

Planning and Highways Committee

Tuesday 24 May 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

To be confirmed.

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.

Attending Meetings

Meetings of the Council have to be held as physical meetings and are open to the public. If you would like to make a representation to the Planning and Highways Committee, please email committee@sheffield.gov.uk by 9am 2 working days before the meeting and state which application you wish to speak on. If you would like to attend the meeting, please report to an Attendant in the Foyer at the Town Hall where you will be directed to the meeting room. However, it would be appreciated if you could register to attend, in advance of the meeting, by emailing committee@sheffield.gov.uk, as this will assist with the management of attendance at the meeting.

PLEASE NOTE: The meeting rooms in the Town Hall have a limited capacity. We are unable to guarantee entrance to the meeting room for observers, as priority will be given to registered speakers and those that have registered to attend.

Alternatively, you can observe the meeting remotely by clicking on the 'view the webcast' link provided on the [meeting page](#) of the website and then click on the 'Click for more details about Planning and Highways Committee' header which will enable you to see the presentations made.

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
24 MAY 2022**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Appointment of Co-Chairs of the Committee for the Municipal Year 2022-23**
To note the appointments of Co-Chairs of the Planning and Highways Committee made at the Annual Meeting of the Council, or to appoint Co-Chairs, if no such appointments were made at that meeting.
- 3. Apologies for Absence**
- 4. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 5. Declarations of Interest** (Pages 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 6. Minutes of Previous Meeting** (Pages 9 - 12)
Minutes of the meeting of the Committee held on 12th April 2022.
- 7. Site Visit**
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 8. Tree Preservation Order No. 447, 45A Brooklands Avenue, Sheffield, S10 4GB** (Pages 13 - 20)
Report of the Director of City Growth Service
- 9. Tree Preservation Order No. 448, 6 Hardwick Crescent, S11 8WB** (Pages 21 - 32)
Report of the Director of City Growth Service
- 10. Applications Under Various Acts/Regulations** (Pages 33 - 34)
Report of the Director of City Growth Service.
- 10a. Application No. 21/04262/FUL - Land associated with Ingfield House, 11 Bocking Hill, Sheffield, S36 2AL** (Pages 35 - 68)
- 10b. Application No. 21/03835/FUL - Land with existing buildings on 443 - 447 Queens Road, Highfield, Sheffield, S2 4DR** (Pages 69 - 90)

- 10c. Application No. 21/03651/FUL - The Royal Oak, 53 High Street, Mosborough, Sheffield, S20 5AF** (Pages 91 - 118)
- 11. Record of Planning Appeal Submissions and Decisions** (Pages 119 - 136)
Report of the Director of City Growth Service.

12. Date of Next and Future Meetings

In accordance with the timetable of meetings to be agreed at the Annual Meeting of Council, the next meeting of the Committee will be held on Tuesday 14th June 2022 at 2pm.

Future meetings will be held on Tuesdays at 2pm, as follows:

12th July 2022
9th August 2022
13th September 2022
11th October 2022
8th November 2022
6th December 2022
10th January 2023
14th February 2023
14th March 2023
18th April 2023

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 12 April 2022

PRESENT: Councillors Dianne Hurst (Chair), Roger Davison, Peter Garbutt, Bob McCann, Zahira Naz, Peter Price, Chris Rosling-Josephs, Andrew Sangar, Richard Williams, Alan Woodcock, Bernard Little (Substitute Member) and Anne Murphy (Substitute Member)

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1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Tony Damms, Brian Holmshaw and Garry Weatherall.
- 1.2 Councillor Anne Murphy acted as substitute for Councillor Damms and Councillor Bernard Little acted as substitute for Councillor Holmshaw.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 Councillor Peter Garbutt declared a personal interest in Agenda Item 7b, Application No. 21/02633/FUL - 322 Abbeydale Road, Sheffield, S7 1FN, as a local ward member. Councillor Garbutt declared that he had been involved with local residents on the matter prior to the meeting, therefore would not take part in the discussion and voting thereon.
- 3.2 The Chair reminded the substitute Members who had not heard the full debate in regard to Application No. 21/02633/FUL at the previous meeting, that they would be asked to not speak or take part in the vote thereon.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee held on 1st March 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. 21/04709/FUL - 16 COLLEGIATE CRESCENT, SHEFFIELD, S10 2BA

- 6a.1 An additional written statement from the applicant and additional neighbour representations along with the officer responses were included within the Supplementary Report circulated and summarised at the meeting.
- 6a.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 6a.3 David Cottam attended the meeting and spoke against the application.
- 6a.4 Members were reminded of the Public Sector Equality Duty.
- 6a.5 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted.
- 6a.6 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, for the change of use to residential institution (Use Class C2) at 16 Collegiate Crescent, Sheffield, S10 2BA (Application No. 21/04709/FUL).

6b. APPLICATION NO. 21/02633/FUL - 322 ABBEYDALE ROAD, SHEFFIELD, S7 1FN

- 6b.1 The Chair reminded those Members who had not been present at the previous meeting that they should not take part in the discussion or vote on the application. Councillors Peter Garbutt and Anne Murphy left the meeting at this point.
- 6b.2 Councillor Bernard Little remained in the meeting, as he had also been a substitute at the previous meeting.
- 6b.3 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting. The Officer reminded Members of the discussions held at the previous meeting at which the application had been deferred.
- 6b.4 Nicole Jewitt and Councillor Paul Turpin attended the meeting and spoke in favour of the application.

- 6b.5 An Officer from Environmental Protection Services provided further clarity and detail around noise and outdoor speakers.
- 6b.6 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report, now submitted.
- 6b.7 Councillor Bernard Little moved an amendment of 36 months for the temporary consent. Councillor Roger Davison seconded this amendment.
- 6b.8 **RESOLVED:** That (1) the condition regarding the length of time for the temporary permission be extended to 36 months; and

(2) an application for temporary planning permission be GRANTED, conditionally, for the reasons set out in the report, including the amended condition, for the retention of lean-to timber framed covered seating area at side of building (retrospective application) at 322 Abbeydale Road, Sheffield, S7 1FN (Application No. 21/02633/FUL).

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 3rd May 2022 at 2pm.

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SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 9th May 2022

Subject: Tree Preservation Order No. 447
45A Brooklands Avenue, Sheffield, S10 4GB

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

Summary: To seek confirmation of Tree Preservation Order No. 447

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation Tree Preservation Order No. 447 should be confirmed unmodified.

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

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

24th May 2022

45A Brooklands Avenue, Sheffield, S10 4GB

TREE PRESERVATION ORDER NO. 447

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.447

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.447 ('the Order') was made on 6th January 2022 to protect T1, pine, T2, silver birch, G1, group of sycamore and T3, a singular sycamore, within the curtilage of 45A Brooklands Avenue and rear gardens abutting the site from Whitfield Road. A copy of the Order, with its accompanying map, is attached as Appendix A.
- 2.2 T1 and T2 (as described in the Order) are positioned to the north of the site and are fully visible from rear gardens on Brooklands Avenue. The trees are also partially visible from the vantage point of the highway at Brooklands Avenue. G1 forms a screen of mature sycamore trees between the rear gardens of Whitfield Road and the proposed development site of 45A Brooklands Avenue. Due to the multi-stemmed nature of several trees, and their placement on an ill-defined boundary between the site and rear gardens on Whitfield Road, it is possible that several of the trees in the group are under the ownership of properties on Whitfield Road. T3 is a singular sycamore positioned on the southern boundary of the site, where it stands close to a boundary with a property on School Green Lane.
- 2.3 In late November 2021 the site was cleared of many trees, potentially to prepare the site for development. In response to this, on 08.12.21, an inspection of the remaining trees was carried out by Vanessa Lyons, Tree Officer for SCC. The intention was to assess whether the remaining trees were worthy of protection under a TPO, thus preventing the immediate loss of any more trees from the site and ensuring that the remaining trees be fully considered during any subsequent planning application.
- 2.4 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Vanessa Lyons, who scored T1,T2 and T3 with 12 points respectively, and G1 with 14 points. The assessment produced a clear recommendation for protection. A summary of the TEMPO can be found in Appendix B.
- 2.5 objections.

No objections were received. A representation was received from residents whose land borders the site, querying the position of several trees which are included in the TPO and which straddle the border between Whitfield Road and the site. The trees belong to properties on Whitfield Road. The residents who submitted the representation are supportive of the TPO, and do not wish to object.

3.0 VISUAL AMENITY ASSESSMENT

3.1 T1, a pine, is visually prominent from houses adjacent to the site and from the road-side. The tree is outwardly free of major defects and brings a good degree of amenity to the area. T2, a silver birch and T3 a sycamore, are less visibly prominent, being harder to see from the highway, but still forming a natural screen between adjacent houses and the proposed development site. G1 consists of a large number of mature sycamore trees. Although the trees do contain a number of defects, such as torn out branches and suppressed canopies, the trees as a group are visually very significant, forming a screen between multiple houses and the site, and creating a wildlife corridor which will provide vital habitat for a number of birds, insects and small mammals.

3.2 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Vanessa Lyons Tree Officer for SCC. The assessment produced a clear recommendation for protection. A summary of the TEMPO can be found in Appendix B.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

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

5.2 Protection of the trees detailed in Tree Preservation Order No.445 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. One objection has been received in respect of the Order. A response to that objection is provided at paragraph 2.5.
- 8.0 RECOMMENDATION
- 8.1 Recommend Provisional Tree Preservation Order No.445 be confirmed.

Michael Johnson, Head of Planning,

9th May 2022



NOTES / REVISIONS:

Notes:

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

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

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TREE SCHEDULE

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

T1 Pine - *pinus sylvestris*
T2 Silver birch- *Betula Pendula*
G1 Sycamore - *Acer pseudoplatanus* (29 in total)
T3 Sycamore - *Acer pseudoplatanus*

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 3085SW

Measurements shown approximate

SHEFFIELD CITY COUNCIL
PLACE

PLANNING SERVICE CITY GROWTH

SCHEME:

**TREE PRESERVATION ORDER
No. 447**

TITLE:

**45A Brooklands Avenue,
Sheffield S10 4GB**

SCALE:

1:500 @ A4

Drawn by:
ST

Checked by:
VL

Date:
15.12.2021

Drawing No:

A4/UED/808/447

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TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

| | | | |
|---|----------------------------|---|-------------------|
| Date: 08.12.2 | Surveyor: Vanessa Lyons | | |
| Tree details TPO Ref 447 Owner (if known): | | Group G1 Location: 45a Brooklands Avenue, Sheffield, S10 4GB | Species: Sycamore |

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

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

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

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

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

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 |

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

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

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 |

Score & Notes :

3 Trees in reasonable condition. Ivy present, some deadwood.

Some of the group may be situated on the boundary or within gardens on Whitfield Road.

Approx 29 trees, according to tree survey, which appears to have classed each stem of a multi-stemmed tree as one tree

Score & Notes

2

Score & Notes

5. Trees form a large group which separates the new development from 14 properties on Whitfield road

Score & Notes

1

Score & Notes

3

Add Scores for Total:

14

Decision:

TPO defensible

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SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

| | |
|-----------------------------------|--|
| Report of: | Director of City Growth Service |
| <hr/> | |
| Date: | 9 th May 2022 |
| <hr/> | |
| Subject: | Tree Preservation Order No. 448 6 Hardwick Crescent, S11 8WB |
| <hr/> | |
| Author of Report: | Vanessa Lyons , Community Tree Officer (Planning). |
| <hr/> | |
| Summary: | To seek confirmation of Tree Preservation Order No. 448 |
| <hr/> | |
| Reasons for Recommendation | To protect trees of visual amenity value to the locality |
| Recommendation | Tree Preservation Order No. 448 should be confirmed unmodified. |
| <hr/> | |
| Background Papers: | A) Tree Preservation Order No. and map attached. B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached. C) Objection letters attached. |
| <hr/> | |
| Category of Report: | OPEN |

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

24.05.22

6 Hardwick Crescent, S11 8WB

TREE PRESERVATION ORDER NO. 448

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.448

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.448('the Order') was made on 6th January 2022 to protect T1 Sycamore, T2 Lime, T3 Sycamore, T4 Sycamore and T5 Sycamore on land adjacent to 6 Hardwick Crescent, S11 8WB. A copy of the Order, with its accompanying map, is attached as Appendix A.
- 2.2 T1 to T5 (as described in the Order) are positioned to the south of the site and form a linear group fronting the corner of Hardwick Crescent and Psalter Lane. As such the trees are very visible and form a prominent part of the Psalter Lane Street scene. The trees are located within the Nether Edge Conservation Area, so they are already protected to a limited extent by Section 211 of the Town and Country Planning Act 1990.
- 2.3 In August 2021 a planning application was submitted to demolish the garage and outbuildings adjacent to no 6 and erect a dwelling house with associated landscaping and parking. While the proposal did not call for removal of the trees, Planning Officers raised concerns as to how the development would be realised in such close proximity to the trees. The site was visited in November 2021 by Planning Officer Sam Thorne and Tree Officer Nathan McWhinnie. They observed that despite the presence of buildings and hard-standing on the site, the majority of the trees' roots will be within the area proposed for development, as the adjacent highway will have prevented root growth on that side of the tree. As part of the footprint of the proposed building, and the entirety of the proposed hard standing area of the proposed development will fall within the root protection area of the trees, root damage is therefore very likely. Even taking into account no dig methods, as is proposed for the construction of the new hardstanding, the laying of porous material and a cellular system in this area will require ground levelling, whether this be tamping or excavation, which will occur within an area containing a multitude of roots. The proximity of the proposed dwelling to the trees will also create consistent conflict with regards branch encroachment, excessive shade, seasonal debris and the fall of sticky sap from aphids which favour lime and sycamore trees and which adhere

readily to windows, surfaces and car paint work. These issues will make the proposed development unpleasant to live in and will likely result in pressure for the trees to be pruned and or removed.

- 2.4 In response to this, on 08.12.21, an inspection of the trees was carried out by Vanessa Lyons, Tree Officer for SCC. The intention was to assess whether the trees were worthy of protection under a TPO, thus ensuring that they be fully considered during the planning application process.
- 2.5 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Vanessa Lyons, who scored the trees with 14 points respectively. The assessment produced a clear recommendation for protection. A summary of the TEMPO can be found in Appendix B.
- 2.6 Objections.

One objection was received via email on the 11TH January 2022. The objection was regarding the blocking of light, from the trees, to a neighbouring property. The objector requested that the TPO be amended to permit pruning to a height that would allow more light to access the property in question.

This objection was responded to by the Council's legal team on the 12th January stating that application to prune TPO trees should be pursued via the application process. Admin for Environmental Planning then followed with a reply on the 13th January with guidance on how to submit an application. No application has since been received.

3.0 VISUAL AMENITY ASSESSMENT

The trees are considered as having high public visibility, forming a linear group of large, mature trees which are entirely visible from Psalter Lane, a busy road along which many people travel daily. The trees appear in reasonable condition, with slender upright canopies typical of trees which are grown in close proximity to each other. The trees are ivy clad which precluded a full inspection of their condition, however no outward defects were visible at the time of inspection. The trees are suitable for their setting, forming a natural screen along a busy road and adding to the leafy character of the Nether Edge conservation area. As such it is considered that the trees bring a degree of amenity to the local area and their preservation should be sought.

- 3.1 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Vanessa Lyons Tree Officer for SCC. The assessment produced a clear recommendation for protection. A summary of the TEMPO can be found in Appendix B.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

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

5.2 Protection of the trees detailed in Tree Preservation Order No.448 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. One objection has been received in respect of the Order. A response to that objection is provided at paragraph 2.5.

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.448 be confirmed.

Michael Johnson, Head of Planning,

9th May 2022

6 Hardwick Crescent, Sheffield S11 8WB

22117061332b

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|-----------------------------------|------------------|
| T1 | Acer pseudoplatanus – Sycamore | SK 3385SW |
| T2 | Acer pseudoplatanus – Sycamore | |
| T3 | Tilia x europaea – Common Lime | |
| T4 | Acer pseudoplatanus – Sycamore | |
| T5 | Acer pseudoplatanus – Sycamore | |

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:

The use of this data acts as agreement to the following statements:
a. Copyright Sheffield City Council. All rights reserved in Chapter IV of the Copyright, Designs and Patents Act 1988 have been generally asserted
@ This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright and database rights Ordnance Survey 100018816 2018

TREE SCHEDULE

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

- T1 Sycamore - *Acer pseudoplatanus*
- T2 Sycamore - *Acer pseudoplatanus*
- T3 Common Lime - *Tilia x europaea*
- T4 Sycamore - *Acer pseudoplatanus*
- T5 Sycamore - *Acer pseudoplatanus*

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

PLACE

PLANNING SERVICE CITY GROWTH

TREE PRESERVATION ORDER

No. 448

TITLE

6 Hardwick Crescent,
Sheffield S11 8WB

SCALE

1:500 @ A4

| | | |
|-----------|-------------|------------|
| Drawn by: | Checked by: | Date: |
| ST | WL | 15.12.2021 |

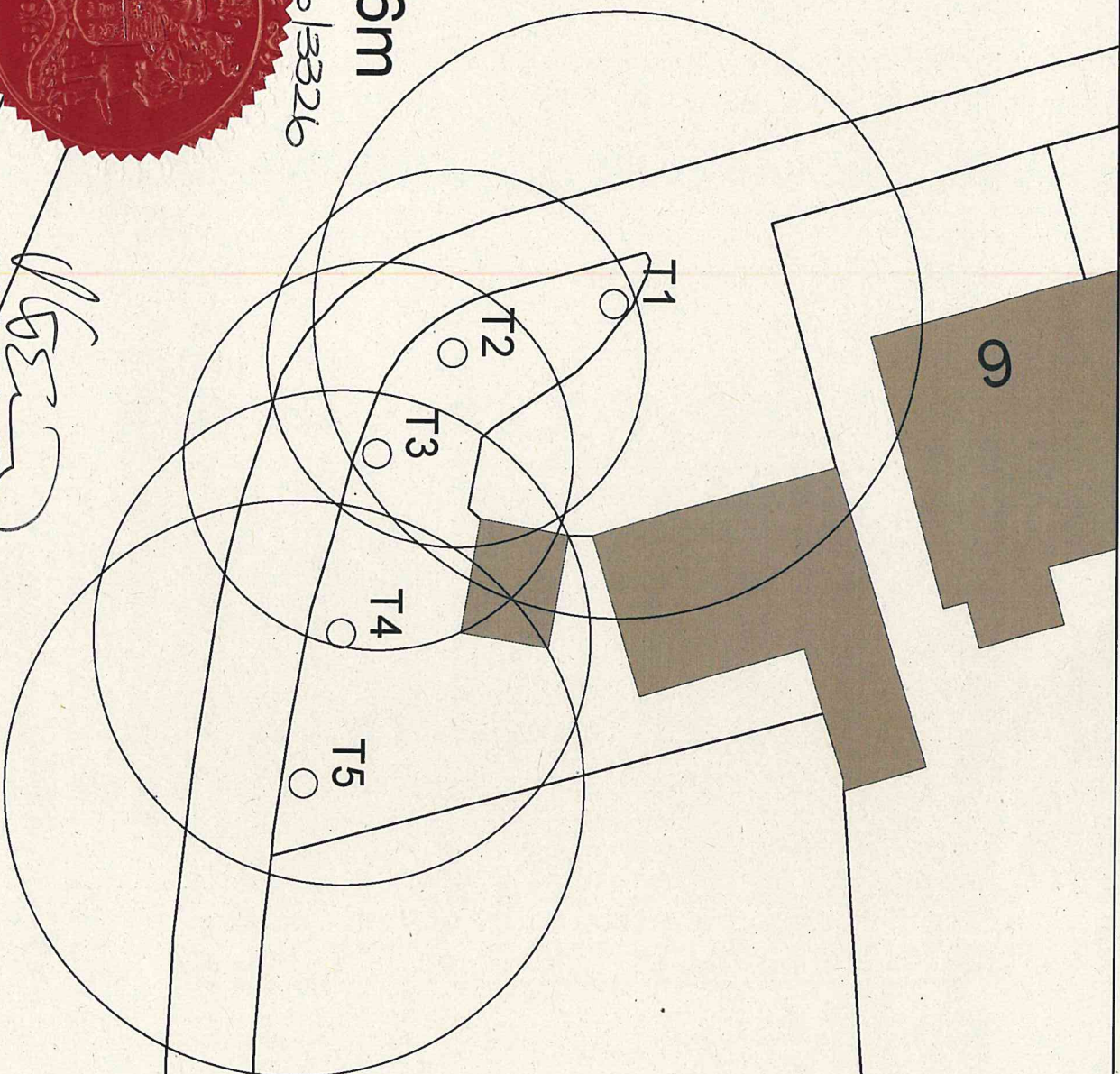
Drawing No:

A4/UED/808/448

[Signature]
Duly Authorised Signatory



28.6128.6m
22/1706/3326





TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 08.12.21
Surveyor: Vanessa Lyons

Tree details

TPO Ref 448

Group G1

Species: 4 sycamore, 1 lime

Owner (if known):

Location: Land adj. 6 Hardwick crescent

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

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

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

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

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

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 |

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 |

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 |

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 |

Score & Notes :

3. Trees in reasonable condition. Ivy covered, no inspection of base possible.

Score & Notes

2. Conservative estimate

Score & Notes

5. Large trees prominent in street scene.

Score & Notes

1

Score & Notes

3. Development application submitted, which does not call for removal of trees, but which will likely put pressure on trees both during development process and with regards future need to prune trees to mitigate conflict with building

Add Scores for Total:

14

Decision:

TPO defensible

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Excerpt of objection to TPO 808/ 448 6 Hardwick Crescent

Received via email 12th January 2022

“The trees cited in that Tree Protection Order block all the natural daylight from my kitchen and as a result my kitchen is so dark I must switch on my kitchen light throughout the day.

