

Planning and Highways Committee

Tuesday 1 March 2022 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

Councillors Dianne Hurst (Chair), Tony Damms, Roger Davison, Peter Garbutt, Brian Holmshaw, Bob McCann, Zahira Naz, Peter Price, Chris Rosling-Josephs, Andrew Sangar, Garry Weatherall, Richard Williams and Alan Woodcock

Substitute Members

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

PUBLIC ACCESS TO THE MEETING

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

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

Although the Government has lifted all Covid-19 restrictions, the Council are still operating under Social Distancing Rules and you must register to speak or attend by emailing committee@sheffield.gov.uk no later than 2pm on the Friday before the Committee. This is necessary to facilitate the management of attendance at the meeting to maintain social distancing. You will also be asked for your email address and phone number (details of how we will use and keep your information can be found [here](#)). The Principal Committee Secretary will ask you to confirm that you do not object to your details being passed on to other people who wish to speak, to encourage the selection of a single spokesperson, if this is necessary. Where agreement on a spokesperson is not reached, speakers will be chosen on a first come, first served basis.

Further information on this or any of the agenda items can be obtained by speaking to Abby Hodgetts on telephone no. 0114 273 5033 or by emailing abby.hodgetts@sheffield.gov.uk.

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
1 MARCH 2022**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 12)
Minutes of the meeting of the Committee held on 8th February 2022.
- 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. Tree Preservation Order No. 446, 15 Brincliffe Gardens, S11 9BG** (Pages 13 - 42)
Report of the Director of City Growth Service.
- 8. Applications Under Various Acts/Regulations** (Pages 43 - 44)
Report of the Director of City Growth Service.
- 8a. Application No. 21/04810/FUL - Land At Rear Of 14-16 Oldfield Avenue, Oldfield Grove, Sheffield, S6 6DR** (Pages 45 - 62)
- 8b. Application No. 21/02633/FUL - 322 Abbeydale Road, Sheffield, S7 1FN** (Pages 63 - 76)
- 8c. Application No. 20/00406/FUL - Garage Site Between 31 And 37, Meersbrook Road, Sheffield, S8 9HU** (Pages 77 - 108)
- 9. Record of Planning Appeal Submissions and Decisions** (Pages 109 - 112)
Report of the Director of City Growth Service.
- 10. Date of Next Meeting**
The next meeting of the Committee will be held on 22nd March 2022 at 2pm.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Planning and Highways Committee

Meeting held 8 February 2022

PRESENT: Councillors Peter Price (Chair), Tony Damms, Roger Davison, Peter Garbutt, Brian Holmshaw, Dianne Hurst, Bob McCann, Chris Rosling-Josephs, Andrew Sangar, Garry Weatherall, Richard Williams, Alan Woodcock and Mike Chaplin (Substitute Member)

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1. APOLOGIES FOR ABSENCE

1.1 An apology was received from Councillor Zahira Naz and Councillor Mike Chaplin was present as the substitute Member.

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 No declarations of interest were made.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 18th January 2022 were approved as a correct record.

5. SITE VISIT

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

6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

6a. APPLICATION NO. 20/00414/FUL - SHEFFIELD CAR CENTRE, EDEN PARK, PENISTONE ROAD, GRENOSIDE, SHEFFIELD, S35 8QH

6a.1 A deleted condition, an amended condition, a correction and an additional representation were included within the supplementary report circulated and

summarised at the meeting.

- 6a.1 The Planning Officer presented the report on application no. 20/00414/FUL. A visual presentation was given and explained surrounding this application.
- 6a.2 Cllr Alan Hooper (Sheffield City Council) and Cllr John Brownrigg (representing Ecclesfield Parish Council) attended the meeting and spoke against the application.
- 6a.3 Following the presentation Members raised some concerns and asked questions relating to the character of the area, trees and landscaping, cycle parking, highway safety and the type of pedestrian crossing that was to be provided.
- 6a.4 It was explained that a motion could be put forward to amend the wording of suggested condition 9 if Members thought it was necessary. Members expressed their preference for a directive to be added to the permission, should it be approved, to advise the applicant that Members were keen to see a controlled crossing provided.
- 6a.5 The Committee considered the report and recommended conditions and an additional directive that the applicant be advised that Members of the Planning and Highways Committee expressed a strong preference for the pedestrian crossing secured by condition 9 to be a controlled crossing (i.e. Pelican or Puffin Crossing), rather than an uncontrolled crossing.
- 6a.6 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report including the additional directive for the demolition of car sales building and erection of four/ three-storey block comprising 20 dwellings (Use Class C3), convenience store (Use Class E part a) and 2 commercial units (Use Class E part a, c, e and g) with associated parking and formation of site accesses at Sheffield Car Centre, Eden Park, Penistone Road, Grenoside Sheffield, S35 8QH (Application No. 20/00414/FUL).

6b. APPLICATION NO. 21/02655/FUL - LAND BETWEEN 264 AND 270 AND TO REAR OF 270 HANDSWORTH ROAD, SHEFFIELD, S13 9BX

- 6b.1 This application was withdrawn by the applicant prior to the meeting.

6c. APPLICATION NO. 21/04597/FUL - LAND BETWEEN 264 AND 270 AND TO REAR OF 270 HANDSWORTH ROAD, SHEFFIELD, S13 9BX

- 6c.1 This application was withdrawn by the applicant prior to the meeting.

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 7.1 The Committee received and noted a report of the Chief Planning Officer detailing

new planning appeals received, appeals dismissed and appeals allowed by the Secretary of State.

8. DATE OF NEXT MEETING

- 8.1 It was noted that the next meeting of the Planning and Highways Committee would be held on Tuesday 1st March 2022 at 2pm.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 1st March 2022

Subject: Tree Preservation Order No. 446,
15 Brincliffe Gardens, S11 9BG

Author of Report: Vanessa Lyons, Community Tree Officer (planning)

Summary: To seek confirmation of Tree Preservation Order No. 446

Reasons for Recommendation

To protect two trees of visual amenity to the locality

Recommendations

Tree Preservation Order No. 446 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No. 446 & map attached.
 - B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
 - C) Objection letters attached.
 - D) Appraisal of General Character of Conservation Areas
 - E) Conservation Area - Brincliffe and Psalter Lane
 - F) Historic photograph of Brincliffe Gardens
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Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

1st March 2022

TREE PRESERVATION ORDER NO. 446

15 Brincliffe Gardens, S11 9BG

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No. 446.

2.0 BACKGROUND

2.1 Tree Preservation Order No.446 ('the Order') was made on 27th October 2021 to protect two mature lime trees (*Tilia x europaea*) located on the highway, directly to the north of the front boundary of 15 Brincliffe Gardens. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 The two trees are located within the Nether Edge Conservation Area, on the public highway to the north of the front boundary with 15 Brincliffe Gardens. They are fully visible from the vantage point of the highway, mature, and without any major, outward defects. They form part of an avenue of lime trees which run alongside both edges of the highway. A description of this Nether Edge Conservation Area on the Sheffield City Council website states that it is noted for its avenues of lime trees, with the Brincliffe and Psalter Lane area in particular characterised by "roads framed by roadside trees" which are considered a "significant unifying factor" of the Conservation Area. The retention of these trees, which form an integral part of the Conservation Area is therefore highly desirable.

2.3 The land on which the trees stand is located within the Nether Edge Conservation Area, so the trees are already protected to a limited extent by Section 211 of the Town and Country Planning Act 1990. This requires that notice is served upon the Council before works to a tree can be carried out. This gives the Council the opportunity to make a Tree Preservation Order where that is considered expedient. Notice of intention to remove the two highway lime trees was served upon the Council on 5th October 2020, it being understood that this was to facilitate creation of a driveway which crosses the public footpath.

2.4 While an application for permission to create a vehicular access was previously made, permission for this has not been granted. Full planning permission (ref: 19/04301/FUL) has been granted for some development work

to take place at number 15, namely the demolition of outbuildings and erection of a three-storey side extension to a dwellinghouse, but this specifically did not include permission to create a driveway. It was noted in the decision notice for the permission that the creation of permeable hardstanding and the widening of the entrance to form a vehicle access (driveway) “do not require planning permission”. It was therefore removed from the description of the proposed development prior to permission being granted. Said work could be carried out pursuant to existing permitted development rights, albeit the Council’s approval for how that work would affect the adjacent highway would be treated as a separate matter which could potentially be approved under the provisions of the Highways Act 1980.

- 2.5 It was advised within the decision notice that an application under the Highways Act for the vehicle access across the footway and highway verge would be unlikely to be supported due to the damage it would cause to the adjacent highway trees. Therefore, upon receipt of the section 211 notice to remove the trees, it was deemed expedient to serve a TPO in order to protect them.
- 2.6 A person would not be able to remove trees which do not belong to them without proper approval, as they would be at risk of damaging property they do not own or control. Nevertheless, the risk posed to the trees was such that it was deemed expedient to further protect them with a TPO, which both has the effect of attaching more severe offences for unauthorised work to the trees while also restraining existing permitted development rights.
- 2.7 The TPO does not affect the permission as that was explicitly stated to not include approval for the construction of a driveway. It also did not include approval for the removal of the trees which are now the subject of the TPO.
- 2.8 A condition inspection of the trees was carried out in September 2021 by two assessing officers at the time. The trees were found to be in reasonable condition, with no obvious health and safety defects requiring major intervention. A TEMPO assessment was conducted by the assessing officer (see Appendix B) who scored the trees with 16 points respectively, indicating the trees as definitely meriting protection under a Tree preservation Order.
- 2.9 The TEMPO Assessment demonstrated that the trees are fully publicly visible, in reasonable health, with a life expectancy of up to forty years. Being in an avenue, they form part of a group which is desirable to retain due to its cohesion. The trees also contribute to the character of the conservation area, as lime avenues are noted as a significant unifying factor of the Nether Edge area as a whole.
- 2.10 One objection to the TPO was submitted by the applicant under the s211 notice (see Appendix C for the full text).

The objection concludes with a series of points which summarise the basis on which it is made. The relevant points are reproduced below, with the Council’s response following.

- *1 – There is no need for these trees to be protected. The decision as to how they are pruned or whether they are removed is entirely the Highway departments. It is not expedient for the Planning Department to involve themselves and this TPO will make no difference to anything.*

The full text of the objection makes reference to the Government's guidance on TPOs and asserts that it states that trees that are in good management do not need to be protected by TPOs. The guidance actually states that "*it is **unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management***" (emphasis added). While the trees which are subject to the TPO can be considered to be under good management, a threat to the trees was identified which originated outside of the Council. Therefore, the Council's management of the trees is immaterial as to whether it was considered expedient to apply a deterrent for the carrying out of works to the trees, which have been identified as having sufficient amenity value to justify protection.

- *2 – Although the trees are prominent in the highway, Brincliffe Gardens is not a major thoroughfare and very few people are likely to pass by. There are numerous other trees in the street and these two are extremely nondescript specimens. In other words, the trees have low amenity value.*

Local planning authorities can make a Tree Preservation Order if it appears to them to be "*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*", as per the legislation. In assessing amenity, Government guidance states that the local authority must consider the visibility of the tree(s), and the trees' individual, collective and wider impact, which should take into account the size and form of the tree, its future potential as an amenity, rarity, cultural or historic value and contribution to the landscape and to the conservation area. This must then be followed by an assessment of expediency before making an order. The greater the risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area, the greater the expediency.

The trees in question have been assessed using the Tree Evaluation Method for Preservation Orders. This is a widely used and accepted method of assessing trees for protection under an order, and which considers visibility, and the individual, collective and wider impact of the tree, to arrive at an evaluation of amenity, followed by an assessment of expediency. The combination of the TEMPO assessment and the threat to the trees identified through receipt of the s211 notice was enough for it to be considered expedient to make the TPO.

- *3 – This TPO could be looked upon as an attempt to withdraw a planning permission, which cannot possibly be a proper use of the TPO system.*

A TPO cannot have the effect of withdrawing planning permission. Having planning permission which includes works to a tree subject to a TPO removes the requirement to separately obtain consent for those works under regulation 13 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012. It is one of the exceptions under regulation 14.

In addition, the planning permission in question is clear that, due to the removal of the vehicle access and removal of trees from the description of the proposed

development, together with further clarification within the directives, the permission does not include the driveway. Therefore, as it does not include any aspect which would grant permission for the removal of the trees, the making of the TPO cannot be seen as a means of withdrawing that. Any permitted development rights which may exist for the driveway can be restricted through the making of the TPO. This is described in regulation 14(1)(a)(vii) of the aforementioned 2012 regulations.

- *4 - The TPO seems most likely to make an already complicated situation even more complicated, which is also not a desirable state of affairs.*

The effect of the TPO is straightforward – it makes it an offence to carry out works to the trees it protects. The view of officers was that, without sufficient deterrent, there was a possibility the trees could be removed. It is clear there was a proposal for their removal hence why the section 211 notice was received.

3.0 VISUAL AMENITY ASSESSMENT

- 3.1 Visibility: The trees are clearly visible from a public vantage point, standing as they do in the highway.
- 3.2 Individual, collective and wider impact: The trees are reasonable in form, with a life expectancy of 20-40 years. This secures their future potential to provide amenity to the area for some time to come. The trees form part of an avenue which is cohesive in its form, the aesthetic value of which would be lessened via the removal of two of its' constituent parts. As part of a prominent avenue, the trees can be considered as making a contribution to the landscape and a significant contribution to the character of the Nether Edge Conservation Area.
- 3.3 Brincliffe Gardens remains one of the most complete examples of Lime avenues on the Kenwood estate, with nearby avenues such as Albany, Montgomery, Kenbourne and Rundle Road being far less complete. The Council's own Conservation area documents for this area highlight the tree lined streets as being a feature (See point 11.8 in Appendix D and points 8.0 of Appendix E). The same documents also make reference to the degradation of these avenues through the creation of driveways (see 8.3 and 9.1 Appendix E). Historical photographic evidence (Appendix F) shows Brincliffe Gardens as already tree lined with young trees at a time when only three houses had been built, indicating that the street was created with the trees as an integral part of the street's plan. As such the trees clearly meet the criteria which the local authority is asked to consider when assessing amenity. Their loss would add to the degradation of the conservation area, and their retention is therefore desirable.
- 3.4 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by the assessing officer at the time and is attached as Appendix B. The assessment produced a clear recommendation for protection.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

- 5.1 Protecting and retaining significant mature trees from felling feeds into achieving the commitments made in both the Council's one year plan and Climate Emergency Declaration
- 5.2 Protection of the trees detailed in Tree Preservation Order No.446 will benefit the visual amenity of the local environment.

6.0 FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

- 7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (Section 198, Town and Country Planning Act 1990).
- 7.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the Order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.
- 7.3 The local authority may choose to confirm a TPO it has made. If an Order is confirmed, it will continue to have legal effect until such point as it is revoked. If an Order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.
- 7.4 A local authority may only confirm an Order after considering any representations made in respect of that order. A single objection has been received and a detailed response is provided above.

8.0 RECOMMENDATION

- 8.1 Recommend Provisional Tree Preservation Order No.446 be confirmed.

Michael Johnson, Chief Planning Officer

1st March 2022

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No 446 (2021)

15 Brincliffe Gardens, Sheffield, S11 9BG

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 446 (2021) – 15 Brincliffe Gardens, Sheffield, S11 9BG.

Interpretation

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

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

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

Dated

27TH OCTOBER 2021

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



Duly Authorised Signatory
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21/1688/3132



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	Tilia x europaea – Common Lime	SK 3385SW
T2	Tilia x europaea – Common Lime	SK 3385SW

Trees specified by reference to an area

(within a dotted red line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>

Groups of trees

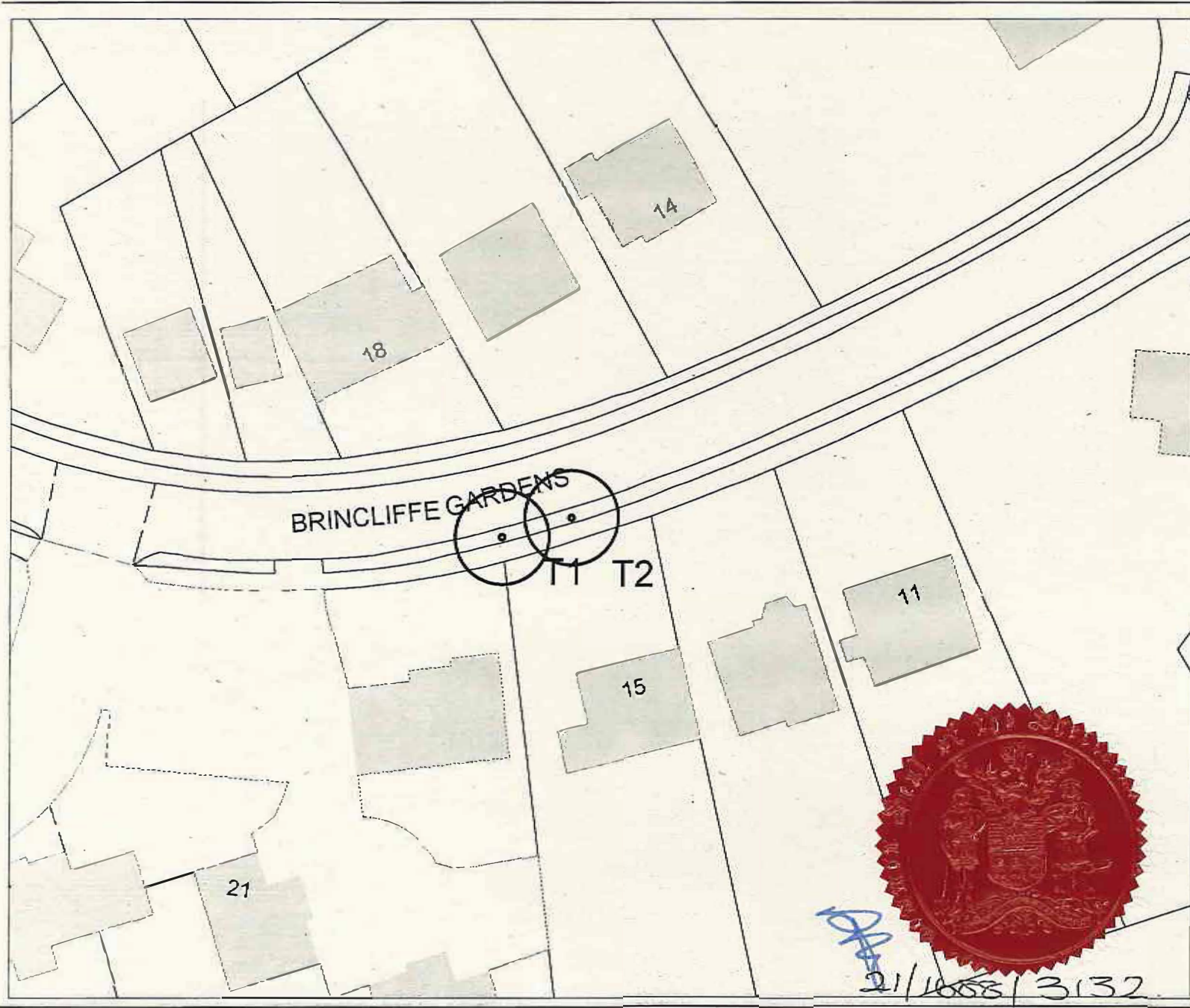
(within a solid red line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>



NOTES / REVISIONS:

Notes:
 These of this data acts as agreement to the following statements:
 a. Copyright Sheffield City Council, All rights reserved in Chapter IV of the Copyright, Designs and Patents Act 1988 have been generally asserted
 © This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office. Crown copyright and database rights Ordnance Survey 100018316 2/15

TREE SCHEDULE

○ Trees specified individually. (Encircled in black on the plan)

T1 Common Lime - Latin name
 T2 Common name - Latin name

Trees specified by reference to an area - None
 Trees specified by reference to a group - None
 Trees specified by reference to a woodland - None

SK 3385SW
 Measurements shown approximate.

