

# Planning and Highways Committee

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**Tuesday 22 December 2015 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**

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Councillors Alan Law (Chair), Peter Rippon (Chair), Nasima Akther, David Baker, Jack Clarkson, Tony Damms, Roger Davison, Adam Hurst, Ibrar Hussain, Bryan Lodge, Peter Price, Denise Reaney, Chris Rosling-Josephs, Garry Weatherall and Joyce Wright

## **Substitute Members**

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

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## **PUBLIC ACCESS TO THE MEETING**

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

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

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

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

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

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## **FACILITIES**

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

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

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
22 DECEMBER 2015**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 1 - 4)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 5 - 8)  
Minutes of the meeting of the Committee held on 1 December 2015
- 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. Objection to Tree Preservation Order No. 405: 155 Psalter Lane** (Pages 9 - 20)  
Report of the Director of Regeneration and Development Services
- 8. Objection to Tree preservation Order No. 404: 7 Gladstone Road** (Pages 21 - 34)  
Report of the Director of Regeneration and Development Services
- 9. Confirmation of Tree Preservation Order No. 406: Graham Point, 405 Fulwood Road** (Pages 35 - 42)  
Report of the Director of Regeneration and Development Services
- 10. Applications Under Various Acts/Regulations** (Pages 43 - 188)  
Report of the Director of Regeneration and Development Services
- 11. Enforcement of Planning Control: 43 Moorthorpe Rise** (Pages 189 - 194)  
Report of the Director of Regeneration and Development Services
- 12. Record of Planning Appeal Submissions and Decisions** (Pages 195 - 196)

Report of the Director of Regeneration and Development  
Services

**13. Date of Next Meeting**

The next meeting of the Committee will be held on 19 January  
2016



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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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## SHEFFIELD CITY COUNCIL

### Planning and Highways Committee

#### Meeting held 1 December 2015

**PRESENT:** Councillors Alan Law (Chair), Roger Davison, Adam Hurst, Ibrar Hussain, Bryan Lodge, Joe Otten (Substitute Member), Peter Price, Denise Reaney, Peter Rippon, Chris Rosling-Josephs and Joyce Wright

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

1.1 An apology for absence was received from Councillor David Baker and Councillor Joe Otten attended the meeting as the duly appointed substitute. Apologies for absence were also received from Councillors Nasima Akther, Jack Clarkson, Tony Damms and Gary Weatherall 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 There were no declarations of interest.

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

4 The minutes of the meeting of the Committee held on 10 November, 2015 were approved as a correct record.

#### **5. SHEFFIELD CONSERVATION ADVISORY COMMITTEE**

5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 20 October, 2015.

#### **6. SITE VISIT**

6.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with a Co-Chair, be authorised to make arrangements for a site visit on Monday, 21 December 2015, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

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

7.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of

Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case No. 15/03871/FUL and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) having heard representations at the meeting from two local residents speaking against the proposed development and from the applicant's agent speaking in support of the development, an application for planning permission for the conversion of an existing building to form 6 apartments and the erection of 7 dwellinghouses with associated car parking and landscaping works at the former Heeley and Sheffield Public House, 781 Gleadless Road (Case No. 15/03371/FUL) be granted, conditionally, subject to Condition 17 being deleted, as detailed in the supplementary report circulated at the meeting;

(c) an application for planning permission for the construction of a glass balustrade to the rear of a dwellinghouse at 30 Stainton Road (Case No. 15/03156/FUL) be refused (i) for the reason detailed in the report now submitted and (ii) with authority given to (A) the Director of Regeneration and Development Services to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised balustrade at 30 Stainton Road and (B) the Head of Planning, in liaison with a Co-Chair of the Committee, to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control; and

(d) having (i) noted officer information confirming that there was no relevant site history for the application site, as detailed in a supplementary report circulated at the meeting and (ii) heard representations at the meeting from the applicant's agent speaking in support of the development, an application for planning permission for the erection of a dwellinghouse at the rear of 52 Arundel Road (Case No. 15/02664/OUT), be granted, conditionally.

## **8. ENFORCEMENT OF PLANNING CONTROL: 261 STANIFORTH ROAD**

- 8.1 The Director of Regeneration and Development Services submitted a report on his investigation into a breach of planning control regarding the failure to comply with conditions attached to planning permission granted for the retention of a single-storey extension to the Murpuri Dhera Restaurant at 261 Staniforth Road (Case No. 14/01512/FUL) and also in connection with the unauthorised erection of a marquee to the rear of the property. The report stated that the retrospective planning application for the extension was granted planning permission with four conditions and that the owner had not complied with Conditions 1, 2 and 3. It was also confirmed that a Breach of Condition Notice served on 27 October 2015 had not been complied with in respect of this matter.
- 8.2 With regard to the marquee, it was explained that it had been on site for 18 months approximately and that it was considered to be a development requiring planning permission. An assessment of the marquee considered it to be

inappropriate and not in keeping with the character of the building or the area and was not an acceptable use to alternative traditional building materials. The marquee's position also prevented some on-site car parking bays, that had been required under planning permission Case No. 14/01512/FUL, from being used, which contributed to the owner's failure to comply with one of the attached conditions to the aforementioned permission.

- 8.3 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure (i) the removal of the marquee from the land altogether at 261 Staniforth Road and (ii) the removal of the unauthorised single-storey extension in the event that full compliance is not made with conditions and drawings attached to planning permission Case No. 14/01512/FUL at 261 Staniforth Road; and

(b) the Head of Planning, in liaison with a Co-Chair of the Committee, be authorised to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

## **9. ENFORCEMENT OF PLANNING CONTROL: 16 MOOR OAKS ROAD**

- 9.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control in respect of the unauthorised replacement UPVC windows at 16 Moor Oaks Road. The report stated that the property was located within the Broomhill Conservation area and that the associated Article 4 Direction removed the permitted development right to replace windows. The owner of the property indicated that the UPVC windows had been installed to comply with the recommendations of the Private Housing Standards to obtain a housing license. It was explained though that a caveat within the Private Housing Standards literature advised that all work should be carried out in accordance with building regulations and that all planning and build control permissions should be in place. The owner had been advised by officers that the UPVC windows needed to be replaced with timber sliding sash windows, but this had not been carried out since the last correspondence sent by officers in August 2014.

- 9.2 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised UPVC windows fronting the highway at 16 Moor Oaks Road; and

(b) the Head of Planning, in liaison with a Co-Chair of the Committee, be authorised to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

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

- 10.1 The Committee received and noted a report of the Director of Regeneration and Development Services detailing the planning appeals recently submitted to the

Secretary of State.

**11. DATE OF NEXT MEETING**

- 11.1 **RESOLVED:** That it be noted that the next meeting of the Committee will be held on Tuesday, 22 December, 2015 at 2.00 pm, at the Town Hall.





## SHEFFIELD CITY COUNCIL

### Planning & Highways Committee Report

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**Report of:** Director of Development Services

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**Date:** 22<sup>nd</sup> December 2015

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**Subject:** Tree Preservation Order

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**Author of Report:** Julie Watson, Urban and Environmental Design

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**Summary:** To report an objection and to seek confirmation of Tree Preservation Order Nr. 405 at land adjacent to 155 Psalter Lane Sheffield.

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#### **Reasons for Recommendations**

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

#### **Recommendations**

Tree Preservation Order Nr. 405 should be confirmed unmodified.

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**Background Papers:**

- A) Tree Preservation Order 405 (includes Order plan)
- B) General Location Plan
- C) TEMPO evaluation (T10)
- D) Objection received 19<sup>th</sup> August 2015

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**Category of Report:** OPEN

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# REPORT TO PLANNING AND HIGHWAYS COMMITTEE

22<sup>nd</sup> December 2015

TREE PRESERVATION ORDER NR. 405

155 Psalter Lane, SHEFFIELD. S11 8UY

## 1.0 PURPOSE OF REPORT

1.1 To seek confirmation of Tree Preservation Order Nr. 405.

## 2.0 BACKGROUND

2.1 Tree Preservation Order Nr. 405 was served on 16<sup>th</sup> July 2015 to protect a pair of two Sycamore Trees in the front garden of land adjacent to 155 Psalter Lane, Sheffield. In the interests of ensuring that all parties affected by the order were informed, Sheffield City Council served this order to surrounding houses. A copy of the Order is attached as Appendix A, and a general location plan as Appendix B.

2.2 In May 2015 a planning application for a single dwelling house on this previously vacant plot adjacent to 155, Psalter Lane was received. The recommendation from the Landscape Officer was to refuse the application because of the significant encroachment of a proposed retaining wall and hard surfacing within the Root Protection Area [RPA] of the 2 trees on the originally submitted layout plan.

2.3 The two Sycamores trees were considered to have significant visual amenity value and are an important element in the character of the streetscene on Psalter Lane. These particular trees were deemed to be under threat from the proposed development above and therefore a decision was taken to serve a Tree Preservation Order to secure their retention.

2.4 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out on site by the Landscape Officer together with an Arboriculturalist from the Parks and Countryside's Trees and Woodlands service prior to serving the Order, and is attached as Appendix C. This assessment produced a clear recommendation for protection on amenity grounds.

2.5 With regard to the separate issue of the Planning Application, negotiations between the Applicant and the Planning Officer resulted in a revised proposal being submitted in November 2015 which realigned the proposed vehicular access to avoid the RPAs of the trees. The application was consequently approved but with a condition to submit proposed tree protection measures including construction methodology to demonstrate how the tree roots would be protected.

2.6 Whilst it may be considered that there has been sufficient change in the development proposals to protect the trees, they will remain at risk of damage during the course of the construction process. The presence of a TPO strengthens the hand of the Planning Authority in the establishment of acceptable construction practices to ensure long term health of the trees. It also ensures that due process is secured to protect the trees into the future should owners of the property ~~Page 10~~ make any changes that could threaten their viability.

### 3.0 OBJECTIONS TO TREE PRESERVATION ORDER

3.1 An objection to the TPO was received from Fowler Sandford on behalf of their Client, the Sheffield Bluecoat and Mount Pleasant Educational Foundation, on 19th August 2015. The Foundation is the applicant in the planning application referred to in this report. The full text of this objection is attached as Appendix D.

### 4.0 GROUNDS FOR OBJECTIONS AND OFFICER RESPONSE

4.1 The key objection raised is considered below and followed with a response:

4.2 OBJECTION: *“The Order, and in particular the inclusion of the western tree T2, is in our opinion an unreasonable restriction on the design process. It will impede negotiations and potentially frustrate the agreement of a considered and balanced proposal that gives due regard to the protection of the wooded nature of the area whilst permitting the development of the plot to meet an acknowledged housing shortage”*

4.3 RESPONSE: The City Council Landscape Officer and Tree Officer have assessed the two trees as worthy of protection under the industry standard TEMPO assessment scheme. BS 5837 [2012] defines the Root Protection Areas as the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree’s viability, and where the protection of the roots and soil structure is treated as a priority. Any consequent constraints on the proposed development to protect RPAs are essential to guarantee the long term survival of the trees.

The two trees have developed in close proximity and the form of their joint crown reflects this. Their amenity value, consequently, depends on their retention as a pair and a significant loss of form would result if one of the two were felled.

It has been stated in the objection that *“the initial advice we have received is that it will be feasible to form vehicular access at the north-western corner of the site without damaging the trees.”* The constraint imposed by the protection of the trees is therefore not preventing acceptable development on the site and, indeed, a planning application has been approved [Planning Application no. 15/01646/FUL on 13<sup>th</sup> November 2015]. A TPO can exist alongside the granting of planning permission, and the Council’s consideration of whether a TPO is necessary is a duty imposed by the Town and Country Planning Act 1990.

### 5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 There are no equal opportunities implications.

### 6.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

6.1 Environmental Implications.

Preservation of these trees will ensure that their amenity value will continue to benefit the area and control can be exercised over their future management. Protection of the trees is consistent with the Council’s policies to protect and enhance the City’s green environment.

## 6.2 Property Implications

It has been demonstrated that the Order does not prevent reasonable development of the property.

## 7.0 FINANCIAL IMPLICATIONS

7.1 There are no financial implications.

## 8.0 LEGAL IMPLICATIONS

8.1 A local authority has a duty to ensure that, where appropriate, adequate provision is made for the preservation or planting of trees when granting planning permission for any development. This may be achieved by the imposition of conditions.

8.2 Where it appears to the local authority to be necessary in connection with granting planning permission, it shall be its duty to make a Tree Preservation Order (TPO) to either give effect to conditions or otherwise (sections 197 and 198, Town and Country Planning Act 1990).

8.3 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 willful 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.

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

8.5 A local authority may only confirm an order after considering any representations made in respect of that order. One representation, which objects to the making of Tree Preservation Order No.405, has been received.

## 9.0 RECOMMENDATIONS

9.1 Following considerations of the objection reported, Tree Preservation Order Nr 405, 155 Psalter Lane, should be confirmed unmodified.

**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 405 (2015)**  
**Land adjacent to 155 Psalter Lane, Sheffield, S11 8UY**

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 405 (2015) – Land adjacent to 155 Psalter Lane, Sheffield, S11 8UY

**Interpretation**

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

**Effect**

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

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

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

Dated this 16<sup>th</sup> July, 2015

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



Duly Authorised Signatory

15 | 451 | 1542

### SCHEDULE

#### Specification of trees

##### Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Acer pseudoplatanaus (Sycamore)	OS Grid Ref: SK 4330 3853
T2	Acer pseudoplatanaus (Sycamore)	

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

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

##### Groups of trees

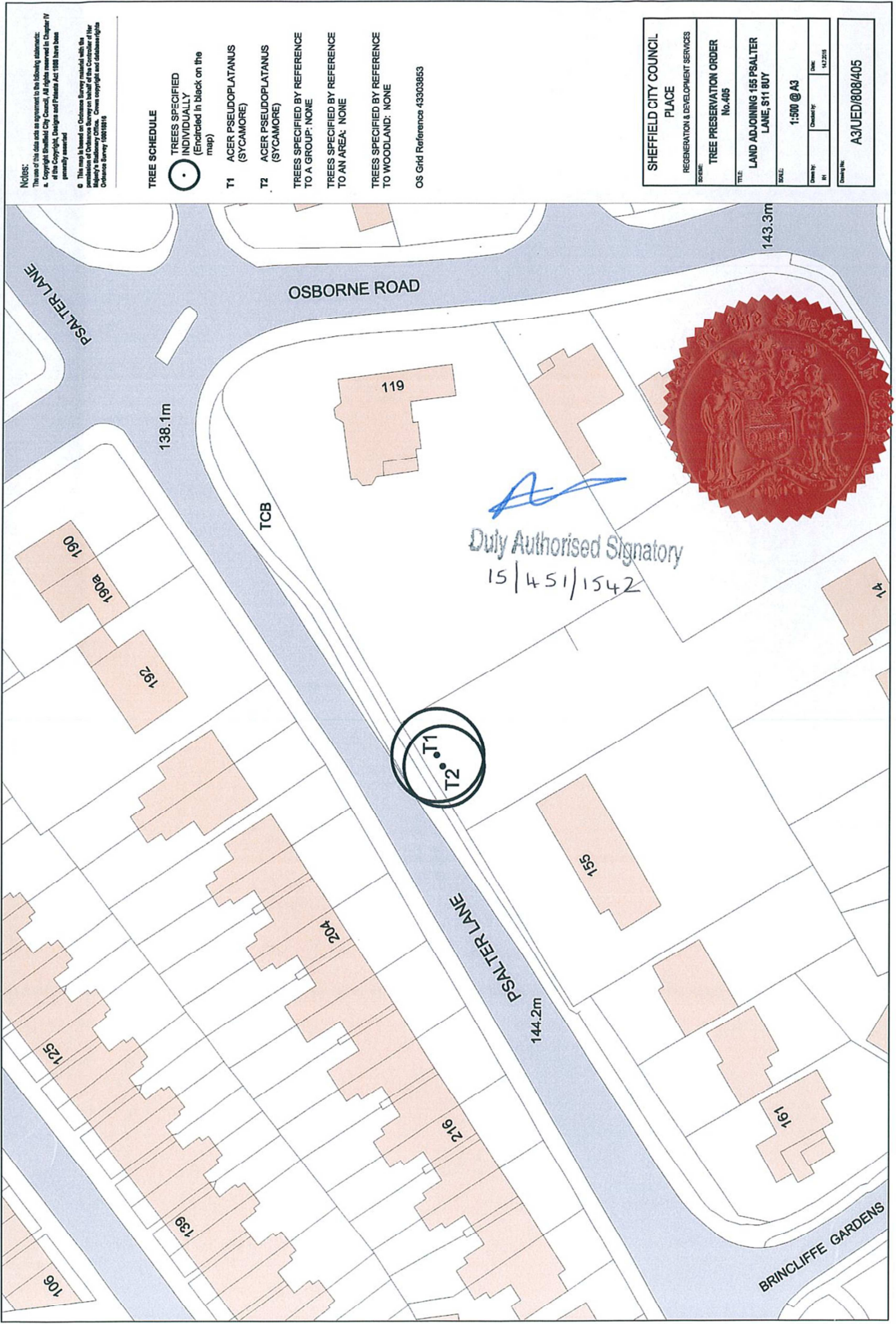
(within a broken black line on the map)

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

##### Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	



**Notes:**  
 The use of this data is subject to the following conditions:  
 1. This data is the property of the City of Sheffield and is not to be used for any other purpose without the prior written consent of the City of Sheffield.  
 2. This data is not to be used for any purpose other than that for which it was originally intended.  
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 4. This data is not to be used for any purpose other than that for which it was originally intended.  
 5. This data is not to be used for any purpose other than that for which it was originally intended.

- TREE SCHEDULE**
- TREES SPECIFIED INDIVIDUALLY (Included in black on the map)
  - T1 ACER PSEUDOPLATANUS (SYCAMORE)
  - T2 ACER PSEUDOPLATANUS (SYCAMORE)
- TREES SPECIFIED BY REFERENCE TO A GROUP: NONE  
 TREES SPECIFIED BY REFERENCE TO AN AREA: NONE  
 TREES SPECIFIED BY REFERENCE TO WOODLAND: NONE  
 OS Grid Reference 43303663

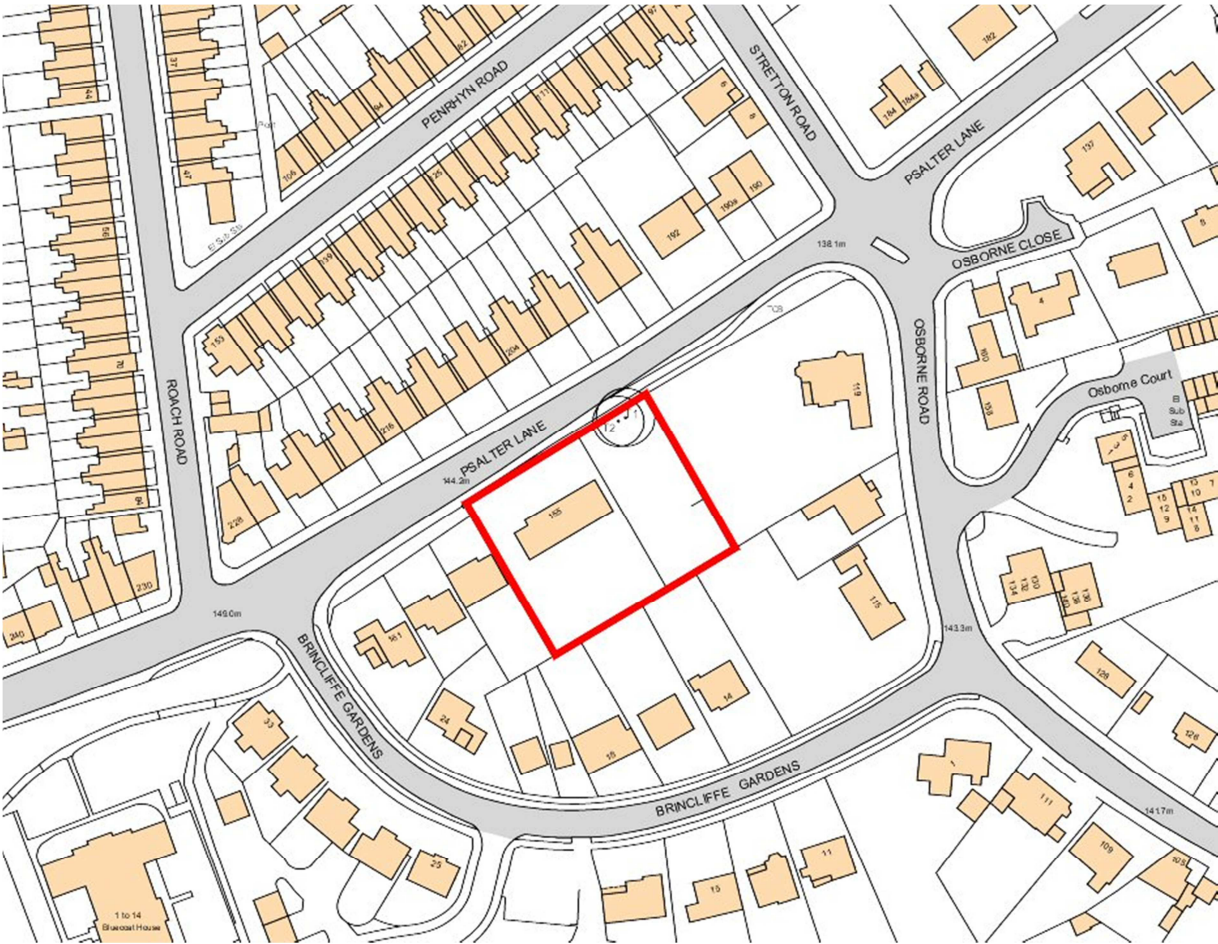
SHEFFIELD CITY COUNCIL	
PLACE	REGENERATION & DEVELOPMENT SERVICES
ORDER	TREE PRESERVATION ORDER No.405
TITLE	LAND ADJOINING 155 PSALTER LANE, S11 8UY
SCALE	1:500 @ A3
Drawn By	Checked By
Date	Date
Drawing No.	A3/UEB/808/405



**APPENDIX B**

**GENERAL LOCATION PLAN**

155, Psalter Lane





**TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO**

**SURVEY DATA SHEET & DECISION GUIDE**

Date: **07.07.15** Surveyor: **SAM THORN + JEZ PLATT**

**Tree details**  
 TPO Ref (if applicable): \_\_\_\_\_ Tree/Group No: **2** Species: **SYCAMORE**  
 Owner (if known): **POSSIBLY BLUECOATS** Location: **LAND ADJACENT TO 155 PSALTER LANE**  
**BUT NOT CONFIRMED.**

**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

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

**Score & Notes** **5** VERY GOOD FORM + NO SIGN OF DISEASE

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

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

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

**Score & Notes** **5** 80-100 YEAR OLD TREES WITH PLENTY OF YEARS AHEAD. NO MAJOR DEFECTS EXCEPT + GOOD HEALTH. ASSESSMENT OF BASE + CROWN

**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** BOTH TREES HIGHLY VISIBLE FROM HIGHWAY + SURROUNDING HOUSES

**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**

**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** CURRENT PROPOSALS WILL IMPACT ON THE RPA + LEAD TO THE LOSS OF THESE TREES

**Part 3: Decision guide**

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

**Add Scores for Total:**

**20**

**Decision:**

**TPO**

8 St James Street  
Sheffield S1 1XN  
Tel: 0114 275 1441  
Fax: 0114 275 4580  
www.fowlersandford.com

**Fowler  
Sandford**  
Chartered Surveyors

Our Ref : MDH/PS/V 5873  
Your Ref : LS/RC/72836

19 August 2015

By e mail : [richard.cannon@sheffield.gov.uk](mailto:richard.cannon@sheffield.gov.uk)

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

Dear Sirs,

**LAND ADJACENT TO 155 PSALTER LANE, SHEFFIELD S11 8UY  
TREE PRESERVATION ORDER NO. 405**

We refer to your letter dated 16 July 2015, and addressed to the Sheffield Bluecoat & Mount Pleasant Educational Foundation, a copy of which has been forwarded to this firm as Surveyors to the Foundation. Our client is a Charity registered under no. 529351.

We note the reasons for making the Order and accept that they make a contribution to the areas environmental character.

As we suspect you are aware it is the Foundation's intention to develop the site with a single dwellinghouse – application no. 15/01646/FUL – subject to securing the grant of planning consent. It is intended, as part of this scheme, to retain the two trees the subject of the Order which are situated on the northern boundary of the site and will not unduly shade the proposed new dwelling.

However, irrespective of the size and configuration of the new dwelling, it will of course be necessary to secure vehicular access to the site. The plot is elevated above the highway which will require the construction of a ramped driveway to the site.

The initial advice we have received is that it will be feasible to form vehicular access at the north-western corner of the site without damaging the trees. However, in view of the level changes, the yet unknown nature of the soil and the close spacing of the trees, further investigations may well be required. The Order, and in particular the inclusion of the western tree T2, is in our opinion an unreasonable restriction on the design process. It will impede negotiations and potentially



RICS Registered Valuers  
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Partners: **N.R.B. Robinson** FRICS **M.D. Holmes** BSc (Hons) MRICS **J.N. Robinson** BSc (Hons) MRICS  
Associates: **A.J. Bruce** BSc (Hons) MRICS **J.A. Swann** BSc (Hons) MRICS

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Registered office: 8 St James Street, Sheffield S1 1XN  
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frustrate the agreement of a considered and balanced proposal that gives due regard to the protection of the wooded nature of the area whilst permitting the development of the plot to meet an acknowledged housing shortage.

In light of the foregoing we wish to object to the making of the Order.

Could we please ask you to acknowledge receipt of this letter. Thank you.

Yours faithfully,

  
FOWLER SANDFORD

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## SHEFFIELD CITY COUNCIL

### Planning & Highways Committee Report

---

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

---

**Date:** 22<sup>nd</sup> December 2015

---

**Subject:** Tree Preservation Order No. 404,  
7 Gladstone Road, Sheffield, S10 3GT

---

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

---

**Summary:** To report objections to Tree Preservation Order No. 404

---

**Reasons for Recommendation**

To protect trees of visual amenity value to the locality

**Recommendation** Tree Preservation Order No. 404 should be confirmed unmodified.

---

**Background Papers:** A) Tree Preservation Order No. 404 and map attached.  
B) Objection letters attached.

---

**Category of Report:** OPEN

---

## REGENERATION & DEVELOPMENT SERVICES

### REPORT TO PLANNING & HIGHWAYS COMMITTEE

22<sup>ND</sup> DECEMBER 2015

#### TREE PRESERVATION ORDER NO. 404

7 GLADSTONE ROAD, SHEFFIELD, S10 3GT

#### 1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 404.

#### 2.0 BACKGROUND

2.1 Tree Preservation Order No.404 was made on 21<sup>st</sup> July 2015 to protect two mature pine trees in the front garden of 7 Gladstone Road. A copy of the order with its accompanying map is attached as Appendix A.

2.2 7 Gladstone Road is located within the Ranmoor Conservation Area and on the 18<sup>th</sup> May 2015 a notice (15/01788/TCA) was received to remove two mature pine trees located next to the highway frontage to either side of the vehicular drive entrance.

2.3 The reason given in the notice for the trees removal was that both pine trees have outgrown their position and need felling.

2.4 The visual amenity value of the two pine trees was assessed by a landscape planning officer. The trees were found to be visually prominent when viewed from Gladstone Road and were considered suitable for protection because they contribute to the amenity value and tree lined character of Gladstone Road and the Ranmoor Conservation Area.

2.5 A condition inspection of the two pine trees has been carried out by a Sheffield City Council, Community Tree Officer who confirmed that the trees were of suitably good condition for protection. The trees are considered to have a long useful life expectancy and no obvious health and safety reasons for removing the trees could be found.

#### 3.0 OBJECTIONS TO TREE PRESERVATION ORDER

3.1 Objections to the tree preservation order have been received from Mr A P Heywood the owner of the trees and Mr P Anson of neighbouring property 408 Fulwood Road, S10 3GG. A copy of the objections is attached as Appendix B.

#### 4.0 MR A P HEYWOOD'S GROUNDS FOR OBJECTION AND OFFICER RESPONSE

4.1 *Both trees are over 60 metres tall and have indeed outgrown their location.*

- 4.2 The trees are not considered to be excessively large and are considered of appropriate size for their location. There is no reason to suspect that the trees rooting environment is limited as discussed with Mrs Heywood during site inspection as there is sufficient space for the pine trees roots to grow.
- 4.3 *The trees are visually prominent – as are any trees of this size, but not in a “handsome” manner that contributes to the visual amenity of Ranmoor. In fact most people consider them an “eyesore”*
- 4.4 The trees are considered to be a feature of the street scene and add to the visual amenity value of the locality.
- 4.5 *The trees are the first trees going up Gladstone Road. The wind tunnel effect could easily blow these trees over.*
- 4.6 A condition inspection of the two pine trees has been carried out by a Sheffield City Council, Community Tree Officer and no obvious health and safety reasons for removing the trees could be found.
- 4.7 *The trees have grown in a very unsymmetrical manner, so that few branches grow towards the road side. This makes the trees look ugly but also are side heavy and “lopsided” so have a far greater chance of being blown over.*
- 4.8 Whilst it is noted that the trees are unsymmetrical and one sided their shape and form is not considered to be a factor as to their stability particularly as no obvious health and safety reasons for removing the trees could be found.
- 4.9 *The trees are growing close to the large lime tree which is a magnificent native example and would be far more visible with the removal of the pine trees.*
- 4.10 The lime tree is growing next to the road frontage in the front garden of 7 Gladstone Road approximately 7 metres away from Pine tree T2. The removal of the two pine trees to improve the visibility of the lime tree is considered inappropriate as the lime is presently visible from the public highway and there is adequate space to retain all three trees.
- 4.11 *There is ivy growing up the full height of one tree (T1) which is a natural occurrence. If the trees are to stay this adds to the green impact of the area and the environment. Yet in your letter (Decision notice 15/01788/TCA) you state “Ivy be removed from the two pine trees to lessen the sail area” – which goes to prove that you do in fact have a concern about the stability and safety of the trees.*
- 4.12 The removal of ivy from trees is seen as standard maintenance and was recommended as a precautionary measure to lessen the sail area of Pine tree T1.

- 5.0 MR P ANSON'S GROUNDS FOR OBJECTION AND OFFICER RESPONSE WITH RESPECT TO PINE TREE T1 GROWING NEAR TO MR P ANSON'S REAR GARDEN BOUNDARY
- 5.1 *The tree is very large (and ugly). It is far too big both in width and height for a residential area.*
- 5.2 The tree is not considered to be excessively large and is of appropriate size for its location. Whilst it is noted the tree is somewhat one sided it is considered to be visually prominent and of amenity value to the locality and Ranmoor Conservation Area.
- 5.3 *It detracts from the view of other trees in the vicinity.*
- 5.4 It is considered that the tree adds to the visual amenity value of the locality and does not detract from the view of other trees in the vicinity.
- 5.5 *It blocks out the sunlight and makes the corner of our garden gloomy.*
- 5.6 This is considered insufficient reason to remove the tree as the garden is particularly large and the tree is located towards the far rear corner.
- 5.7 *Its canopy overhangs and trespasses into our garden.*
- 5.8 This is consistent with trees growing near to boundaries and is not considered grounds for removal.
- 5.9 *Pine cones and branches regularly fall into our garden. Last year a branch fell and hit my wife (without injury) whilst she was gardening.*
- 5.10 Falling pine cones are a natural consequence of pine trees and is insufficient reason for removal. The risk of branch fall can be minimised by the removal of deadwood and standard maintenance pruning.
- 5.11 *Pine cones and pine needles make it difficult to garden this area.*
- 5.12 This is considered insufficient reason to remove a tree that contributes to the visual amenity value of the locality and Ranmoor Conservation Area.
- 5.13 *The tree is covered with ivy which is likely to damage the health of the tree.*
- 5.14 Only in trees naturally thin-crowned or rendered so by disease or disorder will ivy pose a threat to its host's health, by smothering the tree's foliage with its own in time.
- 5.15 *If the tree were to fall it would cause substantial damage to our property, given its size both in height and width, this is a significant hazard.*



5.16 A condition inspection of the pine tree has been carried out by a Sheffield City Council, Community Tree Officer and no obvious health and safety reasons for removing the tree could be found.

