

Planning and Highways Committee

Tuesday 13 September 2022 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

Councillors 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.

PUBLIC ACCESS TO THE MEETING

The Planning and Highways Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues. A copy of the agenda and reports is available on the Council's website at www.sheffield.gov.uk You may not be allowed to see some reports because they contain confidential information. These items are usually marked * on the agenda.

Recording is allowed at Planning and Highways Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings. Planning and Highways Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

Attending Meetings

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

PLEASE NOTE: The meeting rooms in the Town Hall have a limited capacity. We are unable to guarantee entrance to the meeting room for observers, as priority will be given to registered speakers and those that have registered to attend. Alternatively, you can observe the meeting remotely by clicking on the 'view the webcast' link provided on the meeting page of the website and then click on the 'Click for more details about Planning and Highways Committee' header which will enable you to see the presentations made. Further information on this or any of the agenda items can be obtained by speaking to Abby Hodgetts on telephone no. 0114 273 5033 or by emailing abby.hodgetts@sheffield.gov.uk

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
13 SEPTEMBER 2022**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 12)
Minutes of the meeting of the Committee held on
- 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. 452, 3 Kenwood Road, Sheffield, S7 1NP** (Pages 13 - 34)
Report of the Director of City Growth Service
- 8. Tree Preservation Order No. 453 - 17 Lyndhurst Road, Sheffield, S11 9BJ** (Pages 35 - 58)
Report of the Director of City Growth Service
- 9. Proposed Closure Of Footpath Linking Cobden View Road And Northfield Road, Crookes, Sheffield** (Pages 59 - 66)
Report of the Director of Operational Services
- 10. Applications Under Various Acts/Regulations** (Pages 67 - 68)
Report of the Director of City Growth Service
- 10a. Application No. 22/02416/FUL - Land Opposite Holme Head, Wheel Dam, Rivelin Valley Road, Sheffield, S6 5SF** (Pages 69 - 82)
- 10b. Application No. 22/01731/FUL - Silverdale School, Bents Crescent, Sheffield, S11 9QH** (Pages 83 - 112)
- 10c. Application No. 22/00101/FUL - Welbilt Uk Ltd, Provincial Park, Nether Lane, Sheffield, S35 9ZX** (Pages 113 - 140)
- 11. Record of Planning Appeal Submissions and Decisions** (Pages 141 -

Report of the Director of City Growth Service

12. Date of Next Meeting

The next meeting of the Committee will be held on Tuesday 11th October 2022 at 2pm in the Town Hall.

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Planning and Highways Committee

Meeting held 9 August 2022

PRESENT: Councillors Alan Woodcock (Joint Chair), Nighat Basharat, Mike Chaplin, Roger Davison, Dianne Hurst, Barbara Masters, Bob McCann, Cliff Woodcraft, Tony Downing (Substitute Member), Anne Murphy (Substitute Member), Tom Hunt (Substitute Member) and Henry Nottage (Substitute Member)

1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Tony Damms, Brian Holmshaw, Peter Price and Garry Weatherall

1.2 Councillors Anne Murphy, Henry Nottage, Tony Downing and Tom Hunt acted as substitutes.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest made.

4. MINUTES OF PREVIOUS MEETING

4.1 Councillor Chaplin informed the Committee that he had not declared an interest at the meeting. The Principal Democratic Services Officer undertook to revisit the recording to ascertain which Member had made the declaration and correct the minutes accordingly.

4.2 **RESOLVED** that, subject to the above amendment, the minutes of the meeting of the Committee held on 12th July 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. TREE PRESERVATION ORDER NO. 449 - 60 SANDYGATE PARK, SHEFFIELD, S10 5TZ

- 6.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 6.2 Further images were included in the Supplementary Report circulated to Members.
- 6.3 A request to make the TPO was received from the family of the owner of 60 Sandygate Park, in order to ensure the future protection of a tree with sentimental value.
- 6.4 The tree was a rare species in good condition and no objections had been received.
- 6.5 **RESOLVED:** That Tree Preservation Order No. 449 be confirmed unmodified.

7. TREE PRESERVATION ORDER NO. 450 - 5 CAWTHORNE GROVE, S8 0NB

- 7.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 7.2 Further images were included in the Supplementary Report circulated to Members.
- 7.3 A request for a TPO had been received from a local tree action group who had received information that the tree could be felled. An inspection was carried out and the tree was found to be in reasonable condition with no major defects requiring major intervention.
- 7.4 Two objections were received and Bill Anderson attended the meeting and spoke against the TPO.
- 7.5 **RESOLVED:** That Tree Preservation Order No. 450 be confirmed unmodified.

8. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

8a. APPLICATION NO. 22/01205/FUL - UNIVERSITY OF SHEFFIELD INNOVATION DISTRICT, SHEFFIELD, S9 1XU

- 8a.1 Application 22/01205/FUL was deferred at the request of the applicant.

8b. APPLICATION NO. 21/01636/FUL - 60 LITTLE LONDON ROAD, SHEFFIELD, S8 0UH

- 8b.1 Additional representations, along with the officer response, amended conditions and additional conditions were included within the supplementary report circulated and summarised at the meeting.
- 8b.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.
- 8b.3 Dan Hazlewood and Viv Thom attended the meeting and spoke against the application.
- 8b.4 Andy McIntyre and Moinak Basu attended the meeting and spoke in support of the application.
- 8b.5 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report including the amended conditions and additional conditions, now submitted and also had regard to representations made during the meeting.
- 8b.6 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report including the amended conditions and additional conditions for the demolition of building and erection of 2 three-storey buildings consisting of 14 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) at 60 Little London Road, Sheffield, S8 0UH (Application No. 21/01636/FUL).

9. DATE OF NEXT MEETING

- 9.1 It was noted that the next meeting of the Planning and Highways Committee would be held on Tuesday 13th September 2022 at 2pm.

10. PUPILS FROM KING EDWARD VII SCHOOL

- 10.1 Councillor Masters noted that a number of Y7 pupils from King Edward VII school had made submissions in respect of Application No. 21/01636/FUL, for 60 Little London Road.

As some may have watched these proceedings via webcam it was suggested that

the Committee:

- Thank them for their interest
- Welcome their concerns, especially for the natural environment, for biodiversity and climate change
- And for engaging with the planning process.

It was also suggested that:

- A letter be sent to the group thanking them for their contribution which form part of the public record for this planning application.
- An invitation to come and observe the Committee at work.
- An indication of how their concerns over the environment, biodiversity and climate change are addressed in the planning process.
- Encouraging them to maintain an active interest in the future development of our city and beyond.

The Chair undertook to send the letter.



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 13th September 2022

Subject: Tree Preservation Order No. 452
3 Kenwood Road, Sheffield, S7 1NP

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

Summary: To seek confirmation of Tree Preservation Order No. 452

Reasons for Recommendation

To protect a tree of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 452 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No.452 and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Representations
- D) Images of the tree
- E) Appraisal of the Nether Edge Conservation Area.

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

13th September 2022

3 Kenwood Road, Sheffield, S7 1NP

TREE PRESERVATION ORDER NO. 452

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.452

2.0 BACKGROUND

2.1 Tree Preservation Order No.452 ('the Order') was made on 12th May 2022 to protect T1 a cedar tree, at 3 Kenwood Road, Sheffield, S7 1NP. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 T1 (as described in the Order) is a cedar tree, positioned to the rear of 3 Kenwood Road, in a patch of grass that represents the main amenity area for the residents of the flat. The tree is in full view from flats situated at the rear of the building. There is a limited view of the tree from the vantage point of Kenwood Road, but a more complete view of the tree from between houses on Sharrow Lane. A partial view of the tree would also be afforded from houses on Sharrow Lane and Sharrow View. The tree is within the Nether Edge Conservation Area.

2.3 On the 2nd of May 2022, a letter requesting that the tree be protected by TPO was received by the Council. The letter was co-signed by several people affiliated with 3 Kenwood Road, who stated that one of the leaseholders of the property had threatened to fell the tree to make way for parking spaces he intended to create on the grassed area adjacent to the tree. In addition, a phone call with Vanessa Lyons from a concerned member of the public at around this time also stated that work men had been seen measuring the ground, presumably in anticipation of creating the parking spaces.

2.4 The creation of said parking spaces once formed part of a planning application (18/04440/FUL) which was submitted by the above leaseholder in 2018. The application originally included creation of two parking spaces within the Root Protection Area (RPA) of the cedar. The application did not contain a tree survey, which was noted by the planner, who requested, in August 2019, that one be supplied to assist in ascertaining what impact the creation of the parking spaces would have on the tree which was protected by being within the Nether Edge conservation area.

The architect acting on behalf of the applicant responded by stating the car parking spaces would be omitted from the application and that no tree survey would therefore be necessary. The removal of the spaces was also noted within the officer's recommendation and report which accompanied the

application. The report acknowledged that there had been 16 representations which objected to the application, in part due to the proposed loss of the residents' sole amenity area through construction of the parking spaces. A comment from the applicant's architect was included within the report, stating "that the proposed rear garden area will remain a communal garden for all of the residents of the flats in the same way it is currently being used". The application was then granted conditionally on the 21st August 2019.

2.5 In response to the residents' concerns, Vanessa Lyons, tree officer with Sheffield City Council, inspected the tree on 9th May 2022 with a view to determining the tree's suitability for protection. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out and the tree was assessed as scoring 14 points. A summary of the TEMPO can be found in Appendix B. The assessment produced a clear recommendation for protection and it was therefore considered expedient in the interests of amenity to make a TPO.

2.6 The TPO was made to protect the tree on 12th May. On 30th June, the Council was alerted to the fact that work to create the car parking spaces had started, despite them having been removed from the application and not being included within the permission. The residents were concerned that the development work was about to be conducted without the proper consent and that it would harm the roots of the tree and possibly lead to its death. Vanessa Lyons attended site, and noted that the work had entailed the removal of soil and severance of roots from within the RPA of the tree, despite the tree being subject to the protection of the TPO. In lieu of any consent granted as part of a full planning application, this work was subject to the need for consent, from the local authority, to carry out works to a tree protected by a TPO. No application had been submitted, and so the matter has been referred for enforcement (case reference 22/00346/ENHTP).

2.7 Objections:

No objections have been received.

Two representations in favour of the TPO have been received and are included in Appendix C.

- Representation one states that the author supports the TPO and wishes to see the tree retained.
- Representation two states support for the TPO due to the wildlife, visual amenity and ecosystem benefits that the tree brings, because the tree is representative of the character of the conservation area, and because retaining the tree aligns with Sheffield's standing as the greenest city in the UK.

3.0 VISUAL AMENITY ASSESSMENT

3.1 The tree is an early mature cedar, which stands to the rear of 3 Kenwood Road. The tree is located within a small raised grassed area adjacent to a tarmacked car park. An image of the tree is included in Appendix D.

The tree is partially visible from adjacent public roads and more fully visible from houses on Kenwood Road, Sharrow View and Sharrow Lane. Representation two also acknowledges this and states that the tree softens their view of the houses beyond it (Appendix C). The tree is of a species which can attain a large size, and thus will become more visible as it gains height over the roof of 3 Kenwood Road.

- 3.2 The tree is in good condition, free of any major outward defects. The tree has previously been crown raised (had some lower branches removed) but has responded well to this, and has an open grown, pleasing form. The tree bifurcates at the top, which is not entirely typical of the species, but this is not a defect that is considered to be detrimental to the tree's structural integrity. The tree has caused some damage to the tarmac of the carparking area which is lifting adjacent to where roots are growing. In my opinion this damage is remediable, and primarily cosmetic, appearing to have had little impact on the health of the tree. This is not an issue that I feel detracts from the amenity, or potential longevity of the tree.
- 3.3 With regards future life span, this is a long-lived species, and a conservative estimate of its life span is that of 40 plus years. The tree thus fulfils the section of the amenity assessment in which the assessing officer is asked to consider whether the tree has future potential as an amenity.
- 3.4 In considering rarity, cultural or historic value, a lack of any direct evidence linking the tree to any of these factors resulted in no points being allocated to the cedar within the TEMPO assessment. However, I do consider that the tree contributes to the character of the Nether Edge Conservation Area. The Sheffield City Council document which provides an appraisal of the Nether Edge Conservation Area, and which is included in Appendix E, states "Trees are a defining feature...The leafy character is most prevalent on the older Victorian streets". The Kenwood section of Nether Edge is noted within the appraisal as being one of the "most leafy and unified" parts of Nether Edge, and while cedar trees are not a species typical to this location, the presence of a mature garden tree such as this is seen as being characteristic of the area.

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.452 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 planning 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 planning 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 planning 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.452 be confirmed.

Michael Johnson, Head of Planning

2nd September 2022

Appendix A. Tree Preservation Order No.452 and map attached

Tree Preservation Order

**Town and Country Planning Act 1990
The Tree Preservation Order No 452 (2022)
3 Kenwood Road, Sheffield S7 1NP**

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 452 (2022) – 3 Kenwood Road, Sheffield S7 1NP.

