

Planning and Highways Committee

Tuesday 24 October 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
24 OCTOBER 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. Declarations of Interest** (Pages 1 - 4)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 6)
Minutes of the meeting of the Committee held on 3 October 2017
- 6. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Proposed Closure of Public Footpath She/346: Off Clay Wheels Lane, Wadsley Bridge** (Pages 7 - 12)
Report of the Director of Culture and Environment
- 8. Conversion of Parts of Two Public Footpaths to Shared Footpath/Cycle Track at Hutcliffe Wood between Hutcliffe Wood Road and Abbey Lane** (Pages 13 - 20)
Report of the Director of Culture and Environment
- 9. Confirmation of Tree Preservation Order No. 414: 22 Brincliffe Edge Road** (Pages 21 - 30)
Report of the Director of City Growth Service
- 10. Applications Under Various Acts/Regulations** (Pages 31 - 56)
Report of the Director of City Growth Service
- 11. Record of Planning Appeal Submissions and Decisions** (Pages 57 - 60)
Report of the Director of City Growth Service
- 12. Date of Next Meeting**
The next meeting of the Committee will be held on 14 November 2017

This page is intentionally left blank

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.

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 3 October 2017

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

.....

1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor Alan Law, but no substitute was appointed.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 The Co-Chairs, Councillor Dianne Hurst and Councillor Peter Rippon, declared an interest in an application for planning permission for the development of a 20MW gas powered generator facility, for the provision of standby energy generation on land adjacent to 24 Orgreave Place (17/01901/FUL) as they attended Handsworth Friends Group meetings, but stated that they would consider the application with an open mind and speak and vote thereon.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the previous meeting of the Committee, held on 12 September 2017, were approved as a correct record.

5. SHEFFIELD CONSERVATION ADVISORY GROUP

- 5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 18 July 2017.

6. SITE VISIT

- 6.1 **RESOLVED:** That the Chief Planning Officer, 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.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date 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 heard representations at the meeting from (i) a resident and a local Ward Councillor speaking against the proposed scheme and (ii) the applicant's representative speaking in support of the proposed scheme, an application for planning permission for the development of a 20MW gas powered generator facility, for the provision of standby energy generation on land adjacent to 24 Orgreave Place (17/01901/FUL) be granted, conditionally; and

(c) having (i) noted that the row of mature sycamore trees on the northern site boundary fronting onto Spring Lane would be subject to an application for a Tree Preservation Order, as detailed in a supplementary report circulated at the meeting and (ii) heard representations at the meeting from the applicant's representative speaking in support of the proposed scheme, an application for planning permission for the erection of 96 dwellings with associated landscaping and access works on the playing field between Cradock Road, City Road and Park Grange Road (Case No. 16/04516/FUL) be granted, conditionally, subject to (A) (I) Condition 26 being deleted, (II) Condition 25 being amended to specify the areas to be subject to bound surfaces and requiring the agreed surface material to be retained and (III) an additional condition in respect of a hard and soft landscape scheme for the site, all as detailed in the aforementioned supplementary report and (B) the completion of a legal agreement.

(NOTE: An application for planning permission for the development of a 20MW synchronous gas standby power generation facility, including ancillary infrastructure and equipment at the site of 1 to 11 Rotherham Place, Orgreave Road (17/01437/FUL), was withdrawn from consideration by the applicant to consider amendments to the proposed scheme, prior to it being submitted to a future meeting of the Committee.)

8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

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

9. DATE OF NEXT MEETING

9.1 It was noted that the next meeting of the Committee will be held at 2:00p.m on Tuesday 24 October 2017 at the Town Hall.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Culture and Environment

Date: 24th October 2017

Subject:

PROPOSED CLOSURE OF PUBLIC FOOTPATH SHE/346 AT WADSLEY BRIDGE, SHEFFIELD 6.

Author of Report: Mark Reeder 0114 2736125

Summary:

To seek authority to process the Public Path Closure Order required for closing the definitive public footpath SHE/346 off Clay Wheels Lane, Wadsley Bridge.

Reasons for Recommendations

Based on the above information the Council is satisfied that footpath SHE\346 is not necessary and can therefore be closed using Highway Act powers.

Recommendations:

Raise no objections to the proposed closure of definitive public footpath SHE/346, 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 close the footpath under the powers contained within Section 118 of the Highways Act 1980;
 - b. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved;
-

Background Papers:

Category of Report: OPEN

PROPOSED CLOSURE OF PUBLIC FOOTPATH SHE/346 AT WADSLEY BRIDGE,
SHEFFIELD 6.

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Closure Order required for closing the definitive public footpath SHE/346 off Clay Wheels Lane, Wadsley Bridge.

2.0 BACKGROUND

- 2.1 The City Council is making an application to close the footpath SHE\346, off Clay Wheels Lane, Wadsley Bridge, as shown on the plan included as Appendix A.
- 2.2 This application is on behalf of the City Council's Principal Public Rights of Way Officer who contends that it is no longer required for public use and can be considered surplus to the requirements of the Highway Authority.
- 2.3 Footpath SHE/346 has a recorded length of 720 yards and commences at Clay Wheels Lane at a point just east of the junction with Limestone Cottage Lane. From this point it heads north for 85 metres before heading east until it terminates on the eastern side of the former Wadsley Bridge Railway Station. Beyond this point there is no further public access.
- 2.4 During the time that the railway station was operating, and latterly before the sale of the land by the British Railways Board, the public were able to continue their journey from or towards Halifax Road without obstruction.
- 2.5 Under section 57 of the British Transport Commission Act 1949 (amended by the Railways Act 1993) a public right of way cannot be established over any road, footpath, thoroughfare or place whilst it is the property of the railway. Consequently, when the redundant railway property and land was sold (in 1995) to a private individual, a public right of way – between the easternmost point of footpath SHE\346 and Halifax Road - could not be claimed.
- 2.6 Since the sale of land and property by the British Railways Board in 1995 the exit from SHE\346 on to the station approach to Halifax Road has been frequently obstructed, and at the time of writing it is gated. The purpose of this is presumably on the grounds of security, though it effectively prevents any user claims being made under section 31 of the Highways Act 1980.
- 2.7 Subsequent requests made to the present land owner to dedicate a public right of way along the former station approach have been unsuccessful.

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. But of those that have responded, no objections have been received.
- 3.3 The Ramblers' Association and Peak and Northern Footpath Society have responded positively to the proposal to close this now cul-de-sac route.
- 3.4 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 & Governance has been consulted and has advised that if the Council was minded to agree to this application it would be appropriate to process the closure using the powers contained within Section 118 of the Highways Act 1980. These powers provide for a public footpath to be closed on the grounds that it is not needed for public use.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The subject path SHE/346 is part of the definitive public footpath network in the Wadsley Bridge area of Sheffield.
- 5.2 Footpath SHE\346 is a cul-de-sac route, for the reasons described in 2.5 – 2.7 above.
- 5.3 The proposed closure 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.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

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

7.0 ENVIRONMENTAL IMPLICATIONS

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

8.0 FINANCIAL IMPLICATIONS

- 8.1 All the costs of the Closure Order process and any other associated costs will be met from the Public Rights of Way maintenance budget.
- 8.2 There will be a small cost to the PROW group for the erection of fencing at the Clay Wheels Lane entrance once the legal process is complete. However, taking into account that (once closed) the full length of SHE/346 will require no future maintenance, the nett cost of the closure to the TTAPS budget should be regarded as negligible.

9.0 CONCLUSION

- 9.1 Based on the above information, the proposed closure of definitive public footpath SHE/346, as shown on the plan included as Appendix A, is supported by Officers.

10.0 RECOMMENDATIONS

- 10.1 Raise no objections to the proposed closure of definitive public footpath SHE/346, 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 & Governance to
 - c. take all necessary action to close the footpath under the powers contained within Section 118 of the Highways Act 1980;
 - d. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved;