SHEFFIELD CITY COUNCIL DEVELOPMENT SERVICES PLANNING SERVICE CITY GROWTH		
SCHEME: TREE PRESERVATION ORDER No. 446		
TITLE: 15 Brincliffe Gardens, S11 9BG		
SCALE: 1:500 @ A4		
Drawn by: ST	Checked by:	Date: 12.09.2021
Drawing No.: A4/UED/808/446		

Duly Authorised Signatory

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date:	07.09.21	Surveyor:	Drew Leeper
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Tree details	
TPO Ref (if applicable):	Tree/Group No: T1 Species: Common Lime
Owner (if known):	Location: Roadside verge outside no. 15 Brincliffe Crescent, Never Edge

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes	3
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* Relates to existing context and is intended to apply to severe irremediable defects only

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

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

Score & Notes	2
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* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes	4 Forms an avenue of limes
--------------------------	----------------------------

d) Other factors

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

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

Score & Notes	4
--------------------------	---

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes	3
--------------------------	---

Part 3: Decision guide

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

Add Scores for Total:	16
------------------------------	----

Decision:	Definitely merits TPO
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TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date:	07.09.21	Surveyor:	Drew Leeper
-------	----------	-----------	-------------

Tree details	
TPO Ref (if applicable):	Tree/Group No: T2 Species: Common Lime
Owner (if known):	Location: Roadside verge outside no. 15 Brincliffe Crescent, Never Edge

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes

3

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

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

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

Score & Notes

2

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

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes

4 Forms an avenue of limes

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 | <h4>Score & Notes</h4> <p>4</p> |
| 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 | |

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|-------------------------------------|
| 5) Immediate threat to tree inc. s.211 Notice | <h4>Score & Notes</h4> <p>3</p> |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Part 3: Decision guide

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

Add Scores for Total:

16

Decision:

Definitely merits TPO

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Dear Sirs,

Objection to Tree Preservation Order (TPO). Please accept this letter as an objection to TPO no 446, 15 Brincliffe Gardens, Sheffield, S11 9BG.

Your reference; LS/RC/96105.

My clients in this matter xx xx who own the above property. The trees protected by the Order are two Lime trees, at the front of the property growing in the highway verge.

Background. I was asked to look at this site in December 2019 as a planning application was proposed. Permission was subsequently granted for my clients to extend the house and erect a garage. (Planning application reference 19/04301/FUL) The permission implied that there was no objection to the removal of the two street trees that are now the subject of the TPO. In October 2020, I submitted a Section 211 Notice (S211) as the Highways people were not sure about the regulations surrounding trees in relation to highway crossings. Serving a S211 seemed the simplest way of showing there was no objection to the removal of the trees. One of your Officers, e-mailed to tell me that he couldn't accept the notice and referred me to his colleague, who informed that removal of the trees was up to the Highways Authority. He agreed that I could use his e-mail correspondence to show that I had complied with the Conservation Area regulations. I reported this back to my clients and their Architects. On November 2nd 2021 I was made aware of the TPO, which was served on October 26th 2021. I don't know what provoked this action at this time although the above correspondence did mention a S211, which I presume was the one served by me over a year ago. After speaking with legal services on November 11th (last week) and subsequently with xx xxx and his (new) Architect we decided that we should make an official objection.

The National Planning Policy Framework (neither the original or the recent revisions) has very little to say on the subject of trees. For that we have to turn to the Government's TPO guidance which can be found on line: <https://www.gov.uk/guidance/tree-preservationorders-and-trees-in-conservation-areas> The following comments will refer to this guidance, which has the same "weight" as the National Planning Policy Framework (NPPF).

Reasons for objection. My first reason for objection is that it is not expedient to protect trees in the ownership of a local authority. Trees that are in good management do not need to be protected by TPOs, the Government guidance says as much at paragraph 10. It is not at all appropriate for a Council to apply to itself for permission to remove a protected tree. Not only is it creating a lot of unnecessary paperwork, but it is fundamentally wrong for the Council to be its own judge and jury. In the past, it was routine for Councils seeking planning permission to make an application to the Secretary of State for planning permission for themselves. I cannot imagine the Right Honourable Michael Gove MP (at the time of writing the Secretary of State for Levelling Up, Housing and Communities) welcoming an application from Sheffield Council to prune 2 of their own trees! Incidentally, if the TPO was served in response to my S211, shouldn't I have received a copy of the TPO when it was served? The Government guidance sets great store by "amenity valuation." At every stage in the TPO system the guidance emphasises that the amenity value of trees should be appraised and decisions as to their treatment made after considering their amenity value. The amenity valuation should have been supplied along with the regulation 5 notice. The Government guidance states fairly categorically (at paragraph 8) that "Public visibility alone will not be sufficient to warrant an Order." Although the regulation 5 notice states the trees provide "significant amenity value in the local landscape" there is nothing to tell us that the trees are anymore than merely visible. My greatest concern with this TPO is that it has been served primarily to muddy the waters

around the planning permission. Effectively this is the Council giving planning permission with one hand, but taking it away with the other. Although I accept that many people have garages that are unlikely ever to be used for cars, having a garage that has no vehicular access at all seems somewhat obtuse.

Conclusions.

1. There is no need for these trees to be protected. The decision as to how they are pruned or whether they are removed is entirely the Highway department's. It is not expedient for the Planning Department to involve themselves and this TPO will make no difference to anything.
2. Although the trees are prominent in the highway, Brincliffe Gardens is not a major thoroughfare and very few people are likely to pass by. There are numerous other trees in the street and these two are extremely nondescript specimens. In other words, the trees have low amenity value.
3. This TPO could be looked upon as an attempt to withdraw a planning permission, which cannot possibly be a proper use of the TPO system.
4. The TPO seems most likely to make an already complicated situation even more complicated, which is also not a desirable state of affairs.
5. It should not be forgotten that misusing the TPO system can only serve to weaken the protection on trees that are justifiably the subject of a TPO.

I trust you will find this acceptable and look forward to hearing from you. I would be grateful for an acknowledgement of this letter.

APPRAISAL OF GENERAL CHARACTER

Uses And Activity

3.0 Nether Edge evolved primarily as a Victorian and Edwardian residential suburb. The main use of the area remains residential, although a number of non-residential uses can also be found. These include shops, hotels, care homes, offices, schools, university buildings, pubs and restaurants, many of which (such as the shops in Nether Edge Village) developed as the surrounding residential areas grew. Non residential uses can be found on many streets although most are concentrated on Psalter Lane, Montgomery Road and around Machon Bank. Properties such as Kenwood and Brincliffe Towers have been converted to hotel and care homes respectively, due to their large size. There are very few vacant sites or premises.

Archaeology

4.0 There are no recorded sites indicating significant archaeological potential. Given the age of the development in the area any deposits may have been destroyed or overbuilt.

Urban Structure And Movement

5.0 There are many routes, junctions and access points of local importance and this reflects the area's permeable street layout. Key routes are Psalter Lane and Sharrow Lane. Their junction at Sharrow Head is a significant nodal point which distributes traffic to and from the City Centre and London Road. The Psalter Lane junction with Cowlshaw Road, the latter linking with Hunter's Bar, is also a significant node and point of access. Montgomery Road and Wostenholme Road also act as an important route through the area linking it with the City Centre. The cross roads at Nether Edge shops is another key focal point and node in the area.

5.1 The escarpment of Brincliffe Edge/Psalter Lane marks a clear and distinctive boundary to the area. Psalter Lane, as the main route through the area and because of its straightness (which affords a vista along its length), reinforces the legibility



Fig.7 *Psalter Lane is an important route through the area, especially at rush hour.*

of the escarpment edge. The superb avenue of lime trees on Psalter Lane makes it one of the finest approaches to the city centre. Frog Walk, which emerges at Sharrow Head, links the area with Ecclesall Road and the Porter Brook footpath. The footpaths through the steep woodland of Brincliffe Edge are also important for both leisure and access.

5.2 Because the area is so close to the city centre its location is well served by public transport. There are regular bus services along Montgomery Road and Psalter Lane and the city centre is within easy reach for pedestrians and cyclists. Such inner areas are now sought after residential environments because of their easy access to facilities and employment and the increase popularity of "city" as opposed to suburban lifestyles.

5.3 Away from the main roads, orientation and legibility is more problematic. The area has no true perceptible centre apart from the shops at Nether Edge, although the former hospital and Marriot Hotel act as important local landmarks and points of reference. There are few other major landmarks, although many buildings possess



Fig.8 Brincliffe Edge from Chesterfield Road - the wooded escarpment edge is a significant topographical feature in the landscape, important for the legibility of Nether Edge and the wider area.

visually distinctive and arresting architectural character, with minor landmark features such as towers, gables and double height bays. Orientation is particularly difficult in Kenwood, because of the similar appearance of its Victorian streets and the informality of the street layout. This is exacerbated by the prevalence of junctions of five or more streets, a distinctive feature of the area. However, the more regular street pattern in the vicinity of Brincliffe and Nether Edge is more readily perceived.

5.4 The “rat running” of vehicles through residential areas of Nether Edge, particularly on Nether Edge Road, is a particular problem during peak times of the day. This problem is of localised importance which diminishes the character, appearance and amenity of the area.

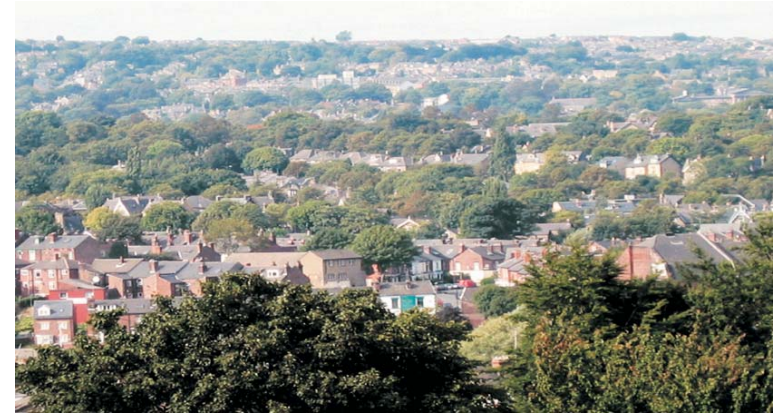


Fig.9 View of Nether Edge from Meersbrook Park - the sloping topography and abundance of trees is the main feature of the area's landscape setting. Note that no building breaks the tree canopy.

Landscape Setting

6.0 The Brincliffe/Psalter Lane area, as the name suggests, is situated upon a major escarpment. This forms Brincliffe Edge, which defines the south-west side of the area before turning north-eastwards, close to its highest point, on the line of Psalter Lane. The steep wooded south-west slopes of Brincliffe Edge forms a significant feature in the landscape (Fig.8). The former quarry to the extreme west is also highly visible, especially from Ecclesall Road. To the north-east of the escarpment edge the land slopes away to the east, abruptly at first before becoming more gentle when Nether Edge Hospital and shops are reached.

6.1 To the south of Psalter Lane is an undulating plateau which reaches its highest point at the site of the former St. Andrew's Church, before the land eventually slopes away to the east. This slope is in fact a series of small valleys which increase in size toward Brincliffe Edge. The varied form and inclination of the plateau are important to the local residential character, providing a distinctive and diverse physical

environment. The enclosing escarpment edge and the easterly aspect of the land are the key influences on the shaded character of the area, particularly during the winter months and in the late afternoon and early evening during the summer.

6.2 Unlike many other elevated areas of the city the skyline of the area is relatively unbroken by development (especially following the demolition of St. Andrews parish church), and this is an important feature of its landscape character. The dominance of trees and the wooded appearance of the area within the landscape, particularly when the trees are in full leaf, softens the urban form of the area and provides a seasonally varied backdrop to the city. The changing colour of the tree canopy from spring to autumn is a vital component of the landscape character. During the winter months the area's urban character is more apparent. More detailed clarification of natural features and topography at a local scale is provided within the character areas sections below.

Page 31 Architecture And Building Materials

7.0 While Nether Edge is characterised by a range of building forms from various periods it is the Victorian and Edwardian villa development which gives the area its special character. Buildings of historic interest are identified on the Character Area Maps (Figs.2-4) for the Conservation area and include both listed and unlisted properties.

7.1 Villa development tended to adopt the 19th Century Gothic Revival style popular in this period, although the more restrained Georgian influence is also seen in a number of earlier properties (Fig.10). The gothic style is boldly expressive and richly detailed, with a solid appearance, often asymmetrical in form and commonly with a highly ordered arrangement of gables, dormers, bay window and towers balanced by regular openings or other rhythmic features. The villas possess impressive verticality, modelling and three-dimensional quality, with steep roof pitches, dormers and varied roof forms providing attractive skylines. The more classical, Georgian influence to some houses leads to a more restrained building form, with shallower hipped roofs, simpler and more symmetrical elevations and roof forms, commonly with tall chimneys on either gable.



Fig.10 The complex asymmetrical gabled form of the gothic style villa (left) strongly contrasts with the more symmetrical and restrained classical (or Georgian) influenced villas (right).

7.2 Many villas are built on a grand scale and these tend to be the more richly detailed (eg Brincliffe Towers, Springleigh, villas on Brincliffe Crescent). Some of the typical architectural features are illustrated in Figure 11. Nevertheless, even the smaller villas possess similar vertical scale and style. In the more spacious earlier areas the space around villas is expansive and dominated by planting, with the villas designed (in their three-dimensional form and position of bay windows) to relate to their landscaped setting. On many streets the design of individual houses is subtly varied within the common architectural vocabulary outlined above (eg. Montgomery Road, Kenwood Park Road) whereas in other areas there is a more marked variation in form and materials (Brincliffe). On other streets there is a more uniform design of houses, with the regular pattern of repeated features generating strong rhythms and skyline interest (eg. Psalter Lane, Albany Road, The Edge and Violet Bank developments).

7.3 There is also a range of early 20th Century houses in the area often mixed with earlier Victorian villa, from Queen Anne influenced half timbered Edwardian Villas to Arts and Crafts style houses, particularly along Kingfield Road and Meadow Bank Avenue. Although the inter-war semis and detached houses are less finely detailed and of a smaller scale than the Victorian and Edwardian villas, they repeat some of the typical forms and features found in Nether Edge, such as hipped roofs and bay windows.



(a) Varied roofing and architectural forms.



(b) Towers.



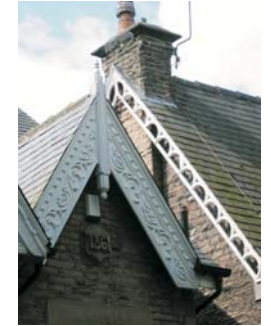
(c) Gables in asymmetrical design.



(d) Hipped roofs.



(e) Chimneys with pots.



(f) Bargeboards in elaborately carved timber.



(g) Vertical emphasis & heirarchy of window sizes and forms.



(h) Bay windows, both single and double height.



(i) Sliding sash windows constructed in timber.



(j) Carved stone, including window/door surrounds, mullion, quoins and hood moulds.



(k) Dormers are characteristic of some Victorian properties. Note the glazed cheeks.



(l) Stone sills and lintels.



(m) Entrances in elaborately carved wood or stone in classical style.



(n) Decorative timber porches, common in high Victorian Tudor Gothic architecture



(o) Ironwork as decoration.



(p) Finials to the apex of roofs.



(q) Uncoursed squared rubble - common to side elevations and some inter war houses.



(r) Coursed stone typical to main elevations often in diminishing courses.

Figure 11 - Typical architectural features in Nether Edge

7.4 Masonry is typically squared rough sandstone, usually laid in regular courses to main elevations and occasionally upon a plinth often with quoins to corners. Brindle brick is used on some areas, such as the Grange development off Sharrow Lane and some houses within Nether Edge village, often for the side and rear. Dressed stone heads and cills are common and some windows incorporate stone mullions. The stone has a characteristically warm yellow colouring and was quarried locally. In some Edwardian and inter-war development exposed timber and painted render in the mock Tudor style is employed on front gables. Roofs are predominantly of welsh slate, although there are clay tiles on some later 20th Century development.

7.5 Many villas remain in good original condition, with the retention of typical joinery features and decoration. Elaborately carved barge boards, doors, windows, frames and mouldings are of painted timber construction, with the common use of two and four pane vertical sliding sash windows (with horns) on earlier houses. Some later Edwardian houses, such as the semi-detached houses on Psalter Lane have original casement windows, occasionally incorporating leaded lights and curved glass. Cast iron is also decoratively employed in railing, gateways and other detailing. The quality of local craftsmanship in building construction and techniques is high.