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 12TH MAY 2022

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


David Sellers
Authorised Signatory
22117591.2290

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Atlas cedar - Cedrus atlantica	SK 34145 85656

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 solid red line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
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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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 <p>Sheffield City Council Parks & Countryside Service</p>	<p>TREE PRESERVATION ORDER No. 452</p>
<p>Drawing No. A4/JED/808/452</p>	<p>Site address 3 Kenwood Road Sheffield S7 1NP</p>
<p>Scale: 1:500 @ A4</p>	<p>Drawn by MB Date: 10/05/2022</p>
<p>• Trees specified individually (encircled in black on the plan)</p>	<p>T1 - Atlas cedar <i>Cedrus atlantica</i></p> <p>Trees specified by reference to an area - None Trees specified by reference to a group - None Trees specified by reference to a woodland - None</p> <p>SK 34145 85656</p> <p>Measurements shown approximately</p>



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Appendix B. Tree Evaluation Method for Preservation Orders.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 09.05.22	Surveyor: Vanessa Lyons
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Tree details	Tree/Group T1	Species: cedar
TPO Ref 452	Location: 3 Kenwood Road, Nether Edge, Sheffield, S7 1NQ	
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. Has been crown lifted and pruned in past but in good condition, no obvious defects
--

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 4
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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 |

Score & Notes 3
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1) Trees not visible to the public, regardless of size Probably unsuitable

d) Other factors

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

Score & Notes 1
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5) Principal components of formal arboricultural features, or veteran trees

4) Tree groups, or principal members of groups important for their cohesion

3) Trees with identifiable historic, commemorative or habitat importance

2) Trees of particularly good form, especially if rare or unusual

1) Trees with none of the above additional redeeming features (inc. those of indifferent form)

-1) Trees with poor form or which are generally unsuitable for their location

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

Score & Notes 3
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5) Immediate threat to tree inc. s.211 Notice

3) Foreseeable threat to tree

2) Perceived threat to tree

1) Precautionary only

Part 3: Decision guide

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

Add Scores for Total: 14

Decision: TPO defensible
--

Legal Services Dept,
Sheffield City Council.
Town Hall,
Sheffield S1 2HH.
Ref No: LS/RC/1756412.
1904318




10/06/22

Dear Sir/Madam.

I am writing to inform you of my support for the TPO 452 and the retention of the Atlas Cedar tree situated at the rear of the property 3, Kenwood Road, Nether Edge, S7 1NP.

Yours faithfully,





22nd June 2022

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

To whom it may concern,

Ref: LS/RC/1904318
Representation in support of Tree Preservation Order 452:
Atlas cedar tree located at 3 Kenwood Road, Sheffield

We are writing in strong support of the TPO 452 for the Atlas cedar tree at 3 Kenwood Road, Sheffield.

We live directly behind 3 Kenwood Road and share a boundary with this property. The tree is visible from both the grounds/garden of our property and our upper floor terrace.

We support the TPO for the following reasons:

- 1. Wildlife habitat supported by this particular tree.** From our vantage point, we regularly observe a variety of birds visiting the tree during the daytime, as well as seeing owls in this tree at night. Whilst we are not aware of a habitat report specific to this tree, cedar trees in general – particularly mature, well-established ones such as this - provide habitats for both invertebrates, avians and mammals, including nesting places for tawny owls and roosts for batsⁱ. (In their native countries, Atlas cedars provide a habitat for endangered macaque monkeysⁱⁱ, but we've not spotted these in Nether Edge!)
- 2. Visual amenity of this particular tree.** We are very fortunate and privileged to enjoy the majestic sight of this stunning Atlas cedar tree from our garden and balcony. It softens our view of the house beyond it. It provides gentle entertainment in watching the various birds move to and from it. It adds to the sense of living in a countryside environment, despite being only one mile from the city centre. Although it is set back on the plot, due to its size it is visible to the general public from Kenwood Road.
- 3. Ecosystem benefits of this particular tree.** It is well established that trees are vital: providing us with an oxygen-rich atmosphere; removing excess CO₂ (and thereby contributing to combatting global warming and climate change); and filtering harmful pollutants from the airⁱⁱⁱ. Atlas cedars are particularly fitting for an

urban environment as they are – relatively - tolerant of pollution^{iv}. Research by the UK's Forestry Commission predicts that the presence of Atlas cedars is likely to increase in importance with climate change, particularly on drier sites in southern and eastern Britain^v.

4. Protecting and maintaining the character of the local conservation area.

Atlas cedar trees are believed to have been first introduced to the UK from North Africa in the 1840s by 3rd Earl Somers^{vi}. The Atlas cedar tree standing at 3 Kenwood Road is estimated to be 150 years old^{vii}, and as such – alongside the house – it is a beautiful example and legacy of the Victorian era. This Atlas cedar tree therefore does not only fall within the boundary of the designated Nether Edge conservation area, but it is also a prototype of the special character that Nether Edge – and the Kenwood district - is known for: "*a leafy suburb with fine Victorian and Edwardian buildings*"^{viii}.

5. Maintaining and continuing to improve Sheffield's standing and reputation as the greenest city in the UK.

Sheffield City Council takes pride in and promotes Sheffield as a 'green city'^{ix}. Formally protecting our city's trees, including the Atlas cedar tree at 3 Kenwood Road, is clearly aligned with this.

We are happy to provide further information regarding the above points and/or facilitate a site visit to our property if required; our contact details are below.

Yours faithfully,

[Redacted signature block]

ⁱ <https://www.woodlandtrust.org.uk/trees-woods-and-wildlife/british-trees/a-z-of-british-trees/cedar/>

ⁱⁱ <https://directree.org/atlas-cedar-cedrus-atlantica/>

ⁱⁱⁱ <https://www.woodlandtrust.org.uk/blog/2017/12/why-do-we-need-trees/>

^{iv} <https://directree.org/atlas-cedar-cedrus-atlantica/>

^v <https://www.forestresearch.gov.uk/tools-and-resources/tree-species-database/atlas-cedar/>

^{vi} <https://www.devongardenstrust.org.uk/true-cedars>

^{vii} [Information from NESST \(Nether Edge and Sharrow Sustainable Transformation\)](#)

^{viii} <https://www.sheffield.gov.uk/home/planning-development/conservation-areas/nether-edge>

^{ix} www.welcometosheffield.co.uk/living/nature-and-greenspace/

Appendix D. Image of the tree.



APPRAISAL OF GENERAL CHARACTER

Uses And Activity

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

Archaeology

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

Urban Structure And Movement

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

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



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

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

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

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



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

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

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



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

Landscape Setting

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

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

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

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

Page 29 Architecture And Building Materials

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

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



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

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

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



(a) Varied roofing and architectural forms.



(b) Towers.



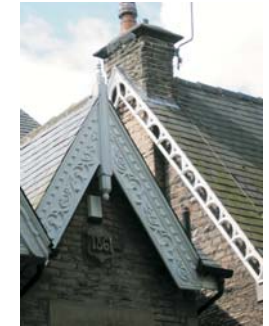
(c) Gables in asymmetrical design.



(d) Hipped roofs.



(e) Chimneys with pots.



(f) Bargeboards in elaborately carved timber.



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



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



(i) Sliding sash windows constructed in timber.



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



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



(l) Stone sills and lintels.



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



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



(o) Ironwork as decoration.



(p) Finials to the apex of roofs.



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



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

Figure 11 - Typical architectural features in Nether Edge

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

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



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

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

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

Trees, Parks And Gardens

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



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

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

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

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

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

Floorscape & Boundaries

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

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

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

APPRAISAL OF CHARACTER AREAS

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

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

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

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

The following examines the characteristics that distinguish each area.

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SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 13th September 2022

Subject: Tree Preservation Order No. 453
17 Lyndhurst Road, Sheffield, S11 9BJ

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

Summary: To seek confirmation of Tree Preservation Order No. 453

Reasons for Recommendation

To protect a tree of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 453 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No.453 and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Images of the woodland
- D) Appraisal of the General Character of the Nether Edge Conservation Area.

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

13th September 2022

17 Lyndhurst Road, Sheffield, S11 9BJ
TREE PRESERVATION ORDER NO. 453

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.453

2.0 BACKGROUND

2.1 Tree Preservation Order No.453 ('the Order') was made on 12th May 2022 to protect W1 a broadleaf woodland, at 17 Lyndhurst Road, Sheffield, S11 9BJ. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 W1 (as described in the Order) is a small broadleaf woodland consisting primarily of elm, ash cherry and sycamore. The woodland covers a plot of land situated between 17 and 27 Lyndhurst Road, on a site which was reputedly used as an allotment garden, and which is within the Nether Edge Conservation Area. Running alongside the boundary with Lyndhurst Road for approximately 60m, the woodland is small, yet has a significant presence within the street scene.

2.3 In December 2021 concerns were raised by a member of the public regarding a discrete access which had been created from the rear garden of 17 Lyndhurst Road, into the adjacent woodland. This was followed by a further complaint in April 2022, stating that builders who were involved in construction work at number 17 had used the access to drive heavy plant machinery into the woodland, and that they had felled several trees, the inference being that this had been done without first notifying the Local Planning Authority of their intention to do so by submitting a section 211 notice (as would ordinarily be required where there is proposal to remove trees within a conservation area).

2.4 The site was, at that time, also subject to a pre-application enquiry, which signalled the intention to remove a large number of trees from the site to facilitate development. No consent was given by the Council at any point for the removal of any trees from the site, either pursuant to a proposal for development or any separate procedure following notification. The issue was referred to Planning Enforcement, who opened a live case, and who requested a joint visit of the site, with a Tree Officer, to assess the damage done to the trees, and to consider the suitability of the site for a TPO.

2.5 A joint visit was conducted by Vanessa Lyons and a member of the Planning Enforcement Team on the 3rd of May 2022. An inspection of the woodland revealed:

- Multiple small trees had been removed from the rear of the site. Provisions in section 211 of the Town and Country Planning Act requires that people notify the Local Planning Authority, using a 'section 211 notice', 6 weeks before carrying out certain work, unless an exemption applies. The trees were of a size which meant they were not exempt from the need for notice to be given of their removal, and no notice had been submitted.
- Damage to mature trees had occurred in the form of branch loss, stem wounding and root severance, likely from contact with heavy plant machinery which had been driven through the woodland.
- Heavy plant machinery and stored construction materials and construction debris were present in the woodland during the visit. They were compressing the ground around the trees in a manner creating on-going and potentially lethal damage to the root systems of the trees.

2.6 Present during the meeting was the site manager. It was drawn to his attention that trees protected by being within a conservation area had been removed without prior notification and were being damaged through collision with heavy plant machinery, and through compaction caused by storage of materials and the passage of vehicles. It was requested that he remove the debris and materials and close the gap in the boundary to prevent further access of machinery to the woodland.

2.7 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out by Vanessa Lyons on 9th May 2022, who scored the woodland with 15 points. A summary of the TEMPO can be found in Appendix B. The assessment produced a clear recommendation for protection, and it was therefore considered expedient in the interests of amenity to protect the woodland by making a TPO.

2.8 Objections:

No objections have been received.

3.0 VISUAL AMENITY ASSESSMENT

3.1 Visibility: The woodland runs alongside the boundary with Lyndhurst Road for approximately 60 metres, and therefore is very publicly visible, being a prominent part of the street scene. The woodland is also visible from houses on Chelsea Road, to the rear of the site. An image of the woodland, as seen from Lyndhurst Road is included in Appendix C.

3.2 Size and form: The woodland contains a mix of mature, early mature and young trees of variable condition. The overall condition of the woodland at the time of inspection was deemed as reasonable. The deterioration and loss of some trees, predominantly within the centre of the woodland, is anticipated, due to the compaction which has occurred in the rooting area, and which may result in a slow decline of those specimens over time. Additionally, the

presence of young ash and elm within the wood, both of which are prone to diseases, may preclude these trees from reaching maturity. However, the woodland category's purpose is to safeguard a woodland as a whole. So, while some trees may lack individual merit, all trees within the woodland that merit protection are protected and made subject to the same provisions and exemptions. Certainly, the making of a TPO would not stand in the way of appropriate maintenance of the woodland, which, in complying with the duty of care placed upon tree owners, would include identifying and considering any risks posed by their trees (such as deterioration in health due to root damage) and managing those risks in a reasonable and proportionate way.

- 3.3 A selection of larger, more mature trees fronts the boundary with Lyndhurst Road, including several sycamores, whose stature adds to the prominence of the woodland from this vantage point. These trees appeared in reasonable condition. No close inspection of the base of these trees was possible, due to the prevalence of ivy, which is regarded as a natural component of the UK woodland. Ivy provides excellent habitat for a range of birds and insects, and is not parasitic on the tree, gaining water and nutrients from the ground. Therefore, its presence is considered normal and not a detriment to the trees' current condition. Removal of the ivy, to prevent excess wind loading of the canopy, and to facilitate inspection of the trunk of the tree may be something that the owner of the site wishes to consider as part of their on-going maintenance of the woodland.
- 3.4 Future potential as an amenity: A conservative estimate of the lifespan of trees in the wood was given at 20-40 years. However, the growth of new trees will mean that the actual lifespan of the wood far exceeds this, offering amenity to the area for many years to come.
- 3.5 Contribution to the character of the conservation area: The Local Planning Authority has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. An appraisal of the nature of the Nether Edge Conservation Area can be found attached at Appendix D. The document defines Nether Edge as a Victorian and Edwardian suburb, with trees being "a defining feature of the area" and with "the extensive tree canopy contributing to the distinctively shaded character of the area." While many of the trees that are considered an integral part of the conservation area are those found lining the streets and standing in front gardens, the woodland also greatly contributes to the leafy nature of the area.
- 3.6 Finally, the wood offers a variety of ecosystem benefits to the occupants of the road, and is vital habitat, in a heavily built area, for numerous birds, insects and animals.
- 3.7 Expediency: The woodland was given a score of 15 points as part of the TEMPO assessment, indicating that it was considered that the trees were under immediate threat and therefore expedient to make a TPO in order to protect them. This assessment of expediency was arrived at due to the on-going degradation of the protected trees within the woodland, through

unlawful felling of trees, damage to trees through compaction and impact from heavy machinery and heaping of materials in the rooting area of the trees.

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.453 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 planning 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 planning 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 planning 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.453 be confirmed.

Michael Johnson, Head of Planning

2nd September 2022

Appendix A. Tree Preservation Order No.453 and map attached.

Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 453 (2022)
17 Lyndhurst Road, Sheffield S11 9BJ

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 453 (2022) – 17 Lyndhurst Road, Sheffield S11 9BJ.

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 12th MAY 2022

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

David Sellers
Authorised Signatory



SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

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

Trees specified by reference to an area

(within a dotted red line on the map)

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

Groups of trees


(within a solid red line on the map)

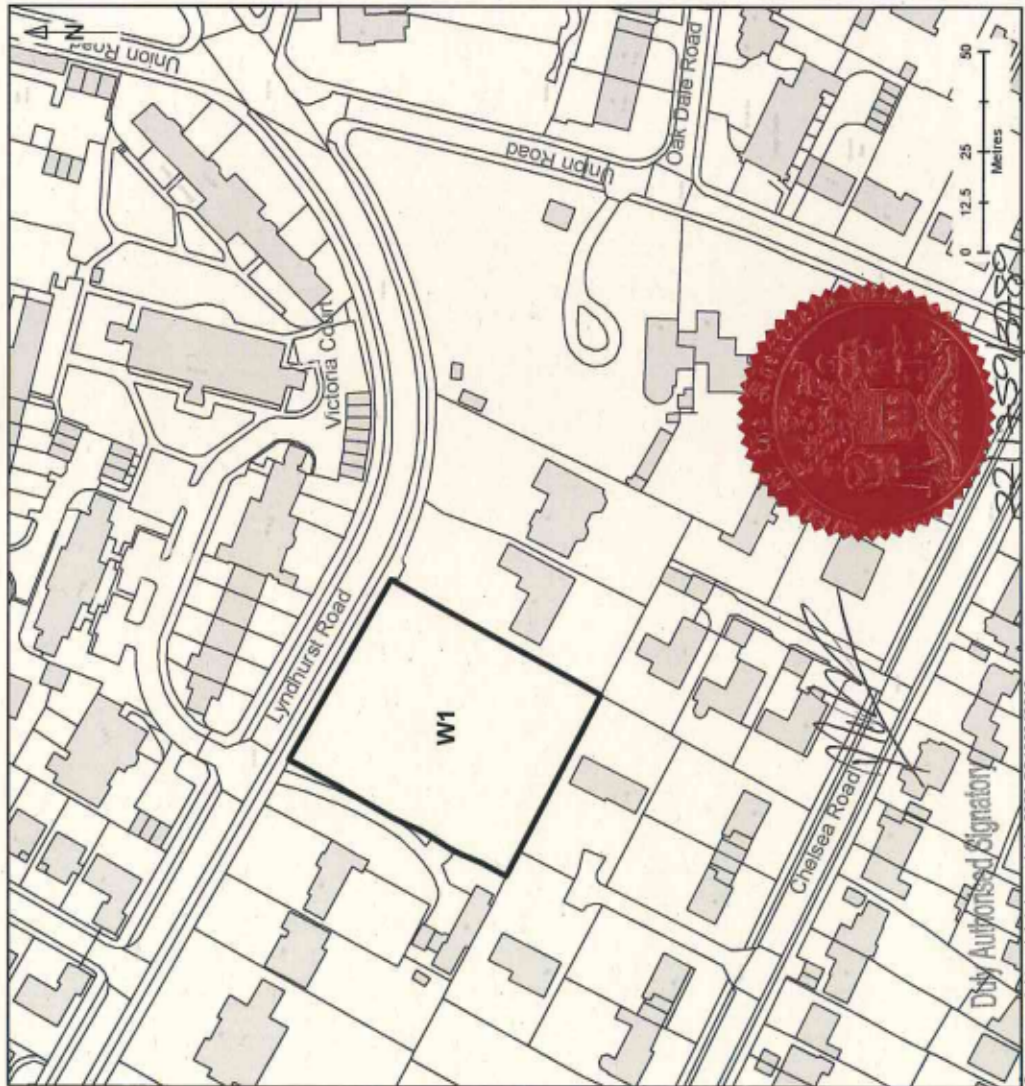
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
-------------------------	---	------------------

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Broadleaf woodland (mainly elm, ash, cherry and sycamore)	SK 33624 84800

Sheffield City Council Parks & Countryside Service	
TREE PRESERVATION ORDER No. 453	
Drawing No. A4/UEJ/808/453	
Site address Land adjacent 17 Lyndhurst Road, Sheffield, S11 9BJ	
Scale: 1:1,250 @ A4	
Drawn by MB	Date: 10/05/2022
<input type="checkbox"/> Trees specified by woodland (outlined in black on the plan)	
W1 - Broadleaf woodland (mainly elm, ash, cherry and sycamore)	
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 33624 84800 Measurements shown approximately	



Appendix B TEMPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 09.05.22	Surveyor: Vanessa Lyons
----------------	----------------------------

Tree details TPO Ref 453 Owner (if known):	Tree/Group W1 Location: land adjacent 17 Lyndhurst Road, Nether Edge	Species: Mixed broadleaf
---	---	--------------------------

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 |

Score & Notes :

3. Trees of mixed age and species. Predominantly young ash and elm interspersed with some mature elm and mature sycamore

Score & Notes

2

Score & Notes

4. The wooded plot is adjacent to Lyndhurst Road

- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

d) Other factors

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

Score & Notes

1

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

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes

5. Unlawful felling and damage to trees has already occurred. Spoil from adjacent development being dumped in woodland, damaging rooting area.

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:

15

Decision:

TPO defensible

Appendix C. Images of woodland.



Image 1. Felling of young ash trees, some with a diameter exceeding 100mm



Image 2. Damage to an elm, likely from collision with plant machinery. See also compaction of ground from vehicles.



Image 3. Level changes in the rooting area of protected trees, caused by heaping of construction spoil within the woodland.



Image 4. Google maps image of the woodland, looking from the direction of 17 Lyndhurst Road



Image 5. Google maps image of the woodland, looking from the direction of 27 Lyndhurst Road

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APPRAISAL OF GENERAL CHARACTER

Uses And Activity

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

Archaeology

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

Urban Structure And Movement

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

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



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

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

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

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



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

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

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

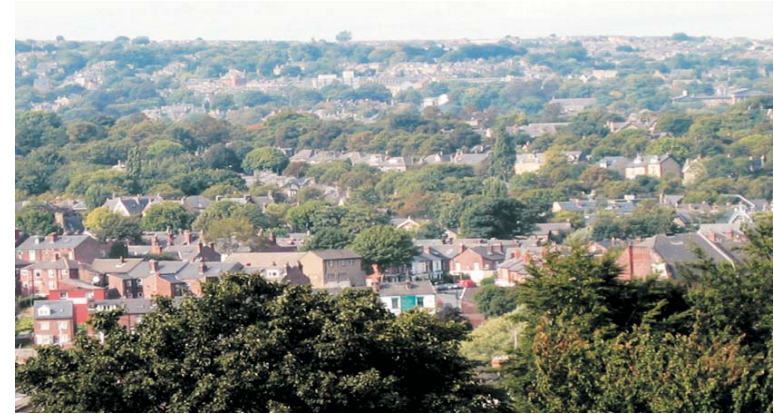


Fig.9 View of Nether Edge from Meersbrook Park - the sloping topography and abundance of trees is the main feature of the area's landscape setting. Note that no building breaks the tree canopy.

Landscape Setting

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

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

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

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

Page 53 Architecture And Building Materials

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

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



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

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

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



(a) Varied roofing and architectural forms.



(b) Towers.



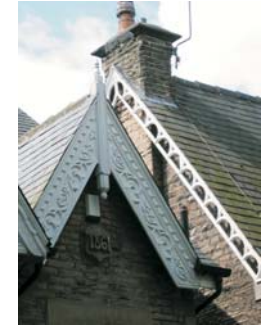
(c) Gables in asymmetrical design.



(d) Hipped roofs.



(e) Chimneys with pots.



(f) Bargeboards in elaborately carved timber.



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



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



(i) Sliding sash windows constructed in timber.



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



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



(l) Stone sills and lintels.



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



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



(o) Ironwork as decoration.



(p) Finials to the apex of roofs.



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



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

Figure 11 - Typical architectural features in Nether Edge

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

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



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

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

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

Trees, Parks And Gardens

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



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

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

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

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

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

Floorscape & Boundaries

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

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

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

APPRAISAL OF CHARACTER AREAS

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

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

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

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

The following examines the characteristics that distinguish each area.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Operational Services

Date: 13th September 2022

Subject:

Proposed Closure Of Footpath Linking Cobden View Road And Northfield Road, Crookes, Sheffield 10.

Author of Report: Mark Reeder 0114 474 2509

Summary:

To seek authority to process the Public Path Closure Order required to close a footpath (that has no formal highway status) between Cobden View Road and Northfield Road in the Crookes area of Sheffield

Reasons for Recommendations

Based on the information within this report, Officers support:

- the proposed closure of the informal footpath linking Cobden View Road and Northfield Road in the Crookes area of Sheffield.

Recommendations:

1. Members raise no objections to the proposed closure of the footpath linking Cobden View Road and Northfield Road, Crookes, as shown as a solid black line on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
2. Authority be given to the Director of Legal & Governance to
 - a. Take all necessary action to divert the footpath under the powers contained within Section 257 of the Town and Country Planning Act 1990.
 - b. Confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.

Background Papers:

Category of Report: OPEN

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TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257, PROPOSED
CLOSURE OF FOOTPATH LINKING COBDEN VIEW ROAD AND NORTHFIELD
ROAD , CROOKES, SHEFFIELD 10.

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Closure Order required to close a footpath (that has no formal highway status) between Cobden View Road and Northfield Road in the Crookes area of Sheffield, as shown as a solid black line on the plan attached as Appendix A.

2.0 BACKGROUND

- 2.1 On the 17th June 2022 planning permission (ref: 22/00723/FUL) was granted for the erection of 13 flats and 3x retail units (Use Class E) with associated cycle parking and landscaping on land at the junction with Cobden View Road and Northfield Road, Sheffield S10 1QQ.
- 2.2 In order to enable the approved development to be carried out, it is necessary to close this informal footpath which runs through the site.
- 2.3 The City Council's Public Rights of Way Office are currently considering a claim made under Schedule 14 of the Wildlife and Countryside Act 1981 for the path to be formally recognised as a public right of way.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies, including footpath societies.
- 3.2 Not all the consultees had responded at the time of writing this report. No objections have been received from those that have responded.
- 3.3 If any negative comments relating to the application are received before the Planning and Highways Committee meeting, they will be reported verbally.

4.0 LEGAL IMPLICATIONS

- 4.1 If the Council is satisfied that the footpath needs closing to enable the approved development to be carried out, it would be appropriate to process the closure using the powers contained within Section 257 of the Town and Country Planning Act 1990. The aforementioned power is capable of being used for the extinguishment of unrecorded public rights of way where a claim has been made as to their status and the Council considers it probable that they exist. Highways which have not been formally recognised as such and therefore not added to the Council's Definitive Map and Statement will never be included if they are extinguished prior to that taking place.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The subject footpath is unmade, unlit and has a set of steps at either end. The path currently has no legal status but is subject to a claim under Schedule 14 of the Wildlife and Countryside Act 1981.
- 5.2 The alternative route, along the adopted footway of Cobden View Road and Northfield Road is approximately 20 metres longer, though it has a tarmac surface, is lit to the current British Standard (BS 54891-1) and has no steps. Therefore it is the view of the Highway Authority that the alternative path is more convenient.
- 5.3 It is considered that the closure of the footpath will not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposals in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

- 7.1 No particular environmental implications arise from the proposals in this report.

8.0 FINANCIAL IMPLICATIONS

- 8.1 There are no costs accruing to the Council's Highway Maintenance Division in association with this proposal.
- 8.2 All fees associated with the application have been met by the applicant.
- 8.3 Therefore there will be no increase in liability on the Highway Maintenance revenue budget.

9.0 CONCLUSION

- 9.1 The Highway Authority is satisfied that the proposed closure of the footpath is necessary to enable the approved Development to be carried out. Based on all of the above information, the application is supported.

10.0 RECOMMENDATIONS

- 10.1 Members raise no objections to the proposed closure of the informal footpath linking Cobden View Road and Northfield Road, Crookes, as shown as a solid black line on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
- 10.2 Authority be given to the Director of Legal and Governance to
 - a. take all necessary action to close the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990.
 - b. confirm the order as an unopposed order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.