Steve Robinson
Head of Highway Maintenance

20th September 2017



Highways Act 180 Section 118
Proposed Closure of Footpath SHE\346

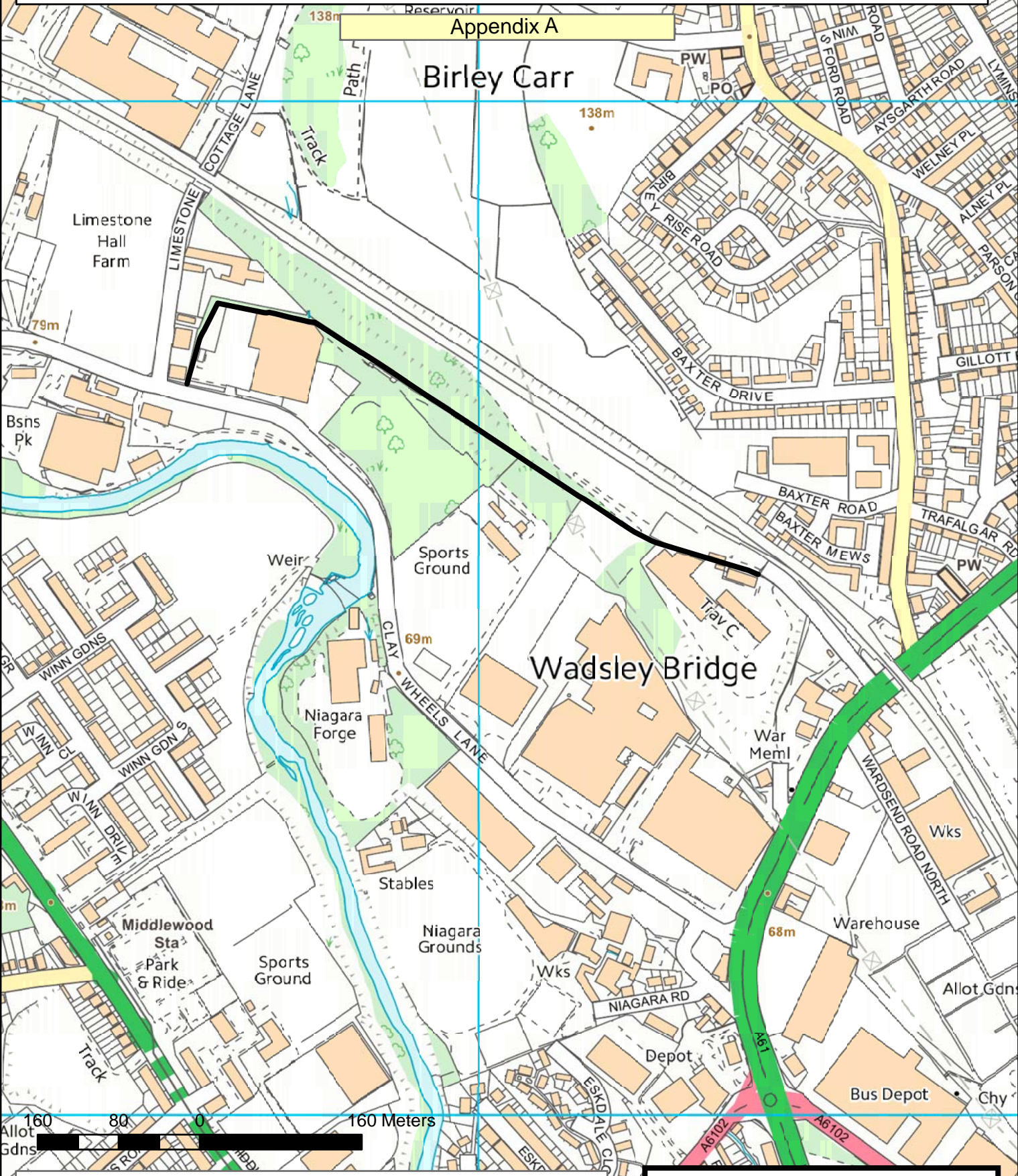
N



Appendix A

Birley Carr

Wadsley Bridge



 FOOTPATH TO BE CLOSED

This page is intentionally left blank



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Culture and Environment

Date: 24th October 2017

Subject:

CYCLE TRACKS ACT 1984 CONVERSION OF PARTS OF TWO PUBLIC FOOTPATHS TO SHARED FOOTPATH/CYCLE TRACK AT HUTCLIFFE WOOD, SHEFFIELD.

Author of Report: Mark Reeder 0114 2736125

Summary:

To seek authority to refer the City of Sheffield (Hutcliffe Wood Road to Abbey Lane) Cycle Track Conversion Order 2017 (“the Order”) to the Secretary of State for Environment, Food and Rural Affairs for confirmation in the light of an objection received.

Recommendations:

The Director of Legal Services refers the City of Sheffield (Hutcliffe Wood Road to Abbey Lane) Cycle Track Conversion Order 2017 to the Secretary of State for confirmation.

Background Papers:

Category of Report: OPEN

CYCLE TRACKS ACT 1984 CONVERSION OF PARTS OF TWO PUBLIC
FOOTPATHS TO SHARED FOOTPATH/CYCLE TRACK AT HUTCLIFFE WOOD,
SHEFFIELD 8.

1. PURPOSE

- 1.1 To seek authority to refer the City of Sheffield (Hutcliffe Wood Road to Abbey Lane) Cycle Track Conversion Order 2017 (“the Order”) to the Secretary of State for Environment, Food and Rural Affairs for confirmation in the light of an objection received.

2. BACKGROUND

- 2.1 Following authority obtained at this Committee on 7th March 2017, the City Council made the Order on 27th April 2017, under Regulation 3 of the Cycle Tracks Act 1984 (“the 1984 Act”), for the conversion of parts of footpaths SHE/270 and SHE/271 to a shared use footpath/cycle track. A copy of the Order and plan are attached as Appendix A.
- 2.2 Following the publication of the 7th March 2017 Committee Report, and the subsequent publication of the Order, including the posting of relevant Notices and Plans at both ends, and along the route, of the footpath in question, the Director of Legal Services received one objection. The content of this is summarised in Appendix B to this Report, along with the Officer responses.

3. LEGAL IMPLICATIONS

- 3.1 The 1984 Act states that if objections are made to a Cycle Track Conversion Order, said order then needs to be referred to the relevant Secretary of State if it is to be confirmed. An order cannot come into effect until it is confirmed. Referral of the order will result in consideration of the objections by an Inspector appointed by the Planning Inspectorate’s Rights of Way team.
- 3.2 There is no requirement that an order which is opposed (as in the present case) must be referred to the Secretary of State. Therefore, if an authority feels it can no longer support an order then a formal resolution, by that authority, not to proceed, is all that is required to bring the procedure to an end. The City Council

has taken similar action to this in the past. This would be the outcome here if Committee chooses not to approve this Report.

- 3.3 If the Order is referred to the Secretary of State for confirmation and subsequently confirmed, it will take effect on the date which notice of confirmation is publicised.

4 HIGHWAY IMPLICATIONS

- 4.1 The highway implications of the proposed Cycle Track Conversion Order were described in the Report approved by this Committee on the 7th March 2017. The proposal has not altered since that date; hence it is still recommended that the footpaths should be converted.

5 CONSULTATIONS

- 5.1 Officers have written to the objector, to try to ensure that they had a full understanding of the proposal and to see if negotiated solution could be reached in order to resolve the objection. Unfortunately no response was received.

6. EQUAL OPPORTUNITY IMPLICATIONS

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

7. ENVIRONMENTAL IMPLICATIONS

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

8. FINANCIAL IMPLICATIONS

- 8.1 All the costs of the Cycle Track Conversion Order process, and any other associated costs will be met by the applicant, which is the Council's Transport Planning Team.

9. CONCLUSION

- 9.1 In considering whether to proceed further with the proposed Cycle Track conversion, it is necessary to balance the objection received against the justifications for supporting the proposal in the first place. Therefore, as this Board has previously approved the Conversion, and the situation on the ground

has not materially altered from when the Order was made, it is proposed that the Order be submitted to the Secretary of State for confirmation.

10. RECOMMENDATION

- 10.1 The Director of Legal Services refers the City of Sheffield (Hutcliffe Wood Road to Abbey Lane) Cycle Track Conversion Order 2017 to the Secretary of State for confirmation.

Steve Robinson
Head of Highway Maintenance

20th September 2017

APPENDIX A

CYCLE TRACK ORDER

CYCLE TRACKS ACT 1984

SHEFFIELD CITY COUNCIL

CITY OF SHEFFIELD
(FOOTPATHS SHE/270, SHE/271 AND LINK AT
HUTCLIFFE WOOD)
CYCLE TRACKS ORDER 2017

The Sheffield City Council, in exercise of its powers under Section 3(1) of the Cycle Tracks Act 1984, having undertaken the consultations required by Regulation 3 of the Cycle Tracks Regulations 1984, hereby makes the following Order: -

1. The length of footpath described in the Schedule to this Order and shown by a bold black line on the annexed Map is hereby designated a cycle track.
2. This Order may be cited as the **City of Sheffield (Footpaths SHE/270, SHE/271 and Link at Hutcliffe Wood) Cycle Tracks Order 2017** and shall come into operation from the date on which this Order is confirmed.

Given under the Common Seal of the Sheffield City Council this 27th April 2017.

The Common Seal of)
The Sheffield City)
Council was hereunto)
affixed in the presence of :-)


David Hella
Duty Authorised Signatory



APPENDIX A

CITY OF SHEFFIELD
(FOOTPATHS SHE/270, SHE/271 AND LINK AT
HUTCLIFFE WOOD)
CYCLE TRACKS ORDER 2017

SCHEDULE

Between Points A and B on the Order Map

That length of public footpath SHE/271, having a width of 2.5 metres, commencing at a point marked A on the Order Map, that point being located at the northern boundary of Hutcliffe Wood Road and 140 metres south of its junction with Archer Road, then continuing for a distance of 65m in a south westerly direction to a point marked B on the Order Map (grid ref. 433628:383046).