Fig.12 *Brincliffe Towers is a fine crenallated villa which was once the hub of local Victorian society. Its former grounds now comprise Chelsea Park.*

7.6 The poor quality of much more recent architecture, ranging from 1960s infill development, standardised housing styles and pastiche architecture are generally insensitive to the characteristic form and appearance of historic development within the local area. A particular ugly and insensitive building to the setting of the conservation area is the modern extension to Sheffield Hallam University Campus on Psalter Lane, which envelops the attractive original Edwardian building. Many of the slab-like apartment building constructed during the 1960s and 70s are also unsympathetic to the character of the area.

7.7 Some inter and post war development within the area introduces other materials and details, such as brick, concrete tiled roofs and softwood window frames which lack the character and quality of the Victorian buildings nearby. The installation of UPVC windows and doors which lack the detailing and profile of the original sash windows, have seriously damaged the character and integrity of those properties where they have been installed. The widespread use of “strap” re-pointing of masonry with hard cement-rich mortars has also been visually and physically damaging to stonework.

Trees, Parks And Gardens

8.0 Trees are a defining feature of the area. The leafy character is most prevalent on the older Victorian streets. Commonly trees, such as those on Psalter Lane and Montgomery Road, are arranged as avenues either within the highway or within adjoining front gardens. The trees add to the formal and planned character of such streets. Indeed, trees on Lyndhurst Road were laid out prior to the development of adjoining plots, reflecting the desire of the original Victorian developers to create a picturesque environment in contrast to the industrial landscapes nearby (Fig.13). Typical species are ash, sycamore and limes, beech and horse chestnut and those planted in Victorian times are now fully mature. They provide impressive verticality and spatial definition to the area. In some areas they form an extensive canopy and tree groups provide important backdrop to views and vistas. During the summer months the extensive tree canopy contributes to the distinctively shaded character of the area.



Fig. 13 Lyndhurst Road - one of the finest tree lined streets in Brincliffe laid out in 1868. The trees which frame the vista down the road, were laid out prior to houses being built to create a leafy environment.

8.1 Chelsea Park is the most significant area of greenspace. Formerly part of the grounds of the Brincliffe Towers this attractively sloping area of parkland, with its mature trees, is well used by local people. The parkland itself is largely invisible from the outside, being obscured either by high walls or trees, although the latter do contribute significantly to the visual quality of adjoining areas. Public art within the park is an additional attraction.

8.2 Elsewhere, generally well maintained and planted private gardens and forecourts and roadside trees provide an attractive setting for residential properties, a perfect foil to the often formal layout of houses in the area and their assertive Victorian and Edwardian architecture. A number of the larger gardens were landscaped to a high standard and the most important are included on the Local List of Parks and Gardens.

8.3 Due to their age, many houses within the area were built without parking spaces. The construction of parking spaces and other hard surfaces in front gardens has often diminished the characteristic greenness in the street and has resulted in

a harsher setting for houses and the street as a whole. This problem is an increasing trend given the rising levels of car ownership.

Floorscape & Boundaries

9.0 Stone walls are a very significant feature within the area and are largely continuous. Most are well constructed in rough sandstone or gritstone, generally in regular courses and of variable size, some with dressed coping stones, although some original random stone agricultural boundary walls still exist. Wall heights vary and many are topped by well maintained native hedges, although intrusive conifers, such as *leylandii*, exist in some areas. Original points of access, such as paths or driveways, often retain decorative stone entrance pillars and, occasionally, wrought iron gates. Railings are much rarer. Where previously in existence they have frequently been removed, in most cases during the wartime acquisition of metals for weapons.

9.1 The gradual loss and poor maintenance of original boundary walls and the creation of driveways and forecourt parking using non-traditional paving materials has been a serious concern. The cumulative loss of wall frontage and other boundary features, coupled with the parking of cars in the forecourt area, has seriously eroded the original character of the area. Where they do exist walls are frequently in poor condition, with structural problems often caused by adjacent trees and shrubs, requiring re-pointing or having been re-pointed with intrusive “strap” pointing in cement rich mortar which is damaging to the stone.

9.2 Surfacing materials are largely tarmac, often laid over original cobbles. Original stone curbs still exist on a number of streets, although some have been replaced with modern concrete alternatives. Most surfaces are in poor condition and in need of re-surfacing, particularly suffering from the “patchwork” of tarmac as a result of the installation of services. In addition, some new residential driveways and paths have been created with fake “riven” slabs and harsh new brick paviers.

APPRAISAL OF CHARACTER AREAS

10.0 As mentioned above the Nether Edge Conservation area can be divided into at least three areas, each of which have a range of distinctive characteristics. These are:

Brincliffe and Psalter Lane: This peaceful sub-area is to the north and west of the wider area and is characterised by generally more formal road layouts very large Victorian and Edwardian villas on substantial plots, with landscaped grounds and a number of tree-line roads. Psalter Lane marks the boundary of the area to the north and many houses along this road are more intensively developed.

Kenwood: The area to the east is a planned picturesque residential environment characterised by contrasting formal and informal qualities, with Victorian villas and roadside trees, developed at a higher density than Brincliffe. It is the most “leafy” and unified of the three areas.

Nether Edge Village: A highly varied area to the south with more regular street and housing layout with steeply sloping topography and generally more densely laid out than the other areas, although many Victorian and Edwardian development still have sizable gardens. The area possesses the two key landmarks and focal points in the area in the form of the former Nether Edge Hospital and shops on Machon Bank.

The following examines the characteristics that distinguish each area.

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Brincliffe and Psalter Lane

Historical development

11.0 The Brincliffe and Psalter Lane area was still predominantly rural at the time of the enclosure of land. Apart from Psalter Lane, Brincliffe Edge Road and Cherry Tree Lane, which are ancient routes, the street pattern we see today is essentially the product of suburban residential development which commenced in earnest during the mid to late 19th Century. The first streets were laid out near to Psalter Lane in the 1840s (Kingfield Rd, Brincliffe Crescent, Osborne Road (formerly Workhouse Lane) and Union Road). Other streets such as Chelsea and Lyndhurst Roads were laid out two decades later.



Fig. 14 *Psalter Lane - one of the finest tree lined streets in the city. A former turnpike, it was the main route into the city until Ecclesall Road was constructed. The width of the street at 60 feet was to allow grass verges for horsemen.*

11.1 Houses were built only gradually, generally on an individual basis, in contrast to the larger estates built by speculative developers at Kenwood and Nether Edge,

and some areas remained undeveloped for many years. One of the earliest and grandest country residence in the area was Brincliffe Tower (1852) and its associated estate now forms Chelsea Park. The lodge for the estate is in fact an original farmhouse predating the main house. Clusters of villas developed around Brincliffe Crescent, Osborne Road and Williamson Road where it joins Psalter Lane.

11.2 Remarkably, while other areas of Nether Edge were well developed by the turn of the Century there was still a considerable amount of open land adjoining Psalter Lane. In 1898 the Brincliffe Estates Company was established by local residents to try to develop Kingfield Road and Brincliffe Crescent, largely to prevent poorer quality speculative housing. However, during the Edwardian period many of the gaps were filled in, particularly when the fine semi-detached houses were built along Psalter Lane. Significant further development continued thereafter during the inter war and post-war period, infilling the remaining areas of open land on Chelsea Road, Lyndhurst Road, Cherry Tree Road and Kingfield Road.

Natural features and topography

11.3 The area sits upon a plateau, which to the north is relatively flat, whereas to the south there is a shallow incline toward the east. Beyond the plateau, the land falls away abruptly to the north and west. Few original natural features survive the suburban development except possibly some hedgerow trees, particularly those in Chelsea Park and some within larger gardens.

Townscape and spatial character

Density and grain

11.4 The density and grain of much of the development in the Brincliffe area is very spacious, with large detached “villas” set in landscaped grounds, constructed during the late 19th Century (Fig. 15a). While the spaciousness of the Victorian development has been retained, elsewhere development during the 20th Century has been at a somewhat finer grain. The development on Psalter Lane and Kingfield Road and (Fig. 15b) is characterised by houses more densely laid out on smaller plots (although



a Spacious development within the Brincliffe Area with many villas invisible in street.



b Medium density development around Psalter Lane



Fig.15 Brincliffe and Psalter Lane - Comparative street layout, density of grain

still of medium density) and closer to the road, increasingly with the use of semi-detached properties.

11.5 Within the inter-war and post-war areas densities have generally been compatible with the surrounding earlier development. The generous plot size has been maintained on some streets (eg Lyndhurst Road) while reduced on others (eg Chelsea Road). Occasionally the largest Victorian villa plots have been sub-divided, often

changing the apparent density and harming the spacious character of the area (eg. development on Brincliffe Crescent). The characteristic densities, plot layout and size are illustrated in Figure 15.

Street and housing layout

11.6 In the less dense areas of Brincliffe to the north and west, the pattern of Victorian development closely follows the layout of fields created by enclosure. Most streets run north-west/south east, either gaining access from Psalter Lane or running parallel to Brincliffe Edge. Within these areas the relationship between villas and roads is often informal. Most of the larger plots are situated on higher ground, no doubt to exploit potential views which may have existed at their time of construction (Fig.15a). Later development along Psalter Lane and to the east is more formally related to the road, (Fig.15b) houses having front gardens or forecourts, large rear gardens, with a more consistent building line at a regular distance from the road. The elongated shape of blocks to the south of Psalter Lane is a particular characteristic.

11.7 Inter war and post-war layout of housing has generally continued the existing pattern of development in the area. Importantly, it has respected original boundaries and retained building lines and set-backs which give the streets their spacious character. Houses commonly face the road although some "backland" development has occurred to the rear of some larger plots.

Visual and perceptual qualities

11.8 The area has a wide range of residential environments including large Victorian and Edwardian villas on spacious plots, medium sized terraced and semi-detached Edwardian villas, inter-war semis, post-war bungalows and detached housing. Significant unifying features are the spacious geometry of the streets and the dominance of trees, planting and boundary walls within the streetscene. This is especially true of Psalter Lane and Lyndhurst Road, where there are impressive vistas along roads framed by roadside trees. The straightness of many roads combined with sloping topography enhance their dramatic quality.



Fig. 16 The attractive rhythm, with the repetition in form of semi-detached villas is one of the key features of the more densely laid out properties on Psalter Lane.



Fig. 17 Villas on Clifford Road - an important group of buildings, with the nearest property turning the corner onto St. Andrew's Road.

11.9 The regular spatial layout and geometry of streets in the area means that there is little sequential variation of spaces as one moves around the area. However, this uniformity is relieved by the varied topography, greenery views and vistas. The transition from one character area to another, such as into the more dense Nether Edge or Kenwood environments is gradual rather than sharply defined. There are also surprisingly few landmarks or other focal features within the area.

11.10 The denser areas, such as Psalter Lane and Clifford Road have a number of fine closely grouped detached and semi-detached villas terraces, with attractive detailing, rhythm and skyline interest (Figs.16 &17). On Psalter Lane, the more closely spaced semi-detached villas and trees also creates greater continuity of enclosure. These spatial characteristics emphasise the linearity of the road, particularly the straighter eastern end where trees and buildings define possibly the finest vista along any road in the city (Fig.14).

11.11 Elsewhere, in the more spacious areas of Brincliffe, the dominance of trees and planting combined with the spacious character of the area means that building groups are less common (Fig.15a). Villas sit within large landscaped plots and are sometimes hidden from the road. Buildings are generally of two or two and a half storeys, although they provide little physical enclosure and definition of the space because most are set well back from the road. Instead, this is provided by



Fig. 18 A typically substantial Victorian villa within the Brincliffe area.

boundary walls and trees adjacent to the road or within the footway (Fig.18).

11.12 There are also significant views from Brincliffe hillside of the area and city beyond, particularly from Chelsea Park. From Psalter Lane there are glimpses toward Endcliffe, Broomhall and Broomhill to the north. Elsewhere, the leafy character of the area, especially during the summer, means that there are surprisingly few views toward surrounding areas.

11.13 The area is generally very quiet with few cars, cyclists or pedestrians away from Psalter Lane and upper Kingfield Road. These roads are reasonably busy throughout the day and evening. The residential nature of the area and its location away from main local facilities such as shops adds to this peaceful character. The only exception to this is during the morning and evening rush hours when there is a significant increase in the number of vehicles. Much of this is relatively fast moving given the wide streets and permeable nature of the road network and much is associated with "rat running" to avoid busier main routes to and from the city centre.

Important buildings and building groups

11.14 Buildings of historic interest are identified on Fig.2 and mainly relate to the Victorian and Edwardian buildings in the area, although some earlier structures are also included. A small number of these buildings are listed.

11.15 One of the grandest of the unlisted buildings is **Brincliffe Towers** (1852), the original building of which was the forerunner of the highly characteristic gothic style adopted in the wider area and particularly notable for its impressive tower and crenellated form (Fig.12).

11.16 **The Towers** (1872) on Brincliffe Crescent is a later villa with lodge, both of which are grade II Listed Buildings. The house retains large grounds.

11.17 **Argyll House** and **Beckford Lodge** on Williamson Road are a pair of fine villas with highly distinctive building and roof forms.

11.18 The most significant building groups are the Edwardian villas on Psalter Lane which are described above. They help to contribute to the distinctive character of this impressive route into the city. Coherent villa groupings can also be found on the southern end of Clifford Road.

Appendix F.

Historic photograph of Brincliffe Gardens from circa 1922. The street is shown at a time when there were only three houses built on the street.



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SHEFFIELD CITY COUNCIL
Planning and Highways Committee

Report of: Director of City Growth Department

Date: 01/03/2022

Subject: Applications under various acts/regulations

Author of Report: Sarah Hull and Chris Heeley

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

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

Category of Report: OPEN

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Case Number	21/04810/FUL (Formerly PP-10388297)
Application Type	Full Planning Application
Proposal	Demolition of existing single storey garage/storage building and erection of 3x dwellinghouses with parking and landscaping (Resubmission of 21/02982/FUL)
Location	Land At Rear Of 14-16 Oldfield Avenue Oldfield Grove Sheffield S6 6DR
Date Received	12/11/2021
Team	West and North
Applicant/Agent	JUMP Architects
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development shall be carried out in accordance with the following plans:-

- Drawing No. A-101 Rev D (Site Location and Block Plan)

published on the 12 November 2021

- Drawing No. A-110 Rev J (Site Ground Floor Plan and Elevations as Proposed)

- Drawing No. A-111 Rev H (Proposed Unit Plans and Elevations - Site 1)

- Drawing No. A-112 Rev A (Proposed Unit Plans and Elevations - Site 2)

- Drawing No. A-113 (Proposed Unit Plans and Elevations - Site 3)

published on the 12 January 2022

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

4. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

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

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

5. 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.

6. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellinghouses shall not be occupied 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.

7. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing and layout of the car parking accommodation shall have been submitted to an approved in writing by the Local Planning Authority. The dwellinghouses shall not be occupied unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

Other Compliance Conditions

8. The rear dormer bathroom windows on the south facing elevation of the three properties shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and any opening part of the window shall be positioned at least 1.7m above finished floor level. No part of the window shall at any time be glazed with clear glass.

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

9. The lowest part of the rooflights on the south facing roofslopes of the three properties serving the study rooms shall be positioned at least 1.7m above finished floor level.

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

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

Reason: To prevent the overdevelopment of the site, bearing in mind the restricted size of the plots.

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 applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
3. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority
4. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
5. The site is located close to Northern Powergrid apparatus. Great care is therefore needed and all cables and overhead lines must be assumed to be live. The developer is advised to read the letter received from Northern Powergrid prior to commencing work on site, which can be found on the application's case file on the Council's website.
6. 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. You should apply for permission, quoting your planning permission reference number, by contacting:

Ms D Jones
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street

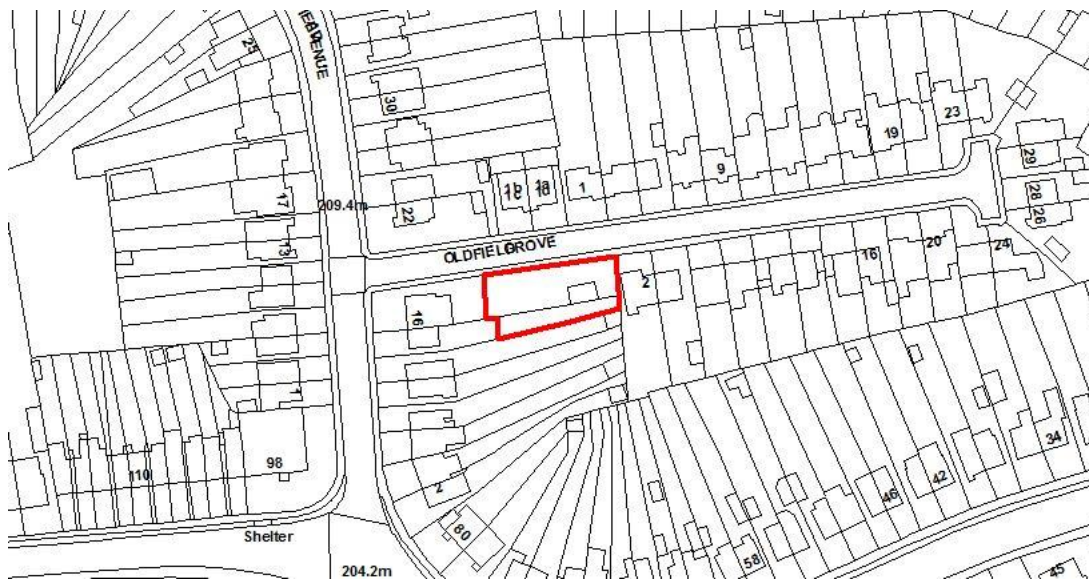
Sheffield
S1 2SH

Tel: (0114) 273 6136

Email: dawn.jones@sheffield.gov.uk

7. The applicant is advised to consider the incorporation of hedgehog friendly boundary treatments to allow hedgehogs and other small mammals to continue foraging.

Site Location



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BACKGROUND

This application relates to part of the rear garden curtilages of 14-16 Oldfield Avenue, a pair of semi-detached dwellinghouses in Stannington. Until recently, the application site benefited from planning permission to demolish the property's garage and erection of two dwellinghouses. This permission, under planning reference No. 18/03386/FUL, lapsed on the 8 January 2022.

A subsequent application to erect 2 dwellinghouses and 2 apartments on this site (21/02982/FUL) was withdrawn on the advice of planning officers in October 2021.

