

Planning and Highways Committee

Tuesday 27 February 2018 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
27 FEBRUARY 2018**

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 - 8)
Minutes of the meeting of the Committee held on 6 February 2018
- 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. Confirmation of Tree Preservation Order No. 416A: On Land at 396 Myers Grove Lane S6 5LA** (Pages 9 - 22)
Report of the Director of City Growth Department
- 8. Applications Under Various Acts/Regulations** (Pages 23 - 24)
Report of the Director of City Growth Department
- 9. Cowmouth Farm, 33 Hemsworth Road, S8 8LJ (Case No. 17/04771/FUL)** (Pages 25 - 42)
- 10. Pyramid Carpets, 709 Chesterfield Road, S8 0SL (Case No. 17/03517/FUL)** (Pages 43 - 62)
- 11. Record of Planning Appeal Submissions and Decisions** (Pages 63 - 70)
Report of the Director of City Growth Department
- 12. Date of Next Meeting**
The next meeting of the Committee will be held on 20 March 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 and Highways Committee

Meeting held 6 February 2018

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

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Michelle Cook and Alan Law but no substitutes were 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 Councillor Bob Johnson declared a personal interest in an application for planning permission for the retention of an existing café and extensions to form toilets and storage area, including changes to opening times to 07:00 hours to 23:30 hours on two occasions per month for functions/events at Stannington Park, Stannington Road (Case No. 17/01148/FUL) as he knew of the applicant, but stated that he had not predetermined his views on the application and would participate in its determination.

3.2 Councillor David Baker declared a personal interest in an application for planning permission for the demolition of a garage, erection of a dwellinghouse and garage and erection of a second garage to the opposite side of the existing dwelling at 203 Oldfield Road, S6 6DZ (Case No. 17/03555/FUL). Councillor Baker explained that he had been registered as having objected to the application due to an error in an email communication. He stated that he would not be speaking and voting thereon, but would remain at the Committee table.

3.3 Councillor Ian Auckland declared a personal interest as a local Ward Councillor in an application for planning permission for the use of a former vehicle sales and servicing facility as part storage/distribution, including ancillary retail floor space (Use Class B8), part business (Use Class B1), and part retained as vehicle servicing at 918 to 920 Chesterfield Road (Case No. 17/04265/FUL). Councillor Auckland stated that whilst other Ward Councillors had made representations and that there had been a petition organised against the proposed development, he had not predetermined his views and would participate in the determination of the application.

- 3.4 Councillor Joe Otten declared a personal interest as a local Ward Councillor in an application for planning permission for the erection of 14 x dwellings at Abbeydale Tennis Club, Abbeydale Road South, (Case No. 17/04282/FUL). Councillor Otten stated that whilst other Ward Councillors had made representations and he had attended meetings at Abbeydale Sports Club, he had not predetermined his views and would participate in the determination of the application.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee, held on 16 January 2018, were approved as a correct record.

5. SITE VISIT

- 5.1 **RESOLVED:** That the Chief Planning Officer, in liaison with a Co-Chair, be authorised to make 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

- 6.0.1 **RESOLVED:** That 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.

6.1 29A ANSELL ROAD, S11 7PE (CASE NO. 17/04980/FUL)

- 6.1.1 Having noted a proposed additional condition, as detailed in a supplementary report circulated at the meeting, it was explained by the officer that the proposed additional condition should be amended by the deletion of (i) the words “the full details of which shall have first been submitted to and approved in writing” and (ii) the word “approved”, from the second sentancean application for planning permission for alterations to a roof including raised ridge height, gable-extensions to both sides, front and rear dormers with Juliet balcony to the rear and a porch to the front of the dwellinghouse at 29A Ansell Road, Sheffield, S11 7PE (Case No. 17/04980/FUL) be granted, conditionally, for the reasons detailed in the report now submitted, subject to the aforementioned condition, as amended, in respect of fully obscured glass being used in the first floor window on the elevation facing west.

6.2 ABBEYDALE TENNIS CLUB, ABBEYDALE ROAD SOUTH, S17 3LJ (CASE NO. 17/04282/FUL)

- 6.2.1 Having heard representations at the meeting from a local Ward Councillor commenting on the proposed development, an application for planning permission

for the erection of 14 x dwellings including ancillary parking, landscaping and access works at Abbeydale Tennis Club, Abbeydale Road South, Sheffield, S17 3LJ (Case No. 17/04282/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

6.3 918 TO 920 CHESTERFIELD ROAD, S8 0SH (CASE NO. 17/04265/FUL)

6.3.1 Having heard representations at the meeting from a local Ward Councillor objecting to the proposed development and from the applicant's representative speaking in support of the proposed development, an application for planning permission for the use of a former vehicle sales and servicing facility as part storage/distribution, including ancillary retail floor space (Use Class B8), part business (Use Class B1), and part retained as vehicle servicing, including erection of a new shop front, demolition of a single-storey lean-to extension, and alterations to building openings/fenestration at 918 to 920 Chesterfield Road, Sheffield, S8 0SH (Case No. 17/04265/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

6.4 203 OLDFIELD ROAD, S6 6DZ (CASE NO. 17/03555/FUL)

6.4.1 Having (i) noted an amendment to the report now submitted to confirm that a proposed integral garage had been removed from the plan, as detailed in a supplementary report circulated at the meeting and (ii) heard representations at the meeting from a neighbour's representative objecting to the proposed development and from the applicant's representative speaking in support of the proposed development, an application for planning permission for the demolition of a garage, erection of a dwellinghouse and garage and erection of a second garage to the opposite side of the existing dwelling at 203 Oldfield Road, Sheffield, S6 6DZ (Case No. 17/03555/FUL) be granted, conditionally, for the reasons detailed in the report now submitted, subject to an additional condition in respect of fully obscured glass being used in the first floor window on the elevation facing west, as detailed in the aforementioned supplementary report.

6.5 LAND BETWEEN GRIMESTHORPE ROAD, MARGATE STREET AND CYCLOPS STREET, S4 8EN (CASE NO. 17/01781/FUL)

6.5.1 An application for planning permission for the change of use of land from informal open space to football pitches/overspill car park, including the erection of a 3m high chain link fence around the periphery of the pitches, provision of five further car parking spaces to be accessed from Botham Street and the erection of a low post and rail fence around informal open space (amended description) between Cyclops Street, Grimesthorpe Road and Margate Street, Sheffield, S4 8EN (Case No. 17/01781/FUL) be granted, conditionally, for the reasons detailed in the report now submitted.

6.6 STANNINGTON PARK, STANNINGTON ROAD, S6 6BX (CASE NO. 17/01148/FUL)

6.6.1 Notwithstanding the officer's recommendation and having (i) noted an additional representation objecting to the proposed development and the officer's response

and an additional representation in support of the proposed development, as detailed in a supplementary report circulated at the meeting and (ii) heard representations at the meeting from 3 local residents objecting to the proposed development, an application for planning permission for the retention of an existing cafe and extensions to form toilets and storage area, including changes to opening times to 07:00 hours to 23:30 hours on two occasions per month for functions/events (amended plans and description) at Stannington Park, Stannington Road, Sheffield, S6 6BX (Case No. 17/01148/FUL) be refused, as the Committee considered that the proposed hours of use between 07.00 hours and 23.30 hours on two occasions per month for functions and events, would be detrimental to the living conditions of nearby residents owing to the noise and general disturbance on those occasions and, as such, was considered contrary to Policy LR5(k) of the Unitary Development Plan.

6.7 SITE OF STANNINGTON UNITED CRICKET CLUB, UPPERGATE ROAD, S6 6DA (CASE NO. 17/00783/FUL)

6.7.1 Having (i) noted an amendment to the report now submitted, to delete paragraph 10 on page 123, which commences with the words “Core Strategy Policy CS47 (a) sets out”, as detailed in a supplementary report circulated at the meeting and (ii) heard representations at the meeting from the applicant’s representative supporting the proposed development, an application for planning permission for the erection of 19 dwellinghouses with associated parking, amenity space, access and landscaping (amended description and drawings received 13th September and 16th October 2017) at the site of Stannington United Cricket Club, Uppergate Road, Sheffield, S6 6DA (Case No. 17/00783/FUL) be granted, conditionally, for the reasons detailed in the report now submitted, subject to Condition 2 being amended in respect of the complete list of plans being confirmed for the proposed development, as detailed in the aforementioned supplementary report.

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

7.1 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.

8. DATE OF NEXT MEETING

8.1 It was noted that the next meeting of the Committee will be held at 2:00p.m. on Tuesday, 27 February, 2018 at the Town Hall.



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 18 January 2018

Subject: Tree Preservation Order No. 416A,
396 Myers Grove Lane, Sheffield, S6 5LA

Author of Report: Duncan Bradbury, Urban & Environmental Design Team

Summary: To seek confirmation of Tree Preservation Order No. 416A

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendations Tree Preservation Order No. 416A should be confirmed.

Background Papers: A) Tree Preservation Order No. 416A and map attached.
B) Letters from the property owner attached.
C) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE 27th FEBRUARY 2018

TREE PRESERVATION ORDER NO. 416A
396 MYERS GROVE LANE, SHEFFIELD, S6 5LA

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 416A.

2.0 BACKGROUND

2.1 Tree Preservation Order No.416A was made on 7th December 2017 to protect 10 large Sycamore trees in the front garden of 396 Myers Grove Lane. A copy of the order with its accompanying map is attached as Appendix A.

2.2 On the 19th June 2017 a Pre App Planning Application (17/03069/PREAPP) was received to erect a dwelling in the garden of 396 Myers Grove Lane.

2.3 The reason given in the notice for the trees being under threat of removal is the development of the site for a second dwelling. There was also an enquiry by a Tree Surgeon to check the trees for protection on behalf of the property owner.

2.4 A condition inspection of the trees has been carried out by Sheffield City Council's, Trees and Woodlands Team. The trees were 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.

