

# Planning and Highways Committee

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**Tuesday 9 December 2014 at 2.00 pm**

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

**The Press and Public are Welcome to Attend**

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## **Membership**

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Councillors Alan Law (Chair), David Baker, Tony Damms, Jack Clarkson, Roger Davison, Tony Downing (Deputy Chair), Ibrar Hussain, Bob Johnson, Bryan Lodge, Roy Munn, Peter Price, Denise Reaney and Joyce Wright

## **Substitute Members**

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

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## **PUBLIC ACCESS TO THE MEETING**

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

A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You can also see the reports to be discussed at the meeting if you call at the First Point Reception, Town Hall, Pinstone Street entrance. The Reception is open between 9.00 am and 5.00 pm, Monday to Thursday and between 9.00 am and 4.45 pm. on Friday. You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

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

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

Further information on this or any of the agenda items can be obtained by speaking to Martyn Riley on 0114 273 4008 or email [martyn.riley@sheffield.gov.uk](mailto:martyn.riley@sheffield.gov.uk).

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## **FACILITIES**

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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.

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## PLANNING AND HIGHWAYS COMMITTEE AGENDA

### 9 DECEMBER 2014

#### Order of Business

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 8)  
Minutes of the meeting of the Committee held on 18 November 2014
- 6. Sheffield Conservation Advisory Group** (Pages 9 - 12)  
Minutes of the meeting of the Committee held on 21 October 2014
- 7. Site Visit**  
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 8. Objections to Tree Preservation Order No. 393: 2A Kingsley Park Grove** (Pages 13 - 34)  
Report of the Director of Regeneration and Development Services
- 9. Applications Under Various Acts/Regulations** (Pages 35 - 160)  
Report of the Director of Regeneration and Development Services
- 10. Objections to Tree Preservation Order No. 395: Totley Lane Bridleway, off Longford Road, Totley** (Pages 161 - 174)  
Report of the Director of Regeneration and Development Services
- 11. Enforcement Of Planning Control: 33 Pavilion Way** (Pages 175 - 180)  
Report of Director of Regeneration & Development Services
- 12. Enforcement Of Planning Control: Land to the rear of the former Middlewood Tavern, Middlewood Road North** (Pages 181 - 186)  
Report of Director of Regeneration & Development Services

- 13. Enforcement Of Planning Control: 209 Stannington Road** (Pages 187 - 194)  
Report of Director of Regeneration & Development Services
- 14. Enforcement Of Planning Control: 523 Loxley Road** (Pages 195 - 202)  
Report of Director of Regeneration & Development Services
- 15. Record of Planning Appeal Submissions and Decisions** (Pages 203 - 208)  
Report of the Director of Regeneration and Development Services
- 16. Date of Next Meeting**  
The next meeting of the Committee will be held on 6 January 2015

# Agenda Item 4

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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# Agenda Item 5

## SHEFFIELD CITY COUNCIL

### Planning and Highways Committee

#### Meeting held 18 November 2014

**PRESENT:** Councillors Alan Law (Chair), David Baker, Jack Clarkson, Roger Davison, Tony Downing (Deputy Chair), Ibrar Hussain, Bob Johnson, Bryan Lodge, Roy Munn, Peter Price, Denise Reaney and Joyce Wright

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

- 1.1 An apology for absence was received from Councillor Tony Damms but no substitute was appointed.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

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

#### **3. DECLARATIONS OF INTEREST**

- 3.1 There were no declarations of interest.

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

- 4.1 The minutes of the meeting of the Committee held on 28 October 2014 were approved as a correct record.

#### **5. SITE VISIT**

- 5.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Monday 8 December 2014, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

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

- 6.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case No. 14/02725/FUL and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose; and

(b) subject to an amended condition, the inclusion of an additional condition and, following consideration of a late representation, as outlined in a supplementary report circulated at the meeting, and following consideration of representations made at the meeting in support of the application from the applicant's agent, an application for planning permission for demolition of existing food retail unit and two dwellinghouses and erection of new food unit with associated car parking accommodation, landscaping works, amended access and relocation of electricity sub-station (re-submission) (amended as per plans received on 29/10/2014) at LIDL Supermarket, Castlebeck Avenue and 322 and 324 Prince of Wales Road (Case No. 14/03048/FUL) be granted, conditionally.

## **7. ENFORCEMENT OF PLANNING CONTROL: 414 LONDON ROAD**

- 7.1 The Director of Regeneration and Development Services submitted a report informing Members of a breach of the planning regulations in relation to the erection of an unauthorised timber and plastic canopy on the front of 414 London Road, facing London Road and Glover Road and making recommendations on any further action required.
- 7.2 The report stated the area was on the periphery of the District Shopping Area to the north of London Road and the Local Shopping Area to the West of Abbeydale as identified in the Unitary Development Plan. Several unauthorised canopies had appeared in those nearby shopping areas and, to date, enforcement action had been successful in securing the removal of three unauthorised canopies (in 2007) and authority had been given to enforce the removal of two further canopies in September 2014.
- 7.3 The canopy had been erected on the forecourt of the property facing London Road and Glover Road. It had a wooden frame with a clear plastic corrugated roof. Expanding foam had been used extensively to fill gaps and was highly visible around the structure. Plywood sides had also been added under the eaves to partially enclose the structure. The top of the canopy was not uniform and fitted around the existing projecting shop sign.
- 7.4 A written complaint was received from a member of the public on 9<sup>th</sup> September 2014. Since this date a further two written complaints had been received from members of the public.
- 7.5 An initial letter was sent to both the business owner and the property owner. It informed them that planning permission was required to erect a canopy on the front of the premises, but due to the detrimental effect the canopy had on the visual amenities of the street scene, planning permission would not be granted in this case and the canopy should be removed within 14 days. The letter also advised that an application would be welcomed for an alternative canopy.
- 7.6 A representative of the business responded to the letter. They questioned why they could not apply for permission for the existing canopy or if there were more alterations to the canopy that would be considered more favourably. The advice given was that a retractable canopy would be considered in this location but the

existing structure, with or without alterations could not be supported, although they were within their rights to submit an application.

- 7.7 The business owner informed planning enforcement that they intended to submit a planning application for the existing structure, against the recommendations of planning enforcement. To date no application had been submitted.
- 7.8 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised canopy at 414 London Road; and (b) the Head of Planning, in liaison with the Chair of this Committee, be authorised to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

## **8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

- 8.1 The Committee received and noted a report of the Director of Regeneration and Development Services detailing (a) the planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals, along with a summary of the reasons given by the Secretary of State in his decision.

## **9. DATE OF NEXT MEETING**

- 9.1 It was noted that the next meeting of the Committee will be held on Tuesday 9 December 2014 at 2.00 pm at the Town Hall.

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# Agenda Item 6

## SHEFFIELD CONSERVATION ADVISORY GROUP

Meeting held 21st October, 2014

PRESENT:	<u>Name</u>	<u>Organisation</u>
	Mr. Tim Hale (Deputy Chair)	Sheffield Chamber of Commerce
	Mr. Lee Barron	Royal Institute of Chartered Surveyors
	Prof. Clyde Binfield	Twentieth Century Society
	Mr. Patrick Burns	Co-opted Member
	Mr. Howard Greaves	Hallamshire Historic Buildings Society
	Mr. Graham Hague	Victorian Society
	Dr. Roger Harper	Ancient Monuments Society
	Dr. Jo Lintonbon	University of Sheffield
	Mr. Bob Marshall	Royal Town Planning Institute
	Mr. Philip Moore	Sheffield Society of Architects
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### **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Dr. Philip Booth (Co-opted Member), Mr. Bob Hawkins (Council for the Protection of Rural England), Mr. Stanley Jones (Hunter Archaeological Society) and Mr. Andrew Shepherd (Society for the Protection of Ancient Buildings).

### **2. MINUTES**

The minutes of the meeting held on 16th September, 2014 were approved as a correct record, subject to the substitution:-

(a) in item 3(i)(A) of the words "A planning application had been received to erect two properties in place of No. 31 Brick House Lane and the Head of Planning was attempting to persuade the developer to convert No. 31 into two flats", for the words "A planning application had been received in respect two properties in the same row as No. 31 and the Head of Planning was attempting to persuade the developer to convert each one into two flats"; and

(b) in item 3(ii) of the words "Brick House Lane" for the words "Brick Lane",

; and, arising therefrom, the Group noted that:-

(i) for the time being, Mr Hague would represent the Victorian Society and the South Yorkshire Industrial History Society on the Group

(ii) 31 Brick House Lane was constructed in stone rather than brick. There had been no progress regarding its proposed development, but the Head of Planning had advised that it was an important townscape building, which should be retained;

(iii) Kier, which was the company handling the disposal of Meersbrook House, felt that the restrictive covenants affecting the property were not relevant to its disposal or could be avoided or dismissed. The property had not yet been sold. Until the early 1900s, Meersbrook Park had been situated in Derbyshire;

(iv) Dr. Booth had identified two people who might be willing to represent the Landscape Institute on the Group;

- (v) the planning application regarding Brincliffe Towers had been withdrawn;
- (vi) the planning application regarding the Fleur de Lys was to be amended, which should create a better scheme;
- (vii) planning permission had been granted for the erection of a sculpture at Weston Park Museum and the Mappin Art Gallery, Western Bank;
- (viii) as yet, no date had been set for a presentation to the Group on the University of Sheffield's Masterplan, which had already been amended; and
- (ix) the development of the Non-Conformist Chapel of the General Cemetery had stalled, rather than stopped.

### **3. CHAIR'S REPORT**

The Group noted that the Chair (Dr. Booth) had written to Councillor Roger Davison and Councillor Julie Dore, as yet without reply.

### **4. HEAD OF PLANNING'S REPORT**

The Head of Planning reported that:-

- (a) there had been an increase, this year, in the number of planning applications;
- (b) the new, shorter advertisements of planning applications complied with the legal regulations; although they provided no information regarding the nature of the developments;
- (c) English Heritage had updated its access documents and had introduced a publication on the War Memorials Trust and a guidance note on traditional windows;

The Group noted the information.

### **5. SHEFFIELD SUSTAINABLE DEVELOPMENT AND DESIGN PANEL**

The Group noted that the meeting of the Sheffield Design Panel, scheduled for this month, had been cancelled.

### **6. HERITAGE ASSETS**

The Group considered the following applications for planning permission for development affecting Heritage Assets and made the observations stated:-

- (a) **Demolition of outbuildings and erection of five new dwellings, associated landscaping and removal of trees at Shirle Hill House, 6 Cherry Tree Road.  
(Case Number: 14/03252/FUL)**

The Group had no objection, in principle, to the development . The Group recommended the use of a stone, or other colour, render.

- (b) **Part demolition and erection of a mixed use development, incorporating 138 studio apartments with associated works, landscaping and ancillary facilities, plus commercial unit (Use Class A3/B1) in a retained element of the existing building W W Laycock And Sons Ltd 33 - 41 Suffolk Road.  
(Case Number: 14/03505/FUL)**

The Group felt that height of the new building would impact on the existing building. The Group had no objection, in principle, to the development, subject to a greater mix of accommodation. The Group recommended the investigation of the surface behind the render of the old building.

- (c) **Alterations to building to form 10 apartments including demolition of outbuildings, removal of courtyard roof, internal alterations, erection of rear external stairway, alteration to door and window openings and provision of two conservation style rooflights at former premises of Warriss and Co, 104 Mary Street.**  
**(Case Number: 14/03561/LBC)**

The Group recommended that the original cart entrance be retained, perhaps as infill. The Group objected to the infilling of windows and the proposed replacement of wooden window frames with metal frames.

(Note: Mr. Moore declared an interest in this item and left the meeting for the duration of its consideration.)

- (d) **Refurbishment of building to create 16 apartments with Use Class A1/A2/B1 units and associated car parking and cycle storage at Wharncliffe House, 44 Bank Street.**  
**(Case Number: 14/03399/LBC )**

The Group felt that the ratio of 3 apartments to each floor was too tight. The Group had no objection, in principle, to the development.

- (e) **Relocation of Jeffcock Memorial Drinking Fountain and Water Trough, Handsworth Road**  
**(Case No: 14/03686/LBC )**

The Group had no objection.

## **7. MISCELLANEOUS ITEMS**

Members of the Group reported on developments affecting Heritage Assets and Conservation Areas and the Group noted that:-

- (a) the proposal to demolish 48 Savile Street would be brought to the next meeting of the Group;

- (b) the Head of Planning would investigate and report back, on (A) Barnes Hall, Grenoside, (B) budleii at Wicker Arches, (C) the conversion of the Lambert Works and and (D) the proposed conversion of St. Silas Church, Hanover Square;
- (c) it would be safe to re-install the Crimean Monument, but the cost of doing so would be approximately £1m;
- (d) there was a proposal to demolish a Victorian property at Devonshire Green and to replace it with a facade. The building was not listed, but 600 objections to the development had been received ;
- (e) Brightholmlee Farm and Barns had been listed;
- (f) the recent work at Provincial House involved the installation of equipment, not development;
- (g) the painting of the former Fire Station, Devonshire Street was subject to enforcement action;
- (h) the planning permission for development of a site at Sydney Street/Sylvester Street had lapsed;
- (i) there had been a proposal to demolish the former Industry Works, later the Niche Club, due to problems of squatting. If there were proposals to develop the Industry Works and the Bernard Works, they would be brought to the Group for its consideration;
- (j) the Cow Mouth Farm Barns were not listed; and
- (k) the purchaser of the Abbey Glen Laundry intended to restore the property it to its original condition.

(Note: these minutes are subject to amendment at a future meeting.)



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Regeneration & Development Services

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**Date:** 18 November 2014

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**Subject:** Tree preservation Order

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**Author of Report:** Sam Thorn, Urban & Environmental Design

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**Summary:** To report objections and to seek confirmation of Tree Preservation Order Nr. 393 at 2a Kingsley Park Grove, Sheffield.

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### Reasons for Recommendations

To protect trees in the interests of the amenity of the local environment.

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### Recommendations:

Tree Preservation Order Nr. 393 should be confirmed unmodified.

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### Background Papers:

- A) Tree Preservation Order 395 (includes Order plan)
  - B) General Location Plan
  - C) TEMPO evaluation
  - D) Objection received 4<sup>th</sup> July 2014
  - E) Objection received 13<sup>th</sup> July 2014
  - F) TPO 808/11
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**Category of Report:** OPEN

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REPORT TO PLANNING AND HIGHWAYS  
COMMITTEE 18<sup>TH</sup> NOVEMBER 2014

TREE PRESERVATION ORDER NR. 393  
2a KINGSLEY PARK GROVE, SHEFFIELD

1.0 PURPOSE OF REPORT

- 1.1 To report objections and to seek confirmation of Tree Preservation Order Nr. 393.

2.0 BACKGROUND

- 2.1 Tree Preservation Order Nr. 393 was made on 12<sup>th</sup> June 2014 to protect a mature Beech tree in the front garden 2a Kingsley Park Grove, Sheffield. A notice informing the owner 2a Kingsley Park Grove was served on the same day. In the interests of ensuring that all parties affected by the order were informed, Sheffield City Council then served a second notice on 12<sup>th</sup> July 2014 which notified the surrounding houses. A copy of the Order is attached as Appendix A, and a general location plan as Appendix B.
- 2.2 In March 2014, a planning application (14/01157/FUL) was received for the development of a new property in the rear garden of 186 Millhouses Lane, which affected several trees already protected by a group TPO (see appendix F for TPO 808/11 and the applicant for planning permission's proposed layout plan). As well as these trees however, a large beech tree growing in the front garden of the adjacent property would have been lost due to the level of excavation required for the new building within the tree's Root Protection Area (RPA).
- 2.3 This tree has substantial visual amenity value and contributes significantly to the character of this leafy area of the city. As such, the Council considered whether to serve a Tree Preservation Order to ensure its retention. The tree is highly visible from the surrounding housing and commands a prominent position on the street when entering Kingsley Park Grove from Millhouses Lane.
- 2.4 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out on site prior to serving the Order, and is attached as Appendix C. This assessment involved direct consultation and inspection by an Arboriculturalist from Parks and Countryside's *Trees and Woodlands Service* for general condition and suitability for protection.

### 3.0 OBJECTIONS TO TREE PRESERVATION ORDER

3.1 A written objection to the TPO was received on 4<sup>th</sup> July 2014 from Mr Bill Anderson, the arboricultural consultant who had carried out a tree report as part of the planning application in respect of the rear garden of 186 Millhouses Lane, 14/01157/FUL. A second objection was then received from Ms L.S. Overall, the applicant for planning permission 14/01157/FUL at 186 Millhouses Lane, on 13<sup>th</sup> July 2014. The full text of these objections is attached as Appendix D.

### 4.0 GROUNDS FOR OBJECTIONS AND OFFICER RESPONSE

4.1 The key objections raised by Mr. Anderson have been considered below and followed with a response.

4.2 **OBJECTION:** '*the tree has insufficient amenity value to justify protection and it is a waste of Council resources to serve a TPO when it will not have any effect.*'

4.3 **RESPONSE:** The tree's amenity value was assessed using the TEMPO system and scored highly, particularly for those areas relating to its visual merits (see Appendix C). The tree is a large specimen, located in a prominent position where it is visible along the whole street and from all of the surrounding houses.

4.4 **OBJECTION:** '*This particular specimen is particularly unattractive having a one-sided crown due to having grown in the shade of a much larger tree. While that tree was protected, the Council's own staff removed it a few years ago. This tree is somewhat moribund and not showing any signs of growing to correct this asymmetry.*

4.5 **RESPONSE:** The protected tree that Mr. Anderson is referring to was growing directly adjacent to the highway and causing structural damage to the pavement (See appendix E). This was therefore removed for structural reasons and bares no relation to this current case. As part of the TEMPO assessment, the tree in question has been estimated to have a life-expectancy of 40-100 years. Having an asymmetrical form does not sufficiently negate the amenity value of the tree to the locality as determined by the Council's TEMPO assessment of the tree.

4.6 **'OBJECTION:** *this tree is not at all suitable for the location. In fact if we were to choose trees for planting in this garden Beech would be the last tree to plant.'*

4.7 **RESPONSE:** The beech tree was established and growing in its current location long before the house was built and is showing no signs of causing structural damage to the pavement or the building.

- 4.8 The objections of Ms L.S. Overall, the applicant for planning permission 14/01157/FUL, have been highlighted below, along with responses to the claims.
- 4.9 **OBJECTION:** *'My first objection is that a forest tree (T1) in a small suburban garden is of limited amenity value.*
- 4.10 **RESPONSE:** As already highlighted in paragraph 4.4, the tree's amenity value has been assessed by a professional Arboriculturalist who considered it significant enough to warrant a TPO
- 4.11 **OBJECTION:** *My second objection is that T1 has caused and will continue to cause nuisance. Because of where it is, the beech tree will need further and regular attention. My evidence for this is that it was substantially pruned 10 years ago. When the present owners of 2a Kingsley Park Grove acquired the house the crown was braised and branches removed...*
- 4.12 **RESPONSE:** All trees require some sort of maintenance within an urban setting, either in collecting the fallen leaves over autumn or in removing limbs where necessary. However, refusing to grant protection on the grounds that the tree requires regular maintenance calls the whole TPO process into question. TPOs are not intended to prevent trees from ever being pruned. They are intended to allow the current tree stock to be managed in agreement with the local authority, where it is the case that it is considered expedient for the Local Authority to make them.

## 5.0 LEGAL IMPLICATIONS

- 5.1 Section 197 of the Town and Country Planning Act 1990 ("the 1990 Act") states that it shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees. It also states that it shall be the duty of the local planning authority to make such orders under section 198 (see below) as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.
- 5.2 Following on from this, section 198 of the 1990 Act states that, if it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.
- 5.3 Tree Preservation Orders are made under section 198 of the 1990 Act and in accordance with the Tree Preservation (England) Regulations 2012. Regulation 7 of which states that, in the event that a TPO is

made, the authority shall not confirm an order which they have made unless they have first considered objections and representations duly made in respect of it and not withdrawn.

- 5.4 As objections and representations were duly made in respect of Tree Preservation Order 395, the local authority is required to consider them. Government guidance issued by the Department for Communities and Local Government recommends that local authorities establish non-statutory procedures to demonstrate that their decisions at the confirmation stage are taken in an even-handed and open manner. The consideration of objections and representations about the TPO by the Planning and Highways Committee facilitates this.

## 6.0 REASONS FOR RECOMMENDATIONS

- 6.1 Several objections to the planning application (14/01157/FUL) were submitted from the surrounding properties and all of these highlighted the loss of the trees on site as being a particular concern. That applies only to those trees currently protected by the group TPO. The beech tree in question was not shown on any plans as being removed so did not raise any concerns apart from its owner. Had this been the case and the surrounding residents had known of the threat to the tree, it is considered that there would have been further objections in a similar manner. This was evidenced by several neighbours who were deeply concerned by the idea that this tree could be lost, and approached council staff whilst on site on several occasions.
- 6.2 This level of response supports the results of the TEMPO assessment that the tree does in fact have strong amenity value and is a feature of the streetscene worth protecting.

## 7.0 RECOMMENDATIONS

- 7.1 Following consideration of all objections received it is considered that the reasons for confirming the order outweigh the objections that have been made and therefore it is recommended that Tree Preservation Order Nr. 393 Kingsley Park Grove, Sheffield, should be confirmed unmodified.

## Appendix A

**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 393 (2014)**  
**Front garden of 2A Kingsley Park Grove, Sheffield**

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

**Citation**

1. This Order may be cited as Tree Preservation Order No 393 (2014) - Front garden of 2A Kingsley Park Grove, Sheffield

**Interpretation**

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

**Effect**

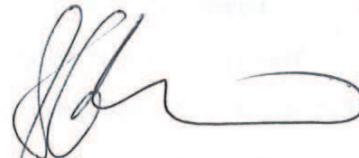
3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.  
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the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

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

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

Dated this 10<sup>th</sup> day of June, 2014

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



Duty Authorised Signatory

#### SCHEDULE

##### Specification of trees

###### Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
T1	Fagus Sylvatica (Beech)	328834

###### Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
	None	

###### Groups of trees

(within a broken black line on the map)

Reference on map	Description (including number of trees of each species in the group)	Situation
	None	

###### Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
	None	

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### TREE SCHEDULE



TREES SPECIFIED INDIVIDUALLY  
(Encircled in black on the map)

T1 Fagus sylvatica  
(Beech)

TREES SPECIFIED BY  
REFERENCE TO A GROUP - None

TREES SPECIFIED BY  
REFERENCE TO AN AREA - None

SHEFFIELD CITY COUNCIL  
PLACE  
REGENERATION & DEVELOPMENT SERVICES  
DIRECTOR: David Caulfield

TREE PRESERVATION ORDER  
No. 393

2a KINGSLEY PARK GROVE

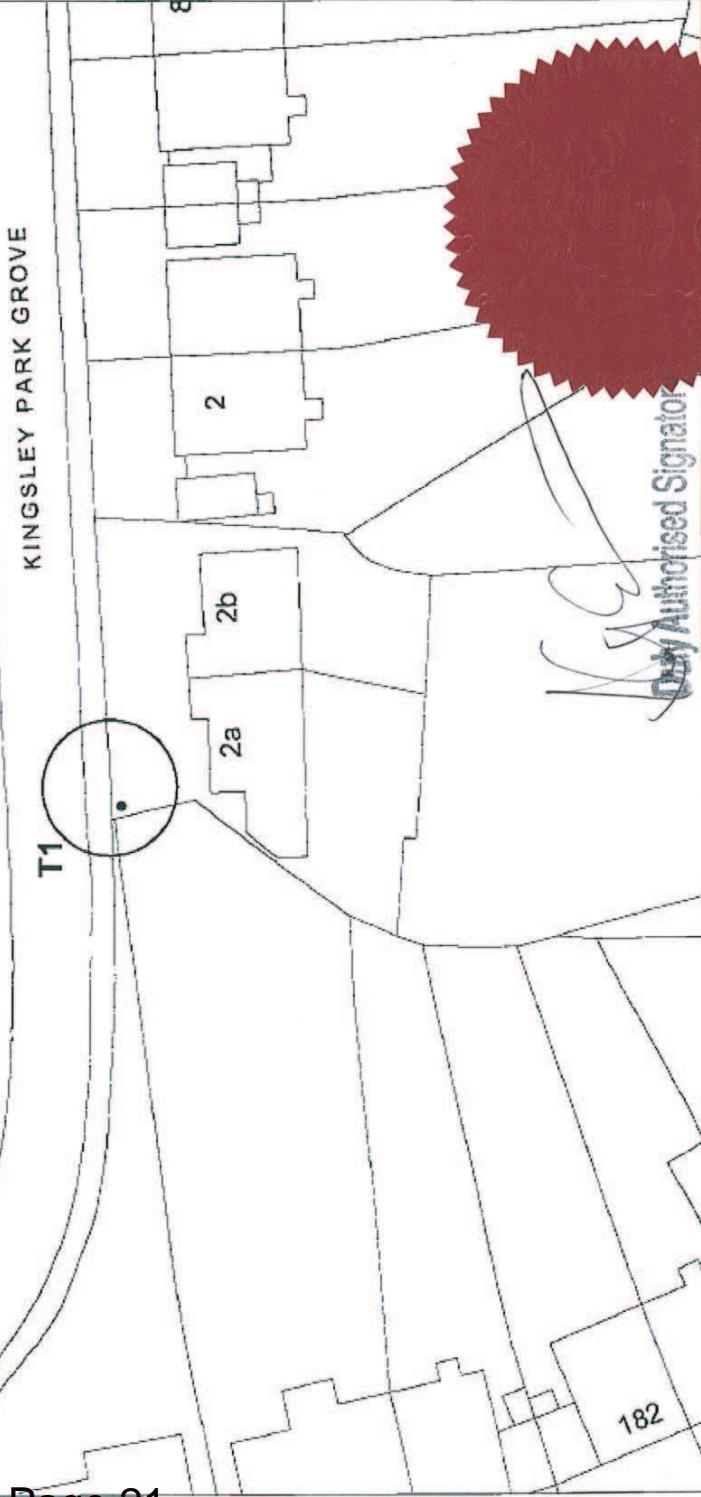
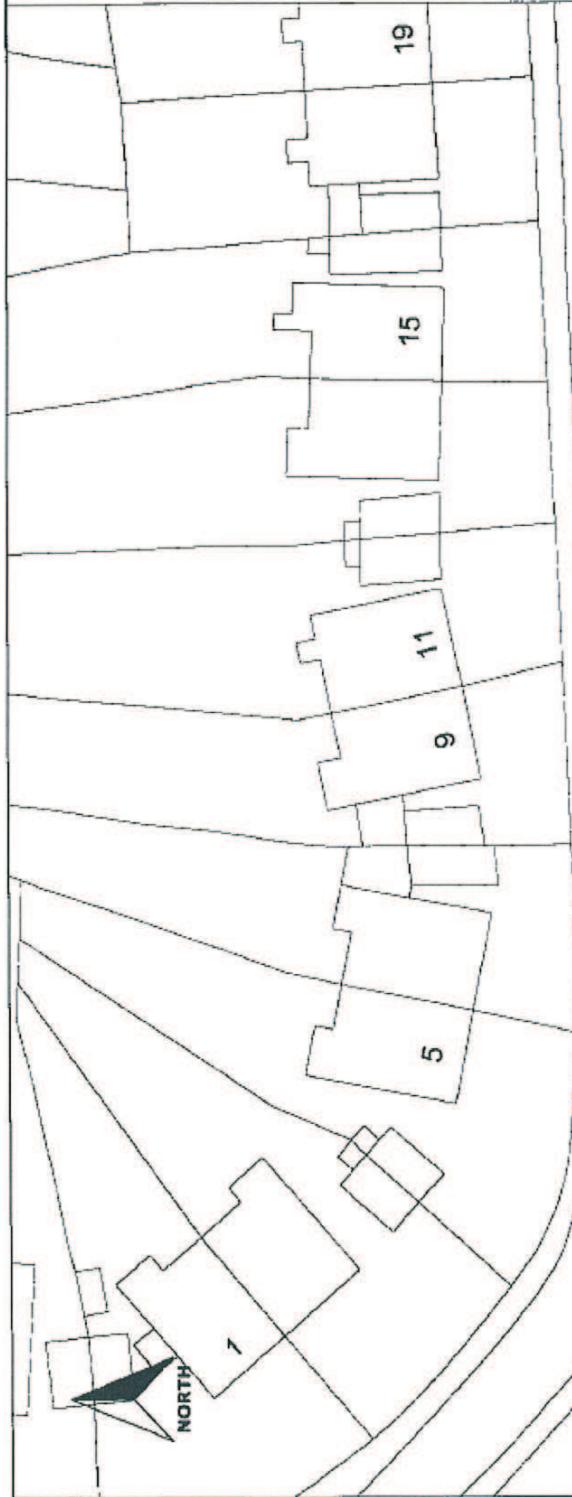
1:5000 @ A4

Drawn by: N-H  
Check by: ST  
Date: MAY 2014

A4/UED/808/393

14/04/14

Authorised Signature:



## Appendix B

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### TREE SCHEDULE

• TREES SPECIFIED INDIVIDUALLY  
(Encircled in black on the map)

T1 Fagus sylvatica  
(Beech)

TREES SPECIFIED BY  
REFERENCE TO A GROUP- None

TREES SPECIFIED BY  
REFERENCE TO AN AREA - None

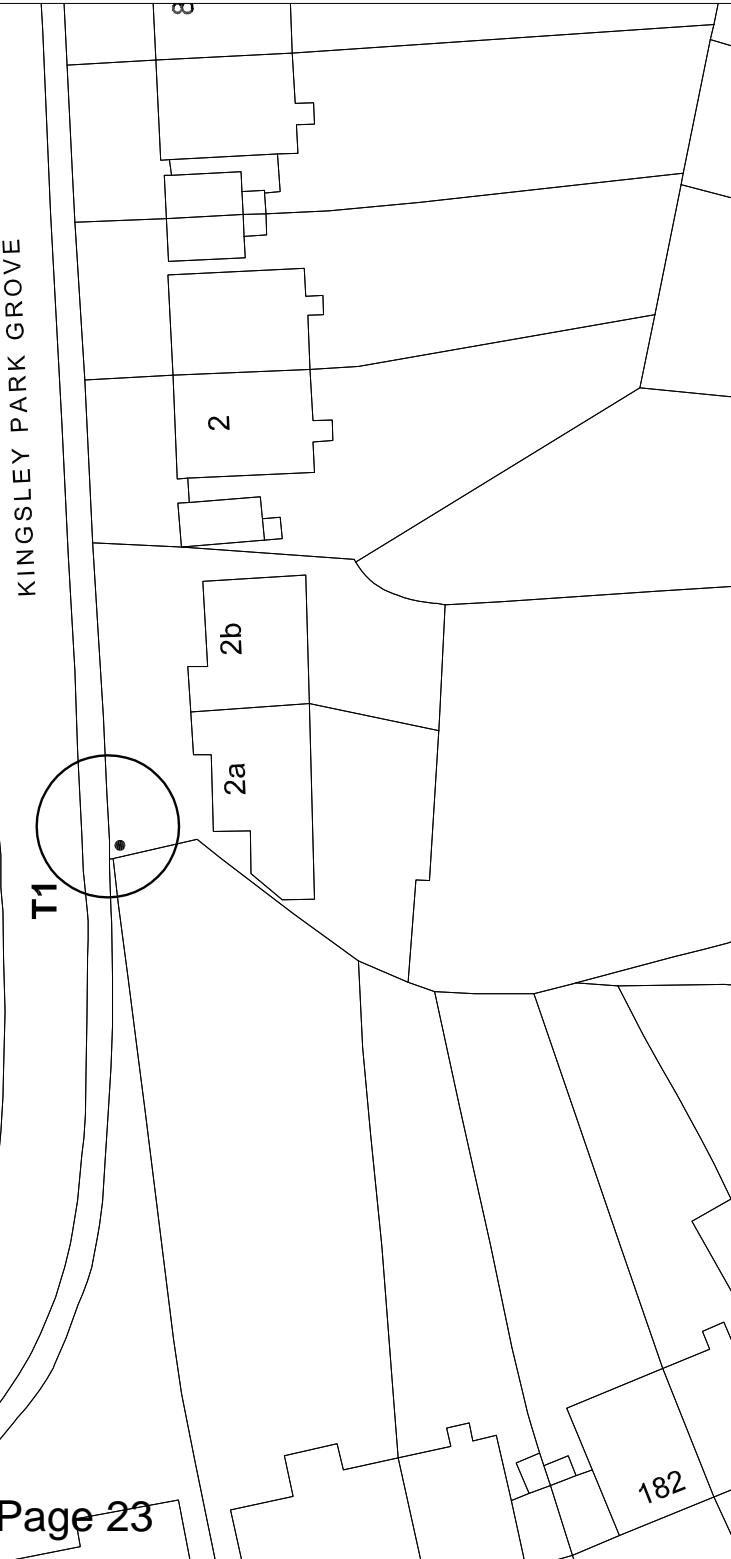
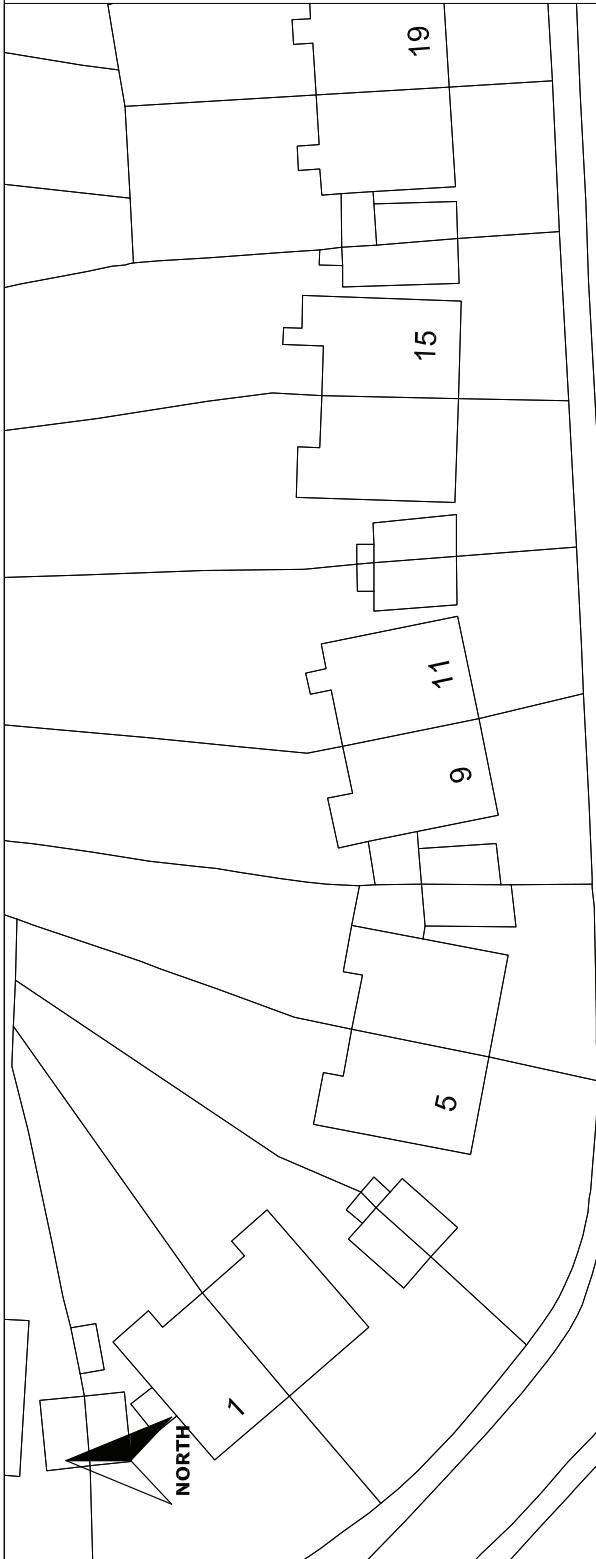
TREES SPECIFIED BY  
REFERENCE TO WOODLAND - None  
OS Grid Reference SK 328834

SHEFFIELD CITY COUNCIL  
PLACE  
REGENERATION & DEVELOPMENT SERVICES  
DIRECTOR: David Caulfield

TREE PRESERVATION ORDER  
No.393  
TITLE:  
2a KINGSLEY PARK GROVE

SCALE:  
1:500 @ A4  
Drawn by:  
KH  
Checked by:  
ST  
Date:  
MAY 2014

Drawing No:  
A4/UED/808/393



## Appendix C

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 22.04.14	Surveyor: SIMON THOMAS + JOHN HARRISON
<b>Tree details</b> TPO Ref (if applicable): Owner (if known):	
Tree/Group No: Location: 2A KING SLEY PARK GROVE Species: BEACH	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

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

\* Relates to existing context and is intended to apply to severe irremediable defects only ANGLED BUT NOT SIGNIFICANT ENOUGH TO DETRACT FROM OVERALL VISUAL AMENITY.

