint, lacking a mixture of property styles.
- The design, style, height and mass of the apartments would impact detrimentally on the immediate and general character of the area, including Oakes Park and Norton Conservation Areas.

- The proposal will impact on the adjacent Chantrey Cottage / Chantrey House on Maugerhay – itself a Grade 2- listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 for its special architectural or historic interest
- Solar panels should be considered to the roof/gables.
- The proposal will impact on Norton Lane, which is already a very busy road subject to road safety issues.
- 18 car parking spaces for 14 units is not sufficient.
- The proposal would impact drainage, water pressure and on local services, including school places.
- The CIL from the proposal should be spent in the local area.

Local Representations

Design and Scale:

- The existing building is an elegantly designed, iconic dwelling of the early 20th Century and its demolition would degrade the area.
- The flats are not in keeping with the area and we already have flats within the surrounding area.
- The scale is out of keeping with the 3 and 4 bedroom semi/detached housing for families.
- The bin storage is very small, and not sufficient for the number of residents.
- The building is modern, angular, with large areas of glass to the entrances. This is out of keeping with the surrounding area, and is not sympathetic architecturally.
- The flat roofed building is out of character with nearby pitched roofed buildings.
- The introduction of timber cladding, balconies, large areas of glazing are out of character with the surrounding area
- The monolithic nature of the front elevation would dominate the street scene.
- Chantrey House is a Grade II Listed building immediately to the south. This building is 2 storey in height and the scheme is detrimental to its setting.
- The density of dwellings on site is too high, eradicating green open spaces on the site.
- The current flats surrounding the site are 2 and 3 storey, not 4 which will be higher than any other nearby building.
- From the water tower, Norton Lane appears as a rural lane with farmland on both sides, then blocks of flats which are only 3 storey and set back from the road behind mature trees
- The proposal is not on brownfield land.
- There is a need for family housing, and not for apartments
- Norton is supposed to be Conservation Area containing Grade II and Grade II* Listed buildings, with the proposal having a detrimental impact on these historic features.
- The site is less than 50 metres from the lodge of The Oakes in Norton, a Grade II* Listed building
- There do not appear to be any solar panels or electric car parking points.

Highways:

- The site entrance is close to the crossing for Norton Free School which is already a hazard and further traffic would be a potential accident risk.
- There are only 18 parking spaces for 14 units which is insufficient, and no visitor spaces, this will result in parking on side streets, particularly near the entrance to Oakes Park.
- Moving the entrance closer will require moving street furniture (street lighting and barriers).
- The plans show a gated entrance which could cause delays and traffic backing up
- Cycle storage is not shown on the plans
- Speed bumps, an overall reduction in the speed limit and traffic lights need to be installed along Norton Lane.

Amenity:

- The outlook from properties (Norton Lawns) is of trees and skyline, the erection of flats would result in a loss of light.
- The proposal would overlook nearby properties (Norton Lawns) (Chantrey House) (Norton Lane) from windows and balconies within 4 storey blocks.
- The glass entrances could result in solar glare
- There could potentially be 14 families sharing the communal amenity area which will create noise and disturbance to immediate neighbours.
- There is not sufficient amenity space for future occupiers.
- The increase in traffic from the development will impact on air pollution.

Others:

- The view from neighbouring properties will be of a 4 storey building as opposed to the existing 2 storey building.
- There has been a previous refusal on the land adjacent to 298 by previous owners of Chantrey House.
- Decrease in values to neighbouring properties.
- The existing site plan is incorrect, (Norton Lane is called Norton Road).
- The tree protection plan is inconsistent.
- There will be significant problems around construction of the proposal through deliveries to the site, and trade vans parked outside obstructing the road and pavement.
- The building is 3 and 4 storey, not the quoted 2 and 3.
- There is an existing problem of low water pressure and poor drainage in the area which the development would add to.

PLANNING ASSESSMENT

Policy Context

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

2021 (NPPF) is a material consideration.

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

The Council has released its revised 5-Year Housing Land Supply Monitoring Report. This new figure includes the updated Government's standard methodology which includes a 35% uplift to be applied to the 20 largest cities and urban centres, including Sheffield.