Between Points B and C on the Order Map

That length of the unnamed public footpath, having a width of 2.5 metres, commencing at a point marked B on the Order Map, then continuing for a distance of 277.48m in a south westerly direction to a point marked C on the Order Map (grid ref. 433482:382825).

Between Points C and D on the Order Map

That length of public footpath SHE/270, having a width of 2.5 metres, commencing at a point marked C on the Order Map, then continuing for a distance of 870m in a south westerly direction to a point marked D on the Order Map (grid ref. 432889:382195), that point being where the path joins Abbey Lane.

NOTE: The above lengths of footpath are, by this Order, designated a 'shared facility' cycle track as described and indicated on the Order Map.



Highway Records
 Regeneration and
 Development Services
 Howden House
 Union Street
 Sheffield
 S1 2SH

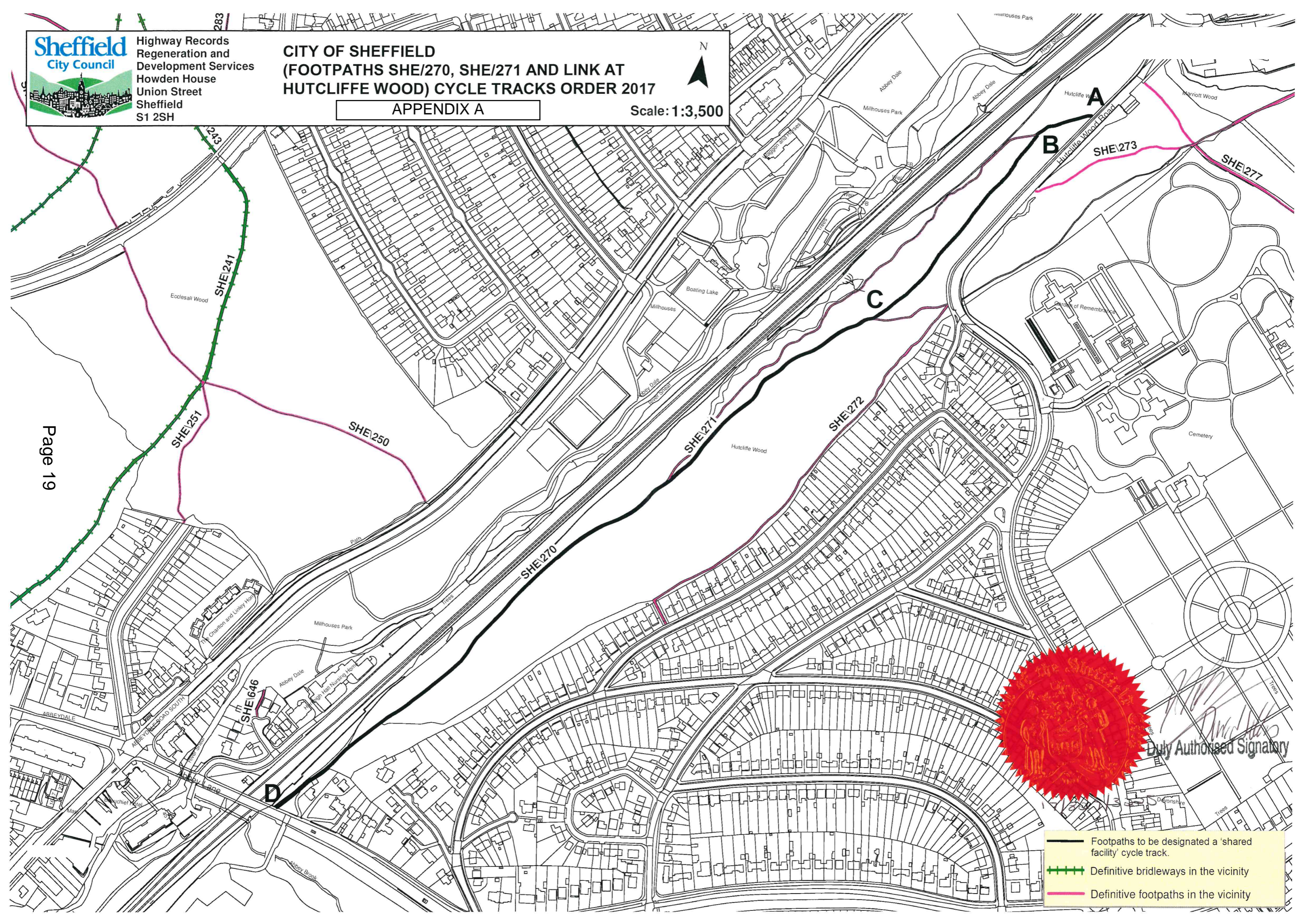
**CITY OF SHEFFIELD
 (FOOTPATHS SHE/270, SHE/271 AND LINK AT
 HUTCLIFFE WOOD) CYCLE TRACKS ORDER 2017**

APPENDIX A




Scale: 1:3,500



Page 19



[Signature]
 Duty Authorised Signatory

-  Footpaths to be designated a 'shared facility' cycle track.
-  Definitive bridleways in the vicinity
-  Definitive footpaths in the vicinity

CYCLE TRACKS ACT 1984 CONVERSION OF PARTS OF TWO PUBLIC FOOTPATHS TO SHARED FOOTPATH/CYCLE TRACK AT HUTCLIFFE WOOD, SHEFFIELD.

OBJECTOR	VIEWS EXPRESSED	OFFICER OPINION
<p>Mr Paul Johnson, resident of Millhouses and user of the subject paths.</p>	<ol style="list-style-type: none"> 1. The scheme is being developed purely because you have a fund available and not because of any identified specific need; 2. The conversion of the footpath would be the first step in the urbanisation of one of Sheffield's few remaining natural woodlands. 3. The planned width of 2.5 metres seems excessive; 4. Objects to the proposed improvements to the surface of the existing route; 	<ol style="list-style-type: none"> 1. The current footpath route is regularly used, albeit illegally, by cyclists. Consequently we feel that a formal shared use route would satisfy the requirements of pedestrians and cyclists. 2. The paths within this woodland will be constructed from crushed brick, rather than tarmac, which will not detract from the woodland feel. 3. The Department for Transport's guide to Shared use routes for pedestrians and cyclists recommends a preferred minimum width of 3.0 metres on an unsegregated route. Though it also states that in areas with few cyclists or pedestrians a narrower route might suffice. We are of the view that this will not be a particularly busy route and have taken the maximum available width available that would comfortably serve this route. 4. The current routes become extremely muddy during the winter months and following periods of inclement weather. The proposed improvements will enable pedestrians to use this route all year round, as well as making it available to cyclists.



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: The Director City Growth Service

Date: 24 October 2017

Subject: Tree Preservation Order No. 414,
22 Brincliffe Edge Road, Sheffield, S11 9BW

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

Summary: To seek confirmation of Tree Preservation Order No. 414

Reasons for Recommendation

To protect a tree of visual amenity value to the locality

Recommendations Tree Preservation Order No. 414 should be confirmed.

Background Papers: A) Tree Preservation Order No. 414 and map attached.
B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE 24th OCTOBER 2017

TREE PRESERVATION ORDER NO. 414 22 BRINCLIFFE EDGE ROAD, SHEFFIELD, S11 9BW

1.0 PURPOSE

- 1.1 To seek confirmation of Tree Preservation Order No. 414.

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.414 was made on 27th June 2017 to protect a large mature oak tree in the front garden of 22 Brincliffe Edge Road. A copy of the order with its accompanying map is attached as Appendix A.
- 2.2 22 Brincliffe Edge Road is located within the Nether Edge Conservation Area and on the 19th May 2017 notice (Tree Notice 17/02243/TCA) was received to remove the oak tree.
- 2.3 The reason given in the notice for removal is that the tree is causing damage to the frontage boundary wall.
- 2.4 An inspection of the section of wall referred to in the notice has been carried out by Sheffield City Council's, Structural and Public Safety Team. When inspected the section of wall referred to was found to be in a reasonable condition considering its age (circa 19th century), and apparent lack of any significant maintenance since it was built. Some minor deflection/bulging was noted which is likely to be due to the tree, although this is not considered significant or dangerous. During inspection it was noted that the wall would benefit from some general maintenance/repair, i.e. the raking out of loose mortar and re-pointing, and the replacement of a small area of stone work to the back of the wall where stones have fallen out.
- 2.5 A condition inspection of the tree has been carried out by Sheffield City Council's, Trees and Woodlands Team. The tree was found to be in normal health when inspected and no obvious health and safety reasons requiring major intervention were found when inspected which would negate the tree's contribution to the amenity of the locality.
- 2.6 No objections to the order have been received.

3.0 VISUAL AMENITY ASSESSMENT

- 3.1 The tree is large and of significant amenity value when viewed from Brincliffe Edge Road and is considered to contribute to the visual amenity value of the Nether Edge Conservation Area, locality and built form of 22 and 24 Brincliffe Edge Road because of its stature and prominent frontage location.

