

Planning and Highways Committee

Tuesday 30 May 2017 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

Councillors Dianne Hurst (Chair), Peter Rippon (Chair), Ian Auckland, David Baker, Jack Clarkson, Michelle Cook, Tony Damms, Roger Davison, Bob Johnson, Alan Law, Zahira Naz, Joe Otten, Peter Price, Chris Rosling-Josephs and Zoe Sykes

Substitute Members

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

PUBLIC ACCESS TO THE MEETING

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

A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk. You 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.

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
30 MAY 2017**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Minutes of Previous Meetings** (Pages 1 - 6)
Minutes of the meetings of the Committee held on 9 and 17 May 2017
- 5. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 6. Declarations of Interest** (Pages 7 - 10)
Members to declare any interests they have in the business to be considered at the meeting
- 7. Proposed Diversion of Footpath off Overend Way, Gleadless Valley** (Pages 11 - 16)
Report of the Head of Strategic Transport and Infrastructure
- 8. Tree Preservation Order No. 413: 5 to 9 Hallamshire View** (Pages 17 - 40)
Report of the Chief Planning Officer
- 9. Applications Under Various Acts/Regulations** (Pages 41 - 100)
Report of the Chief Planning Officer
- 10. Record of Planning Appeal Submissions and Decisions** (Pages 101 - 104)
Report of the Chief Planning Officer
- 11. Date of Next Meeting**
The next meeting of the Committee will be held on 20 June 2017

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Planning and Highways Committee

Meeting held 9 May 2017

PRESENT: Councillors Peter Rippon (Chair), Ian Auckland, David Baker, Jack Clarkson, Michelle Cook, Dawn Dale, Tony Damms, Roger Davison, Dianne Hurst, Alan Law, Zahira Naz, Joe Otten, Peter Price, Chris Rosling-Josephs and Zoe Sykes

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

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 previous meeting of the Committee, held on 18 April 2017, were approved as a correct record.

5. SITE VISIT

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

6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

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 and as amended 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;

(b) having noted (i) a comment from the Sheffield Conservation Advisory Group at its meeting held in January 2017 in respect of a previous scheme for the site and that no further comment had been received in respect of the revised scheme and

(ii) an amendment to the report in respect of the number of dwellings per hectare (Page33, Density Issues), as detailed in a supplementary report circulated at the meeting, an application for planning permission for the erection of a 10/16 storey building to provide 241 bed spaces comprising 29 cluster flats and 13 studio units, with ancillary accommodation and installation of screening to a roof mounted plant to the building at the former Head Post Office (Phase 3), 17 Fitzalan Square (Case No. 16/04487/FUL) be granted, conditionally, subject to (A) amendments to (1) Condition 2 in respect of revised plans, (2) Condition 9 in respect of large scale details concerning elements of the scheme, (3) Condition 12 in respect of disabled access, (4) Condition 33 in respect of the roof top and southern façade plant screens and (5) Condition 35 in respect of requiring the development to be in accordance with a revised section detail drawing and (B) additional directives (1) giving advice to the applicant in respect of Condition 12 and (2) giving advice to the applicant on Yorkshire Water supply pipes within the red line boundary, all as detailed in the aforementioned supplementary report;

(c) an application for listed building consent for the erection of a 10/16 storey building to provide 241 bed spaces comprising 29 cluster flats and 13 studio units, with ancillary accommodation and installation of screening to a roof mounted plant at the former Head Post Office (Phase 3), 17 Fitzalan Square (Case No. 16/04488/LBC) be granted, conditionally, subject to amendments to (i) Condition 2 in respect of revised plans, (ii) Condition 3 in respect of large scale details concerning elements of the scheme and (iii) Condition 6 in respect of the roof top and southern façade plant screens, all as detailed in a supplementary report circulated at the meeting;

(d) having (i) noted (A) representations from the applicant in respect of Condition 4 concerning an archaeological survey and from a local resident in respect of traffic congestion concerns and (B) the officer's response, as detailed in a supplementary report circulated at the meeting, and (ii) heard an oral update from an officer at the meeting outlining a solution to allow the proposed development, if approved, to be commenced alongside an archaeological investigation, an application for planning permission for the erection of 67 apartments in a 1x 8-storey building with ancillary parking at ground floor level and associated access and landscaping works at Waitrose Supermarket Recycling Point, Ecclesall Road (Case No. 16/04446/FUL) be granted, conditionally, subject to Conditions 4 and 7 being deleted and with delegated authority given to the Head of Planning, in consultation with the Co-Chairs of the Committee, to agree a new condition to replace Conditions 4 and 7 concerning an archaeological survey and groundworks for the site; and

(e) having (i) noted (A) two additional representations and the officer's response and (B) information from the applicants in support of the application, as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations at the meeting from 4 local residents and a local Ward Councillor objecting to the development, an application for planning permission for the demolition of an existing dwelling and the erection of 2 detached dwellinghouses at 40 Walkley Crescent Road (Case No. 16/03776/FUL) be granted, conditionally, subject to an additional condition in respect of the finished plot and site levels, as detailed in the aforementioned supplementary report.

7. QUARTERLY OVERVIEW OF ENFORCEMENT ACTIVITY

- 7.1 The Committee received and noted a report of the Interim Head of Planning providing a quarterly overview of progress on the work being undertaken by the enforcement team within the City.

8. QUARTERLY UPDATE OF ENFORCEMENT ACTIVITY

- 8.1 The Interim Head of Planning submitted a report giving an update on the progress of enforcement cases being undertaken in respect of development across the City and provided further information in response to Members' questions.

- 8.2 **RESOLVED:** That (i) the information now reported be noted and (ii) with regard to Archer Mews and Hazel House, Archer Road (Case No. 06/02875/FUL) (Item 24, Page 95) the Committee concurs with the assessment of the Interim Head of Planning that no further enforcement action should be pursued in respect of the planning obligation monies, which were required as part of the Legal Agreement associated with the planning permission granted for the development and that the outstanding invoice in respect of this matter be written off accordingly.

9. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 9.1 The Committee received and noted a report of the Interim Head of Planning 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.

10. DATE OF NEXT MEETING

- 10.1 It was noted that the next meeting of the Committee will be held at 2:00p.m on Tuesday 30 November 2017 at the Town Hall.

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 17 May 2017

PRESENT: Councillors Ian Auckland, David Baker, Jack Clarkson, Michelle Cook, Tony Damms, Roger Davison, Dianne Hurst, Bob Johnson, Alan Law, Zahira Naz, Joe Otten, Peter Price, Peter Rippon, Chris Rosling-Josephs and Zoe Sykes

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1. APOLOGIES FOR ABSENCE

1.1 There were no apologies for absence.

2. APPOINTMENT OF CHAIRS

2.1 RESOLVED: That Councillors Dianne Hurst and Peter Rippon be appointed Co-Chairs for the 2017/18 municipal year.

3. DATE AND TIMES OF MEETINGS

3.1 RESOLVED: That meetings of the Committee be held on Tuesday 30 May 2017 and, with the exception of a meeting on 19 December 2017 in place of a meeting on 26 December 2017, meeting every three weeks thereafter at 2.00pm as follows:-

- 20 June 2017
- 11 July 2017
- 1 August 2017
- 22 August 2017
- 12 September 2017
- 3 October 2017
- 24 October 2017
- 14 November 2017
- 5 December 2017
- 19 December 2017
- 16 January 2018
- 6 February 2018
- 27 February 2018
- 20 March 2018
- 10 April 2018
- 1 May 2018

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Culture and Environment

Date: 30 May 2017

Subject:

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257 PROPOSED DIVERSION OF FOOTPATH OFF OVEREND WAY, GLEADLESS VALLEY, SHEFFIELD.

Author of Report: Mark Reeder 0114 2736125

Summary:

To seek authority to process the Public Path Diversion Order required to divert the public footpath off Overend Way in the Gleadless Valley area of Sheffield shown hatched black on the plan attached as Appendix A.

Reasons for Recommendations

The Council is satisfied that the proposed diversion of the footpath is necessary to enable the approved Development to be carried out. Based on all of the above information, the application is supported.

Recommendations:

Raise no objections to the proposed diversion of the footpath linking Overend Way and Raeburn Close, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

Authority be given to the Director of Legal and Governance to

- a. take all necessary action to divert the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990.
- b. confirm the order as an unopposed order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.

Background Papers:

Category of Report: OPEN

DIRECTOR OF CULTURE AND ENVIRONMENT

REPORT TO PLANNING
AND HIGHWAYS COMMITTEE
30 May 2017

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257 PROPOSED
DIVERSION OF FOOTPATH OFF OVEREND WAY, GLEADLESS VALLEY,
SHEFFIELD.

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Diversion Order required to divert the public footpath off Overend Way in the Gleadless Valley area of Sheffield shown hatched black on the plan attached as Appendix A.

2.0 BACKGROUND

- 2.1 On 21st September 2016, planning consent (ref: 16/02665/FUL) was given for the extension to an electricity substation compound including the siting of a modular building, erection of 2.4 metre high perimeter fencing and 3.5 metre high security fencing. The development boundary is shown as a red-line on the plan attached as Appendix A.
- 2.2 In order to enable the approved development to be carried out, it is necessary to re-align the footpath which runs through the site. To be done legally, a Public Path Diversion Order must first be made and confirmed.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies, including footpath societies.
- 3.2 Not all the consultees had responded at the time of writing this report. Of those that have responded no objections have been received.
- 3.3 If any negative comments relating to the application are received before the Planning and Highways Committee meeting, they will be reported verbally.

4.0 LEGAL IMPLICATIONS

- 4.1 The Director of Legal and Governance has been consulted and has advised that, if the Council is satisfied that the Footpath needs diverting to enable the approved Development to be carried out, it would be appropriate to process the diversion using the powers contained within Section 257 of the Town and Country Planning Act 1990.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The subject path is an adopted footpath that links Overend Way and Raeburn Close in the Gleadless Valley area of Sheffield.
- 5.2 A re-aligned route, shown stippled on the plan attached as appendix A, will be created providing a slightly more direct section of pedestrian footpath.
- 5.3 Therefore the diversion of the footpath should not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.
- 5.4 The new section of path will be 3 metres wide throughout, adopted, maintained by Streets Ahead, and constructed in accordance with Local Authority specification.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposals in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

- 7.1 No particular environmental implications arise from the proposals in this report.

8.0 FINANCIAL IMPLICATIONS

- 8.1 All costs accruing to the Council (Highway Maintenance Division) in association with this proposal will be met by the Applicant (including commuted sums for future maintenance if applicable).
- 8.2 Therefore there will be no increase in liability on the Highway Maintenance revenue budget.

9.0 CONCLUSION

- 9.1 The Highway Authority is satisfied that the proposed diversion of the footpath is necessary to enable the approved Development to be carried out. Based on all of the above information, the application is supported.

10.0 RECOMMENDATIONS

10.1 Members raise no objections to the proposed diversion of the footpath linking Overend Way and Raeburn Close, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

10.2 Authority be given to the Director of Legal and Governance to

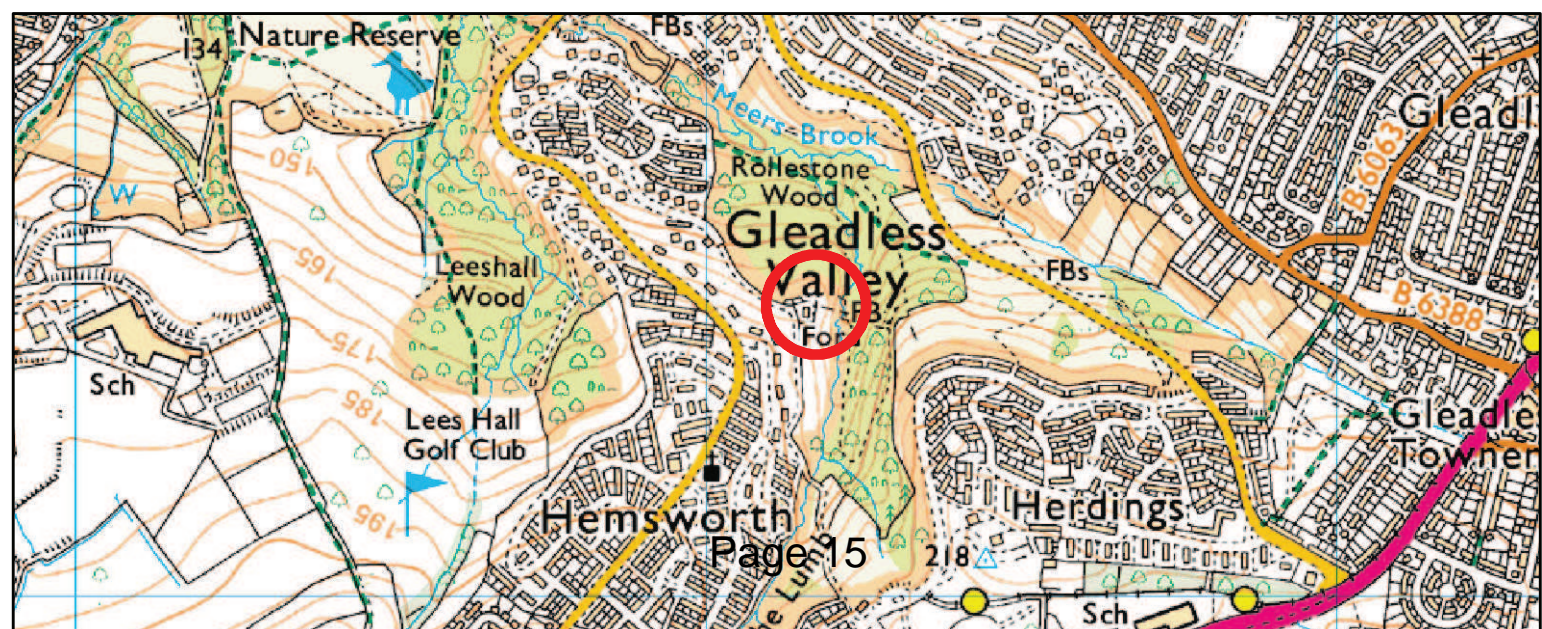
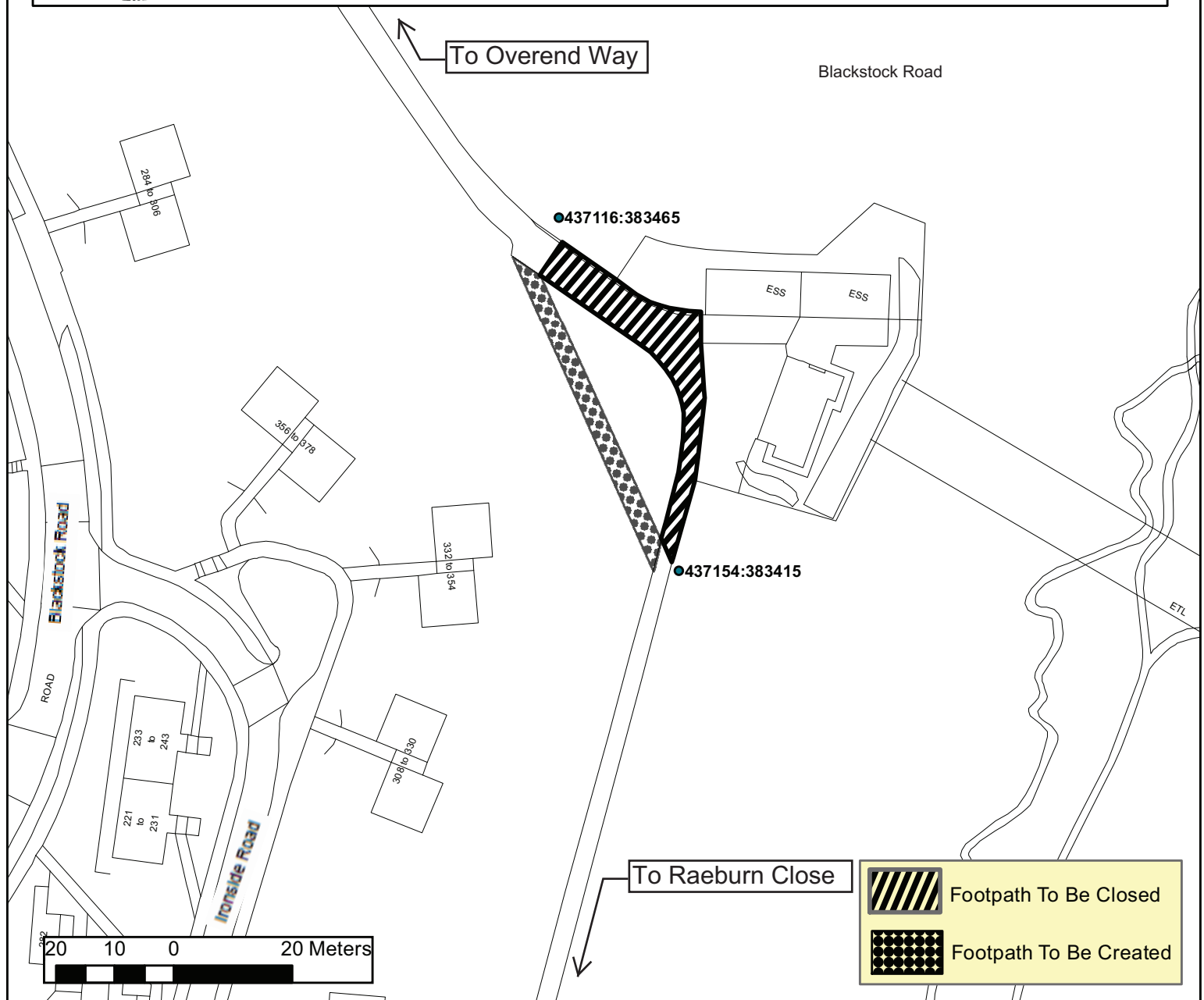
- c. take all necessary action to divert the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990.
- d. confirm the order as an unopposed order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.