The monitoring report released in August 2021 sets out the position as of 1st April 2021 – 31st March 2026 and concludes that there is evidence of a 4-year supply of deliverable supply of housing land. Therefore, the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites.

Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date according to paragraph 11(d) of the NPPF. The so called 'tilted balance' is therefore triggered, and as such, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In this instance, the site does not lie within any protected areas, however there is a Listed Building adjacent and in accordance with footnote 7 of paragraph 11, this designated heritage asset should be taken into consideration in the tilted balance process.

In this context the following assessment will:

- Assess the proposals compliance against existing local policies as this is the starting point for the decision-making process. For Sheffield this is the UDP and Core Strategy.
- Consider the degree of consistency these policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Apply 'the tilted balance' test, including considering if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Key Issues

The main issues to be considered in this application are:

- The acceptability of the development in land use policy terms,
- The design of the proposal and its impact on the surrounding street scene and listed building,
- The effect on future and existing occupiers living conditions,

- Whether suitable highways access and off-street parking is provided,

-Land Use Principle

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

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

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

Policy CS23 and CS24 are restrictive policies, however the broad principle is reflected in paragraph 119 of the NPPF, which promotes the effective use of land and the need to make use of previously-developed or 'brownfield land'.

In this instance, in accordance with the NPPF definition, the area of existing built form on the site constitutes brownfield land, with the residential garden in this built-up area being greenfield land. Therefore, the proposed block to the front is predominantly located on brownfield land, with the block to the rear greenfield. The completions on greenfield sites are well below the 12% figure set out in policy CS24, and the NPPF does not require a brownfield first basis, and therefore the proposal is acceptable in principle.

Therefore, it is considered that the proposal is consistent with the aims of policies H10, CS23 and CS24.

-Efficient Use of Land

Policy CS26 'Efficient Use of Housing Land and Accessibility' of the Core Strategy encourages making efficient use of land to deliver new homes at a density appropriate to location depending on relative accessibility. The density requirements are a gradation flowing from highest density in the most accessible locations down to lower densities in suburban locations with less accessibility. This is reflected in paragraph 125 of the NPPF and therefore Policy CS26 is considered to carry substantial weight in determination of this application.

Paragraph 124 of the NPPF promotes making efficient use of land taking account of a number of factors including identified housing needs; market conditions and

viability; the availability of infrastructure; the desirability of maintaining the prevailing character of the area, or of promoting regeneration; and the importance of securing well designed places.

For a site such as this, CS26 part (d) is relevant and states that a range of 30-50 dwellings per hectares is appropriate where a development is within the remaining urban area.

The application site is approximately 0.21 hectares, and the 14 proposed units would give a density of approximately 66 dwellings per hectare. This figure is above suggested range in CS26, however the thrust of paragraph 125 of the NPPF is to avoid low density developments and secure optimal use of the potential of each site.

In this instance, the prevailing character of the immediately adjacent sites is flats within 2 and 3 storey buildings. Owing to the nature of the application for 2 bedroom flats, the density is always going to be high. The proposed density at 66 dwellings per hectare reflects the character of the area and is considered to be acceptable, providing that the resulting scheme would provide acceptable living standards which is assessed in the sections below.

As such the proposal complies Policies CS26 and CS31 of the Core Strategy and paragraph 124 and 125 of the NPPF in relation to densities and efficient use of land.

-Design

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

Chapter 12 of the NPPF requires good design, whereby paragraph 126 states that good design is a key aspect of sustainable development and should contribute positively towards making places better for people. Paragraph 134 requires that development which is not well designed should be refused. It goes on to say that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally, taking into account any local design guidance and supplementary planning documents.

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

Firstly, the existing building on the site, whilst an attractive large dwelling is of no special architectural merit or historic interest and its demolition is acceptable in principle.