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

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

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

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes

5.

d) Other factors

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

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

Score & Notes

1

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- |                               |  |
|-------------------------------|--|
| 5) Immediate threat to tree   | Score & Notes  |
| 3) Foreseeable threat to tree | 5.   |
| 2) Perceived threat to tree   | CONSTRUCTION OF THE DEVELOPMENT WILL DESTROY A LARGE PORTION OF THE TREE'S ROOTS |
| 1) Precautionary only         |  |

### Part 3: Decision guide

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

Add Scores for Total:

20

Decision:

TPO

## Appendix D

**186 Millhouses Lane, Sheffield, S7 2HE**

Assistant Chief Executive Legal and Governance  
Sheffield City Council  
Town Hall  
Pinstone Street  
Sheffield S1 2HH

Sunday, 13 July 2014

Dear Sir/Madam

Re you ref: LS/RC/68715 Tree Preservation Order 393

The background to this order is pertinent to the City Council's decision as it arises from an application for planning permission on my land. As I am concerned both about the environment and to continue to live in harmony with my neighbours on Kingsley Park Grove I can assure the City Council that the proposed works have taken full account of all the trees involved in the project. *From the start of the planning process* (over 18 months ago) and at every stage, arrangements for the proposed development have been put in place to preserve trees, whenever and wherever possible. ATPO for the beech tree in the garden of 2a Kingsley Park Grove is an unnecessary, heavy handed and time consuming response by the City Council.

Further, document A4/UED/UED/808/393 does not accord with those from the Land Registry as there was a transfer of land between 188 and 186 Millhouses Lane in November 1993. This may be the reason that officers failed, in the first instance to notify me, formally, of the intention to TPO T1 (ref LS/RC/68715/393).

My first objection is that a forest tree (T1) in a small suburban garden is of limited amenity value.

My second objection is that T1 has caused and will continue to cause nuisance. Because of where it is the beech tree will need further and regular attention. My evidence for this is that it was substantially pruned around 10 years ago. When the present owners of 2a Kingsley Park Grove acquired the house the crown was raised and branches removed.

Yours faithfully



L.S.Overall

**Anderson Tree Care Ltd**      **t** 01246 570044  
Garden Cottage, Park Street      **f** 01246 570045  
Barlborough, Chesterfield      **e** info@andersontree care.co.uk  
  
S43 4TJ      **w** www.andersontree care.co.uk



Arboricultural Contractors and Consultants

Richard Cannon Esq.  
Sheffield City Council,  
via e-mail.

July 4<sup>th</sup> 2014.

Dear Mr Cannon,

**Tree Preservation Order no 393, Kingsley Park Grove,**  
**reference LS/RC/68715.**

I see from a lamp post on Kingsley Park Grove, that you have served a TPO on a tree at number 2A. I would be grateful if you would register this correspondence as an objection to this Order.

My grounds for objecting are that the tree has insufficient amenity value to justify protection and that it is a waste of Council resources to serve a TPO when it will not have any effect. I note that one of the reasons for serving the Order is that the tree's amenity value is significant.

The principle of "amenity value" is unclear and the Council have not published any direction on what might contribute to amenity value, or indeed what threshold value should trigger protection. As Beech is not really a suitable species for a small front garden it is hard to imagine how it has any amenity value at all. This particular specimen is particularly unattractive having a one-sided crown due to having grown in the shade of a much larger tree. While that tree was protected the Council's own staff removed it a few years ago. This tree is somewhat moribund and not showing any signs of growing to correct this asymmetry.

I am aware that the Council use the TEMPO system for tree appraisal but would point out that it is not and does not claim to be, a system of amenity valuation.

I should further point out that the Council currently seem to employ only one person to deal with TPO matters and that he is overworked and behind with his routine duties. Adding to his workload therefore seems somewhat short-sighted, especially when it is a tree that is close to the end of its useful life and likely to soon generate requests for remedial work.

It might be useful to consider whether an application from the owner to remove the tree could reasonably be refused. If the answer is "no" then clearly the TPO would serve very little purpose.



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Company Reg No. 5872995  
Registered in England and Wales

You may be aware that the Council, through their agents, Amey, have published a list of trees suitable for planting in their street tree replacement program. Beech is only mentioned as suitable for “wider grass verges.” ([https://www.sheffield.gov.uk/in-your-area/report\\_request/plants/trees.html](https://www.sheffield.gov.uk/in-your-area/report_request/plants/trees.html)) As the front garden in which this tree grows has considerably less space than a “wider grass verge” and is then immediately against the house, (a verge would presumably have a pavement between it and the property) I think it is plain that this tree is not at all suitable for the location. In fact if we were to choose trees for planting in this garden Beech would be the last tree to plant.

While I am retained by a neighbour (to this address), to advise about trees in relation to a planning application, that matter is unaffected by this tree and my objection is based mainly on the fact that I consider this TPO to be a waste of Council resources. In fact as things stand the Council would be better to expend their scarce resources on reviewing their existing TPOs rather than adding to their obligations. (I am a Sheffield resident and Council resources are at least partly mine.)

Perhaps you would be good enough to acknowledge this objection and give me some indication of when I might expect a reply? I would also be grateful if you could confirm that your procedures for considering objections comply with Article 6 of the European Declaration of Human Rights. By my understanding this means ensuring that my objection is considered fairly, preferably by someone not involved with the initial serving of the Order. The Blue Book recommended a hearing or sub-committee (from the Planning Committee) to ensure the matters raised are properly examined.

You might find it helpful to note that as far as I am aware, while the Blue Book (that is Tree Preservation Orders, a guide to the Law and good practice DETR 2000) has supposedly been withdrawn, the promised replacement publication has not yet been produced. While the internet-based protocol seems to comply with the Blue Book procedures, the Blue Book itself appears to still be the best place to find the relevant information as to what is reasonable.

All things considered, I fail to see that this tree justifies this amount of scrutiny and recommend that you revoke this order and waste no more resources upon it.

Yours faithfully,

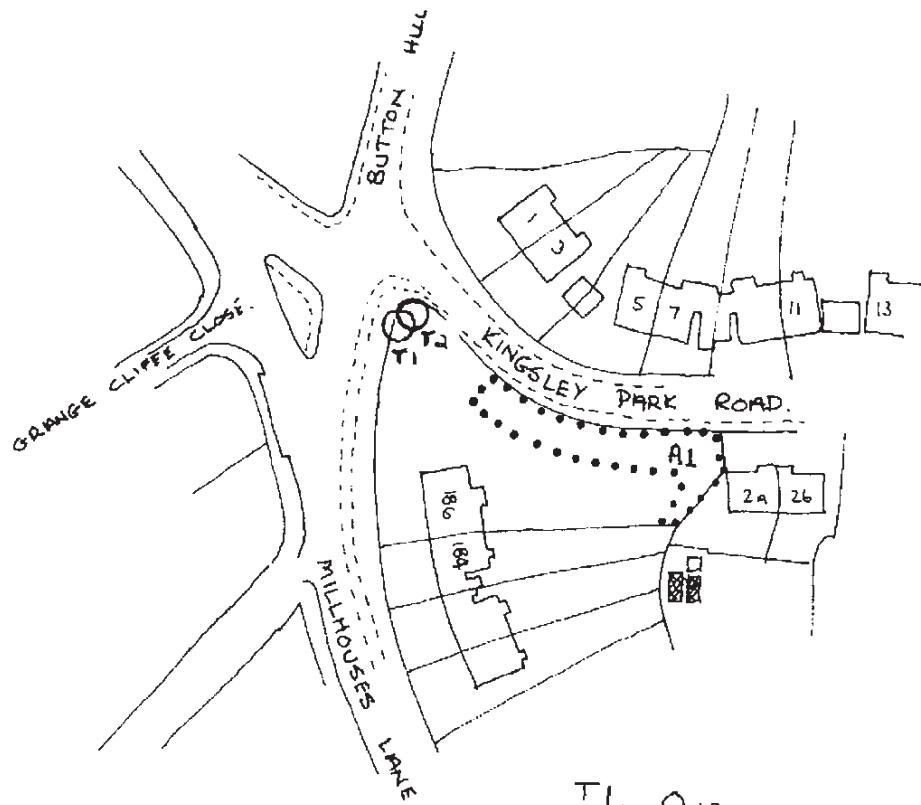
A handwritten signature in blue ink that reads "W L Anderson". The "W" and "L" are capitalized and connected, followed by "Anderson" in a cursive script.

W L Anderson. Dip Arb.(RFS) M.Arbor.A.

## Appendix E



## Appendix F



T1. *Quercus spp.*

T2. *Ulmus spp.*

A1. The several. *Fagus*, *taxus*,  
*Quercus*, *castanea*, *Ilex*  
 \* *Populus* standing in the  
 area numbered A1 on the map

TPO 808/11

C

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# Agenda Item 9



SHEFFIELD CITY COUNCIL

Planning and Highways Committee

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**Report of:** Director of Regeneration and Development Services

---

**Date:** 09/12/2014

---

**Subject:** Applications under various acts/regulations

---

**Author of Report:** Chris Heeley and John Williamson

---

**Summary:**

---

## Reasons for Recommendations

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

---

**Recommendations:**

---

**Background Papers:**

---

**Category of Report:** OPEN



Application No.	Location	Page No.

14/03619/RG3 (Formerly PP-03698290)	Rowan School 4 Durvale Court Sheffield S17 3PT	

14/03075/FUL	281 Springvale Road Sheffield S10 1LJ	

14/03069/FUL	30 Dore Road Sheffield S17 3NB	

14/02810/FUL	Fleur De Lys Hotel Totley Hall Lane Sheffield S17 4AA	

14/02232/FUL	Barns To The Rear Of Moor View Farm 522 Manchester Road Fulwood Sheffield S10 5PQ	

14/02155/FUL	Moor View Farm 522 Manchester Road Fulwood Sheffield S10 5PQ	

14/01710/FUL (Formerly PP-03382191)	Yorkshire Co Op Society Car Park Beeley Street Sheffield S2 4LP	

14/00701/FUL (Formerly PP-03222271)	Land Rear Of 45 To 47 Rodney Hill Occupation Lane Loxley Sheffield S6 6SB	



## SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To the Planning and Highways Committee  
Date Of Meeting: 09/12/2014

### LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

---

Case Number	14/03619/RG3 (Formerly PP-03698290)
Application Type	Application Submitted by the Council
Proposal	Single storey extension to provide 4 additional classrooms, a hall and kitchen and external works including access, parking and play areas
Location	Rowan School 4 Durvale Court Sheffield S17 3PT
Date Received	29/09/2014
Team	South
Applicant/Agent	Bond Bryan Architects (Church Studio)
Recommendation	Grant Conditionally

#### Subject to:

- 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.

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

The plans and information dated  
13 October 2014 and 23 October 2014,

Reason: In order to define the permission.

- 3 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.

- 4 Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the school extension 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.

- 5 A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, 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.

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

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

- 7 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.

- 8 There shall be no gates or barriers erected at the means of access to the site.

Reason: To ensure access is available at all times.

- 9 No 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 the safety of road users

- 10 The school extension shall not be used unless the car parking accommodation for 27 vehicles and mini bus drop off area as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking and drop off facilities 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.

- 11 The proposed cycle parking accommodation within the site, as indicated on the approved plans, shall be provided and thereafter retained.

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).

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

Reason: In the interests of biodiversity.

- 13 The Local Planning Authority shall be notified in writing upon completion of the green roof.

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

- 14 The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be

submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres/hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to mitigate against the risk of flooding.

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

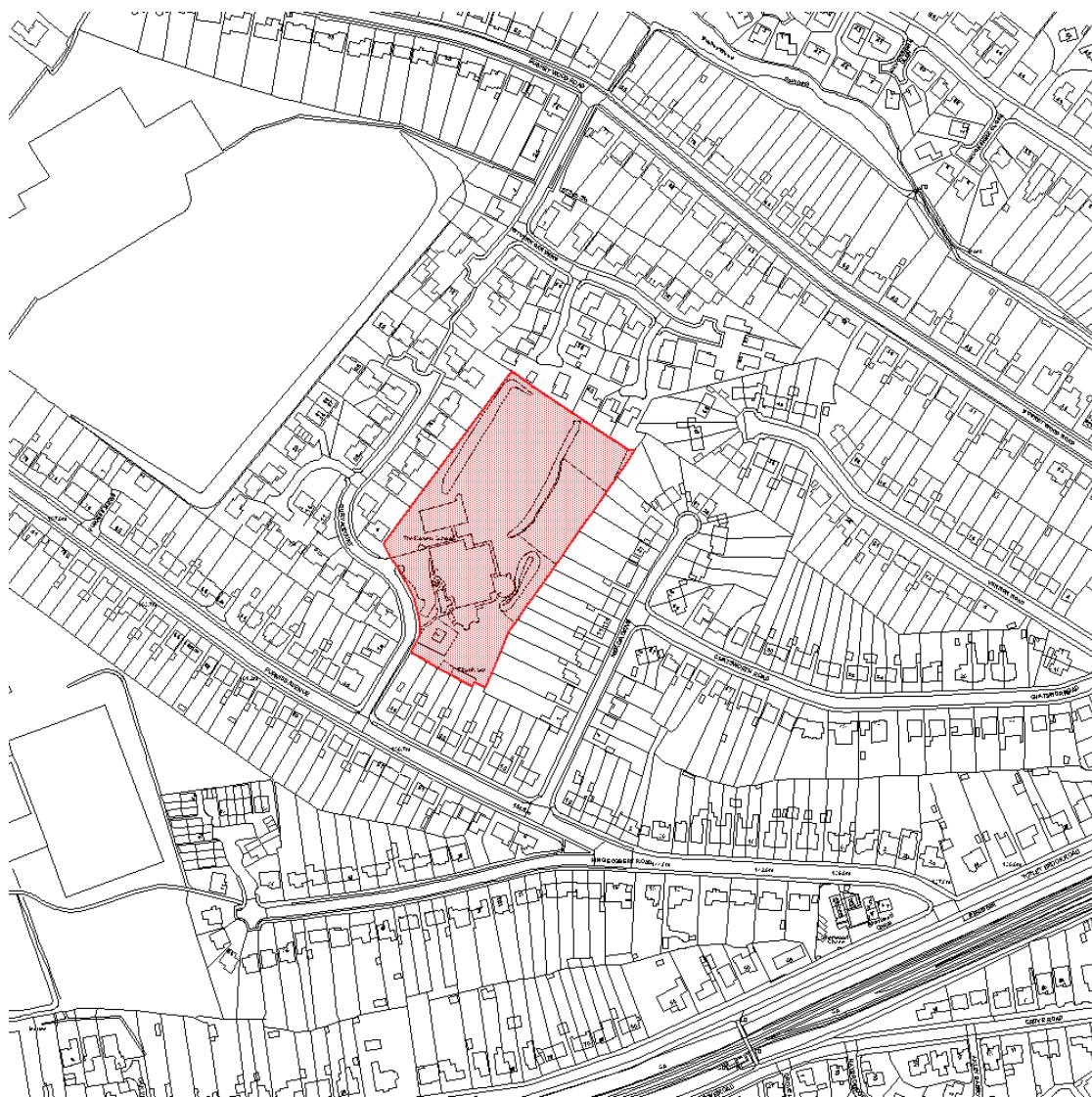
Reason: In the interests of the visual amenities of the locality.

Attention is drawn to the following directives:

1. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
2. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.

## Site Location



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## LOCATION AND PROPOSAL

The application relates to Rowan School which is set within a 1.4 hectare plot of land. The primary school caters for children who have complex speech, language and communication difficulties. The school is also a national training school which provides training and professional development for teachers, support staff and head teachers. The school offers support to other schools to raise standards of teaching.

The continual development of the school and its vision to improve the standards of teaching is recognised by Ofsted. The school recognises that in order to develop, the physical expansion of the school is required.

This proposal seeks permission to provide an additional 4 classrooms, a main hall and kitchen, together with new support facilities. The proposal includes the erection of a new building and internal alterations to the existing school to increase the capacity of the school from 67 places to 90 places.

The new building would be sited to the north east of the existing school on a parcel of land which is currently a hard play area. The land is fairly flat although the area which the building is to be located on does vary at certain points. The properties to the south are set slightly lower and the ground generally rises up to the north from the hard play area which is to be the location for the proposed extension. Various trees and landscaping are set around the edges of the site and playing fields are located to the rear of the site.

The building would be contemporary in design and would include a green roof. The timber clad building would sit on a brick plinth which would match the materials of the original school and it would be approximately 546m<sup>2</sup> in footprint.

The proposal also seeks permission to make changes to the existing parking arrangements and drop off facilities. The proposal would increase the car park to 27 places, plus room for 6 mini buses to drop off and pick up children. The car parking would be placed in front of the extension with the mini bus drop off points close to the main entrance of the school.

The site is located within a suburban residential area which is approximately 8 km from Sheffield's city centre. It is surrounded by residential properties which vary in size and architectural style. The school is set within a large parcel of land which is largely grass playing fields. In the Council's Unitary Development Plan, the school is set within a designated Housing Area whilst the playing fields are defined as Open Space. The wider area is designated as a Housing Area.

## PLANNING HISTORY

Pre-application advice has been sought regarding this application. At the pre-application stage discussions were held to establish the requirements of the school and how their aspirations relate to current local and national planning policies and guidance. However, apart from this, there is no relevant planning history associated with this application which is a material consideration in the assessment of this application.

## REPRESENTATIONS

The proposal has been publicised in accordance with national guidance and the Council's Statement of Community Involvement. In addition to individual neighbour notification, site notices were posted in and around the surrounding residential area and as a result of this, 14 representations have been received.

A further representation was also received from Councillor Martin Smith and this was also on behalf of Councillor Colin Ross and Councillor Joe Otten. Their representation supported the concerns raised by the neighbouring residents.

The representations received as a result of the planning application process can be summarised as raising the following material planning concerns:

- The proposal is an overdevelopment of the site increasing the existing footprint by some 60%;
- The proposal will be visually intrusive particularly for residents directly overlooking the site and the materials do not match or complement either the existing school or the surrounding residential development;
- The scale and massing makes the proposal more imposing and seems to be excessively large;
- The problem of on street parking is not adequately addressed by the proposed development. The increase in teaching staff, support staff and visitors will increase the on street car parking. The improved arrangements would be adequate for the existing pupil numbers but will not resolve the current problems with the increased pupil numbers;
- The situation becomes more chaotic and hazardous when the minibuses arrive to drop off and collect children. They have no option but to park on the pavement whilst they wait to drop off their children. This means that they are double parked opposite the staff;
- The proposal would have an impact upon the surrounding roads and these should be enhanced;
- The close proximity to residential properties will lead to an increase in disturbance for local residents;
- The school invades the privacy of the residents with the use of the embankment and open spaces which back onto residential properties;
- The proposal will affect drainage of the site and cause flooding to the neighbouring residents;
- The scale of the new building leaves this open to a further increase in both pupils and staff in the future. This would be a real concern and simply exacerbate all the existing problems;
- The proposal would lead to the loss of various trees in order to create the car park;

The comments also state that the consultation process was limited and rushed. The site notices which have been posted have covered a significant area and have

exceeded the numbers usually considered necessary to satisfy both local and national guidance regarding public consultation.

The concerns also raise issues with the building process and the impact upon the neighbouring properties. Certain aspects of the construction process can be conditioned if the proposal is considered to be acceptable to ensure that during the building phase, disturbances to the neighbours are kept to a minimum.

### Pre-Application Community Engagement

Before the application was submitted the neighbouring residents were consulted by the Education Authority and a drop in session was held to outline the proposal.

The comments following the drop in session from 17 local residents can be summarised as raising the following concerns:

- The design is out of keeping with the existing building and the surrounding properties;
- The current parking is inadequate and the parking traffic issues will be exacerbated;
- The proposal will increase noise pollution;
- Existing privacy screening is inadequate;
- The proposal will lead to the loss of trees.

### PLANNING ASSESSMENT

The proposed development is sited mostly within a Housing Area, although a very small aspect is within the designated area of open space. The most relevant local planning policies are those set within the Unitary Development Plan and Core Strategy of the emerging Sheffield Development Framework. The local planning policies are considered to be in line with the overarching policies and guidance outlined in the National Planning Policy Framework.

The main policies which are outlined within the UDP and the Core Strategy are:

H10 Development in Housing Areas

H14 Conditions on Development in Housing Areas

BE5 Building Design and Siting

LR5 Conditions for Development in Open Space

CS47 Safeguarding of Open Space

CS63 Responses to Climate Change

CS64 Climate Change, Resources and Sustainable Design of Developments

CS65 Renewable Energy and Carbon Reduction

CS74 Design Principles

National Planning Policy Framework

The National Planning Policy Framework (NPPF) has been fully adopted. The NPPF is a material consideration to be taken into account in determining all planning applications.

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

The Government strongly supports the expansions of schools where the proposal would ensure that sufficient choice of school places is available to meet the needs of existing and new communities. It states that great weight should be given to the need to create, expand or alter schools.

The NPPF states that open spaces should not be built on unless the loss of space resulting from the proposed development would be replaced by equivalent or better provisions. It further states that development should only be for alternative sports and recreational provisions, the need for which clearly outweighs the loss.

The local planning policies are in line with the NPPF. The proposal seeks permission to extend a current school facility which for the most part, is located within a Housing Area. However, there is a small section of the proposal which is located within a defined Open Space area.

The proposal seeks to enhance the existing facilities and the loss of the open space is very small. The needs of the community facilities are given great weight in accordance with the NPPF and Core Strategy policy CS47. The quality of the proposed development will enhance and sustain the school facilities and this is also given significant weight. The presumption in favour of development should be an influencing factor here and it is considered that the small loss of open space, which will not be to the detriment of the functionality of the open space provisions, does not outweigh the benefits of such a development which is an ancillary use to the open space. Accordingly, the principle of the development is considered to be acceptable in terms of local and national planning policies.

### Sustainability Issues

The proposed development of the site is to be assessed against Core Strategy policies CS64, CS65 and CS67. These policies are concerned with the sustainability of a proposal and the impact of the proposal on climate change. They are in line with the guidance provided in the NPPF.

Policy CS64 would require the development to meet BREEAM very good standards. The applicant has outlined in the supporting information that this cannot be achieved as the proposal would have to take into account the performance of the existing school. The proposal would incorporate sustainable building design measures such as the green roof and solar panels and the building's envelope is to have high u-values. Whilst BREEAM cannot be achieved, the changes do go a significant way to achieving the aims of the policy and, on balance, the proposal in this respect is considered to be acceptable.

CS65 requires the provision of a minimum of 10% of a development's predicted energy needs to be from decentralised and renewable or low carbon energy. The proposal includes the provision of solar panels and highly efficient technologies are to be used for the fittings. The proposal has identified the need to provide the highest quality building envelope and use highly efficient technologies within the extension. Furthermore, the scheme enhances some of the existing building which will help reduce the overall carbon footprint of the school.

Guideline CC1 of the Climate Change Supplementary Planning Document, requires developments to incorporate a green roof which covers at least 80% of the total roof area, where it is compatible with other design and conservation considerations, and where viable. The application has included a green roof; however, it does not cover the entire roof as the design has also incorporated solar panels which, due to operating requirements need to be placed on a south facing roof slope. The design, although not strictly in accordance with guideline CC1 is considered to provide a diverse arrangement of sustainable measures and is considered to be acceptable in this instance.

Policy CS67 relates to management of flood risk, and for sites of less than 1 hectare, such as this, requires surface water run-off to be reduced by design measures such as attenuation or permeable paving. The scheme incorporates various landscaped areas and amount of hard standing is not considered to be significantly greater than the previous development. The proposal has included a green roof and other measures to reduce the amount of surface water run-off and the amount of hard standing is not considered to be significantly greater than at present. The proposed hard standing areas are close to soft landscaping and the proposal has identified areas of existing drainage which can be enhanced.

The proposal is not considered to have a worse impact upon the area in terms of surface water run-off and the inclusion of a green roof is considered to help balance out the loss of the grassed area to car parking. Such measures needed to comply with this policy are considered to be achievable through the proposed design and the fine details can be secured by a suitable planning condition attached to any approval.

## Design Issues

Policy H14 states that new development should be (a) well designed and in scale and character with neighbouring buildings, and (c) not result in the site being over-developed. This is reinforced by policy BE5 which states that the new buildings should complement the scale, form and architectural style of surrounding buildings. BE5 also states that the proposal should have a varied palette of materials to break down the overall massing of the building and it should link to the natural and built features of the area.

The NPPF seeks to promote sustainable development; however, in breaking the definition of sustainability down into three, it also places a significant emphasis on good design and protecting and enhancing the natural and built environment within which the development is set. It further requires proposals to respond to the surrounding local character and be visually attractive as a result of good architecture.

The proposal seeks permission to make alterations to the original school and provide a link extension with an additional 546m<sup>2</sup>. The proposed extension would be sited to the north of the original building and would take on a contemporary built form. The proposal would be single storey internally; however, the pitched roofs mean that the roof would be slightly higher than the closest points of the existing school.

The proposed building would use a mixture of different materials and the overall structure would be a timber clad building set on an engineering brick plinth which would match the existing building. The north facing roof is to be covered with a living roof, whilst the south side is proposed to have an array of solar panels set on it. The building would have powder paint coated aluminium windows and the materials are considered to tie in with the original building, or where different, be complementary to the existing architecture.

The alterations to the original school are cosmetic and these alterations are considered to have a very small impact upon the character of the school. The changes would also help integrate the new extension with the original school.

The massing and scale of the extension is not significantly higher than the closest part of the original school and it would not be excessively taller in height than the surrounding neighbouring residential units. The scale is proportionate to the school and the wider site. The materials and built form vary throughout the scheme and use of a green roof helps integrate the proposal into the wider green site.

The design principles of the scheme are considered to be acceptable, as described above. It is considered that the proposal would complement the wider site and

enhance the setting of the original building. Although the wider character of the area is residential, the site is unique and the building is considered to enhance the sites identity. The scale, built form and massing are not therefore considered to be harmful to the visual amenities of the site or the wider area. National and local planning policies regarding design principles are considered to have been met.

#### General Amenity Issues

UDP policy H14 seeks to ensure that any proposal does not have a detrimental impact upon the general amenities of the surrounding area. It states that development should not deprive residents of light, privacy, security or be the source of noise or other nuisance.

Whilst the guidance outlined in the Supplementary Planning Guidance: Designing House Extensions is not strictly relevant in this instance, some of the guidance helps interpret policy H14.

The proposed extension is set to the north of the original school and the closest point of the extension is approximately 16.5 metres from the nearest neighbouring property. These properties are set slightly higher up than the school and the closest point of the extension to these properties is also the lowest point of the proposed extension.

The height of the neighbouring properties, together with the distance between the proposed extension and these neighbours, means that the overall massing of the building is not excessively higher than the existing boundary treatments. The height of the building and proximity to these properties is not considered to significantly reduce light or be overbearing to these neighbouring properties.

The closest neighbouring properties are set to the north of the site and the outlook is not as stark as it could have otherwise been, given that the views from the closest neighbouring properties would be onto the green roof.

Owing to the above reasons, the proposal is not considered to be detrimental to the neighbouring properties in terms of outlook, loss of light or over-dominance and it is acceptable in terms of UDP policy H14.

The proposed extension increases the footprint of the school with the incorporation of the four new classrooms. However, the number of pupils and teachers would not rise significantly. The proposal would create approximately 33 extra spaces. The extension is sited where the original play area is and a fence is to be set around the new proposed play area. The play area which is currently close to the neighbouring residential boundaries is moved more centrally within the site; the children would not, therefore, be able to use the entire playing fields unsupervised.

The proposed extension, together with the original school, would provide some acoustic screening when children use the proposed hard play facilities and as such, although there will be an increase in pupils, it is not considered that the proposal would increase noise and other disturbance to an unacceptable level. In this respect, the proposal is not considered to be detrimental to the current amenities enjoyed by the neighbouring residents and is satisfactory with regards to UDP policy H14.

The proposed windows within the school are set at an angle to the neighbouring properties and are fairly small, horizontal windows. They do not directly face onto the private amenity spaces of these properties, given the angle and boundary treatments which are sited in between the site and the neighbouring properties. The windows are a minimum of 16.5 metres from the rear elevations of the neighbouring properties; this, together with the angle at which the windows are set to the boundary, and their sizes, are considered to be sufficient to conclude that the proposal would not reduce existing privacy levels to an unacceptable level or create a perception of overlooking.

The new car parking area is located close to the neighbouring properties on Durvale Court and the car parking spaces would be close to this boundary. However, the boundary would retain some landscaping along this boundary and the use of the car park is only during day time hours when the background noise levels are highest. Subject to conditions being attached to any approval, ensuring that the landscaping shall be retained, the proposed alterations are not considered to be problematic in terms of noise and disturbance in this respect.

### Landscaping Considerations

The new building is mostly sited on an existing area of hard standing; however, the additional car parking spaces are set within a current landscaped area. This area consists of mostly grass which is interspersed with some trees. The mature trees within the site are set to the south of the site and the trees which are affected by the proposal are not considered to contribute significantly enough to the wider amenities of the site for the proposal to be refused permission on this ground.

The proposal seeks permission to remove some vegetation/ grassed areas to enable the proposal to be accommodated within the site; however, it is also proposed to provide further landscaping treatments to complement and enhance the setting of the school and proposed extension. It is considered that although there is loss of some of existing soft landscaped areas, this loss will be offset with the provision of soft landscaping both on and around the proposed extension and, through the inclusion of a green roof.

Should the proposal be granted permission, it is considered that a condition should be attached to any approval to ensure that the landscaping within the site is enhanced and full details of how the trees are proposed to be retained and kept safe from any construction work. A condition should also be attached to any permission to ensure that the green roof is of a suitable construction.

### Drainage Issues

The comments raised by neighbouring residents have raised concerns regarding the drainage of the site. A flood risk assessment has been carried out and these issues have been influential in designing the extension. A green roof has been incorporated within the scheme to help reduce the surface water run-off through the site and the existing drainage systems will be supplemented where necessary.

The extension includes a green roof which will reduce surface water run-off and a comprehensive overhaul of the existing drainage measures is proposed. The measures proposed are considered to negate any significant impact arising as a result of this proposal.

### Highways Implications

The school is currently set within a residential area and accessed from a no through road, Durvale Court. The school has been identified as having ongoing issues regarding indiscriminate parking during the peak hours (early mornings and during home time in the afternoon). The Planning Officer and Highways Officer made visits to the site on several occasions and whilst it was witnessed that cars do park on the public highway, this did not affect the free and safe flow of traffic throughout the day.

Local residents have, outside this planning application, raised these concerns to the Council as Local Highway Authority as a result of the 'School Keep Clear Scheme', and a petition has been submitted requesting parking restrictions along Durvale Court. This is an indication that the school increases traffic movements at certain times of the day which does conflict, to an extent, with the residential amenities of the wider area. However, the proposal is for an extension to the school and the acceptability or otherwise, of this proposal, should therefore depend on whether it is considered to make these highway issues significantly worse.

There are currently 16 parking spaces to accommodate 49 staff (1 space per 3.1 members of staff) whilst the proposal will result in the provision of 27 spaces for 61 staff (1 space per 2.3 staff). It can therefore be seen that the proposal does increase that ratio of parking spaces to staff which must be seen as a benefit.

The staff travel survey provided in the Transport Statement submitted with the application showed that 49% of staff travel alone in the car to the school with a

further 37% car sharing. Applying the same percentages to the additional 12 staff who will be on site and assuming that car share cars have an occupancy of 2 the proposed development would result in parking demand for an additional 8 cars. The proposal includes the provision of 11 additional spaces and as such it would have to be agreed that the parking demand likely to be created by the proposal will be accommodated by the additional spaces provided.

It is also noteworthy that the layout allows increased on-site parking for minibuses which is a considerable benefit as it has the potential to reduce congestion in the immediate vicinity of the site access.

