

# Planning and Highways Committee

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**Tuesday 9 August 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**

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Councillors Alan Woodcock (Joint Chair), Nighat Basharat, Mike Chaplin, Tony Damms, Roger Davison, Brian Holmshaw, Dianne Hurst, Barbara Masters, Bob McCann, Peter Price, Garry Weatherall, Sophie Wilson and Cliff Woodcraft

## **Substitute Members**

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

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## **PUBLIC ACCESS TO THE MEETING**

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The Planning and Highways Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues. A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk) You 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](mailto: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](mailto: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](mailto:abby.hodgetts@sheffield.gov.uk)

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## **FACILITIES**

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
9 AUGUST 2022**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 12)  
Minutes of the meeting of the Committee held on 12<sup>th</sup> July 2022.
- 6. Site Visit**  
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Tree Preservation Order No. 449 - 60 Sandygate Park, Sheffield, S10 5TZ** (Pages 13 - 22)  
Report of the Director of City Growth Service
- 8. Tree Preservation Order No. 450 - 5 Cawthorne Grove, S8 0NB** (Pages 23 - 46)  
Report of the Director of City Growth Service
- 9. Applications Under Various Acts/Regulations**  
Report of the Director of City Growth
- 9a. Application No. 22/01205/FUL - University Of Sheffield Innovation District, Sheffield, S9 1XU** (Pages 47 - 76)
- 9b. Application No. 21/01636/FUL - 60 Little London Road, Sheffield, S8 0UH** (Pages 77 - 114)
- 10. Date of Next Meeting**  
The next meeting of the Committee will be held on Tuesday 13<sup>th</sup> September 2022 at 2pm in the Town Hall.

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its 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](mailto:gillian.duckworth@sheffield.gov.uk).

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Planning and Highways Committee

Meeting held 12 July 2022

**PRESENT:** Councillors Dianne Hurst (Joint Chair), Nighat Basharat, Mike Chaplin, Tony Damms, Roger Davison, Brian Holmshaw, Barbara Masters, Bob McCann, Peter Price, Garry Weatherall, Cliff Woodcraft and Andrew Sangar (Substitute Member)

**1. APOLOGIES FOR ABSENCE**

- 1.1 Apologies for absence were received from Councillors Sophie Wilson and Alan Woodcock.
- 1.2 Councillor Andrew Sangar attended as substitute for Councillor Woodcock.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

- 3.1 Councillor Mike Chaplin declared a personal interest in Agenda Item 7b, Application No. 21/04854/FUL - Land adjacent No. 8 Southbourne Road, Sheffield, S10 2QN, as a local ward member. Councillor Holmshaw declared that he had not given an opinion or made up his mind on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

**4. MINUTES OF PREVIOUS MEETING**

- 4.1 Councillor Chaplin informed the Committee that he had not seconded the amendment at Minute No. 6b.5, as he had declared an interest and did not take part in the discussion or vote. The Principal Democratic Services Officer undertook to revisit the recording to ascertain which Member had seconded the amendment and correct the minutes accordingly.

- 4.2 **RESOLVED** that, subject to the above amendment, the minutes of the meeting of the Committee held on 24<sup>th</sup> May 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. 22/00455/FUL - SOUTHERNWOOD, 62 DORE ROAD, SHEFFIELD, S17 3NE**

- 6a.1 An amended condition and 2 conditions to be removed 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 Alan Disney and Councillor Colin Ross attended the meeting and spoke against the application.
- 6a.4 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 including the amended condition and deleted conditions, now submitted and also had regard to representations made during the meeting.
- 6a.5 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, including the additional condition, for the demolition of existing dwellinghouse and erection of 4x dwellinghouses with garages and associated landscaping works at Southernwood, 62 Dore Road, Sheffield, S17 3NE (Application No. 22/00455/FUL).

### **6b. APPLICATION NO. 21/04854/FUL - LAND ADJACENT NO. 8 SOUTHBOURNE ROAD, SHEFFIELD, S10 2QN**

- 6b.1 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.
- 6b.2 Charles Dunn attended the meeting and spoke in support of the application.
- 6b.3 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 and also had regard to representations made during the meeting.
- 6b.4 **RESOLVED:** That an application for planning permission be GRANTED,

conditionally, for the reasons set out in the report for the erection of 4-storey building to create 3 no. apartments with associated landscaping, access and parking accommodation at Land adjacent No. 8 Southbourne Road Sheffield S10 2QN (Application No. 21/04854/FUL).

**7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

- 7.1 The Committee received and noted a report of the Chief Planning Officer detailing planning appeals dismissed by the Secretary of State.

**8. DATE OF NEXT MEETING**

- 8.1 The next meeting of the Planning and Highways Committee would take place on Tuesday 9<sup>th</sup> August 2022 at 2pm in the Town Hall.

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## SHEFFIELD CITY COUNCIL

### Planning & Highways Committee Report

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**Report of:** Director of City Growth Service

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**Date:** 9<sup>th</sup> August 2022

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**Subject:** Tree Preservation Order No. 449  
60 Sandygate Park, Sheffield, S10 5TZ

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

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**Summary:** To seek confirmation of Tree Preservation Order No. 449

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**Reasons for Recommendation**

To protect a tree of visual amenity value to the locality

**Recommendation**

Tree Preservation Order No. 449 should be confirmed unmodified.

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**Background Papers:**

A) Tree Preservation Order No.449 and map attached.  
B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.

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**Category of Report:** OPEN

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## REPORT TO PLANNING & HIGHWAYS COMMITTEE

**9<sup>th</sup> August 2022**

**60 Sandygate Park, Sheffield, S10 5TZ**

TREE PRESERVATION ORDER NO. 449

### 1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.449

### 2.0 BACKGROUND

2.1 Tree Preservation Order No.449 ('the Order') was made on 18<sup>th</sup> March 2022 to protect T1 *Metasequoia glyptostroboides* at 60 Sandygate Park, Sheffield, S10 5TZ. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 T1 (as described in the Order) is a semi-mature *Metasequoia glyptostroboides*, or dawn redwood, positioned in the centre of the rear garden at 60 Sandygate Park. The tree is fully visible from number 60, partly visible from directly neighbouring houses, and partially visible from the public road, being viewable from the gap at the side of the detached house and above the roof line of the property.

2.3 In August 2021, a request to make a TPO in respect of the tree was received from the family of the lady who owns number 60. They stated that the tree had been planted by their grandfather several decades ago, had great sentimental value, was of a rare species, and that they were concerned that when the house passed into new ownership following the death of their grandmother, that the tree may be removed.

2.4 In response to this and following from the appointment of a permanent Planning Community Tree Officer in November 2022, Vanessa Lyons inspected the tree in January of 2022 with a view to determining the tree's suitability for protection.

2.5 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Vanessa Lyons on 12<sup>th</sup> January 2022, who scored the tree with 14 points. The assessment produced a clear recommendation for protection. A summary of the TEMPO can be found in Appendix B.

2.6 Objections.

No objections have been received.

### 3.0 VISUAL AMENITY ASSESSMENT

3.1 The tree is a semi-mature dawn redwood, which is the focal point of the large rear garden of number 60. It was planted during the 1980s by the owner of

number 60, who had an interest in rare plants and trees. The tree is in good condition and form. Though it is only partially visible from a public vantage point, the fast growth rate of the species, and tall stature at maturity, mean that the tree will become more visible over time as it continues to grow above the roof line of the property, from above which it is already visible from street level.

- 3.2 The tree is estimated as being 40 years of age, with a life expectancy exceeding 100 years, and the open aspect of the garden means that the tree should be able to grow unhindered to maturity, meaning the tree represents excellent future potential as an amenity. Furthermore, the tree is of a species which, until it was discovered growing in China in 1941, was previously only known from fossil records of the Mesozoic era, dating from over 150 million years ago. Since its discovery, the tree has been disseminated worldwide, though it is classified as endangered in its native ranges, and remains a tree of comparative rarity elsewhere, particularly within the area of Sheffield in which this tree resides.
- 3.3 With regard to expediency, there is no imminent threat to the tree, and the associated TEMPO assessment recognizes the expediency as precautionary only. Government guidance in respect of making TPOs ('Tree Preservation Orders and trees in conservation areas', published 6<sup>th</sup> March 2014) states at paragraph 010 that local authorities "*may consider other sources of risks to trees with significant amenity value*" and that "*changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution*".
- 3.4 It is understood that the current owner of the tree is very elderly, and when the house is sold following her death, that there would be no protection for the tree to prevent its removal by new owners, as the address is not within a conservation area. The excellent form, future size and longevity of the species, and comparative rarity of the tree means that the tree has scored highly enough on TEMPO to warrant protection and on this occasion it is considered expedient that a TPO be made to protect the tree.

#### 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.449 will benefit the visual amenity of the local environment.

#### 6.0 FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications.

## 7.0 LEGAL IMPLICATIONS

- 7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (Section 198, Town and Country Planning Act 1990).
- 7.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the Order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.
- 7.3 The local authority may choose to confirm a TPO it has made. If an Order is confirmed, it will continue to have legal effect until such point as it is revoked. If an Order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.
- 7.4 A local authority may only confirm an Order after considering any representations made in respect of that order. No objections have been received.

## 8.0 RECOMMENDATION

- 8.1 Recommend Provisional Tree Preservation Order No.449 be confirmed.

Michael Johnson, Head of Planning

28<sup>th</sup> July 2022



**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 449 (2022)**  
**60 Sandygate Park, Sheffield S10 5TZ**

The Sheffield City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order —

**Citation**

1. This Order may be cited as Tree Preservation Order No 449 (2022) – 60 Sandygate Park, Sheffield S10 5TZ.

**Interpretation**

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

**Effect**

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

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

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

Dated 18<sup>th</sup> MARCH 2022

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

  
David Sellars  
Page 17



22/193513544

## SCHEDULE

### Specification of trees

#### Trees specified individually

(encircled individually in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Metasequoia glytostroboides – Dawn Redwood	SK3056 8689

#### 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>
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#### Groups of trees

(within a continuous black line on the map)

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

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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⊙ Trees specified individually  
Encircled in black on the plan  
T1 - Metasequoia glytostroboides (Dawn Redwood)  
Trees specified by reference to an area - None  
Trees specified by reference to a group - None  
Trees specified by reference to a woodland - None  
SK3056 8689  
Measurements shown approximately

Tree Preservation Order No 499

Sheffield City Council  
Site Address:  
60 Sandygate Park  
Sheffield  
S10 5TZ

Drawing No  
A4/ UED/808/449  
Date 16/12/2021

Scale  
1:250 @A4

Date 16/12/2021

Duly Authorised Signatory



22/1735/3564  
Page 19





# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: <b>12/01/22</b>	Surveyor: <b>VLyons</b>
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<b>Tree details</b>			
TPO Ref <b>N/A</b>	Tree/Group <b>T1</b>	Species: <b>Metasequoia glyptostroboides</b>	
Owner (if known): <b>Cleone Critchlow</b>	Location: <b>60 Sandygate Park, Sheffield, S10 5TZ</b>		

### 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>Score &amp; Notes</b>
<b>5</b>
<b>One small hazard branch. Adequate room for tree to grow unimpeded.</b>

##### 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

<b>Score &amp; Notes</b>
<b>4</b>
<b>Planted in early 80's Tree is only (approximately) 40 years old, and the species can be long lived.</b>

##### 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 |

<b>Score &amp; Notes 2</b>
<b>Limited visibility from highway over top of roof/ down side of the house. Partially visible from neighboring properties. Visibility will increase as it grows.</b>

##### 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

<b>Score &amp; Notes 2</b>
<b>Species of tree is relatively rare worldwide and rare for the local area.</b>

#### 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

<b>Score &amp; Notes</b>
<b>1. TPO requested. Homeowner is elderly and she and her family wish to see the tree preserved in the event the house is sold.</b>

#### 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 |

<b>Add Scores for Total:</b>
<b>14</b>

<b>Decision:</b>
<b>TPO defensible</b>

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## SHEFFIELD CITY COUNCIL

### Planning & Highways Committee Report

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**Report of:** Director of City Growth Service

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**Date:** 9<sup>th</sup> August 2022

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**Subject:** Tree Preservation Order No. 450  
5 Cawthorne Grove, S8 0NB

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

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**Summary:** To seek confirmation of Tree Preservation Order No. 450

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**Reasons for Recommendation**

To protect a tree of visual amenity value to the locality

**Recommendation**

Tree Preservation Order No. 450 should be confirmed unmodified.

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**Background Papers:**

- A) Tree Preservation Order No.450 and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Objections

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**Category of Report:** OPEN

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CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

**9<sup>th</sup> August 2022**

**5 Cawthorne Grove, S8 0NB**

TREE PRESERVATION ORDER NO. 450

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.450

2.0 BACKGROUND

2.1 Tree Preservation Order No.450 ('the Order') was made on 5<sup>th</sup> May 2022 to protect T1 *Fagus sylvatica* at 5 Cawthorne Grove, S8 0NB. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 T1 (as described in the Order) is a mature beech tree, positioned in the front garden of 5 Cawthorne Grove. The tree is visible from a public vantage point of both Cawthorne Grove and Archer Road

2.3 In April 2022, a request to TPO the tree was received by the Council from a local tree action group. They stated that they had received information from a tree surgeon, who had been asked for a quote to fell the tree. As the tree is not in a conservation area, there would be nothing to prevent removal of the tree, and so the group requested the Council assess the tree for its suitability for protection.

2.4 In response to this, Vanessa Lyons, tree officer with Sheffield City Council, inspected the tree on 29<sup>th</sup> April 2022 with a view to determining the tree's suitability for protection. At the time it was possible to conduct the inspection from roadside only. The tree was found to be in reasonable condition with no visible defects requiring major intervention or which would negate the trees' contribution to the amenity of the area. It was noted that the tree had a small cavity at 2m, facing roadside, consistent with historic removal or loss of a branch.

2.5 An aerial inspection of the tree was conducted by an arboricultural consultant on the behalf of the owner at 5 Cawthorne Grove. A copy of the inspection has been submitted as part of an objection to the TPO and can be seen in Appendix C. The consultant states that the tree is, at first sight a "fine specimen" and notes two further cavities and a broken branch visible only from the rear of the tree. Photographs of these, supplied within the report, indicate cavities of a sort routinely found on mature trees which have lost branches, and which are not, in themselves, immediate cause for concern. The consultant himself concludes that the cavities are not structurally significant.



2.6 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Vanessa Lyons on 29<sup>th</sup> April 2022, who scored the tree with 13 points. The assessment produced a clear recommendation for protection. A summary of the TEMPO can be found in Appendix B.

2.7 Objections:

Two objections have been received.

Objection one was submitted by the owner of 9 Cawthorne Grove, on the basis that:

- The tree has never been maintained and is now of a size no longer in keeping with the residential area.
- The tree has damaged sewer pipes leading to Yorkshire Water attending and removing roots from the blocked pipes.
- Leaf fall from the tree makes pavements slippery, and blocks drains.
- Root damage has occurred to the pavement of Cawthorne Grove leading to an uneven surface.

In response to these points:

- The tree is not considered to be of a size unsuitable to a residential area, standing as it does in a relatively large garden, and that were the tree to grow too large, the tree could still be retained with appropriate pruning. The TPO would not prevent such future maintenance of the tree. Pruning works would be subject to the need to obtain consent from the Local Authority, but the TPO would not be a barrier to work which represented good arboricultural management of the tree.
- Evidence supports the view that tree roots generally do not break drains but exploit weaknesses in them, wherein tree roots can grow in pipes in search of water and nutrients. The onus is therefore on the homeowner to keep pipes on their land in good condition to prevent this issue. The serving of a TPO would not prevent maintenance work from taking place to make good drains or pipes affected in this way, nor from removing roots which had entered and blocked a drain – as has already occurred according to the objector.
- The leaves that fall on Cawthorne Grove will come from any number of trees in the area. A proportionate response to this issue, and that of the raised tarmac from tree roots, is street cleansing and repair, neither of which prevent the tree from being protected.

Objection two was submitted by an arboricultural consultant on behalf of the owner of 5 Cawthorne Grove on the basis that:

- Beech is not a suitable species for a relatively small garden
- Though the tree is in reasonable condition, there are sufficient questionable features to mean it doesn't justify a TPO.
- That there is insufficient threat to the tree to consider protection expedient.

In response to these points:

- The report notes that the tree is at the end of a garden which is 40m long. As it is assumed that the objector's issue with the species of tree is the potential size it can attain, it should be noted that this is not a small garden, and the tree has had ample space to grow to a semi-mature size without causing issue. It is therefore difficult to determine what makes the tree unsuitable for its location. The tree has not been implicated in the sort of issues that usually indicate the tree is in the wrong place, i.e., damage to adjacent buildings, or severe encroachment which cannot be remedied through pruning. Where the tree is alleged to have caused damage to sewer pipes, no direct evidence has been supplied indicating that this tree is implicated, or that the damage cannot be remedied with the tree in situ.
- The tree scores highly enough on the TEMPO assessment, to merit protection. Though the consultant states his dislike of TEMPO, this method is widely accepted and utilised by other Local Authorities as a way of assessing trees for their suitability for protection. The consultant himself states that he has "no particular dispute with the scores awarded by the Tree Officer", indicating that he himself concurs with the elements of the assessment that regard the tree's condition, life span and visibility. While the consultant remarks upon cavities to the rear of the tree, he concludes that he does not think these are structurally significant at this time, and that there is no active signs of decay. Furthermore, elsewhere in the report he states the tree is a fine specimen.
- The consultant disputes that it is expedient to protect the tree, however the information that was received by the Council, via a third-party, came from a tree surgeon who had been asked to give a quote to fell the tree. In the opinion of the assessing officer, this was sufficient information to indicate that removal of the tree was a likely possibility and that it was therefore expedient to protect the tree by making a TPO.