It is proposed to erect two new blocks of development on the site. The first block is a three storey element under a flat roof with central entrance feature. Each floor

contains two units which each have an aspect to the front and rear. This block sits in a similar footprint to the existing building. Whilst this front block has a slightly larger footprint than the existing (approximately 218 square metres compared with 190 square metres) it is considered to sit comfortably within the street scene, being set back from the highway, behind the position of both adjacent blocks of the flats when viewed from Norton Lane, and set in from the western boundary.

The proposed building has accommodation over three floors under a flat roof, compared with the existing building which also had accommodation over three floors including habitable space within the pitched roof. As a result, the parapet height to this new building mirrors the that of the existing main ridge height, though exceeds the former eaves height.

The replacement building which has a similar scale when viewed from Norton Lane, albeit with a more contemporary detailing will complement the overall character of the surrounding area and sit comfortably within the street scene, with sufficient separation between the adjacent buildings. It remains set back from the road behind both immediate neighbours and set away from the western boundary allowing space between the building and the site boundary ensuring the building does not feel cramped or the site over developed. There are a number of mature trees to the boundary with the highway in front of the proposal which are intended to be retained and new landscaping to be planted, with the boundary wall being retained and blocked up/opened up. The acceptability of the increase in width of the proposal does not rely on the presence of the trees, albeit they will screen the building to some extent.

The block to the rear is set at a lower level taking account of the fall in topography (the front of the site abutting Norton Lane is approximately 2 metres higher than the rear boundary of the site). This block sits perpendicular to the block at the front, and as such views of the block taken from Norton Lane will be minimal as it sits behind the front block. Furthermore, the end gable (west facing elevation) of the front block is to incorporate a green wall, which will soften the development when viewed from Norton Lane.

Looking at the site from within the grounds of the flats adjacent will show the building more readily visible, but this is over a tall boundary wall, and in keeping with the scale and massing of the adjacent 3 storey flats which have pitched roofs in the immediate vicinity.

Good quality materials are proposed which include natural stone elevations, with areas of glazing, timber and green walls, under flat green roofs. The design takes a contemporary approach, with central entrance features serving each block, with projections on either side including terraces/balconies. High quality detailing will be required in terms of windows, doors, rainwater goods, window reveals etc, and samples of all materials including the stone to ensure the quality can be secured through relevant conditions.

-Impact on Heritage Assets

The Council has a statutory duty contained under sections 66(1) and 72(1) of the

Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving heritage assets and their setting or any features of special architectural or historic interest which they possess

Chapter 16 of the NPPF considers the conservation and enhancement of the historic environment and states that when considering the impact of a development on the significance of a heritage asset, great weight should be given to the asset's conservation, and paragraph 200 requires that any harm to the asset from development within its setting should require clear and convincing justification.

Policy BE19 of the UDP expects that proposals for development within the curtilage of a building or affecting its setting will preserve the character and appearance of the building and its setting.

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

The closest listed building is Chantrey House/Cottage (also known as Maugerhay) which is located to the south of the site and is Grade II built in the early and mid-18th Century with late 20th Century additions and alterations. This building is accessed via a long driveway from Norton Lane running adjacent to the western boundary of the site but is not visible and plays no role in the street scene. The listed building has more of a presence onto Cypress Avenue but this is behind a tall stone wall with mature landscaping above.

It is often the wider street scene which contributes to the special interest of a listed building. However, in this instance the listed building does not play an active role in the appearance of the adjacent street scenes being hidden mostly from view. Furthermore, the listed building is surrounded on all sides by existing 3 storey blocks of flats and this proposal will not impact on its setting, and not be read in the same context.

Other nearby listed buildings include the West Entrance Lodge which is located further along Norton Lane to the east. Whilst you can see the lodge from the front of the site, the proposed site is not read as affecting the setting of the building, as there are already blocks of flats between the lodge and the application site.

The closest conservation area is Oaks Park conservation area, and again, the site is not considered to impact on its setting being sufficient distance away.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, greater weight should be given to the asset's conservation. Paragraph 200 specifically states "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Significance can be harmed or lost through development within its setting. Paragraph 202 goes on to say that where a proposed development will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where

appropriate, securing its optimum viable use.

In this instance, it is considered that this well-designed building will not create any harm to the character of any nearby conservation area, or the setting of any nearby Listed Building, and no public benefits need to be demonstrated.