LOCATION AND SITE CHARACTERISTICS

No.s 14-16 Oldfield Avenue are located on the corner of Oldfield Avenue and Oldfield Grove in a predominantly residential area in Stannington. These two properties sit within generous plots (633 square metres in respect of No. 16) with front gardens to Oldfield Avenue and rear gardens that extend for over 42m. The rear garden of No. 16 fronts onto Oldfield Grove on its northern side.

The application site covers an area of approximately 475 square metres, the majority of which (approximately 347 square metres) forms part of the rear garden of No. 16 Oldfield Avenue. To its east is the western property of a pair of two-storey semi-detached dwellinghouses (No. 2 Oldfield Grove), to its south is the rear garden belonging to 12 Oldfield Avenue and to the west is the retained rear gardens of Nos 14-16 Oldfield Avenue.

The application is situated in a Housing Area as identified on the UDP Proposals Maps.

PROPOSAL

Full planning permission is being sought to erect three detached dormer bungalows on this site. The dwellinghouses would be identical in appearance, each two-storey in height and having 2 first floor bedrooms. Each property would be allocated with two off-street parking spaces, accessed from individual driveways from Oldfield Grove, and have rear gardens some 53 square metres in area.

The area of the application site has increased by approximately 133 square metres (38%) from the site area that was approved in January 2019 for two houses following the applicant's acquisition of part of the rear garden of No. 14 Oldfield Avenue.

RELEVANT PLANNING HISTORY

In 1990 outline planning permission was granted for the erection of a bungalow on this site. This permission lapsed in 1993 (application no. 90/0745P refers).

Two applications for extensions at No. 16 have been granted. In 1991 for an extension to the kitchen and to form a wc and lobby (application no. 91/0651P). In 2015 full planning permission was granted for a two-storey side extension and single-storey rear extension. This permission has since been implemented (application no. 15/01976/FUL).

18/03386/FUL - An application for the demolition of a garage and erection of 2no. dwellings with associated parking was approved on 8 January 2019.

21/02982/FUL - An application for the demolition of garage/storage building and erection of 2 dwellinghouses and 1x apartment building comprising 2 flats, with associated parking and landscaping was withdrawn on 20 October 2021.

SUMMARY OF REPRESENTATIONS

A high number of objections (27 in total) have been received in response to the application. An objection has also been received from Bradfield Parish Council. A summary of the responses is set out below:

Design

- Unacceptable backland development;
- The development does not conform to the pre-established pattern of surrounding buildings in terms of design;
- Out of character with surrounding properties;
- Overdevelopment of the site;
- The development is too close to No. 2 Oldfield Grove;
- Development does not respect the building line.

Highway Issues

- Oldfield Grove is a cul-de-sac, and the application site is at the top of the road which leads on to Oldfield Avenue. This will cause hazards for both drivers and pedestrians including children;
- Increased traffic;
- The positioning of the houses close to the road, where there is no kerbing, will result in the development becoming more cramped, which could lead to problems with access from emergency services;
- It is often a struggle to park on Oldfield Road. When vehicles are parked at the top of the road, which obstructs views of the junction;
- Impinge on emergency vehicle access;
- Vehicles used in the construction would lead to parking on both sides of the road and cause an obstruction and be dangerous to road users.

Amenity Issues

- Loss of light;
- Noise disturbance during construction and post development;
- Loss of privacy;
- Overshadowing;
- The development would have an overbearing appearance on neighbouring properties.

Other Issues

- Impact on wildlife. Foxes and hedgehogs have been seen visiting the site and surrounding area

Non-material Issues

- Loss of views across the valley;
- The applicant's motives.

Bradfield Parish Council recommends refusal of the application due to overdevelopment of the site.

PLANNING ASSESSMENT

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan for the site is the Sheffield Local Plan which includes the Sheffield Core Strategy and the saved policies and proposals map of the Sheffield Unitary Development Plan (UDP).

The UDP Proposals Map identifies the site as being within a Housing Area. The NPPF is a material consideration in planning decisions. The NPPF was published in 2012 and has subsequently been revised in 2018, 2019 and 2021 with consequent changes to some paragraph numbering.

Assessment of a development proposal also needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In terms of Paragraph 11, the Council's revised 5-Year Housing Land Supply Monitoring Report, which was released in August 2021, includes the updated Government's standard methodology and a 35% uplift to be applied to the 20 largest cities and urban centres in the UK, including Sheffield. The monitoring report sets out the position as of 1st April 2021 – 31st March 2026 and concludes that there is evidence of a 4 year supply of deliverable supply of housing land. Therefore, the Council is

currently unable to demonstrate a 5 year supply of deliverable housing sites.

Consequently, the most important development plan policies for the determination of schemes which include housing should be considered as out-of-date according to paragraph 11(d) of the NPPF. In this instance, the so called 'tilted balance' is triggered, and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance that include Conservation Areas, listed buildings and the Green Belt, provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The proposal involves the erection of three dwellinghouses (Use Class C3). In this instance, there are no protected areas or assets of particular importance as described in footnote 7 of paragraph 11 within the boundary of the application site. The NPPF emphasises the importance of the delivery of housing, and that importance is heightened with the tilted balance engaged. The most relevant policies in respect of this application should therefore be viewed as out of date in line with paragraph 11 (d) of the NPPF and, unless adverse impacts would significantly and demonstrably outweigh the benefits of the development, planning permission should be approved.

Set against this context, the development proposal is assessed against all relevant policies in the development plan and government policy contained in the NPPF.

It is considered that the main issues relevant to this application are:

- The Principle of Development – Policy and Land Use;
- Highway Matters;
- Design;
- Residential Amenity;
- CIL Issues;
- Other Issues; and
- Titled Balance

The Principle of Development – Policy and Land Use

The application site is identified within the Sheffield Unitary Development Plan as a Housing Area. Under Policy H10 of the UDP housing is the preferred use of land.

The application should also be assessed against Core Strategy Policies CS24 and CS26. Policy CS24 relates to the use of previously developed land for new housing and states that priority will be given to the development of previously developed sites and that no more than 12% of dwelling completions be on greenfield sites between 2004/05 and 2025/26. The NPPF defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface. Amongst other things, the definition excludes land in built-up areas such as residential gardens.

Core Strategy Policy CS24 is considered to be broadly consistent with the NPPF, which states at paragraph 119 that policies should set out a strategy for meeting need in such a way that 'makes as much use as possible of previously-developed or 'brownfield'

land', and at paragraph 120 part (c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes, and at part (d) to promote and support the development of under-utilised land and building, especially if this would help to meet identified needs for housing.

The proposal involves the development of a greenfield site, as the definition of previously developed land as set out in the NPPF excludes residential gardens in built-up areas. In this instance, the most recent figures show that the Council is currently achieving a dwelling build rate of over 95% on previously developed land and therefore the development of this greenfield site would not conflict with Core Strategy CS24.

Core Strategy Policy CS26 relates to the efficient use of housing land. In parts of the urban area that are close to high frequency bus routes such as here, it details that the density should be in the order of 40-50 dwellings per hectare. The policy does allow allowances outside these ranges in instances where they achieve good design, reflect the character of an area or protect a sensitive area.

This policy is broadly consistent with government guidance contained in the NPPF. Paragraph 124 states that planning policies and decisions should support development that makes efficient use of land, that amongst other things, takes into account the identified need for different types of housing, and the availability of land suitable for accommodating it. At paragraph 125 it goes on to say that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. At part (b) it states that the use of minimum density standards should be considered for other parts of the plan area and that it may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density.

In this instance, the erection of three dwellinghouses on this site would equate to a density of approximately 63 dwellinghouses per hectare. The density of the development would therefore be greater than the upper limit of the range set out in Policy CS26. However, as described above, the policy does allow for densities outside the range set out in the policy in instances where they achieve good design and reflect the character of the area.

It is accepted that the prevailing character of the area is houses that sit within generous plot sizes, meaning that the densities are much lower than the range set out in the policy. This is most evident with the post-war houses along Oldfield Road, where densities are in the order of 30-50 dwellings per hectare on account of their long linear rear gardens. However, there are examples of housing being built at a higher density, particularly along Stannington Road and the apartment scheme immediately across from the site on Oldfield Road. In view of this, and the government's current position as set out at paragraph 125 of the NPPF that decisions should avoid homes being built at low densities where there is an existing shortage of land for meeting identified housing needs and knowing that the Council is currently unable to demonstrate a 5 year of deliverable housing sites, it is considered that developing the site at a higher density to provide three dwellinghouses can, on balance, be justified.

It is also material that the NPPF at paragraph 69 recognizes that small and medium

sized sites can make an important contribution to meeting the housing requirement of an area, and states at part (c) that to promote the development of a good mix of sites, local planning authorities should support the development of windfall sites through decisions and give great weight to the benefits of using suitable sites within existing settlements for homes.

For the reasons outlined above, it is considered that the principle of developing the site for housing should be viewed to be acceptable.

Highway Matters

UDP Policy H14 sets out at part (d) that in Housing Areas, new development will be permitted provided that it would provide safe access to the highway network and be provided with appropriate off-street parking and not endanger pedestrians.

These policies are not fully consistent with government policy contained in the NPPF, which states at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The requirement to provide appropriate off-street parking is not therefore reflected in the NPPF, with government policy suggesting that the shortfall of off-street parking within a scheme should only be refused in instances where this would result in an unacceptable impact on highway safety or lead to severe impacts on the road network.

As described above, each dwellinghouse would be allocated with two off-street parking spaces on driveways alongside the respective dwellinghouse. Highways Officers have raised no objection from a highway safety perspective subject to the attachment of conditions that would include details of the proposed surfacing of the driveways and the provision of two spaces per dwellinghouse in accordance with the submitted plans.

UDP Policy H14 (d) and government policy contained at paragraph 111 are considered to be met.

Design

The development should be assessed against UDP Policies BE5 and H14 and Core Strategy Policy CS74. Policy BE5 requires development to incorporate good design, the use of good quality materials and encourages original architecture. UDP Policy H14 relates to conditions on development in Housing Areas. It details at part (a) that new buildings and extensions should well designed and in scale and character with neighbouring buildings. Core Strategy Policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the City, its districts and neighbourhoods.

These policies are broadly in line with the NPPF (paragraph 126) which states that good design is a key aspect of sustainable development, while paragraph 130 states that development should contribute towards creating visually attractive, distinctive places to live, work and visit, whilst also being sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change.

The three dwellinghouses would be sited relatively centrally on the site with each property comprising front and rear gardens and driveways to the side for parking two cars. The design of the dwellinghouses (dormer bungalows) would be near identical to one another with a footprint of some 8m by 7.1m, a height to eaves of 3.4m and a ridge height of 7.25m. They would be constructed with a traditional pitched roof and designed with two front dormers and one rear dormer window. They would be constructed with facing brickwork, grey uPVC windows and a tiled roof. Features of the properties include brick soldier window heads, contrasting brickwork to their eastern side gables, rear bi-folding doors and composite front door with glazed side panel. Each house would be provided with a rear garden approximately 53 square metres in area and a designated rear bin store.

The proposed dwellings are in a similar alignment with the side elevation of No. 16 Oldfield Avenue but would sit forward of the front elevation of No. 2 Oldfield Grove in order to achieve adequately sized rear gardens.

Design improvements have been secured during the course of the application with amendments to the size of the front dormer windows, and the introduction of a feature gable wall and side windows that would better accentuate the gable wall when approaching from the site from the east along Oldfield Grove.

The design and appearance of the proposed dwellinghouses is considered to be acceptable and the use of brick and tile as external materials is in keeping with the locality. Though slightly different in respect of their lower eaves, it is considered that the proposed dwellings would not appear intrusive and, overall, their scale and massing would not appear out of keeping within the streetscene.

The proposed siting of the houses, forward of No. 2 Oldfield Grove, is not ideal but it is similar to the scheme for 2 houses approved in 2019. Also, it would not significantly detract from the character and appearance of the street scene as the two properties at the western end of Oldfield Grove have been extended to the side, which is considered to allow for some flexibility in the building line.

On balance it is considered that the proposal represents an acceptable architectural response to the site's characteristics, with the site able to accommodate three modest sized dwellinghouses without undermining the appearance of the surrounding and established residential neighbourhood.

Residential Amenity

UDP Policy H14 relates to conditions that new development or change of use proposals in Housing Areas are required to meet. Part (k) states that new development should not lead to air pollution, noise, excessive traffic levels or other nuisance for people living nearby.

This policy is broadly in line with government policy contained in the NPPF, where it states at paragraph 130 part (f) that decisions should ensure developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

In terms of amenity standards, as described above, the NPPF states that planning decisions should support development that makes efficient use of land, and states at paragraph 125 part (a) that in instances where there is an existing or anticipated shortage of land for meeting identified housing needs, planning decisions should avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In this context, it states at part (c) of this policy that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Also relevant is government policy contained at paragraph 185 of the NPPF, which states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life, as well as protect tranquil areas which have remained relatively undisturbed.

The siting of the proposed houses would provide sufficient separation distances to other properties in the immediate locality to ensure that the proposed development would not significantly harm the living conditions of neighbouring residents. While it is noted that the dwellinghouses would have short rear gardens, ranging between 4.4m-6.35m, it is considered that the depth of the gardens, on balance, can be justified. In coming to this view, weight is given to the recently expired permission that granted two houses on the main part of the site in 2019. In government guidance at paragraph 125 of the NPPF states that development proposals should make optimal use of each site at a time when identified housing needs are not met.

On account of the close relationship of the site to the rear garden of No. 12 Oldfield Avenue, the supporting plans show that the three properties' first floor accommodation (rear elevation) would be limited to a bathroom and study only, with no main outlook that would lead to problems of overlooking of this or other neighbouring properties' rear gardens. The first-floor rear dormer bathroom windows would be obscured glazed with no part of the window below 1.7m from finished floor level would be openable, and the rooflight serving the study would be positioned no lower than 1.7m above the room's finished floor level (both measures conditioned). It is not considered necessary for the rooflights to be obscured glazed given they are raised at least 1.7m above internal floor level.

The property most affected is No. 12 Oldfield Avenue, with all other neighbouring properties considered to be adequately distanced from the site. It is acknowledged that the dwellinghouses would be sited relatively close to the rear garden of No. 12, but their low profile and eaves height and set back from the common boundary would prevent them from having a significant overbearing impact. They would also be sited away from what is the main and primary useable garden area of this property. It is not disputed that the three dwellinghouses would reduce openness and views across the site from the rear gardens to the south, but loss of view is not a material planning

consideration.

As the size of the gardens are just above the minimum acceptable for a 2 bedroom dwellinghouse as set out in SPG Designing House Extensions (50 square metres), a condition is recommended to remove permitted development rights for extensions and outbuildings to ensure that the beneficial use of the gardens is not diminished.

CIL Issues

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development.

The development is CIL liable and the site falls within CIL Charging Zone 3 and a CIL charge of £30 per square metre applies. There is an additional charge associated with the national All-in Tender Price Index for the calendar year in which the relevant planning permission is granted (£39.33 per square metres with indexation). All charges accord with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

Other Issues

The Environmental Protection Service (EPS) state that the development raises no major issues in respect of noise, contamination or other issues. They do however recommend that advisory directives be attached to any grant of planning relating to external lighting, the control of working hours between the hours of 0730 and 1800 hours (Monday to Friday) 0800 and 1300 hours (Saturdays) and no working on Sundays or Public Holidays and in the event that unexpected contamination is encountered at any stage of the development process.

In terms of wildlife, it is noted that some residents refer to foxes and hedgehogs being seen on site and foraging within the surrounding area. This is not unusual in suburban areas and it is not considered that the presence of these animals is a reason to prohibit the development of the site for housing. It is not considered that the site provides a natural habitat for wild species or offers high biodiversity, which as described above, is made up of two domestic gardens that are mostly laid to lawn. However, a directive is proposed to advise the applicant to consider the incorporation of hedgehog friendly boundary treatments to allow them to continue foraging.

Tilted Balance

As described above, the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites with the revised 5-Year Housing Land Supply Monitoring Report concluding that there is evidence of only a 4 year supply of deliverable supply of housing land. Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date in accordance with paragraph 11(d) of the NPPF. The so called 'tilted balance' is therefore triggered, and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In this instance, there are no protected areas or assets of particular importance and the proposal would deliver a number of benefits as highlighted below. The NPPF emphasises the importance of delivery of housing, and that importance is heightened with the tilted balance engaged in this case, such that recommendation to support the proposed development is strengthened.

The application site is situated in a Housing Area where housing is the preferred use of land. While the density of the housing scheme weighs against the development, it is not considered that this in itself provides sufficient grounds to refuse the application. As described above, the site until very recently benefited from full planning permission for two houses on a site some 38% smaller.

It is considered that the erection of three dwellinghouses represents an appropriate form of development. They are of acceptable design quality and would sit reasonably comfortably within the site context without harming the character and appearance of the wider area.

The site is considered large enough to accommodate the proposed development with each dwellinghouse having a garden in excess of 50 square metres whilst retaining sufficient garden curtilages for 14 and 16 Oldfield Avenue.

It is also considered that the amenities of the occupants of neighbouring properties would not be unduly harmed by the development.

The balance is considered to be in favour of approving this application, as there are no significant adverse impacts that would significantly and demonstrably outweigh the benefits of the development. The provision of 3 dwellinghouses will contribute to meeting the current shortfall of housing in this sustainable location, to which weight should be given.

CONCLUSION AND RECOMMENDATION

The application relates to part of the rear garden curtilages of 14-16 Oldfield Avenue, a pair of semi-detached dwellinghouses in Stannington.

Planning permission to erect two dwellinghouses on part of the rear garden of No. 16 Oldfield Avenue was granted in January 2019, under 18/03386/FUL. This permission lapsed on the 9 January 2022.

The applicant is seeking full planning permission to erect three 2-bedroomed detached dwellinghouses on this site. The site is approximately 38% larger than the site previously approved in 2019 and now includes part of the rear garden of No. 14 Oldfield Avenue.

For the reasons set out in the report and having regard to all other matters, it is considered that, on balance, the proposal to erect three dwellinghouses represents an acceptable form of development and would be in general accordance with policies H10, H14, BE5, of the UDP, Core Strategy Policy CS74 and government policy contained in the NPPF.

