

Planning and Highways Committee

Tuesday 21 December 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 - 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
21 DECEMBER 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 30th November 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. 444 - 3 Stortholme Mews, Sheffield, S10 3HT** (Pages 13 - 26)
Report of the Director of City Growth Service.
- 8. Tree Preservation Order No. 445 - 4 Stepping Lane, Sheffield, S35 8RA** (Pages 27 - 40)
Report of the Director of City Growth Service.
- 9. Applications Under Various Acts/Regulations**
Report of the Director of City Growth
- 9a. Application No. 21/03512/RG3 - Site Of Hemsworth Junior And Infant School, Blackstock Road, Sheffield, S14 1AA** (Pages 41 - 70)
- 9b. Application No. 20/04453/FUL - Land Adjacent 19 To 41 Walkley Lane, Sheffield, S6 2NX** (Pages 71 - 92)
- 10. Record of Planning Appeal Submissions and Decisions** (Pages 93 - 102)
Report of the Director of City Growth Service.
- 11. Date of Next Meeting**
The next meeting of the Committee will be held on 18th January 2022 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 30 November 2021

PRESENT: Councillors Peter Price (Chair), Tony Damms, Roger Davison, Brian Holmshaw, Dianne Hurst, Bob McCann, Zahira Naz, Andrew Sangar, Garry Weatherall, Richard Williams, Alan Woodcock, Mike Chaplin (Substitute Member) and Bernard Little (Substitute Member)

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1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Peter Garbutt and Chris Rosling-Josephs.
- 1.2 Councillors Bernard Little and Mike Chaplin acted as substitutes.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest made.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee held on 9th November 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. TREE PRESERVATION ORDER NO. 438, 1 ARCHER DRIVE, SHEFFIELD, S8 0LB

- 6.1 Sam Thorn (Planning Officer, Landscape) attended the meeting and presented the report.

- 6.2 A supplementary document containing the Order to be confirmed, dated 2021, which had been made as the previous Order dated 2020, had lapsed before it could be confirmed, had been previously circulated and made available to the public.
- 6.3 The Officer informed Committee that the original Order had been served in response to a request from local residents and a local Councillor, as there was a perceived threat to the trees being removed by the land-owner. In order to prevent the removal of the trees, a Tree Preservation Order was therefore served.
- 6.4 Chloe Cheeseman and Councillor Ian Auckland attended the meeting and spoke in support of the Tree Preservation Order.
- 6.5 A discussion took place regarding the original planning application and the removal of trees. The Legal Officer undertook to raise the issue with the Enforcement Team to see if a breach of the permission had taken place and to report the matter back to the co-chairs of the Committee.
- 6.6 No objections to the Order had been received from the public within the consultation period.
- 6.7 **RESOLVED:** That Tree Preservation Order No. 438 be confirmed unmodified.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7a.1 APPLICATION NO. 20/04453/FUL - LAND ADJACENT 19 TO 41 WALKLEY LANE, SHEFFIELD, S6 2NX

- 7a.1 This application was deferred, as a site visit had not been able to take place due to weather conditions.

7b.1 APPLICATION NO. 21/04263/REM - 33 LOVE STREET AND SITE OF FORMER 53 BRIDGE STREET, SHEFFIELD, S3 8NW

- 7b.1 A number of amended conditions and an additional condition were included within the supplementary report circulated and summarised at the meeting.
- 7b.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.
- 7b.3 Jon Suckley attended the meeting and spoke in support of the application.
- 7b.4 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report,

now submitted including the amended and additional condition.

7b.5 Councillor Bernard Little wished it to be noted that he felt that the Sustainability Study was not fit for purpose and the Planning Officer explained that the Sustainability Study assessed the application against the Planning Policies currently in place and that this was a reserved matters application which meant that the principle of the multi-storey car park had already been approved. This application was to look at design matters.

7b.6 **RESOLVED:** That an application for reserved matters be GRANTED, conditionally, for the reasons set out in the report and supplementary report, including the amended and additional conditions, for the reserved matters application proposing details for the appearance, scale, layout, landscaping and access for a 9 storey multi-storey car park building (Sui Generis) at 33 Love Street and site of former 53 Bridge Street, Sheffield, S3 8NW (Application No. 21/04263/REM).

7c.1 APPLICATION NO. 21/03238/RG3 - FORMER 88 PINSTONE STREET, SHEFFIELD, S1 2HP

7c.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.

7c.2 Robin Hughes attended the meeting and spoke against the application.

7c.3 Jon Phipps and Clare Plant attended the meeting and spoke in support of the application.

7c.4 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report, now submitted.

7c.5 It was moved by Councillor Dianne Hurst and seconded by Councillor Garry Weatherall, that the application be deferred to allow the applicant to come up with an alternative proposal. On being put to the vote, the motion was lost. It was therefore:

7c.6 **RESOLVED:** That an application for amendment to no. of chimneys and windows on roofscape (Application under Section 73 to vary condition 2 (approved plans) of planning permission no. 18/04069/RG3 (Retention of Pinstone Street and part of Charles Street and Cambridge Street facade, demolition of buildings behind and erection of a seven1storey building for mixed use - retail/cafe/bar space (Use Class A1, A3, A4 and A5) at ground floor with offices (Use Class B1) above and associated works (Block C) (Application under Regulation 3 - 1992)) at Former 88 Pinstone Street, Sheffield, S1 2HP (Application No. 21/03238/RG3) be REFUSED, as it will have a less than substantial harmful impact on the character of the conservation area . It is considered that the justification for this harm is not

clear and convincing and is not outweighed by the public benefits of the proposal. The final wording of the refusal to be agreed by the Planning Officer in conjunction with the Co-Chairs.

8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 8.1 The Committee received and noted a report of the Chief Planning Officer detailing planning appeals received, appeals dismissed and appeals allowed by the Secretary of State.
- 8.2 Councillor Sangar said that further to the appeal dismissed by the Inspector of the delegated decision to refuse an application at 8 Ranmoor Gardens, Sheffield, S10 3FR, it was important to note the clear judgement and that the Inspector had agreed with the Planning Officer's decision.

9. DATE OF NEXT MEETING

- 9.1 It was noted that the next meeting of the Planning and Highways Committee would be held on Tuesday 21st December 2021 at 2pm.



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 10th December 2021

Subject: Tree Preservation Order No. 444
3 Stortholme Mews Sheffield S10 3HT

Author of Report: Vanessa Lyons, Community Tree Officer (Planning)

Summary: To seek confirmation of Tree Preservation Order No. 444

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 444 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No. and map attached.
 - B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
 - C) Objection letters attached.
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Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

21st December 2021

TREE PRESERVATION ORDER NO. 444

3 Stortholme Mews, Sheffield, S10 3HT

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 444.

2.0 BACKGROUND

2.1 Tree Preservation Order No.444 ('the Order') was made on 29th July 2021 protect 4 trees (a beech, two oak and a lime) located within the curtilages of 1, 3, 5 & 7 Stortholme Mews. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 T1, 2, and 3 (as described in the Order) are positioned close to the boundary wall which separates the respective gardens from Graham Road. T4 is also close to the boundary wall but overlooks Gladstone Road. The trees are early mature specimens in good overall condition and with a reasonable future life expectancy. They are deemed as having high amenity value due to their prominent position within the street scene.

2.3 The trees are located within the Ranmoor Conservation Area, so they are 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, giving the Council the opportunity to make a Tree Preservation Order where that is considered expedient. As such a section 211 notice was received on Friday 25th June 2021 to fell the oak at 3 Stortholme Mews. A Tree Preservation Order was therefore deemed expedient to protect the trees in the long term.

2.4 A condition inspection of the trees was carried out by Sheffield City Council's Tree Officer at the time, Dave Farmer. The trees were found to be in good health when inspected and had no obvious health and safety reasons requiring major intervention which would negate the trees' contribution to the amenity of the locality or their arboricultural merit. Although trees T1, 2 and 4 were not subject to a section 211 notice, the trees are similarly prominent and appear to have good long-term prospects. Collectively they form a high amenity feature that is in keeping with the surrounding area. Therefore, the decision was made to include them within the TPO. A TEMPO assessment was carried out following the inspection which supported the protection of the trees (see Appendix B).

One objection to the TPO was raised by the applicant under the s211 notice of 3 Stortholme Mews.

The objection appears only to have been made in respect of T3, and was made on the basis that:

- The risk to biodiversity if the tree is removed is low
- Oak trees present a risk of damage to property where they are in a small suburban garden due to their root distribution, branch loss or full fall
- The tree will breach a retaining wall within 5 to 10 years
- The circumstances of the tree are such that it is at risk of falling due to its root system
- The TPO increases this risk as the risks will become unmanageable if it is not removed

Dave's response stated:

- Oak trees are uncommon in Ranmoor, and their protection is prioritised accordingly
- The property is newer than the tree and the footings were likely to have been built to an adequate standard such that damage from roots is unlikely
- The retaining wall does not increase the likelihood of tree failure, the wall itself is structurally sound and the growth rate of the tree is slower due to its location.
- The tree has always grown in proximity to the retaining wall and will be very likely to have developed a rooting system that provides it the stability it requires within the soil volume available to it.

3.0 VISUAL AMENITY ASSESSMENT

3.1 The trees are prominent, being in a raised position and clearly visible from both Gladstone and Graham Road. They are in good overall condition and with a reasonable future life expectancy. They are deemed as having high amenity value due to their prominent position within the street scene.

3.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Dave Farmer. A summary of this 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.444 will benefit the visual amenity of the local environment.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (Section 198, Town and Country Planning Act 1990).

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

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

7.4 A local authority may only confirm an Order after considering any representations made in respect of that order. One objection has been received in respect of the Order. As discussed, a detailed response by the serving Tree Officer has been provided to that single objection (Appendix C).

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.444 be confirmed.

Michael Johnson Head of Planning

10th December 2021

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No 444 (2021)

3 Stortholme Mews, Sheffield, S10 3HT

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 444 (2021) – 3 Stortholme Mews, Sheffield, S10 3HT.

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 JULY 2021

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



David Jellens
Duly Authorized 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	Fagus sylvatica – Beech	SK 3186SE
T2	Quercus robur - Oak	SK 3186SE
T3	Quercus robur - Oak	SK 3186SE
T4	Lime - Tilia × europaea	SK 3186SE

Trees specified by reference to an area

(within a dotted red line on the map)

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

Groups of trees

(within a 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>

Woodlands

(within a continuous black line on the map)

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

NOTES / REVISIONS:

Notes:

The use of this data acts as agreement to the following statements:
a. Copyright Sheffield City Council. All rights reserved in Chapter IV of the Copyright, Designs and Patents Act 1988 have been generally asserted
© This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright and database rights Ordnance Survey 100018616 2015

TREE SCHEDULE

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

- T1 Fagus sylvatica - Beech
- T2 Quercus robur - Oak
- T3 Quercus robur - Oak
- T4 Lime - Tilia x europaea

Trees specified by reference to an area - Non

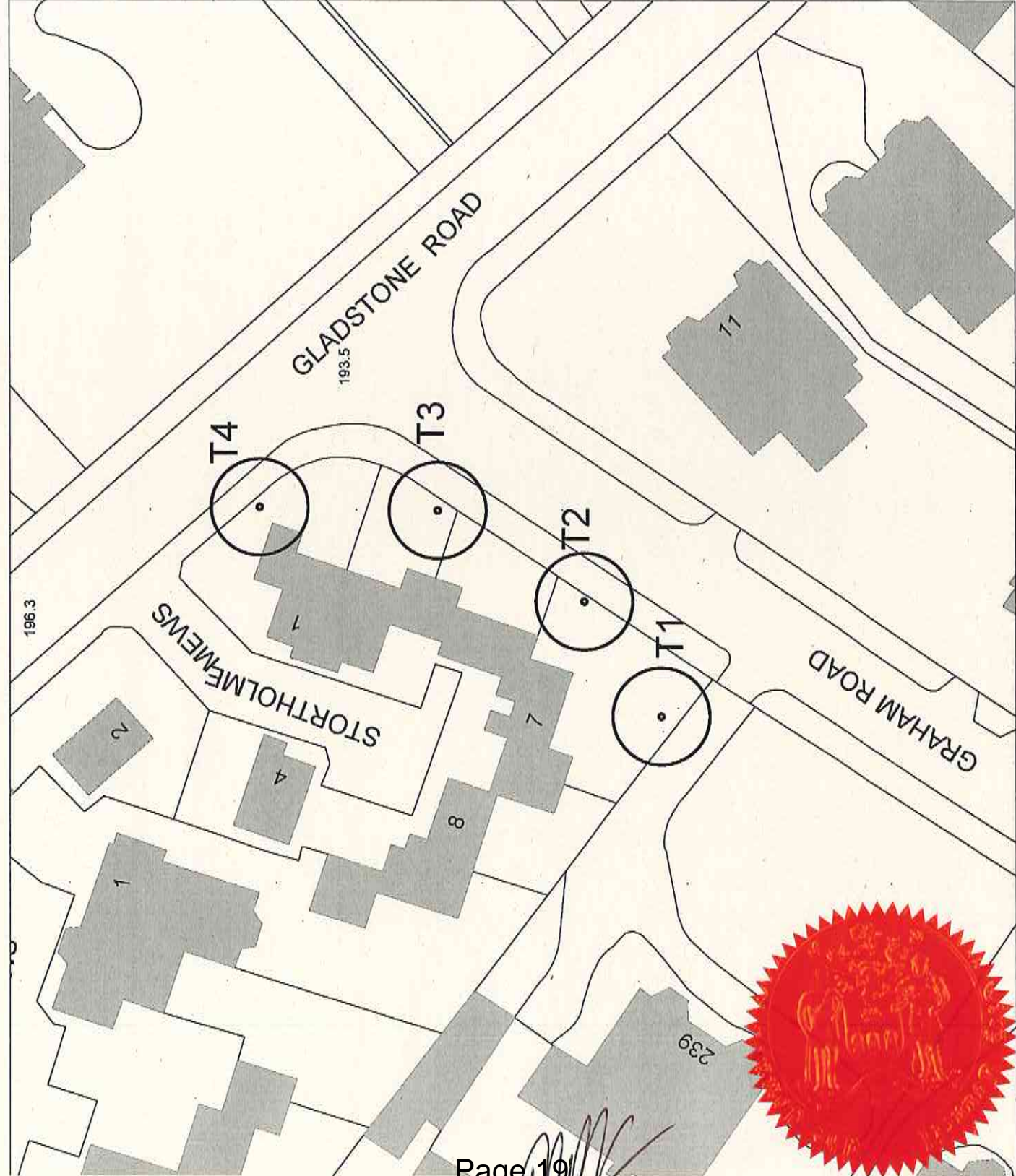
Trees specified by reference to a group - Non