Therefore, it can be concluded that overall the proposal is acceptable in respect of UDP and NPPF policies, and Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990.

-Living Conditions

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

Policy H5 'Flats, Bed-sitters and Shared Housing' of the UDP states that planning permission will be granted only if living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours.

The NPPF at paragraph 130 Part (f) requires a high standard of amenity for existing and future users.

The UDP policy is therefore considered to align with the requirement of paragraph 130 so should be given significant weight.

Impact on Neighbouring Occupiers

The closest neighbouring properties to the application proposal are the flats within the blocks either side of the site (west and east) and Chantrey House/Cottage to the rear.

The guidelines found in the adopted Supplementary Planning Guidance on Designing House Extensions are not strictly applicable in this instance owing to them relating to house extensions. However, they do suggest a number of detailed guidelines relating to overbearing and overshadowing, privacy and overlooking, and appropriate garden sizes. These guidelines include a requirement for two storey dwellings which face directly towards each other to have a minimum separation of 21 metres. Two storey buildings should not be placed closer than 12 metres from a ground floor main habitable window, and a two-storey extension built along site another dwelling should make an angle of no more than 45° with the nearest point of a neighbour's window to prevent adverse overshadowing and overbearing. These guidelines are reflected in the South Yorkshire Residential Design Guide (SYRDG), which Sheffield considers Best Practice Guidance, but which is not adopted as Supplementary Planning Guidance.

-Overlooking

Main habitable windows and balconies are proposed in the front and rear elevation of the block positioned to the front of the site, with no openings in the side elevations. Occupiers of the front block will not therefore overlook occupiers of the adjacent sites.

The block positioned towards the rear of the site is pulled in from the side boundaries, and has windows and balconies which look to the east and west. The adjacent properties to the west are flats which have a blank gable facing the site which are set away from the boundary (with the driveway to Chantrey House/Cottage between). There is sufficient distance between the two buildings (approximately 30 metres) and 'facing' windows are set at 90 degrees to each other, preventing overlooking.

To the east is a three storey block which has a blank gable closest to the site, with three windows in a set back section of the building. There is 21 metres between these windows and mature landscaping.

No windows are proposed in the south facing elevation towards Chantrey House/Cottage, however amended plans have been received which show privacy screens added to the smaller balconies in the east facing elevation of the building closest to the rear boundary, which will ensure no adverse overlooking is created when occupiers use these areas.

The flats do have an aspect over the existing tall boundary walls to either side, to public areas containing car parking, access road and open amenity space serving the blocks of flats adjacent, however this is not considered to cause an unacceptable level of overlooking.

-Overbearing and overshadowing

The flats to the west have a blank gable facing towards the site, and no adverse overbearing or overlooking will be created from the proposals.

The same applies to the flats to the east which have a blank gable towards the site, or have limited windows which are not directly in front of the proposed buildings, or are sufficient distance away from the proposals.

The proposals are north of Chantrey House/Cottage to the rear so will not create any adverse overshadowing, with approximately 21 metres between the two buildings and therefore no detrimental overbearing.

All other properties including those properties further along Norton Lane are considered to be sufficient distance away from the proposed buildings so that no detrimental overbearing or overshadowing will be created by the proposal.

Amenity for Future Occupiers

The South Yorkshire Residential Design Guidance suggests between 62 and 66 square metres as a minimum for a 2 bed unit. In this instance, each of the units it

approximately 85 square metres. In addition, occupiers of each unit have access to two balconies/terraces which amounts to approximately 8.5 square metres of private external space. There is also an area of shared amenity space in the southeast corner of the site.

Amended plans have been received showing privacy screens added to the east facing elevation balconies on the rear block which are closest to the front block to ensure no adverse overlooking to occupiers of the front block.

Therefore it is considered that the proposed dwellings provide a good outlook from main habitable rooms, providing good quality living accommodation for future occupants with sufficient amenity space.

The application complies with policies H14 and H5 of the UDP and paragraph 130 of the NPPF.