3.0 OBJECTIONS TO TREE PRESERVATION ORDER NO.416A

3.1 Although no official objections to the order have been received we have received correspondence from the owner of the property questioning the necessity of the order. For transparency a copy of the letters are attached as Appendix B.

4.0 VISUAL AMENITY ASSESSMENT

4.1 The trees are large and of significant amenity value when viewed from Myers Grove Lane / Ashurst Road and are considered to contribute to the visual amenity value of the locality and built form of 396 Myers Grove Lane because of their stature and prominent frontage location.

- 4.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by the Community Tree Officer, Trees and Woodlands Team and is attached as Appendix C. The assessment produced a clear recommendation for protection.
- 4.3 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 need to clear leaves, moss, gutters and driveways. These are considered to be normal acceptable maintenance issues with regard to trees growing within the built environment. 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 environmental and property implications based on the information provided.
- 6.2 Protection of the tree detailed in Tree Preservation Order No.416A will benefit the visual amenity of the local environment.
- 7.0 FINANCIAL IMPLICATIONS
- 7.1 There are no financial implications.
- 8.0 LEGAL IMPLICATIONS
- 8.1 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).
- 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 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.

8.4 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.416A.

9.0 RECOMMENDATION

9.1 Recommend Provisional Tree Preservation Order No.416A be confirmed.

Rob Murfin, Chief Planning Officer

18th January 2018

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No 416A (2017)

396 Myers Grove Lane, Sheffield S6 5LA

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 416A (2017) – 396 Myers Grove Lane, Sheffield S6 5LA

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 7th December 2017

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


Duty Authorised Signatory
SCHEDULE



17/957/4004

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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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>
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Groups of trees

(encircled in green on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
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G1	10 Acer Pseudoplatanus (Sycamore)	OS Grid Ref: SK 312 891
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Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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NOTES / REVISIONS:

Notes:

- The use of this data acts as agreement to the following statements:
- a. Copyright Sheffield City Council. All rights reserved in Chapter IV of the Copyright, Designs and Patents Act 1988 have been generally asserted
 - b. Do not scale from this drawing
 - c. All dimensions to be checked on site
 - d. Report any discrepancies or omissions to the Landscape Architect and Contract Administrator before proceeding
 - e. This document is to be read in conjunction with the specification and all other contract documentation.
 - © This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office. Crown copyright and database rights Ordnance Survey 100018816 2017

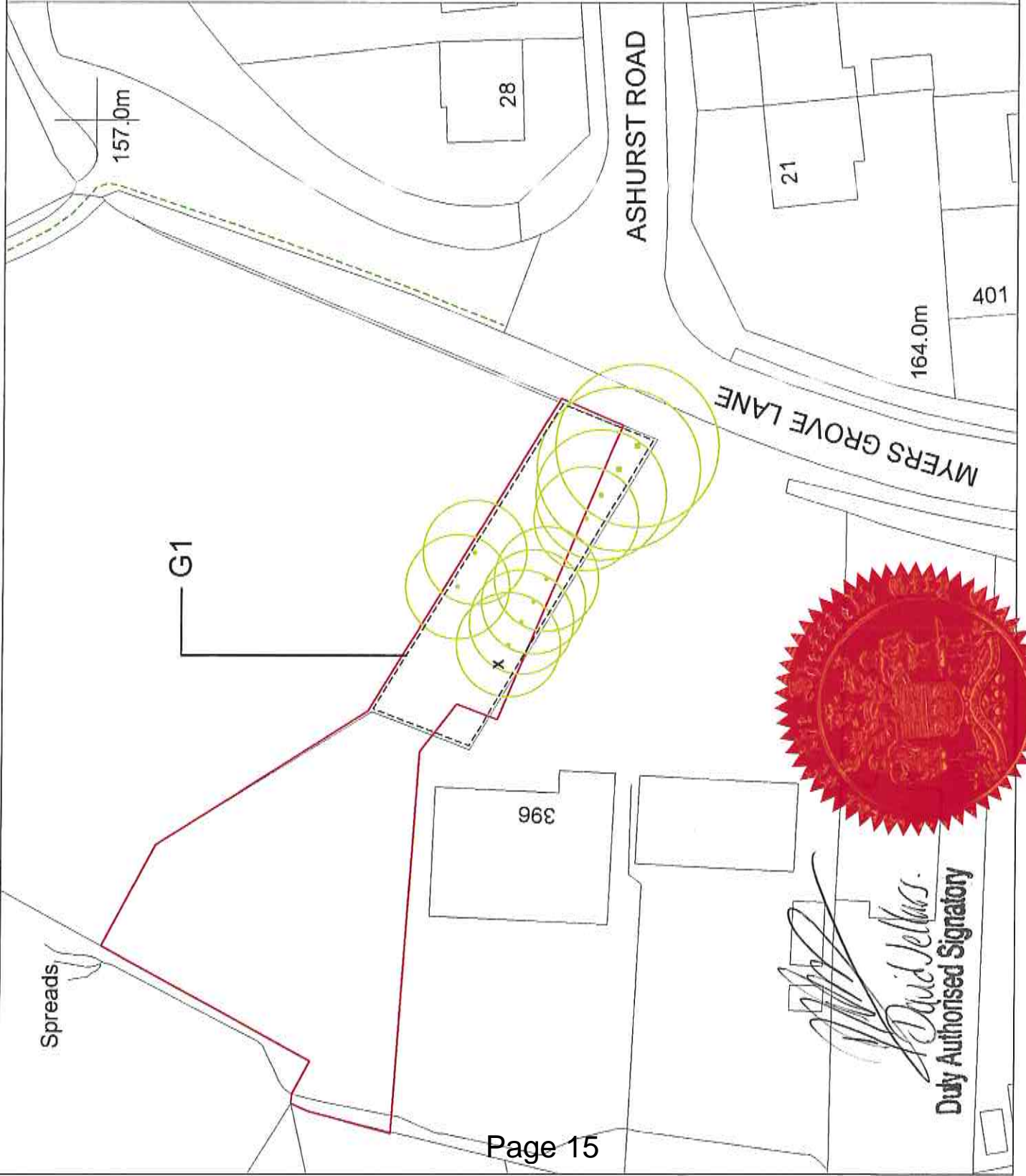
TREE SCHEDULE

- TREE SPECIFIED INDIVIDUALLY - None
- TRESS SPECIFIED BY REFERENCE TO A GROUP - (G1)
10Nr Acer pseudoplatanus
- TREES SPECIFIED BY REFERENCE TO AN AREA - None
- INDIVIDUAL TREE EXCLUDED FROM TPO X
(Alnus incana)
- OS Grid Reference SK312891

Revisions:

A - (23/11/17) Number of trees revised from 8Nr to 10Nr (DB)

SHEFFIELD CITY COUNCIL DEVELOPMENT SERVICES URBAN AND ENVIRONMENTAL DESIGN	
SCALE	396 Myers Grove Lane TPO 416
TITLE	Site Plan
SCALE	1:500 @ A4
Drawn by	Checked by
DB	Date
	13/10/2017
Drawing No	A4/JUED/808/416a
CAD FILE NAME	



David Jellars
Duty Authorised Signatory

17/957/4004

2000/08/16

10 NOV 2017

"The Sycamores"
396 Myers Grove Lane
Sheffield S6 5LA

f.a.o. Richard Cannon
Legal Services
Sheffield City Council
Town Hall
Sheffield S1 2HH

Your reference – LS/RC/81373

9th November 2017

Dear Mr Cannon,

Re - Tree Preservation Order

Thank you for your letter dated 23rd October 2017 together with the various enclosures.

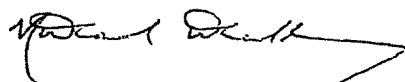
You have referred to "8Nr Acer pseudoplatanus" on your drawing number -. A4/UED/808/416.

We understand, and have noted, the 2 x trees at the top of the drawing, however, we are confused regarding the other 6 trees marked on the drawing. There are in fact more than 6 trees in that location, so we require clarification of which 6 trees actually have a preservation order. **Could you please advise us which trees you are referring to.**

We would also appreciate if you could advise us whether there are any other trees on our property which are subject to tree preservation orders.

Please advise us at your earliest opportunity regarding this matter.

Yours sincerely



M J Wheeldon

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11 DEC 2017

"The Sycamores"
396 Myers Grove Lane
Sheffield S6 5LA

***f.a.o. Richard Cannon
Legal Services
Sheffield City Council
Town Hall
Sheffield S1 2HH***

Your reference – LS/RC/81373

8th December 2017

Dear Mr Cannon,

Re - Tree Preservation Order

We refer to your letters dated 23rd October 2017 & 6th December 2017, also our letter to you dated 9th November 2017.

We have noted that the most recent drawing (A4/UED/808/416a) now shows 10 trees instead of 8 shown on the previous drawing.

The trees referred to are extremely high and, although you show 10 trees, there are actually 18 tree trunks. These trees are all sycamores and are causing us increasing problems due to the amount of leaves that fall in the autumn months and the dirty sticky sap that drips off the trees.

We actually find it essential to jet-wash our drive (which is very large) at least twice a year to prevent it causing a hazard to service people visiting the house. The amount of leaves that fall from these trees on to our drive and property is enormous.

As we are now in our late 60's / early 70's, we cannot do all of this ourselves, consequently it results in us needing to spend a considerable amount of money to clear the leaves, remove moss from our house roof, clear gutters and clear the grime on the drive that is caused by these trees.

We would appreciate if someone could visit us to discuss this matter, as we would like to significantly prune (or even remove) some of these trees in order to minimise the problems caused. We fully understand that we can only do anything to these trees with a TPO if the SCC give their approval.

Could someone please arrange to visit us to discuss this matter at your earliest convenience.

As requested in our previous letter (dated 9th November 2017), we would also appreciate if you could advise us whether there are any other trees on our property which are subject to tree preservation orders.