Please can you therefore kindly amend that Tree Protection Order to permit it to be pruned down to a height which will allow me to enjoy natural daylight in my kitchen during the day.”

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 24/05/2022

Subject: Applications under various acts/regulations

Author of Report: Dinah Hope, Chris Heeley and Lucy Bond

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 | 21/04262/FUL (Formerly PP-10181041) |
| Application Type | Full Planning Application |
| Proposal | Erection of 14 dwellinghouses with associated works, parking and landscaping |
| Location | Land associated with Ingfield House 11 Bocking Hill Sheffield S36 2AL |
| Date Received | 29/09/2021 |
| Team | West and North |
| Applicant/Agent | Urbana Town Planning Limited |
| 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:

Proposed Site Plan, Drawing Number QU-21-ST-001 published 11.05.22
Plot1 Elevations and Floor Plans published 10.03.22
Plot 2 Elevation published 03.05.22
Plot 2 Floor Plans published 03.02.22
Plot 3 Elevations and Floor Plans published 03.05.22
Plots 4 - 6 Elevations and Floor Plans published 03.02.22
Plot 7 Elevations and Floor Plans published 03.05.22
Plot 8 Elevations and Floor plans published 03.05.22
Plot 9 Elevations and Floor Plans published 10.05.22
Plot 10 Elevations and Floor Plans published 03.05.22
Plot 11 Elevations and Floor Plans published 03.05.22
Plot 12 Elevations and Floor Plans published 10.05.22
Plot 13 Elevations and Floor Plans published 10.05.22
plot 14 Elevations and Floor Plans published 03.02.22
Garage Block Details published 10.05.22

Site Section along Plots 2 and 4 published 10.05.22
 Site Section along Plot 3 and Ingfield House published 10.05.22
 Site Section along Plots 5 and 7 published 10.05.22
 Site Section along Plots 6 and 7 published 10.05.22
 Site Section along Listed Building and Plot 9 published 10.05.22
 Site Section along Plot 8 and 12 Broomfield Court published 10.05.22
 Site Section along Plot 8 and 16 Broomfield Court published 10.05.22
 Site Section along Plot 10 Published 10.05.22
 Site Section along Plot 11 Published 10.05.22
 Site Section along Plot 12 Published 10.05.22
 Site Section along Plot 13 and Lee Avenue published 11.05.22
 Site Section plot 14 and Ingfield House published 11.05.22
 Site Section along New Access Road published 03.02.22

Streetscene along 16 Broomfield Court, Site application extent and 15
 Bocking Hill published 10.05.22
 Streetscene along terraced houses and Listed Barn published 10.05.22
 Streetscene along Broomfield Road published 10.05.22

Reason: For the avoidance of doubt.

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

3. Notwithstanding the details on the submitted plans, no development shall commence until the existing surface water drain crossing the site has been surveyed upstream to determine its legal status (dependent upon what they drain) and appropriate evidence has been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for continuing to manage this surface water infrastructure across the site (whether retained or diverted) for the lifetime of the development. The applicant shall evidence that the status has been established and any proposed works accepted by the appropriate authority (eg. Sewerage undertaker, Highway Authority, Lead Local Flood Authority or landowner). Should these drains be proven to be a watercourse, highway drain or public sewer, appropriate standoff distances will need to be agreed with the relevant authority.

Reason: In the interests of ensuring the development does not adversely impact adjacent properties drainage.

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.

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

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

6. 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.

7. No development shall commence until details of measures to facilitate the provision of gigabit-capable full fibre broadband within the development,

including a timescale for implementation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/timetable thereafter.

Reason: To ensure that all new Major developments provide connectivity to the fastest technically available Broadband network in line with Paragraph 114 of the National Planning Policy Framework.

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge which shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The drainage arrangements shall be installed in accordance with the approved details.

Reason: In the interest of satisfactory and sustainable drainage.

9. No development shall commence until a Highways Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include:

- arrangements for wheel cleaning;
- on site parking / manoeuvring for construction vehicles;
- arrangements for contractor parking.

Thereafter, such facilities shall be provided to the satisfaction of the Local Planning Authority and in place for the period of construction.

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

10. Prior to the commencement of development full structural details of the proposed highway retaining works within the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

11. No development shall commence until full details of measures to protect the existing trees to be retained identified on the indicative planting strategy published 03.05.22, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in

accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

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

12. Before the development is occupied the detailed lifetime management arrangements for the drainage system shall be submitted to and approved in writing by the Local Planning Authority. These arrangements shall demonstrate that there is in place a legally binding arrangement for the life time management of the drainage system including funding source/s. This shall include operation and maintenance manuals for regular and intermittent activities and as-built drawings.

Reason: To ensure satisfactory drainage arrangements are provided to serve the site in accordance with the National Planning Policy Framework it is essential for this agreement to be in place before the use commences.

13. Prior to the commencement of above ground works, details showing hard surfaced areas of the site being constructed of permeable/porous surfacing shall be submitted to and approved in writing by the Local Planning Authority. The approved porous / permeable paving shall be provided prior to the occupation of the development and retained thereafter.

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

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

a) Be based on the findings of an approved noise survey of the application site, including an approved method statement for the noise survey.

b) Be capable of achieving the following noise levels:

Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);

Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

c) Where the above noise criteria cannot be achieved with windows partially

open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

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

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

16. Gas protection measures and the watching brief for shallow coal impacted soils, as recommended in the approved Eastwood & Partners Trial Pit Investigation report (ref. CAT/DJ/45922-002; 20/09/2021) 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 with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Councils 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.

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

18. Notwithstanding the details on the approved plans, 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.

19. Notwithstanding the details on the approved plans, details of a suitable means of site boundary treatment (including the incorporation of hedgehog highways) 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 dwellings 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.

20. Prior to above ground works commencing, full details of the management and maintenance plan for the landscaped area to the south east of the the access road forming the buffer to the Listed Barn, shall be submitted to the Local Planning Authority and approved in writing. The site shall be maintained thereafter in accordance with the approved plan.

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

21. Details of the siting of meter boxes shall be submitted to and approved in writing by the Local Planning Authority before above ground works commence. The meter boxes shall be installed in the agreed location.

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

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

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

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

- Window reveals
- Entrances
- Eaves and parapets

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

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

24. 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.

25. Notwithstanding the details on the approved plans, prior to above ground works commencing, details of the height, finish and location of the retaining walls within the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason In the interests of the amenities of the locality.

26. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

27. Prior to above ground works commencing full details of the ecological enhancements detailed within the Biodiversity Action Plan and Planting and Landscaping Strategy published 3.05.22 together with a strategy detailing how future occupiers will be provided within information on these biodiversity measures and how to maintain them, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be

installed on site prior to the first occupation and retained thereafter.

Reason: In the interests of protecting and enhancing biodiversity

Other Compliance Conditions

28. Prior to the construction works commencing on plot 14, or within an alternative time scale to be agreed with the Local Planning Authority, the alterations to layout of Ingfield House detailed in plan titled Ingfield House Redevelopment published 3.2.22 shall be carried out.

Reason: In the interests of the amenity of adjoining property

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

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

30. The development shall not be occupied unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

31. The development shall not be used unless the visibility splays have been provided as indicated on drawing number QU-21-ST-001 published 11.5.22 and such splays shall thereafter be retained.

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

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

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

33. 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 shallow coal or any other 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.

34. No buildings/structures shall be erected within 3m of the watercourse.

Reason: To ensure no obstruction and maintenance access.

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. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

3. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett

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

Tel: (0114) 273 6349

Email: james.burdett@sheffield.gov.uk

4. The applicant is advised that responsibility for the safe development and occupancy of the site rests with the developer. The Local Planning Authority has evaluated the risk assessment and remediation scheme on the basis of the information available to it, but there may be contamination within the land, which has not been discovered by the survey/assessment.
5. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines 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.

6. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

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

If you require any further information please contact:

Highway Adoptions
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Email: highwayadoptions@sheffield.gov.uk

7. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

8. The applicant is advised to have regard to the security advice contained within the correspondence received from South Yorkshire Police published 1.11.21 on the online file.
9. The applicant is advised that in order to discharge the above condition relating to gigabit-capable full fibre broadband the following should be provided:

- A contract or invoice for the installation of the physical infrastructure and the connection to gigabit-capable full fibre broadband.
- Confirmation of the speed that will be achieved by the gigabit-capable full fibre broadband infrastructure, from the network operator.
- Relevant plans showing the location/detail of the measures.

For more guidance with respect to addressing this requirement please see the attached Guidance Note and/or contact hello@superfastsouthyorkshire.co.uk

10. The applicant is advised to have regard to the information provided by Northern PowerGrid published on the online file 19.10.21
11. Applicants seeking to discharge planning conditions relating to the investigation, assessment and remediation/mitigation of potential or confirmed land contamination, including soils contamination and/or ground gases, should refer to the following resources;

- Land Contamination Risk Management (LCRM; EA 2020) published at; <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>;

- Sheffield City Council's, Environmental Protection Service; 'Supporting Guidance' issued for persons dealing with land affected by contamination, published at; <https://www.sheffield.gov.uk/content/sheffield/home/pollution- nuisance/contaminated-land-site-investigation.html>.

12. 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.

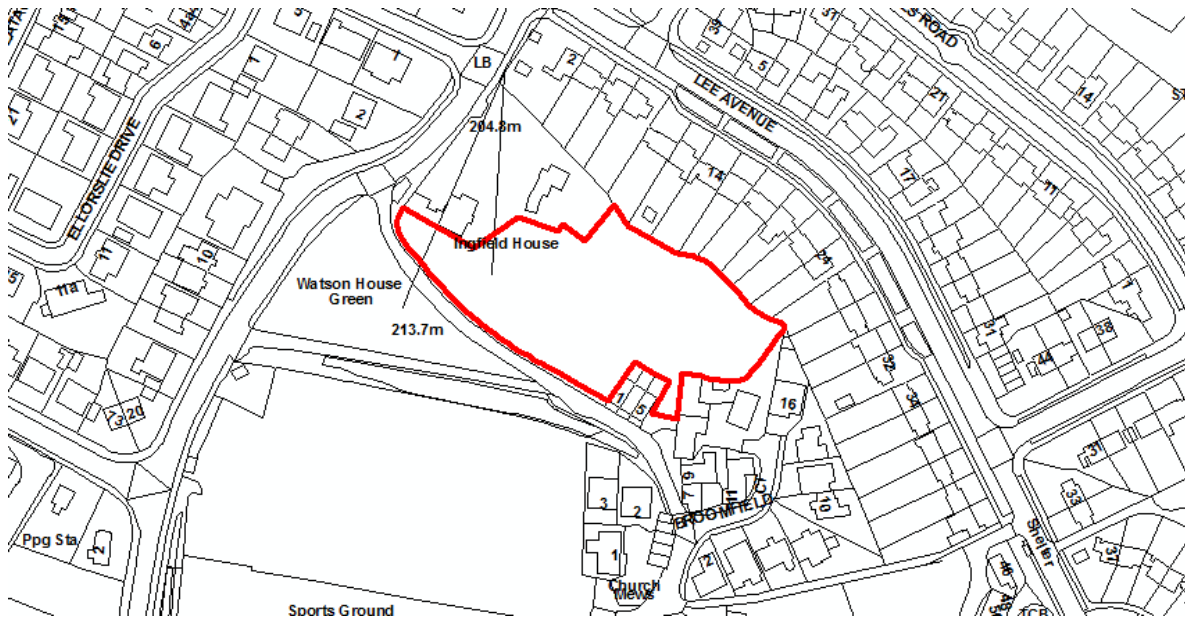
Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at eps.commercial@sheffield.gov.uk.

13. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
14. 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
15. A proposal by the developer to alter/divert, connect to or modify any nearby/onsite watercourses will require a Section 23, Land Drainage Act 1991 consent application for Works on an Ordinary Watercourse. This will have to be submitted to the LLFA. There is no cost for an application.
16. If the developer is looking to have new sewers included in a sewer adoption

agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), they should contact (Developer Services Team (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Codes for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

17. The applicant is advised that all birds, their nests, eggs and young are protected under the Wildlife & Countryside Act 1981 during the main nesting season (March 1st - August 31st). Any further clearance of the site should take place outside of this period, unless a check has been made by a suitably qualified ecologist.

Site Location



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LOCATION AND PROPOSAL

The site comprises approximately 0.43 hectares of land currently forming part of the garden to Ingfield House, a large detached dwelling on the corner of Bocking Hill and Broomfield Road.

The site has a frontage to Broomfield Road to the south and adjoins the side and rear gardens of houses off Broomfield Road, Broomfield Court, Lee Avenue and Bocking Hill.

An open space (known as Watson House Green) and the Stocksbridge sports ground are opposite the site. The sports ground is on a higher ground level to the south of Broomfield Road.

The site is on the north facing side of the valley, with the ground levels generally falling from south to north. A low stone wall runs along the Broomfield Road frontage.

A building on the adjoining land, in the garden of no.17 Broomfield Court immediately to the southeast of the site, is a grade 2 listed building.

Outline consent was granted for up to 9 dwellings on part of this site in August 2000. This application involves an enlarged site area, taking in more land to the west, extending up to the junction with Bocking Hill. This current application seeks consent for 14 x 4 bedroomed dwellings, with access taken from Broomfield Road.

PLANNING HISTORY

In 1982 outline planning permission was granted for the erection of 9 dwellinghouses and 1 bungalow on the site of Ingfield House and its garden (application no. 81/2090P refers). No subsequent reserved matters were submitted and this application subsequently lapsed.

In 1986 full planning permission was granted for the erection of a house within the curtilage of Ingfield House (application no. 86/1034P refers). This dwelling has since been built (no. 15 Bocking Hill) and is immediately to the northeast of Ingfield House.

In 1987 planning permission was granted for alterations to Ingfield House to form 3 flats (application no. 87/1349P refers).

Outline consent for the erection of up to 9 dwellings on the site was granted in August 2020 (application no. 19/02912/OUT refers). Access from Broomfield Road was approved with all other matters reserved for subsequent approval.

SUMMARY OF REPRESENTATIONS

Two rounds of neighbour notification have taken place, with the second being to make interested parties aware of changes to the layout of the scheme. 21 Letters of objection were received following the initial notification. The points raised are detailed below:

- None of the houses are affordable homes or social housing.
- Bungalows should be provided as there is a short supply of these.
- No need for further houses given other developments in the wider local area.
- The style of the houses are out of keeping, particularly the roof gardens.
- The garages would look unsightly.
- Objection to height of dwellings (3 storey).
- Original plans were more sympathetic.
- Overdevelopment – 14 dwellings is too much.
- Noise generation from use of garages (for purposes other than parking).
- Privacy issues, noise and light pollution from the roof terraces.
- Overshadowing to properties to the north.
- Increase in traffic on one way system with limited pavement and resulting implications on pedestrian safety.
- Concern drivers will shortcut to access the site rather than using the one way system.
- Parking problems resulting from insufficient parking within the development and use of garages for storage.
- Access should be off Bocking Hill.
- Intensification of access to Bocking Hill is a safety risk.
- No ecological statement has been provided and the site has been stripped of significant species to aid development. Loss of trees, birds, hedgehogs, bats, newts and squirrels are reported.
- Request for Wildlife Holes.
- The overdevelopment does not allow for sufficient green space to offset the previous tree removal, ecological damage and to soak up water.
- Destruction of remaining wildlife.
- Drainage issues exist on site, it becomes saturated and flooded.
- The development should be fitted with electrical charging points, air source heat pumps and solar panels to assist in meeting carbon neutral policies. Combi boilers should not be installed.
- There is no mention of using grey water in the buildings.
- Significant impact on the setting and curtilage of a listed building.
- Damage to historic barn during construction, the buffer zone is insufficient.
- Query about maintenance to land around the barn, which would be inaccessible due to retaining wall.
- Noise, disturbance and congestion during construction period.
- Query over information available / consultation.
- Request that the application goes to committee.

Stocksbridge Town Council raise concerns regarding access.

Following a second notification 8 further letters of objection were received. 1 from a neighbour who had not previously made representation and the remainder from residents who had previously responded to the initial notification.

Earlier comments were reiterated and raised again.

Further concerns were raised regarding:

- drainage, following recent heavy rainfall and the impacts of developing the site would exacerbate this.

- the strain the scheme would put on infrastructure.
- the depth of any excavations to be carried out for the installation of the water storage/ drainage tanks and their impact on the Grade II Listed Building.
- existing asbestos sheeting in relation to the watercourse.
- damage to third party property and increased drainage problems.

In addition, the following points raised are considered to be none planning issues:

- Fire Risk from garages (due to goods stored within)
- Damage to third party property
- Loss of View

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 require 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 Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in July 2021 (the NPPF) is a material consideration (paras 2 and 218 of the NPPF).

Paragraph 219 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

In all cases the 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 that protect areas or assets of particular importance (including SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provides a clear reason for refusing the development proposed;

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" and this assessment will have due regard to this.

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 provides 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 to be out of date.

As of 1 April 2021, and in relation to the local housing need figure at that date taking account of the 35% urban centres uplift, Sheffield can only demonstrate a 4-year deliverable supply of housing land. Because the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, the relevant policies for determining applications that include housing are considered to be out-of-date according to paragraph 11(d) (footnote 8) of the Framework.