### 3.0 VISUAL AMENITY ASSESSMENT

- 3.1 The tree is a semi-mature beech, which stands in the garden of 5 Cawthorne Grove, adjacent to the boundary with the road. The tree stands approximately 15 metres high with a canopy spread of approximately 20m, and is of open pleasing form, having a well-balanced, relatively symmetrical canopy with dense leaf cover demonstrating good vitality. The tree is visible from a public vantage point on Cawthorne Grove, and semi visible from Archer Road, and it represents a good specimen of a tree located within a small green corridor of trees and shrubs which line the road. Collectively, these trees soften an otherwise urban view, offer good amenity to the street, and provide an environment for a range of diverse insects and birds. Removal of this tree would lessen the impact of this green corridor from a biodiversity point of view, and negatively impact upon the amenity of the area.
- 3.2 Free of any major defects which would indicate structural instability, a conservative estimate of the tree's future life span is that of 20 to 40 years, meaning that the tree represents good future potential as an amenity.

#### 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.450 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. Two objections have been received.

#### 8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.450 be confirmed.

Michael Johnson, Head of Planning

28<sup>th</sup> July 2022

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**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 450 (2022)**  
**5 Cawthorne Grove, S8 0NB**

The Sheffield City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order —

**Citation**

1. This Order may be cited as Tree Preservation Order No 450 (2022) – 5 Cawthorne Grove, S8 0NB.

**Interpretation**

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

**Effect**

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

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

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

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

Dated 5<sup>th</sup> MAY 2022

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

  
David Sillars  
Duly Authorised Signatory



22/1758/3780

## SCHEDULE

### Specification of trees

#### Trees specified individually

(encircled individually in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Fagus sylvatica – Beech	SK 3483SW

#### 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 continuous black line on the map)

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

#### Woodlands

(within a continuous black line on the map)

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



149

22/1758/3780

Duty Authorised Signatory

<p><b>Capital Delivery Service</b>          LEVEL 3 EAST WING, MOORFOOT, SHEFFIELD, S1 4PL          Tel: 0114 2735628 Email: CDS@sheffield.gov.uk</p>		<p><b>Capital Delivery Service</b>          LEVEL 3 EAST WING, MOORFOOT, SHEFFIELD, S1 4PL          Tel: 0114 2735628 Email: CDS@sheffield.gov.uk</p>		<p>Do not scale from this drawing          All dimensions to be checked on site          Any encroachments to be reported immediately          All in doubt, ask          No reproduction of this drawing in any form without permission          Maps are reproduced from Ordnance Survey with permission of HMSO © Crown copyright. All rights reserved. 10018816. 2005</p>		<p>CLIENT: -          SCHEME: TREE PRESERVATION ORDER NO. 450          TITLE: 5 CAWTHORNE GROVE S8 ONB</p>		<p>STATUS: A4</p> <p>SCALE: 1:1000          DATE: 4/5/2022          DRAWN: KH          CHECKED: APPROVED          DWS NO: A4/UEJ/808/450          SCHEME NO: A4/UEJ/808/450</p>		<p><b>Sheffield City Council</b></p>	
<p><b>TREE SCHEDULE</b>          Trees specified individually. (Encircled in black on the plan)</p>		<p>T1 Fagus sylvatica - Beech          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 3483SW Measurements shown approximate</p>		<p>SK 3483SW Measurements shown approximate</p>		<p>SK 3483SW Measurements shown approximate</p>		<p>SK 3483SW Measurements shown approximate</p>		<p>SK 3483SW Measurements shown approximate</p>	





# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 29.04.22	Surveyor: Vanessa Lyons
----------------	----------------------------

<b>Tree details</b>	Tree/Group T1	Species: Beech
TPO Ref 450	Location: 5 Cawthorne Grove- front garden	
Owner (if known):		

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

##### a) Condition & suitability for TPO

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

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

#### Score & Notes :

**3. Cavity on stem at 2m, facing roadside. Presumed cause was branch loss. Interior condition of cavity not assessed.**

**Small amount die back present in upper crown. Cause not apparent.**

**Tree viewed from roadside only- no close inspection of base or 360 degree inspection of tree possible.**

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

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

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

#### Score & Notes

2.

##### c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

#### Score & Notes

**4. Medium tree situated directly adj. public highway**

##### d) Other factors

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

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

#### Score & Notes

1

#### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

#### Score & Notes

**3. Request to TPO tree from member of public who had reason to believe the owner was intending to fell. Tree not in conservation area so is un-protected.**

#### Part 3: Decision guide

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

#### Add Scores for Total:

13

#### Decision:

TPO defensible.

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



Ref: LS/RC/1756412  
Tree Preservation Order No: 450. 5 Easthorne Grove. S8 0NB

To Whom it May Concern,

I am hereby lodging an objection to the above TPO for the following reasons:

Since moving into my property in 1994 there has been no maintenance carried out on this tree to the best of my knowledge, resulting in the tree being left to grow and expand to a size that is no longer in keeping with the size of plot or residential area. This is a grave concern to neighbouring properties particularly in light of recent storms.

The tree roots have spanned both number 7 and number 1 front gardens and have caused damage to the shared sewerage pipes leading to sewerage leaks and at least two interventions by Yorkshire Water to remove roots and

restore services

The pavement of Cawthorne Grove has been damaged by the roots leading to a very uneven surface which could cause injury to pedestrians.

The road drains are impacted due to the shedding of leaves which, due to the size of the tree is a vast amount, and puts pressure on drainage services and covers pavements leading to potential for slipping.

In my opinion the imposition of a TPO is entirely inappropriate and I would be grateful if my points could be taken into consideration with regard to this.

Many Thanks  
Yours Sincerely

Richard Cannon,  
Legal Services Officer,  
Sheffield City Council,  
Town Hall,  
Sheffield, S1 2HH.

May 12<sup>th</sup> 2022.

Dear Sir,

**Objection to Tree Preservation Order No. 450 (2022),**  
**5 Cawthorne Grove, S8 0NB.**

Please accept this letter as an objection to the above Tree Preservation Order (TPO), which was served without warning on May 5<sup>th</sup> 2022.

My client in this matter is [REDACTED] who is the owner of number 5 Cawthorne Grove, which is in the throes of refurbishment. [REDACTED]. The previous owner of the house lived here for 80 years, and in latter years allowed the garden to become overgrown.

**Background.**

[REDACTED], although he has not owned this property for very long, is a long-term resident of the neighbourhood. [REDACTED]'s extension and refurbishment of the property seem to have been undertaken with the intention of making an elderly property more suitable for modern life. The property itself stands some way back from Cawthorne Grove and is actually accessed from Todwick Road to the northeast. That is the front doors of this and the adjoining properties face Todwick Road.

The garden to number 5 is almost 40 metres long albeit quite narrow, and the neighbouring properties have gardens of a similar length, similarly narrow. I think it's reasonable to say that most people casually passing by on Cawthorne Grove would not know that these gardens belong to the houses, as they are hidden from view by trees.

Some neighbouring properties have car parking spaces and garages at the foot of their gardens, immediately adjacent to Cawthorne Grove. Some of these appear to be largely unused. One of the reasons for this (I have been told) is that people are wary of their parked cars being damaged by debris falling from trees. Many of the gardens adjacent to Cawthorne Grove are also significantly overgrown, seemingly largely left to grow wild. In fact I note that one of the nearby houses (number 23) has recently cleared part of the garden and obtained permission to build 3 houses. A main sewer drain runs through the gardens, not far from the tree. I have also been told that in the past there have been issues over the drain being blocked by tree roots.

I note that the TEMPO (Tree Evaluation Method for Preservation Orders) evaluation states that the TPO was considered because a member of the public had reason to believe that the owner was intending to fell the tree. The TEMPO form further notes that that the tree is "not in (a) Conservation Area and so is unprotected."



### The tree.

The tree is a Beech tree and at first sight is a fine specimen. I measured the trunk diameter to be 900 mm and estimate its height to be approximately 15 metres. The crown spreads reasonably symmetrically and is probably 20 metres across, biased slightly to the south and west. It reaches almost to the middle of the road, some 11 metres. Measuring the height of trees in this sort of position is always difficult because there is no clear view of the top and bottom of the tree from the same place. Therefore, measuring the tree's height using the laser devices that are routinely used nowadays is impossible. The tree growing in an elevated position over the road doesn't help either. Suffice to say although there is no clear view of the tree from anywhere, it is fairly obviously an imposing specimen.

Imposing or not it is not perfect; the TEMPO-form refers to a cavity in the trunk visible from the road. At the other side of the tree is another cavity, and there is also another one at the base of one of the lower branches. There was also a broken branch stub with some decay. A probe inserted into the road-facing cavity revealed it to be 300 to 400 mm deep, although this was deep downwards, not deep horizontally. Both trunk cavities fairly clearly collect water as tracks of the overflow can be seen on the trunk below the holes. How this water gets in the trunk is not obvious but it might be that a crack somewhere allows it to accumulate and get into the cavities. I don't think the holes themselves are large enough to catch much rain water.



Photograph 1.

Photograph 1 is a view of tree as seen from the road looking roughly north-eastwards.

Photograph 2 is a view of the tree as seen from the road looking roughly north west.



Photograph 2.



Photograph 3.

Photograph 3 is a view of the tree as seen from the house, to the north, looking southwards.

Photograph 4 is a view of the cavity on the south side of the tree. Although it seems water flows out of this hole and the cavity has for a fairly soggy black mud in the bottom.



Photograph 4.



Photograph 5

Photograph 5 shows the cavity from further away. I took this in an effort to better show the staining on the trunk. (The rope belongs to the climber, who is out-of-shot.)





Photograph 6 shows the cavity at the base of the branch that emerges to the south, with the decayed branch stub on the east side.

Photograph 6.



Photograph 7.



Photograph 8.

Photographs 7 & 8 show the cavity on the north side of the tree.

I do not consider the cavities to be structurally significant at this time. There is no sign of active decay and the cavities do not appear to meet up anywhere although precisely how water manages to accumulate in them is not obvious. The Officer also noted some minor die-back in the upper crown, but I struggled to see to what she was referring. (This is the time of year when foliage is expanding so it's not impossible that any minor die-back has been obscured by leaf growth in the week between our inspections of the tree.)

### **Legislation.**

The Law that allows local planning authorities to serve TPOs is contained in the Town and Country Planning Act. It's actually part 8 ("Part VIII" in Government-speak) of the 1990 Act.

As is usual with legislation there are numerous dated alterations and amendments, but the only bit that matters is the part that states *“If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.”* Despite all the amendments and alterations there is no further clarification of what “expedient” or “amenity” actually means. There’s also no definition of “tree” or “woodland” either; for clarification we have to turn to the Government’s “Planning Practice Guidance,” which is a supplement to the NPPF and should be regarded as the Secretary of State’s opinion as to what the Law actually means. (<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>)

This “Guidance,” despite its name is not merely guidance, it is the “rules” and should be followed just like the NPPF should be followed. Pointedly, the Guidance tells us that *“Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public.”* It also states fairly categorically that *“Public visibility alone will not be sufficient to warrant an Order.”* The Guidance makes these comments after also advising local planning authorities to *“develop ways of assessing amenity value of trees in a structured and consistent way.”*

“Amenity Value” is the driver of the TPO legislation, the Guidance refers to assessing the amenity value at almost every stage of the TPO administration, no fewer than 14 times in its 173 paragraphs. It requires local planning authorities to develop “ways of assessing the amenity value of trees in a structured and consistent way....” Hence the use of the TEMPO system.

The Guidance seems to recognise the conundrum that many people would rather not have a tree in their ownership than have a tree that the Council could annex, and the overall feel of the Guidance is that TPOs should be used sparingly. Although some conservation-minded people seem to be of the opinion that all trees should be protected, the Guidance is written from the point-of-view that this is not the case. Whoever wrote it seemed to understand that over-use of the TPO system might lead to individuals being reluctant to plant trees. The author also seemed to understand that there is a certain perversity in a local planning authority being able to demand that people grow trees without their taking any corresponding responsibility for the tree.

I think it is also fair to note that it was never the Government’s intention to protect all trees; had it been there would have been no need for TPOs, they would merely have extended the Forestry Act to make it an offence to ever cut any tree down without permission from them or their cohorts in local government.

The requirement for an amenity valuation of a protected tree is the reason for the TEMPO evaluation, which unfortunately is not, and does not claim to be a system of “amenity valuation.”

### **The TEMPO system and the evaluation.**

The first thing to note about TEMPO and its use is it’s very easy to manipulate the scores it generates. For example a tree in “good” condition gets more credit than a tree in “fair” or “satisfactory” condition. Similarly why does a tree with a 20 to 40 year retention-span get

more credit than one with only 10-20 years? And guessing at a tree's likely rate of growth with much precision is always something of a how-long-is-a-piece-of-string-type question.

I consider it would be more sensible to have broader ranges in the TEMPO retention span section. In my opinion aligning with the Helliwell System<sup>1</sup> would be sensible. Under 5 years for a zero score, and 5-40 years being regarded as the same as the one and two point sections. I think the Helliwell system recognised the futility of guessing whether a tree might outgrow its position to any greater accuracy.

In this case I have no particular dispute with the TEMPO scores awarded by the Tree Officer although under "public visibility" she notes it is directly adjacent to the public highway and it's therefore clearly visible to the public. I accept that one side of the tree is visible to the public, but as it's some 6 or 7 metres from the edge of the footpath there is no public place from which the whole tree can be seen. The TEMPO guidance notes don't actually address this topic but it seems reasonable to point out that passers-by do not get a 360 degree view of the tree. I should point out that the Government Guidance doesn't say much about whether visibility of a tree ought to mean a full 360 degree view either.

TEMPO also addresses expediency which the Guidance reasons should mean "are the trees in good management?" (At paragraph 10.) We must assume here that the Council have presumed the tree not to be in good management, which in this case I regard as an extremely unfair presumption. [REDACTED] is aware of his obligations as a tree owner and understand his duty-of-care to the public and his neighbours.

The TEMPO appraisal states that a request was received from a member of the public who had reason to believe my client was intending to fell the tree. I do not know where the member-of-the-public got this idea. Whatever the situation, an unsubstantiated rumour does not increase the amenity value of the tree by over 20%; 3 TEMPO points of 13. The TPO is a precaution only so it should score a single point. Had this been the case then the overall TEMPO score would not meet the TPO threshold.

I should say here that this is one of TEMPO's major failings; a tree's amenity value does not increase just because somebody has tired of it; the implication that a tree in a Conservation Area that has had a Section 211 Notice to remove it served, does not suddenly jump in value. By that logic any item that is no longer wanted suddenly find its value increased, which makes no sense at all.

I note that the TEMPO appraisal has given the tree a single point under "other factors." It could have been scored -1 for being "generally unsuitable for their (its) location." If we were selecting tree species for planting in a relatively small garden, behind a terraced house, Beech would be one of the last species on the list of options. I entirely accept that finding unsuitable trees, sometimes in quite ludicrous locations, is one of the great joys (when it's not a frustration) of work in urban arboriculture, although that doesn't mean that the local planning authority should be forcing householders to grow and maintain unsuitable trees.

I should point out here that the TEMPO comments about the tree being un-protected and this somehow making it more deserving of protection, is not a proper reflection of the TPO regulations. The implication in this statement is that all trees deserve protection which was never the Government's intention. In my experience many people who own protected trees

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<sup>1</sup> The Helliwell System; Arboricultural Association Guidance Note 4. "Visual Amenity Valuation of Trees and Woodlands" 2008.

presume that a TPO means that the local planning authority will take some responsibility for them and thus pay them less heed. Frequently TPO-protection delays proactive tree maintenance as the tree owner finds the TPO-application procedures onerous and thus off-putting.

**Conclusions.**

1. Beech is not a sensible tree species for growing in a relatively small garden.
2. There is nothing about this tree that sets it apart from many other similar trees.
3. Although the tree is currently in reasonable condition, there are sufficient questionable features to mean it doesn't justify TPO protection.
4. There is no evidence of anyone having any intention to remove the tree. **[REDACTED]** is quite happy to manage the tree as his duty-of-care to the general public and his neighbours dictates, for as long as he owns it.
5. I do not consider a member of the public with unspecified reasons to believe there's an intention to fell a tree is sufficient justification to serve a TPO on a tree that is not out-of-the-ordinary.
6. Although this is a reasonable tree in reasonable condition, I do not consider it to be the sort of tree that should be protected with a TPO.

I trust you will reconsider this TPO.

Yours faithfully,

**[REDACTED]**

Enclosure: TEMPO evaluation form as supplied by the Planning department at SCC.