We note that the council have made the TPO because :

- 1 The trees are of significant **amenity** value*
- 2 The trees are considered to be under possible threat of removal from proposals to develop the site and construct a second dwelling.*

*With reference to item 1 above, we (as owners of the property) certainly don't consider the trees to be of **any** amenity value to us – in fact quite the opposite as mentioned in this letter.*

With reference to item 2 above, our daughter & son-in-law applied to have a house built on our property: in order to be close to us as we get older. However the SCC have rejected the application and it is extremely unlikely that another application will be submitted in the future.

Please advise us at your earliest opportunity regarding this matter.

Yours sincerely



M J & Mrs J Wheeldon

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 11/10/17 Surveyor: NATHAN MCWHINNIE

Tree details
 TPO Ref (if applicable): _____ Tree/Group No: _____ Species: _____
 Owner (if known): _____ Location: 396 MYERS GROVE LN

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 Cat B/c sycamores in good condition with no visible defects

* 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 All early mature with plenty of life left in them

*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 At junction of 2 residential roads + top of path into down to woods - dog bin here shows it's well used

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 1 Though they're at the start of the green belt

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 Tree surgeon engineering about TPO

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:

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 27/02/2018

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:

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.

Category of Report: OPEN

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Case Number	17/04771/FUL (Formerly PP-06501135)
Application Type	Full Planning Application
Proposal	Application under Sec 73 to remove condition 21. provision of shared pedestrian/cycle path imposed by planning approval no. 15/00158/OUT
Location	Cowmouth Farm 33 Hemsworth Road Sheffield S8 8LJ
Date Received	21/11/2017
Team	South
Applicant/Agent	G9 Design
Recommendation	Grant Conditionally

Time limit for Commencement of Development

Approved/Refused Plan(s)

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

1612 -09 Site Location Plan
1612 -62 Proposed Site Plan

Reason: In order to define the permission.

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

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

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

5. 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.

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

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

7. No development shall commence until 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.

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

11. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance 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.

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

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

13. The surface water discharge from the site shall be reduced by at least 30% compared to the existing peak flow and detailed proposals for surface water disposal, including calculations to demonstrate the reduction, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, or an alternative timeframe to be approved in writing by the Local Planning Authority. In the event that the existing discharge arrangements are not known, or if the site currently discharges to a different outlet, then a discharge rate of 5 litres/hectare should be demonstrated. The development shall thereafter be carried out in accordance with the approved details.

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

14. Bat boxes, bat access tiles and bird boxes shall be provided to any retained buildings prior to occupation in accordance with details to have first been submitted to and approved in writing by the Local Planning Authority. Thereafter these features shall be retained.

Reason: To protect opportunities for wildlife.

Other Compliance Conditions

16. 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.

17. 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.

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

Reason: To ensure satisfactory drainage arrangements.

19. No piped discharge of surface water from the application site shall take place until surface water drainage works including off-site works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory drainage arrangements.

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

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

1. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

2. You are advised that any information which is subject to the Environmental Information Regulations and is contained in the ecological reports will be held on the Local Records Centre database, and will be dealt with according to the Environmental Information Regulations (EIR). This will be subject to the removal of economically sensitive data. Information regarding protected species will be dealt with in compliance with the EIR. Should you have any queries concerning the above, please contact:
Richard Harris
Ecology Manager
Sheffield City Council
Meersbrook Park
Brook Road
Sheffield
S8 9FL
Tel: 0114 2734481
E-mail: richard.harris@sheffield.gov.uk
3. The applicant is advised that the carrying out of any works to the existing trees, hedges or shrubs within the site, which are works authorised by this permission will constitute the commencement of work on the development. The unauthorised removal of any tree, hedge or shrub or any other works which threaten their future vigour and quality, may result in breach of condition action. It could also mean that the development is materially different from that which has permission and may be liable to enforcement action and the submission of a new planning application may be required.
4. 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.
5. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

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

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

6. For the avoidance of doubt in line with National Planning Practice Guidance:

Condition Nos. 3,4,5,6,12,13, 19 and 20 have been included on this Decision Notice for completeness and because they remain in force. It may therefore be necessary for more information to be provided in relation to these conditions and for the conditions to be fully discharged. Please note the repeat conditions are listed with the same numbering as the original decision notice - 15/00158/OUT.

My records show that some of the previously imposed planning conditions have not been discharged (conditions 7, 11 and 14) and therefore you may be currently operating in breach of the imposed planning conditions. You are therefore strongly advised to look into this matter at your earliest convenience.

7. 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



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LOCATION AND PROPOSAL

The application relates to the site of the former 'Cowmouth Farm' Co-Operative Dairy in Hemsworth Road which ceased operating in 2008. The site area is currently being developed for residential use with 13 new build dwellings and a conversion of the farmhouse that pre-dated the formation of the dairy/depot.

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.

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 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 and the site levels have been lowered on the eastern part of the site in order to reduce the differential with curtilages of houses on Warminster Place.

The site had previously remained vacant for a number of years.

It is clear from pictorial, map and anecdotal evidence that a pedestrian desire line has existed passing from the Warminster Place cul-de-sac onto Hemsworth Road for several decades. This track/pathway appears to have been accommodated by previous owners of the site and has been used both as a short cut and by dog walkers and the like for a significant period of time. However this is not a public right of way and no such right exists at present.

This is an application seeking to remove condition 21 (requiring the provision of the path on the 2015 outline permission). Should Committee be minded to approve this application it is to be expected that a further Section 73 application will be received by the Local Planning Authority seeking to alter the recently approved Reserved Matters plans in order to remove the path from those plans.

The relevance of the path to the planning history is explored below

RELEVANT PLANNING HISTORY

This history relates to the attempts since 2008 to develop the former dairy for residential purposes.

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

The application was submitted seeking permission to erect 18 dwellings on the site. The path was not included in the plans for this development.

There were 9 representations received in response to this application and of these only one mentioned the absence of the footpath from the plans.

The application was withdrawn on Officer advice as it sought to demolish the heritage assets on the site and this would not have been acceptable.

Permission was refused in 2013 (13/01919/FUL) for the demolition of the existing dairy and outbuildings, and erection of 14 dwellinghouses with associated garages, access road and landscaping. The initial plans contained no provision/retention of the footpath.

7 representations were received in response to this application with just two noting the absence of the footpath in the initial plans. A further representation noted that the inclusion of a footpath with increased pedestrian traffic could cause highway safety issues on the Warminster Place cul-de-sac due to inter-visibility problems.

A footpath was however included in amended plans submitted. This appears to have been in response to a suggestion from Highways Officers that the path be retained, though no specific reason was indicated at that time other than a suggestion that some residents had contacted the Officers in question regarding this point.

The principle of development in this application was considered acceptable and the revised 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)

This application included the path from the outset.

7 representations were received in response to the application. Of these one identified the path as a useful shortcut but three commented that it could present either highway safety issues on Warminster Place or a useful escape route for criminals and possible opportunity for antisocial behaviour

South Yorkshire Police commented as follows on the inclusion of the path:

The footpath could become a crime generator, which will become a nuisance to residents close to the footpath. It may attract youths to loiter around and become an area where litter can gather. It creates an ideal escape route for a potential criminal and it provides people with a legitimate reason to be using the cul- de-sac. There will be no surveillance onto the footpath which will make it a vulnerable area. The development will be safer if the footpath were to be designed out.

The application was withdrawn as the developer (Bloor Homes) decided to pursue other higher priority sites.

Outline permission for the erection of up to 13 dwellings and conversion of the farmhouse was granted in 2015 (15/00158/OUT). This application once again included the path at inception. The accompanying transport plan stated that:

"it is worth noting the pedestrian link through the site to Warminster Place is to be retained. This is not a Public Right of Way; however it provides pedestrian access on to Warminster Road and in turn to the residential area of Meersbrook."

Five representations were received as a result of this application with one noting the path as a valuable shortcut and another valuing its inclusion but noting the previously mentioned highway safety issues.

The permission for this application included a Condition (No. 21) requiring that any Reserved Matters application should make provision for the path 'in the interest of delivering sustainable forms of transport in the area'.

Permission was granted in 2016 (1602968/REM) for the reserved matters on the 2015 outline application. The path was initially excluded from the layout plans for this application.

Since the inclusion of the path was conditioned on the 2015 outline this was, of necessity, subsequently included in amended plans for the Reserved Matters application.

SUMMARY OF REPRESENTATIONS

Representations from Cllr Sue Auckland and 11 local residents have been received as a result of the notification process.

Cllr Sue Auckland raises the following points:

I have been aware of the Cowmouth Farm site and the neighbouring roads and footpaths for all of this time and I can agree with the comments made by local objectors.

I am given to understand that the issue of the walkway agreement was a point of specific discussion and decision at the planning committee and I can see no new information from the applicants or information that was not available to them at the time of the original decision, that can justify changing that decision.

I am not convinced with regard to the emphasis placed on local crime in the supporting statements. The site has only attracted crime during its period of abandonment and dereliction.

It should be recognised that this particular footpath offers ease of access to local amenities which benefits existing residents and should benefit future residents.

Objections:

- Local residents report the area is generally a friendly and safe neighbourhood and do not recognise the description of the area as laid out in the Applicant's supporting statement.
- The path in its former guise as a short cut through to Hemsworth Road from Warminster Place has been used for decades and it has only been obstructed during the period of ongoing development
- The route should now be recognised as a right of way.
- It is highly doubtful that maintaining the footpath would encourage criminal activity in the future.
- The feasibility document rightly shows that the shortest route from Warminster Place to the amenities on Derbyshire Lane is down Warminster Road and along Mount View Road, but doesn't mention that a section of that route is a very steep slope, and, on that steep section, the pavement is narrow (not even wide enough to safely accommodate a pram) and slippery, as it is a gathering place for the leaves and debris washing down the hill.
- People use the path regularly to walk from Warminster Road to our main shopping centre at Woodseats via Cobnar Road top and back.
- The footpath would also be an asset to the new residents of this new build in order to access their nearest bus stop.
- The path has been used on many occasions in daylight and in darkness, and residents have not experienced threatening, criminal or antisocial behaviour.
- Much is made in the feasibility statement of the location of bus stops, but little mention is made of the many cyclists, pedestrians, owners of pushchairs & buggies and dog walkers who have used this popular route in the past.
- The reduction in bus services and local amenities (post office and local doctors) means the path provides a more direct route to Woodseats via Cobnar Road.
- The cut-through has always provided a safe route to both main entrances into Graves Park.
- Any police crime prevention advice is valuable, but this would not be a dark, damp, and narrow Victorian passageways between poorly supported rows of terraced housing.
- To walk up Warminster Road to Hemsworth Road can be difficult with damaged pavements and over hanging bushes. For residents to post letters etc. no footpath would mean either a long walk either up or down Derbyshire Lane or Warminster Road.