The site is adjacent to a Grade II Listed Building, which is a designated heritage asset. In accordance with footnote 6 of paragraph 11 d) ii) the tilted balance will only apply if the application of policies in the Framework that protect areas or assets of particular importance (designated heritage assets), does not provide a clear reason for refusing the development.

The scheme must be assessed against relevant local heritage policy and (heritage balance) of the Framework before a decision can be reached on the application of the tilted balance under paragraph 11d) ii).

Set against this context, the development proposal is assessed against all relevant policies in the development plan and the Framework below.

Land Use

The site lies in a Housing Area in the UDP. UDP Policy H10 (Development in Housing Areas) identifies C3 residential use as the 'preferred' land use in Housing Areas. Therefore, the proposed residential development is compatible with the UDP's designation and is an acceptable use.

Core Strategy Policy CS22 (Scale of the Requirement for New Housing) relates to the scale of the requirement for new housing and sets out Sheffield's housing targets until 2026; identifying that a 5-year supply of deliverable sites will be maintained. However, the NPPF now supersedes this, and the Council cannot demonstrate adequate Housing Land Supply at this point in time. Weight cannot therefore be afforded to the housing figures identified in Policy CS22.

Core Strategy Policy CS23 (Locations for New Housing) identifies that new housing will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure, and in the urban area of Stocksbridge / Deepcar.

Core Strategy Policy CS24 'Maximising use of Previously Developed Land for New Housing' seeks to try and ensure that priority is given to developments on previously developed sites. The site would develop what was previously a garden, which is classed as greenfield land. The policy seeks that no more than 12 % of dwellings are completed on green field sites between 2004/05 – 2025/26. This would be the case

and the scheme would satisfy additional criteria within this policy that allows for the development of greenfield sites within existing urban areas where it can be justified on sustainability grounds. The site is regarded as being in a sustainable location, within an urban area, with access to amenities and public transport links.

The policy approaches of CS23 and CS24 in regard to prioritising brownfield sites are considered to broadly align with NPPF paragraphs 119 and 120, which promote the effective use of land and the need to make use of previously developed or 'brownfield land'. Furthermore, paragraph 120 c) gives substantial weight to the value of using brownfield land within settlements for homes and other identified needs. Given the strong alliance with the NPPF, in this regard it is concluded that these policies can be offered substantial weight.

Paragraph 69 of the revised NPPF sets out that 'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. 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'. The site is medium-sized and being developed for 14 dwellings, would sit well with this aim.

Efficient Use of Land

Policy CS26 'Efficient Use of Housing Land and Accessibility' of the Core Strategy encourages making efficient use of land to deliver new homes at a density appropriate to location depending on relative accessibility. The density requirements are a gradation flowing from highest density in the most accessible locations down to lower densities in suburban locations with less accessibility. This is reflected in paragraph 125 of the NPPF and therefore Policy CS26 is considered to carry substantial weight in determination of this application.

Paragraph 124 of the NPPF promotes making efficient use of land taking account of a number of factors including identified housing needs; market conditions and viability; the availability of infrastructure; the desirability of maintaining the prevailing character of the area, or of promoting regeneration; and the importance of securing well designed places.

For a site such as this, CS26 part (d) is relevant and states that a range of 30-50 dwellings per hectares is appropriate where a development is within the remaining urban area.

The application site is approximately 0.43 hectares, and the 14 proposed units would give a density of approximately 33 dwellings per hectare which accords with the suggested range in CS26. Moreover the thrust of paragraph 125 of the NPPF is to avoid low density developments and secure optimal use of the potential of each site.

In this instance, the prevailing character of the immediately adjacent sites is family housing. The proposed density reflects the character of the area and is considered to be acceptable, providing that the resulting scheme would provide acceptable living standards which is assessed in the sections below. As such the proposal complies

Policy CS26 of the Core Strategy and paragraph 124 and 125 of the NPPF in relation to densities and efficient use of land.

Design and Heritage Implications

UDP Policies BE5 (Building Design and Siting) and H14 (Conditions on Development in Housing Areas) seek to secure high quality developments which are of an appropriate scale and which enhance the character and appearance of an area.

Core Strategy Policy CS74 (Design Principle) also expects high quality development that respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods. It should create a healthy and sustainable environment and transform the character of physical environments that have become run down.

NPPF paragraph 126 promotes high quality and beautiful buildings with good design being a key aspect of sustainable development that creates better places to live, work and establish communities. Furthermore, NPPF paragraph 130 sets out a series of expectations including ensuring that developments add to the quality of the area, are visually attractive as a result of good architecture; layout and landscaping; are sympathetic to the local character and surrounding built environment; establish and maintain a strong sense of place; optimise the potential of a site and create places that are safe, inclusive and accessible. These NPPF principles align closely with the local policies described above and, therefore, it is considered that they can be afforded significant weight.

Along this section of Broomfield Road, the immediate context is made up of the three stone fronted cottages and Ingfield House which is a traditional double fronted, stone detached house. Ingfield House presents its frontage into the site and the rear, which has been altered and extended presents towards Bocking Hill. The removal of the trees within the site has resulted in the site being open and there being more visibility of the frontage of Ingfield House.

The layout has been developed with 3 detached properties fronting Broomfield Road, which reinforces this streetscene. Two further plots are proposed either side of the access road, which address the newly created streetscene. Plot 1 also addresses Broomfield Road, but plot 14 to a lesser degree. Internally the dwellings are arranged to front onto the access road.

The dwellings would have accommodation over 3 floors and be designed to appear as 2.5 storey. Streetscene plans have been provided which indicate that the ridge heights of the dwellings fronting Broomfield Road would step down in height from the ridge height of the existing terraced row of cottages.

The dwellings would step down in height from Broomfield Road. Whilst plot 14 would sit higher than Ingfield House, the siting of this unit is stepped back from the frontage of Ingfield House so that this existing house would assimilate well within the newly created streetscene. The houses within the plot would generally step down in height from east to west.

The site is on the south side of the valley with the land falling to the north. The plots on the north side of the newly formed external access road would be significantly higher than the existing properties on Lee Avenue, owing to the topography which is characteristic of this area. The scale of the proposed housing is appropriate to the context and would not cause visual harm in this respect.

Plots 4-6 along the Broomfield Road frontage are of traditional form with contemporary details. A screened roof garden is incorporated to the rear elevation. The design would sit comfortably in the existing streetscape.

Plots 1 and 14 either side of the access road present a traditional form to Broomfield Road. These units are to be finished in natural stone which is appropriate given that this is the predominant material within the immediate context.

The units within the development vary in design, which adds visual interest to the development. The pallet of materials changes within the site with the houses which do not front Broomfield Road being predominantly faced in buff brick with rendered elements. The materials have been subject to discussion during the course of the application and Officers feel that the approach now presented is appropriate.

Overall the resulting visual impact would be acceptable.

Impact on Heritage Assets

There is a listed building in the group of buildings on adjacent land to the southeast of the site. The listed building, addressed in the listing as 'barn at number 17, Broomfield Court', is sited between the houses at no. 17 and nos. 3 and 9 Broomfield Road.

'The barn' is listed as grade II and its list description states: 'barn now partly workshop, probably early C17, right part rebuilt C18, partly cruck-framed, dry wall gritstone, rebuilding in coursed squared gritstone, stone slate roof, elongated single range with partial outshot to front centre and left part retains 1 cruck pair set on padstones, rest of roof has C18 king-post trusses'.

Ingfield House at the northwestern end of the site is not listed. The applicant's submissions identify it as being late 19th Century (1892) and extensively altered in the 20th Century. It currently lies within its large garden bounded on Broomfield Road by a low stone wall.

UDP Policy BE15 states that buildings and areas of special architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced and that development which would harm the character or appearance of Listed Buildings ... will not be permitted.

UDP Policy BE19 relating to development affecting listed buildings states that ... proposals for development within the curtilage of a [listed] building or affecting its setting, will be expected to preserve the character and appearance of the building and its setting.

UDP Policy BE20 encourages the retention of historic buildings which are of local interest but not listed.

Chapter 16 of the Framework sets out the Government's approach to 'Conserving and enhancing the historic environment' and states that great weight should be given to an asset's conservation, the more important the asset, the greater the weight should be (Framework paragraph 199). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.

Paragraphs 194 to 208 identify how proposals affecting heritage assets (designated and non-designated) and their potential impacts should be considered.

To some extent the protection objectives of the UDP policies are consistent with the aim to conserve heritage assets. However, the UDP heritage policies lack the requirement to balance harm against benefits. This renders them largely inconsistent with the Framework, substantially reducing the weight they can be afforded. In this instance greater weight will be afforded to the aims of NPPF.

In addition, the statutory presumption in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the "Act") is applicable and it requires the LPA to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for development which affects a listed building or its setting.

The applicant's submissions include a recognition of the listed building and its significance. The site layout has taken the presence of the listed building into account in the positioning of plot 8 to provide a good degree of clearance between this and the Listed Building. A landscaped buffer zone is also incorporated.

The submission notes that the setting of the listed barn has been eroded and evolved by the presence of historic development on three sides of the barn. The proposed scheme incorporates a garage block at the head of the cul-de-sac, north-west of the barn, which would have very limited impact on the setting of the listed building given it will sit on a lower level, with some landscaping between. The provision of the access road would also allow for greater public visibility of the barn, which would be of benefit.

The impact of the proposal on the retained building at Ingfield House, and the removal of a section of the low boundary wall alongside Broomfield Road and reconstruction of another section would not significantly harm the historic environment. The development gives Ingfield House greater presence in the new streetscene, which is supported.

South Yorkshire Archaeology Service has no objections to the proposed development. In the previous application the potential for early mining activity was noted. A trial trench evaluation has taken place and a report supplied. The results of the evaluation do not indicate that fieldwork will be required as mitigation.

Amenity Issues

Policy H14 (Conditions on Development in Housing Areas) part (c) seeks to ensure that sites are not overdeveloped or deprive residents of light, privacy or security. H15 b) requires the design of new developments to provide adequate private gardens or community space to ensure that basic standards of daylight, privacy, security and outlook are met for all residents.

Supplementary Planning Guidance on Designing House Extensions sets out specific amenity standards that are applied to house extensions, whilst this is not directly applicable, the principles are used as a gauge to assess residential amenity.

Paragraph 130(f) of The Framework identifies that development should create places with a high standard of amenity for existing and future users. Development should also be appropriate for its location taking account of the effects of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (paragraph 185). Local policies align with the Framework and are therefore afforded substantial weight.

Amenity for Existing Residents

The scheme has been amended during the course of the application to seek to address concerns raised regarding overlooking of neighbouring properties. This has resulted in changes to the positioning of the dwellings and also the enclosure of the roof gardens. These were originally partially glazed, however have subsequently been amended so that they are fully enclosed by 1.8 m high solid walls which would prevent outlook from these spaces. Additionally, the single storey off shots to the rear of plots 12 and 13 have been removed.

The properties to the north on Lee Avenue are located at a lower level and have long gardens. The separation distance from the rear elevations to these properties is over 29 metres. The distance from the main 2.5 storey rear elevations to the rear site boundary generally meets the 10m requirement. In some areas this is reduced to 9m owing to the irregular route of the rear site boundary. Plots 12 and 13 have narrow paved area at the same level as the finished floor level, the depth of this is minimised and the gardens slope down, to minimise overlooking. The resulting implications of this would not generate unacceptable privacy implications.

The separation distance between plots 9 – 13 and surrounding properties is such that overdominance and overshadowing implications would not arise.

No 17 Broomfield Court has windows in the north elevation. Plot 8 would be to the north of this, presented at a splayed angle. The site is lower than No 17. The relationship would be such that the closest ground floor window would be approximately 10.7m away. This falls short of the 12 metre separation usually sought to prevent overbearing implications. The design of the proposed dwelling is such that the roof slopes away from the shared boundary and to the rear of the proposed dwelling, this reduces to a single storey in height. This level difference and the presence of some intervening vegetation would limit the amenity impacts. A cross section has been provided which demonstrates the relationship would not result in unacceptable overbearing and, due to the proposed dwelling being to the north,

unacceptable overshadowing implications would not arise.

A row of 4 garages would be positioned immediately beyond the rear boundaries of the existing terraced properties at Nos 3-5 Broomfield Lane. The rear gardens of these are approximately 6 metres in length. The site level is currently lower and is proposed to be lowered further. Consequently, the bulk of the garages to the eaves level would be screened by the existing rear boundary wall of the cottages with the height to the apex of the garages sloping away from these neighbours. The finished floor level of the terraced cottages is elevated above the garden level. The resulting impact of the garages would not lead to unacceptable overshadowing or overbearing implications.

In order for the development to have an acceptable impact on the amenities of future occupiers of Ingfield House, some reconfiguration would be required to the internal layout. A plan has been submitted demonstrating how a revised room layout would see the windows facing plot 14 being blocked up or obscured to ensure that Ingfield House would not be overshadowed or over dominated. This can be secured by condition. Adequate amenity space is shown to be retained for Ingfield House.

The access road would come within close proximity of the side elevation of 15 Bocking Hill. This dwelling has windows in the side elevation, which would face the access road, these rooms are also served by further windows in the east elevation. Whilst there would be some disamenity resulting from the use of the access road, this is shown to be mitigated by boundary treatment. Three visitor parking spaces are proposed to the south of the boundary with the garden of No 15. Whilst these would be located at a higher level, intervening boundary treatment and vegetation would maintain suitable levels of amenity.

Amenity for Future Occupiers

Each unit has an acceptable sized garden, although the depths of the gardens on a number of plots fall short of 10 metres usually sought. The implications of the configuration of the plots is such that it would be necessary to remove permitted development rights across the development to protect residential amenity in the future.

There are level changes across the site and the resulting scheme incorporates retaining structures between plots, which once privacy screening is introduced results in higher than average boundaries at 2.8 m high. This would compromise the quality of the proposed garden spaces to a degree, although they are generally only present at that height along one boundary of the plot. It is recognised that this is a constraint of the site and the resulting quality of the gardens and internal amenity would be adequate. Transitions in materials and planting would reduce the impact of these higher boundaries.

The scheme seeks to make optimum use of the site in terms of density. There is some concern that the garden of plot 7 would have compromised amenity as a result of its proximity to the rear of plot 6 and its elevated position. There would be a substandard distance from the rear elevation of plot 6 to the boundary at 8.7 metres.

The applicant has provided a cross section to demonstrate the relationship. Officers are satisfied that on balance boundary screening and the level difference would limit views to some extent and whilst there would be a perception of overlooking this would not be to an unacceptable degree.

Similarly there would also be some limited overlooking to plot 7 from the new units on the opposite side of the new access road of both the garden and between accommodation within plots 12 and 7. The presence of windows in the front of plot 12 and the side of plot 7 are required to achieve acceptable visual impact in the streetscene and provide surveillance of the street. Whilst there would be some compromise to the privacy on these units, greater weight is given to the need to achieve a suitable streetscene and on balance the amenity for the occupiers of these plots would not be unacceptable.

The substandard depth of gardens on plots 4 - 6 would have some adverse impact to the outlook from the rear of plot No 5 as the side elevation on plot 7 would be separated by 10 m rather than the required 12. The internal space, facing the rear is open plan, and this substandard distance primarily affects one of the ground floor openings. Furthermore the level difference reduces the impact. The resulting living conditions of this unit would be adequate.

There is some concern about the impact of the garage of plot 4 on plot 2. Owing to the separation distance, level change and orientation this would cause some overbearing and overshadowing to the rear. A cross section has been provided which demonstrates that the resulting impact would be adequate.

The plots to the rear of the site have acceptable living conditions in terms of outlook and privacy.

NPPF paragraph 125 sets out the importance of using land efficiently and emphasises that where there is a shortage of land for meeting identified housing needs, as is the case in Sheffield, it is important that planning decisions avoid homes being built at too low densities and ensure that developments make optimal use of each site. Paragraph 125 (c) states that authorities should take a flexible approach to applying policies 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).

The above assessment indicates that there are some minor compromises in terms of overbearing impacts due to the heights of boundaries and also privacy. It is recognised that this must be balanced with the need to use land efficiently, particularly where there is a shortage of land to meet housing requirements. Overall it is considered that living conditions would not be unacceptable. This may affect the desirability of the scheme from a future occupiers perspective, but this would be an issue for the developer.

Highway Safety

UDP Policy H14 relates to conditions on development in housing areas and states that in Housing Areas new development or change of use will be permitted provided

that, amongst other matters, (b) new development would be well laid out with all new roads serving more than five dwellings being of an adoptable standard; and (d) it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

UDP Policy H15 seeks to ensure that the design of new housing developments will, amongst other matters, (a) provide easy access to homes and circulation around the site for people with disabilities.

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.

Paragraph 111 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.

It is considered that the aims and objectives of these local plan policies reflect those of the Framework and can be considered to have substantial weight in this context.

Broomfield Road, alongside the site, is a one-way road running between Broomfield Lane to the south and Bracken Moor Lane/Booking Hill with the direction of traffic being from S.E to SW across the site frontage.

Broomfield Road serves several existing residential properties along its frontage and a group of detached dwellings off Broomfield Court, a short cul de sac to the southeast of the site.

Although most of Broomfield Road has no separate footpath along it, there are short sections of footpaths at its southern junction with Broomfield Lane and at its junction with Broomfield Court, and there is a longer section of footpath running between no. 5 Broomfield Road and the junction with Booking Hill which passes alongside the application site's frontage.

The proposed access to the site would be positioned to the north west of where it was approved in the previous application. The access would be adequate width and configuration to allow a two-way flow of traffic into and out of the site whilst maintaining the one-way routing of traffic on Broomfield Road and appropriate sight lines.

The plans indicate that sufficient parking and manoeuvring space and space for bin collection can be accommodated within the site.

The scheme is an intensification of the previous approval, however Officers are satisfied that the resulting impact on highway safety remains acceptable.

The site is close to local shops at the Lee Avenue/Knowles Avenue junction. There are nearby bus stops on Lee Avenue approximately 190 metres from the site access served by bus routes 23 (a very limited service) and 57 (an hourly service) and the

Supertram link bus SL1 (generally providing 2 buses an hour) which run through Stocksbridge town centre. The site is considered to be in a relatively sustainable location which would in turn have potential to remove reliance on car travel and associated parking demand.

Parking is proposed within each plot for 10 of the units, with the remaining four having access to a garage and external parking space, located opposite or adjacent to their plot. All units have access to at least 2 spaces, which includes the garage and some plots have 3 spaces. The scheme has been amended during the course of the application to increase the size of the garages so that they are of a suitable size to make them practical and attractive to park in. Three visitor spaces are also incorporated within the site. Given the location of the site and the amount of parking proposed, Officers are satisfied that the development would not result in any unacceptable highway safety implications. The scheme is compliant with the above mentioned highway related policies and the NPPF.

Landscaping

Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected. This is supported by UDP Policy BE6 (Landscape Design) which expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation.

Paragraph 131 of the NPPF recognises the important contribution trees make to the character and quality of urban environments, and their role in helping to mitigate climate change. It sets out that existing trees should be retained where possible. The aims of policies GE15 and BE6 are considered to align with the Framework and continue to carry substantial weight.

Officers are aware that the site, particularly the perimeter, was occupied by substantial trees which have been cleared in recent years. Few trees now remain within the site and at the perimeter. These are category C trees and are not considered worthy of preservation.