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 29.04.22	Surveyor: Vanessa Lyons
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<b>Tree details</b> TPO Ref 450 Owner (if known):	Tree/Group T1 Location: 5 Cawthorne Grove- front garden	Species: Beech
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### 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 |

#### Score & Notes

**4. Medium tree situated directly adj. public highway**

##### d) Other factors

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

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

#### Score & Notes

**1**

#### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

#### Score & Notes

**3. Request to TPO tree from member of public who had reason to believe the owner was intending to fell. Tree not in conservation area so is un-protected.**

#### Part 3: Decision guide

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

#### Add Scores for Total:

**13**

#### Decision:

**TPO defensible.**

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Case Number	22/01205/FUL (Formerly PP-11036661)
Application Type	Full Planning Application
Proposal	Erection of Advanced Manufacturing and Testing Facility with associated accommodation including test areas, substation, compounds, service yard, parking, landscaping, access and ancillary works (Building over 18m to top of higher parapet)
Location	University Of Sheffield Innovation District Sheffield S9 1XU
Date Received	22/03/2022
Team	City Centre and Major Projects
Applicant/Agent	DLP Planning Ltd
Recommendation	G Conditional Subject to Legal Agreement

## Time limit for Commencement of Development

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

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

## Approved/Refused Plan(s)

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

Drawing Number G1123 BBA XX ZZ DR A 1005 P08 (Proposed Planning Application Site Plan) published 24.3.2022

Drawing Number G1123-BBA-XX-00-DR-A-2201 P11 (Proposed Ground Floor GA Floor Plan (Full)) published 26.5.2022

Drawing Number G1123-BBA-XX-00-DR-A-2203 P12 (Proposed Office Block Ground Floor GA Floor Plan) published 26.5.2022

Drawing Number G1123-BBA-XX-01-DR-A-2203 P12 (Proposed Office Block First Floor GA Floor Plan) published 26.5.2022

Drawing Number G1123-BBA-XX-02-DR-A-2203 P12 (Proposed Office Block Second Floor GA Floor Plan) published 26.5.2022

Drawing Number G1123-BBA-XX-RF-DR-A-2201 P08 (Proposed Roof GA Plan (Full)) published 26.5.2022

Drawing Number G1123-BBA-XX-RF-DR-A-2203 P11 (Proposed Office Block Roof

GA Floor Plan) published 26.5.2022  
Drawing Number G1123-BBA- XX-ZZ-DR-A-1004 P13 (Proposed Site Plan)  
published 26.5.2022  
Drawing Number G1123-BBA-XX-ZZ-DR-A-1005 P09 (Proposed Planning  
Application Site Plan) published 26.5.2022  
Drawing Number G1123-BBA-XX-ZZ-DR-A-3201 P11 (Proposed GA Elevations  
Sheet A) published 26.5.2022  
Drawing Number G1123-BBA-XX-ZZ-DR-A-3202 P11 (Proposed GA Elevations  
Sheet B) published 26.5.2022  
Drawing Number G1123-BBA-XX-ZZ-DR-A-3203 P10 (Proposed GA Elevations  
Sheet C) published 26.5.2022

Reason: In order to define the permission.

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

3. No development shall commence until full details of 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.

4. No phase of the development (including works of construction, 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 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.

5. No development shall commence until a Biodiversity Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include the following.

- a) Purpose and conservation objectives for the enhancement plan.
- b) A detailed plan of the finished landforms and habitats to be created.
- c) Timetable for implementation.
- d) Persons responsible for implementing the works.
- e) Details of initial aftercare and long-term maintenance.
- f) Details for monitoring and remedial measures.
- h) Ongoing monitoring and remedial measures.

The Biodiversity Enhancement Plan (BEP) shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The development shall thereafter be carried out in accordance with the BEP.

Reason: In the interests of biodiversity.

6. No development shall commence until details of a biodiversity net gain plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how a minimum 10% net gain shall be achieved. Thereafter, the development shall be carried out in accordance with the measures incorporated in the biodiversity net gain plan.

Reason: In the interests of improving biodiversity

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

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

8. 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.

9. 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.

10. 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.

11. No development shall commence unless intrusive site investigation works covering full details of the mine entries and their impacts have been carried out and a Phase 2 report detailing the findings is submitted to and approved by the Local Planning Authority. Where the investigations indicate that mitigation works are required, a scheme of remedial works shall be submitted to and approved by the Local Planning Authority before the development commences and thereafter the remedial works shall be carried out in accordance with the approved details and a Validation Report confirming the required mitigation measures have been implemented on site.

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.

12. No development shall commence until the measures to protect the existing trees as shown on the 'Tree Protection Plan - drawing reference RSE\_5764\_TPP V2' included in the document entitled 'BS 5837:2012 Tree Survey, Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) & Tree Protection Plan (TPP)' have been installed. The installed protection measures 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)**

13. The development hereby approved shall not be used 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.

14. A minimum of 34 parking bays shall be provided with electric vehicle charging points, as per the drawing/s hereby approved. Prior to their installation, full details of the equipment shall have been submitted to and approved by the Local Planning Authority, including details of the design specification of the units. Thereafter, the development shall be carried out in accordance with the approved details and the approved charging points shall be permanently retained in working order thereafter.

Reason: In the interests of the air quality of the locality and subsequent amenities of occupiers of properties in the surrounding area.

15. Prior to the occupation of the development hereby approved details of all operational emissions caused by on-site activities, together with any mitigation measures proposed, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only operate in accordance with the agreed details thereafter.

Reason: In the interests of air quality

16. 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.

17. 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.

18. Prior to the occupation of any part of the development, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site accessibility; and to facilitate and encourage alternative

travel modes, shall have been submitted to and approved in writing by the Local Planning Authority. Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.

The Travel Plan(s) shall include:

1. Clear and unambiguous objectives and modal split targets;
2. An implementation programme, with arrangements to review and report back on progress being achieved to the Local Planning Authority in accordance with the 'Monitoring Schedule' for written approval of actions consequently proposed,
3. Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the Local Planning Authority.
4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

On occupation, the approved Travel Plan(s) shall thereafter be implemented, subject to any variations approved in writing by the Local Planning Authority.

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

19. 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.

20. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing 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 it is essential for these works to have been carried out before the use commences.

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

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

22. 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.

23. Upon commencement of development details of measures to facilitate the provision of gigabit capable full fibre broadband for the development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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.

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

Windows

Window reveals

Doors

External wall construction, including curtain wall construction

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

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

26. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

27. Notwithstanding the details on the submitted plans, before any above ground level construction work commences in relation to any new building on the site, full details of suitable inclusive access and facilities for disabled people shall have been submitted to and approved by the Local Planning Authority. These details shall include, as a minimum:

- Pedestrian drop kerb crossings with tactile blister paving across the driveway entrances

Thereafter such inclusive access and facilities shall be retained. (Reference should also be made to the Code of Practice BS8300 2).

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

## Other Compliance Conditions

28. The development hereby approved shall be carried out in full accordance with the Mitigation Measures as set out under paragraph 5.12 of the BWB report entitled 'ITM Power (Trading Limited), ITM S5 Testing & Manufacturing Facility Sheffield, Air Quality Assessment - June 2022 - Document Number TMP-BWB-ZZ-ZZ-RP-LA-0001\_AQA\_S0\_P02 - BWB Reference 210922-AQA-001'.

Reason: In the interests of air quality.

29. Surface water discharge from the access road shall be restricted to a maximum flow rate of 5 litres per second.

Reason: To ensure satisfactory drainage arrangements.

30. Surface water discharge from the southern swale shall be restricted to a maximum flow rate of 262 litres per second including an allowance of 75l/s for draining areas outside the applicant's land ownership boundary.

Reason: To ensure satisfactory drainage arrangements.

31. The development shall be carried out in accordance with the details shown on the submitted plan, "'Drainage Strategy Report' G1123-CUR-XX-XX-RP-92001 (rev V02) prepared by Curtins, dated 17/03/22", unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

32. All HGVs and LGVs delivering to/serving the site shall be either electric vehicles or as a minimum Euro VI/6 standard.

Reason: In the interests of air quality.

33. 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.

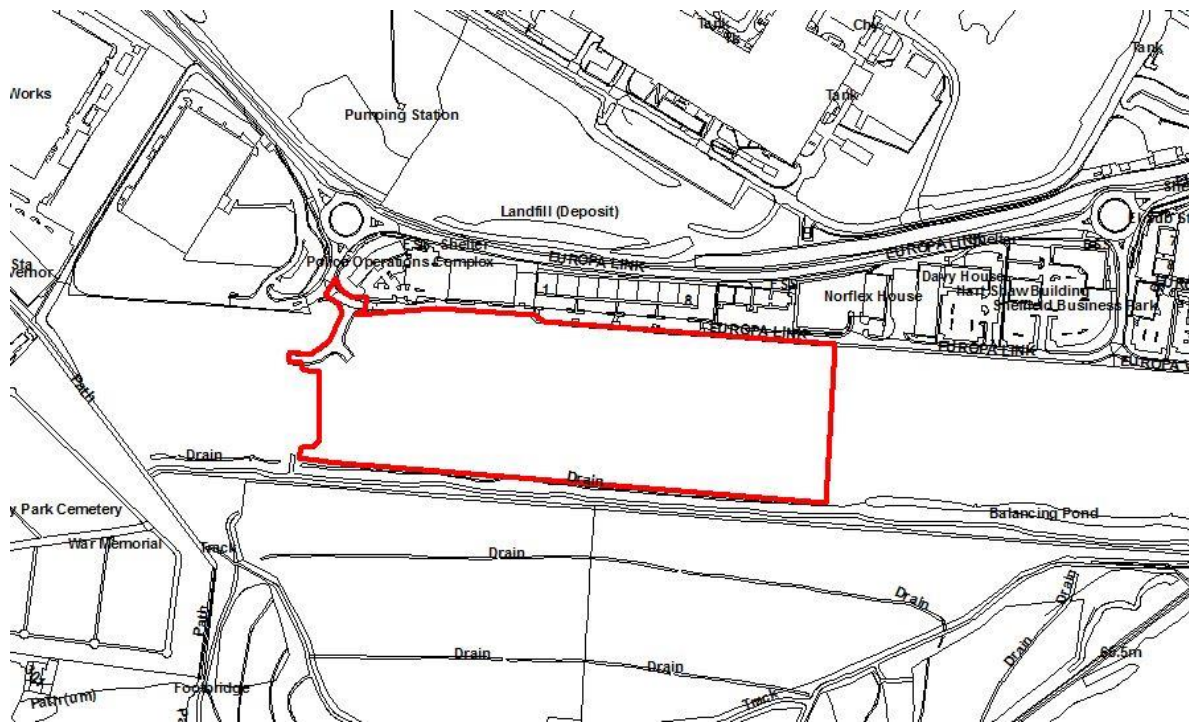
Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised to check that plant and equipment is 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.

3. 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](mailto:hello@superfastsouthyorkshire.co.uk)

## Site Location



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## INTRODUCTION

ITM Power (Trading) Ltd and The University of Sheffield are seeking full planning permission for a Gigafactory manufacturing and testing facility located on the site of the former Sheffield City Airport runway. The application incorporates a building with advanced manufacturing space, offices, testing areas, a substation, a new access, a service yard, car and cycle parking and landscaping.

The Gigafactory will manufacture electrolyzers that split water into molecules of hydrogen and oxygen using renewable power. The result is a zero-carbon green hydrogen that is used to decarbonise industrial processes, transport and heating. It is expected to play a significant role in achieving net-zero. ITM are a globally recognised expert in green hydrogen, operating from their existing site at Bessemer Park, Shepcote Lane. The increased global interest in green hydrogen and the resulting growth in demand means a second factory is required and will help in the progress towards net-zero. The second factory will add 1.5GW / annum to the existing 1GW at the existing site.

The proposed facility will provide the template for ITM's first international facility, which would enable a total 5GW per annum by the end of 2024.

The University of Sheffield Innovation District (USID), formerly referred to as the Advanced Manufacturing Research Centre (AMRC), is a network of world-leading research and innovation centres working with global advanced manufacturing companies. The ITM and University collaboration seeks to advance the hydrogen sector, involving the proposed Gigafactory and a new National Hydrogen, Innovation and Skills Centre. As well as producing jobs, training and career development, it will promote hydrogen usage domestically and internationally and support hydrogen technology development. It will also contribute to the Government's commitment to net-zero.

The Gigafactory will create 500 new jobs, and the overall level of investment is estimated to be around £70million.

## LOCATION AND PROPOSAL

The application site occupies an area of approximately 8.2 hectares and comprises the land previously used as the western part of the Sheffield City Airport runway. The former macadam surfaced runway has been removed and the site cleared to facilitate development.

The site is adjacent to Sheffield Business Park (SBP). It is bounded along its northern boundary by Europa Link, with SBP and the South Yorkshire Police Operations Complex beyond that. The undeveloped remainder of the former runway extends to the east and west of the application site. Further to the east is USID and further to the west is Tinsley Park Cemetery and Tinsley Industrial Estate. To the south is an open grassed area previously associated with the Airport, beyond which is Seventy Acre Hill, Tinsley Park Woods and Tinsley Park Golf Course.

The site has level topography. Previous engineering works, involving site clearance

and enabling works, have resulted in level platforms being created. This process included drainage works at the site's southern boundary.

The site is designated as being within a Fringe Industry and Business Area within the Adopted Unitary Development Plan (UDP). The application seeks a total of 31,185m<sup>2</sup> of floorspace, comprising:

- Commercial space of 25,020m<sup>2</sup>
- Main production building for advanced manufacturing (21,645m<sup>2</sup>)
- Office accommodation (3,375m<sup>2</sup>)
- Additional floorspace of 6,165m<sup>2</sup>
- Gatehouse (15m<sup>2</sup>)
- Substation (850m<sup>2</sup>)
- Test bay area (3,905m<sup>2</sup>)
- External amenities including chillers etc (1,210m<sup>2</sup>)
- Bin store/compound (185m<sup>2</sup>)

A total 347 parking spaces are proposed (259 standard staff bays, 34 electric vehicle bays, 22 visitor spaces, 17 accessible bays and 5 car share bays. There will be 10 motorcycle bays, and a cycle shelter giving secure storage for 52 bikes.

The proposed building, in broad terms, will be a single rectangular building divided into two zones. The eastern zone will be the main production area and measure 277.5 x 78 metres. The western zone will include three floors of office space and its footprint will be 22.5 x 50 metres. The general height of the building is 16 metres. The remainder of the site will comprise the ancillary operational space, testing areas, hardstanding and car parking, service yard and landscaping areas.

The access will be achieved via Letsby Avenue, where a modification to the road layout will enable a new private road to serve the site. The new road will run parallel to the site's western boundary and provide two site access points, as primary and service yard entrances. In addition, a new pedestrian entrance is proposed from Letsby Avenue.

## RELEVANT PLANNING HISTORY

### A. Relevant to Application Site

05/04338/OUT - Mixed use development comprising of the erection of buildings to be used as offices, general industry & distribution (use classes B1, B2 & B8), the erection of ancillary buildings for use as retail, food & drink uses, non-residential institutions and leisure facilities (use classes A1, A3, A4, D1 & D2) (As amended by Project addendum dated 06.03.2006) - Granted conditionally (legal agreement)

11/00610/OUT- Mixed-use development comprising of the erection of buildings to be used as offices, general industry and distribution (use classes B1, B2, and B8), the erection of ancillary buildings for use as retail, food and drink uses, non-residential institutions and leisure facilities (use classes A1, A2, A3, D1 and D2) (Application under Section 73 to vary conditions 5, 6, 7, 9, 12, 16, 25, 26, 27, 29, and 37 imposed by planning application 05/04338/OUT and impose additional conditions to allow the

development to be built in separate phases) - Granted conditionally (legal agreement)

14/01434/REM - Application to approve details in relation to landscaping associated with proposed 'Site Wide Infrastructure Works Phase' (including structural landscaping, re-profiling of land, access and perimeter drainage works) following 11/00610/OUT (Mixed-use development comprising of the erection of buildings to be used as offices, general industry and distribution (use classes B1, B2, and B8), the erection of ancillary buildings for use as retail, food and drink uses, non-residential institutions and leisure facilities (use classes A1, A2, A3, D1 and D2) - Approved Conditionally

#### B. Relevant to Adjoining Development

14/00321/FUL - Advanced Manufacturing and Research Centre, comprising B1(b) Advanced Manufacturing and Research space, ancillary offices and amenities, car parking, replacement car parking, access and landscaping. Granted Conditionally

14/01420/FUL - Creation of surface water attenuation facility associated with application 14/000321/FUL) and Phases 1 and 2 of the wider redevelopment proposals - Granted Conditionally.

15/01262/OUT - Development of Advanced Manufacturing and Research Centre Campus (AMRC2) including demolition of hangars. Development to include up to 66,983sqm of B1(b) and B1(c) Advance manufacturing and research floorspace, up to 37,551sqm of C2 residential training centre and conferencing floorspace, D2 outdoor and indoor recreation (up to 450sqm of floor space) - Granted Conditionally subject to Legal Agreement

#### C. Pre-Application Advice

Pre-Application advice was sought in relation to the proposal, where the principle of the proposal was supported by Officers.

#### D. EIA Screening

21/04992/EIA - The Council responded to the EIA screening opinion request, concluding that the proposal's impacts were likely to be localised and to not be significant in terms of environmental impact. As such, an Environmental Statement was not required to support this application.