Non-Planning Matters Raised

-The footpath was going to be maintained in the original planning application and to remove it now shows a lack of respect for local residents.

-We are currently unable to access the side hedge to our own garden during the development of the homes on Cowmouth Farm. One would assume that once the building work is completed, a foot path can be well maintained, our hedge can be well maintained and it will appear welcoming and open.

-Although the proposals show the additional land becoming part of a (rather large) garden for Plot 11, we can't help but wonder whether the developers would, at a later date, apply to build yet another property or structure on that land.

-Despite all the concerted efforts of these parties to portray this as a potentially a source of much disquiet, I suspect the main reasons the developer wishes to remove the footpath is to keep options open for future development of the plot i.e. build another house(s) on the plot at a later date. Previous planning applications (13/01919/FUL) showed a site layout plan for just such a house on the area bounded by the footpath.

-If the developers wish to attract potential purchases of the houses, why have they gone to great lengths to point out how undesirable this area is?

Support

The Applicant has provided a supporting statement with the application the key points of which are reported here:-

-Upon the vacation of the dairy site the site became a target for trespassing, vandalism and antisocial behaviour.

- The land has always been in private ownership with no authorised access permitted to the site other than through the main entrance on Hemsworth Road

- The current owner has raised a more robust boundary treatment at the Warminster Place 'access' point to prevent usage of the trespassed route.

- The distances to the nearest bus stops in the locality will be little changed should the cut through be removed.

- The distance to access key areas of Graves Park for local residents would be insignificant

- The difference in distance to local shops (Derbyshire Lane) would be insignificant.

- The path could provide multiple entrance points of opportunity for criminal behaviour into the gardens of neighbouring properties

- In line with Secured by Design Guidance (2016) (The Official Police Security Initiative) the developer considers it unfavourable to increase the permeability and

facilitate crime to the rear and side elevations of all the dwellings by installing the path

- Secured by Design Guidance (2016) (The Official Police Security Initiative) also states that:

....features that generate crime within cul-de-sacs invariably incorporate one or more of the following undesirable features....

'Footpaths linking cul- de-sacs to one another can be particularly problematic, and in such cases the layout may need to be re-considered'

PLANNING ASSESSMENT

This is an application whose decision must be based not only on the balance between the potential positive and negative aspects of the pathway provision but also whether, in the light of these considerations, the initial judgement to add condition No. 21 passed the appropriate tests that all conditions on planning permissions are required to satisfy namely (as stated in Paragraph 206 of the National Planning Policy Framework):

Planning conditions should only be imposed where they are:

1. necessary;
2. relevant to planning and;
- 3 to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects."

It is considered that points 2, 3, 4, and 5 are all satisfied in the case of condition 21

The issues requiring further assessment are whether the path is 'necessary' and/or 'reasonable in all other respects'. In this respect the reason for the condition on 15/00158/OUT is worthy of repetition that being:

'In the interests of delivering sustainable forms of transport'

Connectivity considerations

The anecdotal evidence provided by several residents strongly suggests that this desire line has been used by persons in the community for some considerable time. There is also little doubt that for some residents it does provide a convenient cut through from Warminster Road/Place through to Hemsworth Road and vice-versa. However, it is not, and never has carried the status of a Public Right of Way and as such the passage and re-passage of locals across the land appears to have been entirely an ad hoc arrangement conducted with or without the tacit approval of the

then landowners.

It is also apparent from examining the representations from the 2008 application onwards that this matter was not of wider concern in the community at that time with representations referring directly to this issue being very limited for each successive application.

Once again in 2013 there is little evidence that the absence of the path in the initially submitted plans was a significant cause for concern in the local community with only two references to the absence of the path and one representation actually highlighting the highway safety issues that might relate to the increased usage should the path be retained.

In considering the 2013 application officers negotiated the inclusion of the path presumably in order to promote permeability through the site, and sustainable travel options. Public Rights of Way officers had also encouraged this following enquiries from the public.

However, there appears to be a dearth of evidence as to the path's necessity in terms of it making a clear and significant contribution to sustainable transport within the locality and there was, of course, no condition attached to the application determination as the application was refused on other grounds.

Given the concept of the path retention had 'taken root' in the 2013 application it is not entirely surprising that this feature appeared once again in the 2014 application and subsequently in the 2015 outline application without the necessity consideration being re-visited i.e. it was a welcome rather than essential element of the 2014 and 2015 schemes.

The necessity and or reasonableness of the path is now being challenged by the developer. It is considered that its contribution to connectivity needs to be assessed in relation to access to both local and district shops and local amenities.

It should be noted that the Sheffield Core Strategy defines 'near to' as being 'within easy walking distance, this being considered 400 metres to a high frequency bus route. This distance is also defined in the South Yorkshire Design Guide as being equivalent to a 5 minute walk.

Distances to local shops

A small group of local shops (mini market/newsagents etc.) lie at the junction of Derbyshire Lane and Harvey Clough Road.

It is difficult to argue that the path increases accessibility to this small group of local shops. The shortest route is the more obvious route along Warminster Road and Harvey Clough Road. An objection has noted that the footpath is narrow and steep in sections along this route and prone to collections of leaves that make it slippery. However, the level differences between Warminster Place to Hemsworth Road are far from negligible and the accumulation of leaves etc. is not considered a localised problem when placed in the context of Sheffield streets generally. On inspection, the

footways along Warminster Road and Harvey Clough appear to offer adequate width for pedestrians, even those with young children.

Distances to District Shopping and other amenities

For those residents wishing to access a wider shopping experience with other services such as medical/post office etc. the District Shopping Centre at Woodseats is the closest provider. The District Centre has a significantly long linear layout stretching from Abbey Lane to Scarsdale Road and therefore for the purposes of this assessment the distances mentioned are to a nominal central location approximating to the junction of Chesterfield Road and Olivet Road. Achieving this location from the junction of Warminster Road and Warminster Place means a likely journey along Hemsworth Road and Cobnar Road. This journey approximates to 1.3-1.4 km. The distance saved for those residents of Warminster Road and Warminster Place who would use the path would once again be considered marginal in terms of the overall journey, probably of the order of 240 metres.

Distance to local amenities in Graves Park

The path would provide access from Warminster Place through to Hemsworth Road but to point located between the entrances at the junction with Bunting Nook and at Cobnar Road junction.

For those wishing to access via the former the footpath would offer no significant shortening of the route and indeed might actually marginally lengthen the travel distance. For those wishing to access the Cobnar Road entrance the safest pedestrian route would be through the Bunting Nook entrance and thence along park paths. The route along the public footpaths of Warminster Road and Hemsworth Road would involve a slightly longer route than the path but even here the difference in route length would not be significant. It is worthy of note that the short cut through would then likely involve crossing a busy road without the benefit of a pedestrian crossing rather than the pedestrian crossing close to the junction of Warminster Road and Hemsworth Road.

Access to local bus services

Bus services run along both Hemsworth Road and Warminster Road with the stops for both easily accessible to houses on Hemsworth Road, Warminster Road and Warminster Place. Whilst persons walking from certain locations on Warminster Road might cut tens of metres from their journey to the No. 18 stop and vice versa for residents on Hemsworth Road accessing the No. 20 stop on Warminster Road these savings are not considered significant in terms of what represents a sustainable journey on foot (i.e. with or without the path the distances still relate to 'within easy walking distance')

Connectivity Summary

In terms of testing the condition against the key tests the question that needs to be asked with regard to the 'necessity' of the condition can be summed up as follows:

Will it be appropriate to refuse planning permission without the requirements imposed by the condition? i.e. is it needed to make the development acceptable in planning terms.

In this respect it is considered that the development would not have been refused had the path not been included since its contribution to neighbourhood connectivity is felt to be limited.

In terms of testing the condition against the key tests the question that needs to be asked with regard to the 'reasonableness' of the condition can be summed up as follows:

Does the addition of the condition place unjustifiable and disproportionate burdens on an applicant?

In this respect it is not felt that the requirement to provide the pathway would represent a hugely onerous imposition on the developer. The path is relatively short and can be accommodated between domestic curtilages without overly disrupting the layout of the site or the number of units to be accommodated within it.

In conclusion then, with regards to matter of connectivity, the condition is not considered necessary as the provision of the pathway is not considered to contribute significantly to connectivity in the locality. It does not directly access a community focal point or amenity and is not considered to significantly reduce journey times to local or district services (on foot or by cycle) for a large group of residents.

Residential Amenity and Crime considerations

The Applicant's supporting statement describes a level of criminal/anti-social behaviour associated with the site though this appears to be mainly in relation to the period post the vacating of the site by the dairy. Groups of buildings such as this, left vacant and insecurely fenced are obvious targets for vandalism and nefarious activity. However, Officers do not consider this is symptomatic of the general character of the locality and consider that such activity is unlikely to continue once the site is re-developed with housing.

The police views raised on the subject of the path on a previous application (14/01653/FUL) with regard to the potential for anti-social behaviour/crime that might be related to the provision of the path are noted. The degree to which this type of activity might arise (if at all) is of course not easily quantifiable.

There can be no doubt that the provision of the path would make the rear gardens of flanking properties more 'permeable' and the fact that the existing flanking properties have only side elevations facing the path would mean that the path was not particularly well 'observed'. However the new build properties on plots flanking the path would have rear elevation windows overlooking the space and this would provide for some casual surveillance.