Steve Robinson
Head of Highway Maintenance

30th May 2017

APPENDIX A

PROPOSED FOOTPATH DIVERSION OFF OVEREND WAY, GLEADLESS VALLEY, SHEFFIELD



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SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 30th May 2017

Subject: Tree Preservation Order No. 413
5 to 9 Hallamshire View, Sheffield, S10 5ST

Author of Report: Andrew Conwill, Urban and Environmental Design Team

Summary: To report objections to Tree Preservation Order No. 413

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation Tree Preservation Order No. 413 should be confirmed unmodified.

Background Papers: A) Tree Preservation Order No. 413 and map attached.
B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
C) Objection letters attached.

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE 30th MAY 2017

TREE PRESERVATION ORDER NO. 413 5 to 9 HALLAMSHIRE VIEW, SHEFFIELD, S10 5ST

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 413.

2.0 BACKGROUND

2.1 Tree Preservation Order (TPO) No.413 was made on 8th December 2016 to protect three sycamore trees and two pine trees in the rear gardens of 5 to 9 Hallamshire View. A copy of the order with its accompanying map is attached as Appendix A.

2.2 On the 10th October 2016 this Service received an email from Mr J H Lofthouse the owner of 8 Hallamshire View on behalf of the residents of Hallamshire View which refers to the removal, pollarding and pruning of trees at 5 to 9 Hallamshire View.

2.3 The reasons given in Mr J H Lofthouse's email for the above tree work include lack of light to the houses and the absence of sunlight to gardens for a large part of the day due to the trees large size and foliage.

2.4 On the 1st December 2016 the trees were inspected by a Sheffield City Council, Landscape Planning Officer and Community Tree Officer in the presence of Mr J H Lofthouse and Mrs J M Sutherland of 9 Hallamshire View.

2.5 The visual amenity value of the trees was assessed by the landscape planning officer and the three sycamore trees and two pine trees included in the order were found to be visually prominent when viewed from Sandygate Road and Redmires Road and were considered suitable for protection because they contribute to the visual amenity value of the locality and the built form of the Hallamshire View housing development.

2.6 A condition inspection of the trees was carried out by the Community Tree Officer who confirmed that the trees included in the order were of suitable condition for protection. The trees included are considered to have a useful life expectancy and no obvious health and safety reasons requiring major intervention were found.

2.7 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by the landscape planning officer and community tree officer and is attached as Appendix B. The assessment produced a clear recommendation to protect the trees included in the order.

2.8 One mature sycamore tree in the rear garden of 9 Hallamshire View has been omitted from the order because of its impaired condition and low vitality. Two medium stature maple species trees in the rear garden of 6 and located on the boundary of 5 and 6 Hallamshire View have been omitted from the order because of their indifferent condition and limited amenity value.

3.0 OBJECTIONS TO TREE PRESERVATION ORDER NO.413

3.1 Seven objections to the tree preservation order have been received from the residents of 1, 2, 4, 5, 6, 8 & 9 Hallamshire View. A copy of the objection letters is attached as Appendix C.

3.2 The objections received relate to a number of matters as follows and have been grouped and summarised as follows.

4.0 SUMMARY OF OBJECTORS WRITTEN REPRESENTATIONS FOLLOWED BY OFFICER RESPONSE

4.1 *The trees were not under possible threat of felling or pollarding as referred to in Legal Services tree preservation order written notifications. A TPO is unnecessary as residents have always approached the Council for permission prior to carrying out works to the trees.*

4.2 Officer response:

The email received from Mr J H Lofthouse on 10th October 2016 refers to the removal and pollarding of trees. The planning condition imposed to protect the existing trees as part of the original planning permission for the Hallamshire View residential development (04/01888 /FUL) is limited in its powers and it was considered expedient to serve TPO NO.413 to safeguard the trees because of their amenity value.

4.3 *The trees are forest type species, are very large, are near to houses are growing quickly and are outgrowing their location.*

4.4 Officer response:

The Hallamshire View residential development was granted planning consent in 2004 subject to existing trees within the development site being retained. The distance of the trees from the rear house elevations is considered acceptable for the species type and is comparable to other trees in residential locations. It is acknowledged that trees in residential locations require management and pruning in accordance with "BS 3998:2010 Tree work-Recommendations" (produced by the British Standards Institution) to contain growth may be permissible subject to the necessary approvals being granted to alleviate the concerns raised.

4.5 *The trees seriously obstruct natural light and sunshine to house rooms and gardens to the considerable detriment of residents. The order does not take*

account of our needs and perhaps rights to have light and sunshine to our properties.

4.6 The Council made the TPO on the basis of the trees contribution or value to the amenity of the locality. In choosing whether to confirm a TPO, the Council must assess this material consideration against other relevant factors presented such as a right to light. A person may acquire a right to light if they have had 20 years of uninterrupted benefit of that light. Sheffield City Council has not been provided with evidence that this right exists. If the TPO is confirmed, property owners remain free to assert their rights (including any right to light they are able to evidence) and seek an appropriate legal remedy in the event that the Council decides to retain the TPO.

4.7 *The amenity value of the trees is marginal in comparison to the direct detrimental affect the trees have on residents' daily lives. Sycamore trees T1 and T2 are set back from the highway and are screened by buildings and other trees and are not visually prominent.*

4.8 Officer response:

TEMPO is a nationally accepted method for assessing trees that are under potential threat. The TEMPO assessment undertaken found the trees suitable for protection and the order was served to maintain the visual amenity value the trees provide to the local environment by softening and adding character to the residential development's built form and street scene for the enjoyment of the public. Whilst sycamore trees T1 and T2 are set back from the highway boundary they are visible when viewed from the highway and are considered integral to the group value the trees provide. The direct detrimental affect the trees have upon residents, as referred to in the written representations, is considered insufficient reason to revoke the order and is considered comparable to other residential occupancies with trees of similar size and species growing nearby and can be alleviated by the management and pruning of the trees as referred to in item 4.4 above.

4.9 *Concerns regarding various trees safety have been raised.*

4.10 Officer response:

A condition inspection of the trees was carried out by the Community Tree Officer who confirmed that the trees included in the order are of suitable condition for protection. No obvious health and safety reasons requiring major intervention were found when inspected which would negate the trees contribution to the amenity of the locality.

4.11 *The pine trees drop huge quantities of needles into the gardens, drain pipes and guttering of all the properties which is very time consuming to deal with. The pine trees drop needles over gardens and the Sandygate Road highway footpath making an unsightly mess. Plants and grass cannot survive in parts of the gardens.*

4.12 Officer response:

These are considered to be normal acceptable maintenance issues with regard to pine trees growing within the built environment and to plants and grass growing under trees.

4.13 *Sycamore T3 is too close to sycamore T2 and too close to the highway boundary wall and highway footpath and will damage the wall and newly surfaced highway footpath.*

4.14 Officer response:

There is adequate space for sycamore tree T2 and T3 to grow unhindered and no compelling evidence has been provided to officers to suggest sycamore T2 will damage the wall and newly surfaced highway footpath.

4.15 *The written representations refer to two residents having low vitamin D levels. Concerns have been raised that the lack of sunlight to gardens and properties is a factor.*

4.16 Officer response:

Whilst these concerns are noted the contribution which the trees make to the visual amenity value of the locality is sufficient for the Council to consider it expedient to safeguard the long term future of the trees by making a TPO.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 There are no equal opportunities implications.

6.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

6.1 There are no property implications.

7.0 FINANCIAL IMPLICATIONS

7.1 There are no financial implications.

8.0 LEGAL IMPLICATIONS

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

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

- 8.3 A local authority may choose to confirm a TPO it has made. If an order is confirmed, it will continue to have legal effect until such point as it is revoked. If an order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.
- 8.4 A local authority may only confirm an order after considering any representations made in respect of that order. The making or confirmation of a TPO could interfere with the right of a property owner to peacefully enjoy their possessions. Said interference is capable of being justified under Article 1 of the First Protocol of the European Convention on Human Rights as being in the public interest (the amenity value which the tree brings), and subject to the conditions provided for by law (the Town and Country Planning Act 1990) and by the general principles of international law.
- 8.5 If a tree is on residential property, the making or confirmation of a TPO could interfere with a right of a person to respect for their family life and their home, but is capable of being justified as being necessary in a democratic society for the protection of the rights and freedom of others (Article 8 of the European Convention on Human Rights) and proportionate to the wider benefits it affords.
- 8.6 Seven representations have been received which object to the confirmation of Tree Preservation Order No.413. The objections are covered within this report.
- 9.0 RECOMMENDATION
- 9.1 Following consideration of the objections received from residents which refer to the negative impact the trees have upon their property it is considered that the trees condition when inspected and the contribution which the trees make to the visual amenity value of the locality is sufficient to outweigh the concerns of the objectors and for the Council to consider it expedient to safeguard the trees long term future by confirming the TPO.
- 9.2 Following consideration of the objections reported it is recommended Tree Preservation Order No. 413 at 5 to 9 Hallamshire View should be confirmed unmodified.

Rob Murfin
Chief Planning Officer

30th May 2017

Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 413 (2016)
5 to 9 Hallamshire View, Sheffield S10 5ST

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 413 (2016) – 5 to 9 Hallamshire View, Sheffield S10 5ST.

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 8th December 2016

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


Duly Authorised Signatory



SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Acer Pseudoplatanus (Sycamore)	OS Grid Ref: SK 4307 3865
T2	Acer Pseudoplatanus (Sycamore)	
T3	Acer Pseudoplatanus (Sycamore)	
T4	Pinus Species (Pine)	
T5	Pinus Species (Pine)	

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	

NOTES:
The use of this data acts as agreement to the following statements:

a. Copyright Sheffield City Council. All rights reserved in Chapter IV of the Copyright, Designs and Patents Act 1988 have been generally asserted
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TREE SCHEDULE



TREES SPECIFIED INDIVIDUALLY
(Encircled in black on the map)

- T1 ACER PSEUDOPLATANUS (Sycamore)
- T2 ACER PSEUDOPLATANUS
- T3 ACER PSEUDOPLATANUS
- T4 PINUS SPECIES (Pine)
- T5 PINUS SPECIES

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 4307 3865

X TREES EXCLUDED FROM THE ORDER

SHEFFIELD CITY COUNCIL	
PLACE	
REGENERATION & DEVELOPMENT SERVICES	
TREE PRESERVATION ORDER	
No.413	
TITLE	
5 to 9 HALLAMSHIRE VIEW	
SHEFFIELD S10 5ST	
SCALE	
1:500 @ A3	
Drawn By	Date
KH	7/12/2016
Drawing No	
A3/JUED/808/413	



David Sellers
Day Authorised Signatory



16/74812995

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TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 1/12/16 Surveyor: Andrew Conwill/Nathan McWhinnie

Tree details
 TPO Ref (if applicable): 808/413 Tree/Group No: T1 to T5 Species: Sycamore & Pine
 Owner (if known): Location: Hallamshire View S10 SST

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes
 4 Good to fair / Satisfactory

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

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

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

Score & Notes
 2

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

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes
 4

d) Other factors

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

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

Score & Notes
 4

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes
 3

Part 3: Decision guide

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

Add Scores for Total:
 17

Decision:
 TPO ✓

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Hallamshire View, Tree Preservation Order No. 808/413: Served 8th December 2016

List of objectors

- 1) Mr Lofthouse. 8 Hallamshire View.
- 2) Denise & Mark Cooper. 4 Hallamshire View.
- 3) Mrs G Jepson. 2 Hallamshire View.
- 4) Mr & Mrs S Bloom. 1 Hallamshire View.
- 5) Mrs Judi M Sutherland. 9 Hallamshire View.
- 6) Dr Shalini Urs & Dr Arun Urs. 6 Hallamshire View.
- 7) Dr Catherine Bateman. 5 Hallamshire View.

22 DEC 2016

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

8 Hallamshire View
Sheffield S10 5ST
December 20th 2016

YOUR REFERENCE; LS/RC/78436

Fao: Mr Richard Cannon, Professional Officer

Dear Sir,

I refer to your letter of 8th December 2016, addressed to the occupiers of the Town Houses at Hallamshire View, imposing Tree Preservation Order No. 413 with immediate effect. Firstly I would strongly object to the tone of your letter. The wording is quite inflammatory and the TPO appears to be a knee-jerk reaction to a wrongly-based perception on the Council's part. To say the order has been made as "various trees are believed to be UNDER POSSIBLE THREAT OF FELLING AND POLLARDING" is quite ridiculous and couldn't be further from the truth. The fact is that we as a group have discussed the year-on-year reduction of light and sunlight to our houses and gardens on a number of occasions and we approached the Council with a view to discussing the possibility of felling certain trees and trimming branches on a number of others. How this approach can be perceived as a "THREAT" is out of order and totally misrepresentative of events as they unfolded.

The word "pollarding" was used by myself when I first met Andrew Conwill having been led to believe that it meant trimming certain branches but when Mr. Conwill explained what the word actually meant this possibility was not considered further.

Your letter refers to the "visual amenity value of the locality" which I can understand to a certain extent but would appear not to take account of our needs, and perhaps right, to have light and sunlight on our properties. This problem has got progressively worse over the years as the trees have grown. Furthermore the tree at no. 8 (T2) is in the middle of my back garden and cannot possibly contribute to any perceived visual amenity value of the locality, which is of course anyhow entirely subjective.

Interestingly the two pine trees (T4 and T5) are of major concern. I understand permission was given previously to trim T5 but subsequently, after a large branch broke off causing damage, permission to trim further was not granted. One of the pines appears to be a potential hazard given that it is leaning badly over the pavement. We were only proposing to remove some of the lower branches on each pine tree to allow access to sunlight.

We are obviously unhappy with the TPO order and this letter, therefore constitutes my personal Appeal against this decision.

What we as a group would really like to do is to have a meeting with Council personnel, either at Hallamshire View or at your offices, in order that the whole matter can be discussed openly and

honestly. If that can be arranged we would be most appreciative and I look forward to hearing from you regarding this suggestion.