#### SUMMARY OF REPRESENTATIONS

The application has been advertised by press notice, by site notice and letters have been sent to immediate neighbours/landowners. No written responses have been received from neighbouring occupiers or members of the public.

The following responses have been received from external consultees:

(a) Rotherham Metropolitan Borough Council (RMBC)

RMBC confirm they have no objection to the proposal.

(b) Environment Agency

The EA confirm they have no objection to the proposal subject to the issue of land contamination being investigated via the Environmental Protection Service, and that waste used on site and taken off site is done so appropriately and in line with requirements.

(c) Yorkshire Water (YW)

YW raise no objection subject to the imposition of conditions.

(d) National Highways

National Highways initially issued a holding recommendation in respect the application and requested the provision of further information to facilitate a complete and appropriate assessment of the scheme's impacts in the strategic road network. National Highways withdrew their holding recommendation in a letter dated 26 July 2022 and their detailed considerations are covered in the 'Highway Issues' section later in this report.

(e) South Yorkshire Police (SYP)

SYP Raised no objections to the scheme.

(f) South Yorkshire Fire and Rescue Service

SYFRS Raised no objections, adding they would respond to the Building Regulations consultation.

(g) Coal Authority

Following an initial response seeking additional information, the Coal Authority ultimately concluded they have no objection/s, subject to the imposition of conditions requiring further investigation and/or mitigation.

(h) Superfast South Yorkshire Broadband

SSYB Raised no issues subject to condition/s which facilitate the provision of gigabit-capable full fibre broadband as part of the development.

## PLANNING ASSESSMENT

### Policy Context

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

2021 (NPPF) is also a material consideration.

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

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development, which means:

- Approving development proposal that accord with an up-to-date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless
- (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole

In this context the following assessment will:

- Consider the degree of consistency that policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Apply 'the tilted balance' test as appropriate, including considering if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

### Key Issues

The main issues for consideration in this application are:

- The acceptability of the development in land use policy terms
- Highway Safety
- Impact on Air Quality
- Drainage / Flood impacts
- Design
- Ecology and Biodiversity
- Sustainability
- Landscaping
- Land Contamination / Historic mining

### Land Use Principle

The site is in a Fringe Industry and Business Area (FIBA) under the provisions of the UDP. Policy IB6 'Development in Fringe Industry and Business Areas' states that business (use class B1), general industry (use class B2) and warehousing (B8) are preferred uses. Use class B1 has more recently become use class E(g), and so class E(g) uses would be a preferred use under this policy.

The proposal would also be subject to Policy IB9 'Conditions on Development in Industry and Business Areas'. IB9a) requires the preferred uses to remain dominant, and clearly this proposal would contribute toward this aim.

Core Strategy Policy CS5 'Locations for Manufacturing, Distribution/Warehousing and other Non-office Businesses' a) identifies the area as important for manufacturing, distribution and warehousing uses, identifying that innovative new and expanding business (especially high technology manufacturing and knowledge-based services) will be promoted in areas close to centres of research including locations near both the Universities and Tinsley Park.

Therefore, the proposed use is acceptable in principle.

NPPF Paragraph 81 requires planning policies and decisions to help create conditions in which business can invest, expand and adapt. It adds that this is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential. Paragraph 83 adds that planning policies and decisions should recognise and address specific locational requirements of different sectors, which includes making provisions for networks of knowledge and high technology industries.

The UDP policies broadly align with NPPF requirements and so are afforded moderate weight, whilst the Core Strategy policies are closely in alignment, and so have significant weight.

#### Highway Issues

Policy CS51 'Transport Priorities' identifies strategic transport priorities for the city, which include containing congestion levels and improving air quality. UDP Policy IB9f) requires developments to be adequately served by transport facilities and to 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 and local car ownership levels. Maximum parking levels 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.

The Council's Highway Officer has assessed the Transport Assessment (TA) supplied

with the application. The following table was provided by way of comparison of the base line situation with the 'do something' scenario (i.e. with the development in operation):

Location	AMRC 2023 baseline	AMRC 2023 baseline + development	Increase in Vehicles	%age Increase
Europa Link / Letsby Avenue	1433	1512	79	5.5
A631 / Europa Link	3079	3126	47	1.5
A631 (to M1 J34)	2203	2245	42	1.9
A630 / Europa Link	4343	4375	32	0.7

It can be seen that the greatest increase which would be expected is at the Letsby Avenue / Europa Link junction. However, as this would be in the order of a 5.5% (or 79 vehicle) increase and, as traffic flows can fluctuate on a daily basis by between 5 and 10%, the Highway Officer concludes that the proposal would not be considered to result in any detrimental impact on the operation of the local highway network.

National Highways initially placed a holding direction on the application, pending the provision of additional information. They have subsequently withdrawn this direction and confirmed that they have no objection to the scheme (letter dated 26 July 2022) following the completion of their assessment and the provision of further information during the course of the application.

Having reviewed the information submitted in association with the application they offered the following comments:

The LinSig analysis is undertaken at year 2027, during the AM and PM peak periods, without and with the development traffic. Notwithstanding this they noted that there is no LinSig analysis at year 2032 which should ideally have been provided to provide context and added information to National Highways for future planning.

Nevertheless the NH conclusion from review of the modelling results included within the applicant's Technical Note 6 is that:

- There has been no development of an existing year calibrated / validated LinSig model. It is best practice to develop a calibrated / validated model to provide confidence that the model is accurately replicating existing performance;
- Platoon dispersion should be switched off on short lanes such as roundabout circulatory connectors;
- As anticipated, Tinsley Roundabout is shown to be operating over capacity with the 2027 background traffic flows;
- The addition of development generated traffic at year 2027 has been shown to result in negligible impact to operation, with only very slight increase in queue lengths forecast;

- Whilst there is no calibrated / validated model developed, given the marginal increases in traffic flows and queue lengths it is considered that the model is providing an acceptable measure of impact; and
- The increases in queue length and degree of saturation (DoS) are forecast to be minimal and therefore it can be concluded that the forecast development traffic flows do not result in a severe impact on the operation of M1 Junction 34S.

On the basis of the above National Highways formal NHPR 21-09 response recommends no objection, whilst noting the assessment deficiencies.

In relation to parking provision, it was agreed with the Highway Officer at pre-application stage that this should be based on a first principles approach, using data from the existing ITM facility at Shepcote Lane. As part of that process a parking accumulation exercise was undertaken to determine the maximum parking demand. It was assumed that 65% of office staff would make single occupancy car journeys, compared to 100% of production staff. The Highways Officer considers these assumptions to be reasonable and, on this basis, it was predicted that the maximum parking demand of 270 bays would occur when all office staff are on site, visitors were arriving/departing and production staff changing shifts. The Applicant confirms there will be occasions when 30 visitors are on site, which would increase parking demand to 300.

Therefore, whilst the proposed inclusion of 347 parking bays represents an excess over the maximum parking demand it is considered prudent to have some spare capacity. Additionally, if the Council's parking guidelines of 1 space per 75m<sup>2</sup> is used, the maximum provision would be 334 bays. This further confirms that the proposed parking levels are considered to be at an appropriate level whilst allowing for some tolerance.

Turning to the specific details of the proposed layout and the access arrangements, these have been assessed and the Highways Officer confirms that all necessary vehicle movements can be accommodated.

An outline Travel Plan was submitted with the Application. The principles of the Travel Plan are considered to be appropriate and relevant to the proposal, and it is therefore recommended that a detailed travel plan is secured by condition. Overall, the proposal is considered to be acceptable in highway terms, and to meet the requirements of the relevant local plan policies and NPPF provisions.

#### Air Quality

Core Strategy Policy CS66 states that action to protect air quality will be taken in all areas of the city. Further action to improve air quality will be taken particularly where residential areas in road corridors with high traffic levels are exposed to pollution above national targets.

NPPF paragraph 174e) requires development to, wherever possible, help to improve local environmental conditions such as air quality. Paragraph 186 states that planning policies and decisions should sustain and contribute towards compliance



with relevant limit values or national objectives, taking into account Air Quality Management Areas and Clean Air Zones and the cumulative impacts from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

The local plan policy closely accords with the NPPF and is therefore afforded significant weight.

The whole of the urban area of the city was declared an Air Quality Management Area in March 2010 due to nitrogen dioxide (NO<sub>2</sub>) gas and fine particulate matter (PM<sub>10</sub>) dust.

The Applicant has conducted a qualitative construction phase dust assessment and a detailed road traffic emissions assessment considering impact/s of development generated by road-traffic at identified receptor locations to assess the potential effects from dust during construction.

The qualitative construction phase dust assessment was undertaken in accordance with the relevant guidance. It recommends mitigation measures are included as part of a Dust Management Plan and concludes that the impact of traffic related emissions from the proposed development on the local area are not significant.

The detailed operational phase assessment concludes that the likely impact on road traffic emissions would not be significant.

The Council's Air Quality Officer has reviewed the air quality assessment. The Air Quality Officer concludes that, subject to the implementation of the mitigation measures given in the Dust Management Plan, and the findings that construction phase traffic emissions will be not significant, the development's construction phase will have satisfactory outcomes.

In respect of the likely impact/s of traffic emissions during the operational phase, the Air Quality Officer agrees with the assessment's prediction that the impacts of the proposals are likely to be not significant. However, given the importance of improving air quality at all times, it is recommended that all HGV and LGV delivering/serving the site are electric vehicles where possible, or as a minimum Euro VI/6 standard.

It was agreed by the Council's Air Quality Officer that details of on-site operational emissions would be assessed once the final details are confirmed, given the bespoke details of the required plant and as the location of any flues and emissions associated with the plant are not yet confirmed. This is considered by the Air Quality Officer to be a reasonable way forward for this specific proposal and this is therefore secured by condition.

In conclusion on air quality issues, the implications of the construction phase can be mitigated to a satisfactory level and the traffic emissions during the operational phase will not have significant implications. However, the details of on-site emissions from specific plant and equipment are not yet finalised and so will be subject to a condition requiring details of emissions and any mitigation measures

required. This ensures ultimate control over the nature of any equipment and their emissions.

The air quality officer has reviewed the submissions, including the proposal to assess and agree details of on-site emissions and their mitigation as part of a condition. It is concluded that by securing all of the above highlighted mitigation measures and a condition covering on-site emission details, the impact of the development on local air quality will be acceptable and in compliance with adopted local and national policy.

### Flood Risk and Drainage

Core Strategy Policy CS67 'Flood Risk Management' seeks to reduce the extent and impact of flooding through a series of measures including limiting surface water run-off, through the provision of sustainable drainage systems (SUDs), de-culverting watercourses wherever possible with a general theme of guiding development where possible 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, Local Planning Authorities 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.

The submitted Flood Risk Assessment (FRA) states that the site is in Flood Zone 1, which is the lowest risk of flooding and concludes that the site is at a low risk of river and tidal flooding. In respect of surface water, small areas of medium and high risk are identified at the site's southern and northern boundaries. At the southern boundary this is explained by the existing swale running adjacent to the boundary. The FRA states that surface flood risk is considered low and that it can be mitigated by on-site surface drainage design. Surface water discharge would be expected to use existing provision allowed from the earlier first phase/s of the development and involves use of the swales along the southern boundary at a controlled rate.

A Sequential and Exceptions Test are not required given the site's location within Flood Zone 1 and given the minimal extent of the site subject to surface water risks.

The Council's Lead Local Flood Authority / Drainage Officer has reviewed the FRA and Drainage Strategy documents. It is concluded that due to geological reasons, surface water management by infiltration is not suitable at the site. As such, the next best option of disposal to a watercourse/ swale system is proposed, which is considered acceptable by the LLFA. Indeed, the LLFA officer confirms that the southern swale and attached system was intended to take drainage from this site.

It is recommended by the LLFA officer that further details are required by condition to evidence that surface water discharged from the southern swale does not exceed 262/litres per second (including 75 l/s from land outside of the applicant's land

ownership boundary). Appropriate limitations on discharge rates from the proposed access road are also recommended. The measures required as part of assessment of these details will include SUDs methodologies.

As a result, it is concluded that the proposal will avoid any flood risk issues, and that surface water will be appropriately managed. The surface water drainage techniques will utilise existing provisions designed for development at the site. The proposed solutions will have the potential to have positive biodiversity implications and to improve the quality of water discharged from the site. Overall, the measures are considered to be an acceptable response to flood mitigation.

## Design Issues

Core Strategy Policy CS74 'Design Principles' requires development to enhance distinctive features of the area. This requirement is backed up by UDP Policies BE5 'Building and Design Siting' and IB9 'Conditions on Development In Industry And Business Areas' c) which expect good quality design in keeping with the scale and character of the surrounding area and appropriate to the site.

Chapter 12 of the NPPF requires good design, whereby paragraph 126 states that good design is a key aspect of sustainable development and should contribute positively towards making places better for people. Paragraph 130a) requires developments to add to the overall quality of an area, part b) requires developments to be visually attractive and c) requires buildings that are sympathetic to local character, including the surrounding built environment and landscape setting. Paragraph 134 requires that development which is not well designed to be refused. It goes on to say that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally, taking into account any local design guidance and supplementary planning documents.

The local policies closely align with the NPPF's requirements and are therefore afforded significant weight.

The building will be of significant scale and massing. The main building will measure 277.5 x 78 metres, with the attached office element covering 22.5 x 50 metres. The height to the top of the single height parapet will be approximately 16.0 metres, giving the appearance of a flat roof. In this location, and because of the surrounding commercial context, this scale and massing is considered to be appropriate, where form very much follows function and the location is not a sensitive one.

The design aesthetic is contemporary. The main materials would be a vertical profiled metal cladding in a deep navy, with cladding panels (grey and navy) and curtain walling to the office component. The contemporary design and indicated materials are considered to be of appropriate quality and are considered acceptable subject to exact specifications being reserved by condition.

The provision of public art is needed to meet the requirements of UDP Policy BE12 'Public Art', which requires public art in places seen by the public as an integral part of the design of major development. The Applicant is aware of this policy and is

willing to accept a condition allowing design of public art to be progressed and subsequently agreed.

In Access and Mobility terms the layout includes 17 accessible bays, 3 of which are provided with EV charge points. This is welcomed and shows that access and mobility provisions have been well considered. Precise details of dropped crossings can be covered by condition to ensure their provisions and acceptability.

Overall, it is considered that the proposal will make a positive contribution to the character of the immediate area and is therefore considered to meet the requirements of relevant local plan policies and NPPF design requirements.

### Ecology and Biodiversity

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 174 a) and d) identifies that planning decisions should contribute to and enhance the natural and local environment, minimise impacts on and provide net gains in biodiversity. Furthermore, paragraph 180 a) identifies that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Part d) of paragraph 180 goes on to state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Local policy aligns with the NPPF and is therefore relevant to this assessment.

A Preliminary Ecological Appraisal (PEA) was submitted with the application. Its findings are as follows; the site is dominated by ephemeral habitat with bare ground typical on brownfield land, the site's boundaries are dominated by neutral grassland with areas of planted immature trees and scrub, and a drainage ditch is present along the southern boundary. Several ground nesting bird species were also recorded during the survey, as well as high numbers of corvid bird species and raptor vantage points, as a result a breeding bird survey was recommended to further inform mitigation. It adds that a Construction Environmental Management Plan (CEMP) will be required to guide construction works, as well as details of an appropriate lighting strategy and a landscape design using wildlife friendly species and a hibernaculum in the ditch corridor to benefit reptiles and amphibians. In addition, a Great Crested Newt Survey was submitted, which concluded that the site was not inhabited by Great Crested Newts.

The Council's Ecology Officer has viewed these documents. They advise that the PEA is a sound document, having been carried out to best practice standards and that it makes sensible suggestions for further surveys and ecological enhancements. A number of areas were picked up where the PEA needed to be supplemented with

further work. Namely, as the PEA was carried out in March at a sub-optimal time of year for habitat survey, the consultant ecologist recommended an update to the botanical survey in the spring/summer of 2022, and this is agreed with by the Council's Ecology consultant. Further to this a Breeding Bird Survey was suggested as being necessary. In addition, a Biodiversity Net Gain (BNG) document was recommended to ensure that the proposals are compliant with paragraphs 174 and 180 of the NPPF, and that a net gain in biodiversity is secured as part of the development proposals.

The Breeding Bird Survey has been undertaken. The findings of this show that the site has a low diversity and abundance of breeding birds, predominantly due to the lack of vegetation caused by nutrient poor surface materials. A pair of lapwing were observed nesting at the site with young, and three skylark territories were present within the site. Other species of conservation concern were recorded at the site in low numbers. Overall, the site is considered to be of low value to breeding birds.

The Ecology Officer has reviewed this document and advises that the site is currently considered to be of low value to breeding birds, with the loss of four territories (1x lapwing, 3x skylark) considered of negligible impact. However, it is advised that mitigation and compensation measures will be required to offset these impacts. It is advised this should be achieved locally at Seventy Acre Hill, and the mechanism for achieving this will need to be incorporated into a legal agreement. The agreement will need to cover the required financial contribution and set out framework details of the appropriate mitigation and enhancements.