3.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by the Landscape Planning Officer and Community Tree Officer, Trees and Woodlands Team and is attached as Appendix B. The assessment produced a clear recommendation for protection.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

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

5.2 Protection of the tree detailed in Tree Preservation Order No.414 will benefit the visual amenity of the local environment.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

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

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

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

7.4 A local authority may only confirm an order after considering any representations made in respect of that order. No such representations have been received in respect of Tree Preservation Order No.414.

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.414 be confirmed.

Rob Murfin, Chief Planning Officer

24th October 2017

This page is intentionally left blank



Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 414 (2017)
22 Brincliffe Edge Road, Sheffield S11 9BW

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 414 (2017) – 22 Brincliffe Edge Road, Sheffield S11 9BW.

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 27th June 2017

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	Quercus Species (Oak)	OS Grid Ref: SK 33967 84470

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
 © This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright and database rights Ordnance Survey 100018916 2016

TREE SCHEDULE

- TREE SPECIFIED INDIVIDUALLY (Encircled in black on the map)
- T1 QUERCUS SPECIES (OAK)

TREES SPECIFIED BY REFERENCE TO A GROUP - None
 TREES SPECIFIED BY REFERENCE TO AN AREA - None
 TREES SPECIFIED BY REFERENCE TO WOODLAND - None

OS Grid Reference SK 33967 84470

SHEFFIELD CITY COUNCIL PLACE	
PLANNING SERVICE, CITY GROWTH	
<small>SCHEME:</small>	TREE PRESERVATION ORDER No. 414
<small>TITLE:</small>	22 BRINCLIFFE EDGE ROAD SHEFFIELD S11 9BW
<small>SCALE:</small>	1:500 @ A4
<small>Drawn by: N11</small>	<small>Created by:</small>
<small>Date:</small>	26.6.2017
<small>Drawing No.:</small>	A4/UEJ/808/414



[Signature]
 Duly Authorised Signatory

Measurements shown approximate

17.855.3381

11/25/2018



11/25/2018

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 21/6/17 Surveyor: Andrew Conaill / Leonie Kapadia

Tree details
 TPO Ref (if applicable): 808/414 Tree/Group No: T1 Species: Oak
 Owner (if known): Mr Mohammed Location: 22 Brincliffe Edge Road S11 9BW

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes
5

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

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

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

Score & Notes
4

*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
5

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:
22

Decision:
Yes

This page is intentionally left blank



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: The Director of City Growth Service

Date: 24/10/2017

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley and Lucy Bond

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.
17/03706/FUL (Formerly PP-06312579)	10 Mylor Road, Sheffield, S11 7PF	35
17/01274/FUL (Formerly PP-05932653)	Land Between James Walton Court And Station Road, James Walton Court, Sheffield, S20 3GY	41
16/04583/FUL (Formerly PP-05680491)	Land At Barleywood Road, Sheffield, S9 5FJ	49

This page is intentionally left blank

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 24/10/2017

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	17/03706/FUL (Formerly PP-06312579)
Application Type	Full Planning Application
Proposal	Demolition of existing garage, erection of a two-storey side extension and single-storey rear extension to dwellinghouse
Location	10 Mylor Road Sheffield S11 7PF
Date Received	01/09/2017
Team	South
Applicant/Agent	Thread Architects Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Site Location Plan Ref PA02 Rev A Scan Date 10 Oct 2017
Proposed Front Elevation Ref PA07 Rev A Scan Date 10 Oct 2017
Proposed Rear Elevation Ref PA08 Rev A Scan Date 10 Oct 2017
Proposed West Elevation Ref PA09 Rev A Scan Date 10 Oct 2017
Proposed East Elevation Ref PA10 Scan Date 01 Sep 2017
Proposed Plans Ref PA04 Scan Date 01 Sep 2017

Reason: In order to define the permission.

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

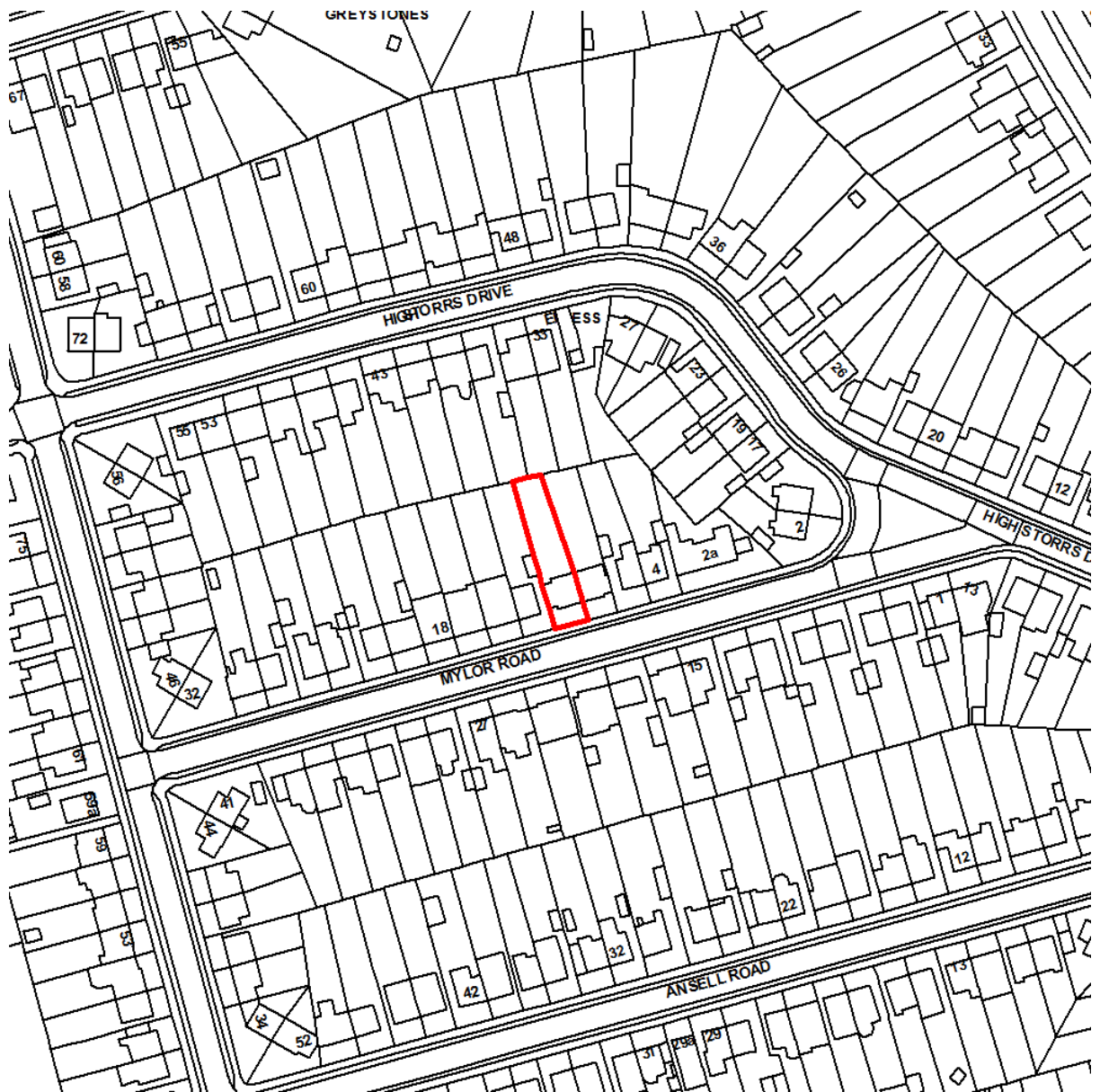
Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

Other Compliance Conditions

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner in accordance with the requirements of the National Planning Policy Framework. The Local Planning Authority considered that it wasn't necessary to have detailed discussions in this case.

Site Location



© Crown copyright and database rights 2016 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The proposal relates to a semi-detached house located on Mylor Road. The street scene predominantly consists of semi-detached properties taking a similar style and design with bay windows at ground and first floor, under a pitched roof.

At present the property has a flat roofed garage located on the side, with off street parking to the front.

There is a slight change in topography, with the land sloping down to the rear garden, and No. 12 being elevated above the application site.

The application seeks consent to demolish the existing garage and erect a two storey side extension and single storey rear extension to the dwelling house.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

SUMMARY OF REPRESENTATIONS

1 representation has been received from the immediate neighbour at No. 12 who supports the application. Comments raised include:

- The plans are very similar to existing extensions on our road.
- The roof of the existing garage is asbestos and would require specialist removal.

PLANNING ASSESSMENT

The site is within a Housing Area as designated by the adopted Sheffield Unitary Development Plan (UDP). The main issues in assessing this application are the design of the proposal, the impact on living conditions, and the impact on highway safety.