Gillian Charters

Gillian Charters

Head of Highway Maintenance

30th August 2022

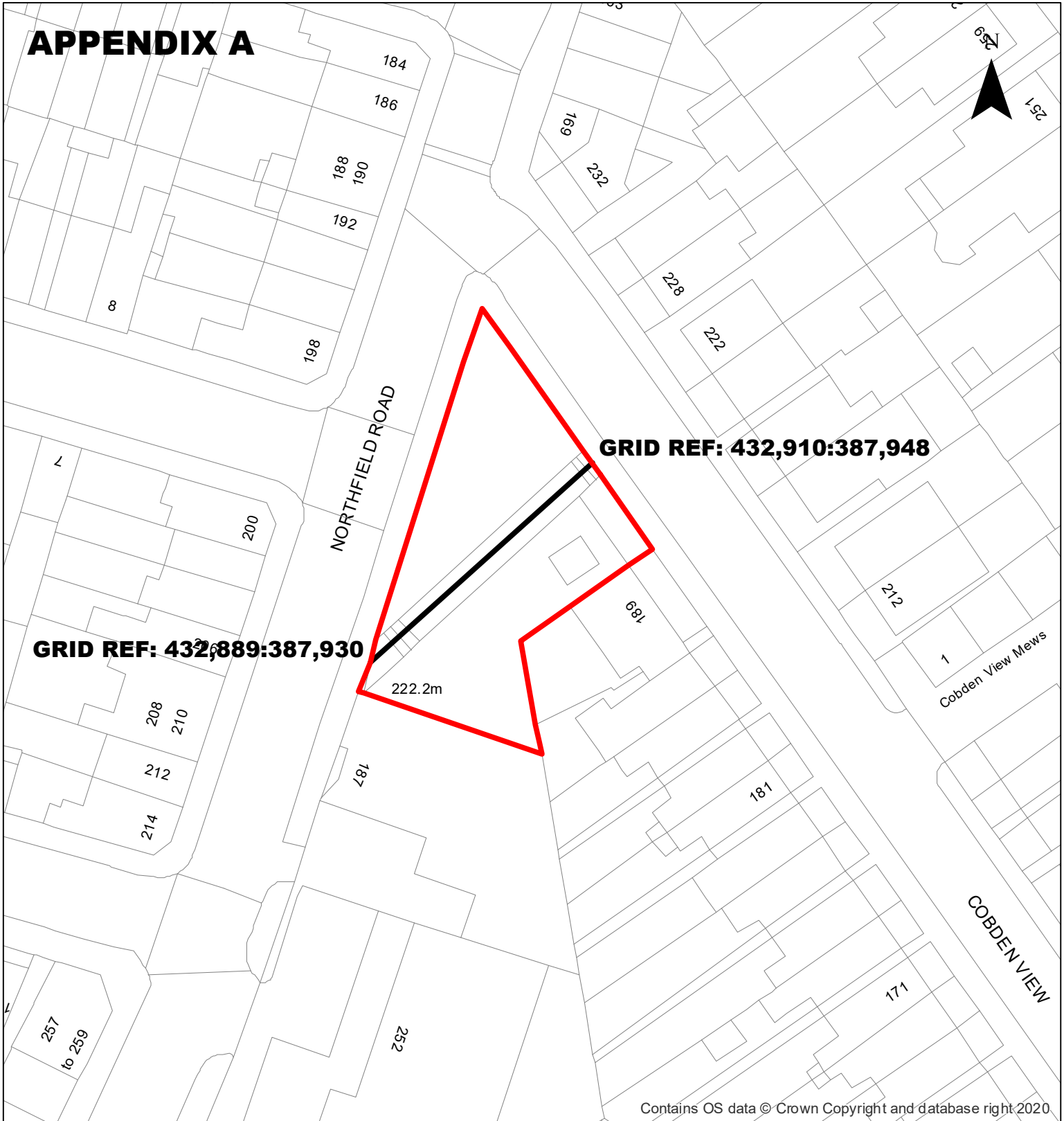
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Highway Records
Operational Services
Howden House
Union Street
Sheffield
S1 2SH

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 257. CLOSURE OF FOOTPATH AT
JUNCTION OF COBDEN VIEW AND NORTHFIELD ROAD**

APPENDIX A



Key:

-  **Footpath to be closed**
-  **22/00723/FUL Planning Application Boundary**

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Director of City Growth Department

Date: 13/09/2022

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley and Sarah Hull

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

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

Category of Report: OPEN

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Case Number	22/02416/FUL (Formerly PP-11352253)
Application Type	Full Planning Application
Proposal	Provision of enclosed dog walk/dog run area including 1.8m wire fencing, formation of parking area and timber shelter
Location	Land Opposite Holme Head Wheel Dam Rivelin Valley Road Sheffield S6 5SF
Date Received	24/06/2022
Team	North
Applicant/Agent	Fleetwood Cadtek Ltd
Recommendation	Refuse

Refuse for the following reason(s):

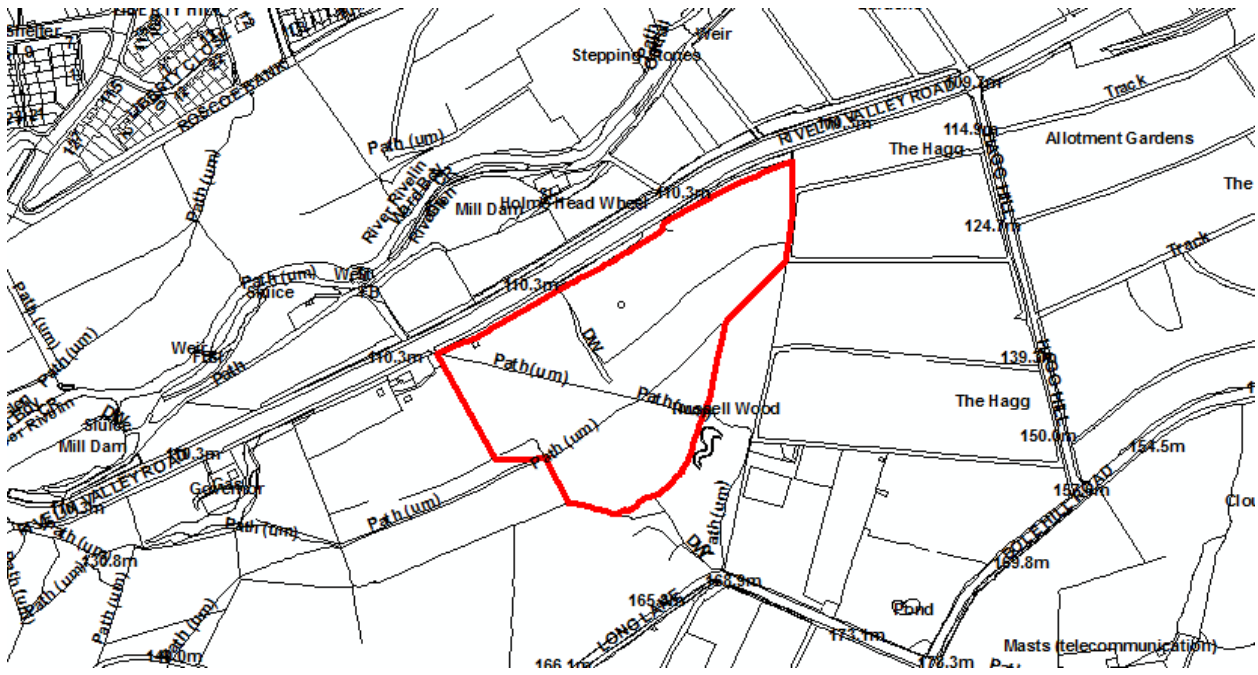
- 1 The Local Planning Authority consider the proposed dog park and associated development to be inappropriate development in the Green Belt, which would cause harm to the open character of the Green Belt and represents encroachment of urban development into the countryside by reason of the introduction of fencing, general paraphernalia, parking and activity facilitated by the proposed use. It would therefore be contrary to Paragraphs 137,138, 147, 148 149c, 150e of the NPPF and the aims of Policies GE1 - GE4 of the UDP.
- 2 The Local Planning Authority consider that the proposed development would, as a result of its design, siting, form and resulting intensity, be harmful to the open character and appearance of the Area of High Landscape Value and visual amenities of the area. The proposed development is therefore contrary to Unitary Development Plan Policy GE8, Core Strategy Policy CS74 and Paragraphs 130 and 174 of the NPPF

Attention is Drawn to the Following Directives:

1. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, the application is considered contrary to policy requirement(s), and, there being no perceived amendment(s) that would address these shortcomings without compromising the fundamental intention of the scheme the Local Planning Authority had no alternative but to refuse consent.
2. The applicant is advised that this application has been refused for the reasons stated above and taking the following plans into account:

Proposed Site Layout, Plan number 22.35.03, published 24.06.22
OS Redline Site Location Plan, published 24.06.22
Proposed Site Plan, Plan number 22.35.02 published 24.06.22
Shelter and fencing detail published 12.07.22
Site Sections, Plan Number 21.42.05 Rev C published 30.08.22

Site Location



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LOCATION AND PROPOSAL

The application site relates to fields to the south of Rivelin Valley Road, and the west of the Hagg Hill Plantation.

The overall site area is 2.6 ha and is predominantly laid out as fields with a partially constructed stable along the northern boundary.

There is an existing vehicular access gate from Rivelin Valley Road with approval for a single width access to service the stables. The land rises steeply to the south and a network of public footpaths exist around the site and also run through it.

Consent is sought to create an enclosed dog exercise area. This would be enclosed by 1.8 metre high green mesh fencing.

Within the enclosure a timber roofed structure is proposed to provide shelter in adverse weather.

The area in front of the stable would be utilised as a parking area, finished in ground guard mesh with grass infill.

The submission details that one dog owner would exercise their dog at any one time via prebooked time slots with on-site parking.

The site has been recently operating as a dog park without permission, however the applicant details that this has now ceased. An enclosure is currently in place which is formed from post and mesh fencing with black sheeting around at approx. 1.2 m high and sections of higher temporary style construction fencing (approx. 1.8 – 2m high) Within the compound there was some agility equipment present. The proposed mesh fencing would replace the existing fencing.

PLANNING HISTORY

Consent was granted in September 2021 for the use of land for the keeping of animals for recreational purposes and the erection of stables (21/02936/FUL)

This was subsequently amended following differing construction under 22/02415/NMA. This application was to omit 2no. roof gables with alterations to stable dimensions and land levels (amendment to planning permission 21/02936/FUL) (amended description) This was granted July 2022.

REPRESENTATIONS

132 people have written in support of the application and 2 letters of objection have been received. The main points are summarised below:

- The facility provides an essential safe enclosed environment for dogs and owners, which is particularly important for reactive or nervous rescue dogs, recovering or young dogs compared to them being exercised in public areas.
- A much needed facility and asset to the community
- Important for animal welfare
- Alternatives would mean driving outside of the area, taking footfall to surrounding businesses elsewhere

- The dog park is safe, as it is always manned
- There are no dwellings nearby to cause nuisance to
- Objection this has been closed down
- The building is well screened
- There are no other dog parks in the area. There are very few at all close to Sheffield
- Keeps dog fouling off streets and out of parks
- Assists dog owners with disabilities and health conditions
- Assists dog owners without access to private outdoor space
- No different to a horse's paddock
- Allowing this would help a small business survive
- The park would be unnoticeable from Rivelin Valley Rd

Objections:

- The site was an unspoilt rural open space providing uninterrupted views of the valley and pleasant footpaths for walkers. This is a rural backwater and a much loved local beauty spot. The development has spoilt the open nature and character of the fields. The site should be undeveloped for anything more than grazing
- The fencing installed is unsightly and there is building debris
- The signage changes the character of the area
- The addition of a dog park to this already damaged area can only impact more negatively on the area and detract from its appeal
- Concern is raised that the trees, vegetation and wildlife may be next to be compromised
- Concern is raised regarding health hazards from dog waste
- Concern is raised regarding noise nuisance
- Highway safety concerns are raised from cars entering and leaving the site
- Alternative places exist for walking dogs. There is no justification for the proposal
- Concern is raised that other enterprises will arise on site eg a café
- Question is raised why development is allowed in the Green Belt
- The character of the site has already been eroded. This application should be refused and the existing permission monitored

ASSESSMENT

Policy Context

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The key goal 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 following assessment will have due regard to these overarching principles.

Paragraph 12 of the NPPF makes it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Paragraph 12 continues that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

Paragraph 219 of the NPPF makes it clear that policies should not be considered as out-of-date simply because they were adopted or made prior to the publication of the

Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Therefore the closer a policy in the development plan is to the policies in the Framework, the greater the weight that may be given.

The assessment of this development proposal needs to be considered in light of paragraph 11 of the NPPF, which states that for the purposes of decision making, where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development.
- ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

Footnote 7 provides further details in relation to paragraph 11i) with respect to areas or assets which are of particular importance and includes the green belt. The following assessment will:

- Assess the proposal's compliance against existing local policies as this is the starting point for the decision making process. For Sheffield this is the Unitary Development Plan (UDP) and the Sheffield Development Framework Core Strategy (CS).
- Consider the degree of consistency these policies have with the Framework and attribute appropriate weight accordingly.

The application site is located in the Green Belt, an Area of High Landscape Value and a Local Wildlife Site as allocated in the Sheffield Unitary Development Plan.

Whether the Development is Appropriate in the Green Belt

UDP policies GE1-GE4 are relevant to this scheme.

Policy GE1 details that in the Green Belt, development will not be permitted except in very special circumstances, where it would: a) lead to the growth of the built up area; or b) contribute towards the merging of existing settlements or c) lead to encroachment of urban development into the countryside or d) compromise urban regeneration.

Policy GE2 Protection and Improvement of the Green Belt Landscape, seeks to: a) maintain and enhance those areas with generally high landscape value, b) improve poor landscapes in priority areas (listed in UDP policy BE4)

Policy GE3 states that in the Green Belt, the construction of new buildings will not be permitted except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries and other uses which comply with policy GE1.

Policy GE4 seeks to ensure that the scale and character of any development which is permitted in the Green Belt, or would be conspicuous from it, should be in keeping with the area, and wherever possible conserve and enhance the landscape and natural environment.

NPPF paragraph 137 states the fundamental aim of Green Belt policy is to prevent

urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 138 sets out the 5 purposes the Green Belt serves:

- a) To check the un-restricted sprawl of large built-up areas;
- b) To prevent neighbouring towns from merging into one another;
- c) To assist in safeguarding the countryside from encroachment;
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 requires that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include amongst other things:

- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

Paragraph 150 of the Framework details that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are

- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);

A recent appeal decision (APP/J4423/W/20/3262600)– Former Loxley Works, Storrs Bridge Lane, Sheffield, S6 6SX, dated 10 August 2021) concluded that policies GE1, GE3 and GE5 were out of date and afforded limited weight to these. As collectively the Green Belt Policies were out of date, this policy aspect was considered with greater weight afforded to the Green Belt policies in the NPPF. This application will take the same approach.

A dog exercise area is considered to fall within the definition of outdoor recreation in Paragraphs 149 and 150 and is considered not to be an inappropriate use in the Green Belt providing it preserves openness and does not conflict with the purpose of including land within it.