To ensure that vegetation clearance does not affect breeding birds it is advised it should ideally occur outside of the bird breeding season (March 1<sup>st</sup> – August 31<sup>st</sup>), alternatively a check should be made by an experienced ecologist no more than 48 hours prior to commencing. The Ecology Officer also picks up on the potential issue of disturbance or even destruction of active nests during the construction phase and advises that a commitment to monitoring is provided to avoid this. The Applicant has confirmed that any works inside the breeding season will involve a monitoring check to deal with this, and to also ensure the protection of wild birds, their active nests and young as required in the Wildlife & Countryside Act 1981.

The Ecology Officer also advises that it is necessary to ensure that the scheme achieves biodiversity net gain (BNG) as per the NPPF's requirements. To inform a BNG assessment, it is necessary to undertake a habitat survey during the appropriate period. As such, the Ecology Officer advises that a BNG assessment (with habitat survey) to ensure that the scheme achieves the necessary biodiversity gains is carried out, and that any necessary mitigation works are required to be implemented.

Overall, and following the supply of additional documents the scheme is considered to have acceptable impacts in ecological terms. With the inclusion of appropriate conditions in any approval the scheme will meet the requirements of the relevant local plan and NPPF policies and requirements in relation to ecological implications.

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.

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.

Policy CS64 'Climate Change, Resources and Sustainable Design of Development' sets out a suite of requirements for all new development to be designed to reduce emissions. In relation to non-residential developments over 500m<sup>2</sup>, a BREEAM 'very good' rating should be achieved.

Policy CS65 'Renewable Energy and Carbon Reduction' of the Core Strategy sets out objectives to support renewable and low carbon energy generation and further reduce carbon emissions. Developments exceeding 500m<sup>2</sup> should provide a minimum of 10% of their predicted energy needs from decentralised and renewable, low carbon energy, or a 'fabric first' approach where this is deemed not to be feasible and viable.

These Local Plan policies closely accord with the NPPF and are therefore afforded significant weight.

The Applicant acknowledges the requirement to satisfy Policy CS64 and has carried out a 'BREEAM Pre-Assessment'. This identifies necessary recommendations to achieve a rating of 'Very Good'. In order to ensure compliance with the policy, an appropriate condition is recommended.

The Applicant has provided a Sustainability Statement which identifies that it is intended to achieve compliance with CS65 through the installation of either hydrogen combined heat and power, photovoltaics or air-source heat pumps operating in conjunction with photovoltaics. Similarly, to ensure full compliance with CS65, a condition requiring submission of relevant details and implementation is recommended.

## 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 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 are relevant to this assessment on the basis that paragraph 130 expects appropriate and effective

landscaping, along with sympathetic developments including landscape settings.

The Applicant has supplied a Tree Survey, which shows the site largely without trees. There are five separate groups, either immediately beyond or within the site's boundary. They are categorised as Category C, meaning they are of low quality.

The Council's Landscaping Officer has considered the submissions and considers that the supplied protection fencing details are acceptable and advises this should be required by condition.

Additionally, some indicative landscaping proposals have been submitted. They are considered at this stage to be a little over-engineered and it is advised that the conditions covering hard and soft landscaping proposals should incorporate a more organic and natural approach, to include areas of native trees and shrubs and also that the drainage basins should be similarly organically designed. As such, condition/s covering a worked up hard and soft landscaping scheme are secured by condition.

Guideline CC1 of the Climate Change and Design Supplementary Planning Document states that, provided they are compatible with other design and conservation considerations, and where viable, green roofs covering a minimum of 80% of the total roof area will be required on development of more than 1,000m<sup>2</sup> gross internal floorspace. The proposal clearly exceeds the threshold, and to accord with this SPD guideline, a green roof should be provided unless incompatible for other reasons.

The proposed drawings do not show any green roof provision. The roof plan includes 222 large rooflights (totalling 1598m<sup>2</sup>) and 3096 PV panels (total 6130m<sup>2</sup>). Whilst the Sustainability Statement indicates that hydrogen-based CHP may make PVs unnecessary, it is appreciated that the roof needs to remain available for PV provision should that be required. The Applicant also confirms that across such an expansive roof, the loading associated with the provision of green roofs would generate structural demands that would inflate building costs prohibitively. As a result, it is considered in this case that it is impractical to provide green roofs, given the specific design and viability issues.

In conclusion, the low-quality trees adjacent to the site's boundary will be adequately protected from construction activities. Conditions covering implementation of protective fencing as well as more detailed hard and soft landscaping proposals will be secured via condition/s. The lack of green roof provision is considered acceptable for the reasons cited. Overall, the proposal complies with local plan policies and relevant NPPF requirements.

#### Land Quality and Historical Mining Issues

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

The NPPF (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 plan policy.

A desk study report was submitted with the application, entitled Phase 1, Geo-Environmental Assessment, DS-22388-21-534, February 2022. The report concludes that over the years there have been a large number of potentially contaminative land uses, as well as within 250 metres of the site. It therefore recommends that a Phase II Intrusive Investigation should be undertaken which includes chemical analyses of soil and groundwater, in conjunction with a programme of hazardous gas monitoring.

The Council's Environmental Protection Service has reviewed this document and agrees with its recommendations for further investigations. It is therefore recommended that a suite of land contamination conditions is included within any approval.

Separate to the issue of land contamination, the Applicant provided details of Coal Mining Risk Assessment and borehole testing within a revised version of the above Phase 1 Assessment. After further exchanges, this was supplemented by an Exploratory Hole Location Plan and commentary. The Phase 1 report concludes that raft or semi-raft foundations have been recommended and that new development is likely to require engineering of the upper fill materials and possible ground improvement to greater depths. It is also stated that foundation and structure design should take into account potential influence of, and upon, former mine shafts.

The Coal Authority have responded, confirming that they would expect any necessary mitigation measures to address any residual risk posed by recorded coal mining features. The Applicant has confirmed that full details of the mine entries and their impacts will be outlined in a Phase 2 report.

Overall, the Coal Authority has no objection, subject to the imposition of appropriate conditions covering the submission of a Phase 2 report, including consideration of all the recorded mine entries and details of mitigation measures necessary, as well as a validation report. Appropriate conditions are therefore recommended to secure the necessary details.

In summary, it is concluded that the legacy of coal mining will be able to be mitigated for, and as such there are no objections to the development proceeding.

#### Noise Issues

UDP Policy IB9b) requires that development does not cause residents in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

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 requirements of paragraph



130 in this location, and so should be afforded significant weight.

A noise impact assessment and an acoustic design strategy report have been submitted with the application. The assessment identifies the dwellings at Greenland Way as the nearest noise sensitive receptors (approximately 800 metres from the application site). Details of a baseline noise survey to determine the prevailing noise climate at these properties are provided. The acoustic design strategy report demonstrates how noise will be controlled inside the building. A section of the noise assessment also details the predicted external noise from activities at the proposed development, such as HGV movements and external plant noise. Overall, the document concludes that noise from the proposed development will have a low impact at the nearest sensitive receptors.

The Council's Environmental Protection Service has reviewed these documents. The submissions are considered to have been carried out following appropriate methodology, and their findings that the impacts of noise levels from the site are predicted to be relatively low for a large-scale industrial site are considered as being satisfactory. On this basis, the Environmental Protection Service concludes that a condition preventing the external plant or equipment, without details being firstly agreed with the Local Planning Authority should be appended. In addition, an informative will advise the applicant that any such plant and equipment should not exceed background sound levels on the site's boundary adjacent to sensitive uses.

## OTHER ISSUES

### Archaeological Issues

UDP Policy BE22 'Archaeological Sites and Monuments' states that sites of archaeological interest will be preserved, protected and enhanced.

The NPPF makes clear in Paragraph 189 that non-designated heritage assets of archaeological interest are subject to the policies for designated heritage assets. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

The South Yorkshire Archaeology Service have commented that the site is part of the Tinsley Park colliery and the former airport. As such there is very unlikely to be any archaeological issues arising, given the extent of previous disturbance.

In summary, there would be no concerns over the proposed development in connection to archaeological issues.

### Community Infrastructure Levy (CIL)

Whilst CIL has been formally introduced, it does not cover industrial uses and so no part of the development is CIL chargeable in accordance with the Council's CIL charging schedule.

## RESPONSE TO REPRESENTATIONS

All issues are covered in the main body of the report.

## SUMMARY AND RECOMMENDATION

The application site occupies an area of approximately 8.2 hectares and comprises the western part of the former Sheffield Airport runway, which closed to commercial flights in 2008.

The full planning application has been made by the University of Sheffield and ITM Power (Trading) Ltd. The proposal includes the following components:

- 25,020m<sup>2</sup> of commercial space, including main building for advanced manufacturing (21,645m<sup>2</sup>) and ancillary office space (3,375m<sup>2</sup>),
- Additional floorspace of 6,165m<sup>2</sup>, including a test bay area, external amenities including chillers and other ancillary requirements.

The proposal would deliver a number of benefits. Economic development is identified as a golden thread in the NPPF; and Core Strategy policies support the expansion and development of advanced manufacturing and the universities. There would be economic benefits through expenditure in construction, in the supply chain, creation of 500 high quality jobs, ongoing benefits from substantial investment and training and career development opportunities, contribution to the strengthened position of the University of Sheffield's Innovation District (USID) and the Sheffield and Rotherham Advanced Manufacturing Innovation District (AMID).

There would also be a significant contribution to the economic development and regeneration of the wider area, particularly the City Region.

In April 2022, the Government produced a 'British Energy Strategy', setting out the long-term solution to the UK's dependence on imported oil and gas and the vulnerability to international prices. Low carbon hydrogen was Point 2 of the document's 10 Point Plan, which aims for increased hydrogen production of the type generated by the proposed facility.

There will also be sustainability benefits both nationally and internationally, as increased hydrogen production and use will contribute to the reduction of emissions and enhancing of domestic energy security. The facility will support ITM and the University of Sheffield in their collaboration to advance the hydrogen sector. Hydrogen has significant potential for decarbonising heavy industry and transport (particularly HGVs), with interest in hydrogen rapidly increasing worldwide in recent years with the Government's commitment to Net Zero by 2050. Hydrogen was included in the Government's 2020 'Ten Point Plan for a Green Industrial Revolution', and it is envisaged that investment in clean technology such as hydrogen will allow the UK to lead the world in a green industrial revolution.

The proposal is not considered to create any significant or severe highway safety issues. The scheme proposes development of an appropriate scale and mass, which will sit comfortably within its setting and the character of the surroundings.

Following provision of appropriate off-site habitat enhancement, the scheme will avoid detrimental ecological impacts. Furthermore, biodiversity net gain can be secured by condition.

The scheme would avoid any detrimental impacts on air quality, with a condition needed to manage any implications arising from any newly installed external plant and equipment.

Appropriate conditions are recommended to ensure that the scheme has acceptable implications in terms of sustainability and drainage issues.

There are not considered to be any available alternative sites in the locality, being in proximity to the existing Shepcote Lane facility and the USID and AMID facilities, that offer the same co-location benefits of the application site.

The lack of a green roof is regrettable but the reasons for this are clear, which is that the building's large roof span and the provision of rooflights and photovoltaic panelling make such provision practically, structurally and economically unviable. It should also be noted that ecological enhancement will be secured in alternative ways.

In this case the planning benefits of the proposals clearly outweigh any minor harm identified. The scheme complies with the relevant local plan policies and the National Planning Policy Framework when taken as a whole. The application is therefore recommended for approval subject to the listed conditions and the completion of a legal agreement to secure the ecological mitigations identified earlier in the report and listed below.

## HEADS OF TERMS FOR LEGAL AGREEMENT

### Off-Site Wildlife Habitat Enhancement

Not to commence development until a Habitat and Biodiversity Management Plan has been submitted to and approved by the Council and the compensatory works set out therein have been secured and determined in full, which shall identify:

- The use of Seventy Acre Hill for the development of compensatory habitat provision
- Details of the aims and objectives of the management plan to secure the long-term future stability of the site at Seventy Acre Hill for lapwing and skylark, whilst providing wider ecological benefits to a range of species
- Details of the works to be undertaken to ensure the identified habitat area(s) will be in place before the commencement of development
- Details of how the compensatory habitat will be managed and to carry out the habitat management in the form approved by the Council

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Case Number	21/01636/FUL (Formerly PP-09707697)
Application Type	Full Planning Application
Proposal	Demolition of building and erection of 2no. three-storey buildings consisting of 14no. residential apartments with commercial premises (Class E) at ground floor, provision of undercroft car/cycle parking and associated landscaping works (as per amended drawings received 27.5.22)
Location	60 Little London Road Sheffield S8 0UH
Date Received	08/04/2021
Team	South
Applicant/Agent	Spring Planning Ltd
Recommendation	G Conditional Subject to Legal Agreement

## **Time limit for Commencement of Development**

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

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

## **Approved/Refused Plan(s)**

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

Drawing Number LLR-HLM-01-ZZ-DR-A-00600 Revision PL4 (SITE LOCATION PLAN) published 19.07.2022

Drawing Number LLR-HLM-01-ZZ-DR-A-00605 Revision PL3 (PROPOSED SITE LAYOUT) published 27.05.2022

Drawing Number LLR-HLM-01-ZZ-DR-A-00610 Revision PL3 (PROPOSED SITE ELEVATIONS) published 27.05.2022

Drawing Number LLR-HLM-01-ZZ-DR-A-006119 Revision PL3 (BLOCK -1 GA PLANS) published 27.05.2022

Drawing Number LLR-HLM-01-ZZ-DR-A-00620 Revision PL3 (BLOCK -1 GA PLANS) published 27.05.2022

Drawing Number LLR-HLM-01-ZZ-DR-A-00640 Revision PL3 (BLOCK -1 GA ELEVATIONS) published 27.05.2022

Drawing Number LLR-HLM-01-ZZ-DR-A-00650 Revision PL3 (BLOCK -1 GA SECTIONS) published 27.05.2022  
Drawing Number LLR-HLM-02-ZZ-DR-A-00625 Revision PL3 (BLOCK -2 GA PLANS) published 27.05.2022  
Drawing Number LLR-HLM-02-ZZ-DR-A-00626 Revision PL3 (BLOCK -2 GA PLANS) published 27.05.2022  
Drawing Number LLR-HLM-02-ZZ-DR-A-00645 Revision PL3 (BLOCK 2 GA ELEVATIONS) published 27.05.2022  
Drawing Number LLR-HLM-02-ZZ-DR-A-00651 Revision PL3 (BLOCK -2 GA SECTIONS) published 27.05.2022  
Drawing Number LLR 01 revision D (LANDSCAPE MASTERPLAN) published 27.05.2022

Reason: In order to define the permission.

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

3. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
  - The requirement to seek preservation in situ of identified features of importance.
  - The programme for post-investigation assessment.
  - The provision to be made for analysis and reporting.
  - The provision to be made for publication and dissemination of the results.
  - The provision to be made for deposition of the archive created.
  - Nomination of a competent person/persons or organisation to undertake the works.
  - The timetable for completion of all site investigation and post investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

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 phase of the development (including works of construction, 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 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.

8. No development shall commence (including any works of demolition or site preparation) 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. The CEMP shall include strategies to mitigate any residual environmental or amenity impacts that cannot be adequately controlled at source.

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

9. No development shall commence until a document detailing methods for dealing with Japanese Knotweed and Himalayan Balsam has been submitted to and approved in writing by the Local Planning Authority. The Japanese Knotweed and Himalayan Balsam shall thereafter be removed in accordance with the approved methodology.

Reason: In the interests of ensuring the safe redevelopment of the site and of biodiversity.

10. 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.

11. 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)**

12. No above ground works shall commence until the river naturalisation works 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 hereby approved is brought into use and the development shall not be brought into use until the river naturalisation works listed below have been carried out.

Reason: In the interests of biodiversity.

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

Reason: In the interests of biodiversity.

14. Full details of a riverside walkway, including connections to the walkway on adjacent sites, shall be submitted to and approved by the local planning authority before that part of the development commences. Such details shall include:

- Surface materials;
- Balustrade details to the River Sheaf;
- Lighting; and
- Management arrangements, including measures for maintaining public access to the walk at all times.

The riverside walk shall be a minimum of 1.8 metres wide and be completed to adoptable standards and in accordance with the approved details before the development is brought into use.

Reason: In the interests of promoting walking routes and the visual amenities of the locality.

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

16. 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.

17. 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 approved noise survey ENS - Noise Impact Assessment ref: NIA/9686/21/9743/v2/Little London Road; dated: 23rd April 2021.
  - 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.

18. Before the use of the development is commenced, Validation Testing of the sound insulation and/or attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:
- a) Be carried out in accordance with an approved method statement.
  - b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound insulation and/or attenuation works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

19. Before the commercial use(s) hereby permitted commences, a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:
- a. Be based on the findings of approved noise survey ENS - Noise Impact Assessment ref: NIA/9686/21/9743/v2/Little London Road; dated: 23rd April 2021.
  - b. Be capable of restricting noise breakout from the commercial use(s) to the street to levels not exceeding the prevailing ambient noise level when measured:
    - (i) as a 15 minute LAeq, and;
    - (ii) at any one third octave band centre frequency as a 15 minute LZeq.
  - c. Be capable of restricting noise breakout and transmission from the commercial use(s) and any associated plant or equipment, to all adjoining residential accommodation to levels complying with the following:
    - (i) Bedrooms: Noise Rating Curve NR25 (2300 to 0700 hours);
    - (ii) Living Rooms & Bedrooms: Noise Rating Curve NR30 (0700 to 2300 hours);
    - (iii) Other Habitable Rooms: Noise Rating Curve NR35 (0700 to 2300 hours);

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

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

[Noise Rating Curves should be measured as a 15 minute LZeq at octave band centre frequencies 31.5 Hz to 8 kHz.]