Objectors have noted that the path will be well lit but the route will not be adopted by the Council and as such will not be lit by street lights

Ginnels, snickets, and all manner of linking pathways do provide some magnetism for groups of youths but once again it is difficult to assume a particular level of activity that might arise in this instance.

Given all of the above the potential for anti-social/criminal activity behaviour is considered to carry some weight in favour of removing the path from the scheme but this weight is considered very limited.

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.

Highways Officers have been consulted with regard to the application and have concluded that.....

Although the path is a useful cut through from Warminster Place (for example to access bus stops) it is not considered to offer significant benefits in terms of connectivity. As such the deletion of the path from the scheme cannot be deemed to have a severe impact on the highway network

The removal of the path offers benefits from a security point of view

There is a possibility that the provision of the path may lead to an increased on street parking on Warminster Place and to a lesser extent Warminster Road for visitors to Graves Park

Hence, despite the limited positives offered by the path it is not considered that the scheme without the path would be contrary to Policy H14.

RESPONSE TO REPRESENTATIONS

Matters relating to residential amenity, highways, connectivity and sustainability have been dealt with in the main body of this report.

Any future plans for the plot of land in question would be subject to a further planning application.

SUMMARY AND RECOMMENDATION

This application seeks permission to remove condition 21 from permission 15/00158/OUT which required the provision of a linking footpath between Warminster Place and Hemsworth Road via the new development.

It is acknowledged that the path would offer some benefit to a limited number of local residents.

It is also acknowledged that the path might contribute to increased risk of crime to neighbouring properties and possibly become a focus for anti-social behaviour but this factor is given limited weight.

Whilst the condition was originally imposed in the interests of delivering sustainable forms of transport case law has established the test as to whether a condition is reasonable and necessary can be summarised as 'would the application be refused permission without the addition of said condition'. This is now enshrined in national Planning Practice Guidance.

The Local Planning Authority accepts that several residents in the locality have expressed a desire to have a public footpath link through the new development but the path is not considered to have a significant benefit to the wider community. Its absence would have minimal impact on accessibility to services and upon opportunities for sustainable travel.

Based on the above assessment and the principles of testing conditions it is considered that the condition requiring the provision of the path as specified on Planning Permission 15/00158/OUT fails this test of 'necessary' and the application presented here should be granted.

Case Number	17/03517/FUL
Application Type	Full Planning Application
Proposal	Change of use of the 1st/2nd floors to use as 14 apartments including rear extensions
Location	Pyramid Carpets 709 Chesterfield Road Sheffield S8 0SL
Date Received	17/08/2017
Team	South
Applicant/Agent	DLP 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 information and drawings dated 14 December 2017
FS711192

Section A-A Dec 2017

Section D-D Dec 2017

Section C-C Dec 2017

Site Layout Showing Sections

Section B-B Oct 2017

Supporting Letter Dated 15 November 2018

Transport Statement dated 17 January 2017

Proposed Plans Alt Second Floor Rev B Feb 18

Proposed Plans Alt First Floor Rev B Feb 18

E-mail Correspondence dated 16 January 2018 Confirming Alterations to Sizes of Apartments

Reason: In order to define the permission.

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

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

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

4. Unless shown not to be feasible and viable, no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

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

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

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

6. Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The apartments shall not be occupied unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the approved residential scheme and existing commercial unit.

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

7. 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.

8. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been implemented and thereafter retained. Such works shall:
 - a) 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).
 - b) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

9. 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.

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

Window reveals

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

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

11. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

12. Before the use hereby permitted commences, the applicant shall submit for written approval by the Local Planning Authority full details of all security lighting to the rear of the premises. The details shall indicate the locations all security lighting, including details of the impact of light from the development on adjacent dwellings. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light'. The development shall be carried out and thereafter retained in accordance with the approved details. [The guidance notes are available for free download from the 'resources' pages of the ILE website.]

Reason: In the interests of the amenities of the locality and occupiers of adjoining properties, together with the security of future occupants of the proposal.

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

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

Other Compliance Conditions

14. 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.

15. No development shall take place until details are submitted for written approval by the Local Planning Authority specifying measures to monitor and control the emission of dust during construction works. The development shall then be carried out in accordance with the approved measures.

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

16. 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.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. Where conditions require details to be submitted, an Application for Approval of Details Reserved by Condition is required (unless the condition gives the option of implementing the details already submitted). The Local Planning Authority is expected to determine these applications within 8 weeks of being validated, so it is essential to include all the information required. Apply online at www.planningportal.gov.uk. There are fees, which are also set by the Government.
3. 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 here:

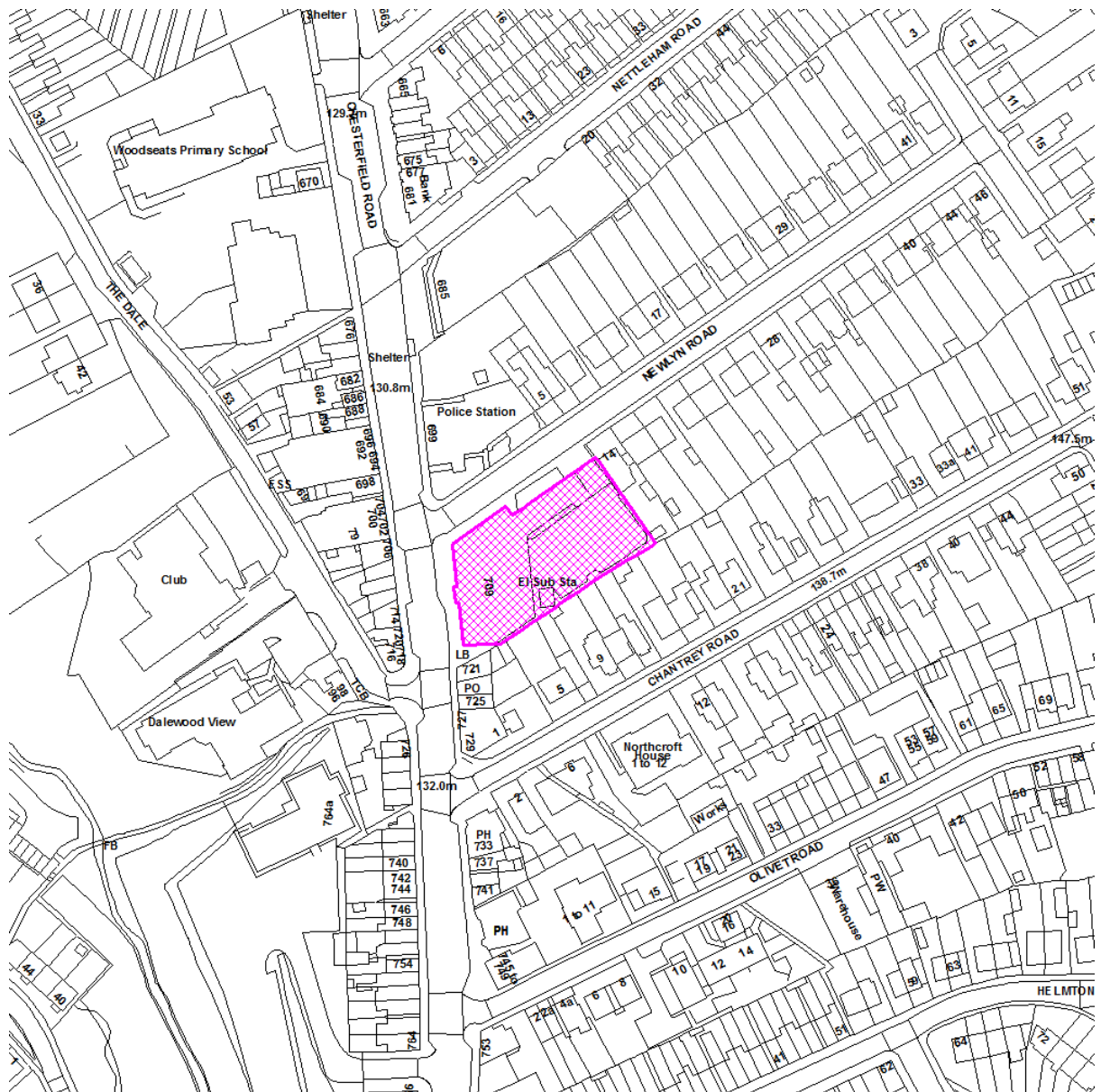
<http://www.sheffield.gov.uk/home/roads-pavements/Address-management>

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.

4. When preparing detailed proposals for the development of this site, the developer is advised that the Council will encourage the provision of easily accessible housing, capable of adaptation to meet the needs of various people with mobility impairments. Known as "mobility housing", further details are available together with guidance notes from the Access Officer on (0114) 2734197 or from Planning Enquiries on (0114) 2039183.
5. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process, or a draft Liability Notice will be sent if the liable parties have not been assumed using Form 1: Assumption of Liability.

Site Location



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LOCATION AND PROPOSAL

This application relates to a three storey 1960's brick built retail property on Chesterfield Road. The building is approximately 5km away from Sheffield city centre on the A61, which is a main arterial route in and out of the city. The site is a corner location where Newlyn Road meets Chesterfield Road.

The site is approximately 0.24 hectares in size and comprises of a large brick built property that is set out in an 'L' shape with frontages along Chesterfield Road and Newlyn Road. The building is three storeys in height facing Chesterfield Road and single storey in height to the rear along Newlyn Road. To the rear of the site there is a large expanse of hard standing, which is used as a car park. The boundary treatments are a mixture of different height walls, although there are some tall trees within the site boundary and a small section of soft landscaping in between the front of the building and the Newlyn Road. (The soft landscaped area is not owned or maintained by the applicant.)