Impact on Openness

Physical development is detailed to facilitate the proposed use. This has potential to impact on the openness of the Green Belt.

Openness is capable of having both spatial and visual aspects.

The site has already been developed with large stabling and has more informal shelters to the west along the Rivelin Road frontage.

The proposed enclosure would be of irregular shape and would measure approximately 51m x22.6m at the most extreme points. The fencing detailed to facilitate the use would be 1.8 metres in height and mesh style.

Within the enclosure a non fixed timber shelter is proposed. No firm details of this have been supplied, however a brochure extract shows this as small parallel benched structure with a dual pitched roof over. The site plan shows this would have a footprint of 2 x 2m and the indicative photograph shows that this would be approximately 2 metres in height. This structure is proposed towards the eastern end of the site.

Whilst no detail has been provided, it is noted that the existing enclosure contains dog agility equipment. Signage was also present within the site and at the main gate.

Whilst the meshed nature of the fencing would allow a good degree of visibility through, the enclosure by virtue of it's size and height and the associated structures and potential equipment within, would have a spatial impact on the openness of the Green Belt.

Furthermore the formalised parking area would bring activity and the spatial impact of having cars parked on site. It is recognised that the plans detail that one customer would be on site at a time, however there may be overlap and also comments raise through representation indicate that the site is staffed. The introduction of parking on site and increased vehicle movements would impact on openness.

The approved development of the stabling and use of the land for the keeping of animals maintained this as open land, albeit with some division to separate different animal grazing areas.

The proposed development would be seen in close association with the existing large stable block and forms an intervening feature between the stable block and the land shown for animal grazing. The proposed development would be particularly prominent from the well used footpath which abuts the south of the site. This footpath runs at a higher level than the site, which falls towards Rivelin Valley Road. From this aspect there is clear and open visibility of the site and proposed area of development

From Rivelin Valley Road, the presence of the recently approved stable and mature trees limits visibility to some extent, however there are clear views up the hill side from the gateway, where the fencing forming the compound would appear particularly prominent on the valley side. There would be greater visibility into the site in winter months when the trees are not in leaf.

The site would appear intensively developed which would cause harm to the openness of the Green Belt.

In light of the above, it is considered that the development would have a greater impact on the openness of the Green Belt and as such would be contrary to Paragraphs 149

and 150 of the NPPF.

Function of Green Belt

Paragraph 138 sets out the 5 purposes the Green Belt serves.

The introduction of the fencing, shelter, any equipment and proposed car parking into an open area of land in the Green Belt, to facilitate the proposed use, represents an encroachment into the countryside. This directly conflicts with one of the 5 listed purposes (c) to assist in safeguarding the countryside from encroachment.

General Design, Character and Impact on Area of High Landscape Value
Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

NPPF paragraph 130 seeks to ensure that developments add to the overall quality of an area, are visually attractive, sympathetic to local character...including landscaping setting.

Specifically relating to the impact on the Area of High Landscape Value (AHLV), the following policies are of importance.

Policy GE8 states that in Areas of High Landscape Value protection and enhancement of the landscape will be the overriding consideration and that development will only be permitted in AHLV which would protect and wherever appropriate enhance the appearance and character of the Area of High Landscape Value.

Paragraph 174 of the NPPF states that planning decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The aims of the local and national policies closely align and substantial weight can therefore be attributed to these.

The character of the landscape on site is a rural, open grass land field used for the keeping of animals. The land is open with minimal development. The approved stables were carefully sited and reduced in size during the course of the previous application to minimise the impact on the character of the land.

The fencing proposed would be 1.8 metres high mesh, anticlimb, security style fencing. The brochure details that the use of this would be ideal for commercial setting such as airports / hospitals police stations etc.

The introduction of such fencing is suited to urban environments and wholly incompatible with the open, rural character of the site. This would be positioned in an open prominent area of the field, highly visible from surrounding vantage points and would be visually harmful to a significant degree.

The shelter is small scale and utilitarian in design, and somewhat domestic in character. It's siting on the hillside would be prominent.

The profile of the land is shown to be altered slightly to facilitate the provision of the parking area. Works have taken place on site in this area already. The land level change would not be significant but would appear less natural than the original fall of the land, this together with the grid surfacing and parking activity would change the character of the land.

Cumulatively the development would cause substantial visual harm to the character and appearance of the Area of High Landscape Value. The site would appear intensely developed at odds with the rural character of the land and the stables would read as being associated with the dog park use.

Amenity

Paragraph 130 of the NPPF seeks to ensure high standards of amenity.

Paragraph 185 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

The site is located a significant distance from residential areas and would not compromise residential amenity or generate noise which would be incompatible with the area.

The submission details that waste would be removed by each visitor to the site. Management of such aspects could be controlled by condition.

Ecology

UDP Policy GE13 states that development affecting Local Nature Sites should, wherever possible, be sited and designed so to protect and enhance the most important features of natural history interest and where development would decrease the nature conservation value of such an area, that the decrease is kept to a minimum and is compensated for by the creation and enhancement of wildlife habitats elsewhere in the site.

NPPF paragraph 180 sets out principles to ensure that biodiversity and habitats are protected.

The aims of the local and national policies broadly align and the local policy can be afforded significant weight.

The application site is within a Local Wildlife Site – LWS 015 Rivelin Valley: Millstone Edge Rough & Fields. This is a large LWS designated for a range of habitats including a mosaic of different grassland types; unimproved, neutral and acidic grassland. Acid grassland is a NERC Act 2006, Section 41 'priority habitat,' which the Council has a statutory 'biodiversity duty' to conserve. The fields in this part of the Rivelin Valley (including those already used for animal grazing) are noted for their floristic and fungal diversity which includes uncommon species of waxcap mushrooms.

As a condition connected with the approval of the stables and use of land for the keeping of animals, a management plan was approved which shows the site being divided into sections and these grazed in rotation, with a minimum interval of 12 weeks

non grazing time to enable ground cover to re-establish.

The submitted plans show that the dog exercise area would be in place of one of these areas, however the site plan details a revised grazing rotation plans which is acceptable.

The submitted scheme does not raise any significant ecological concerns as the use is limited to the fenced area and the level of intensity of one dog at a time is acceptable. The dog faeces would also be removed from site.

The parking area has been subject to recent earth movements and no longer has ecological value. The above aspects could be conditioned if the scheme were acceptable.

Highways

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.

The site benefits from an existing vehicular access. Whilst it's use would be intensified the nature of the business would not generate an overly intense use of the access from a highway safety perspective.

There is opportunity for adequate parking and turning within the site. The scheme would be acceptable in terms of its impact on highway safety.

Very Special Circumstances

Paragraph 148 of the Framework states that "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

The application details that the scheme is classed as "very special circumstances" however no case for Very Special Circumstances has been put forward. Nevertheless, the substantial amount of support for the application is noted as are the benefits of the scheme.

- Need for facility and lack of access to alternative without substantial travel and animal public welfare benefits. There is very strong demonstration for the need for an enclosed dog walking facility. Whilst there is clearly a demand and the facility is highly valued, such a facility need not be located on such a sensitive site and could be potentially accommodated on other sites within the city. Moderate weight is given to this.
- Economic benefit
The NPPF places significant weight on supporting economic growth, in this instance the scale of the business is very small and whilst there would be some economic benefit this would be very minor. Low weight is given to this benefit.

The applicant points to other unauthorised development in the Rivelin Valley in justification of the proposal. Complaints about other sites are investigated separately by

the Councils Enforcement Team and action would be taken where appropriate. The presence of such development does not justify the inappropriate nature of this proposal.

A balancing exercise is required to establish if the harm to the Green Belt is outweighed by other considerations.

There would be benefit to dogs and their owners and some minimal economic benefit.

In contrast the proposed development would be inappropriate development in the Green Belt as a result of the harm to its openness. This would occur as a result of the proposed use facilitating the need for unacceptable development, parking and intense use of the site which would have an unacceptable impact on the openness of the Green Belt.

Whilst from many aspects from Rivelin Valley Road this impact is limited, this is less so at the access to the site and the development would be very prominent when experienced from the footpath to the south. From this aspect particularly, the character of the site would change from an open field with stabling to an intensely developed site with fencing, associated paraphernalia and parking, viewed in close association with the stable.

The development would be at odds with the purposes of including land within the Green Belt. This harm further weighs against this proposal.

As such the scheme fails to comply with the aims of Paragraphs 137, 138, 147, 148, 149b and 150e of the NPPF.

Furthermore significant weight is given to the visual impact in this designated Area of High Landscape Value. The impact of the design, siting and form of the physical development facilitated by the proposed use and the change in character as a result of the intensity of development would, be harmful to the open character and appearance of the Area of High Landscape Value and visual amenities of the area. The proposed development is therefore contrary to CS74, and UDP Policy GE8 and Paragraphs 130 and 174 of the Framework.

In accordance with Paragraph 148 substantial weight is attributed to this harm. Whilst there are clear benefits of the scheme, taken collectively these do not outweigh the harm, discussed above. Consequently very special circumstances required to justify the development do not exist.

Response to Representations

The majority of the issues raised through representation have been discussed in the above assessment.

Concern is raised as to how dog waste would be dealt with. - Had the scheme been acceptable then this could have been controlled by condition.

Concern is raised that the building is going to be used as café. – The application does not detail this. If this were proposed planning consent would be required.

Summary

The most important policies for determining this application are out of date.

Paragraph d) of the Framework states that permission should be granted unless in 11di), the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development.

In this instance the conflict with the policies in the framework provide a clear reason for refusing the scheme.

The development is contrary to paragraphs 137,138, 147 148 149c, 150e 130 and 174b of the National Planning Policy Framework, Policy CS74, UDP policies GE8 and GE1 – GE4.

Recommendation Refuse

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Case Number	22/01731/FUL (Formerly 11214548)
Application Type	Full Planning Application
Proposal	Erection of a 3-storey block to form additional classrooms
Location	Silverdale School Bents Crescent Sheffield S11 9QH
Date Received	03/05/2022
Team	City Centre and Major Projects
Applicant/Agent	Nineteen47
Recommendation	Grant Conditionally Subject to Secretary of State

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:
Location Plan - 045-ASA-01-00-DR-A-00100 - Rev P02 - published 03.05.2022
Proposed Site Plan - 045-ASA-01-00-DR-A-10100 - Rev P03 - published 03.05.2022
Proposed Ground Floor Plan - 045-ASA-01-00-DR-A-20100 - Rev P04 - published 03.05.2022
Proposed First Floor Plan - 045-ASA-01-00-DR-A-20101 - Rev P02 - published 03.05.2022
Proposed Second Floor Plan - 045-ASA-01-00-DR-A-20102 - Rev P01 - published 03.05.2022
Proposed Roof Plan - 045-ASA-01-00-DR-A-10100 - Rev P01 - published 03.05.2022
Proposed Elevations - 045-ASA-01-00-DR-A-20200 - Rev P05 - amended 29.07.2022
Proposed Site Sections - 045-ASA-01-00-DR-A-20300 - Rev P03 - amended 01.08.2022
Landscape Proposals (Sheet 3) - 045-ASA-01-00-DR-A-10113 - Rev P01 - amended 22.07.2022, published 25.07.2022

Landscape Proposals - 045-ASA-01-00-DR-A-10112 - Rev P01 - published 18.07.2022

Tree Report - Rev 4 - Jo Ryan Arboriculture Urban Greening - amended 22.07.2022, published 25.07.2022

Biodiversity Net Gain Assessment - Project No: 21-2664.02 - amended 22.07.2022, published 25.07.2022

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 lifetime of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

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

4. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

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

5. No development shall commence until a detailed Landscape and Ecological Management and Monitoring Plan (LEMMP), based on the indicative measures set out in the approved landscape proposals (drawing no. 045-ASA-01-00-DR-A-10112 - Rev P01) and biodiversity net gain assessment (Project No: 21-2664.02 - amended 22 July 2022, published 25 July 2022), including short, medium and long term aims and objectives, management responsibilities and maintenance schedules for all distinct areas, has been submitted to and approved in writing by the Local Planning Authority. The LEMMP should include:

- A topographical survey showing levels, services, boundary features, structures, trees and other relevant information;
- Topsoil specification and depths;

- An accurate planting schedule and planting plan at 1:200 or 1:100 scale;
- A comprehensive list of species and stock specification;
- Details of planting densities and spacings;
- Individual locations of specimen trees and shrubs;
- Areas of grass/wildflowers including seed mix and sowing rates;
- A maintenance and monitoring schedule to ensure the successful establishment of the scheme;
- Hard landscaping details to include levels (both proposed and existing on the same plan), surfacing materials, walls, fencing and external furniture;
- Findings from further pre-felling bat surveys of relevant trees as recommended in the Ecological Impact Assessment (Delta-Simons, project no. 21-2664.02) and recommendations for any required mitigation;
- Proposals for habitat boxes for birds and bats;
- A wildlife-sensitive lighting scheme; and
- Details of green roofs, sustainable drainage systems and other biodiversity measures.

The LEMMP shall be fully implemented as approved within 3 months of the approved building being brought into use, with the Local Planning Authority being notified of completion in writing, and shall thereafter be maintained in accordance with the approved maintenance and monitoring schedule.

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

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

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

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

7. Renewable energy shall be provided in the form of solar photovoltaic panels and an air source heat pump in accordance with the measures set out in the Energy and Environmental Statement (prepared by Gate & Bar, published 3 May 2022). In the event that the solar panels and/or air source heat pump are no longer proposed, alternative details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, 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. No above ground works shall commence until the highway improvements listed below have either:

a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out within three months of completion of the construction of the new school building.