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.

20. 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.

21. 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.

22. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

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

Windows  
Window reveals  
Doors  
Eaves and verges  
External wall construction  
Brickwork detailing  
Balconies

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

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

24. The development hereby approved shall not be used 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.

25. The development hereby approved shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented. The means of vehicular access shall be restricted solely to those access points indicated in the 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.

26. The development hereby approved shall not be used unless the cycle parking accommodation 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.

27. No part of the development shall be occupied until details of on-site signage for the one-way system within the site have been submitted to and approved in writing by the Local Planning Authority. The approved signage shall be installed prior to occupation of the development hereby approved and permanently retained thereafter.

Reason: In the interests of the free and safe flow of traffic on the public highway.

28. Notwithstanding the approved drawing/s, 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.

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 in writing 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 it is essential for these works to have been carried out before the use commences.

30. 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.

31. The development shall be carried out in full accordance with the MITIGATION,

COMPENSATION AND ENHANCEMENT RECOMMENDATIONS as set out in Section 5 of the Peak Ecology 'Protected Species Surveys, Little London Road, Sheffield - Project No: PTADe01, Date 14/09/2021', and the mitigation, compensation and enhancements shall be permanently retained thereafter.

Reason: In the interests of biodiversity.

32. The proposed green/biodiverse roof(s) (vegetated roof surface) shall cover a minimum area of 80% of the roof and shall be installed prior to the use of the building commencing. Full details of the green/biodiverse roof construction and specification, together with a maintenance schedule, shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. Unless an alternative specification is approved the green/biodiverse roof shall include a substrate growing medium of 80mm minimum depth incorporating 5-20 % organic material. The plant sward shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

33. The Local Planning Authority shall be notified in writing upon completion of the green/biodiverse roof.

Reason: To ensure that the local planning authority can confirm when the maintenance periods specified in associated conditions/condition have commenced.

34. The development shall be carried out in accordance with the submitted flood risk assessment produced by Eastwood and Partners dated 24th November 2021, reference 45334 Issue 3, and the following mitigation measures it details:
- Commercial finished floor levels shall be set no lower than 78.11 metres above Ordnance Datum (mAOD)
  - Flood flow routes must be maintained across the site
  - All residential accommodation will be located on the first floor and above

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: In order to reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that movement of flood water is maintained.

### **Other Compliance Conditions**

35. The Commercial (Use Class E3) premises shall only operate during the following hours:

Monday to Saturday: Between 0800 hours and 2000 hours

Sundays and Public Holidays: Between 0900 hours and 1800 hours

Reason: In order to protect the amenities of occupiers of adjoining property

36. 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. 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.

38. 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:

1. Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
2. Acoustic emissions data for the system.
3. Details of any filters or other odour abatement equipment.
4. Details of the system's required cleaning and maintenance schedule.
5. 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.

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.

Attention is Drawn to the Following Directives:

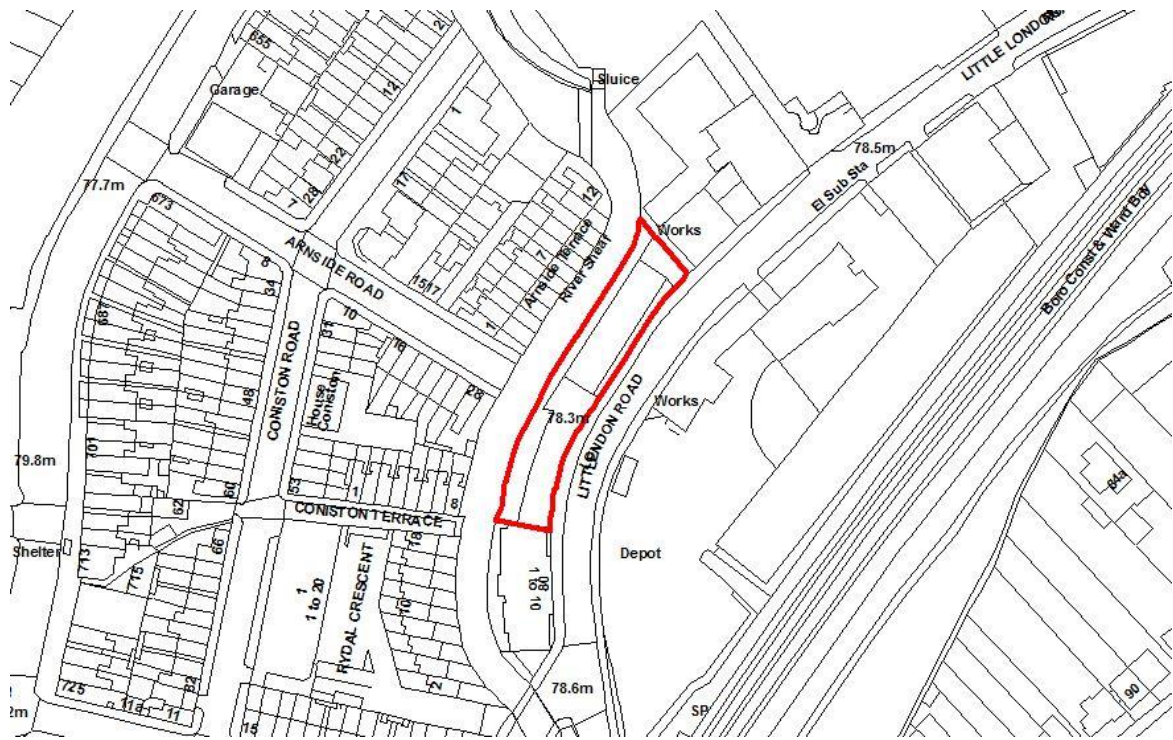
1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines 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](mailto:snn@sheffield.gov.uk)

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

# Site Location



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## LOCATION AND PROPOSAL

The application site is located to the west of Little London Road. It is allocated as being in a Fringe Industry and Business Area under the adopted Unitary Development Plan (UDP). The site currently includes a single-storey, timber construction building which is now vacant having most recently been used as Laces Boxing Gym. There is also a hard surfaced area, previously used for car parking purposes. The site's rear boundary is adjacent to the River Sheaf.

The surrounding area is characterised by a mixture of property types and uses, including commercial/factory units, a day care nursery and children's play centre occupying a converted paint factory, a dog care facility and a timber merchant, as well as new housing to the south /south-west at the former Abbey Glen laundry site, and historic, terraced housing on the opposite side of the River Sheaf.

Planning permission is sought for the demolition of the existing building and the construction of two separate blocks, each of three storeys in height. These would include 14 apartments (including 2no x 1 bed and 12no x 2bed), with two separate Class E commercial units at the Ground Floor of Block 2. To enable the construction of the blocks, the scheme involves the building up of the site's rear portion, currently riverbank, to create a level plateau. The layout features 11 off-street parking bays and a riverside walk provision.

## RELEVANT PLANNING HISTORY

Pre-application advice was sought on this site, which concluded that the principle of apartments with some accompanying commercial elements on the site could be supported.

Planning permission was granted in 2003 for a two-storey production/office building. (Ref 03/02337/FUL)

In 2008, an outline application partly including the current site in addition to the Stokes Paints site on the opposite side of Little London Road was sought for 71 residential units. Outline permission was refused for reasons including detrimental impacts of noise from adjacent businesses on potential future occupiers, unacceptable implications of the proposed parking and access arrangements, layout and massing being out of keeping with the area's character and harmful to visual amenities of the locality giving overlooked and cramped private amenity spaces and overlooking between buildings. It was also concluded as part of the refusal, that it had not been demonstrated that the proposal would not be liable to flooding (Ref 08/01115/OUT).

## SUMMARY OF REPRESENTATIONS

### Original Submission

Following the placement of site notices, advertisement in the press and direct notification of neighbours in respect of the originally submitted proposal drawings, a total of 88 objections were received. These are summarised as follows:

## Design Issues

- Overdevelopment. Closer to 3.5 storeys with a four-storey element. No height dimensions provided.
- Area predominantly red brick, including original properties. The supplied 'Local Character Study' features Langdale Street as the only street where this isn't the case. Development conflicts with character of Victorian terraces and is ugly (as are the existing, dwellings at Abbey Glen).
- Site has never included a permanent building, so is arguably not a brownfield site. This is partly due to it being part of the functional flood plain. Valuable piece of green space in urban landscape. Currently site features a low impact, light industrial use and similar business use/s preferred to current proposal.
- Submitted drawings and visuals don't match. Scheme doesn't provide visual enhancements.
- Small, privately rented flats not required.
- Fly-tipping at site can be controlled in alternative ways.
- Site is not allocated for residential use. A previous application at the Stokes Paint site was rejected because of this.

## Living Conditions

- Overbearing impacts and excessive height. Overshadowing (of houses on Arnside Terrace, Arnside Road and Coniston Terrace). Resulting impacts on gardens.
- Loss of privacy to surrounding dwellings and gardens (raised by No's 8 Coniston Terrace; 2, 3, 5, 8, 10 & 12 Arnside Terrace & 28 Arnside Road). Two-storey building would resolve this. No overlooking study provided. Differing measurements for separation distance/s provided. Relationship between Arnside Terrace and development not comparable to properties on a terraced street.
- Loss of light. Houses at Arnside Road already have low light. Sun-path details are only provided for June. Additional details needed in winter months also. Raised by occupier of 6, 10 & 12 Arnside Terrace.
- Impacts on outlook from Arnside Terrace.
- Noise/Construction disturbance affecting neighbours and wildlife. Impacts for shift workers. Construction at Abbey Glen lasted for 6 years. Existing noise has increased since tree removal.
- UDP policy H5 instructs flat developments should not lead to nuisance for neighbours. Scheme represents severe nuisance. Roof terrace causes antisocial behaviour / noise implications. Roof level wall and projecting stairwell ought to be removed.
- Loss of green space and negative mental health impacts.
- No lift in Block 2. Non-compliance with 2010 Equality Act.

## Highway Issues

- Inadequate parking bay numbers. Limitations of parking layout will cause on-street parking. Will affect pedestrian and cycling movement/s. Underground/croft parking not used at Abbey Glen development.

- Car park entry/exit at a blind bend.
- Additional car/vehicle movements would conflict with the proposed Sheaf Valley Cycle Route and Little London Road safety. Reduced pavement width affects pedestrian movements. Disincentivising cycling.
- Providing site as part of the Sheaf Valley Cycle way would reduce on-street parking in a heavily parked area.

#### Air Pollution

- Known health risks exist when air pollution is high
- Existing Abbey Glen development has harmed air quality in area.
- Tree removal has caused traffic pollution.

#### Sustainability & Ecology

- Loss of local habitat. Removal of a rare, naturalised section / habitat of riverbank is not sustainable. Impacts on riparian ecology. This section of the river is occupied by ducks, heron, moorhen, wood pigeon, grey wagtail, yellow wagtail, hawk, mandarin, mallard, dipper, goldcrest, ground nesting bird, kingfisher, heron, owl, and many other bird species (including protected species), bat, brown trout, water vole, reptiles, amphibians, crayfish and pollinating insects. Water voles returned in 2018. Mandarins were nesting in February 2021 before the tree removal works. Bats and birds (some protected) nest in the old boxing club building (laundry site development demolished old bat roost). Site is part of a commuting route. Loss of trees, flora/fauna and scrubland habitat and impacts on bat activity. Public highly value site.
- Ecological Appraisal done outside of optimal survey season and doesn't recognise the biodiversity present. No details provided on riparian and white clawed crayfish. Doesn't recognise river corridor's importance, in an area lacking in open space.
- Trees removed with no permission, so good view lost, increased visibility of the eyesore building. Decreased carbon absorption. Removal before completion of the Ecological Appraisal. No trees present at Arnside Terrace side of road.
- Noise and pollution will affect river quality, inhibit regrowth of the riverbank and biodiversity.
- No mitigation proposals, i.e., green/brown roof, bat/bird boxes or landscaping details.
- Light pollution will affect wildlife corridor. Sensitive lighting design will be required.
- Sheffield is committed to dealing with a climate emergency. Harmful impacts to river counter this initiative. South Yorkshire Green Infrastructure Strategy not addressed as part of development.

#### Flood Issues

- Site is flood zone 3A (high probability flood zone). The SHLAA 2015 and 2020 HELAA Report states this category is unsuitable for housing. Proposal would fail the flooding sequential test. The exception test (part B) isn't met, as

the proposal will increase flood risk elsewhere and will not reduce flood risk overall. The Environment Agency object.

- Increased flood risk to existing properties and further downstream.
- Proposed flood wall would add to visual scale of the development. A wall will prevent escape of water to Little London Road, and lead to increased pressure on riverside wall opposite. Site allows flood waters to return to river from Little London Road and acts as a flood plain. Low-level Rydal Road bridge issues are still present and remain a problem. Increased hard surfacing will reduce rainfall interception.
- Development (and its flood wall) will increase pressure on flood wall on Arnside Road (cellars already flood during high rainfall) and increase flooding on surrounding streets and businesses on Abbeydale Road and Broadfield Road. 30+ homes are protected by this wall. FRA gives no details of impacts upon these homes. Wall is 9 inch thick, with no foundations / reinforcement. Would not withstand water pressure. A ruptured wall would lead to a dangerous surge of water. Narrowed river channel could increase this. The Abbey Glen reinforced concrete wall will transfer load to the double skin brickwork. Increased water table since development at Abbey Glen site.
- FRA details provided with 08/0115/OUT show that site was previously undeveloped, and shows where floods are likely to occur from and where water re-enters the site. No updated flood details are provided to show that the existing road bridge would avoid the same scenario and that the development of this functional floodplain wouldn't result in flooding to neighbouring residential and commercial property. The EA objected to the 2008 application. Planning Statement doesn't refer to the 2008 application.
- Removed trees increases flood risk.
- Items excluded within FRA. No consideration given to climate change impacts.
- Applicant argues that high quality architecture will result, as a compensation but this is not thought correct and site should be a pocket park instead. Proposed business units will be empty. The concrete defence wall could be built adjacent to roadside. Provision of housing is not a valid argument as there are many sites with permission undeveloped.
- The proposal does not include flood risk mitigation strategies re climate change. No compensatory storage is provided.
- Will cause anxiety during high rainfall.
- Development does not take into account Sheffield Waterways Strategy.

#### Riverside Walk/Open Space

- No riverside footpath is provided, contrary to Core Strategy policy CS48 & CS73 and UDP policy GE17. Would prevent completion of the River Sheaf Walk.
- A path could connect to the existing path at adjacent site (currently fenced off).

#### Other

- Inadequate neighbour notification. Insufficient time length.
- Matter should be dealt with at public Committee Meeting, involving a

- site visit.
- Impacts on health and wellbeing from loss of nature.
- Properties should not be rental. Developer should not be allowed so many properties in the area, causing gentrification.

#### Non-Material Planning Considerations

- Alternative use/s, such as shelter for the homeless suggested.
- Scheme is led by profit.
- Construction disruption. Abbey Glen development took over 6 years and affected health and wellbeing. Same developer constructed adjacent site and caused multiple local problems. Suggestions about sensitive working practices.
- Concrete foundations will cause damage to land.
- Impacts on property prices in area.
- The landowner's actions have been irresponsible.
- Previous adjacent development has not been built in accordance with original plans.

#### Sheaf & Porter River Trust

Two comments have been received from the Sheaf and Porter Rivers Trust regarding the initially submitted drawings, which are summarised as follows:

- Site represents one of the few locations where the Sheaf is able to be viewed. Scheme will prevent any improved access. Too small to accommodate the development.
- Site is located in flood Zone 3A. Development fails the sequential test. Without compensatory storage would increase flood risk to properties on the west bank of the river.
- Scheme out of scale with surrounding townscape.
- Overshadowing of houses.
- Unfeasible parking arrangements. Unsafe manoeuvres to exit/access highway. Reducing potential for active travel.
- Removal of riverbank makes the section of river a concrete drainpipe. Harm to wildlife. Canalisation works at Abbey Glen should not be repeated and is now outdated. Abbey Glen, at least, included some de-culverting.
- Trust is keen to re-naturalise as much riverbank as possible
- Flood waters prevented from returning to river from Little London Road.

#### Sheffield & Rotherham Wildlife Trust

Sheffield & Rotherham Wildlife Trust have objected, and their comments are summarised as follows:

- Tree removal, identified as having some suitability as habitat for bats and birds, or with a potential roost feature.
- Potential flooding issues appear to warrant further investigation.

- Anecdotal reports of a kingfisher (Schedule 1 species) seen on the site. Tree removal and construction disturbance is likely to negatively impact on resting and hunting opportunities, which should be addressed with suitable mitigation.

Nether Edge and Sharrow Sustainable Transformation (NESST).

An objection was received from Nether Edge and Sharrow Sustainable Transformation. The comments are summarised as follows:

- Need for housing and use of brownfield sites is recognised.
- Development needs to recognise climate emergency, and climatic shifts that have occurred, and the hydrological changes that have taken place. Existing impacts locally of higher water tables.
- Hardening the riverbank, increases surface run-off, increasing flood risk. Tree removal will have destabilized riverbank. Proposed wall will increase flows and flood risk elsewhere.
- Concerns for biodiversity.
- Physiological and psychological impacts. Impacts on mental health.
- Detrimental impacts on wildlife.
- Should be a pocket park to mitigate flood risk.