The applicant has provided an indicative landscaping and planting strategy which details new tree planting along the north eastern boundary, the junction of Bocking Hill and Broomfield Road and also elsewhere within the site frontage and to address the internal access road. These would soften the scheme and also bring back some planting to the Broomfield Road frontage. The detail are acceptable in principle and would be secured via condition. The existing trees which are detailed to be retained will be protected during construction.

Ecology

UDP Policy GE11 (Nature Conservation and Development) states that the natural environment should be protected and enhanced and that the design, siting and landscaping of development needs to respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

NPPF paragraph 180 sets out principles to ensure that biodiversity and habitats are protected. The aims of the local and national policies broadly align and the local policy can be afforded significant weight.

The submission includes a Preliminary Ecological Appraisal (PEA). This identifies that there is limited ecological interest on site. The report recommends that vegetation is cleared outside breeding and nesting season and lighting within the development is installed to be sensitive to the south western boundary, to reduce any potential impacts on bat populations within the area. Ecological enhancement is also recommended.

Officers note the applicant has cleared a site that might previously have been considered to have a moderate level of biodiversity interest. Officers requested more information to ascertain how the development might deliver 'net gain' in line with the requirements of the NPPF (para 175). Additional information was provided in the form of a landscape plan and biodiversity enhancement plan. This details the incorporation of 9 habitat boxes, which would be a mixture of bat and swift boxes.

These would be integrated into the proposed buildings and a plan has been supplied to detail the optimum siting of these. The report also details a lighting strategy and hedgehog highways. The tree and shrub planting is proposed to be a mix of mixed natives of high biodiversity value. A flowering lawn mixture is proposed.

According to the Ecologists calculations, the scheme will deliver a small 'net gain' in biodiversity, although Officers are mindful that this was based on an assessment of the site after it had been mostly cleared of vegetation. Had the applicant commissioned the baseline ecology survey before opting to clear the site, the BNG calculations could have been considerably different. The net gain calculations show a 2.9% net gain in habitat units and a 100% net gain in hedgerow units, as no hedgerows were previously present on site.

Overall, the scheme does deliver a net gain in biodiversity as required by the NPPF (which does not specify a minimum figure). In the near future, the new Environment Act will require a minimum net gain of 10%, but this is not yet a legislative requirement (expected winter 2023).

Sustainability Issues

Core Strategy Policy CS65 (Renewable Energy and Carbon Reduction) states that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy, if feasible and viable. An equivalent 10% reduction in a development's energy needs from a fabric first approach is also acceptable Framework.

Sustainability is also a key theme in the NPPF and paragraph 157 confirms that new development should comply with any development plan policies or local requirements for decentralised energy supply unless this is demonstrated to be not feasible or viable. Local policies are compatible with the NPPF and therefore significant weight can be given to these.

The submission outlines that a fabric first approach will be taken in construction. It sets out that this will reduce the energy demand from non-renewable sources and in turn will save a greater amount of CO2 and keep residents bills to a minimum. The feasibility of incorporating renewables has been explored but there are site constraints including site size and roof form and orientation. Therefore the strategy seeks to meet the policy requirement via a fabric first approach. Home owners would have the option to fit renewable solutions at a later date.

This approach is acceptable in principle and would be secured by condition.

Drainage

Core Strategy Policy CS67 seeks to limit surface run off and ensure developments are protected from flooding and minimise their impact elsewhere.

The Framework seeks to ensure that development does not increase flood risks elsewhere and that the most vulnerable development is located in areas at the lowest risk of flooding.

Paragraph 169 requires major development to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. In doing so the systems used should take account of the advice of the Lead Local Flood Authority.

The local and national policies align and the local policy can be given significant weight.

The site lies in a surface water flow route and is potentially vulnerable to surface water flood risk. The route follows the flow of two culverted watercourses which cross the site. The flow of the watercourses needs to be retained, but the proposed layout results in them having to be diverted.

The applicant has accepted the need to divert the watercourses and has provided a drainage plan detailing a diversion route along Broomfield Road and down the new internal access road. Further details, including flow rates and details of the management of the surface water infrastructure, will be secured by condition.

Part d) of Policy CS67 states that the extent and impact of flooding will be reduced by not culverting and not building over watercourses where practicable, and at e) encourages the removal of existing culverting. The scheme would replace existing culverting with new and whilst this is not within the spirit of the policy, the impact would be neutral.

No detailed SUDs statement has been prepared for the site at this stage, however there is potential for the use of permeable paving in parking areas and driveways for flow storing into attenuation spaces. An attenuation tank has been indicated on the drainage plans. A suitable condition would require details of such drainage measures.

Subject to the attached conditions, the scheme can be designed to adequately cater for the existing surface water infrastructure and surface water arising from the development so that adverse drainage implications would not arise.

Contaminated Land

UDP Policy GE25 seeks to ensure that any contaminated land is identified and effectively treated.

The Framework (paragraph 183) identifies that a site should be suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or previous activities such as mining. The aims of policy GE25 and the NPPF closely align, in this respect and significant weight can be afforded to the local policy.

A report has been submitted with the application detailing the findings of some trial pit investigations. The report was of an appropriate standard and the findings result in the need to attach contamination conditions

A Coal Mining Risk Assessment has been carried out and assessed by the Coal Authority. They concur with the findings identified, in that the site is safe and stable to accommodate the proposed development.

Noise Implications

UDP Policy GE24 is concerned with noise pollution and seeks to ensure noise nuisance does not arise as a result of development and also seeks to ensure sensitive uses are suitably located so they are not subject to noise pollution.

This policy aligns with the aims of paragraphs 185 and 130 of the NPPF. Significant weight can therefore be afforded to this local policy.

No nearby environmental noise sources of concern are noted. However, Stocksbridge/Deepcar still retains significant industrial activity, some of which persists throughout the night time. A standard condition will be attached to require a noise survey and that the dwellings are designed to an appropriate standard following the results of this.

Given the proximity of the site to existing houses, a Construction Environmental Management Plan condition will be added to ensure acceptable amenity standards for residents during construction.

Community Infrastructure Levy

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. All charges accord with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

Response to Representations

Many of the issues raised in representations have been discussed within the above assessment. The remaining issues are discussed below:

It has been raised that none of the houses are affordable homes or social housing - The policy requirement for affordable housing relates to developments of 15 or more units.

It has been suggested that bungalows should be provided as they are in short supply - a mix of housing types is required on larger developments but there are no policy requirements in this case.

Comment has been made regarding the extent of sustainability measures to be incorporated. In particular it is highlighted that the scheme will not use grey water or fit electrical charging points - Whilst a commitment to such sustainability measures would be welcomed, the scheme achieves the policy requirement as assessed above. For this reason it would be unjustifiable to add a condition specifically requiring these features.

Concern has been raised about damage to the historic barn during construction - Officers are satisfied that an adequate buffer zone is provided and damage to private property is a private issue.

Concern is raised over information availability and consultation – Consultation has been carried out via 2 rounds of neighbour notification, press advert and site notice. The submission is available on the Council's Website. The Council has met the aims set out in the Statement of Community Involvement.

Concern is raised regarding existing asbestos sheeting in relation to the watercourse - Contamination issues will be controlled by condition and an appropriate directive can be included.

SUMMARY AND CONCLUSION

This application seeks planning permission to construct 14 new 4 bedroomed detached dwellings in the previous garden area of Ingfield House.

In the absence of a 5-year supply of housing land the tilted balance is engaged in accordance with Paragraph 11 of the NPPF and the positive and negative aspects of the scheme must be carefully weighed.

Based on the content of this report, it is considered that there would be a number of benefits that will arise from this application including:

- The scheme would deliver 14 residential units which would contribute to the City's housing land supply, at a time when it has been identified that there is a deficiency.
- The site is in a sustainable location and would constitute efficient use of land which is currently under utilised.

- The development would be within an established housing area and therefore compatible with surrounding land uses.
- The development will trigger financial contributions through the Community Infrastructure Levy which would be invested in infrastructure and the provision of services within the city. Once occupied there would be increased Council Tax revenue.
- Future residents would generate local spend within the economy.

The scheme would have an acceptable visual impact on the locality, an acceptable impact on heritage assets, and on the amenities of surrounding occupiers and highway safety.

The disbenefits of the scheme relate to the slightly compromised amenity of some units within the development owing to the depth of gardens, heights of boundary structures and perception of privacy. To some extent level changes within the site contribute to these as does the amount of development proposed. However, living conditions are considered to be acceptable.

The site has been cleared of vegetation which would have removed biodiversity within the site. This was carried out prior to the ecological survey being carried out and the small amount of biodiversity net gain is based on calculations from the cleared site. This approach is undesirable and goes against the spirit of the NPPF. The scheme does however incorporate some measures which would improve on the existing situation.

In applying the titled balance in favour of sustainable development in NPPF Paragraph 11 (d), on balance greater weight is given to the benefits of the scheme in terms of housing delivery in a sustainable location, with a scheme which integrates suitably within the existing locality, particularly in terms of design, impact on existing residents amenity and highway safety. It is concluded, that in this instance the balance falls in favour of the scheme, which would be compliant with the above mentioned policies.

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

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| Case Number | 21/03835/FUL (Formerly PP-10136719) |
| Application Type | Full Planning Application |
| Proposal | Demolition of existing building and erection of Drive-Thru Coffee Outlet with associated works and landscaping |
| Location | Land with existing buildings on 443 - 447 Queens Road Highfield Sheffield S2 4DR |
| Date Received | 25/08/2021 |
| Team | South |
| Applicant/Agent | Urbana Town Planning |
| Recommendation | Grant Conditionally |

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Location Plan Ref: J9318-11 Published Date 25 Aug 2021
Proposed Floor Plans Ref: J9318-13A Published Date 25 Aug 2021
Proposed Elevations Ref: J9318-14 Published Date 25 Aug 2021
Proposed Roof Plan Ref: J9318-15 Published Date 25 Aug 2021
Proposed Site Plan Ref: J9318-20 Published Date 22 Mar 2022
Amended Tracking Published Date 06 May 2022

Reason: In order to define the permission.

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

3. No phase of the development (including works of demolition, construction, or other enabling, engineering or preparatory works), shall take place until a Highway Management Plan (HMP) relevant to that particular phase has been submitted to and approved by the Local Planning Authority.

The HMP shall assist in ensuring that all Contractor highway / vehicle activities are planned and managed so as to prevent nuisance to occupiers and/or users of the surrounding highway environment. The HMP shall include, as a minimum:

- a. Details of the means of ingress and egress for vehicles engaged in the relevant phase of the development. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.
- b. Details of the equipment to be provided for the effective cleaning of wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway; and
- c. Details of the site accommodation, including compound, contractor car parking, storage, welfare facilities, delivery/service vehicle loading/unloading areas, and material storage areas.

The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the locality and occupiers of adjoining properties and the protection of the free and safe flow of traffic on the public highway.

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

6. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to 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.

7. No demolition works shall commence until a final River Bank Stability Report has been submitted to and approved in writing by the Local Planning Authority. This report must include:
 - Detailed proposals to ensure the long term stability of the river bank that sits within / adjacent to the site.
 - A timeframe for implementation of those proposals.

The proposals must be carried out in accordance with the approved details and timescales thereafter.

Reason: In the interests of the safe redevelopment of the site.

8. No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented as approved.

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

9. No development shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be

proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out in accordance with the approved details.

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)

10. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:

a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use, and the development shall not be brought into use until the highway improvements listed below have been carried out.

Highways Improvements:

Reinstatement of existing site accesses to footway
Construction of new site access

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway.

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

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

12. 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, layout and marking out of the car parking accommodation shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

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

13. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the building 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.

14. The building shall not be used, until full details of a comprehensive delivery and servicing management plan have been submitted to and approved in writing by the Local Planning Authority. The management plan needs to include as a minimum, details of how car parking spaces are to be left vacant to allow for service/delivery vehicles to manoeuvre within the site, and likely servicing and delivery times. Thereafter, all commercial deliveries and servicing shall be carried out in accordance with those approved plans.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

15. 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.

16. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a

period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

17. Before the casting of the foundations, an internal and external lighting design strategy designed to minimise the impact of lighting upon biodiversity shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to positively enhance the nature conservation and biodiversity provision within the development in accordance with NPPF, Core Strategy Policy CS74 and UDP Policy GE11.

18. The development shall be carried out in accordance with the submitted flood risk assessment (ref July 2021 / 21/019.01 / JOC Consultants Ltd) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 63.70 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

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

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

20. 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.

21. 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.

22. Prior to use of the development hereby permitted commencing, full details of a walkway agreement, or similar agreement with the Highways Authority, shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality and opening up the riverside to the public.

23. Before development is commences, full details of the proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority and such boundary treatment shall be carried out in accordance with the approved details before the development is occupied and thereafter retained.

Reason: In the interests of visual amenity.

24. Before development commences, full details of how the existing riverside way marker / information board is to be re-located within the site, shall have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the unit is occupied and thereafter retained.

Reason: In the interests of visual amenity.

Other Compliance Conditions

25. No customer shall be permitted to be on the premises outside the following times: 06:00 - 24:00 hours on any day.

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

26. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0700 to 2200 Mondays to Saturdays and between the hours of 0900 to 2200 on Sundays and Public Holidays.

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

27. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. A separate signage application is required to approve any future signage proposed for the site.
3. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

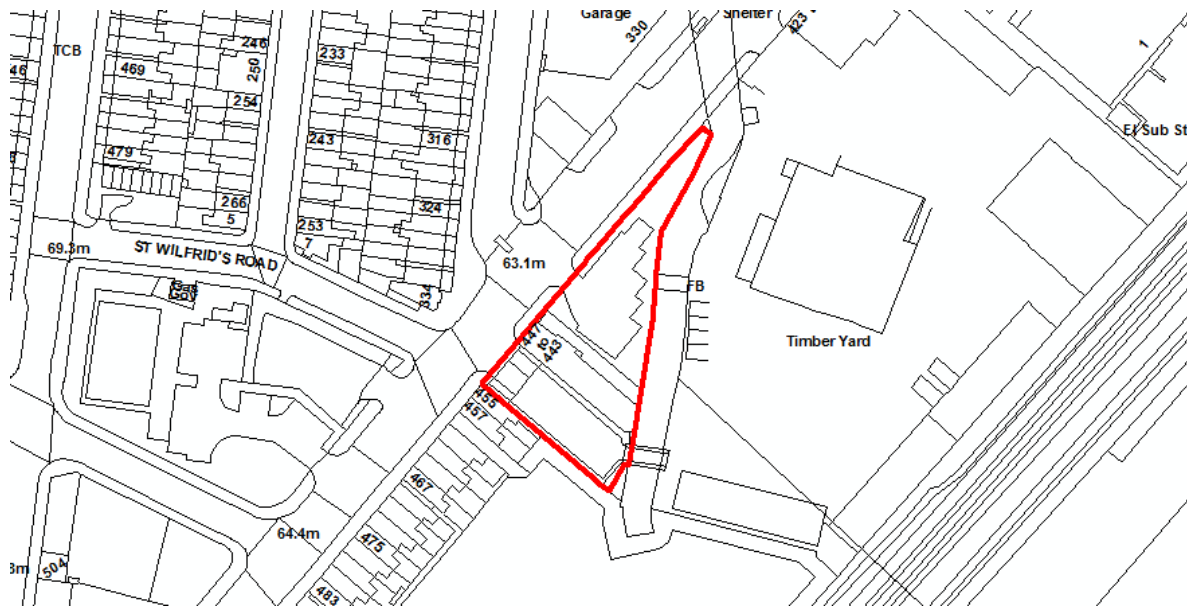
You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: (0114) 273 6349
Email: james.burdett@sheffield.gov.uk

4. Applicants seeking to discharge planning conditions relating to the investigation, assessment and remediation/mitigation of potential or confirmed land contamination, including soils contamination and/or ground gases, should refer to the following resources;
 - Land Contamination Risk Management (LCRM; EA 2020) published at; <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>;
 - Sheffield City Council's, Environmental Protection Service; 'Supporting Guidance' issued for persons dealing with land affected by contamination, published at; <https://www.sheffield.gov.uk/content/sheffield/home/pollution-nuisance/contaminated-land-site-investigation.html>.
5. Cadent own and operate a 30 inch Cast Iron Low Pressure Gas Main within the footway running parallel to the site, because of its nature Cast Iron can become very brittle and susceptible to vibrations resulting in an escape of gas.

Site Location



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LOCATION AND PROPOSAL

The application relates to the site of 443 – 447 Queens Road, a parcel of land located fronting onto Queens Road and opposite the junction with Edmund Road. The site at present contains a rectangular building positioned perpendicular to and adjacent the footway on Queens Road, with an open yard/parking area, most recently used as a scaffolding supplies business.

The site falls within an allocated Fringe Industry and Business Area as defined in the adopted Sheffield Unitary Development Plan (UDP). The surrounding area is characterised by a mixture of commercial uses and traditional terraced housing. Immediately to the rear of the site runs the River Sheaf.

This application seeks planning permission to demolish the existing building on the site, and to erect a single storey building to be used as a drive-thru coffee shop, with associated 20 car parking spaces, external cycle hoops and landscaping. Amended plans have been received which show the introduction of a segregated walkway running adjacent to the riverbank.

RELEVANT PLANNING HISTORY

Planning permission was granted in 2004 for alterations to the building including new shop front, installation of roller shutter & use of adjoining land for parking & unloading with associated landscaping. Application No. 03/04725/FUL.

REPRESENTATIONS

Originally Submitted Proposal

Following publicity of the original application, 67 representations have been received objecting to the proposal including from the Sheaf and Porter River Trust, who suggested a riverside walk be incorporated into the plans. The majority of the representations received have no objection to the principle of redeveloping the site, however they do object to the site layout which does not allow for a riverside walk.

These then go on to state that the applicant should provide a footpath along the river sheaf which would require a reconfiguration of the site, providing open access to the riverside and improving the quality and accessibility of open space, enhancing the strategic green network. Other comments received include:

- The proposed new brick wall (running to the southern corner of the site) would hide the existing River Sheaf Walk adjacent from natural surveillance.
- A drive thru encourages more traffic on one of the busiest parts of Sheffield, which will raise air quality issues.
- There will be an increase in car movements along Queens Road, and the Highways Statement is not sufficient for this busy main road.
- There is no mention regarding delivery services such as Deliveroo and Uber Eats which generate many car movements.
- There are poor pedestrian routes within the site.

- There are already too many places to get coffee in the area, and this proposal will undermine local / independent business.
- The site is at high risk of flooding.
- The plans show no trees being retained despite them being mature.
- There is evidence of wildlife including wall nesting birds along the site boundary with the river, and herons who visit the site.
- Delivery and waste trucks can only access the site and manoeuvre when there are no other vehicles parked.
- Outside seating should be provided along the riverside.
- Costa Coffee should have to do litter picks in the area and improve access to street bins.
- There may be a requirement for access to the side of 455 Queens Road, and to a vent/pipe which comes out of the side of the building.
- There are no site sections showing how the building sits compared to Queens Road, and how the access ramps work.

In addition the three City Ward councillors Ruth Mersereau, Douglas Johnson and Martin Phipps have all objected to the proposal on the following grounds:

- Queens Road is already hostile to walkers and cyclists, adding a drive thru will make this more dangerous.
- The proposed brick wall and parking will block off the waterway from public view.
- The drive thru element should be removed and the large car park, and improve the open space allowing public access to the waterway.