-Highways

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

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

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. Paragraph 111 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Those local policies broadly align with the aims of Chapter 9 of the NPPF (Promoting Sustainable Transport) although it should be noted that in respect of parking provision, the NPPF at paragraphs 107 and 108 requires consideration to be given to accessibility of the development, the development type, availability of public transport, local car ownership levels and states that maximum standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or optimising density in locations well served by public transport.

The site at present has a vehicular access from Norton Lane. This application proposes to create a new vehicular access towards the western boundary of the site and to block up the existing access. As regards to the safety of the new proposed access, it is acknowledged that Norton Lane is a busy road which experiences queuing traffic at peak times. The scheme has been designed so that the access is wide enough to allow for cars to enter and exit the site at the same time, with more than adequate sight lines provided in the highway to serve the new access. This arrangement is similar to that adjacent which serves the 14 flats to the west of the site.

There will be no significant increase in traffic along Norton Lane generated from the proposal for 14 units compared to the existing traffic flows, and this would not materially impact on the operation of the surrounding streets. It is not considered to be a significant or severe highway safety concern, and not dissimilar to that at adjacent accesses.

With regard to parking spaces, the Council's revised parking guidelines set out maximum standards in accordance with Core Strategy Policy CS53. Outside of the city centre, a 2-3 bedroom house would have a maximum of 2 spaces, in addition 1 visitor space per 4 houses should be provided. For this scheme it would therefore be 31 spaces based on 2 spaces per unit and 3 visitor spaces. It is noted however that the NPPF seeks to avoid imposing maximum standards unless necessary for managing the road network or increasing density.

A greater level of parking provision may have an impact on the density that is able to be achieved on the site, conflicting with wider aims to achieve optimum use of the land at a time of a lack of 5-year housing supply. Reduced parking provision, i.e. the setting of maximum standards is not however necessary to manage the road network. The key issue therefore is whether the level of parking provision is likely to lead to highway safety concerns.

This application proposes 17 parking spaces in total which includes two disabled spaces, and this amounts to 1 space per unit and 3 visitor spaces. This is an approach that is consistently taken on similar schemes for two-bedroom units which are within the main urban area, accessible by public transport. In addition, the adjacent highway, Norton Lane, where typically overspill parking would occur, is the subject of traffic regulation orders preventing parking on the highway (double yellow lines) so a highway safety issue is unlikely to occur as a result of any concerns around an under provision of parking.

Secure cycle parking is provided between the two buildings which is welcomed and will encourage a different mode of transport.

The infrastructure is proposed for electric charging facilities for each parking space to be provided, which would allow for future residents to provide the connection.

On this basis, the proposal is considered to comply with UDP, Core Strategy and NPPF policies as listed above, and would not have the level of impact that would justify refusal of permission on highway safety grounds as required by the NPPF.

-Other Matters

-Sustainability

Policy CS63 'Responses to Climate Change' of the Core Strategy sets out the overarching approach to reducing the city's impact on climate change. These actions include:

- Giving priority to development in the city centre and other areas that are well served by sustainable forms of transport.
- Giving preference to development on previously developed land where this is

sustainably located.

- Adopting sustainable drainage systems.

At the heart of the NPPF, there is a presumption in favour of sustainable development (paragraph 11), with paragraph 152 stating that the planning system should support the transition to a low carbon future in a changing climate.

This application proposes to incorporate sustainable drainage systems, through green roofs to both blocks which will result in a reduced surface water run-off rate from the site and infiltration (see Drainage Section below) thereby assisting with reducing flood risk.

Electric vehicle charging facilities are proposed. The infrastructure will be put in place during construction works, to allow individual apartment owners to have their own charging point allocated to their parking space, which takes advantage of Government grants available to individuals.

Policy CS64 'Climate Change, Resources and Sustainable Design of Development' sets out a suite of requirements in order for all new development to be designed to reduce emissions. In the past residential developments had to achieve Code for Sustainable Homes Level Three to comply with Policy CS64. This has however been superseded by the introduction of the Technical Housing Standards (2015), which effectively removes the requirement to achieve this standard for new housing developments.