The building is currently used as an A1 Use Class carpet showroom and warehouse. The upper floors have been used as ancillary offices/ storage. The building is one of the bigger retail units in this large parade of shops. The surrounding uses vary from small commercial premises with ancillary storage or living accommodation above, to other community facilities, such as a medical practice, police station, public houses and a supermarket. Although the commercial properties along Chesterfield Road are mostly within terraced properties, some of the properties vary significantly in size and architectural style. The side roads along Chesterfield Road lead to areas that comprise of residential properties.

The application seeks permission to extend a commercial property to the rear and side. The proposal will incorporate internal alterations to the first and second floors of the building. The proposal will create six, 2-bedroomed apartments and eight 1-bedroomed apartments.

RELEVANT PLANNING HISTORY

The property has been granted permission in 2009 (referenced 09/02653/FUL) for the use of the second floor of the building for two, 5-bedroomed apartments.

SUMMARY OF REPRESENTATIONS

The proposal was advertised in accordance with the Local Planning Authority's Statement of Community Involvement and immediate adjoining neighbours were notified. Three site notices were posted; one in front of the building on Chesterfield Road and one on both Newlyn Road and Chantrey Road.

31 representations have been received in connection with this proposal, together with two representations from Councillor Steve Ayris and Councillor Sue Auckland.

The main planning concerns that were raised by the two Councillors can be summarised as:

- There are factual discrepancies within the report;
- The precedent set was for a different scale of residential scheme and is an expired consent;
- The scale of the proposal will impact upon the amenities of the local residents;
- The proposal will overlook the neighbouring properties;
- The proposal is contrary to UDP policy H5 as there is inadequate off street car parking;
- The A61 is notoriously congested and despite the public transport, the proposal will increase on-street car parking;
- The proposal will impact child safety at nearby schools

The main planning concerns that were raised by residents can be summarised as:

Principle of Use

- There is no evidence to suggest that the proposal will support the local economy. Investors' confidence would be increased through more investment in the shopping centre;
- Fewer dwellings or a mixture of one and two bedroomed houses would be more supported and fitting for the area;

Design and Landscaping Issue

- The proposal is of no advantage to the wider street and does not seek to improve the appearance of the small section of land that is sited in between the rear of the building and Newlyn Road;
- The area to the side of the building should be retained and maintained;
- The trees could be removed;

Living Conditions

- The proposal will overlook the gardens and rear elevations of the surrounding neighbouring properties;
- The proposal will overshadow the neighbouring properties;
- The proposal will create additional pollution, dust, and noise;
- There is no evidence that noise from police sirens have been taken into account in the noise survey;
- Noise from traffic and gates will disturb local residents opposite them at night;

Highways Issues

- The street is already very congested and it is difficult to park along Chesterfield Road and the surrounding streets have very few properties that have off street car parking;
- There isn't adequate off street car parking for the number and size of apartments that are being proposed;

- No further car parking for flats does not imply that people will not have cars, there is no evidence for this and the additional traffic will be dangerous for cars and pedestrians;
- Sheffield and National guidelines recommends 1.5 car parking spaces per unit provided;
- Newlyn Road and Chantrey Road both are popular with shoppers, residents and police;
- Pyramid carpets employees all use their cars. The car parking provision is not enough for employees, customers and residents;
- Children play within the street and the additional traffic will be dangerous to them;
- The site cannot provide safe and accessible residential units and is contrary to local planning policies;

Other Issues

- Not enough site notices have been posted and it is not clear where they are. There is a real danger that this application could be approved without due scrutiny;
- The planning statements have inaccuracies in them as there is no access from Chantrey Road;

The above issues are addressed in the subsequent report.

One neighbouring resident also commented on a current campaign that is being carried out by local Councillor Steve Ayris. The leaflets that have been dropped off by the local Councillor raise concerns with the road safety within the wider Woodseats area. The campaign for safer roads in the wider area is being undertaken separately and has not been carried out due to this application. Although the issue of road safety is of serious concern, this application can only assess the impact upon highway safety resulting from this proposal. The wider highway safety issues are being looked at by the local Councillor and the Local Highways department; any wider measures to improve highway safety are being investigated separately to this application.

PLANNING ASSESSMENT

Policy Issues

The National Planning Policy Framework (NPPF) is a material consideration to be taken into account in determining all planning applications and promotes the use of previously developed land. The NPPF also makes a presumption in favour of sustainable development and this should prevail here, as outlined in the subsequent report.

The relevant local policy documents are the adopted Unitary Development Plan (UDP, 1998) and the Sheffield Development Framework (SDF) Core Strategy document (2008).

Housing Policies

The 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. It is recognised that housing within shopping centres can be acceptable and help local communities grow.

Policy S7 is in line with the NPPF. The apartments are Class C3 uses that are considered to be acceptable in terms of policy S7 as they do not challenge the viability or principle function of the shopping centre - due to their location above the retail units - and are complementary to the viability of the local surrounding community.

The NPPF requires local authorities to identify a 5 year supply of specific 'deliverable' sites for housing with an additional 5% buffer.

The proposal would make a welcome contribution towards housing supply as set out in Policy CS22 "Scale for the Requirement for New Housing" of the Core Strategy.

The latest Government household growth projections suggest that housing need in the city is higher than was previously planned for in the Core Strategy; as such, the city has an approximate 4.5 year supply of housing using the latest housing growth projections. The development proposed would make a small but welcome contribution to housing supply within the city and this must be taken into account in the balance of consideration of this application.

Policy CS23 "Locations for New Housing" of the Core Strategy seeks to focus at least 90% of new dwellings in the main urban areas. This site is considered to be sustainably located within the urban area of Sheffield and significant weight is given to the location and contribution made to the housing supply of this proposal.

Core Strategy policy CS24 gives priority for the development of new housing on previously developed land. This proposal involves the development of previously developed land and this policy, together with the NPPF's presumption in favour of sustainable development, is given significant weight.

The application site would create 14 residential units of 2 different housing types; this number of dwellings translates to a density of approximately 70 dwellings per hectare.

A housing density range of between 30-50 dwellings per hectare is outlined in Policy CS26 of the Core Strategy for sites in Urban Areas. However, the policy also states that densities outside this can be acceptable provided that the character of the area is not adversely affected. The proposal is not considered to adversely affect the character of the area or be an overdevelopment of the site and this is explained and discussed further in the subsequent report. As such, the proposal is considered to be acceptable in respect of policy CS26.

Policy CS41 (Creating Mixed Communities) within the Core Strategy promotes development which meets a range of needs and does not lead to concentrations of certain forms of residential development. The amended scheme provides a mixture of one and two bedroomed apartments.

As there are no three bedroomed units, there is no potential for shared living accommodation that would qualify as Class C4 Uses. Consequently, the proposal will not raise the density of shared housing within 200 metres of the site above the 20% threshold and will therefore conform to section d) of CS41.

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 Interim Planning Guidance on Affordable Housing states that this policy relates to all proposals of 15 or more units. The proposal is below the 15 unit threshold and accordingly, no contribution to affordable housing is therefore necessary. As such, the proposal is in line with the aims of policy CS40.

Sustainability Issues

The underlining principle of the NPPF is the presumption in favour of sustainable development. It breaks down sustainable development into three dimensions: economic, social and environmental roles.

The proposed development of the site would be required to be assessed with regards to 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.

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. Photovoltaic panels are to be installed on the building to contribute to the energy needs of the new apartments. Any recommendation for approval should be accompanied by a condition requesting full details of the proposed renewable energy sources and the submission of precise details.

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. The proposal does not include a green roof, however it involves the re-use of an existing building. The installation of green roofs would require significant structural alterations to the building and this is not deemed to be financially viable. Whilst it is unfortunate that a green roof cannot be included in the proposal, the re-use and extensions to an existing building is considered to be sustainable overall; especially as it is considered that the alterations will improve the efficiency and energy consumption of an existing building shell. Due to the scale of the proposed scheme, it is considered that the lack of a green roof is not a sufficient reason, in itself, to warrant a refusal of planning permission on this ground alone. The overall environmental benefits

provided by the proposal are considered to be acceptable and sufficient with regards to policies CS64 and CS65.

Policy CS67 relates to management of flood risk, and for sites of less than 1 hectare, such as this, requires surface water run-off to be reduced as far as is feasibly possible by design measures such as green roofs, permeable paving etc. Although a green roof has not been included, the proposal relates to extensions to an original building. The proposal will not increase the area of hard surfaced areas within the site and therefore will not affect the existing levels of surface water run-off. Accordingly, the proposal is considered to be able to meet the requirements of policy CS67.

Design Issues

Core Strategy policy CS74 and UDP policies BE5 and H14 also seek to protect the character of the area by the use of good design and layout.

The application proposes to extend and alter an existing retail/ office building to facilitate the construction of 14 apartments above the existing carpet shop at ground floor level.

The site is an anomaly within the immediate surrounding area as the retail frontage has a flat roof and the upper floors are set significantly back from the main retail frontage; this is unlike the brick built terraced properties and police station along Chesterfield Road or the detached and semi-detached properties on Newlyn Road and Chantrey Road. The building relates to the wider local shopping district, however, as there are other contemporary designed buildings (such as the new medical practice) and other historic flat roofed retail buildings, such as the neighbouring supermarket. The proposal does not seek to significantly alter the overall appearance of the building and how it relates to the existing street.

Layout

The original application sought consent for 12 two bedroomed units and 2 one bed roomed units. Amended drawings have been provided rearranging the internal layout to provide 8 two bed roomed units and 6 one bed roomed units.

The proposal will not alter the footprint of the building and the extensions are located to the rear of the three storey building that faces Chesterfield Road, and above the single storey side of the property that faces Newlyn Road.

The rear extensions that are set behind the three storey main building are located over a flat roof section of the building and centrally within the rear elevation. The additional two floors that are proposed to the north of the site would sit above the existing footprint of the single storey section of building facing Newlyn Road.

The existing single storey aspect of the building that faces Newlyn Road is in line with the first and second floors of the main massing of the building that faces Chesterfield Road. However, the extension to the north of the site facing Newlyn Road is set approximately 3 metres back from the flat roofed ground floor retail

frontage along Chesterfield Road and it is not visually prominent or challenging to the character and appearance of the commercial premises' frontage.