Yours faithfully,

Mr. J. H. Lofton

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

4 Hallamshire View
Sheffield
S10 5ST

- 3 JAN 2017

FAO Mr Richard Cannon
Reference LS/RC/78436

22 December 2016

Dear Mr Cannon,

Objection to tree preservation order 413 - 5-9 Hallamshire View, S10 5ST

With reference to your letter dated 8th December, referring to the application of a tree preservation order (TPO) to 5 trees in the gardens of the above properties. We wish to object to the TPO for the following reasons:

1. When a neighbour recently enquired about the status of the trees in these gardens he was advised the trees were not protected and removal or trimming of the trees was permitted.
2. The trees in question seriously impact the natural light in our garden, this means that plants cannot survive in parts of the garden and also reduces the enjoyment we get from using the garden. We noticed a significant difference in the effect the trees had on our garden in summer 2016 compared to summer 2015.
3. The trees affect the natural light in our kitchen, at times making this room very dark.
4. The trees are forest trees, they are very large to be in such close proximity to our houses and are growing quickly, probably more quickly than would have been anticipated when the houses were built, and certainly more quickly than we expected when we purchased our house.
5. The pine trees drop pine needles over our garden for several months of the year making an unsightly mess.
6. The pine trees drop pine needles over the public footpath on Sandygate Road, making an unsightly mess.
7. We fail to see how the presence or otherwise of these trees can have significant impact on users of Sandygate Road - the impact on the residents of Hallamshire View (including ourselves) is far more significant as the trees are negatively impacting our lives on a daily basis due to blocking our light.

Yours sincerely,



Denise & Mark Cooper

Ref No
LS/RC/ 78436.

Mrs. G. Jepson.
2 Hallamshire View.
Sheffield.
S10 5ST.

21st Dec 2016.

Dear Sir/madam.

I am writing regarding the "Formal Notice" received by all residents of Hallamshire View. I find the "Notice" in question quite unnecessary. I believe my neighbours of 5-9 Hallamshire View requested one of your colleagues to visit the development to merely ask if it was possible for the trees in their gardens to be considered for pruning or cutting back and gave their reasons for this. The homes and gardens of their homes suffer from a lack of natural light due to the size of these trees and the shade they give. It was never a possibility that any of these trees would be cut/pruned/lopped by residents of Hallamshire View therefore to send such a "Formal Notice" as if this would be considered by residents is quite appalling. If your colleague who visited to inspect these trees had to live in the houses affected by lack of light and had to have his lights on all day, everyday!! because of the lack of natural light perhaps he would reconsider his decision. The residents of Hallamshire View only wanted the trees to be considered for cutting back as to hopefully let more natural light into their homes and gardens, surely this would be more "environmentally friendly" than using "electricity". We at Hallamshire View are all aware of our environment and do our utmost to help

Respect and value of city, perhaps
Sheffield City Council should also
respect, value and consider the lives
of its residents and council tax
payers!!

Yours sincerely

Er. Jopson.



4 JAN 2017

Legal Services Department
Legal and Governance
Sheffield City Council
Town Hall
Pinstone St.
Sheffield
S1 2HH

Mr and Mrs S.Bloom
1 Hallamshire View
Sheffield
S10 5ST

30/12/16

Ref: Notice of Tree Preservation order LS/RC/78436

We are writing in regard to the proposed Tree Preservation Order to voice our concerns and raise an objection.

We are concerned that an honest attempt to seek advice with regard to tree management is being presented by the Council as 'a threat' rather than as a request to engage in a conversation about what might be possible – this is an extremely unhelpful response on the part of the Council.

With regard to the 'visual amenity' value of the trees identified in the proposed order, we would like to make the following observations:

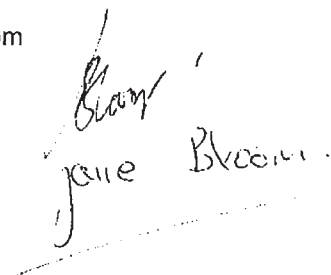
- Whilst voicing a concern about visual amenity value to the general locality, the Council response does not seem to consider the visual impact on the residents of the houses that are directly affected by tree shading. There is significant loss of sunlight to these houses, to the considerable detriment of the residents. Any visual amenity value to the more general locality is marginal in comparison to the direct affect on the residents of Hallamshire View.
- The proposed order states that the trees identified are visually prominent when viewed from Redmires Road and Sandygate Road, but this is not the case for trees T1 and T2 which are well set back and are themselves screened from view by buildings and other trees.

Our wish to have a conversation about what might be done to improve the lot of residents is in stark contrast to the high-handed approach of the council (via Amey) in planting Scots pine trees in the embankment outside our property, with no consultation or any thought about how these trees might impact upon local residents.

In light of these observations and concerns, we would like the Council to halt the proposed order and engage in a conversation about what might be done to improve the situation for our residents.

Yours sincerely,

Stuart and Jane Bloom



Jane Bloom

2. The proposed TPO, it is unnecessary.

Your claim that trees "are believed to be under possible threat of felling and pollarding" is untrue and offensive. Mr J. Hoffhouse used the term "pollarding" in his letter of 10/10/16 mistakenly. He did not understand the true meaning of the word, and when advised of it by Mr Conwill he dismissed the term immediately as unsuitable.

I do not agree that all the trees included in the order are "visually prominent when viewed from Redhires Road and Sandys at Road and contribute to the visual amenity value of the locality". Certainly the sycamore T2, on your map, in the garden of No. 8 does not fall into that category. It is positioned half way down the garden of No. 8, well away from the road, on a steep slope. It is a very large sycamore, dense

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

9 Hallamshire Views
Sheffield
S10 5ST

4/1/17

Ref: LS/RC/78436

F.A.O. Mr Richard Cannon
Professional Officer

Dear Sir,

How disappointed I was to receive your letter of the 8th Dec. 2016 re imposing Tree Preservation Order No. 413 on 5-9 Hallamshire View, S10 5ST. We residents of Hallamshire View have always acted responsibly when wanting to manage the growth and care of the trees on our development. We have always approached the Council for permission before undertaking any work - even though the trees have not had a preservation order on them! Thus I object to

3. with foliage, and were it to be blown over in a storm would be a danger and could cause considerable damage to the property. This single tree is the main problem in restricting much needed light into the homes of the residents of Nos. 4 & 9 Hallamshire View. In my opinion this tree, T2, should be made the priority in considering how best it could be pruned and managed to benefit all concerned. We asked for your advice on pruning and what we get is a T.P.O. There's the sense in that?

The sycamore T3, in my opinion, is too close to sycamore T2, and too close to the boundary wall of Hallamshire View and the pavement of Sandgate Road. Definitely the tree's roots will damage the wall and the new tree-surfaced pavement. If this were to be taken down and replaced with a suitable planting (e.g. A. Melus or Sorbus or Crataegus), which we would be more than

4. happy to provide, I think this would contribute to the visual amenity value of the locality.

The two pine trees T4 and T5 would benefit from some pruning of a few lower branches and a tidying up. This would contribute to the visual amenity value of the locality.

I think it is unfortunate that the Council has taken this knee-jerk reaction to our enquiry. We have gone through the proper channels and just want to manage the trees on our property. All trees need care and management, not just to be left over decades to grow out with forests are managed, great estates are managed, plantations are managed. Do you not think it would be a good idea to engage with Sheffield residents in advising them on how to care for their trees and perhaps to advise them on suitable planting for their gardens.

6.
that an important part of taking Sheffield forward would be for more contact and discussion to take place between the people of Sheffield and the Council as a whole and the Council Officers. Both sides could learn from each other and benefit. For this reason I think the next step would be for the residents of Hallamshire View to have a meeting with you, either at your offices or at Hallamshire View.

Yours faithfully

Judi M. Sutherland (Mrs)

5.
Talking of 'suitable planting' myself, Mrs Gill Tesson and Mrs Jane Bloom have been trying to facilitate a meeting with the Council / Amey to discuss the planting of grass tufts fines on the grass embankment outside our property. We have just been presented with a fait accompli and our opinions and concerns ignored. Yet another case of high handedness!
I recently had blood tests at my doctor's as part of a well-woman check up - the outcome was that my Vitamin D levels were found to be at rock bottom and I am now on medication to try and improve the situation. This condition will have been exacerbated by the lack of sunlight coming into my garden and home.
For many years I have felt

To

Legal services department

Legal and governance

Sheffield city council

Town hall

Sheffield

S1 2HH

From

Dr & Dr Urs

6 Hallamshire View

Sheffield

S10 5 ST

Dear Mr Cannon

Re- Tree preservation order- ref LS/RC/78436

We Dr Shalini Urs and Dr Arun Urs residing in 6 hallamshire view would like to object to the tree preservation order as sent out on letter dated 8 Dec 2016. The trees in our garden are significantly obstructing light essentially needing to use electricity inside the house even in summer months. The shades from the trees are so much that its naturally depleting us from the sun shine that we rarely get in summer months. This is also affecting the growth of the grass. We are hardly getting any time to sit in garden due to constant lack of sunshine. We would like this to be reviewed and the consideration given to trim/cut the relevant tress. We are very much aware to preserve trees and would surely need where needed. Many thanks



Dr Shalini Urs



Dr Arun Urs

11/Jan/2017
Sheffield

5 Hallamshire View
Sheffield
S10 5ST

9th January 2017

Mr Richard Cannon
Legal Services Department
Legal and Governance
Sheffield City Council
Town Hall
Pinstone Street
Sheffield
S1 2HH

Ref: LS/RC/78436

Dear Mr Cannon

I should like to object to the proposed Tree Preservation Order made on 8th December 2016. I have made contact with the council previously regarding the large pine tree in our garden (T5 on the map) and have been told on at least 2 occasions that there already was a preservation order in place, which I gather now was inaccurate.

The pine tree (T5) is very large and now clearly disproportionate for a garden of this size. In comparison to similar pines in the surrounding area its trunk is very thick and the foliage and branches are very dense. It has greatly reduced the natural light in our house and garden, particularly over the last few years, so that even on a day in midsummer there is very little sunlight. My son has been found to have low vitamin D levels and I am not unsurprisingly concerned about the health implications of this.

The huge quantity of pine needles falling into the gardens, drain pipes and guttering of all the properties is very difficult and time-consuming to deal with. They also make a mess on the pavement. A large branch has fallen from the tree previously and the tree is leaning towards the road. There is substantial movement of the trunk in windy weather and I am concerned that someone could be injured or vehicles damaged.

I am also supportive of concerns raised by the other residents in this development regarding the trees in their gardens.

In addition, I am unhappy with the tone of the letter sent from your department on 8th December which was unnecessarily inflammatory and threatening.

I look forward to further discussion about the council's decision regarding the orders made on the trees in Hallamshire View.

Yours sincerely

Dr Catherine Bateman



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of Development Services

Date: 30/05/2017

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley 2736329

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.
17/00555/FUL (Formerly PP-05598402)	Sheffield United Football Club Bramall Lane Highfield Sheffield S2 4SU	45
16/02968/REM (Formerly PP-05351498)	Cowmouth Farm 33 Hemsworth Road Sheffield S8 8LJ	62
16/01269/FUL (Formerly PP-05009140v1)	The Beauchief Hotel And Car Park 161 Abbeydale Road South Sheffield S7 2QW	80

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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 30/05/2017

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	17/00555/FUL (Formerly PP-05598402)
Application Type	Full Planning Application
Proposal	Erection of 4 storey building comprising 45 apartments with A1 unit at ground floor with associated surface car parking and roof top amenity space
Location	Sheffield United Football Club Bramall Lane Highfield Sheffield S2 4SU
Date Received	08/02/2017
Team	South
Applicant/Agent	WCEC Architects
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

PL- 05 Proposed Site Plan -Rev B Scan Date 08 Feb 2017
PL- 06 Proposed Site Levels Plans Rev A Scan Date 08 Feb 2017
PL- 07 Proposed Site Sections Scan Date 08 Feb 2017
PL- 08 Proposed Ground Floor Plan Rev H Scan Date 08 Feb 2017
PL- 09 Proposed First Floor Plan Rev E Scan Date 08 Feb 2017
PL- 10 Proposed Second Floor Plan Scan Date 08 Feb 2017
PL- 11 Proposed Third Floor Plan Rev A Scan Date 17 May 2017
PL- 12 Proposed Roof Plan Rev C Scan Date 08 Feb 2017
PL- 13 Proposed East and South Elevation Rev C Scan Date 08 Feb 2017
PL- 14 Proposed West and North Elevation Rev C Scan Date 08 Feb 2017
PL- 15 Proposed North west and North Elevation Rev C Scan Date 08 Feb 2017
PL- 16 Proposed Surface and Boundary Treatments Scan Date 08 Feb 2017

Reason: In order to define the permission.

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

3. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report produced by GHD Environment Limited Scan Date 08 Feb 2017, 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.

4. 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.

5. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy. 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 and 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 and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

6. No development shall commence until the improvements (which expression shall include traffic control, pedestrian and cycle safety measures) to the highways listed below have either;

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

Highway Improvements: Shoreham Street - relocation of bus stop and shelter and provision of new bus stop and shelter (including any necessary alterations to highway lining and signing and associated traffic regulation order).

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

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

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

8. No development shall commence until details of the implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

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

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

9. The Development shall not commence until full details of the proposed surface water drainage including calculations and modelling to demonstrate a reduction by at least 30% compared to the existing peak flow, has been submitted to and approved by the LPA including the arrangements for surface water infrastructure management for the life time of the development . This should be achieved by sustainable drainage methods where feasible. Should the design not include sustainable methods evidence is to be provided to show why sustainable drainage methods are not feasible for this site.

Reason: To ensure surface water flooding and pollution management.

10. No customer shall be permitted to be within the retail unit outside the following times: Monday to Saturday 09:00 hours to 21:00 hours, and 10:00 hours to 16:00 hours on Sundays.

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

11. Commercial deliveries to and collections from the building shall be carried out only between the hours of 08:00 hours to 21:00 hours on Mondays to Saturdays and not at any time on Sundays and Public Holidays.

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

12. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 08:00 hours to 21:00 hours Mondays to Saturdays and between the hours of 10:00 hours to 16:00 hours on Sundays and Public Holidays.

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

13. No amplified sound shall be played within the commercial use hereby permitted nor shall loudspeakers be fixed at any time outside the building.

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

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

- a) Be based on the findings of an approved noise survey for the building.
- b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours); Bedrooms:
LAFmax - 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

15. Before the use of the development is commenced, Validation Testing of the sound attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:
 - a) Be carried out in accordance with an approved method statement.
 - b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound 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.

16. 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.

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

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

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

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

19. 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.

20. 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.

21. 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.

22. 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.

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

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

24. The apartments shall not be used unless the cycle parking accommodation for 30 cycles spaces internally, and 20 cycles spaces externally as 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.

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

Windows
Window reveals
Soffits
Entrances Doors
Roller shutters

Boundary treatments
Brickwork detailing/modelling
Panelling

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

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

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

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

Other Compliance Conditions

27. 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.

28. The roller shutter serving the car parking area shall be automated, and shall be retained in-situ and maintained in working order.

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

29. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

30. Notwithstanding the terms of the Town and Country Planning (Use Classes) Order 1987, or any statutory instrument revoking and re-enacting that Order, the use of the ground floor retail unit shall at all times be occupied as the Sheffield United Football Club Shop and shall not be used for any other purpose within Class A1 Retail.

Reason: In order to define the permission and to ensure the retail use accords with the main town centre use policy within the National Planning Policy Framework.

Attention is Drawn to the Following Directives:

1. The applicant should be aware that the submitted noise survey is not considered adequate and that a new noise survey is required as outline in the conditions above.
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. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

3. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
4. Plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
5. 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.