The Transport Statement has also reviewed the last 5 years personal injury accident details and it can be seen that there have been no notable incidents on Durvale Court or along Furniss Avenue in the vicinity of the Durvale Court junction. In terms of traffic generated by the proposed extension (16 additional trips in the morning and evening) it is not considered that this will have a material impact on the surrounding highway network from either a capacity or safety point of view.

Given the nature of the school, it has also to be assumed that the proposed cycle parking would be predominantly for staff. As such, it would be long stay cycle parking. The provision of such facilities is welcomed and should be secured by a condition. Such provisions are considered to enhance the existing travel plan arrangements of the school and together with the additional parking spaces, such changes to the school are welcome improvements.

In light of the above comments, it is considered that on balance, the proposed expansion gives rise to opportunities which would benefit the locality with the provision of additional off street parking spaces and better circulation of traffic in and around the site. Accordingly, it is considered that in highway terms, the proposal would ease an existing problem and would not be to the detriment of highway safety, and in this context reflects the aims of policy H14.

## SUMMARY AND RECOMMENDATION

The proposed school expansion is considered to create a good opportunity to enhance the existing education facilities whilst improving the sustainability of the school in terms of its built form. The extension has been designed to strengthen the identity of the school with the use of a variety of materials and different built forms which complement the existing architecture. Although, some concerns have been raised regarding the overall appearance, the design principles are considered to be sound and the subjectivity of the design is a matter of aesthetical taste, rather than a flawed design proposal. The building's design is considered to be sympathetic to the overall built form of the original building and sensitively sited to minimise its impact upon the surrounding area.

The proposal is considered to be sustainable in terms of the functionality of the buildings envelope, as well as the benefits provided in terms of the re-arrangement of the car parking space and better drainage facilities within the site. The proposal

is therefore heavily supported by national planning policies in terms of the social, environmental and economic benefits which arise from this scheme.

Whilst the proposal does sit partially within an area of open space, the proposed enhancement of the school and the benefits which arise from the expansion are considered to outweigh the small loss of designated open space. The provision of better playgrounds, which are vital to the operation of the school, are considered to be ancillary uses to the wider open space area and do not prejudice the functionality of the wider site.

The proposed alterations are not considered to impact upon the general amenities of the neighbouring properties and the proposal is considered to address some of the concerns raised regarding congestion and indiscriminate parking of cars within the street.

It is appreciated that the school currently experiences certain problems with car parking and that the site, within an otherwise residential area constrains how the site can be expanded, however, this proposal is considered to provide an opportunity to expand the school whilst minimising the impact this may have upon the neighbouring residents. It is therefore considered that on balance, the proposal is of a scale, built form, massing and detailing which is acceptable in terms of both national and local planning policies.

Accordingly, the proposal is recommended for approval.

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Case Number            14/03075/FUL

Application Type    Full Planning Application

Proposal              Retention of a boundary fence

Location             281 Springvale Road Sheffield S10 1LJ

Date Received       19/08/2014

Team                  West and North

Applicant/Agent     Mr S Pope

Recommendation      Refuse with Enforcement Action

Subject to:

- 1      The Local Planning Authority considers that the fencing to be out of character in the street scene, detracting from the visual appearance of the street and is therefore contrary to Policies H14(a) and BE5 of the Unitary Development Plan and Core Strategy Policy CS74(c).
- 2      The Local Planning Authority consider that the fencing results in inadequate visibility from the vehicular access and is detrimental to the safety of road users and as such, contrary to Unitary Development Plan Policy H14 (d).

Attention is drawn to the following directives:

1.     Despite planning officers trying to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, the planning committee have decided  
—
2.     The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Sketch shown on application form,  
Annotated Photo  
Site plan

## Site Location



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## LOCATION AND PROPOSAL

The application site is a terraced property located on the corner of Mona Road and Springvale Road. The property fronts Mona Road and presents its side elevation to Springvale Road. The area of garden between the side of the house and the highway has been lowered and the stone wall, hedge and garden removed. A hard standing for parking has been created and a fence erected between the parking area and the highway. The creation of the vehicular access and parking area is classed as permitted development, however the fencing required planning

permission. The fencing from the front boundary , partway down the side of the house, at pavement level. To the rear of the house on the raised garden area, fencing has been erected parallel to the highway and at right angles going into the site. The fencing behind the building line does not require planning permission as it is not adjacent to the highway.

## RELEVANT PLANNING HISTORY

None relevant

## SUMMARY OF REPRESENTATIONS

One letter of comment has been received raising the points detailed below;

- No objection to fencing currently on site.
- Objection to further fencing being erected until remedial works have been carried out to the retaining wall bordering the highway and to the side of 277 Springvale Road to prevent further collapse.

## PLANNING ASSESSMENT

The site is located in a Housing Area as allocated in the Sheffield Unitary Development Plan. Policies H14, BE5 and Core Strategy Policy CS74 are applicable.

Whilst policy H14a) refers to new buildings and extensions it does say that these should be well designed and be in scale and character with neighbouring building. The principle behind this is applicable to this scheme. The same applies with regards to policy BE5 which promotes good design and states that the use of good quality materials will be expected in all new buildings and extensions amongst other things.

Core Strategy Policy CS74 is also relevant. The wider policy headline details 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. Element ( c) of this policy states that the townscape and landscape character of the city's districts and neighbourhoods and quarters with their associated scale, layout and built form and building styles and materials.

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

Impact on visual amenities:

The character of the street is predominantly that with properties set behind stone walls with hedging. There are a handful of examples on corner plots where fencing has been erected. None of these benefit from planning permission and the addition of such fencing does not represent the main character of the streetscene.

The fencing is approximately 1.8 metres in height and consists of vertical panels between concrete style posts of a pre cast concrete block patterned plinth. The plinth and support mechanism do not make the fence appear high quality and the height and presence of this style of boundary treatment on the corner of the street make the fencing prominent. The fence is highly visible when traveling up Springvale Road due to the elevated situation of the land. The resulting impact is that the fencing is harmful to the visual appearance of the area and does not respect the character of the neighbourhood. The scheme is not compliant with the aims of policies H14 a) and BE5 of the UDP and Policy CS74 ( c) of the Core Strategy.

#### Highways:

The fence has been erected to adjacent to two vehicular access points. The height of the fence does not provide sufficient visibility, which is particularly problematic at the entrance to Mona Road. The parking area allows sufficient parking for two vehicles. There is concern that vehicles reversing out on to Mona Road, immediately adjacent to the junction with Springvale Road causes an unacceptable highway safety conflict with both pedestrians and vehicles, due to the poor visibility caused by the fencing at that height. The applicant has detailed within the submission that the fence is lower than the wall and the previous hedge, however the access is a new addition and the works to create this involved the removal of the previous boundary. It is also asserted by the applicant that the width of the pavement means that visibility would not be a problem, however Officers do not share this view. The development does not facilitate safe access to the highway network and endangers pedestrians and other road users. The scheme is contrary to policy H14 d) of the UDP.

#### Amenity:

The scheme is sufficient distance from neighbouring property so that no significant neighbour disamenity issues would arise.

### RESPONSE TO REPRESENTATIONS

No further fencing has been shown on the submitted plans. The application is to retain what has already been provided.

## ENFORCEMENT

In light of the above assessment it is recommended that authority be given to the Director of Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised fencing.

## SUMMARY AND RECOMMENDATION

The fencing on site has been erected without planning permission and requires permission as it exceeds 1 metre in height. The predominant character of boundary treatment fronting Springvale Road is stone walling and hedging. The fencing installed is not in keeping with the character of the area. The height and quality of this make it more prominent as does its siting on this prominent corner. The fencing is out of character and harmful to the visual amenities of the area. This is contrary to UDP policies H14 (a) and policy BE5 and Core Strategy Policy CS74 (c)

The height of the fencing, adjacent to vehicular access points, particularly at the entrance to Mona Road does not allow adequate visibility for vehicles leaving the site. This poses adverse highway safety implications to pedestrians and other vehicles. This is contrary to UDP policy H14 (d)

For the above reasons the scheme is unacceptable and the recommendations is for members to refuse the scheme and that authority be given to the Director of Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised fencing.

Recommendation : Refuse with Enforcement Action

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Case Number	14/03069/FUL
Application Type	Full Planning Application
Proposal	Three storey rear extension and single-storey front/side and rear extension to dwellinghouse
Location	30 Dore Road Sheffield S17 3NB
Date Received	18/08/2014
Team	South
Applicant/Agent	Chris Gothard Associates
Recommendation	Grant Conditionally

Subject to:

- 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.

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

The drawings dated 17 November 2014,

Reason: In order to define the permission.

- 3 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.

- 4 The window on the side elevation of the extension facing No. 28 Dore Road shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of it shall at any time be glazed with clear.

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

- 5 A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning

Authority before the development is commenced, 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.

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

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

- 7 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.

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

Reason: In the interests of biodiversity.

- 9 The Local Planning Authority shall be notified in writing upon completion of the green roof.

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

- 10 No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2005 (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 the visual amenities of the locality.

- 11 The extensions shall not be used unless privacy screens as shown on the plans has been erected in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such privacy screens shall be retained.

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

- 12 The proposed flat roof area, beyond that indicated as a balcony on the approved plans, shall not be used as amenity space.

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

Attention is drawn to the following directives:

1. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
2. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.

## Site Location



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## LOCATION AND PROPOSAL

This application relates to a large Victorian villa on Dore Road. The property is sited approximately 7km south west of Sheffield city centre and within a leafy suburban area. The property is sited in the middle of the large grounds and a driveway is sited along the north western edge of the site.

The site's topography does not consistently fall away throughout the entire plot; however, the land generally falls away from the front boundary to the rear, the dwelling is sited on an elevated part of the site and tall steps raise up from the garden to the front door.

Areas of hard/soft landscaping surround the dwelling and the front garden provides a grand setting to the large villa. To the front of the dwelling there is a stone wall and hedge which is set in front of a row of mature trees. The boundary treatments are typical of the wider surrounding area.

The street scene comprises of large residential units which vary quite significantly in terms of their size and architectural styles. Whilst across the road on the southern side of Dore Road there are fairly modern properties, the northern side of the road is predominantly large stone built Victorian villas which were constructed circa 1870 after the Duke of Devonshire sold off parcels of land. The grandeur of the properties comes from their height, massing, detailing and their settings within large gardens.

The subject property is set within a Housing Area as defined in the Unitary Development Plan. The property is just set outside the boundary for an area which is referred to as an Area of Special Character in the UDP; however, as it is on the boundary and is of a similar age, size and style to the immediate neighbouring properties, the dwelling significantly contributes to the setting of the Area of Special Character.

#### PLANNING HISTORY

This application is a resubmission of an application which was submitted earlier this year. The application was referenced 14/00455/FUL and was withdrawn to enable further information to be gathered regarding the topography and ecology of the site to be submitted.

Since the application was received, a Tree Preservation Order has been issued which relates to a cluster of mature trees which are sited at the front of 28 Dore Road. The preservation order has been issued to ensure that the trees, which are significant to visual amenities of the area, are protected against intentional, or otherwise, harmful activities.

#### REPRESENTATIONS

The immediate neighbouring properties, which are directly affected by the proposal, were originally notified in writing in line with the LPA's Statement of Community Involvement.

In response, 15 representations have been received in connection with this application. Of these representations, 10 have objected to the proposal, whilst 3 support it. It should also be noted that one of the objections is from a local community group, The Dore Village Society.

The representations raise various issues and the material planning concerns that can be considered in this planning assessment can be summarised as:

- The proposal would destroy the Victorian character of the house and wreck an area of special character;
- It could encourage the owners of other Victorian style houses in the area to propose similar, unsuitable extensions;
- The size, scale and height of the extension is excessively large and grossly out of character with the existing building and the surrounding houses;
- The sizeable extension would be visible from many angles and contravenes the existing building line;
- Drainage would be affected due to the 45% increase in coverage of the garden;
- The roots of the large old trees would be affected, possibly leading to their demise and the character of the area;
- The siting, scale and design of the proposal would be totally incongruous with the existing properties in this area of Special Architectural and Historic Interest;
- The amended drawings with the subterranean garage would be out of keeping with the lawned frontages generally found on Dore Road. Providing the garage to the front of the house and moving it to the centre would be extremely detrimental to the setting of the house and would affect the street scene adversely;
- The extensive roof top terrace would have a severely injurious impact on the privacy and quiet enjoyment of the adjoining residence, due to severe overlooking of the side and rear gardens;
- There will be a sense of overlooking/loss of privacy when the terraced area is in use;
- The size of the balcony would accommodate a sizeable number of people and has the possibility to disturb the quiet enjoyment of the neighbouring properties;
- The use of materials would not be in keeping with the style of the original building;
- The extensions would be overbearing to the immediate neighbouring properties and reduce the amount of light to the house and garden for much of the afternoon and evening;
- There is a lack of information on the plans;
- They would leave a tiny garden behind;
- The proposal would harm the trees which have been protected with a Tree Preservation Order;
- The garage would have earth raised around it which will impact upon the health of the trees;
- The garages are still within the root protection zone of the protected trees;

- The extension to the side and rear has not changed and the trees to the rear of the site would be harmed;

The letters supporting the application can be summarised as:

- Such a high level of proposed investment in the area would create an outstanding family home and bring what is a tired Victorian property into the 21<sup>st</sup> Century
- The fine Victorian properties on Dore Road must be saved for future generations and without significant investment they will be lost forever;
- The facilities, such as a garage, are required to provide modern living;
- The proposal would be in keeping with the area and its association of class, wealth and prestige.

The above issues are discussed in the subsequent report.

The comments also make reference to comments made by Planning Officers regarding the previous scheme. These comments were made available through a Freedom of Information Request. The comments were made on the previous scheme which was different to the application which this report relates to and they should not influence the determination of this application on its own merits.

## PLANNING ASSESSMENT

### Policy Issues

The application is sited within a residential area as defined in the Local Planning Authority's Unitary Development Plan. Furthermore, the site is located on the boundary of an Area of Special Character. This planning assessment has been made based on national and local planning policies which are outlined below.

The National Planning Policy Framework (NPPF, here on in referred to as the framework) makes a presumption in favour of sustainable development and breaks the definition of sustainability down into economic, social and environmental roles.

The framework states that a core land-use planning principle is to always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. (Paragraph 17 of the NPPF)

Following on from core principle of good design, the framework requires good design and states that proposals should respond to local character and history, and reflect the identity of local surroundings and materials. (Paragraph 58 of the NPPF)

The framework makes it clear that the Local Planning Authority should not impose architectural styles or particular tastes. However, it is clear that it is proper to promote or reinforce local distinctiveness and integrate new development into the natural, built and historic environment.

The most relevant local planning policies are outlined in the UDP and, the Core Strategy policy document which forms part of the emerging Sheffield Development Framework (SDF). The SDF will in due course replace the UDP. The Core Strategy has been adopted in 2009 and is in accordance with the principles set out in the National Planning Policy Framework (NPPF).

Policies BE5, H14 and CS74 are applicable and they all require high quality designs which do not severely impact upon the amenities of the surrounding neighbours. The policies are in line with the NPPF which also requires good quality designs that are sustainable. Policy H14 also seeks to ensure that the amenities of the neighbouring residents are not adversely affected.

The UDP and Core Strategy policies are supported by Supplementary Planning Guidance: Designing House Extensions. The guidance seeks to ensure that extensions respect the character of the area and the original dwelling in design terms (Guidelines 1 and 2). Furthermore, guidelines 5 and 6 also seek to ensure that the proposal would not significantly reduce privacy levels, natural light and outlook currently enjoyed by neighbouring properties.

### Design Issues

This proposal seeks planning consent to make extensive alterations to the Victorian villa, 30 Dore Road. It seeks permission to construct a garage to the front of the dwelling, together with large side and rear extensions. Whilst the side extension is described as a single storey extension, the fall of the land does mean the side extension would have an overall height of approximately 5.3 metres, at its highest point. The proposal would also incorporate a three storey rear extension to the dwelling, together with large raised terraced areas.

The proposal has been amended and the most recent plans were submitted on the 17 November 2014. The amended drawings, when compared to the original plans that were submitted, show the garage set in from the shared boundary and more centrally within the site. The raised terraced area is set behind the main property and privacy screens have been proposed along the sides.

The proposal seeks permission to use a variety of materials including natural stone and an ashlar stone cladding. The side and rear extensions would be constructed in stone whilst the garage at the front of the dwelling has been detailed with a

green roof and wall to reduce its overall impact. The proposal also seeks permission to use aluminium windows.

The overall design is contemporary and the extensions are of a considerable size. The side extensions have been set back to be in line with the front of the original building line and the garage and alterations to the front entrance have been designed so that they do not appear higher than the existing front wall and hedge. Furthermore, the proposed garage has been covered with a green roof and wall to reduce the visual impact of this part of the development.

It should be considered that significant works to the front of the dwelling could be carried out without the need for planning permission. For instance, a significant area of hard standing could be constructed under the General Permitted Development Order 2008.

The rear of the site can be partially seen from Ryecroft Glen. However, there are various boundary treatments between this road and the subject property. The property is also set lower down than this road. Whilst the proposal includes a three/two storey rear extension, as well as the side extension to the east of the property, the site is set slightly lower than the neighbouring property no.32 and the proposal is partially screened by the outbuilding within the curtilage of no. 32. The original dwelling is fairly tall and the most visible aspects of the main dwelling are the steep pitched roof.

The proposed extensions and alterations are set significantly lower than the roof and they do not obscure the main features of the original dwelling, such as the bay windows and main entrance. Whilst the flat roofs are different to the scale and massing of the original dwelling, they are considered to be subservient enough to be read as additions to an original Victorian Villa and are not considered to be overly prominent within the street.

The subject property is set within a residential area which is characterised by large dwellings that have been extended and altered in the past. The extensions, whilst unashamedly large, draw on the individuality of the properties within the area. It is still retains large front and rear gardens and is not considered to be an overdevelopment of the site.

It is not considered that the proposal would challenge the original architecture, or be of a scale and nature that would be severely harmful to the character and appearance of the wider surrounding area. The proposal would use materials which would match the original dwelling and would have an appearance which is very similar to other extensions which have been built in the wider area. Accordingly, the overall design principles of the proposal are not considered to be

out of character with its surroundings and are acceptable in terms of UDP policies BE5, H14, CS74 and the NPPF.

### Amenity Issues

The large three storey element of the rear extension spans the width of the existing dwelling. Given the size of the plot of land, together with the arrangement of the neighbouring properties and their outbuildings, this section of the proposal is not considered to significantly overbear upon the neighbouring properties, on its own. Furthermore, it has to be considered that as the three storey element of the scheme would not cut a 45 degree angle taken from the neighbouring properties rear facing ground floor windows, this section of the proposal would not severely restrict daylight. It is also considered that the windows to the rear of no.28, which are closest windows to the boundary, serve non habitable rooms or are secondary windows to main living spaces.

The dwelling of no.28 has a raised balcony/ conservatory to the rear and a long garden which is divided into various patios and grassed areas. The side and rear extension has been reduced in height since the original dwelling and is approximately 5.3 metres in height. It is set slightly away from the shared boundary and would be set behind proposed soft landscaping. Although the extension would run close to the boundary for nearly 30 metres, it should be considered that an outbuilding of up to 4 metres in height, with a pitched roof, can be erected under permitted development rights within the curtilage of a dwelling.

The side extension is not as high as a two storey side extension and the use of a 45 degree angle, as detailed in the Council's guidance for house extensions, is not strictly relevant here. Whilst it may cut a 45 degree angle from a ground floor window of the neighbouring property no. 28, it is over 12 metres away. Part of the supplementary guidance states that as long as a two storey extension is over 12 metres away, the extension would not be considered to be overbearing. The height and nature of the extension is considered to be a significant distance from the neighbouring properties windows. In this respect the proposal is not considered to be overbearing to this neighbour and the outlook is considered to be acceptable.

Similarly, although the extensions closest to the neighbouring property no.32 are two and three storeys in height, the subject property is set slightly lower than no.32 and there is a tall outbuilding in between the proposed extensions and the neighbouring property. On this side of the site, the extension is also set further in to the garden. The height of the extension and the relationship between neighbouring property no.32 is therefore considered to be satisfactory.

With respect to the above, whilst it is considered that the extensions are fairly large, the proposal is not considered to be excessively overbearing to the

neighbouring residents and it is therefore satisfactory with regards to the NPPF and UDP policy H14.

The dwelling is set within large grounds and whilst there are various boundary treatments, the rear aspects of the gardens are mutually overlooked by the neighbouring residents. This was experienced from the Planning Officers site visit. The proposal incorporates windows in the side and rear elevations of the extensions. The main windows in the rear elevations are considered to be acceptable and have a general outlook along the rear gardens. These are not considered to alter the existing privacy levels to an unacceptable level.

Furthermore, whilst there are windows in the side elevation of the side extension, these are not the only windows serving a main habitable room and can be conditioned to be obscure glazing. Subject to a condition being attached to any approval, the proposed windows are not considered to be detrimental to the existing privacy levels.

The proposal incorporates a large terraced area to the rear of the property. However, unlike previous proposals, the amended plans limit this to the area directly to the rear of the property. It is proposed to incorporate privacy screens and, given the size, siting and relationship to the neighbouring properties, this area is not considered to directly overlook the neighbouring properties to an unacceptable level. Balconies and raised terraces are not uncommon in the street, and the rear gardens along Dore Road do mutually overlook each other at various points.

Concerns have been raised regarding the use of the proposed external areas and the potential for noise and disturbance. The proposal is for extensions to a residential property. Whilst the proposed extensions are undoubtedly large, the use of the dwelling is that of a family house. The proposal is not considered to intensify the use of the site to an unacceptable level and the use of the balcony would be similar to that of the existing large grounds.

#### Landscaping

The proposed extensions are set within grounds which have various mature trees and hedges along the boundaries. The trees to the front of the dwelling are set a significant distance from the proposed extension and are not considered to be at risk from the proposal. The trees to the front of the property, and three trees which are sited along the boundary in the garden of no.28, are considered to significantly contribute to the character of the leafy suburb.

A survey of the trees within the site was submitted with the planning application by the applicant. Further to this, the residents of no.28 commissioned a tree survey of

the site and submitted it with their comments. The two surveys provided different conclusions. To fully understand the impact of the proposal upon the trees, and the implications of the various tree surveys, the Council's arborist visited the site and has assessed the proposal with regards to the impact upon the trees.

The three beech trees along the boundary, which are in no.28's garden, are close to the proposed extensions and are protected by a Tree Preservation Order (TPO). The garage has been set away from these trees and the pile foundations are considered to have a minimal impact upon the health of the protected trees. A condition should be attached to any proposal to ensure that the root protection zone is safe from the construction works, as outlined in BS 5837, 2005.

The trees further back in the site, past the front elevation of the original dwelling, are not considered to provide significant amenity to the wider area. These trees have been assessed by the Council's arboriculturalist and the conclusion was that these do not fulfil the requirements for serving a TPO. It is arguable as to whether the proposed extension would affect these trees, given that the applicant has proposed foundations which will have a minimal impact upon the root protection zone. Given the close proximity of the neighbours trees to the boundary and the proposed extension, civil law may be used to restrict the development within their root protection zones, or respond to damage caused, but this would need to be instigated by the neighbouring property.

With regards to this application, the trees to the rear of the site are not considered to be of sufficient public amenity value to be protected under planning legislation and little weight can be afforded to their protection. The retention of the trees would be desirable and the proposal does not seek to remove them. However, the acceptability of the proposal is not considered to hinge upon the existence of these trees and/or their retention.

The trees to the front of the site are to be retained and measures have been put in place to ensure that those protected trees with public amenity value are not harmed. Further landscaping is proposed to supplement the existing soft landscaping and the further details of this can be secured by a condition being attached to any approval.

## SUMMARY

The large Victorian villa does not provide modern facilities such as a garage and the modernisation of such a building will inevitably, over time, be required. The grounds are considered to be of a size and nature which can accommodate such extensions to the dwelling and although the changes are extensive, the proposal is not considered to be an overdevelopment of the site which would be harmful to the character of the original property or the surrounding area.

The proposal has been amended since the initial proposal was submitted earlier this year. Various changes have been made which are considered to minimise the overall impact the proposal would have upon the original dwelling and surrounding area. The proposal is considered to maintain the strong frontage of the Victorian villa and although the extensions would be visible from the street, they have been designed to have a minimal impact upon the existing trees. The overall visual impact of the proposal is not therefore considered to be harmful to the overall character and appearance of the original dwelling or the visual impact of the wider area.

The amended proposal has made changes to the extent of the raised terraced area and minimised the overall height of the side extension where possible. The proposal significantly changes the relationship between the existing property and the neighbours. However, given the size and nature of the neighbouring sites, the proposal is not considered to harm the amenities of the neighbouring properties to an unacceptable degree. Any approval should be conditioned to ensure privacy levels are maintained and subject to such conditions, the proposal is not considered to severely harm the amenities of the neighbouring residents.

The massing, built form, scale, materials and detailing of the proposal are considered to be acceptable and complement the setting and architectural style of the original dwelling. Furthermore, given the relationship between the neighbouring properties and the subject site, the general amenities of the neighbouring residents are not considered to be severely affected. It is therefore considered that the proposal, owing to the above reasoning, is satisfactory with regards to the National Planning Policy Framework and local planning policies CS74, BE5 and H14.

In light of the above, the application is accordingly recommended for approval.

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Case Number	14/02810/FUL
Application Type	Full Planning Application
Proposal	Demolition of part of building, alterations to existing public house to form 6 apartments, alterations to outbuildings to form 2 cottages and erection of 3 detached dwellinghouses and garages, including associated external works and a footpath diversion (amended plans)
Location	Fleur De Lys Hotel Totley Hall Lane Sheffield S17 4AA
Date Received	28/07/2014
Team	South
Applicant/Agent	Chris Gothard Associates
Recommendation	Grant Conditionally Subject Unilateral Agreement

Subject to:

- 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.

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

The amended drawings received 10 November 2014 and numbered:

2171/02:D - Site Plan  
2171/04:A - Apartments Floor Plans  
2171/05:A - Apartments Elevations  
2171/06:A - Apartments Elevations  
2171/08:A - Cottages Proposed Scheme  
2171/09:A - House Type A  
2171/10:A - House Type B  
2171/11:A - House Type C,

Reason: In order to define the permission.

- 3 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.

- 4 The dwellings hereby approved shall be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3 and before any dwelling is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that Code Level 3 has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

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

- 5 Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellings shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

- 6 A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

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

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

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

Reason: To ensure that the local planning authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

- 9 No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been

investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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

- 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 the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

- 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 the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

- 12 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.

- 13 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 or any part thereof shall not be brought in to use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies

relating to validation of capping measures and validation of gas protection measures.

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

- 14 There shall be no gates or barriers erected at the means of access to the site.

Reason: To ensure access is available at all times.

- 15 No 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 the safety of road users.

- 16 The apartments shall not be occupied unless the cycle parking accommodation shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

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).

- 17 The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

- 18 The residential units 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.

- 19 The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be

approved in writing by the Local Planning Authority. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres/hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to mitigate against the risk of flooding.

Attention is drawn to the following directives:

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

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980, and dealt with by:

Development Services  
Howden House  
1 Union Street  
Sheffield S1 2SH

For access crossing approval you should contact the Highway Development Control Section of Sheffield City Council on Sheffield (0114) 2736136, quoting your planning permission reference number.

2. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

Highways Adoption Group  
Development Services  
Sheffield City Council  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

For the attention of Mr S Turner  
Tel: (0114) 27 34383

3. You are required as part of this development, to carry out works within the public highway: As part of the requirements of the New Roads and Street

Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Sheffield City Council  
2-10 Carbrook Hall Road  
Sheffield  
S9 2DB

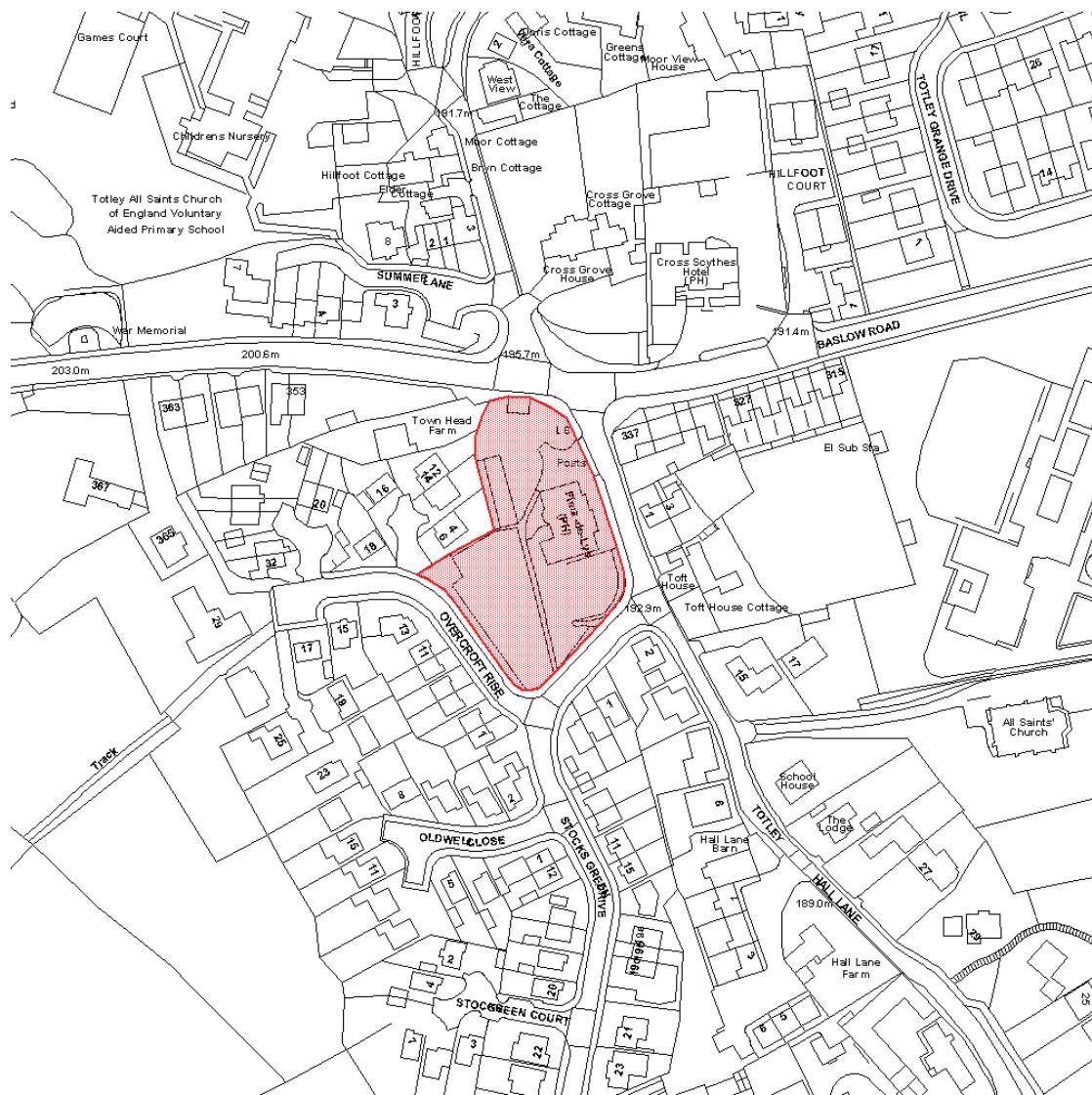
For the attention of Mr P Vickers

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

4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
5. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
6. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.

## Site Location



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## LOCATION AND PROPOSAL

The application relates to a parcel of land which is currently occupied by a large mock Tudor built public house on a corner plot where Baslow Road meets Totley Hall Lane. The Fleur De Lys public house is set within a parcel of land which is an irregular shape of approximately 0.31 hectares in size. This planning application seeks permission to convert the public house into residential units and also erect various detached units within the large grounds.

The property is situated within a residential area and the Totley Conservation Area as defined in the Unitary Development Plan. The site is situated approximately

10km from the Sheffield city centre and the overall character of the area is that of a suburban rural village. Within 200 metres of the site there is a school, some small retail units, but mostly residential units.

The northern tip of the site fronts Baslow Road and this section is defined by a stone wall. The stone wall skirts the site boundary with various sections being higher than others. As the land falls away from west to east, some of the boundary walls are significant retaining structures.

There are two outbuildings within the site, one sited in the northern point of the site and one to the north western edge of the site behind fairly modern detached dwellings.

The now vacant public house faces Totley Hall Lane and a car park is sited to the south and west. To the north of the site, where the outbuildings are located, there is an area of hardstanding set in amongst a grassed area which was used as an ancillary beer garden to the public house.

A public footpath runs through the site and links Totley Hall Drive with Stocks Green Drive. The footpath is not particularly long and it does not have a strong link with the surrounding public rights of way. However, it has been incorporated into the proposed scheme as it is has been considered to be fairly well used.

The application originally sought planning permission for 7 apartments, the conversion of the outbuildings into two cottages and the erection of 4 detached dwellings (13 units in total). The proposal has been amended with the overall scale of the proposal being reduced down to 6 apartments, two cottages and 3 detached dwellings (11 units). The proposal includes an area of car parking to be associated with the conversion of the cottages and the public house.

## PLANNING HISTORY

There is no relevant planning history associated with this application.

## REPRESENTATIONS

The application has been publicised in accordance with national planning guidance and the Local Planning Authority's Statement of Community Involvement. Various site notices have been posted around the site.

Original Submission

The original proposal was commented on by 22 neighbouring residents and one elected Councillor. The representations that have been received can be summarised as making the following material planning comments:

- There is some support for the broad proposal and the use of the land for housing, but the scheme is an overdevelopment which is out of character with the surrounding area;
- The proposal is an overdevelopment of the site;
- The public right of way should remain accessible and well lit;
- The number and size of the detached dwellings is not appropriate for the size of the site and they are not in keeping with the immediate area;
- The height, scale and proximity to the roadside of the new dwellings would adversely affect the amenity and privacy of the existing neighbouring residents;
- The apartments have no usable amenity space;
- The proposal would lead to a loss of privacy to the existing properties and between the properties which are being proposed;
- The proposal would also affect the outlook of the existing properties;
- The introduction of more car parking areas is more harmful to the amenities of the area than the existing car parks which are fairly well screened from the street;
- The proposal will increase the numbers of vehicles using Overcroft Rise and Totley Hall Lane;
- The proposal would increase parking within the highway and obstruct access to the existing properties;
- The proposal does not provide sufficient off road parking or safe and adequate access from Totley Hall Lane. The access point is also too close to Baslow Road;
- Measures should be considered for the perimeter of the site and onto Baslow Road to prevent on street car parking;
- The landscaping within the site is not clear and the number of properties leaves very little green recreational space within the site. The existing landscape attracts birds and wildlife to the area;
- Local facilities would be put under pressure;

A representation has been received from Councillor Martin Smith and is also on behalf of Councillor Colin Ross and Councillor Joe Otten. The representation raises the same issues as those which are outlined above.