It is therefore recommended that planning permission be granted subject to the conditions proposed.

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Case Number	21/02633/FUL (Formerly PP-09916653)
Application Type	Full Planning Application
Proposal	Retention of lean-to timber framed covered seating area at side of building (retrospective application)
Location	322 Abbeydale Road Sheffield S7 1FN
Date Received	07/06/2021
Team	South
Applicant/Agent	Ms Nicola Jewitt
Recommendation	Grant Conditionally

Time limit for Commencement of Development

1. The structure shall be removed on or before 30 September 2023

Reason: The design of the structure is not of an acceptable quality and its permanent retention would be harmful to visual amenity

Approved/Refused Plan(s)

2. The development has been assessed in relation to the following documents:

Ground Floor Site Plan (published 7 June 2021)

Location Plan (published 7 June 2021)

Photograph dated 21 December 2021 (published 17.02.2022)

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 the submitted plans and photographs, the entrance doors into the extension shall be altered within a period of 6 weeks from the date of this decision such that no part of those entrance doors open out over the public footpath on Frederick Road.

Reason: In the interests of pedestrian highway safety and the amenities of local residents.

4. Notwithstanding the details shown on the submitted plans and photographs, the roof drainage system shall be altered within a period of 6 weeks from the date of this decision such that rainwater from the roof of the extension does not drain directly onto the public highway. Prior to carrying out such works, full details shall have been submitted to and approved in writing by the Local Planning Authority, and thereafter such revised system shall be retained unless agreed otherwise by the Local Planning Authority.

Reason: In the interests of pedestrian highway safety and the amenities of local residents.

Other Compliance Conditions

5. The extension shall not be used by customers, patrons or visitors of the business between the following times:

21:00 hours and 09:00 hours (the following day)

Reason: In the interests of protecting the amenities of nearby local residents.

6. No loudspeakers shall be fixed within or externally to the extension nor directed to broadcast sound inside the extension at any time.

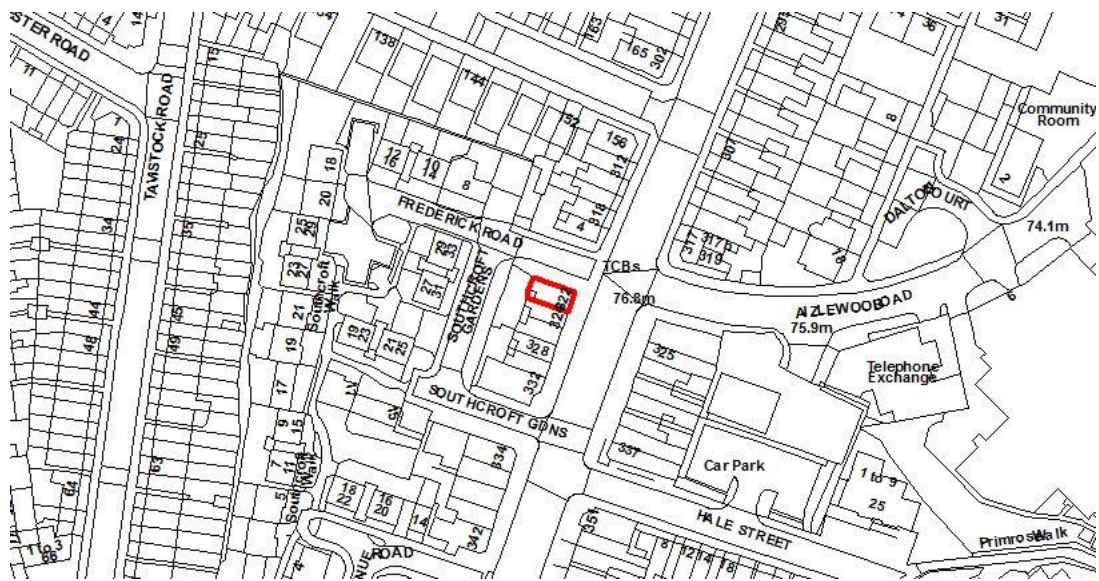
Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority would welcome pre-application discussions to determine the most appropriate form and design for a permanent structure in this location. You are advised to enter into such discussions as soon as possible given that the existing structure must be removed within 18 months. Rather than refusing the application, which it is recognised might cause a significant impact on the business, the Local Planning Authority wish to engage with the applicant to secure an alternative proposal that is more sympathetically designed and built of more appropriate materials.
2. The applicant is advised that the assessment of this planning application has been made on the basis that the bar element of the business is ancillary to the main business which is a cafe/restaurant and retail sales shop (Use Class E). If there is an intensification of the bar aspect of the business such that it becomes a primary activity of the business, then the use of the premises would be classed as sui-generis and would therefore, subsequently require a planning application for change of use.

3. 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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INTRODUCTION & PROPOSAL

This is an application relating to an existing commercial property located in the Abbeydale Road area of Sheffield. The application is seeking retrospective consent for a single-storey side extension to an existing café/retail shop business (Use Class E). The applicant is applying to keep the extension permanently.

The property (known as “Coles Corner”) occupies a corner position at the junction of Abbeydale Road and Frederick Road. The property is an end terrace shop unit located within a short shopping parade (of 6 units) fronting Abbeydale Road. The shop/café/retail business operates the ground floor accommodation and there is a separate unconnected residential flat above. The immediate area is best characterised as having mainly commercial premises fronting Abbeydale Road with housing areas behind. Many of the shops in this parade of 6 units have residential accommodation above.

When originally submitted, the application was for a change of use to a sui-generis use (due to the bar element of the business), however, the applicant has now clarified to officers that the bar element of the business is ancillary to the café/restaurant and retail shop use and, on this basis, the bar element is not now considered to be a separate element that would otherwise have led this proposal to fall within the sui-generis category. If the bar element of the business were to expand and become a primary element of the business, then an application for change of use would be required (and the applicant has been made aware of this). This is because a ‘drinking establishment’ falls outside Use Class E (and is known as sui generis).

Due to the recent covid pandemic, Central Government introduced legislation to help shops and business expand their operational activity (by allowing them to use forecourts and other outdoor spaces) in order to help create more space; to allow increased separation between customers and because the virus spreads less easily where there is greater ventilation. The legislation related to temporary structures and was due to end on 31st December 2021. The legislation has further been amended and now extends the period for another year (until 31st December 2022). The applicant erected the single-storey side extension (that is now the subject of this application) on the back of this legislation. However, the extension as built would not be considered as a temporary structure because it is not moveable and therefore would fall outside the remit of being permitted development (the government legislation specifically relates to temporary, moveable structures).

The extension itself (as built) is approximately 12.2 metres long by approximately 2.0 metres wide. It has an eaves height of approximately 2.1 metres and an overall height of approximately 2.75 metres. The main structure is timber framed and the roof is a clear/translucent polycarbonate profiled sheeting.

Although not shown on the submitted application photographs and plans, the extension has been altered since originally constructed and now incorporates filled-in panels between the supporting posts. The filled-in panels are made of a mixture of materials and these include:- tarpaulin, vertical and horizontal timber slats, clear plastic sheeting capable of being rolled-up, as well as several doors that allow

access into the extension. In addition to the more permanent elements of the extension there are also several moveable landscaped planter boxes (which incorporate horizontal timber slats). The whole side extension structure is fixed on to a new slightly raised concrete base which was introduced to create a level platform (due to the sloping gradient of the side forecourt area). The structure also incorporates some external decorative lights.

There is no direct access for customers to walk from the side extension into the main shop premises. The only access from the main premises into the extension is via the existing kitchen area (which wouldn't normally be used by customers).

It is noted that some of the planters (which are moveable) are positioned on part of the public footpath and the 2 sets of door openings on the extension (along the Frederick Road frontage) open outwards directly over the public footpath.

One of the side infill panels and the front facing panel of the extension incorporates some of the menu details. The business has a premises licence to sell alcohol.

The submitted plan shows that the external space is used mainly for dining purposes with the internal area used predominantly for retail purposes. The plans show that the side extension is capable of accommodating 4 tables with seating for approximately 16 covers.

Although the materials are relatively lightweight in nature, there is no doubt that the extension is intended to be a permanent feature of the building. It is certainly not capable of being dismantled and put away at the end of each day.

RELEVANT PLANNING HISTORY

There is planning history dating back to the 1980s but only the following applications are considered to be relevant to the current proposal:

85/02327/FUL – Application for use of a rear ground floor of building for the sale of hot food for consumption off the premises. This application was refused in January 1986.

87/01271/FUL – Application for use of premises for the sale of takeaway hot food. This application was refused in July 1987.

19/04316/A3PN – Use of retail unit (Use Class A1) as gift shop/café (Use Class A3). This application was refused as it was retrospective (so did not qualify for a prior approval)

21/00175/ENCHU – Enforcement Matter – It was alleged that the shop was operating as a sui-generis use (bar), with tables and chairs outside. This led to this current application being submitted.

SUMMARY OF REPRESENTATIONS

This application has resulted in 41 representations being received from 38 different

properties (this includes a letter of support from Cllr Alison Teal). All the representations received were in response to the original proposal which included the change of use element.

Of the 41 representations received 26 are in support of the proposal and 13 have raised objections. There are also 2 neutral representations in respect of the proposal. The comments have been summarised and are listed below:

Comments made by Cllr Alison Teal:

- Cllr Teal is saddened to see conflict between neighbours.
- As part of a summer event relating to music trails in which Coles Corner participated, there was some loud music performed at this venue and it did generate some loud noise for local residents and, as a consequence, local residents are worried that this could be repeated again in the future and more regularly.
- The business owners are extremely conscientious about being good neighbours and have no wish to inconvenience or disregard the rights of residents in the area.
- There are lots of supportive comments here with the application to illustrate what a highly valued business "Coles Corner" is to the community.
- The outdoor framed seating area has created an important addition to the amenity space.
- Cllr Teal would like to see the proposed extension approved.

Other Comments in Support

- The site was previously an eyesore (graffiti and litter etc.), the applicant has worked hard to improve and tidy up the appearance of the property.
- The works done have created a wonderful outdoor café space.
- The extension enhances this part of Abbeydale Road. It's a major asset to the streetscape and is to be applauded for its pleasing appearance.
- The outdoor seating area is small and enclosed.
- It's a trendy place for clientele to go for a quiet drink rather than go to other bigger bars in the area.
- This is not a big rowdy drinking establishment.
- Lots of events take place here such as world food eating days.
- Abbeydale Road has been run down for many years, but its now going through a popular transformation with nice independent food and drink establishments.
- Coles Corner sources locally produced products and provides employment for local people.
- The works undertaken at Coles Corner are commendable, those works brighten up this part of the road and makes it more attractive to visitors. It's become a vibrant hub for locals.
- Coles Corner showcases the very best in small, independent businesses.
- The external lean-to extension enables a modest number of people to safely enjoy each other's company.
- Supporting local independent businesses will be beneficial to the economy in general.

- The construction of the temporary outdoor seating area is an improvement to the street-scene.
- The outdoor seating area is essential in reducing the effects of Covid.
- The development is entirely within the applicant's own land and will not have an impact on footpaths or roads in the area.
- There's a brick wall at the rear of the site and this wall partially creates a physical screen from nearby properties on Southcroft Gardens.
- The plants that have been used in the planting beds are beautiful and help to make Abbeydale Road a nicer place to live.
- Drug dealers and youth gangs used to hang out here, they no longer do.
- The business provides an inclusive environment with something for people of all ages and communities which you can't get elsewhere on Abbeydale Road.
- The themed days at the café provide the opportunity to experience the music and food of other cultures.
- Coles Corner creates a positive atmosphere and attracts visitors that also go on to use some of the other shops and businesses in the locality.
- It was lovely to see Coles Corner as part of the 'Music Trail' in the city, where live music was enjoyed by many local people.

Comments in Objection to the Proposal

- The premises generate a lot of traffic which often leads to local residents and visitors being unable to park their cars near to their homes.
- There is loud amplified music regularly played at the café which has a direct impact for local residents.
- There are quite often large crowds of people standing outside which leads to noise issues and people staring at local residents (making them feel uncomfortable).
- When they are busy, the café often set-up tables and chairs on the public road. Do the owners of the business have a licence to serve food and drink outdoors and do they have a licence to set up tables on the public road??
- There are lots of people supporting this local business but, most of them are not local residents.
- The views of local residents should be considered.
- There are already too many bars in the area.
- The area already has problems with traffic congestion, and this will just add to the problem.
- Having music blaring away and people pouring out onto the street at 11pm is unfair to local residents. The music is often very loud.
- Music being played outside on the street is an issue, other bars don't have loud music playing outside.
- Why can't the building just remain as a café with normal operating times?
- The owner of the business won't allow people to park on her side of Frederick Road and she regularly asks people to move their cars if they are parked near the side extension.
- There is still too much noise after customers leave the building, some customers have been seen urinating on nearby walls.
- The submitted photographs and images of the extension are not accurate, they don't accurately show what's there now.

- Over time (from when it first opened) the premises is being used more as an outdoor bar venue with live and very loud music. This is also now attracting large groups of people on to Abbeydale Road and Frederick Road.
- Local residents are mainly working families with school-aged children and vulnerable elderly people, the proposed late night opening hours will lead to further problems.
- The activities at the premises should be limited to the indoor area only.

Neutral comments:

- There's no objection to the indoor activity being used between 09:00 hours to 23:00 hours but the outdoor seating area should have restrictions that control the operating times that it is used. The outdoor seating area should not be used by customers after 9pm and all the tables and chairs should be cleared away by 9:15 pm.
- The filling of the bins and arrangements for the disposal and collection of bottles and other waste should also be limited to social hours, again, to prevent disturbance for local residents. Other recent decisions for food and drink establishments have had these similar conditions imposed.

PLANNING ASSESSMENT

Policy Context

The Council's development plan comprises the Core Strategy (CS) which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework revised in 2021 (NPPF) is also a material consideration.

The Council's Development Plan (UDP and Core Strategy) predates the NPPF; the development plan does however remain the starting point for decision making and its policies should not simply be considered out-of-date if adopted or made prior to the publication of the Framework, as is the case in Sheffield.

The key principle of the NPPF is the pursuit of sustainable development, which involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

Paragraph 81 of the NPPF also seeks to ensure that the right conditions are created for businesses to invest, expand and adapt which ultimately could lead to jobs being created and economic growth. This assessment will have due regard to these overarching principles.

Key Issues

The main issues to be considered in this application are:

- Acceptability of the development in land use policy terms.
- Design Issues.

- Impact of the proposal on the living conditions/residential amenities.
- Highway Issues.

The site is identified on the Sheffield Unitary Development Plan (UDP) as being within a Local Shopping Policy Area and as such UDP Policies S7 and S10 are applicable. It is also considered in this instance that UDP Policy BE5 'Building Design & Siting' and Core Strategy Policy CS74 'Design Principles' are also relevant.

Use

UDP Policy S7 states that the preferred use in District and Local Shopping Centres is retail (A1), however A3 uses (food and drink outlets) are also acceptable. At the time the UDP was published, Use Class A3 would have included cafes/restaurants. However, recent changes to the Use Classes Order has resulted in Use Class A being revoked. A cafe/restaurant along with retail use would formerly have been Class A3 and Class A1 respectively but the uses both now fall under Use Class E. In respect of the bar/drinking element, it is understood from the applicant that the bar aspect is ancillary to the main business and not a primary aspect of the business. With this being the case, the use would not be classed as a sui-generis drinking establishment. The applicant has been made aware that if the bar function is a primary activity and accounts for a significant proportion of the sales, then the use would fall into the sui-generis category (and an application for change of use would be required).

However, in this instance, officers are taking the application at face value and determining the current use as a Class E use and not a sui-generis use. On this basis therefore, the use of the main premises is not being considered under this application as the operation as now defined would fall under Use Class E, which is already the authorised use of the premises. This application therefore solely relates to the construction of the single-storey side extension which has already been undertaken and is therefore retrospective.

The applicant has been made aware that if the alcohol sales and bar use were to intensify and become a primary element of the business, then an application for change of use would subsequently be required.

Design

The premises are located within a local Shopping Policy Area and is also adjacent to a Housing Policy Area as defined by the UDP. Abbeydale Road is also a major arterial road into and out of the city. Because the property is also located on a corner plot, any alterations on the side are visually prominent (particularly when travelling south, away from the City Centre).

As previously mentioned in this report, the extension is already constructed and is located on the side elevation of the premises (fronting onto Frederick Road). The applicant has applied for the extension to remain permanently.

The extension itself is built using lightweight materials (polycarbonate sheeting, tarpaulin and timber slats). The extension also has two entrance doors on the Frederick Road elevation (one allows access for staff and the other is intended for customers). The two entrance doors on the extension are hinged so as to open out over the public footpath, thereby creating more useable space within the extension. (The impacts relating to the doors opening out over the public footpath are considered in the highways section of this report.) The two entrance doors are different in colour and type and generally add to the uncoordinated array of materials that have been used to infill the side panels between the supporting timber posts, creating a somewhat cluttered appearance.

Given the very prominent corner position of the structure; ad hoc nature of the differing facing materials and the overall general design of the extension, it is considered that the extension displays a very temporary appearance and results in an adverse visual impact on the character of both the street-scene and host property. It is considered that the structure lacks any coordination, longevity or integrity in terms of facing materials.

Despite its poor overall design, the extension does provide additional space for the business and it is recognised that the extension enabled the business to operate through key stages of the covid pandemic (where separation space between customers and good ventilation was needed).

It is also acknowledged that the extension is on the side/gable elevation of the building and therefore, it does not in this instance cut across any significant architectural features.

However, it is considered that the overall design and choice of facing materials of the side extension has in this instance, resulted in a structure that detrimentally affects the character of the building and the street-scene, further exacerbated by the property's location on a prominent corner junction. As such it is considered that the extension fails to satisfy UDP policy S10(d) which requires new developments in shopping areas to be well-designed and of a scale and nature appropriate to the site. For the same reasons outlined above, the proposal would also be contrary to Policy CS74 of the Sheffield Core Strategy and UDP Policy BE5, which both require new developments to be well-designed (including the use of good quality materials) and to respect townscape character, views and vistas, building styles and materials. Policy CS74 also states that new developments should contribute to place-making, be of a high quality and should help to transform the character of physical environments that have become run down and are lacking in distinctiveness. These policies can be afforded substantial weight as they broadly align with paragraph 130 of the NPPF which states that decisions should ensure that developments add to the overall quality of the area, not just for the short term but over the lifetime of the development; and developments should be visually attractive as a result of good architecture.