## 6.0 EQUAL OPPORTUNITIES IMPLICATIONS

6.1 There are no equal opportunities implications.

## 7.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

7.1 There are no property implications.

7.2 Protection of trees detailed in Tree Preservation Order No. 404 will benefit the visual amenity of the local environment.

## 8.0 FINANCIAL IMPLICATIONS

8.1 There are no financial implications.

## 9.0 LEGAL IMPLICATIONS

9.1 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).

9.2 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.

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

9.4 A local authority may only confirm an order after considering any representations made in respect of that order. Two representations have been received which object to the confirmation of Tree Preservation Order No.400. They are covered within this report.

## 10.0 RECOMMENDATION

10.1 Following consideration of the objections reported it is recommended Tree Preservation Order No. 404 at 7 Gladstone Road, S10 3GT should be confirmed unmodified.

Maria Duffy  
Interim Head of Planning

22<sup>nd</sup> December 2015

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**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 404 (2015)**  
**7 Gladstone Road, Sheffield, S10 3GT**

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 404 (2015) – 7 Gladstone Road, Sheffield, S10 3GT

**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 21<sup>st</sup> July, 2015

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

  
Duty Authorised Signatory



## SCHEDULE

### Specification of trees

#### Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Pinus Species (Pine)	OS Grid Ref: SK 4316 3860
T2	Pinus Species (Pine)	

#### Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

#### Groups of trees

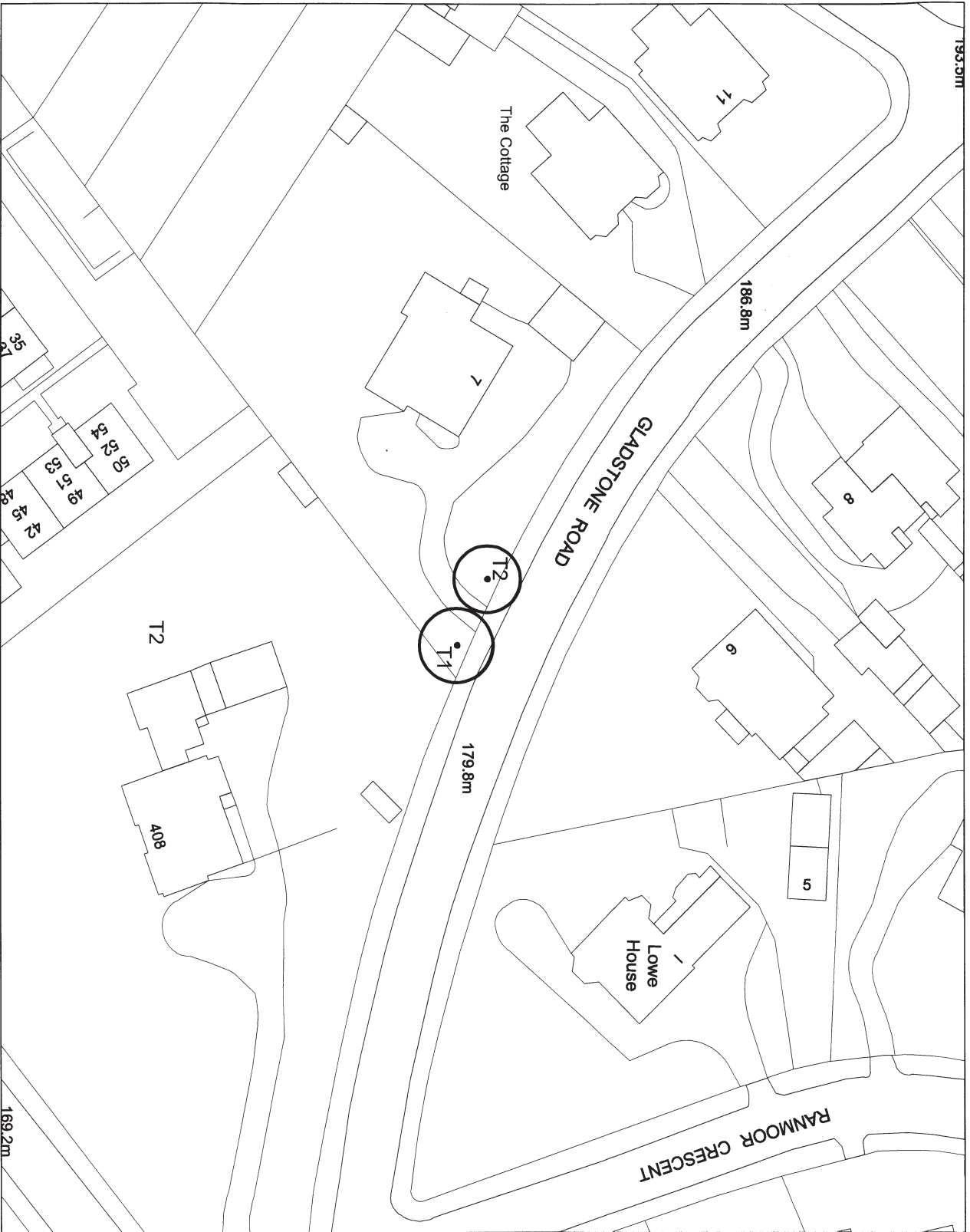
(within a broken black line on the map)

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

#### Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	



**NOTES**

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 2. This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown Copyright and database rights Ordnance Survey 100018118

**TREE SCHEDULE**

TREES SPECIFIED INDIVIDUALLY (Encircled in black on the map)

T1 PINUS SPECIES (PINE)

T2 PINUS SPECIES (PINE)

TREES SPECIFIED BY REFERENCE TO A GROUP: NONE

TREES SPECIFIED BY REFERENCE TO AN AREA: NONE

TREES SPECIFIED BY REFERENCE TO WOODLAND: NONE

OS Grid Reference: 4316 3860

SHEFFIELD CITY COUNCIL PLACE	
REGENERATION & DEVELOPMENT SERVICES	
TREE PRESERVATION ORDER No. 404	
TITLE 7 GLADSTONE ROAD S10 3GT	
SCALE 1:500 @ A3	
DATE 11.2015	CHECKED BY [Signature]
PROJECT NO. A3/UEI/808/404	



8<sup>th</sup> August 2015

Richard Cannon  
Legal Services Dept  
Director of Legal Governance: Gillian Duckworth  
Town Hall  
Pinstone Street  
Sheffield  
S1 2HH

Your Ref: LS/RC/72857  
Regarding: Tree Preservation Order 808/404 – Rlating to two pine trees adjacent the gate posts at the above address.

Dear Sir

Regarding your letter dated 21.7.15  
I would like to make a formal objection to this order for the following reasons:

1. Both trees are over 60 metres tall and have indeed outgrown their location.
2. The trees are visually prominent – as are any trees of this size, but not in a 'handsome' manor that contributes to the visual amenity of Ranmoor. Infact most people consider them an ugly 'eyesore'
3. The trees are the first trees going up Gladstone Road. The wind tunnel effect could easily blow these trees over.
4. The trees have grown in a very unsymmetrical manor, so that few branches grow towards the road side. This makes the trees look ugly but also are side heavy and 'lob-sided' so have a far greater chance of being blown over.
5. The trees are growing too close to the large Lime tree which is a magnificent native example and would be far more visible with the removal of the pine trees.
6. There is ivy growing up the full height of one tree – which is a natural occurrence. If the trees are to stay this adds to the green impact of the area and the environment. Yet in your letter you *state "ivy be removed from the two pine trees to lessen the sail area"* – which goes to prove that you do infact have a concern about the stability and safety of the trees.

I would also like to add that as the owner of the property during the last fourteen years I have planted ten trees on the land, nine of which are over twelve metres tall and contribute not only to the environment, but also to the area. Your heavy handed approach does not encourage anybody to consider further planting.

Yours sincerely



A P Heywood

**Storth Lodge**  
**408 \* Fulwood Road \* Ranmoor \* Sheffield \* S10 3GG**

---

**FAO Richard Cannon**  
**Legal Services Department**  
**Legal & Governance**  
**Sheffield City Council**  
**Town Hall**  
**Pinstone Street**  
**SHEFFIELD**  
**S1 2HH**

*Wednesday, 19 August 2015*

Dear Sir

**Your ref: LS/RC/72857**  
**Town & Country Planning (Tree Preservation) (England) Regulations 2012**  
**Tree Preservation Order No 404 - 7 Gladstone Road, Sheffield, S10 3GT**

I refer to your letter of 21 July 2015 concerning the above.

I am writing on behalf of my wife and myself in connection with the TPO in so far as it affects the pine tree marked TP 1 on the plan accompanying your letter.

My wife and I are the owners and occupiers of 408 Fulwood Road, the back garden of which abuts the front garden of 7 Gladstone Road. We and the owners of 7 Gladstone Road are the only people who are affected by this tree and we wish to support their request to cut it down.

Our reasons are as follows:

- The tree is very large (and ugly). It is far too big both in width and height for a residential area;
- It detracts from the view of other trees in the vicinity;
- It blocks out the sunlight and makes the corner of our garden gloomy
- Its canopy overhangs and trespasses into our garden;
- Pine cones and branches regularly fall into our garden. Last year a branch fell and hit my wife (without injury) whilst she was out gardening;




- Pine cones and pine needles make it difficult to garden this area;
- The tree is covered with ivy which is likely to damage the health of the tree;
- If the tree were to fall it would cause substantial damage to our property.  
Given its size, both in height and width, this is a significant hazard.

If the tree or any part of it were to fall and cause injury or damage in circumstances where our neighbours' request to bring the tree down had been resisted by the Council then we would hold the Council responsible.

I should be grateful if you would kindly acknowledge safe receipt of this letter

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Anson', written over a circular scribble.

Peter Anson

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## SHEFFIELD CITY COUNCIL

### Planning & Highways Committee Report

---

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

---

**Date:** 22<sup>nd</sup> December 2015

---

**Subject:** Tree Preservation Order No. 406,  
Graham Point, 405 Fulwood Road, Sheffield, S10 3GF

---

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

---

**Summary:** To seek confirmation of Tree Preservation Order No. 406

---

**Reasons for Recommendation**

To protect trees of visual amenity value to the locality

**Recommendation** Tree Preservation Order No. 406 should be confirmed.

---

**Background Papers:** A) Tree Preservation Order No. 406 and map attached.

---

**Category of Report:** OPEN

---

## REGENERATION & DEVELOPMENT SERVICES

### REPORT TO PLANNING & HIGHWAYS COMMITTEE

22<sup>nd</sup> DECEMBER 2015

#### TREE PRESERVATION ORDER NO. 406

GRAHAM POINT, 405 FULWOOD ROAD, SHEFFIELD, S10 3GF

#### 1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 406.

#### 2.0 BACKGROUND

2.1 Tree Preservation Order No. 406 was made on 23<sup>rd</sup> July 2015 upon trees fronting Fulwood Road that are located within the grounds of Graham Point Flats. A copy of the order with its accompanying map is attached as Appendix A.

2.2 An email was received from ACME Tree Surgery on the 13<sup>th</sup> July 2015 informing this Service that two mature sycamore trees within the grounds of Graham Point were to be removed.

2.3 The two mature sycamore trees were found to be in good order and of high amenity value to the locality and Tree Preservation Order No. 406 was served to safeguard the trees because of their visually prominent location and positive contribution to the associated development.

2.4 A hawthorn, holly, early mature red oak and group of three holly trees have also been included in the order because of their visual amenity value and contribution to the street scene and locality. Various other trees have been omitted from the order because of their condition or limited amenity value.

2.5 No objections to the order have been received.

2.6 Two written representations from the same person supporting the order have been received.

#### 3.0 EQUAL OPPORTUNITIES IMPLICATIONS

3.1 There are no equal opportunities implications.

#### 4.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

4.1 There are no property implications.

4.2 Protection of trees detailed in Tree Preservation Order No. 406 will benefit the visual amenity of the local environment.

#### 5.0 FINANCIAL IMPLICATIONS

5.1 There are no financial implications.

## 6.0 LEGAL IMPLICATIONS

6.1 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).

6.2 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.

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

6.4 A local authority may only confirm an order after considering any representations made in respect of that order. Two written representations which support the order have been received. No objections have been received in respect of Tree Preservation Order No.406.

## 7.0 RECOMMENDATION

7.1 Recommend Tree Preservation Order No.406 be confirmed.

Maria Duffy  
Interim Head of Planning

22<sup>nd</sup> December 2015

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**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 406 (2015)**  
**Graham Point, 405 Fulwood Road, Sheffield, S10 3GF**

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 406 (2015) – Graham Point, 405 Fulwood Road, Sheffield, S10 3GF

**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 23<sup>rd</sup> July, 2015

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



Duty Authorised Signatory



## SCHEDULE

### Specification of trees

#### Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Acer Pseudoplatanus (Sycamore)	OS Grid Ref: SK 4315 3858
T2	Acer Pseudoplatanus (Sycamore)	
T3	Crataegus Monogyna (Hawthorn)	
T4	Ilex Aquifolium (Holly)	
T5	Quercus Rubra (Red Oak)	

#### Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G1	Ilex Aquifolium (Holly) 3 No.	OS Grid Ref: SK 4315 3858

#### Groups of trees

(within a broken black line on the map)

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

#### Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	



**NOTES:**  
 The use of this plan is subject to the following statements:  
 1. It is the property of the City of Sheffield and is not to be used for any other purpose without the written consent of the City of Sheffield.  
 2. This plan is based on Ordnance Survey data and is not to be used for any other purpose without the written consent of the City of Sheffield.  
 3. This plan is based on Ordnance Survey data and is not to be used for any other purpose without the written consent of the City of Sheffield.

**TREE SCHEDULE**



TREES SPECIFIED INDIVIDUALLY (Encircled in black on the map)

- T1 ACER PSEUDOPLATANUS (SYCAMORE)
- T2 ACER PSEUDOPLATANUS
- T3 CRATAEGUS MONOGYNA (HAWTHORN)
- T4 ILEX AQUIFOLIUM (HOLLY)
- T5 QUERCUS RUBRA (RED OAK)



TREES SPECIFIED BY REFERENCE TO A GROUP: (within a broken black line on the map)

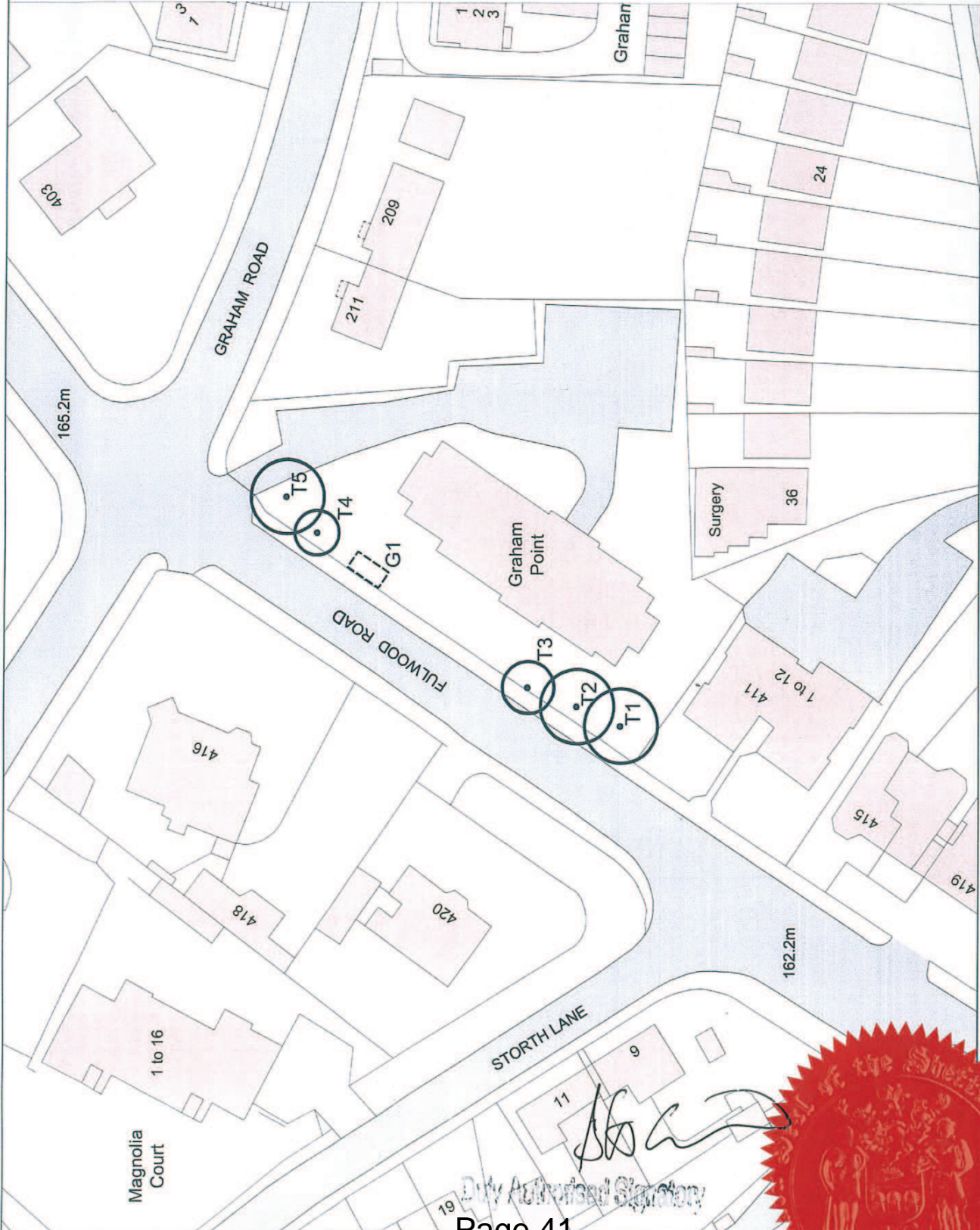
- G1 ILEX AQUIFOLIUM 3 No

TREES SPECIFIED BY REFERENCE TO AN AREA: NONE

TREES SPECIFIED BY REFERENCE TO WOODLAND: NONE

OS Grid Reference: 4315 3858

SHEFFIELD CITY COUNCIL	
PLACE	REGENERATION & DEVELOPMENT SERVICES
TREE PRESERVATION ORDER No. 406	
TITLE	GRAHAM POINT 405 FULWOOD ROAD S10 3GF
SCALE	1:500 @ A3
Drawn by	Checked by
Date	21/12/01
Drawn No	A3/JED/808/406



City Authorised Signatory

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15/19/5/51

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## SHEFFIELD CITY COUNCIL

### Planning and Highways Committee

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

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**Date:** 22/12/2015

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

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**Author of Report:** Lucy Bond 2734556  
Chris Heeley 2736329  
Trevor Sullivan 2736141

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**Summary:**

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#### Reasons for Recommendations

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

**Recommendations:**

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**Background Papers:**

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**Category of Report:** OPEN

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15/04115/FUL (Formerly PP-04621562)	Curtilage Of 1 Stumperlowe Hall Chase SheffieldS10 3QY	47
15/03806/FUL (Formerly PP-04551922)	3 Crescent Road SheffieldS7 1HJ	66
15/03756/FUL (Formerly PP-04536910)	24 Totley Brook Glen SheffieldS17 3PX	74
15/03620/FUL (Formerly PP-04526971)	Land At Rear Of 8 To 26 Pleasant Road SheffieldS12 2BE	80
15/02908/LBC (Formerly PP-04368185)	University Of Sheffield Sir Frederick Mappin Building Mappin Street Sheffield S1 3JD	93
15/02907/FUL (Formerly PP-04368185)	University Of Sheffield Sir Frederick Mappin Building Mappin Street SheffieldS1 3JD	102
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SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning

To the Planning and Highways Committee

Date Of Meeting: 22/12/2015

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

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

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Case Number	15/04115/FUL (Formerly PP-04621562)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse (Re-submission of 15/02950/FUL)
Location	Curtilage Of 1 Stumperlowe Hall ChaseSheffieldS10 3QY
Date Received	11/11/2015
Team	West and North
Applicant/Agent	CRL Architects
Recommendation	Grant Conditionally

Subject to:

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing numbers:

Job No 2119 Drawing Number 01

Job No 2199 Drawing Number 055

Job No 2199 Drawing Number 11 Revision C

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 implementation, adoption, maintenance and management of the sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The system shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation, and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

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

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. The sole means of vehicular ingress to and egress from the site shall be gained from and to .

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

7. No development shall take place, including any works of demolition, until details are submitted for written approval by the Local Planning Authority specifying measures to monitor and control the emission of dust during demolition and construction works.

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

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

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

9. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

10. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report

which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures

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

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

11. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

12. A comprehensive and detailed hard and soft landscape scheme for the site, which shall encompass replacement tree planting, 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.

13. No development shall commence until a ground gas and mines gas risk assessment has been undertaken and a desktop study report has been submitted to and approved in writing by the Local Planning Authority. The report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

Any intrusive investigation recommended in the Ground Gas and Mines Gas Risk Assessment Desktop Study Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

Reason: In the interests of the amenities of the occupiers of the site.

14. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall

not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance 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.

#### Other Compliance Conditions

15. 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.

16. Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

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

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

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking and re-enacting the order) no windows or other openings shall be formed in the side elevation(s) facing towards the East or West of the site of the new dwellinghouse hereby permitted without the prior written approval of the Local Planning Authority.

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

19. Before the first occupation of the building / extension hereby permitted the window(s) at first floor level upon the North elevation shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.

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

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

Reason: To ensure satisfactory drainage arrangements.

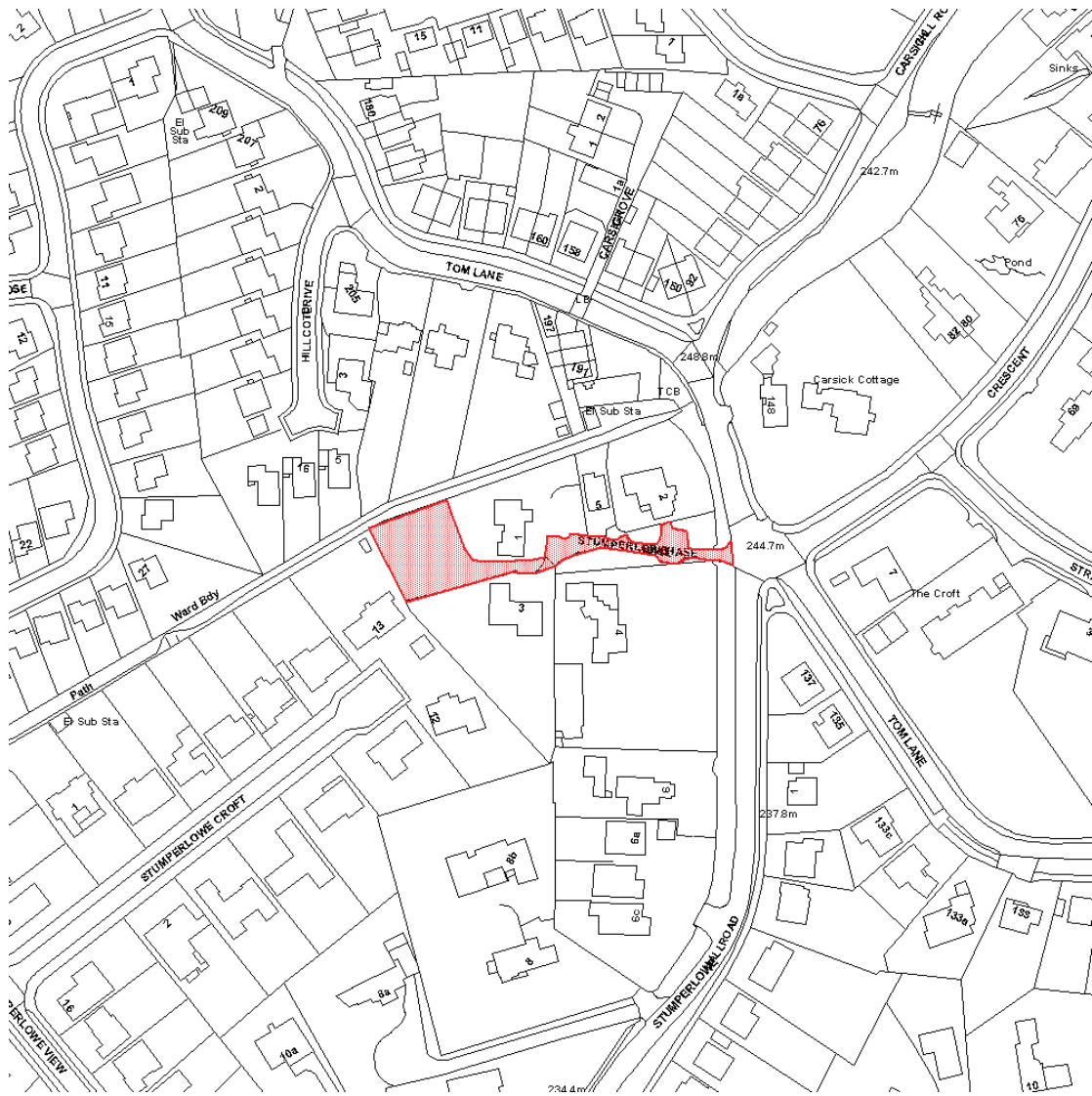
21. The dwellinghouse shall not be used unless the car parking accommodation for at least 3 vehicles as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

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

# Site Location



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## LOCATION AND PROPOSAL

Members will recall that, on the committee meeting on 20/10/2015, planning permission was granted conditionally for the erection of a new dwellinghouse to the rear of 1 Stumperlowe Hall Chase under 15/02950/FUL.

The site is to the west of 1 Stumperlowe Hall Chase, located at the end of a small cul-de-sac off Tom Lane. The road has a shared surface, with no pavements, and features passing places for single-file traffic. The site is outside of the Ranmoor Conservation Area, which lies on the opposite side of Tom Lane to the East. A public track way lies to the North of the site, beyond which lie a series of detached dwellinghouses.

The subject property is of an unusual unique design within the local area, and is white rendered. The house sits towards the head of the cul-de-sac, which is lined with a series of uniquely designed houses, 5 of which have an access off the road. The majority of these, including number 1, are infill properties with no defined building line. Number 5, the most recent addition that has been built, was granted permission under 05/03653/FUL on 11/01/2006.

The application site is an area of garden to number 1, which is on a sloping site, which rises to the North and West. Tall hedges surround the site, plus several trees.

The application seeks consent to construct an alternative dwellinghouse design to that approved under 15/02950/FUL, with the new house featuring a larger footprint, and a detached garage building (linked to the house by a glazed walkway).

## RELEVANT PLANNING HISTORY

77/01918/OUT	Two dwellinghouses Granted Conditionally	27/07/1977
87/02829/OUT	Erection of a Dwelling Refused	29/02/1988
89/02068/FUL	Extension to form dining room and breakfast room, with bedroom bathroom and dressing room over. Granted Conditionally	31/07/1989
15/02950/FUL	Erection of a dwellinghouse Granted Conditionally	22/10/2015

## SUMMARY OF REPRESENTATIONS

Five written representations from neighbouring properties have been received, which are summarised below:

## Design and Appearance

The design of the proposal is unacceptable.

The flat roof design is out of character with the local area.

The size of the dwellinghouse is excessive.

The footprint of the property relative to the garden area is excessive.

The footprint of the development dwarfs that of number 1 Stumperlowe Hall Chase.

## Impact on Trees

Object to the loss of trees.

Any tree losses should be replaced.

## Flood Risk

The proposal will increase local flooding risk by increasing water runoff.

The site consists of impervious clay, and cannot be relied on to drain water slowly on site through infiltration.

## Highways

The width of Stumperlowe Hall Chase is only 3m and has no pavement. The new development will produce more car movements down the Chase than is safe.

The development will increase car movements by up to 12 or 15 per day.

There is insufficient access for fire vehicles to the site.

## Impact on Neighbours

The house will only be around 4m distant from 13 Stumperlowe Croft, and will overshadow this property.

The position of the garage will cause noise and pollution from idling engines to impact 13 Stumperlowe Croft.

Properties to the North will be overlooked.

The rear windows will cause noise and light pollution to neighbours to the North.

## Living Conditions of the Subject Property

The rear windows are close to a rear footpath, and occupiers will be subject to unacceptable living conditions in terms of privacy in the event of a potential removal of the hedgerow.

## Other Matters

The proposal is for a 5 bedroomed property, not 4 (as the study is of a large size). This is noted.

The authority should, if giving consent, place on conditions requiring the building to only be used as a 4 bedroomed property.

Reference to a refusal for a development on the plot in 1988.

In addition, the following issues have been raised, which are not material planning issues.

Issues concerning the future maintenance of boundary hedgerows and walls by new owners. (This is a Civil Matter that requires civil agreement between neighbours concerning party structures).

The proposal will involve earthworks that may potentially damage neighbouring property (This is a Civil Matter and Potentially Criminal Law matter, and not a material planning consideration).

It would be depressing if the proposal is approved against local resident's wishes.

Impact on views to the South from properties to the North (views are not a material planning consideration).

The original proposal was a 'Trojan horse' to allow this larger proposal (Each application is determined on its own merits).

## PLANNING ASSESSMENT

The same policies apply as those considered for the assessment of 15/02950/FUL.

In terms of National Policy, the National Planning Policy Framework carries material weight.

Paragraph 14 states that:

“at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development”.



It also explains that, for decision making, this means approving development proposals that accord with the development plan.

Within paragraph 17 of the NPPF, the document summarises the key planning principles, one of which is to

“always seek to secure a ... good standard of amenity for all existing and future occupants of land and buildings”

Paragraph 12 of the NPPF emphasises that the document does not change the statutory status of the development plan as the starting point for decision making, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

In terms of policy for the Local Authority Area, weight is given to policy H14 ‘Conditions on Development in Housing Areas’ from the Unitary Development Plan (UDP). In addition, weight is given to policy H5 ‘Flats, bed-sitters, and shared housing’.

Policy BE5 ‘Building Design and Siting’ will carry weight with regards to the appearance of the proposal and impact on the local area.

The Sheffield Core Strategy also includes relevant policies. Key issues of reference will be with regards to policies CS31 ‘Housing in the South West Area’ and CS74 ‘Design Principles’.

#### Principle of Greenfield Development

The adopted Unitary Development Plan (UDP) shows that the application site is designated as a housing policy area. UDP policy H10 says that housing is the preferred use so the broad principle is acceptable.

The site is a garden, and the site would therefore need to be considered as a Greenfield development site. Government planning guidance in the form of the National Planning Policy Framework (NPPF) says, in paragraph 48, that Local Planning Authorities (LPA) should make allowance for windfall housing sites in the five year supply but this should not include residential gardens. The NPPF goes on to say in paragraph 53 that LPAs should consider setting out policies to resist inappropriate development of residential gardens, for example where they would cause harm to the local area.

There is, therefore, a presumption against inappropriate development in private gardens so to establish whether or not this proposal is ‘inappropriate’ the application needs to be set against all relevant policy criteria.

The NPPF also re-affirms previous national policy advice by excluding private residential gardens from the definition of previously developed land. Core Strategy policy CS24 gives priority for the development of new housing on previously developed land and states that no more than 12% of dwellings should be constructed on Greenfield land in the period up to 2025/26. It also states that such development should only occur on small sites within urban areas, where it can be

justified on sustainability grounds. The current house completion database (unchanged from those figures considered under the assessment for 15/02950/FUL) shows that 5.7% of new houses have been built on Greenfield, well within the 12% threshold.

The site is small within an existing urban area, with a low building density that will remain even with the additional house. In this context, the development of this small Greenfield site for new housing complies with the aims of policy CS24.

With regards to the potential visual impact of the development, this is considered in sections of the report below.

#### Layout of the Development and impact of Loss of Residential Garden

The site is within the South West of the city, and so is covered by the provisions of policy CS31 'Housing in the South West Area'. This policy states that the scale of new development will be accommodated at an appropriate density. Paragraph 8.41 describes how the natural setting, parks, open spaces and mature gardens are characteristic of the area.

Core Strategy policy CS74 'Design Principles' requires development to respect and enhance the distinctive features of the city, its districts and neighbourhoods.

Unitary Development Plan (UDP) policy H14 'Conditions on Development in Housing Areas', under part a) requires development to respect the local area.