Sheffield and Rotherham Wildlife Trust have also commented, raising the following issues:

- The River Sheaf (Archer Rd to City Centre) is a Local Wildlife Site. It is not clear if the existing boundaries of the river will be affected in any way? If they are, then an assessment of the potential impacts on bats and a variety of birds would need to be included, and the River Sheaf itself should be assessed.
- This proposal does not meet the requirements of CS73, which states that within and close to urban areas, the strategic green network will be maintained and enhanced where possible.
- Removing trees and scrub and not offering replacement trees is inadequate. A biodiversity net gain calculation has not been provided but it appears it would be less.
- The proposal does not meet the requirements of Policy GE13 of the UDP in that local nature sites should be protected and enhanced. Furthermore, the proposal does not meet the draft policies within the Local Plan for protecting and enhancing Local Nature Sites.

Sheffield Local Access Forum reiterate the comments made by the Sheaf and Porter River Trust, and essentially want the riverside opened up.

Amended Proposals

Negotiations with the applicant have resulted in an amended proposal which shows the reduction in the number of car parking spaces and incorporation of a riverside walk. A further round of consultation was carried out and two comments have been received.

- The first is from someone who objected to the original application, and now wants to withdraw their previous objection, however seeks clarity on the materials palette, the extent of the walls, and the retention of the information wheel (Way marker)
- The second is a new representation, which states the new path must link in with the existing section of the River Sheaf Walk, and it should be adopted. Opening up the riverside walk should not be underestimated and has a hugely positive impact on city living.

The Sheaf and Porter Rivers Trust have also commented on the amended plans. They welcome the amendment to the proposal to provide this important missing link in the Sheaf Walk, providing that it is noted and conditioned to provide a minimum 2 metres clear width. The walkway should be adopted by the Highways Authority, with the construction to an adoptable standard. However, they still have concerns regarding:

- The building is to be raised to be flood resilient, therefore a cross section is required to demonstrate the change in levels/retaining walls.
- The proposed 'fence/wall' next to the river should be simplified to an adoptable standard railing, and the existing Sheaf Walk marker should be repositioned within the site accordingly.
- The 1.8-metre-tall boundary wall running along the south site boundary should not extend over the riverside walk, a lightweight security fence could be added for the short term.
- There is a query about what happens to the redundant bridge which forms part of the applicant's ownership. It could perform a positive function and be maintained as an additional sitting area, however if it has no function it should be removed as it constitutes a potential obstruction of the channel
- Trees shown planted right next to the 'new low wall' are probably not a good idea. We still support retention of existing semi-mature trees wherever possible including in the green space at the north end of the site
- The river retaining wall and channel needs further investigation regarding its stability. Sections containing bird nesting holes should be retained if possible.

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 a material consideration.

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.

The most important Local Plan policies should be considered as out-of-date according to paragraph 11(di) of the NPPF. This is that 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. In this instance, the site does not fall within a protected area and is not an asset of importance or its setting.

In this context the following assessment will consider the degree of consistency these policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.

Land Use

The application falls within a Fringe Industry and Business Area as identified in the Unitary Development Plan (UDP). The UDP pre-dates the most up to date use classes order, with UDP policy IB6 listing Business (old B1 Use) as one of the preferred uses and Food and Drink Outlets (old A3 Use) as acceptable. Both business and food and drink outlets (excluding public houses and take aways) fall within the same use class E - Commercial, Business and Service.

Policy CS30 of the Core Strategy 'Jobs and Housing in the Sheaf Valley and Neighbouring Areas' part c) requires the Queens Road corridor to be non-residential and to accommodate business, industry, retail and leisure outlets not appropriate for the city centre or district centres.

Redeveloping this site which is currently a business use for a commercial use is in line with the acceptable uses identified within policy IB6, and CS30 c). Furthermore, the location of a drive-thru facility on a main road is appropriate.

Flood Risk/Drainage

Policy CS67 'Flood Risk Management' of the Core Strategy states that the extent and impact of flooding should be reduced. It seeks to ensure that more vulnerable uses are discouraged from areas with a high probability of flooding. It also seeks to reduce the extent and impact of flooding through a series of measures including limiting surface water runoff, through the use of Sustainable drainage systems (Suds), de-culverting watercourses wherever possible, within a general theme of guiding development to areas at the lowest flood risk.

Policy CS67 is considered to align with Section 14 of the NPPF. For example, paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided and development should be directed away from areas at the highest risk. Paragraph 167 states that when determining applications, LPAs should ensure that flood risk is not increased elsewhere with relevant applications being supported by a Flood Risk Assessment. Paragraph 169 expects major developments to incorporate sustainable drainage systems unless there is clear evidence to

demonstrate otherwise.

Flood Risk Assessment

A Flood Risk Assessment (FRA) has been submitted. FRA's are detailed technical studies on flood risk at a site and its surroundings. Their purpose is to assess whether development will be safe for its lifetime and can be delivered without increasing flood risk elsewhere. The FRA is considered acceptable following consultation with the Environment Agency subject to conditions relating to the finished floor levels. The finished floor levels of the building are set at 63.70 metres above Ordnance Datum (AOD). The existing site plan shows the car parking areas adjacent to the proposed new building (excluding any kerb heights) to be around 63.30 – 63.40 so that there is a difference of 0.3 and 0.4 metres which will need to be addressed in the construction of the drive thru unit and layout of external areas.

Flood Risk Sequential Test

The purpose of the sequential test is to guide development to areas at lowest risk of flooding, by requiring applicants to demonstrate that there are no alternative lower risk sites available where the development could take place. The sequential test needs to take into account the flood risk vulnerability of the site and the land uses.

In this instance, the search area for the sequential test has been limited to the main roads within 1 km of the site, along with Ecclesall Road and City Road. This is owing to the presence of other drive-thru coffee shops around the city, and the lack by this brand in this area. A number of sites have been identified which have been discounted as they are either too large for the proposed development or intended for housing.

Therefore, having reviewed the sequential test document, the Local Authority are satisfied the test has been passed in this instance.

There is no requirement in this instance to apply the exceptions test as the development represents a 'less vulnerable' use.

Design

Core Strategy Policy CS 74 'Design Principles' seeks to promote high quality development and it says that development should take advantage of and enhance the townscape and landscape character of the city's districts. UDP Policy BE5 'Building Design' says that original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings, which is followed up through Policy IB9 'Conditions on Development in Industry and Business Areas' part c) which requires development to be well designed with buildings of a scale and nature appropriate to the site.

Chapter 12 of the NPPF aligns with the UDP and Core Strategy Policies and states good design is a key aspect of sustainable development and should contribute positively to making places better for people. It is considered that the design policies within the UDP and Core Strategy reflect and align with the guidance in the NPPF

and therefore are considered consistent with the NPPF and so can be afforded significant weight.

This application proposes the demolition of the existing building on the site. This existing building is not a building of merit and nor does it have any special architectural merit. Therefore, its removal is considered acceptable in principle.

The proposal is for a single storey building set back from Queens Road, with parking to the rear towards the river, and a drive-thru access road circling the building. The scale and massing of the proposed building is considered appropriate and will sit comfortably within the surrounding street scene. The elevational details follow the corporate brands of Costa Coffee with a mixture of render and cedar cladding, with large amounts of floor to ceiling glazing. The roof structure consists of a metal grey cladding. A refuse store is located towards the rear of the building and will be hidden behind a solid enclosure.

The proposal is not dissimilar to other drive-thru establishments further down Queens Road including KFC and McDonalds, and the overall siting of the proposal and its scale and massing is appropriate for this location.

By the nature of the development, car parking will be a dominant feature of the proposal, however this is supplemented by soft landscaping, with the boundary to Queens Road consisting of a low-level brick wall.

Core Strategy Policy CS73 'The Strategic Green Network' seeks to open up Sheffield's main river corridors, maintaining and enhancing them where possible. Following negotiations with the agent, a riverside walk has been incorporated into the plans, which will enable other sections further along the river running past 'The Big Yellow Storage Unit' to be opened up. The riverside walk is to be finished in pavers and railings to match the palate of materials for other sections of the riverside walk.

Therefore, it is considered that the overall design of the proposal is acceptable in this instance subject to finer details being controlled through conditions on any approval, complying with Policies IB9, BE5, CS74 and the NPPF.

Living Conditions

Policy IB9 'Conditions on Development in Industry and Business Areas' part b) requires that new development should not cause harm to the amenities of existing residents.

The NPPF at paragraph 130 Part (f) requires a high standard of amenity for existing and future users.

The UDP policy is therefore considered to align with the requirement of paragraph 130 so should be given significant weight.

The closest neighbouring properties to the application site are the terrace of dwellings along this side of Queens Road starting at No. 455 which has a tall red

brick wall along the boundary with the site. There are further terraces opposite along Edmund Road and further along Queens Road.

The building itself is situated away from No. 455 or any other dwelling and is of a scale that will not create any adverse overbearing or overshadowing. The gable of No.455 is blank facing the site and again, owing to the scale and position, no adverse overlooking will be created.

Owing to the location of the site adjacent to Queens Road, there are fairly high levels of traffic noise in the area. However, there is the potential for adverse levels of noise later into the evening when traffic reduces, from sorting of waste materials within the site, and also from externally mounted plant and equipment. Relevant conditions on any approval can ensure appropriate hours of operation and for the sorting and removal of waste materials and also details of any external plant/equipment.

Therefore, the proposal is not considered to impact adversely on the amenities of occupiers of any nearby neighbouring property, complying with IB9 part b) and paragraph 130 of the NPPF.

Highways

Policy CS51 'Transport Priorities' identifies strategic transport priorities for the city, which include containing congestion levels and improving air quality.

UDP Policy BE9 'Design for Vehicles' requires that new developments should provide safe, and adequate parking provision including space to manoeuvre.

UDP Policy IB9 'Conditions on Developments in Housing Areas' part f) requires that proposals would be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. Paragraph 111 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.'

Those local policies broadly align with the aims of Chapter 9 of the NPPF (Promoting Sustainable Transport) although it should be noted that in respect of parking provision, the NPPF at paragraphs 107 and 108 requires consideration to be given to accessibility of the development, the development type, availability of public transport, local car ownership levels and states that maximum standards for residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or optimising density in locations well served by public transport.

It is proposed to block up both of the existing vehicle access points into the site and create a new access/egress point towards the northeast corner of the site which is acceptable in principle.

The original plans sought to provide 27 parking spaces. Amended plans have been submitted which show the 3 spaces closest to the ingress/egress of the site being removed to alleviate any awkward manoeuvring close to this junction. Further alterations to the parking arrangements have been made to accommodate the new riverside walk, resulting in a total of 20 spaces proposed which includes 2 disabled parking spaces and 2 electric charging spaces. Cycle parking is proposed externally within the site.

Vehicle tracking has been submitted which shows a delivery and a refuse vehicle turning within the site. Whilst it is acknowledged that this does rely on some of the car parking spaces being empty to enable the vehicles to turn within the site before delivering products/picking up waste, this is acceptable and has been shown to work for other similar scenarios relating to convenience stores/food outlets. A service/delivery management plan can be controlled through condition on any approval which will detail how they will 'cone off' areas of parking, use banksmen when manoeuvring and likely servicing outside of the peak hours. Right hand turns into the site when traveling towards the city centre along Queens Road will be possible and there are similar scenarios relating to access along this stretch of road, with the visibility being good. Consultation has been carried out with the Council's road safety team who have no objections to the proposal.

The amended plans show the creation of a new section of the riverside walk. An existing section, as yet under used, exists between the site boundary and Myrtle Road, however, this is unadopted as it does not link to the highway on Myrtle Road, resulting in a 'dead end' and owing to a significant difference in land levels at that point and the proximity to the Network Rail bridge here it is highly unlikely to be adopted in the future.

There is no realistic prospect of a fully segregated footpath/cycle route being established here given the limitations of existing (adjoining) sections, the issues identified above with the relationship to Myrtle Road, and that current adoptable standards would require 4.5m width, significantly impacting upon the useable area of the site. A walkway however can be achieved that enables access to the river edge and this is seen as a positive benefit of the scheme which will enable other underutilised sections to be brought into use.

Therefore, a walkway agreement can be entered into that requires the walkway to remain open for public use, which is similar to other schemes along the rivers in areas of Kelham and at Meadowhall.

The level of parking accommodation and site layout are considered acceptable and will not adversely impact on highway safety, complying with IB9 part f), BE9, CS51 and the NPPF.

Sustainability

Policy CS63 'Responses to Climate Change' of the Core Strategy sets out the overarching approach to reducing the city's impact on climate change. These actions include:

- Giving priority to development in the city centre and other areas that are well served by sustainable forms of transport.
- Giving preference to development on previously developed land where this is sustainably located.
- Adopting sustainable drainage systems (SuDS).

At the heart of the NPPF, there is a presumption in favour of sustainable development (paragraph 11), with paragraph 152 stating that the planning system should support the transition to a low carbon future in a changing climate.

The site is located in the main urban area, on previously developed land, which is served by sustainable forms of transport and within walking distance of local housing and other local commercial/retail facilities.

A condition on any approval can ensure that SuDS are incorporated into the scheme. On a site of this nature, this is likely to include permeable surfaces to the parking areas and potentially the drive through surface too.

Policy CS64 'Climate Change, Resources and Sustainable Design of Development' requires all new buildings to achieve a high standard of energy efficiency, making the best use of solar energy, passive heating and cooling, natural light and ventilation.

The agent has confirmed that the building will be built to a high energy efficiency standard, and this can be secured by condition.

Overall, it is considered that the proposal meets the local sustainability policy requirements, CS63, CS64 and the NPPF.

Landscaping

UDP Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected. Policy BE6 (Landscape Design) expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation.

CS74 'Design Principles' part (a) requires high-quality development that will respect, take advantage of and enhance natural features of the City's neighbourhoods.

These policies are considered to align with the NPPF and therefore be relevant to this assessment on the basis that paragraph 130 expects appropriate and effective landscaping, along with sympathetic developments including landscape setting.

At present the site contains 11 trees which are positioned towards the southeast of the site close to the river bank. These consist of 9 Alders, and 2 Silver Birch. These trees vary between 6 and 12 metres in height and have a category of C1 (limited merit) with the majority of trees being suppressed, some with leans, or growing on top of a wall. It is proposed to clear the site and remove all existing landscaping.

The trees neither collectively or individually would warrant preservation, and

therefore whilst the removal of the existing trees is regrettable, these trees have been left unmanaged for a significant length of time. Furthermore, to enable the development to fit within the site and the fundamental requirement to provide a drive thru circle route around the site, to provide the riverside walk, the existing trees will have to be removed. A replacement landscaping scheme can be conditioned on any approval including details to encourage bio-diversity on the site, including a planting scheme of native species.

Ecology

A Preliminary Ecological Appraisal (PEA) has been submitted which shows that no notable or priority habitats have been identified within the site. There is the potential for protected species including foraging habitats for bats along the riverside corridor adjacent, habitat suitable for a range of bird species for nesting, potential shelter for hedgehogs and the River Sheaf Local Wildlife Site immediately adjacent.

The existing buildings have been surveyed and no sign of bat activity has been identified, therefore the demolition of the existing building is unlikely to have an impact on roosting bats. The trees within the site have all been surveyed, and provide negligible potential for roosting bats, therefore there will no impact on roosting bats from the removal of the trees from the site.

There is the potential to impact on nesting birds within the vegetation if site clearance works are carried out during the nesting season.

The conclusion of the PEA states that a sensitive design, particularly with regards to lighting, is required and that construction should be carried out in a sensitive manner in order to ensure the impact on habitats and species in the surrounding area will be negligible. Conditions can be attached to any approval to ensure that these details are submitted and approved.

Land Contamination

The site has a previous industrial use. It is possible that contaminations are within the application site, and therefore a suite of land contamination conditions will be added to any approval to ensure that appropriate measures/mitigation are taken.

SUMMARY AND RECOMMENDATION

In accordance with Paragraph 11(di) of the NPPF, where policies that are most relevant for determining an application are out of date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development.

The scheme proposes a development at an appropriate scale and mass which sits comfortably within its street scene, and which is acceptable in land use terms.

Amended plans have been received which show the introduction of a new riverside walk running alongside the Sheaf opening up this section of the river to the public. Although the walk is not proposed to be to adoptable standard, it's presence will

enable the opening up of, and connection to, a significant section of the River Sheaf Walk, and is a positive aspect of the proposal.

There will be no adverse impact on ecology, landscaping, highway safety matters, or on the amenities of the closest neighbouring properties, subject to appropriate conditions for mitigation measures/improvements.

It is therefore recommended in this instance that planning permission is granted subject to relevant conditions.

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| Case Number | 21/03651/FUL (Formerly PP-10104898) |
| Application Type | Full Planning Application |
| Proposal | Demolition of public house (retrospective) and erection of single-storey building comprising 3 no. retail units (Use Class E) with associated parking and landscaping (amended description as per amended plans published 08.02.2022) |
| Location | The Royal Oak 53 High Street Mosborough Sheffield S20 5AF |
| Date Received | 11/08/2021 |
| Team | City Centre and East |
| Applicant/Agent | GR Planning & Architectural 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:

Phase I Site Investigation, ref: 46248-001, dated: 09/08/2021, by Eastwood & Partners published 20.08.21

Drawing number: 1396-002 (landscape masterplan and planting plan) published 10.05.22

Drawing number: 006 (site location plan) published 20.08.21

Drawing number: 003 rev E (proposed site plan) published 10.05.22

Drawing number: 002 rev C (proposed elevations) published 08.02.22

Drawing number: 001 rev C (proposed floor plan) published 08.02.22

Reason: In order to define the permission.

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

3. No development shall commence until:

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, 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 details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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.

7. 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.

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

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

9. 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)

10. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure the safety and stability of the proposed development.

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

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

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

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

Windows and doors including reveals
Intersections between timber, brickwork and stone
Parapets/eaves
Balustrade

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

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

14. All stonework to the building and front boundary wall shall be natural stone.

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

15. A comprehensive and detailed hard and soft landscape scheme for the site, including boundary treatments (including acoustic barriers where required) and retaining walls, and samples when requested by the Local Planning Authority, 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. Thereafter the approved landscaping works shall be implemented before any commercial use commences.

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

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

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

17. Prior to use of the development hereby permitted commencing, a Delivery Management Plan (DMP) shall be submitted for written approval by the Local Planning Authority. The DMP shall include permitted timings for deliveries and associated activities, and set out procedures and controls designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable. All commercial deliveries then shall be carried out in accordance with the noise mitigation procedures and controls, as set out in the approved DMP.

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

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

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

19. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of adjacent dwellings from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
- b) Acoustic emissions data for the system.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the system's required cleaning and maintenance schedule.
- e) (Optional: Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building).

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

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

20. A Noise Impact Assessment, taking account of the revised site layout plan as approved, and including full details of any required works recommended to protect the occupiers of nearby dwellings from noise (such as acoustic

barriers), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be implemented prior to the use of the commercial retail units commencing and retained in accordance with the approved details.

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

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

Reason: In the interests of the amenities of the locality and occupiers of adjoining property it is essential for these works to have been carried out before the use commences.

22. The development hereby approved shall be undertaken in accordance with the recommendations and enhancement measures detailed in the following approved documents:

Preliminary Ecological Appraisal (PEA) dated March 2022 by Weddle
Biodiversity Net Gain Report dated April 2022 by Weddle
Biodiversity Metric 3.0 Calculations dated 01.04.22
Drawing number: 1396-002 (landscape masterplan and planting plan)

All published 10.05.22

The development shall not be occupied unless the following ecological enhancement measures, as a minimum, have been undertaken:

Brown roof
Green wall
Native tree and shrub planting
Bat roosting opportunities
Bird nesting opportunities
Wildlife-sensitive lighting
Gaps in boundary fencing for hedgehogs
Wood pile habitats

Thereafter the enhancement measures shall be retained and maintained for the lifetime of the development.