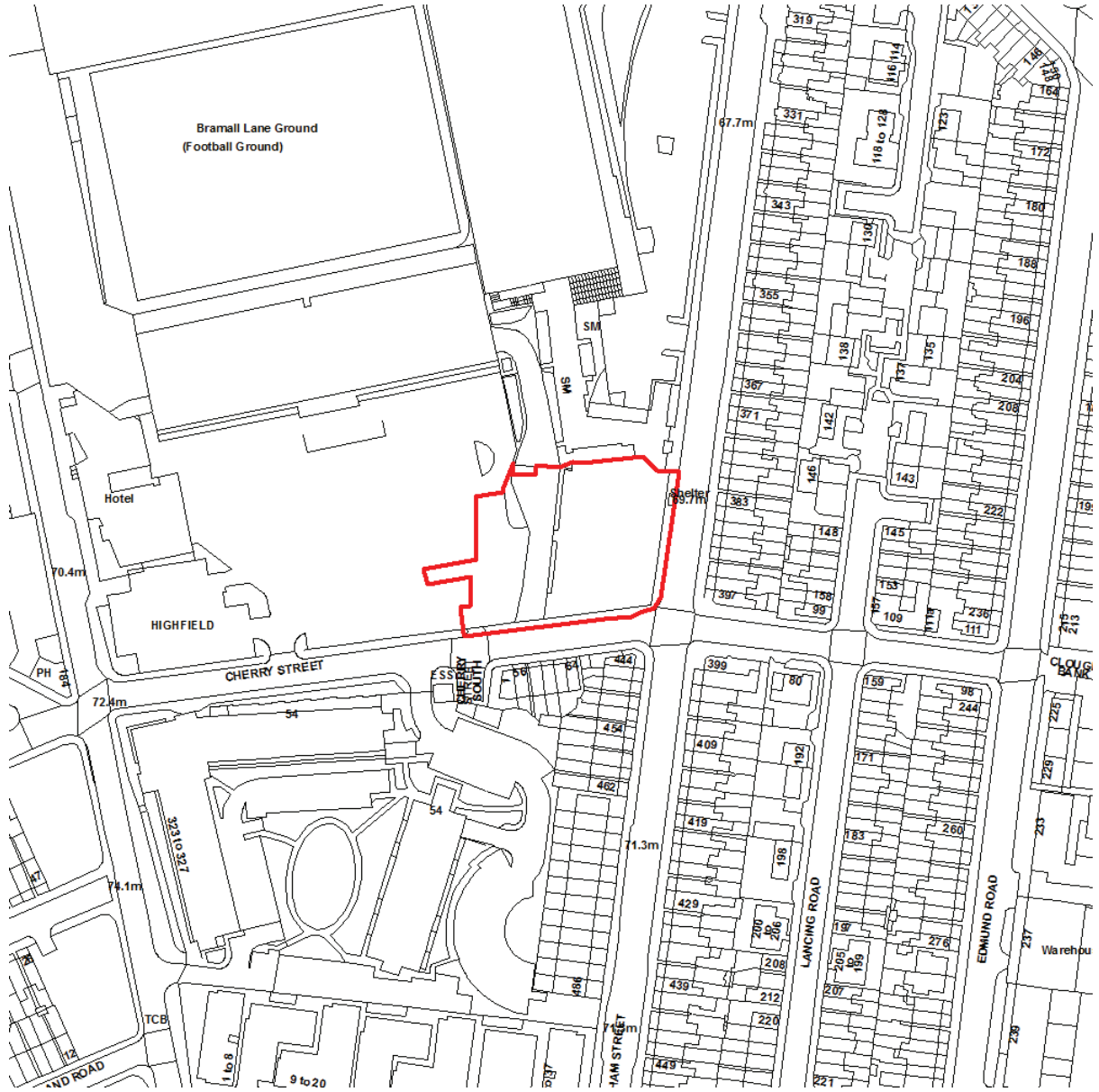
You should apply for a consent to: -

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

6. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
7. 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.

Site Location



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LOCATION AND PROPOSAL

The application site relates to an area of land which is currently used for match day car parking associated with Sheffield United Football Club (SUFC). The site is bound on the Shoreham Street and Cherry Street frontages by a tall brick and render wall located at the back edge of the footpath. The site lies adjacent to the wider Cherry Street car park, located behind the South Stand, and to the Kop Stand which fronts Shoreham Street.

The surrounding area is made up of a mixture of built form, with the football ground and associated car parking located to the north and west, traditional 2 storey terraced housing to the east along the opposite site of Shoreham Street and part of Cherry Street to the south.

Visible in the wider street scene are the Copthorne Hotel which stands at 8 storeys and is located at the opposite end of SUFC car parking, and Anchor Point, a residential development which is located further along Cherry Street on the opposite side of the road, and is 5 storeys in height rising to 8 on the corner.

Planning permission is sought for the clearance of the existing car parking and boundary walls, and the erection of 45 flats within a 4 storey 'L' shaped building with a Class A1 retail unit, to provide the new club shop to the ground floor. Car parking is provided behind the building, and is accessed from Shoreham Street. An area of external amenity space is to be provided on the roof. 13 car parking spaces are proposed, with a total of 50 cycle spaces provided.

RELEVANT PLANNING HISTORY

Full planning permission was granted subject to a legal agreement in April 2013 for the erection of 39 apartments in 1 x 4 storey block with associated undercroft and surface car parking accommodation. Application No. 13/00837/FUL.

There is an extensive history to other sites within the grounds of the football ground, the most note-worthy are the 8 storey Copthorne Hotel on the junction of Bramall Lane and Cherry Street which has been built, the extension to the Kop stand at up to 7 storeys on land adjacent to this application site which has not been implemented and has now expired, and a 4 storey building containing 52 apartments on the corner of Shoreham Street and John Street with works having commenced on implementation.

SUMMARY OF REPRESENTATIONS

1 representation objecting to the proposal has been received. Issues raised include:

The proposal will detract from the area, it will increase traffic and noise, and will overlook and overshadow several properties.

PLANNING ASSESSMENT

The main issues to be considered are whether the principle of development is acceptable, the effect on the character and appearance of the area, the effect on future and existing occupiers and whether suitable highways access and off street parking is provided.

Principle of Development

The site lies within the Bramall Lane Mixed Use Area as defined in the Sheffield Unitary Development Plan (UDP). UDP Policy MU1 strives for a mixture of developments to be encouraged, by not allowing any single land use to dominate. UDP Policy MU5 lists housing (Class C3) as the preferred use. The principle of developing housing on the site has already been established under the previous application, (13/00837/FUL) and there has been no significant change in policy.

However this proposed development does now include an element of retail which has been introduced to the ground floor of the building for this application, whereby the original permission was for housing to the ground floor. Small shops are listed as acceptable under policy GE5 which are up to a 280 square metres sales area or which are ancillary to other acceptable uses. The retail element of this application seeks to create approximately 620 square metres of floor area, however it is the club shop for SUFC, and as such is required to be located within the football ground, and hence within this Mixed Use Area. The NPPF requires that local planning authorities apply a sequential test for main town centre uses that are not in an existing centre. It also requires flexibility on issues such as format and scale, and in this case a sequential test has not been carried out given this retail unit is such a 'niche' use that is totally reliant on its location, and providing that a condition is placed on any approval limiting its use as the football club shop, then it is considered acceptable in principle.

Policy MU11(a) allows development which creates or preserves variety and would not result in any one use dominating and leading to the loss of the area. There remains a mixture of uses within this Mixed Use Area, including the football ground, traditional terraced housing, the Copthorne Hotel, private flats, student accommodation, and retail premises, and the proposed development will in fact reduce the dominance of the football ground.

Policy CS30(b) of the Core Strategy seeks to promote the Bramall Lane/John Street area as an area of transition with new residential development along with compatible businesses and activities.

As such the proposal is considered to comply with Policies MU1, MU5 and MU11(a) of the UDP and Policy CS30(b) of the Core Strategy.

Housing Land Supplies and Density

The proposal would make a contribution towards housing supply as set out in CS22, especially whereby the city has a 4.7 year supply of housing land which is a shortfall from the 5 years required. Policy CS23 of the Core Strategy seeks to focus at least 90% of new dwellings in the main urban area, and Policy CS24 gives priority to previously developed sites.

The density of the proposal is approximately 155 units per hectare. Core Strategy Policy CS26 suggests a density range between 50-80 units per hectare for this type of location. It does allow for densities outside of this range and it is considered that in this sustainable location, taking into account similar developments in the locality and the good quality design, that this density is justified according with Policy CS26 and principles set out in the NPPF.

The proposal is for a mixture of 1 and 2 bedroom units. There is no policy requirement for mixed house types in this scale of development and the area has a good mix of housing types, therefore the proposal does not conflict with Core Strategy Policy CS41.

It is considered that the proposal meets the requirements of Policy CS22, CS23, CS24, CS26 and CS41 of the Core Strategy.

Affordable Housing

Policy CS40 of the Core Strategy requires all new housing developments over a certain threshold to contribute towards the provision of affordable housing where this is practicable and financially viable. The Community Infrastructure Levy and Planning Obligations Supplementary Planning Document requires, in this part of the city a target contribution of 10 % affordable housing. In this instance, the applicant has provided a full viability assessment to the District Valuer, who has independently assessed the proposal.

The District Valuer has identified that a reasonable level of profit for this scheme would be 15%, and that a fully compliant scheme reflecting the full affordable housing contribution at 10% affordable housing and CIL at £618,809 produces a developer's profit of 4.85%. A reduced planning requirement scheme whereby the affordable housing contribution level if reduced to £0 still comes out with a developers profit well below the 15% considered reasonable, and consequently the scheme cannot viably support any level of affordable housing contribution.

Design

Policy BE5, and MU11(d) of the UDP and Policy CS74 of the Core Strategy requires a high standard of design which relates to the local context and this is

reinforced through paragraphs 60-65 of the NPPF. Paragraph 65 requires that planning permission should not be refused 'for buildings that promote high levels of sustainability because of concerns about incompatibility with an existing townscape if those concerns have been mitigated by good design', and at paragraph 60 that planning decisions should not attempt to impose architectural styles or particular tastes.

This application follows the overall scale and massing of the previous approval with a well-designed 4 storey building having a strong frontage onto Shoreham Street and Cherry Street. Within the immediate street scene are two storey traditional terraces, with taller buildings between 5 and 8 storeys further along Cherry Street, and some 4 storey buildings along Shoreham Street. The adjacent Kop Stand fronting Shoreham Street is also a dominant feature.

The proposed layout and arrangement reinforces the back edge of the pavement character that is predominant within the area, with the perimeter block returning along the western edge of the site enclosure to the stadium which is welcome.

The contemporary design approach is considered acceptable, with the facades of the new building dominated by large areas of glazing particularly to the ground floor level retail unit which provides activity onto the adjacent streets. Large scale drawings of the finer details including the window reveals, ground floor entrances, brickwork modelling etc can be controlled through condition to ensure appropriate high quality finishes.

The materials palette has been simplified and is predominately red brick with areas of modelling, and a black brick area introduced to the upper level which is slightly recessed.

UDP Policy BE12 requires the provision of public art which can be readily seen by the public and encouraged as part of the design of new development. There is a large area of brickwork fronting onto the thoroughfare to the football stadium that would be a good location for public art and details of which can be controlled through a condition.

Overall it is considered that the building is well designed, and subject to satisfactory building materials being used, a good quality scheme can be achieved, complying with Policy BE5 and BE12 of the UDP, Core Strategy Policy CS74 and the principles of the chapter 7 of the NPPF.

Sustainability

The core principle of the NPPF is a presumption in favour of sustainable development which is mirrored in Core Strategy Policies CS63, CS64 and CS65. The site is in a highly sustainable location within walking distance of the City Centre, London Road and Queens Road Shopping Centres. The proposal represents an efficient use of a previously developed site, and the overall package

of measures proposed by the applicant will result in an energy efficient building which will provide 10% of a developments predicted energy needs primarily from the roof top photovoltaics, complying with Policies CS63, CS64, CS65 and CS67.

Flood Risk

With regard to flooding, the site is situated within Flood Zone 1, where there is a low probability of flood risk. The use of a water storage system below permeable paving and tarmac areas could provide for the sites total attenuation needs for ground level and roof water. Discharge rates should be restricted to a 30% reduction in the existing discharge and this can be secured by an appropriate condition to ensure compliance with Core Strategy Policy CS67.

Living Conditions

Policy MU11(b) requires that new development should not cause residents or visitors in housing to suffer from unacceptable living conditions.

The closest neighbouring properties are those located on the opposite side of Cherry Street and Shoreham Street. The proposed flats will look towards these properties, with separation distances of between 15-20 metres. This relationship has been established under the previous approval, and follows the context of the surrounding area which shows similar relationships, whereby houses are located close to the back edge of the footpath and separated by a busy public highway.

A sunlight analysis was submitted under the previous application for a 4 storey building demonstrating that the proposal had little impact on the existing dwellings which are to the south and east and as such it is considered that there will be no adverse impact on occupiers of neighbouring properties from the proposed development.

Occupiers of the proposed flats have a good outlook and level of natural light to all habitable rooms. A noise survey has been carried out, however there remains a concern regarding the impact on occupiers of the proposed flats on match days, both from within the ground itself, from the retail unit below, and from people arriving and dispersing from the ground. Specifically the proposal involves a pedestrian access to turnstiles serving the South Stand, and this runs directly beneath two of the first floor flats including their main living area and one of two bedrooms in each flat. An additional noise survey is required, along with sound reduction measures to be submitted through conditions to ensure that noise levels are at an acceptable level.

Part of the roof is to be used as private communal amenity space. At present the drawings showing the roof plan are minimalistic, and a more diverse planting scheme can be secured by condition in accordance with Policy BE6. The roof terrace provides approximately 350 square metres of communal space which is secure and will receive direct sunlight for most of the day. This figure is below the

space standards set out in the South Yorkshire Residential Design Guidance whereby a development of this nature should achieve 50 square metres plus an additional 10 square metres per unit so 500 square metres is recommended in total. There is a shortfall in the amount of external amenity space, however it is the maximum that can reasonably be achieved, and given the surrounding context with back edge of the footpath development, and the need for car parking, this short fall is considered acceptable in this instance, given its close proximity to the city centre and areas of public open space.

In summary it is considered that the proposal meets the requirements of Policy MU11(b) of the UDP.

Highways

Paragraph 17 of the NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. The site is located in an accessible location within walking distance of the City Centre, London Road and Queens Road shopping areas. Incorporated within the scheme are 13 parking spaces which are accessed from a single access from Shoreham Street.

Although this represents a shortfall against the Council's guidelines of 1 space per unit and 1 space for every 4 units for visitors, given the sustainable location this can be justified. The development can be expected to lead to additional demand for on-street car parking, however there are parking controls in the surrounding streets and a residents parking scheme in place. On street parking permits can be controlled and where appropriate resisted to ensure that demand is managed accordingly. A condition can secure this.

50 cycle spaces are proposed in total to the residential units. 30 of which are located internally within the main fabric of the buildings, and 20 are located in the secure car parking area.

The level of car parking and cycle provision is considered appropriate for a development of this nature in this location in accordance with Policy MU11(f) and Core Strategy Policy CS53.

There is at present a bus stop with shelter directly outside the site located along Shoreham Street. This bus stop is required to be relocated at the developer's expense which can again be controlled through a relevant condition.

In summary, it is considered that the development is in compliance with the NPPF, Policy MU11(f) and CS53.

Landscaping

At present the site is a hard-surfaced car park with no landscaping. Policy BE6 of the UDP requires that good quality landscaping design will be expected in new developments. The proposal follows the context of the surrounding built form which is back edge of the footpath development, and as such there are not large areas of soft landscaping. However some trees have been included within the limited space in the car parking at the rear of the building and outside the rear of the retail unit. A roof terrace is proposed which on plan appears minimalistic, however a condition can be attached to any approval to allow for a more varied planting scheme, for both aesthetic and biodiversity improvements. Therefore the proposal is considered acceptable in terms of BE6 of the UDP.

Community Infrastructure Levy (CIL)

CIL applies to the creation of all new floor space, and places a levy on new developments. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. The site is located within 'Zone 3' so would be subject to a charge of £30/square metres.