Due to the above policies, there is a need for the development layout to not appear overly contrived or out of scale with neighbouring property or the local area.

The proposal in this case does intend to construct a larger footprint over the original approval. The footprint has been increased from 140 square metres to 215 square metres over the original approval. This is due to an increase in the width of the building, and the addition of a separate garage outbuilding (which itself is 40 square metres in area excluding the linked walkway).

In the context of its relationship to neighbouring properties, the footprint of built development will total approximately 215 square metres, with a total plot area of approximately 672 square metres, a ratio of 32% built footprint to development. This is comparable to several long-standing densities common to the local area, such as 2 Stumperlowe Hall Chase (25%); 16 Hillcote Drive (27%); 3 Hillcote Drive (31%), albeit towards the higher end of this range. It should be noted that a large portion of the footprint is accommodated by a single-storey garage, whose visibility outside the site will be limited due to its low height, which will have no significant impact on the character of the neighbourhood.

The layout of the development will result in a continuation of the existing cul-de-sac visually, which is not out of character with the existing arrangement of the road, which appears as a long shared drive in any case. Even with the larger footprint of the new house over the previous approval on site, the level of garden that would remain to both the new house and number 1 would be in excess of that offered to

number 5, and similar to that enjoyed by several other neighbouring properties including number 2 and properties to the West.

As such, the space on offer for the new larger development and access arrangements shown would ensure that a development would be accommodated at an appropriate density for the location with an arrangement that is not overly contrived and is in scale with the footprint of neighbouring houses and developments.

#### Design of the Proposed Dwellinghouse

Relevance is given to policy CS74, referred to above. In addition, policy BE5 'Building Design and Siting' applies, which stipulates the need for good building design. H14 (part a) requires development to be in character with the local area.

Compared to the approval under 15/02950/FUL), this proposal features a radically altered design, with the use of a flat roof building, comprising of the use of natural stone as the dominant material, with zinc cladding and render used to a taller central section.

The use of stone will help tie in the building to materials used in the local area, notably on Tom Lane. Render is also not an uncommon material. Zinc cladding is a contrasting element, but will comprise a small element of the building, and will not over dominate the structure.

The flat roof design and use of large levels of glazing to the Southern elevation will result in a design that contrasts with house styles in the local area. However, houses on Stumperlowe Hall Chase are all of different styles, so the proposal does not harm local distinctiveness. It should also be noted that the NPPF, in paragraph 60 specifically states that "decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles". In this light, it is not considered appropriate to argue that the nature of the design in terms of form would make the scheme refusable in nature.

The red line boundary of the site includes the private road to the East. However, the development itself and new driveway shown are approximately 75m distant from the edge of the Conservation Area. As such, the development will not be seen in context with the Conservation Area, and will not have any significant impact upon its character or appearance.

#### Impact on Trees and Landscaping

Policy BE6 'Landscape Design' from the UDP seeks good quality landscape design in new developments

The does consist of several trees and is surrounded by tall hedging. It is anticipated that the hedging will remain. It will be 1m distant from the foundations of the new property at its closest point to the North, leaving enough room for survival. To the South, the majority of the beech hedge will be separated by the

drive by a distance that should allow survival (over 1m), whilst the proposed garage is suitably distant.

It is expected that the house would require the removal of four trees situated close to the Northern and Western curtilage boundaries. These are taller than the hedge, and are visible from other neighbouring gardens. Although pleasant to view, they are not of a high quality that would enable them to be covered by the Tree Preservation Order (TPO), which means that they can be removed without the need for a prior permission. Even without pollarding, it is unlikely that their quality or position warrants imposition of the TPO. In this context, therefore, a refusal of the scheme based on the loss of these would be very hard to enforce, given that it would likely encourage any developer to remove them prior to submitting a further application.

Although the survival of the trees is unlikely, it is considered appropriate to require the planting of replacement species that would be able to survive alongside the development. This is important to ensure that the landscaping around the site responds to the green landscaping common to the local area. With the submission of a suitable landscaping scheme, it is considered that the overall visual impact caused by the loss of trees can be overcome. In addition, the landscaping scheme condition can be used to enable the planting of native species and wildlife encouraging species, in line with the principles of policy BE6.

Other landscaping on the site consists of low level shrubs and decorative walls and leylandii. These are of limited visual worth outside the garden itself, and the loss of these would cause limited visual harm to the wider area.

#### Impact upon the Amenities of Neighbouring Properties

Policy H14 (part c) requires development to not deprive residents of light, privacy or security.

Paragraph 17 of the NPPF states that a key planning principle is to secure a good standard of amenity for all existing and future occupants of buildings.

The NPPF makes a key emphasis on the presumption in favour of sustainable development. In stating what is required to achieve sustainable development, paragraph 9 states that sustainable development involves seeking positive improvement to people's quality of life, including improving the conditions in which people live.

To guide separation distances and considerations of privacy and overshadowing/overbearing impacts, reference is given to the adopted Supplementary Planning Guidelines (SPG) on 'Designing House Extensions', designed to supplement policy H14. Although specific to house extensions, the document is used to judge the impact on neighbouring living conditions, and it is appropriate to incorporate the guidelines in assessing the impact upon the neighbouring dwellinghouses.

With regards to loss of light and overshadowing, a direct separation distance of 12m between the property and the closest directly facing main habitable room window of a neighbouring house is expected. With regards to the houses to the rear (at Tom Lane, a separation distance significantly above 12m is achieved). A separation distance of over 12m is achieved to the rear of 5 Hillcote Close, which also does not directly face the development site.

The side wall of 13 Stumperlowe Croft is 11m distant from the closest corner of the proposed two-storey section of the dwellinghouse. No windows face directly diagonally to the corner of the proposed dwellinghouse, whilst the rear windows of number 13 will face at 90-degrees to the side wall of the new house. As such, no significant overshadowing or overbearing impact will occur to the rear windows of this bungalow. Although this neighbour has objected to the larger house as being only 4m distant, this only relates to single-storey sections of the build, which are considered below.

To the South, the two-storey sections of the house are more than 12m distant from the curtilage of number 3.

The house at 1 Stumperlowe Hall Chase will have some windows impacted by the new house. However, these will not be the prime sole windows to the rooms served, whereby a main outlook is provided to the South. As such, the living conditions of this neighbour will not be unduly impacted upon.

The single-storey sections to the front of the house (the garage and glazed walkway) are up to 3m in height, but set in at least 2m from the curtilage boundary on all sides. The height of the garage will not exceed that of the existing boundary hedges. Even in a future event where the hedges may die back, the height relative to the boundary is not going to have an impact greater than that of a typical garden fence that can be erected utilising Permitted Development Rights. As a result, it will not cause any overshadowing or overbearing impact.

Concerning the impact on neighbouring gardens, the new house is shown set in at least 3.5m from the curtilage to the West, and 6.5m from the curtilage with the houses to the North. This separation distance will significantly reduce the impact of the house directly on these garden areas to a degree whereby it cannot be considered to have a significant overbearing impact.

In terms of privacy, the house will not feature any windows directly facing towards number 13 Stumperlowe Croft. The main front windows will be at 90-degrees to the rear windows of this neighbour, and will not view towards the rear or side windows of this house. Likewise, no direct overlooking to the rooms of 1 Stumperlowe Hall Chase would occur.

Concerning other neighbours, all windows will be more than 21m distant from the windows shown upon the subject property when direct views from these are taken into account.

Views into neighbouring gardens should not be significant. The rear windows will be limited in size and number. Unlike the originally approved scheme, these will be

closer than 8m to the closest gardens (at 6.5m). However, they are not overly large in size and are not to main habitable rooms. As a result, a requirement to have these obscure glazed with no opening elements should be sufficient to prevent any direct perception of overlooking to the gardens behind. This has been agreed, and is shown in amended plans.

The separation distance to the front is greater, at around 14m.

Given the separation distances achieved, and the fact that the sloping land will minimise the usability of the amenity space to the rear of the building, the amount of light glare and noise the properties behind will be subjected to during typical usage of the house should not be significant.

Car movements along the driveway will increase traffic noise slightly. However, the extent of car movements that a typical family house would generate is unlikely to pose a significant noise nuisance for adjacent neighbours.

Objections from 13 Stumperlowe Croft to the garage position are noted. However, this is to be a domestic garage, with the main door facing away from this neighbour. In addition, it is over 7m distant from the closest wall of this neighbour, which is greater than the distance this present property is from the road in front, which is likely to have more car movements within the turning area in front. In relative context, therefore, to argue that the pollution and noise from the garage will adversely impact the neighbour to a point where a refusal can be justified is not possible.

#### Living Conditions of the Subject Property

In line with the policies summarised above for policy H14 (part c) and the NPPF, there is a need to ensure that the living conditions of the subject dwelling will be acceptable.

In line with this, it is noted that all the main habitable rooms will enjoy a suitable outlook, notably to the front of the dwellinghouse, and that a sufficient private garden area will be formed to the front.

Comments with regards to the privacy of rear rooms from the rear footpath are noted. However, this is not a primary elevation, and replacement boundary features next to the path (up to 2m high without the need for permission) are considered adequate to prevent direct views into the main ground floor living areas. First-floor openings are not to main habitable areas.

The useable garden area (excluding the area taken up by the drive) is 90 square metres to the front. An additional area of 25 square metres is provided by the 'Japanese Garden' section, whilst the area to the side also provides some additional amenity area of 70 square metres. This is considered sufficient for the amenities of the property.



## Impact upon Wildlife

A key principle of the National Planning Policy Statement (NPPF) is to conserve and enhance the natural environment.

It is agreed, that the loss of trees and some low level planting will impact upon bird nesting sites. However, the size of the trees and small scale planting directly impacted upon are insufficient to provide a habitat for protected species. There is no evidence of protected species on the site. No snuffle holes exist suggesting foraging badgers for instance, whilst the foliage is insufficient to provide a bat habitat.

Generally, a sensitive landscaping scheme can be used to assist in introducing species of planting that can encourage wildlife, and it is expected that this will assist in neutralising the impact of the loss of the trees on site.

## Highway Safety

UDP policy H14 requires new development to have adequate on-site parking and safe access for vehicles and pedestrians.

Core Strategy policies CS51 and CS53 deal with transport priorities and management of travel demand, respectively. Both seek to ensure that access and parking arrangements are safe and adequate.

The Corporate Plan does include objectives that form material considerations. As highlighted by one representation, community safety, the requirement for people to be safe and well in their communities, and reducing vehicles emissions are key criteria.

Several representations received have commented upon the traffic demands that will be generated by the development, and that the road access from Stumperlowe Hall Chase is substandard and cannot cope with additional traffic demands.

It is noted that the road has a shared surface, and is around 3m wide on average, with some wider areas that provide passing places.

Looking at the latest England National Travel Survey figures (2014) published by the Department of Transport, it has worked out that people living in urban areas typically undertake 940 trips a year. Per day, this would total 2.6 trips, extrapolated to 5.2 trips for two adult occupiers, which is the most logical arrangement for this property. Even taking into account potential extended families (including children), the figures do not suggest that 10 trips per day or above are particularly likely. This totals, on average, less than 1 trip per hour during the day.

The Department of Transport statistical release can be found here:  
([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/457752/nts2014-01.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457752/nts2014-01.pdf))

Officer observations of the site revealed that the road was lightly trafficked at present, and highway officers have advised that there are no records of accidents on the road. As a result, it is not considered that the existing traffic demands are causing a hazard. The low additional trips that would be generated by this property cannot reasonably be argued to likely cause traffic congestion or particular compromises to the safety of other car users and pedestrians over the existing situation.

In terms of emergency vehicle access, the access road benefits from being wide enough to enable fire engine access. Due to the passing places in the road, it is not considered that obstructions to such access would be likely to occur.

The site itself will feature ample parking on site to avoid the potential for parking congestion on street. In addition, enough space is shown allocated for 2 spaces to the front of number 1.

#### Flood Risk

Core Strategy Policy CS67 'Flood Risk Management' requires development to limit surface water runoff, and the promotion of sustainable drainage. Matters of drainage have also been raised by representations.

The policy does require reductions to runoff to no more than 5 litres per second per hectare. However, it only applies this to sites of over 1 hectare.

In the case of this development, the 1 hectare requirement does limit the specific controls on runoff that can be justified.

Neighbour objections have raised the issue that the clay soil is impervious to water infiltration. Taking account of this, and the increase in built area over the original approval, it is considered reasonable to require the development to include measures to limit water discharge from hard surfaced areas. It is considered that this can be conditioned, with a suite of measures to be provided prior to commencement of development. This can include the use of water retention tanks and special treatment for the flat roofs of the building to limit water infiltration on the structure.

#### Number of Bedrooms

One representation has raised the issue that the property features a study that is of the size of a bedroom. This is noted, and officers agree that it could easily be utilised as a 5<sup>th</sup> bedroom. It is not agreed, however, that this would materially impact upon the use of the property in terms of demands on parking and services, as it would not alter the use of the premises as a family house. In addition, the site has suitable on-site parking for more than 3 vehicles, and the car movement assessment above has taken account of the potential for a 3<sup>rd</sup> car being used, which is atypical of a standard family house.

Comparisons to the Scheme Refused under 87/02829/OUT



Representations have raised the issue of a refusal for a scheme on the site in 1987. As per the previous assessment, however, this does carry little weight to the assessment of this case, as it pre-dates existing policy and guidelines, the earliest of which date from 1998. However, it should be noted that the development proposed here involved a different footprint, occupying a larger area, with no specified window locations shown, nor any direct highway information. The footprint shown in this example was closer to properties to the East and South, and would likely have positioned windows closer than 10m from the curtilage with these houses.

#### Land Contamination

Environmental Protection Officers have advised that a land contamination survey is carried out in addition to checks for potential mine gas risk as the site lies next to (but not within) a Coal Mining Referral Area, where previous potential mining activity might have left contaminants below the ground level to which new residents may be subject to without adequate protection measures in place.

#### SUMMARY AND RECOMMENDATION

The proposal in this case is for a development with a larger footprint and size than that approved under 15/02950/FUL. Despite the larger overall size, the development remains acceptable, with the footprint being of an appropriate size to not appear as overdevelopment of the site; whilst the variety of building styles and the use of appropriate facing materials will ensure that the unconventional flat roof design will not compromise the appearance of the overall local area. The above report demonstrates that sufficient separation distances to neighbouring properties can be achieved to prevent any significant impact on neighbouring living conditions.

As a result, the proposal is considered acceptable, and is recommended for conditional approval.

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Case Number	15/03806/FUL (Formerly PP-04551922)
Application Type	Full Planning Application
Proposal	Retention of tree-house in rear garden (retrospective application)
Location	3 Crescent RoadSheffield S7 1HJ
Date Received	19/10/2015
Team	South
Applicant/Agent	Anita Loong
Recommendation	Refuse with Enforcement Action

Subject to:

Refuse for the following reason(s):

1. The Local Planning Authority considers that the retention of the tree-house would result in an unacceptable level of overlooking, leading to a loss of privacy that would be harmful to occupiers of neighbouring properties. The development is therefore contrary to Policy H14 of the Unitary Development Plan and paragraph 17 of the National Planning Policy Framework which promotes a good standard of amenity for occupants of land and buildings.

Attention is Drawn to the Following Directives:

1. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

151013-1 tree house details 3 Crescent Road, S7 1HJ

2. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, the application is considered contrary to policy requirements(s), and, there being no perceived amendments(s) that would address these shortcomings without compromising the fundamental intention of the scheme the Local Planning Authority had no alternative but to refuse consent.

3. The Director of Development Services or the Head of Planning has been authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised tree-house. The Local Planning Authority will be writing separately on this matter.

## Site Location



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### LOCATION AND PROPOSAL

The application relates to a detached dwellinghouse, located at no.3 Crescent Road. Planning permission is sought to retain a tree-house erected within a tree in the rear garden of the property.

The site is located within the Nether Edge Conservation Area, and a Housing Area under the provisions of the Adopted Unitary Development Plan, with the surrounding area being residential in character.

## RELEVANT PLANNING HISTORY

There is no planning history relating to the current application site.

## SUMMARY OF REPRESENTATIONS

### Objection

Following notification of neighbours, the placement of a site notice and the publication of a press advert; 1 written objection has been received from the occupier of No5 Crescent Road. The comments made can be summarised as follows:

- Overlooking of garden (to No5 and other surrounding gardens) and number of surrounding windows, leading to a loss of privacy. The tree house is used regularly.
- Windows are openable, so opaque glazing would not address privacy impact.
- Any new developments should be in keeping with the character of the Conservation Area / Article 4 designation.
- Applicant states tree trunks came down in strong winds, but they were witnessed to be in excellent health, and it's unusual for a healthy broadleaf tree to come down in February. The applicant was observed taking the trunks down himself.
- Tree house is unsafe; being badly built. Glazing panels are not secure.
- If tree trunks came down in a storm, the tree house would be similarly vulnerable.
- No children are resident at the property, so justification for tree-house is not clear.

### Applicant's Statement

In addition the Applicant has submitted a response to the neighbour's comments. These are summarised as:

- Tree-house isn't too close to boundary, its height is due to the base of the tree being higher than the lawn.
- Garden is considerably lower than neighbours, causing a privacy issue for the applicant.
- Tree-house is a place to observe wildlife, and there is no interest in other gardens or windows. Would be happy to obscure windows on side facing No5 Crescent Road.
- Tree-house is well constructed, as proved by recent high winds. Any hazards would be contained in Applicant's garden.
- It hasn't been said that the trunks came down in a storm in Feb 2015, or made any such assertions. It has been an on-going problem only referring to recent

gales. They were not trunks but branches, and were damaged and dropping sizable branches to the garden and neighbour's garden. Longer branches were causing damage to less sturdy branches nearby.

- It hasn't been said that the wood has been treated, wood from the branches was used to build the tree-house to maintain balance of the tree.
- There isn't a logging business, but surplus wood is sold.
- Tree-house is in Applicant's garden and is in keeping with character of the garden.
- Tree-house was built for Applicant, and wasn't intended for children.
- Applicant reads, paints, and crochets enjoying the sound of wind in the leaves, the birds and tranquillity.
- Issues regarding signs and selling of wood have been addressed.

## PLANNING ASSESSMENT

### Policy Issues

The application site is located within a Housing Area, and therefore UDP policies H14 and BE5 are relevant. Given the Conservation Area location, policies BE16 and BE17 are also relevant.

Policy CS74 of the Core Strategy is required to be considered.

The National Planning Policy Framework, at paragraph 17, seeks a good standard of amenity for all existing and future occupiers of land and buildings.

### Design

Policies BE5 and H14, require new buildings to incorporate high quality design that allows development to fit in comfortably with its surroundings without being detrimental to the visual amenities of the area.

BE16 and BE17 require developments in Conservation Areas to preserve the character and appearance of the Conservation Area and to use traditional materials.

Core Strategy policy CS74 covers design principles, and requires schemes to take advantage of the area's built form, building styles and materials.

The tree-house is not visible from public locations, such as the surrounding highway / footpaths. As a result, it not considered that it has a detrimental impact upon the character of the Nether Edge Conservation Area.

Consequently, the structure would be considered to not conflict with the policies referred to, and would therefore be considered to be acceptable in this regard.

### Neighbours' Amenities

The structure would be visible from the gardens and windows of a number of surrounding dwellings.

UDP Policy H14 c) requires extensions to not deprive residents of privacy. The tree-house is located very close to the rear boundary of the site with no's 12 and 14 Steade Road. This leads to overlooking opportunities to neighbouring gardens, as well as windows of neighbouring houses. The floor of the tree-house is elevated above ground level by approximately 3.4m, with its ridge at approximately 6.1m and is accessed via some steps leading up to the rear of the tree house. The main elevation, facing back towards no. 3 predominantly features clear glazing. There is ample room for one adult, although two adults can also be accommodated. The tree-house contains a light served from the mains supply.

From within the tree-house, there are clear views out through its frontage into the garden of No 69 Wostenholm Road, and No5 Crescent Road, as well as other less immediate gardens.

The tree house is located tight up against the rear boundary of the site and given this proximity views into the gardens of Steade Road dwellings are clear, although partly obscured by remaining branches of the tree, when standing at the doorway and descending the steps.

In addition to garden views, a number of neighbouring windows are also in close proximity. The shortest separation distance to these neighbouring windows would be approximately 15metres, with other neighbouring windows being separated by longer distances.

Fleeting 360 degree views are possible from the tree-house. The overlooking affects large parts of neighbouring gardens, including those closest to the houses. These are the parts of neighbours gardens which are the most often used and most private, and are therefore the most important to protect.

It is appreciated that the officer's site visit took place during autumn, so views to neighbouring gardens and windows are not obscured by leaf cover as they may be during summer months. It is also relevant that the boundary treatment with the dwelling at No69 Wostenholm Road is a 1m (approx.) tall wall which allows mutual overlooking between the two gardens. The boundary treatment to No5 Crescent Road is a taller trellis type fence which is more of a restriction to views.

Despite these factors, it is considered that the tree-house leads to overlooking opportunities and detrimentally impacts upon neighbours' privacy. Whilst overlooking is common in urban areas, it tends to be where two properties share overlooking of each others' garden from equivalent positions.

The overlooking which has been generated in the current case differs significantly from this, as the overlooking is from a unique position and there is no equivalent overlooking in the reverse direction. The result of this is that the overlooking created from the tree house is considered to significantly undermine the amenities of neighbouring occupiers.

In assessing the impacts upon neighbour privacy, it is also necessary to factor in the additional potential for perception of overlooking. It is not necessary for persons to be standing in the tree-house looking outwards or for there to be any intent of gaining views towards neighbours' gardens for neighbours to have a perception of overlooking; perhaps from lighting, noise or movements for example. Even when the tree-house was not being used, the potential for it to be used at any

given moment would potentially undermine the enjoyment by neighbours of their gardens.

It is therefore considered that the tree-house significantly undermines the amenity of neighbouring properties, diminishing the quality of their outdoor and indoor space/s, and detracting from the living conditions of these neighbours.

The Applicant has offered the potential of obscuring windows on the side facing No5 Crescent Road. However, this would not be considered to deal with the perception of overlooking impacts or the potential of rearward views.

The tree-house is clearly visible from neighbouring gardens and dwellings, however, it is relatively small in size so could not be argued to have a detrimental impact upon the visual amenities of neighbouring occupiers. As a result it isn't considered to lead to any detrimental impacts in this regard.

Overall, the tree-house is considered to have an unacceptable impact upon the amenities of neighbouring occupiers, contrary to the provisions of UDP policy H14c) and to the aims of paragraph 17 of the National Planning Policy Framework.

## RESPONSE TO REPRESENTATIONS

A number of the points raised within the neighbour's and Applicant's representations have been addressed in the above assessment. In regards to the remaining points, it can be commented that:

- There is no clear evidence how the tree branches suffered initial damage, and in and in any event, regardless of how the damage occurred enforcement action would be unlikely to be pursued given the rear garden location and lack of public amenity value.
- Comments about the safety of the tree-house and the querying of the justification for the tree-house are not material planning considerations.
- Reference is made in the Applicant's statement to strong winds in Feb 2015 bringing down two of the trees' main stems. Reference is also made to the varnishing of the wood, to give a natural finish.
- The Applicant's use of the tree-house for hobbies and relaxation is noted, however, this is not considered to mitigate the concerns raised above.
- Issues relating to the sale of surplus wood, and placement of signs relating to this are not relevant to the current planning application, and have been dealt with separately.

## ENFORCEMENT

If permission is refused, it will be necessary to take all steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised tree-house.



## SUMMARY AND RECOMMENDATION

The continued retention of the tree-house would result in an unacceptable level of overlooking to neighbours gardens and windows, leading to a loss of privacy that would be harmful to the occupiers of neighbouring properties. The development would therefore be contrary to Policy H14 of the Unitary Development Plan.

Accordingly, it is recommended that planning permission is refused.

It is also recommended that authority be given to the Director of Development Services or Head of Planning to take all necessary steps, including enforcement and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised tree-house.

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Case Number	15/03756/FUL (Formerly PP-04536910)
Application Type	Full Planning Application
Proposal	Demolition of front store/canopy and erection of single-storey front extension to dwellinghouse (amended description 08.12.15)
Location	24 Totley Brook GlenSheffieldS17 3PX
Date Received	14/10/2015
Team	South
Applicant/Agent	Mr Amar Shahzad
Recommendation	Grant Conditionally

Subject to

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing no. PP04 (site location plan) and drawing no. 00P1 (proposed plans and elevations) received 14/10/2015

Reason: In order to define the permission.

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

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

3. The materials to be used externally shall match those of the existing building in colour, shape, size and texture.

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

#### Other Compliance Conditions

#### Attention is Drawn to the Following Directives

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

Site Location



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## LOCATION AND PROPOSAL

The application relates to a two-storey, end terrace dwellinghouse on Totley Brook Glen.

The property was constructed c1973 and is of relatively modern design, typical of the period. The property has minimal detailing and is finished in buff brickwork, with a dual-pitch, gable roof in interlocking, concrete tiles. The property has front, side and rear garden areas and a front store and flat roofed canopy, original to the dwelling.

The property is located at the head of a cul-de-sac and is accessed via a footpath off Totley Brook Glen. Therefore, the property does not directly front the highway and is set back and well screened in the street scene.

The immediate area is residential in character and comprises similar terraced dwellinghouses. Totley Brook Glen is located within a wider housing estate, constructed during the same period and in the same architectural style.

The application seeks planning consent to demolish the front store/canopy and erect a replacement single storey front porch.

## RELEVANT PLANNING HISTORY

No relevant planning history.

## SUMMARY OF REPRESENTATIONS

No comments have been received from neighbours.

## PLANNING ASSESSMENT

The property is located within a Housing Area, as identified by the Unitary Development Plan. Therefore, the following UDP policies are relevant to the application; BE5(c), H14(a) and H14(c). Also relevant to the application is Supplementary Planning Guidance (SPG) 'Designing House Extensions'.

### Design issues

Policy BE5(c) states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. Extensions should respect the scale, form, details and materials of the original building.

Policy H14(a) states that in Housing Areas, development will be permitted provided that new buildings and extensions are well designed and would be in scale and character with neighbouring buildings.

Designing House Extensions SPG Guidelines 1-3 detail how the above policies are put into practice. These guidelines essentially require extensions not to detract from the existing dwelling and to be compatible with the character of the area.

Guideline 2 states that extensions to dwellings shall not detract from that dwelling or the general appearance of the street or locality. For this reason, porches should be constructed in a style that complements the existing dwelling, and should not normally project further forward from the elevation than 1.5m. On a street where the houses are of a similar type, porches should be designed to blend in and use similar themes.

The proposed single-storey front porch would project approx. 2.5m from the original front elevation (matching the projection of the existing store and attached neighbouring porch) and be approx. 3.5m wide. The porch would have a mono-pitch (lean-to) roof.

Although the porch would project further than the 1.5m recommended by Guideline 2, this is considered to be acceptable. Many of the properties on the street have original front stores/canopies, and a number have had them replaced with similar pitched roofed porches. The proposal would not project beyond the attached neighbour's flat roofed porch and the established building line would be maintained. Therefore, this arrangement is well established in the street and the proposal would maintain this theme. It is therefore not considered that the proposal would detract from the general appearance of the area.

The proposed elevational treatment would not detract from the existing dwelling. The porch would be constructed in buff brick and roof tiles to match existing, secured by condition in order to ensure an appropriate quality of development.

It is considered that the proposed porch would represent a design improvement over the existing flat roof canopy. The porch would add more visual interest and character to the front elevation of the dwelling. Over time, more properties are considered likely to have similar porches erected and this will become a defining characteristic of the street. The porch would respect the character of the original building in terms of its scale, form, details and materials. The design is therefore considered to satisfy the guidelines within Designing House Extensions and UDP Policies BE5 (c) and H14 (a).

#### Residential Amenity

Policy H14(c) states that in Housing Areas, development will be permitted provided that the site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

Designing House Extensions SPG Guidelines 4-6 detail how the above policy is put into practice. These guidelines essentially require extensions to avoid overshadowing neighbouring property and maintain minimum levels of privacy.

As the proposed porch would be screened by the attached neighbouring porch and would not enable views into neighbouring property, it is not considered that the development would raise any privacy issues or result in unreasonable overshadowing or over dominance of neighbouring dwellings that would be harmful to their residential amenity. The proposal is therefore considered to satisfy the guidelines within Designing House Extensions and UDP Policy H14(c).

## Highways Issues

SPG Guideline 8 states that proposals for extensions should not adversely affect highway safety. It is not considered that the proposal raises any highways issues

## SUMMARY AND RECOMMENDATION

The proposed development is considered to be acceptable in terms of its design and impact on residential amenity and highway safety. The proposal complies with UDP Policies BE5(c), H14(a) and H14(c) and the guidelines within Designing House Extensions SPG. Accordingly, the application is recommended for approval subject to the condition listed.

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Case Number	15/03620/FUL (Formerly PP-04526971)
Application Type	Full Planning Application
Proposal	Erection of 4 x 1 bed and 3 x 2 bed dwellinghouses, including parking accommodation and associated landscaping
Location	Land At Rear Of 8 To 26 Pleasant Road Sheffield S12 2BE
Date Received	02/10/2015
Team	South
Applicant/Agent	Coda Planning
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:

Plans 1275-001 Rev J

Elevations, Site Sections 1275-002 Rev F

Reason: In order to define the permission

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



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

Reason: In the interests of 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.

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

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

Window reveals

Doors

Eaves details

External wall construction

Render detail

Boundary fencing

Bin storage

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

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

5. Before any hard surfaced areas are constructed, full details of all those hard surfaced areas within the site shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall provide for the use of porous materials, or for surface water to run off from the hard surface to a permeable or porous area or surface within the curtilage of the

dwellinghouse. Thereafter the hard surfacing shall be implemented in accordance with approved details.

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

6. The dwellings shall not be used unless the car parking accommodation for 7 car parking spaces as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

7. Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be used 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 development hereby approved.

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

8. A comprehensive and detailed hard and soft landscape scheme for the site including samples of all external works and hard paved areas, 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

9. 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.

10. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellings shall not be used

unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

11. The dwellings shall not be occupied unless the street lighting along the access road and footpath within the site has been provided, in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such street lighting shall be retained.

Reason: In the interests of pedestrian safety.

12. 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.

13. Before the development is commenced, or an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of the proposed refuse and recycling storage facilities to be provided to serve the development shall have been submitted to and approved in writing by the Local Planning Authority provided and thereafter retained in accordance with the approved scheme. The details shall include a method statement indicating how the facilities will be managed and serviced.

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

14. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 5 litres per second. Before the use of the development is commenced, a validation test to demonstrate that the necessary equipment has been installed and that the above flow rate has been achieved shall have been carried out and the results submitted to and approved in writing by the Local Planning Authority.

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

#### Other Compliance Conditions

15. No buildings/structures shall be erected within 3 metres of the public sewer

Reason: To ensure satisfactory drainage arrangements.

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

Reason: To ensure satisfactory drainage arrangements.

17. 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.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellinghouses shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage, and to ensure that the architecture is retained.

Attention is Drawn to the Following Directives:

1. As the proposed development will involve the closing/diversion of a footpath(s) you are advised to contact the City Solicitor and Head of Administration, Town Hall, Sheffield, S1 2HH, as soon as possible with a view to the necessary authority being obtained for the closure/diversion of the footpath(s) under Section 257 of the Town and country Planning Act 1990.
2. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

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

Development Services

Howden House

1 Union Street

Sheffield S1 2SH

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

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

If you require any further information please contact Mr S A Turner on Sheffield (0114) 2734383.

4. 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 a site located to the rear of No's 8-26 Pleasant Road, occupying a narrow strip of land. The site was previously occupied by 25 private garages with all but two of the garages having been demolished, which are under a separate ownership and outside of the red line boundary. The site has been left vacant for a number of years and as a result is very overgrown with a number of self-set trees and shrubs.

To the south east of the site is a retirement/sheltered housing building comprising of 35 flats which are situated along Mansfield Road with a mature hedge making up the boundary between the two. A continuous brick built wall approximately 2.5 – 3.0 metres high runs along the west boundary of the site separating the rear gardens of properties along Pleasant Road from the application site.

Vehicular access to the site is gained via a narrow entrance between 26 and 28 Pleasant Road, with a removable bollard currently in place at the entrance. A public footpath runs through the site from the access between 26-28 Pleasant Road to a pedestrian entrance on Mansfield Road.