Design

In terms of design, Policy H14 "Conditions on Development in Housing Areas" (part a) requires new buildings to be well designed and in scale and character with neighbouring buildings. Policy BE5 "Building Design and Siting" requires the use of good design with part a) emphasising the need for original architecture to be encouraged, whilst ensuring that it complements the scale, form and style of surrounding buildings. Part c) requires extensions to respect the scale, form, detail and materials of the original building. In the Core Strategy, Policy CS74 "Design Principles" specifies that development should take advantage of and enhance the distinctive features of the city.

The Supplementary Planning Guidance for “Designing House Extensions” (SPG) requires that extensions are compatible with the character and built form of the area, do not detract from the dwelling or the general character of the locality and are built of matching materials and features.

The two storey side extension lines through with the existing front elevation, with a recessed rainwater pipe to create a defined joint. The extension features red brick to match the red brick on the existing house, under a hipped roof which mirrors the existing scenario. There are a large number of similar extensions visible within the immediate street scene and this proposal is considered to respect the host building, sit comfortably within the street scene and features matching materials complying with policies BE5, H14 of the UDP, CS74 of the Core Strategy and Guidelines 1-3 of the SPG.

Residential Amenity

Policy H14 part (c) and (d) requires that new development in housing areas should not cause harm to the amenities of existing residents. Core Strategy policy CS74 requires new development to contribute to the creation of successful neighbourhoods. These are further supported by the 'Designing House Extensions' SPG.

With regard to overlooking, the principles of the SPG recommend that dwellings should keep a minimum of 21 metres between facing main windows. The main aspect windows are in the front and rear of the extension which overlook the highway and the existing rear garden. A window is proposed in the roof slope serving the bathroom which is at high level and will not adversely overlook occupiers of No. 12. No windows are proposed in the side facing No 8.

In terms overbearing and overshadowing, the SPG requires that single storey extensions positioned close to a neighbouring property's windows should not project out more than 3 metres. In this case, the rear single storey extension sits slightly away from the boundary with No 8 and extends out to 3 metres in depth, ensuring no adverse overbearing or overshadowing is created. No 12 is set back from the proposal in an elevated position and has a garage running along the boundary with the application site. The two storey element of the scheme does not breach the 45 degree angle when measured in relation to neighbouring ground floor windows and again, no adverse overbearing or overshadowing will be created by the proposal to occupiers of No. 12.

There remains adequate garden space afforded to future occupiers of the dwelling meeting guideline 4 of the SPG, and main habitable rooms have a good outlook.

All other properties are sufficient distance away from the proposal.

Therefore the proposal satisfies guidelines 4-6 found in the SPG and the requirements of policy H14 of the UDP and Core Strategy policy CS74 with regard to residential amenity.

Highways

There remains sufficient off street parking to the front of the dwelling with the development not adversely affecting highway safety meeting the requirements of UDP policy H14 and Guideline 8 of the SPG.

SUMMARY AND RECOMMENDATION

The proposed extension is considered to be visually acceptable, and will not cause significant nuisance in terms of loss of light or privacy to neighbouring property. As such the scheme is considered to meet the requirements of Unitary Development Plan policies BE5, and H14, policy CS74 of the Sheffield Development Framework Core Strategy and the Guidelines found in the Supplementary Planning Guidance for Designing House Extensions.

Members are therefore recommended to approve the application with conditions.

Case Number	17/01274/FUL (Formerly PP-05932653)
Application Type	Full Planning Application
Proposal	Application to allow removal of a small area of landscaping to facilitate site investigation (application under Section 73 to vary condition No. 6. Landscaping); relating to planning permission no. 98/0844P
Location	Land Between James Walton Court And Station Road James Walton Court Sheffield S20 3GY
Date Received	22/03/2017
Team	City Centre and East
Applicant/Agent	4-Front Architecture
Recommendation	Grant Conditionally

Time limit for Commencement of Development

Approved/Refused Plan(s)

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

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

6. The landscaped areas shall be retained except for the area identified in purple on plan 16-2645-01 Rev B which may be removed to facilitate site investigation works to establish if a mine shaft exists on site, subject to a protective fence being erected before the site is cleared to protect the retained landscaping in accordance with details set out on the plan. Should planning permission not be secured for redevelopment of part of the site for housing within 1 year of the landscaping being removed a replacement planting scheme for the cleared area along with a timescale for carrying out

the scheme shall be submitted to and approved by the Local Planning Authority within 13 months of the site being cleared. Thereafter the landscaping works shall be implemented in accordance with the approved timescale and the landscaped areas shall be cultivated and maintained for 5 years from the date of implementation and permanently retained.

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

10. Prior to the commencement of development, a scheme for the retention and protection of ecologically valuable areas shall have been submitted to and agreed in writing by the Local Planning Authority. Such scheme shall include any remedial measures that might be identified in the scheme, shall be implemented within a timescale to be agreed with the Local Planning Authority and retained thereafter.

Reason: In order to conserve ecologically valuable habitats.

13. The applicant shall make a contribution to the Council's 'Per Cent for Art' Scheme. Before the development is commenced, details of the contribution to the Council's 'Per Cent for Art' Scheme shall be submitted to and agreed in writing by the Local Planning Authority. The development shall not be used unless the contribution to the Council's 'Per Cent for Art' Scheme has been provided in accordance with the approved details and thereafter such contribution shall be retained unless otherwise agreed in writing by the Local Planning Authority.

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

18. Prior to the commencement of development, details shall have been submitted and agreed in writing of off-street parking provision, as indicated on drawing numbered 98/067/02. Such parking shall be provided prior to the occupation of any dwellinghouse and retained thereafter.

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

Other Compliance Conditions

8. As part of the above landscaping scheme, the trees covered by the Tree Preservation Order at Site 1 shall be retained unless otherwise authorised in writing by the Local Planning Authority.

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

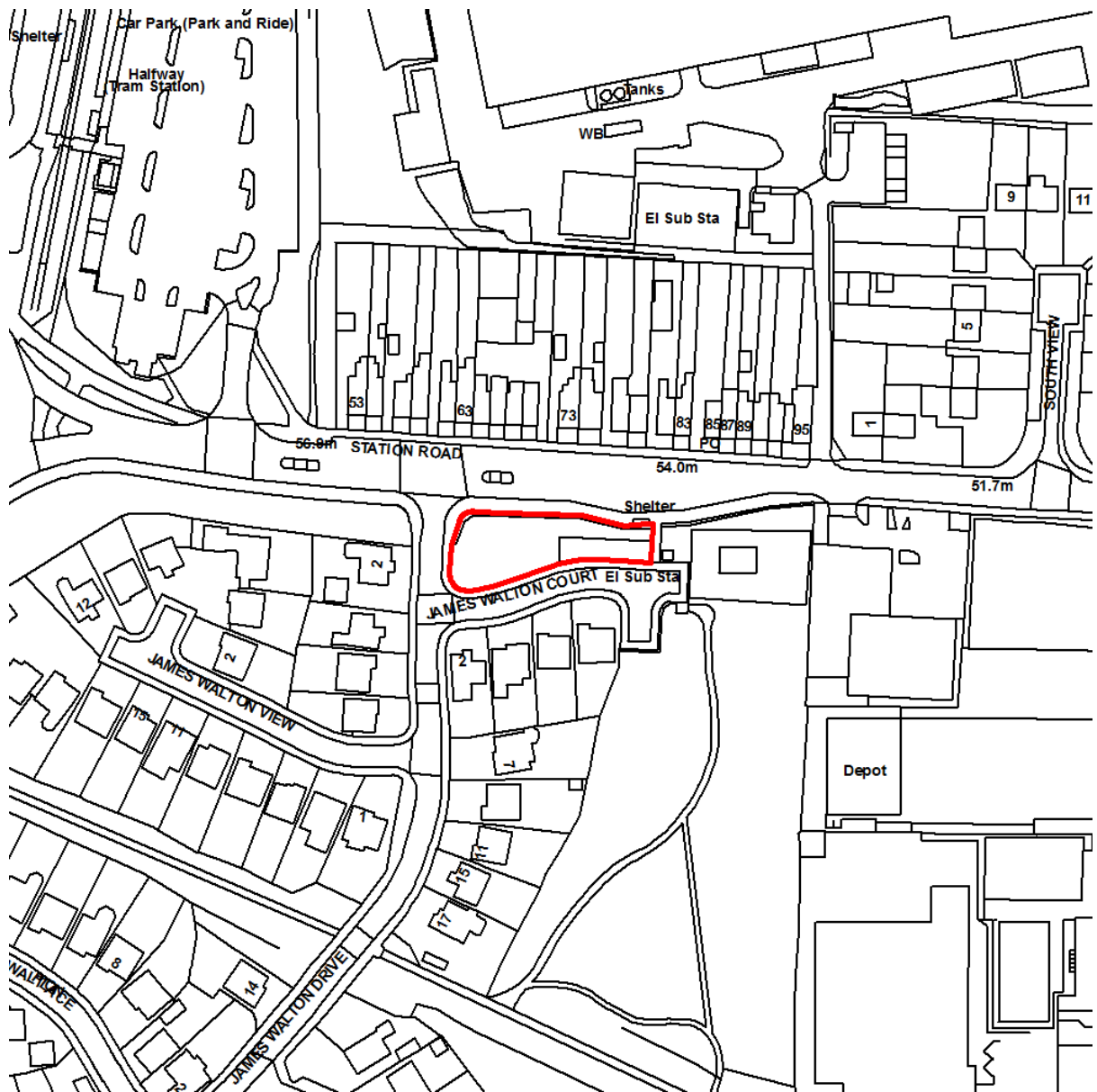
9. As part of the above landscaping scheme, the existing trees and hedgerows to the south of the Morrison's Store shall be retained and included unless otherwise agreed in writing by the Local Planning Authority.