Land Contamination

The site is located on previously developed land and it is appropriate to require adequate assessment of potential risk to health arising from possible ground contamination. The necessary risk assessments can be secured by conditions.

SUMMARY AND RECOMMENDATION

The principle of residential development on this site has previously been established by granting planning permission in 2013 for 39 apartments, and housing is a preferred use within the terms of UDP Policy MU5. This application proposes a development of 45 flats within an L shaped 4 storey block with retail to the ground floor. The retail use passes the sequential test for town centre uses owing to the unique relationship with the location and the end user, which can be limited to ensure compliance. The overall scale and massing of the building is considered acceptable and respects the context of the surrounding street scene, with the proposal being well designed.

It is acknowledged that there is a shortfall in the level of amenity space afforded to residents of the proposed units, however in this sustainable location the provision of 350 square metres of secure space which will receive direct sunlight is considered acceptable. There is also a shortfall in the amount of car parking provision incorporated within the scheme, but in this sustainable location within the main urban area, close to good transport links and the city centre, and with the provision of 50 secure cycle spaces, the reduced level of car parking is considered

acceptable. The scheme does not have any significant impact upon the amenities of neighbouring residents on Cherry Street and Shoreham Street.

The site is located within a sustainable location, developing a brownfield site and weight should be attributed to the provision of 45 housing unit where a 5 year supply cannot be demonstrated. The development incorporates sustainable development features including measures to reduce surface water discharge rates, and to provide renewable energy.

Therefore taking into account the Local and National Policies listed above, it is recommended that Planning Permission is granted.

Case Number 16/02968/REM (Formerly PP-05351498)

Application Type Approval of Reserved Matters

Proposal Application to approve details of Appearance, Landscaping, Layout, and Scale - (Matters reserved by application 15/00158/OUT - Demolition of existing dairy and outbuildings, use of existing farmhouse as a dwellinghouse and erection of up to 13 dwellinghouses)

Location Cowmouth Farm
33 Hemsworth Road
Sheffield
S8 8LJ

Date Received 02/08/2016

Team South

Applicant/Agent G9 Design

Recommendation GRA GC subject to Legal Agreement

Time Limit for Commencement of Development

Approved/Refused Plan(s)

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

1612_03_D	Site setup
1612_05_S	Proposed Site Plan
1612_09	Location Plan
1612_14_B	Tree Plan
1612_15	Tree Planting Plan
1612_19_A	Rear Boundary Fence Detail
1612_20_D	Gabion Wall Boundary Detail
1612_21_D	Proposed Boundary Treatment Plan
1612_22_A	Front Boundary Railings Detail
1612_49_A	Front Wall and Railings Detail
1612_26_A	(Plot 1) Proposed Plans
1612_27_A	(Plot 1) Proposed Elevations
1612_32_D	Proposed Materials Schedule
1612_33_B	Proposed Landscaping Plan
1612_36_A	(Plots 03 & 04) Garage Plan & Visual
1612_37_A	(Plots 03 & 04) Garage Elevations

1612_40_B	Typical Detached Garage
1612_50_A	Site Sections
1612_P2_01_E	Plot 02 - Ground Floor
1612_P2_02_F	Plot 02 - First Floor
1612_P2_03_G	Plot 02 - Elevations
1612_P3_01_F	Plot 03 - Ground Floor
1612_P3_02_G	Plot 03 - First Floor
1612_P3_03_G	Plot 03 - Elevations
1612_P4_01_F	Plot 04 - Ground Floor
1612_P4_02_H	Plot 04 - First Floor
1612_P4_03_H	Plot 04 - Proposed Elevations
1612_P05_01_G	Plot 05 - Ground Floor
1612_P05_02_H	Plot 05 - First Floor
1612_P05_03_G	Plot 05 - Elevations
1612_P6_01_F	Plot 06 - Ground Floor
1612_P6_02_G	Plot 06 - First Floor
1612_P6_03_F	Plot 06 - Elevations
1612_P7_01_G	Plot 07 - Ground Floor
1612_P7_02_H	Plot 07 - First Floor
1612_P7_04_F	Plot 07 - Elevations
1612_P8_01_H	Plot 08 - Ground Floor
1612_P8_02_J	Plot 08 - First Floor
1612_P8_03_G	Plot 08 - Elevations
1612_P09_01_E	Plot 09 - Ground Floor
1612_P09_02_F	Plot 09 - First Floor
1612_P09_03_F	Plot 09 - Elevations
1612_P10_01_F	Plot 10 - Ground Floor
1612_P10_02_G	Plot 10 - First Floor
1612_P10_03_F	Plot 10 - Elevations
1612_P11_01_G	Plot 11 - Ground Floor Plan
1612_P11_02_H	Plot 11 - First Floor Plan
1612_P11_03_H	Plot 11 - Proposed Elevations
1612_P12_01_D	Plot 12 - Ground Floor
1612_P12_02_E	Plot 12 - First Floor
1612_P12_03_F	Plot 12 - Elevations
1612_P13_02_D	Plot 13 - Ground Floor
1612_P13_03_E	Plot 13 - First Floor
1612_P13_04_E	Plot 13 - Elevations
1612_P14_02_D	Plot 14 - Ground Floor
1612_P14_03_E	Plot 14 - First Floor
1612_P14_04_F	Plot 14 - Elevations
1070-9 Revision C	Highway and footpath layout only
1070-11 revision G	Extent of footpath to Warminster Place only

Reason: In order to define the permission.

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

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

2. Before any hard surfaced areas are constructed, full details of all those hard surfaced areas within the site shall have been submitted to and approved in writing

by the Local Planning Authority. Such details shall provide for the use of porous materials, or for surface water to run off from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. Thereafter the hard surfacing shall be implemented in accordance with approved details.

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

3. Before the damp proof course is laid on the first new build dwelling a Landscape Plan and associated Landscape Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for the area of land between Plot 11 and Warminster Place shall be submitted to and approved in writing by the Local Planning Authority. The Landscape scheme and Management Plan shall thereafter be implemented as approved.

Reason: In the interests of the visual amenity of the locality

4. The approved landscape works pertaining to Condition 3 shall be implemented prior to the first dwelling being occupied. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained in accordance with the approved Management Plan

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

Other Compliance Conditions

5. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, no enlargement, improvement or other alteration or extension of the dwellings hereby approved which would otherwise be permitted by Class A to Part 1 of Schedule 2 to the Town & Country Planning (General Permitted Development) (England) Order 2015 shall be carried out without prior planning permission.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage and in the interests of maintaining appropriate external amenity spaces for the approved dwellings.

6. The dwellings shall not be used unless forward visibility chords have been provided in accordance with the approved plans and no obstruction to visibility greater than 600 mm above the level of the adjacent carriageway shall be allowed within these chords.

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

7. The dwellings hereby approved 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.

8. Before the first occupation of the dwellings on plots 6 & 7 hereby permitted the following windows shall be fitted with obscure glazing to a minimum privacy standard of Level 3 Obscurity and any part of the windows that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening.

Garage windows in the north east elevation of Plot 6

Master Bedroom windows in the north east elevation of Plot 6

Garage windows in the south west elevation of Plot 7

Master bedroom windows in the south west elevation of Plot 7

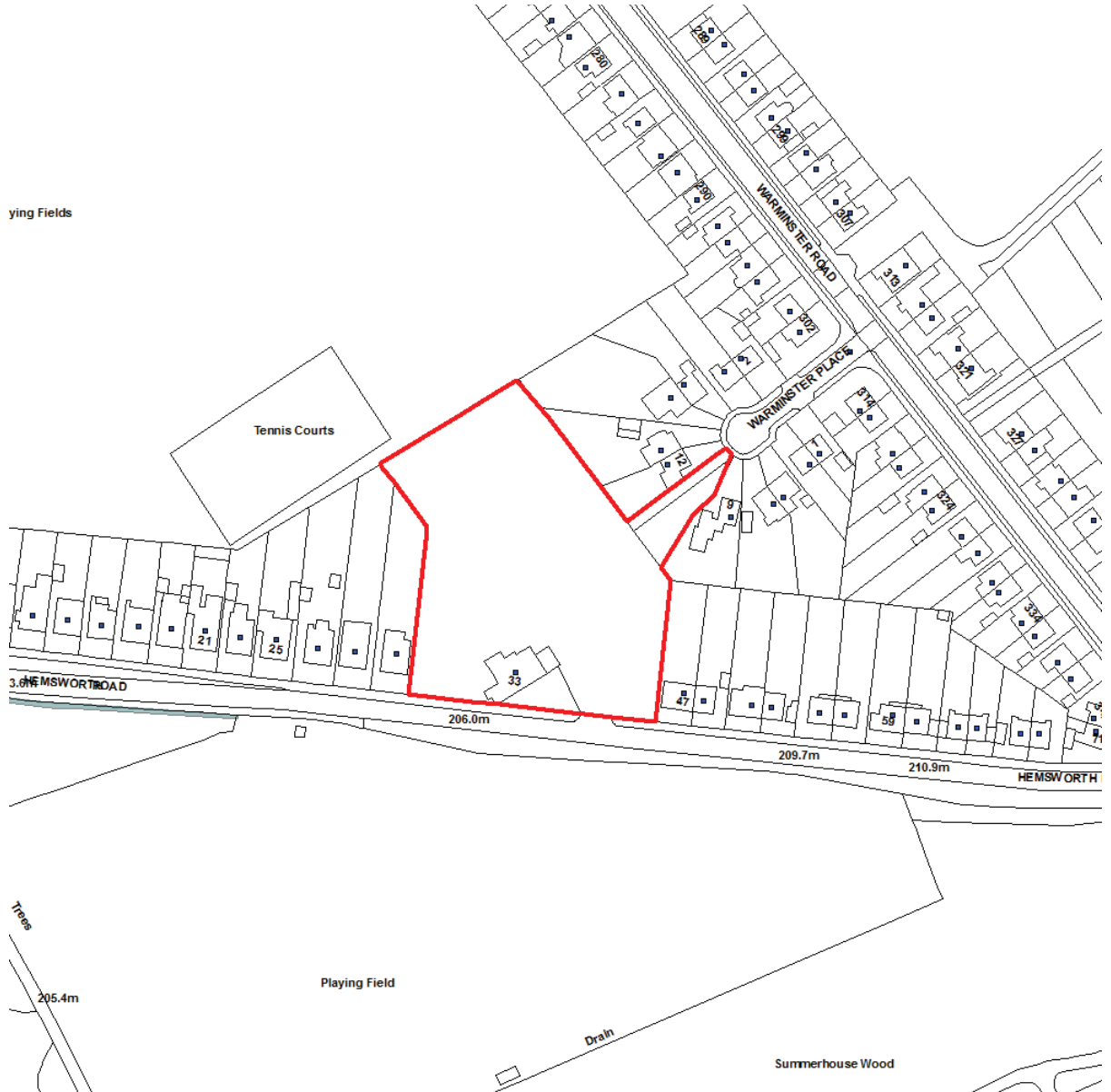
The windows shall be permanently retained in that condition thereafter.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

The application relates to the site of 'Cowmouth Farm', a former Co-Operative Dairy in Hemsworth Road which ceased operating in 2008. The site area is approximately 0.63 hectares and at the time of the closure of the dairy included the main farmhouse (last used as offices), a range of original outbuildings attached to the farmhouse which were set in an 'L' shaped arrangement. These buildings dated to the late 18th and early 19th centuries and had some local historic interest. The balance of the site featured a number of 20th century buildings. An elongated range of garages/service bays lay close to the north east boundary and a large steel framed warehouse building, a smaller flat roofed cold store building and a poly tunnel completed the complex of buildings. The post war additions were of no architectural merit and could best be described as brutally functional. Large areas of hardstanding occupied the spaces between these buildings.

To the west of the site on Hemsworth Road is a row of detached bungalows with hipped roofs. To the east of the site in Hemsworth Road is a row of semi-detached two storey dwellings. Similar detached and semi-detached dwellings adjoin the site to the north east in Warminster Place. All the dwellings are traditional c1930 bay windowed buildings that are rendered or half-rendered with rosemary tiled or slate roofs and with generally long rear gardens.

The rear boundary of the site adjoins former playing fields owned by Sheffield Hallam University. Access to the playing fields is taken from further west along Hemsworth Road. Graves Park is on the opposite side of Hemsworth Road. The boundaries to the north (playing fields) and west (bungalows) are screened by intermittent semi-mature trees and shrubs. There is a tall conifer hedge to the boundary with No. 47 Hemsworth Road, together with two small trees and a larger tree towards the rear boundary of that dwelling.

None of the trees on the site are considered to have significant public amenity value but plans indicate retention of some specimens.

There is a general fall in land levels across the site with an initial fall away from Hemsworth Road of the order of one and half metres. The site then levels to a degree before falling at the boundaries to the north and west. Exact natural levels are difficult to determine due to previous development. In addition a significant portion of the site in the north east quadrant has recently been reduced in level in order to reduce the differential with curtilages of houses on Warminster Place.

The site has remained vacant for a number of years. Site clearance has taken place after the granting of outline permission for the erection of 13 dwellings and conversion of the retained former farm house giving 14 dwellings in total.

This is a Reserved Matters application seeking approval in respect of Appearance; Landscaping; Layout; and Scale for the erection of 13 dwelling houses comprising a mix of three, four and five bedroom detached properties (four bedroom properties dominate) and the conversion of the former farm house.

Vehicular access to the site would be taken through a spur road from Hemsworth Road, the principle of which was approved in the outline permission. The road

would not be adopted. A further pedestrian access would be available from Warminster Place.

RELEVANT PLANNING HISTORY

An application seeking outline permission to erect 18 dwellings on the site was withdrawn in 2008 (08/04520/OUT)

Permission was refused in 2013 (13/01919/FUL) for the demolition of existing dairy and outbuildings, and erection of 14 dwellinghouses with associated garages, access road and landscaping.

The principle of development was considered acceptable and the layout considered satisfactory but there was insufficient provision for open space and insufficient information so as to make an informed judgement on the impact on archaeological remains and protected species habitats.

An application seeking permission to erect 14 dwellings on the site was withdrawn in 2014 (14/01653/FUL/)

Outline permission for the erection of up to 13 dwellings and conversion of the farmhouse was granted in 2015 (15/00158/OUT). This application closely follows the indicative layout approved at that stage.

Permission was granted in 2016 (16/04528/FUL) for engineering works on the site so as to reduce levels and erect boundary retaining structures in the form of gabions on the north and east boundaries.

SUMMARY OF REPRESENTATIONS

Representations from 8 local residents have been received as a result of the notification process. 7 are objections and one is a letter with a neutral tone. No letters have been received subsequent to the receipt of the most recent amended plans.

Summary of Points Raised

The proposed staggered double boundary treatment between the current and new development would create a no-man's land with associated maintenance issues leading to an eyesore

The use of timber fences could be susceptible to damage from the elements and with the above no man's land being created a lack of repair /maintenance could lead to an eyesore.

A brick wall should be constructed on the boundary with curtilages of houses fronting Warminster Place.

The proposed footpath into Warminster Place is welcomed but the plans do not indicate where the path exits the new development and enters into Warminster Place.

The proposed two rows of panel fencing would result in a combined height of 3.6 metres, such a screen would be visually overpowering.

There are several trees in the gardens of numbers 8, 10 and 12 Warminster Place. Their roots and general well-being will be severely compromised with the site excavations

The house designs are inappropriate for the area.

There are no dimensions or scale,

The lack of confirmed boundaries

The loss of privacy for the current residents of Warminster Place.

The proposal would lead to overshadowing of the existing residences on Warminster Place.

There is no reassurance of appropriately managed surface water drainage.

The proposed buildings are of a modern design with up to three storeys and feature balconies and very large windows to rear of each plot. This appears totally out of character and context in an area of bungalows and two storey, semi-detached dwellings.

None of the plans show any indication of the ground layout or gradients, with the possible need for retaining walls to contain the differing ground levels through the development area and between that and the existing neighbouring gardens.