Reason: In order to ensure the development has an acceptable impact on

local biodiversity.

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

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

24. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable inclusive access and facilities for disabled people to enter the building(s) and within the curtilage of the site, shall have been submitted to and approved in writing by the Local Planning Authority and no commercial use shall commence unless such inclusive access and facilities have been provided in accordance with the approved plans. Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300).

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

25. Before the development is occupied the detailed lifetime management arrangements for the drainage system shall be submitted to and approved in writing by the Local Planning Authority. These arrangements shall demonstrate that there is in place a legally binding arrangement for the life time management of the drainage system including funding source/s. This shall include operation and maintenance manuals for regular and intermittent activities and as-built drawings.

Reason: To ensure satisfactory drainage arrangements are provided to serve the site in accordance with the National Planning Policy Framework it is essential for this agreement to be in place before the use commences.

26. The development shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the development commencing, and shall thereafter be retained.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use

commences.

27. 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.

28. The development shall not be used unless provision has been made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter, all such areas shall be retained free of all obstructions, including the storage, display and depositing of materials, packaging or other objects so that the delivery bay and turning area are fully available for the parking, turning and manoeuvring of delivery/service vehicles.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

29. Notwithstanding the approved plans, the development shall not be used unless 2.0 metres x 2.0 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the main vehicular access such that there is no obstruction to visibility greater than 600 mm above the level of the adjacent footway and such splays shall thereafter be retained.

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

30. The development shall not be used unless the car parking accommodation for 32 no. cars (including 2 no. bays to full disability standard) as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

31. The development shall not be used unless the cycle parking accommodation for 10 no. cycles as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking

accommodation shall be retained.

Reason: In the interests of delivering sustainable forms of transport it is essential for these works to have been carried out before the use commences.

Other Compliance Conditions

32. No amplified sound shall be played within the commercial uses hereby permitted, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time.

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

33. No customer shall be permitted to be on any commercial premises outside the following times:

08:00 to 22:00 hours on any day.

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

34. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried out only between the hours of 0700 to 2300 Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

35. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2300 on Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

37. 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.

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

Reason: To ensure satisfactory drainage arrangements.

39. 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.

40. All bins shall be stored internally within the building and at no time shall bins be left outside.

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

Attention is Drawn to the Following Directives:

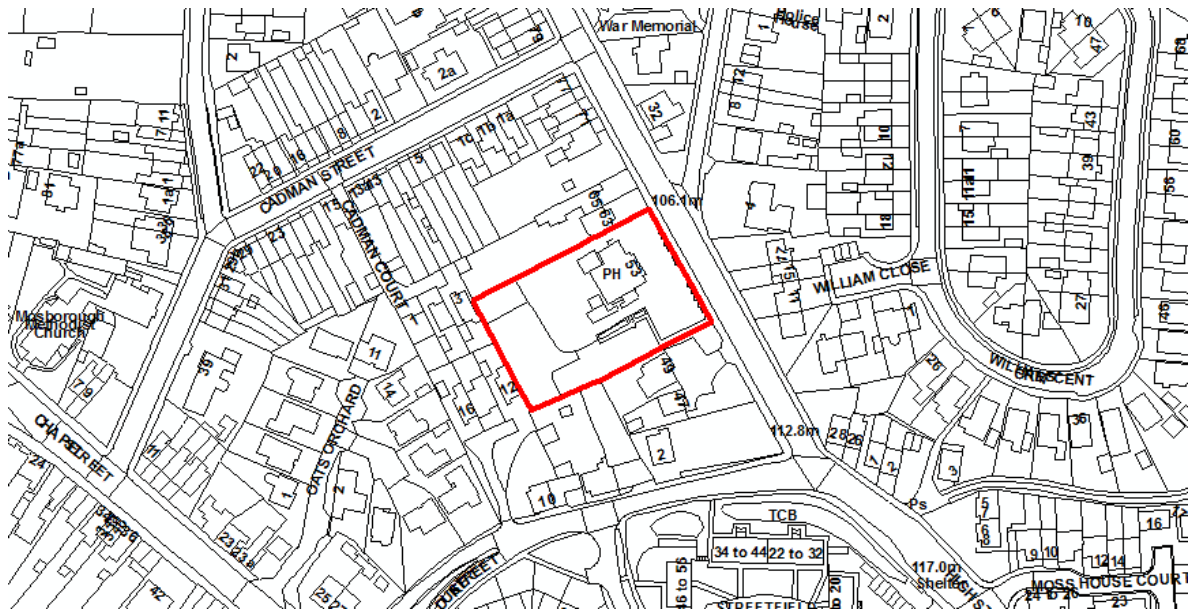
1. The applicant should note that permission is required from the Coal Authority Permit and Licensing Team before undertaking any ground investigation and ground works which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcome of a Permit application.
2. 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.

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.
4. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
5. The applicant is advised that the appointed land quality consultant must contact the Environmental Protection Service prior to undertaking the Phase II Intrusive Site Investigation. This will enable consultation to ensure adequate assessment of potential risks to human health arising from ground contamination, bulk or trace gases, and potential pollution of ground or surface waters, are assessed, and the site is fully characterised and developed appropriately for its intended use.
6. 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.
7. In considering and devising a suitable Delivery Management Plan, useful reference may be made to the Department for Transport 2014 guidance document "Quiet Deliveries Good Practice Guidance - Key Principles and Processes for Freight Operators". Appendix A of the document provides general guidance, along with key points for delivery point controls, and driver controls.

Site Location



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LOCATION AND PROPOSAL

The application relates to the site of the former Royal Oak public house on High Street, Mosborough. The pub has been unlawfully demolished without permission.

The application seeks retrospective permission for the demolition of the building and the erection of a replacement single-storey building comprising 3 no. retail units (use class E), with associated parking and landscaping.

Amended plans were submitted (published 08.02.2022) in response to officer concerns raised regarding the design of the scheme and the impact on the amenities of the area. The assessment below is against the amended plans.

RELEVANT PLANNING HISTORY

No relevant history.

SUMMARY OF REPRESENTATIONS

64 objections have been received from neighbours and other interested parties. The primary concern being the unauthorised demolition of the public house. In summary, the following issues were raised:

- Demolition unlawful and disregard shown for the rules, approval would encourage developers to ignore planning rules in future, setting a dangerous precedent and condoning illegal action. Developers should be fined.
- The pub was viable and a vital community asset
- The application should be refused
- Alternative uses and sympathetic alterations should have been explored
- New licenced premises have recently opened on High Street, there is not a surplus of public houses, would be viable with the right management, pandemic affecting viability
- The Royal Oak was a building of character, or local historical interest, contributing to Area of Special Character and part of the village's history
- Proposed development too modern and corporate and not in keeping with village character of the centre of Mosborough
- The pub building should be rebuilt and reinstated. Carlton Tavern in London sets a precedent
- High Street cannot support extra traffic. Existing traffic and parking problems exacerbated by insufficient parking provision, which would be taken up by staff. Highway safety issues with on-street parking increased and large goods vehicles moving in and out of the site.
- Environmental impact of increased traffic fumes.
- Inaccuracies in the submission
- There are other supermarkets and grocery stores in the vicinity, and no additional need. Affect the viability of existing businesses in the area.
- Noise disturbance due to goods vehicles and antisocial behaviour when shops are closed, increase in litter

- Justification of demolition due to chemical spill disputed, pretext to demolition, site not properly secured or cleared since, could have been addressed without demolition
- Deliveries and damage to adjacent property (no. 63 High Street), development should be moved 6m away
- Concerns regarding maintenance of boundaries
- Security concerns
- Wildlife could have been present within the building, loss of habitat
- Increased water runoff
- Demolishing is not sustainable in terms of carbon emissions
- Site should be used for new housing, public parking, something of benefit to the younger generation, independent shops or a new, modern pub with restaurant, play area, parking etc
- Enough public houses have been lost
- Devaluation of nearby property
- Disruption during building work
- Overdevelopment of the site
- Additional takeaways not needed

Clive Betts MP objected. In summary he raised the following concerns:

- Application fails to recognise both the historical significance of the Royal Oak building itself as well as providing no convincing case for the future development on the site.
- Fail to see how the developer could not have put forward a proposal that included the Royal Oak building itself into a future development. The building has been a historical landmark in the area since the 1800s, and a focal point for the community throughout. I am therefore not convinced any development of the site required the building to be demolished, and any regeneration should have included the pre-existing structure, incorporating it into any plans put forward.
- Not convinced that the actual proposed development of the site will ever actually be a reality. Numerous shops in the area have had to close due to lack of business, so I do not believe that the development of this site for retail outlets will be successful if they do go ahead. This will result in empty lots that will be vandalised. Given this I feel the development proposed is incredibly naive and shows no understanding of the area, or the wishes of the community.

10 letters of support have been received, expressing the following:

- Support more shops in Mosborough, including a late supermarket, there are not enough grocery shops and there are enough public houses
- Encourage further development
- Royal Oak an eyesore and encouraged antisocial behaviour
- Support local businesses by bringing more people to the High Street
- Does not add to parking problems, plenty of parking provided
- Job creation
- Increases property prices

3 neutral representations have been received, expressing the following:

- Should give priority to local independent businesses, not food chain
- Concern with more shops, takeaways and traffic, and the land should be used to enhance the feel of the village with a tea-room or small grocery store

Amended Plans

Following submission of the amended plans, immediately affected neighbours were re-notified.

8 objections have been received, in summary raising the following issues:

- Original objections still stand and issues remain unresolved
- Insufficient parking for 3 units including staff parking, increased traffic problems/congestion
- Unlawfully demolished, pub should be rebuilt
- Object to large tree being removed, should be TPO in place
- Building too close to no. 63 High Street and height and scale affecting right of way, security, privacy and daylight
- Noise and environmental pollution, including from refrigeration units
- Out of character with the village
- No need for a supermarket as there are already many in the area, affecting existing businesses
- Potential source of trouble and vandalism in the area
- Chemical spill washing onto other gardens should be cleaned up

1 letter of support has been received, in summary supporting a small supermarket in Mosborough.

2 neutral representations have been received, in summary raising the following issues:

- Delivery entrance now closer to no. 49 High Street, query whether timber fencing to reduce noise adequate and still included
- Query regarding whether trees will be removed
- Revised permission addresses majority of concerns
- Condition a deadline of completion to avoid the site continuing in its current state
- The developer should contribute to traffic calming measures on High Street given the issues of speeding
- Antisocial behaviour issues and security measures should be conditioned

RESPONSE TO REPRESENTATIONS

Issues relating to the demolition of the pub, the principle of the retail development, the design and conservation impacts, the impact on highways, noise and amenity impacts, wildlife/landscaping, land contamination and sustainability are addressed in the planning assessment below.

No weight has been given to the argument that the chemical spill meant the demolition was necessary, as this has not been established.

The delivery bay has been moved away from no. 63 High Street, hopefully addressing concerns regarding damage to property, although this is not a material planning consideration.

Maintenance of boundaries is not a material planning consideration.

The concerns regarding traffic fumes are noted, however, the development is not large enough to warrant an Air Quality Assessment and would not have a material impact on air quality.

Security and antisocial behaviour concerns are noted, however, these are not material planning considerations, and would be a matter for the Police, with the applicant likely to take reasonable security precautions, such as CCTV.

A condition would require the developer to prevent water runoff into the street.

The impact on property value is not a material planning consideration.

The application is not for any hot food takeaways and these would require a planning permission for a change of use, as they fall under a separate use class to the one being applied for.

Whether an end operator is a local business or national chain is not a material planning consideration, neither is competition between businesses.

Rights of way are not material planning considerations, although the proposed plan does indicate that this would be maintained adjacent to no. 63 High Street.

It is not possible to condition a deadline of completion to avoid the site continuing in its current state. However, should the permission not be implemented, then further enforcement action could potentially be taken regarding the restoration of the site, if deemed expedient to do so.

The inaccuracies in the submission are noted, however, the plans put forward for approval clearly show what would be approved.

PLANNING ASSESSMENT

Planning 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 require 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 Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in July 2021 (the NPPF) is a material consideration (paras 2 and 218 of the NPPF).

Paragraph 219 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

In all cases the 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” and this assessment will have due regard to this.

Unauthorised demolition of the public house

The significant public concerns relating to the unauthorised demolition of the public house are shared by the Local Planning Authority. This clearly should not have occurred and was done so at the developer's own risk. No weight in this assessment can therefore be given to the fact that the pub has already been demolished, and the assessment must assume that the pub is still in situ.

Drinking establishments cannot be demolished under the General Permitted Development Order (Schedule 2, Part 11, Class B) via a demolition prior notification (DPN) and full planning permission is required. This affords public houses additional protection, and the assessment is therefore not limited to the method of demolition and the restoration of the site. Consideration can be given to the value of the pub to the community.

However, the pub was vacant and was not listed as an Asset of Community Value (ACV). There are various drinking establishments in and around Mosborough, and while the loss of a traditional pub is always extremely regrettable, it is not

considered that the loss could be argued to lead to a lack of such facilities for this particular local community.

In planning terms, the value of the building is therefore primarily limited to its contribution to the character of the area and street scene. As a traditional, stone building, the contribution was undoubtedly positive. However, the building was not listed and the site is not within a Conservation Area.

In the absence of any other form of formal planning protection, the assessment must consider the value of the character of the existing building in comparison to the merits of design of the retail scheme proposed, weighed against all other material considerations, addressed in turn below.

Principle of the retail development proposed

The site lies within a Housing Area, as designated by the UDP, where residential uses are preferred under Policy H10, and larger shops (above 280 square metres in scale) are listed as unacceptable, unless at the edge of Shopping Areas. UDP Policy S5 states that retail development of the scale proposed will be permitted only in or at the edge of a local centre.

However, para. 87 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses (such as retail) which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations.

A sequential test has been submitted by the applicant, which suggests that this site, which is approx. 125m from the edge of the designated Local Shopping Centre on Mosborough High Street, is an edge of centre location in terms of the NPPF definition. This is true under the specific town centre definition in the NPPF, however, regard must be taken as to the scale of the Local Centre when determining a realistic distance in terms of an edge of centre assessment.

The sequential test requires the applicant to consider whether there are any available/suitable sites or units to accommodate the proposal within the nearby Local Shopping Centre or in a more accessible location. If there are no alternative sites, then the proposal would pass the sequential test. However, if there are sequentially preferable sites available within the Centre, the proposal would be considered unacceptable in principle in this location. Policy S5 accords with the NPPF requirements so is considered an up to date policy.

The sequential test submitted in paragraph 3.5 refers to the Dundee case in terms of the proposal not having to be considered in a different form in order to fit within the existing centre. However, para. 88 of the NPPF states that applicants and LPAs should demonstrate flexibility on issues such as format and scale, so some alternative options to the proposed development should be considered when assessing if it could be accommodated in the existing local centre.

The sequential test identifies two vacant properties within the area, neither of

which, either separately or taken together, appear to be large enough to accommodate the proposal, even with a reasonable level of flexibility.

The concerns raised regarding the proposal's impact on the viability of the centre are noted. However, the Mosborough High Street Local Centre is relatively healthy with few vacant properties. The proposed development is also on the High Street and within easy access of the existing centre, and could equally be argued likely to increase footfall and complement the vitality of the centre overall.

Given this, the proposal is considered to satisfy the sequential test, in that there are no alternative in-centre sites available. The proposal is therefore acceptable in principle.

The proposal would utilise a brownfield site within an existing settlement and would assist the aims of the NPPF section 11, which seeks to make effective use of land, and Core Strategy Policy CS2, which prioritises brownfield land for new business development.

The proposal would support the overall settlement plan of the Core Strategy, which states in para. 4.6 that local jobs, services and facilities to satisfy needs that can be met locally will be encouraged, and a degree of self-containment will be supported in Mosborough, and para. 4.26 what states that Local employment in Mosborough will be safeguarded and expanded to complement the concentrations in the main urban area.

Given sufficient parking has been provided (see highways section below) and the sequential test has been passed, it is not considered necessary to prevent or limit any potential future changes from retail to other uses within class E (commercial, business and service), such as cafes, professional services, indoor sport/fitness, nurseries, offices etc. that would be possible under permitted development rights.

Design and landscape

The site is within an Area of Special Character, as designated by the UDP. The site does not lie within a Conservation Area.

The public house was a two-storey traditional stone building, with later additions, set back slightly into the site, maintaining a strong building line and relationship with the adjacent stone terraced dwellings. The site has a large front/side car park, with vegetation to the boundaries. The building has been demolished and the site secured, awaiting redevelopment.

High Street features a mix of buildings, however, these are predominantly traditional, stone and brick terraced shops and dwellings to the north of the site, with predominantly more recent infill dwellings to the south. St Mark's Church is a dominant feature to the north between the site and the Local Shopping Centre on High Street.

The proposal is for a single contemporary, flat roof building, which would comprise 3 no. retail units; a larger supermarket to the front and 2 no. separate smaller retail

units to the rear, accessed to the side. The building would be predominantly finished in natural stone to the front/side, with brick and feature timber cladding to the sides. The building would step down between each material element to achieve a positive transition between and break up the massing. The building would feature large, glazed openings with dark grey aluminium frames, further reducing the mass.

The scale and massing of the building would sit comfortably within the context of the site. The front elevation would align with the building line of the adjacent dwellings, which is welcomed from a placemaking perspective, as this allows for visibility of entrances and positive interaction with High Street.

Overall, the contemporary design approach is considered to be of suitable quality and raises no major issues, as this would clearly be a new addition, complimenting the existing mix of architecture along High Street. The design is well considered and the use of natural stone would relate the development to its surroundings.

Large scale typical sections would be secured by condition, to ensure deep reveals can be achieved for the large areas of glazing, and full material samples would also be reserved by condition to ensure quality.

It is unfortunate that the frontage would be dominated by car parking, however, this is required to achieve an appropriate level of off-street parking and avoid highway safety issues arising, as discussed below. The site would still maintain a good pedestrian approach and interaction with High Street, as discussed above, and block paving to this front parking area would maintain an appropriate quality of landscaping.

The proposal would feature front, side and rear parking, with hard and soft landscaping. A landscaping masterplan has been submitted which commits to a brown roof, a green retaining wall to the rear and an appropriate replanting scheme of 10 no. extra heavy standard trees and native shrub planting (also see Ecology section). The parking area/forecourt would be finished with concrete block paving. The site is already heavily excavated, but the level of excavation would be increased to the side/rear with retaining walls indicated.

The landscaping details submitted so far are considered acceptable from a design perspective, however, such an extensive landscaping scheme should provide additional detail, including surfacing material samples and details of all boundary treatments, including the retaining walls, given the site's prominence in the street scene and the increased level of public use. The details submitted so far can be approved, however, a full hard and soft landscaping condition would be added to cover these outstanding points.

Ideally, the existing building would have been retained and incorporated into the development. However, given the lack of formal protection, and the general quality of the design of the replacement scheme put forward, it is not considered that the retention of the pub building could have been reasonably insisted upon to make the scheme acceptable, and a refusal could not have been substantiated on this basis. The loss of the pub building in bringing about the wider regeneration of the site is

therefore reluctantly accepted.