The site falls within a designated Housing Area as indicated in the adopted Sheffield Unitary Development Plan, with the immediately surrounding street scene consisting of primarily residential properties.

Planning permission is sought for the erection of 4 x 1 bed and 3 x 2 bed dwelling houses, including parking accommodation for 7 vehicles and associated landscaping.

#### RELEVANT PLANNING HISTORY

10/04100/FULR - Planning permission was granted in February 2011 for the erection of 7 x 1 bedroom dwellings including car parking accommodation and associated landscaping. This application was to extend the time limit for implementation imposed by application 07/03871/FUL and has now lapsed.

07/03871/FUL - Planning permission was granted in January 2008 for the erection of 7 x 1-bedroom dwellings including, car parking accommodation and associated landscaping.

07/00279/FUL - Planning permission was refused in March 2007 for the erection of 7 x 1-bedroom dwellings including, car parking accommodation and associated landscaping on the grounds of the unacceptable parking arrangement and access to the site, and on unsatisfactory design issues. These issues were overcome under the subsequent application 07/03871/FUL.

#### SUMMARY OF REPRESENTATIONS

A petition has been received containing 79 signatures. The grounds of the petition are:

- Access to Pleasant Road is already difficult, further cars parking in the area could potentially restrict access for emergency vehicles.
- There is a throughway to the proposed new housing project, but again this is restricted and our concerns are how would emergency vehicles access this area and how would refuse collections be managed from this area.
- There is an existing pathway which runs to the rear of Pleasant Road which has been in existence for a number of years, part of this is mentioned on the planning application but then seems to disappear off the plans.
- To the rear of Pleasant Road there are also trees which have matured over a number of years which we believe should be preserved.



- As local residents we are concerned by the impact of this proposed development and are totally opposed to this application, and would urge the committee to reject this proposal.

There have been 17 individual representations received objecting to the proposed development. These include:

- The site has an existing footpath running through it, and this should be protected and retained.
- There does not appear to be sufficient space to create a separate footpath on the access road, or for a turning area for large vehicles and the emergency services.
- There is a lack of parking on site which will increase the strain on the surrounding streets, which are impacted by existing restrictions on Mansfield Road.
- There will be significant disruption during construction through heavy machinery, workman etc, especially to those houses adjacent to the access, and on the surrounding highway network and drainage system.
- Access is required to the two remaining garages for a 7 tonne and 3.5 tonne vehicle, which the plans do not show sufficient distance for.
- Will the road/footpath be adopted and who will look after it.
- The location of the proposed car park closer to the rear boundary of properties along Pleasant Road would be noisy for immediate neighbours and could invite crime to the area.
- The existing trees and grasses should not be removed, as they provide a vital part of the local wildlife environment and ecosystem
- The location of the dwellings will change the current view of the existing tree foliage to that of bricks and mortar
- There will be a de-valuation to surrounding properties.
- A communal bin store can create a health issue attracting vermin to the area.
- The close proximity of the properties to the rear boundary of properties along Pleasant Road will impact negatively on existing occupiers, and will overshadow the gardens, making them feel boxed in.
- The proposal will be an intrusion to the existing resident's privacy through

## PLANNING ASSESSMENT

### Principle of Development

The site is located within a designated Housing Policy Area within the adopted Sheffield Unitary Development Plan (UDP). Policy H10 lists the preferred use of the site for housing, and therefore in land use terms the proposal accords with this policy.

Policy CS24 of the Core Strategy places an emphasis on building on brownfield sites, with a target of 88%. This is a previously developed site, and therefore will contribute towards this target and the objectives of the policy.

Policy CS26 of the Core Strategy goes on to require appropriate housing densities to ensure the efficient use of land whilst also taking into account the character of the area. Densities vary across the city, however in this instance; the site is near to "high frequency bus routes" and should supply 40-60 dwellings per hectare. The



density achieved by this scheme is approximately 50 dwellings per hectare. Given the variation in forms of development in the immediate area, which includes terraced and semi-detached dwellings, and flat schemes it is considered that this density is appropriate.

The development would also help achieve the delivery of new homes to meet the needs of a growing population as outlined in the Council's Corporate Plan 2015-2018. The NPPF says that a 5 year supply of housing is needed, and we currently have 4.7 in Sheffield, so this scheme will make a small contribution.

Policy CS41 encourages the creation of mixed communities and states that this should be promoted by developing housing to meet a range of needs including a mix of prices, types and tenures. The application provides 4 x 1 bed and 3 x 2 bed dwellings in an area where there is family housing, and sheltered accommodation. The scheme would add to the mix and meets the requirements of this policy.

The proposal is therefore acceptable on a land use basis, meeting the requirements of Policy H10 of the UDP and Policies CS24, CS26 and CS41 of the Core Strategy.

#### Design

The National Planning Policy Framework (NPPF) attaches great importance to the design of the built environment and confirms that decisions should, amongst other things, respond to local character and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Policy BE5 of the UDP reiterates good design and the use of high quality materials in all new buildings, and encourages original architecture where this does not detract from the scale, form and style of surrounding buildings.

Core Strategy policy CS74 'Design Principles' seeks to provide high-quality development that respects and takes advance of and enhances the distinctive features of the site, its districts and neighbourhoods.

UDP Policy H14 relates to conditions on development in Housing Areas. Part (a) details that new buildings and extensions are well designed and would be in scale and character with neighbouring buildings.

The design of the previous refusal in 2007 took the form of a pastiche style and was considered to be uninspiring and did not enhance the sites context, failing to take the opportunities available for improving the character and quality of this vacant piece of land.

The scheme proposed in this application is nearly identical in design to that approved in 2010 and 2008, and shows a contemporary approach of one and two storey dwellings. The scale and massing of the proposal is considered acceptable and the design provides a break in the roof line allowing for a more interesting front elevation, which respects the topography of the site. Large areas of glazing are proposed to the front elevation where the units take their main aspect from, creating natural surveillance over the existing footpath running through the site. There is a small fence proposed to the front of the units, but this is only to a height of 600mm and is considered acceptable to ensure that occupiers have defined

garden area and the footpath is visible and open. Street lighting along the footpath will further increase the sense of personal safety of pedestrian especially at night.

Materials are proposed to be red brick to the single storey units with a mock standing seam roof, and the two storey units have a rendered finish.

In conclusion it is considered that the proposed buildings are of a scale and design that is sympathetic to the site, and will substantially improve and enhance the quality of the site, meeting the requirements of policies H14, and BE5 of the UDP, Core Strategy policy CS74, and the NPPF.

#### Impact on Neighbouring Residential Amenities

H14 'Conditions on Development in Housing Areas' section c) requires that the site is not over-developed, does not deprive residents of light, privacy or security, or cause serious loss of garden space, and gives safe access to the highway network and appropriate off-street parking.

Supplementary Planning Guidance on Designing House Extensions contains a number of guidelines on the acceptability of house extensions. Whilst this document cannot be directly used for new houses, the principles can be applied. Guideline 5 states that a two-storey extension with pitched roof should not be placed nearer than 12 metres in front of ground floor main windows. Guideline 6 requires that there should be a minimum distance of 21 metres between main facing windows.

The closest properties to the application site are those located along Pleasant Road between numbers 6-28 which are located immediately behind the site. These properties stand in a slightly elevated position and are set a distance of 15 metres away from the proposed two storey flat roof buildings and therefore it is considered that the occupiers of the existing properties along Pleasant Road will not be overshadowed by the proposed application. No windows are proposed in the rear elevation at first floor level and those at ground floor level look directly at the solid 2.5-3.0 metre tall brick wall running along the boundary and therefore no adverse overlooking is created to properties along Pleasant Road. Each of the two storey buildings has a window located in the side at first floor level. This window serves the second bedroom and is shown as a high level window and as such will create no adverse overlooking.

The main access is located between No.26 and 28 Pleasant Road and is an existing access. This access in the past has served 25 garages and it is considered that the proposal will not create any increase in levels of vehicular movement, (albeit the site has been vacant for a number of years), causing no loss of amenity to occupiers of No. 26 and 28 Pleasant Road.

Occupiers of the sheltered/retirement home opposite along Mansfield Road are set slightly lower and separated from the site by a mature boundary which is to be retained. It is not considered that any adverse overlooking, overbearing or overshadowing will be created by the proposal to occupiers of these properties.

A small garden area is created to the front of each of the properties, and a small yard is proposed to the rear which creates a private space suitable for drying clothes etc. This provides in total approximately 30 square metres per unit, which is

considered acceptable for this size of property. Whilst the design does not achieve a distance of 10 metres between the rear boundary and the rear elevation, which is recommended under guideline 4 of the SPG for two or more bedroomed houses, there are regeneration benefits of the site, and therefore on balance this is considered acceptable.

Therefore it is considered that the proposal meets the requirements of Policy H14, and advice found in the SPG for Designing House Extensions, causing no significant amenities issues to occupiers of neighbouring properties or future occupiers of the site.

## Highways

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.

The access to the site is less than ideal. The visibility for vehicles exiting the site is restricted and there is no realistic possibility of improvements being undertaken as the adjacent land required is in third party ownership. However, the previous use of the site was for 25 garages and in light of this it is considered that a proposal that significantly reduces the vehicular movements to and from the site could not realistically be refused, on those grounds, albeit the site has not been used for a number of years.

The development of the site is further complicated by the fact that the two existing garages have to be retained as they are under third party ownership and a public footpath runs through the site. It is recommended that the public footpath be brought up to adoptable standard.

The lack of a separate pedestrian access to the site was part of a reason for refusal on the previous application in 2007, however the subsequently approved schemes in 2008 and 2010 showed an amended arrangement was that was considered acceptable. This shows a separate pedestrian footpath entering the site and running up to the first dwelling. In front of the proposed dwellings leading to the garages (which themselves are under third party ownership) is a shared pedestrian and vehicle route.

A passing place has been provided between the car parking and entrance to the site, which is of a suitable size and position to ensure that two vehicles can pass along the access road whilst maintaining the separate pedestrian access.

The parking bays are approximately 2.6 metres wide, which is slightly above standard and will help with the manoeuvrability from the parking bays.

A dry riser is required owing to the dwellings being located in excess of 45 metres away from the highway. A management scheme is to be conditioned for the supervision of the bin storage, to ensure that they are collected and emptied.

A motorbike gate is proposed at the southern end of the site where the footpath continues past the garages under third party ownership.

## Landscaping

The application proposes limited soft landscaping. Whilst there is an element of soft landscaping outside of the red line boundary in the form of the mature hedge running along the eastern boundary, the majority of shared areas within the proposal are to be allocated for either vehicular access to the parking spaces and the remaining 2 garages in the south corner of the site.

A detailed landscaping scheme will be secured through a relevant condition, providing an acceptable scheme for the limited areas of soft landscaping.

## Community Infrastructure Levy (CIL)

CIL places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. This site is located in "Zone 3" so would be subject to a charge of £30/sq m.

## SUMMARY AND RECOMMENDATIONS

The application seeks planning permission for the erection of 7 one and two bedroom dwellings on the site, and the provision of 7 parking spaces.

It is considered that the proposal is of an appropriate scale, mass and design, and would enhance this vacant parcel of land. There are no highways issues or detrimental impact on the amenities of occupiers of the existing neighbouring properties that would be significant to warrant refusal of the scheme. It is therefore considered that the development meets the provisions of Policies BE5, BE10 and HI4 of the adopted Sheffield Unitary Development Plan, Policies CS24, CS26, CS41 and CS74 of the Core Strategy and the aims of the National Planning Policy Framework. Planning permission is recommended to be granted subject to conditions.

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Case Number	15/02908/LBC (Formerly PP-04368185)
Application Type	Listed Building Consent Application
Proposal	Demolition of workshops and labs, alterations, repairs and refurbishment to Mappin Building and Central Wing and erection of a glazed atrium to provide academic and administrative space, and creation of new entrance
Location	University Of Sheffield, Sir Frederick Mappin Building, Mappin Street SheffieldS1 3JD
Date Received	01/08/2015
Team	City Centre and East
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally

Subject to:

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 Planning (Listed Buildings and Conservation Areas) Regulations 1990.

Approved/Refused Plan(s)

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

Proposed Detail Floor Plans

02201\_P3 Level A Detailed Plan Zone 1;

02203\_P3 Level B Detailed Plan Zone 1;

02205\_P3 Level C Detailed Plan Zone 1;

02209\_P3 Level E Detailed Plan Zone 1;

02211\_P3 Level F Detailed Plan Zone 1;  
02213\_P3 Level G Detailed Plan Zone 1;  
02215\_P2 Roof Detailed Plan Zone 1;  
02204\_P3 Level B Detailed Plan Zone 2;  
02206\_P3 Level C Detailed Plan Zone 2;  
02210\_P3 Level E Detailed Plan Zone 2;  
02212\_P3 Level F Detailed Plan Zone 2;  
02214\_P3 Level G Detailed Plan Zone 2; and  
02216\_P2 Roof Detailed Plan Zone 2 received on 1/8/2015  
02207\_P4 Level D Detailed Plan Zone 1; and  
02208\_P4 Level D Detailed Plan Zone 2 received on 23/10/2015

#### Proposed GA Floor Plans

02101\_P3 Proposed Level A Plan;  
02102\_P3 Proposed Level B Plan;  
02103\_P5 Proposed Level C Plan;  
02105\_P5 Proposed Level E Plan;  
02106\_P5 Proposed Level F Plan;  
02107\_P5 Proposed Level G Plan; and  
02108\_P3 Proposed Roof Plan received on 1/8/2015  
02104\_P6 Proposed Level D Plan received on 23/10/2015

#### Demolition Elevations

03021\_P1 Demolition Portobello Street Elevation;  
03022\_P1 Demolition Abney Street Elevation;  
03023\_P1 Demolition Mappin Street Elevation; and  
03024\_P1 Demolition Broad Lane Elevation received on 1/8/2015

#### Proposed Elevations

03001\_P5 Proposed Portobello Street Elevation;

03002\_P2 Proposed Abney Street Elevation;  
03003\_P2 Proposed Mappin Street Elevation; and  
03004\_P2 Proposed Broad Lane Elevation received on 1/8/2015

#### Demolition GA Sections

04051 -P1 Demolition GA Sections A-A;  
04052-P1 Demolition GA Sections B-B;  
04053-P1 Demolition GA Sections C-C;  
04054-P1 Demolition GA Sections D-D;  
04055-P1 Demolition GA Sections E-E;  
04056-P1 Demolition GA Sections F-F;  
04057-P1 Demolition GA Sections G-G;  
04058-P1 Demolition GA Sections H-H;  
04059-P1 Demolition GA Sections I-I;  
04060-P1 Demolition GA Sections J-J;  
04061 -P1 Demolition GA Sections K-K;  
04062-P1 Demolition GA Sections L-L;  
04063-P1 Demolition GA Sections M-M; and  
04065-P1 Demolition GA Sections O-O received on 1/8/2015  
04064-P2 Demolition GA Sections N-N received on 23/10/2015

#### Proposed GA Sections

04101\_P5 Proposed GA Sections A-A;  
04102\_P4 Proposed GA Sections B-B;  
04103\_P4 Proposed GA Sections C-C;  
04104\_P2 Proposed GA Sections D-D;  
04105\_P2 Proposed GA Sections E-E;  
04106\_P2 Proposed GA Sections F-F;

04107\_P2 Proposed GA Sections G-G;  
04108\_P1 Proposed GA Sections H-H;  
04109\_P1 Proposed GA Sections I-I;  
04110\_P1 Proposed GA Sections J-J;  
04111\_P1 Proposed GA Sections K-K;  
04112\_P1 Proposed GA Sections L-L;  
04113\_P1 Proposed GA Sections M-M;  
04114\_P1 Proposed GA Sections N-N; and  
04115\_P1 Proposed GA Sections O-O received on 1/8/2015

#### Ceiling Finishes

08201\_P2 Level A Reflected Ceiling Plan Zone 1;  
08203\_P2 Level B Reflected Ceiling Plan Zone 1;  
08205\_P3 Level C Reflected Ceiling Plan Zone 1;  
08207\_P3 Level D Reflected Ceiling Plan Zone 1;  
08209\_P3 Level E Reflected Ceiling Plan Zone 1;  
08211\_P3 Level F Reflected Ceiling Plan Zone 1;  
08213\_P3 Level G Reflected Ceiling Plan Zone 1;  
08204\_P2 Level B Reflected Ceiling Plan Zone 2;  
08206\_P3 Level C Reflected Ceiling Plan Zone 2;  
08208\_P3 Level D Reflected Ceiling Plan Zone 2;  
08210\_P3 Level E Reflected Ceiling Plan Zone 2;  
08212\_P3 Level E Reflected Ceiling Plan Zone 2; and  
08214\_P3 Level G Reflected Ceiling Plan Zone 2 received on 1/8/2015

#### Floor Finishes

08401\_P2 Level A Floor Finishes Plan Zone 1;  
08403\_P2 Level B Floor Finishes Plan Zone 1;  
08405\_P2 Level C Floor Finishes Plan Zone 1;



8407\_P2 Level D Floor Finishes Plan Zone 1;  
8409\_P2 Level E Floor Finishes Plan Zone 1;  
08411\_P2 Level F Floor Finishes Plan Zone 1;  
08413\_P2 Level G Floor Finishes Plan Zone 1;  
08404\_P2 Level B Floor Finishes Plan Zone 2;  
08406\_P2 Level C Floor Finishes Plan Zone 2;  
08408\_P2 Level D Floor Finishes Plan Zone 2;  
08410\_P2 Level E Floor Finishes Plan Zone 2;  
08412\_P2 Level F Floor Finishes Plan Zone 2; and  
08414\_P2 Level G Floor Finishes Plan Zone 2 received on 1/8/2015

#### General Finishes

08001\_P2 Level A General Finishes Plan;  
08002\_P2 Level B General Finishes Plan;  
08003\_P2 Level C General Finishes Plan;  
08004\_P2 Level D General Finishes Plan;  
08005\_P2 Level E General Finishes Plan;  
08006\_P2 Level F General Finishes Plan; and  
08007\_P2 Level G General Finishes Plan received on 1/8/2015

#### Feature Stairs

09101\_P1 Feature Staircase 02; and  
09102\_P1 Feature Staircase 03 received on 1/8/2015

#### Bridge Links

10101\_P1 Internal Bridge Link 01;  
10102\_P1 Internal Bridge Link 02;  
10104\_P1 Internal Bridge Link 03 Demolition; and  
10105\_P1 Internal Bridge Link 03 Proposed received on 1/8/2015

## Demolition Plans

10201\_P1 Level A Demolition Plan Zone 1;  
10203\_P2 Level B Demolition Plan Zone 1;  
10205\_P2 Level C Demolition Plan Zone 1;  
10209\_P2 Level E Demolition Plan Zone 1;  
10211\_P2 Level F Demolition Plan Zone 1;  
10213\_P2 Level G Demolition Plan Zone 1;  
10215\_P1 Roof Demolition Plan Zone 1;  
10204\_P2 Level B Demolition Plan Zone 2;  
10206\_P2 Level C Demolition Plan Zone 2;  
10210\_P2 Level E Demolition Plan Zone 2;  
10212\_P2 Level F Demolition Plan Zone 2;  
10214\_P2 Level G Demolition Plan Zone 2; and  
10216\_P1 Roof Demolition Plan Zone 2 received on 1/8/2015  
10207\_P3 Level D Demolition Plan Zone 1; and  
10208\_P3 Level D Demolition Plan Zone 2 received on 23/10/2015

Reason: In order to define the permission.

### Pre-Commencement Condition(s)

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

3. Details of all proposed external and internal materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details

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

4. Before any works on the building(s) commence, a schedule of retained doors shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved schedule.

Reason: In order to ensure that inappropriate alterations are avoided

5. Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:
  - Glazed atrium roof and connections to the existing buildings;
  - Supporting columns
  - New doors

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

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

6. 1:10 details of the replacement windows, including the frame, sash and glazing bars, and a 1:1 sample, 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.

7. Before any works on the building(s) commence, a schedule of roof repairs shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved schedule.

Reason: In order to ensure that inappropriate alterations are avoided.

8. Details of the location, specification and appearance of all new services to the building (including meter boxes, outlets and inlets for gas, electricity, telephones, security systems, cabling, trunking, soil and vent stacks, fresh and foul water supply and runs, heating, air conditioning, ventilation, extract and odour control equipment, pipe runs and internal and external ducting) shall be approved in writing by the Local Planning Authority before installation.

Reason: In order to protect the character of the original building.

9. The design and location of all new internal and external light fittings shall be approved in writing by the Local Planning Authority before that part of the development commences. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to protect the character of the original building.

#### Other Compliance Conditions

10. Chimney stacks and pots shall be retained in situ and, where repaired, should be reinstated to their original appearance using materials to match existing unless otherwise approved in writing by the Local Planning Authority.

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

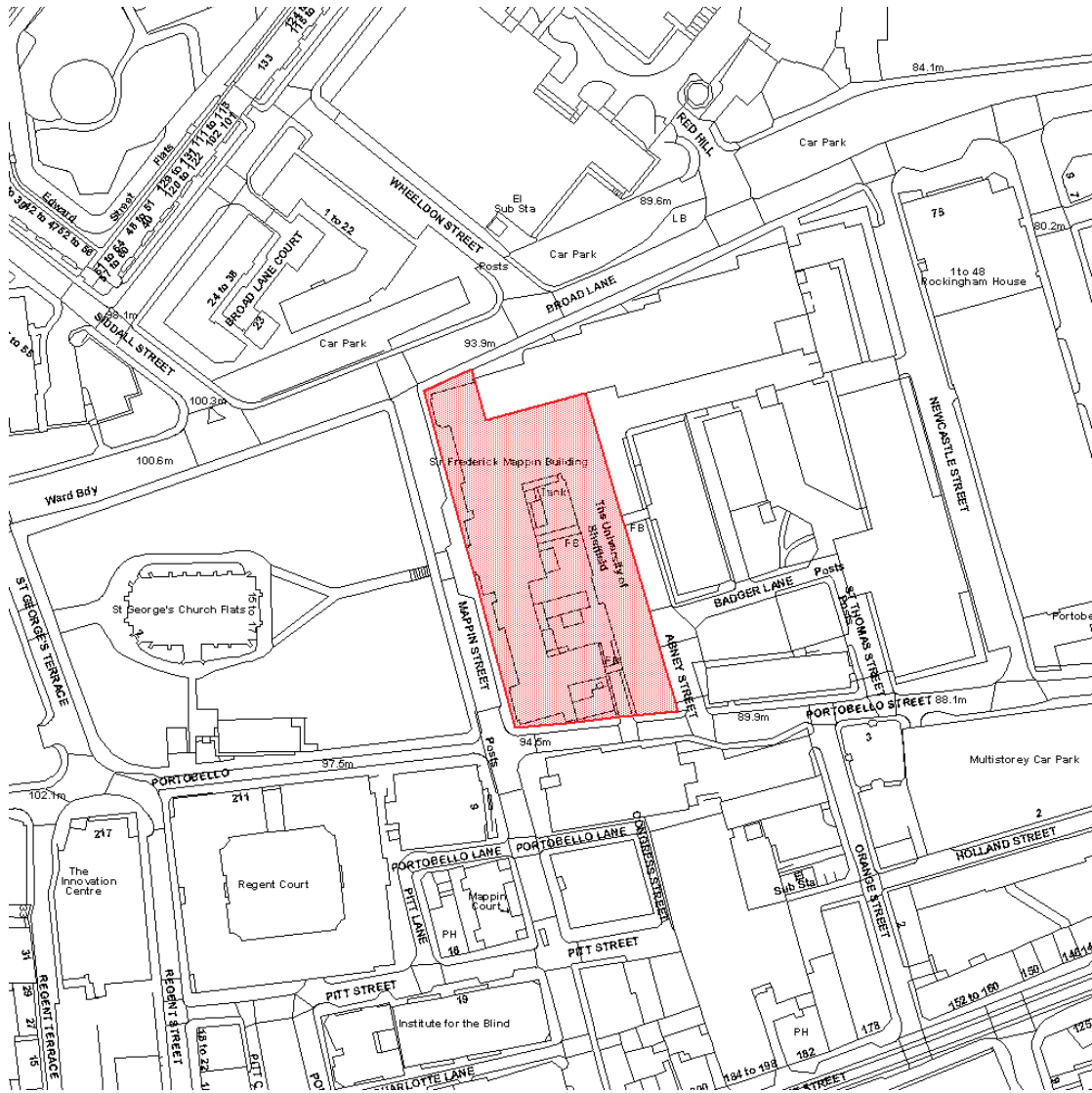
11. All the rainwater gutters, downpipes and external plumbing shall be of cast iron or cast aluminium construction and painted black unless otherwise approved in writing by the Local Planning Authority.

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

#### Attention is Drawn to the Following Directives:

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

# Site Location



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For report see 15/02907/FUL

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Case Number 15/02907/FUL (Formerly PP-04368185)

Application Type Full Planning Application

Proposal Demolition of workshops and labs, alterations, repairs and refurbishment to Mappin Building and Central Wing and erection of a glazed atrium to provide academic and administrative space and creation of new entrance

Location University Of Sheffield, Sir Frederick Mappin Building, Mappin Street Sheffield S1 3JD

Date Received 01/08/2015

Team City Centre and East

Applicant/Agent DLP Planning Ltd

Recommendation Grant Conditionally

Subject to:

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:

Proposed Detail Floor Plans

02201\_P3 Level A Detailed Plan Zone 1;

02203\_P3 Level B Detailed Plan Zone 1;

02205\_P3 Level C Detailed Plan Zone 1;

02209\_P3 Level E Detailed Plan Zone 1;

02211\_P3 Level F Detailed Plan Zone 1;

02213\_P3 Level G Detailed Plan Zone 1;  
02215\_P2 Roof Detailed Plan Zone 1;  
02204\_P3 Level B Detailed Plan Zone 2;  
02206\_P3 Level C Detailed Plan Zone 2;  
02210\_P3 Level E Detailed Plan Zone 2;  
02212\_P3 Level F Detailed Plan Zone 2;  
02214\_P3 Level G Detailed Plan Zone 2; and  
02216\_P2 Roof Detailed Plan Zone 2 received on 1/8/2015  
02207\_P4 Level D Detailed Plan Zone 1; and  
02208\_P4 Level D Detailed Plan Zone 2 received on 23/10/2015

#### Proposed GA Floor Plans

02101\_P3 Proposed Level A Plan;  
02102\_P3 Proposed Level B Plan;  
02103\_P5 Proposed Level C Plan;  
02105\_P5 Proposed Level E Plan;  
02106\_P5 Proposed Level F Plan;  
02107\_P5 Proposed Level G Plan; and  
02108\_P3 Proposed Roof Plan received on 1/8/2015  
02104\_P6 Proposed Level D Plan received on 23/10/2015

#### Demolition Elevations

03021\_P1 Demolition Portobello Street Elevation;  
03022\_P1 Demolition Abney Street Elevation;  
03023\_P1 Demolition Mappin Street Elevation; and  
03024\_P1 Demolition Broad Lane Elevation received on 1/8/2015

#### Proposed Elevations

03001\_P5 Proposed Portobello Street Elevation;

03002\_P2 Proposed Abney Street Elevation;  
03003\_P2 Proposed Mappin Street Elevation; and  
03004\_P2 Proposed Broad Lane Elevation received on 1/8/2015

#### Demolition GA Sections

04051 -P1 Demolition GA Sections A-A;  
04052-P1 Demolition GA Sections B-B;  
04053-P1 Demolition GA Sections C-C;  
04054-P1 Demolition GA Sections D-D;  
04055-P1 Demolition GA Sections E-E;  
04056-P1 Demolition GA Sections F-F;  
04057-P1 Demolition GA Sections G-G;  
04058-P1 Demolition GA Sections H-H;  
04059-P1 Demolition GA Sections I-I;  
04060-P1 Demolition GA Sections J-J;  
04061 -P1 Demolition GA Sections K-K;  
04062-P1 Demolition GA Sections L-L;  
04063-P1 Demolition GA Sections M-M; and  
04065-P1 Demolition GA Sections O-O received on 1/8/2015  
04064-P2 Demolition GA Sections N-N received on 23/10/2015

#### Proposed GA Sections

04101\_P5 Proposed GA Sections A-A;  
04102\_P4 Proposed GA Sections B-B;  
04103\_P4 Proposed GA Sections C-C;  
04104\_P2 Proposed GA Sections D-D;  
04105\_P2 Proposed GA Sections E-E;  
04106\_P2 Proposed GA Sections F-F;  
04107\_P2 Proposed GA Sections G-G;



04108\_P1 Proposed GA Sections H-H;  
04109\_P1 Proposed GA Sections I-I;  
04110\_P1 Proposed GA Sections J-J;  
04111\_P1 Proposed GA Sections K-K;  
04112\_P1 Proposed GA Sections L-L;  
04113\_P1 Proposed GA Sections M-M;  
04114\_P1 Proposed GA Sections N-N; and  
04115\_P1 Proposed GA Sections O-O received on 1/8/2015

#### Ceiling Finishes

08201\_P2 Level A Reflected Ceiling Plan Zone 1;  
08203\_P2 Level B Reflected Ceiling Plan Zone 1;  
08205\_P3 Level C Reflected Ceiling Plan Zone 1;  
08207\_P3 Level D Reflected Ceiling Plan Zone 1;  
08209\_P3 Level E Reflected Ceiling Plan Zone 1;  
08211\_P3 Level F Reflected Ceiling Plan Zone 1;  
08213\_P3 Level G Reflected Ceiling Plan Zone 1;  
08204\_P2 Level B Reflected Ceiling Plan Zone 2;  
08206\_P3 Level C Reflected Ceiling Plan Zone 2;  
08208\_P3 Level D Reflected Ceiling Plan Zone 2;  
08210\_P3 Level E Reflected Ceiling Plan Zone 2;  
08212\_P3 Level E Reflected Ceiling Plan Zone 2; and  
08214\_P3 Level G Reflected Ceiling Plan Zone 2 received on 1/8/2015

#### Floor Finishes

08401\_P2 Level A Floor Finishes Plan Zone 1;  
08403\_P2 Level B Floor Finishes Plan Zone 1;  
08405\_P2 Level C Floor Finishes Plan Zone 1;  
8407\_P2 Level D Floor Finishes Plan Zone 1;

8409\_P2 Level E Floor Finishes Plan Zone 1;  
08411\_P2 Level F Floor Finishes Plan Zone 1;  
08413\_P2 Level G Floor Finishes Plan Zone 1;  
08404\_P2 Level B Floor Finishes Plan Zone 2;  
08406\_P2 Level C Floor Finishes Plan Zone 2;  
08408\_P2 Level D Floor Finishes Plan Zone 2;  
08410\_P2 Level E Floor Finishes Plan Zone 2;  
08412\_P2 Level F Floor Finishes Plan Zone 2; and  
08414\_P2 Level G Floor Finishes Plan Zone 2 received on 1/8/2015

#### General Finishes

08001\_P2 Level A General Finishes Plan;  
08002\_P2 Level B General Finishes Plan;  
08003\_P2 Level C General Finishes Plan;  
08004\_P2 Level D General Finishes Plan;  
08005\_P2 Level E General Finishes Plan;  
08006\_P2 Level F General Finishes Plan; and  
08007\_P2 Level G General Finishes Plan received on 1/8/2015

#### Feature Stairs

09101\_P1 Feature Staircase 02; and  
09102\_P1 Feature Staircase 03 received on 1/8/2015

#### Bridge Links

10101\_P1 Internal Bridge Link 01;  
10102\_P1 Internal Bridge Link 02;  
10104\_P1 Internal Bridge Link 03 Demolition; and  
10105\_P1 Internal Bridge Link 03 Proposed received on 1/8/2015

## Demolition Plans

10201\_P1 Level A Demolition Plan Zone 1;  
10203\_P2 Level B Demolition Plan Zone 1;  
10205\_P2 Level C Demolition Plan Zone 1;  
10209\_P2 Level E Demolition Plan Zone 1;  
10211\_P2 Level F Demolition Plan Zone 1;  
10213\_P2 Level G Demolition Plan Zone 1;  
10215\_P1 Roof Demolition Plan Zone 1;  
10204\_P2 Level B Demolition Plan Zone 2;  
10206\_P2 Level C Demolition Plan Zone 2;  
10210\_P2 Level E Demolition Plan Zone 2;  
10212\_P2 Level F Demolition Plan Zone 2;  
10214\_P2 Level G Demolition Plan Zone 2; and  
10216\_P1 Roof Demolition Plan Zone 2 received on 1/8/2015  
10207\_P3 Level D Demolition Plan Zone 1; and  
10208\_P3 Level D Demolition Plan Zone 2 received on 23/10/2015

Reason: In order to define the permission.