Policy CS65 'Renewable Energy and Carbon Reduction' of the Core Strategy sets out objectives to support renewable and low carbon energy generation and further reduce carbon emissions. This is supported by Paragraph 157 of the NPPF and therefore can therefore be given substantial weight.

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

A fabric first approach is to be implemented in this instance, which will see a high performing insulated building envelope with low energy lighting and natural ventilation.

Relevant conditions can be attached to any approval to ensure that these features are provided and the 10% target is met.

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

-Access

The requirements of Policy H7 'Mobility Housing' of the UDP have been superseded by the Technical Housing Standards (2015), which effectively removes the requirement for mobility housing at this time as these standards are not part of an up-to-date local plan.

H15 'Design of New Housing Developments' within the UDP states that the design of new housing developments will be expected to provide easy access to homes and circulation around the site for people with disabilities or with prams.

In relation to the general layout, all buildings and approaches will benefit from level access. It is expected that all building entrances, ramps, steps, footpaths, lifts, mobility car parking spaces will be designed to meet current standards. Amended plans have been received showing an external lift to allow level access from the block at the front to the block at the rear and the shared amenity space. This is preferable, rather than relying on using the driveway.

Based on the above the proposals are considered to offer a suitable response from an access perspective.

Ecology and Biodiversity

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

NPPF paragraph 174 a) and d) identifies that planning decisions should contribute to and enhance the natural and local environment, minimise impacts on and provide net gains in biodiversity. Furthermore, paragraph 180 a) identifies that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Part d) of paragraph 180 goes on to state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Local policy aligns with the NPPF and is therefore relevant to this assessment.

The site at present is a residential property within landscaped grounds. There is a tall boundary wall running around the entire site (with the exception of the gates onto Norton Lane), and therefore it is unlikely to contain any protected mammals.

The NPPF seeks to incorporate bio-diversity improvements in new developments, and in this instance green roofs and a green wall are proposed along with retaining a number of trees on the site, with a new planting scheme proposed. In addition, a condition on any approval can ensure details of additional features such as bat and bird boxes are submitted to be incorporated on the new buildings/landscaping.

In this instance, the proposed development is in line with paragraph 174 of the NPPF and UDP policy, having considered bio-diversity net gain.

Landscaping

UDP Policy GE15 'Trees and Woodlands' within the UDP states that trees and

woodlands will be encouraged and protected. Policy BE6 (Landscape Design) expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation.

CS74 'Design Principles' part (a). requires high-quality development that will respect, take advantage of and enhance natural features of the City's neighbourhoods.

These policies are considered to align with the NPPF and therefore be relevant to this assessment on the basis that paragraph 130 expects appropriate and effective landscaping, along with sympathetic developments including landscape setting.

The site is not within a conservation area and does not contain any trees with Tree Preservation Orders (TPO's) on them. It is intended to retain as many of the trees along the perimeter of the site as possible. Trees within the site will have to be removed to facilitate the development, including along the front to create the new access. Whilst some of these are mature, they are not protected and their loss will not have an adverse impact on the visual amenity to the local area.

A comprehensive soft landscaping scheme for the new development is proposed including green walls and green roofs and replacement planting. The existing access is to be blocked up and new planting added.

The proposal complies with paragraph 130 of the NPPF and UDP policy.

Flood Risk/Drainage

Policy CS67 'Flood Risk Management' of the Core Strategy states that the extent and impact of flooding should be reduced. It seeks to ensure that more vulnerable uses (including housing) are discouraged from areas with a high probability of flooding. It also seeks to reduce the extent and impact of flooding through a series of measures including limiting surface water runoff, through the use of Sustainable drainage systems (Suds), de-culverting watercourses wherever possible, within a general theme of guiding development to areas at the lowest flood risk.

Policy CS67 is considered to align with Section 14 of the NPPF. For example, paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided and development should be directed away from areas at the highest risk. Paragraph 167 states that when determining applications, LPA's should ensure that flood risk is not increased elsewhere with relevant applications being supported by a Flood Risk Assessment. Paragraph 169 expects major developments to incorporate sustainable drainage systems unless there is clear evidence to demonstrate otherwise.