Overall, the proposal is considered to accord with UDP Policies BE5 and H14(a) and Core Strategy Policy CS74. These policies are up to date and in accordance with the NPPF section 12, which seeks to achieve well designed places.

Access

As a new development, it will be possible for level access to be provided to the main entrance of the three retail units, with a minimum 1m effective clear width to the openings. Step free access from the footway of High Street will also be possible. Full details, including the use of tactile paving etc, can be secured by condition, in line with the requirements of UDP Policies BE7(a) and BE8. This would also ensure the proposal accords with the NPPF para. 110(b) and safe and suitable access to the site can be achieved for all users.

Highways

The proposal is located in a sustainable location within the centre of Mosborough, close to public transport (bus) routes and in proximity to the existing designated Local Shopping Centre.

A total of 32 no. off-street car parking spaces (5m x 2.5m each) would be provided, including 2 no. spaces to full disability standard. This is considered to be an adequate parking provision for the proposed use and would prevent significant on-street parking or highway safety issues arising.

The delivery bay would be to the rear of the unit and suitable turning space would be maintained within the site, so all vehicles can exit in a forward gear. Notwithstanding the approved plans, appropriate visibility splays would be secured by condition in order to ensure pedestrian and highway safety at the main access and egress point from High Street.

10 no. visitor cycle stands would be provided to promote sustainable transport and would be secured by condition.

There is sufficient back of house space within the building to store bins internally and prevent these being left around the site, potentially causing obstructions to vehicles and general disamenity, and this would also be secured by condition.

Overall, subject to the above, the proposal would accord with UDP Policy H14(d) as it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians. This policy can be given substantial weight as it is in accordance with the NPPF section 9 which promotes sustainable transport.

Paragraph 111 of the NPPF states that new 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'. In this case the impacts have not been demonstrated to be

unacceptable or severe.

Land quality- coal mining

The site is situated within a Coal Mining Referral Area. In regard to potential land stability issues, a Phase I geotechnical and geo-environmental desktop site investigation report has been submitted and reviewed by the Coal Authority, who conclude that the assessment has been informed by an appropriate range of historical, geological and coal mining information.

The report identifies that it is possible that shallow coal mine workings may have taken place within influencing distance of the surface that may present an instability risk to the redevelopment of this site, and recommends that intrusive site investigations are required to confirm the actual ground conditions, and to inform the extent of any remedial and/or mitigation measures necessary to ensure the safety and stability of the proposed development.

As such, conditions would be added to secure appropriate investigation and remediation works, in order to ensure the proposal accords with NPPF paras. 183 and 184.

Land quality - contamination

In regard to potential land contamination, the submitted Phase I desktop site investigation report has been reviewed by the Environmental Protection Service (EPS) and is considered satisfactory. The recommended Phase II intrusive site investigations, and the resulting required remediation measures, would be secured with the full set of standard land contamination conditions.

The EPS have advised that the site was subject to major chemical spill in 2020 and is currently being investigated by them and the South Yorkshire Major Incident Team. The submitted report briefly discusses the chemical spill incident.

Despite the increased contamination risk on this particular site, the full set of standard conditions would be adequate in securing a full assessment of the potential risks to human health arising from all issues including ground contamination, ground gases from coal mining legacy, and ground or surface waters. This would ensure the development accords with the NPPF para. 183(a) and the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Amenities of the locality

The site is located in residential area with low to moderate background noise levels. The predominant noise source is road traffic on High Street. The proposal would place commercial retail uses adjacent to residential properties. There is therefore potential for disamenity to arise primarily due to noise and odour. Noise breakout from commercial operations, amplified sound, deliveries, servicing, customers coming and going and external plant and equipment all necessitate consideration.

A Noise Impact Assessment (NIA) was submitted in support of this application, which has been reviewed by the EPS and is considered to adequately assesses the noise impact of external plant and equipment, deliveries, and customer parking, and is considered satisfactory.

The NIA concludes that noise from servicing and deliveries can be controlled by restricting hours to 0700 to 2300, with daytime noise mitigated to acceptable levels by installation of 2.4m high acoustic barriers to the north and south boundaries. The report concludes that noise from parking would be negligible, and noise from plant can be controlled by planning conditions, which is standard practice.

Despite these findings, the proposed location of the delivery bay adjacent to the north residential boundary with no. 63 High Street was not ideal, and due to officer concerns generally with the layout and design of the scheme, the applicant was requested to move the delivery bay as part of the revisions. Following these amendments, the delivery bay is now proposed to be more centrally located within the site and not directly adjacent to any residential boundaries.

This significantly reduces noise concerns associated with servicing and deliveries. However, given the NIA advised that acoustic barriers would be needed to both north and south boundaries, and the amendments have relocated the delivery bay without this being reassessed by an updated NIA, a condition would require a revised NIA and the installation of any subsequently required acoustic barriers.

Standard planning conditions would also control the hours of use (0800-2200 on any day) and limiting amplified sound, further reducing potential noise disturbance to neighbours.

In terms of overbearing and overshadowing, generally the proposed single storey structure would be well separated from neighbours, which are at a higher land level to the south and west and would not lead to any overbearing or privacy issues.

The proposal would extend approx. 28m beyond the rear elevation of no. 63 adjacent to the north, which is at a similar land level. The development would be sited approx. 3.5m in from the boundary, It is acknowledged that this is a significant projection beyond this neighbouring resident, and while the building would be single storey, would still have an approx. height of 8.3m facing this neighbour.

However, in the pre-existing scenario, the pub building presented a two-storey structure facing no. 63, a similar distance from the boundary, projecting approx. 10m beyond this neighbour's rear elevation. While the proposal would project further, the impact on this neighbour's main habitable windows to the rear and the most usable rear garden area adjacent to the dwelling would remain similar to the pre-existing scenario. It is considered that the development is suitably set in from the boundary beyond this to avoid unreasonable overbearing impacts on the remainder of no. 63's rear garden, with further screening provided by boundary treatments (should these be included following the revised NIA).

A standalone Delivery Management Plan (DMP) for the whole site/all commercial

uses would also be required by condition. The DMP shall include permitted timings for deliveries and associated activities, and set out procedures, controls and noise mitigation designed to minimise local amenity impacts from delivery noise, as far as reasonably practicable.

Commercial E class uses, such as restaurants or food retail, could potentially include commercial kitchens, which require appropriate flues and odour control. Careful consideration is required of how fume extraction systems will be ducted to achieve dispersion at height if any commercial kitchen is proposed. Noise of fume extraction systems with fans and fan casing noise, in-duct noise and exhaust point noise sources necessitate consideration. Full details of any such systems would be required by condition before installation.

Should the proposal include external lighting, there is potential for disamenity to off-site sensitive receptors, arising from the use. A full Lighting Impact Assessment would be secured by condition detailing of the impact of light from the development on adjacent dwellings to demonstrate that the lighting scheme is designed to reduce obtrusive light

The construction works will take place with sensitive uses in close proximity. There is potential for disamenity, due to noise, vibration and dust. Development phase concerns would be addressed by requiring a Construction and Environmental Management Plan to ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity.

The above conditions would ensure that the development would have an appropriate impact on the amenities of neighbouring residents. The proposal would therefore accord with UDP Policy H14(c) and not be over-developed or deprive residents of light, privacy or security and (k) not lead to air pollution, noise, smell, excessive traffic levels or other nuisance, or risk to health and safety for people living nearby.

The proposal would accord with NPPF paragraphs 130 and 185 and mitigate 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.

Drainage

The site is within Flood Zone 1 and not an area prone to flooding. No drainage information has been submitted, however, this can be conditioned, in order to ensure appropriate drainage arrangements are implemented and the development accords with Core Strategy Policy CS67 and the requirements of the NPPF Section 14.

Ecology

A Preliminary Ecological Appraisal (PEA) has been submitted showing that the existing site is predominantly developed land, sealed surface with dense scrub and modified grassland to the south and western boundaries of the site. The site's only significant tree has been heavily pollarded.

The application has been accompanied by a landscape masterplan and a biodiversity net gain report and calculations. These have been reviewed by the Ecology Unit and all are considered sound and acceptable.

While the loss of existing vegetation and trees is regrettable, the proposals include a brown roof to the building, a green wall and appropriate native tree and shrub planting. The consultant has used the Defra Metric 3.0 to calculate biodiversity net gain, which should result in a post-development net gain of 17.17%. This is a positive outcome.

In addition, the PEA recommended the following recommended biodiversity enhancements, which should also be included and be conditioned; bat roosting opportunities; bird nesting opportunities; wildlife-sensitive lighting; gaps in boundary fencing for hedgehogs and wood pile habitats.

Overall, the proposal would accord with UDP Policy GE11 and the development has been demonstrated to provide biodiversity net gain, as per the requirements of NPPF section 15.

Sustainability

A key objective of local and national policy is the pursuit of sustainable development. The NPPF details three overarching principles of sustainable development; an economic objective; a social objective and an environmental objective.

While the proposal involves the redevelopment of a brownfield site in a sustainable location, the submitted sustainability statement does not yet adequately address any of the points set out by the requirements of Core Strategy Policy CS64 in order to mitigate climate change, such as outlining how the building would be energy efficient, utilising of renewable energy sources or sustainable materials, for example.

It is accepted that these issues can be addressed as the details are developed following planning approval. Given that CS64 also states that non-residential developments over 500m² gross internal floorspace should achieve a BREEAM rating of very good (or equivalent) as a minimum, this requirement would be conditioned, which would sufficiently address the requirements of the policy overall.

Core Strategy Policy CS64 also requires all significant developments (over 500m²) to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. This would therefore also be conditioned to meet the requirement of this policy.

In an economic sense the redevelopment of the site for the intended purpose will result in local employment opportunities which is to be welcomed.

SUMMARY AND RECOMMENDATION

Larger shops are listed as unacceptable in Housing Areas, unless at the edge of Shopping Areas. The site is an edge of centre location in terms of the NPPF definition. However, para. 87 of the NPPF requires local planning authorities to apply a sequential test to applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The sequential test submitted identifies two vacant properties within the area, neither of which are large enough to accommodate the proposal. As no sequentially preferable sites have been identified, the sequential test has been passed, and the proposal is acceptable in principle.

The concerns regarding the impact on the viability of existing shops are noted, however, Mosborough High Street Local Centre has few vacant properties, and the proposed development is also on the High Street and within easy access of the existing centre, which could equally be argued to increase footfall to support the viability of the centre as a whole by encouraging linked trips.

The proposal would utilise a brownfield site within an existing settlement and would assist the aims of the NPPF section 11, which seeks to make effective use of land, and Core Strategy Policy CS2, which prioritises brownfield land for new business development. The proposal would support the overall settlement plan of the Core Strategy.

The loss of the traditional pub building is a significant, negative aspect of the scheme, and this should not have been demolished without permission. The assessment has assumed that the pub is still in situ.

The pub was vacant and was not listed as an Asset of Community Value, and given there are various drinking establishments in and around Mosborough, the loss could not be argued to lead to a lack of such facilities for this specific local community.

The value of the building is therefore primarily limited to its contribution to the character of the area and street scene, which was positive, as a traditional stone building. However, the building was not listed and the site is not within a Conservation Area.

The assessment has considered the value of the character of the existing building in comparison to the merits of design of the retail scheme proposed, amongst other material considerations. The scale and massing of the building would sit comfortably within the context of the site and the contemporary design approach is considered to be of suitable quality, complimenting the existing mix of architecture along High Street.

An appropriate level of off-street parking and access arrangements have been demonstrated, and the proposal would not lead to an unacceptable or severe impact on the highway, in accordance with NPPF para. 111.

While there has been a chemical spill on the site, and the site lies within a Coal Mining Referral Area, the use of standard investigation and remediation conditions would ensure the site is made safe for its intended use.

Overall, following amendments to the site layout, servicing and deliveries would not cause significant noise disturbance, and this would be addressed by the requirement to undertake a revised NIA and accord with any recommendations, such as the installation of acoustic barriers to the boundaries. The impact on neighbouring daylight and privacy levels has been demonstrated to be acceptable.

Drainage and sustainability requirements are secured by condition to ensure that the proposal accords with local and national policy.

Despite the loss of existing vegetation, the proposed landscaping scheme, including replanting of native species, the use of a brown roof and other ecological enhancements, would result in a biodiversity net gain of 17.17%, which is a positive advantage of the scheme and to be welcomed. Local employment opportunities would also be a positive aspect of the scheme.

Overall the proposal is considered to represent sustainable development and it is therefore recommended that planning permission should be granted subject to the listed conditions.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 24 May 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

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| (i) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the partial demolition of existing side extensions to create detached dwellinghouse at 1 Whirlowdale Crescent, Sheffield, S7 2NA (Case No: 21/03943/FUL). |
| (ii) An appeal has been submitted to the Secretary of State against the City Council for the refusal of planning permission for the erection of 17.5m monopole with associated cabinets and ancillary works (Application for determination if approval required for siting and appearance) at land adjacent to Groundsman's House, Shirecliffe Road, Sheffield, S5 8XB (Case No: 21/02734/TEL). |

3.0 APPEALS DECISIONS – DISMISSED

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| (i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of front and rear dormers to roof, erection of single-storey rear extension and single-storey side porch to dwellinghouse at 380 Gleadless Road, Sheffield, S2 3AJ (Case No: 21/04677/FUL) has been dismissed. |
| <p>Officer Comment:-</p> <p>The Inspector considered the main issue to be the effect of the proposals on the character and appearance of the host dwelling and the street scene.</p> <p>The Inspector noted the roof slopes of the terrace of dwellings was not disrupted by dormers unlike other terraces in the area.</p> <p>They agreed with officers that the width, and absence of absence of vertical hierarchy relating to windows below resulted in an incongruous addition that would significantly detract from the appearance of the terrace, in conflict with the requirements of policies CS74, BE15 and H14.</p> |

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| <p>(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of detached garage and store room to side of dwellinghouse (Resubmission of 21/00609/FUL) at 84 Skelwith Road, Sheffield, S4 8AY (Case No: 21/04378/FUL) has been dismissed.</p> |
| <p>Officer Comment:-</p> <p>The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the area.</p> <p>They noted that the large garage and store would sit well above the low boundary wall, presenting a blank elevation to Skelwith Road and appearing unduly prominent in the street scene, especially as it would sit forward of the building line of the house and be on a prominent bend in the road. In addition the siting of a building in this location would reduce the sense of openness and outlook and detract from the original design intention.</p> <p>It was concluded that the proposal conflicted with Policy H14 of the UDP, Policy CS74 of the Core Strategy and Paragraph 130 of the NPPF.</p> |
| <p>(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for a single-storey rear extension - the extension will be 6 metres from the rear of the original dwellinghouse, overall height no more than 3 metres and height to the eaves of 3 metres at 343 Deerlands Avenue, Sheffield, S5 8AA (Case No: 21/02923/HPN) has been dismissed.</p> |
| <p>Officer Comment:-</p> <p>The main issue was whether the proposal would comply with Schedule 2, Part 1, Class A of the GPDO.</p> <p>The Council's reason for refusal set out that the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and which would have a width greater than half the width of the original dwellinghouse. This would be contrary to the provisions of Schedule 2, Part 1, Class A, Paragraph A.1 (j) (iii) of the GPDO.</p> <p>The Inspector found that the proposal would be built around an existing ground floor offshoot located to the rear of the property and, as the appeal proposal would extend beyond the existing side wall of the offshoot, it would extend beyond a wall forming a side elevation of the original dwellinghouse. It would also have a width greater than half the width of the original dwellinghouse.</p> <p>Consequently, the Inspector concluded that the proposal would fail to comply with Schedule 2, Part 1, Class A, Paragraph A.1 (j) (iii) of the GPDO.</p> |
| <p>(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of front and rear dormers to</p> |

increase habitable roof space at 12 Kaye Place, Sheffield, S10 1DY (Case No: 21/02871/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the development on the character and appearance of the host dwelling and the locality.

They noted the dwelling was one of three with similar design features with a cohesive rhythm, which although at the head of a dead end were visible from Barber Road across the adjacent car park.

As the front dormer would span a considerable width and the entire height of the roof slope the Inspector felt it would dominate the roof space, and would appear lop sided on one side of the roof slope with no obvious connection to the windows below. As such they concluded it would be a discordant feature both in terms of the host property and wider locality, detracting from its appearance, in conflict with policies CS74, BE5 and H14.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the replacement of existing hoarding with a digital advertising display hoarding on the gable end of the building at The Bhaji Shack, 85 Chesterfield Road, Sheffield, S8 0RN (Case No: 21/02851/ADV) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the proposed advertisement upon the amenity of the area.

They considered the large hoarding would jar with the simple form of the host building and the digital illumination, compounded by intermittent displays would accentuate its visual prominence and harmful effect on the visual amenity of the area. This would contrast with appropriate forms of signage on neighbouring businesses, and its proximity to dwellings would cause harm to their living conditions.

They concluded there was conflict with policies BE13 and H14 of the UDP and paragraphs 130 and 136 of the NPPF.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for the demolition of single-storey side extension, erection of two-storey side extension including integral garage, erection of single-storey rear extension to dwellinghouse and formation of gable end to dwelling (Amended Description) at 101 Norton Park Road, Sheffield, S8 8GR (Case No: 21/02774/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the development on the character and appearance of the host dwelling and the locality.

The Inspector noted the balanced symmetrical form of the pair of semi detached dwellings, with hipped roofs and agreed with officers that the creation of a gable roof form would unbalance the pair of houses, removing their symmetry and and would be a discordant feature. The absence of a set back in the side extension also failed to respect the original form of the dwelling, as did the absence of a break in the roof line.

The Inspector did not accept the appellants argument that a larger gable roof form would be of benefit owing to an increase in the potential for solar panel array, considering the difference likely to be minimal and noting that whilst sustainable development is a key objective, enhancing the built environment is too.

He therefore concluded the scheme caused harm to the character and appearance of the host building and the surrounding area in conflict with policies BE5 and H14 of the UDP, CS74 of the Core Strategy and the NPPF.

(vii) To report that an appeal against the delegated decision of the 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: 21/02710/HOARD) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the proposal on the visual amenity of the area.

They noted that the proposal was for a free-standing digital advert to the front of the City Gate Office block, facing the ring road, and that it would be a sizeable addition to the street scene. It has a raised position and would dominate the immediate locality, failing to visually integrate with the office building and creating a sense of clutter. They found that it would compete with the building to the detriment of the wider street scene and be incongruous in the location.

The proposal was found to conflict with Policy BE13 of the UDP, Policy CS75 of the Core Strategy and the provisions of the NPPF

(viii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of first-floor front extension to dwellinghouse at 21 Greenacre Way, Sheffield, S12 2TZ (Case No:- 21/02616/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be the effect of the proposal on

the appearance of the street scene and on the living conditions of neighbours.

They considered that the proposed extension would add considerable bulk and massing to the front of the property and be out of character with surrounding houses, exacerbated by the proportions of the proposed window not matching the existing fenestration. The sense of openness would be compromised and would detract from the character and appearance of the street scene. In relation to the impact on neighbouring properties, the Inspector considered that the extension would not lead to a loss of privacy.

Whilst the proposal would not cause harm to living conditions, it was concluded that harm would be caused to the character of the street scene, contrary to Policy H14 of the UDP and Paragraph 130 of the NPPF.

(ix) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 15.0m high monopole with wraparound base cabinet and associated ancillary works (Application for determination if approval required for siting and appearance) at land opposite 53 East Road, East Bank Road, Sheffield, S2 3PX (Case No: 21/02433/TEL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the area.