The access drive from Newlyn Road to the car parking area to the rear of the existing building already exists. This proposal seeks to keep the same access and car parking space; however, the proposal will require the car parking to be formally marked out.

Scale and Massing

The proposed extensions would increase the height of the original single storey section of the building facing Newlyn Road with two additional storeys above the single storey arm of the building. The proposed changes would increase the height of the single storey section of the building from approximately 2.7 metres to 8.9 metres at its highest point. This compares to the height of the ridgeline of the closest neighbouring property on Newlyn Road (no.14), which is approximately 8.8 metres.

The other alterations are set to the rear of the existing three storey aspect of the building do not dramatically change the overall massing and built form of the building when it is viewed from the public domain. The overall changes to the height and massing of the building are not considered to look incongruous within the street or out of character with the scale and massing of the immediate neighbouring properties.

The extensions would sit slightly lower than the original buildings flat roofs and not forward of the main ground floor frontage. Furthermore, from the street the height of the building is considered to be respectful of the surrounding properties due to the height of the police station on the opposite corner of Newlyn Road and because the two storey dwelling houses are sited on land that is higher than the subject building. Consequently, the massing of the proposed extensions is considered to respect the character and built form of the original building and would not appear incongruous within the street.

The proposed extensions do not exceed the height of the original building and are comparable to the heights of the surrounding buildings. The scale and massing of the proposed extensions are considered to be appropriate in this location and respectful of the immediate surrounding built forms and that of the original building. The prevailing character of the area is also defined by the significant variations in architectural styles and built forms, so it is considered that the proposed extensions will not be unduly out of keeping with the character of the area. Accordingly, it is considered that the scale and massing of the proposed building is acceptable in terms of policies BE5 and CS74.

Detailing and Built Form

The materials proposed would include red brick with doors and windows to match the existing building. The windows would have strong, deep reveals and, together with the rhythm and detailing of the second and third floor windows, the materials and detailing of the building is considered to be acceptable in this instance.

The proposal's design, siting, built form, scale, massing and details are considered to be appropriate for a site of this size and location and it is, therefore, considered that the overall design is acceptable in terms of the NPPF and local policies S10, BE5 and CS74.

Amenity Issues

The proposed residential extensions have been sited in a way that will minimise their impact upon the amenities of all local residents. UDP policies S10 requires that all residential units, which are to be sited in Local Shopping Centres areas, provide good quality amenities for future occupants. The policies also seek to ensure that the amenities of existing neighbouring residents are not compromised.

The apartments are spacious and the units are of a layout and standard which can be fully adapted to individual people's requirements. The units vary in size and the one and two bedroom units range from approximately 31 square metres in size to 62 square metres.

The South Yorkshire Residential Design Guidance (SYRDG) provides some guidance as to what is considered to be good space standards for residential properties. It states that one and two bedroomed properties should be between 33 and 62 square metres in size. Although unit 3 is slightly smaller than the 33 square metres, all other apartments meet the recommended guidelines and this studio/ apartment is only slightly smaller than the recommended size (31sqm). This unit is not excessively small or significantly lower than the recommended standard to the extent that consent should be refused on this basis alone. On balance, the proposed apartments are considered to be acceptable in terms of their design, layout and sizes and, good living conditions are provided for all future occupants.

Various residential properties within shopping centres around the city have limited external private amenity space associated with them; however, they are considered to be acceptable because they have reasonable internal spaces and, are close to various local amenities such as cafes, shops and public parks. Whilst there is no shared external amenity space for the apartments within the grounds of the site and there is limited use of private balconies, these apartments are spacious and provide good living conditions within a very sustainable location.

Although the SYRDG states that all apartments should have balconies/ private amenity space, this is not always possible especially where apartments are located above commercial premises in shopping centres. This proposal has provided balconies where possible, and on elevations that would not give rise to either concerns regarding the aesthetics of the building or the privacy – or perception of privacy – to neighbouring properties. Consequently, it is considered that although balconies are not provided to all units, the apartments provide good living conditions for future occupants in this respect.

The side extension facing Newlyn Road has been designed so that the overall massing does not severely impact upon any neighbouring residential properties. The three storey elements of the proposal to the northeast of the site are set

approximately 8.5 metres away from the closest neighbouring property and, at a slightly lower ground level due to the upwards slope of Newlyn Road.

The first and second floor extensions to the rear of the original building that face in towards the car parking area are set away from the shared boundary with the properties on Chantrey Road by approximately 8.3 metres. Furthermore, as the properties on Chantrey Road are set slightly higher up than the subject property and have some outbuildings along the shared boundary, this aspect of the proposal is not considered to significantly overbear/ overshadow these neighbouring properties to an excessive level.

The proposed extensions are not excessive in height and they have been sensitively designed and located to minimise their impact upon all neighbouring properties in terms of light and outlook. Consequently, it is not considered that the built form and massing of the proposal would severely impact upon the neighbouring residential properties in terms of loss of light and outlook.

The windows would not compromise the privacy of any neighbouring property or overlook any private residential amenity space. The windows in the north eastern extension are set to look out onto the main road and these will not impact upon the privacy levels or any neighbour's private gardens. Furthermore, the windows to the rear of this aspect of the proposal will be high level windows that serve the internal corridors and, are set over 21 metres from the rear boundary.

Although there are balconies in the rear extension to the main building, these balconies are set at an angle to the neighbouring properties along Chantrey Road and are set 20 metres away from the shared boundary; moreover, they have full height privacy screens to prevent direct overlooking down onto the private gardens of the neighbouring properties along Chantrey Road. Accordingly, the outlook of these balconies is over the rear car park, rather than the neighbouring properties rear gardens and, as such, the balconies are not considered to severely overlook the neighbouring properties to the extent that a refusal of permission could be made on this ground alone.

The first and second floor flats have bedroom windows facing down onto the car park and these are set approximately 10 metres from the shared boundary. As there are some outbuildings along the shared boundary and these windows are set at an angle to the neighbouring properties, it is not considered that these windows would severely overlook the private gardens of any neighbouring property.

With regards to maintaining privacy levels, the proposal is considered to be acceptable in this respect and satisfactory with regards to UDP policy S10.

The entrance to the apartments is from the rear of the site and accordingly, security of this access will require some additional external lighting. A condition should be attached to any approval to ensure that lighting is provided that gives good levels of security, without being harmful to the living conditions of any neighbouring properties.

The siting and design of the building is considered to provide good quality amenities for future occupants whilst having a minimal impact upon the amenities of the neighbouring properties. The proposal does not give rise to any amenity issues such as loss of privacy and/or outlook/loss of light and it is, therefore, satisfactory with regards to UDP policies and the NPPF.

Noise and General Disturbance

It is considered that as the residential units are close to various noise sources – a public house, hot foot takeaways, a Police Station and a main arterial road - it is, therefore, necessary to add a condition to any approval that noise receptors are identified and mitigation measures are implemented. Provided that any approval is subjected to such a condition, it is considered that the proposal will provide satisfactory living conditions for any future occupants of the apartments.

Although it has been suggested that the proposal will increase noise and general disturbance to existing residents, it is considered that the intensity of the use of the building for residential purposes is not so great that it would have a severe adverse impact upon the existing living conditions of the neighbouring properties to the extent that planning permission could be refused consent.

Accordingly, with regards to the above issue of noise and general disturbance, the proposal is considered to be acceptable in terms of UDP policies S10 and the NPPF.

Highways Issues

The proposal has incorporated 19 off street car parking spaces to the rear of the site and the size of the apartments has been amended to ensure that car parking provisions are appropriate for the number, and size, of the proposed residential units.

The proposed residential units are not family sized units and amended plans now comprise of a mix of only one and two bed roomed units. The property is set within a very sustainable location and on a road that has very frequent public transport links. The proposal includes cycle parking provisions, which is considered to be acceptable for the number of units provided and further adds to the sustainable credentials of the site. The sustainable siting of the building is given significant weight here as the location also offers various local facilities, such as shops, parks and public facilities along Chesterfield Road and the city centre is very accessible due to the frequent bus services.

The UDP parking guidelines for an out of city centre location state that residential units should have one space per one bed unit and two spaces per two bed roomed units; whilst out of city centre retail units should provide 1 car parking space per 35 sqm. The car parking provided meets the requirements for commercial premises and the two bed roomed units; however, the proposal does not provide 6 spaces for 6 of the one bed roomed units, representing a shortfall of 6 spaces relative to the maximum guidelines.

Although the proposal does not provide any spaces for six of the 1 bedroomed units, it should be noted that the Council's guidelines are based on maximum space guidelines and the NPPF stipulates that applications should only be refused consent on highways grounds where a proposal would have a severe impact upon the highway network. The very sustainable location and type of residential units provided is not considered to necessitate a further requirement of 6 additional spaces; furthermore, as residents and visitors will have access to the 8 spaces that will be reserved primarily for customers of the retail unit in the evenings and for some part of the weekend, in this instance it is not considered that the six one bed roomed apartments would generate significant levels of on street car parking that would be detrimental to highway safety.

The location of the building and the existing on site/ street parking spaces/ restrictions, means that the parking arrangements are unlikely to impact severely upon highway safety. Accordingly, the proposal is not considered to give rise to any highways implications and is acceptable in terms of the NFFP and all local planning policies.

Community Infrastructure Levy

The application is liable to the Community Infrastructure Levy (CIL) which was brought into force earlier this year. The charge is payable at a rate of £50 per square metre once the development is started and would contribute to education facilities and open space provisions within the city. Policies within the Core Strategy and Unitary Development Plan which related to these contributions have been superseded by the CIL regulations outlined by Government.

SUMMARY AND RECOMMENDATION

The development would make a small but welcome contribution to the current under provision of housing supply in the city. The scale, built form, materials and detailing of the proposed building is considered to be appropriate for a mixed retail and residential scheme in this location. The character of the area is not considered to be compromised as a result of the proposal.