The above issues are discussed further in the subsequent report.

Second Submission

After receiving amended plans regarding the site layout and dwelling designs, the neighbouring properties were notified of the proposal and given a further opportunity to comment. Seven representations were received after the second consultation period and whilst objections were raised six of the representations accept that the amendments do improve upon the original scheme. Additional points made include:

- The roads are narrow and even though the proposal has been amended, the development will cause problems with vehicular access and on street parking;
- The footpath should be protected during the construction process and a condition should ensure that lighting is provided along this route;

These issues are discussed in more detail in the subsequent report.

## PLANNING ASSESSMENT

### Principle of Development

Central Government's agenda requires local planning authorities to facilitate housing provision. There is a requirement for planning authorities to maintain a flexible and responsive supply of land for housing and to make every effort to identify and meet the housing, business and other development needs of local communities.

The proposal involves the re-development of a site that was originally occupied by residential units. The National Planning Policy Framework (NPPF) promotes the use of previously developed land; however, it places a strong emphasis on sustainability.

The NPPF states a presumption in favour of sustainable development and this would prevail here. The principle of a residential scheme on this particular site, given the nature and scale of the previous development, is therefore considered acceptable in light of national planning policies.

### National Planning Policy Framework

The National Planning Policy Framework (NPPF) has been fully adopted. The NPPF is a material consideration to be taken into account in determining all planning applications.

It is important to acknowledge that the key message that can be taken from the NPPF is a 'presumption in favour of sustainable development'. The document

summarises delivering sustainable development as planning for prosperity (economic role), for people (social role), and for places (environmental role).

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

In addition, the NPPF attaches great importance to the design of the built environment. It seeks to ensure planning decisions optimise site potential to accommodate development, whilst responding to local character and the identity of local surroundings.

#### Housing Land Availability

Based upon the most current information available, a deliverable supply of housing land over the coming 5 years cannot be demonstrated. The net supply for this period is less than 50% of the net housing requirement.

Paragraph 49 of the Framework advises that relevant policies relating to housing supply should not be considered to be up to date if a five year supply cannot be demonstrated and that the presumption in favour of sustainable development should apply.

This issue of a shortage in housing land availability supports the principle of residential development at this site and it can be agreed that the proposal would provide a meaningful contribution to the local supply of housing land.

#### Efficient Use of Land

Policy CS26 of the Core Strategy promotes efficient use of housing land, but identifies that high densities are not acceptable where they would be out of character with the surrounding area.

With regards to density, based upon the site area as defined in the application the proposal would involve a density of 35 dwellings per hectare. CS26 states that a density range of 40 – 60 dwellings per hectare is acceptable in urban areas where the proposal reflects the character of the area and is sited near high frequency public transport routes. It also states that lower densities will be allowed where they are more reflective of the wider character of the area.

The character of the area is discussed in more detail below. However, overall, the area is characterised by two storey residential buildings interspersed with much

older cottages and various listed buildings. There are no listed buildings within the subject site. The amended proposal has been scaled down and as demonstrated in the subsequent report, the character of the area is considered to have been respected.

The scheme reflects the general character of the area and it is considered to represent an efficient use of land when compared with the current use as a public house. The proposal in this respect is considered to be satisfactory with regards to policy CS26.

#### Principle within the Unitary Development Plan and the SDF Core Strategy

The application is located within a Housing Area under the provisions of the adopted Unitary Development Plan. Policy H10 of the UDP states that Housing is the preferred use in this location. Therefore, the principle of residential development would be considered to be acceptable. However, this would be subject to the provisions of Policy H14 'Conditions on Development in Housing Areas'.

Policy CS24 of the Core Strategy emphasizes the need for sustainable use of resources. It makes it clear that the priority will be given to the use of previously developed land. Although part of the site is landscaped, the majority of the site is hard standing which was previously used as car parking. The land is considered to be previously developed as defined in the policy CS24. As such, the proposal is not considered to be contrary to the provisions of policy CS24 of the Core Strategy.

Overall, the principle of the proposed development would be considered to be acceptable, and there are not considered to be any reasons to resist the proposed scheme in relation to these issues. Indeed, the delivery of a reasonable number of new housing units would support the aim of recent Government Policy.

#### Sustainability Issues

The proposed development of the site is to be assessed against Core Strategy policies CS64, CS65 and CS67. These policies are concerned with the sustainability of a proposal and the impact of the proposal on climate change. They are in line with the guidance provided in the NPPF.

Policy CS64 would require the development to achieve Code for Sustainable Homes Level 3 as a minimum. The applicant has outlined in the supporting information how the scheme would achieve this. In order to ensure that any development meets the requirements of policy CS64, an appropriate condition should be added to any consent granted.

CS65 requires the provision of a minimum of 10% of a development's predicted energy needs to be from decentralised and renewable or low carbon energy. The proposed development is constrained by various features of the site such as existing drains, public footpaths and policy designation of the area as a conservation area. The only viable renewable energy would be solar panels to the roofs of the properties. This alone would not provide sufficient energy provisions and such provisions would be potentially harmful to the character of the Conservation Area. The benefits gained from the use of such technologies are not considered to outweigh the visual harm that would be created.

The proposal has identified the need to provide the highest quality building envelope and highly efficient technologies within the properties. Furthermore, the scheme is converting existing buildings to reduce the overall carbon footprint of the proposed scheme. Whilst in the strictest terms, policy CS65 has not been satisfied, the scheme is considered to comply with the overarching aims of this proposal and the scheme is an efficient and more sustainable use of the land than the current use.

The Climate Change Supplementary Planning Document, in Guideline CC1, requires developments exceeding 10 dwellings to incorporate a green roof which covers at least 80% of the total roof area, where it is compatible with other design and conservation considerations and where viable. This application relates to the conversion of an existing public house and ancillary buildings and the installation of a green roof is not therefore feasible. Furthermore, to respect the local architectural vernacular, pitched roofs are required which are not conducive to the installation of green roofs. Green/ Brown roofs are not therefore viable in this instance for aesthetic reasons and it is considered that the benefits would not outweigh the design considerations in this case. In this instance, for the above reasons, it would not therefore be reasonable to refuse the scheme on this reason alone.

Policy CS67 relates to management of flood risk, and for sites of less than 1 hectare, such as this, requires surface water run-off to be reduced as far as is feasible by design measures such as attenuation or permeable paving. The scheme incorporates various landscaped areas and amount of hard standing is not considered to be significantly greater than the previous development. Such measures needed to comply with this policy are considered to be achievable through the proposed design. The fine details can therefore be required from the applicant by a suitable planning condition attached to any approval.

#### Design Issues

Policy BE5 and BE16 of the UDP states that the new buildings should complement the scale, form and architectural style of surrounding buildings as well as preserve and enhance the conservation area within which they are sited.

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

Policy H15 reinforces policy H14 and emphasizes the need for good layouts of new residential developments.

The NPPF seeks to promote sustainable development; however, in breaking the definition of sustainability down into three, it also places a significant emphasis on good design and protecting and enhancing the natural and built environment within which the development is set. It further requires proposals to respond to the surrounding local character and be visually attractive as a result of good architecture.

The area is a leafy suburban location which has been built up around various stone and slate cottages/ farm buildings. Various modern housing estates have linked the older elements of the village, but overall, the built heritage of the area has largely survived over time and it has been considered that it is worthy of protection by designation as a conservation area.

The amended proposal seeks permission to erect 4 detached properties, two cottages and 3 detached properties. The apartments consist of 5 x 2 bedoomed apartments and 1 x 1 bedoomed apartments. The converted outbuildings would be split into 2 x 3 bedoomed dwellings and the detached dwellings are 4 bedoomed properties with additional study/ guest room.

The layout of the proposal has been amended and the number of units on the site has been reduced. The shape of the site means that the car parking is slightly disjointed from the apartment units but is as close as it can be without being excessively prominent. The proposed car parking to the apartments is on the existing car parking area but will be re-landscaped to soften the overall impact of this space. Windows have been put in the side elevations of the neighbouring dwelling to provide natural surveillance and perception of overlooking to this space. Whilst the car parking area is not ideal, it ensures the prominent corner plot between Stocks Green Drive and Totley Hall Lane can be enhanced and a two storey building of similar proportions to the surrounding area can be located at this junction.

Plot 11 has been significantly altered and scaled down in size. The large detached house which was originally proposed has been removed and the property has been redesigned so that the frontage is more akin to units in the wider area. This property is to be constructed in natural stone and slate to respect the character of the area. Furthermore, this plot would enhance the setting of the of the

conservation area and provide a solid link between the traditional, older buildings set to the east of Totley Hall Lane and the more modern dwellings on Stocks Green Drive and Overcroft Drive. This plot would have further soft landscaping to the boundary to enhance the setting of the conservation area.

The two dwellings to the west of the site would also be constructed of natural stone with slate roofs. The properties are set back from the public highway and would have off street car parking space for two cars in front of a garage. They would appear to be two storeys in height from the front, which is similar to the other properties within the immediate surrounding area. However, owing to the steep slope to the rear of these properties, the dwellings would also have a basement.

The outbuildings to the northwest of the public house are currently derelict shells which are proposed to be converted into two cottages. The details of these have been amended and the frontages have been simplified with the removal of canopies which were originally proposed. The ridgeline has been reduced slightly and the overall conversion would not significantly alter the original scale and massing of these units. The retention of this building is welcomed as it has been identified in the conservation area appraisal and is considered to contribute to the character of the conservation area.

The outbuilding which is sited at the northern tip of the site is to be restored and utilised as a bin and cycle store. The refurbishment of this outbuilding preserves and enhances the conservation area and is again very much welcomed.

The public footpath has been retained in the proposal and still runs from the northeast of the site to the southern corner which is set on Stocks Green Drive. It has been slightly modified but would function in the same manner as the existing layout. The car parking to the southern corner of the site has reduced the overall amount of fencing along the public footpath and only a section behind the proposed dwellings on plot 9 and 10 remains. The layout of the amended scheme prevents a long corridor of high fencing from being created.

It is considered that the proposed revised layout has reflected the wider character of the area and goes some way to linking the built forms of the older parts of Totley Hall Lane with the newer dwellings along Overcroft Rise and Stocks Green Drive. Elements of the original proposal which were not found within the wider area – such as the large detached garages – have been removed from this scheme and the frontages of the proposed dwellings are more in keeping with the properties which they are adjacent to. The scale, massing, built forms and details are responsive to the conservation area and the proposed scheme is considered to preserve and enhance the wider heritage of the area. Accordingly, the proposal is considered to be satisfactory with regards to policies BE5, BE16, H15 and CS74.

## Accessibility

Policy H7 seeks to improve access for people with disabilities. The properties will meet the requirements of Part M of building control and can be easily adapted to suit people's needs. The purpose of policy H7 is to achieve a flexible scheme which can adapt to people's needs. It states that 25% of the proposed units should be mobility housing where it is feasible.

The apartments at ground floor level have floor layouts which could accommodate wheel chair users. Whilst the conversion of an existing building will inevitably be harder to adapt the access to the new flats incorporates the existing accesses which have been designed for public access. Whilst there is not a lift proposed in the building, the other units are considered to have layouts which can accommodate people with a variety of disabilities.

The topography of the site and the re-use of the original public house mean that the development cannot be fully compliant with mobility standards. However, over 25% of the units have the flexibility to be adapted in the future and are well laidout to allow for a variety of users, including persons with wheelchairs. The proposal is considered to satisfactory with regards to this policy and the application has tried to accommodate the requirements of the policy as much as possible, without compromising the design and layout of the entire scheme. It is considered that on balance, the scheme is satisfactory with regards to policy H7.

## Amenities and Landscaping Issues

Policy H14 seeks to protect the existing amenities of the neighbouring properties, whilst ensuring that the amenities provided for the future occupants is of a high standard. UDP policy H14 is a broad based policy which seeks to protect the amenities of the neighbouring properties. Further guidance which helps interpret this policy can be found in the Supplementary Planning Guidance: Designing House Extensions. The guidance is relevant to this proposal as it provides clarity as to what the main amenity issues are and what can be considered to be acceptable.

All of the proposed dwellings are fairly spacious units and the internal arrangements are considered to provide good quality living conditions for the future occupants.

The detached properties have reasonable sized gardens and these are considered to laid out in a way which are both private and usable. Whilst the apartments do not individually have any private amenity space, the amended plans have improved the amount of external amenity space to an acceptable level and the area located to the north of the site, behind the main wall facing Baslow Road is a fairly private.

The amount of amenity space is considered to be acceptable in terms of 110 square metres which is recommended within the South Yorkshire Residential Design Guide. However, it is not completely private. However, whilst the external amenity space provided for the apartments is limited, the drawings show that the area will be landscaped and the quality of the area will be improved. It is very accessible for disabled persons and is secure and overlooked.

The proposed amenity space is considered to be sufficient and of a good enough quality for a scheme of this size and nature. Furthermore, it is also considered that the location, which is very close to the Peak District National Park, would provide good local facilities which would ensure that the living conditions of those in the apartments is satisfactory.

The proposal shows that the landscaped area would enhance the visual amenities of the area and the living conditions of the proposed occupants. The car parking and public right of way have been redesigned to try and limit the amount of fencing along this route and to try and make the access through the site as open as possible. The redesigned layout would enhance the existing car parking area with further landscaping and further soft landscaping would be added to plot 11 which is on a visually prominent corner.

The soft landscaping can be secured by a condition and the amended proposed layout has incorporated more landscaped areas which would improve the overall visual amenities of the area but also provide good quality environments for the future occupants of the site.

The three detached properties on plots 9,10 and 11 face the public highway or have windows which face onto their rear gardens or the public footpath. The proposal has been mindful of the distances to the rear boundaries and where windows are fairly close to the boundaries, these have been designed to serve rooms such as bathrooms and en-suites which would have obscure glazing and would not impinge upon the privacy levels of the neighbouring properties.

The apartments and the detached dwellings would have a distance over 21 metres between the rear elevation and the main windows of the apartments and accordingly, these windows are not considered to be harmful to the privacy levels. Although the cottages and the apartments are fairly close, the windows overlook a public footpath and can never be entirely private. They are considered to be satisfactory, however, and they are considered to make the most out of the site which has many constraints. On balance, the proposed windows in the cottages and the apartments are considered to be acceptable.

All the proposed units, apart from the cottages, are set away from the existing dwellings and have a public highway running in between them. They do not back onto these existing residential units or directly overlook any neighbouring property's private amenity space. They are sited in a sensitive way so as not to compromise the current privacy levels and in this respect the proposal does not give rise to any privacy issues.

Whilst the cottages do have some windows in the rear elevations facing the neighbouring properties on Overcroft Rise, these windows serve non habitable rooms and can be conditioned to be obscure glazing to prevent any direct overlooking of these neighbouring properties. Subject to a condition being placed on any approval, these units are also not considered to give rise to any privacy issues.

The proposed units have been designed to be in scale with the existing properties within the street and are laid out so as to have a minimal impact upon one another. They are set back from the highways and are not considered to be overbearing to the existing neighbouring properties or those which they neighbour within the site. Furthermore, the cottages and original public house would use the existing building's shell and as a result of this, the changes would not impact upon the light or outlook of the neighbouring units.

The amended plans have significantly improved the relationship between the proposed properties and the amenities afforded to them. The proposal is considered to provide reasonable amenities for future occupants of the site, but not at the expense of the amenities currently enjoyed by the neighbouring residents. Owing to the above reasons, the proposal in these respects is considered to be satisfactory and acceptable in terms of UDP policy H14.

#### Ecology

The site is fairly open and the trees which are on the site at present are not considered to contribute significantly to wider green character of the area. Furthermore, given the previous use of the grassed area, the site is not considered to play host to any protected species. The proposal incorporates the re-planting of various trees and the soft landscaping proposed is considered to significantly enhance the site. As such, the proposal is considered to be acceptable in this respect.

#### Drainage

The proposal has incorporated various soft landscaped areas and the overall footprints of the buildings are not significantly different to the areas of current hardstanding and the footprints of the original buildings found on the site.

Furthermore, the paving can be conditioned to be permeable and with such measures, the surface water runoff from the site is likely to be reduced when compared to the previous development. In this respect, the proposal is considered not to give rise to any drainage issues subject to a condition ensuring that the surface water run-off is reduced.

### Highways

The proposal has been scaled down to ensure that further parking provisions can be made, but that are not significantly prominent or harmful to the visual character of the area. The detached dwellings have two off street car parking spaces, together with a garage, and this is considered to be satisfactory with regards to the Local Planning Authority's car parking guidelines. Similarly, the number of off street car parking spaces for the apartments and cottages is considered to meet the Local Planning Authority's guidelines and the provision is one space per unit with one additional visitor's space for every four proposed units.

The parking provisions now provided ensure that fewer vehicles will use the entrance close to Baslow Road. The main car parking area is to the south of the site and this is considered to be sufficient for the number of dwellings now proposed. Furthermore, given that the car park was previously located here and could accommodate significantly more vehicles, the proposed layout and siting of the car park is not considered to be detrimental to the safe flow of traffic or pedestrian safety.

The current parking provisions and layout is not considered to be detrimental to highway safety and it is therefore considered to be acceptable in terms of UDP policy H14 (d).

### Open Space Contributions

Given that the development incorporates in excess of 5 dwelling units, it is subject to the provisions of UDP policy H16, which covers 'Open Space in New Housing Developments'. This policy states that the developer is expected to make an appropriate contribution to the provision or enhancement of recreation space in the catchment area of the site, where it can be demonstrated that a shortfall in provision exists, or existing facilities are in need of improvement.

An assessment has been carried out, which demonstrates that there is an under provision of informal recreation space and children's play facilities and the need to improve outdoor sport facilities within the catchment area to the site. A commuted sum of £12,457.85 would therefore be required in relation to informal recreation and children's play facilities and improvement of outdoor sport facilities. Should

consent be granted, this will need to be subject to a completed legal agreement securing this payment.

It is recommended to Members, that should a signed and dated Section 106 Agreement not be entered into by the applicant, by 1 January 2015, the application should be refused on the grounds that the proposal does not make provisions to meet the requirements of UDP policy H14 and Core Strategy policy CS40.

#### Education Facilities

Core Strategy Policy CS43 relates to Schools and part d) explains that expansion of schools will be funded by developers where insufficient local space to meet demand arising from new housing developments occurs.

Supplementary Planning Guidance (SPG) dating from 1998, relating to UDP policies set out how and when such contributions would be sought. This SPG contained no trigger (in terms of numbers of dwellings) for requiring assessment of local provision. The SPG has now been superseded by Interim Planning Guidance (IPG), adopted in October 2014 and published in November 2014.

The 2014 IPG identifies a trigger of ten new dwellings for consideration of education capacity. It also confirms that this applies to only properties of 2 or more dwellings.

This scheme has 11 dwellings, 10 of which are of two or more bedrooms, with 5 of the 10 being 2 bedroom apartments.

The matter of a potential education contribution arising from the development was not raised with the applicant during pre-application discussions that took place earlier in the year, as that advice represented the SPG position at the time and a capacity issue had not been identified. An assessment of current capacity has been triggered by the adoption and publishing of the IPG during the course of this application, and this demonstrates that Totley Primary School is forecast to have a small number of spaces available in future years and no developer contribution was identified here. King Ecgbert's Secondary School however is oversubscribed and there is evidence that there will be further capacity problems in the future. Reflecting contributions set out in the newly introduced IPG would result in the developer funding of £27,630.

The developer has resisted providing this contribution on the basis that the scheme has already been the subject of negotiations that have scaled down the extent of development, and increased the costs of the scheme through high quality materials such that they do not consider the scheme would be viable with such a contribution.

Paragraph 173 of the NPPF makes clear that ensuring viability is a key aspect of pursuing sustainable development, and that the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

In this context, and given that the request for the contribution was not made until the IPG was published (late November 2014), it is not considered reasonable to pursue this request on this occasion.

## SUMMARY AND RECOMMENDATION

The proposal seeks permission to erect 11 dwellings on a previously developed site which currently accommodates a vacant public house. The provision of these units would be a helpful contribution to Sheffield's housing land supply at an appropriate density and they would contribute to the diversity of the housing stock in the area. The principle of the development therefore fully complies with UDP and Core Strategy policies H10, CS24 and CS26.

Furthermore, given the push by Local Government for diverse, high quality residential developments, the scheme is considered to fall within the overarching aims of the National Planning Policy Framework. The NPPF's presumption in favour of sustainable development supports the scheme.

The units are considered to be of an acceptable design which reflects the character of the area. They are set within good landscaped grounds and the amenities afforded to the future occupants are considered to be of a satisfactory standard.

The modern designs would meet the Code for Sustainable Homes Level 3 and are considered to be compliant with the aims Core Strategy policies regarding sustainability and climate change.

The siting and layout reflects the surrounding built environment and it is not considered that the neighbouring residents would suffer from loss of light, outlook and privacy. Regarding the design and its impact upon the amenities of future and neighbouring residents, the proposal is considered to meet the requirements of UDP and Core Strategy policies BE5, H7, H14, H15, CS64, CS65, CS67 and CS74.

The scheme is considered to comply with national and local planning policies and is therefore recommended for approval, subject to conditions, and to the applicant

providing a Unilateral Undertaking to secure an Open Space contribution of £12,457.85.

It is also recommended that the application be refused in the event that the legal agreement is not concluded before 6 January 2015 with the reason for such being that the applicant has failed to either meet the planning requirements in the proposed legal agreement within a reasonable timescale or to agree an alternative timescale for meeting those planning requirements.

#### Heads of Terms for Unilateral Undertaking

- The owner shall pay to the Council on or before the commencement of the development the sum of £12,457.85 to be used for the provision and improvement of open space in the locality of the site.

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Case Number	14/02232/FUL
Application Type	Full Planning Application
Proposal	Demolition of outbuildings and erection of 2 dwellinghouses with associated landscaping and parking provision as amended 21.11.14
Location	Barns To The Rear Of Moor View Farm 522 Manchester Road Fulwood Sheffield S10 5PQ
Date Received	27/05/2014
Team	West and North
Applicant/Agent	Coda Studios Ltd
Recommendation	Grant Conditionally Subject Unilateral Agreement

Subject to:

- 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.

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

Drawing nos. 2155\_012 and 013 received on 28.5.14; and drawing nos. 2155\_014 Rev B, 015 Rev A, 016 Rev A, 019 received on 21.11.14,

Reason: In order to define the permission.

- 3 Prior to the commencement of development, intrusive site investigation works to establish the coal mining legacy on the site shall be undertaken and carried out and a Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority. Any remediation works recommended in the Intrusive Site Investigation Report shall be subject to a Remediation Strategy Report which shall have been submitted to and approved in writing prior to development being commenced. The development shall proceed in accordance with the recommendations of the approved Remediation Strategy. Upon completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The dwellings hereby approved shall not be occupied until the Validation Report has been approved in writing by the Local Planning Authority.

- Reason: To ensure the safety and stability of the proposed development.
- 4 Surface water and foul drainage shall drain to separate systems.
- Reason: To ensure satisfactory drainage arrangements.
- 5 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure satisfactory drainage arrangements.
- 6 No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure satisfactory drainage arrangements.
- 7 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;  
Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed.  
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, in accordance with Sheffield Development Framework Core Strategy Policy CS65.
- 8 The dwellings hereby approved shall be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3 and before any dwelling is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that Code Level 3 has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

- 9 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.
- 10 A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.
- Reason: In the interests of the visual amenities of the locality.
- 11 The details of landscaping required by the above condition shall include details of replacement tree planting and the proposed boundary treatment of the site.
- Reason: In the interests of the visual amenities of the locality.
- 12 The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.
- Reason: In the interests of the visual amenities of the locality.
- 13 No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees 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 the visual amenities of the locality.
- 14 Before development commences, details of measures to secure provision of enhanced biodiversity including bat roost opportunities within the development in accordance with the recommendations contained in Section 5 of the submitted Bat Survey prepared by Whitcher Wildlife Ltd dated 15 May 2014 (ref no. 130892/REV 1) shall have been submitted to and

approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved measures.

Reason: In the interests of biodiversity.

- 15 The dwellings 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.

- 16 The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway and means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

- 17 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 the safety of road users.

- 18 Prior to works commencing on site, full details of the following shall have been submitted to and approved in writing by the Local Planning Authority, and the demolition/construction works shall only be progressed in accordance with the approved details
- (i) demolition/construction method statement;
  - (ii) phasing of demolition/construction works;
  - (iii) site safety and segregation/hoardings;
  - (iv) any temporary site access for demolition/construction traffic;
  - (v) location of site compound and temporary car parking arrangements for contractors;
  - (vi) haulage routes associated with demolition/construction;
  - (vii) times when demolition/construction works and movement of demolition/construction traffic will be restricted;

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

Attention is drawn to the following directives:

1. The developer is advised to contact the Development Services Team, Yorkshire Water Services Ltd, Midway, Western Way, Bradford BD6 2LZ (tel 0845 120 84 82) regarding the drainage arrangements for the site and the requirement for obtaining any other approvals and licenses.
2. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980, and dealt with by:

Development Services  
Howden House  
1 Union Street  
Sheffield S1 2SH

For access crossing approval you should contact the Highway Development Control Section of Sheffield City Council on Sheffield (0114) 2736136, quoting your planning permission reference number.

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 a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

Highways Adoption Group  
Development Services  
Sheffield City Council  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

For the attention of Mr S Turner  
Tel: (0114) 27 34383

4. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator 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 and application forms on the Council website. For further help and advice please ring 0114

2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

6. The applicant is advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Sheffield Biological Records Centre. This will assist in a key principle of the National Planning Policy Framework that planning policies and decisions should be based on up-to date information about the natural environment and other characteristics of the area by building up the data base of up-to-date ecological information and this will help in future decision making. Ideally data should be provided in ESRI shape file format.
7. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.

8. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

## Site Location



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## LOCATION

The property at Moor View Farm is located on the north side of Manchester Road in a predominantly residential area of Crosspool.

The property comprises a former farmhouse sited towards the front part of the property, a range of outbuildings on the middle part of the property, and open land towards the rear.

This application site relates to approximately 0.1 hectares of land across the middle part of the property and land on the western part of the frontage to Manchester Road.

## PROPOSAL

The proposal seeks full planning permission for the demolition of the existing outbuildings on the site and erection of 2 dwellings with associated landscaping and parking provision.

The application has been amended since its original submission to revise the design of the proposed layout, dwellings and parking and access arrangements. The amendments have re-sited the proposed access from the west side of the frontage to the east side thereby reduced the number of vehicular accesses serving this and the remainder of the property at Moor View Farm to one shared access. The proposed garaging has been re-sited from the west boundary to the central part of the site.

As amended, the proposal comprises the demolition of the existing outbuildings, and the erection of 2 semi-detached dwellings sited to the side and rear of the former farmhouse. The existing outbuildings to be demolished have a generally 'L-shaped' footprint comprising former stables, barn and a lower range of sheds wrapping around a courtyard to the rear of the former farmhouse. The proposed dwellings would be sited on a similar orientation and footprint to the stable and barn range of the outbuildings. The proposed garaging and covered parking bays would be sited in a range at the northern end of, and aligned at 90 degrees to, the two proposed dwellings forming a small courtyard to the rear of the former farmhouse. The main front elevation of the two proposed dwellings would face southeastwards towards the former farmhouse and this small courtyard.

Each of the dwellings would have a short front garden and larger rear gardens.

The proposed dwellings would each be four-bedroomed and have a two-storey appearance with ridged roofs. The garage and parking range would be single-storey with a mono-pitched roof.

The proposed dwellings and garages would be faced in reclaimed stone with natural slate roofs.

## RELEVANT PLANNING HISTORY

In September 2014 planning permission was granted for demolition of an existing single-storey rear extension, alterations, and erection of two-storey rear extension

and a single-storey side extension to the former farmhouse at Moor View Farm (application no. 14/01368/FUL refers).

In May 2014 a planning application for the erection of 5 dwellings on the rear part of the property at Moor View Farm was submitted (application no. 14/02155/FUL refers). This application is considered elsewhere on this agenda.

#### SUMMARY OF REPRESENTATIONS

The application has been publicised by notification letter to neighbouring properties.

6 representations of objection relating to the following matters:

- Manchester Road is busy road with many cars, vans and lorries constantly passing, speed limits often exceeded, making entry and exit hazardous;
- farmhouse obstructs vision of drivers;
- school run makes entry and exit dangerous for children going to and from school;
- if less houses one access road would be more feasible and safer;
- concerned about two access points to Manchester Road, two new roads is too many, noisy to surrounding properties, dangerous, one of the access roads is next to a bus stop, one next to a 40mph speed limit, difficult to access the road at peak times, adding two more access points will add to the problems;
- danger from entry and exit of vehicles to and from the housing development, there will be 8 dwelling houses possibly two-car households, make it more congested, the size of the barns will have a further impact on increase in traffic;
- contradictory saying it is highly accessible yet needs two private drives and so busy at peak times;
- consider moving the 30mph limit to the west of Den Bank Drive to improve safety;
  
- the outbuildings and barns have significance in terms of heritage, loss of heritage, how is it that the barns cannot be renovated, the roofing looks to be concrete asbestos type not corrugated iron, condition protection of workers and local residents;
  
- mining report appears inconclusive;
- can surrounding homes have reassurance that mine shafts in the area won't be affected by the development causing damage to properties;
  
- loss of light to 520 Manchester Road;
  
- increase in size of first barn which is currently one storey, no details of what barns will be for, number of rooms, bedrooms, layout , windows;

-all construction traffic should be made to park on the site and not on Manchester Road;

-no site notices posted, not consulted, not clear that there are additional applications.

A representation has been received from Councillor G Smith relating to the following concerns:

- proposal for two access roads, Manchester Road can be difficult to get on to and it would give pedestrians another two roads to cross, wonder if two roads are necessary or sensible;
- issues of springs on the land and concerns that drainage might not work effectively if it is built on;
- there are coal workings underground and clearly that raises issues.

## PLANNING ASSESSMENT

### Policy Issues

The Sheffield Local Plan includes the Core Strategy and the saved policies and proposals map of the Unitary Development Plan (UDP). The UDP Proposals Map identifies the site as being within a Housing Area.

The Pre-Submissions version of the Draft City Policies and Sites Document and Draft Proposals Map are also a material consideration albeit with limited weight given that the documents are not to be submitted to the Secretary of State. The Draft Proposals Map maintains this designation.

The proposed development is acceptable in principle and complies with UDP Policy H10.

### Highway and Transportation Issues

Policy H14 of the UDP relating to conditions on development in Housing Areas including matters of highway safety.

Manchester Road is a classified road. There are wide verges alongside Manchester Road to both sides of the property at Moor View Farm. Whilst the adjacent properties are set back from the carriageway, part of the curtilage of Moor View Farm projects further forward to the footpath running alongside the carriageway of Manchester Road. The front elevation of the former farmhouse is set back approximately 7 metres from the back edge of this footpath.

There is a bus stop and shelter on the western part of the property's frontage to Manchester Road. The vehicular access to Moor View Farm is located on the east side of the former farmhouse towards the eastern end of the property's frontage.

The junction of Den Bank Drive with Manchester Road is approximately 46 metres to the west of Moor View Farm. Coppice View junction with Manchester Road is approximately 40 metres to the east of Moor View Farm.

The application has been amended to re-site the proposed access from the western end of the frontage to the eastern end.

There are no highway objections to the location of the vehicular and pedestrian access at the eastern end of the site's frontage to Manchester Road. The proposal achieves satisfactory forward visibility along Manchester Road for vehicles leaving the site.

The highway design of this access is also capable of serving the retained former farmhouse and the current development proposals on the remainder of the Moor View Farm property under application no. 14/02155/FUL.

The proposal provides sufficient on-site parking and manoeuvring space for vehicles to serve this development.

There are no highway objections to the proposed development as amended.

#### Sustainability

Core Strategy Policy CS24 seeks to maximise the use of previously developed land for new housing and Core Strategy Policy CS26 seeks efficient use of housing land and accessibility. Core Strategy Policies CS63 to CS65 promote various sustainability issues. The Government's planning policy guidance contained in the National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development (NPPF paragraph 14).

The proposal will achieve a density of approximately 20 dwellings per hectare. Whilst this is below the 30 to 50 dwellings per hectare density range sought by Core Strategy Policy 26 for this part of the urban area it is considered that the proposed density is in keeping with the character of the area and in particular the character of the site. The proposal will not result in overdevelopment of the site.

The site has the appearance of a greenfield site. Policy CS24 identifies the criteria states whereby housing on greenfield sites will be developed which includes on small sites within the existing urban areas and larger villages where it can be justified on sustainability grounds.

It is considered that the site is accessibly located within the existing urban area close to local facilities and public transport. The Crosspool local shopping area is approximately 200 metres to the east of the site. The site is not of high ecological, landscape or recreational value. The proposal complies with Core Strategy Policy CS24.

The applicant's submissions on sustainability include that the possibility for the development to accommodate photo voltaic panels and a local heating system, and seek to ensure that the energy consumption of the buildings will be met by a minimum of 10% renewable sources. The proposed development would be to Sustainable Homes Code Level 3. Conditions are recommended to ensure the incorporation of sustainable measures within the proposed development in compliance with Core Strategy policies on climate change and design.

#### Demolitions

The proposal involves the demolition of outbuildings to the rear of the former farmhouse. These buildings comprise a former dairy at the southern end of the range, a cow shed, stable, barn and shelter sheds on the return range at the northern end. The dairy was built of stone walls and had a low shallow pitched corrugated sheet roof. The cow shed and stables comprise a single-storey block with stone walls and corrugated sheet pitched roof hipped at its southern end. The abutting barn is taller and has a first floor hayloft. It has stone walls and a corrugated sheet ridged roof. The shelter sheds comprise a low range of originally open fronted units and has a corrugated sheet roof.

A structural report and surveyors report has been submitted with this application. The dairy and shelter sheds are in a dilapidated state. The dairy roof has been removed following collapse. The walls of the shelter sheds are in poor condition and the roof over the shelter sheds has collapsed. The cow shed/stable and barn appear more substantial but in need of repair. The submitted report states that the walls of the barn are unlikely to have foundations. The surveyor's report states that severe woodworm infestation is breaking down the flooring throughout.