There are no dimension or boundary features between the existing properties along Hemsworth Road and Warminster Place and new plots. Linear distances between proposed new buildings and existing properties are not shown.

There is strong evidence of poor land drainage to the site which affects houses on Warminster Place. The garden floods on a regular basis when it rains. This will only get worse should the development go ahead.

The size, scale, design, location and materials on plots 2, 3, 4 and 5 are inappropriate to the site. The locations used do not reflect the historic layout of the farm buildings.

There will be a loss of light, potentially creating an overbearing environment.

What are the plans for trees on neighbouring land (33 Hemsworth Rd) except for the large fern trees next to my fence next to my house which need to be cut down as they are blocking light onto my property and are becoming too high.

The development removes the footpath between Warminster Place and Hemsworth Road . It is the only level access from the site to public transport.

In light of imminent planning applications for the University fields this would exacerbate traffic volume through the Cowmouth Farm site on to Hemsworth Road as well as causing more noise, fumes and congestion for residents in Warminster Place and Hemsworth Road.

In light of the proposed larger development by Miller Homes on the adjacent field a common policy to manage all the natural surface water which will have a tendency to seek the lowest point i.e. the northern boundaries of Cowmouth Farm, needs to be agreed.

It would be prudent in light of the future larger development by Miller Homes to review common drainage and suitable screening between the existing and proposed developments.

There is no plan for plot '15'. The developers need to declare their intention for this area of land, backed-up with supporting documents.

The possible loss of a well-used 'public right of way'.

Matters raised which related to the gabion retaining structures dealt with through permission 16/04528/FUL

There is no detail or reference to the inclusion of a concrete filled trench along the boundary which has formed a conduit for surface water causing flooding to gardens of properties on Warminster Place.

Excavating the trench has caused extensive damage to existing tree roots along the boundaries.

The developer promised to lay a perforated pipe to help contain the excessive surface water collecting in the newly dug gabion foundations but there is no indication on the plans

The proposal to install two rows of gabion cages has not lessened the differential in the ground levels between the new development and the existing gardens.

Matters raised which are not Material Planning Considerations

Poor site security during development which has already been compromised on several occasions.

When the winter sun is low our solar production and that of other properties will be compromised causing loss of income to us.

PLANNING ASSESSMENT

Policy Issues

This is an application for Reserved Matters and therefore the principle of the development is established.

The site lies within a Housing Area as defined in the adopted Unitary Development Plan (UDP). The Housing designation is retained in the Local Plan Draft Proposals Map (pre-submission version). No special designations affect the site.

Government policy in the National Planning Policy Framework (NPPF) is relevant. Policies within the NPPF are referred to in subsequent sections of this report where applicable.

The following documents are also relevant:

- Supplementary Planning Guidance "Open Space Provision in New Housing Development"
- Supplementary Planning Document "Climate Change and Design"
- Supplementary Planning Guidance 'Designing House Extensions'. Whilst this is not strictly applicable to new build developments nonetheless the space about dwellings standards laid out within it are considered to represent excellent guidance and its use has been supported by Inspectors in previous similar cases.

The South Yorkshire Residential Design Guide (2011) has been designated by Members as a Best Practice guide and is therefore a material consideration, albeit carrying less weight than the afore-mentioned policies and documents.

Principle of Proposed Development

This has already been established through the granting of 15/00158/OUT

Core Strategy Policy CS22 commits to maintaining a 5 year supply of deliverable housing sites at all times. There is currently a marginal shortfall (4.7 years) in 'deliverable' (i.e. with planning permission for housing uses) sites in the city.

Policy CS23 seeks to focus at least 90% of new dwellings in the main urban area and Policy CS24 gives priority to previously developed sites.

The proposals are in accordance with these policies and granting planning permission will increase the supply of 'deliverable' housing sites.

In view of the above, relevant policies are satisfied.

Housing Density

The density equates to up to 22 units per hectare based on the entire curtilage of the site (0.63 hectares) and assuming a total of 14 units. This is below the 30-50

density normally expected for sites that are within the urban area but outside District Centres and away from Supertram/high frequency bus routes, as set out in Core Strategy Policy CS26.

However, the policy provides scope for densities outside this range where they achieve good design, reflect the character of an area or protect a sensitive area and this is considered to be the case here.

The site is constrained by the configuration of the boundaries, the location of the existing former farmhouse, and the consequent restricted space available to provide for adequate separation and means of access. The density is comparable to but marginally higher than the surrounding developments (approx. 20 units/ha).

The proposed density was considered at outline stage and considered to be acceptable. This proposal would provide generally larger units than in the immediate locality and this would increase the housing mix in the area in accordance with the principles of Core Strategy Policy CS41.

In view of the above, it is considered that a lower density scheme can be justified in this instance.

Policy CS24: Maximising the Use of Previously Developed Land for New Housing within the adopted Sheffield Development Framework Core Strategy (CS) states that 88% of new housing should be developed on brownfield sites. The site is considered to comprise of previously developed land and therefore complies with policy CS24.

Design Issues

Policy BE5: Building Design and Siting within the UDP states that in all new developments there should be a comprehensive and co-ordinated approach to the overall design.

Policy CS74 of the Core Strategy, which relates to design principles, advises that development will be expected to take advantage of, and enhance, the distinctive features of the city, its districts and neighbourhoods as well as respecting the character of the particular area with any associated scale, layout, form and building style and materials.

Section a) within Policy H14: Conditions on Development in Housing Areas within the UDP states that new buildings in Housing Areas should be in scale and character with neighbouring buildings.

Character, scale and massing

The surrounding area is characterised in the main by medium sized dwellings in comparable curtilages. The character of the locality would therefore best be described as 'suburban'.

Architecture within the locality dates predominantly from the post war period with a style that is simple and unassuming. The prevailing scale is that of two storey houses to the east and north and bungalows to the west on Hemsworth Road.

In closer proximity to the site the dwellings feature red brick, render or stone facing with slate tile, rosemary's and concrete tiles all featuring as roof materials.

The proposal is for two-storey houses to be located within their own curtilages. The dwellings could be described as medium in terms of their footprint and the curtilages allocated to each dwelling are comparable with other detached dwellings within developments granted city wide in the last decade.

The proposal is therefore felt to maintain the character and grain of development in the locality.

The proposed architecture would represent a more contemporary approach than nearby bungalows and semi-detached dwellings but there is nothing radical in terms of the architecture with pitched roofs and conventional proportions in evidence.

Facing materials for the new builds are a combination of brick, stone and timber boarding with Spanish slate or reclaimed concrete tiles proposed for roofing.

Each of the Core Strategy and the UDP make reference to local distinctiveness and a requirement to 'complement' (BE5), to be 'in scale and character' (H14), or 'respect the townscape character of the city's neighbourhoods with their associated scale, layout and built form, building styles and materials' (CS74).

However, there is no part of these policies that requires a new development to 'match' or 'copy' the existing architecture of a street or locality and it is apparent that they would be in conflict with Paragraphs 59 and 60 of the NPPF if they were to be this prescriptive.

Were these policies to require such designs this would imply that new buildings should match existing ones no matter how mediocre or non-descript the existing area might be (though there is no implication that the locality here is either).

The thrust of national policy is therefore to separate planning judgements from matters of personal taste in terms of design and to deter opposition to designs simply because they differ from existing.

Clearly there is encouragement in the NPPF to construct buildings that provide modern day living, and to preclude a slavish adherence to 'the identical' which could lead to mundane and uninspiring architecture.

It is therefore felt that the key consideration with regard the architecture of proposal must be whether it causes demonstrable harm to the street scene of Hemsworth Road (since the houses deeper into the development will not tend to be viewed in juxtaposition in the same way)

In this respect there are two considerations:

1. Is the proposal, in itself, of acceptable quality?
2. To what degree does the proposal appear in, and thereby affect, the street scene?

The new build properties fronting Hemsworth Road (Plots 13 and 14) are two storeys in height and therefore match the scale of adjacent dwellings. The house at

Plot 2 would lie adjacent the bungalow at No.31 and consequently there would be a height differential. However, should Plot 2 have featured a bungalow then an identical relationship would have existed between that plot and the restored farmhouse. It is not considered that the relationship between the proposed Plot 2 and No. 31 is so uncomfortable so as to represent a reason for refusal.

The facing materials of Plot 2 feature reclaimed stone on its front elevation closest to the farmhouse thereby providing a visual 'bridge' to the cedar cladding on the balance of that elevation.

Within the site the facing materials to the principal elevations of plots 3 and 4 and their respective detached garages also mirror the facing stone and roofing materials of the farmhouse.

Further still into the site the more contemporary materials begin to dominate (Plots 5-12) with dwellings faced in a variety of red brick and cedar boarding employed as facing with Spanish blue slate for a roofing material.

The site does not lie within a Conservation Area or Area of Special Character which might add additional constraint in a design sense.

The proposed dwellings have well-proportioned and suitably detailed elevations facing the public domain and facing/roofing materials proposed are acceptable.

Therefore, despite the limited departure from the prevailing architectural style of other houses/bungalows in the locality it is considered that the proposal satisfies national and local policy with regard to scale, character and design and use of the facing/roofing materials and should result in dwellings of appropriate quality for a Housing Area

Residential Amenity considerations (Existing residents)

Section c) within Policy H14: Conditions on Development in Housing Areas within the UDP states that new development sites in such areas should not be over-developed or deprive residents of light, privacy or security.

All proposed dwellings achieve appropriate separation distances between main aspect windows and existing main aspect windows in neighbouring dwellings.

Minimum separation distances are also achieved in terms of separations between existing main aspect windows and proposed two storey structures.

As such it is not considered that any significant overshadowing or overbearing will occur and equally no inter overlooking between proposed and existing dwellings will occur.

Some of the proposed dwellings (plots 5 and 7) marginally fail to achieve best practice separation distances to neighbouring boundaries. (The former achieves 9.25 metres, the latter 8 metres)

Supplementary Planning Guidance 'designing House Extensions' suggests that rear elevations should achieve a minimum separation to boundary of 10 metres.

In both of these cases the shortfall is felt to be mitigated by the fact that the neighbouring gardens to which these separation distances relate are long and the proposed windows in question will still achieve adequate separation to principal private amenity spaces.

The proposal is considered, following several negotiated improvements to the original submission to be acceptable from an amenity perspective.

Residential Amenity considerations (Future Occupants)

All properties will benefit from adequate outlook and natural lighting.

Some of the individual private garden spaces are on the small side for four bedroom dwellings but are not below the minimum guidelines of 60m² as set out in the South Yorkshire Residential Design Guide or the 50 square metres indicated as a minimum in Supplementary Planning Guidance 'Designing House Extensions'. There has been extensive discussion and negotiation to secure improvements to the layout to ensure that privacy and overbearing matters are resolved, and that the development provides living conditions that accord with the above guidelines.

Highways considerations

Section d) within Policy H14: Conditions on Development in Housing Areas within the UDP states that new development should provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

Overall, the design and layout of the highways is considered acceptable and will facilitate suitable access and ensure the continued safe operation of the highways network. The proposal is therefore in accordance with UDP Policies BE9, T8 and T10

Parking provision is largely on plot, and two spaces are provided for each dwelling house

Private driveways should be conditioned as being constructed in porous/permeable materials or drain to permeable surfaces within the curtilages of the dwellings

In light of the above the proposal is considered to comply with Section d) of Policy H14.

Archaeology and Conservation considerations

A scoping report in respect of potential archaeological interests was commissioned by the Local Planning Authority in relation to a number of sites across the city and was carried out by Wessex Archaeology. This report appraised the individual buildings within the historic group on this site and considered this complex to be of 'High Local Significance'. The report emphasised the potential of the buildings to contain important evidence, if later finishes and fabric were removed.

Due to this historic interest attached to the farmhouse and associated buildings a condition was attached to the outline application requiring that a Written Scheme of Investigation to be submitted. This was submitted with 15/00158/COND1 and the details therein approved by the South Yorkshire Archaeology Service

No further requirements are required in this respect.

The conversion of the existing farmhouse should bring back into long term use and secure the future of this building of local interest (it does not have status as a heritage asset) and this is welcomed.

Ecology considerations

There is no evidence that protected species habitats exist on the site.

There are no trees of significant public amenity value on the site but the retention of some specimens in the interests of screening is welcomed.

Tree Protection details were submitted, and approved, in support of the Outline application

A survey at outline stage established that no bat roosts were present on site and the outbuildings on site have now been demolished.

Nonetheless, in line with best practice a requirement to incorporate artificial bat boxes, bat access tiles and bird boxes to the retained building has been conditioned at outline stage.

Landscape

The submitted landscape plan is somewhat limited in terms of the number of proposed species but nonetheless has been bolstered as a result of negotiation as to include the planting of native species. The overall plan should provide for a reasonable level of planting for those parts of the scheme that can be considered the public domain.

The trees proposed for removal are not prominent in the public domain.

A specific planting and associated landscape management plan should be sought through condition for the plot of land between the development and the cul-de-sac of Warminster Place.

The scheme contains either low stone walls or railings to provide the boundary treatment adjacent to the access road and to Hemsworth road, with timber fencing employed on less public boundaries. The use of timber boundary fencing is entirely consistent with other similar developments granted permission around the city and it is considered that a requirement for the substitution of brick walls on these boundaries cannot be justified.

The proposals are therefore considered potentially acceptable in the context of UDP Policies BE6 and GE15.

Sustainability considerations

Following the publishing of the Government's housing standards review the development is no longer required to meet code level 3.

Policy CS65: Renewable Energy and Carbon Reduction within the CS sets out objectives to support renewable and low carbon energy generation and also to further reduce carbon emissions. Policy CS65 requires, if it is feasible and viable, new developments to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy, an equivalent reduction in energy from a fabric first approach is also now accepted.

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 and a condition requiring details of how this is to be achieved was attached to the Outline permission.

Drainage considerations

The Applicant has provided drainage details for the site as a whole but it is noted that the drainage within the confines of the site will remain private.

In terms of surface run off the proposal is likely to result in a reduction due to the reduction in hardstanding across the site compared to the dairy site and the increase in porous/permeable surfaces both in terms of garden/lawned areas and required permeable/porous drive surfaces.

As a brownfield site with an existing surface water run-off however, policy requires that this must be reduced by 30%. This reduction was secured by condition at outline stage. Recent discussions with Yorkshire Water suggest that matters remain to be resolved but this will be dealt with via a Discharge of Conditions application relating to 15/00158/OUT

Ground contamination considerations

The Applicant submitted a site investigation report with regard to Condition 10 of the outline application. This report was satisfactory but the other conditions relating to remediation works remain to be discharged from the Outline application.

Community Infrastructure Levy (CIL)/Open Space

This application is a reserved matters application and relates to an outline permission that was granted prior to the introduction of the Levy.

The Outline permission required (by condition) that either 10% of the site area be given over to public open space or a contribution towards existing open space in the locality be made.

Since the former cannot be achieved, a contribution through submission of a Section 106 Agreement is required by Policy H16.

A sum of £19,091.05 would need to be provided as a contribution towards informal recreation space and youth/adult outdoor sports provision in the locality.

This will need to be secured through the use of a legal agreement to ensure compliance with Policy H16.

RESPONSE TO REPRESENTATIONS

Matters relating to residential amenity, site layout, highways, design and detailing and boundary treatments have been dealt with in the main body of this report.

The pathway from Warminster Place is not a public right of way but the pathway has been re-instated in the amended plans

Site security is a duty of care of the developer or a matter for the police

The area of land identified as 'Plot 15' in several representations is not indicated for development. Should permission be granted the area is to be conditioned as an area of landscaping.

It is considered highly unlikely that two storey dwellings with the proposed separation distances to existing houses would adversely impact on solar panels on those dwellings.

Whilst the submission of an application for a large residential development (138 units) on a neighbouring site is noted, this does not yet have planning permission and cannot be considered a committed development. As such this current application must be considered on its own merits.