Owing to the siting and design of the proposed building, it is not considered that the proposal would be detrimental to the levels of amenity currently enjoyed by any neighbouring residents. Although unit 3 is slightly smaller than the recommended internal space guidance within the SYRDG, it is considered that overall, the apartments are reasonably sized and will provide good living conditions for future residents. Moreover, although there is no private external amenity space provided, significant weight is given to the sustainable location and the need to provide a wide variety of housing types and tenures, especially given that such uses will contribute to the wider viability of the shopping centre.

Although the property does not provide car parking accommodation in full accordance with the Council's car parking guidelines, the property is located within a very sustainable location that has a wide variety of amenities and is very accessible due to a frequent bus route. The amendments to the sizes of the apartments and the provision of sufficient car parking for the commercial unit and

the two bedroomed apartments is considered to be satisfactory with regards to UDP car parking standards. Although the one bedroomed units have no car parking spaces, the sustainable location is given significant weight, and it is considered that the scheme can be acceptable in this location without being detrimental to highway safety.

In light of the above, it is considered that the proposal is acceptable in terms of the NPPF, UDP and Core Strategy policies. Accordingly, the application is recommended for approval subject to conditions.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 27 February 2018

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
27 FEBRUARY 2018

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 demolition of existing garage and erection of a dwellinghouse at 126 Ranby Road Sheffield S11 7AL (Case No 17/02872/FUL)
(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse prior notification for the installation of telecommunications equipment including 12.5m column, 2 transmission dishes, 2 equipment cabinets and ancillary development (Application for determination if approval required for siting and appearance) at Grass Verge At Bus Terminus Totley Brook Road Sheffield S17 3QS (Case No 17/01410/TEL)
(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse prior notification for the siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) at the Outside 112 West Street Sheffield S1 4EP (Case No 17/03085/TEL)
(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse prior notification for the siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) Adjacent To John Lewis Barker's Pool Sheffield S1 2HB (Case No 17/03070/TEL)
(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse prior notification for the siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) at Tudor Square Sheffield S1 2LA (Case No 17/03174/TEL)
(vi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse prior notification for the siting of solar powered telephone kiosk (Application for determination if approval

required for siting and appearance) Outside 60 - 62 Pinstone Street Sheffield S1 2HN (Case No 17/03075/TEL)
(vii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse prior notification for the siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) Outside Central United Reformed Church 60 Norfolk Street Sheffield S1 2JB (Case No 17/03073/TEL)
(viii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse prior notification for the siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) Outside 2-4 Fitzalan Square Flat Street Sheffield S1 2AY (Case No 17/03084/TEL)
(viii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse prior notification for the siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) Adjacent To Castle House Angel Street Sheffield S3 8LN (Case No 17/03067/TEL)
(x) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse prior notification for the siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) Outside Stone The Crows 19 - 21 Barker's Pool Sheffield S1 2HB (Case No 17/03071/TEL)
(xi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse prior notification for the siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) Pavement Outside 48 Howard Street Sheffield S1 2LW (Case No 17/03093/TEL)
(xii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse prior notification for the siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) Pavement Outside The Moor Car Park Eyre Street Sheffield S1 4QY (Case No 17/03095/TEL)
(xiii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse prior notification for the siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) Adjacent To The Town Hall Surrey Street Sheffield S1 2LG (Case No 17/03097/TEL)
(xiv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse prior notification for the siting of solar powered telephone kiosk (Application for determination if approval required for siting and appearance) Adjacent To 38 Haymarket Sheffield S1 2AW (Case No 17/03099/TEL)

(xv) 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 front/side/rear extension to dwellinghouse at 70 Earl Marshal Road Sheffield S4 8LA (Case No 17/04524/FUL)

(xvi) An appeal has been submitted to the Secretary of State against the enforcement notice for fencing height at 83 Northern Avenue Sheffield S2 2JA (Case No 15/00346/ENUHD)

3.0 APPEALS DECISIONS - DISMISSED

(i) An appeal against the delegated decision of the Council to refuse planning consent for 2 illuminated advertisement hoardings at 90-92 Harwood Street Sheffield S2 4SE (Case No 17/02148/ADV) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being the effect on amenity including whether the adverts would preserve or enhance the character and appearance of the John Street Conservation Area.

He noted the industrial and commercial nature of the area and the presence and large scale of the adjacent football stadium. Within the area he noted the wide range of advertisements including the two 48 sheet hoardings immediately adjacent to the site that are the subject of enforcement action.

He felt the large scale internally illuminated hoardings would be a prominent, dominant and intrusive feature on Bramall Lane that would fail to preserve and enhance the character of the John Street Conservation Area. He considered this to be less than substantial harm in the context of the NPPF (paras 131-134) but in the absence of public benefit (only private economic benefit for the appellant's business) this harm was not outweighed.

He concluded the adverts conflicted with policies BE13, BE15 and BE16 and dismissed the appeal.

(ii) An appeal against the delegated decision of the Council to refuse planning consent for single-storey front and side extension, entrance portico to front, porch to side, installation of and replacement of windows to dwellinghouse at 185 Long Line Sheffield S11 7TX (Case No 17/03685/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being a) whether the proposal is inappropriate development in the Green Belt, including the effect on openness of the Green Belt and the purpose of including land within it; and b) the effect on the character of the property and surrounding area.

For a) he noted the increase in footprint over and above the original dwelling, at 33% met the Council's limit on proportionate additions and was satisfied the proposal was not therefore inappropriate development in the Green Belt. An extension that is not disproportionate and therefore meets the exceptions in NPPF para 89 is not therefore subject to an assessment of openness.

For b) however, he considered the introduction of a portico element with columns and a pediment and its resultant impact on the roofline and front gable would lead to a significantly harmful effect on the character and appearance of the existing property and the surrounding area due to its incompatible design.

He concluded the proposals were contrary to the aims of policies BE5, and CS74 and dismissed the appeal.

(iii) An appeal against the delegated decision of the Council to refuse listed building consent for the replacement of wooden guttering with aluminium at 100 - 104 Townhead Road Sheffield S17 3GB (Case No 17/00698/LBC) has been dismissed.

Officer Comment:-

The main issue was the effect of the proposed aluminium gutters on the special architectural and historic interest of the listed building and the character and appearance of the Dore Conservation Area.

The works related to 3 of the 6 dwellings in the terrace and the existing timber gutters are an unusual feature that contributes to the special architectural interest of the building. The replacement aluminium gutters would have much cleaner lines and lack texture, despite having a painted finish akin to the timber ones present. He concluded this would have a harmful impact upon the special architectural and historic interest of the listed building, and I turn the Conservation Area. In the context of paras 132-134 of the NPPF he considered the harm to be less than substantial, requiring the harm to be weighed against the public benefit.

He took into account the appellant's assertion that the gutters were under capacity and leading to drainage problems, including a sunken pavement however he felt there were other ways to resolve this problem and was not convinced this represented any public benefit to outweigh the harm.

He therefore concluded the proposal conflicted with policies BE16 and BE19 of the UDP and dismissed the appeal.

(iv) An appeal against the delegated decision of the Council to refuse prior notification for the installation of telecommunications equipment including 12m column, 3 no. antennas, 3 no. equipment cabinets and ancillary development (Application for determination if approval required for siting and appearance) at Junction Of Arnold Avenue And Stoneley Crescent Sheffield S12 3JA (Case No 17/01460/TEL) has been dismissed.

Officer Comment:-

The Planning Inspector considered the main issue to be the effect of the proposed development on the street scene. She noted that the immediate surrounding area is open and undeveloped and contains a large area of grass and a few young trees, making the appeal site prominent. The open area has no existing built structures and is uncluttered, save for street lights. On this basis she felt that the proposal would be viewed as an isolated form of development, would be taller than the street lights and would be on a prominent corner and would be conspicuous. The need for telecommunications equipment did not outweigh the visual harm in this case. For these reasons she concluded that the installation would harm the appearance of the street scene and would be contrary to Policy BE14 of the Unitary Development Plan.

4.0 APPEALS DECISIONS - ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse advertisement consent for 2 non-illuminated parking signs and 2 illuminated banner signs at Site Of Betafence Wire Factory Lock House Road Sheffield S9 2RN (Case No 17/02339/ADV) has been allowed.

Officer Comment:-

The Inspector noted that the Council originally issued a split decision and approved 4 illuminated name signs, 7 illuminated entrance signs, 1 illuminated exit sign, 1 illuminated collection point sign, 5 illuminated directional signs and 2 non-illuminated parking signs, such that the appeal is only in respect of 2 illuminated banner signs.

He noted that the main issues are the effect on the amenity of the area and on public safety. The high level signs are sited towards the eaves of the building and are 8m wide by 5m high. He felt that the large scale of the IKEA building provides a substantial backdrop and that the banner signs were of a design and scale that sit comfortably on the expanse of the elevations, rather than being obtrusive features. He did not consider that the signs would result in visual clutter when viewed with other existing signs and concluded that they would not harm the character and appearance of the building. He also concluded that there were no public safety issues.

He determined that the advertisements would not conflict with UDP Policy BE13 or Core Strategy Policy CS75.

(ii) To report that an appeal against the delegated decision of the Council to grant conditionally the erection of a temporary 2.4 metre high palisade boundary fence at Handley Street Sheffield S3 9LG (Case No 17/02482/FUL) has been allowed by deleting condition No 2.

Officer Comment:-

Planning permission was granted for the erection of a temporary fence subject to a condition requiring the removal of the fence by 22 August 2022. The applicant appealed against this condition, requesting a longer (undefined)

period.

The Inspector was of the view that there was no specific reason why a five year period had been given and taking into account the nature of the development, the presence of other similar fences in the area and the need for the fencing, he concluded that the restricted time period was not necessary, relevant or reasonable. This being the case, the Inspector deleted the condition.

5.0 RECOMMENDATIONS

That the report be noted

Rob Murfin
Chief Planning Officer

27 February 2018

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