Moor View Farm and its outbuildings are not listed and not within a conservation area. The outbuildings form part of the heritage asset of Moor View Farm reflecting the history of the farm. The former farmhouse is being retained as part of the proposals for the property. It is considered that given the retention of the former farmhouse which is the distinctive building and the current state of the outbuildings there is no fundamental objection to the demolition of the outbuildings.

#### Effect on the Amenities of Residents and the Locality

Policy H14 of the UDP relating to conditions on development in Housing Areas also includes matters of design and amenity. UDP Policy BE5 seeks good design in new developments and Core Strategy Policy CS74 relating to design principles also expects high quality development respecting distinctive features and heritage including townscape and landscape character.

The surrounding ground levels generally fall beyond the northern boundary of the site. The western boundary of the site adjoins the side and rear garden boundaries of the adjacent house at 526 Manchester Road. There are existing residential properties nearby beyond the site and adjoining the Moor View Farm property off Manchester Road to either side of the site, off Den Bank Drive to the west side of the site, off Den Bank Close to the north of the site, and off Coppice View to the east side of the site, and on the opposite side of Manchester Road. These existing dwellings surrounding the site are mainly two-storey with some having single-storey elements.

As amended, the proposed dwellings are oriented on a southwest-northeast alignment with their rear elevations facing northwest. The southernmost of the two proposed dwellings is sited slightly forward of the front elevation of 526 Manchester Road and achieves a separation of 10 metres between the side elevation of the existing house at 526 Manchester Road and the rear elevation of the proposed dwelling. The side elevation of no. 526 facing the proposed dwelling contains secondary windows at ground and first floor level. The angled alignment of the proposed dwellings is such that there would be a minimum separation of 13 metres between the rear facing elevation of the proposed dwellings and the rear garden of no. 526. There would be approximately 27 metres between the rear elevation of the northernmost of the proposed dwellings and the rear garden boundary of no. 89 Den Bank Drive. It is considered that the proposal as amended achieves sufficient separation to ensure that the proposed dwellings would not significantly overshadow, overbear or overlook the properties at 526 Manchester Road and 89 Den Bank Road.

The front elevations of the proposed dwellings would be approximately 18 metres away from the side and rear garden boundary of no. 520 Manchester Road and 24 metres away from the dwelling at no. 520. There would be a separation of 19 metres between the proposed dwelling and the rear garden boundary of the property at no. 1 Coppice View. It is considered that the proposal as amended achieves sufficient separation to ensure that the proposed dwellings would not significantly overshadow, overbear or overlook the properties at 520 Manchester Road and 1 Coppice View.

The site is approximately 31 metres away from the rear gardens of houses off Den Bank Close. The siting of the proposed dwellings achieves approximately 21 metres to the proposed dwellings subject to application no. 14/02155/FUL. There

would be at least 30 metres separation from the proposed dwellings to the houses on the opposite (south) side of Manchester Road. It is considered that the proposal as amended achieves sufficient separation to ensure that the proposed dwellings would not significantly overshadow, overbear or overlook these and other nearby properties.

It is considered that there would be sufficient separation between the proposed garages and surrounding properties to ensure that there would be no significant overshadowing, overbearing or overlooking of adjacent and nearby properties. The courtyard garaging and parking areas and associated vehicular and pedestrian activity within the courtyard and on the access drive would not significantly harm the living conditions of nearby residents.

The design and facing materials of the proposed dwellings and garages are appropriate and of good quality. The proposed courtyard layout as amended is in keeping with the character of the property. The proposal as amended retains the distinctive character of the former farm complex and would make a positive contribution to the local area. There would be no harm to the character and appearance of the streetscene.

The proposal will result in the removal of two multi-stemmed trees (an apple and an elder) inside the eastern boundary of the site. These trees are of low value and their loss would not significantly harm the ecological interest or setting of the site. A group of trees outside the site are close to and in places overhang part of the western boundary of the site. The re-siting of the proposed driveway and access to the east side of the site is beneficial. The siting of the proposed dwellings and garages as amended would not prejudice the retention of these trees. A condition requiring replacement tree planting as part of the landscaping scheme is recommended.

The proposal complies with UDP Policies H14 and BE5 and Core Strategy Policy CS74.

#### Ecology Issues

A report of a bat survey has been submitted with this application. The report states that bats have been observed over the property. The existing buildings have low potential for bat roosts. No bat roosts were present in any of the buildings. No bats were seen to emerge from the buildings on the property. A condition is recommended to secure bat roost opportunities within the development.

#### Drainage Issues

The applicant has stated that foul sewage and surface water is to be disposed of via the main sewer and that the applicant is in discussion with Yorkshire Water. The applicant has submitted a preliminary drainage layout showing separate foul and surface water drains within the site, continuing through the northern part of the property to an existing combined sewer in Den Bank Drive. Between the application site and Den Bank Drive the preliminary drainage layout shown includes a soakaway trench across the northern part of the Moor View Farm property and the initially separate foul and surface water systems and the soakaway overflow connecting to a proposed combined drainage system and then on to an existing combined sewer in Den Bank Drive.

Yorkshire Water has stated that if planning permission is to be granted, conditions should be attached to secure details of drainage system including separate systems of drainage for foul and surface water, and its provision. Yorkshire Water has advised that land drainage will not be permitted to discharge to the public sewer network and surface water discharge to the existing public sewer network must only be as a last resort. The Council's Land Drainage Service has stated that further details of the land drainage system would be needed to assess permeability aspects of the proposed system.

Conditions are recommended to secure the provision of appropriate drainage arrangements.

#### Ground Conditions

The site lies within a Coal Mining Development High Risk Area. A Coal Mining Risk Assessment Report has been submitted with this planning application. The Coal Authority considers the content and conclusions of the report are sufficient for the purposes of the planning system and has no objection to the proposed development subject to the imposition of a condition or conditions to secure intrusive site investigation works and any remedial works identified by the site investigation prior to commencement of development.

#### Open Space

UDP Policy H16 relating to open space provision in new housing developments seeks to ensure that there is sufficient open space in the locality to meet the needs of the future occupants of the proposed development. This application is one of two applications for residential development on separate parts of the property at Moor View Farm. The aggregate number of dwellings on the two applications triggers the requirements of Policy H16. The Council's Supplementary Planning Guidance (SPG) on open space in new developments provides guidance on this policy.

The site lies within an area where the overall provision of open space is below the minimum guidance. In such circumstances UDP Policy H16 requires the developer to contribute towards the provision and enhancement of open space in the locality. A planning obligation will be required to secure this contribution.

#### SUMMARY

The proposed development is acceptable in principle. The UDP Proposals Map identifies the site as being within a Housing Area.

There are no highway objections to the proposed development as amended. There are no highway objections to the location of the vehicular and pedestrian access at the eastern end of the site's frontage to Manchester Road. The proposal achieves satisfactory forward visibility along Manchester Road for vehicles leaving the site.

The highway design of this access is also capable of serving the retained former farmhouse and the current redevelopment proposals on the remainder of the Moor View Farm property under application no. 14/02155/FUL.

It is considered that given the retention of the former farmhouse which is the distinctive building and the current state of the outbuildings there is no fundamental objection to the demolition of the outbuildings.

There are no ecological objections subject to a condition to secure biodiversity enhancement.

The proposed development would not significantly harm the living conditions of nearby residents.

The design and facing materials of the proposed dwellings and garages are appropriate and of good quality. The proposed courtyard layout as amended is in keeping with the character of the property. There would be no harm to the character and appearance of the streetscene.

Conditions are recommended to secure provision of an appropriate drainage system including separate systems of drainage for foul and surface water.

The Coal Authority considers the content and conclusions of the coal mining risk assessment report are sufficient for the purposes of the planning system and has no objection to the proposed development subject to the imposition of a condition or conditions to secure intrusive site investigation works and any remedial works identified by the site investigation prior to commencement of development.

The proposal complies with UDP Policies H10, H14, BE5 and Core strategy Policies CS24, CS26, CS63 to CS65, and CS74.

The site lies within an area where the overall provision of open space is below the minimum guidance. In such circumstances UDP Policy H16 requires the developer to contribute towards the provision and enhancement of open space in the locality. A planning obligation will be required to secure this contribution.

#### RECOMMENDATION

It is recommended that planning permission is granted subject to conditions and the completion of a satisfactory planning obligation to secure a financial contribution towards the provision and enhancement of open space in the locality.

In the event that a satisfactory planning obligation is not concluded before 19 December 2014 it is recommended that the application be refused for the failure to make adequate provision in this regard.

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Case Number	14/02155/FUL
Application Type	Full Planning Application
Proposal	Erection of 5 dwellinghouses with associated landscaping and parking provision as amended 21.11.14
Location	Moor View Farm 522 Manchester Road Fulwood Sheffield S10 5PQ
Date Received	27/05/2014
Team	West and North
Applicant/Agent	Coda Studios Ltd
Recommendation	Grant Conditionally Subject Unilateral Agreement

Subject to:

- 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.

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

drawing nos. 2155\_022, 024, 025, 026, 027 and 028 received on 28.5.14; and drawing nos. 2155\_023 Rev A and 030 Rev A received on 21.11.14,

Reason: In order to define the permission.

- 3 Prior to the commencement of development, intrusive site investigation works to establish the coal mining legacy on the site shall be undertaken and carried out and a Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority. Any remediation works recommended in the Intrusive Site Investigation Report shall be subject to a Remediation Strategy Report which shall have been submitted to and approved in writing prior to development being commenced. The development shall proceed in accordance with the recommendations of the approved Remediation Strategy. Upon completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The dwellings hereby approved shall not be occupied until the Validation Report has been approved in writing by the Local Planning Authority.

- Reason: To ensure the safety and stability of the proposed development.
- 4 Surface water and foul drainage shall drain to separate systems.
- Reason: To ensure satisfactory drainage arrangements.
- 5 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure satisfactory drainage arrangements.
- 6 No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- Reason: To ensure satisfactory drainage arrangements.
- 7 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;  
Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed.  
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, in accordance with Sheffield Development Framework Core Strategy Policy CS65.
- 8 The dwellings hereby approved shall be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3 and before any dwelling is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that Code Level 3 has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64.

- 9 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.

- 10 A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

- 11 The details of landscaping required by the above condition shall include details of replacement tree planting and the proposed boundary treatment of the site.

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

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

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

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

- 14 Before development commences, details of measures to secure provision of enhanced biodiversity including bat roost opportunities within the development in accordance with the recommendations contained in Section 5 of the submitted Bat Survey prepared by Whitcher Wildlife Ltd dated 15

May 2014 (ref no. 130892/REV 1) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved measures.

Reason: In the interests of biodiversity.

- 15 The dwellings shall not be used unless car parking accommodation for 12 cars has been provided 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.

- 16 The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway and means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

- 17 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 the safety of road users.

- 18 Prior to works commencing on site, full details of the following shall have been submitted to and approved in writing by the Local Planning Authority, and the demolition/construction works shall only be progressed in accordance with the approved details
- (i) demolition/construction method statement;
  - (ii) phasing of demolition/construction works;
  - (iii) site safety and segregation/hoardings;
  - (iv) any temporary site access for demolition/construction traffic;
  - (v) location of site compound and temporary car parking arrangements for contractors;
  - (vi) haulage routes associated with demolition/construction;
  - (vii) times when demolition/construction works and movement of demolition/construction traffic will be restricted;

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

Attention is drawn to the following directives:

1. The developer is advised to contact the Development Services Team, Yorkshire Water Services Ltd, Midway, Western Way, Bradford BD6 2LZ (tel 0845 120 84 82) regarding the drainage arrangements for the site and the requirement for obtaining any other approvals and licenses.
2. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980, and dealt with by:

Development Services  
Howden House  
1 Union Street  
Sheffield S1 2SH

For access crossing approval you should contact the Highway Development Control Section of Sheffield City Council on Sheffield (0114) 2736136, quoting your planning permission reference number.

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 a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

Highways Adoption Group  
Development Services  
Sheffield City Council  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

For the attention of Mr S Turner  
Tel: (0114) 27 34383

4. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator 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 and application forms on the Council website. For further help and advice please ring 0114

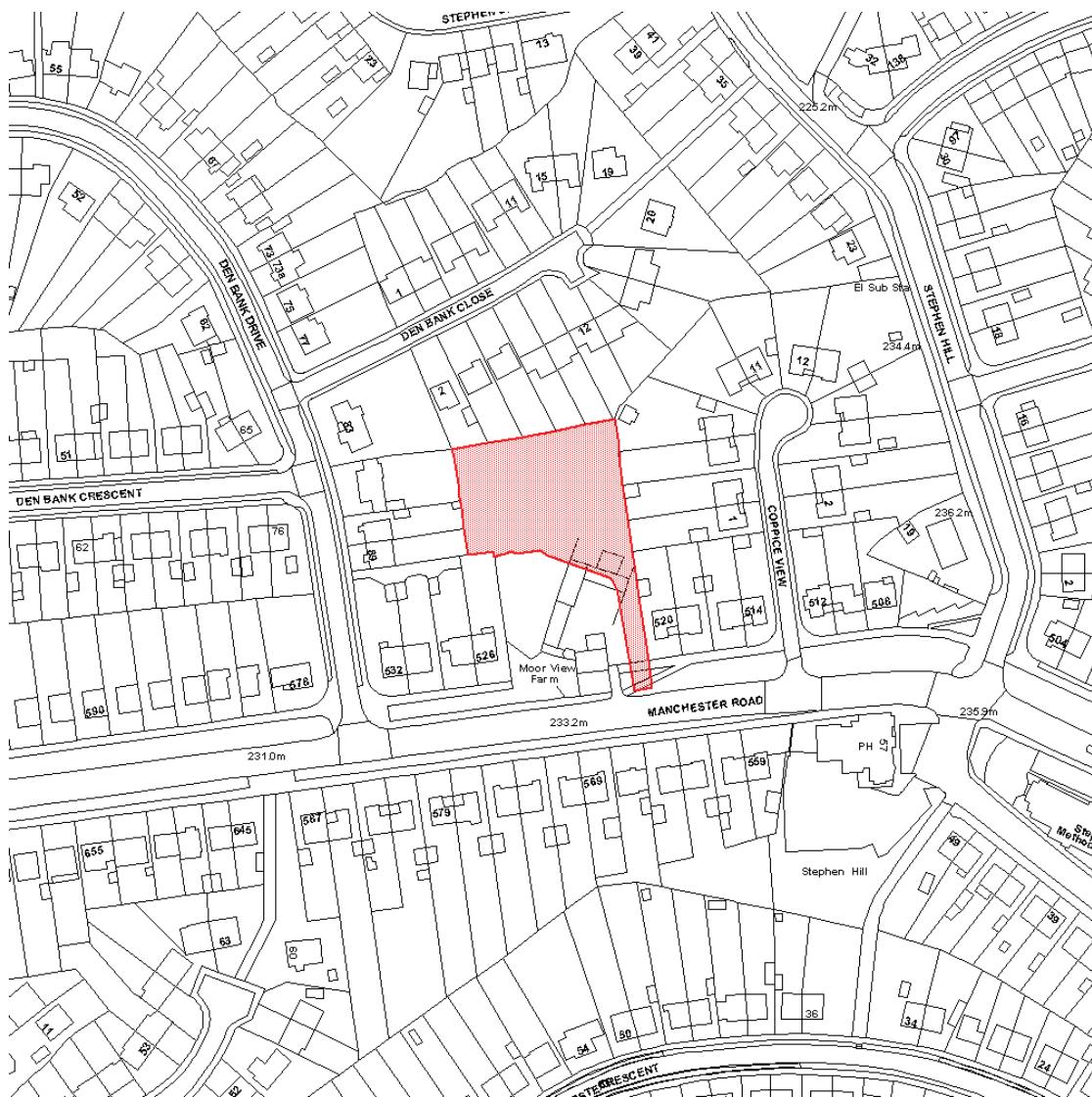
2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

6. The applicant is advised that the biodiversity information/ecological assessment provided as part of this application will be made available to Sheffield Biological Records Centre. This will assist in a key principle of the National Planning Policy Framework that planning policies and decisions should be based on up-to date information about the natural environment and other characteristics of the area by building up the data base of up-to-date ecological information and this will help in future decision making. Ideally data should be provided in ESRI shape file format.
7. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.

8. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

## Site Location



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## LOCATION

The property at Moor View Farm is located on the north side of Manchester Road in a predominantly residential area of Crosspool.

The property comprises a former farmhouse sited towards the front part of the property, a range of outbuildings on the middle part of the property, and open land towards the rear.

This application site relates to approximately 0.2 hectares of open land on the rear part of the property and a strip of land on the eastern part of the site providing access off Manchester Road.

## PROPOSAL

The proposal seeks full planning permission for the erection of 5 dwellings with associated landscaping and parking provision.

The application has been amended since its original submission to revise the design of the proposed layout, parking and access arrangements. The amendments have reduced the amount of garaging alongside the west and east boundaries of the site, and reduced the number of vehicular accesses serving this and the remainder of the property at Moor View Farm to one shared access.

As amended, the proposal comprises the erection of 5 detached dwellings sited in a row across the rear part of the site with their main front elevations facing south over a shared courtyard. Each of the dwellings would have front and rear gardens. The two end dwellings would be four-bedroomed and have a two-storey appearance with a ridged roof. Their rear elevations include glazed doors to one of the first floor bedrooms with a 'Juliette' style balcony across the glazed doors. The three central dwellings in the row would be three-bedroomed and would have a generally two-storey appearance with the third bedroom being within the ridged roofspace. The rear elevations include glazed doors and a short balcony to one of the first floor bedrooms of each of these three dwellings.

Parking is proposed off the courtyard including a detached garage alongside the west side boundary of the courtyard and two garages on the east side boundary of the courtyard.

The front elevation of the dwellings would be faced in natural stone, the remaining elevations would be white render, and the dwellings would be roofed in slate. The garages would be faced in reclaimed stone.

## RELEVANT PLANNING HISTORY

In September 2014 planning permission was granted for demolition of an existing single-storey rear extension, alterations, and erection of two-storey rear extension and a single-storey side extension to the former farmhouse at Moor View Farm (application no. 14/01368/FUL refers).

In May 2014 a planning application for demolition of outbuildings and erection of 2 dwellings across the central part of the property at Moor View Farm was submitted

(application no. 14/02232/FUL refers). This application is considered elsewhere on this agenda.

## SUMMARY OF REPRESENTATIONS

The application has been publicised by notification letter to neighbouring properties.

12 representations of objection relating to the following matters:

- 8 houses is too many for the site taking account of potential traffic this will cause, site too small to have garages next to properties;
- Manchester Road is busy road with many cars, vans and lorries constantly passing, speed limits often exceeded, making entry and exit hazardous;
- farmhouse obstructs vision of drivers;
- school run makes entry and exit dangerous for children going to and from school;
- two new roads is too many, one of the access roads is next to a bus stop, one next to a 30mph speed limit;
- danger from entry and exit of vehicles to and from the housing development, there will be 8 dwelling houses possibly two-car households, concern that driveways are on to Manchester Road, a lot of pedestrians, children and elderly people use this pavement, danger of accidents, impact of increased traffic and pedestrians;
- 40 mph speed limit compromises pedestrian and vehicle safety;
- treatment of entry/exit unclear;
- compromise access and security to rear of 528 and 530 Manchester Road;
- references to local tram system should be discounted, contradictory saying it is highly accessible yet needs two private drives and so busy at peak times;
  
- flooding issues unresolved, there are springs that run through the land, where will these be diverted to, will development redirect any water into adjacent properties causing structural damage, a watercourse runs from the farm and below property on Den Bank Close, this is within 20 metres of the development, bottom half of farm and top portion of garden on Den Bank Close suffer waterlogging, surface water cannot sufficiently drain away, any building work could disturb the watercourse and make ground unstable and raise possibility of flooding;
- block paving instead of field will increase speed and volume of water run off, water runs across Den Bank Drive from a spring and freezes in winter causing pedestrian and traffic hazards;
  
- mining issues unresolved, coal mining assessment report conclusions have insufficient evidence, there are mine shafts, unclear where they run, unrecorded shafts could be present, subsidence and rectification work carried out recently at Den Bank Close not mentioned in the report;

- structural work at the farm could disturb land, could be further damage to property, who would compensate for any rectification work;
- overlooking of properties on Den Bank Close impinging on privacy, light and noise level, rear balcony would look down into garden and homes;
- overlooks 518 and 528 Manchester Road, loss of privacy to 83 Den Bank Drive, could affect light and privacy to 89 Den Bank Drive and 6 Den Bank Close, loss of light to 520 Manchester Road;
- field to be developed is higher than properties on Den Bank Close and directly behind their gardens;
- not clear what is being done around boundaries; no information how existing properties will be screened from the proposed development, fence would not rectify loss of privacy, no mention of what is happening to trees on western boundary;
- increase noise and pollution from higher dwelling density;
- building on a field contradictory to responding to the character of a farm context;
- will local school be able to cope;
- no site notices posted, not clear that there are additional applications.

A representation has been received from Councillor G Smith relating to the following concerns:

- proposal for two access roads, Manchester Road can be difficult to get on to and it would give pedestrians another two roads to cross, wonder if two roads are necessary or sensible;
- issues of springs on the land and concerns that drainage might not work effectively if it is built on;
- there are coal workings underground and clearly that raises issues.

## PLANNING ASSESSMENT

### Policy Issues

The Sheffield Local Plan includes the Core Strategy and the saved policies and proposals map of the Unitary Development Plan (UDP). The UDP Proposals Map identifies the site as being within a Housing Area.

The Pre-Submissions version of the Draft City Policies and Sites Document and Draft Proposals Map are also a material consideration albeit with limited weight given that the documents are not to be submitted to the Secretary of State. The Draft Proposals Map maintains this designation.

The proposed development is acceptable in principle and complies with UDP Policy H10.

#### Highway and Transportation Issues

Policy H14 of the UDP relating to conditions on development in Housing Areas including matters of highway safety.

Manchester Road is a classified road. There are wide verges alongside Manchester Road to both sides of the property at Moor View Farm. Whilst the adjacent properties are set back from the carriageway, part of the curtilage of Moor View Farm projects further forward to the footpath running alongside the carriageway of Manchester Road. The front elevation of the former farmhouse is set back approximately 7 metres from the back edge of this footpath.

There is a bus stop and shelter on the western part of the property's frontage to Manchester Road. The vehicular access to Moor View Farm is located on the east side of the former farmhouse towards the eastern end of the property's frontage.

The junction of Den Bank Drive with Manchester Road is approximately 46 metres to the west of Moor View Farm. Coppice View junction with Manchester Road is approximately 40 metres to the east of Moor View Farm.

There are no highway objections to the location of the vehicular and pedestrian access at the eastern end of the site's frontage to Manchester Road. The proposal achieves satisfactory forward visibility along Manchester Road for vehicles leaving the site.

The highway design of this access is also capable of serving the retained former farmhouse and the current redevelopment proposals on the remainder of the Moor View Farm property under application no. 14/02232/FUL.

The proposal provides sufficient on-site parking and manoeuvring space for vehicles to serve this development.

There are no highway objections to the proposed development as amended.

#### Sustainability

Core Strategy Policy CS24 seeks to maximise the use of previously developed land for new housing and Core Strategy Policy CS26 seeks efficient use of housing land and accessibility. Core Strategy Policies CS63 to CS65 promote various sustainability issues. The Government's planning policy guidance contained in the

National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development (NPPF paragraph 14).

The proposal will achieve a density of approximately 23 dwellings per hectare. Whilst this is below the 30 to 50 dwellings per hectare density range sought by Core Strategy Policy 26 for this part of the urban area it is considered that the proposed density is in keeping with the character of the area and in particular the character of the site. The proposal will not result in overdevelopment of the site.

The site has the appearance of a greenfield site. Policy CS24 identifies the criteria states whereby housing on greenfield sites will be developed which includes on small sites within the existing urban areas and larger villages where it can be justified on sustainability grounds.

It is considered that the site is accessibly located within the existing urban area close to local facilities and public transport. The Crosspool local shopping area is approximately 200 metres to the east of the site. The site is not of high ecological, landscape or recreational value. The proposal complies with Core Strategy Policy CS24.

The applicant's submissions on sustainability include that the possibility for the development to accommodate photo voltaic panels and a local heating system, and seek to ensure that the energy consumption of the buildings will be met by a minimum of 10% renewable sources. The proposed development would be to Sustainable Homes Code Level 3. Conditions are recommended to ensure the incorporation of sustainable measures within the proposed development in compliance with Core Strategy policies on climate change and design.

#### Effect on the Amenities of Residents and the Locality

Policy H14 of the UDP relating to conditions on development in Housing Areas also includes matters of design and amenity. UDP Policy BE5 seeks good design in new developments and Core Strategy Policy CS74 relating to design principles also expects high quality development respecting distinctive features and heritage including townscape and landscape character.

The surrounding ground levels generally fall beyond the northern boundary of the site. There are existing residential properties adjacent to the site off Manchester Road to either side of the site, off Den Bank Drive to the west side of the site, off Den Bank Close to the rear (north) of the site, and off Coppice View to the east side of the site. There are residential properties on the south side of Manchester Road opposite the Moor View Farm property. These existing dwellings surrounding the site are mainly two-storey with some having single-storey elements.

The proposed dwelling on the western side of the application site is located close to the site's boundary with the rear garden boundaries of the existing residential properties at nos. 85 to 89 Den Bank Drive. The west facing side elevation of this proposed dwelling contains no side facing windows. There would be approximately 22 metres between the side of the proposed dwelling and the main rear elevation of the houses off Den Bank Drive. Whilst the two-storey gabled side elevation of the proposed dwelling is approximately 0.5 metres from the rear gardens of the houses off Den Bank Drive it is considered that its massing would not significantly overshadow or overbear the rear gardens or rear elevations of those properties. It is considered that there would be no significant overlooking between the proposed dwelling and these properties.

The proposed dwellings have rear gardens at least 10 metres long providing a separation distance to the main rear elevation of houses off Den Bank Close of approximately 22 metres at least. The proposed dwellings would be built on ground levels higher than the ground levels of the houses off Den Bank Close. It is considered that the proposal achieves sufficient separation between the main opposing windows of the proposed dwellings and the existing houses off Den Bank Close.

The proposed dwelling on the eastern boundary of the site is located close to the site's boundary with the rear garden boundaries of the existing houses at nos. 1 to 7 Coppice Drive. The east facing side elevation of this proposed dwelling contains no side facing windows. There would be approximately 27 metres between the side of the proposed dwelling and the main rear elevation of the houses off Coppice View. Whilst the two-storey gabled side elevation of the proposed dwelling is approximately 1 metre from the rear gardens of the houses off Coppice View it is considered that its massing would not significantly overshadow or overbear the rear gardens or rear elevations of those properties. It is considered that there would be no significant overlooking between the proposed dwelling and these properties.

The siting of the proposed dwellings achieves approximately 37 metres separation between the proposed dwellings and the opposing windows with the adjacent houses off Manchester Road, and 21 metres to the proposed dwellings subject to application no. 14/02232/FUL.

The proposed single-storey garages at the western and eastern ends of the site would have ridged roofs with their eaves alongside the site boundaries. It is considered that there would be no significant overshadowing, overbearing or overlooking between the proposed garages and these properties. The courtyard parking areas and associated vehicular and pedestrian activity within the courtyard

and on the access drive would not significantly harm the living conditions of nearby residents.

The design and facing materials of the proposed dwellings and garages are appropriate and of good quality. The proposed courtyard layout as amended is in keeping with the character of the property. There would be no harm to the character and appearance of the streetscene.

The proposal will result in the removal of two multi-stemmed trees (an apple and an elder) inside the eastern boundary of the site. These trees are of low value and their loss would not significantly harm the ecological interest or setting of the site. A group of trees outside the site overhang part of the western boundary. Whilst this is a mixed group of low value trees, the siting of the detached garage alongside this boundary would not prejudice the retention of these trees. A condition requiring replacement tree planting as part of the landscaping scheme is recommended.

The proposal complies with UDP Policies H14 and BE5 and Core Strategy Policy CS74.

#### Ecology Issues

A report of a bat survey has been submitted with this application. The report states that bats have been observed over the property. The existing buildings have low potential for bat roosts. No bat roosts were present in any of the buildings. No bats were seen to emerge from the buildings on the property. A condition is recommended to secure bat roost opportunities within the development.

#### Drainage Issues

The applicant has stated that foul sewage and surface water is to be disposed of via the main sewer and that the applicant is in discussion with Yorkshire Water. The applicant has submitted a preliminary drainage layout showing a soakaway trench across the rear gardens of the proposed dwellings and initially separate foul and surface water systems and the soakaway overflow connecting on-site to a proposed combined drainage system and then on to an existing combined sewer in Den Bank Drive.

Yorkshire Water has stated that if planning permission is to be granted, conditions should be attached to secure details of drainage system including separate systems of drainage for foul and surface water, and its provision. Yorkshire Water has advised that land drainage will not be permitted to discharge to the public sewer network and surface water discharge to the existing public sewer network must only be as a last resort. The Council's Land Drainage Service has stated that

further details of the land drainage system would be needed to assess permeability aspects of the proposed system.

Conditions are recommended to secure the provision of appropriate drainage arrangements.

#### Ground Conditions

The site lies within a Coal Mining Development High Risk Area. A Coal Mining Risk Assessment Report has been submitted with this planning application. The Coal Authority considers the content and conclusions of the report are sufficient for the purposes of the planning system and has no objection to the proposed development subject to the imposition of a condition or conditions to secure intrusive site investigation works and any remedial works identified by the site investigation prior to commencement of development.

#### Open Space

UDP Policy H16 relating to open space provision in new housing developments seeks to ensure that there is sufficient open space in the locality to meet the needs of the future occupants of the proposed development. The Council's Supplementary Planning Guidance (SPG) on open space in new developments provides guidance on this policy.

The site lies within an area where the overall provision of open space is below the minimum guidance. In such circumstances UDP Policy H16 requires the developer to contribute towards the provision and enhancement of open space in the locality. A planning obligation will be required to secure this contribution.

#### SUMMARY

The proposed development is acceptable in principle. The UDP Proposals Map identifies the site as being within a Housing Area.

There are no highway objections to the proposed development as amended.

The highway design of this access is also capable of serving the retained former farmhouse and the current redevelopment proposals on the remainder of the Moor View Farm property under application no. 14/02232/FUL.

The proposed development would not significantly harm the living conditions of nearby residents.

The design and facing materials of the proposed dwellings and garages are appropriate and of good quality. The proposed courtyard layout as amended is in keeping with the character of the property. There would be no harm to the character and appearance of the streetscene.

Conditions are recommended to secure provision of an appropriate drainage system including separate systems of drainage for foul and surface water.

The Coal Authority considers the content and conclusions of the coal mining risk assessment report are sufficient for the purposes of the planning system and has no objection to the proposed development subject to the imposition of a condition or conditions to secure intrusive site investigation works and any remedial works identified by the site investigation prior to commencement of development.

The proposal complies with UDP Policies H10, H14, BE5 and Core strategy Policies CS24, CS26, CS63 to CS65, and CS74.

The site lies within an area where the overall provision of open space is below the minimum guidance. In such circumstances UDP Policy H16 requires the developer to contribute towards the provision and enhancement of open space in the locality. A planning obligation will be required to secure this contribution.

#### RECOMMENDATION

It is recommended that planning permission is granted subject to conditions and the completion of a satisfactory planning obligation to secure a financial contribution towards the provision and enhancement of open space in the locality.

In the event that a satisfactory planning obligation is not concluded before 19 December 2014 it is recommended that the application be refused for the failure to make adequate provision in this regard.

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Case Number	14/01710/FUL (Formerly PP-03382191)
Application Type	Full Planning Application
Proposal	Application under Section 73 to vary condition 2 (to make minor material changes to the rear elevation) and to remove conditions 33 (Sustainable Homes Level 3) and 34 (BREEAM 'very good') (Amended elevations received 05/08/14 and District valuer information received 19/11/14); as imposed by planning permission 12/02078/FUL - Erection of 90 student bedrooms in 10 cluster apartments in a 6 storey block with Class A1/A3/A5 and B1 units on ground floor
Location	Yorkshire Co Op Society Car Park Beeley Street Sheffield S2 4LP
Date Received	12/05/2014
Team	South
Applicant/Agent	Axis Architecture
Recommendation	Grant Conditionally

Subject to:

- 1 The development must be begun not later than the expiration of three years from the 22nd October 2012.

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

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

Drawing numbers  
26146 A(31)01 Revision J

26146 A(02)00 Revision A  
26146 A(02)01 Revision L  
26146 A(02)02 Revision O  
26146 A(02)03 Revision K  
26146 A(02)04 Revision G  
26146 A(02)05 Revision J

26146A(05)01 Revision A

26146A(31)02 Revision B

26146A(21)04 Revision A,

Reason: In order to define the permission.

- 3 No development shall take place until samples of the materials to be used in construction of the external surfaces (facing, roofing, windows and doors) of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

Windows  
Window reveals  
Doors  
Eaves and verges

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

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

- 5 A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works at ground floor level and shall be retained for verification purposes until the completion of the works.

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

- 6 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 23 July 2012 by Eastwood and Partners including the mitigation and flood resilience measures detailed in the FRA, with finished ground floor levels set no lower than 70.5 AOD.

Reason: In order to mitigate against the risk of flooding.

- 7 The development hereby permitted shall not commence until a Flood Plan for the development has been submitted to and approved in writing by the Local Planning Authority. The Flood Plan shall include the following details:

- a. Measures for identifying and retaining a Flood Plan co-ordinator and local flood wardens/volunteers;
- b. Details of actions that will be put into place to ensure that all occupants of the development are fully aware of the flood risk to the property and are able to prepare for such an incident;
- c. Details of identified access/egress routes to/from the building during flood incidents and how such routes will be marked;
- d. Details of actions to be taken prior to, during and subsequent to a flood incident;
- e. A timetable and delivery mechanism for implementation of the Flood Plan; and
- f. Arrangements for continued implementation of the Flood Plan, including monitoring of the operation of the measures contained in the Flood Plan and the making of any alteration to the Flood Plan.
- g. Details of flood mitigation measures to protect the plant and equipment within the basement level of the building.

Reason: In order to mitigate against the risk of flooding.

- 8 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of a scheme for the disposal of surface water which shall include the use of Sustainable Drainage (SuDS) techniques unless it can be demonstrated that they are not feasible or practicable. The scheme must also demonstrate that existing runoff rates for the site will be reduced by up to 30%. No piped discharge of surface water from the site shall take place until the approved scheme has been implemented.