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

Attention is Drawn to the Following Directives:

1. The applicant is advised that conditions 1 to 5, 7, 11, 12, 14, 15, 16 and 17 have been removed from the decision notice as they have been discharged, the original numbering has been used for the conditions which have been retained, although the details for these conditions will have been approved they have been retained as they have ongoing requirements. The format of decision notices has changed since the original consent such that some condition numbers will appear out of sequence when compared with the original.
2. 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



© Crown copyright and database rights 2016 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The application site is a landscaped area forming part of the housing site at the corner of Station Road and Rotherham Road, Halfway. It is adjoined by detached houses that form part of the housing estate, and a small parking area for terraced and semi-detached houses on the opposite side of Station Road. Station Road is a busy road serving Mosborough, the Holbrook Industrial area and Killamarsh.

The application site is covered in trees and shrubs and forms part of a similar buffer area that edges the housing site between Station Road and Rotherham Road. The site is irregular shaped and approximately 19m wide at the western end and approximately 4m wide at the eastern end where it screens the car parking serving the housing on the other side of Station Road. The planting on the site is approximately 15 years old and was provided as part of the housing development. The original outline planning application for housing on this site contains a condition requiring provision of a 10m wide landscaping area on the Station Road frontage (permission 98/0844P condition 7 refers). The reserved matters application 99/0888P includes conditions concerning the provision and retention of landscaping part of which was an agreed scheme of woodland edge planting for the Station Road frontage.

A planning application was submitted to build a house on the site in 2016 which was subsequently withdrawn. The Coal Authority objected to the application on the grounds that further information was needed to show the relationship with a mine entry within 20m of the planning application boundary. The Coal Authority has no record of it being treated and its exact position may vary by 10m which meant that it could affect the proposed siting of the house. They advised that the applicant needed to carry out intrusive site investigation works along the western boundary to determine whether or not the mine entry falls within the site.

As the condition on the outline application requires the landscaping to be retained, the applicant is applying to remove part of the landscaping on the site in order to allow the site investigation to be undertaken. The application identifies an area at the south west corner of the site where the existing trees and shrubs would be removed to allow the site investigation to proceed. The area would be defined with temporary fencing to protect against damage to the rest of the trees on site outside the working area. If planning permission is not granted within 1 year of the removal of the vegetation it will be reinstated. The area of landscaping to be removed is approximately 8m by 11.5m. The rest of the landscaping would be retained including the buffer landscaping strip adjoining the Station Road frontage.

The applicant is therefore seeking to amend the wording of condition 6 as described below.

Original Condition

Before any work on site is commenced, a landscape scheme for the site shall have been submitted to and approved by the Local Planning Authority. The scheme shall be carried out to the satisfaction of the Local Planning Authority by the end of the first planning season following the commencement of the use and thereafter the

landscape areas shall be retained. The landscape areas shall be cultivated and maintained for 5 years from the date of implementation and any failures within that 5 year period shall be replaced to the satisfaction of the Local Planning Authority

Replacement Condition 6

The landscape areas shall be retained except for the area identified in purple on plan 16-2645-01 Rev B which may be removed to facilitate site investigation works to establish if a mine shaft exists on site, subject to a protective fence being erected before the site is cleared to protect the retained landscaping in accordance with details set out on the plan. Should planning permission not be secured for redevelopment of part of the site for housing within 1 year of the landscaping being removed a replacement planting scheme for the cleared area along with a timescale for carrying out the scheme shall be submitted to and approved by the Local Planning Authority within 13 months of the site being cleared. Thereafter the landscaping works shall be implemented in accordance with the approved timescale and the landscape areas shall be cultivated and maintained for 5 years from the date of implementation and permanently retained.

SUMMARY OF REPRESENTATIONS

A petition signed by 96 people who live in the local area has been received which opposes the clearance of the landscaping. The petition says that the trees create a barrier to traffic noise; the industrial area down Station Road; and carbon monoxide pollution. It also refers to the loss of wildlife and its harm to the wildlife corridor of which it forms part as well as its effect on a tree covered by a Tree Preservation Order. It says removal of the trees to allow test drilling will weaken any future objection to the development of the site.

Ten individual objections have been received. The main grounds of objection are as follows:

- The removal of trees would result in the loss of a buffer to the road traffic noise and have a detrimental impact on the green link/wildlife corridor, resulting in the loss of wildlife habitat and an impact on a tree covered by a Tree Preservation Order. A 10m landscape buffer was required as part of the original application for housing on the site in compensation for loss of landscaping when the site was developed. Conditions require this to be retained.
- The woodland buffer is a visual amenity benefiting the walking and cycle routes along the frontage.
- The site is open space and removal of the landscaping is contrary to Core Strategy Policy CS 47.
- Removal of the trees would be the first step towards developing the site. The proposed access to a new house on the site would be too close to Station Road and James Walton Court especially given that cars are parked on the road near to the entrance to the estate and would be a safety hazard.
- The site investigation works will be intrusive for residents and the impact of drilling on adjoining property is unknown.

- There must be a significant safety concern for the Coal Authority to object previously.

PLANNING ASSESSMENT

Policy

In the Unitary Development Plan the site lies within an Industry and Business Policy Area. However this allocation is out of date and does not reflect the permission for housing granted in the late 1990s. In the Sheffield Development Framework Pre-Submission Proposals Map the site is identified as open space with the existing housing identified as a housing area. The landscaping along Station Road is identified as a Green Link and the footpath along the south side of Station Road is shown as proposed to be an improved walking and Cycling Route (or Bridleway). The Proposals Map has little weight as the Council is preparing a new Local Plan; however it indicates the direction of travel.

Core Strategy Policy CS 47 is concerned with safeguarding Open Space. It says that development of open space will not be permitted where:

- It will result in a quantitative shortage in the local area.
- It would result in the loss of open space that is of high quality or of heritage, landscape or ecological value;
- People in the local area would be denied easy or safe access to informal open space that is valued or well used; or
- It would cause or increase a break in the city's Green Network.

UDP policies GE11 and GE15 seek to promote and protect the natural environment and protect areas of woodland and trees. UDP policy GE10 seeks to protect Green Links.

An open space assessment has been carried out and there is no shortage of informal or formal open space within the catchment area of the site. The open space is covered in developing trees and shrubs and its value is as a buffer between the housing and road and as a Green Link along Station Road. Whilst the open space is valued by residents as a buffer and part of the Green Corridor it is totally covered in developing trees and there is no public access. Therefore people would not be denied access to an open space that is well used.

The landscape buffer strip along the Station Road frontage of the site widens out where it meets the application site. The retained area of landscaping will be a similar width to the existing landscaping on the opposite side of James Walton Drive adjoining number 2. In your officers view the retained area of landscaping is sufficient to maintain an adequate buffer strip between the housing and Station Road and a green link along Station Road. Given this, it is considered that even with the removal of the landscaping to facilitate the site investigations the land will still maintain its open space function and would not be contrary to policy.

Landscape

The trees adjoining Station Road and the Rotherham Road frontage to the site create a strong landscape edge to the highway which is valuable visually as a landscape feature and in softening the urban development along Station Road. As stated above the planting next to Station Road is also valuable as a buffer between the housing and the busy road and as a Green Link along Station Road.

Following the site investigations there will still be a 7.5m landscape strip retained along the Station Road frontage. In your officers view this is sufficient to maintain a strong landscape edge and buffer strip between the housing and road.

The landscaping on this site was planted approximately 15 years ago as a Woodland buffer strip. It is not known to contain any particularly valuable flora or fauna and the tree covered by the Tree Preservation Order is not affected by the proposal. The Council's landscape officer who has visited the site does not consider that the landscaping which is to be removed is of sufficient value to preclude development of part of the site provided the buffer strip to Station Road is retained.

Should the applicant not secure detailed planning permission for redevelopment of part of the site for housing within 1 year of the existing landscaping being removed a replacement planting scheme is required to be implemented in accordance with the condition above. There will be a temporary negative visual impact following the clearance of the site pending its redevelopment or re-landscaping. However this is not considered to be sufficient basis for resisting the application.

Other Matters

This application is only concerned with the removal of the landscaping. The merits of any future planning application for building a house on the site will need to be considered as part of that application.

Whilst there will be some disturbance when the site investigations are being undertaken this will be for a temporary period.