Trees specified by reference to a woodland -

SK 3186SE

Measurements shown approximate

SHEFFIELD CITY COUNCIL	
PLACE	
PLANNING SERVICE CITY GROWTH	
TREE PRESERVATION ORDER	
No. 444	
TITLE	
3 Stortholme Mews, Sheffield S10 3f	
SCALE	
1:500 @ A4	
Drawn by:	Checked by:
ST	
Date:	26.07.2021
Drawing No.	
A4/JUED/808/444	



Appendix B: Tree Evaluation Method for Preservation Orders

Stortholme Mews -

T1

Amenity - 3 (Several large old pruning wounds but no sign of active decay)

Retention Span - 4 (40 to 100 years)

Public Visibility - 3 (Close to the roadside but partly shielded from view by surrounding trees)

Other Factors - 1 (None)

Expediency - 1 (Precautionary)

T2

Amenity - 3 (Regularly pruned in the past, slightly sparse crown for species)

Retention Span - 2 (20 to 40 years)

Public Visibility - 4 (Raised roadside location, close to junction)

Other Factors - 1 (None)

Expediency - 1 (Precautionary)

T3

Amenity - 3 (Regularly pruned in the past, slightly sparse crown for species)

Retention Span - 2 (20 to 40 years)

Public Visibility - 4 (Raised roadside location, close to junction)

Other Factors - 1 (None)

Expediency - 5 (Section 211 notice received)

T4

Amenity - 4 (Only not a 5 due to slightly limited visibility of stem and upper crown)

Retention Span - 2 (20 to 40 years)

Public Visibility - 4 (Raised roadside location, close to junction)

Other Factors - 1 (None)

Expediency - 1 (Precautionary)

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Appendix C: Extract from the Objection letter

Thank you for your letter date 29th July regarding TPO 444 and whilst we appreciate the comments, we wish to formally respond with our logic for wanting to remove the Tree in question (T3). It is also worth noting that we feel there is a great deal of disingenuous behaviour in the Councils actions given the TPO came immediately after our Planning Application was live and based on an inaccurate, biased and subjective report by a Council representative who visited site before our application. Oak trees (*Quercus Robur*) are widely considered to be one of the best trees for biodiversity and we appreciate that there are not many in Ranmoor, however there is another within 50m of the tree on our property which of a similar age, is more suitably located away from the boundaries so we consider the risk to the biodiversity in this instance in extremely low. It is also worth noting at this stage the Tree is does not produce acorns so its biodiversity isn't as high as it could be. We accept that Oak trees are good for biodiversity, but also realise they are considered unsuitable for a small suburban garden as the risk of damage to home and property is high both from the perspective of root distribution, branch loss or indeed full fall of the tree. Our garden is approximately 10m x 10m so completely unsuitable for this type of tree. Considering the current placement of the tree, an Oak trees average growth rate in terms of girth which will typically increase by 2.5cm to 5cm per year, it is reasonable to assume that the tree in question will breach the boundaries retaining wall within 5 to 10 years. The boundary wall which backs onto Graham Road is approximately 1.8m high and constructed out of stone blocks with stone coping. This Oak tree has a root system on only 3 sides due to its placement and proximity close to the boundary wall and as an oak tree typically has as shallow root system depth of approximately 45cm deep this further increases risk of the tree falling and causing significant damage. The tree currently has a lean of over 25 degrees towards the East and with Sheffield having a prevailing wind from the West, any high wind would put significant pressure on the tree and the risk associated with this tree falling should be considered as extremely high. In the event of a storm with winds in excess of 60 miles per hour the risk factor increase again. It is also worth noting the lean is towards the East and as the predominant wind direction for Sheffield is from the West, this increases the risk factor again of the root system failing and the tree falling. Should the tree fall, it will block Gladstone Road & Graham Road due to its size which would cause significant disruption and cost to the council and surrounding homeowners, including ourselves. This disruption will only increase if the TPO is granted and the planning application declined as if the tree is not removed to mitigate the above risks these risks will become unmanageable for both ourselves as homeowners and Sheffield City Council. For the Council not to agree to our responsible and proper request to remove the tree and replace it with more suitable trees now that the above risks have been clearly highlighted, we would consider Sheffield City Council to be irresponsible. There would be very little disturbance to the biodiversity offered by this tree due its age, the replanting we will undertake and its close proximity to another tree of the same species. Enforcing the TPO and refusing

our planning application would be a sign of improper management of the above risk and as such we would have no alternative but to put the council on notice of possible future litigation due to its inaction. In summary, the decision really comes down to aesthetics within the area and the question should be "will removal of this tree have significant visual impact on the area". With the more appropriate replanting we are proposing and the other trees in close proximity to the one we would like to remove, we put it to you that it will not therefore should the TPO remain in place and the planning application declined, the risks stated above will continue to increase to point where they become significant issues attached to significant cost.

Response to letter dated 29th July 2021 regarding TPO 444 - LS/RC/95105

The Oak tree in question (T3) has been protected by a TPO primarily due to the high level of visual amenity that it provides to the surrounding areas, and the amenity value that it will continue to provide for some time into the future. Oak trees are relatively uncommon in the Ranmoor area, and therefore the protection of any suitable Oak trees should be a priority. As such the similar adjacent Oak tree to the south has also been protected under the same TPO. The decision to protect these trees has been made regardless of any planning applications submitted before or after the notice was received by the council to remove T3.

The tree in question is quite large for its location in a small residential garden. This is likely to be the reason for the tree to have been regularly pruned in the past, to maintain a crown size that is more suitable. While its proximity to the dwelling is closer than would be ideal, in this instance the dwelling itself is relatively new and is certainly younger than the tree. It must be assumed, therefore, that the planning application was granted taking the location of the tree into account, and that the footings were built to an adequate standard so that damage from roots is unlikely.

The tree is growing in close proximity to the top of a 2m tall retaining, and it is accepted that this restricted location is likely to reduce the ultimate lifespan of the tree. This has been taken into account when assessing the suitability of the tree for protection. However, the retaining wall in itself does not necessarily increase the current likelihood of tree failure. The tree has always grown in proximity to the retaining wall and will be very likely to have developed a rooting system that provides it the stability it requires within the soil volume available to it. While the growth rates stated may be the average for Oak trees in an unrestricted environment, this tree will be growing at a slower rate due to its location. Trees are living, reactive structures that are constantly adapting to the forces that are exerted upon them, specifically so that they do not grow into a size or shape that makes them prone to failure.

There are no obvious signs of damage to the retaining wall close to the tree, so it must be assumed that the wall is not destabilising the tree, and that the wall itself is structurally sound.

Provided that the tree has always been leaning at a similar angle the lean does not suggest any structural weakness. The tree will have developed a root system that provides adequate anchorage and support for its weight, based on the stresses that have been exerted upon it from wind and weather in the past. Therefore if the predominant wind direction remains the same, the tree will have grown in a manner to withstand it.

The protection of a tree by a TPO does not preclude works from being carried out to it. It is advisable for the owners of large trees to have them regularly inspected by a suitably qualified professional, particularly where they are close to dwellings and public roads. If the results of such a survey of this Oak tree recommends works to be carried out, these will be considered for approval by the council.

I hope this addresses some of the concerns highlighted by the applicant but let me know if there is more that is needed or if anything needs changing.

Thanks,

Dave.

Dave Farmer Tree Officer

Sheffield City Council - City Growth Services

Urban & Environmental Design Team

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SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 10th December 2021

Subject: Tree Preservation Order No. 445
4 Stepping Lane, Sheffield, S35 8RA

Author of Report: Vanessa Lyons, Community Tree Officer (Planning).

Summary: To seek confirmation of Tree Preservation Order No. 445

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 445 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No. and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Objection letters attached.

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

21st December 2021

4 Stepping Lane, Sheffield, S35 8RA

TREE PRESERVATION ORDER NO. 445

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 445.

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.445 ('the Order') was made on 29TH July 2021 to protect 2 trees (both early mature beech) located within the curtilage of 4 Stepping Lane. A copy of the Order, with its accompanying map, is attached as Appendix A.
- 2.2 T1 and T2 (as described in the Order) are positioned close to the rear boundary wall which runs adjacent to Middle Lane. They are deemed as having high amenity value due to their prominent position within the street scene.
- 2.3 The trees are located within the Grenoside Conservation Area, so they are 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, giving the Council the opportunity to make a Tree Preservation Order where that is considered expedient. As such a section 211 notice was received on 7th June 2021 to fell both beech trees. A Tree Preservation Order was therefore deemed expedient to protect the tree in the long term.
- 2.4 A condition inspection was carried out on 22nd July 2021 by Dave Farmer, Tree Officer for SCC. The two beech trees were found to be in reasonable health when inspected, with no major outward defects. They have previously been pruned, and the pruning wounds have occluded well. Both trees are growing close to the rear boundary wall of the property, overhanging the rear garden area and Middle Lane. They are visually prominent due to their proximity to the roadside and being the tallest trees in the surrounding vicinity and appear to have good longer-term prospects. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Peter Simpson, Tree Officer for SCC, who scored them at 14 points. The assessment produced a clear recommendation for protection. A summary of the TEMPO can be found in Appendix B.
- 2.5 One objection has been raised to the TPO, by the applicants. A redacted copy of the objection letter is included (Appendix C). They

consider that the damage to the wall is sufficient to warrant the removal of the trees, stating that the wall is pushed forward by 10 inches in one area. They also dispute the amenity value of the trees, stating that there are other trees of a greater or equal size on neighbouring roads. While there are some signs of movement in the boundary wall close to both trees, it was the opinion of the investigating officer, Dave Farmer, that this appears to be relatively minor in nature and is likely to have occurred slowly over many years. This opinion was based on observations made during a site visit to the trees following the receipt of a section 211 notice in June 2021. With regards their amenity value, there are no other trees of this stature on Middle Lane itself and their loss would greatly detract from the overall street scene. Having attended the site to look at the trees on 19/11/21, officers concur with Dave Farmer's prior assessment. The trees are in reasonable condition with a relatively long useful life expectancy ahead of them and can be expected to continue to bring many benefits to the local area for years to come. It is therefore considered expedient that the trees should continue to benefit from the protection of the Order such that it is recommended that it be confirmed.

3.0 VISUAL AMENITY ASSESSMENT

- 3.1 The trees are visually prominent due to their proximity to the roadside and being the tallest trees in the surrounding vicinity. They are in good overall condition and with a reasonable future life expectancy.
- 3.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Peter Simpson, Tree Officer for SCC, who scored them at 14 points. The assessment produced a clear recommendation for protection. A summary of the TEMPO can be found in Appendix B.

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 trees detailed in Tree Preservation Order No.445 will benefit the visual amenity of the local environment.

6.0 FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

- 7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (Section 198, Town and Country Planning Act 1990).
- 7.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the Order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.
- 7.3 The local authority may choose to confirm a TPO it has made. If an Order is confirmed, it will continue to have legal effect until such point as it is revoked. If an Order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.
- 7.4 A local authority may only confirm an Order after considering any representations made in respect of that order. One objection has been received in respect of the Order. A response to that objection is provided at paragraph 2.5.

8.0 RECOMMENDATION

- 8.1 Recommend Provisional Tree Preservation Order No.445 be confirmed.

Michael Johnson, Head of Planning,

10th Dec 2021

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No 445 (2021)

4 Stepping Lane, Sheffield, S35 8RA

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 445 (2021) – 4 Stepping Lane, Sheffield, S35 8RA.

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 July 2021

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


David Johnson
Duly Authorised Signatory



SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Fagus sylvatica – Beech	SK 3294SE
T2	Fagus sylvatica – Beech	SK 3294SE

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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Appendix B: Tree Evaluation Method for Preservation Orders

4 Stepping Lane

Both trees

Amenity - 3 (Several large old pruning wounds but no sign of active decay)

Retention Span - 2 (20 to 40 years)

Public Visibility - 4 (Close to the roadside and the largest trees for some distance)

Other Factors - 1 (None)

Expediency - 5 (Section 211 notice received)

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Appendix C : Objection

Appeal against Tree Preservation Order No. 445

We are writing to appeal against TPO No. 445 which resulted from our recent application for tree removal (Ref 21/02630/TCA). We feel the officer's report on our application (enclosed) does not give a fair account of the situation both in terms of the damage being caused by these trees and their significance to the local environment.