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

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

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

4. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

5. 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 and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

6. 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.

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

7. The design and location of all new internal and external light fittings shall be approved in writing by the Local Planning Authority before that part of the development commences. Thereafter the development shall be carried out in accordance with the approved details

Reason: In order to protect the character of the original building.

8. Before any works on the building(s) commence, a schedule of roof repairs shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved schedule.

Reason: In order to ensure that inappropriate alterations are avoided.

9. Details of all proposed external and internal materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details

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

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

- Glazed atrium roof and connections to the existing buildings;
- Supporting columns
- New doors

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

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

11. Before any works on the building(s) commence, a schedule of retained doors shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved schedule.

Reason: In order to ensure that inappropriate alterations are avoided.

12. Details of the location, specification and appearance of all new services to the building (including meter boxes, outlets and inlets for gas, electricity, telephones, security systems, cabling, trunking, soil and vent stacks, fresh and foul water supply and runs, heating, air conditioning, ventilation, extract and odour control equipment, pipe runs and internal and external ducting) shall be approved in writing by the Local Planning Authority before installation.

Reason: In order to protect the character of the original building.

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. Prior to the installation of any commercial kitchen or laboratory fume extraction systems full details, including a scheme of works to protect the occupiers of nearby sensitive receptors, shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) Plans showing the location of any fume extract terminating
  - b) Acoustic emissions data.
  - c) Details of any filters or other odour abatement equipment.
  - d) Details of the systems required cleaning and maintenance schedule.

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

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

15. No externally mounted and/ or fixed plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted 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.

16. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development or any part thereof shall not be brought in to use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies

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

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

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

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

18. 1:10 details of the replacement windows, including the frame, sash and glazing bars, and a 1:1 sample, 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.

#### Other Compliance Conditions

19. Chimney stacks and pots shall be retained in situ and, where repaired, should be reinstated to their original appearance using materials to match existing unless otherwise approved in writing by the Local Planning Authority.

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

20. All the rainwater gutters, downpipes and external plumbing shall be of cast iron or cast aluminium construction and painted black unless otherwise approved in writing by the Local Planning Authority.

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

21. Plant and equipment shall be designed to ensure that the total LAeq plant noise rating level (including any character correction for tonality or impulsive noise) does not exceed the LA90 background noise level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.

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

22. 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.

23. Construction and demolition works that are audible at the site boundary shall only take place between 0730 hours and 1800 hours on Monday to Fridays, and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Public Holidays.

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

24. The development shall not be used unless dropped kerbs and blister paving have been provided on both sides of Abney Street.

Reason: In the interests of pedestrian safety.

25. The iron boundary railings in front of the Caretaker's House shall be retained for re-use within the St Georges Campus.

Reason: In order to ensure the protection of the original fabric of the Listed Building.

Attention is Drawn to the Following Directives:

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

You should apply for a consent to: -

Highways Adoption Group Development Services

Sheffield City Council

Howden House, 1 Union Street

Sheffield



S1 2SH

For the attention of Mr S Turner

Tel: (0114) 27 34383

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

The notice should be sent to:-

Sheffield City Council

2-10 Carbrook Hall Road

Sheffield

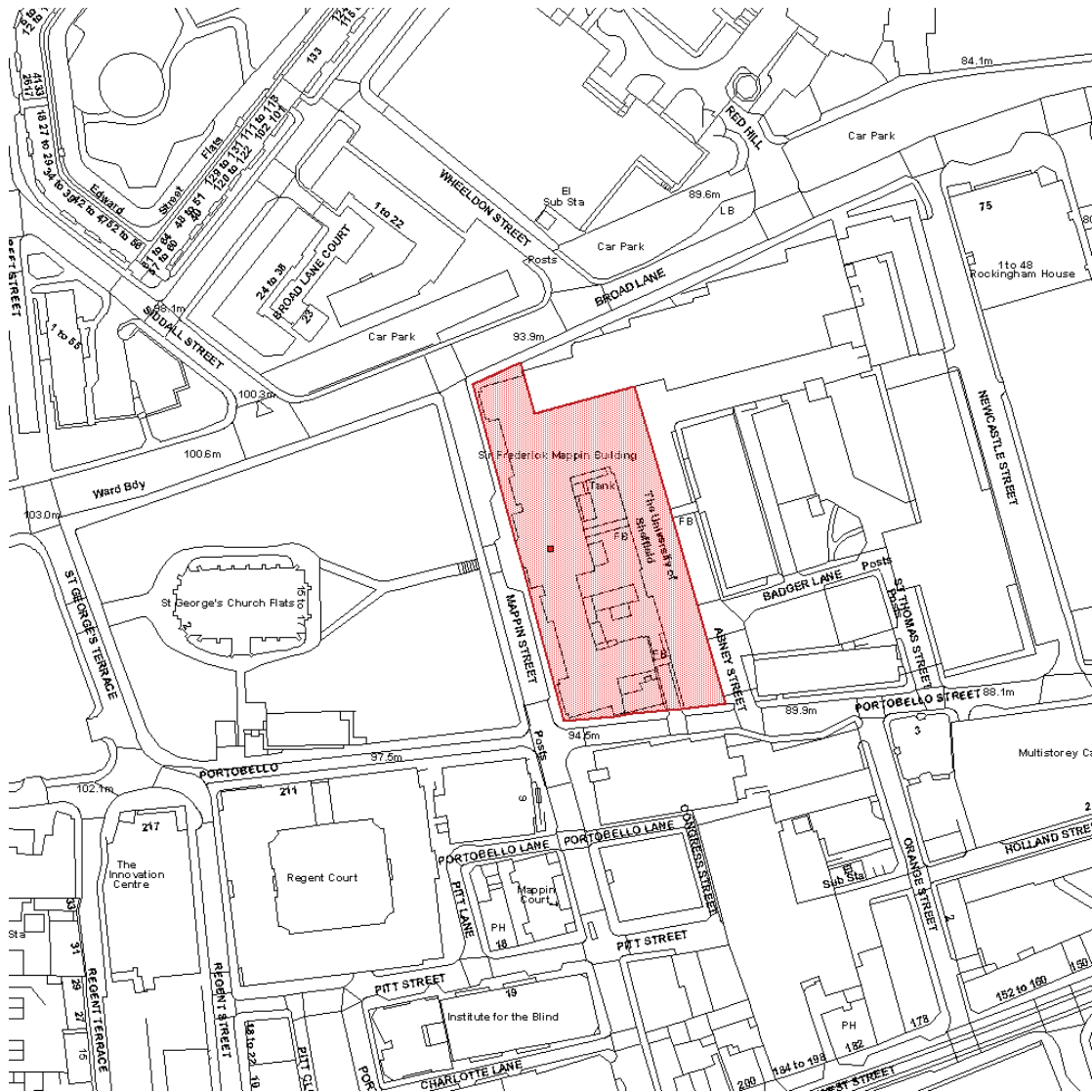
S9 2DB

For the attention of Mr P Vickers

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

3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
4. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

## Site Location



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## LOCATION AND PROPOSAL

The University of Sheffield's Sir Frederick Mappin Building is a grade II listed building occupied by the Faculty of Engineering. Located on the eastern side of Mappin Street, between Broad Lane and Portobello Street, the 3 to 4 storey red brick built Mappin Building, which has ashlar dressings and a slate roof, was built in three phases between 1902 and 1913 by Flockton and Gibbs in a Baroque

Revival Style. Spiked cast-iron railing with a brick plinth and stone coping run along the front elevation and return along both sides. The railings are included within the list description.

Running parallel to the rear of the Mappin Building and connected by a bridge link is the neo-Georgian style 2 storey Technical School of 1885-6 by the same architect (known as the Central Block).

The application site includes both buildings, and the yard between which houses various small extensions as well as a range of external plant and equipment.

To the west of the application site stands the grade II listed Church of St George and its grounds. The stone boundary wall and gate piers to the church are listed in their own right (also grade II). The church is now in use by the University as a lecture theatre. To the south of Portobello is the University's St George's Library, housed in a 3 storey brick and stone building with postmodern detailing.

The Faculty of Engineering continues to the east of the application site. It comprises a range of buildings (known collectively as the St Georges Campus) including the Mining Block and the Amy Johnson Building, also designed by E.M. Gibbs in a style similar to the Central Block. The University's northern campus and a range of student accommodation occupy land directly to the north on the opposite side of Broad Lane.

As part of the University's long term plans to improve and expand the Faculty of Engineering, planning permission and listed building consent is now sought for alterations, repairs and the refurbishment of both the Mappin Building and the Central Wing and the formation of a new 'Heartspace' between the Mappin Building and the Central Block. The Heartspace, which will accommodate a shared research and collaboration space, a new café and ancillary spaces, will be created by roofing over the existing courtyard to form a glazed atrium with a new entrance from Portobello Street.

#### RELEVANT PLANNING HISTORY

12/02924/LBC      Listed building consent was granted in November 2012 to refurbish part of Level C including sash windows (and installation of secondary glazing), decorations, new and refurbished doors, refurbishment and repair of terrazzo floor, provision of new services infrastructure and refurbishment of main and secondary stairs.

12/02445/ADV &  
12/02573/LBC      Advertisement and listed building consent were granted for two non-illuminated signs at the building entrance in October 2012.

12/01639/FUL	In July 2012, consent was granted for the provision of mechanical extract flues to rooftops of existing buildings to serve refurbishment works.
11/03762/LBC	Listed building consent was granted for the installation of six air conditioning units to a metal gantry adjacent Portobello Street in January 2012.
11/00134/LBC	In March 2011, listed building consent was granted for the internal refurbishment of part of the central block, plus minor external alterations.
10/03656/LBC	In December 2012, listed building consent was granted for the demolition of a 10m high redundant chimney stack.
10/00699/FUL & 10/00697/LBC	Planning permission and listed building consent was granted for the provision of a staircase, external ramp and railings and alterations to windows in April 2010.
04/05106/LBC	In March 2005 listed building consent was granted for alterations including the installation of an access lift.
04/01530/LBC	Listed building consent was granted in June 2004 for the formation of a fire escape through a chimney breast.
00/01628/FUL & 00/01629/LBC	In February 2002, planning permission and listed building consent was granted for the erection of an access ramp for people with disabilities.

#### SUMMARY OF REPRESENTATIONS

One neutral representation was received from a member of the public who feels that it is important that the proposed works maintain the setting and appearance of this listed building's setting and appearance.

Historic England's specialist staff considered the applications but did not wish to offer any comments on this occasion. They recommended that the applications be determined in accordance with national and local policy guidance, and on the basis of our own expert conservation advice.

The Conservation Advisory Group considered the applications at their meeting on 15<sup>th</sup> September 2015. The Group felt there was no objection, in principle, to the treatment of the open space and the atrium, however they considered that the cascading roof was dominant and intrusive on the Portobello Street frontage and, while the principle of that aspect of the development was welcome, its actual

realisation was questionable. The structure should be as light as possible and the Group considered that the new entrance should be set back. On the Mappin Street frontage, the Group considered there was no justification for replacing the existing windows, which should be retained with secondary glazing.

In addition, the Victorian Society raised an objection to the applications, which they consider would cause serious harm to the character and appearance of this highly significant building.

The Society confirms that the principle of substantially clearing out and roofing-over this space is acceptable, particularly in light of the jumble of largely later twentieth-century constructions that have accrued within it and which detract from the setting of the listed buildings.

However, they object to the demolition of the caretaker's house. 'It is an attractive building that possesses great charm, and which forms an integral, significant and contemporaneous part of the listed building. It sits forward of the side return of the front block, and is therefore given added prominence in the street. The modesty of its scale and proportions is indicative of its original function and serves as an interesting juxtaposition with the decoratively rich and imposing institutional buildings. The iron railings (specifically mentioned in the list description) continue in front of the caretaker's house, enhancing its setting and helping to define and lend coherence to the site. There is also a handsome set of original gates that provide access to the enclosure to the rear. The caretaker's house and railings not only contribute to an understanding of the historic site, but enhance the setting of the listed building and the character and appearance of Portobello Street. Its demolition, as proposed, would therefore be damaging and has not been justified. The demolition of the caretaker's house would also isolate the splendid Renaissance porch connected to its northern elevation. In the absence of the caretaker's house the porch would become marooned, instead forming a peculiar and almost purposeless extrusion. The application refers to a Heritage Impact Statement prepared by Purcell, but this, unhelpfully, is not included with the set of documents uploaded with either the full planning or the listed building consent application. Given that a new entrance could be accommodated, as at present, to the side of the caretaker's house, the argument of need for the demolition of the building would be difficult, if not impossible, to make'.

The Society considers that the proposed roof is entirely at odds with the character of the listed buildings. 'In design it is whimsical and arbitrary and is disrespectful to the defining characteristics of the listed buildings. It raises other issues, such as the precise nature of its juncture with the listed buildings and how it would be maintained. The Committee felt that something along the lines of the Stage 2 design (apart from the demolition of the caretaker's house) would be far more appropriate. It does at least reflect something of the rhythm, proportions and general sense of decorum of the listed buildings.'

Lastly, the Society object to the wholesale removal and replacement of the historic windows in the main block, which would involve the unnecessary harmful loss of a large amount of historic fabric and is not justified.

They consider that this scheme would undermine the appearance and dignity of this fine group of nationally important buildings, causing serious and unjustified harm to their significance.

## PLANNING ASSESSMENT

### Land Use

The site lies within an Institution: Education Area as defined in the Unitary Development Plan (UDP). Policy CF7 of the UDP (Development in Institution: Education Areas) describes education uses and other community facilities as the preferred use of land while policy CF8 of the UDP (Conditions on Development in Institution Areas) states that new development or changes of use should not lead to a concentration of uses which would prejudice the dominance of preferred uses in the Area, unless the preferred uses are no longer required. On this basis the intensification of the current, preferred use is considered to be acceptable in principle.

### Heritage and Design

Policy CF8 of the UDP (Conditions on Development in Institution Areas) advises that new development should be well designed and of a scale and nature appropriate to the site, and that it should comply with appropriate policies for the Built Environment.

The application site falls within an Area of Special Character as defined in the UDP and policy BE15 (Areas and Buildings of Special Architectural or Historic Interest) states that buildings and areas of special architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced and that development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted. More specifically, policy BE18 (Development in Areas of Special Character) expects the retention of buildings, walls, trees, open spaces and other features that contribute to the character of the Area, and new development to respect the appearance and character of the Area.

Policies BE15 and BE18 are saved policies. However, the UDP also makes clear that the Area of Special Character designation was given to areas that were likely to become Conservation Areas and that the tighter controls in these areas was designed to safeguard them until such time that their declaration as conservation areas could be considered.

The UDP was adopted in 1998 and the evidence base that supported its policies is even older. In that time, two Areas of Special Character have been declared as new Conservation Areas and four others have been added to existing Conservation Areas. There are no proposals to designate further Conservation Areas or to carry an updated Area of Special Character designation forward in the new Local Plan. It is therefore considered that the Area of Special Character designation can be afforded little weight.

However, policy BE19 of the UDP states that proposals for internal or external alterations which would affect the special interest of a listed building will be expected to preserve the character and appearance of the building.

The National Planning Policy Framework (NPPF) states that, in determining planning applications involving a heritage asset, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage
- assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness (para.131).

It also advises that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. That the more important the asset, the greater the weight should be, and that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building should be exceptional (para.132).

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (para.133).

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (para.134).



The range of values that can contribute to the significance of a place can be categorised under the following headings, derived from English Heritage's Conservation Principles, Policies and Guidance (2008):

- Evidential Value: the potential of a place to yield evidence about past human activity.
- Historical Value: the associative or illustrative ways in which past people, events and aspects of life can be connected through a place to the present.
- Aesthetic Value: the ways in which people draw sensory and intellectual stimulation from a heritage asset or place.
- Communal Value: the associated meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. Communal values embrace spatial, social and inspirational values.

The Mappin Building and attached railings were listed grade II in 1973. As a Grade II listed building, the overall significance of the interior and exterior of the Mappin Building (and its railings) is of national significance. The Heritage Impact Assessment states:

'Its façade is described in the Pevsner Architectural Guide for Sheffield (Harman & Minnis 2004, 87) as a 'robust Wrenaissance'. It derives much of its style and treatment of decorative features such as terracotta vents, pediments, and segmental headed windows from Gibb's earlier work at the Central Wing but incorporates considerably more elaborate architectural detailing and decorative sandstone stonework. The building has a finely set brickwork frontage facing Mappin Street, which has been well designed and executed with a particularly ornate three bay central entrance block. The main entrance has a round chamfered arch set in a rusticated stonework surround with a broken pediment, console scrolls and a lunette window. It has fine iron gates and there is a cartouche above bearing the University coat of arms.'

The interior was not inspected and is, given the nature of its use (which includes a number of laboratories), relatively utilitarian in places. Areas of terrazzo and parquet flooring survive intact, as do stone staircases, arched openings and many original doors and windows. The key internal spaces, however, include the main entrance hall, the adjacent John Carr Library, and the oak panelled hall (known as Mappin Hall).

In order to facilitate the construction of the glazed atrium between the Mappin Building and the Central Block a degree of demolition is proposed, including the Caretaker's House, a chemical store, small scale extensions and a range of plant and equipment. The proposed clearing out of the courtyard is generally welcomed as most of the additions were designed to be 'back of house' and do not contribute



to the significance of the listed building. However, the loss of the Caretaker's House, adjacent Portobello Street, is more contentious.

The 2 storey caretaker's House was built in brick to match the Mappin Building but with more modest ashlar detailing and none of the terracotta vents, presumably, as noted in the Heritage Impact Assessment 'because no machinery or other equipment was intended to be accommodated here'.

The heritage values contributing to significance identified in the submitted Heritage Impact Assessment have been graded to identify the relative contributions that these values make to the significance of the overall site and campus in order to inform the proposals for change and refurbishment.

#### Evidential Value

- Built on the site of a late 19th century terrace, some archaeological deposits from these may survive below ground, particularly within the small yard to the rear.
- Evidence of domestic finishes and decorative schemes from when this building was inhabited by the caretaker may survive concealed beneath the current finishes.
- Associative Historical Value: Low-Medium
- Associated with the wider corpus of work of respected architect Gibbs.
- Formerly the residence of the caretaker.

#### Illustrative Historical Value: Low-Medium

- The floor plan is substantially intact from its original construction and illustrates the former domestic layout. The original arrangement with the yard to the rear and railings to the front also survives. However, internally the doors and decorative finishes are relatively modern.
- The front elevation and railings are original and have not been disturbed by later changes.
- The ground floor triangular window has views to the entrance to the Heartspace courtyard and to Portobello Street indicating that access was once monitored from this vantage point.

## Aesthetic Heritage Value: Low

- The front elevation facing Portobello Street and the railings here are original and have been pleasantly designed, contributing to the street frontage. Despite this, the Caretaker's House, reflecting its original purpose, is a small very simply designed building which presents a much less impressive aspect when compared to the large buildings across the site which incorporate distinctive detailing such as 'Wrenaissance', Neo-Georgian, European Modernism etc. The Caretaker's House is not in keeping with these other campus buildings, although nor does it detract from them and it is considered to have some aesthetic significance, albeit low.

Whilst it dates from the same period, visually the Caretaker's House is quite different to the civic aesthetic of the Mappin Building and, to a slightly lesser extent, the Central Wing. The Caretaker's House fronts Portobello Street and, while an attractive building in its own right, its loss will not impact on the Mappin Building's impressive front elevation. Moreover, the Caretaker's House is not considered to add significantly to the understanding of the site's history – unlike the relationship of the Mappin Building with the former Technical School (Central Block).

Therefore, while the loss of the Caretaker's House is regrettable, it is not considered to amount to substantial harm to the significance of the Mappin Building. Moreover, the public benefits that will be derived from the University's continued investment in the Faculty of Engineering are considered to be significant. They include the long term use of the building by the University, improvements in the energy performance of the building and the creation of additional, as well as more efficiently planned space to support the Faculty's growth plans – which could see it become the largest engineering faculty in the country. Such benefits can be considered to outweigh the limited harm that will result from the loss of the Caretaker's House. A condition is proposed requiring the iron boundary railings in front of the Caretaker's House to be retained for re-use within the St Georges Campus.

Other demolitions are proposed in addition to the Caretaker's House. The Central Wing connects to the Mappin Building via three link bridges; the earliest is original and dates from 1911-1913, a later bridge, close to Portobello Street, dates from 1938 and the final glazed one to c.1994. The Heritage Impact Assessment notes that the two earlier link bridges form part of the historical development of the site and their dates of construction are linked to major reconfigurations and extensions within the Mappin Building and/or the Central Wing. However, the bridge closest to Portobello Street is not intact and has been reinforced with a concrete base. Moreover, the 1990s bridge has neutral significance.

The Heritage Impact Assessment concludes that the loss of the bridge situated close to Portobello Street will remove an historic feature and therefore result some harm, but this is limited as it is a later addition to the site, it is not intact (being supported on later concrete supports) and its removal will open up views to the courtyard and historic buildings. This is generally accepted by your officers. The demolition of the most recent bridge is also considered to be acceptable.

The original link bridge is to be retained, but will undergo alterations – which include the removal of its roof and the upper part of the walls (and the obscure glazed circular windows). It is considered that these changes will impact on the significance of the bridge, but they will also add to the openness of the Heartspace and improve user experience. As most of the original link bridge is retained, so is this visual representation of the sites history. The proposed alterations are therefore considered to be acceptable.

Proposals to demolish the southern wall of the entrance hall, an elegant and largely symmetrical space that retains many original and historic features, have been omitted from the current proposals at the request of your officers.

The replacement of all the existing windows in the Mappin Building and the Central Wing also forms part of the planning and listed building applications. This was originally resisted, partly due to the loss of the historic glazing and frames which – particularly on the main Mappin Street elevation – contribute greatly to the building's significance. Furthermore, the originally proposed replacement windows were considered to be of insufficient quality and incorporated 'applied' rather than 'through' glazing bars. Traditional glazing bars form an integral part of the frame forming the supporting structure of the window whereas plant-on glazing bars are a modern and inappropriate interpretation which are considered to detract from the traditional appearance and character of historic buildings. Following further negotiation, however, the applicant has agreed to the use of through glazing bars and a condition is proposed requiring a sample window to be approved prior to installation. It is considered that this will allow us to achieve the required quality of finish and protect the character and appearance of these historic buildings whilst substantially improving thermal efficiency.

A glass roof with a steel framework is to be installed over the courtyard, covering the main atrium and enclosing the 'Hearspace'. The roof is curved in form, a purposeful contrast to the straight lines of the adjoining buildings, and uses the terracotta 'Star of David' shaped vents on the Mappin Building and Central Wing as a pattern within a lattice grid. The roof, which connects to the existing building at or above the eaves but does not project above the ridge of the Mappin Building, will be supported by slender tree like columns which are set away from the existing buildings. The roof drops in scale to create a new 2 storey entrance on Portobello Street. The reduced scale of the entrance is considered to be in keeping with the area and retained buildings and defers in stature to the main Mappin Street

entrance. While there is some concern that the roof may feel over-engineered and potentially a little heavier than the lightweight structure it was intended to be, the overall concept is supported and conditions are proposed which will secure the best possible detailing and connections back to the existing buildings. Overall it is considered that the proposed alterations, repairs and refurbishment of Mappin Building and the Central Wing and the formation of the glazed Heartspace will preserve, and even enhance the character and appearance of the existing buildings and that the benefits of the scheme generally outweigh the limited degree of harm.

In addition, while the Area of Special Character designation is afforded little weight, the impact of the development on the setting of the grade II listed St Georges Church needs to be considered as significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting (NPPF para.132). The original proposals for the glazed Heartspace rose above the ridgeline of the existing roof. The scheme, as submitted, was amended and lowered so that new roof will no longer be visible in views from St Georges. Moreover, while a new entrance to the Mappin complex is proposed from Portobello Street, the existing entrance to the Mappin Building on Mappin Street will be retained. Bearing both of these facts in mind, it is considered that the impact of the development on the setting of the grade II listed St Georges Church will be negligible.

#### Amenity Issues

Policy CF8 (Conditions on Development in Institution Areas) advises that new development should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution, noise, other nuisance or risk to health or safety. The nearest residential accommodation to the application site is Mappin Court, approximately 42 metres to the south, St Georges Church to the west and Broad Lane Court to the north. While the proposals include new roof top plant as well as kitchen and laboratory extraction equipment, it is considered that the development is unlikely to impact upon the amenities of nearby residents. However, a series of conditions are proposed in order to control noise and odours in order to protect the amenities of the locality.

#### Sustainability

Policy CS 64 of the Core Strategy (Climate Change, Resources and Sustainable Design of Developments) requires all new buildings to be energy efficient and to use resources sustainably. As well as using space more effectively, the submitted proposals are designed to significantly improve the thermal efficiency of the existing buildings without harming their character or appearance. Most significantly, all replacement windows will be double glazed and natural ventilation

systems will be used wherever possible in both the new-build and refurbished blocks. In addition, low energy LED lights will be installed throughout the scheme, controlled by presence and daylight linked detection systems.

### Coal Mining

The application site falls within the defined Development High Risk Area, an area where there are coal mining features and hazards that need to be considered in relation to the proposed development.

The originally submitted Coal Mining Risk Assessment Report failed to adequately assess the risk posed by recorded shallow underground mine workings present beneath the site and as a result the Coal Authority objected to the proposals. The applicant submitted a revised Coal Mining Risk Assessment Report, informed by the relevant mine abandonment plan relating to workings beneath the site, along with the content of a Coal Authority Mining Report, geological mapping, the results of nearby boreholes and intrusive investigations carried out on site. The revised report notes the content of the mine abandonment plan, but comments that there are no details provided regarding the depths or dips of the workings to demonstrate the depth of workings beneath the site. As such, the Report reiterates ARUP's earlier conclusion that the shallowest workable coal seam beneath the site is the Silkstone Coal seam at 40m below ground level which is considered to be sufficiently deep to present a low risk to the proposed development. No remedial or mitigation measures are therefore proposed.

The Coal Authority considers that the content and conclusions of the revised Coal Mining Risk Assessment Report are sufficient and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdrew its objection to the proposed development. It is likely that more detailed considerations of ground conditions and/or foundation design will be required as part of any subsequent building regulations application.

### Community Infrastructure Levy

No part of the development is CIL chargeable in accordance with the Council's charging schedule adopted in June 2015.

### SUMMARY AND RECOMMENDATION

The creation of the Heartspace and the alterations, repairs and refurbishment of the Mappin Building and the Central Wing form part of the University's long term plans to improve and expand the Faculty of Engineering. The works to the historic buildings, including the grade II listed Mappin Building, are considered to generally preserve their character and appearance and while the loss of the Caretaker's House is undesirable, it is not considered to amount to substantial harm to the significance of the Mappin Building. Furthermore, the public benefits that will be

derived from the University's continued investment in the Faculty of Engineering are considered to be significant.

The curved form of the proposed glass roof, which will enclose the Heartspace, is a contrast to the straight lines of the adjoining buildings, but does not project above the ridge of the Mappin Building and so its visual impact is restricted to the immediate environs. The roof is intended to float over the existing buildings and make efficient use of the currently unattractive courtyard area. The overall concept, and the roof's contemporary appearance, is supported and considered to enhance the application site.

Members are therefore recommended to grant planning permission and listed building consent, subject to the proposed conditions.

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Case Number	15/02597/FUL (Formerly PP-04339116)
Application Type	Full Planning Application
Proposal	Demolition of existing building and erection of a new building with 3 x retail units (Use Class A1/A2) with associated storage above, offices with associated meeting rooms and kitchen/rest room facilities (Use Class B1) above and undercroft car parking accommodation (Amended Scheme to 15/00124/FUL)
Location	Saxon House, Broadfield RoadSheffieldS8 0XQ
Date Received	10/07/2015
Team	South
Applicant/Agent	Space Studio
Recommendation	Grant Conditionally

Subject to:

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

Drawings (Space Studio):

A14-136-02 Rev E (ground floor plan)

A14-136-03 Rev E (first floor plan)

A14-136-04 Rev E (second floor plan)

A14-136-05 Rev E (roof plan)

A14-136-06 Rev H (elevations)

A14-136-07 Rev G (elevations)

Flood Risk Assessment (Favill Consulting Ltd - Nov 2005)

Flood Risk Report Addendum (Space Studio - Jan 2015 Rev A)

Reason: In order to define the permission.

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

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

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

4. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

5. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

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



6. Before the development is commenced, full details of the proposed alterations to the means of vehicular access to the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved alterations shall be carried out prior to the use of the building commencing and shall thereafter be retained

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

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

Windows

Window surrounds

Window reveals

Curtain wall glazing

Canopies

Eaves

Rainwater goods

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

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

8. Prior to the building being brought into use a flood evacuation plan for the development, including details of safe access and egress arrangements during a flood and provision for subscription to the Environment Agency's Flood Warning Service, shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect occupiers of the proposed building in the event of flooding

9. The building shall not be used unless the car parking accommodation for 9 cars, including 2 disabled bays, as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

10. 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.

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

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

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

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

13. The shall not be used unless the access and facilities for people with disabilities shown on the plans have been provided in accordance with the approved plans and thereafter such access and facilities shall be retained.

Reason: To ensure ease of access and facilities for disabled persons at all times.

14. 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.

15. 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.

16. 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.

17. No development shall take place, including any works of demolition, until details are submitted for written approval by the Local Planning Authority specifying measures to monitor and control the emission of dust during demolition and construction works.

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

#### Other Compliance Conditions

18. The development hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' and before the development is occupied (or within an alternative timescale to be agreed) the relevant certification, demonstrating that BREEAM 'very good' has been achieved, shall be submitted to and approved in writing by the Local Planning Authority.

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

19. The finished floor levels shall be set at 72.35m above Ordnance Datum.

Reason: To reduce the risk of flooding to the proposed development and future occupiers

20. The development shall include flood resilient construction techniques to the car park, office entrance lobby area and shop unit entrances in accordance with details to have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate against flood damage.

21. 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.

22. 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.

23. 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.

24. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order, the goods to be sold from the premises hereby permitted shall not include:- (a) food or drink; (b) clothing and footwear; (c) fashion accessories, including handbags and luggage, watches and jewellery, (c) perfume and toiletries.

Reason: To protect the vitality and viability of Abbeydale Road Local Shopping Centre, Heeley Bottom Local Shopping Centre and Heeley District Shopping Centre.