The site does not fall within a high or medium risk flood zone that would affect the principle of the development.

To mitigate for surface water runoff, green roofs are proposed to both blocks, along with permeable paving to all hardstanding areas, including infiltration trenches within the site.

A condition on any approval can ensure that calculations are submitted demonstrating a reduction in surface water run-off and allowing for the 1 in 100-year event plus +30% for climate change.

Therefore the proposal complies with CS67 and paragraph 169 of the NPPF.

Community Infrastructure Levy

CIL has now been formally introduced; it applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. 'In this instance the proposal falls within CIL Charging Zone 4. Within this zone 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'.

SUMMARY AND RECOMMENDATION

This application seeks planning permission for the demolition of the existing building on the site, and erection of a 14 two-bedroom units within two blocks; a three storey block towards the front of the site, with a 4 storey block to the rear.

Sheffield has updated its 5 year housing land supply position to reflect the deliverability of sites as at 1 April 2021 and in relation to the local housing need figure at that date taking account of the 35% urban centres uplift. Using up to date evidence, Sheffield can demonstrate a 4 year deliverable supply of housing land, with details set out in the 5 Year Housing Land Supply Monitoring Report.

Therefore because the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, the relevant policies for determining applications that include housing should be considered as automatically out-of-date according to paragraph 11(d) of the Framework. The so called 'tilted balance' is therefore triggered, and planning permission for housing should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal would deliver a number of benefits, with the NPPF emphasising the importance of delivery of housing. The provision of 13 additional homes (taking account of the loss of the existing dwelling on the site) will contribute to meeting the current shortfall. There would be economic benefits through expenditure of construction, in the supply chain, and in local spending from residents. There are a number of sustainable design features including green walls, green roofs, infrastructure for electric car parking, sustainable drainage systems (SUDS's).

The proposal is not considered to create any significant or severe highway safety issues. The scheme proposes a development at an appropriate scale and mass which sits comfortably within its street scene, and a high quality contemporary scheme. There are no adverse impacts on occupiers of neighbouring properties.

In addition, there is no harm to nearby heritage assets and therefore no public benefits need to be demonstrated, albeit there would be public benefit from the delivery of housing.

There are therefore no adverse impacts that would significantly and demonstrably outweigh the benefits of the development. Taking into account the tilted balance set out in paragraph 11(d) of the Framework, the application is recommended for approval subject to conditions.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 28 September 2021

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the Committee decision of the City Council to refuse planning permission for the erection of a 17.5 m high streetpole with 6 antennas, 3 equipment cabinets, and 1 meter cabinet (Application to determine if approval is required for siting and appearance) at land opposite 126 Abbeydale Road South, Sheffield, S7 2QL (Case No: 20/04394/TEL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the alterations to roof to form habitable accommodation including gable extension and erection of rear and front dormers, erection of single-storey front extension and two-storey side/rear extension to dwellinghouse (resubmission of planning application 20/03066/FUL) at 65 Archer Lane, Sheffield, S7 2BW (Case No: 20/04407/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as being:-

- i) the effect of the development on the character of the host dwelling and the surrounding area; and
- ii) the effect on the living conditions of the occupiers of 67 Archer Lane with particular regard to outlook

They noted in respect of i) that the house, one half of a pair of semi-detached dwellings with hipped roofs, was very typical of the area, that there was spacing between dwellings and an absence of two storey side extensions, and that the extensions including front and rear dormers, the gable roof form and front extension would add considerable bulk to the dwelling.

They concluded the extension would not read as a subservient addition to the house, and the dormer windows and gable roof form would be alien features.

They also considered the front extension would detract from the architectural feature of the bay window.

In its totality the extensions would detract from the appearance of the dwelling and would be incompatible and obtrusive additions to the street scene that owing to their design would result in a terracing effect given its proximity to no.67. As such it was in conflict with policies BE5, H14 (UDP), CS74 (Core Strategy), Supplementary Planning Guidance and the requirement of the NPPF to promote visually attractive developments that are sympathetic to local character.