1 Wall Movement

The officer's report said there are "some signs of movement" but this "appears to be relatively minor in nature". This gives the impression that it is barely noticeable.

As can be seen in Figure 1, the section next to the trees is now well forward of the original wall line. At the worst point (tree T2 on your drawing No. A4/UED/808/445) the top of the wall has been pushed approximately 10 inches forward (see Figure 2).

We argue that the movement is clearly visible, is not of a relatively minor nature and this is why we stated on our application that the trees have outgrown the space available and are pushing the boundary wall over.

2 Prominence & Amenity Value

The officer's report said they are prominent because of "their proximity to the roadside and being the tallest trees in the surrounding vicinity."

Obviously these trees are near the roadside but we do not accept that they are the tallest trees within the "surrounding vicinity". There are many other trees of a similar or larger size on neighbouring roads, e.g. Top Side (junction with Hill Top Lane) and Bower Lane (junction with Top Side and Middle Lane). The latter tree is around 75 yards from ours, next to a short track that leads directly into Wheata Wood where there are many prominent trees providing clear amenity value to the local community.

We are therefore appealing against the TPO on the grounds that the trees are causing substantial wall movement and the loss of these trees would not result in a significant reduction in the amenity value of the surrounding vicinity.



Figure 1 Wall position looking south along Middle Lane



Figure 2 Measurement of wall position relative to original wall line

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Case Number	21/03512/RG3 (Formerly PP-09942468)
Application Type	Application Submitted by the Council
Proposal	Erection of an old persons independent living (OPIL) accommodation block up to 4-storeys providing 81 residential units together with communal facilities, associated roads, parking, footpaths and landscaping (Application under Regulation 3 - 1992)
Location	Site Of Hemsworth Junior And Infant School Blackstock Road Sheffield S14 1AA
Date Received	04/08/2021
Team	South
Applicant/Agent	Capital Delivery Service
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:
 - SH05925-CDS-ZZ-XX-DR-A-1001 REV P3 (EXISTING SITE & LOCATION PLAN) published 04.08.2021
 - SH05925-CDS-BLS-XX-DR-A-1003 REV P3 (PROPOSED ACCOMMODATION LAYOUT) published 04.08.2021
 - SH05925-CDS-BLS-XX-DR-A-1004 REV P3 (PROPOSED EXTERNAL WORKS LAYOUT AREA 1) published 04.08.2021
 - SH05925-CDS-BLS-XX-DR-A-1005 REV P3 (PROPOSED EXTERNAL WORKS LAYOUT AREA 2) published 04.08.2021
 - SH05925-CDS-BLS-XX-DR-A-1007 REV P4 (Hemsworth Primary Proposed Site Plan Option D2) published 09.12.2021
 - SH05925-CDS-BLS-XX-DR-A-1051 REV P5 (Hemsworth Opil Proposed Floor Plans 1 of 4 Ground Floor Plan) published 09.12.2021
 - SH05925-CDS-BLS-XX-DR-A-1052 REV P5 (Hemsworth Opil Proposed

- Floor Plans 2 of 4 First Floor Plan) published 09.12.2021
- SH05925-CDS-BLS-XX-DR-A-1053 REV P5 (Hemsworth Opil Proposed Floor Plans 3 of 4 Second Floor Plan) published 09.12.2021
- SH05925-CDS-BLS-XX-DR-A-1054 REV P5 (Hemsworth Opil Proposed Floor Plans 4 of 4 Third Floor Plan) published 09.12.2021
- SH05925-CDS-BLS-XX-DR-A-1055 REV P5 (Hemsworth Opil Proposed Elevations) published 09.12.2021
- SH05925-CDS-BLS-XX-DR-A-1056 REV P2 (Hemsworth Opil Proposed (Internal) Elevations) published 04.08.2021
- SH05925-CDS-BLS-XX-DR-A-1057 REV P2 (Hemsworth Opil Proposed Section 1 of 1) published 04.08.2021
- SH05925-CDS-FT1-XX-DR-A-1090 REV P2 (Flat Type 1 Floor Plan 1 Bed 2 Person Flat) published 04.08.2021
- SH05925-CDS-FT2-XX-DR-A-1091 REV P2 (Flat Type 2 Floor Plan 2 Bed 3 Person Flat) published 04.08.2021
- HEMS-MMD-XX-XX-RP-C-0001 A (Hemsworth OPIL Flood Risk and Runoff Assessment July 2021) published 04.08.2021
- A102 REV P1 (Section 10) published 19.11.2021

Reason: In order to define the permission.

Pre-Commencement Condition(s)

3. No development shall commence until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority. Such details shall include:

- the means of ingress and egress for vehicles engaged in the construction of the development, including deliveries;
- effective cleaning of wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway;
- parking of associated site vehicles and for the storage of materials;
- location and details of site compound/accommodation; and
- an area allocated for delivery/service vehicles to load and unload.

Thereafter, the construction management plan shall be implemented in accordance with the approved details for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

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

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

5. 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 112 of the National Planning Policy Framework.

6. No development shall commence until full details of measures to protect the existing tree/s, hedgerows and shrubbery 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.

8. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

is complied with before the development is commenced.

9. 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.

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

10. Before above ground works are commenced a Biodiversity Enhancement Management Plan (BEMP) shall be submitted to, and approved in writing by the Local Planning Authority.

The plan shall include the following.

- a) The biodiversity enhancement measures recommended in the 'Hemsworth Former School Site, Project Reference number 0002, Ecological Impact Assessment, November 2021 (published 03 Dec 2021)
- b) Purpose and conservation objectives for the enhancement plan.
- c) A detailed plan of the finished landforms and habitats to be created.
- d) Timetable for implementation.
- e) Persons responsible for implementing the works.
- f) Details of initial aftercare and long-term maintenance.
- g) Details for monitoring and remedial measures.
- h) Ongoing monitoring and remedial measures.
- i) details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

Thereafter, the measures and details approved in the BEMP shall be implemented on site.

Reason: In the interests of biodiversity.

11. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to

validation of capping measures and validation of gas protection measures.

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

12. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall be retained in accordance with the approved measures.

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

13. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of adjacent dwellings from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
 - b) Acoustic emissions data for the system.
 - c) Details of any filters or other odour abatement equipment.
 - d) Details of the system's required cleaning and maintenance schedule.
 - e) (Optional: Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building).

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

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

14. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:
- a) Be based on the findings of an approved noise survey.
 - b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours); Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
 - c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

15. Before the use of the development is commenced, Validation Testing of the sound insulation and/or attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

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

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

- 16. Details of all suitable means of site boundary treatment and including any retaining structures within 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 and the dwellinghouses and apartments shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

- 17. 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.

- 18. 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.

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

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

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

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

21. 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.

22. 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) entrances
- (b) windows, including reveals and relationship with building facade
- (c) glazing
- (d) all external vents and servicing outlets
- (e) railings/screening to apartment balconies
- (f) feature brickwork

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

Reason: In order to ensure an appropriate quality of development

23. Samples of all proposed external materials and finishes including fixing methods (where relevant) 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.

24. A sample panel of the proposed masonry for the apartments 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.

25. Prior to the use of any part of the proposed development, full details of all proposed external lighting to buildings shall have been submitted to and approved in writing by the Local Planning Authority and such signage shall be displayed in accordance with the approved details and thereafter retained.

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

26. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be

implemented prior to the occupation of the development.

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

27. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, a detailed Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:
1. Clear & unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;
 2. A package of measures to encourage and facilitate less car dependent living; and,
 3. A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule.
 4. Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority.
 5. Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

Prior to the occupation of any dwelling, evidence that all the measures included within the approved Travel Plan have been implemented or are committed shall have been submitted to and approved in writing by the Local Planning Authority.

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

28. 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 mobile scooter 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 mobile scooter parking has been provided in accordance with the approved plans and, thereafter, such mobile scooter 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.

Other Compliance Conditions

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

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

with.

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

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

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

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. Plant and equipment shall be designed to ensure that the total LA_r plant noise rating level (i.e. total plant noise LA_{eq} plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA₉₀ background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
3. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;
 - Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
 - A communications strategy for principal sensitive parties close to the site.
 - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
 - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - Vibration.
 - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
 - A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
 - A noise impact assessment - this should identify principal phases of the site preparation and construction works and propose suitable mitigation measures in relation to noisy processes and/or equipment.
 - Details of site access & egress for construction traffic and deliveries.
 - A consideration of potential lighting impacts for any overnight security lighting.

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

4. The applicant is advised that in order to discharge the above condition relating to gigabit-capable full fibre broadband the following should be provided:
- A contract or invoice for the installation of the physical infrastructure and the connection to gigabit-capable full fibre broadband.
 - Confirmation of the speed that will be achieved by the gigabit-capable full fibre broadband infrastructure, from the network operator.
 - Relevant plans showing the location/detail of the measures.

For more guidance with respect to addressing this requirement please see the Guidance Note on

<https://www.sheffield.gov.uk/content/dam/sheffield/docs/documents-not-in-site-structure/new-build-developer-guidance.pdf> and/or contact hello@superfastsouthyorkshire.co.uk

5. 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.
6. 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.

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

To arrange the dilapidation survey, you should contact:

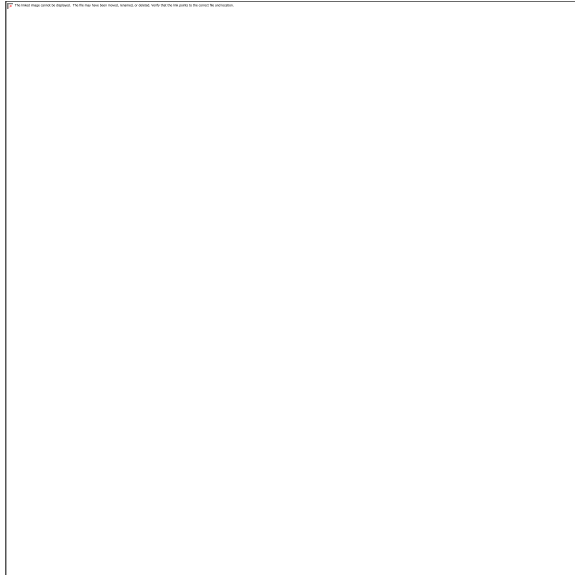
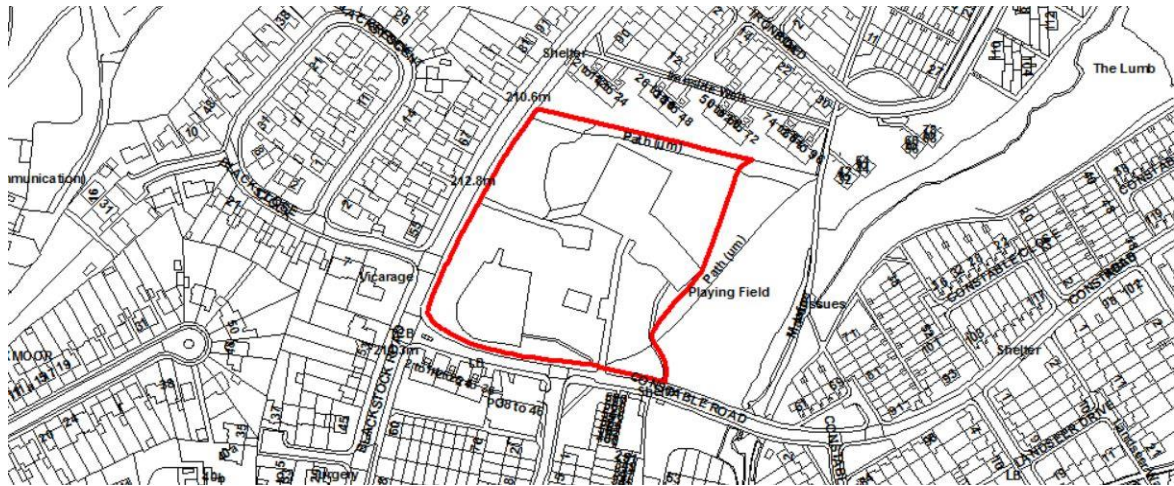
Highway Co-Ordination

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

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

Site Location



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LOCATION AND PROPOSAL

The application site is a large parcel of land, covering 1.69 hectares in area. It is located to the east of Blackstock Rd, and immediately to the north of the junction with Constable Road. The surrounding area is predominantly residential in nature, with residential properties to the north, west and south. Immediately adjacent the site to its east there is an open playing field, used partly as an unmarked, informal football pitch, featuring one set of junior size goalposts.

The site is covered by two designations within the Adopted Unitary Development Plan. The large majority being a Housing Area, with the remaining portion along the eastern perimeter being Open Space Area.

The site previously accommodated Hemsworth Primary School, which was demolished in 2003. The location of the buildings, parking area and playground remain as hard standings. Along the south and western boundaries there are mature hedgerows. The north-west section of the site includes hedgerows and trees.

The site level drops by approximately 6 metres from its south-western corner, towards its north-eastern corner.