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

- 9 Before the development is commenced, or 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.

- 10 A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

- 11 Unless otherwise approved the proposed brown roof shall cover a minimum area of 80% of the roof and shall be provided prior to the use of the building commencing. Full details of the brown roof construction and specification, together with a maintenance schedule, shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site.

Reason: In the interests of biodiversity.

- 12 The residential accommodation hereby permitted shall not be occupied unless the sound insulation measures detailed in noise report dated July 2012, ref. 4590.1v4 produced by Hepworth Acoustics have been implemented and retained in accordance with the details submitted and approved in writing by the Local Planning Authority. Such works shall be capable of achieving the following noise levels:

Bedrooms	L <sub>Aeq</sub> 15 minutes 30 dB (2300 to 0700)
Living Rooms	L <sub>Aeq</sub> 15 minutes 40 dB (0700 to 2300)

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

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

- a) Include a system of fully ducted mechanical ventilation to all habitable rooms with no ventilation openings in the façade or windows.  
Before the scheme of sound attenuation 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.

- 14 Before the use of the development is commenced, a Validation Test of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Test 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 attenuation works thus far approved, a further scheme of sound attenuation 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.

- 15 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 have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered.

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

- 16 No customer shall be permitted to be within the ground floor units outside the following times:

0800 hours and 2330 hours, Mondays to Saturdays, and 0800 hours and 2300 hours on Sundays and Public Holidays.

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

- 17 The office accommodation shall not be occupied unless the approved sound insulation works detailed in the noise report dated July 2012, ref. 4590.1v4 produced by Hepworth Acoustics have been implemented and retained in accordance with the details submitted to and approved in writing by the Local Planning Authority. Such works shall be capable of achieving the following noise levels:

Offices Noise Rating Curve NR45 (0700 to 2300)

(Noise rating curves should be measured as a 15 minute Leq at the octave band centre frequencies 31.5Hz to 8KHz).

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

- 18 Before the use of the building for Food and Drink purposes is commenced a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall
- Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey,
  - Be capable of restricting noise breakout from the Use Class A3 use to the street to levels not exceeding:
    - the background noise levels by more than 3 dB(A) when measured as a 15 minute Laeq,
    - any octave band centre frequency by more than 3dB when measured as a 15 minute Leq,

iii) Be capable of restricting noise breakout from the Class A3 use to the flats above to levels complying with the following:

Bedrooms: Noise Rating Curve NRC 25 (2300 TO 0700 hours),  
Living Rooms: Noise Rating Curve NR35 (0700 to 2300 hours),

(Noise Rating Curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 kHz to 8 kHz).

Before such scheme of 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 locality and occupiers of adjoining property.

- 19 The development shall not be used for the purposes hereby permitted, unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall include plans showing the location of the fume extract terminating 1 Metre above eaves or ridge and shall include a low resistance cowl. The use shall not be commenced until the approved equipment has been installed and is fully operational.

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

- 20 No deliveries to the ground floor units shall be carried out between the hours of 2300 to 0800 hours Monday to Saturday, and between 2100 hours and 0900 hours Sundays and Public Holidays.

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

- 21 No movement, sorting or removal of waste bottles, materials or other articles, nor movement of skips or bins shall be carried on outside the building within the site of the development between 2300 hours and 0800 hours Monday to Saturday and between 2100 hours and 0900 hours on Sundays and Public Holidays.

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

- 22 The building shall not be used for the above-mentioned purpose unless a suitable receptacle for the disposal of litter has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 24 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 the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

- 25 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 the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

- 26 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.

- 27 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 or any part thereof shall not be brought in to use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation

Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

- 28 The residential element of the development shall not be brought into use until the cycle parking facilities as shown on the approved drawings have been provided and thereafter such cycle parking facilities shall be retained.

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

- 29 The residential accommodation shall not be brought into use until the mobility housing units as shown on the approved drawings have been brought into use. Thereafter, the mobility units shall be retained.

Reason: To provide adequate facilities for disabled users.

- 30 The approved shop fronts shall be installed prior to the first occupation of the building or within an alternative timescale that has previously been agreed in writing with the Local Planning Authority. Thereafter the approved shop fronts shall be retained and a window display shall be provided at all times in the windows fronting London Road and Boston Street.

Reason: In order to protect the vitality and viability of the shopping area in accordance with Unitary Development Plan (and/or Core Strategy) Policies UDP: S7, S10, CS34.

- 31 The 167 square metre retail unit shall not be used for a purpose other than Class A1 use unless the other two retail units are utilised for Class A1 purposes.

Reason: In order to protect the vitality and viability of the shopping area in accordance with Unitary Development Plan (and/or Core Strategy) Policies UDP: S7, S10, CS: CS34.

- 32 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 being obtained from decentralised and renewable or low carbon energy will be provided.

Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources or additional energy efficiency measures shall have been installed before any part of the development is occupied and a post-installation report shall have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the

agreed measures have been installed. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS65.

- 33 All occupiers of the development and any person concerned with the management of any part of the development shall register with the Environment Agency's Floodline Warnings Direct service upon first occupation of that part of the development and shall remain registered throughout their occupation or management of that part of the development.

Reason: In order to mitigate against the risk of flooding.

- 34 No part of the development shall be occupied until the occupier of such part, or any person concerned with the management of such part, registers with the Environment Agency's Floodline Warnings Direct service.

Reason: In order to mitigate against the risk of flooding.

- 35 The cluster flats hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied, the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

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

Attention is drawn to the following directives:

1. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution". This is to prevent obtrusive light causing disamenity to neighbours. The Guidance Notes are available from the Institute of Lighting Engineers, telephone number (01788) 576492 and fax number (01788) 540145.
2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on

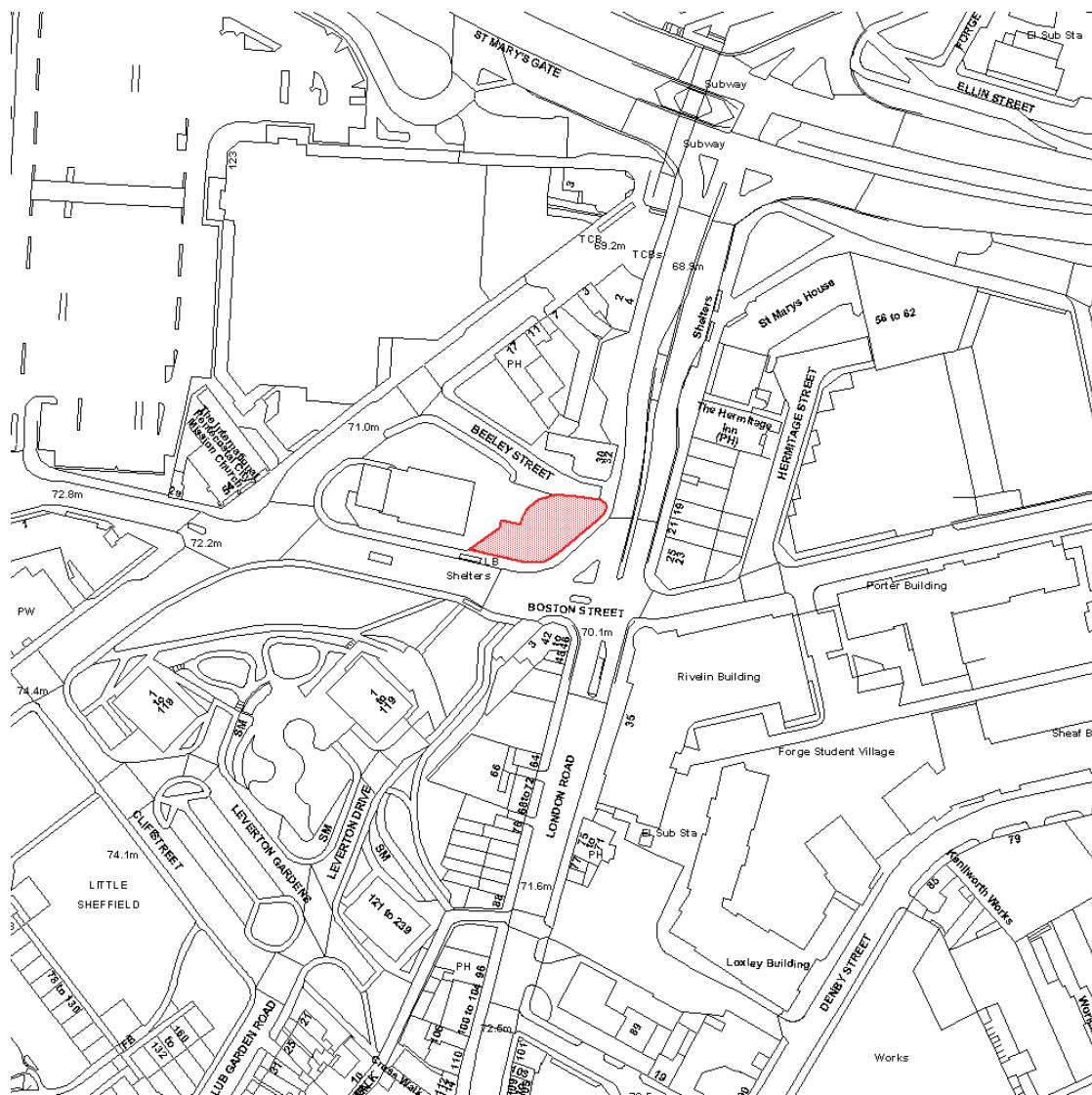
Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, 2-10 Carbrook Hall Road, Sheffield, S9 2DB: Tel - 0114 2734651.

3. The developer is advised that in the event that any un-natural ground or unexpected contamination is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority.
4. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
5. From the 6th April 2008, the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 2008 require that all requests for confirmation of compliance with planning conditions require a fee payable to the Local Planning Authority. An application to the Local Planning Authority will be required using the new national standard application forms. Printable forms can be found at [www.sheffield.gov.uk/planning](http://www.sheffield.gov.uk/planning) or apply online at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). The charge for this type of application is £97 or £28 if it relates to a condition on a householder application for development.

For Listed Building Consent and Conservation Area Consent applications an application for confirmation of compliance with planning conditions is still required but there is no fee.

6. The applicant should be aware that a legal agreement has been completed in respect of this proposal.
7. The Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.
8. The applicant is advised that relevant conditions for 12/02078/FUL have been repeated in this determination notice for clarity. All issues approved under 12/01552/COND; 13/03027/COND; and 14/02367/COND remain approved.

## Site Location



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## LOCATION AND PROPOSAL

Members may recall that, at the meeting held on 22<sup>nd</sup> October 2012, permission was granted conditionally for the erection of 90 student bedrooms in 10 cluster apartments in a 6-storey block with retail units on the ground floor at the site of the Co-Op Society Car Park, at the junction of Beeley Street and London Road. Construction work is well underway on site, with the concrete frame up to the top floor and the majority of cladding erected.

This application seeks consent to vary the originally granted scheme through variation of the conditions. Visually, the proposal seeks to revise the elevations (Condition 2) in order to replace the petrach cladding panels with blue/black brick

upon the ground floor, and to replace the petrach cladding panels with metal cladding panels upon the side elevations. Minor changes to the roof form are also sought, which will form a new section of roof outside the parapet. Changes to the coloured panels are also sought with the addition of turquoise green glazed panels. Amended elevations and plans have been received on 05/08/2014.

The application also originally sought to amend conditions 33 and 34 which refer to the need for the development to achieve a Code for sustainable Homes level 3 rating for the residential element, and a BREEAM 'Very Good' rating for the ground floor commercial element respectively. As the apartments are deemed to be commercial, the assessment carried out by the developer has concluded that the BREEAM standard is more appropriate than the Code for Sustainable Homes.

The requirement for the ground floor retail units to meet BREEAM 'very good' is sought to be removed by the applicant and agent as part of this application, due to the small scale of the units and concerns regarding viability discussed in the assessment below.

Finally, the original approval was subject to a unilateral undertaking which obligated the developer to pay an affordable housing contribution of £212,746.50. However, the developer considers that this contribution would render the scheme unviable, and as this application to vary conditions would require a new permission and new unilateral undertaking, has sought to remove the need for this payment.

A similar Public Open Space contribution, of £12,689.60 has already been provided. In line with usual practice in such cases, the developer has submitted a financial appraisal of the development for consideration by the District Valuer. As a result, this variation of permission seeks a new permission without a new legal agreement for affordable housing contributions.

This assessment deals only with the issues raised by the amendments being sought, and does not revisit other matters considered in the original assessment.

#### RELEVANT PLANNING HISTORY

12/02078/FUL	Erection of 90 student bedrooms in 10 cluster apartments in a 6-storey block with class A1/A3/A5 and B1 units on the ground floor	Granted Conditionally	22/10/2012
13/03027/COND	Application to approve details in relation to condition numbers 7; 8; 9; 10; 11; 23; 24; 25; and 32 relating to planning permission 12/02078/FUL	Conditions Approved	03/12/2013
12/01552/COND	Application to approve details in relation to condition numbers 3; 6; 10; and 13 relating to planning permission 12/02078/FUL	Conditions Approved	21/06/2012

14/02367/COND Application to approve details in relation to condition nos. 2 (plans), 3 (material samples), 4 (scale details), 5 (masonry panel) and 7 (flood plan) imposed by planning permission  
12/02078/FUL

Conditions Approved

## SUMMARY OF REPRESENTATIONS

No written representations have been received in connection with this application.

## PLANNING ASSESSMENT

The assessment will consider the relevant elements of change in turn below.

### Variation to Condition 2 to Vary the External Design:

The proposed changes to the external appearance are visual in form. As such, the relevant policies for the changes cover design issues.

Paragraph 56 of the National Planning Policy Framework states that:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”

UDP policy BE5 requires good design and the use of good quality materials in new buildings. Part a) requires buildings to complement the scale, form and architectural style of surrounding buildings. Part d requires design to be on a human scale, with the overall mass of buildings broken down. UDP policy S10 requires buildings to be in scale and character with the local area. Core Strategy policy CS74 ‘Design Principles’ further emphasises the need for good design, with part c requiring that development respects and takes advantage of the townscape and landscape character of the city’s districts, with their associated scale, layout and built form, building styles and materials.

The proposed changes do not make any significant change to the form of the building. The scale will remain identical, with the one main change to the form being a revision to the parapet. This alteration is relatively minor, and will not be significantly visible from the ground floor level as it will be hidden by the addition of a metal parapet to replace that to the front. It is understood that this change has occurred due to an error with the size of slabs for the roof, necessitating the placement of the main parapet (hidden by the metal parapet) further back into the site.

Changes to materials are numerous. Concerning the change with the loss of the beige coloured petrach panels, the use of metal cladding and composite cladding in a grey colour upon the rear and side elevations will rationalise the varied use of materials on these elevations. The material is similar in external appearance to that used on the Forge development opposite, and the revised elevations will still have an acceptable appearance externally. The new panels will be easier to

maintain, and are likely to have an improved external appearance in the long term as they are less liable to discolour.

To the front elevation, the use of blue/black brick to the shop fronts is considered preferable to the originally approved material. The revised material will be less liable to damage, and is a more defensible material or a ground-floor elevation. The material is also of a good external quality, which will ensure that the quality of the main building remains acceptable. Details received on 05/08/2014 show the glazed fronts to the retail units recessed, giving good definition to the building. Discussions with the agent have indicated that retail signage will be placed in the glazed sections of the shop fronts above the entrance doors, so as to avoid clutter on the brick area above, which would otherwise appear incongruous with the horizontal proportions of the main build. A condition will be added to any determination to ensure that signage details are approved before any are placed upon the building.

The revised panel colours will result in a combination of blue and turquoise/green panels, which will be similar to other colours used on the Forge development opposite and the rendered wall to 2 London Road. The revised colours will therefore not look out of place in the context of the street scene, and are considered acceptable. The use of the coloured panels to the ground floor entrance area to the rear will help to improve the prominence of the student apartment entrance, assisting orientation to this elevation.

It is recommended that condition 2 be varied to refer to the revised drawings.

#### Application to remove Condition 33

This condition required the apartments to be constructed to achieve a minimum standard of Code Level for Sustainable Homes Level 3. Following discussions and further clarification over the commercial use of the accommodation and its relation to the code, it is now understood that the apartments need to comply with the BREEAM system as opposed to the Code for Sustainable Homes. This condition is therefore superseded by condition 34 (on the original permission), which refers to the need to meet BREEAM standards on site.

Discussions with the agent and applicant have confirmed that a BREEAM 'very good' rating for the apartments can be achieved, but the absence of known operators for the ground floor units means that the BREEAM rating sought by the condition cannot be achieved until they are let out. Given the competition for units in London Road District Centre, and the small size of the units on site, the applicant is seeking to remove the requirement for the 'very good' BREEAM rating for the retail section as the additional cost and complexities of small scale businesses meeting the requirement in the fit out of the units would likely result in them remaining unlet. The applicant has also provided a written letter from a letting agent pointing out this concern. As such, additional flexibility is sought by removing this requirement for the retail units of the scheme.

Without evidence of there being a set time for when the units have sought to be let, it cannot be fully demonstrated whether the units can be viably let or not.

However, the assessment needs to consider whether the removal of the BREEAM

requirement for the ground floor units would result in a scheme contrary to policy CS64. In line with policy CS64, there is a need for development to mitigate against the risks of climate change – of which the BREEAM requirement is part. It is noted that the removal of this requirement for the ground floor of the building is not ideal. However, it is noted that the majority of the building's floor space will be designed to meet this requirement. In addition, evidence has been received showing that 10% of the predicted energy needs will be met by on site renewable technology and the development will benefit from a green roof system. The combination of these factors means that the development does meet the overall aims of policy CS64, and it is not considered that the failure of the ground floor retail units to meet a BREEAM 'very good' rating would result in non-compliance with the overall policy aims.

It is recommended that conditions 33 and 34 be replaced with a new condition requiring the residential component to meet BREEAM 'very good'.

#### Removal of Affordable Housing Contributions

This application under s.73 necessitates a new legal agreement.

Policy CS40 from the Core Strategy states that developers of new housing development are required to contribute towards the provision of affordable housing where it is practicable and financially viable. The original permission agreed a contribution of £212,746.50, which reflected the expected developer contribution at that time which was equivalent to 30% of the units on site being transferred to affordable housing.

Discussions with the developer and agent indicate that they believe this is no longer viable. In line with policy CS40, they have issued a viability appraisal to the District Valuer seeking to demonstrate that affordable housing contributions would make the scheme unviable.

The District Valuer has looked at the figures supplied, and has concluded that the project makes a developer's profit of 14.62% on gross development value which is less than the 15% profit a typical developer would require and is therefore not profitable enough to provide a contribution to affordable housing.

It is worth noting that there has been a change in circumstances since the consideration of the original application. The 2014 Interim Planning Guidance relating to Affordable Housing amended the expected level of affordable housing provision from a situation where the expected contribution was 30% across the city, to a more refined approach reflecting the variation in affordable housing market areas. This particular site falls within the City Centre west Affordable Housing Market Area, where the expected contribution is 10%. This, in addition to changes to the formula of the calculation, would have changed the developer contribution only marginally, in the event that the District Valuer had concluded that the development could afford to provide a contribution, and remain viable.

As a result, it is not recommended that the determination should include a requirement for an affordable housing contribution.

## Alterations to the Flood Warning System Sign Up

The Legal Agreement made with regards to 12/02078/FUL included requirements that the owner of the building and people concerned with management register with the Flood Warning System upon first occupation of any part of the development and remain registered. The requirements stated that no part of the development shall be occupied until the above registration is carried out.

These requirements are in place in order to mitigate against flood risk, as part of the on-site flood risk management required by Core Strategy policy CS67 'Flood Risk Management' and paragraph 94 of the National Planning Policy Framework, which promotes proactive strategies to mitigate and adapt to climate change.

No new Legal Agreement has been made with this application. However, the requirements for signing up to the Flood Warning System can be made via condition to achieve the same aims, and to make the development compliant with the above policies. As a result, it is recommended that two conditions be added to the consent to repeat and replace like for like those requirements made in the original legal agreement.

## SUMMARY AND RECOMMENDATION

The relevant changes sought to the scheme concern alterations to the external design, alterations to the BREEAM requirements - including the addition of requiring the apartments to meet BREEAM 'very good', removing this requirement from the ground floor units, and removing the requirement for the scheme to make a contribution to affordable housing.

With regards to the design, the new approach is considered acceptable visually. The new materials are of a suitable quality, and composition, and the proportions of the build remain acceptable. As such, the scheme will accord with relevant design policies covered by UDP policies BE5 and S10, and Core Strategy policy CS74.

With regards to the energy rating requirements sought, alterations to make the residential element meet BREEAM as opposed to the Code for Sustainable Homes is a logical change concerning the discovery that the cluster flats are considered as commercial rather than residential in nature by the rating agencies. Removal of the BREEAM requirement from the retail units is regrettable. However, the fact that the vast majority of the development will meet this requirement, plus the fact that the development will meet other energy efficiency measures will ensure that it would not be reasonable to argue that the removal of a BREEAM 'very good' rating for the ground floor units would make the scheme contrary to policy CS64.

In accordance with policy CS40, the developer has provided suitable evidence that provision of the affordable housing requirement would make the scheme unviable financially. As a result, removal of the contribution requirement will not be contrary to policy.

It is recommended in line with the above summaries, that the revised scheme be approved conditionally.

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Case Number	14/00701/FUL (Formerly PP-03222271)
Application Type	Full Planning Application
Proposal	Demolition of existing garage and erection of a new dwellinghouse (Amended site address)
Location	Land Rear Of 45 To 47 Rodney Hill Occupation Lane Loxley Sheffield S6 6SB
Date Received	03/03/2014
Team	West and North
Applicant/Agent	Space Studio
Recommendation	Refuse

For the following reason(s):

- 1 The Local Planning Authority considers that the proposed development will result in the overdevelopment of a plot which will be detrimental to the visual character and amenity of the immediate area and the amenities of the neighbouring properties in terms of overbearing and loss of privacy and is therefore contrary to the aims of Policy CS74 of the Core Strategy and Policies H14 and BE5 of the Unitary Development Plan.
- 2 The Local Planning Authority considers that the proposed development will have a detrimental effect upon the trees protected by the Tree Preservation Order during the construction process and that the proximity of the trees to the proposed dwelling will result in future calls for the trees to be heavily pruned or removed.

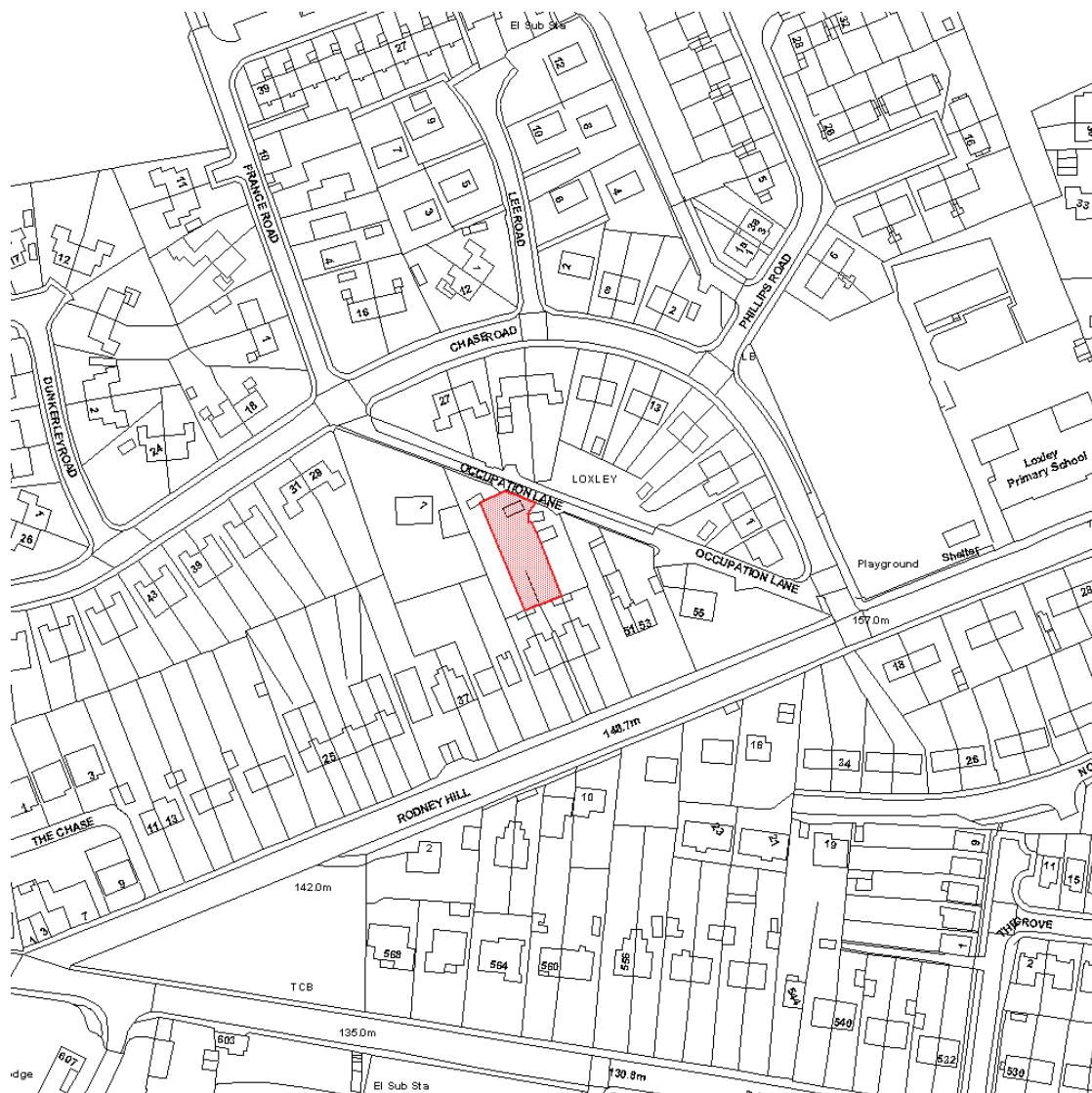
Attention is drawn to the following directives:

1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Drawing Nos  
A13 - 157/01  
A13 - 157/01 - 1 REV B  
A13 - 157/02 - REV B  
A13 - 157/03 - REV A  
A13 - 157/04 - REV B  
A13 - 157/06 - REV X  
Design and Access Statement

2. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, it has not been possible to reach an agreed solution in this case.

## Site Location



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## LOCATION AND PROPOSAL

The application relates to a parcel of land to the rear of 45-47 Rodney Hill. The land is currently a mix of overgrown land and an existing garage building. The frontage of the site is characterised by three large trees which are protected by a Tree Preservation Order.

The site is predominantly surrounded by the rear gardens which serve the properties on Rodney Hill and Chase Road. To the north of the site is Occupation Lane, which is a track providing rear access to the properties on Chase Rod, No.7 Occupation Lane and several of the upper properties to Rodney Hill.

The land rises above the properties to Rodney Hill and there is a level difference of approximately 2metres between the ground level of No.47 Rodney Hill and the lowest ground element of the subject site. The site then rises up beyond this.

The site is located within a predominantly residential area which is designated as a Housing Area in the Unitary Development Plan.

This application seeks permission for the demolition of the existing garage and the erection of a new dwelling house in its place. The dwelling will be two storeys in height, but will have a flat roof and will be set into the hillside in an attempt to minimise the massing of the development.

#### RELEVANT PLANNING HISTORY

11/00057/WR	Erection of dwelling house with garage	DISMISSED	31/05/2012
02/00144/TPO	Pruning/removal of trees	REFUSED	26/02/2002
03/02126/TPO	Removal of Tree	REFUSED	25/07/2003
94/01608/OUT	Erection of a dwelling	GRANTED CONDITIONALLY	22/11/1994
99/00850/FUL	Erection of a dwelling house	REFUSED	26/10/1999
11/01115/FUL	Erection of dwelling house	REFUSED	20/06/2011

#### SUMMARY OF REPRESENTATIONS

There have been two periods of public consultation on the document.

During the first period of consultation 9 letters of representation from neighbouring properties, a petition containing 50 signatures and a representation from Loxley Valley Protection Society and Bradfield Parish Council.

The petition has been signed on the basis that they "value the historically important, green, unmade lane called Occupation Lane in Loxley. The protected trees that border it form a strong part of its character and can be seen from a considerable distance, framing the houses below. We feel strongly that the planning application 14/00701/FUL for a house in the back gardens of the 45-47

Rodney Hill will threaten to destroy both these trees and the pleasant character of the lane should it be granted. This would be a great loss to the area and we therefore oppose this development"

Bradfield Parish Council has commented that they recommend refusal of the planning application as there appears to be no change since the previous application.

Loxley Valley Protection Society makes the following points

- There have been two previous applications for the development of the site, both of which were refused by the City Council and both of which were dismissed on appeal. There has been no change to the site since these applications, with the exception that the TPO'd trees within and surrounding the site have grown larger with a more extensive canopy spread.
- The site is still the same restricted size i.e. back garden; it is still classed as an undeveloped greenfield site; the properties on Rodney Hill are still the same distance away; Occupation Lane is still an unadopted lane of restricted dimensions; and the trees still make an important contribution to the pleasantness of the area.
- The design and access statement states that the plot is overgrown. This is because the owner has deliberately allowed this to happen to strengthen the case for development.
- The owner has requested a dwelling which is architecturally interesting and appropriate for the site but the design is inappropriate and does not respect or enhance the local character including the ancient land and is contrary to policy.
- The plot is not a good size it is small and a dwelling would need to be shoehorned into a site of restricted dimensions and difficult topography.
- The topography of the site is not adequately reflected in the development and actual true distances between the properties. It is believed that the distances are less than the 21 metres recommended by SCC, and it understood that this distance should be increased where there is a sloping site and a difference in land levels.
- The proposal will still overlook the bedroom and bathroom windows of the terraced houses on Rodney Hill and the main garden area of No.43.
- The new 1.8metre high stone boundary wall can only add to the overbearing and over massing of the development. If the development is not a dry stone wall there would be little ecological benefit from it.
- Vehicular access is established but not the main and only access to a dwelling and this would set a precedent for other potential development.
- The site has Greenfield status has been established by the Inspectors' reports.
- The design does not adhere to the special character of the area.
- The proposal does not provide safe access and approach due to the substandard and restricted nature of Occupation Lane.
- The information provided in respect of the existing boundaries is incorrect.
- The proposal states that a good sized garden will be provide, but this will be mainly hard landscaping which will replace a green site which provides a habitat for a mix of species.
- The inclusion of hard landscaping, the removal of trees, soil and other vegetation from this steeply sloping site together with the excavation and removal of soil for

the creation of foundation area a concern and the properties below would become flooded due to run off from the site. ( This has already been experienced by properties on Loxley Road due to the development at the rear of Austin Close) A large amount of surface water runs down Occupation Lane from Wadsley Common and the property itself has the potential to be flooded. The amount of hard landscaping is contrary to SCC policy.

-The green roof and the solar panels will be beneath the canopy of the trees and would inevitably become covered in leaves and other debris. Sycamores are also noted for the glue like substance they secrete which would have a further impact. It is therefore likely that the green roof would fail in these conditions.

-It is argued that the development on this site detracts rather than enhances the site and was a view held by the planning inspector.

-The proposal submission states that the site is well serviced by several modes of transport along Loxley Road, but there is only a bus.

-The use of the term previously developed land is incorrect.

-The ecology of the area will be lost and therefore the Society cannot agree with the terms that the proposal enhances the site and gives back to the ecology of the area.

-The BS 5837 relating to root protection does not appear to have been carried forward to the plans. The area of protection is not sufficient in size.

-The trees have many growing years left in them and so any building would be inevitably affected in the future and requests made to fell the trees. This point was previously made by the Inspector.

-A mortgage company may require the removal of a tree or refuse to lend. The removal of the tree may also result in land heave.

-The two previous appeal decisions are both considered to be material considerations.

Other representations received support several of the principles set out in the LVPS response and also state that:

-The development will result in a loss of privacy to both the dwellings and the garden areas which are around the proposed property. The overlooking would also be mutual as the properties to Rodney Hill would have a view over the terrace and external areas.

-The separation distances between properties is inadequate

-The proposed development will result in overbearing to the neighbouring properties. Even despite the applicants efforts to reduce the impact by reducing the height.

-In development will result in an overbearing and enclosing impact to the main garden area of No. 43 through both this proposal and the existing two storey flat roof garage to the other neighbouring property.

-The new boundary treatment is not considered to be an agreeable replacement to an existing Ileyandi hedge. The accuracy of the boundary line is also queried.

- Given the differences in height the extent of any boundary treatment will be higher than that stated. Similarly the subterranean element will result in a substantial structure.

-The subterranean windows will be set a short distance from the boundary and below the boundary wall and this will be detrimental to the living conditions of future occupiers of the site.

- The trees should not be removed.
- The trees to the southern boundary which are to be retained will result in overbearing and overshadowing to the short back yards of NO., 45 and 47. However, their removal will result in overlooking.
- The overall boundary treatments proposed require clarification.
- The lane is not wide enough for lorries and diggers to travel up and down and it will make a mess of the lane. The width is also not sufficient for ambulances and fire engines.
- Loss of view
- The trees on the unadopted lane are the last bit of wooded area in the centre of Loxley.
- Parking appears impractical and inadequate for the likely needs of the property including visitors.
- there will be increased surface run off
- The tree surgeons report is disagreed with and the trees are not poor quality and do not need to be removed. Some pruning would be more appropriate.
- The trees are part of a group, are a prominent landmark and the view would be greatly affected by their removal.
- It has never been previously suggested that the trees should be removed, indeed the Inspectors have previously been very positive about them and as they are neither diseased or damaged then it is considered that the TPO should still apply, as trees are protected by a TPO for good reason.
- The neighbour is unconvinced as to the applicant's intention to protect the trees and the root protection area appears inadequate.
- The trees will overhang and overshadow the property and there is a perceived threat to the integrity of the proposed property, both above and below ground.
- Occupation Lane is an ancient green, rural lane dating on maps back to 1780. It is a green lane and is used by a variety of people and is a bridal way.
- The track is only 5.75metres wide between walls and to upgrade it would be detrimental to the adjoining responsible home owners and would be a safety hazard. The width of the access in relation to the width of delivery vehicles means that that the boundary walls of properties backing onto this road are at risk, as they have been in the past when larger vehicles have used the road.
- The impact of the development cannot be compared to No.7 Occupation Lane as this property is set further from the land, and is further away from neighbouring properties as well as being set at a lower level.
- The approval of this application could set a precedent for other sites in the immediate area.
- In heavy rain the lane becomes a stream and very muddy. The traffic associated with building works and the provision of services could damage the surface, create a safety hazard and cost money for those residents charged with its upkeep. Hard surfacing the road would mean that it is more likely to be used as short cut.
- The development will have a detrimental effect upon biodiversity.
- Service vehicles do not travel along the lane due to the surface and width and bins for emptying have to be taken to either the bottom or top of the lane for collection. Access for emergency vehicles could be impeded by any vehicle left in the lane.
- The plans are inadequate with insufficient dimensions on the drawings as the land registry details suggest that part of the entrance belongs to No 49 Rodney Hill, which would restrict access.