SUMMARY AND RECOMMENDATION

It is considered that the landscaping on the site has value as a buffer between the housing site and Station Road; as a Green Link and as a visual amenity as part of a green edge to the housing site. It is considered that the landscape strip which is to be retained to the Station Road frontage will maintain these functions. Therefore it is recommended that consent can be granted to remove that landscaping to carry out the site investigation and to replace condition 6 with the condition listed earlier in this report.

Case Number	16/04583/FUL (Formerly PP-05680491)
Application Type	Full Planning Application
Proposal	Retention of building for repair and maintenance of vehicles (Use Class B2) and use of land for storage of car parts (Use Class B8)
Location	Land At Barleywood Road Sheffield S9 5FJ
Date Received	07/12/2016
Team	City Centre and East
Applicant/Agent	YS Design Services 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:

160117-02

160117-03

160117-04

Landscape plan received from Peak Garden Design 3rd Sept 2017

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)

3. Within 4 weeks of the date of this decision the building shall be painted dark grey (RAL 7016).

Reason: In the interests of the visual amenities of the locality and to preserve the setting of the adjoining Listed Building

4. The approved landscape works shall be implemented within 3 months of the date of this decision. Thereafter the landscaped areas shall be permanently 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.

Other Compliance Conditions

5. The area to the front of the building shall be retained as a customer car park and shall not be utilised as a storage area for vehicle parts at any time.

Reason: In the interests of the visual amenities of the locality and to preserve the setting of the adjoining Listed Building

6. No works in connection with the repair and maintenance of vehicles shall be carried out outside the building which is hereby approved.

Reason. In the interests of the amenities of the locality and visitors to the adjoining cemetery.

7. The storage of car parts shall be restricted to the land behind the building and be limited to a maximum of 3.5m above external ground levels.

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

8. The land and building shall not at any time be used for the breaking of vehicles.

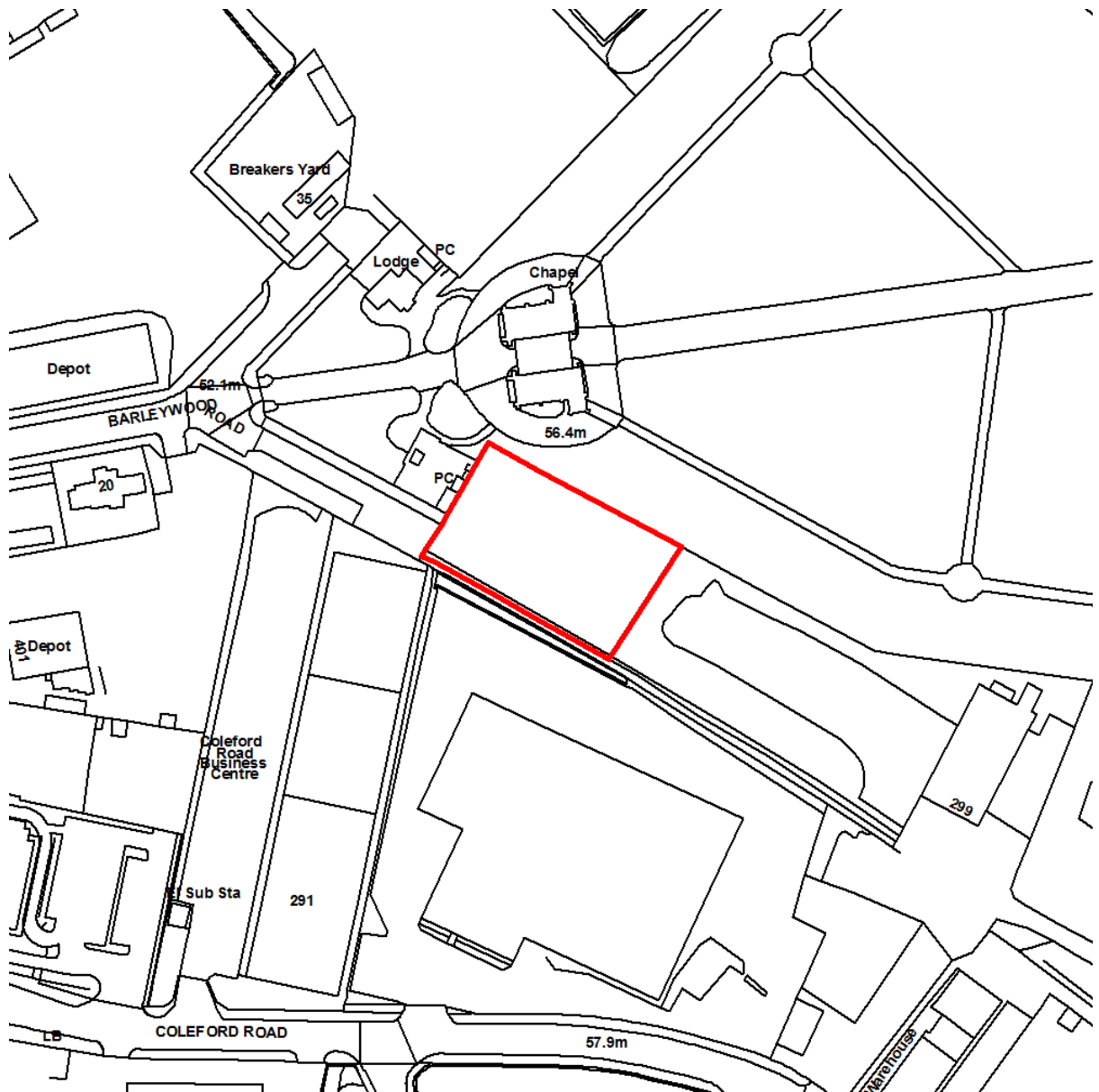
Reason: In the interests of the amenities of the locality.

Attention is Drawn to the Following Directives:

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

2. The applicant is advised that Barleywood Road is an unadopted public highway and should not at any time be used as an extension to the car repair garage. Failure to keep the public highway clear will result in legal action being taken by the Council.
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/coalauthority

Site Location



© Crown copyright and database rights 2016 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The application relates to the retention of a steel framed building and seeks approval for use as a vehicle repair garage (Class B2) and the continued outside storage of car parts. The site which is located at the end of Barleywood Road (at this point an un-adopted public highway) abuts Tinsley Park Cemetery to the north and a public footpath to the south.

The site falls within a General Industrial Area with Special industries as defined by the Unitary Development Plan. The surrounding area is characterised by large steel framed buildings in a mix of industrial and commercial uses. Tinsley Park Cemetery to the north is elevated above the application site. The associated chapel and main cemetery boundary walls and railings which run along Barleywood Road are Grade II listed.

RELEVANT PLANNING HISTORY

Following complaints in 2016 that the land was being used as a scrap yard, the site was inspected and found to be used as a car breaking yard including the storage of scrap vehicles and vehicle parts and a new building was under construction. Land outside the site on the un-adopted part of Barleywood Road was also being used to store vehicles and waste material. Due to concerns that the continued use of the land for this purpose would impact on the quiet enjoyment of the cemetery by families visiting graves and detract from the setting of the listed chapel, the Planning and Highways Committee authorised enforcement action to secure the cessation of the use of the land as a vehicle breakers yard and the removal of the unauthorised building, together with clearance of the land of any items associated with the unauthorised use.

Following the serving of the Enforcement Notice the applicant has largely cleared the site of scrap vehicles and any activity in connection with car breaking has ceased. Construction works have however continued on the building which is now complete with the land to the rear of the building being used for the storage of vehicle parts.

Highways enforcement officers have taken separate action to clear the access road of scrap vehicles and waste.

SUMMARY OF REPRESENTATIONS

28 letters of support have been received from members of the public who consider that the site is a suitable location for a vehicle repair garage it is in an accessible location within an industrial area. The redevelopment of the site will bring security to the area, creating jobs and benefiting the local economy.

Bereavement Services have commented that the site has been used for the accumulation of scrap vehicles which has at times caused access problems to the cemetery. They have received complaints from members of the public who have experienced difficulties when trying to enter the cemetery to visit loved ones and there have been times when funeral corteges have not been able to enter the

cemetery. They raise concern that any increase in activity at this property will lead to further problems for public access to the cemetery and an adverse effect on the environment.

PLANNING ASSESSMENT

Policy

The site falls within a General Industry Policy Area with Special Industries as defined by the Unitary Development Plan. Policy IB5 lists general industrial uses as the preferred use of land with open storage listed as an acceptable use. The proposal is therefore acceptable in land use policy terms subject to compliance with other policy requirements.

UDP Policy IB9 'Conditions on development in Industry and Business Areas' requires new development to be well designed with buildings and storage of a scale and nature appropriate to the site

UDP Policy IB14 'Siting industries and sensitive uses near to each other' requires an environmental buffer between industry and sensitive uses.

UDP Policy BE19 'Development affecting Listed Buildings' requires development to protect the character and appearance of the listed building and its setting.