Planning permission is sought for the provision of 'Older Persons Independent Living' (OPIL) accommodation, in the form of a single building comprising 81 apartments, along with communal facilities, café, associated roads, parking, footpaths and landscaping. Highway access would be taken from Constable Road.

RELEVANT SITE HISTORY

02/03035/RG3; Erection of 60 'Extra Care' flats with ancillary facilities and 5 bungalows (outline application under reg 3 1992)
Approved 18.03.2003

06/01292/RG3; Erection of 60 'Extra Care' flats with ancillary facilities and 5 bungalows (outline application under reg 3 1992) (Renewal of outline planning permission - application under Section 73 to vary conditions 2 & 3 (time limit for submission of reserved matters imposed by 02/03035/RG3))
Approved 12.10.2006

20/01915/PREAPP; Pre-application enquiry for erection of 75x older persons independent living apartments, 5x bungalows and associated communal areas

SUMMARY OF REPRESENTATIONS

Following direct neighbour notification, and advertisement by site notice and the press, 9 representations (from 7 addresses) have been received in objection to the proposal along with a 99-signature petition.

Petition

One of the local residents has co-ordinated a petition (99 signatures). The comments at the head of the petition area summarised as:

- an influx of 100 residents with additional staff at this small plot in unsuitable,
- blocks are too high,
- area will become busier with more congestion and pollution,
- removal of shrubs and trees involves removal of wildlife,
- site is better suited for recreation for community, and
- any buildings should be limited to single storey with community's agreement.

The individual representations are summarised as follows:

Highways

- Extra traffic (including ambulances, 24/7 staff access) leading to more noise and pollution. Traffic is already a concern at certain times of day. Noisy location is unsuitable for elderly person's living accommodation.
- Resulting overflow parking in vicinity. Area already has parking issues
- Unclear why Constable Road is used for the access, instead of Blackstock Road.

Design

- 4 storey building is too high, opposite to 2 storey dwellings. Would be an eyesore. Previous schemes remembered as being limited to 3 storeys.
- A relocation towards the woodland would reduce its impacts and result in reduced loss of light.
- Site is already surrounded by high-density flats, so the proposal is inappropriate.

Neighbours' Living Conditions

- Loss of natural sunlight from homes and front gardens
- A street view drawing should be provided to all residents
- Results in loss of green view.
- Overlooking and loss of privacy (raised by occupier of 54 Ironside Walk)
- Breach of the 45-degree rule.

Landscaping / Open Space / Ecology

- Scheme results in loss of local green space; which is habitat for many garden bird species and different flora/fauna. Enjoyed by many local residents for football, picnics and (dog) walking. For those with limited mobility, Herdings and Graves Parks are too far.
- Objection to removal of 90% of the 100+ trees on the site, 500 metres of hedgerow, and the flora of the whole site.
- Wildlife will be displaced, including at least 6 red list bird species, crested newts, bats and many butterfly species.

- Public is being misled by some information submitted with application, such as the tree survey, a wildlife survey undertaken in October (instead of springtime) and use of archive materials instead of site surveys.

General Points

- No impact assessments on the environment, including surrounding residents, air quality, wildlife, traffic or vehicle parking impacts.
- Proposed residents will overlook a car park / the heavily congested Blackstock Road.

Non Planning Issues

- Implications for surrounding house prices.
- Area should be kept for public access
- Full plans should have been sent out to residents.

Positives of Scheme (comments made within objection letters, and not as standalone representations)

- Affordable accommodation for this demographic is valuable and will lead to interaction with local community.
- Staff presence would improve security, and address anti-social behaviour (burglary, vandalism and off-road biking). Site wouldn't be used as 'cut through'.

Gleadless Valley Wildlife Trust (GVWT)

GVWT provided correspondence raising concerns about aspects of the proposal. They are summarised as:

- The Preliminary Ecological Assessment (PEA) recommends an Ecological Impact Assessment, and that breeding bird, reptile and bat activity surveys should be conducted.
- GVWT agrees with PEA's comment that site has moderate suitability for foraging and commuting bats and supports red and amber bird species.
- PEA recommends habitats of medium distinctiveness is retained where possible, and any loss be compensated for by creation of equivalent / higher value or greater area / condition, to achieve net gain to biodiversity. Also advises that design should have buffers for all retained hedgerows, trees and woodland. These recommendations have not been followed in several respects.
- Landscape Masterplan shows >50% of trees and shrubs in the woodland area (NW corner) to be removed, including valuable woodland edge habitat. More should be retained, and a woodland garden approach should be adopted, with majority trees and shrubs retained, including accessible woodland paths and bird feeding stations.
- Landscape Masterplan shows eastern part of site as open amenity grassland, which will be a poor wildlife habitat, and as minimum selected areas of more diverse wildflower meadow needs to be created and

- managed. Also, selected areas could also be created in the amenity grassland abutting the east edge of the development site as compensation.
- PEA recognises habitats of high quality about the site, without making recommendations for retaining and strengthening links to these adjacent/nearby habitats. This is important and could be achieved by strengthening and thickening hedgerow and hedge buffer habitat and northern and southern boundary hedges.
 - Unclear if proposals minimise light pollution to sensitive areas, as recommended in PEA.

PLANNING ASSESSMENT

Policy Background

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 National Planning Policy Framework (NPPF) provides the framework for the planning policy and development within England. The overarching principle is to ensure that new development is sustainable.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and provides the overall spatial strategy for the period of 2008 to 2026 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. Whilst the UDP pre-dates the NPPF, the policies should not be considered out-of-date and should be given due weight, according to their degree of consistency with the NPPF. The NPPG provides further guidance but states that it is up to the decision-maker to decide the weight to give to the policies.

In all cases, the assessment of any development needs to be considered in light of paragraph 11 of the NPPF, which states that there is a presumption in favour of sustainable development. Where there are no relevant development plan policies or policies are not consistent with the NPPF, planning permission should be granted (the tilted balance) unless there are particular areas or assets of particular importance, which provide a clear reason for refusal (e.g. Green Belt, risk of flooding etc); or any adverse impact of granting permission would significantly and demonstrably outweigh the benefits of the development.

Paragraph 11 of the NPPF also 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, the policies which are most important for determining the application will be considered out of date. At this current time, the Local Planning Authority cannot demonstrate a five-year supply of sites for housing and therefore there is a presumption in favour of the development. The Framework states that developments should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development.

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

Land Use Policy

The site lies within a well-established housing area and relates to land largely designated as Housing Area, as well as a small portion as Open Space in the UDP. UDP Policy H10 'Development in Housing Areas' permits a number of uses within such areas including small shops, food and drink outlets, residential institutions (C2 use) and community facilities and institutions (Class E and F1), with the preferred use being housing (C3 use).

The proposal seeks to provide independent living accommodation for older people (indicated as over 60 years old), which will be supported by ancillary facilities such as community space/s and a café (which will be open to residents and the community). There is no proposed care provision (only that organised independently by specific residents), and so the accommodation constitutes standard residential accommodation (Use Class C3). This would accord with the preferred use as set out under Policy H10.

Core Strategy Policy CS23 '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. In the period 2008/09 to 2020/2021, the main focus will be on suitable, sustainably located, sites within or adjoining:

- (a) the main urban area of Sheffield (at least 90% of additional housing); and
- (b) the urban area of Stocksbridge/Deepcar.

In this regard, the site fully meets the policy objective as it is a suitably located site and it supports urban regeneration as it is previously developed land.

Core Strategy Policy CS24 'Maximising the Use of Previously Development Land for New Housing' states that priority will be given to development of previously developed sites with 88% of housing to be developed on brownfield sites and no more than 12% of dwelling completions to be on greenfield sites. The site represents a brownfield site, given that it was previously occupied by a primary school.

Core Strategy Policy CS26 'Efficient Use of Housing Land and Accessibility' requires appropriate housing densities to ensure the efficient use of land. Given that the site is within an urban area, near to high-frequency bus routes the recommended density is between 40 and 60 units per hectare. Based on the current proposal, a density of approximately 47.9 units per hectare will be achieved. This lies within the recommended range, and so is considered acceptable. The new development will contribute to the City's housing need. It will also provide OPIL, for which there is an identified shortfall through the city according to evidence set out in the Sheffield and Rotherham Strategic Housing Assessment 2018 (SHMA). Overall, the proposal is considered to accord with Policy CS26.

Core Strategy Policy CS41 'Creating Mixed Communities' encourages the creation of mixed communities, which will be promoted by encouraging the development of housing to meet a range of needs including a mix of prices, sizes, types and tenures. Part a) of CS41 seeks to provide a broad range of smaller households in the City Centre and other highly accessible locations, with no more than half of the new homes in larger developments (large developments being defined as 60 or more dwellings) consisting of a single house type. The development will provide 81 older person independent accommodation units, comprising of 1 bed (69%) and 2 bed (31%) units.

Whilst more than half of the development comprises a single unit type, this is considered to be acceptable, as a substantial portion (almost a third) of the units are a different type and include 2 bedrooms. Consequently, the development is not overly dominated by a single house type. It is also of note that OPIL accommodation is characterised by a maximum of 2 bed units, precluding full compliance with CS41a) in any case. On this basis, a satisfactory mix of accommodation is achieved by the development, and the non-compliance with CS41a) is considered to be acceptable.

Core Strategy Policy CS40 'Affordable Housing' requires that sites of more than 15 units will be required to provide a contribution towards the provision of affordable housing where it is practicable and financially viable. In this location, there is a requirement to provide 30% affordable housing. As the development will provide 100% council housing for affordable rent this will meet the requirements of the policy and is to be welcomed given the identified need for such housing.

The south-eastern edge of the site lies within a designated Open Space area and as such, Core Strategy Policy CS47 'Safeguarding of Open Space' is relevant. The Policy serves to ensure there is satisfactory open space available to meet the needs of local people. The policy does not permit development where it would:

- a. Result in a quantitative shortage of either informal or formal open space in the local area; or
- b. Result in the loss of open space that is of high quality or of heritage, landscape or ecological value; or
- c. People in the local area would be denied easy or safe access to a local park or to smaller informal open space that is valued or well used by people living or working in the local area; or
- d. Cause or increase a break in the city's Green Network.

Whilst an Open Space Assessment shows that there is a shortfall of informal open space within the local area, it is of key relevance that the proposal does not include any built development within the 'Open Space' part of the site, with that part of the site instead being shown as amenity grass. Here the existing grassed areas would be made good where required, and general access to these areas would continue to be available. As a result, the proposal is considered to avoid conflicts with policy CS47.

Design / Visual Amenity

UDP Policy BE5 and Core Strategy Policy CS74 set out the design principles. Policy BE5 requires development to incorporate good design, the use of good quality materials and encourages original architecture. New buildings should complement the scale, form and architectural style of surrounding buildings and the design should take account of the natural and built features of the site.

Core Strategy Policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the City, its districts and neighbourhoods, including (a) the topography; (b) views and vistas to landmarks and skylines into and out of the City Centre; (c) the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials; and (d) the distinctive heritage of the city. Development should also contribute to place-making and be of high quality, that promotes the city's transformation, and contribute towards creating attractive, sustainable and successful neighbourhoods.

UDP Policy H15 'Design of New Housing Developments' expects new housing developments to be designed to:

- (a) provide easy access to homes and circulation around the site for people with disabilities or with prams; and
- (b) provide adequate private gardens or communal open space to ensure basic standards of daylight, privacy, security, and outlook are met for all residents; and
- (c) provide uniform walls or fences around rear gardens next to roads, footpaths or other open areas; and
- (d) provide pedestrian access to adjacent countryside where it would link with existing public open space or a footpath; and
- (e) comply with Policies BE5 (Design), BE9 (Design of Vehicles) and BE10 (Design of Streets, pedestrian routes, cycleways and public spaces).

These policies are broadly in line with the NPPF and are afforded substantial weight. Paragraph 126 states that good design is a key aspect of sustainable development as well as being clear about design expectations. Paragraph 130 states that developments need to contribute towards creating visually attractive, distinctive places to live, work and visit, whilst also being sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change. Developments should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live work and visit.

In 2011 a guidance document was produced, the 'South Yorkshire Residential Design Guide' (SYRDG), which seeks to provide a clear and consistent approach to design in the development management process, the aim being to achieve higher quality neighbourhoods. The document, whilst not adopted by the Council, complements and supports local policies and is considered 'Best Practice Guidance'. The proposed development has been designed with consideration given to the design principles set out in the guidance, whilst also balancing the needs of the development.

The site was the subject of an Informal Planning Guidance (IPAN) which was prepared by the Council's Planning Service (in November 2019), which sets out the policy framework, the issues and the opportunities. Although not an adopted document, the policies and evidence within it do carry weight in the decision-making process.

The key recommendations in the IPAN for the site are:

- Ensure the required density is achieved.
- Provide a focal building to address the junction of Blackstock Road and Constable Road.
- Retain existing key landscape features including the perimeter hedgerow and trees in the north west corner
- Integrate proposals with the open space and any potential future community facilities on the adjacent site to the east (referred to as Site B)
- Ensure the development provides direct and accessible pedestrian connections to existing and proposed facilities.

Also, a number of specific design principles are set out.

The scheme has been subject to extensive pre-application discussions and the proposals have been reviewed and revised to address all issues raised through this process. The proposal now put forward is in line with those discussions and is positively received.