Attention is Drawn to the Following Directives:

1. You are advised that the flood resilient construction techniques required by Condition 20 can include, for example,:
  - using solid floor construction e.g. continuous concrete ground floor slab (minimum
  - 150mm thickness and reinforced with mesh on lapped and tapped 1200 gauge visqueen
  - damp proof membrane)
  - ensuring that electricity supply cables enter building from roof level and are wired
  - downwards; electric sockets should be positioned at least 600mm above floor level
  - raising flood sensitive equipment to 600mm above floor level
  - tanking external walls to 600mm above proposed ground floor level and continuous with
  - floor damp proof membrane
  - fitting anti-flood valves on internal building drainage
  - using water tight external door construction to a minimum of 600mm above proposed floor level
  
2. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expens

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

Development Services

Howden House

1 Union Street

Sheffield S1 2SH

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

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

You should apply for a consent to: -

Highways Adoption Group

Development Services

Sheffield City Council

Howden House, 1 Union Street

Sheffield

S1 2SH

For the attention of Mr S Turner

Tel: (0114) 27 34383

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

The notice should be sent to:-

Sheffield City Council

2-10 Carbrook Hall Road

Sheffield

S9 2DB

For the attention of Mr P Vickers

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

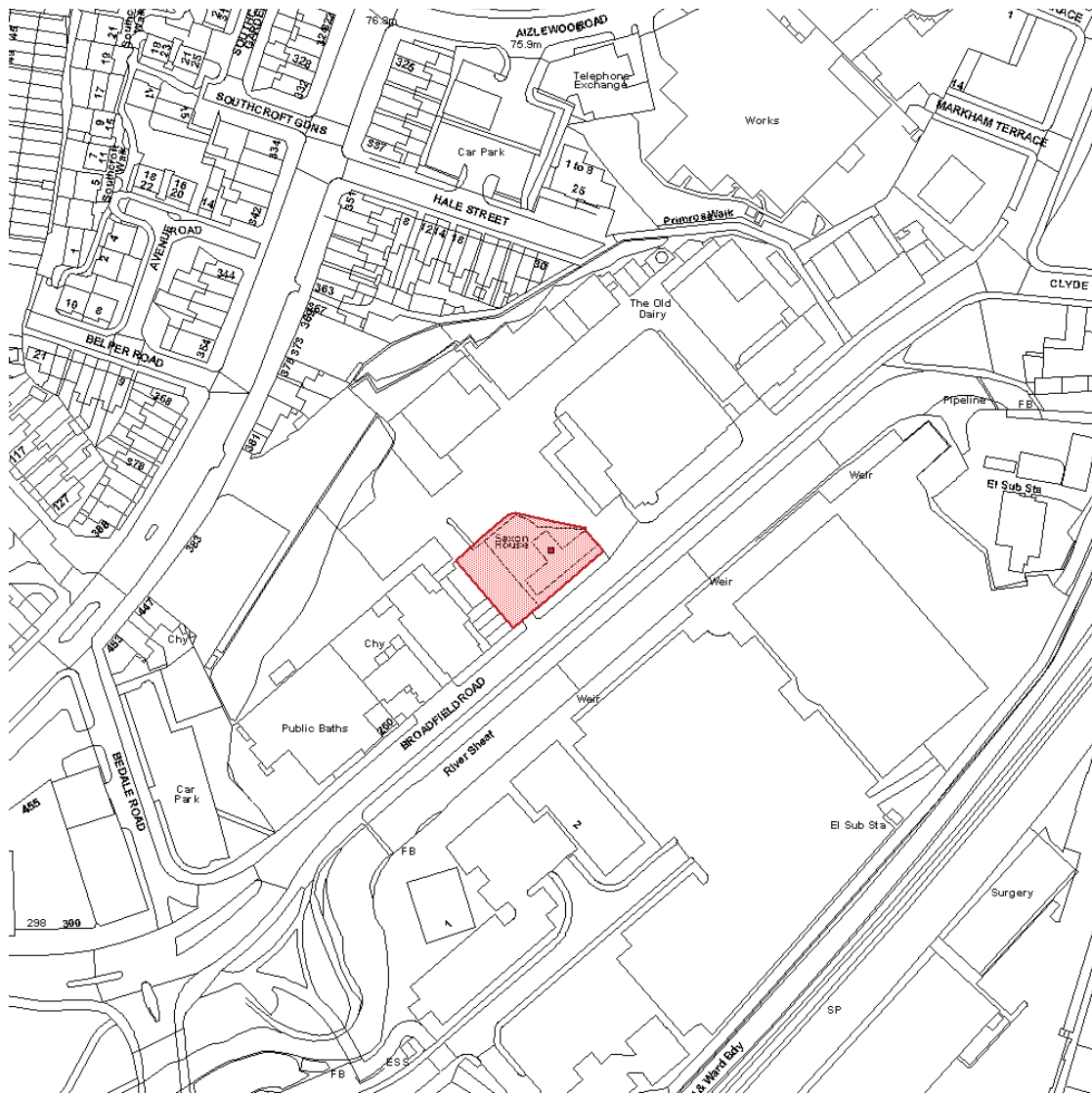
5. Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

Form Dem 1 (Notice of Intention to Demolish) is available from Building Standards, 2-10 Carbrook Hall Road, Sheffield S9 2DB. Tel (0114) 2734170

Environmental Protection Services can be contacted at DEL, 2-10 Carbrook Hall Road, Sheffield, S9 2DB. Tel (0114) 2734651

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

## Site Location



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### LOCATION AND PROPOSAL

The application site covers 853sqm and is currently occupied by a vacant single storey building which is in very poor condition, unsightly and deteriorating rapidly. The building is of semi-permanent construction with a low dual-pitched roof. It covers the entire width of the site and has a small forecourt with brick pillars which support advertisement boards and a former canopy. The building was previously used for the retail sale of furniture (Class A1). At the rear of building and within the



curtilage of the site is a yard currently used by Olympic Auto Car Care (hand car wash/valeting).

There is a vehicular access to either side of the building. These give access to several lock-up garages and also to light industrial units and associated car parking to the rear of the site. The units are occupied by Sheffield Glass and B.J. Mason (vehicle technician). On the opposite side of the north east access is the former Broadfield Dairy (2 storey building) which includes several light industrial units. Beyond the lock up garages (south west access) is the Steel City Gym (single/2 storey). On the opposite side of Broadfield Road is the River Sheaf beyond which is a car park between the Virgin Active fitness club and a 2 storey business unit in Broadfield Court.

The application proposes the demolition of the existing building and the erection of a 3 storey building providing 3 small retail units (total 251.8sqm floor space) with ancillary storage, together with small office units, meeting rooms and ancillary facilities (total 470.4sqm floor space) and undercroft car parking accommodation for 9 vehicles.

#### RELEVANT PLANNING HISTORY

A previous application for a similar development was withdrawn to allow for outstanding issues to be resolved in July 2015 (ref 15/00124/FUL).

Planning permission for a 3 storey building providing a trade showroom, ancillary storage, offices and 6 parking spaces was granted in January 2009 and expired in January 2012 (ref 08/05417/FUL). The building form was not dissimilar to the current proposal in terms of presentation to the road frontage.

There is no other relevant planning history. The car wash within the site appears to be unauthorised. It is not clear how long it has been operating.

#### SUMMARY OF REPRESENTATIONS

Notification letters were sent to the adjoining properties and further publicity was given by a Site Notice and Press advertisement.

No representations have been received.

#### PLANNING ASSESSMENT

##### Policy

The site lies within a Fringe Industry and Business Area (FIBA) as defined in the Unitary Development Plan (UDP). In the Draft Sheffield Plan Proposals Map, the FIBA is replaced by a Business and Industrial Area. The site also lies predominantly within Flood Zone 3a having regard to the Environment Agency's Flood Maps. This means that there is a 'high probability' of the site being subject to

flooding. The rear extreme of the site is within Flood Zone 2 ('medium probability' of flooding).

No special designations affect the site. The rear of the Grade II Listed former Abbeydale Cinema is within 60m but is at a higher level and will not be affected by the development proposals.

The following UDP and Local Plan Core Strategy policies are most relevant in considering the merits of the proposals:

BE5 (Building Design and Siting)

BE7 (Design of Buildings Used by the Public)

BE9 (Design for Vehicles)

IB6 (Development in Fringe Industry and Business Areas)

IB9 (Conditions on Development in Industry and Business Areas)

S5 (Shop Development outside the Central Shopping Area and District Centres)

S11 (Design of Retail Development)

T22 (Private Car Parking in New Development)

CS5 (Locations for Manufacturing, Distribution/Warehousing and other Non-office Businesses)

CS30 (Jobs and Housing in the Sheaf Valley and Neighbouring Areas)

CS53 (Management of Demand for Travel)

CS63 (Responses to Climate Change)

CS64 (Climate Change, Resources and Sustainable Design of Developments)

CS65 (Renewable Energy and Carbon Reduction)

CS67 (Flood Risk Management)

CS74 (Design Principles)

The adopted Supplementary Planning Document "Climate Change and Design" is also relevant.

Several policies in the Local Plan City Policies and Sites document (pre-submission version) (CPS) are relevant. However, the CPS is no longer intended to be submitted to the Government for adoption purposes although its contents are being considered as part of the new Sheffield Plan. In these circumstances the

CPS policies can only be given very limited weight. This assessment is therefore restricted to relying on the adopted policies only.

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

#### Principle of Proposed Development

The NPPF (para.11) states that “Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.”

Class B1 (Business), B2 (General Industry) and B8 (Storage or Distribution) uses are the preferred land use in FIBA’s in accordance with UDP Policy IB6. These uses should be dominant within the FIBA. Policy IB9(a) permits other uses provided that they would not prejudice the dominance of the preferred land uses in the FIBA. Small shops (Class A1) are listed as an acceptable alternative land use in Policy IB6 subject to compliance with, amongst others, Policy IB9.

However, Policy IB6 has, to some extent, been superseded by the National Planning Policy Framework (NPPF) which requires all out of centre retail development to comply with the sequential approach. This means that the preference is for the proposed retail element to be located in alternative locations which are in, or at the edge, of nearby District and Local Shopping Centres.

The retail element is intended to include the applicant’s furniture shop and the intention is to rent out other floor space for retailers which complement this and other businesses on Broadfield Road, such as retailers of tiling, flooring, plumbing, hardware, electrical repairs, antiques and kitchen units. These types of retail uses legitimately require customer car parking. The supporting submissions have demonstrated that none of the vacant sites and locations in the nearby centres (Abbeydale Road Local Centre, Heeley Bottom Local Centre and Heeley District Centre) are suitable or have sufficient car parking to serve the applicant’s needs. The application therefore complies with the sequential approach.

Nevertheless, conditions are recommended to ensure that the proposal does not subsequently change to a form of retailing, perhaps with less need for car parking, for which sites in nearby centres might have been more suitable.

Core Strategy Policy CS5(c) identifies the area as important for manufacturing, distribution, warehousing and other non-office business uses. Policy CS30(d) encourages the existing business and industry areas to provide for local jobs and enterprises.

There is currently a fine balance between preferred and non-preferred uses in this FIBA. The mechanism for measuring dominance is set out in the UDP (Appendix 1) and only measures ground floor uses when calculating dominance. So, normally, the presence of preferred uses on upper floors would not be a factor in calculating dominance. However, given that the majority of the floor space to be provided is B1 office (on the upper floor levels), this can reasonably be considered in the wider context and when viewed alongside the Core Strategy approach.

Overall, the proposed retail uses replace a previous retail use and therefore have a neutral impact on the dominance of ground floor uses, whilst the inclusion of office units (Class B1) at upper ground floor levels will strengthen the business presence in the area and should provide local employment opportunities. In these circumstances, there is no material conflict with the quoted local or national policies.

### Design and Sustainability

The proposals will remove an unsightly semi-derelict building and will re-use a brownfield site in a location that is within easy walking distance of high frequency bus services and close to a range of complementary business and retail uses.

The 3 storey building design has evolved during the course of the application and will create a strong frontage to Broadfield Road at a scale appropriate to the surrounding context. A palette of white render and dark grey brickwork is proposed with aluminium window openings to the upper floors. Glazed curtain walling is proposed to the Broadfield Road elevation and will wrap around the side elevation adjacent the entrance to the offices. A 'green' roof is proposed to the front portion of the building with the rear area being reserved as a potential location for solar panels.

The proposals include sliding double doors to the shop entrances and platform lifts to each unit to give access to the shop floor level. Lift access is provided to the offices and the toilets and kitchen areas are fully accessible, all in accordance with Policy BE7.

Overall, the proposals represent a high quality building which provides inclusive access and will be energy efficient. To accord with Policy CS65, the building should be constructed to achieve a BREEAM minimum 'very good' rating. The green roof will help to promote biodiversity and reduce surface water run-off. In these circumstances, the proposals comply with Policies BE5, IB9(c), S11(e), CS63, CS64, CS67(a) and CS74.

The roof area should be sufficient to allow for enough solar panels to provide for at least 10% of the predicted energy needs of the development as required by Policy CS65 and the green roof proposal complies with Guideline 1 of the SPD "Climate Change and Resources".

## Flood Risk

A Flood Risk Assessment has been submitted and the location has been sequentially tested against alternative sites with reduced vulnerability to flooding, in accordance with the requirements of the NPPF.

The sequential test has shown that there are no sequentially preferable sites having regard to site availability, site size, policy area (District and Local Shopping Centres and their Edges), and higher/comparable flood risk.

The Flood Risk Assessment (FRA) sets out increased floor levels (72.35 AOD) and a safe refuge area above ground floor level in order to address flood risk. The Environment Agency has no objections subject to development being carried out in accordance with these provisions as set out in the FRA. However, they do recommend a flood evacuation plan and registration for flood alerts. These matters can be conditioned if planning permission is granted.

The flood resilience measures result in the shop floor level being raised 800mm above footway level. Steps and platform lifts are proposed behind the curtain walling within the entrance to each shop unit to take up the difference in levels.

With the above mitigation in place there will be no conflict with Policy CS67.

## Amenity for Neighbouring Properties

There is no residential property in close proximity to the site. The neighbouring businesses will not be adversely affected by the proposals.

## Highway Matters

The Council's current Car Parking Guidelines indicate that a maximum of 26 parking spaces should be provided to serve the proposed development. 9 parking spaces are proposed, including 2 disabled bays. This is a significant under-provision but the Guidelines are interpreted as a maximum and the applicant has provided supporting submissions which demonstrate that the shortfall in on-site parking can be accommodated on street without detriment to the safety or operation of the highway. The target market for occupation of the units is likely to result in a number of linked trips.

Cycle parking is indicated within the stair core at the entrance to the office building from the undercroft car park. Further details of this provision can be conditioned.

Overall, the proposals are considered acceptable in highway terms and the proposals accord with Policies BE9, IB9(f) and CS53.

## SUMMARY AND RECOMMENDATION

The proposals involve the removal of a semi-derelict single storey former retail unit and the erection of a 3 storey unit comprising 3 small retail units with offices (Class B1) above and undercroft parking for 9 cars.

The building is well designed and of appropriate scale to the surrounding environment. The proposals will have a neutral effect on the balance of uses at ground floor level within the Fringe Industry and Business Area whilst the office uses at the upper floor levels will strengthen the preferred Business use presence in the Area.

Sequential tests in respect of alternative sites relative to flood risk and shopping centre locations have been satisfied. Flood risk can be adequately mitigated through raised floor levels and an appropriate evacuation plan.

The 9 car parking spaces proposed are significantly below the recommended level of provision (max 26 spaces) but evidence has been submitted to demonstrate that the shortfall in on-site parking can be accommodated on street without detriment to the safety or operation of the highway.

Overall, there is no material conflict with the quoted local or national policies and it is recommended that planning permission is granted subject to conditions.

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Case Number	15/02330/FUL (Formerly PP-04295289)
Application Type	Full Planning Application
Proposal	Demolition of existing dwellinghouses and construction of 6 terraced town houses
Location	41 Camm StreetSheffieldS6 3TR
Date Received	23/06/2015
Team	West and North
Applicant/Agent	Wireframe Studio
Recommendation	Grant Conditionally

Subject to:

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:

Drawings numbered: 1489 20 P2 Existing Site Survey, Location, Block Plans and Proposed Site Plan.

1489 21 P1 Proposed Floor Plans

1489 22 P2 Proposed Elevations.

Reason: In order to define the permission.

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

3. 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.

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

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

5. Any 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.

6. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

7. 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.

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

8. 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.

9. 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.

10. 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.

## Other Compliance Conditions

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the (variable) shall be constructed without prior planning permission being obtained from the Local Planning Authority.

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

### Attention is Drawn to the Following Directives:

1. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk). Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties
2. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

## Site Location



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## LOCATION AND PROPOSAL

The application site is located within the residential area of Walkley and fronts on to the back edge of pavement on Camm Street. One, much shorter side bounds Highton Street and the other side lies next to an existing terraced house fronting

Camm Street. At the rear is a house and garden that runs the length of the rear boundary.

In the area immediately around the site, there is a varied mix and age of houses and flats with different facing materials but the predominant house type is stone built terraced housing.

The site is currently used as a detached house with a large garden and garage. The two storey house is sited very close to the south west corner and is in a very neglected state of repair, detracting from the visual quality of the street scene. In the north of the site is a garage and some outbuildings which are also in a poor state of repair and a drive from Camm Street serves the garage.

The remainder of the site is given over to garden and the site is bordered by a stone wall covered in concrete render along the road frontages and brick walls elsewhere. The site slopes up from Camm Street towards the rear boundary.

This application, as amended, seeks planning permission for the removal of all buildings on site and construction of a terrace of six houses which would be two storeys to eaves with accommodation in the roof. Each house would have three bedrooms, front onto Camm Street and have a modest private garden. No off street parking is included in this scheme.

#### RELEVANT PLANNING HISTORY

None relevant.

#### SUMMARY OF REPRESENTATIONS

There have been a total of 12 letters objecting to the application, 4 from the neighbour at the rear of the site, 2 from another neighbour, 4 from other neighbours and 2 from a planning consultant representing unidentified neighbours. The comments are set out below.

The garden spaces are too small for a 3 bedroom family house and there should be at least 50 square metres of private garden. The sizes being from 25.1 to 31.4 square metres.

Plots one and two back on to 46, Highton Street which is 2.7 metres higher than the site which will affect the proposed gardens

This is overdevelopment of a narrow site and 6 houses are too many, contrary to UDP policy H14c.

There is not enough amenity space for each house.

The density of the proposal is not in keeping with the character of the area so is contrary to Core Strategy policy CS26. The density should be 50 to 80 dwellings per hectare (dph) but is 130 dph - 6 houses on a 0.046 ha site

25% of the houses should be built to mobility housing standards.

Loss of privacy affecting 48, Highton Street and other neighbours. There would also be a loss of light.

The rear windows of neighbouring houses at 46 and 48, Highton Street overlook the site.

Obscure glass is required at the back of the proposal to prevent overlooking.

The gable facing 57, Camm Street is only 2 to 3 metres away from the existing building which has a window on the side. The room this window serves does have a dormer window also providing light but it could be argued that the side facing window is the primary window.

The amended drawings have not altered plots 1 and 2 which still have rear habitable room windows facing a high gable wall.

There are traffic problems associated with areas of high housing density and roads need to slow traffic down.

No off street parking is provided.

The site is not suitable for zero car ownership and it is likely that there will be at least one car per household.

The assertion that nearby houses do not have off street parking is not correct as there are houses, such as those opposite the site, which can park off street. The existing house on the application site has two off street parking spaces.

The road system in the area cannot cope with parking demand on the street.

Camm Street is used as a commuter short cut in the rush hour.

24 houses on Camm Street are without parking facilities and this proposal would make it worse. There is not enough room for cars to park opposite each other on this street.

It is difficult for service and emergency vehicles to access local roads if they are heavily parked.

The application form is incorrect in that the site does have parking and trees on site.

The design of the scheme is contrived and has only one rear facing habitable window.

The adjacent existing terraced houses have deeper plots and longer gardens.

The applicant has cited 'similar' sites at Lister Road and Providence Avenue but these are different and Lister Road has an integral garage with each house and different arrangements with gable walls.

Each application site should be determined on its own merits.

There is no integral bin storage which would be at the front on the street.

The garden space has already been cleared and the removal has resulted in a detrimental impact on the area, contrary to UDP policy H15 and Core Strategy policy CS74.

Noise and disturbance would affect existing residents

There is concern about construction traffic access.

The concrete boundary wall along Camm Street is stone beneath the concrete render.

There are two large trees at the bottom of the garden of 46, Highton Street and this development will affect the roots.

There is concern about the boundary and ground stability between the site and 46, Highton Street as outbuildings make up part of the boundary treatment.

## PLANNING ASSESSMENT

### Planning Policy

The adopted Unitary Development Plan shows that the site is designated as part of a housing policy area and UDP policy H10 confirms that housing is the preferred use on such sites.

Core Strategy policy CS24 seeks to maximise the use of previously developed for new housing and says that priority will be given to such areas when considering applications for housing.

Core Strategy policy CS26 says that housing development should make efficient use of land and in areas such as the application site, development should be within a range of 50 to 80 dwellings per hectare (dph). The dph for the proposal is 130 which significantly exceeds this but this is not dissimilar to the densities in parts of the surrounding area. Policy CS26 does set out the densities felt to be appropriate in the different areas of the city but this policy makes it clear that new development should be in keeping with the character of the area and densities outside this range are acceptable in such circumstances.

Every Local Planning Authority has to identify a Five Year Housing Supply and in Sheffield's case, there is a shortfall as the current supply is only for 4.7 years, so this windfall site will contribute to increasing this towards the target, albeit in a modest way.

Paragraph 48 of the National Planning Policy Framework (NPPF) says that local planning authorities may make an allowance for windfall housing sites and this scheme falls into that classification. Also embedded in the NPPF is the preference for new housing to be built on previously developed or 'brown field' sites.

#### Layout, Design and External Appearance

UDP policy H14 says that new houses should be well designed and in scale and character with neighbouring buildings. Policy BE5 also requires good design and the use of good quality materials.

Core Strategy policy CS74 says that high quality development will be expected in new schemes that takes into account the distinctive features of the city.

The NPPF says, in paragraph 57, that it is important to plan positively for the achievement of high quality and inclusive design.

The proposal is for a terrace of six houses and the design cues have been taken from the existing terraced houses to the north west because these have the closest relationship with the site. The proposed footprint respects the existing building lines facing Camm Street and Highton Street. At the rear the building line is set back slightly from that of the houses on Camm Street.

At the front of the houses would be a small, paved terrace area behind a low brick and railing wall and bin storage is proposed here at one side next to a dividing wall. The wall and railing would continue along the Highton Street frontage with a path between the wall and flank of the house which links with the public footway at the southern tip of the site.

At the opposite end, the proposed flank wall is set into the site by about 1.5 metres but there is an existing window facing the proposed flank wall and the impact on the amenity associated with this window will be assessed later in this report.

The most important issue relates to the level of private garden provision. Guidance on this issue is contained within the adopted Supplementary Planning Guidance (SPG) on Designing House Extensions and this indicates that at least 50 square metres should be provided for family housing and that such gardens should have a minimum length of 10m for practical use and privacy reasons. In this instance, the proposal is for six houses with 3 bedrooms each which meets the family housing definition. The proposed garden sizes vary between 25.1 to 31.4 square metres and have a length of around 6m which means that the provision is contrary to the SPG requirement. The gardens face south so will receive sunlight but the flank wall of 46, Highton Street will severely restrict this for plots 1 and 2.

The site rises towards the rear and there would be boundary treatment 1.8 metres high along the rear wall. The layout and a section shows that the gardens will be raised by up to 1.2 metres to increase the quality of the space. The applicant argues that a number of properties in the immediate vicinity have similar garden sizes. The terraced houses immediately adjoining the proposal have larger rear



gardens but the terraces on the opposite side across Highton Street have similar sized small gardens as do those nearby on Orchard Road.

It is noted that when the existing terraced houses were built, space requirements were quite different to modern times and a direct comparison should not be made.

The applicant has, however drawn attention to two recent planning permissions that have allowed small gardens and the first is at Lister Road ref. 10/02515/FUL. The approved scheme is for a terrace of six houses in Walkley and similar garden sizes to those proposed in this scheme have been accepted because they reflect the character of the surrounding area.

The second scheme is an earlier approval at Providence Road ref. 07/02811/FUL. This was for three storey town houses and small gardens on land that rose towards the rear were also accepted here.

It is the case that each site should be considered on its own merits but it is considered that a precedent has been set by these planning permissions and this should be given a certain amount of weight.

Some consideration also needs to be given to the possible alternative for housing development on this site.

A single dwelling with a large garden would contravene Core Strategy policy CS26 because it would be a very low density and would not maximise potential when there is a strong need for new housing. Semi-detached houses would, in all likelihood still involve small rear gardens supplemented by space at the side and it is questionable how meaningful the space at the side would be.

The design and external appearance closely reflects the terraced houses next to the site in terms of scale, massing and design. The eaves height would be the same as the terrace and the ridge would be slightly higher. The simple approach of a door and window on the ground floor with a single window above would closely reflect the design of existing terraced houses. The rear elevations would have a more contemporary treatment with windows of different sizes. Velux windows would be inserted into the roof planes on both sides which would have minimal impact.

External materials would be natural stone and slate roofs with timber windows resulting in a traditional approach wholly in character with the surrounding area.

A blank wall would face the side of 57, Camm Street but at the opposite end facing Highton Street, the entrance door and two windows would be set into the end elevation providing visual interest at this corner. It is accepted that the door being in the side elevation would disrupt the rhythm facing Camm Street but this approach reflects the character of the area and takes the front elevation around the corner, avoiding a bland elevation with no interest on a prominent corner.

The treatment of the boundaries has been amended and along the rear boundary, the stone wall would be retained and underpinned within the site. In addition, a 1.8



metre high fence would be placed against the wall to ensure privacy between development was retained.

With respect to bin storage, this would at the front and the bins would be set against a wall 1.1 metres high. In addition, the bins would be grouped together as four with the wall between which is a neat solution that minimises street clutter. The walls around the bins would not be a complete screen but this is acceptable as complete screening would be somewhat prominent in the street scene.

The design, layout and external appearance would closely reflect much of the modest traditional terraced housing in the locality but the private garden spaces fall well short of what is normally expected. Weight needs to be afforded to the character of the area, along with the precedent of other schemes having small gardens being acceptable.

Given the restricted nature of the rear gardens, it is considered that a condition should be attached which removes permitted development rights.

### Sustainability

Core Strategy policy CS64 says that new buildings should be designed to use resources sustainably and include solar energy, water re-cycling and other measures. This is supported by policy C 65 which seeks to reduce carbon output.

At the heart of the NPPF is a presumption in favour of sustainable development.

It is the case that the responsibility for ensuring sustainability in new buildings takes place is now dealt with in separate legislation, the applicant has confirmed that 10% of energy needs will be from a decentralised source such as solar electricity, solar water or heat pumps. It is envisaged that the scheme will be constructed to code level 3 for sustainable housing.

### Amenities of Existing and Future Residents

UDP policy H14 says that residents should not be caused any nuisance by new development and this is echoed by Core Strategy policy CS74 and the NPPF.

The potential for this proposal to cause a loss of privacy and have a detrimental impact on neighbours' amenities is a matter of some concern to local residents. These concerns centre upon loss of privacy, overlooking and the relationship with nearby houses.

In the side elevation of 57, Camm Street is a small window providing light to the roof space that faces the application site. This seems to be a later addition built after the house was built. It has been argued that this is the primary source of light to the roof space but light is also received from the larger rear facing dormer window which would provide more light to the room than the side window. Implementation of the proposal would mean that the side window would have a blank wall facing it about 2.5 metres away.

It has been argued by residents that the relationship between the proposal and 57, Camm Street is unacceptable because of this. However, the dormer window faces south west and will provide light and an outlook over the rear garden and some light will reach the side facing window because there would be some separation between the buildings and the window is at the top of the gable so some light would be received.

It is considered, therefore that the relationship between the existing and proposed houses is acceptable in this respect.

The rear of plots 1 and 2 face the side of 46, Highton Street and the distance between is 6 metres. The SPG on Designing House Extensions says that there should be a distance of 12 metres between an elevation having habitable room windows facing a blank elevation. Embedded within this is also the issue of whether development would be over bearing in nature.

With respect to possible overlooking, the facing windows at 46, Highton Street have opaque glass and a 1.8 metre high fence would prevent any overlooking from the existing house. The proposed rear facing windows at ground floor would provide light and outlook to a dining kitchen for all six plots and these would face on to the garden. The first floor windows would serve bathrooms and stairs so a condition requiring these to have opaque glass would resolve the possibility of these overlooking the rear garden of the neighbouring house. All windows in the roof space would be velux so they would not result in a loss of privacy.

The side wall of 46, Highton Street is only 6 metres from the proposed houses which is significantly less than the minimum distance set out in the SPG. Therefore, there is potential for the side wall to have an overbearing impact on the proposal.

The ground level of 46, Highton Street is about one metre higher than the application site but the roof is hipped. The potential would be worse if this was a gable end. The existing wall would face all the rear of plot 1 and part of plot 2. However, light would reach both gardens due to their south western orientation. Also, such close relationships between houses involving small gardens is part of the character of the area, a matter which has already been addressed in this report.

The SPG also recommends that the minimum garden depth for new houses should be 10 metres. However, this is much reduced from that and this has been addressed earlier in this report. On balance, the smaller gardens are considered to be acceptable because this would reflect the character of the area.

Consequently, the relationship does contravene SPG advice, and would result in a lesser standard of amenity for these 2 properties. This will need to be considered in the balance of all issues surrounding the application.

## Parking, Access and Transportation

UDP policy H14 says that new development should provide adequate off street parking, there should be safe access and pedestrian safety should not be endangered.

Core Strategy policies CS51 and CS53 seek to prioritise transport and manage the demand for travel, respectively.

The NPPF promotes sustainable transport saying that the transport system needs to be balanced in favour of sustainable transport modes, reducing congestion.

This application, in keeping with many houses in the immediate area, would not have any off street parking provision. This is a matter of concern to local residents who feel that on street congestion will increase and additional pressure would be placed on the volume of traffic passing through the area.

The site is in a sustainable location close to shops and good bus services so would not be heavily reliant on the private car. It is considered that there is sufficient additional capacity on the street to accommodate the increase in cars. The houses are modest in size and it is not the case to assume that all households would have a car due to the sustainable location.

Existing residents have also pointed out that the road is well used during the morning and evening peak times and that this proposal might make that worse. Any increase in the volume of traffic attributable to the proposal would be negligible in this respect.

It is considered that the car free nature of the proposal is acceptable.

## Trees and Landscaping

There is a tree at the rear of the site behind the back of the existing garage which is within the site, growing between the boundary wall and the garage. This is an extremely restricted area and the tree is probably self-seeded. There are concerns that the tree will be putting pressure on the wall resulting in a potential safety issue and the tree is not in good health, being covered in ivy. It is proposed to remove the tree as part of this proposal.

## Remaining issues

Due to the restricted nature of the site and the lack of off street parking, it is considered that the site is not appropriate for the provision of mobility housing.

A water supply to the site can be provided and the site can be drained. Conditions relating to piped discharge and disposal of surface water should be attached to any consent.

It is not anticipated that there would be any serious land contamination issues but appropriate conditions controlling this should be attached.

## RESPONSE TO REPRESENTATIONS

All material representations have been addressed earlier in the report and no further responses are required.

## SUMMARY AND RECOMMENDATION

The application site comprises a vacant two storey house in very poor repair set at the corner of a large garden with a garage at the opposite end to the house. It is proposed to clear the site and replace this with a terrace of six houses which front on to Camm Street with gardens at the rear. The six new properties would provide new housing in a sustainable, previously developed location, and at high density, which would make a small contribution to the city's housing supply that does not currently meet the 5 year requirement set out in UDP Policy and the NPPF.

The traditional design and appearance would be in keeping with the immediate surroundings and would be significantly better than the current unkempt and neglected appearance. There would be no off street parking provision.

It is accepted that the garden sizes and distances between two of the proposed houses and an existing flank wall are less than those required by adopted SPG guidance but the relationship of the proposal with surrounding houses closely reflects the character of the area and there are instances of previously approved schemes which have accepted small garden sizes similar to those proposed as part of this application.

It is considered that the weight afforded to contributing to the character of the area and the provision of six new properties in a highly sustainable location is greater than that attached to strict adherence to SPG guidelines in this particular case.

The application, as amended, is, on balance considered to be acceptable and is, therefore recommended for conditional approval.

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Case Number 15/01952/FUL (Formerly PP-04241058)

Application Type Full Planning Application

Proposal Replacement of grass sports pitch with all-weather pitch and erection of 3m high perimeter fence and 6 no. floodlights on 12m columns

Location Sheffield Tigers Rugby Union Football Club,  
Hathersage Road Sheffield S17 3AB

Date Received 02/06/2015

Team South

Applicant/Agent Mr Roy Mowbray (Sheffield Tigers RUFC)

Recommendation Grant Conditionally

Subject to:

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:

Drawings:

(Halliday Lighting):  
HLS0662 (floodlighting)

(Charles Lawrence):  
CLS/15/27353/01 Rev A (pitch layout and section)  
CLS/15/27353/02 (indicative drainage details)

Lighting Impact Study (Halliday Lighting 12/11/2015)

Fencing Specification (Dualtech 868 Rebound)

Email (Roy Mowbray 02/12/2015)

Reason: In order to define the permission.

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

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

3. Notwithstanding the details shown on drawing CLS/15/27353/02, full details of the proposed drainage soakaways shall be submitted to and approved in writing prior to construction of the said soakaways. The details shall include evidence to demonstrate that there will be no surface water run-off from the artificial grass pitch. The soakaways shall be provided in accordance with the approved details prior to the pitch being brought into use.