Impact on Residential Amenity

UDP policy S10(b) requires development not to cause residents to suffer from unacceptable living conditions, including air pollution, noise, or other nuisance or risk

to health or safety. This aligns with Paragraph 130 of the NPPF which states that developments should result in a high standard of amenity; and Paragraph 185 which states that developments should avoid noise giving rise to significant adverse impacts on health and quality of life.

Whilst the principal of the café/restaurant/shop use is established, there is still a potential issue of noise nuisance being generated within the extension and affecting nearby residents living nearby (on Frederick Road or in the houses opposite or the neighbours living in the residential flat above) particularly given the flimsy construction. This would potentially be a more significant problem in the summer months when windows tend to be open and customers might prefer to sit or stand outside.

It is considered that the lightweight structure and the partially open frontage design of the extension is less-likely to insulate neighbours from noise in the same way that a brick or block-built structure would. In order to support a temporary consent, whilst a more permanent proposal is discussed, it is recommended that a suitably worded planning condition be imposed relating to the use of the side extension, to control matters such as the hours that it can be used and to ensure that no loudspeakers are installed externally. For consistency and given that there are residential properties in close proximity, it is considered appropriate that customers should be prevented from using the extension after 9pm.

Highway Issues

Paragraph 109 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The extension has been constructed with 2 sets of doors that open directly out over the public footpath on Frederick Road. This is considered unacceptable from a highway safety point of view but this could be rectified by re-hanging the doors such that they open inwards (this would have a subsequent impact on the number of tables and chairs that could be accommodated within the extension). A condition is therefore recommended which requires the applicant to organise the doors to be re-hung so that they open inwards within 6 weeks of any subsequent granting of temporary planning permission.

It is also noted that the submitted drawings show the guttering and pipework collecting rainwater from the roof discharging directly onto the public footpath on Frederick Road, this is also potentially dangerous from a highway safety point of view and would need to be appropriately resolved. This potentially could be quick fix by introducing a water butt and recycling the water to use on the plants in the planter boxes or alternatively it might be necessary to redirect the water from the roof guttering of the extension to a more appropriate location (a drain). A condition is therefore proposed to ensure this is corrected within 6 weeks from the date of the decision.

These conditions are considered to be necessary and reasonable because the outward opening doors and roof drainage issues are both highway safety issues that

need to be resolved relatively quickly particularly as there are lots of elderly people living nearby.

RECOMMENDATION

Taking all of the matters raised into account, it is considered that the side extension (as built) has a detrimental impact in terms of visual amenity (as a result of it being unsympathetically designed and constructed in poor quality materials). The development also raises concerns in respect of highway safety (as a result of the two sets of doors opening out directly over the public footpath and surface water draining from the roof of the extension onto the public footpath).

For the reasons outlined above, it is considered that the development in its current form is contrary to Policies S10 and BE5 of the Sheffield Unitary Development Plan; Policy CS74 of the Sheffield Core Strategy and Paragraph 130 of the NPPF (which all relate to design).

It is however recognised that recent government legislation has resulted in many shops and commercial premises erecting both temporary and permanent structures on their forecourts. This is particularly evident in Sheffield along the Abbeydale Road corridor, where there are many unauthorised structures, and where officers are currently in the process of investigating such breaches and pursuing action where it is deemed appropriate.

It is also acknowledged that many commercial premises (particularly ones associated with the food and drinks industry) have, because of the covid pandemic and government legislation, built the forecourt structures out of necessity in order to keep their businesses afloat. As such, there are instances where a sensitive approach to planning decisions and enforcement can be adopted and it is considered that this is one of those scenarios where a sensitive approach is justified.

Despite its failings (in design and highway safety terms), officers consider that a temporary consent of 18 months can be supported, provided that the applicant resolves the 2 highway safety issues (doors and drainage onto the public footpath) within a period of 6 weeks from the date of this decision. The structure is not considered to be of an acceptable design quality to be in place for longer than 18 months in such a prominent location, but that time period could be utilised by the applicant to come forward with a revised proposal which addresses the design concerns highlighted above and gives sufficient time to obtain consent for and construct a new structure which meets the aims of the design policies in the development plan and the NPPF. This is considered to be a proportionate approach which allows the business to keep trading in their current style, whilst seeking a more permanent and well-designed replacement side extension / enclosure.

It is on this basis that officers recommend that the application be approved for a temporary time period of 18 months subject to the listed conditions.

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Case Number	20/00406/FUL
Application Type	Full Planning Application
Proposal	Demolition of 14 garages and subsequent erection of a three/four-storey apartment block (accommodating 4 x 1-bedroomed apartments) with associated parking and landscaping works (Resubmission of planning permission 19/01164/FUL)
Location	Garage Site Between 31 And 37 Meersbrook Road Sheffield S8 9HU
Date Received	30/01/2020
Team	South
Applicant/Agent	House Extension Design Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing no. HED/589/18/e (Proposed elevations) as published on 13 January 2022

Drawing no. HED/589/18/c (Proposed Site Layout) as published on 13 January 2022

The planning agent's submitted correspondence (dated 11 October 2021) with attached proposed floor layout plan and the attached rear elevation plan, all as published on 13 October 2021

The site location plans, as published on 4 February 2020

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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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 construction works commencing. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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 construction works commencing. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation 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 full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the lifetime of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be

provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

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.

7. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric-first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that the 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.

8. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses and, will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

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

9. Prior to any demolition works commencing, full details of a biodiversity enhancement plan shall be submitted to the Local Planning Authority for written approval. The biodiversity enhancement plan should include sufficient features - as recommended in the Whitcher Wildlife Ltd. Preliminary Ecological Appraisal (PEA) Survey Report - reference 201062/Rev 1. (dated 23rd October 2020). The development shall then be carried out in accordance with the approved biodiversity enhancement plan and the approved features of the plan shall thereafter be retained.

Reason: In order to enhance biodiversity at the site and to meet the aims of the National Planning Policy Framework.

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

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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation 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.

11. Details of all proposed new 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 and in the interests of visual amenity in the area.

12. Before any above ground works commence or within an alternative timeframe to be agreed by the Local Planning Authority, full details of all boundary treatment works and enclosures at the site (including heights, design and materials) shall have been submitted to and approved in writing by the Local Planning Authority. The details will need to include an acoustic fence along the northwest party boundary (adjacent to no.31 Meersbrook Road). The apartments shall not be occupied unless those details have been submitted, approved and installed to the satisfaction of the Local Planning Authority, and thereafter the approved boundary treatments shall be retained.

Reason: In the interests of the visual amenities of the locality and, in the interests of amenity for the occupiers of adjacent neighbouring properties.

13. Notwithstanding the details shown on the approved plans and, prior to the apartments being occupied, full details of handrails (either free-standing or attached to each of the gable walls) shall have been submitted to and approved in writing by the Local Planning Authority and thereafter the approved handrail details shall be implemented and subsequently retained.

Reason: In order to make the development more accessible for the future occupants and/or any visitors coming to the site.

14. Notwithstanding the details shown on the approved plans and, prior to any of the new apartments being occupied, all the windows located on each of the two gable walls of the new building shall at all times be glazed with obscure glass to a minimum level 4 obscurity.

Reason: In the interests of amenities of the existing neighbouring residents and in the interests of amenity for the future occupiers of this resulting development.

15. The ground-floor level windows and first-floor level privacy screens on each of the 45-degree splayed sections at the rear of the property shall at all times be glazed with fixed non-openable obscure glazing windows/panels to a minimal level 4 obscurity. Once installed, the fixed obscure-glazed windows and panels shall be retained.

Reason: In order to protect the amenities of existing neighbouring residents.

16. Before this stage of works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of the cycle parking provision (which shall include details of the actual cycle parking design/fixture type, quantity and enclosure details) shall have been submitted to and approved in writing by the Local Planning Authority and the new living accommodation shall not be used unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

17. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, 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.

18. Before any above ground works commence or within an alternative timeframe to be agreed by the Local Planning Authority, full details of all external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The details will need to include lighting of the rear car-parking area, bin and cycle-storage areas and the rear entrance areas of the site. The apartments shall not be occupied unless those details have been submitted, approved and installed to the satisfaction of the Local Planning Authority, and thereafter the approved boundary treatments shall be retained.

Reason: In the interests of amenity and personal safety of the future occupants of the development and, in the interests and amenities of adjacent neighbouring residents.

Other Compliance Conditions

19. 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.

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

Reason: To ensure satisfactory drainage arrangements.

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

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

22. 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.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice,

including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.

3. 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 on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

4. The developer should be aware that the size of the development is such that it would be prudent to investigate the ground conditions on the site before proceeding further. Information and advice on ground conditions is available from Building Control, Howden House, 1 Union Street, Sheffield, S1 2SH. If any coal shaft, adit or other coal working is encountered, no work must be carried out without the authorisation of the Local Planning Authority.
5. 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. You should apply for permission, quoting your planning permission reference number, by contacting:

Ms D Jones
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6136
Email: dawn.jones@sheffield.gov.uk

6. The applicant is advised to contact the Council's Development Services, Land

Drainage, Howden House, 1 Union Street, Sheffield, S1 2SH(Telephone Sheffield 2735847) to seek approval for the proposed drainage arrangements, as soon as possible, prior to the commencement of development.

7. Formal consent regarding works affecting the water course must be obtained from the Council's Development Services, Land Drainage, Howden House, 1 Union Street, Sheffield, S1 2SH (Telephone Sheffield 2735847) before work on site commence.
8. All drainage must be passed through a suitable petrol/oil interceptor prior to discharge from the site. These matters will be covered in the Building Act submission.
9. Where a direct discharge to a water course is contemplated, or the proposal lies within a water catchment area, it will be necessary to provide a secondary form of treatment (a filter) to the satisfaction of the Main Drainage Section.
10. 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.
11. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;
 - Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
 - A communications strategy for principal sensitive parties close to the site.
 - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
 - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - Vibration.
 - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
 - A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
 - A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
 - Details of site access & egress for construction traffic and deliveries.
 - A consideration of potential lighting impacts for any overnight security lighting.

Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at eps.commercial@sheffield.gov.uk.

12. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

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

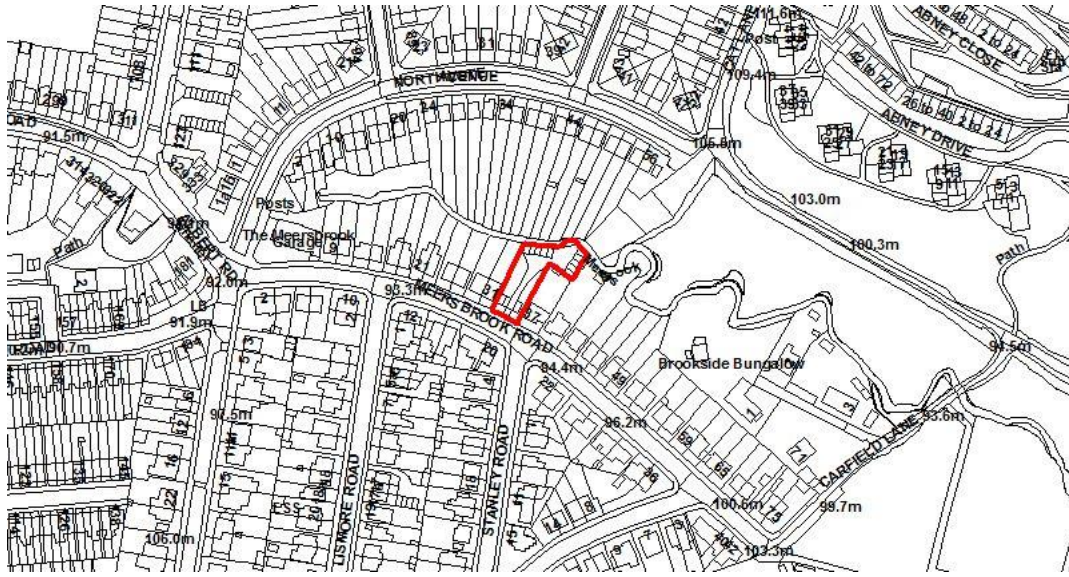
13. Failure to carry out this development in accordance with the approved plans may result in enforcement action. Please contact the Planning Department if you wish to amend any design or specifications for your proposed development.

14. 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 Control, Howden House, 1 Union Street, Sheffield S1 2SH. Tel (0114) 2734170

Environmental Protection Services can be contacted at Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH. Tel (0114) 2734651

Site Location



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LOCATION & PROPOSAL

This application is a re-submission of a previously withdrawn application (reference no. 19/01164/FUL) which was a similar proposal but had a bigger footprint and was for 7 apartments instead of 4.

The application site is currently a garage site located between two brick-built dwellings (nos.31 and 37 Meersbrook Road). The garage site currently accommodates a total of 14 garages in the form of 4 separate garage blocks (two blocks of two garages along the site frontage and a further two blocks of five garages deeper into the rear of the site). From a site frontage point of view, the appearance is of two double garage blocks bisected by an access drive with a backdrop of trees and greenery. Other properties on Meersbrook Road are nearly all residential in nature and are predominantly two-storey detached and semi-detached and, built of brick with slate roofs.

The two garage blocks at the front of the site are identical in their appearance each being a double garage built of concrete blocks beneath a pyramidal-shaped roof of natural slate. The two garage blocks are also positioned along the same front building line as the adjacent neighbouring dwellings and have open-aspect level front forecourts. At the rear, the site has a fall in levels that drops down towards the Meers Brook watercourse. The change in levels is approximately 5 metres. The plot also partially wraps around the rear garden of no.37 Meersbrook Road. The rear section of the site is very overgrown with shrubs, weeds, brambles, self-set sapling trees etc. Beyond the rear of the site, on the other/northern side of the Meers Brook watercourse are the rear gardens of residential properties on Northcote Avenue. The residential properties on Northcote Avenue are also in elevated positions from the Meers Brook watercourse. There is also a local nature reserve site and a local wildlife site approximately 30 metres to the east of the application site on the opposite side of the Meers Brook watercourse.

The proposal is to create a brick-built apartment block incorporating 4 x one-bedroom self-contained apartments spread over 4 levels. The apartment block itself would have a two-storey appearance from the street-scene and a three-storey appearance when viewed from the rear. There would be accommodation in the roof space in addition to some accommodation at basement level.

In addition to the living accommodation, the proposal will also create a designated communal garden area, a communal bin storage area and a resident's cycle storage area.

The scheme will incorporate 5 off-street car-parking spaces (1 space for each apartment and 1 additional visitor space) and these will be open-plan parking spaces located at the rear of the site.

The applicant has confirmed that the new building will be constructed using brickwork and roof tiles that will be sympathetic to the area.

Since first being submitted, the plans have been amended several times, including some minor alterations to the overall footprint (which is now slightly larger from what

was originally submitted), alterations to the design and, alterations to the access drive at the front of the site (alignment and gradient in order to better protect an existing highway tree).

Each of the new apartments will be one-bedroomed and will have accommodation spread over two floors. The two lower-level apartments will be accessed independently via a rear entrance door straight into the apartment and the two upper-level apartments will share a lower-basement rear entrance door into a stairwell area allowing access via the stairs to the individual apartments at first-floor level.

The two upper-level apartments will each have a bedroom, a separate lounge, a kitchen/dining room and a bathroom. The two lower-level apartments will include a bedroom, a lounge, a separate kitchen/dining room, a bathroom and a separate utility room.

In addition to the communal rear garden area, the two upper floor apartments will have an external balcony at first-floor level. Although not directly accessible straight from the apartments, the two lower-level apartments will have access to a front amenity garden/space adjacent to the public footpath.

RELEVANT PLANNING HISTORY

Previous planning history for the site includes: -

19/01164/FUL - Demolition of garages and erection of 7no. apartments in 1x 3/4-storey block with associated parking. This application was withdrawn in October 2019.

REPRESENTATIONS

A total of 25 representations have been received from 18 different properties over two phases of neighbour notification. All raise objections.

Original Submission: -

8 objections on the following grounds -

Errors in the submissions: -

- There is still some reference to the development being 7 x 1-bedroom flats which is clearly an error.
- The sustainability document refers to 6 flats.
- The proposal also makes reference to there being parking bays at the front of the property, but the plans show enclosed garden areas at the front.
- The proposal says that the architecture will deliberately copy the appearance of no.37 Meersbrook Road, yet the drawings show a different frontage design.
- The proposal speaks of retaining some of the existing garages – but this is in conflict with the drawn plans which show open-plan parking spaces and an amenity/garden area.

- The proposal states that some tall conifer trees will need to be taken down but elsewhere the proposal states that no trees will be affected.

Design Issues

- The presence of garden areas at the front of the building goes some way to maintaining a residential appearance in the street scene.
- The submitted plans appear to show a fully hard-surfaced rear area which would be a significant loss of greenery which would also lead to higher levels of surface water run-off.
- Some shrub and tree planting should be incorporated into the design.
- The size, density, design and character of the proposed building is not in keeping with the neighbourhood.
- The introduction of a block of flats in a road of predominantly semi-detached housing is out of character.
- The rest of the properties on Meersbrook Road all have front entrance doors that face the road. Having a front entrance door allows easy access for emergency services. Without a front entrance door, the new building will also have an institution-like appearance, as opposed to that of a home. Most social interaction between residents on Meersbrook Rd takes place at the front of houses, in front gardens, on doorsteps, going to and from cars. The future residents of the development would not have the same interaction with neighbours because they would return home, park at the back and then enter the home from the back.

Highway, Traffic, Parking Issues

- There will potentially be 8 cars (plus any visitor cars) being added to the traffic in the road and using the access to the site, this would be dangerous for pedestrians using the footpath.
- There's no cycle parking provision.
- Vehicles will have difficulty manoeuvring into the site and at the bottom of the site.
- Visibility for motorists travelling on or off the site will be poor because of an existing highway tree.
- Turning the bottom of the garden into a car parking area for 10 cars is excessive and is poor design.
- The gradient and surface of the access drive could be prohibitive to parking and this might result in more cars parking on surrounding roads.
- During winter months, the proposed steep driveway will become icy (particularly with water running down off nearby steep roads). This will lead to more cars parking on the road instead of driving down the access drive.
- In response to the Transport Statement, there are no easy links to the Supertram network from this locality. Bus services in the area have been cut severely to one local service per hour. Frequent bus services on Chesterfield Road are a 15-minute walk away. Consequently, occupants of the development are likely to use their cars more frequently.
- The corner visitor parking space is not fit for purpose as it will be blocked in by neighbouring spaces.