SUMMARY AND RECOMMENDATION

This application seeks permission for 14 dwellings on a previously developed site. The site is sustainably located with good access to public transport, and the design and layout of the scheme is considered, on balance, to be acceptable.

The proposal should not give rise to any harmful amenity issues and the layout of the site is considered acceptable from a highways perspective. There are very marginal shortfalls in separation distances to boundary on two of the plots but these are not considered to represent a reason to refuse the scheme overall.

Appropriate levels of car parking are provided and, whilst the new access road would not be adopted it would be constructed to adoptable standards.

In light of the above the proposal is considered to comply with adopted Local and National Planning policy and it is recommended that reserved matters are

approved conditionally subject to the submission of a Unilateral Agreement for Open Space contribution.

Heads of Terms for Legal Agreement

1. The owner shall pay the sum of £19,091.05 to be used by the City Council towards the enhancement of Open Space within the vicinity of the site.

Case Number	16/01269/FUL (Formerly PP-05009140v1)
Application Type	Full Planning Application
Proposal	Residential development of 30 dwellings (Conversion of existing hotel to 6 x 2 bedroom apartments, and new build of 12 detached dwellinghouses and 12 x 2 bedroomed apartments) with associated parking, access and landscaping
Location	The Beauchief Hotel And Car Park 161 Abbeydale Road South Sheffield S7 2QW
Date Received	01/04/2016
Team	South
Applicant/Agent	Coda Planning Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

The amended drawings received and dated 17 February 2017 and 16 January 2017 and numbered:

2315 (07) 005
2315 (08) 011
2315 (08) 012
2315 (90) 001
2315 (90) 002
2315 (07) 001
2315 (07) 002
2315 (08) 009

2315 (07) 003
2315 (08) 010
2315 (07) 004
2315 (08) 001
2315 (08) 002
2315 (08) 003
2315 (08) 004
2315 (08) 005
2315 (08) 006
2315 (08) 007
2315 (08) 008

Reason: In order to define the permission.

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

3. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy. 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 and 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 and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

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

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

5. 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.

6. 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.

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

7. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before 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.

8. 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.

9. Prior to the commencement of development, full details of the alterations to the site access / Abbeydale Road South junction shall be submitted to and approved in writing by the LPA. The access shall then be constructed in accordance with the approved details.

Reason: In the interest of highway safety.

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

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

11. 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.

12. 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 4 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.

13. 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.

14. 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.

Other Compliance Conditions

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 the redundant access at the junction of Abbey Lane /Abbeydale Road has 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 interest of highway safety.

17. The dwellings shall not be used unless the cycle parking accommodation as 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 Unitary Development Plan for Sheffield (and/or Core Strategy) Policies CS53

18. 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.

19. The development shall be carried out in accordance with the flood risk mitigation measures outlined in section 7 of the Flood Risk Assessment carried out by Peter Brett on behalf of Coda Planning and dated May 2016.

Reason: To reduce the risks of flooding to the proposed development and future occupants and to comply with policy CS67 of the Core Strategy.

Attention is Drawn to the Following Directives:

1. 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

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

The notice should be sent to:-

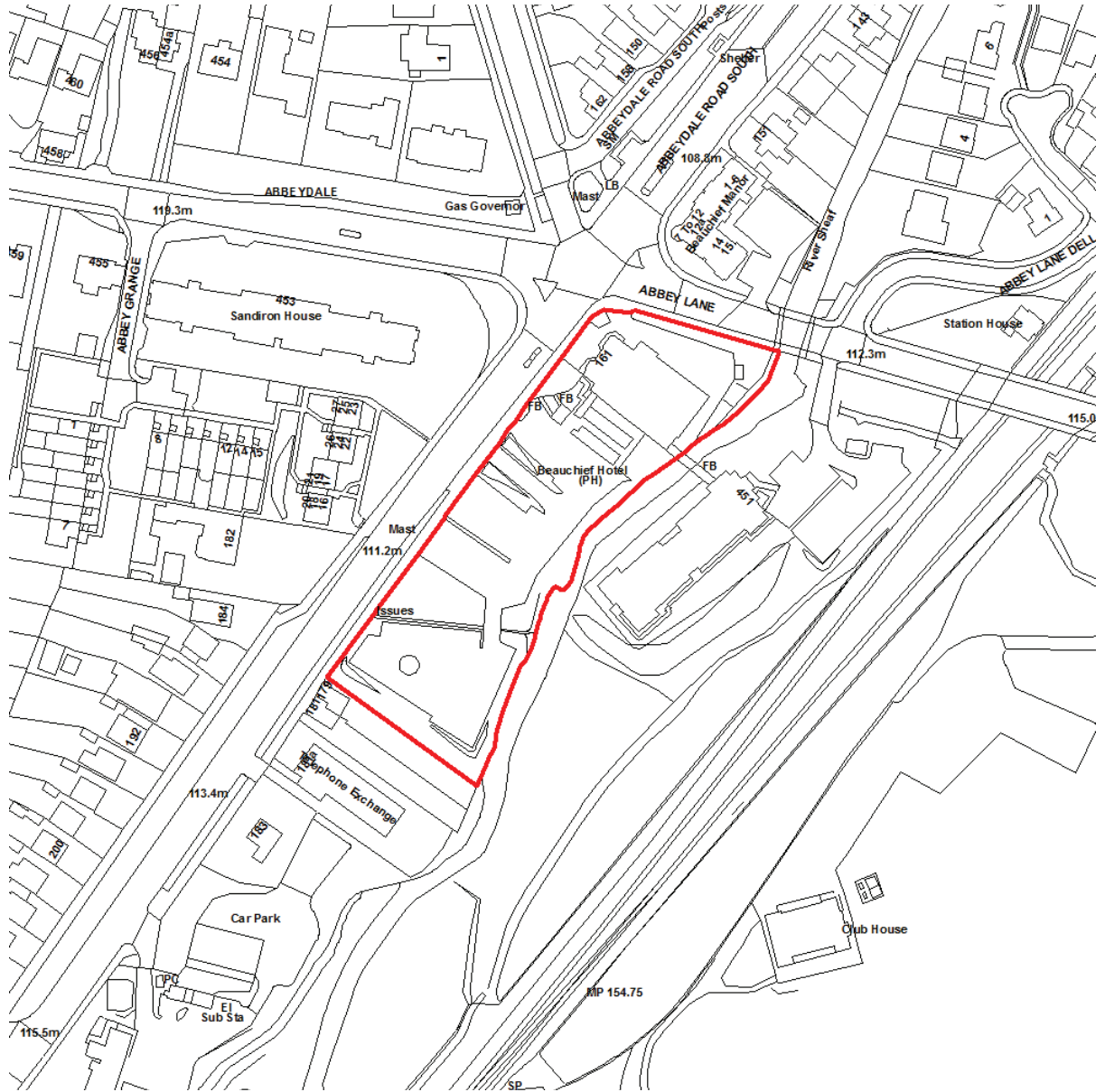
Sheffield City Council
Town Hall
Pinstone Street
Sheffield
S1 2HH

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.

3. 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.
4. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
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. 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.

Site Location



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LOCATION AND PROPSOAL

The site is approximately 0.65 hectares in size and located on the corner where Abbeydale Road South (A621) meets Abbey Lane (B6068). The site is approximately 5km from the city centre and within an affluent suburban part of Sheffield.

The site is flanked by two main roads and the River Sheaf to the east. The site is predominantly surrounded by residential properties, although 110 metres south of the site there is Abbeydale Industrial Hamlet. Furthermore, although on the opposite side of the river there is a care home, beyond this there is a large golf course and Green Belt land.

The hotel is prominently sited at the northern most tip of the site where the two main roads meet. The rectangular site runs south between the river and the road and this area comprises of a large apron of tarmac that was ancillary car parking accommodation for the hotel.

The site is relatively flat, as it is so close to the river. Abbey Lane slopes down to Abbeydale Road South from both sides. Although Abbeydale Road South is relatively flat, this has been engineered and does not follow the natural landscape. As a consequence of this, the subject site sits behind a tall retaining stone wall.

The Victorian properties that sit in between the subject site and Abbeydale Industrial Hamlet are sited close up to the road. Although they are two storeys in height facing the road, due to the topography of the area they are three storeys in height to the rear. The car parking space that is close to these properties has been the subject of a previous planning permission for the erection of two dwellinghouses. The car parking area is fairly flat with a ramped access sited close to the hotel.

The application seeks permission to erect 12 detached dwelling houses within the existing car park and convert and extend the hotel to form a block of 18 apartments. The apartments would be two bedroomed units whilst the detached properties would four and five bedroomed dwellings. The main vehicle access is to be taken from Abbeydale Road South, but set slightly further west to distance it from the main junction where Abbeydale Road South meets Abbey Lane.

REPRESENTATIONS

The application has been publicised in accordance with the Council's Statement of Community Involvement. Immediate neighbouring properties have been written to regarding the proposal and site notices have been posted at various points around the site.

Original Submission

As a result of this consultation process, five representations have been received in connection with this application. The representations object to the proposal and raise the following concerns:

- The proposal raises air quality issues;
- The proposal is out of keeping with the style and character of the original building and the wider area;
- The physical size and presence of the former hotel building is also diminished and this will also affect the historical character of the building and the local area;
- No landscaping should be removed from the site for ecological reasons and the visual impact as a result of this;
- The proposal would overdevelop the site and risks being crowded and heavily built up;
- The proposal would create its own community;
- It is not clear whether the car parking is adequate and it is thought the proposal would cause further congestion, traffic and parking issues;
- The proposal could impact upon the existing watercourse and obstruct flow of the watercourse and surrounding culverts;
- The proposal will overlook private residential gardens and remove landscaping along the shared boundary;
- The reports are misleading and the flood risk does not mention recent floods;

The above comments are material planning considerations that can be taken into account in this planning assessment. Further comments regarding a need for a reduction in the speed limit along Abbeydale Road South, and for the proposal to bring the original building back into use as a hotel/restaurant cannot be taken into account in this assessment as they are outside the Local Planning Authority's remit.

Amended Submission

Following on from the original submission, the drawings have been amended and these drawings have subsequently been publicised again. Following on from this consultation, one further representation was received raising the following comments:

- The earlier comments dated 13/6/2016 are still relevant;
- The adjustments are minor and the apartment block continues to diminish the original building and remain highly unsympathetic to it;

- The original building is dwarfed, obscured and essentially lost within this proposal

RELEVANT PLANNING HISTORY

The site has been the subject of various planning applications over the last 35 years and these have included advertisement consents, extensions and alterations to the hotel, together with various changes of use of the hotel. Recent applications that are most pertinent to this application are:

12/02802/FUL – Erection of two dwellinghouses – Granted Conditionally

12/00686/FUL – Change of use of the hotel annex building from C1 (Hotel) to short term occupancy residential accommodation (Sui-generis) – Granted conditionally

11/01775/FUL – Erection of two dwellinghouses – Granted Conditionally

08/02427/FUL – Erection of 14 apartments with basement parking and re-siting of access to hotel – Withdrawn

A pre-application enquiry was also submitted to the Local Planning Authority in 2014. The enquiry sought advice as to whether residential units could be acceptable on the site. The advice given to the applicant outlined the main policies that would be applicable to a proposal of this size and nature. The comments expressed some concerns with the overall principle of the development of the site and impressed upon the applicant the need to carry out detailed sequential tests to satisfy flood risk policies and the requirements of the Environment Agency.

PLANNING ASSESSMENT

Principle of Development

The National Planning Policy Framework (NPPF) requires local planning authorities to facilitate housing provision. There is a requirement 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 is occupied by a hotel and ancillary car parking. The NPPF promotes the use of previously developed land and places a strong emphasis on sustainability, with a presumption in favour of sustainable development. The principle of a residential scheme on this particular site, given the nature and scale of the previous development, is considered to be acceptable overall and in light of national planning policies.

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 for Sheffield, there is a 4.7 year deliverable supply of housing, which means that a 5 year supply cannot be demonstrated.

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.

The site is a previously developed site that is preferred to the development of greenfield sites both in terms of local and national planning policies. The use of brownfield sites are supported by both local and national planning policies.

Unitary Development Plan and Core Strategy

The relevant local policy documents are the adopted Unitary Development Plan (UDP, 1998) and the Sheffield Development Framework (SDF) Core Strategy document (2008). The Core Strategy is more up-to-date, providing the overall spatial strategy for the SDF over the period 2009 to 2026.

The application is located within a Housing Area under the provisions of the UDP. Policy H10 of the UDP states that Housing is the preferred use in this location. Therefore, the principle of residential development is acceptable, subject to the provisions of policy H14 'Conditions on Development in Housing Areas' (discussed below).

Policies CS24 and CS26 of the Core Strategy promote the efficient use of housing land, but identify that development will only be acceptable where it is in keeping with the character of the surrounding area.

Policy CS24 'Maximising the Use of Previously Developed Land for Housing, states that priority will be given to previously developed sites. The brownfield site that is to be developed would create 30 dwellings of different housing tenures and would create a density of approximately 46 dwellings per hectare. This density range is acceptable as outlined in policy CS26 for urban areas, provided that the character of the area is not adversely affected. The proposal is considered to reflect the character of the area and this is discussed further in the report.

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy was introduced in July 2015 and is now the main mechanism to seek pooled developer contributions to help meet the city's strategic infrastructure needs. CIL replaces all other financial contributions with the exception of affordable housing. The Planning Brief details that financial contributions will be required towards the provision of education and open space; however these are now covered by CIL.

The site lies within charging zone 5 where the financial contribution is £80 per square metre.

Affordable Housing

Policy CS40 of the Core Strategy states that in all parts of the city, developers of all new housing schemes will be required to contribute towards the provision of affordable housing where this is practicable and financially viable. The Supplementary Planning Document: CIL and Planning Obligations states that this policy relates to all proposals of 15 or more units. It further states that 30% is the target contribution for affordable housing provision in the South area of the city.

The applicant has stated that the proposal will not be viable if the contributions towards affordable housing are made. It is stated that the land values and high build costs make the proposal only just viable and further contributions, together with the Community Infrastructure Levy (CIL is non-negotiable) would make the scheme financially unviable.

As allowed for by the SPD, the applicant requested consideration of the viability of the scheme by the District Valuation Office. The District Valuation Office work on behalf of the Local Planning Authority, but are independent. They have assessed the applicant's development appraisal and have concluded that the proposal would not be financially viable if any affordable housing contributions were made. It shows that the proposal would make a 4.7% profit without any affordable housing contributions being made and this is significantly below reasonable expectations for the scheme. The DVO identified that a developer should reasonably be expected to make a profit of 18.5% for a scheme of this nature.

Accordingly, no affordable housing contribution is required in this instance.

Mixed Communities

In terms of creating mixed communities and different housing tenures, policy CS41 promotes a mix of housing tenures including homes for larger households, especially families. The development proposes a mixture of large family dwellings and smaller apartments and this is considered to meet the overall aims of this policy. CS41 (a) states that on larger sites, no more than 50% of units should be of a single house type. This proposal does not meet the definition of a larger site as it has less than 60 units and the proposed mix is therefore considered to be acceptable in this case.

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 of the Core Strategy deals with climate change and the sustainable elements of the development's design. It states that developments should achieve a high standard of energy efficiency, make the best use of solar energy, passive heating and cooling, natural light and ventilation and minimise the impact on existing renewable energy installations.

In this regard, the dwellings have been designed to minimise energy consumption through the use of energy efficient boilers and water saving features to toilets and showers.

Policy CS65 of the Core Strategy says that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. The applicant has confirmed that photovoltaic panels will be fixed to the roofs of dwellings in order to provide the 10% renewable energy requirement.

The site is a reuse of an area and an existing building that has previously been built upon and within an existing residential area. The site is located within walking distance of existing services, amenities, a train station and bus stops; accordingly the site is considered to be in a sustainable location.

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. However, in this application, the pitched roofs of the properties are important features which ensure that the proposal respects the character of the surrounding area. Green/ brown roofs are not therefore appropriate in this context.

The development complies with the requirements of the above policies and will result in the sustainable redevelopment of the site.