Reason: To ensure satisfactory drainage arrangements

Other Compliance Conditions

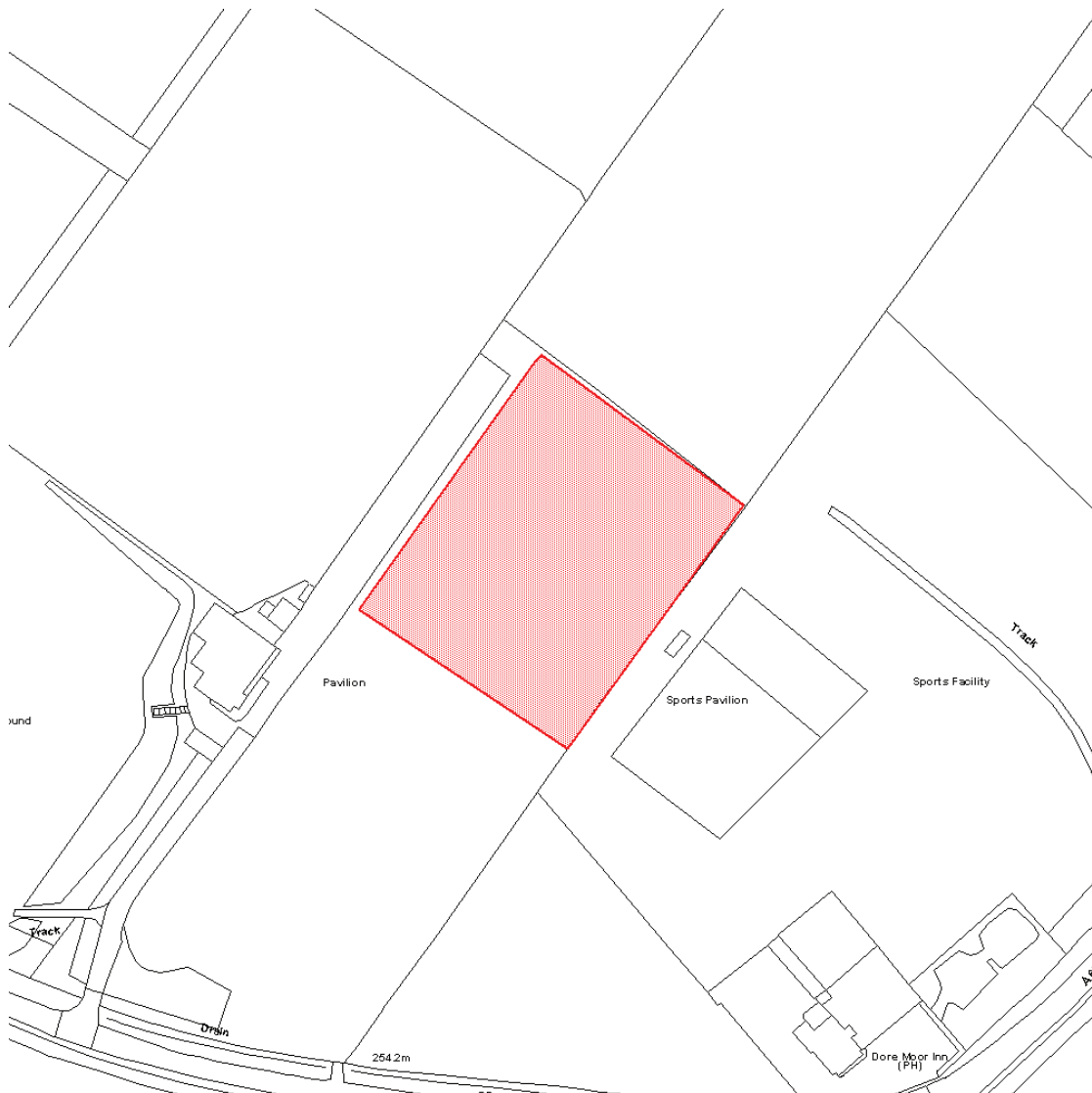
4. The floodlights shall be illuminated no later than 2130 hours (Mondays to Saturdays) and 1700 hours (Sundays and Public Holidays).

Reason: In the interests of the visual amenities of the locality and occupiers of residential property in Long Line.

Attention is Drawn to the Following Directives:

1. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
2. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

## Site Location



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## LOCATION AND PROPOSAL

Sheffield Tigers RUFC is well established on this site within the Green Belt. The club facilities include a clubhouse, 3 formal grass rugby pitches (one with floodlights), formal car parking for 100 cars plus an overspill facility for a further 40 cars. The entrance to the Club is from Hathersage Road, some 230m west of the Dore Moor public house.

The application involves the provision of an all-weather surface (synthetic turf) to one of the grass pitches, the provision of 3m high perimeter fencing and the replacement of 4 x 10m high floodlighting columns with 6 x 12m high floodlighting

columns. The pitch is 87m x 69m. It is some 130m back from the road frontage, behind another pitch and a car parking area.

The pitch in question adjoins a field to the rear of the Dore Moor public house which is used by the Hallamshire Riding Society for equestrian activities. There are agricultural fields to the north east and north west. The rear gardens of the nearest residential properties are in Long Line, approximately 150m to the north east of the site and beyond a little used further rugby training field. Fern Glen Bungalow is the nearest residential property in Hathersage Road and is some 260m to the south west of the relevant pitch.

#### RELEVANT PLANNING HISTORY

The existing floodlights were granted planning permission in 2000 (ref 99/02412/FUL (formerly 99/5851P)). The use of the floodlights is restricted by a condition to between 1830 and 2130 hours (Mondays – Thursdays only).

The documentation with the 2000 planning permission indicates that there had been lighting on this site since 1955. Reference is made to 8 approx 13m high poles with twin lights.

An enforcement notice requiring the removal of 2 x 13.2m unauthorised floodlights from another, more elevated, pitch within the site was upheld on appeal in 1998 on the grounds of visual intrusion in the green belt and residential amenity in Long Line. The Appeal Inspector noted that arrangements could be made to illuminate the pitch that is the subject of the current application to a level similar “to that which apparently existed previously”.

#### SUMMARY OF REPRESENTATIONS

8 representations have been received from residents in Long Line and Hathersage Road, all objecting to the proposals. The objections are summarised as:

##### Floodlights

- light pollution is a major concern that needs to be fully investigated
- visual impact - considerably higher than existing floodlights and will be more obvious from Long Line – and much more visible when lights are on
- can't understand how 12m high flood lighting could ever get permission – existing floodlighting has never had the cowls fitted and neighbours (Long Line) are subjected to light pollution twice a week during training - Council has never called back to enforce this condition
- would be subjected to more regular lighting pollution and swearing during training and games



- current situation intrusive – floodlights impact on local countryside and our home (Long Line)
- height and number of floodlights would detract from rural nature of area, both in daylight hours when the columns are conspicuous, and at night when poorly designed and constructed floodlights can be a foreign presence – any planting done by locals does not obscure the floodlights
- floodlights currently are left on long after the 9pm curfew, only benefit being we do not require lighting in our bedrooms such is the brilliance of the floodlights – proposal will only increase this encroachment on our home (Long Line)
- floodlight restrictions are known to Sheffield Council – believed to be limited to Tuesday and Thursday 19:00 to 21:00, contrary to statement provided to Sheffield Tigers – suggest that current restrictions be submitted rather than relying on recollection and hearsay of individuals
- increased height and number of floodlights will create more light pollution and will be higher than the surrounding trees

#### Drainage

- drainage currently inadequate – not clear how an artificial pitch will improve the situation and may result in increased run-off during periods of high rainfall and increased risk of flooding downhill from pitch
- all-weather pitch would potentially cause greater surface water – work should be carried out to improve existing drainage as excess surface water is a hazard on this stretch of road and has caused many accidents
- applicant claims that pitch is unsuitable for use in wet weather – this pitch was levelled and provided with adequate drainage to soakaways not so long ago – would be much cheaper and less invasive to improve drainage and playing surface to existing pitch – more than likely that existing drainage system has not been installed correctly and that soakaways are not adequate and never have been – would also lead to rethinking the drainage for the proposed scheme as that goes to soakaways as well
- surface water run-off will cause increased flooding of road and ditches on Hathersage Road – continual problem that has yet to be solved and gives rise to numerous accidents
- all-weather surface is fast draining – no factual evidence to show that a soakaway will cope – there are currently issues with flooding at bottom of Long Line
- playing field's existing drainage system has very high specification

- current drainage consists of deep main drains and sub-surface pitch drainage – contrary to Tigers statement

#### Noise

- Long Line would be badly affected by floodlighting and increased noise
- excessive noise and foul/bad language is a regular occurrence and unpleasant

#### Green Belt and Wildlife

- The area is rural and of outstanding beauty – proposed development will have an effect on this
- light pollution levels will be increased in a rural area, not just locally but also from views on hills around site and across valley towards Baslow Road and Owler Bar – will impact on wildlife
- fencing and bounce boards will have an adverse effect on wildlife
- previous restrictions included to prevent intensification of use and damage to environment – these should remain
- unnecessary major development in AONB which will change a limited part time use into a major full time use operating all day 7 days a week with increased damage to local environment
- huge visual impact with light pollution not only locally but massive impact on the habitat for wild life with the introduction of fencing , bounce boards, noise pollution and light pollution
- removal of current restrictions and offer of extended facilities to football clubs and others locally for evening use will be inappropriate and harmful to green belt
- disruptive to large variety of wildlife in surrounding fields and woods – area has a good population of wildlife including owls, bats and, in spring, a nesting population of lapwings
- height and material of fencing not in keeping with landscape and impacts on character and appearance of area
- perimeter fence would have audible impact on the area and will be a hazard for birds and wildlife
- proposed development will have a negative impact on this area of natural beauty.

## Traffic

- appalling accident record in Hathersage Road
- development would increase traffic into and out of site on a road with one of highest fatality rates in the country
- number of vehicles entering and leaving properties on this road has always been of concern to the Council
- light pollution will impact on traffic coming in from the moors – risk for distraction is huge
- parking already an issue on match days and any extension to facilities will impact on Hathersage Road where there is a relatively high proportion of fatal accidents
- inappropriate to road system in area, particularly restrictive to emergency services
- increase in traffic needs to be taken into consideration – Hathersage Road and Long Line already have problems with drivers ignoring speed limits and multiple accidents – extra vehicles turning into rugby ground would create further hazards

## Consultation

- more consultation needs to be done with local residents and others affected by this proposal
- decision should be delayed so that notification is sent to a wider area than the five adjacent neighbours – this has an impact on all Dore Village, especially Long Line, Brickhouse Lane, Newfield Lane and Sheephill Road

## Other

- Tigers RUFC has been a good neighbour – would not wish this to change
- previous planning permissions prevent intensification of use and damage to the environment – current application should be refused on that basis
- A full environmental impact assessment needs to be done and should include surveys of noise, light, traffic, ecological, visual impact assessments from within the site and from remote vistas looking toward the site and surface water drainage and flood assessments on Hathersage Road
- Club currently has appropriate facilities for its rugby activity – site is not a general purpose sports amenity, which seems to now have been extended to a party venue

- application does not provide any facts on why current facilities are inappropriate or need extending
- no evidence of need for such provision, more so given proximity of large number of other sporting facilities within 2 mile radius
- no consideration of infrastructure capability or capacity of locality and population to accommodate the proposal
- discussion on the additional activities and perimeter fence is new and significant information – contrary to original information provided and changes application outside public notice period
- 3m perimeter fence with bounce boards will be visible from surrounding properties – majority of trees in this area are deciduous with no screening from October to April
- rugby club already advertises as a party venue and, with these added facilities, it is turning a very good local rugby club into a full time commercial business in an area of green belt

The Dore Village Society also object:

- floodlighting columns will be visually intrusive in this part of Green Belt
- floodlighting will impact on night-time amenity of Green Belt and nearby Peak District National Park
- floodlighting will detrimentally impact on residential amenity in Hathersage Rd and Long Line – current floodlights are already detrimental to residential amenity and all-weather pitch will increase usage and impact of floodlighting
- all-weather pitch will increase usage and exacerbate noise nuisance to residents

Councillor Martin Smith has made representation:

- supports activities of rugby club and would welcome use of its facilities by other community groups and clubs but there are a number of problems with this application:
- brightly lit, all weather pitch, surrounded by tall wire fence more appropriate for urban environment, not an area of high landscape value in green belt
- taller floodlights and increased lighting will have adverse visual impact on green belt
- detrimental impact on residential amenity

- concerned that no details provided on intensification of use that an all-weather pitch implies e.g. hours of operation and lighting – site has long planning history including a number of enforcement actions – would have expected much more information on this

## PLANNING ASSESSMENT

### Policy

The site lies within the Green Belt and an Area of High Landscape Value (AHLV) as defined in the Unitary Development Plan (UDP). The Green Belt designation is retained in the Sheffield Plan Draft Proposals Map. There are no AHLV's in the Sheffield Plan. No special designations affect the site.

The following UDP and Local Plan Core Strategy policies are most relevant in assessing the merits of the application proposals:

GE1 (Development in the Green Belt)

GE4 (Development and the Green Belt Environment)

GE8 (Areas of High Landscape Value and the Peak National Park)

CS63 (Responses to Climate Change)

CS67 (Flood Risk Management)

Several policies in the Local Plan City Policies and Sites document (pre-submission version) (CPS) are relevant. However, the CPS is no longer intended to be submitted to the Government for adoption purposes although its contents are being considered as part of the new Sheffield Plan. In these circumstances the CPS policies can only be given very limited weight. This assessment is therefore restricted to relying on the adopted policies only.

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

### Principle of Proposed Development

The NPPF (paragraph 80) sets out the purpose of Green Belts as being:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and

- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

UDP Policy GE1 remains broadly consistent with the NPPF policy and the proposals do not materially conflict with the quoted purpose of green belts. The NPPF (paragraph 81) expects local planning authorities to plan positively to enhance the beneficial use of the Green Belt, including providing opportunities for outdoor sport and recreation.

The NPPF (paragraph 87) reiterates previous national planning guidance in stating that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” It goes on (paragraph 89) to confirm that the construction of new buildings should be regarded as inappropriate in the Green Belt but specifies exceptions to this approach. These exceptions include the “provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”. Whilst this proposal does not include any new buildings, the upgraded rugby pitch can be regarded as an “appropriate” facility for outdoor sport.

The NPPF approach differs from the provisions of the UDP Policies which generally permit “essential facilities for outdoor sport and outdoor recreation”, as opposed to “appropriate” facilities. The UDP defines “essential facilities for outdoor sport and outdoor recreation” as those that are “genuinely required for such uses of land, and which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it.” The NPPF takes precedence over the UDP where there is any discrepancy in local and national policies.

The Council’s Playing Pitch Strategy (2011) provides recommendations, principally for 5 years (to 2016), but considers likely changes to supply and demand up to 2021. The Strategy indicates that pitch provision for rugby union is sufficient to cater for demand but the capacity of pitches is critical in some areas to meeting this. The Strategy identifies Sheffield Tigers RUFC as providing ‘excellent/good’ pitch facilities with a theoretical deficiency of around -1 pitch and the pitches being heavily used in theory (12 games per week). The success of the Club has resulted in continued growth and there is pressure to improve the facilities to maintain that growth and to secure investment. The main growth area is in Junior and Mini rugby.

The Playing Pitch Strategy identifies meeting potential future growth as a key issue with a potential solution being to play some mini and junior games on artificial grass pitches. Whilst the pitch will be suitable for such use, the Club’s primary objective is to provide a pitch that is suitable for year round rugby training purposes. The current turf pitch is used solely for training purposes but is not sufficiently resilient to all weather conditions. This results in the Club often having

to hire alternative off site training facilities in poor weather which, apart from being an inconvenience for the Club, puts additional demand on other facilities in the City.

The enclosure and upgrading of the pitch will allow for greater use of the existing facilities for outdoor sport which is an appropriate use of green belt land and is promoted in the NPPF (para.81). The Club aims to allow schools to use the pitch during term time (daylight hours) and to hire the pitch for 5-a-side football during the evenings when not required for rugby. The Playing Pitch Strategy shows that there is an unmet demand for use of artificial grass pitches for football of 40%. This facility will contribute to meeting that demand.

Overall, any potential harm to the Green Belt is considered to be outweighed by the benefits of improving the existing pitch facilities for the benefit of an outdoor sport which is experiencing growth. In this context, the proposals can be regarded as an appropriate facility for outdoor sport. The proposals thereby comply with the NPPF (paragraph 89) and do not represent a 'departure' from local policies.

#### Sport England

Sport England has confirmed that the proposal is acceptable in principle but has submitted a holding objection to the proposals following consultation with the Rugby Football Union (RFU). The RFU had raised concerns that the pitch design did not meet World Rugby performance standards for artificial pitches in terms of run-off areas and effective playing area. They had also requested details of impact on other facilities in the area.

The RFU and Sport England have worked with the Club to address their concerns. The applicant has confirmed that the relevant bodies had not been aware that the current and proposed pitches are primarily for training purposes and that Sport England are now in a position to remove their objection. At the time of writing this report, officers were waiting for confirmation from Sport England that this is the case. The outcome will be reported at the Committee meeting. If the objection is not removed, the application will need to be referred to the Secretary of State if Members are minded to grant planning permission.

#### Floodlights

The existing grass pitch has 4 x 10m high floodlighting columns which were granted planning permission in 2000 (ref 99/02412/FUL). The principle of floodlighting to this pitch is therefore established.

6 x 12m floodlighting columns are proposed to replace the existing floodlighting. The visual impact of the new floodlighting columns will not result in any significant additional harm to the character or appearance of the Green Belt, when not illuminated.



The new floodlighting scheme has been designed having regard to Sport England's design guidance for floodlighting and the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light". The site is in an area that is defined as within Environmental Zone E1 ("intrinsically dark") for the purposes of the ILP guidance. The lights will be angled between 60° and 70° to achieve the relevant guidelines. The existing columns are angled between approximately 45° and 50° which is likely to result in more light spillage.

A Lux level plan and lighting contractor's impact assessment has been submitted in support of the application and shows illuminance of 5 Lux at a maximum 22.5m from the boundary of the pitch with no upward light output. To give this illuminance figure some perspective, the ILP guidance indicates that light intrusion into windows should not exceed 2 Lux in order to avoid being obtrusive in Environmental Zone E1. There will be no light intrusion into any windows in this location some 150m from the nearest dwellings.

A lux level plan in respect of the existing light spillage has been provided and demonstrates that the spillage beyond the perimeter of the pitch will be comparable to the proposed scheme. The intensity of lighting directed at the pitch will be approximately twice as bright as the existing lights (200Lux average compared to 100 Lux average as existing). This is significant and will impact on longer distance views as well as being visible from the rear of properties in Long Line, albeit these views will be filtered by existing planting. However, the relative intensity is not expected to result in unacceptable living conditions for residents.

In terms of longer distance views, the lighting can be expected to be visible but does not introduce lighting to an area previously in darkness and the lights will not be on any later than the existing lights. The lights will be less visible in public views in closer proximity to the site due to the alignment of the footway in Hathersage Road relative to boundary treatments. Public footpaths in the immediate area are few and far between and are unlikely to be well used at such times when the lights are needed to be illuminated.

In these circumstances, the lighting installation is, on balance, considered to be acceptable albeit not strictly in accordance with Policies GE4 and GE8 which seek to preserve the landscape character in the Green Belt and Areas of High Landscape Value. The opportunities for sport development as a result of the improved facilities are given greater weight in reaching this conclusion.

The City Ecologist has considered the proposals and has confirmed that the floodlights as proposed will not significantly adversely impact on wildlife. This is subject to the lights not being illuminated late into the night in order to minimise any impact on foraging wildlife.



## Perimeter Fencing

The 3m high fencing will not fully preserve the openness of the Green Belt but the green weld mesh will be visually penetrable and will not urbanise the site. Furthermore, the pitch is partly screened on 2 sides (north east and south east boundaries) by tree/hedge planting and the north west boundary is screened by the higher ground levels beyond the pitch and adjoining car park area.

It is worth noting that a 2m high fence could be erected as 'permitted development'.

## Noise Issues

The Club has confirmed that the facility is currently used between 1700 and 2200 hours (Tuesdays and Thursdays); 0800 – 2200 (Saturdays); and 0900 – 1500 (Sundays). There are no planning restrictions on the use of the pitch, although the use of the existing floodlights is currently restricted to 1830 – 2130 hours (Mondays to Thursdays only). Through negotiation, the Club has reduced the proposed hours of floodlighting to 2130 (Mondays – Saturdays) and 1700 hours (Sundays). The original request was to use the floodlights up to 2200 hours daily.

The applicant has confirmed that the new facility is not expected to be in use during rugby matches. The 5-a-side use will involve fewer participants than on rugby training evenings. This being the case, the maximum number of people on site at any one time will not exceed existing levels.

The Environmental Protection Service has confirmed that there have been no complaints about noise associated with the existing use. The applicant has confirmed that neoprene rubber gaskets will be fitted as part of the fencing installation to reduce rebound noise. Rubber fittings will also be used for the kickboards. With these measures in place, the football use should not cause any more noise than the current rugby training activities.

## All-weather Surface

Replacing the existing turf with artificial turf is generally regarded as 'development'. Synthetic turf surfaces require a properly constructed base and sub-base to ensure stability and avoid frost heave. This involves a degree of excavation and can be regarded as an engineering operation.

The proposed artificial turf will have little visual impact in this slightly elevated location, relative to road level.

The key consideration is the implications for the drainage of the site.

Core Strategy Policies CS63 and CS67 are concerned with mitigating climate change and reducing flood risk, respectively. A drainage plan has been submitted and indicates that drainage will be directed through land drains to a soakaway.

The Lead Local Flood Authority has confirmed that the site appears to be suitable for infiltration having regard to the British Geological Society infiltration maps.

The pitch contractor has confirmed that the dimensions of the proposed soakaway are designed to accommodate the standard amount of rainfall expected to percolate through the pitch based on the contractor's experience. A more scientific approach is needed to establish whether the soakaway is adequate. Full details can be conditioned to ensure compliance with the quoted policies.

#### Highway Matters

The applicant has confirmed that the new facility is not expected to be in use during rugby matches. The 5-a-side use will involve fewer participants than on rugby training evenings. This being the case, the maximum number of vehicles on site at any one time will not exceed existing levels. No additional car parking is therefore proposed or required.

#### SUMMARY AND RECOMMENDATION

Creating opportunities for outdoor sport and recreation in green belts is promoted in the National Planning Policy Framework (NPPF). The proposals will significantly upgrade an existing training pitch and allow for wider community use whilst reducing pressure on other all weather facilities in the City at times when the current turf pitch is unfit for use. The pitch is partly screened and the 3m high fencing will not materially urbanise the site.

The principle of floodlighting to this pitch has previously been established by the implementation of planning permission for the existing 4 floodlighting columns. The intensity of lighting directed at the pitch will be approximately twice as bright as the existing lights. This is significant and will impact on views of the site. However, the proposals do not introduce lighting to an area previously in darkness and the lights will not be on any later than the existing lights. There will be no light intrusion into any windows in this location some 150m from the nearest dwellings and, subject to the floodlights not being illuminated late into the night, any impact on foraging wildlife will be minimised.

The maximum number of people on site at any one time will not exceed existing levels and noise associated with the use of the floodlit pitch should not exceed existing levels. Similarly, the maximum number of vehicles on site at any one time will not exceed existing levels. No additional car parking is therefore necessary.

The site appears to be suitable for soakaways which will be a sustainable form of drainage. Full details to ensure adequate soakaway provision can be conditioned.

Sport England are expected to remove their holding objection following minor modifications to the pitch layout and confirmation of the use of the current and proposed pitches. This will be reported to Members at the meeting.

Overall, any harm to the Green Belt is considered to be outweighed by the benefits of improving the existing pitch facilities for the benefit of an outdoor sport which is experiencing growth. It is therefore recommended that planning permission is granted subject to appropriate conditions including a restriction on the hours of use of the floodlights.

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Case Number 15/01770/FUL (Formerly PP-03228586)  
Application Type Full Planning Application  
Proposal Demolition of workshop and erection of a dwellinghouse  
Location Low Coppice Farm, Manchester Road Crosspool Sheffield S10 5PX  
Date Received 18/05/2015  
Team West and North  
Applicant/Agent Robin Ashley Architects LLP  
Recommendation Grant Conditionally

Subject to:

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:-
  - Drawing No. 12-017-50 Revision E (Proposed Block Plan - 1:200);
  - Drawing No. 12-017-51 Revision E (Proposed Block Plan 1:100);
  - Drawing No. 12-017-52 Revision F (Proposed Ground and First Floor Plans);
  - Drawing No. 12-017-53 Revision G (Proposed Sections);
  - Drawing No. 12-017-80 Revision C (Proposed Elevations - East Elevation);
  - Drawing No. 12-017-81 Revision C (Proposed Elevations - South Elevation);

- Drawing No. 12-017-82 Revision C (Proposed Elevations - Wst Elevation);
- Drawing No. 12-017-83 Revision C (Proposed Elevations - North Elevation);

received on the 18 May 2015 from Robin Ashley Architects

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

3. No development shall take place (including demolition, ground works, site clearance) until mitigation measures detailed in the Bat Risk Assessment (November 2012 - Access Ecology) and Bat Survey Report (February 2015 - Access Ecology) are implemented to include the following. Any works undertaken should be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.
  - a) Timing to avoid the main vulnerable periods for bats: May-August and November - February.
  - b) Pre-works inspection of the building to confirm the status of roosting bats.
  - c) Installation of temporary replacement roost sites (A Schwegler IFS) bat box will be erected
  - d) Contractors on site to receive an induction on bat species present at Low Coppice Farm and provided with the Delivery Document;
  - e) The maintenance of existing roosting opportunities in the building
  - f) Management of external lighting to reduce disturbance to bat roost access points and flight paths

In addition temporary roosting facilities suitable for the group of bats (Pipistrellus) should be installed on site whilst the works are being undertaken.

Reason: In the interests of safeguarding protected species and their habitats.

4. The following works (including development, demolition, ground works, site clearance) shall not in any circumstances commence unless the local planning authority has been provided with either:
  - a) A licence issued by Natural England pursuant to the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &

c) Regulations 1994 authorising the specified activity/development to go ahead; or

b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: In the interests of safeguarding protected species and their habitats.

5. 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.

6. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

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

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

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

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

8. 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 dwellinghouse 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

9. The first floor window on the elevation of the dwellinghouse facing Low Coppice House shall be fully obscured to a minimum privacy standard of Level 4 Obscurity, the full details of which shall have first been submitted to and approved in writing by the Local Planning Authority. The approved obscurity measures shall thereafter be retained and at no time shall any part of the glazing revert to clear glass.

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

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

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

11. 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.

12. 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.

## Other Compliance Conditions

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

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

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the dwellinghouse shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage. OR To ensure that the traditional architectural character of the dwellinghouse is retained and there is no visual intrusion which would be detrimental to the amenities of the locality.

15. 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.

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



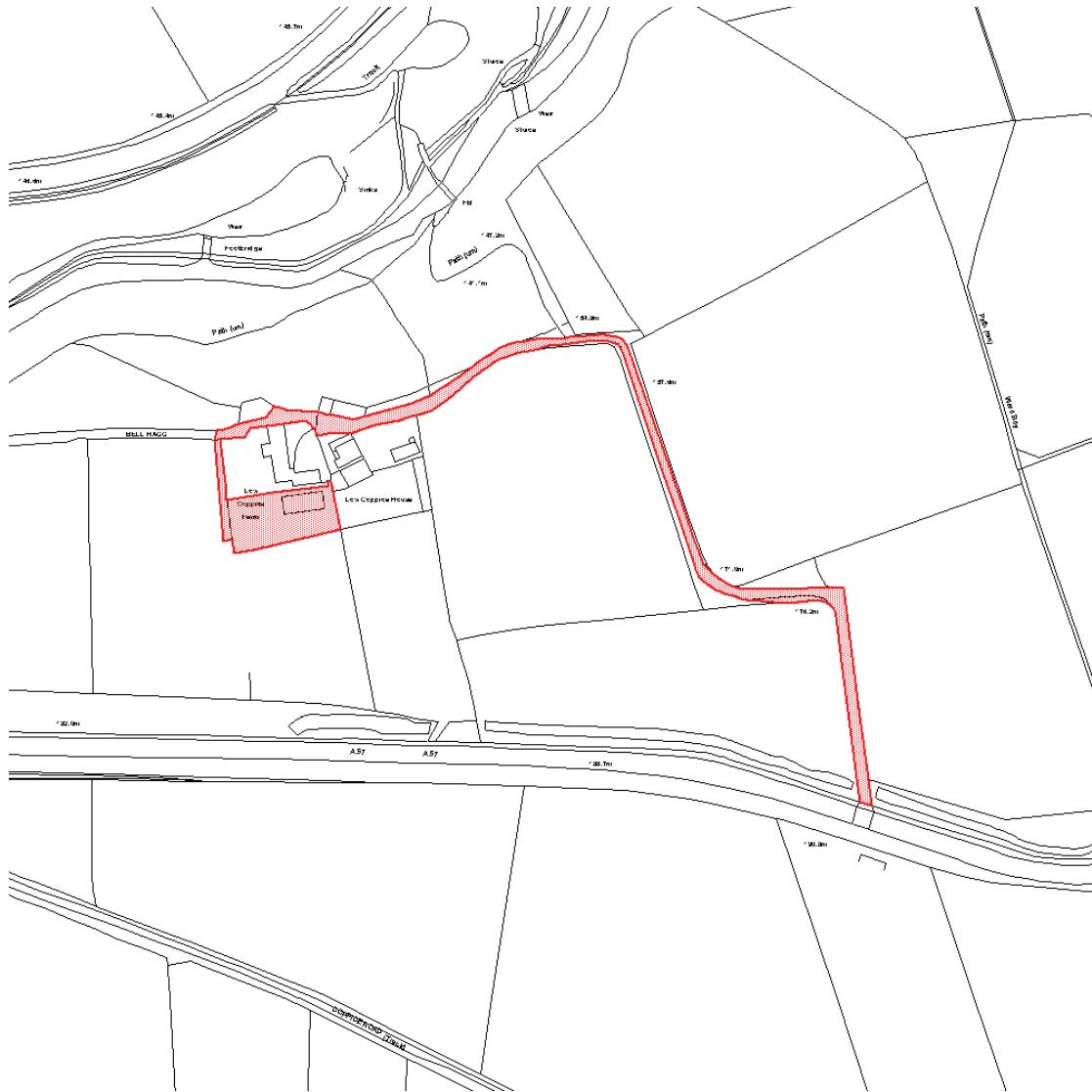
Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

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

## Site Location



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## LOCATION AND PROPOSAL

The application relates to a large two-storey detached dwellinghouse, known as Low Coppice Farm. The dwellinghouse is situated along the northern side of Manchester Road (A57) and lies within the Green Belt. Access is taken from a narrow former agricultural farm track (Bell Hagg) that runs up from Manchester Road.

The dwellinghouse is a former barn conversion that was granted planning permission in April 2004. The dwellinghouse is a traditional stone building with a dual pitched slate roof. It is 'L' shaped in appearance with the main bulk of the building running north-south and its shorter wing that is used for garaging extending along its southern side.

The dwellinghouse sits within a generous plot size of over 0.26 hectares that allows for a parking courtyard to the front of the property and large side and rear gardens that are enclosed by post and wire fencing and stone walling. Within the rear garden and standing to the southern side of the dwellinghouse and on higher ground is a large concrete breezeblock workshop, built circa 1950. To the east of the dwellinghouse is Low Coppice House, a former agricultural barn and to its south and west, beyond the property's rear and side boundaries are open fields.

Full planning permission is being sought to demolish the existing workshop and erect a 3-bedroomed detached dwellinghouse. The new dwellinghouse would be sited on the approximate footprint of the existing building and sit within a plot size of about 0.1 hectares.

#### RELEVANT PLANNING HISTORY

There have been several applications on this site dating back to 1988; the most relevant being in 1994, which granted planning permission to change the use of the former agricultural building into a dwellinghouse. This was approved in April 1994, under planning approval No. 94/00052/FUL.