Residential Amenity Issues

- Because of the extended rear projection of the building there will be some loss of natural light and overshadowing of the neighbouring property (no.37 Meersbrook Road).
- The close proximity of the new gable wall of the building to no.37 Meersbrook Road will completely block out light from two side windows and block all light from the side of the house creating a damp and dark 4 storey narrow corridor which will lead to damp issues to no.37.
- The high number of cars (in the rear car parking area) adjacent to family gardens will lead to an increase in activity, noise and exhaust pollution both to the front of the property and at the rear. This will be is damaging to the health of neighbouring residents.
- The tandem parking arrangement is not practical or necessary and will increase movements.
- The introduction of lights at the side and rear of the building would be needed for this development and these could cause significant disturbance for neighbours.
- The development will lead to people coming to the rear entrance via the side path or the access drive, this will result in loss of privacy for both adjacent neighbouring properties.
- There will be loss of privacy because of rear-facing windows in the building.
- Residents spend a lot of time in the gardens, the new block of flats will (because of its size and positioning) lead to a reduction in the amount of sunshine entering neighbouring gardens.
- The scheme doesn't seem to show any back gardens, it only shows a small amenity space big enough to put up a rotary washing line. The proposed front gardens do not seem to belong to any particular flat, and therefore risk becoming unadopted and overgrown.

Drainage Issues

- The drainage and sewerage systems are already at full capacity and would become overloaded by the introduction of 4 new flats. Some properties on the road already have gardens that flood during heavy rain.
- The area needs more soakaways and less concrete.

Landscaping Issues

- The proposal will lead to degradation of the green corridor.
- The existing hedge forming the eastern boundary between the application site and no.37 is an important landscape feature that provides privacy and is a haven for an abundance of wildlife and birds. This hedge should be retained.

Ecology Issues

- There is an existing pond in the garden of no. 37. The pond is within 500m of the proposed development and therefore a newt survey should be carried out.
- Wildlife in the area (including some protected species) currently use the site and they will be disturbed as a result of this development.
- If cars are cleaned whilst parked in the parking spaces, this could result in litter, pollutants and detergents being washed into the river which could have a harmful impact on the ecology of the area and watercourse.

Other Issues

- The sustainability statement states that 'the addition of new families will help support local businesses, schools and community facilities' - how? The proposal is for 1-bedroom flats.
- It would make more sense to keep 4 of the garages intact at the bottom of the garden for use by the new residents.
- There is a large demand for family homes in the area, but these 1-bedroomed flats would not be suitable for families.
- Having heavy machinery drilling and digging at the site might cause structural damage to neighbouring properties.
- There are already a significant number of privately rented properties on Meersbrook Road and surrounding roads. There is a need to protect the fine balance.
- Previous applications to demolish the garages and to then build flats have been rejected and therefore the same should apply here.
- The flats will lead to more waste increasing existing rodent problems. Will each flat have their own bin store or large shared bins and how will they get up the steep slope?
- This is not NIMBY'ism, local residents would welcome a reasonable development that provided higher amenity accommodation and that was also suitable for families

Amended Submission: -

17 Objections on the following grounds: -

Design Issues

- The proposed development lacks provision and appropriate access arrangements for disabled people and those with mobility issues.
- The proposed development lacks provision for the charging of hybrid/electric vehicles.
- The proposal still shows the new building projecting beyond the rear building line of both immediate neighbouring properties and the new building will have a higher roof level than all the other properties on the road.
- The design still doesn't respect the proportions and design features of neighbouring properties.
- The introduction of first-floor balconies is an unwelcome design feature.
- Moving from 4 individual amenity spaces to a larger communal space will create problems as nobody will take responsibility for the amenity area.
- Who will be responsible for bringing bins up from the bin storage area to the pavement on bin collection days? This will be harder in winter months and the bins will just end up being left at the front of the site.
- The development is still an overdevelopment of the site. The site is not suitable for 4 dwellings.
- This will be a fake vernacular frontage to a block of flats. It won't be in keeping with area which is mainly semi-detached housing.
- The proposed building still doesn't have a front door facing the street. This arrangement would isolate the future occupants from other residents. This would also create a building with a strange and unwelcoming appearance.

Highway, Traffic, Parking Issues

- Even with 4 flats there will still potentially be 8 cars (plus any visitor cars) being added to the traffic in the area. This will still lead to highway safety issues and on-street parking pressures.
- Vehicles will have difficulty manoeuvring into the site because of the existing highway tree. The same highway tree will also affect visibility as motorists leave the site.

Residential Amenity Issues

- The development will result in the loss of natural sunlight and increased shadowing to neighbouring gardens.
- Neighbours would not object to a more suitable type of development such as a pair of semi-detached dwellings with parking at the front and gardens at the rear.
- With the car parking and entrances at the rear, the proposal will need substantial lighting which will potentially cause nuisance for immediate neighbours. At the very least, a condition should be imposed requiring details of lighting to be agreed before being installed.
- This development would have a negative impact on residents living on Northcote Avenue due to loss of privacy and detrimental impact on existing views.
- The position of the new access driveway (alongside no.31 Meersbrook Road) will lead to nuisance from cars and light as vehicles use the access drive.
- The introduction of first-floor balconies will along with the new velux rooflights lead to loss of privacy.
- Neighbours will have to face onto a large expanse of brickwork that will project beyond the rear building line of neighbouring properties, these factors will make the development very overbearing.
- Single occupancy flats with parking at the rear will lead to noise issues in an area that is mainly family homes.
- Having the first-floor balconies will encourage people to sit out late into the evenings on the balconies, this will lead to increased late night noise.

Drainage Issues

- The site currently doesn't have an existing sewerage connection and drainage and sewerage systems are already at full capacity and would therefore become overloaded. Some properties on the road already have gardens that flood during heavy rain.
- The application doesn't really address the surface water drainage and flooding issues which will only get worse because of climate change.
- The car park ground levels on the latest proposal plan show the levels to be higher than adjacent gardens, this will cause surface and floodwater to be displaced on to neighbouring gardens and further downstream.

Landscaping Issues

- Because of Ash die-back a lot of trees in the valley bottom will be lost and as such the muffling effect of the trees will be lost resulting in more noise issues.
- The proposal will still result in trees being lost.

Ecology Issues

- Turning a long back garden into a car park will be harmful to encouragement of wildlife.
- The Ecological Appraisal Report is not thorough enough.

- The bottom of neighbouring gardens is a haven for wildlife. Having 5 parking spaces at the bottom of the site next to the watercourse will lead to noise pollution, light pollution, air pollution and pollution to the watercourse. This combined with noise and light pollution from the 4 flats and the light pollution from the PIR lights on the rear of the building will have a detrimental effect on local wildlife.
- Planting a few trees and shrubs on the site will not replicate the existing ecosystem.
- It is a big concern that Japanese Knotweed has been identified on the riverbank as outlined in the ecological survey. Sheffield city council should take prompt action to secure its removal before it spreads any further.

Other Issues

- There are no significant changes in the amended plans that adequately address the concerns raised by residents.
- The applicant's agent highlighting other examples of existing poorly designed dwellings on the road, does not justify further poorly designed developments.
- There is a large demand for housing suitable for families and disabled people, this development will not meet that need.
- The ground floor units provide level access, but they still don't conform with UK Building Regulations as they do not have a W.C. at entrance level.
- Previous applications to demolish the Meersbrook Garage site and to then build a residential development have previously been rejected and therefore the same should apply here.
- Increased level of domestic waste will intensify the rodent problem.
- Meersbrook and Heeley have seen a sharp increase in flats and high-density developments being built (including Victorian dwellings being converted to flats). Planners should be encouraging high-amenity family homes with gardens and should be discouraging flats. The balance and sense of community in Meersbrook and Heeley is being lost.
- The development will still cause disruption in the area whilst the construction works are being carried out.

PLANNING ASSESSMENT

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Sheffield Unitary Development Plan which was adopted in 1998. The National Planning Policy Framework (NPPF) published in 2018 and then later revised most recently in July 2021 is also a material consideration.

Assessment of a development proposal needs to be considered in light of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless: -

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is referred to as the “tilted balance”.

In addition to the potential for a policy to be out of date by virtue of inconsistency with the NPPF, para 11 of the NPPF makes specific provision in relation to applications involving the provision of housing and states that where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites with the appropriate buffer the policies which are most important for determining the application will automatically be considered out of date.

The Council’s revised 5-Year Housing Land Supply Monitoring Report, released in August 2021, includes a 35% uplift that must be applied to the 20 largest cities and urban centres in the UK, including Sheffield. The monitoring report sets out the position as of 1st April 2021 – 31st March 2026 and concludes that there is evidence of a 4-year supply of deliverable housing land but, as the Council is unable to demonstrate a 5-year supply of deliverable housing sites, the ‘tilted balance’ will come into play.

Principle of Development

Paragraph 118 (c) of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Policy Area. Within such areas UDP Policy H10 sets out that housing (Class C3) is the preferred use of land. This development will provide a single building that would accommodate 4 x 1-bedroom apartments on the plot.

Paragraph 69 of the revised NPPF sets out that ‘Small and medium sized sites can make an important contribution to meeting the housing requirements of an area. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes’.

Policy CS24 seeks to prioritise the redevelopment of previously developed sites and sets out that no more than 12% of dwellings should be erected on greenfield land. The property is currently an overgrown garage site accommodating 14 garage spaces within 4 separate detached blocks, and as such is considered a brownfield site. The site would also be classed as a small site within an existing urban area. The site is within a relatively sustainable location and therefore, the proposal would accord with policy CS24.

The construction of four new apartments will also provide a net gain of housing which would also assist in meeting the Council's targets for the provision of housing and as such, is broadly compliant with land use policy.

Officers are satisfied therefore that the broad principle of new housing development on this site is acceptable.

Efficient Use of Land

National Planning Policy Framework (NPPF) at paragraph 124 states the importance of making sure developments make optimal use of sites and, promotes increased densities in city and town centre sites and other locations that are well served by public transport. Para 125 c) states that local authorities should refuse applications which they consider don't make efficient use of land, taking into account the policies contained in the NPPF.

Policy CS26 of the Sheffield Core Strategy - 'Efficient Use of Housing Land and Accessibility' is consistent with the above so is afforded significant weight. It requires new development to make efficient use of land and for the density of new developments to be in keeping with the scale and character of the wider area.

Subject to the character of the area being protected, densities are intended to vary according to the accessibility of locations, with the highest densities in the City Centre and the lowest in rural areas. The density range identified for a site like this (in an urban area) is 30 to 50 dwellings per hectare. In this instance, the proposed development would represent a density of approximately 50 dwellings per hectare which would be in line with local policy requirements and would also meet the higher density aims of the NPPF.

The overall footprint of the proposed new building will be similar to the footprints of other neighbouring properties. The density therefore reflects the character of the area.

Given the above comments, it is considered that the proposal will satisfy Policy CS26 of the Sheffield Core Strategy and, accord with the aims of paragraph 124 and 125 of the NPPF.

Impact on Character of Area

This is an established residential area where the existing use and appearance of the site is already at odds with the wider residential appearance and character of the area. There are variations along the road in terms of property designs, ridgelines, eaves heights and fenestration detailing. There are also variations in terms of rear building lines. Other properties on the road have a two-storey appearance when viewed from the front but have a three-storey appearance when viewed from the rear, including accommodation in the roofspace. Indeed, the immediate neighbouring property no.37 Meersbrook Road has a two-storey front appearance and a three-storey rear appearance. Whilst it is acknowledged that most properties on the Northern side of Meersbrook Road are semi-detached, this new development would be one of four units in a row that are all detached properties. In a situation such as this, there is enough variation to suggest that there is no strong defined character to dictate the design, scale and form of this infill development.

The use of brick and slate roofing materials will also help integrate the new building with the surrounding properties.

Design Considerations

Policy H14 of the Sheffield Unitary Development Plan states that in Housing Areas, new development or changes of use will be permitted provided that: -

- New buildings are well designed and would be in scale and character with neighbouring buildings; and
- 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; and
- It would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

Policy BE5 of the Sheffield UDP states that good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions and that the following principles will apply: -

- Original architecture will be encouraged but new buildings should wherever possible complement the scale, form and architectural style of surrounding buildings.
- In all new developments, design should be on a human scale wherever possible, and particularly in large-scale developments, the materials should be varied, and the overall mass of buildings broken down.
- Designs should take full advantage of the site's natural and built features.

Policy CS74 of the Sheffield Core Strategy relates to 'Design Principles' and states that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including:

- The townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials.

The policy also goes on to say that new developments should also help to transform the character of physical environments that have become run down and are lacking in distinctiveness.

It's clear that the existing site has been neglected to some degree and consequently, has an overgrown and untidy appearance. The proposed development will help bring the site back into use and improve its appearance.

Many of the representations received have raised concerns about matters such as design, scale and impact in the street-scene.

The proposed scheme will appear in the street-scene as a two-storey development with accommodation in the roofspace. Other properties on Meersbrook Road have front-facing gables that incorporate 2nd floor level window openings thereby giving a

perception of being three-storey dwellings when viewed from the front.

In terms of scale, the plans show that the apartment block will have a ridgeline and eaves line that closely aligns with those of no.31 Meersbrook Road. Although not of the same size and proportion, the new apartment block will also have double-height bay windows. Bay windows are a feature of many of the properties on the road and therefore are not unique to this new-build property.

The new apartment block will be built along the same front building line as other properties on the road thereby ensuring some consistency in terms of the position of the building when viewed in the street-scene.

In terms of scale and massing therefore, and when viewed from the public domain the proposed scale and form of the new apartment block will be similar to other properties on Meersbrook Road.

The site frontage will be bounded by low walls as a means of site enclosure thereby creating a sense of protected/defendable space. The two front forecourt areas will be accessible and therefore could be used as a small amenity space if required. A planning condition can be imposed requiring details of the boundary enclosure treatments to be submitted and agreed. Likewise, a hard and soft landscaping condition would ensure appropriate frontage treatment.

The proposal indicates the use of brick and slate and a planning condition can be imposed requiring full details of all the facing and roofing materials to ensure appropriate quality.

Although the new building will be constructed along the same front building line as both neighbouring properties, it will project out further beyond the rear building line of neighbouring properties. The projection will be approximately 4.5 metres beyond the rear building line of no.37 Meersbrook Road and approximately 3.3 metres beyond the rear building line of no.31 Meersbrook Road. Despite the level of projection, it should be noted that the gable wall of the new building will be approximately 1 metre away from the party boundary with no.37 and approximately 2 metres from its gable wall. Likewise, the other gable wall of the new building will, at its closest point, be positioned approximately 3.6 metres away from the party boundary with no.31 and approximately 5 metres away from its gable wall.

The submitted, amended scheme shows that the apartments will have access to a communal amenity space and a designated bin storage area. The communal bin storage area will be enclosed by way of a 1.8-metre-high timber-screen fence.

A landscape condition would mitigate to some degree any adverse impact on the biodiversity and loss of greenery at the site whilst also creating a better living environment for the future occupants of the development and existing neighbours. A good quality landscaping scheme could also help mitigate the impact of surface water run-off.

Given that the site will incorporate car parking at the rear, beyond the rear garden, it is acknowledged that having a pedestrian entrance at the rear does have some logic

in this instance and provides the shortest route from the car parking space to the apartment block entrance. Car parking at the rear can be viewed as a positive aspect of the scheme in that it limits entrance and exit to a single point and avoids a car dominated street frontage.

Whilst it is a good design principle to include an entrance at the front of a property to make the building more legible and accessible to occupants and visitors, the applicant has resisted requests to incorporate this into the design. This is a minor shortfall in the design of the scheme.

Taking all these factors into account, the overall design concept of the development is acceptable and therefore will satisfy UDP Policies H14 and BE5 and, Core Strategy Policy CS74.

Impact on Living Conditions & Residential Amenity

UDP Policy H14 seeks to ensure that the site would not be overdeveloped or deprive residents of light, privacy or security.

Paragraph 130 of the NPPF expects planning decisions to ensure that developments result in a high standard of amenity for existing neighbours and for the future occupants of new developments.

Impact on Existing Neighbouring Residents

Concerns have been raised from residents opposite and adjacent the site on Meersbrook Road, and on Northcote Avenue that the proposal will lead to loss of privacy.

The separation distance between the rear façade of the apartment block to the rear facing façade of properties on Northcote Avenue would be approximately 80 metres, and therefore in this context, there is more than adequate separation distance between properties to ensure that no significant loss of privacy will occur. For comparison purposes, the Council's SPG requirement is for a minimum 21-metre separation distance between rear-facing main habitable room windows.

The relationship and separation distance between the front façade of the new apartment block and the front elevations of properties opposite on Meersbrook Road would be approximately 18 metres which, is again considered to be more than adequate for privacy purposes at the front of properties which, by their very nature are already windows that are overlooked from the public domain. Given also that the new apartment block would be built along the same front building line as existing neighbouring properties on the road, this relationship and separation would be no different to many of the other properties on the road.

Inevitably there will be some overlooking of close neighbouring gardens, this is a typical situation that already exists with many properties throughout the city. Although there are balconies at first-floor level on the rear, these will have obscure glazed privacy screens. The privacy screens will be approx. 1.8 metres high from the finished floor level and should help mitigate the level of overlooking that would occur.

Raised balconies and terraces are a common feature of many properties throughout Sheffield particularly in situations such as this where the land falls away at the rear.

The fact that the new apartment block projects out further at the rear than neighbouring properties also helps to further reduce the loss of privacy to the areas at the immediate rear of neighbouring properties.

The development in this instance also includes rear-facing dormers and there is a concern from local residents that these will also lead to loss of privacy due to their elevated nature. Dormers are a common feature along this stretch of road and, many of the properties on Meersbrook Road could erect a rear dormer under permitted development rights. They face down the site and result in no more overlooking than exists between adjacent properties currently.