- It is considered that the land should be reinstated as garden with a garage parking space so that the environmental aspects and tranquillity as a green corridor can be enjoyed by all.
- A request is made that due to the sensitive nature of the site that the application is put before planning board and a site visit arranged.
- The development will put further pressure on the drainage and Sewer utilities on Rodney Hill. In recent years property has been inundated with raw sewage. Following investigations from Yorkshire Water the conclusion has been made each time that the drainage systems on Rodney Hill were in urgent need of modernisation and the pipes of insufficient diameter to cope with the number of properties they were servicing. As a result, they were prone to blockages and, at times of high rainfall, overwhelmed by the volumes of water passing through them, leading to flooding. The application submitted does not appear to suggest that this extra demand will be addressed.
- The long garden and trees etc create their own ecosystem and the development will jeopardise this. There may also be light pollution in what is a dark area.
- The development is considered to be out of character.
- The development may result in destabilisation of the land
- The development may result in increased surface run off.
- The objections raised in the previous planning application are still relevant to this application, and copies of these are resubmitted. ( Officer Comment: For the record whilst the principle of development still holds true the development is different)

Following on from the submission of revised plans a further round of consultation was undertaken, with 5 representations received and the following comments made:

- The movement of the dwelling will only bring it closer to the dwellings on Rodney Hill.
- The plans states that the heights are indicative and a full building survey would be required, but how would an increase in height be assessed for example with regards overlooking.
- There is no mention of the effect upon No.43 and no.49.
- Whilst it is now acknowledged that the site is Greenfield there is no acknowledgement that the site is surrounded by gardens
- Occupation Lane is not a traditional highway; it is a bridleway and parking needs to be considered further.
- The accuracy of the housing land figures are questioned.
- Previous applications have been refused
- The conifers which are to be cut down to a lesser height were already at a height that was inappropriate and this should not necessarily be considered as a benefit of the development.
- The development will not have an effect upon local housing supply.
- If local people should have a say in local development plans then why should local views not be taken into account.
- The distances quoted are incorrect.
- The stated width of the highway is incorrect as this does not account for banking and vegetation.

-The access road is used by a variety of persons and there is no separate footpath, lighting or drainage.

-The stated community involvement by the applicant is queried.

- A response to the comments made by the planning agent in support of the application is submitted. In the interests of brevity this will not be repeated here but can viewed on the application file. The main elements of concern for the occupiers of the property, relevant here are however, well documented in this report.

Loxley Valley Protection Society comment that the amendments offer no improvement and confirm that their previous objection still stands.

The development is considered to be contrary to the aims of the UDP and Core Strategy as well as SPGs. The reference to PPS1 and PPS3 is not accepted by the LPA as this has been superseded by the NPPF.

## PLANNING ASSESSMENT

Much has been made in the submissions from neighbours, Loxley Valley Protection Society and Bradfield Parish Council of the previous appeal decisions relating to this site.

Whilst the Inspectors in these appeal made many comments and observations that are still valid now; it must be made clear to members that the design of the dwelling has changed and the applicant has sought to address the Inspectors reasons for refusal. In the 2011 application the Inspector concluded that the appeal site is “fraught with disadvantages as a location for additional residential development; and that the specific development proposed in this instance would result in serious harm to the living conditions of neighbouring occupiers and the ultimate loss of diminution of the amenity value of protected trees.”, and concludes that the appeal should be dismissed.

Whilst the Inspectors comments and reasons for refusal are considered to still be relevant, there have been changes to the scheme and to the policy circumstances and therefore the scheme will be considered on its own merits based on the position at the time of writing.

### Principle of Development

The subject site is located within a Housing Area and therefore Policy H10 ‘Development in Housing Areas’ is relevant. Policy H10 sets out that in Housing Areas the preferred use will be Housing. With regards this policy then the proposal will be acceptable.

Policy CS23 ‘Locations for New Housing’ sets out the intention that new housing will be concentrated where it will efficient use of land and infrastructure, and in the period 2008/09 to 2020/21 the main focus will be on suitable, sustainably located sites within or adjoining the main area urban area of Sheffield. Whilst it could be argued that the proposal is satisfactory in respect of making efficient use of land and infrastructure given that the site is located within an established urban area. However, the policy also requires that the site be suitable and the suitability of the site will be discussed in more detail in the main body of this report.

Policy CS24 'Maximising the Use of Previously Developed Land for New Housing' states that priority will be given to the development of previously developed sites and that no more than 12 % of dwelling completions will be on greenfield sites in the period 2004/05 and 2025/26 and that within this period greenfield sites will be only be developed on small sites within the existing urban areas and larger villages where it can be justified on sustainability grounds. In principle the development is considered to be acceptable on the grounds that it will not compromise the delivery of development on brownfield sites and the development can be considered as a small site within an existing urban area and is considered to be a sustainable location.

The planning consultant representing the applicant has cited the current shortage in housing land supply within the city as justification for this development. Whilst the shortage is not disputed it is not considered that this is in turn a justification for development on sites where there would be harm caused to the area or the amenity of neighbouring properties. Similarly, the support in the NPPF for new homes in sustainable locations is not considered to override concerns relating to amenity, character and the natural environment.

#### Residential Character and Amenity

Policy CS26 'Efficient Use of Housing Land and Accessibility' states out that housing development will be required to make efficient use of land but that the density of new development should be in keeping with the character of the area and support the development of sustainable, balanced communities. The density in this area should be 30-50 dwellings per hectare.

Policy CS74 'Design Principles' sets out that high quality development will be expected which respects, takes advantage of, and enhances the distinctive features of the city, its districts and neighbourhoods including topography, landforms and other natural features and open spaces, the townscape and landscape character of the city's districts, neighbourhoods and quarters with their associated scale, layout, built form, building style and materials.

Policy BE5 'Building Design and Siting' of the UDP sets out that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. The policy goes on to state that principles such as, new buildings complementing the scale, form and architectural style of surrounding buildings, that the design should take full advantage of the sites natural and built features and that the design, orientation and layout should encourage the conservation of energy and other natural resources.

Policy H14 'Conditions on Development in Housing Areas' of the UDP sets out that new development will be permitted provided that new buildings are well designed and would be in scale and character with neighbouring buildings; that the site would not be overdeveloped 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 that the development would provide safe access to the highway network and appropriate off street parking and not endanger pedestrians ;

it would not suffer from unacceptable air pollution, noise or other nuisance or risk to health and safety and would comply with other relevant policies.

The site is located within an elevated position, relative to the neighbouring properties on Rodney Hill. The overriding character of the streetscape to which this proposed property will relate is that of a rear street scene comprising mature gardens which rise up in relation to the natural topography of the area and create a 'green' enclave which rises up the hill side, punctuated by established trees. . The proposed dwelling is set at the top of this 'hillside'.

The topography of the immediate area means that the dwelling will be a prominent addition in this rear streetscape when viewed from both the neighbouring properties and Occupation Lane.

In terms of the distances to the neighbouring properties on Rodney Hill and the impact upon the amenities of these properties then it is relevant to consider this within the context of the SPG on Designing House Extensions. Whilst the SPG refers to Designing House Extensions it is also a useful and relevant tool in assessing the suitability of new applications for residential development. The SPG sets out in Guideline 5 that unreasonable overshadowing and over dominance of neighbouring dwellings should be avoided. The guidance states that an extension built up to or near a boundary with another property is in danger of creating unacceptable overshadowing if that neighbouring dwelling is in close proximity to the extension. The guidance states that a two storey extension should not be placed nearer than 12 metres in front of ground floor main windows and that level differences may change this requirement.

The distance from the rear main elevation of the facing property to the proposed dwelling's rear elevation is 24 metres, and 21metres from the rear off shot. This is clearly in excess of the 12metres recommended by the SPG, and the distance is more than doubled in respect of the level differences which could reasonably be considered appropriate. However, it is noted that when on site, the likely perception of massing felt by occupiers within the garden and dwellings immediately to the rear on Rodney Hill will be greater than is suggested on plan through the dimensions.

In terms of overbearing, the impact of the proposed dwelling on the main garden area of No.43 is considered to be of relevance. The main useable garden area of No.43 runs alongside the boundary of the proposed new property and garden area. The impact of an 8metre long structure, which is of varying heights, but 6metres at its maximum and 3metres at the minimum, will have an enclosing impact upon this garden area. It is noted that the plans show a stone boundary wall along the boundary which will reflect the topography of the land and will add to the dominance of this boundary, where it is currently 'green'. It is however, acknowledged that a 2metre high boundary treatment could be erected under permitted development which would change this boundary and therefore the harm must be balanced against this.

The windows to the side elevation at first floor will be obscurely glazed and it is not therefore considered to affect the privacy of this property.

Similarly Guideline 6 of the SPG seeks to protect and maintain minimum levels of privacy. The guideline recommends a distance of 21metres for privacy although the guideline makes reference to the fact that on sloping land or where a dwelling is higher than surrounding properties this distance may need to be increased.

The distance from the first floor window of the proposed property to those directly facing on Rodney Hill is 28metres. This is in excess of the 21metres recommended for flat sites, and the proposal allows for a 7metre allowance based on the level difference. As per the element of this report on overbearing, it is not considered that these distances necessarily reflect the potential impact of the proposed development upon neighbouring properties in reality, and the perception of overlooking felt by the occupiers of the gardens and dwellings to Rodney Hill is likely to be greater than is suggested on plan.

It is noted that the trees to the bottom of the garden area to the proposed dwelling will be reduced in height to limit their overbearing impact. If these were to be retained they would offer a screening to the upper windows of the proposed dwelling for privacy, but as they are of limited value their future existence could not be ensured. as they are not a tree which is usually considered worthy of formal protection. It is noted that should they be removed then a permitted development boundary treatment of 2metres could be erected, and this would serve to limit potential overlooking from the ground floor windows and the main garden area to the proposed dwelling.

The overall impact of the dwelling upon the character of the rear gardens, as the development is essentially back land development, and the impact or perception of the development upon the amenities of the neighbouring properties is considered to be unacceptable and the proposal contrary to the aims of policies CS26, CS74, H14 and BE5.

#### Amenity of Future Occupiers

For the most part the accommodation proposed is considered to be adequate. However, the windows which serve the first floor study will have a limited outlook through an oriel style window which will obscurely glazed. It is noted that this is shown as study in the revised plans, and cannot be considered a habitable room, although it is noted that there is the possibility that this will be used as a bedroom in the future. This is considered however, to be the choice of any future occupier.

Similarly, the kitchen will only have a light source from windows looking into the boundary wall and when combined with the hall, utility room and shower room to the ground floor and the en-suite and wc to the first floor it is considered that there will be quite a high dependency on means of artificial light and ventilation to the property. Similarly, the sun pipes proposed to the roof of the upper floors are likely to be affected by shade and therefore the overall sustainability of the dwelling, as referred to in the design and access statement could be queried.

## Design

The proposed design is contemporary in nature and has been designed to sit within the site and reflect the topography of the area.

Whilst the development is not traditional, and does not necessarily accord with the principles of the Loxley Valley Design Statement it is not considered that the design is so unacceptable as to be refusible. The use of the brick infill panel to the upper floor and stair unit appears slightly incongruous with the stone, and it would be preferable for this to be stone work. This is considered to be a minor issue and one which if the principle of the application was considered to be acceptable could be addressed, quite simply with the applicant's agreement. It is not therefore considered appropriate to recommend refusal on design grounds, as the proposal does not necessarily conflict with the principles relating to design and character set out in CS74, BE5 and H14 and the NPPF.

The one element of the design that does however, raise concern is the green roof, most particularly to the front of the property. The green roof will be under the partial shade of the neighbouring trees which are protected by tree preservation orders, and given the shade factor it is considered to be likely that the green roof to the garage at least, will fail. The visual impact of this failed roof will not be attractive addition to the property, particularly given its sensitive location. A failed green roof will also not serve to reduce surface runoff.

## Trees

Policy GE15 'Trees and Woodland' states that trees will be encouraged and protected by requiring developers to retain mature trees and copses and hedgerows wherever possible and replace any trees which are lost and not permitting development which would damage existing mature and ancient woodlands.

The trees to the entrance of the site along Occupation Lane are protected by Tree Preservation Order. The submitted tree report states that they have little value and should be removed, whilst the planning application states that they will be retained.

The principle set out in the tree report that these trees are not of value and should be removed is fundamentally disagreed with by the Local Planning Authority. The Local Planning authority would not consider the removal of the Tree Preservation Order and it is considered that there is a high amenity value to these trees.

In the event the applicant seeks to retain the trees, but the planning authority have concerns that despite the intention to retain them that the existence of the dwelling house will result in future calls for the heavy pruning and eventually the removal of the trees on nuisance grounds.

Whilst the dwelling has been designed to limit the main windows to the front of the dwelling to reduce the potential or overshadowing, it is considered that the overall impact of the three large trees in such close proximity will result in calls for their

removal. The nuisance is likely to be in the form of lack of light, damage to property, failing leaves of aphid honeydew.

The root protection area and indeed the canopy is likely to be heavily impacted upon through the construction process of erecting the dwelling. The increased use of Occupation Lane, as the only means of access to the site for both construction purposes and general access will also mean that there is a high chance that the ground around the trees will become compacted and this will cause further damage to the tree roots.

In light of the above concerns it is considered that the proposal is contrary to Policy GE15.

#### Highways

There are no objections to the proposal on highway grounds. The proposed dwelling will not result in such an increase in traffic that highway or pedestrian safety would be unduly compromised.

Of street parking is proposed for the site and in this regard the proposal is considered to be acceptable.

It is noted that some objections have been made regarding the potential for cars to park and block the lane, but it is not considered that in itself this could be considered as a reason for refusal, noting that this is essentially a management issue of an unadopted lane. In terms of service vehicles then it would not be unreasonable to require the bins to be brought to the end of the lane for collection.

#### RESPONSE TO REPRESENTATIONS

The matter of the previous refusals and their context to this application are set out in the main body of this report.

The current nature of the plot as being overgrown is not considered to be a material consideration.

Matters of design relating to the new dwelling are considered within the main body of this report.

Matters relating to the dimensions of the plot and the impact of this upon residential amenity are discussed within the main report.

Each application is determined on its own merits and it is not necessarily considered that this proposal sets a precedent.

The site is agreed to be Greenfield, and matters relating to this and housing land supply are discussed within the report.

The proposal is considered to be acceptable in terms of highway safety and is referred to within the report.

Matters relating to the siting of boundaries and rights of access are not considered to be a material planning consideration and are a private legal matter.

The matter of surface water and ground water has been raised with the Council's land drainage section who have raised no objections to the proposal. Whilst the removal of vegetation may result in the loss of natural soakaways it is not in itself considered to be a reason for refusal.

The likely failure of the green roof is noted. The solar panels shown on the plan are not actually proposed as part of this submission, as the plans annotate as for the future. However, it is likely that the trees would mean the site was not suitable for solar panels.

It is noted that some ecology will be lost as a result of the erection of the dwelling and that limited amount is offered in return, particularly if the green roof was to fail. It is not however, considered that a refusal of planning permission could be justified on this ground.

Matters relating to root protection and the impact upon the trees are considered within the main report.

It is agreed that the subterranean windows will not result in a high quality living environment for the occupiers.

Loss of view is not a material consideration.

Yorkshire Water have been consulted on the application and have not raised an objection.

Matters relating to construction and the stabilisation of land are a matter for building regulations.

## SUMMARY AND RECOMMENDATION

Overall, the proposed dwelling is considered to be detrimental to the amenity and character of the immediate area in which it is located and will have a detrimental impact upon the amenities of the immediately adjacent neighbouring properties. The proposal will also potentially result in damage to, or calls for the future removal of trees protected by a Tree Preservation Order, which would ultimately be detrimental to the visual amenity and character of the area. Overall, there are considered to be insufficient overriding considerations which justify why planning permission should be granted and accordingly a recommendation for refusal is made on the ground that the proposal will be contrary to the aims of Policies CS24, CS74, BE5, H14 and GE15, which in turn are considered to accord with the principle for development set out in the NPPF.

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## SHEFFIELD CITY COUNCIL

### Planning & Highways Committee Report

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<b>Report of:</b>	Director of Development Services
<b>Date:</b>	18 November 2014
<b>Subject:</b>	Tree Preservation Order
<b>Author of Report:</b>	Jack Foxall, Urban and Environmental Design
<b>Summary:</b>	To report objections and to seek confirmation of Tree Preservation Order Nr. 395 at Totley Lane Bridleway, Totley Lane, off Longford Road, Sheffield.
<b>Reasons for Recommendations</b> To protect trees in the interests of the amenity of the local environment.	
<b>Recommendations</b> Tree Preservation Order Nr. 395 should be confirmed unmodified.	
<b>Background Papers:</b>	A) Tree Preservation Order 395 (includes Order plan) B) General Location Plan C) TEMPO evaluation (T10) D) Objection received 9 <sup>th</sup> August 2014 E) Objection received 11 <sup>th</sup> August 2014
<b>Category of Report:</b>	OPEN

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REPORT TO PLANNING AND HIGHWAYS COMMITTEE  
18<sup>TH</sup> NOVEMBER 2014

TREE PRESERVATION ORDER NR. 395  
TOTLEY LANE BRIDLEWAY, OFF LONGFORD ROAD, TOTLEY, SHEFFIELD

1.0 PURPOSE OF REPORT

- 1.1 To report objections and to seek confirmation of Tree Preservation Order Nr. 395.

2.0 BACKGROUND

- 2.1 Tree Preservation Order Nr. 395 was made on 16<sup>th</sup> July 2014 to protect 20 Nr. mature Oak and Ash trees on Totley Lane Bridleway, off Longford Road, Totley, Sheffield. Protected trees line the boundaries of Totley Lane, which is a public bridleway and historic route passing between the rear gardens of adjacent housing, leading to a Green Belt Countryside Area on the edge of Totley. A copy of the Order is attached as Appendix A, and a general location plan as Appendix B.
- 2.2 In early July 2014, a contractor enquired about the protection status of a tree to the rear of 33 Longford Road. He had been asked by the property owner to pollard the tree to the level of the existing rear boundary hedge, leaving the trunk severed at approximately 3m to 4m height.
- 2.3 The decision was taken to serve a Tree Preservation Order because these trees make a significant contribution to the amenity of the local environment and its enjoyment by the public. They are visible from surrounding streets as well as the Totley Lane public bridleway, and are an essential component of the character of this historic route entering the residential area from adjacent Green Belt countryside.
- 2.4 Although a threat to only one tree was identified, all mature trees with significant amenity value along the length of Totley Lane running between residential gardens were protected. This was because protection of a single tree would leave other trees in a similar situation vulnerable, and could prompt felling or other work to adjacent trees in an attempt to pre-empt additional Protection Orders.
- 2.5 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out for the tree to the rear of 33 Longford Road (T10) prior to serving the Order, and is attached as Appendix C. All trees were also inspected by an Arboriculturalist from the Parks and Countryside Trees and Woodlands service for general condition and suitability for protection.

### 3.0 OBJECTIONS

- 3.1 An email objecting to the TPO was received from Mr Bill Anderson on 9<sup>th</sup> August 2014. Mr Anderson is an arboricultural consultant, and had been contracted to carry out works to some of the trees on Totley Lane by the Council's Public Rights of Way team. The full text of this objection is attached as Appendix D.
- 3.2 The grounds for objection are reproduced below:

*'I would be grateful if you would register this correspondence as an objection to this TPO on the grounds that the Council have no business protecting trees that are in their own management. This is because it is not expedient and it makes a complete mockery of the system for the Council to have to apply to themselves for permission to work on one of their own trees. In times past I believe similar matters (local authorities seeking planning permission from themselves) were referred to the Secretary of State for a decision...'*

Mr Anderson also stated that:

*'My main concern as a resident of the City is that this is a complete waste of time and money...'*

- 3.3 A further email from Mr Anderson was received on 11<sup>th</sup> August 2014. The full text of this objection is attached as Appendix E, with the relevant extract reproduced below:

*'...However I still consider that if resources are to be expended on preserving these trees then they would be better directed to works that might actually maintain them rather than making their routine management more onerous.'*

### 4.0 RESPONSE TO OBJECTIONS

- 4.1 In relation to Mr Anderson's point that the Council should not protect trees in their own management, these trees are not in Council ownership. They are privately owned by properties bordering Totley Lane.
- 4.2 Because a public bridleway passes along Totley Lane, the Council does have an obligation to ensure that trees do not present a danger to bridleway users. The Council can serve notice on tree owners obliging them to make their trees safe for the public under section 154 of the Highways Act 1980 ("the 1980 Act"). Alternatively, when there is an immediate danger to the public or when no landowner can be identified to serve notice under section 154, the Council can carry out work to make trees safe for the public under section 130 of the 1980 Act.
- 4.3 In relation to Mr Anderson's point that TPO protection will make routine management more onerous, the only work the Council would carry out directly

would be emergency work under section 130 of the 1980 Act. This can be carried out regardless of TPO protection status, so no additional work or administrative requirements would be created.

- 4.4 In response to Mr Anderson's concern that confirming the TPO would be a waste of time and money, the reason for making the order was an immediate threat to substantially remove one of the largest trees.

## 5.0 LEGAL IMPLICATIONS

- 5.1 Section 198 of the Town and Country Planning Act 1990 states that, if it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

- 5.3 Tree Preservation Orders are made under section 198 of the 1990 Act and in accordance with the Tree Preservation (England) Regulations 2012. Regulation 7 of which states that, in the event that a TPO is made, the authority shall not confirm an order which they have made unless they have first considered objections and representations duly made in respect of it and not withdrawn.

- 5.4 As objections and representations were duly made in respect of Tree Preservation Order 395, the local authority is required to consider them. Government guidance issued by the Department for Communities and Local Government recommends that local authorities establish non-statutory procedures to demonstrate that their decisions at the confirmation stage are taken in an even-handed and open manner. The consideration of objections and representations about the TPO by the Planning and Highways Committee facilitates this.

## 6.0 RECOMMENDATIONS

- 6.1 Following consideration of all objections received it is considered that the reasons for confirming the order outweigh those outstanding objections and therefore it is recommended that Tree Preservation Order Nr.395 at Totley Lane Bridleway, off Longford Road, Totley, Sheffield, should be confirmed unmodified.

**Tree Preservation Order**

**Town and Country Planning Act 1990**

**The Tree Preservation Order No 395 (2014)**

**Totley Lane Bridleway, Totley, Sheffield**

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

**Citation**

1. This Order may be cited as Tree Preservation Order No 395 (2014) –  
Totley Lane Bridleway, Totley, Sheffield

**Interpretation**

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

**Effect**

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.  
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—  
(aa) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or  
(bb) 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 this 16<sup>th</sup> day of July, 2014

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

## 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	Quercus species (Oak)	4321 3799
T2	Quercus species (Oak)	
T3	Quercus species (Oak)	
T4	Quercus species (Oak)	
T5	Quercus species (Oak)	
T6	Fraxinus excelsior (Ash)	
T7	Quercus species (Oak)	
T8	Quercus species (Oak)	
T9	Fraxinus excelsior (Ash)	
T10	Quercus species (Oak)	
T11	Quercus species (Oak)	
T12	Quercus species (Oak)	
T13	Quercus species (Oak)	
T14	Quercus species (Oak)	
T15	Quercus species (Oak)	
T16	Fraxinus excelsior (Ash)	
T17	Quercus species (Oak)	
T18	Quercus species (Oak)	
T19	Quercus species (Oak)	
T20	Quercus species (Oak)	

#### Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

**Groups of trees**

(within a broken black 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>
	None	

**Woodlands**

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

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Survey. The copyright of this document remains with the Plaintiff. Any unauthorised copy  
of this document or part of it may lead to prosecution or other proceedings. 008886 203

### TREE SCHEDULE

TREES SPECIFIED  
INDIVIDUALLY  
(Encircled in black on the map)

- T1 Quercus species (Oak)
- T2 Quercus species (Oak)
- T3 Quercus species (Oak)
- T4 Quercus species (Oak)
- T5 Quercus species (Oak)
- T6 Fraxinus excelsior (Ash)
- T7 Quercus species (Oak)
- T8 Quercus species (Oak)
- T9 Fraxinus excelsior (Ash)
- T10 Quercus species (Oak)
- T11 Quercus species (Oak)
- T12 Quercus species (Oak)
- T13 Quercus species (Oak)
- T14 Quercus species (Oak)
- T15 Quercus species (Oak)
- T16 Fraxinus excelsior (Ash)
- T17 Quercus species (Oak)
- T18 Quercus species (Oak)
- T19 Quercus species (Oak)
- T20 Quercus species (Oak)

TREES SPECIFIED BY  
REFERENCE TO  
A GROUP:

None

TREES SPECIFIED BY  
REFERENCE TO  
AN AREA:

None

TREES SPECIFIED BY  
REFERENCE TO WOODLAND:  
None

TREES EXCLUDED FROM  
ORDER  
(Shown with a cross on the map)  
OS Grid Reference 4321 3799



SHEFFIELD CITY COUNCIL  
DEVELOPMENT SERVICES

TREE PRESERVATION ORDER  
No. 808/395

DATE: JULY 2014  
TIME: 15:00  
PLACE: TOTLEY LANE BRIDLEWAY  
TOTLEY, SHEFFIELD

Form 6.0

Scale: 1:500

Date: 18/07/2014

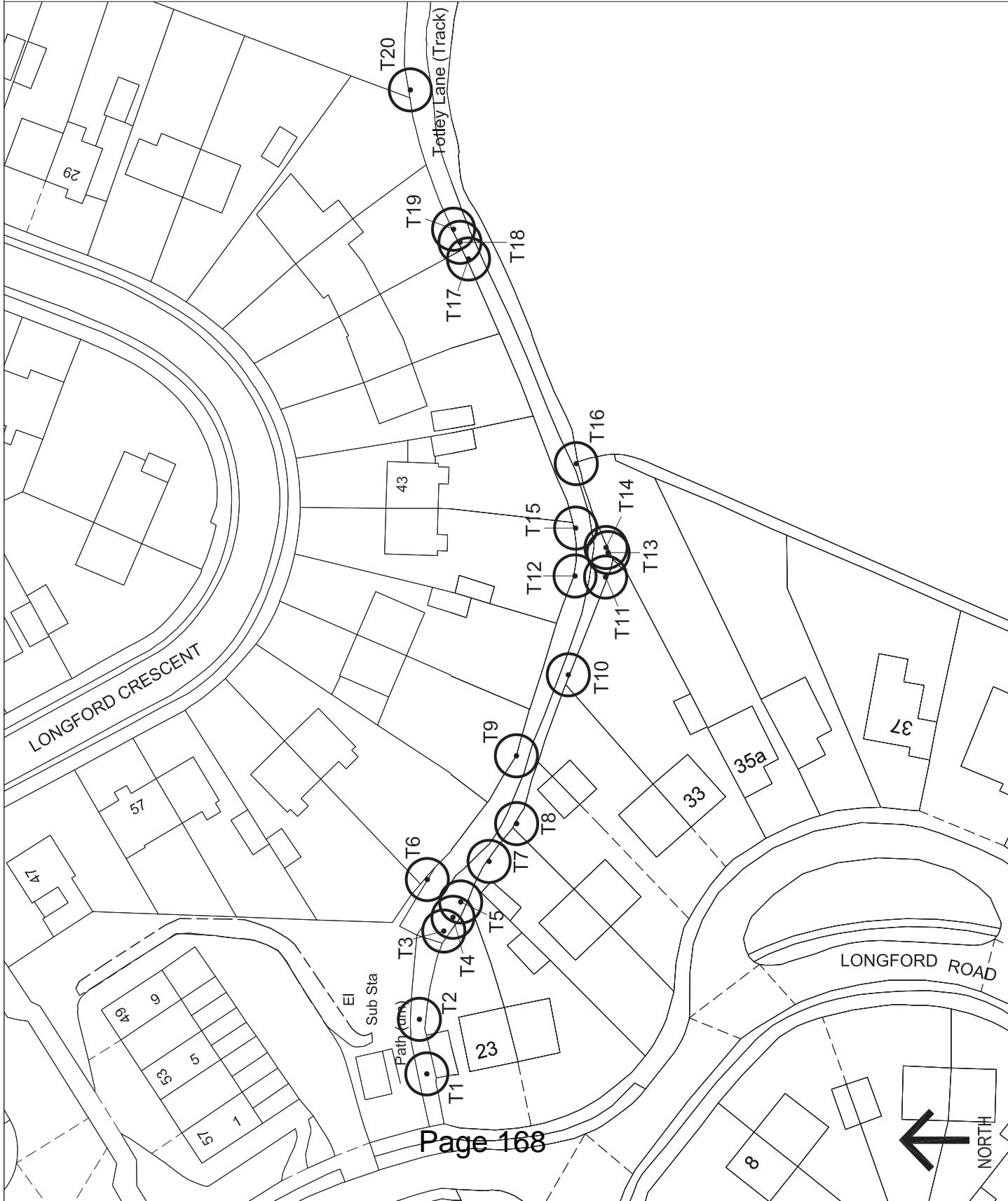
Time: 15:00

Building No:

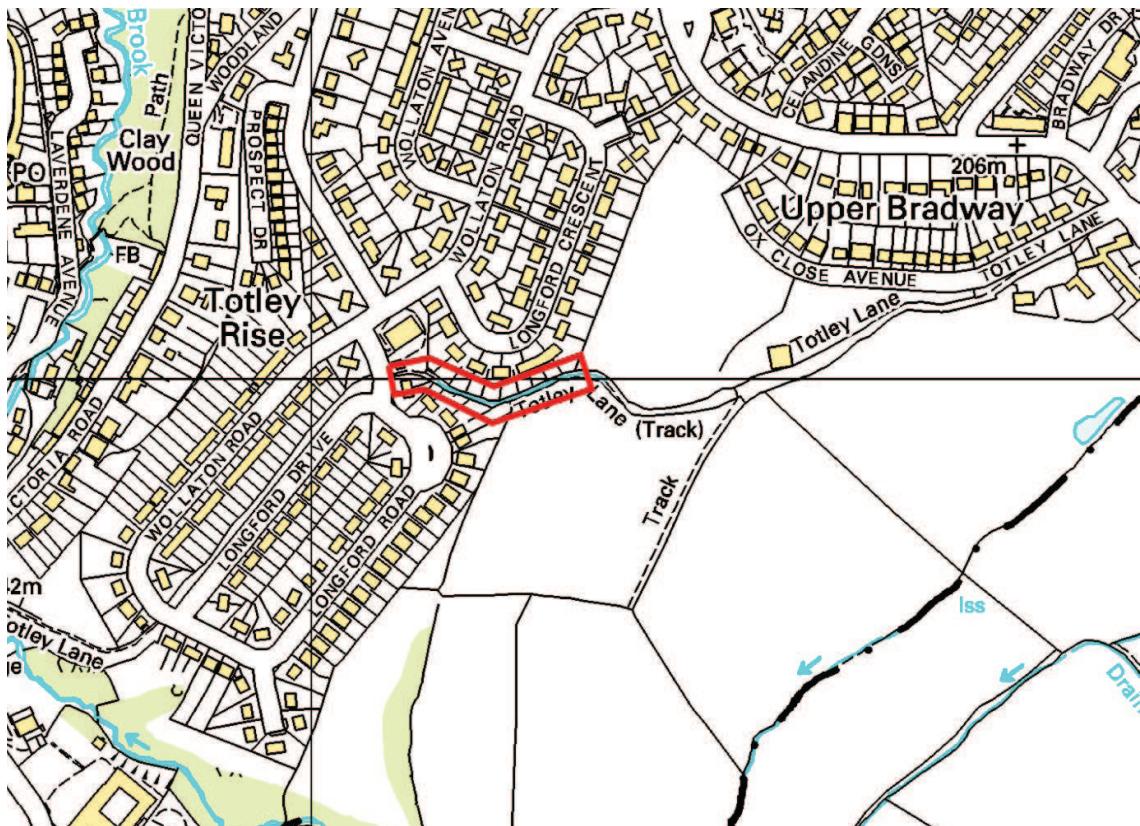
Grid Ref:

Card File No:

A3/UED/808/395



**APPENDIX B**  
Tree Preservation Order 395  
General Location Plan



**APPENDIX C**  
TEMPO Tree Evaluation (T10)

**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

SURVEY DATA SHEET & DECISION GUIDE

Date: **1/3/14**

Surveyor: **JACK FOXALL**

**Tree details**

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

Tree/Group No: **T10** Species: *Quercus spp.*  
Location: *On slope of bank of historic track*

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |  |                         |
|--|-------------------------|
| 5) Good                                  | Highly suitable         |
| <input checked="" type="radio"/> 3) Fair | Suitable                |
| 1) Poor                                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous*                 | Unsuitable              |

Score & Notes *Significant dead wood, at least 4 Mr dead branches 100-200mm Ø and 635 significant branches. Possible Fistulina hepatica infection, but no evidence visible.*

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

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

- |  |                 |
|--|-----------------|
| 5) 100+                                    | Highly suitable |
| <input checked="" type="radio"/> 4) 40-100 | Very suitable   |
| 2) 20-40                                   | Suitable        |
| 1) 10-20                                   | Just suitable   |
| 0) <10*                                    | Unsuitable      |

Score & Notes *Long life span remaining if managed as veteran tree.*

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

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes *on boundary visible from surrounding roads*

d) Other factors

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

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

Score & Notes *Verry large specimen in avenue lining historic route. Almost at veteran stage.*

**Part 2: Expediency assessment**

Trees must have accrued 9 or more points to qualify

- |  |   |
|--|---|
| <input checked="" type="radio"/> 1) Immediate threat to tree | Score & Notes <i>Enquiry regarding extreme pollarding by household.</i> |
| 3) Foreseeable threat to tree                                |   |
| 2) Perceived threat to tree                                  |   |
| 1) Precautionary only  |   |

**Part 3: Decision guide**

- |                                      |                       |
|--------------------------------------|-----------------------|
| Any 0                                | Do not apply TPO      |
| 1-6                                  | TPO indefensible      |
| 7-11                                 | Does not merit TPO    |
| 12-15                                | TPO defensible        |
| <input checked="" type="radio"/> 16+ | Definitely merits TPO |

Add Scores for Total:

**21**

Decision:

**TPO**

## APPENDIX D

Objection received from Mr Bill Anderson  
9<sup>th</sup> August 2014

**From:** Bill Anderson [<mailto:bill.anderson@andersontreecare.co.uk>]

**Sent:** 09 August 2014 15:30

**To:** Cannon Richard (CEX)

**Subject:** TPO no 395.

Dear Mr Cannon,

On Thursday I was contacted, in my role as sub contractor to Sheffield's Rights of Way section (PROW) to go and deal with a tree on a bridleway in Bradway that had shed a branch. This branch was only partially detached from the tree but was hanging in 2 adjoining gardens, somewhat to the consternation of the property owners. And I have to say justifiably so:



Photograph showing the garden of 23 Longford Road and the collapsed branch.