On ii) they felt the rear two storey extension would have a detrimental effect on the outlook from rear facing windows of 67 Archer Lane in conflict with the Council's Supplementary Planning Guidance.

The Inspector therefore agreed with officers on both grounds and dismissed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the replacement of original front door with full height window at 80 Brincliffe Edge Road, Sheffield, S11 9BW (Case No: 20/04322/FUL) has been dismissed.

Officer Comment:-

The main issue identified by the Inspector was the effect of the replacement of the door with a full height window on the character and appearance of the host property and the Nether Edge Conservation Area (CA).

The house is a traditional 19th Century stone built dwelling with a contemporary side extension containing a new, recessed entrance door. The applicant sought to replace the original door with a fully glazed window of the same proportions.

The Inspector however agreed with officers that given the strong architectural detailing and prominence of the original door surround, its original function would be lost if replaced by a single glazed window and would detract from the character of the dwelling and the CA in a manner that in the terms of the NPPF would be considered 'less than substantial'.

The NPPF requires public benefits to outweigh such harm if the development is to be supported and the Inspector agreed that the minor environmental benefit of increased thermal efficiency was not sufficient to outweigh the harm to the heritage asset – the Nether Edge CA.

They concluded therefore that the development was in conflict with policies BE5, BE16, BE17 (UDP), CS74 (Core Strategy) and paras 199-202 of the NPPF, and dismissed the appeal.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the Council for the non-determination of an application for planning permission for the erection of a dwellinghouse at land at former 142 Cross Lane, Crookes, Sheffield, S10 1WP (Case No: 20/01447/FUL) has been allowed.

Officer Comment:-

The main issue was the effect of the proposed dwellinghouse on the character and appearance of the area.

Whilst a previous appeal on this site to the rear of 142 Cross Lane was dismissed as it was found to cause significant harm to the character and appearance of the area, in this case the Inspector found that the bespoke design solution, which largely hides the house behind the boundary wall running along the adjoining ginnel, has substantially lessened the presence of the proposal to an extent that it would no longer cause harm to the character and appearance of the area.

The appeal was allowed subject to conditions including one to manage the appearance, installation and maintenance of the proposed green roof and another rescinding permitted development rights, given the confined nature of the appeal site and to safeguard the integrity of the bespoke design, in the interests of the character and appearance of the area and the living conditions of neighbouring residents.

(ii) To report that an appeal against the Committee decision of the 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 2NR (Case No: 17/04673/OUT) has been allowed.

Officer Comment:-

Members will recall that the above planning application was refused at committee in July 2020. At a Public Inquiry earlier this year, the Inspector identified that the main issues were:

- The effect of the proposed development on the character and appearance of the surrounding area.
- The effect of the proposed development on the special interest of nearby heritage assets.
- The planning balance, including policy considerations, and the benefits of the scheme (including housing land supply).

With regards to the first issue, the Inspector found that the development would result in a permanent and obvious loss of an undeveloped part of the countryside but that, due to the topography and landscape character, and when considering the scope for mitigation with any future open space,

landscaping and layout, he considered that the landscape and visual harm would be low to moderate, with moderate effects experienced until the landscape planting matured

With regards to the second issue, the Inspector found that the harm to the setting of heritage assets would be less than substantial, taking into account the advice contained within the PPG that substantial harm is '**in general terms, a high test**'. The Inspector felt that impact upon heritage assets could be minimised to an acceptable degree, but that less than substantial harm to their significance would occur as a consequence of the change to their setting.

The Inspector found that the basket of policies referred to in the Council's reasons for refusal could only be given limited weight due to their inconsistency with the Framework and that the Council is currently unable to demonstrate a five year supply of deliverable housing sites, so the relevant policies for the supply of housing should be considered as out-of-date in accordance with paragraph 11(d) of the Framework meaning planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

In the planning balance the Inspector attributed significant weight to the provision of 85 new homes (including affordable homes), which he identified as a public benefit which outweighs the less than substantial harm that would be caused to the setting of heritage assets, and he concluded that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report.

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

28 September 2021