The layout and arrangement respond positively to the topography and the existing street pattern. The proposed buildings are set appropriately to safeguard the woodland area in the site's north-western corner and the perimeter boundary hedging. The positioning permits the creation of legible frontages along both road frontages, and activity within the site with the provision of external areas and gardens.

The proposed scale and massing achieve a legible development. The proposal essentially includes two separate components; the part running east-west, parallel with Constable Road, and the part running north-south, set further into the site attached by a 1st floor bridge link.

The 1st of these components is largely 3 storeys high, with a 4th storey portion adjacent to the Blackstock and Constable Rd junction. The 4th storey in this location follows the IPAN's direction to create a focal point at this position given the prominent location.

The other element featuring a 4th storey is set into the site as part of the part running north-south and will not be readily visible from Constable Road.

The main part of the development will be a total of 3 storeys. The immediately surrounding area features numerous examples of 3 storey accommodation, to the north and south. Consequently, the proposed building/s would not be out of keeping within the vicinity and would reflect the IPAN's directions in this regard.

The elevations each include vertical breaks to eliminate scope for a slab-like appearance, breaking up the elevations and giving variation. Window arrangements are on the whole regular, however, the proposed balconies add visual interest to ensure that this doesn't become overly repetitive. The window arrangements ensure that large expanses of blank brickwork are avoided.

The main roof form is pitched, however, there are also some flat roofed sections. Additionally, there are gable features. There are sections of detailed brickwork. These elements retain the overall simplicity, whilst adding variation to the building.

A smooth red brick is proposed, which will give a consistent appearance, mirroring some of the existing surrounding building material. Grey windows are also indicated. No details are indicated for the balconies, but it is anticipated that these will be to match the windows to create a coherent streetscape. More precise material details will be covered by condition.

The proposed car parking will be broken into two separate areas; one adjacent to the Constable Road frontage, and the second further into the site. The first of these would be the more prominent visually but isn't excessively large at around 11 bays. It will also be set below the level of the adjacent public footpath, further lessening its visibility. In terms of surfacing, the circulation areas are indicated to be tarmacked, with the bays being a concrete block paver. This difference in material type will help in breaking up the visual impacts of these parking areas, preventing them becoming visually dominant.

The design of the accommodation has also been developed with South Yorkshire Police, following their recommendations to achieve a safer and more secure development for future occupants.

The proposal is considered to achieve a high-quality development, which will blend into the existing landscape and townscape. Precise details of materials, signage, lighting and large-scale details will be secured by condition.

Overall, the proposal will be considered to comply with the above local policies and aspects of the NPPF.

Landscaping

UDP Policy GE15 'Trees and Woodland' requires the retention of mature trees, copses and hedgerows, where possible, and replacement of any trees which are lost. This is consistent with Paragraph 174 of the NPPF, which sets out that planning decisions should enhance the natural and local environment and makes reference in part (b) to the economic and other benefits of trees and woodland.

A Tree Survey and a detailed landscape masterplan have been submitted in support of the application. The Tree Survey identifies the trees present at site and applies a 'Tree Quality Assessment' grade to each specimen / group. The Survey does not incorporate the north-western portion of the site which features the woodland area, since this is not affected by the proposals. Of the portion of the site affected by the scheme, a total of 8 individual trees and 4 groups (2 having 2

trees, a third having 6 trees and the 4th having 50+ items forming a mixed hedge largely of hawthorn and leylandii, with the odd ash and sycamore) are identified. The 50+ item mixed hedge runs eastward into the site from its western boundary.

With the exception of a single tree identified as being Category A, and three being Category B, the remainder are identified as Category C.

The proposed scheme would retain the Category A tree (located immediately adjacent to Constable Road) and involve the removal of the remaining trees and 50+ item mixed hedge. Simultaneously, the proposal's Landscape Masterplan shows the planting of a total of 53 trees. It is also of key relevance that the proposal retains the woodland area at the north-west portion of the site as a key feature and seeks to integrate with it for optimum outcomes in landscaping and ecological terms. Also retained are the boundary hedgerows, which form a significant feature of the site, as well as contributing to the character of the area.

As the scheme involves the retention of the woodland area and the best quality and most prominent tree within the site and proposes significant new tree planting, the scheme is acceptable in landscaping terms. As such the proposal would meet with the requirements of the relevant policies referred to above.

The landscape masterplan provides communal gardens, a kitchen garden and a communal plaza. There will also be a mix of hard and soft landscaping featuring benches and pergolas. Overall, the submitted details are considered satisfactory, and more precise information will be secured by condition.

The proposal is considered to satisfy the requirements of the relevant local and national policies in this regard.

Sustainability

Core Strategy Policy CS24 seeks to maximise the use of previously developed land for new homes. Development of this site will contribute towards the achievement of this aim.

Core Strategy Policy CS64, which relates to climate change, resources and sustainable design of developments, requires that all new buildings to be designed to reduce emissions of greenhouse gases and function in a changing climate.

Core Strategy Policy CS65, which relates to renewable energy and carbon reduction, requires that all significant developments should provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

These policies are consistent with the NPPF (para. 157) which states that in determining planning applications, Local Planning Authorities should expect new development to:

a) Comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant,

having regard to the type of development involved and its design, that this is not feasible or viable; and

b) Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

A Sustainability Statement has been provided with the application and acknowledges the importance of energy efficiency, material selection and drainage. Measures such as thermal fabric efficiency, air tightness and effective heating controls will be incorporated. Overall, the requirements of Policy CS65 are understood, and it is stated that the unit types will achieve a saving of at least 10% in energy demand.

A condition will be imposed to ensure appropriate measures are implemented, thereby complying with the above policy's requirements.

The Climate Change and Design SPD (at Guideline CC1) requires the provision of green roofs (covering at least 80% of the roof space) for major schemes, unless it's shown to not viable or if they would be incompatible with other design and conservation considerations.

For sound design reasons the proposed buildings use pitched roofs. These make the utilisation of green roofs impractical and in this instance, it is considered appropriate not to pursue them.

The proposal is considered to be satisfactory in regard to the above local and national policies covering sustainability issues.

Residential Amenity

UDP Policy H14 'Conditions on Development in Housing Areas' permits new development provided that:

(c) the site would not be over-developed or deprive residents of light, privacy or security or cause serious loss of existing garden space which would harm the character of the neighbourhood; and

(d) it would not suffer from unacceptable air pollution, noise or other nuisance or risk to health or safety.

This is in line with NPPF paragraph 130 f) which states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Noise and Disturbance

The site is in a residential area, although vehicular movements at Blackstock Road are reasonably high. No noise assessment was required as part of the application. However, to ensure that the residential accommodation achieves a satisfactory internal noise climate, conditions are recommended to be imposed.

The construction works will take place near to existing residential properties, and as such there is a potential for impact on existing residents as a result of noise, vibration, dust, and light from site security. It will therefore be necessary to require the developer to provide a Construction Environmental Management Plan (CEMP), which will cover all phases of any site clearance, groundworks and above ground level construction. This will ensure that the amenity of existing residents will be maintained during the construction phase. An appropriate condition will be imposed.

Odours

The proposed development will provide a café facility in the main block, which will serve the residents and be open to the public. At this stage it is not clear as to what type of cooking will take place on the premises. Careful consideration will be required of how fume extraction systems will be ducted to achieve dispersion at height if any commercial kitchen is proposed. There is a potential for noise from any proposed fume extraction systems and so to ensure that future residents of the building will not be adversely affected by odours and noise from any future fume extraction system, appropriate conditions will be imposed to secure full details of such equipment.

The proposed café and community hall will be an integral part of the main block and will primarily serve the needs of future residents. It is not considered that the operation of these facilities will create any additional noise which is to the detriment of future residents of the building and as such, it is not considered necessary or appropriate to impose conditions to restrict opening hours.

Amenities of Future Occupiers and Existing Residents

Future Occupiers

The proposal will provide 1 and 2 bed apartments. All the apartments are Category 2 adaptable homes in line with Approved Document M (Building Regulations), and 10% of homes are Category 3 wheelchair accessible.

The internal layout will achieve current space standards and will provide sufficient natural light and outlook to the individual apartments and rooms.

The residential accommodation will feature several breakout spaces and communal areas across the respective floors. There will also be resident access to the community café and meeting facility. All units will have their own balconies and access to the communal gardens, which will feature outside seating and provide a secured landscaped environment.

Each section of the building will be served by appropriate bin storage facilities, cycle storage facilities and mobile scooter accommodation. Residents will have access to the communal hall facility and café also.

The layout of the buildings is arranged to avoid any significant overlooking between individual apartments. The buildings' shape and orientation enable all apartments to gain am and/or pm sunlight.

The outlook achieved from the apartments will be acceptable, giving views over adjacent open fields, the communal gardens or the activity found on neighbouring streets.

Existing Residents

Regarding impacts on existing residential properties a number of concerns have been raised within representations. However, the proposal is not considered to have adverse effects. The nearest properties on the opposite side of Blackstock Road would be separated by approximately 30 metres from the proposal. Whilst the relevant facing elevation features habitable windows and balconies, this separation distance along with the intervening highway, would prevent the generation of any harmful overlooking and resulting harms to privacy. Also, the separation distance is adequate to ensure that the proposed building, which includes a 4-storey portion at the Blackstock / Constable Road junction focal point would not have overbearing impacts, either visually or in regards to loss of sunlight to neighbours on the opposite side of Blackstock Road.

The nearest properties to the north (Ironsides Walk) do not have a view directly out toward the end elevation of the proposal. The end elevation includes 3 non-habitable windows and 6 secondary windows to habitable spaces. It is separated from the nearest neighbour by approximately 27metres. Other Ironsides Walk properties do have a more direct view of the proposal, but these are separated by approximately 35metres from the proposal. Whilst it is proposed to raise land levels by 600-700mm in this portion of the site, the absence of primary habitable windows, the respective separation distance and the communal open-space nature of the intervening area adjacent to the neighbouring properties means there is not considered to be any potential for detrimental effects caused by overlooking, overbearing or loss of light impacts.

The residences to the south (Constable Road) are separated by approximately 40 metres. This is considered adequate to prevent any detrimental impacts upon privacy, particularly with the intervening highway. The separation distance would also prevent the generation of overbearing impacts.

Overall, the proposal is considered to avoid leading to significant impacts of overlooking and overbearing, and to avoid any significant loss of light to existing neighbouring properties.

On this basis, it is considered that the proposed development will provide acceptable accommodation for future residents of the site. It is also considered that amenities of existing residents will not be adversely affected. As such, the proposal will accord with UDP Policy H14 and the relevant NPPF paragraphs.

Highways

UDP Policy H14 'Conditions on Development in Housing Areas' permits new development provided that (b) new development would be well laid out with all new roads serving more than five dwellings being of an adoptable standard; and (d) it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

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

The site is in a location which offers a high frequency bus route, giving good links to the city centre.

The proposal seeks to take access from Constable Road. This is because the site's topography does not enable taking access from Blackstock Road without excessive and prohibitive releveling works. Constable Road is considered to form an acceptable location for the primary access. The layout provides safe access/egress to all buildings, with adequate manoeuvring available for service and emergency vehicles.

The level of traffic generated by the proposal is estimated as 14 two-way trips in the AM peak (0800-0900) and 15 in the PM peak (1700-1800). The Highway Officer confirms that this level of additional vehicular movement can be accommodated on the highway network with no adverse impact on either capacity or safety.

The development comprises of 81 apartments for older people (Aged 60 yrs+). The current Sheffield City Council Parking Guidelines do not provide information specific to this type of use. Provision for similar types of use has been based on 1 space per 3 units. The proposed provision of 43 bays is higher than this, however this is considered prudent given that it is likely that the proposal will feature a degree of staffing and home-visits from care professionals depending on resident's requirements, and as it is vital to ensure that the development does not create any significant level of on-street parking demand. It is therefore considered that the proposed level of parking is acceptable.

Secure cycle parking and scooter parking provision will be made available as part of the development. Full details will be covered by condition.

Subject to conditions relating to a travel plan to encourage future occupants and staff towards more sustainable forms of transport and in relation to cycle/scooter storage, the proposed development is considered acceptable, with no adverse impact on the highway network. As such, the proposed development will accord with UDP Policy H14 and the NPPF.

Drainage

Core Strategy Policy CS67 requires developments to significantly reduce surface water run-off from the site.

A Drainage Strategy has been submitted and reviewed by Yorkshire Water. They confirm no objection to the proposed drainage strategy, and advise a condition is applied securing implementation of this. The strategy identifies that surface water will discharge to the nearby watercourse, with connections being subject to Environment Agency and Local Land Drainage Authority requirements.

Should the agreement of the Environment Agency/Drainage Authority not be secured alternative arrangements will need to be devised. This could potentially involve discharge to the public sewer, although further consultation with Yorkshire Water would be required around this.

Appropriate conditions will be applied to cover these circumstances.

Ecology

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

Paragraph 174 of the NPPF states that development should minimise impacts on and provide net gains for biodiversity. The local policy requirement to protect and enhance the nature environment strongly reflects the relevant policy in the National Framework and so can be offered substantial weight.

The key principle of the NPPF is to conserve and enhance the natural environment. The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

A Preliminary Ecological Assessment (PEA) was submitted at the outset of the application. This has been followed with an Ecological Impact Assessment document (EclA).