Highways Improvements:

- Promotion of a Traffic Regulation Order (waiting restrictions) in the vicinity of the development site, subject to the usual procedures, including the provision of any associated lining/signing.

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

9. The measures set out in the submitted Travel Plan (Vectos, Job No. VN222183, Issue 3, 22/04/2022, published 3 May 2022) shall be implemented in full upon the building being brought into use. Monitoring of progress against the aims put forward in the Travel Plan shall be undertaken, and progress reports detailing modal shifts in staff and student travel patterns shall be submitted to the Local Planning Authority at intervals of one, three and five years following the first occupation of the building hereby approved, for written approval of actions consequently proposed.

Reason: In the interests of sustainable transport and to monitor the impact of the development upon traffic in the local area.

10. The teaching block hereby approved shall not be brought into use unless and until the 10 new parking spaces as shown on the approved landscape proposals plan (Drawing no. 045-ASA-01-00-DR-A-10113 - Rev P01) have been marked out and brought into use in accordance with the approved plan. The parking spaces shall be retained thereafter.

Reason: To ensure that the facilities are supported by sufficient off-street parking.

11. The teaching block hereby approved shall not be brought into use until the step-free access route has been implemented in accordance with the approved plans as set out in condition 2 of this permission. The step-free access routes shall be retained thereafter.

Reason: To ensure inclusive access to the building for all site users.

12. The render, brickwork, coloured spandrel panels and glazing to be used in the construction of the external surfaces of the building hereby approved shall match the existing school building in colour, finish, material specification and fixing method, unless otherwise approved in writing by the local planning authority. The grey spandrel panels as shown in the approved elevations (amended 29 July 2022) shall be finished in RAL 7024 colour unless otherwise approved in writing by the local planning authority.

Reason: To ensure the satisfactory appearance of the development.

13. 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 the scheme of sound insulation measures designed to meet the rating levels presented in the APM Acoustics Noise Impact Assessment (Project No: 1642021, dated 23/02/2022) has been implemented and the noise mitigation measures thereafter retained in accordance with the details submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent noise disturbance to site users and neighbouring residents, in accordance with policy GE24 of the Unitary Development Plan.

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

- a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
- b) Acoustic emissions data for the system.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the system's required cleaning and maintenance schedule.

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

Reason: To prevent disturbance through odours, fumes and noise to neighbouring residents.

15. The proposed green/biodiverse roof (vegetated roof surface) as shown on the approved roof plan (ref. 045-ASA-01-00-DR-A-10100 - Rev P01) shall be installed on the roof of the new building in the location shown on the approved plan. Details of the specification and maintenance regime, including a planting schedule and planting system with minimum 80mm substrate depth, shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green/biodiverse roof shall be

installed prior to the use of the building commencing and thereafter retained, with the Local Planning Authority notified in writing upon completion of the green roof. The green/biodiverse roof shall be maintained for the lifetime of the development, and any failures during the lifetime of the building shall be replaced.

Reason: In the interests of biodiversity.

Other Compliance Conditions

16. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 1.0 litres per second.

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

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 developer's attention is drawn to the consultation response from Northern Powergrid, published 24 May 2022, and the guidance relating to necessary precautions when undertaking works near apparatus.

The response can be viewed in the document list by searching for planning application 22/01731/FUL on Sheffield City Council's Public Access website.

3. The developer's attention is drawn to the consultation response from South Yorkshire Police, published 25 May 2022, and the guidance relating to recommended security standards for the approved building.

The response can be viewed in the document list by searching for planning application 22/01731/FUL on Sheffield City Council's Public Access website.

4. Cadent Gas Ltd own and operate the gas infrastructure within the area of the development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

5. Should a connection/modification be proposed to a nearby/onsite watercourse, a

consent application under Section 23 of the Land Drainage Act 1991 for Works on an Ordinary Watercourse may be required. This will have to be submitted to the Lead Local Flood Authority. There is no cost for an application.

6. Any felling / pruning / clearance of trees and vegetation should avoid the bird nesting season (March 1st - August 31st), unless a nesting bird check has been carried out by a suitably qualified ecologist. All wild birds, their active nests, eggs and young are protected under the Wildlife & Countryside Act 1981.

Good practice precautionary measures for badgers, reptiles and amphibians should be followed as per the consultant's recommendations in the submitted Preliminary Ecological Appraisal.

Existing log habitat piles should be dismantled carefully by hand, under the supervision of a suitably qualified ecologist, as there may be resident hedgehogs or amphibians present. These habitat piles should be relocated within areas designated for habitat creation or enhancement.

7. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
8. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:

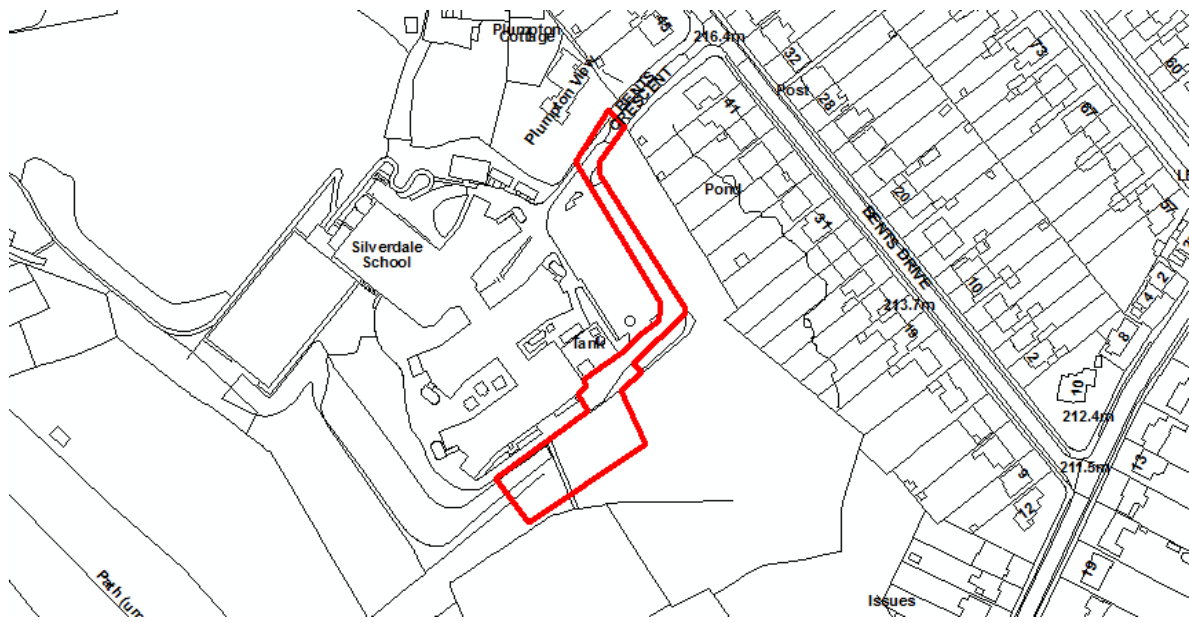
- Reference to permitted standard hours of working (0730 to 1800 Monday to Friday, 0800 to 1300 Saturday, no working on Sundays or Public Holidays).
- Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
- A communications strategy for principal sensitive parties close to the site.
- Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for noise (including welfare provisions and associated generators, in addition to construction/demolition activities), vibration and dust (including wheel-washing/highway sweeping and details of water supply arrangements)
- A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

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

9. The developer is advised that, in the event that any unexpected contamination or

deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority

Site Location



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LOCATION AND PROPOSAL

The application site falls within the grounds of the existing Silverdale School in the Bents Green area. The school site is an irregularly shaped parcel of land, being approximately 9.3 hectares in total area and sloping upwards towards the west. Silverdale is a comprehensive co-educational school, covering ages 11-18 with an integrated sixth form.

The existing school building is positioned centrally within the site, having been constructed in the late 2000s to replace an older 1950s school building which was located further to the north where a running track is now positioned. Additional fields and sports pitches are located north of the track, with a multi-use games area (MUGA) immediately adjacent to the south. The sports facilities are all located on higher land than the school building. To the south of the existing building are heavily vegetated areas including mature tree cover.

The school building is designed with a central spine from which several classroom clusters and a sports hall project, being typical of modern schools constructed under the era's Building Schools for the Future programme. The building is a maximum of three storeys in height, with flat green roofs. The dominant building materials are grey-blue brick at ground floor level with white render above, and fenestration with a horizontal emphasis, interspersed with yellow, orange and red spandrel panels. The central spine is also served by extensive glazed curtain walling, and there are also timber elements including external stairways.

The sole vehicular access is from Bents Crescent, a small road perpendicular to Bents Drive and a car park is located immediately to the front of the school. Bents Drive is a residential street characterised by large detached and semi-detached properties with private driveways and large gardens. On-street parking is unrestricted on both sides, adjacent to the grass verges in between the numerous dropped crossings serving the residential driveways.

The school is located within the Green Belt and is in Flood Zone 1 (low risk of flooding). In addition to the dwellings on Bents Drive, the grounds are also adjacent to residential properties on Ringinglow Road to the north, and Broad Elms Drive and Whirlow Elms Chase to the south. To the west, open fields continue the extent of the Green Belt, steadily sloping upwards to the Peak District.

The application site comprises approximately 0.25 hectares of the school grounds, being a rectangular patch of grassed land with some mature trees and vegetation immediately to the south of the school building, together with the approach through the car park. The proposal is for a new three-storey teaching block with a raised hard surfaced social area and ramped access to the front. The building would be rectangular in plan, finished in bricks, render and spandrel panels to match the existing building. The building would have a gross internal floorspace of 2295 square metres, accommodating sixth form social, dining and study areas as well as additional classrooms, art rooms and computer rooms for general teaching, together with ancillary toilets and staff office accommodation. The flat roof would accommodate solar panels and a green sedum roof system.

This application is being presented to Planning and Highways Committee due to significant public interest in the proposal, with a high volume of objections contrary to the officer's recommendation.

RELEVANT PLANNING HISTORY

The replacement school was granted outline planning permission in 2005, with a later full planning permission in 2006. Applications in recent years have secured permission for additional temporary classrooms to accommodate additional pupil demand. A complete recent planning history is set out below:

- 05/01198/RG3
Erection of replacement school (Outline Application under Reg 3 - 1992)
Granted Conditionally 31.08.2005

- 06/02734/FUL
Erection of replacement secondary school with ancillary sports facilities and car parking accommodation
Granted Conditionally 19.12.2006

- 08/02694/COND; 08/05169/COND; 08/05395/COND; 08/05531/COND;
09/00212/COND
Various applications for the approval of details reserved to condition under 06/02734/FUL

- 07/03835/FUL
Provision of sports facilities and associated access (amended plans received 10/11/08, 21/11/2008 and 16/12/08)
Granted Conditionally 06.01.2009

- 09/00840/COND; 09/01032/COND; 09/01589/COND
Various applications for the approval of details reserved to condition under 07/03835/FUL

- 08/04729/FUL
Provision of soft play area (As amended 16/12/08)
Granted Conditionally 20.01.2009

- 09/00307/FUL
Siting of external CCTV cameras
Granted Conditionally 03.04.2009

- 09/00863/FUL
Erection of canopy
Granted Conditionally 15.06.2009

- 16/01358/FUL
Siting of temporary unit for use as two classrooms with associated storage
Granted Conditionally 15.06.2016

- 16/01358/COND1
Approval of details reserved to condition under 16/01358/FUL

- 18/00124/FUL
Application to extend the time limit for the provision of 2x temporary classrooms until 2021 (Application under Section 73 to vary condition No. 1 (time limit) as

imposed by planning permission No. 16/01358/FUL
Granted Conditionally 09.03.2018

- 20/02216/FUL
Application to allow the retention of the approved structure until August 2025 (Application under Section 73 to vary condition 1 (Timescale for the removal of the structure) imposed by planning permission 18/00124/FUL - Application to extend the time limit for the provision of 2x temporary classrooms until 2021 (Application under Section 73 to vary condition No. 1 (time limit) as imposed by planning permission No. 16/01358/FUL - Siting of temporary unit for use as two classrooms with associated storage)
Granted Conditionally 20.11.2020

SUMMARY OF REPRESENTATIONS

The application has been advertised in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Neighbour consultation letters were sent out to neighbouring premises with an adjoining boundary. Notices were displayed around the site location. A press notice was displayed in the Sheffield Telegraph.

Notifications have also been provided to the Department for Levelling Up, Housing and Communities in accordance with the requirements of the Town and Country Planning (Applications for public service infrastructure development notification) (England) Direction 2021.

At the time of writing, Sheffield City Council has received 21 objections and two neutral representations from members of the public, and an additional objection from Sheffield Wildlife Trust.