Councillor Representations

Alison Teal commented in her previous capacity as a Councillor (prior to May '22 elections), and her comments are summarised as follows:

- Strong public feeling regarding damaging impact to riverbank and wildlife.
- High flooding risks should mean application is not approved.

SUPPORT

One representation in support of the application was received raising the following points:

- Existing building is an eyesore. Unmaintained. Poor training environment.
- Area has benefitted from high quality housing and flats. Anti-social behaviour and crime reduced.
- Area lacks high quality accommodation. Scheme will provide this.
- Provision of housing units is welcomed.

AMENDED SUBMISSION

Additional notification was carried out in relation to the amended drawings. In response 10 objections were received and these comments are summarised as follows:

- Main concerns remain.
- Site is not 'zoned' as residential.

Design Issues

- Overdevelopment. Overbearing impacts (to Arnside Terrace). Out of keeping with area's terraced housing. Excessive height.
- Out of keeping with surroundings. No Landscape and Visual Impact Assessment.

### Living Conditions

- Overlooking to Arnside Terrace (raised by occupier of 12 Arnside Terrace); front gardens and bedrooms.
- Loss of privacy to Arnside Terrace (raised by occupier of 12 Arnside Terrace). Not addressed via oriel windows. Unacceptable according to Supplementary Planning Guidance.
- Loss of light to Arnside Terrace (raised by occupier of 12 Arnside Terrace). Increased bills.
- Impacts on mental health.

### Highway Issues

- Increased traffic movements at a dangerous bend.
- Parking at Abbey Glen not utilised.
- Proposed amendments to road layouts mean parking won't be used & instead cars will be parked at Coniston and Langdale Road
- Site should be used as extension of the Sheaf Valley cycle route. Current scheme conflicts with it.
- Query impacts on the Sheaf Valley Cycle Route.

### Sustainability & Ecology Issues

- Loss of habitat and biodiversity. Used by duck species, moorhens, brown trout, water voles and bats. Any mitigation still disturbs natural environment.
- A cantilevered walkway would cause shade and attract unwelcomed uses.
- Rewilding of site would be preferential.
- Ecological assessments not independent.
- Felling of trees, shows developers approach. Was done before Preliminary Ecological Appraisal.
- Proposed compensation measures are not like-for-like.
- Ecology report and biodiversity net gain documents are of poor quality.

### Flood Issues

- Due to high flood risk, buildings should not be erected.
- Increased flood risk. Environment Agency's feedback noted, however, no comment given regarding effects upon floods onto street on opposite side of river. Proposal features a taller wall, which will push waters into houses at opposite side of river. Canalisation effect.
- Landscaping of river channel will increase flood risk and be washed away at high water times.
- Improvements to drainage are needed.

### Riverside Walkway/Open Space

- Addition of a full section of River Sheaf Walk welcomed. Railings should match elsewhere as per recent Costa Coffee application 21/03835/FUL
- Cantilevered path would attract undesirable usage.

#### Other Issues

- Area should be a green space/pocket park.
- Local infrastructure is already overstretched.
- Lack of developer consultation with local community. Inadequate neighbour notification.
- Application 21/02714/FUL (715-717 Abbeydale Road) shouldn't be approved as it will set a precedent for this development.
- Inadequate notification.

#### SUPPORT

1 representation was received in response to notification of the amended submission. This is summarised as follows:

- River Sheaf Walk is adopted, a planning condition should require riverside railings to match standard provision.

#### 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 Council has released its revised 5-Year Housing Land Supply Monitoring Report. This new figure includes the updated Government's standard methodology which includes a 35% uplift to be applied to the 20 largest cities and urban centres, including Sheffield.

The monitoring report released in August 2021 sets out the position as of 1st April 2021 – 31st March 2026 and concludes that there is evidence of a 4-year supply of deliverable housing land. Therefore, the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites.

Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date according to paragraph 11(d) of the NPPF. The so called 'tilted balance' is therefore triggered, and as such, planning permission should be granted unless i) the application of



policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In this context the following assessment will:

- Consider the degree of consistency that policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Apply 'the tilted balance' test as appropriate, including considering if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

### Key Issues

The key issues to be considered in assessment of this application are:

- Acceptability of the development in land use policy terms,
- Design of the proposal
- Effects on future and existing occupiers' living conditions,
- Whether suitable highways access and off-street parking is provided
- Implications in flood risk terms
- Implications on ecological factors

### Land Use Principle

The application site is located within a Fringe Industry and Business Area (FIBA) in the UDP. The UDP states in Policy IB6 'Development in FIBAs' that Class B1(now Class E), B2 and B8 uses are preferred and C3/Housing uses are acceptable. Policy IB9 'Conditions on Development in Industry and Business Areas' supplements this by stating that the preferred uses should be dominant.

Core Strategy Policy CS5c) 'Locations for Manufacturing, Distribution/Warehousing and other Non-Office Businesses' continues this theme, by identifying the area as important for manufacturing, distribution, warehousing and other non-office business uses. Additionally, Policy CS30d) 'Jobs and Housing in the Sheaf Valley and Neighbouring Areas' encourages existing business and industry areas to provide for local jobs and enterprises.

Therefore, residential development would be contrary to some policy elements of the UDP and NPPF which require sufficient provisions for non-housing uses (including employment uses) in appropriate locations. However, a key element of the proposal is the Class E component/s of the proposal at the ground floor of Block 2.

The former B-class (office and industrial) uses are preferred in IB6, and some of these (i.e. the 'old' Class B1 uses) now sit in the E Use Class elements proposed as part of the application. It is considered that were the proposed uses specifically within the E9(g) sub class, they would qualify as preferred uses and the scheme would largely meet with the requirements of UDP Policies IB6 and IB9. Similarly, and in regard to the Core Strategy, any Class E use would help to meet the aims of the Core Strategy CS30d, in its promotion of local jobs and enterprises in general. As such, in land use terms the proposal would be considered to achieve adequate compliance with the relevant local plan policies.

Therefore, providing residential uses do not suffer unacceptable living conditions, and existing businesses are protected from negative impacts of a sensitive use being in an industry and business area, the principle of the proposal would be considered acceptable.

However, it should also be noted that whilst the commercial element of the scheme enables the principle of the proposal to be acceptable in regard to IB6, the policy also requires proposals to be subject to the wider provisions of IB9 and BE5 'Building Design and Siting'.

Policy CS23 'Locations for New Housing' of the Core Strategy states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. Policy CS24 'Maximising the Use of Previously Developed Land for New Housing' prioritises the development of previously developed (brownfield) sites. Housing on greenfield sites should not exceed more than 12% completions and be on small sites within the existing urban areas, where it can be justified on sustainability grounds.

The weight to be given to policies CS23 and CS24 is open to question as they are restrictive policies, however the broad principle is reflected in paragraph 119 of the Framework, which promotes the effective use of land and the need to make use of previously developed or 'brownfield land'.

In this case, and based on the NPPF definition, the site is classed as previously developed land / brownfield. Notwithstanding this, completions on greenfield sites are well below the 12% figure and so were the car park component of the site to be considered as forming curtilage to the paint factory to which it was allied (on the opposite side of the road), there would not be a policy issue with use of this greenfield element of the site.

#### Efficient Use of Land / Density

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 part by paragraph 125 of the NPPF, albeit the NPPF does not list maximum densities and therefore Policy CS26 is considered to carry moderate weight in determination of this

application.

Paragraph 124 of the NPPF promotes making efficient use of land taking account of several 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 this site, CS26c) is relevant and states that a range of 40-60 dwellings per hectare is appropriate.

The site is approximately 0.1 hectares, which gives a density of 136 dwellings per hectare. This figure exceeds the stated range. However, apartment proposals rarely fall within the relevant ranges, particularly where there is little site space surrounding the site, and where parking is at an undercroft level. The policy adds that densities outside of the ranges are allowed when they achieve good design and reflect the character of an area. As discussed below, the scheme is considered to achieve good design and therefore the range exceedance is acceptable and is within the spirit of the policy.

As such, the proposal complies with Policy CS26 and NPPF paragraphs 124 and 125 regarding densities and land use efficiency.

#### Design Issues

Core Strategy policy CS74 'Design Principles' requires development to enhance distinctive features of the area, which is backed up through UDP policies IB9 'Conditions on Development in Industry and Business Areas' and BE5 'Building and Design Siting' which expect good quality design in keeping with the scale and character of the surrounding area.

Chapter 12 of the NPPF requires good design, whereby paragraph 126 states that good design is a key aspect of sustainable development and should contribute positively towards making places better for people. Paragraph 130a) states that development should add to the overall quality of the area. Paragraph 134 requires that development which is not well designed should be refused. It goes on to say that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally, taking into account any local design guidance and supplementary planning documents.

The local plan policies ally closely with the NPPF's provisions and so are afforded significant weight.

There are not considered to be any issues around the removal of the existing prefabricated building.

The surrounding area is characterised by a mixture of building styles and designs. The residential accommodation to the south of the site includes 3 storey accommodation (incorporating accommodation at the dual-pitched roofing level). It

features a black brick, with black window frames, outward projecting bay windows and balcony elements. The commercial accommodation to the north and to the opposite side of Little London Road features a two storey, flat-roofed brick building.

The scheme was revised so the two buildings are positioned adjacent to the back-edge of footpath. Whilst this gives the building an immediate presence from the pavement, it avoids potentially superfluous space lying to the building's frontage, which can become prone to litter and high maintenance in terms of landscaping. This adjacency would also mirror the relationship of the apartments/office to the south and the traditional pattern of nearby commercial buildings.

The scale and massing of the buildings would be three storeys height. The three-storey height would align to the eaves level of the adjacent apartment building. It would exceed the adjacent, two-storey premises by 1.0metres (approximately). As such, the proposed scale and massing would be in keeping with the character of the Little London Road frontage.

The building would also be visible from the opposite side of the river. The intervening space created by the river channel would help to ensure that the three storey buildings would be viewed as being of acceptable scale and massing when viewed from public vantage points at the opposite side of the river.

In terms of proposed materials, the indicated items are a mid-red brick and grey cladding, along with glazed balustrades. There would also be grey doors and windows and areas of recessed brickwork. In principle, these are acceptable, and further details will be required to be submitted via conditions.

In elevational terms animation would be created by the chamfered front elevations, along with the indented and outward projecting elements. These give the elevations a degree of variation and animation. Subject to agreement of details via condition the elevations are considered acceptable in terms of impact upon the scheme's appearance within the street scene.

Overall, the proposal is considered to have acceptable impacts in design terms, therefore satisfying the requirements of the relevant local plan policies and NPPF requirements.

Subject to conditions on any approval, the application complies with policies BE5 and the relevant aspect of IB9, Core Strategy Policy CS74, and Paragraph 130 of the NPPF.

## LIVING CONDITIONS

UDP Policy IB9b) 'Conditions on Development in Industry and Business Areas' requires that development should not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions. This is further supported by Supplementary Planning Guidance 'Designing House Extensions' (SPG) which whilst strictly relevant to house extensions, does lay out good practice detailed guidelines and principles for new build structures and their relationship to existing houses.

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

IB9b) accords with the NPPF so would be afforded substantial weight, although other elements of the policy wouldn't fully accord and so the overall policy is afforded moderate weight in this respect.

#### (a) Impact on Neighbouring Occupiers

The closest neighbouring properties to the application site are the houses at; Arnside Terrace, No28 Arnside Road, No8 Coniston Terrace and the apartments at No 80 Little London Road.

The House Extension Supplementary Planning Guidance referred to above includes a requirement for two storey dwellings which face directly towards each other to have a minimum separation of 21 metres; blank elevations of two storey buildings should not be placed closer than 12 metres from a ground floor main habitable window. These guidelines are reflected in the South Yorkshire Residential Design Guide (SYRDG), which Sheffield considers best practice guidance, but which is not adopted as Supplementary Planning Guidance.

#### Overlooking

Building 2 is located in the northern part of the site. The rear elevation of Building 2 is separated by approximately 17.5 metres from the front elevations of No's 1-12 (inclusive) Arnside Terrace. The area adjacent to the front elevation of Arnside Terrace is a semi-communal space, with a footpath serving all 12 houses running adjacent to the front elevations. The river is also situated in the intervening space. The windows to this rear elevation are an oriel type, which reduce direct outward views. These oblique views will therefore be at angled, longer separation distances to the windows of the relevant Arnside Terrace houses. All the rear elevation windows to Block 2 serve bedrooms, and don't include principal lounge / reception room accommodation. There are no rearward facing balconies to Block 2.

Whilst some outward views to Arnside Terrace's front garden spaces may also be achievable, it is not considered that this would be harmful given the distance and that these spaces are subject to existing views from other properties within the same terrace and also from the communal pavement.

The amended plans show that the initially proposed roof terrace will be removed and be replaced by a green roof and solar panel array. Therefore, outward views from the building's roof level would not be generated.

No 8 Coniston Terrace and No 28 Arnside Road feature blank side elevation facing towards Block 1. As a result, there would not be any window-to-window overlooking impacts from the rear elevation windows of Block 1.

No 8 Coniston Terrace and No 28 Arnside Road's rear garden space would be separated by approximately 11.5 metres from the rear elevation of Block 1, which features habitable room windows and two balconies (one at 1<sup>st</sup> and 2<sup>nd</sup> floor levels).

This separation would exceed the SPG's requirement for minimum 10metre length gardens to enable sufficient privacy for adjoining gardens. Allied to the overlooking which these gardens are currently subject to, given the close-knit nature of the terraced accommodation, the potential impacts would not be considered to constitute a serious harmful impact upon privacy. As such, the proposal arrangements will not lead to unacceptable levels of overlooking which would be adequate to warrant refusal of the application.

No 80 Little London Road includes a blank side elevation, and so would not be affected by the proposed building in these regards.

#### Overshadowing and Overbearing

The proposed Block 2 is located to the east / south-east of the Arnside Terrace properties. Guidelines in the SPG recommend that a two-storey building should not be placed closer than 12 metres from a ground floor main habitable window, with this distance normally being greater with extra storeys.

The proposed buildings' three storeys would necessitate this distance being greater, and the 17.5 metre separation would be considered adequate to cater for the additional storey.

The South Yorkshire Residential Design Guidance requires buildings to not exceed a 25 degree line taken from the centre point of the lowest window at existing neighbouring properties. The proposed building would not exceed a 25 degree line taken from the windows at Arnside Terrace.

Further to this, the applicant has provided details of a sun path analysis. This shows that in June there would not be any overshadowing of neighbouring properties. In September, some a.m. shadowing of the front garden spaces at Arnside Terrace would arise. These details are considered to evidence that the proposal would not create excessive overshadowing which would undermine neighbours' living conditions to a sufficient degree which would be capable of supporting a refusal of the application.

#### Noise and Disturbance

The plot was historically used as a Boxing Gym, and its car park used for that purpose as well as providing car parking for the Stokes Paints unit on the opposite side of Little London Road. The vehicle movements associated to the proposed 11 bay car park would not be considered to exceed the previously generated noise levels to a significant level which would be capable of supporting a reason for refusal.

The outdoor spaces have been revised so to include only balconies. The scope for noise escape from these would not be significant.

#### (b) Amenity for Future Occupiers

The South Yorkshire Residential Design Guidance (SYRDG) suggests 46 and 62

sqm as minimum floor space/s for 1 and 2 bed units respectively. The National Space Standards recommends 37-50 and 61-70m<sup>2</sup> respectively. The proposed 1 bed flats would achieve a minimum 57m<sup>2</sup> and the 2 bed flats a minimum 72m<sup>2</sup>, thereby meeting the requirements of each of these documents.

External amenity space provision is in the form of external balcony spaces. The balconies would range from 2.9 to 6.1m<sup>2</sup>. SYRDG states that a minimum of 190m<sup>2</sup> of shared private space should be available for the scheme and adds that where shared private space cannot be provided balconies of a minimum 3m<sup>2</sup> should be provided. Each apartment has a balcony, and the smallest of these would be only very marginally beneath the 3m<sup>2</sup> threshold. This would be beneath the level of communal amenity space set out as a guideline requirement in the SYRDG, however, the riverside walk way will be available to residents of the development, and this will be a valuable amenity opportunity to occupiers of the development. Additionally, the linear nature of the site means that incorporating external amenity space into the layout is impractical.

A Noise Survey has been supplied with the application and based upon this document the Council's Environmental Protection Officer concludes that with appropriate sound insulation measures the apartments would achieve appropriate internal noise levels. Additionally, it is concluded that the proposed residential accommodation would not act to limit the commercial / industrial activities in the surrounding area.

#### Living Conditions Conclusion

It is inevitable that the proposal will lead to some change to the outlook from existing neighbouring properties towards/over this parcel of land. However, the proposal is considered to have acceptable impacts upon living conditions of surrounding occupiers, avoiding detrimental impacts from overlooking, overbearing and overshadowing impacts which would warrant a refusal of the application. Therefore, the application complies with the relevant aspects of UDP Policy IB9 and paragraph 130 of the NPPF.