The PEA has been reviewed by the City's Ecologist. It is noted that it was completed in late October (which is a sub-optimal time of year) and that it is two years old and so is at the end of its shelf life. This is considered acceptable as it has been followed by further survey work through the summer of 2021, and the recent submission of a report detailing these surveys.

The Council's Ecologist agrees with the PEA's main recommendations, which are:

- Retain the block of woodland (NW corner of the site) and all boundary hedgerows. Enhance these where possible with additional native species planting.
- On-site lighting (during the construction phase and in the completed development) should avoid illuminating ecologically sensitive areas such as

the block of woodland, hedgerows and the strip of woodland (at the east of the site).

- Clearance of scrub vegetation to avoid the bird nesting season (March 1st – August 31st). If this is not possible, a check must be made by a suitably qualified ecologist.
- Best practice measures as per the PEA for the protection of terrestrial mammals during construction works.

In addition, a number of additional biodiversity enhancements are recommended, covering bat and bird boxes, native landscaping and bee/insect hotels.

As mentioned, the additional EclA has recently been submitted, making a number of recommendations. These are as follows and are also agreed with by the Council's Ecologist. The recommendations are as follows:

- Hedgerow to be reinforced with additional planting. A wildlife corridor to be formed by a 3-4m wide strip of unmanaged vegetation along the hedgerow.
- 8 bat boxes to be incorporated around the site.
- Provision of an artificial sett to compensate for the loss of the badger sett discovered as part of the EclA investigation works. To involve South Yorkshire Badger Group. Artificial sett to be within fenced, woodland area.
- 8 bird boxes to be incorporated into site, to compensate for the loss of the trees / shrubbery within the site and the loss of some nesting opportunities.

These suggested measures are considered appropriate by the Council's Ecologist, and as a result a Biodiversity Enhancement Management Plan will be required by condition as part of the approval.

Land Contamination

A Phase 1 Geo-Environmental Preliminary Risk Assessment and a Phase 2 Geo-Environmental Intrusive Investigation have been submitted with the application. The Environmental Protection Service (EPS) has reviewed the documentation and confirmed that it is satisfactory.

Conditions will be imposed to ensure a Remediation Strategy is prepared, approved and followed, and that such remediation measures are appropriately validated.

Archaeology

The main issue relevant to the site is the potential for as yet unknown archaeological evidence to survive in any undisturbed areas. The submitted archaeological desk-based assessment doesn't go into detail about the extent of disturbance that would have been caused by the construction and demolition of the school. However, the Phase 2 geo-environmental report on test pitting and boreholes provides additional useful information, saying "Made ground was encountered across the entire site... likely associated with the demolition of the former structures".

Therefore, it is indicated that the site has been disturbed, even outside the footprint of the former buildings, which indicates a low potential for archaeological evidence to survive. As a result, the South Yorkshire Archaeology Service do not have any comments to make in relation to the proposal.

Public Art

No details have been provided relating to public art, however UDP policy BE12 requires the provision of public art as an integral part of major developments. It is recommended that a condition is imposed upon any approval which requires the Applicant to put forward a strategy that includes a timetable for the design development, implementation on site and completion date etc. This would achieve compliance with Policy BE12.

Broadband

A strategy has been agreed across the region to secure broadband infrastructure/connections in new development, in order to promote connectivity. Currently this is being achieved through the planning system, and therefore a condition requiring the provision of full-fibre broadband capabilities will be incorporated into any approval.

Community Infrastructure Levy

The proposal will provide old persons independent living accommodation, which comes under retirement, assisted living accommodation, and as such will be exempt from a contribution under the Community Infrastructure Levy (which was introduced in July 2015).

RESPONSE TO REPRESENTATIONS

The majority of comments raised in representation have been addressed above. In regards to the remaining points, the additional feedback can is provided:

- The planning system does not give any protection of views, and as a result this issue does not form a material planning consideration.
- Reference is made to the '45 degree rule, which is understood to relate to an aspect of the Council's Designing House Extensions – Supplementary Planning Guidance and applies to 1st floor level extensions adjacent to boundaries. As such, it is not relevant to the current assessment.
- The Tree Survey contains accurate and adequate information. The additional ecological survey work has been included in an additional Ecological Impact Assessment document.
- Implications upon surrounding residents are considered as part of the general planning assessment, but there is no submission within the application that assesses these matters.
- It is identified that vehicle movements are not significant, and therefore the scheme would not lead to negligible implications in air quality terms.
- Impact of development on house prices does not form a material planning consideration.

- The application is required to be considered on its merits, and it is not possible to simply conclude that the site should instead be left for public access. However, it is worth noting that a portion of the site will continue to be available for public access.

SUMMARY AND RECOMMENDATION

The redevelopment of this site is welcomed, and it will make a significant contribution to the Council's 5-year housing supply and to the City's specific housing needs. It is considered that the proposal represents a well-considered sustainable scheme which responds well to the site context.

Having regard to all the key issues which have been addressed in this report, it is considered that the development is in accordance with the Development Plan and the National Planning Policy Framework and will provide wider public benefits which in this case is the significant contribution of affordable specialist older persons housing, which is currently in short supply given the ageing population, and the redevelopment of the site with a high-quality sustainable development.

As Sheffield cannot demonstrate a 5-year housing supply, the "tilted balance" applies in this case and the most important policies for determining the application are automatically considered to be out of date. It therefore follows that planning permission should be granted for this development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The report demonstrates that the benefits in this case very clearly outweigh any minor harm. It is therefore recommended that planning permission be granted subject to the listed conditions.

Case Number	20/04453/FUL (Formerly PP-09335987)
Application Type	Full Planning Application
Proposal	Erection of 4x dwellinghouses with parking provision and associated works (amended plans)
Location	Land Adjacent 19 To 41 Walkley Lane Sheffield S6 2NX
Date Received	14/12/2020
Team	West and North
Applicant/Agent	Space Studio
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing No. A19-145-02 - Rev E (PROPOSED GROUND FLOOR SITE PLAN)
Published 07.12.21

Drawing No. A19-145-02-1 Rev A (PROPOSED SITE PLAN 45M VISIBILITY
SPLAY) Published 07.12.21

Drawing No. A19-145-03 - Rev E (HOUSE TYPE A AND B GROUND FLOOR
PLAN) Published 07.12.21

Drawing No. A19-145-03-1 - Rev F (HOUSE TYPE A AND B FIRST FLOOR
PLANS) Published 07.12.21

Drawing No. A19-145-03-2 Rev A (FULL SITE-GARDEN PLAN) Published
07.12.21

Drawing No. A19-145-04 - Rev C (HOUSE TYPE A AND B SECOND FLOOR
PLAN) Published 10.11.21

Drawing No. A19-145-04-1 - Rev A (HOUSE TYPE A AND B ATTIC FLOOR
PLAN) Published 10.11.21

Drawing No. A19-145-04-2 - Rev A (HOUSE TYPE A AND B ROOF PLAN)
Published 10.11.21

Drawing No. A19-145-05-1 - Rev E (PROPOSED FRONT ELEVATION) Published

07.12.21

Drawing No. A19-145-06 - Rev E (PROPOSED REAR ELEVATIONS) Published 07.12.21

Drawing No. A19-145-07 - Rev E (PROPOSED SIDE 1 ELEVATION) Published 07.12.21

Drawing No. A19-145-08 - Rev E (PROPOSED SIDE 2 ELEVATION) Published 07.12.21

Drawing No. A19-145-05 - Rev E (PROPOSED STREET ELEVATION) Published 07.12.21

Drawing No. A19-145-01 - Rev A (site location plan) Published 14.12.20

Reason: In order to define the permission.

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

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

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

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

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

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

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

6. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

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

commence.

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

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

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

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

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

9. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

10. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

11. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to

validation of capping measures and validation of gas protection measures.

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

12. Prior to the development being brought into use full details of the measure that will be incorporated into the development to bring about net gains for biodiversity shall be submitted to the Local Planning Authority for approval. The measures shall thereafter be implemented and retained in accordance with the approved details.

Reason: To bring about net gains for biodiversity.

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

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

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

14. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

15. 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.

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

- Windows (including reveals to min. depth of 100mm)
- Balconies (including privacy screens)

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

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

17. Should the clearance of trees take place within the bird nesting season (March to August inclusive) a pre site clearance check shall be carried out by a suitably qualified ecologist to establish the presence of nesting birds. If active bird nests are present clearance works should only proceed once all chicks have fledged.

Reason: In order to ensure that nesting birds are not adversely affected by the development.

18. A comprehensive and detailed hard and soft landscape scheme for the site, including details of the green roof to the bin store, 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.

19. The approved landscape works, including the green roof to the bin store, shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the Local Planning Authority. Thereafter the landscaped areas (and aforementioned green roof) shall be retained, cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

20. Details of a suitable means of site boundary treatment, including details of any work required to existing boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the development shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

21. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:

- a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.
- b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

22. Before the use of the development is commenced, Validation Testing of the sound insulation and/or attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

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

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

23. Prior to the development becoming occupied, suitable and sufficient, secure and sheltered bicycle parking accommodation shall have been provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved cycle parking shall be retained/maintained for the sole purpose intended

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

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

Reason: To ensure satisfactory car parking accommodation.

25. The development shall not be used unless the visibility splays indicated on the approved plans have been provided in accordance with those plans, entailing removal of the existing front boundary wall, overgrown vegetation, and widening of the adopted footway to run concurrently with the visibility splay. Full construction details of these works are to have first been submitted to and approved in writing by the Local Planning Authority.

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

Other Compliance Conditions

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings,

swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellinghouses shall be constructed without prior planning permission being obtained from the Local Planning Authority.

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

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. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact:

Highway Adoptions
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Email: highwayadoptions@sheffield.gov.uk

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

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

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

Tel: (0114) 273 6349

Email: james.burdett@sheffield.gov.uk

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

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

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

5. 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.

6. 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.
7. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:

Reference to permitted standard hours of working:

- 0730 to 1800 Monday to Friday
- 0800 to 1300 Saturday
- No working on Sundays or Public Holidays

Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.

A communications strategy for principal sensitive parties close to the site. Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for:

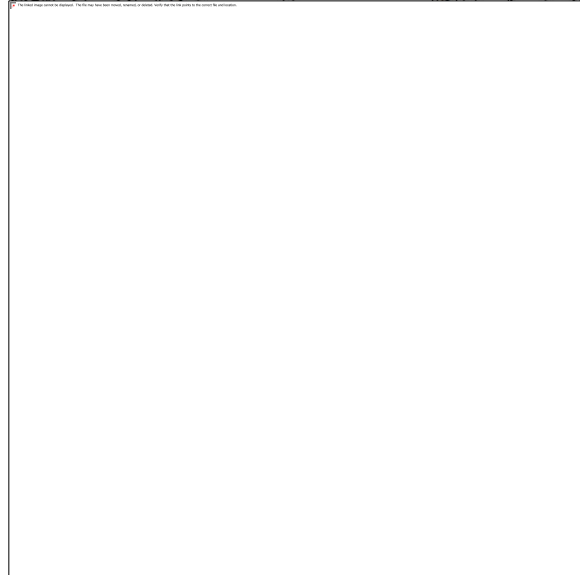
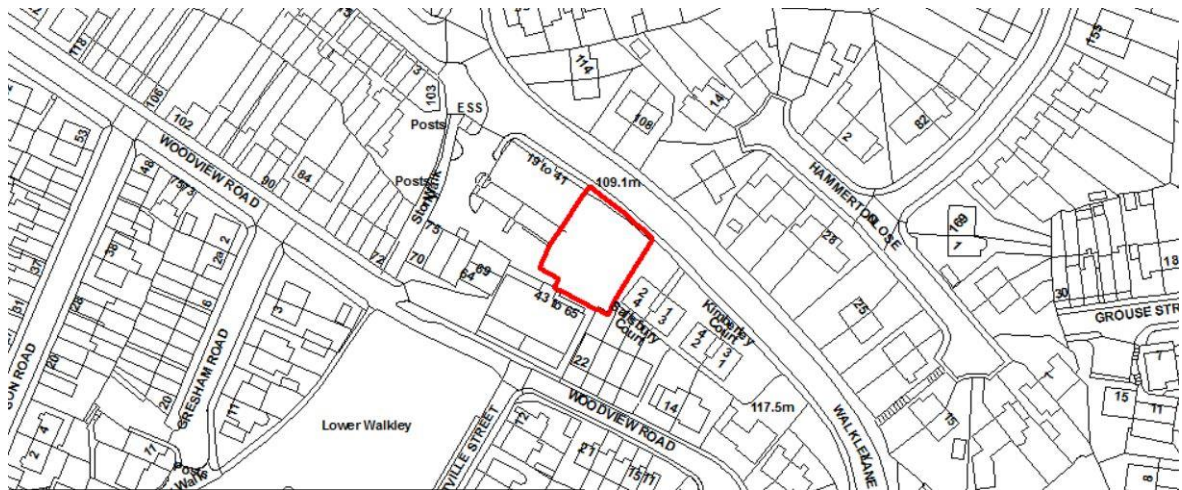
- Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
- Vibration.
- Dust - including wheel-washing/highway sweeping; details of water supply arrangements.

A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.

A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.

Details of site access & egress for construction traffic and deliveries.
A consideration of potential lighting impacts for any overnight security lighting.
Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at eps.commercial@sheffield.gov.uk.