The representations received to date are summarised as follows:

Parking and Highway Safety

- The school has already exceeded safe limits for a restricted access from the narrow highway of Bents Drive
- Parents, staff and students park inconsiderately
- Access for delivery and emergency vehicles is impossible
- Additional parking should be provided on site
- Some sports pitches could be lost to accommodate new parking
- The car park should be modified to allow coaches to access the front entrance
- The expansion would worsen local parking and traffic issues
- The number of students driving to school or being dropped off is increasing
- School traffic is dangerous for pedestrians and cyclists
- Parking on Bents Drive and Ringinglow Road is at full capacity on school days
- Residential driveways get blocked by school traffic/parking
- Alternative access routes or parking restrictions on Bents Drive should be implemented
- Construction traffic would be disruptive
- It is not clear whether public transport services and local shops can cope with larger numbers of students

- Increased sixth form numbers will worsen the parking situation as these students may drive from outside the area
- Special educational needs (SEN) students may find it difficult to use public transport
- Staff park on Bents Drive because the car park cannot accommodate them
- The traffic census was only carried out on one day, and is not representative of the situation as a whole
- Surveys should be undertaken over a number of days and weeks
- Wider vehicles have to perform unsafe manoeuvres because of cars parked on both sides of Bents Drive
- Pupils living south of Ecclesall Road South are likely to be driven to school as there is no direct bus route
- Drop-off times are chaotic
- The school has no jurisdiction over the behaviour of pupils and parents
- Irresponsible parking is spreading to Muskoka Drive and Barnet Road
- Grass verges on Muskoka Drive are an eyesore due to the parking of cars
- The school and Council should note that High Storrs School's extension has enough off-road parking for staff
- Bents Drive is too narrow to cope with a large school
- Traffic is unmanageable due to the school combined with commuters into Sheffield on Ringinglow Road
- It is only a matter of time before a serious accident occurs
- On wet days, the number of vehicle journeys increases dramatically
- The Travel Plan is aspirational and not realistic
- A proposal for spaces in the Hammer & Pincers car park is an annually renewable contract, with no guarantee that the provision would continue
- The site is not served by tram or train
- It is unrealistic to expect staff and students to cycle or to walk from long distances due to the steep climb from the city centre and the Sheaf and Porter Brook river valleys
- Drop-off traffic begins earlier than surveyed in the Transport Assessment
- Surveys undertaken by neighbours show much higher figures for traffic movements
- The original school was built in 1957 to safely accommodate 600 pupils, and is now outsized for the surrounding highways
- Construction traffic times should be limited
- The expanding catchment of the school is not reducing commuter journeys, so goes against the Council's Green Strategy
- Advice to avoid idling is ignored, and increased traffic will worsen air quality
- Parents speed along the road

Issues relating to highway safety, parking and traffic are assessed in full within the Planning Appraisal below.

Flooding and Drainage

- The SuDS statement lacks clarity and precision
- Full surveys of scrubland, from where maps show the course of a stream issuing, have not been undertaken
- The stream frequently floods properties bordering the scrubland, and interference with the level of discharge into the area will exacerbate the problematic situation
- The drainage plan shows new surface water being discharged via an existing stream which follows a direct line to a culvert, which now appears to be blocked and should be maintained

- Rainfall run-off will be increased and will worsen flooding issues
- During times of high rainfall, water flows away from the road and towards properties rather than into the drains
- Cutting down trees will increase flood risk
- The rebuilt school has altered the water table, and there do not appear to be suitable measures to mitigate increased flood risk

Issues relating to flooding and drainage are assessed in full within the Planning Appraisal below.

Ecology, Trees and Wildlife

Residents:

- The site is wild land that is home to badgers, bats, birds and insects, as well as ancient oaks
- Green spaces should be prioritised over buildings for the health and well-being of young people
- The proposal would have a detrimental impact on wildlife, in particular badgers
- The proposal will damage the wildlife area known as 'The Roughs'
- Trees would need to be felled to accommodate the development
- The Biodiversity Net Gain assessment indicates a 17.78% biodiversity loss, which is hard to justify
- Historically important habitat would be lost
- Greenfield sites should not be developed
- The mature woodland supports a whole ecosystem which would be removed
- Whatever enhancement measures are put in place can never replicate what nature itself has created

Sheffield and Rotherham Wildlife Trust:

- The application as submitted will result in a biodiversity net loss
- Several mature category A and B trees would be removed
- The green roof and compensatory planting are supported, but the mitigation hierarchy (avoid, mitigate, compensate) has not been followed
- The arboricultural reports recommend a planting ratio of at least 2:1, but the landscaping plan doesn't show enough trees to achieve this
- A 30-year management and monitoring plan is required

Issues relating to ecology, trees, wildlife and landscaping are assessed in full within the Planning Appraisal below.

Green Belt

- The proposal is on Green Belt land where residents were assured there would be no further development
- The present school is already 30% larger than the previous footprint
- No other new building on Green Belt land would be supported
- Damage to Green Belt land is not justified
- The proposal represents overdevelopment of the Green Belt

The principle of developing Green Belt land is assessed in full within the Planning Appraisal below.

Visual Impact

- The visual impact may be small from some roads but this is not the case for all neighbours
- The bright and colourful cladding is not in keeping with the character of the area
- Trees only provide screening during summer months
- A darker, more muted colour scheme would be more sympathetic
- The existing building is a blot on the landscape and to match its colours would be a travesty

The design of the scheme is assessed in full within the Planning Appraisal below.

Need for Increased Capacity

- It has not been proven that an increase in capacity is needed
- The area does not need a school expansion
- The area is already well developed for schools
- The Council should invest in other areas where the school offer is poorer
- Schools are transforming the area into a homogenous neighbourhood for families with children, but we need diversity
- Employment for 15 additional teachers is supported, but not at this site

The need for additional places at Silverdale School is considered as part of the assessment of the principle of developing Green Belt land, within the Planning Appraisal below.

Residential Amenity

- The new building would overlook garden areas.

Residential amenity and privacy are discussed within the Planning Appraisal below.

Comments Not Related to Material Planning Considerations

- Previous assurances given to residents by the school have been ignored
- Lights in the car park are on even when there is no activity
- Residents were told that the height of trees between the school and residential gardens would be controlled
- A previous application for expansion in 2018 was refused
- The school is not considering local residents
- Residents pay high levels of council tax
- Silverdale is a large business, not just a school
- The location plan is incorrect and does not show the dwellings on Whirlow Elms Chase or the levels and dimensions from the school to these dwellings.

The above non-material issues are not considered in the planning assessment, as they are not related to planning matters or to the specific scheme under consideration.

The management of relationships between Silverdale School and local residents, including any previous promises or assurances made, is not a planning matter, as this is the responsibility of the school. The operation of lighting and maintenance of trees is also the school's responsibility, and the school's business model is also not reasonably related to the planning proposal.

This application is assessed on its own merits according to the current national and local policy context. Previous applications can be relevant, but records show that no planning application for the permanent expansion of Silverdale School was submitted or refused in 2018 as suggested by residents.

It is correct that the location plan is outdated in not showing the dwellings on Whirlow Elms Chase, which were constructed around the late 2000s. However, given that the proposed new building would be in excess of 50 metres away from the nearest residential boundary on Whirlow Elms Chase and is consequently unlikely to cause overlooking or overshadowing, it is not considered that this error prevents officers from undertaking a suitably thorough assessment. There is no requirement for drawings to show topographical information well outside the application site, nor to annotate specific measurements when the plans are to scale.

PLANNING ASSESSMENT

Policy Context

National policies are contained in the National Planning Policy Framework 2021 (NPPF). The following sections of the NPPF are considered to be relevant:

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision-making
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 12: Achieving well-designed places
- Chapter 13: Protecting Green Belt Land
- Chapter 15: Conserving and enhancing the natural environment

Further national policies can be found in the national Planning Practice Guidance (PPG) and the National Design Guide (2019).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Sheffield comprises the Sheffield Core Strategy (adopted March 2009) (formerly called the Sheffield Development Framework Core Strategy) and 'saved' policies from the Sheffield Unitary Development Plan (1998) (UDP).

The site is identified on the UDP Proposals Map as being within the Green Belt.

The application of Sheffield's development plan policies must take account of paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (including where they are inconsistent with the NPPF or where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), planning permission should be granted unless:

- i) the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or

- ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 219 of the NPPF states that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF. The appropriate level of weight afforded to Sheffield's relevant development plan policies is set out below, based on their degree of conformity with the provisions of the NPPF.

The following Core Strategy policies are relevant in this case:

- CS43: Schools (significant weight to relevant sections)
- CS53: Management of Demand for Travel (significant weight)
- CS63: Responses to Climate Change (significant weight)
- CS64: Climate Change, Resources and Sustainable Design of Developments (significant weight)
- CS65: Renewable Energy and Carbon Reduction (significant weight)
- CS67: Flood Risk Management (significant weight)
- CS71: Protecting the Green Belt (significant weight)
- CS74: Design Principles (significant weight)

The following UDP policies are relevant:

- BE5: Building Siting and Design (significant weight)
- BE6: Landscape Design (significant weight)
- BE9: Design for Vehicles (moderate weight)
- GE1: Development in the Green Belt (significant weight)
- GE3: New Building in the Green Belt (significant weight)
- GE4: Development and the Green Belt Environment (moderate weight)
- GE10: Green Network (significant weight)
- GE15: Trees and Woodland (moderate weight)
- GE23: Air Pollution (significant weight)
- GE24: Noise Pollution (significant weight)
- GE25: Contaminated Land (significant weight)
- CF1: Provision of Community Facilities (moderate weight)
- T21: Car Parking (moderate weight)
- T28: Transport Infrastructure and Development (significant weight)

The following Supplementary Planning Documents (SPDs) and guidance documents also represent material planning considerations:

- Climate Change and Design SPD

Planning Appraisal

The key planning considerations in this case are as follows:

- Green Belt Land Use
- Design and Visual Impact
- Residential Amenity and Noise
- Ecology, Trees and Landscaping

- Highway Safety, Access and Parking
- Drainage and Flood Risk
- Energy and Sustainability
- Pollution and Land Contamination
- Archaeology

Green Belt Land Use

The application site is located in the South Yorkshire Green Belt. Paragraph 137 of the NPPF sets out that the essential characteristics of Green Belts are their openness and their permanence, with paragraph 138 identifying their five key purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 147 states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Paragraph 149 regards the construction of new buildings as inappropriate except in seven listed circumstances. Schools are not mentioned amongst these exceptions.

Policy GE3 of the UDP broadly aligns with the above sections of the NPPF, stating:

In the Green Belt, the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses which would comply with Policy GE1.

Policy GE1 states that development in the Green Belt will not be permitted, except in very special circumstances, where it would:

- a) lead to unrestricted growth of the built-up area; or
- b) contribute towards merging of existing settlements; or
- c) lead to encroachment of urban development into the countryside; or
- d) compromise urban regeneration.

These scenarios each represent a threat to one of the key purposes of the Green Belt, similarly to their wording in paragraph 138 of the NPPF, with the exception of the setting and special character of historic towns, which is not mentioned in policy GE1. As the new teaching block would be located within the existing school grounds and would not establish a new use, thereby avoiding any unrestricted growth, coalescence or encroachment, the proposal is not considered to threaten these fundamental purposes of the Green Belt.

Nonetheless, the NPPF is explicitly restrictive in identifying most new buildings as “inappropriate development”, and despite not representing a direct breach of policy GE1, the proposal for a new school building is considered to represent “inappropriate development” by default when assessed against national policy. As such, it falls to consider whether “very special circumstances” exist to justify this inappropriate development in the Green Belt. In the case of this application, the assessment of “very special circumstances” rests on a consideration of the need for the expansion of the school based on demand for school places.

Paragraph 95 of the NPPF highlights the importance of a sufficient choice of school places, and states that local planning authorities should give great weight to the need to create, expand or alter schools. Policy CS43 of the Core Strategy supports (a) the redevelopment and refurbishment of all secondary schools, and (d) expansion of schools. Policy CF1 of the UDP supports the provision of community facilities, particularly where they would (b) be located where there is a shortage. This policy has only moderate weight as it does not refer to widening choice in the same way as the NPPF wording, but taken together with the NPPF and Core Strategy, there clearly exists strong policy support for expanding school places.

Forecasts for pupil numbers have been shared by the Council’s Education & Childcare Commissioning Team, who have provided comments strongly supporting the proposal. These forecasts are calculated by taking snapshot child health data from GP registrations in the autumn of each year, broken down by age and postcode, to ascertain the average percentage population change. School census data is then used to calculate the average take-up percentage, which is applied to forecast population statistics to calculate the expected size of future cohorts. Data from the Office for National Statistics is also added to give a longer-term forecast.

Forecasts show an expected deficit of between 195-210 secondary school places in Sheffield in the 2023/24 academic year. The city-wide demand is largely driven by a 25% increase in births between 2002 and 2012, with this population increase now coming through to the secondary sector. School places have been at or near full capacity since 2018/19.

After the 2023/24 peak, city-wide demand for school places is expected to fall, as birth rates are generally seen to increase and decrease in cyclical patterns through the decades. However, demand is still forecast to remain high in future years in the south-west of the city. Detailed forecasts for each school take into account preferencing data and inward and outward migration, including both UK- and city-wide migration and more localised movements into areas of growing popularity within the city. The south-west area shows the greatest level of both acute and sustained demand in the whole city, with an estimated shortage of 96 secondary school places in 2023/24 and demand continuing to exceed current capacity until 2027/28.

It is proposed to cater for this city-wide and localised demand by both accommodating temporary increases in schools across Sheffield to meet the 2023/24 peak, and creating a total of 535 new school places through permanent expansions across King Ecgbert and Silverdale schools in the south-west of the city. These expansions would accommodate projected future demand across all year groups, as well as additional sixth form and special educational needs (SEN) provision. The net number of new places to be created at Silverdale School would be 263, with 122 new places provided at King Ecgbert. The King Ecgbert proposal is assessed separately under application 22/01728/RG3.

Whilst the expansion at King Egbert School consists of a new sixth form block to free up capacity for lower years within the existing building, the proposal at Silverdale is for a new teaching block to cater for all years. The proposed Silverdale expansion would provide the majority of the new permanent school places in the south of the city, so is of critical importance for education provision. If schools cannot expand to meet demand, the Council risks breaching its statutory duty to ensure sufficient school places under the Education Act 1996. This need for school places must be given great weight under the provisions of paragraph 95 of the NPPF.

As set out above, a need for school places has been clearly identified. However, this need alone is not considered to represent “very special circumstances”, as it must also be demonstrated why the majority of the demand should be accommodated on Green Belt land at Silverdale School, rather than through expanding other schools in the area or developing a new school site.