#### Highways Impacts

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

UDP Policy IB9f) requires developments to 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.

The proposed layout drawing shows the site including a one-way entry/exit arrangement and 11 parking bays.

The Council's relevant parking guidelines set out maximum standards in accordance with Core Strategy Policy CS53; where a maximum of 1 bay is required for a 1 bedroom unit and 2 bays for a 2 bedroom unit along with 1 visitor bay per 4 units. For 14 units (12 x 2 bed and 2 x 1 bed) this would therefore mean a maximum provision of 30 spaces.

As such the proposed parking would fall beneath the maximum provision. However, this location is sustainable, being approximately 300 metres walk to the Local Shopping Centre at Abbeydale Road and its high frequency bus routes. The layout shows cycle parking/storage for 14 cycles. As such, it is considered that excessive on-street parking would not arise from the proposal, and as such it is considered appropriate to accept the proposed parking ratio.

The parking layout is capable of functioning as intended. As such, there would not be any concerns that parking would unintentionally occur on surrounding streets.

The proposal is therefore not considered to pose a severe impact on the surrounding highway network or highway safety complying with the relevant UDP, Core Strategy and NPPF policies as identified above.

### 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 to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation.

UDP Policy GE17d) encourages the creation of a continuous public footpath along one bank of major rivers and streams, except where this would conflict with important nature conservation interests or public safety.

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.



Numerous representations have been made in relation to the removal of trees from the riverbank portion of the site and the rear area of the existing plateau. which took place a short while after the application was submitted.

The removed trees have been assessed by the Council's Landscaping Officer. It is considered that whilst they offer some significant visual amenity, they are not considered to be strong enough specimens to warrant any formal protection via a Tree Preservation Order. Therefore, subject to the provision of suitable replacements to offset the losses, there is no objection to the removal of the trees.

#### Walkway

The amended drawings show a walkway along the site's rear boundary, adjacent to the river. This would measure a minimum of 1.8 metres in width. The riverside walkway would be connected to Little London Road at each end, and also give a potential connection to the existing pathway at the rear of the adjacent apartments and also the potential for a future connection to the site to the north. The proposed walkway width would be considered acceptable, and the two connecting lengths would ensure that it would be permeable and positively contribute to pedestrian/cyclists' movements, and potentially to further future additions to the route.

To ensure that the walkway was made available, and it was kept permanently open to public access, it is necessary it is secured by legal agreement.

#### Planting / Tree replacement

The Landscape Masterplan shows four replacement trees. These are considered by the Council's Landscaping Officer to be appropriately located and to make a positive contribution to the street scene, located in close proximity to the back edge of the footpath. These provisions are welcomed.

The Landscaping Officer suggests that the portions of planting at the two rear corners of the building would be difficult to maintain and likely to be stepped-on. As such, it is envisaged that as part of condition/s covering landscaping layouts these elements would be removed, and instead given to additional paved areas to give more passing space.

#### River Naturalisation

The landscaping plans show planting within the river, following suggestions raised by the Council's Landscaping Officer. These berms are welcomed, and an appropriate condition should be added to any consent to secure these features and appropriate detail, which will be subject to discussions with and input from the Wild Trout Trust who have particular expertise in this regard.

In summary, the proposed landscaping arrangements are considered to be acceptable, and as such the proposal complies with paragraph 130 of the NPPF and the relevant UDP policies.

## Ecology and Biodiversity

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 174 a) and d) identifies that planning decisions should contribute to and enhance the natural and local environment, minimise impacts on and provide net gains in biodiversity. Furthermore, paragraph 180 a) identifies that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Part d) of paragraph 180 goes on to state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Local policy aligns with the NPPF and is therefore relevant to this assessment.

A Preliminary Ecology Assessment (PEA) was supplied with the application and then followed with a Protected Species Survey. In brief, the Protected Species Survey identifies that; no field signs were found of water voles or otters, the bankside habitats were found to be unsuitable for water vole, the surveyed area was not considered to include any suitable holts or hold-up areas for otters, the river was considered to provide optimal habitat for crayfish, however, American signal crayfish were observed meaning populations of the native crayfish are highly unlikely to persist. During surveys a nesting moorhen was noted on the riverbank directly opposite the site. No bats were found to be roosting within the building present in the site, and along the river there was found to be constant bat foraging.

The Council's Ecologist has viewed each of these submissions, and it is concluded that they have been carried out at optimal times of year, and sufficiently address the concerns that have been previously raised regarding the possible presence of protected species. As such, it is concluded that protected species are not a constraint to the site's development.

The surveys include some recommendation for biodiversity enhancements, and it is recommended that these should be conditioned. In addition, green roofs are proposed on both buildings.

Additionally, it is known that there are invasive species present (Japanese Knotweed and Himalayan Balsam), and it is necessary that a method statement setting out how these will be eradicated is required via condition on any approval.

Therefore, protected species do not represent a constraint to development of the site. It will be necessary to add conditions detailing enhancement measures and invasive species eradication. As such, the development would comply with Policy GE11 and paragraphs 174 and 180 of 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.

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.

Policy CS64 'Climate Change, Resources and Sustainable Design of Development' sets out a suite of requirements for all new development to be designed to reduce emissions. In the past residential developments had to achieve Code for Sustainable Homes Level Three to comply with Policy CS64. This has however been superseded by the introduction of the Technical Housing Standards (2015), which effectively removes the requirement to achieve this standard for new housing developments.

Policy CS65 'Renewable Energy and Carbon Reduction' of the Core Strategy sets out objectives to support renewable and low carbon energy generation and further reduce carbon emissions. This is supported by Paragraph 157 of the NPPF and therefore can therefore be given substantial weight.

New developments of 5 or more houses are expected to achieve the provision of a minimum of 10% of their predicted energy needs from decentralised and renewable, low carbon energy, or a 'fabric first' approach where this is deemed to be feasible and viable.

The proposal would satisfy the requirements of CS65 by a combination a 'fabric first' approach and a PV panel array. In principle, these methods are considered to be satisfactory and appropriate condition/s will be imposed to require these provisions.

## Flood Risk and 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 (including housing) 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, using 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, Local Planning Authority's 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.

The site falls within Flood Zone 2 and 3a, which is medium to high risk of flooding.

The Flood Risk Assessment identifies that surface water disposal would be gravity fed to the River Sheaf. Given that infiltration is unlikely to be feasible, the discharge to the adjacent river is considered as acceptable in principle. This would, in principle, be acceptable, and the technical details would need the input of the Environment Agency through discharge of conditions. Alternatively, if it is able to be demonstrated that the site previously discharged to the public sewer, that option may be feasible as an alternative.

To mitigate for surface run-off, a condition on any approval can ensure that calculations are submitted demonstrating a 30% reduction in surface water run-off.

The proposed drainage measures would therefore comply with Core Strategy CS67 and paragraph 169 of the NPPF.

The submitted Flood Risk Assessment (FRA) and its amended versions have been considered and assessed by the Environment Agency (EA). The EA initially objected to the proposal, as it featured development classified as 'More Vulnerable', with the site lying within flood zone 3b - functional flood plain according to their records, which is classified as incompatible development that should not be permitted as per the Technical Guidance to the National Planning Policy Framework document.

Additionally, the EA objected because development would encroach on a watercourse and associated riparian zone which have significant ecological value. The riverbank's riparian habitat is set amongst stretches where the channel is walled, as per the opposite bank, making the remaining short and sporadic sections of semi-natural, vegetated, bankside habitat become increasingly important.

In response to the first of EA's objections, the Applicant prepared additional documentation. The amended FRA included the following mitigation measures:

- Commercial finished floor levels shall be set no lower than 78.11 metres above Ordnance Datum (mAOD)
- Flood flow routes must be maintained across the site
- All residential accommodation will be located on the first floor and above

The mitigation measures are considered by the EA to overcome the first of their originally raised concerns around flood risk. They therefore advise that any approval should include a condition requiring implementation of these mitigation measures.

In connection to the EA's second objection regarding the lost ecological value of the watercourse and riparian zone, a Biodiversity Net Gain Statement was prepared which outlines the biodiversity mitigation measures proposed as part of the scheme. The submitted documents show a Biodiversity Net Gain equal to 72%. This gain is achieved in a range of ways, such as the green roofs, mixed scrub, replacement trees provisions within the site. This would be considered to re-achieve (and enhance) the biodiversity provided at the existing riparian zone. As such, the EA withdrew their earlier objection in relation to this issue also.

The EA advise that whilst they have withdrawn their objection, the sequential/exception tests need to be applied by the Local Planning Authority.

The sequential test is intended to direct development to the lowest possible flood classification. As such, available sites capable of accommodating the development in question are required to be assessed. Additionally, the relevant NPPF Technical Guidance document identifies that the Exception Test is also required to be satisfied.

The Applicant has not undertaken a Sequential Test, as it was considered inevitable that it would identify multiple alternative sites capable of accommodating the proposed level of development. As such, it is acknowledged by the Applicant that the Sequential Test has not been passed.

Notwithstanding the failure of the Sequential Test, it is acknowledged that the development has the potential to regenerate a partly vacant brownfield site in a sustainable area. Additionally, the development has the potential to benefit the visual appearance of the site and the surrounding housing area. As such, there is scope that the scheme would achieve regeneration and sustainability benefits which would outweigh the failure of the sequential test.

In these circumstances the Exceptions Test also needs to be applied. Regarding the 1<sup>st</sup> part of the Exceptions Test, it is required that the development provides wider sustainability benefits to the community that outweigh flood risk. In this regard the Applicant states the scheme will lead to the following benefits:

- sustainable development by reusing a previously developed brownfield site in a sustainable location
- renewable energy measures (PV cells), green/brown roofs and SUDs,
- regeneration of a vacant eyesore site with a good quality design
- provision of 14 housing units which is of significant benefit to the City in light of the City's absence of a five-year housing supply,
- provision of business floorspace giving opportunity for small business
- creation of a new, publicly accessible river walkway/cycleway providing the opportunity to link to the Abbey Glen apartment building to the south and future development sites to the north,
- provision of surveillance and enhancement of the pedestrian experience along Little London Road,
- proposed drainage, including attenuation of surface water/storm water and restriction of discharge will be a significant improvement on the existing situation. Unblocking of existing drainage culvert to the north of the site which

will help with existing drainage flows, and net increase in the flood plain storage of 1.9m<sup>3</sup>.

- naturalisation of River Sheaf, enhancing habitat for wildlife and significantly enhancing appearance of the river
- Biodiversity Net Gain at the site of 72%, in addition to naturalisation of the river including new planters, two semi mature trees, green/brown roofs, bird and bat boxes.
- incorporation of public art

The benefits to the surrounding community achieved by these additional elements are considered to result in the 1<sup>st</sup> part of the Exceptions Test being met.

The 2<sup>nd</sup> part of the Exceptions Test requires evidence that the development will be safe for its lifetime. Amended Flood Risk Assessment documentation has been supplied, along with the Addendum FRA. The Environment Agency confirms their acceptance of the development, subject to appropriate conditions. As such, the proposal development is considered safe for its lifetime and to avoid detrimental flooding impacts off-site.

Overall, the Exceptions Test is satisfied.

The EA have provided additional comment regarding concerns raised about the implications of the development for the wall at the opposite bank. They conclude that there would not be any increase in pressure on the opposing river wall, because the drawings show that the wall is tied in at both ends and so there will be no effect on water flow, and the proposed wall is topped with a permeable fence/railing ensuring the free flow of flood water across the site. It is also commented that the ground level of the development site is lower than at the opposing bank, and so water would spill over its usual flow path over the development site before rising to a height that would put pressure on the opposing wall. They also add that a bespoke flood risk permit for this work will be required from the EA, which will cover issues around the river wall's construction.

In summary, the proposal is considered acceptable in relation to the relevant local plan policies and NPPF paragraphs connected to flood risk.

#### Archaeology Issues

UDP policy BE22 'Archaeological Sites and Monuments', states development will not normally be allowed which would damage or destroy significant archaeological sites and their settings.

Paragraph 203 of the NPPF requires the impacts on non-designated heritage assets to be considered in determining applications, with the scale of any harm to the asset being balanced against its significance.

BE22 aligns with the underlying principles of paragraph 203, so can be afforded moderate weight.

The Council's Archaeology Service advise that the site used to be crossed by a goit

which was supplying water to Little London Wheel (to the north) and probably also acting as a tail goit for Smithy Wood Wheel (to the south). It is not known when this was constructed or when the wheels served by it were constructed. As such, any information which could be gathered would therefore be valuable. As a result, it is considered appropriate that some archaeological investigation is required by condition, which could be combined with the further geotechnical investigation detailed below.

Therefore, the proposal is considered acceptable in regard to the relevant local plan policies and NPPF provisions.

### Contamination Issues

Given the previous industrial usage of the site, a Phase 1 Risk Assessment report has been submitted. The Council's Environmental Protection Officer has reviewed this document, and it is concluded that the report does not adequately identify all contaminative former uses within the vicinity of the site, which have the potential to impact upon human health and/or the environment. For instance, Council records indicate the presence of a historic landfill on the opposite side of Little London Road. On this basis, the Phase 1 document cannot be accepted.

Although not accepted, the current Phase 1 recommends both intrusive investigation and gas monitoring and suggests a minimum of 3 boreholes are investigated. However, the submitted Phase 2 assessment only details 2 boreholes, and an inadequate number of gas monitoring visits.

Consequently, both submitted reports are considered unacceptable, and as such it is recommended that the full set of land quality conditions are attached to any approval.

### Community Infrastructure Levy

CIL has now been formally introduced; it applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places, open space etc. In this instance the proposal falls within CIL Charging Zone 4. Within this zone there is a CIL charge of £50 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010'.

### RESPONSE TO REPRESENTATIONS

The majority of comments have been addressed in the above assessment section. A number of points did not receive a response, and the following feedback is provided:

- Submitted drawings are consistent.
- Fly-tipping has not been a determinative factor in the assessment.

- Noise disturbance during construction is, to a certain extent, an inevitable outcome of development. For a development of this magnitude limits would not typically be placed on working hours/practices, given that Environmental Protection powers exist to deal with any statutory nuisance. A Construction Ecological Management Plan can be conditioned.
- The absence of a lift in Block 2 would not form a material planning consideration, instead being covered under other legislation.
- The vehicle movements associated to the development would not generate any significant implications for air quality.
- The removed trees were taken out legitimately, with no planning powers to require their retention.
- The South Yorkshire Green Infrastructure Strategy has not been adopted as a document/best practice guide in Sheffield, and so has no weight in the City. However, the scheme has been assessed in terms of its implications upon landscaping and ecological issues.
- The Sheffield Waterways Strategy is not adopted as a material planning consideration.
- Neighbour notification was undertaken as per statutory requirements and the Council's Code of Practice on publicity for planning applications.
- The current scheme is required to be assessed on its merits, rather than those of alternative options.
- Construction implications are not material planning considerations.
- The impacts on property prices are not material planning considerations, however, some contributory factors are and these have been assessed.
- The actions of the developer at the adjacent site are not material to the current assessment.

## SUMMARY AND RECOMMENDATION

The application seeks planning permission for the erection of 14 apartments and Class E commercial units.

Sheffield has updated its 5-year housing land supply position to reflect the deliverability of sites as at 1 April 2021 and in relation to the local housing need figure at that date taking account of the 35% urban centres uplift. Using up to date evidence, Sheffield can demonstrate a 4-year deliverable supply of housing land, with details set out in the 5 Year Housing Land Supply Monitoring Report.

Therefore, 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 should be considered as automatically out-of-date according to paragraph 11(d) of the Framework. The so called 'tilted balance' is triggered, and planning permission for housing should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal would deliver a number of benefits, with the NPPF emphasising the importance of delivery of housing. The provision of 14 additional housing units will



make a small contribution to meeting the current housing shortfall. There would be economic benefits though expenditure in construction, in the supply chain, and in local spending from residents.

The scheme proposes a development at an appropriate scale and mass which sits comfortably within its setting and is a good quality contemporary scheme. There are no adverse impacts on occupiers of neighbouring properties. The proposal is not considered to create any significant or severe highway safety issues. It would be acceptable in flood risk terms, being safe for its lifetime and avoiding generating flood risk elsewhere. Whilst the flood sequential test would not be satisfied, it is considered that there would be merits to the development such as the provision of a riverside walkway which would outweigh this failure of the Sequential Test. It would meet the requirements of the Exceptions Test. Overall, in regard to flood issues the proposal would be considered to be acceptable.

There are therefore no adverse impacts that would significantly and demonstrably outweigh the benefits of the development. Taking into account the tilted balance set out in paragraph 11(d) of the Framework, the application is recommended for approval subject to the listed conditions and to the completion of a legal agreement covering the provision and maintenance of a publicly accessible riverside walkway.

#### HEADS OF TERMS FOR LEGAL AGREEMENT

1. Provide a public access area adjacent to the River Sheaf as shown on the Proposed Site Layout Drawing Ref: LLR-HLM-01-ZZ-DR-A-00605 Revision PL3
2. To use the public access area as a public access area only
3. Ensure the public access area remains open to the public
4. Maintain the public access area (including any street furniture and lighting installed)
5. Prevent closure of the public access area other than for maintenance
6. Provide connections to similar public access area provisions, which either currently exist or which comes into existence at a later date without charge to any person in relation to such connection

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