Site Location



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LOCATION AND PROPOSAL

The site lies within an allocated Housing Area as defined in the adopted Sheffield Unitary Development Plan (UDP). The surrounding area is residential in character, incorporating a mixture of housing types.

The site comprises of a vacant and overgrown parcel of land which is elevated above the highway and sits between two residential blocks on Walkley Lane: to the south-east two short terraces of three storey townhouses with integral garages constructed in red brick, and to the north-west a three to four storey, stone built apartment block. Opposite the site along Walkley Lane are semi-detached properties which are set back from the road and on a much lower level. To the rear of the site is a large stone retaining wall along the boundary, beyond and elevated above which is a further three to four storey stone built apartment block.

The application seeks planning permission to erect 4 dwellings with undercroft car parking. Amended plans have been received during the application process following negotiations with the agent.

REPRESENTATIONS

25 representations from 20 properties have been received objecting to the proposal.

It is noted that Cllr Bernard Little objected to this application in January 2021, prior to becoming a Green Party Councillor for the Walkley Ward.

The following material concerns were raised:

- the exit onto Walkley Lane is dangerous due to poor visibility.
- highway safety would be adversely affected due to increase in traffic, during the construction phase and once the properties are sold.
- the development will exacerbate existing parking problems.
- the development will overshadow and result in a loss of light to neighbouring properties.
- the development represents an overdevelopment of site in an already densely populated area.
- the development will cause increased overlooking, noise and general disturbance.
- the scale and massing of the proposed development will be detrimental to the character of Walkley Lane.
- the proposed development will be overshadowed by the existing buildings.
- the development will result in the loss of green space and wildlife (site is used by foxes).
- the proposed trees will block light, cause debris and affect the structure of neighbouring buildings.
- the existing tree in the south-east corner is too close to neighbouring buildings, suffers from defects and should be removed if planning permission is granted.

- bin collection concerns.
- the development will have a large carbon footprint.
- there is not enough green space between buildings.

Non-Material Issues:

- this land was designated a garden/recreation area by the developers (of the adjoining development) but never provided.
- loss of views.
- concerns relating to the future maintenance of adjoining land.
- would prefer site used as amenity space.

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 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 nor is it adjacent to any protected areas or assets of particular importance which should be taken into consideration in the tilted balance process.

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.

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, states that Housing on greenfield sites should not exceed more than 12% of completions and should (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 the site constitutes greenfield land. However, the site is sustainably located and is a small site within an urban area. 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 approach, so therefore the proposal is acceptable in principle.

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 the highest density in the most accessible locations down to lower densities in suburban locations with less accessibility. The need to make efficient use of land is reflected in paragraph 125 of the NPPF which states that 'where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.' Policy CS26 is therefore considered to carry substantial weight in the 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, part c) of policy CS26 is relevant. It states that a range of 40-60 dwellings per hectare is appropriate where a development is near to Supertram stops and high frequency bus routes in urban areas. The site is less than 500m from Supertram and on a key bus route. The application site is approximately 0.60 hectares and the 4 proposed units would give a density of

approximately 67 dwellings per hectare. This figure, although slightly above the suggested range in CS26, makes efficient use of the site whilst maintaining the area's character (by reflecting the scale and appearance of neighbouring properties - discussed in more detail below). It is also worth noting that density is less meaningful on small sites as a small change of one unit can make a significant difference to the density calculations. Furthermore, the prevailing character of the wider area is a mix of flats, townhouses and terraced dwellings which are close to the back edge of the footpath and at relatively high density.

The proposed density of 67 dwellings per hectare reflects the character of the area and is considered acceptable in policy terms providing that the resulting scheme would provide acceptable living standards, which is assessed in the sections below.

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

Design

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 states that development which is not well designed should be refused.

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

The development proposal seeks to provide two pairs of semi-detached residential dwellings (four in total) with undercroft car parking. Due to the topography of the area, which rises steeply up from the north, the building will be cut into the slope, resulting in three above ground storeys to the front, facing Walkley Lane, and two storeys to the rear, plus accommodation in the roof.

Access into the site will be taken at the western end of the Walkley Lane frontage. The shared parking area will be partially screened from the street by a brick boundary wall and brick built bin store with green roof.

The proposed properties will be clad in grey brick on the lower level and red brick on its main facades. The windows are shown to be grey upvc windows, with brick soldier course detailing above. Glazed balconies are proposed at first floor level on the front elevation.

The proposed building will sit slightly behind and at a similar scale to no.s 41-91 Walkley Lane to the immediate west, with an inset of approximately 1.5m from

much of the common boundary. To the east it will project forward of no.s 5 (Kimberley Court) and 7 (Salisbury Court) Walkley Lane, which sit at a higher level and are set away from the common boundary. In this location the development sits comfortably between and mitigates the existing differences in the positions of the neighbouring property's principle elevations.

There are a mixture of house styles and designs in the surrounding streets. The proposed development takes a simple contemporary approach to its design. The proposed dwellinghouses are of a scale and mass that respects the character of the area and as amended, they are considered to sit comfortably within the existing urban street scene.

The proposal therefore complies with H14, BE5, CS74 and paragraphs 126 and 130 of the NPPF.

Living Conditions

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

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 can be given significant weight.

Impact on Neighbouring Occupiers

Relevant Guidelines in the adopted Supplementary Planning Guidance on Designing House Extensions relating to overbearing and overshadowing impacts, privacy and overlooking include: the requirement for two storey dwellings which face directly towards each other to have a minimum separation of 21 metres (guideline 6); 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 (guideline 5). These guidelines are reflected in the South Yorkshire Residential Design Guide (SYRDG), which Sheffield considers Best Practice Guidance, but which is not adopted as Supplementary Planning Guidance.

The closest neighbouring properties to the application site are those flats along Woodview Road to the rear of and elevated above the site and no.s 5-7 and 41-91 Walkley Lane. Dwellings on the opposite side of Walkley Lane sit below the level of the highway a minimum of 26 metres away.

Main habitable windows in the proposed development are located in the front and rear of the properties. No windows are proposed in the gable ends. The rear elevations of the proposed properties are located approximately 15m from the rear elevations of the flats on Woodview Road. However, these neighbouring properties are elevated to a degree that they will more or less have views over the roof of the proposed dwellings. Openings in the rear elevation of the proposed properties will look onto the existing high retaining wall that runs along the rear boundary. As such the privacy levels of neighbours will not be compromised.

Both No.s 5-7 and 41-91 Walkley Lane are clear of the 45 degree angles of clearance designed to prevent unreasonable overbearing or overshadowing impacts. No.s 5-7 also sit at a higher level and have garage accommodation on the ground floor.

The proposed rear gardens are raised above street level (with parking below), approximately 1.4m above the level of the terrace immediately to the rear of no.s 41-91 Walkley Lane. In order to prevent the proposed boundary treatment from having an overbearing impact on this neighbouring terrace, the building and a part of the rear garden have been set away from the common boundary by 1.4m. This separation also improves the streetscene elevation and will allow access for the future maintenance of both sites.

Amenity for Future Occupiers

Occupants of the proposed dwellings will have good sized living accommodation over three floors and access to good sized rear gardens in excess of the 50 sq.m required by guideline 4 of the SPG. The rear gardens, though south facing, will be in shadow for parts of the day due to the site's topography and presence of development to the rear, but they will receive some direct light and occupants will also benefit from first floor north facing balconies and windows with wide views across the valley to the north.

No.s 2-4 Walkley Lane sit further away from Walkley Lane than the proposed dwellings. As there are no openings in the gable of this property it does not overlook the application site. It does have the potential to cause some overshadowing of the rear gardens of the proposed properties, particularly in the winter months, but only in the mid-morning.

It is considered that the proposed dwellings offer good quality living accommodation and that the amenities of the occupants of neighbouring properties will not be adversely affected to any significant degree. The application therefore complies with policy H14 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.'

The 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 proposed development has gone through design changes in order to achieve acceptable visibility splays for motorists leaving the site. The initial plans drew objections from the local community on highway safety grounds, and officers shared these concerns in relation to visibility. However, the amended ground floor design relocated the car park access from a central position, to one at the western end of the site frontage. The existing boundary wall and vegetation that protrudes into the highway will be removed, and the visibility splay tarmacked and incorporated into the adopted footway. By undertaking these design changes, the applicant has achieved a visibility splay to the right of 2.4 metres x 46 metres, which is more than sufficient for a 30 mph design speed. In relation to visibility to the left, it is possible to see almost to the apex of the bend in Walkley Lane, just before Lonsdale Road. Accordingly, the visibility splays now accord with national design guidelines, and have been superimposed on a topographical survey to be sure of accuracy.

The vehicular access is 5 metres wide, thereby allowing cars to enter and leave simultaneously. Eight car parking spaces are proposed, with on-site turning space. No indication of bicycle parking is given, so a condition is recommended.

Whilst there will be a small increase in traffic generation from occupiers and visitors to the proposed development, it is not considered that there would be a significant increase in traffic on Walkley Lane that would materially impact on the operation of the highway.

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 should have a maximum of 2 spaces, in addition 1 visitor space per 4 houses should be provided. For this scheme that equates to 8 spaces, plus 1 visitor space. Whilst no visitor space is shown, the site is located in a sustainable location with easy access to public transport and facilities in nearby Hillsborough and Walkley. The lack of 1 visitor space is not considered to justify

refusal in this instance, particularly as the guidelines are maximum standards and bearing in mind the more up to date guidance in NPPF paragraphs 107 and 108.

It is considered that the access arrangements are safe and that a sufficient amount of car parking is proposed. Accordingly, the proposal is considered to comply with the UDP, Core Strategy and NPPF policies 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.

Landscaping and 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.

Policy GE15 'Trees and Woodlands' states that trees and woodlands will be encouraged and protected by planting trees and requiring developers to retain mature trees.

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 on the basis that paragraph 130 expects appropriate and effective landscaping and paragraph 131 recognises the contribution of trees to the quality of urban environments. Paragraph 180 sets out principles to ensure that biodiversity and habitats are protected.

A tree report was submitted with the application. It identified the presence of Ivy and Buddleia, now considered an invasive pest. Ash trees are growing in front of the site, against the retaining wall, but these have been cut leaving only metre-tall stumps. In the north west corner of the site is a self-sown Pussy Willow growing behind the gate post, which was probably the original entrance to the site. The tree is very close to the neighbouring property and is recommended for removal.

The most significant tree on the site is a Sycamore growing on a mound of spoil in the south east corner of the site and surrounded by Sycamore saplings. It is approximately 13 metres tall and very close to the boundary wall, with the majority of its crown hanging over the boundary close to the neighbouring properties to the east and south. The spoil in which this tree is growing appears loosely-tipped spoil and is unlikely to provide much stability. It is recommended that the Sycamore be removed before any construction work commences.

The Council's landscape officers are in agreement with the recommendations of the tree report, concluding that retention of the remaining trees cannot be justified.

Some replacement planting can be secured through the recommended condition for hard and soft landscaping, along with the proposed green roof to the bin store.

An outline ecological assessment was undertaken in November 2021. It found the site to be overgrown, largely with bramble, grasses and ivy, with occasional regenerating trees.

The semi-mature Sycamore in the south east corner of the plot was found to have no bat potential, though it could support some nesting bird species.

The site is isolated within an urban setting and ecological connectivity value is considered low. There was no evidence of any protected species. One mammal trail was identified, most likely created by an urban fox.

In overall terms the site is of low ecological value. The loss of the existing green space is acknowledged, but the site is overgrown, inaccessible and unused. The site is designated for housing in the UDP and Sheffield is currently unable to demonstrate a five-year supply of deliverable housing sites.

Consequently, the proposal is considered to comply with the UDP, Core Strategy and NPPF policies listed above.

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.

Policy CS 64 'Climate Change, Resources and Sustainable Design of Developments' states that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and function in a changing climate. All developments will be required to:

- achieve a high standard of energy efficiency;
- make the best use of solar energy, passive heating and cooling, natural light, and natural ventilation; and
- use resources sustainably.

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.

The site is located within the main urban area close to a wide range of amenities and transport options. The scheme proposes double-glazed sealed units, energy saving and motion sensor lighting. The applicant also proposed the use of solar/photovoltaic panels.

As the application is for 4 dwellinghouses only, conditions can not be imposed to secure on-site renewable or low carbon energies, however the proposal is considered to meet the general local sustainability policy requirements of CS63 and CS64 and the NPPF.

Environmental Issues

Environmental Officers have raised no significant objections to the development. From their records the site is identified as potentially influenced by former contaminative uses and as such conditions for ground investigations are recommended.

As Walkley Lane is a well trafficked local road and bus route, conditions for sound insulation are recommended to mitigate road noise.

Flood Risk/Drainage

Policy CS67 'Flood Risk Management' of the Core Strategy states that, amongst other things, the extent and impact of flooding should be reduced through a series of measures, including limiting surface water run-off through the use of Sustainable drainage systems (Suds).

This element of Policy CS67 is considered to align with paragraph 167 of the NPPF which states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

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 run-off, permeable paving to all hardstanding areas is proposed. In addition, a condition requiring the details of surface water drainage works is recommended.