At the time of my visit I noted a sign affixed to one of the trees stating that it was protected by a recently served TPO. I have since returned to the site to deal with the broken branch and also visited the Town Hall website wherein I found no mention of the TPO, despite the sign stating that more information was to be found there. I have also discovered that a colleague had been due to prune a nearby tree on the day the TPO was served.

I would be grateful if you would register this correspondence as an objection to this TPO on the grounds that the Council have no business protecting trees that are in their own management. This is because it is not expedient and it makes a complete mockery of the system for the Council to have to apply to themselves for permission to work on one of their own trees. In times past I believe similar matters (local authorities seeking planning permission from themselves) were referred to the Secretary of State for a decision, and while I'm sure Mr Pickles would be delighted to pop up to Sheffield to have a look at these trees every time they needed some minor pruning, in reality he would be somewhat peeved.

I would be grateful if the TPO documentation could be made available on the website whereupon I might consider my objection more carefully, although my main concern as a resident of the City is that this is a complete waste of time and money, and simply loads more work upon an Officer who is already overburdened and behind with his current workload.

I would be grateful if you would acknowledge this e-mail.

Yours sincerely

**Bill Anderson**

**Anderson Tree Care Ltd.**

Garden Cottage  
Park Street  
Barlborough  
Chesterfield  
Derbyshire  
S43 4TJ

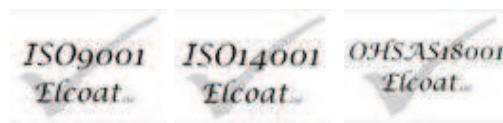
**t:** 01246 570044

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Anderson Tree Care is a Limited company registered in England and Wales. Registered number: 5872995. Registered address: Garden Cottage, Park Street, Barlborough, Chesterfield, Derbyshire, S43 4TJ. VAT registration number: 471150474

This email (including all attachments) is private and confidential. If you have received this message in error, please notify us and remove it from your system

## APPENDIX E

Objection received from Mr Bill Anderson  
11<sup>th</sup> August 2014

**From:** Bill Anderson [mailto:[bill.anderson@andersontreecare.co.uk](mailto:bill.anderson@andersontreecare.co.uk)]  
**Sent:** 11 August 2014 10:57  
**To:** Cannon Richard (CEX)  
**Subject:** RE: TPO no 395.

Hello Mr Cannon, good morning.

Thanks for the copy of the TPO, this situation seems to be developing day-by-day; Tony Andrews (PROW) asked me to look at some other trees near the Oak so I went up and strolled the length of Totley Lane this morning. Another tree has also shed a branch, which we are also going to deal with in the next couple of days. I have to say that this TPO is going to be a mess even before it's confirmed. I think it is obvious that it has not been well-considered at all.

That said having now walked the length of the Lane and looked at the group of trees from Google, it is fairly obvious that this is something of an ancient boundary and as such the trees (arguably) have some archaeological value. However I still consider that if resources are to be expended on preserving these trees then they would be better directed to works that might actually maintain them rather than making their routine management more onerous.

The Council need to consider what it is they're actually trying to achieve here; at the moment I can't see that serving a TPO is going to achieve anything.

Thanks again,

Bill Anderson.

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

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**Report of:** Director of Regeneration & Development Services

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**Date:** 9 December 2014

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**Subject:** Enforcement Report

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**Author of Report:** Lee Brook

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**Summary:** Unauthorised Side and Rear Extension,  
33 Pavilion Way

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### **Recommendations:**

That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised extension.

The Head of Planning is designated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

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### **Background Papers:**

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**Category of Report:** OPEN

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## REGENERATION & DEVELOPMENT SERVICES

REPORT TO THE PLANNING AND  
HIGHWAYS COMMITTEE  
9 DECEMBER 2014

### ENFORCEMENT REPORT

#### UNAUTHORISED ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSION, 33 PAVILION WAY

##### 1. PURPOSE OF THE REPORT

The purpose of this report is to inform Board Members of a breach of planning control and to make recommendations on any further action required.

##### 2. BACKGROUND

- 2.1 Complaints were received about the construction of a single storey rear and side extension. The complaint relates to the use of inappropriate materials. When the complaint was made the extension was incomplete and timber walled; it is now finished, (shown in the photos below), with a white upvc cladding to the outer walls.
- 2.2 At the initial site visit the owner was advised that planning permission is required. A discussion took place at which the owner stated his intention to complete the development in white upvc. He also said he had advice from a Council officer on the phone prior to starting work that he would not require a planning application. There is no record of such a telephone conversation with any officer from the Planning Service. The owner was warned that enforcement action could follow subject to a full assessment later. He was advised not to complete the extension throughout the conversation. The owner was further advised about his 'fall-back' position of changing the development to be within permitted development limits. He was also encouraged to contact Building Control.
- 2.3 Initially the owner appeared to be responsive to officer advice and an architect contacted me on his behalf to regularise the extension to an amended, more acceptable design. However a month has passed since then and at the time of writing no application has been submitted. The extension was completed in white upvc, see photos below.

##### 3. ASSESSMENT OF THE BREACHES OF CONTROL

- 3.1 Under the General Permitted Development Order, ('GPDO'), household permitted development ('PD') allows for a single storey rear extension projecting up to 3m at the rear without the need for a planning

application, provided that the materials used are similar to the existing house.

- 3.2 This extension requires planning permission (application) because part of it extends beyond the side elevation facing the highway and because the materials used are not similar to the existing materials on the house.
- 3.3 The National Planning Policy Framework states that development should always seek to secure high quality design.
- 3.4 Policy BE5 (Building Design and Siting) within the Unitary Development Plan (UDP) states that good design and the use of good quality materials will be expected in all new buildings. The Supplementary Planning Guidance document 'Designing House Extensions' at Guideline 3, requires that matching materials and features should be used in the extension and that the roof design should be sloped to mimic the existing house. The house stands within an Industry and Business Area, designated in the UDP, as this relatively new estate is built on the site of the former Co-operative Dairy, (and Sports Ground).
- 3.5 Policy CS74 (Design Principles) within the Sheffield Development Framework Core Strategy states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city.
- 3.6 The house is a modern two storey end townhouse on a corner plot. It is in a row of 4 similar houses set in a larger estate of similarly styled houses in terms of materials and design. As this is on a corner plot, the rear of the house is clearly visible from the highway.
- 3.7 The extension is considered to be out of keeping with the house and with the surrounding area. Approval would not be recommended by officers, in the event of an application to regularise it, for the following reasons. The rear and side elevations of the extension are clad in white upvc in stark contrast to the original house, which is red brick. The roof is a flat design and because this extension is in clear view of the highway, this flat roof design is visibly at odds with the look of the existing house. The houses in the backdrop are a similar style to no.33 in terms of the materials used. There are elements of smooth cream render on the front elevations but in this case the clearly visible white plastic clad extension clashes with the existing house and the area.

#### 4. REPRESENTATIONS

- 4.1 Two local residents have complained in relation to the appearance of the extension being out of keeping with the area. The complainants maintain their reasons for objecting, since the change in the finished look from timber walls to white plastic clad walls.

## 5. ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice, (PCN). It requires information about the breach of control and property ownership. It also gives an opportunity to meet with officers to make representations. Such a meeting can be used to encourage regularisation and/or discussions about possible remedies where harm has occurred. In this case regularisation is not being recommended.

5.2 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require the removal of the unauthorised extension.

## 6. EQUAL OPPORTUNITIES

- 6.1 There are no equal opportunity implications arising from the recommendations in this report.

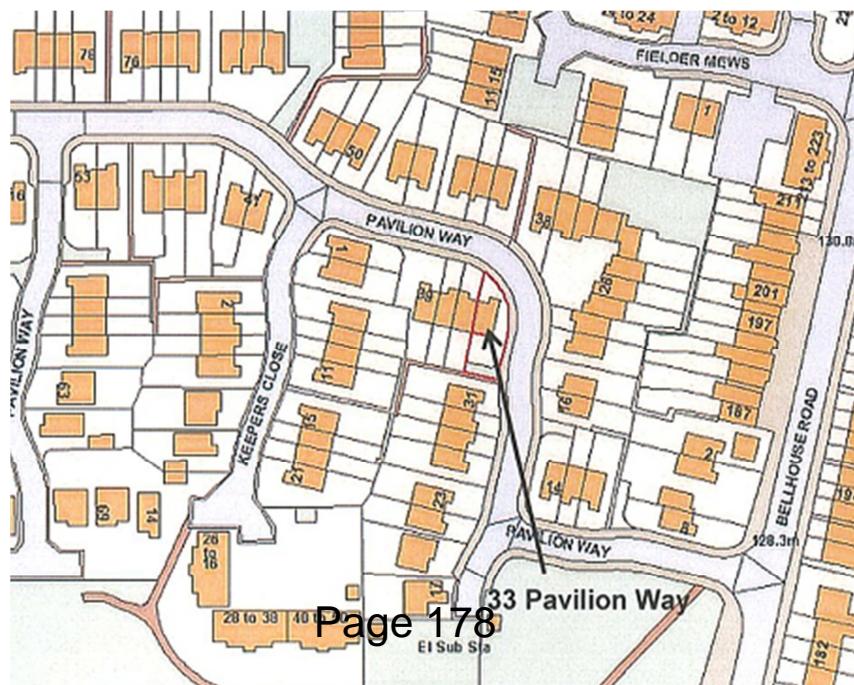
## 7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications arising from the recommendations in this report.

## 8. RECOMMENDATION

- 8.1 That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal to secure the removal of the unauthorised extension.
  - 8.2 The Head of Planning is designated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

## SITE PLAN



## PHOTOGRAPHS - BEFORE & AFTER



Maria Duffy  
Interim Head of Planning

13 November 2013

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

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**Report of:** Director of Regeneration & Development Services

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**Date:** 9 December 2014

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**Subject:** Enforcement Report

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**Author of Report:** Lee Brook

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**Summary:** Unauthorised Excavation of Land, off Middlewood Road North  
(at the rear of the former Middlewood Tavern, no.316)

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### Recommendations:

That the Director of Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure the back filling of the excavated land and restoration of the land to green field with re-instatement of a physical border.

The Head of Planning is designated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

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### Background Papers:

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**Category of Report:** OPEN

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## REGENERATION & DEVELOPMENT SERVICES

REPORT TO THE PLANNING AND  
HIGHWAYS COMMITTEE  
9 DECEMBER 2014

### ENFORCEMENT REPORT

UNAUTHORISED EXCAVATION OF LAND, LAND OFF  
MIDDLEWOOD ROAD NORTH  
(AT THE REAR OF THE FORMER MIDDLEWOOD TAVERN, No.316)

#### 1. PURPOSE OF THE REPORT

The purpose of this report is to inform Committee Members of a breach of planning control and to make recommendations on any further action required.

#### 2. BACKGROUND

- 2.1 The Planning Service received a complaint about a suspected new driveway being constructed between Middlewood Road North, off the back of the existing car park attached to Middlewood Tavern, and a large house to the west known as The Grange, accessed off Stockarth Lane and Middlewood Road North. The complaint was concerned with the digging out of land within the Green Belt, spoiling the countryside. It transpires, following investigation, that an engineering operation has taken place involving excavation of a significant amount of earth from a field at the rear of the now vacant / former Middlewood Tavern, (316 Middlewood Road North). However this does not appear to be connected to The Grange.
- 2.2 It seems, based on appearances, that the work is to form a new car park area in the field with an access roadway to it from the existing car park at the former pub. Contact with the owners has not been established and the actual purpose of the development is unknown.
- 2.3 A Planning Contravention Notice, (PCN), dated 5<sup>th</sup> November was sent to the registered landowners to establish facts about what had taken place and what the purpose of the work was. This notice did not reach the landowners because they have moved address. A second PCN has been sent to the former Middlewood Tavern as there is no other known address for the owners. Further research is being done.

#### 3. ASSESSMENT OF THE BREACHES OF CONTROL

- 3.1 This land is designated within the Green Belt in the adopted Sheffield Unitary Development Plan, (UDP). Policy GE1 states, amongst other things, that in the Green Belt, development will not be permitted, except

in very special circumstances, where, it would lead to unrestricted growth of the built up area or encroachment of urban development into the countryside. Policy GE2 and GE4 seek to maintain, conserve and enhance the landscape and natural environment.

- 3.2 This development is considered to constitute unrestricted urban growth and encroachment into the open countryside contrary to the above policies, which is endorsed by the adopted Core Strategy Policy CS71. The land, whether part of a separate open field or whether attached in the past, to either The Grange, (possible), or the Middlewood Tavern, (which seems unlikely looking at old photos and aerial maps), is considered to be part of the countryside, beyond the urban area. If the development was to be completed into a formal car park it would likely involve further urban features such as tarmac, walls, lighting etc, which would further harm the landscape and natural environment.
- 3.3 A significant amount of earth has been dug out of the land to cut what seems to be a new vehicle access and / or a car park into the hillside, which rises above the adjacent Middlewood Tavern and its existing car park. The development appears to be an extension to that existing car park. It is considered, in planning terms, to be an engineering operation that amounts to 'development'. The cut nearest to the tavern car park, that at face value seems to be the access road, is 8 metres wide and stretches into the land 25 metres, (southwest direction). The cut then turns 90 degrees continuing in a northwest direction and opens into a much wider and squarer area, possibly a proposed car park, (see attached plan). The total area covered by the development is approximately 25m by 30m, ( $750\text{m}^2$ ). The plan shows that the 'access' is the deepest cut at approximately 1.7m at the deepest point at the back edge of the Middlewood Tavern land, petering out to approx. 50-60cm at the 90 degree turn. A large part of the  $750\text{m}^2$  is a surface scraping of less than 50cm but the overall impact is extensive and is considered to be development requiring a planning application.
- 3.4 The attached plan shows the shallowest cut as wider spaced green cross hatch. The closer green hatch lines indicate deeper cuts on the land. The brown areas marked are where the cut earth is stored in piles. The land outlined blue is believed to be the old established Middlewood Tavern boundary. However, the red outlined land is registered together with the Tavern land under a single Land Registry title. All the land under that title is within the red and blue area and the remaining field / land is under a separate title attached to 'The Grange'. It is not clear what the previous use of the red land was but looking at aerial photographs it could have been either an open field or as is most likely, curtilage land belonging to The Grange.
- 3.5 The owners have moved away from their last known address so contact has not been made to establish facts. Council records have not helped to identify any new contact details.

3.6 Limited information is available at this stage to inform why the excavation has taken place as the development has stopped. Although the purpose is as yet unknown to officers, there is an assumption against development in the green belt in the absence of very special circumstances being demonstrated. Taking the development on appearances, it is considered to be unacceptable for the reasons stated above.

#### 4. REPRESENTATIONS

4.1 One complaint has been received, which was concerned that a new driveway was being constructed for nearby by house further up the hillside.

#### 5. ASSESSMENT OF ENFORCEMENT OPTIONS

5.1 Section 171C of the Town & Country Planning Act 1990, ('the Act') provides for the service of a Planning Contravention Notice, (PCN). It requires information about the suspected breach control and property ownership. It also gives an opportunity to meet with officers to make representations. Such a meeting can be used to encourage regularisation and/or discussions about possible remedies where harm has occurred. In this case the notice was served to identify the purpose of the development and any person/s with an interest in the land should enforcement notices be needed. Regularisation of the excavation is not the course of action being recommended on the information available at the time of writing.

5.2 The notice was returned unopened as the intended recipients, (land owners), have since moved address and no other contact details are known.

5.3 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require the re-instatement of the land by filling in the cut away sections to re-form the previous levels, seeding it back to grass field or possibly allowing it to re-generate its own green cover. A physical border between the field and the Tavern at 316 Middlewood Road North could also be installed.

5.4 Section 183 of the Act provides for the service of a Stop Notice in conjunction with an enforcement notice, (s172). In this case the Stop Notice would prohibit further unauthorised development should it restart. This isn't necessary at this time because the development is currently stopped and the situation is stable.

#### 6. EQUAL OPPORTUNITIES

6.1 There are no equal opportunity implications arising from this report.

#### 7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications arising from the recommendations in this report.

## 8. RECOMMENDATION

- 8.1 That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure the back filling of the excavated land and restoration of the land to green field with re-instatement of a physical border.
- 8.2 The Head of Planning is designated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Photographs / Site Plan, Land off Middlewood Road North





Green is the cut / excavation on the land. Closer lines indicate deeper excavation; lines further apart show where the cut is shallower.

Brown is where spoil has been stored.

Blue Line shows historic boundary of the Tavern

Solid Red line shows land under same Title as the Tavern. Red + Blue = the total land under one single Land Registry Title.

Drawing is an Impression (not a scaled survey)



Maria Duffy  
Interim Head of Planning

19 November 2014



## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

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**Report of:** Director of Development Services

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**Date:** 9<sup>th</sup> December 2014

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**Subject:** Enforcement Report

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**Author of Report:** Brendan Gillespie

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**Summary:**

Unauthorised conservatory erected on front elevation of 209 Stannington Road, facing directly onto the Highway

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**Reasons for Recommendations**

The conservatory is considered to have a detrimental effect on the visual amenities of the street scene and contrary to policy H14 of the UDP.

**Recommendations**

That authority be given to the Director of Regeneration and Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the Upvc clad, front facing conservatory.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

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**Background Papers:**

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**Category of Report:** OPEN

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## REGENERATION & DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
9 December 2014

### ENFORCEMENT REPORT

#### 209 STANNINGTON ROAD, SHEFFIELD S36 5FT: UNAUTHORISED DEVELOPMENT – CONSERVATORY/PORCH ERECTED ON FRONT ELEVATION OF HOUSE

##### 1. PURPOSE OF REPORT

- 1.1 To inform Members of the situation at the above address and make recommendations on the appropriate form of action.

##### 2. BACKGROUND

- 2.1 A complaint was received stating that the land owner had erected an extension porch-like structure to the front of his property without first obtaining planning permission from the Council.
- 2.2 An Enforcement Officer visited the site and inspected the extension.
- 2.3 The officer's observations confirmed that the upvc cladded porch/conservatory did not enjoy permitted development rights.
- 2.4 A subsequent search revealed that no planning application had been received for this development and Planning Officer opinion was that any such application would not be looked upon favourably as the development was forward of the front elevation of the main dwellinghouse, and its general appearance detracts from the amenity of the area and the street scene in general.
- 2.5 Following the site inspection, a letter was sent to the owner, on the 3<sup>rd</sup> June 2013, requesting that he remove the unauthorised structure, advising that it hadn't got the required planning permission, and because of its positioning and the materials used in its construction, Officers would be unlikely to support any subsequent retrospective application, if one was to be submitted.
- 2.6 Following this request, the owner contacted the department, via email, and confirmed he would not be removing or applying for planning permission for the structure, but would be prepared to reduce the size of the structure to within the permitted development measurement requirements allowed for a front porch.
- 2.7 On receipt of this email, an email was sent in response, on 1<sup>st</sup> July 2013, advising the owner to submit details of the structure's proposed new size so that if the alterations fell within allowable permitted development

requirements, a realistic, fair timeframe to complete the works could be agreed

- 2.8 It was clear from the details submitted that the structure, even if it was to be reduced in size, would still not meet permitted development requirements. The proposed new size was quoted to be 2.8 metres long x 800mm wide x 2.8metres wide but would still sit within 2 metres of the boundary of the dwellinghouse and the highway. This was explained to the owner via email and over the telephone; that the structure even if it was to be rebuilt to the above specification, would still be seen as unacceptable in planning terms and would have to be removed. The owner was asked to confirm his intentions regarding the matter as soon as possible.
- 2.9 A letter, together with a Section 330 Notice was sent to the owner on 2<sup>nd</sup> October 2014, advising the owner that despite numerous requests to remove it, and assurances given that it would be removed without the need to report the matter, formally, it was noted the unauthorised structure was still in place. The Notice (Section 330 of the Town and Country Planning Act) required the owner to provide information about any person/s with any interest in the property, within 21 days, and he was advised that failure to comply with this Notice was a criminal offence. He was also advised that if the unauthorised structure to the front of the building was still in place beyond the 21 days, the matter would be reported to the next available Planning Committee. To date, the structure is still in place and no further contact or information has been received from the owner of the property.

### 3 ASSESSMENT

- 3.1 The site is located within a Housing Area in the Adopted UDP. Policy H14 of the UDP requires that any development in such a location is in scale and character with neighbouring buildings and the area.
- 3.2 The development consists of a uPVC single storey white tiled conservatory, measuring over 3 square metres and built onto the front elevation of the house, opening directly onto the main pavement adjacent the highway.
- 3.3 As the development is forward of the main dwellinghouse, it does not enjoy permitted development rights under Part 1; Class E of the General Permitted Development Order (GPDO) which states –

*E.1. Development is not permitted by Class E if —*

- (b) *any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;*

- 3.4 The Conservatory in its current location is considered to have a detrimental impact upon the character of the locality, being contrary to the provisions of UDP Policy H14. The white tiled roof and the Upvc cladding is in stark contrast to the house original stone frontage. It is predominantly sited to the front of the building, is intrusive and detracts from the amenity of the area and the street scene in general.

#### 4 REPRESENTATIONS

- 4.1 A complaint has been received from a local resident and also from a Councillor, acting on behalf of a number of local residents, regarding an unauthorised extension to the front of the property.

#### 5 ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 The power to issue an Enforcement Notice (under Section 172 of the Town and Country Planning Act 1990) is discretionary and should only be used where the Local Planning Authority are satisfied that there has been a breach of control *and* it is expedient to issue a Notice, having regard to the provisions of the development plan and any other material considerations. In this case such a notice would require the removal of the unauthorised conservatory from the land.
- 5.2 Enforcement action in respect of all breaches of planning control is subject to time limits – 4 years for operational development and 10 years for change of use. In this case the unauthorised development took place within the prescribed time limits for taking enforcement action.
- 5.3 An Enforcement Notice must be served on the owner(s) and occupier(s) of the land, together with anyone else who is known to have an interest in the land. It takes effect no less than 28 days after the date of service and carries the right of appeal. Any appeal would hold the Notice in abeyance. If there is no appeal, or an appeal is dismissed, failure to comply with the requirements of the Notice would render the owner of the land liable to prosecution. It is an offence for a person who has control of or an interest in the land (other than the owner) to carry on any activity, which is required by the notice to cease.

#### 6 FINANCIAL AND EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be made against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is unlikely that this will happen in this case. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget. There are no equal opportunity implications arising from the recommendations in this report

## 7 RECOMMENDATIONS

- 7.1 That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary enforcement action and the institution of legal proceedings to secure the removal of the development.
- 7.2 The Head of Planning be delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Maria Duffy  
Head of Planning

11 November 2014

### THE DEVELOPMENT AT 209 STANNINGTON ROAD







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## SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

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**Report of:** Director of Development Services

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**Date:** 9<sup>th</sup> December 2014

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**Subject:** Enforcement Report

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**Author of Report:** Brendan Gillespie

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**Summary:**

Unauthorised car port and balcony erected to the rear of 523 Loxley Road

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**Reasons for Recommendations**

The structure is considered to be unacceptable in terms of its scale and built form and is therefore considered to be contrary to Supplementary Planning Guidance and the provisions of Unitary Development Plan Policy H14.

**Recommendations**

That authority be given to the Director of Regeneration and Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the balcony to the rear of the property.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

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**Background Papers:**

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**Category of Report:** OPEN

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## REGENERATION & DEVELOPMENT SERVICES

### REPORT TO PLANNING & HIGHWAYS COMMITTEE 9 December 2014

#### **ENFORCEMENT REPORT**

523 LOXLEY ROAD, SHEFFIELD S6 6RR: UNAUTHORISED DEVELOPMENT – BALCONY ERECTED TO REAR OF DWELLINGHOUSE

##### 1. PURPOSE OF REPORT

- 1.1 To inform Members of the situation at the above address and make recommendations on the appropriate form of action.

##### 2. BACKGROUND

- 2.1 A complaint was received stating that the land owner had erected a balcony to the rear of his property without first obtaining planning permission from the Council.
- 2.2 An Enforcement Officer visited the site and inspected the structure.
- 2.3 The officer's observations confirmed that the raised decking/car port structure did not enjoy permitted development rights, and on speaking to the owners, they advised that it was their intention to eventually fit a rail or screen around the perimeter to create a sitting balcony.
- 2.4 After being advised planning permission would be required for the structure as it stood, even without the screening to be fitted, the owners submitted a planning application on 9<sup>th</sup> July 2013.
- 2.5 The planning application (Reference 13/00974/Ful) for the retention of the balcony (retrospective application) was refused on 27<sup>th</sup> December 2013. The Planning Officer's main concern being the proposed extension would result in unacceptable overlooking and overbearing to adjoining residential properties, leading to unacceptable effect on the living conditions of occupiers of the adjoining properties.
- 2.6 Following this decision the owners submitted an appeal to the Planning Inspectorate who on 1<sup>st</sup> April 2014 dismissed the appeal. The Inspector, in his decision re-iterated the issues already raised, pertaining to the living conditions of the neighbouring properties, particularly with regards to their loss of privacy and the visual impact of the structure, and felt that these concerns could not be overcome, even by the imposition of conditions, and so dismissed the appeal.
- 2.7 On receipt of the Inspectorate's decision the Council wrote to the owners asking them to remove the remaining unauthorised structure.

- 2.8 The owners contacted the Council advising that they had removed their previous balcony because it was in a poor condition and believed they could construct their new car port without the need for planning permission, but it was again explained to them that the structure they had built was beyond the property's permitted development limitations. It had been built within 2 metres of the property's boundary and the construction included a balcony or raised platform. The owner was adamant that the structure was Permitted Development and had advised they could not afford to remove the structure. She also had major concerns that the stress and worry of this situation would affect her husband's health and asked if there was any way we might reconsider our decision. She was advised to write to the Team Manager to explain her position and assured that any further action would be held in abeyance until her argument had been given due and considered reason.
- 2.9 A letter was duly received on the 20<sup>th</sup> April outlining the occupant's reasoning for keeping the structure and why they think it an acceptable development. A compromise was offered allaying to the erecting of a screen on the car port to try and protect the privacy of the neighbouring properties. Having considered the letter and its contents, Officers could still not see any planning grounds to change its decision and as such requires the removal of the unauthorised structure.

### 3 ASSESSMENT

- 3.1 The site is located within a Housing Area in the Adopted UDP. Policy H14 of the UDP requires that any development in such a location should not deprive residents of privacy and should be in scale and character with neighbouring buildings and the area.
- 3.2 The development consists of a balcony, raised platform over a recently constructed car port, measuring 3.6m deep by 4.6 metres wide, at a height of approx 3m, within 2 metres of the property's rear boundary.
- 3.3 Planning permission will be required to construct a car port if the enlarged part of the house a) would be located within 2 metres of the property boundary, b) the height of the eaves of the enlarged part exceeds 3 metres, c) the extension includes the construction of a veranda, balcony or raised platform and d) the car port extends beyond the rear wall of the original house by more than 3 metres.
- 3.4 The Car port, incorporating the raised platform, is considered to be unacceptable in terms of its scale and built form, and the platform when used as a balcony provides a significant amount of overlooking, which is therefore considered to be contrary to Supplementary Planning Guidance and the provisions of Unitary Development Plan Policy H14.

## 4 REPRESENTATIONS

- 4.1 A complaint has been received from a neighbouring property and also Bradfield Parish Council lodged their concerns about the development.

## 5 ASSESSMENT OF ENFORCEMENT OPTIONS

- 5.1 The power to issue an Enforcement Notice (under Section 172 of the Town and Country Planning Act 1990) is discretionary and should only be used where the Local Planning Authority are satisfied that there has been a breach of control *and* it is expedient to issue a Notice, having regard to the provisions of the development plan and any other material considerations. In this case such a notice would require the removal of the unauthorised car port from the land.
- 5.2 Enforcement action in respect of all breaches of planning control is subject to time limits – 4 years for operational development and 10 years for change of use. In this case the unauthorised development took place within the prescribed time limits for taking enforcement action.
- 5.3 An Enforcement Notice must be served on the owner(s) and occupier(s) of the land, together with anyone else who is known to have an interest in the land. It takes effect no less than 28 days after the date of service and carries the right of appeal. Any appeal would hold the Notice in abeyance. If there is no appeal, or an appeal is dismissed, failure to comply with the requirements of the Notice would render the owner of the land liable to prosecution. It is an offence for a person who has control of or an interest in the land (other than the owner) to carry on any activity, which is required by the notice to cease.

## 6 FINANCIAL AND EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be made against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is unlikely that this will happen in this case. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget. There are no equal opportunity implications arising from the recommendations in this report

## 7 RECOMMENDATIONS

- 7.1 That the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary enforcement action and the institution of legal proceedings to secure the removal of the development.

- 7.2 The Head of Planning be delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

Maria Duffy  
Head of Planning

20 November 2014

THE DEVELOPMENT AT 523 LOXLEY ROAD







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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Regeneration & Development Services

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**Date:** 9<sup>th</sup> December 2014

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Claire Woods 0114 2734219

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**Summary:**

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

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**Reasons for Recommendations**

**Recommendations:**

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To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

### REPORT TO PLANNING & HIGHWAYS COMMITTEE 9 December 2014

#### 1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

#### 2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the Council to refuse planning permission for illuminated free standing advertising display board at Land fronting Sheffield Mail Centre Brightside Lane Sheffield S9 2XX (Case No 14/02480/HOARD)

(ii) An appeal has been submitted to the Secretary of State against the decision of the Council at its meeting on 3<sup>rd</sup> June 2014 to refuse planning permission for demolition of fire damaged buildings, levelling of ground and associated filling over extent of former buildings, viewing area and amenity building at Sheffield Ski Village Vale Road Sheffield S3 9SJ (Case No 13/03814/FUL)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the Council to refuse planning permission for erection of a dwellinghouse at 10 Perkyn Terrace Sheffield S5 0AN (Case No 14/02291/FUL)

#### 3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for two-storey side/front extension including garage, single-storey front extension, single-storey rear extension, erection of rear dormer window, extension to rear raised decking area and demolition of existing garage at 10 Knab Rise Sheffield S7 2ES (Case No 14/01559/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be the effect upon i) the character and appearance of the area, and ii) the living conditions of the occupiers of no.12 Knab Rise.

She noted the pair of semis were hipped roofed and their projecting concrete surrounds were a locally distinctive feature. She felt the single storey front extension would remove this feature and the two storey side extension would

substantially increase the overall width of the house. She concluded that the large additions, including the gable to the two storey side extension, would spoil the symmetry of the two houses and make them unbalanced. She did not consider that other examples drawn to her attention by the appellant provided justification for further harmful development.

On i) therefore she concluded that the development would harm the character of the area and agreed with officer's decision on this point.

In terms of the impact on the neighbour at no.12 the Inspector noted that the appeal site was higher than no 12, and that no.10 was also set further back. She noted the two storey element would be taken closer to no.12 and its impact exacerbated by the gabled roof, and would result in no.12's windows being within the 45 degree line in breach of guideline 5 of the Council's SPG.

She therefore agreed with the Council, and concluded the impact would be overbearing, despite the neighbour offering their support for the extension, in that the planning system has to protect the interests of existing and future occupiers.

She dismissed the appeal.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for Erection of two-storey rear extension and first-floor front balcony to dwellinghouse (Re-submission of 14/01132/FUL) at 56 Rivelin Street Sheffield S6 5DL (Case No 14/02221/FUL) part dismissed insofar as it relates to the new 1<sup>st</sup> floor balcony and planning permission is refused.

**Officer Comment:-**

The proposed first floor balcony would project about 1.3 metres and would be close to the boundary with no. 58 which is built at a lower level. There are some first floor windows in the rear elevations which overlook the neighbouring property. Nevertheless, the Inspector considered that the balcony would project beyond the existing windows and would be open on three sides enabling clearer views over the rear garden of no. 58 than from the windows. Therefore, the Inspector concluded that any existing overlooking would be exacerbated by the proposed balcony and that this would harm the living conditions of the neighbouring dwelling. This would be contrary to UDP policy H14 and the SPG " Designing House Extensions"

#### 4.0 APPEALS DECISIONS - ALLOWED

(i) An appeal against the delegated decision of the Council to refuse planning consent for Erection of two-storey rear extension and first-floor front balcony to dwellinghouse (Re-submission of 14/01132/FUL) at 56 Rivelin Street Sheffield S6 5DL (Case No 14/02221/FUL) part allowed insofar as it relates to the two storey extension.

**Officer Comment:-**

The two storey extension would be built on the boundary of the adjoining dwelling "The Coach House" which faces the proposed extension and has some habitable windows directly face the closest part of the proposed extension and are about 5.5metres from it. Although the proposed extension contravenes this, it would not be directly in front of the windows of the Coach House and the Inspector considered that the Council's guidelines would not be breached and the outlook from the Coach House would not be substantially affected. This part of the proposal was, therefore granted planning permission.

Although the extension would add to the enclosure of the courtyard belonging to the Coach House, it would only affect a relatively small part and the overall effect would not be significant. The Inspector concluded that the extension would not harm the living conditions of the occupiers of the Coach House and would not conflict with policy. Accordingly, the Inspector granted planning permission to this part of the development

## 5.0 RECOMMENDATIONS

That the report be noted

Maria Duffy  
Acting Head of Planning

*9 December 2014*



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