Core Strategy Policy CS74 'Design Principles' states that high quality design is expected which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

PLANNING ASSESSMENT

Building

The building which has been erected on site is a large steel framed building, 4.6m high to eaves and 6.1m in overall height. The building which is 18.8m long and 14.3m wide is sited at right angles to and 5m away from the boundary with the cemetery. The building is finished in a light grey cladding.

Land levels within the cemetery are elevated 2.3m above the application site. The difference in levels and the existing 1.2m high stone boundary cemetery wall helps to screen the lower part of the building. The upper part of the building however forms a prominent feature as viewed from the cemetery and can be seen clearly from the listed chapel. There are graves within the cemetery immediately behind the building.

Concern has been raised with the applicant regarding the prominence of the building in relation to the cemetery. In order to reduce the impact of the building the applicant has indicated his intention to paint the entire building dark grey (RAL 7016) and to provide extensive landscaping along the boundary with the cemetery which will over time screen the building from view and maintain the setting of the Listed Chapel.

If permission is granted conditions would be added to ensure the building is painted within 4 weeks of approval with landscaping to be carried out before the end of the current planting season.

Use

The applicant proposes to use the building for the repair and servicing of vehicles with all works taking place within the building. The applicant has confirmed that no vehicle breaking will take place on the site. The proposed use inside the building will limit the potential for disturbance to visitors to the cemetery. Land to the front of the building will be utilised for customer parking. This would be controlled by condition.

Land to the rear of the building will be retained as an open storage area. Vehicle parts have previously been stored on a racking system which does not project above the boundary with the cemetery. In this respect the open storage area is not detrimental to the visual amenities of the adjoining cemetery and a condition will be added to any subsequent approval limiting the height of storage so it doesn't impact on views from the cemetery. Vehicle parts are brought into the site from elsewhere and are either utilised as part of vehicle repairs or sold as separate items for customers to take away and fit themselves.

Access

The application site is accessed over an un-adopted part of Barleywood Road which only gives access to the application site and the public footpath which links through to Coleford Road and Tinsley Park. The road is bound along its northern boundary by the grade II listed boundary wall to the cemetery. The road is not part of the application site and there is no intention to utilise this land for storage. The road has however been used for the parking of customer vehicles whilst the site has been cleared of scrap vehicles. All customer parking will take place within the site in the future.

At your planning officer's last visit to the site it was noted that a static caravan had been sited close to the site entrance on Barleywood Road and was in use as a site hut. Highways enforcement staff are currently taking action to seek removal of the caravan.

A directive will be added to any subsequent approval reminding the applicant that Barleywood Road should be kept clear at all times to avoid future enforcement action by the council.

Coal Mining Risk

The part of the site upon which the building has been constructed falls outside the Coal Mining High Risk Area. On this basis the Coal Authority has raised no objection to the proposal.

SUMMARY AND RECOMMENDATION

The application site is located in a sensitive location close to Tinsley Park Cemetery and in close proximity to Grade II Listed buildings. Whilst the proposed use of the site for vehicle repairs is compatible with the industrial nature of the surrounding area there are concerns that the proposal may impact on the setting of the neighbouring Listed Buildings. In this respect the applicant has agreed to make modifications to the finished colour of the building and to implement a landscaping scheme which will help to protect the setting of the neighbouring listed buildings. With this agreement in place it is recommended that planning approval be granted subject to the listed conditions.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Director of City Growth Service

Date: 24 October 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

DEVELOPMENT SERVICES

REPORT TO PLANNING &
HIGHWAYS COMMITTEE
24 October 2017

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 the erection of a dwellinghouse and detached garage at Land Adjacent 133 Long Line Sheffield S11 7TX (Case No 17/00548/FUL)

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the alterations to roof including raising of ridge height to form 2 flats at 46 Wostenholm Road Sheffield S7 1LL (Case No 17/02206/FUL)

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the alterations to roofs of buildings to create two additional apartments including erection of gable ends, rear dormer window and an access stairway between (Re-submission of 16/04535/FUL) at 297-303 Abbeydale Road South Sheffield S17 3LF (Case No 17/02718/FUL)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the City Council to refuse planning consent for erection of 2 flats with associated parking (Re-submission of 16/04702/FUL) at Land Between 182 And 194 Queen Mary Road Sheffield S2 1JJ (Case No 17/00780/FUL) has been dismissed.

Officer Comment:-

The Inspector considered that the main issues in this case were (a) the effect of the proposal on the living conditions of nearby residents; (b) whether the proposed development would provide adequate living conditions for future residents; and (c) the effect of the proposed development on the character of the area.

The Inspector concluded that the development would have an overbearing impact on adjoining properties, adversely affecting outlook. In addition she

considered that the gardens were not adequate to serve family houses and that the development was contrary to UDP Policy H14. On living conditions for future residents the Inspector concluded that they would be adequate, contrary to your officers' views. In respect of character and appearance the Inspector noted that the general form of development in the area are properties that front a road and have a reasonable amount of garden space around them. In this case she concluded that the backland form of development was out of character with the general pattern of development and would also appear cramped with limited space around it. This would be contrary to Policy H14 of the UDP. She therefore dismissed the appeal.

(ii) An appeal against the delegated decision of the City Council to refuse planning consent for erection of one dwelling and subdivision of existing farm house into three dwellings (Amended scheme to 16/02347/FUL) at Holt House Farm Long Line Sheffield S11 7TX (Case No 16/03840/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as being:-

- (i) Whether the proposed development is inappropriate development in the Green Belt;
- (ii) The effect of the proposed development on the openness of the Green Belt;
- (iii) The effect on the Area of High Landscape Value;
- (iv) If inappropriate, whether there are very special circumstances to outweigh the harm by reason of inappropriateness.

In terms of (i) this case was a useful test of the interpretation of the term 'limited infilling' that is referenced in the NPPF as an exception to new buildings in the Green Belt being regarded as inappropriate, and the UDP policy test of 'infilling of a single plot'. The Inspector noted the substantial width of the existing site, in contrast to that of other plots on Long Line, and did not consider this section of Long Line to be substantially developed frontage. He dismissed previous appeal decisions elsewhere in the country submitted by the appellant as not comparable, and reaffirmed the view that each case is in any event determined on its individual merits. He concluded on (i) that the development amounts to inappropriate development.

He concluded in terms of (ii) that the impact of the development on the openness of the Green Belt would be significant and permanent in conflict with para 79 of the NPPF. However, he felt the limited views of the site and the design, scale and use of materials would not result in a detrimental effect in respect of (iii) the impact on the Area of High Landscape Value and would therefore accord with the aims of NPPF para 17 and UDP Policies GE4 and GE8, and Core Strategy Policy CS74.

The appellant put forward very special circumstances ((iv)) relating to the family's long standing association with the site, current living conditions, running costs and the availability of mortgages however the Inspector gave

these limited weight in the absence of substantive evidence.

Consequently the very special circumstances necessary to outweigh the fundamental policy conflicts did not exist and he dismissed the appeal.

(iii) An appeal against the delegated decision of the City Council to refuse planning consent for application to approve details in relation to condition 4 (outdoor furniture), 5 (cafe screens) and 6 (internal layout and obscure glazing) as imposed by planning permission 15/03537/FUL at Kiosk 1 The Moor Sheffield S1 4PF (Case No 15/03537/COND3) has been dismissed.

Officer Comment:-

This appeal relates to the Café Nero kiosk on The Moor and the obscure glazing that has been inserted in the north elevation contrary to the approved details. The Inspector noted that the majority of the north elevation is frosted and appears as a largely solid, blank and inactive frontage on approach from the north (Furnival Gate) giving no views into the unit and undermining the connection of the kiosk to the enhanced public realm, such that it detracts from the quality of the pedestrian environment here.

On this basis she dismissed the appeal as contrary to UDP Policy BE5, Core Strategy Policy CS74 and the National Planning Policy Framework.

(iv) An appeal against the delegated decision of the City Council to refuse advertisement consent for the replacement of 2 no. 48 sheet digital displays with 2 no. internally illuminated back to back digital portrait displays (7.5m x 5m) at Site Of Former Advertising Right No 0183 And No 0184 Adjacent Steelway Works 100 Sheffield Road Tinsley Sheffield S9 2FY (Case No 17/01507/HOARD) has been dismissed.

Officer Comment:-

The Inspector noted that the hoarding, being of a portrait orientation, would be almost double the height of the existing hoarding and would be on a solid plinth. It would also be significantly deeper than the existing advert, adding to its bulk and forming an imposing structure. She considered that it would be highly visible on approach and would be well above the modest industrial units and petrol filling station adjacent.

She concluded that the hoarding would appear out of scale and sit uncomfortably in its context, forming an incongruous addition to the street scene, being unduly prominent and obtrusive.

On this basis she dismissed the appeal as being contrary to Policy BE13 of the UDP and the National Planning Policy Framework.

4.0 RECOMMENDATIONS

That the report be noted

Rob Murfin
Chief Planning Officer

24 October 2017