Many of the objectors have raised concerns about the new apartment block having car parking at the rear of the site. This is not the norm by comparison with other residential properties on the road, but it should be acknowledged that for this site, there is already a situation where cars can park at the rear of the site adjacent to neighbouring gardens and/or adjacent to the watercourse at the rear. So the concept of vehicular movements at the rear of the site is not new in this instance. The development should not result in any greater use of the site by vehicles than what could happen now. Planning permission would not be required to bring all 14 garages back into use, and if that were to happen, there would potentially be more traffic movements than would occur by the introduction of 4 new apartments

Objectors state that by having the car parking area at the rear of the site, the movement, noise, light and fumes generated by the resident's cars would have a detrimental impact on immediate neighbouring residents and to the wildlife in the area. Although the garage site currently may be operating less than it has in the past, it does nevertheless have 14 single garages on it and, could be used more intensively. Given the low number of spaces and apartments the likely change in the number of car movements is not considered significant.

The relocation of the access point, to immediately adjacent 31 Meersbrook Road, utilising a drive with a steep gradient will increase noise potential at this point. It is therefore considered necessary for a form of acoustic barrier to be provided at this location to minimise any impact on the occupants of no. 31.

The two immediate neighbouring properties to the site are nos.31 and 37 Meersbrook Road. Both neighbouring properties have existing windows to their side/gable elevations. No. 31 Meersbrook Road has a gable window that is positioned at second floor/attic level (it is assumed that this gable window serves a bedroom in the roofspace). No.37 Meersbrook Road has ground and first-floor level windows on the gable elevation facing towards the application site (these windows serve a hallway and landing, and one is a secondary window to a bedroom). The side/gable walls of the apartment block will be approximately 2 metres away from the ground and first-floor gable windows of No.37 and approximately 5.2 metres away from the attic gable window of no.31 Meersbrook Road. This relationship is replicated along Meersbrook Road so is appropriate in design terms. The development will lead to some loss of natural light to the existing side windows of

particularly 37 Meersbrook Road the windows are not the sole source of light to habitable rooms and are unreasonably relying on third party land for light. This impact is not therefore afforded significant weight.

The apartment block will have 3 sets of windows on each side/gable wall. The windows are relatively small, are positioned at a high level, and serve bathrooms (at ground floor level) and serve as secondary windows to kitchen/dining rooms (at basement and first-floor levels). Officers consider it to be appropriate for these windows to be obscure glazed to ensure no loss of privacy to the existing gable windows of the neighbouring properties (at nos. 31 and 37 Meersbrook Road).

Because the rear section of the new apartment block does project beyond the rear building line of neighbouring properties, the extra projection has been designed with 45-degree splayed corners, this therefore ensures that the building does not appear excessively overbearing and allows natural light to serve existing basement and ground floor rear facing windows of in particular 37 Meersbrook Road. The scheme now complies with Guideline 5 of the Designing House Extensions adopted SPG which, to avoid overshadowing and overbearing impact, contains a requirement for built form not to breach a 45-degree angle when measured from the nearest point of nearby ground floor windows.

Living Conditions of Future Occupants

Policy H5 of the Sheffield Unitary Development Plan relates to 'Flats Bed-sitters and Shared Housing'. This policy stipulates that planning permission will be granted for the creation of flats, bed-sitters and the multiple sharing of houses only if; -

- A concentration of these uses would not cause serious nuisance to existing residents; and
- Living conditions would be satisfactory for occupants of the accommodation and for their immediate neighbours; and
- There would be appropriate off-street car parking for the needs of the people living there.

This development will result in 4 x 1-bedroom apartments being created. Each habitable room in the apartments will have windows with reasonable outlooks and natural light entering. The apartments will share a communal outdoor space as well as having a separate amenity space. The two upper floor apartments will have a small external balcony and the two lower apartments will have a small front garden space. Whilst the front garden spaces are not readily private or have a direct access from the apartments, they do nevertheless provide an additional space that is southwest facing.

As well as having a communal amenity space at the rear of the apartment block, each flat has a designated off-street car parking space. There will be 1 designated space for visitors. There will be a communal cycle-parking area and a communal bin storage area also located at the rear, segregated from the main amenity/garden space by timber fencing. The drawings show timber palisade fencing around the bin and cycle storage areas, the details of which can be secured by condition to ensure appropriate quality.

Any occupants or visitors coming to the site on foot will have the choice of two routes to get to the entrance of the building, they could either use a stepped ramp and footpath located between the new building and no.37 Meersbrook Road or, they could use the access drive route (which slopes down towards the car parking area). Due to the relatively steep nature of the access drive and elements of steps along one of the routes, it is necessary to impose a planning condition requiring suitable handrails to be fixed to both gable walls in order to improve the accessibility of the building for pedestrians, including any persons with mobility issues.

Any occupants or visitors not arriving by car would need to walk past the rear kitchen/dining room windows of the two basement level apartments to access the building. This is not an ideal arrangement but given the small number of apartments it is not likely to occur at a level of intensity that would cause nuisance.

Given that the car parking and entrances to the apartments are all located at the rear of the building, officers consider that this development will require a lighting scheme for both safety and amenity reasons. The details of this can be secured via a condition ensuring that the appropriate balance is achieved between safety, neighbour and wildlife impacts.

Despite the concerns raised by residents, officers are satisfied that the proposed development will (with the appropriate planning conditions included and subsequently implemented) result in a scheme that won't significantly affect the amenities of existing local residents. The development would meet the basic needs of the future occupants and as such the proposal would comply with UDP Policies H14 and H5, Core Strategy Policy CS74 and para 130 of the revised NPPF.

Parking, Highways & Traffic Issues

Paragraph 111 of the revised NPPF sets out that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

UDP policy H14 requires developments to provide safe access, off street parking, and not endanger pedestrians.

Core Strategy Policy CS53 'Management of Demand for Travel' sets out a variety of ways in which the increased demand for travel will be managed across the city including applying maximum parking standards to all new developments to manage the provision of private parking spaces.

This development will provide a total of 5 off-street parking spaces at the rear of the site (1 parking space for each flat and 1 visitor parking space). It is recognised that the site is located within a sustainable location with regular bus services operating nearby and the shops and services at Heeley Green less than 500m walking distance. In addition to providing on-site car parking, the applicant has also agreed to provide on-site cycle parking provision. The cycle-parking provision is intended to promote more sustainable forms of transport as an alternative to the use of the car.

The site currently accommodates 14 single garages in 4 separate blocks. Although the site is not intensively used at present, it does have the potential for all 14 garages to be brought back into use which would potentially generate more traffic movements than the current proposal.

The application site frontage has 2 existing large mature street trees on the public footpath. The trees appear to be healthy specimens and certainly add to the visual amenity of the street scene. The proposed access drive that is shown on the amended plans would move closer to the tree to the west than the current access point but still allows access to the rear car parking area in a manner which will not harm the trees and will provide appropriate visibility.

The gradient of the access drive will be steep, however, the fall of the access drive is in a direction away from the public highway and as such, will not involve rainwater draining onto the public highway

When taking the above-mentioned highway issues into account, it is considered that the proposal is acceptable in terms of highways impacts and does not conflict with the aims of policies H14 and CS53, or paragraph 111 of the NPPF

Sustainability, Response to Climate Change & Flood Risk Issues

Paragraph 8 (c) of the NPPF identifies the planning system has having a key 'environmental objective' of protecting and enhancing the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Core Strategy Policy CS63 'Response to Climate Change' identifies several key actions to reduce the city's impact on climate change, these can include for example:

-

- Giving priority to development in the City Centre and other areas that are well served by sustainable forms of transport.
- Promoting higher densities of development in locations that are well served by sustainable forms of transport.

The policy also highlights key actions that can help to adapt to expected climate change, and these can for example include: -

- Locating and designing development to eliminate unacceptable flood risk.
- Giving preference to development of previously developed land where this is sustainably located.
- Adopting sustainable drainage systems.
- Encouraging environments that promote biodiversity, including the city's Green Network.

Core Strategy Policy CS64 'Climate Change, Resources and Sustainable Design of Developments' states that all new buildings and conversions of existing buildings

must be designed to reduce emissions of greenhouse gases and function in a changing climate. And therefore, all developments are required to: -

- Achieve a high standard of energy efficiency.
- Make the best use of solar energy, passive heating and cooling, natural light and natural ventilation.
- Minimise water consumption and maximise water re-cycling.
- Use sustainable materials wherever possible and make the most sustainable use of other materials.
- Minimise waste and promote recycling, during both construction and occupation.

Unless it can be shown not to be feasible, Policy CS65 of the Core Strategy 'Renewable Energy and Carbon Reduction' requires new developments to: -

- Provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy.

Policy CS67 of the Sheffield Core Strategy relates to 'Flood Risk Management' and this policy seeks to reduce the extent and impact of flooding by: -

- Requiring all developments to significantly limit surface water run-off.
- Requiring the use of Sustainable Drainage Systems (SUDS) or sustainable drainage techniques on all sites where feasible.

In this instance, the applicant has submitted a 'Flood Risk Statement' (published 4th Feb 2020), a revised 'Design & Access Statement' and a revised 'Sustainability Statement' (both published 16th July 2020).

The applicant's flood risk statement identifies the site as being less than 1 hectare and, that the footprint of the proposed new building will be located within the Floodzone 1 area, and the car parking area being within a Floodzone 2 area. The Environment Agency were consulted, and they have confirmed that they have no concerns in respect of the residential block part of the development because no part of it will be within either a Floodzone 2 area or a Floodzone 3 area.

Given that the proposal is located immediately adjacent to an existing waterway and that there will be some demolition works, some boundary treatment works and some drainage improvement works (SUDS), a directive will need to be imposed advising the developer to make further contact with the Environment Agency with the view of securing further advice and to also gain any necessary approvals in respect of carrying out works in close proximity to the waterway.

The submitted flood risk statement doesn't show any additional proposals or measures to deal with climate change or long-term flooding. Underneath the overgrown brambles, scrubland and weeds, the site incorporates some extensive hard surfaced areas but, because of this development, the applicant will be providing a designated amenity space. The applicant will also be required to submit details of a hard and soft landscaping scheme which will create opportunity for improved surface water management. There are also a range of cost-effective simple measures that can easily be incorporated into a scheme to help reduce surface water run-off (for

example, the introduction of water butts would be a useful method of rainwater harvesting and recycling). It is considered appropriate therefore, for a planning condition to be imposed that will help secure some of these surface water management initiatives. This will ensure compliance with the requirements of Core Strategy Policy CS67.

The submitted sustainability statement makes specific reference to the development being designed with due regard to Core Strategy Policies CS64 and CS65. The statement raises the point that the development will be constructing a new residential housing scheme on an existing brownfield site within an urban housing area that is currently well served by public transport links (bus services). The statement and submitted drawings also show that cycle parking will be provided as part of this scheme, and that this is intended to promote alternative modes of transport. The report also makes the point that all the flats will have some windows that are south facing and will therefore benefit from solar/thermal warming.

It is considered that although the submitted flood risk and sustainability reports include some broad statements this development is capable of delivering more than what is shown on the submitted plans and therefore, it is appropriate in this instance to impose planning conditions requiring the developer to demonstrate that the proposal will be sustainable and that it will also respond to climate change issues, thereby meeting the aims of the local development plan policies and the NPPF.

Biodiversity Issues

Paragraphs 174, 179 and 180 of the NPPF seek to ensure that planning policies and decisions contribute to and enhance the natural and local environment by: -

- Providing and seeking net gains for biodiversity.
- Promoting the conservation, restoration and enhancement of priority habitats and ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
- Wherever opportunities arise, promoting biodiversity as part of the design element of schemes, especially where this can secure measurable net gains.

A 'Preliminary Ecological Appraisal (PEA) Report' (reference no. 201062/Rev1. dated 23rd October 2020) has been submitted with the application. This report has been prepared by suitably qualified ecologists (Whitcher Wildlife Ltd.). Using data available from the Sheffield Biological Records Centre and on-site assessments, the report highlights various findings and also makes a series of recommendations:

Officers have assessed the submitted ecology report and its recommendations and are able to confirm that although the survey was conducted late in the year, it does make an adequate assessment of the site. There are no concerns over protected or priority habitats or species, such as bats or badgers. As the site is almost covered by bramble scrub it does however provide a potential nesting and foraging habitat for a range of birds and small mammals who may also use the site.

The garage blocks have been assessed as having a negligible potential for roosting bats, but bats might still commute through the site and forage along the Meers

Brook.

Other than a few self-seeded sapling trees, the applicant has confirmed that no significant trees are being removed as part of this application.

Any clearance of sapling trees and scrub vegetation on site should be carried out outside of the bird breeding season (March 1st – August 31st) as all birds, their nests, eggs, and young are protected under the Wildlife & Countryside Act during this time. If works are anticipated during this period, a nesting bird check will be required, carried out by a suitably qualified ecologist. A directive will remind the applicant of their legal obligations in this regard.

Whilst the presence of bats is judged to be unlikely, if any are found during demolition works, all work in that area will have to cease and advice be sought from a licensed bat worker.

Officers also recommend that a planning condition be imposed requiring a range of biodiversity enhancements to be carried out at the site. The recommended biodiversity enhancements should include: -

- 2 x bat boxes (either box, brick, or tile design) to be incorporated into the scheme design. The applicant's ecologist should be able to advise on the appropriate types and siting.
- 2 x bird boxes (officers recommend 1 x standard 28mm hole box and 1 x house sparrow 'terrace' type box. Again, the applicant's ecologist will be able to advise.
- A landscaping plan to utilise native trees and shrubs to compensate for habitat loss. The scattered trees at the northern end of the site should be retained where possible.

Officers also recommend that the boundary hedges should be retained and that any proposals for the hedges should be discussed with the owners of the adjacent properties.

It is also recommended that the Meers Brook is fenced off during the demolition/clearance/construction phases in order to prevent any rubble, rubbish or building materials entering the watercourse.

In this instance therefore, it is recommended, that a suitably worded planning condition be imposed that will secure all of the above-mentioned recommendations and that the best approach would be to require details of an ecological management plan to be submitted for approval. This would lead to enhanced biodiversity at the site and would meet the aims of paragraphs 174, 179 and 180 of the NPPF.

Land Contamination Issues

Officers are aware that the site has previously been used commercially by the owners for renting out individual garage spaces for private parking/storage purposes. Colleagues in the Council's Environmental Protection Service (EPS) have stated that the use of the site for garage parking may potentially have resulted in contamination of the ground. There is, in addition, potential for the presence of 'Made Ground',

which might also contain contaminants, with both features presenting a potential risk to human health, property and the environment. In light of the above, it is recommended that appropriate land-contamination-related planning conditions be imposed which should ensure that these issues are properly investigated further and, if appropriate, suitable remediation works carried out.

Community Infrastructure Levy (CIL)

The Council's Community Infrastructure Levy (CIL) Charging Schedule (June 2015) sets the levy rates applicable to certain developments. The site is located within a zone 3 area where there is a charge of £30 per sq. Metre. (plus indexation charge)

SUMMARY AND RECOMMENDATION

Planning permission is being sought for the demolition of four garage blocks (14 garages in total) and the erection of a detached apartment block consisting of 4 x 1-bedroom apartments with 5 off-street car-parking spaces, some communal amenity space, a cycle parking area, and a communal bin storage area.

The development site is located within a Housing Policy Area and therefore the principle of new housing is considered acceptable subject to appropriate residential amenity matters being satisfactory.

The apartment block will be constructed in a similar scale and footprint to other nearby properties and utilises features which reflect local character. Through the use of planning conditions, officers will be able to ensure that the development is constructed in appropriate facing materials. The absence of a front entrance door is a shortfall in the design but is not considered critical to the design and appearance of the building in this instance. It does result in occupants or visitors arriving on foot accessing the rear entrance via a stepped gradient but facilities can be provided and secured though conditions to assist access for people with mobility issues.

Representations have raised objections to the proposal based on issues such as poor design, impact on neighbours (and future occupants), highway/traffic safety issues and harm to the ecology.

The scheme delivers 4 new residential units with appropriate off-street car-parking and appropriate living conditions on a previously developed site in a sustainable location. It does not raise any significant issues in respect of neighbour impacts and will not affect highway safety. There are no significant ecological constraints and, key features including hedges are being retained. Whilst the scheme lacks detail in respect of sustainable building design commitments these can be secured through appropriate conditions.

There are therefore no significant adverse impacts of the development and given the absence of a 5-year housing supply in the city, it is therefore the case that the tiled balance and presumption in favour of development as prescribed by paragraph 11 of the NPPF is in effect, and planning permission should therefore be granted.

Therefore, for all the reasons outlined above, it is recommended that the application

is approved subject to the listed conditions.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 1 March 2022

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of two-storey side extension to dwellinghouse (resubmission of 21/01725/FUL) at 315 Sharrow Lane, Sheffield, S11 8AP (Case No: 21/04510/FUL).

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the Enlargement of dwellinghouse by construction of an additional storey (total height 9.33m) at 27 Blackbrook Drive, Sheffield, S10 4LS (Case No: 21/3062/ASP).

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for 1x internally illuminated digital advertising screen (Resubmission of 21/00893/HOARD) at City Gate, 8 St Mary's Gate, Sheffield, S1 4LW (Case No: 21/2710/HOARD).

3.0 APPEALS DECISIONS – DISMISSED

Nothing to report.

4.0 APPEALS DECISIONS – ALLOWED

Nothing to report.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

(i) An appeal has been submitted to the Secretary of State against the

Enforcement Notice served in respect of the breach of planning control as alleged in the notice which is the unauthorised:

- (i) engineering operation to significantly raise the land level.
- (ii) change use of the Land from agriculture to residential garden use, in connection with the dwellinghouse Ivy Cottage.
- (iii) construction of a retaining wall around the Land associated with the change of use in 3(ii).

And:

Various works have been carried out on the site and there may be a possible breach of planning permission 94/1522P relating to PD rights and condition 2 regarding access and egress. Also, non-compliance with condition relating to use of external finished materials 13/01819/FUL. Further complaint received concerning works to adjacent field, to raise the levels and use it as garden to Ivy Cottage.

At field (part of) bounded by Storth Lane, Slack Fields Lane and Glen Howe Park, Wharncliffe Side, Sheffield, S35 0DW. (Case No's: 21/00567/ENUD & 18/00386/ENUHD respectively)

Planning Inspectorate Refs: APP/J4423/C/21/3289754 & APP/J4423/C/21/3289755

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report.

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

1 March 2022

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