Flood Risk and Drainage

The site is within an area at risk of flooding and therefore the proposal has to be assessed against local planning policy CS67 and the National Planning Policy Framework. The NPPF states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided. The NPPF seeks to steer development away from areas at risk of flooding to less vulnerable areas. However, it does recognise that this is not always possible and that there are exceptions when development of flood risk areas will be necessary.

The NPPF states at paragraph 103 that when determining planning applications local planning authorities should also ensure that flood risk is not increased

elsewhere and that it is appropriate development informed by a site-specific flood risk assessment following a Sequential Test and, if required an Exception Test .

The purpose of the Sequential Test, as outlined at paragraph 101, is to ensure that sites that are less vulnerable to flooding are developed first. The development involves the redevelopment of an existing vacant and prominent building which forms part of a wider site, and the former hotel building is an integral part of the development. Sequentially there are other sites that can accommodate 30 dwellings within the city that are at less risk of flooding; however, there are no sites with the same characteristics as this one that would secure the re-use of a prominent character building within a sustainable location. On this basis it is considered that the Sequential Test is passed.

Although there are other sites that could accommodate 30 dwellings in an area at lower risk of flooding, it is considered that the proposal can satisfy the Exception Test criteria outlined in paragraph 102 of the NPPF. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

This proposal is considered to be able to demonstrate that there are wider sustainability benefits and that the proposal will be safe for its lifetime without increasing flood risk elsewhere.

The application has been amended and the dwellings have been relocated after sequentially evaluating the risk of flood within the site. The amended drawings have taken into account the flood risks and sited the dwellings outside of flood zone 3, so that the risk of flooding is minimised as far as possible.

It has also been shown that the site will improve the current levels of surface water run-off as the scheme will reduce the overall amount of hard surfaced areas within the site by approximately 7%. The proposal will be able to reduce the levels of surface water run-off from the site compared with the existing situation and provide a wider benefit in terms of reducing the risk of flooding elsewhere. Any approval should be subject to a condition requesting the reduction of the discharge of surface water run-off by 30%.

As required at paragraph 103 of the NPPF, the applicant has shown that the development can be resilient from flooding and that any residual risk can be safely managed. In accordance with the NPPF, a Flood Risk Assessment has been submitted with the application. The site of the housing is within Flood Zone 2, which indicates that there is a 1 in 1000 year chance of flooding from the River Sheaf. As a result of this, all finished floor levels have been raised 600mm above

the forecasted 1 in 100 year flood risk (plus 30 % climate change levels) and it has been identified that safe access and escape routes in emergencies are available.

The development would ensure that a sustainably located parcel of housing land is redeveloped and a building that is strongly associated with the area is retained. The proposal would provide public benefits as the original hotel will be retained and reductions in overall surface water run-off will be made. Furthermore, an increase in sustainably located housing stock near to local facilities and good transport links will be provided and consequently, the proposal is considered to meet the requirements of NPPF paragraphs 102 and 103. Subject to conditions, the Lead Local Flood Authority is satisfied with the drainage of the site and the proposal would be acceptable in terms of policy CS67.

Design

Policy CS74 "Design Principles" of the Core Strategy states that high quality development will be expected to respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. It also states that development should contribute to place making and contribute to a healthy, safe and sustainable environment that promotes the city's transformation and helps to transform the character of physical environments that have become run down and are lacking in distinctiveness. Development should also enable all people to gain access safely and conveniently, providing, in particular for the needs of families, children, disabled and elderly people and should contribute towards creating attractive, sustainable and successful neighbourhoods.

UDP Policy BE5 "Building Design and Siting" states that good design and the use of high quality materials will be expected in all new buildings.

Policy H14 "Conditions on Development in Housing Areas" states that new development will be permitted provided that new buildings are well designed and in scale and character with neighbouring buildings. This is further echoed in policy H15 that relates to the design of new housing developments.

These policies are supported by the NPPF which places great importance on high quality developments that are well designed and facilitate sustainable development.

It is also noted here that whilst the Council has not adopted the guidelines in the South Yorkshire Residential Design Guide, it does acknowledge the document as best practice guidance.

The proposed development comprises of the conversion of the existing hotel into 18 apartments and the erection of 12 detached dwellings. The housing tenures are a mix of 1 and 2 bedroomed apartments (18 in total), together with 12 x 4 and 5 bedroomed detached dwellings.

The hotel has been extended in the past and some of the unsightly extensions to the rear of the hotel are to be removed to facilitate the conversion and extensions that are proposed. They are not however particularly visible from the road and their

loss is not considered to be harmful to the visual amenities of the surrounding area.

The extension to the main hotel has been amended to ensure that the new development does not detract from the distinct character and appearance of the original hotel. The extension and hotel are both four floors in height; however, as the ground levels fall away to the rear of the existing hotel, the overall height of the extension is significantly lower than the original building. The hotel faces both Abbey Lane and Abbeydale Road South and the extension's design does not challenge the character and appearance of the main elevations of the hotel.

The amended drawings have included a pitched roof above the apartments, details such as dormer windows and a similar palette of materials to the original hotel to ensure that the design is complementary. The design of the amended proposal is grounded to the architectural style of the existing building, but subservient to the main elevations of the hotel. The extension is set back significantly from the side elevation facing Abbey Lane and it will be set down from the road and behind some mature soft landscaping. Furthermore, as the height has been reduced, compared to the original proposal, overall it is considered that the design is acceptable in terms of scale, built form, siting and detailing.

The dwellings that are proposed are all detached stone built properties. There are three house types shown and this provides some variation across the site; this in turn reflects the various housing styles within the surrounding area. The layout has been amended slightly from the original proposal and the dwellings facing Abbeydale Road South have been moved closer to the road to ensure that the development addresses the street and does not become disjointed from it.

The layout of the proposed units and the house type designs are considered to be acceptable and enable the proposal to relate well to the street. Although the houses are taller than the majority of the immediate dwellings, they are set behind a tall wall and set lower down than the street. It is not considered that the dwellings would appear incongruous within the street and, consequently, they are considered to be appropriate in this instance.

The housing stock provided is considered to be of an acceptable standard that is laid out and detailed in a way that would respect the overall character and appearance of the wider area. It is considered to be in compliance with policies BE5, H14, H15 and CS74 and the NPPF.

Amenity

UDP policy S10 states that new schemes should not lead to overdevelopment, deprive residents of light, privacy or security and should provide adequate amenity space. Policy H14 is also supplemented by an adopted Supplementary Planning Guidance on Designing House Extensions which sets out more detailed guidance on subjects such as design, overbearing and privacy. Whilst this document relates to house extensions, the guidance and in particular separation distances are a useful tool in determining the appropriateness of new housing development.

UDP Policy H15 "Design of New Housing Developments" is also relevant and

expects the design of new housing developments to provide good quality living accommodation. This includes adequate private garden space or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met. It also expects that walls or fences are provided around rear garden areas next to roads, footpaths or other open areas.

Additionally, as with all housing developments, there is a need to ensure that development is acceptable in terms of potential nuisances - such as unacceptable air pollution, noise or other nuisance or a risk to health and safety.

The properties have been arranged in a way that will provide good quality living conditions for the existing occupants, whilst not being detrimental to the living conditions of any neighbouring properties.

The properties have been arranged to prevent any significant overbearing issues being created between them. Although the new properties on the southwestern edge of the site are at right angles to the new row of properties within the site that will face Abbeydale Road South, there is approximately 16 metres between them. This distance will ensure that a reasonable outlook from the properties facing in towards the site is achieved without the neighbouring properties being overbearing.

The properties on the southwestern edge of the site have been set back from the southwestern boundary by at least 10 metres so that the rear windows do not severely overlook the neighbouring properties along Abbeydale Road South (numbers 179 and 181). The properties set along the boundary with the neighbouring residents on Abbeydale Road South are set behind an existing high boundary wall and would not tower above these properties as the existing car park is set slightly lower than these neighbouring properties. The raising of floor levels to flood proof the dwellings does not alter this view. The proposed rear gardens have been set in from the boundary wall and this will mean that further soft landscaping can be conditioned to be planted in between the existing boundary wall and the proposed rear boundary of the new dwellings. This will improve the relationship between the proposed and existing dwellings and prevent the proposal from severely overbearing/ overlooking the neighbouring properties. This is considered to be acceptable and is in line with the Council's supplementary planning guidance.

Although there is a residential home to the rear of the site, this is set on the other side of the river. The windows in the apartment block are over 21 metres away from this closest building and it is not therefore considered that the proposal would be overbearing to this building. As the extension to the hotel is on a corner location, it is not considered that it would impact negatively upon the living conditions of any neighbouring property.

Each detached dwelling has over 50 square metres of private rear external amenity space and the apartments have an area that has been made sufficiently private of approximately 181 square metres in size. Given that the housing scheme is also set near to the river, a swathe of land is set in front of the dwellings and close to the river bank that will also provide a communal open space area. The proposal is also close to a large public park (Millhouses) and it is therefore considered that the

proposal would provide satisfactory outside living space for all future occupants. The amenity spaces provided are considered to be satisfactory and are indicative of a scheme that is not an overdevelopment of the site.

In line with the above, it is considered that the proposal would not be harmful to the amenities of neighbouring properties and would provide acceptable living conditions for the occupiers of the development itself. In these respects the proposal would accord with UDP Policy H14 and H15.

Highways

UDP Policy H14 sets out that development will be permitted provided it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians. The proposal would improve the move the existing access slightly further to the southwest, which would create a safer ingress and egress.

Policy CS53 of the Core Strategy deals with management of travel demand and says that good quality public transport and pedestrian routes will be promoted, the best use of existing road capacity will be made and maximum car parking standards will be applied to manage the provision of private parking spaces. Car parking has been provided within the site at 1 or 2 spaces per dwelling. The number of spaces is considered to be acceptable and will ensure that unacceptable levels of on-street parking do not occur.

The location of the site is close to good public transport links and local facilities. Furthermore, with the provision of cycle storage facilities within the site, the proposal is considered to promote the use of sustainable modes of transport and is a form of sustainable development.

The site was previously used as a hotel and the traffic generation for this use is considered to be higher than the proposed residential use. Using TRICs data, it has been calculated that the previous use would be likely to generate twice as much traffic as the proposed density of housing. The proposal is not considered to impede the safe flow of traffic through the site and the wider areas and, it is considered that the proposal would not give rise to any severe highways implications. Accordingly, the proposal is considered to be compliant with policies H14, CS53 and CS55.

Landscape and Ecology

Unitary Development Plan Policy BE6 seeks to ensure that good landscaping design is provided in all new developments.

Policy GE11 of the UDP seeks to protect and enhance the natural environment. Therefore, the design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

The development will increase the amount of soft landscaping within the site and remove some of the large hard landscaped areas. Although some existing soft landscaping will be lost from the site, including trees along the side boundary to the southwest, there are significant areas of soft landscaping, including a space along the southwestern boundary that can be conditioned to be used for further soft landscaping. The loss of some of the vegetation on the site is not considered to be detrimental to the visual amenities of the area and, overall it is considered that the proposal would improve the biodiversity on the site and the river bank. Subject to conditions requiring further details of the soft landscaping, the proposal is considered to be acceptable in this respect.

Air Quality

Policy GE23 "air pollution" of the UDP sets out that development will only be permitted where sensitive uses would not be affected by air pollution.

Core Strategy Policy CS66 "Air Quality" is also relevant and stipulates that action to protect air quality will be taken in all areas of the city, especially where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets.

The whole of the City's urban area is designated as an Air Quality Management Area (AQMA). This proposal would reduce the amount of potential traffic associated with the site. The proposal is significantly below the assumed trip generation thresholds to warrant an air quality assessment, however, given that the proposal is considered to represent a reduction in the number of trips to the site by approximately 50%, the proposal is not considered to give rise to any severe air quality concerns.

Public Art

UDP Policy BE12 encourages the provision of public art works in places that can be readily seen by the public and as an integral part of the design of major developments.

The proposed site has various interesting features, such as the river and the original hotel; these are considered to be good opportunities for public art to be integrated within the scheme. A condition will be attached to any approval to ensure that an element of public art is included in the development.

Land Contamination

The proposal seeks permission to build upon a brownfield site that has previously been used as a car park. Accordingly, it is considered necessary to condition any approval to investigate the quality of the land beneath the car park and where any land contamination is found, ensure that satisfactory remediation works are carried out. Subject to such conditions, the proposal is in this respect considered to be acceptable.

SUMMARY AND RECOMMENDATION

The site is a brownfield parcel of land that currently houses a large hotel that is to be extended and converted in to residential accommodation. Weight is given to the presumption in favour of sustainable development and the requirement to meet a 5 year housing supply. The site has been identified as a sustainable location with good access to local facilities and good transport links.

The proposal has been laid out in a way that is reflective of the wider area and the architectural styles of the dwellings complement the existing built environment. The proposal involves a range of different house types that have been designed to ensure that the living conditions are of a good standard. The layout and design of the properties is considered to enhance and complement the character of the area and this is reflected well by the range of dwellings, density levels and the overall scale of the proposal. The proposal is in compliance with policies CS24, CS26, CS74, BE5, H10, H14 and H15.

The development will provide a reasonable contribution to the supply of housing in Sheffield and the housing stock will be of a standard that meets local and national planning policies relating to climate change and energy efficiency requirements. The proposal will therefore meet requirements of policies CS63, CS64 and CS65.

The District Valuation Office has assessed the applicant's development appraisal and has concluded that the proposal would not be financially viable if any affordable housing contributions were made.

A Flood Risk Sequential Test and an Exception Test have demonstrated no sequentially preferable sites are available, and the scheme can be made flood resilient.

The proposed layout has sought to ensure that the land is efficiently used, but in a way that does not compromise existing amenities of neighbouring residents or those of future occupants of the site. The site is accessible for both pedestrians and vehicles and the layout has incorporated shared road networks that seek to harmonise the traditional conflicts between pedestrian access and vehicular movements. The proposal provides good levels of off street car parking and the proposal is not considered to give rise to any highways issues; consequently, it is acceptable in terms of policies H14 and CS53.

It is considered that the applicant has proposed a good quality housing scheme that accords with the local and national adopted policies.

It is therefore recommended that the application is approved subject to the listed conditions.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Services

Date: 30 May 2017

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Claire Woods 0114 2734219

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for a two-storey side extension including juliet balcony to front of dwellinghouse at 71 Dalewood Road Sheffield S8 0EE (Case No 16/04021/FUL)

(ii) An appeal has been submitted to the Secretary of State against the non-determination of planning permission for the demolition of public house and erection of single/two-storey retail unit (Use Class A1) with associated parking accommodation, automated teller machine (ATM) and plant and equipment (Amended plans scanned 17 January 2017) at Cherry Tree Inn 2 Carter Knowle Avenue Sheffield S11 9FU (Case No 16/02791/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for the alterations to and use of former warehouse / office unit as dwellinghouse at Land To The Rear Of 15 To 17 Orchard Lane Beighton Sheffield S20 1EW (Case No 16/04157/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues in this case to be (a) the effect on the character of the local area; (b) whether satisfactory living conditions can be provided for future occupants; and (c) the effect of the proposal on the safety and convenience of users of the access.

On the first issue they concluded that the benefit of improving the appearance of the building with no architectural merit did not outweigh the retention of an incongruous structure out of scale and character with the surrounding neighbouring properties.

On the second issue they concluded that the dwelling would be dominated by access, parking and turning areas and the garden would be directly overlooked, to the extent that the dwelling would not provide satisfactory living conditions for its occupants.

On the third issue they concluded that the access drive was too narrow and fell short of recommended guidelines, particularly bearing in mind the need to provide pedestrian access for the occupiers of numbers 15-17. The Inspector concluded that whilst the principle of residential development is acceptable in the area, the development failed to comply with all of the criteria in policies CS26, CS74 and BE5 and H14 for the reasons cited above.

4.0 RECOMMENDATIONS

That the report be noted

Rob Murfin
Chief Planning Officer

30 May 2017

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