In particular the Inspector was mindful that the location of the mast is in close proximity to an existing mast on the opposite side of the road (50 metres away) and an extant consent for a 20 metre mast, 70 metres to the north of the proposed new mast and that the proposed mast must be viewed in this context as they would be seen in conjunction rather than singularly. This would lead to three tall masts being visible alongside one another for some distance and cumulatively would give the streetscene and unduly congested and cluttered appearance, in conflict with paragraph 112 of the NPPF.

They concluded that the proposal would be harmful to character and appearance and would be in conflict with Policies BE14 and H14 of the UDP as well as paragraph 115 of the NPPF which requires new telecom sites to be sympathetically designed and camouflaged.

(x) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of side/front extension to dormer bungalow including erection of dormer window to provide additional accommodation at both ground and first floor level with provision of raised decking to side at 1 Brook Lane, Hackenthorpe, Sheffield, S12 4LF (Case No: 21/02119/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the development on the character and appearance of the area, including the Hackenthorpe Conservation Area (the site falls just outside the boundary).

They noted that the extension would project 6.5m beyond the front elevation of the property and produce an incongruous extension, unbalancing the dwelling and enclosing the spacious setting of the dwelling and the street scene. The design of the extension, with little fenestration was also found to be at odds with the character of the property. It was concluded that the extension would be conspicuous and obtrusive in views from and into the Conservation Area and would be contrary to UDP and Core Strategy policies; the Designing House Extensions SPG and the NPPF.

(xi) To report that an appeal against the delegated decision of the Council to refuse planning permission for the retention of installation of roller shutters to entrance at Thyme Café, 490 - 492 Glossop Road, Sheffield, S10 2QA (Case No: 21/02038/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be whether the proposal would preserve or enhance the character and appearance of the Broomhill Conservation Area (BCA).

He noted the building was identified as a building of townscape merit in the BCA and its presence within the District Shopping Centre. He noted the shutter and its external box limited views into the building and presented a dead frontage with adverse visual impact.

The appellant had referred to other shutters in the area and the need for security but the Inspector felt little justification had been provided for the need for this form of security over others, and did not feel historic other shutters in the area justified further harm.

He agreed with officers that in the terms of the NPPF (para 199-202) the harm to the heritage asset (BCA) was 'less than substantial' but of considerable weight as a planning objection. He did not consider the limited public benefit of potential avoidance of crime and longer-term survival of the business outweighed such harm.

He concluded the proposal would not preserve or enhance the character or appearance of the BCA, and would fail to comply with policies BE16 and S10 of the UDP, policy DDHM2 of the BBEST Neighbourhood Plan, and CS74 of the Core Strategy.

Enforcement Action is underway to secure removal of the shutter.

(xii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of two-storey side extension to dwellinghouse at 45 Thorpe House Avenue, Sheffield, S8 9NH (Case No:

21/01963/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the development on the character and appearance of the host dwelling and the locality.

He noted the area comprised mostly hipped roof two storey dwellings with a small number of gable additions, and a consistent separation between dwellings, with an exception being no.54 opposite the site where an almost identical development to the appeal proposal had taken place.

He felt the extension, up to the boundary would add substantial mass, only partially set back (450mm) with a roof ridge the same as the existing house such that the bulk of the house would be substantially increased and would erode the gap between properties with the potential for a terracing effect to be created.

He therefore concluded the proposal detracted from the character and appearance of the host dwelling and surrounding area. And was in conflict with policies BE5, H14 (UDP) and CS74 (Core Strategy).

(xiii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the alterations and extensions to roof to form additional habitable space including erection of rear dormer with Juliet balcony, erection of two-storey side extension, single-storey front extension and single-storey rear extension with raised decking to dwellinghouse at 11 Heather Lea Place, Sheffield, S17 3DN (Case No: 21/01469/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the development on the character and appearance of the host dwelling and the locality.

They noted the dwelling was situated in an areas of predominantly two storey dwellings with many having side extensions with either hipped or gable roofs.

They felt the extension sitting flush with the front elevation and ridge of the existing dwelling would add considerable bulk while lacking any subordination and would significantly erode the gap between the property and it's neighbour, all of which would be compounded by the gable roof form which would unbalance the pair.

Based on the above he agreed with officers there was harm to the character and appearance of the host dwelling and the street scene and conflict with policies BE5 and H14 of the UDP and para 130 of the NPPF.

(xiv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of first-floor side and single-storey

rear extension to dwellinghouse at 65 Stubbin Lane, Sheffield, S5 6QJ (Case No: 21/01628/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the street scene and the effect on the living conditions of neighbours.

The Inspector considered that adding a second storey to the existing single storey side extension would increase the massing and breach the established building line, increasing the prominence of the dwelling and reducing the spaciousness at the junction. They also considered that the additional rear extension would be unduly imposing to neighbours and harm their outlook.

The Inspector concluded that the proposal would be in conflict with Policy H14 of the UDP and the SPG on Designing House Extensions.

(xv) To report that an appeal against the committee decision of the Council to refuse planning permission for the demolition of existing buildings and erection of a four storey office building (Use Class E) (Amended information, including Heritage Statement, published on 10 February 2021) at 162-170 Devonshire Street, Sheffield, S3 7SG (Case No: 20/03568/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the area (and the setting of the nearby grade II listed Wharncliffe Fireclay Works) as well as the effect of the development on the living conditions of nearby residents.

They noted that the proposal would occupy the full extent of the site and would project past the rear elevations of adjoining properties by a considerable distance, being discordant in terms of scale relative to the existing buildings to be demolished (whose significance derives in part from their modest form). The development would have an eaves line much higher than adjoining properties and an uncharacteristic set-back flat roof, failing to respect the simple traditional proportions of the terraced row. They also felt that the use of dark grey brickwork and aluminium cladding to be at odds with the red brickwork of the row. All of this would combine to create a bulky, disjointed and conspicuous form of development.

They also concluded that the proposal would negatively affect the ability to appreciate the significance of the nearby listed building which would be 'less than substantial harm' but the public benefits of developing the site in the manner proposed had not been adequately demonstrated, particularly given the lack of viability information presented. The Inspector was not convinced that this was the only way of developing this site.

In respect of living conditions, the Inspector concluded that the very close proximity of the scheme to apartments in 165 West Street would result in a significant loss of outlook to these dwellings; reduce the amount of natural light to them and cause unacceptable overshadowing. They also concluded that the development would be harmful to the occupiers of adjoining properties on Devonshire Street as a result of the mass and bulk of the development, resulting in an oppressive and overbearing effect.

The Inspector therefore concluded that the development was contrary to local and national heritage and design policies as well as local and national policies designed to protect the living conditions of existing residents.

(xvi) To report that an appeal against the non-determination of the Council for the application for planning permission for the replacement windows to front and side, erection of single-storey rear extension to dwellinghouse, alterations and erection of single-storey side extension to detached outbuilding to form ancillary annexe and erection of gates to pedestrian and vehicular accesses (Resubmission of 19/04071/FUL) at 44 Ashland Road, Sheffield, S7 1RJ (Case No:- 20/01931/FUL) has been allowed in part and dismissed in part.

Officer Comment:-

The Inspector noted this was an appeal against non-determination of the application and that the Council had no objections to the proposed replacement windows to the dwelling and to the conservatory.

He identified the main issue as being the effect of the proposed alteration and extension to the coach house on the character and appearance of the Nether Edge Conservation Area (NECA), with due regard to trees.

He noted the dwelling was typical of the large villas in spacious plots with outbuildings typically not prominent in the street scene, and mature trees common in front and rear gardens giving the area a verdant character.

He felt the wide driveway allowed views of the coach house from the road and that its traditional form offered a positive contribution to the NECA. In contrast he felt the proposed extension would be an incongruous and substantial addition that would dominate the existing building and occupy a much larger footprint. He considered its design using large areas of glazing and contrasting roof styles would radically alter the appearance to such an extent its original form would not be apparent and it would take the form of backland residential development in clear conflict with the pattern of development in the NECA.

He noted the Council was concerned about proximity to two trees close to the existing coach house. He agreed there was a risk of harm and noted the trees were prominent and made a positive contribution to the NECA. In the absence of sufficient professional evidence being submitted by the appellant to demonstrate a lack of harm the Inspector was not satisfied the proposal would not seriously harm or result in the loss of the trees.

By virtue of the dominant and unsympathetic alterations to the building as well as harm to the trees he concluded the proposal would fail to preserve or enhance the NECA. He noted this was 'less than substantial harm' in the terms of paras 199-202 but considered the limited benefit of bringing the coach house back into use would be limited given the harm identified, and this did not outweigh the harm overall to the NECA.

This was in conflict with policies BE15, BE16, BE17, GE15 (UDP), and to the aims of the NPPF, and the appeal in respect of works to the coach house was dismissed.

He agreed with the Council that the other aspects of the scheme (windows) were not harmful and allowed this element of the appeal and imposed conditions.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the alterations to roof to form additional living accommodation, alterations to include raising the ridge height, hip to gable roof and erection of rear dormer extension with juliette balcony (resubmission of planning application 21/01982/FUL) at 25 Huntley Road, Sheffield, S11 7PA (Case No:- 21/04664/FUL) has been allowed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the development on the character and appearance of the host dwelling and the locality.

They noted that a permission existed for increasing the roof height but retaining it's hipped form and gave this significant weight in determining the appeal. This application differed in including a gable roof form.

The Inspector noted the predominance of two storey dwellings with hipped roof forms but also that gable forms were also present, and the topography was varied. Given the stepped siting of the dwellings and the variation in roof form in the street they did not agree with officers that the alterations would be particularly conspicuous or visually dominant in the street scene. Some disruption to symmetry would occur, mitigated by the stepped siting and the previous approval of an increased height would have a similar effect and was given significant weight.

The Inspector noted the Council's concerns about future terracing effect but felt the ability to control this existed in the event of future proposals from the neighbour, and it would in any event be mitigated by the stepped nature of the street.

The Inspector therefore concluded there would be no unacceptable harm to

the character and appearance of the host property or streetscene and as such the works would not conflict with policies BE5, H14 (UDP) and CS74 (Core Strategy).

COSTS

The appellant also submitted a costs claim primarily based upon inconsistent decision making by the Council, including its failure properly to assess the other altered dwellings within the streetscene and also giving too much weight to what could happen if 23 Huntley Road is altered at a later date.

The Inspector considered the reasons for different decisions being made on similar schemes were explained fully by the Council in response and were distinguished from this case. The harm anticipated was clearly explained in making the decision and this was known to the appellant when amendments were requested to the original application.

Although the Inspector reached a different judgement they accepted the Council had justified its concerns about the impact of the proposed works on the host property and the street scene, and the relationship to 23 Huntley Road.

He did not therefore agree that the Council had acted unreasonably and considered an award of costs was not justified.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of two-storey side extension to dwellinghouse (resubmission of 21/01725/FUL) (Amended Description) at 315 Sharrow Lane, Sheffield, S11 8AP (Case No: 21/04510/FUL) has been allowed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the development on the character and appearance of the host dwelling and the locality.

The Inspector acknowledged the location of the proposed extension on the junction of Sharrow Lane and Huntingdon Crescent, within the side garden of the dwelling and noted it would be closer to the boundary and elevated above the footway of Huntingdon Crescent.

The Inspector considered the presence in the area of side walls of buildings close to footways and felt they did not materially alter the character of the area.

Although the resulting property would be wider, the Inspector did not feel it would be so conspicuous so as to significantly detract from the character and appearance of the area.

In coming to this view the Inspector acknowledged the subservient nature of the extension (set down ridge and set back front elevation) and concluded

that overall the development would not cause unacceptable harm and was not in conflict with policies BE5, H14 (UDP), and CS74 (Core Strategy).

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the retention of single-storey extension to form summerhouse to rear of dwellinghouse at 24 Mansel Road, Sheffield, S5 9QQ (Case No: 21/03969/FUL) has been allowed.

Officer Comment:-

The main issue was the effect of the summerhouse on the living conditions of the neighbours, with regard outlook and overshadowing.

The Inspector found that, while the attached neighbour has only a small triangular shaped rear garden and the summerhouse projects approximately 6.8m along the common boundary at a height above the existing boundary fencing, the neighbour also has a larger, fully enclosed garden to the side of the house which appeared well used and maintained, with a pleasant aspect and plenty of light. Further, the neighbour's rear garden is already overshadowed by the existing high close boarded fence along the boundary.

The Inspector concluded that the increase in overshadowing resulting from the summerhouse would not be sufficient to result in harm to the overall enjoyment of the neighbour's gardens and as the roof of the summerhouse sits below the cill of the neighbour's nearest window, there would be no impact on light received by this room, or the outlook from it. Consequently finding that the summerhouse does not cause harm to the living conditions of the adjoining neighbours, either through loss of outlook or overshadowing.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of single-storey detached outbuilding to be used as garage to side of dwellinghouse (resubmission of planning application 20/03251/FUL) at 8 Plumbley Lane, Sheffield, S20 5BJ (Case No: 21/02225/FUL) has been allowed.

Officer Comment:-

The Inspector considered that the main issue is the effect of the development on the character and appearance of the area.

They noted that, whilst the garage would be positioned forward of the dwelling it would be set back behind a low front boundary wall and seen against the backdrop of the dwelling. They concluded that it would not unduly protrude into the street scene or hinder the views from the nearby village green and mature trees, particularly as the dwellings are elevated above the level of the garage and will be viewed in the backdrop. The design of the garage replicates that of the one close by on the same estate and it would not result in an overdevelopment of the plot.

Whilst the Inspector noted that accessing and egressing the garage would be difficult, they noted that there would still be two other parking spaces in the

plot, so this did not alter their view as to the acceptability of the proposal. They concluded that the proposal was in accordance with the UDP, the Core Strategy and the NPPF.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the permanent clear glazing to oriel window facing no. 23 Stumperlowe Park Road (Application under Section 73 to remove/vary condition 4 (obscure glazing) of planning permission no. 18/02587/FUL (Erection of a two/single-storey rear extension to dwellinghouse including juliet balcony, first-floor front extension and raised patio to rear)) at 25 Stumperlowe Park Road, Sheffield, S10 3QP (Case No:- 21/02191/FUL) has been allowed.

Officer Comment:-

Condition 4 of planning approval 21/02191/FUL stated that the front panel of a first floor side facing oriel window should be obscurely/opaquely glazed in perpetuity. The main issue was therefore the effect that removing Condition 4 would have on the living conditions of the neighbour with regard to overlooking and privacy.

The Inspector found that the side window is close to the adjacent boundary, but that the immediate view from the front pane of the window is to the roof of the adjacent dwelling that is located at a lower site level, and which has recently had approval for an extension to be constructed.

The Inspector also found that beyond the roof plane of the adjacent property are long range views beyond the property, that would have no affect on privacy, so that when looking out of the host property through the disputed window, there would be no loss of privacy to the adjacent property.

The Inspector concluded that, due to the specific site circumstances and positioning of the dwellings, the condition requiring the installation of obscure/opaque glazing to the oriel window was unreasonable and unnecessary and so concluded that the appeal should be allowed in respect of the deletion of Condition 4.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 17.5m Monopole with 6no. antennas, 1 GPS module, 2no. equipment cabinets, 1no. meter and ancillary works (Application to determine if approval is required for siting and appearance) at land opposite 196-198 Abbeydale Road South, Sheffield, S7 2QL (Case No: 21/01925/TEL) has been allowed.

Officer Comment:-

The Inspector considered the main issues to be a) the effect on the character and appearance of the area, and b) if harmful, whether this is outweighed by need in the location proposed having regard to availability of alternative sites.

They noted the presence of vertical structures nearby including 10m street light columns, a 12.5m telecom pole (approx. 130m away) and trees of 15-20m tall but acknowledged the proposed pole would exceed the height of immediate neighbouring structures.

They noted the pole would be visible when travelling in both directions along Abbeydale Road South but would be seen in the context of other structures and would be softened by the tree backdrop. Whilst not dominant in long views it would be more apparent in close views and for residents opposite the site and adjacent (183 Abbeydale Road South). Whilst affecting outlook the Inspector didn't think this was unacceptable given the separation of a three lane carriageway and wide pavement and highway verge.

They concluded in terms of a) that there would be moderate harm as a noticeable feature in the street scene especially from close quarters and so there was some conflict with para 115 of the NPPF which requires sympathetically designed telecoms equipment, camouflaged where possible.

Turning to b) the Inspector noted the appellants investigation of alternative sites, mast sharing and co-location, and accepted the justification for this choice of site, and the need for the facility to roll out the 5G network and improve existing services and gave this substantial weight.

The Inspector noted the ICNIRP certificate provided assurances on health risk and whilst acknowledging the proximity of the site to the Abbeydale Industrial Hamlet and its Grade 1 and Grade 2* buildings felt the development would not be readily apparent in views of the Hamlet from Abbeydale Road South or when in the Hamlet.

(vii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the demolition of rear detached garage, erection of a two-storey side extension and single-storey rear extension, excavation of part of rear garden to form patio area and alterations and extension to front driveway of dwellinghouse (Amended Description) at 60 Woodstock Road, Loxley, Sheffield, S6 6TG (Case No: 21/01644/FUL) has been allowed.

Officer Comment:-

The main issue was the effect of the proposed side extension on the living conditions of the occupiers of a neighbouring property, with particular regard to light and visual impact.

The Inspector found that the proposed side extension would project to the side boundary of the appeal site, which is also the rear boundary of 2 Austin Court. Due to the angle of the plots, the distance between the extension and the rear elevation of No 2 would vary and part of the extension would fall below the recommended minimum 12m for the separation between a two-storey extension and the ground floor main windows of a neighbour as set out in guideline 5 of the Designing House Extensions Supplementary Planning

Guidance. No 2 also has a conservatory to the rear which would further reduce the separation distance.

However, the Inspector also found that the original kitchen window at No 2 has been filled in during the construction of an extension to that property, and that the conservatory has a tiled roof which would reduce the outlook from the room that is served by the conservatory and the light received by this room. The south-facing windows of the conservatory, which would receive the most sunlight, would be unaffected by the proposal, and the proposed extension would not be directly in line with the rear windows of the extended part of No 2, so the outlook from and light received by those windows would remain within acceptable standards.

The Inspector concluded that the proposed extension would not cause a significant overbearing impact or reduce light levels within No 2 to an unacceptable degree and so the proposal would accord with policy H14 of the Unitary Development Plan and paragraph 130(f) of the NPPF.

(viii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the siting of 17.5m high streetpole with 6no. antennas, 1no. GPS module, 2no. equipment cabinets and 1no. meter (Application for determination if approval required for siting and appearance) at grass verge outside 27 Ecclesall Road South, near junction with Brincliffe Edge Road, Sheffield, S11 9PA (Case No:- 21/00329/TEL) has been allowed.

Officer Comment:-

The Inspector considered the main issue was the effect of the development on the character and appearance of the surrounding area.

They noted the mast at 17.5m, on a grass verge in an area of two storey housing, would be taller than the dwellings, street furniture, and neighbouring trees, but felt the thick trunks and large canopies of the trees would offer some screening. The Inspector also felt it significant that with land rising to the south, views of the mast from the north would be against the backdrop of trees. From the south they felt views were limited by the bend in the road, with foreground trees providing screening. They felt this would not result in an incongruous form but that the mast would assimilate the mast into the low-rise urban landscape much like the nearby church.

In allowing the appeal they did not feel there was conflict with policies BE14 (UDP) or CS74 (Core Strategy).

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

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

24 May 2022

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