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

Community Infrastructure Levy

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

SUMMARY AND RECOMMENDATION

This application seeks planning permission for the erection of 4 dwellinghouses. Sheffield has updated its 5 year housing land supply position to reflect the deliverability of sites as at 1 April 2021 and can 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 should be considered automatically out-of-date according to paragraph 11(d) of the NPPF. 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 the delivery of housing. The provision of 4 additional homes will contribute to meeting the current shortfall. There would be economic benefits though expenditure in construction, in the supply chain and in local spending from residents. There are sustainable design features including solar PVs. The proposal is not considered to create any significant highway safety issues. The scheme proposes a development at an appropriate scale and mass which sits comfortably within the street scene and there are no harmful impacts on occupiers of neighbouring properties.

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 NPPF, the application is recommended for approval subject to the proposed conditions.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 21 December 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 City Council for the refusal of planning permission for the erection of front and rear dormers to increase habitable roof space at 12 Kaye Place, Sheffield, S10 1DY (Case No: 21/02871/FUL).
(ii) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the erection of first-floor front extension to dwellinghouse at 21 Greenacre Way, Sheffield, S12 2TZ (Case No: 21/02616/FUL).
(iii) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the erection of 15.0m high monopole with wraparound base cabinet and associated ancillary works (Application for determination if approval required for siting and appearance) at land opposite 53 East Road, East Bank Road, Sheffield, S2 3PX (Case No: 21/02433/TEL).
(iv) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for alterations to roof to form additional habitable accommodation including erection of front and rear dormers to dwellinghouse at 100 Fulton Road, Sheffield, S6 3JN (Case No: 21/02256/FUL).
(v) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for permanent clear glazing to oriel window facing no. 23 Stumperlowe Park Road (Application under Section 73 to remove/vary condition 4 (obscure glazing) of planning permission no. 18/02587/FUL (Erection of a two/single-storey rear extension to dwellinghouse including Juliet balcony, first-floor front extension and raised patio to rear)) at 25 Stumperlowe Park Road, Sheffield, S10 3QP (Case No: 21/02191/FUL).
(vi) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the erection of two-storey

side extension to dwellinghouse at 45 Thorpe House Avenue, Sheffield, S8 9NH (Case No: 21/01963/FUL).

(vii) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the demolition of rear detached garage, erection of a two-storey side extension and single-storey rear extension, excavation of part of rear garden to form patio area and alterations and extension to front driveway of dwellinghouse (Amended Description) at 60 Woodstock Road, Sheffield, S6 6TG (Case No: 21/01644/FUL).

(viii) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for Alterations and extensions to roof to form additional habitable space including erection of rear dormer with Juliet balcony, erection of two-storey side extension, single-storey front extension and single-storey rear extension with raised decking to dwellinghouse at 11 Heather Lea Place, Sheffield, S17 3DN (Case No: 21/01469/FUL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 15.0m Monopole with associated cabinets and ancillary works (Application to determine if approval is required for siting and appearance) at land at Jessop Street near the junction with Eyre Street, Sheffield, S1 4QW (Case No: 21/01634/TEL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues in this case to be the effect of the siting and appearance of the proposal on the safety and mobility of pedestrians and cyclists; the character and appearance of the CIQ Conservation Area and whether any identified harm is outweighed by the benefits having regard to any alternative available sites.

They concluded that the siting of the equipment would compromise the safety and mobility of pedestrians and cycles due to the decreased width of the shared pedestrian cycleway and the resultant increase in the potential for conflict as a result.

On the impact on the conservation area, they concluded that the proposal would not harm the character and appearance because of the industrial and commercial nature of the area.

On the matter of alternative sites, the Inspector found that there was scant information provided by the appellant in this regard such that there was not enough evidence to say whether this was indeed the only available site in the search area.

The Inspector therefore dismissed the appeal on the basis of the harm it would cause to the safety and mobility of pedestrians and cyclists and the lack of evidence that it could not be sited elsewhere

within the search area

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a 17.5 m high streetpole with 6 antennas, 1 GPS module, 2 equipment cabinets and 1 meter (Application to determine if approval is required for siting and appearance) at Hastilar Road South at the junction of Richmond Road, Sheffield, S13 8EG (Case No: 20/04429/TEL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues in this case to be the effect of the siting and appearance of the proposal on the character and appearance of the area and the setting of a nearby listed building.

The Inspector noted that the mast would be much taller than nearby trees and street furniture and would be highly visible to passers-by. The large size would be visually discordant, out of scale and overly prominent in the setting.

They also concluded that the height of the mast would adversely impact on the setting of the Grade II Listed Church of St. Catherine of Siena and particularly compete with the bell tower and erode the dominance of this landmark building, which would harm its significance.

They therefore dismissed the appeal and also referred to the lack of evidence in terms of reviewing alternative, potentially less harmful sites, in the local area.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the continuation of use of part of ground floor of dwellinghouse (Use Class C3) as a cosmetics clinic (Sui Generis) at 8 Church Glebe, Sheffield, S6 1XA (Case No: 20/02676/FUL) has been dismissed.

Officer Comment:-

The main issues in this appeal were:

- the level of on-site parking provision and the resultant effect of the development on highway safety; and,
- the effect of the development on residential character and the living conditions of neighbours with regard to noise and general disturbance.

The Inspector found that, in practice the site has no more than two off road parking spaces for use in association with the cosmetic clinic and may on occasions only have one. The business employs two part time therapists, with one to two patients receiving treatment on site at any one time. This indicates a parking demand of four cars and, on occasions, more.

The Inspector acknowledged that a shortfall in on-site parking provision displaces parking onto the road and reduces the intervisibility between road users and children to the detriment of highway safety. It was also noted that the site is not well served by public transport.

In relation to the first issue, the Inspector concluded that the change of use of

part of the ground floor to a cosmetics clinic does not provide sufficient off-street parking and endangers pedestrians causing unacceptable harm to highway safety, contrary to policy H14 (d) of the Sheffield Unitary Development Plan (UDP) and paragraph 111 of the National Planning Policy Framework.

The clinic is open for appointments six days a week from 10:00 hrs to 18:00hrs on Mondays to Fridays and until 16:00hrs on Saturdays. The Inspector felt that a successful clinic would have a steady flow of clients throughout the day and that such frequent comings and goings, on a quiet, residential cul-de-sac with normally little traffic, would degrade its high quality residential character and harm the living conditions of neighbouring residents. The delivery of supplies in large lorries and vans collecting waste was also considered to be out of keeping with the character of the cul-de-sac.

In relation to the second issue the Inspector concluded that the development is detrimental to the amenities of the locality and the living conditions of nearby residents by virtue of the general disturbance and noise resulting from the vehicular activity it generates, contrary to policy H14 of the UDP and paragraph 130f of the National Planning Policy Framework.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the retention of terrace over single-storey rear extension and erection of 1.8m obscure screening (resubmission of 20/00197/FUL) at 18 Town End Road, Sheffield, S35 9YY (Case No: 20/01965/FUL) has been dismissed.

Officer Comment:-

The main issues were the effect of the development on the living conditions of the occupiers of neighbouring properties and the effect of the development on the character and appearance of the area.

The Inspector found that the proposed privacy screen would lead to the creation of an imposing structure of substantial height and length that would appear significantly oppressive and dominant in views from the patio and rear windows of the property to the east, resulting in harm to the living conditions of the occupiers of the neighbouring property contrary to Policy H14 of the Sheffield Unitary Development Plan, paragraph 130 of the National Planning Policy Framework and Guideline 5 of the Supplementary Planning Guidance Designing House Extensions (SPD).

However, as views of the development are likely to be limited to those gained from the gardens and yards of neighbouring dwellings and the roof terrace would only be partially enclosed by the screen, and taking into account the existing nature of the flat roofed extension and three storey building, the Inspector also found that the roof terrace and 1.8 metre high screen would appear subordinate and would not dominate the host dwelling, preserving the character and appearance of the area and complying with Policy H14 of the UDP, paragraph 130 of the National Planning Policy Framework and Guideline 2 of the SPD.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the demolition of outbuildings and erection of single-storey rear extension and rear undercroft garage/store with associated alterations to ground levels, provision of ramp, landscaping and associated works at 117 Machon Bank, Sheffield, S7 1GQ (Case No: 21/00480/FUL) has been allowed.

Officer Comment:-

The Inspector noted the main issue to be that of highway safety.

He noted the proposal involved a partly sunken garage with direct opening onto the highway (via footway) of Emily Road, and that the safety of pedestrians here was the Council's main concern owing to lack of visibility.

He also noted that the recent approval of a similar scheme on the opposite side of the road was an important material consideration that whilst not setting a precedent, was directly comparable.

He also noted the Council's concerns about the structural integrity of the highway owing to the partly sunken nature of the garage though considered these not to be a planning matter, but correctly resolved through other legislation (Highways Act).

He gave significant weight to the provision of off-street parking offering the potential for alleviating very high levels of on street parking in the area and considered this partly offset any concerns about pedestrian/vehicle conflict.

Influenced by the recent comparable approval, he did not consider the poor pedestrian/vehicle intervisibility would be harmful to highway safety, found no conflict with policy H14 of the UDP, or paragraph 111 of the NPPF and allowed the appeal.

(ii) To report that an appeal against the Committee decision of the Council to refuse planning permission for the demolition of public house, and ancillary buildings (Use Class A4), and erection of 8no dwellings (Use Class C3) including associated undercroft car parking and formation of access to the highway - (Amended drawings and Asset of Community Value (ACV) Statement) at The Plough Inn, 288 Sandygate Road, Sheffield, S10 5SE (Case No: 19/02130/FUL) has been allowed.

Officer Comment:-

The main issue in this case was the effect of the proposed development with regard to the loss of an Asset of Community Value (ACV).

The Inspector acknowledged that the status of the building as an ACV is a material consideration in the appeal and had no doubt that its listing in both 2015 and 2018 satisfied the tests of The Localism Act 2011 at that time. The Inspector noted, however, that there has been a significant amount of time since the public house closed and that in its present condition, general deterioration, and vandalism, it would not be a viable commercial enterprise.

The Inspector was not provided with any evidence to suggest that an application for an alternative community use is forthcoming or evidence of the PH coming forward as a viable community project with local stakeholders and so was not satisfied that it currently offers any community value, positively contributes to the local community or that there is a real prospect of the site being used in the future for a community use.

The Inspector considered that, on the basis of the evidence, it has been demonstrated that the appellant has extensively marketed the property for a satisfactory period and at an appropriate value. There is no substantive evidence of market demand for an alternative use of the PH or community use or project at the site during the last 3 years. Moreover, there are alternative provisions of nearby public houses and community facilities in the area that would meet the day-to-day living needs of nearby residents and the wider community.

With no realistic prospect of the PH and the site returning to its former use in the future the Inspector concluded that the proposal and the loss of the ACV would not lead to the reduction to the community's ability to meet its day-to-day needs. It would not be in conflict with paragraph 93 of the Framework, that has regard to community facilities and, although not cited on the decision notice, there would be no conflict with Saved Policy CF2 of the UDP.

Application for Costs

The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

The applicant made a costs application, submitting that the Planning Committee failed to provide adequate reasons or evidence for attaching significant weight to the status of the public house as an Asset of Community Value (ACV). Thus, the Council failed to produce evidence to substantiate the reason for refusal, which was against the recommendations of the Council's Planning Officer set out in their report to committee.

The applicant also contends that the Council have prevented or delayed development which should have clearly been permitted, having regard to its accordance with the development plan, national policy and any other material considerations, which includes benefits of the scheme.

PPG1 makes it clear that a local planning authority is at risk of an award of

costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis. A Council is not duty bound to follow the advice of its professional officers and this alone would not amount to unreasonable behaviour. However, if a contrary decision is reached the Council should clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.

The Inspector noted that it is open to the Local Planning Authority to decide whether listing as an ACV is a material consideration and the weight to be attached to it is one of planning judgement by the decision maker. In this case, the Planning Committee attached significant weight on the basis of the number of representations received and considered that there was still a likelihood that a community group or other interested party could come forward in the future.

The Inspector found, however, that the majority of representations were generalised and there was no objective analysis of the applicant's evidence submitted with the application at that time by members of the committee. There were also no objections raised from statutory consultees. Furthermore, the Planning Committee wrongly placed greater weight on the status of the public house being an ACV, on the basis there was a realistic prospect of the public house being brought back into use.

In addition, the minutes of the Planning Committee do not substantiate any meaningful discussion or consideration of the facts, including benefits or reference to the relevant development plan policies or policies in the Framework, that took place by Members, instead only offering the voting outcomes and general reference to policy regard. They do not set out the full reasons for refusal, which is substantially different in wording to that on the Council's formal decision notice.

As such, there is no substantive evidence to support a decision taken contrary advice to that of the planning officer, who fully addressed both local objections and marketing evidence during the course of the planning application, and recommended planning permission to be granted subject to conditions.

The Inspector concluded that the development should reasonably have been permitted, that it was refused on the basis of local knowledge, general and vague assumptions on the prospect of the public house being brought back into community use, and without any evidence to counter the assessments and conclusions made by the applicant.

The Inspector therefore found that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

(i) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the notice which is the unauthorised:

- (1) large scale landscaped rockery, with numerous ornamental plants;
- (2) large temporary building;
- (3) earthworks;
- (4) siting of a very large static caravan;
- (5) excavation works on the land.

At Donkey Field, land at junction with Long Lane and Hagg Lane, Sheffield, S10 5PJ (Planning Inspectorate Ref APP/J4423/C/21/3285589).

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

21 December 2021

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