13/03995/FUL – Replacement of the existing pole barn – Granted 22/01/14

#### SUMMARY OF REPRESENTATIONS

The occupants of the neighbouring property (Low Coppice House) have raised an objection to the application. A summary of their concerns are listed below:-

- The proposal to erect a new dwellinghouse on this site is unacceptable given the site's location in the Green Belt and would be contrary to UDP Policies GE1, GE2, GE3, GE4, GE8 and GE9.
- It is not considered that the applicant has demonstrated very special circumstances to allow the erection of a house;
- It is considered inaccurate of the applicant to describe the building as 'harmful to the Green Belt', whilst it is not a most attractive building, it is considered that this sits benignly and quietly in the landscape and would have a less of an impact on the Green Belt environment, wildlife or general amenity than that of the proposed residential development;
- The development would result in a significant addition to the overall and physical context of the site, bringing the existing number of residential properties to 3 in total;
- The applicant has not included full information relating to the approved replacement pole barn as this is significantly different of its character, construction and utility given the combined and collective impact of this

- development and the proposed house; Limited information has been provided with regard to the access lane;
- Highway safety Issues with additional traffic using the access lane from Manchester Road. The Design and Access Statement details that no public or private rights of way would be affected by the proposed development; This is incorrect as there is a public right of way extending along the access lane that shares the same track for approximately 70% of the lane;
  - Given that the proposed dwellinghouse would be situated a short distance from the shared boundary, it is considered that the proposal effects their residential amenity in terms of privacy, ground works and construction; Consider that there is a lack of information regarding the potential ground stability and drainage risks of major excavation and construction works;
  - Effects on wildlife; and
  - Inaccurate labelling of properties on submitted plans with Low Coppice House being misnamed with Low Coppice Farm and visa versa

Objections to the application have also been received from Rivelin Valley Conservation Group (RVCG).

- RVCG considers that the development breaches UDP Policy GE1, which aims to prevent the encroachment of urban development in the countryside. There are already two dwellinghouses neighbouring the application site, with this development represent unjustified further 'creeping urbanisation';
- The development is also considered to breach UDP Policy GE3, as the applicant has not demonstrated very special circumstances. None of the reasons given in the accompanying Design and Access Statement justifies this being very special circumstances to allow the erection of a new dwellinghouse in the Green Belt. The fact that the existing workshop is an 'anomalous building' could apply to numerous buildings in the Green Belt, which if demolished and new building constructed would adversely affect the Green Belt;
- The personal circumstances do not amount to a reason for allowing the development;
- It is considered that the application site is highly visible from the southern side of Rivelin Valley, particularly when the trees adjoining the A57 have shed their leaves. A new dwellinghouse with all the residential paraphernalia, such as sheds and the alike would result in a far greater impact on the openness of the Green Belt than the existing building.
- The additional vehicles generated by a further dwellinghouse off the existing driveway would exacerbate the current dangerous situation for vehicles entering onto the A57.

The development would also set a precedent for unjustified new development elsewhere in the Green Belt.

#### Procedural Matters

The application has been advertised as a departure from the Development Plan as the application involves the erection of a new dwellinghouse in the Green Belt, contrary to UDP Policy GE5

## PLANNING ASSESSMENT

It is considered that the main issues relevant to this application are as follows:-

- The Principle of Development – Policy and Land Use;
- Highway Issues;
- Design Issues - Effect on the character and appearance of the building and surrounding area;
- Effect on the residential amenity of neighbouring properties;
- Ecology Issues; and
- Ground Conditions
- The Principle of Development – Policy and Land Use

The application should be assessed against Policies GE1, GE2, GE3, GE5 and GE9 of the Sheffield Unitary Development Plan (Adopted March 1998). Policy GE1 states that development will not be permitted where it would lead to unrestricted growth of the built up area, contribute towards merging of existing settlements, lead to encroachment of urban development in the countryside or compromise urban regeneration. Policy GE3 states that in the Green Belt, the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries, and other uses which would comply with Policy GE1. Policy GE5 sets out the circumstances where new houses would be allowed in the Green Belt. Under this policy it states that other than those needed to support agricultural and other acceptable uses, housing will be permitted only where this would involve either infilling of a single plot within the confines of an existing village, group of buildings or substantially developed road frontage or replacement of an existing house on the same site.

Also relevant to this application is UDP Policy GE9, which relates to the re-use and adaptation of rural buildings. The policy is relatively permissive in respect of the conversion and re-use of rural buildings to alternative uses provided that the existing building is capable of such conversion without significant alteration, extension or structural rebuilding, the new use would not harm the landscape or character of the countryside, and in the case of a building of local interest, the conversion would not harm its historic character, fabric, essential features or setting.

Sheffield Core Strategy Policy CS71 relates to the protection of the Green Belt. Under this policy, it states that the countryside and other open land around the existing built-up areas of the city will be safeguarded by maintaining the Green Belt, which will not be subject to strategic or local review. It goes on to state that, exceptionally, changes may be made to remove untenable anomalies where the change would not undermine the purposes or objectives of Green Belt in that area.

Government guidance is contained within National Planning Policy Framework (NPPF). It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. NPPF applies a general presumption against inappropriate development in the Green Belt and details that by definition, this is harmful to the Green Belt and should not be approved except in very special

circumstances. Paragraph 89 of the NPPF states that LPAs should regard the construction of new buildings in the Green Belt, with exemptions limited to and including buildings for agriculture and forestry, provision of appropriate facilities for outdoor recreation, the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use.

The policy position is very clear in terms of circumstances where new houses would be allowed in the Green Belt. The application site is not within the confines of an existing village, group of buildings or substantially developed road frontage nor does it represent the replacement of existing houses on site. The proposal to erect a new dwellinghouse on this site would therefore conflict with UDP Policy GE5 and guidance contained in NPPF.

On account of the above, the proposal to erect a new dwellinghouse on this site turns on whether the applicant can demonstrate 'very special circumstances' and whether the harm caused by reason of inappropriateness is outweighed by other material considerations of significant weight that would justify setting aside the presumption against inappropriate development in the Green Belt.

In demonstrating very special circumstances, the applicant is placing emphasis on the fact that the policy position with regard to the re-use and adaptation of rural buildings in the Green Belt is relatively permissive under UDP Policy GE9 subject to the building being capable of such conversion without the need for significant alteration, extension or structural re-building. This policy is consistent with government guidance contained in NPPF, which states at paragraph 90 that the re-use of buildings is not inappropriate development in the Green Belt providing that the buildings are of permanent and substantial construction.

Inspection of the workshop shows that it is structurally sound and in officers' opinion is capable of being converted into a dwellinghouse without the need for significant alteration, extension or structural rebuilding. The applicant was therefore advised at pre-application stage that the conversion of the building into a dwellinghouse could be supported at detailed stage subject to an acceptable design being submitted for approval. The applicant was also advised by officers that given the appearance of the existing workshop, which is considered to have a damaging and harmful effect on the character and appearance of the surrounding area, consideration could be given to a proposal that involved demolishing the existing workshop and the construction of a new building for use as dwellinghouse subject to the development resulting in a significant and a material improvement on the open character of the Green Belt and landscape setting. The applicant was also advised that the development would have to be carefully designed to avoid introducing an urban element or additional activity into the area that would conflict with the objectives of Green Belt policy.

It is considered that the existing 6m high breezeblock workshop is unattractive and fails to respect its landscape setting. It has a somewhat drab appearance with its large expanse of concrete walling and continuous roof profile considered to be out of keeping with the surrounding area and in officers' opinion harms the character of the area.

In response to this, the applicant has produced what officers consider to be a high quality scheme that would improve the open character of the Green Belt. Although the width of the proposed dwellinghouse would be greater than the existing workshop, it would be shorter in length (approximately 2m) and have a significantly lower eaves height (2.7m), the latter being of significant benefit to reducing its overall scale and massing.

As stated above, it is considered that the existing concrete breezeblock workshop contributes little to the landscape setting. The opportunity to remove the building with an appropriate designed scheme in officers' opinion should therefore be given some weight in the assessment of the application. Moreover, since there is little prospect that the building would be removed in either the near or distant future; the unquestionable harm that the building has on the visual character of the Green Belt will continue to remain. Inspection of the existing building shows that it is in generally good order and could be converted without the need for significant structural re-building. Although NPPF states that the re-use of existing buildings does not represent inappropriate development with suitable safeguards, officers would not wish to see it retained given its poor visual quality. Accordingly, the applicant was advised at pre-application stage that consideration would be given to a scheme that involved the removal of the existing workshop and erection of a dwellinghouse that in all intents of purposes would be an improvement both visually as well as having a lesser impact on the open character of the Green Belt than the existing building. It would be inappropriate in officers' opinion to simply dismiss development proposals in the Green Belt, in instances when the development would bring significant benefits to the surrounding area and openness of the Green Belt despite being contrary to Policy GE5 of the UDP. On this point therefore, given the potential fall-back position of the applicant with regard to the re-use of the building, it is considered that significant weight should be given to a proposal that would seek the removal of the concrete workshop and replace it with a more sympathetic building that would have a lesser impact on the openness of the Green Belt than an alternative scheme to convert.

Officers acknowledge that domestic paraphernalia associated with housing such as washing lines and trampolines as well as indiscriminate parking can have a significant impact on the openness of the Green Belt. As stated above, one of the fundamental aims of the Green Belt is to prevent urban sprawl by keeping land permanently open. It is important therefore that the development does not introduce an urban element or additional activity into the area that would conflict with the objectives of Green Belt policy.

It is considered that these issues have been satisfactorily addressed through the design of the dwellinghouse and utilising the topography of the site. The plans show that the parking and property's patio would be largely concealed behind retaining walls to the rear of the dwellinghouse. In addition to this, given that the dwellinghouse would be situated in very close proximity and to the south of the adjoining property (Low Coppice Farm), views of the building would be mostly restricted and where views can be taken it would be read against the backdrop of this property.



Accordingly, officers consider that, on balance, the principle of replacing the concrete workshop with a 3-bedroomed dwellinghouse can be justified as a departure from Policy GE5 and government guidance contained in NPPPF.

- Highway Issues

The submitted drawings show that the proposed dwellinghouse would be accessed via the existing farm track that runs up along the side of the western boundary. A section of the stone boundary wall would be removed with a new access taken through with parking for two vehicles taken at the property's south-western boundary.

The proposed means of access and parking provision is considered to be acceptable and raises no significant highway concerns. Although the proposal would increase the number of vehicles using the existing track onto Manchester Road would increase, this is likely to be low and not significant that would prejudice highway safety.

- Design Issues - Effect on the character and appearance of the surrounding area and Green Belt

Policy BE5 (c) states that good design and use of good quality materials and craft skills will be expected in all new and refurbished buildings and extensions. It goes on to state that all extensions should respect the scale, form, detail and materials of the original building.

The existing workshop is a concrete breezeblock workshop with a pitched corrugated concrete roof that is supported by a metal frame. There are double timber doors on the eastern and western gabled elevations and timber framed windows on the southern and northern elevations. The building measures approximately 18m (length) by 8m (width) with a height of 3.8m to its eaves and 6m to its ridge.

As detailed above, the application seeks to demolish the workshop building and erect a two-storey dwellinghouse. The proposed dwellinghouse would be sited on the approximate footprint of the existing building to maintain a distance of some 4m between the new building and adjacent dwellinghouse, and like the existing workshop, would be rectangular and constructed with a traditional dual pitched roof.

The application has been accompanied by a comprehensive and detailed Design and Access Statement, which sets out the design principles of the dwellinghouse and the parameters that the building would have to follow in terms of its scale and massing given its location in the Green Belt. These parameters included the size and height of the building being no greater than the existing workshop, the use of traditional materials, maintaining or improving views to the south east of the site and incorporating a high level of sustainability. Officers were also not opposed in principle to a contemporary designed dwellinghouse.

The scheme submitted for consideration shows that the applicant has incorporated much of what was discussed at pre-application stage in terms of the scale and massing of the dwellinghouse and represents an appropriate response to the site. The proposed dwellinghouse would measure 16m (length) by 9m (width) with a



height of 2.7m to its eaves and a ridge height of 6m. The dwellinghouse has been designed with a traditional pitch slate roof and would be constructed using traditional materials; faced in a combination of natural oak cladding and random rubble natural stone. Features of the building include its generous use of glazing across its southern and western elevations, high level horizontal windows along its northern elevation, projected lean-to glazed porch (southern elevation), an exposed oak truss (western gable) and integrated solar panels within the roof.

In terms of plot layout, the plans show that the site's curtilage would be sub-divided with a new boundary line extending along and 2.5m out from the northern side of the proposed dwellinghouse. To the south there would be sunken patio area with retaining walls that would provide the main outdoor space and area for two vehicles.

It is considered that the proposed dwellinghouse is of very high design quality that would sit comfortably against the backdrop of the existing dwellinghouse and assimilate into the site's landscape setting. The dwellinghouse has been carefully designed and fully takes account of the topography of the site, the style and proximity of the neighbouring property and Green Belt location. It is considered that the dwellinghouse would provide a characterful and contemporary new build that would complement and not compete with the traditional form of the adjacent building.

Subject to the imposition of conditions that should include a stone sample panel to be constructed on site and submission of materials, it is considered that the development is acceptable from a design perspective and would be in general accordance with UDP Policy BE5( c).

It is important that any future extensions to the dwellinghouse and out buildings are strictly controlled in the interests of preserving the building's architectural character and the openness of the Green Belt. It is therefore recommended that a condition be attached that removes the property's 'PD' rights.

- Effect on the residential amenity of neighbouring properties

The only property directly affected by the development is Low Coppice House. This property is situated some 2-3m behind the eastern shared boundary and has its principal outlook looking onto its own rear garden and away from the siting of the proposed new dwellinghouse. The distance between the nearest part of this neighbouring house and the existing workshop is approximately 12m.

As the proposed new dwellinghouse would be situated on the approximate footprint of the existing workshop and would be no higher than this building, it is not considered that the new dwellinghouse would result in any significant overshadowing or appear overbearing that would be harmful to this property's residential amenity. It is also considered that the proposed development would not result in any loss of privacy with the submitted drawings showing just a single window serving Bedroom 2 within its eastern gable that would be obscured glazed. It is recommended that any permission include a condition seeking that this first window be obscured glazed.

To protect the residential amenity of the host property, the design of the dwellinghouse includes high level ground floor windows along its northern elevation

at a height above finished floor level to avoid any problems of overlooking. The proposed rooflights along the northern roof slope are low level only and serve to light the property's first floor store areas and like the ground floor windows do not provide outlook and being sought to provide additional light into the building. It is also relevant that the southern wing of the host property adjacent to the new dwellinghouse is used for garaging and therefore non-habitable.

- Ecology Issues

The application was accompanied by a Bat Survey Report, which presents the results of investigations and surveys undertaken in Nov/Dec 2012, and in Jan/May and June 2013. The survey found that at least two species of bats were identified within the building with the report concluding that a European Protected Species Licence will be required to legitimise the proposed works.

The Council's Licensed Bat Ecologist has commented that the surveys that have been undertaken are adequate and the method satisfactory. The absence of a great deal of activity, low species count and low numbers makes it more acceptable with the additional measures put forward by the applicant's appointed ecology consultants (Access Ecology) in their follow-up correspondence and a very detailed method statement in the original report gives confidence in any application for an EPS licence. Subject to the recommendations in the report/follow-up letter being followed and requirement to seek a licence from Natural England (both conditioned), it is considered that the proposal to demolish the building can be carried out without resulting in any significant harm to any protected species on site during the course of construction and post-occupation.

- Ground Conditions

Environmental Protection Service (EPS) have advised that their concerns are limited to land quality and ground contamination potential. They recommend that the standard suite of ground contamination conditions be attached to any planning approval commencing with an investigation on site of actual or potential land and ground gas contamination and the submission of a Phase 1 Preliminary Risk Assessment.

## SUMMARY AND RECOMMENDATION

The application relates to Low Coppice Farm, a large residential conversion that is situated along the northern side of Manchester Road (A57). Within the rear garden and standing to the southern side of the dwellinghouse is a large concrete breezeblock workshop, built circa 1950.

Full planning permission is being sought to demolish the workshop and erect a three bedroomed detached dwellinghouse.

The site is located within the Green Belt where there is a general presumption against inappropriate development. The proposal to demolish the existing workshop and erect dwellinghouse on this site would represent such a form of development and

therefore would be contrary to Policy GE5 of the UDP and government guidance contained in NPPF.

The existing workshop is considered to be somewhat of an anomaly that is considered to detract from the character of the surrounding area. Inspection of the building shows that it is structurally sound and in officers' opinion is capable of being converted into a dwellinghouse without the need for significant alteration, extension or structural rebuilding. Although the conversion of the building would be subject to the granting of full planning permission, officers have given significant weight to the potential fallback position of the applicant to convert the existing workshop into a dwellinghouse.

The applicant has entered into protracted discussions with officers with regard to the design and appearance of the dwellinghouse, and importantly with regard to the effect the new dwellinghouse would have on the open character of the Green Belt. These discussions have led to what officers consider to be a of very high quality scheme that would have minimal impact on the openness of the Green Belt. The proposed development offers the opportunity to remove this workshop and replace it with a building that in officers' opinion would be more appropriate to the site's landscape setting and importantly would bring about a better design solution than what could be achieved if the building was brought forward for residential conversion.

For the reasons set out within the report, it is considered that the harm caused by reason of inappropriateness is outweighed by other material considerations of significant weight to set aside the presumption against inappropriate development in the Green Belt. On balance therefore, it is recommended that the application be approved as a departure from the development plan.

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## **SHEFFIELD CITY COUNCIL Planning & Highways Committee Report**

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

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**Date:** 22 December 2015

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**Subject:** Enforcement Report  
43 Moorthorpe Rise

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**Author of Report:** Jonathan Baker

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**Summary:** Unauthorised extension of rear garden into Green Link Corridor protected by planning condition

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### **Reasons for Recommendations:**

**To inform committee members of a breach of the Planning Regulations and to make recommendations on any further action required.**

### **Recommendations:**

That the Director of Regeneration & Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to cease the unauthorised change of use and extension into a Green Link Corridor, return the land to its former condition and reinstate the means of enclosure.

The Head of Planning is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

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### **Background Papers:**

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**Category of Report:** OPEN

## **ENFORCEMENT REPORT**

### **1.1 UNAUTHORISED EXTENSION OF REAR GARDEN CURTILAGE INTO GREEN LINK CORRIDOR PROTECTED BY PLANNING CONDITION.**

### **2. PURPOSE OF THE REPORT**

The purpose of this report is to inform Committee Members of a breach of planning control and to make recommendations on any further action required.

### **3. BACKGROUND**

3.1 Complaints were received about the unauthorised extension of garden curtilage into a Green Link Corridor between gardens to aid the flow of a watercourse and allow wildlife to pass through the estate and which is protected by a planning condition.

3.2 At the initial site visit it was observed that the previous fence marking the boundary with the corridor had been removed and the rear garden had been extended out by approximately three metres down its entire length into the corridor and right up to the edge of the watercourse. A raised decking area with patio furniture had also been erected.

3.3 A letter was sent to the householder informing him that this was a breach of planning control and was unacceptable. He was advised to reinstate the fence, remove all development and return the land back to its previous condition within 28 days.

### **4. ASSESSMENT OF THE BREACHES OF CONTROL**

4.1 Under the Town and Country Planning Act (1990) (The Act) an extension of residential garden space into public open space or on to land with other uses requires planning permission for change of use.

4.2 This particular Green Link Corridor was created under a condition of the original planning permission by The Secretary of State.

4.3 This extension of garden curtilage requires planning permission, however, as this is extending on to a Green Link Corridor protected by a planning condition and extends beyond the natural garden boundary

line consistent to neighbouring gardens, any application is likely to be refused.

## 5. POLICY

### 5.1 Section GE10 of the The Green Environment section of the Unitary Development Plan (UDP) 'Green Network' states –

The Green Network contains corridors along which wildlife can move and live. The continuity of such features is important to many wildlife species: the more isolated the site the more restricted the range of species able to colonise it. The Green Network plays an important role in linking habitats and allowing the movement of plants and animals in both rural and urban areas.

A Network of Green Corridors and Green Links will be:

- (a) protected from development which would detract from their mainly green and open character or which would cause serious ecological damage;*

**Definition:**

**Green Link' – strips of open space within the built-up area which are usually narrower than Green Corridors. They may only be several metres wide (e.g. railway embankments, road verges, hedgerows, small streams) or they may be more extensive**

### 5.2 Section GE17 of the The Green Environment section of the Unitary Development Plan (UDP) 'Rivers and Streams' states -

As part of the development of the Green Network, all rivers and streams will be protected and enhanced for the benefit of wildlife and, where appropriate, for public access and recreation. This will be done by:

- (b) requiring that any development involving alterations to the channels of rivers and streams be designed in a way which is sympathetic to nature conservation and archaeological interests;*

### 5.3 Section LR5 of the The Leisure and Recreation section of the Unitary Development Plan (UDP) 'Development In Open Space Areas' states -

Development in Open Space Areas will not be permitted where:

- (c) it would significantly detract from the green and open character of the Green Network; or*
- (d) it would make an open space ineffective as an environmental buffer;*

## 6. REPRESENTATIONS

- 6.1 A local resident and an elected member have complained about the extension of curtilage being out of keeping with the area and interfering with the area conditioned to be set aside

## 7. ASSESSMENT OF ENFORCEMENT OPTIONS

- 7.1 Section 172 of the Act provides for the service of an enforcement notice, (EN). In this case such a notice would require the removal of the unauthorised extension of the garden and the reinstatement of the means of enclosure; and for the land to be returned to its previous state.

## 8. EQUAL OPPORTUNITIES

- 8.1 There are no equal opportunity implications arising from the recommendations in this report.

## 9. FINANCIAL IMPLICATIONS

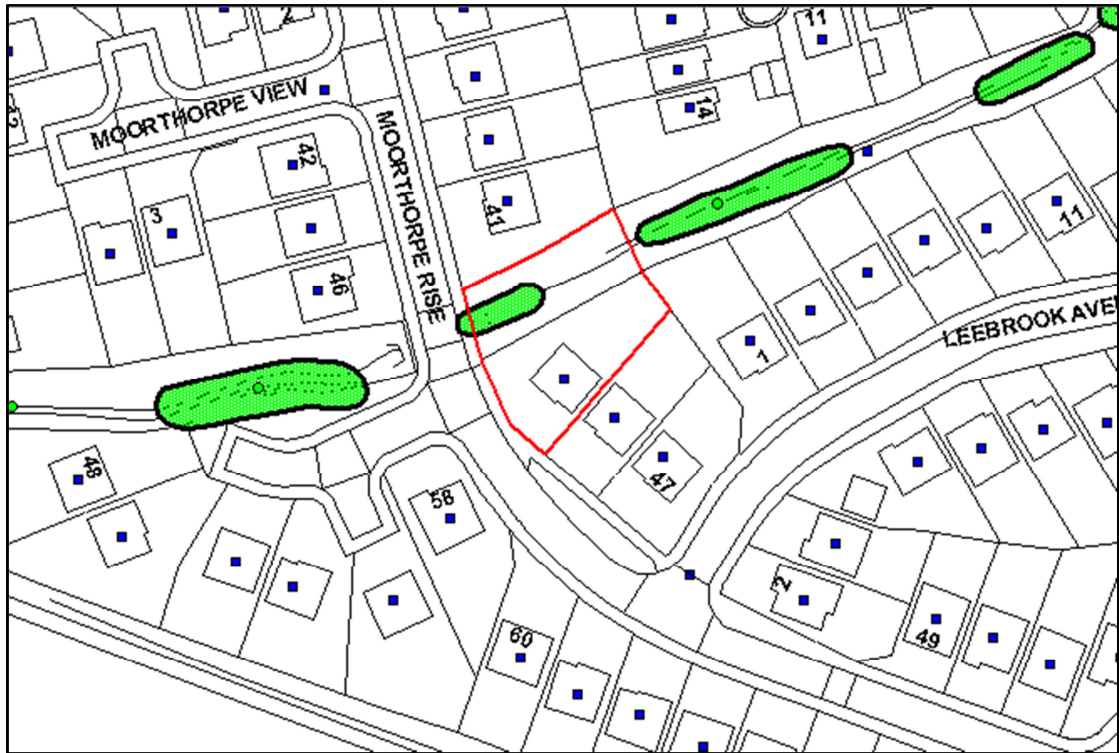
- 9.1 There are no additional financial implications expected as a result of this report. If an appeal is made against the enforcement notice, costs can be made against the Council if it is shown that they have behaved “unreasonably” in the appeal process, it is unlikely that this will happen in this case. However, in the unlikely event compensation is paid, it would be met from the planning revenue budget.

## 10. RECOMMENDATION

- 10.1 That the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised curtilage extension and the reinstatement of the means of enclosure.
- 10.2 That the Head of Planning, in liaison with the chair of the committee, be authorised to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

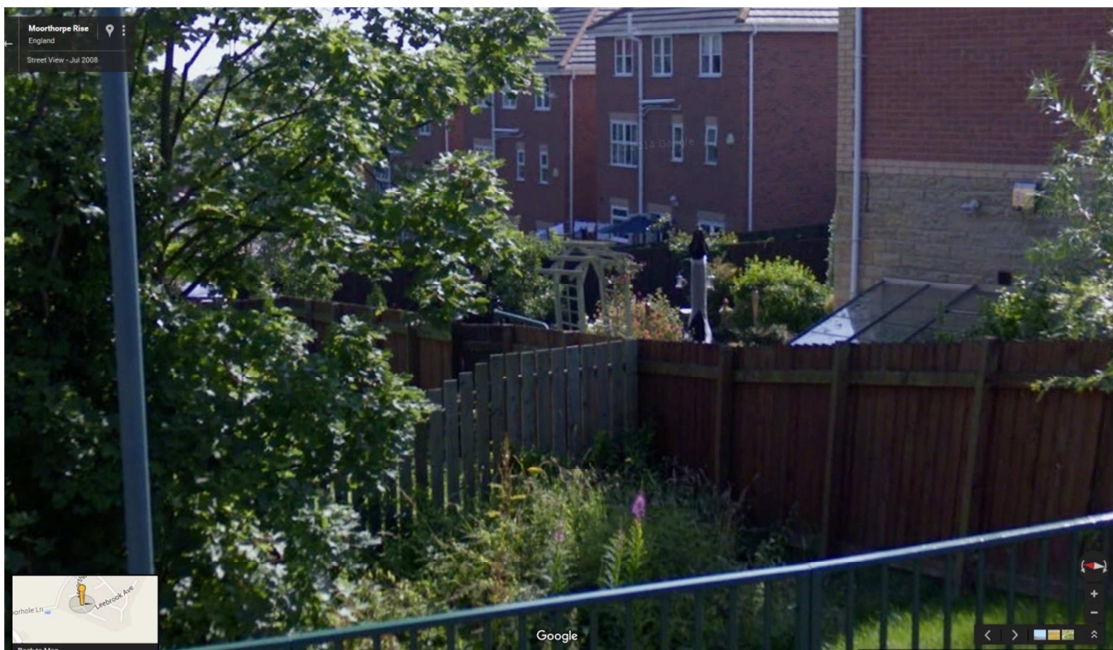


# SITE PLAN



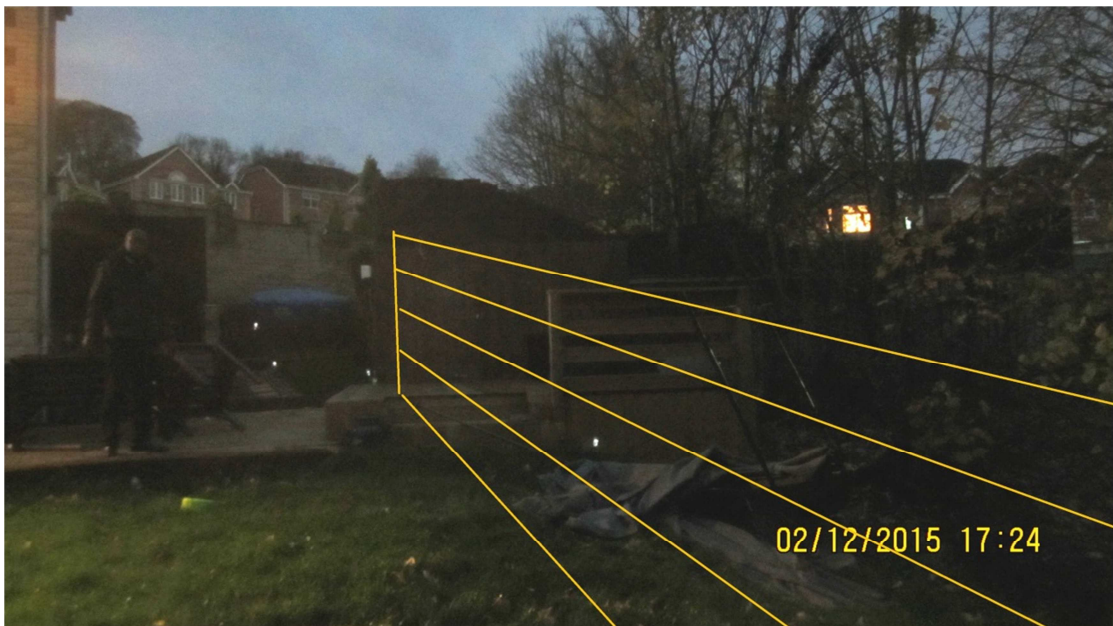
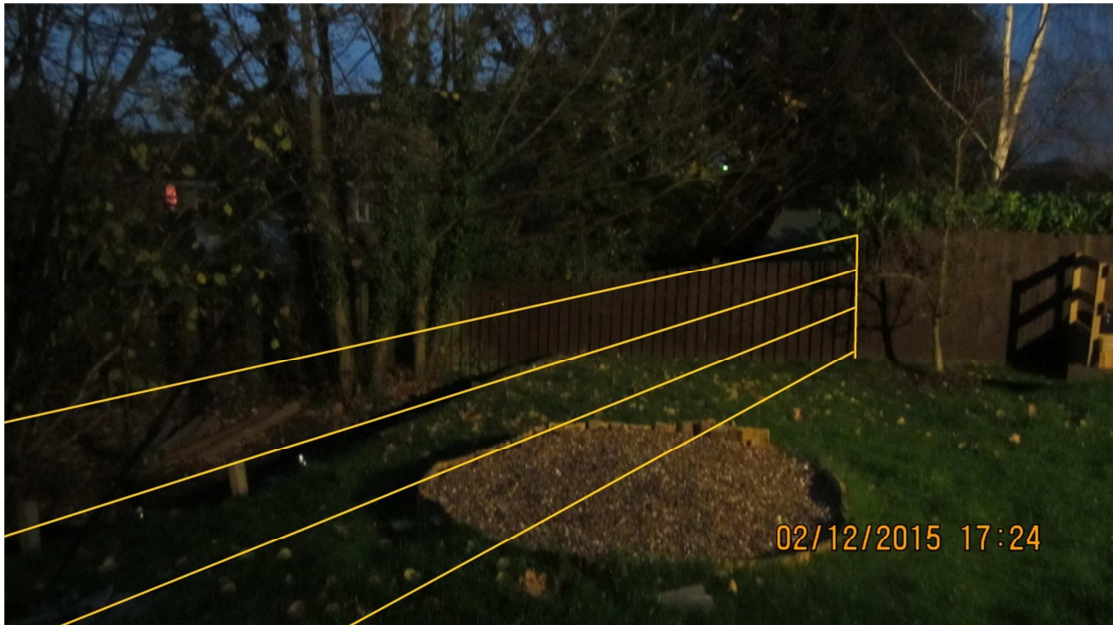
## PHOTOGRAPHS - BEFORE & AFTER

Before



Showing the original line of the fence

After



Yellow lines represent the original fence line

Maria Duffy  
Interim Head of Planning

22 December 2015



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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

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**Date:** 22 December 2015

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Claire Woods 0114 2734219

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**Summary:**

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

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## DEVELOPMENT SERVICES

REPORT TO PLANNING &  
HIGHWAYS COMMITTEE  
22 DECEMBER 2015

### 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 grant conditionally planning permission for two-storey side/single-storey rear extension to dwellinghouse and alterations to form habitable rooms in roofspace at 14 Cockshutt Avenue Sheffield S8 7DU (Case No 15/01352/FUL)

Maria Duffy  
Acting Head of Planning

*22 December 2015*