At the case officer’s request, justification for the selection of the King Egbert and Silverdale sites, and the discounting of alternative options, has been shared by the Education & Childcare Commissioning Team. In addition to the two selected schools, six alternative schools in the south-west of the city have been considered for expansion, and have been discounted for the following reasons:

- High Storrs School is also located in the Green Belt. The remaining land within the school boundaries is demarcated as playing fields, and the main building is Grade II listed, representing two additional constraints to development which do not apply to the Silverdale site. The school has also been expanded significantly in 2009, and an application for another single-storey extension was approved in 2014.
- Mercia School is recently completed and was constructed on a designated Open Space Area in 2018. The school requires time to establish, and expansion so soon after opening would not be possible.
- King Edward VII School operates as a split site. The lower school site caters for years 7-9, and the upper school caters for years 10-13. The upcoming larger intake groups will need to move from the lower school to the upper school in year 10, and so both sites would need to be extended to represent a sustainable option. The upper school is a Grade II* listed building within a constrained site, with a large number of protected trees and limited space for expansion.
- Tapton Secondary School has been subject to two extensions in the last 10 years and there is significant protected tree cover. The site is also in a designated Open Space area. Compared to Silverdale, there is very limited space for further expansion.
- The University Technical College (UTC) in the city centre is a specialist academy with a technology focus, and only caters for years 9-12 so could not accommodate the upcoming increase in year 7 students. The building occupies the entire site and there is no scope for upward expansion due to the sports facilities on the roof.
- Notre Dame High School is a faith school with a city-wide catchment based on religion, so is not appropriate for meeting general demand. The site is

constrained in terms of available land, is within a Conservation Area and contains listed buildings.

An entirely new school is also considered not to be an appropriate option – whilst demand in the south-west of the city is sustained until the end of the decade, it is then predicted to fall, and the introduction of a new school could therefore lead to a future surplus of places, being an unsustainable option. Furthermore, the current approach to establishing new schools as set out in national legislation is through a ‘free school presumption’ process involving academy providers, with lengthy timescales on top of the need to find a suitable site for development. It would not be possible to complete this process in time to meet the city-wide peak demand year of 2023/24, and so opting for a new site over expansion would likely result in the Council breaching its statutory duty to provide sufficient school places under the Education Act 1996.

In summary, the expansion of both King Egbert School and Silverdale School is essential to meet projected demand for secondary school places: a matter which must be afforded great weight under paragraph 95 of the NPPF. Other options to provide additional places have been explored and discounted, and failure to provide sufficient places would leave the Council in breach of statutory duties, threatening the education of children in the city. Overall, the urgency of this situation is considered to represent “very special circumstances” which would serve to justify inappropriate development in the Green Belt in accordance with paragraph 147 of the NPPF. As such, the principle of the development is acceptable, subject to detailed consideration of the matters set out below.

Design and Visual Impact

Policy CS74 of the Core Strategy sets out design principles for new development, including taking advantage of topography and townscape character, and contributing to place-making. Policy BE5 of the UDP also puts forward design policy, including requiring new buildings to complement the scale, form and architectural style of surrounding buildings. These policies are considered to accord with the design principles in paragraph 130 of the NPPF.

Policy GE4 of the UDP states that the scale and character of Green Belt development should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment. This policy has moderate weight, as chapter 13 of the NPPF uses the language of “openness” in terms of Green Belt impact, rather than character. Paragraph 174(b) of the NPPF is also relevant, requiring decisions to recognise the “intrinsic character and beauty of the countryside”.

The proposed teaching block would not appear prominent in views from Bents Drive, as it would not be close to the school site entrance and would sit behind existing dwellings and vegetation. Similarly, the school is significantly set back behind properties on Ringinglow Road and Broad Elms Lane, and the new building would not be readily visible from these surrounding streets.

To the west of the site is open countryside, and a Landscape and Visual Appraisal has been prepared by Weddle Landscape Design to assess the impact on the surrounding landscape. The Appraisal concludes that due to the established vegetation and sloping topography, the site is visually contained and only seen from two limited locations: a short length of the elevated public footpath to the south-west, and a limited view from Whirlow Elms Chase (the cul-de-sac to the south). From the wider Green Belt, there are limited views of the school. It is stated that the magnitude of the new building’s visual

effect would be difficult to discern in the context of the adjacent existing building and with the tree belt to the south-west retained. Overall, there would be a negligible adverse impact on completion, reducing to a neutral effect by year 15, once the proposed additional landscaping has matured.

From the case officer's site visit, it is considered that the conclusions of the Landscape and Visual Appraisal can be supported. The Landscape Officer also agrees that the Appraisal successfully illustrates the small visual impact of the development. In terms of Green Belt impact, the greatest potential for harm is in views from the public footpath up the hill to the south-west, yet the boundary vegetation and falling topography heavily curtail views of the existing school. The new building would be positioned in close proximity to the existing building, and so would not represent any further discernible visual encroachment.

In terms of architectural approach, the building would closely match the style and materials of the existing school. Some objectors have commented that the brightly coloured spandrel panels draw attention to the building, and that the new block should instead be camouflaged with a more muted scheme. Officers have similarly suggested that, due to the block being a standalone building without internal connections, a contrasting visual approach with a different colour scheme might be preferable. However, the applicant has not wished to change the design, wishing to achieve coherence and consistency across the school site.

On balance, given the limited views and the fact that the new building would be viewed in the context of the existing, the bright coloured panels are considered to be acceptable, and would not result in an adverse visual impact. It is only from rear windows of properties on Whirlow Elms Chase that the coloured panels on the south-east elevation would be visible, and these views would be limited other than during winter months when surrounding trees are bare. Planning frameworks do not include provisions to protect specific views from residential properties, and as there would be little visibility from public routes or from the wider Green Belt, the materiality is not considered to be harmful in design terms. The only element not matching the main school building would be a small number of dark grey spandrel panels, which would not detract from the overall design.

The front (north-east-facing) elevation of the block has been amended at officers' request, to provide coloured panels in a vertical layout to highlight the limited amount of fenestration on this elevation and add architectural interest, as the original design lacked animation due to its mainly blank render frontage. The amended design is considered to be acceptable and in keeping with the appearance of immediately adjacent built form within the school site, with no adverse impact on the character of the area or the openness of the Green Belt.

Residential Amenity and Noise

Paragraph 130(f) of the NPPF requires developments to provide a high standard of amenity for existing and future users. Living standards, including daylight, sunlight, outlook, privacy and space standards, are therefore key considerations in the planning assessment. Policy GE24 of the UDP also states that development must not create noise levels which would cause a nuisance, nor locate sensitive uses and sources of noise pollution close together.

The proposed teaching block would be located in excess of 50 metres from the nearest dwellings on Whirlow Elms Chase, and 70 metres from the rear boundaries of

properties on Bents Drive. As such, it is considered that there is no potential for any overlooking or overshadowing to neighbouring residents.

As the new building and adjacent external social area would be positioned reasonably far from the nearest neighbours, noise from the additional students is not considered to represent a cause for concern, and is unlikely to be discernible above existing pupil noise. Furthermore, pupil noise will naturally be limited to daytime hours only, and concerns about noise generation have not been a recurring theme in objections received from neighbouring residents.

A Noise Impact Assessment by JPM Acoustics has been submitted to assess background levels and set out recommendations for noise emissions from externally mounted plant. The Environmental Protection Officer considers that recommended plant noise rating levels of no more than 38dB during the daytime and 31dB during the night at the nearest noise sensitive receptors are reasonable, and sound insulation measures to achieve these measures can be secured through condition. Details of kitchen extraction and a Construction Environmental Management Plan can also be secured through condition, and a directive relating to best practice for external lighting can be included on the decision notice.

Overall, the proposal would ensure an acceptable standard of residential amenity for neighbouring residents.

Ecology, Trees and Landscaping

Policy BE6 of the UDP requires good quality landscape design in new developments, including promoting nature conservation and the use of native species. Policy GE10 states that green corridors and green links will be protected from ecological damage and enhanced by encouraging development which increases wildlife and recreation value. Policy GE15 encourages the protection of trees and woodland, including by planting, managing and establishing new trees and woodland; requiring developers to retain existing mature trees and hedgerows and replace any trees which are lost; and not permitting development which would damage existing mature and ancient woodlands.

Policy GE15 includes reference to outdated South Yorkshire Forest proposals, and adopts a less strategic approach than the NPPF in relation to habitats and biodiversity, so is afforded only moderate weight. Policies BE6 and GE10 remain in full conformity with the NPPF and are afforded significant weight. In addition, paragraph 174(d) requires planning decisions to provide net gains for biodiversity. Overall, national and local policies place a strong requirement on new developments for ecological protection and enhancement, including through good landscaping.

A Preliminary Ecological Appraisal, Ecological Impact Assessment, Biodiversity Net Gain Assessment, Arboricultural Impact Assessment, Tree Report and Landscape Plan were submitted with the application. The assessments found no predicted impacts on designated sites and no protected species present on the site, although there would be a significant loss of habitats, being mainly amenity grassland with extensive trees and scrub. The Biodiversity Officer has highlighted that the site surveys were carried out at a sub-optimal time of year, but is content that this did not represent a significant constraint to the overall assessment in this case. The Biodiversity Net Gain Assessment initially submitted indicated a 92% loss of on-site habitats, with a total net loss of 17.78% taking into account off-site compensation through tree planting in the wider grounds, native landscaping, and a green roof.

An overall net loss of 17.78% is considered to be contrary to the requirement for biodiversity net gain in paragraph 174 of the NPPF. The Biodiversity Officer and case officer raised significant concerns over ecological impact, and requested wider-ranging enhancement proposals to achieve at least a 10% net gain, as will be introduced as a future legal requirement through the Environment Act. A new Biodiversity Net Gain Assessment and Landscape Plan have now been provided, including fully disclosed calculations using the up-to-date DEFRA biodiversity metric. Through a substantial increase in off-site tree and scrub planting within the wider grounds, the calculations show that it is possible to deliver a 67.96% biodiversity net gain, being well in excess of policy requirements.

The Biodiversity Officer is content with the amended proposals, and a detailed Landscape and Ecology Management and Monitoring Plan (LEMMP) including enhancements on the wider school site can be secured through a negatively worded condition, to ensure that the improvements set out in the proposal are delivered and maintained. Directives on the decision notice can be used to advise as to good practice in relation to undertaking works outside the bird nesting season; precautionary measures for badgers, reptiles and amphibians; and the sensitive dismantling of existing log habitat piles.

The Landscape Officer considers that the amended landscaping proposals, with a wider extent of tree planting, are acceptable on an indicative basis, with finer detail being secured through the LEMMP condition. It is recommended that the final detailed plan affords greater attention to the transition between hardstanding and planting, particularly in terms of the hard landscaping of the external social space. A separate condition can ensure that the local planning authority is able to assess the final specification of the green roof, and a Tree Protection Plan for the retained trees can also be secured through condition. Trees to be retained now include the sycamore indicated as T12 on the plan, which was initially proposed for felling. This was considered by the Landscape Officer to be unnecessary, with T12 contributing to the visual buffer, and so has now been secured for retention. The Landscape Officer had also requested that two additional trees from oak group G7 be retained, but has accepted that this will not be possible due to operational requirements for the contractor compound during the construction stage. The extent of wider tree planting and ecological enhancement will more than compensate for this loss.

Overall, the proposal would deliver environmental improvements including net gains for biodiversity, and the development is acceptable in terms of ecology and landscaping.

Highway Safety, Access and Parking

Policy CS53 of the Core Strategy requires travel demand to be managed to meet the needs of different areas of the city, including promoting public and active transport, implementing Travel Plans, and applying parking standards. Policy BE9 of the UDP requires developments to provide a safe, efficient and environmentally acceptable site layout, including a clear definition of vehicle access and exit, adequate manoeuvring and parking space (including for service and emergency vehicles and for people with disabilities) and adequate safeguards from traffic fumes, noise or risk of accident. These policies are both afforded moderate weight, as the latest NPPF at paragraph 105 goes further in seeking to actively limit travel demand.

Policy T28 of the UDP states that new development which would generate high levels of travel will be permitted only where it could be served adequately by existing or

additional/extended public transport and by the existing highway network, and development will be promoted where its location would reduce the need for car travel, being in conformity with the spirit of the NPPF. The UDP parking guidelines promoted in policy T21 have been superseded by parking guidelines in the Council's Highway Development and Adoptions information sheets. These parking guidelines do not include any specific requirements for schools.

There exists only one vehicular access to the school, from Bents Crescent via Bents Drive. The proposal involves no change to the existing access arrangements. Nonetheless, concerns over parking and traffic, with associated highway safety issues, emerged as the most frequent theme in objections to this planning application. It is acknowledged that Silverdale School is accessed from a suburban residential street, and that opportunities to expand parking facilities within the site are severely constrained due to the topography of the site, the need to protect existing playing fields, and the desire to prevent further encroachment into the Green Belt or into areas of high ecological value.

A Transport Assessment (TA) has been undertaken by Vectos. The TA analyses accident data in the area, identifying seven personal injury collisions within the most recent available five-year period covering from January 2016 to December 2020. This accident rate of approximately one every eight to nine months is comparable with other similar roads and junctions, as well as with the vicinity of other schools in Sheffield. No accidents were recorded on Bents Drive around the school site access. The existing car park has 111 parking spaces in total. The TA includes a parking and vehicle movement survey undertaken on a single day in February 2022. The survey suggests that a total of 44 parallel parking spaces are available on Bents Drive, with a maximum of 31 being occupied during the morning surveys and 29 occupied during the afternoon surveys, meaning that between 13 and 15 parking spaces were still available at the busiest times. Bents Road, being parallel to Bents Drive, was also surveyed and was found to have between 50 and 54 spaces available at peak times. From surveys of drop-offs and collections, it is suggested that approximately 76 drop-offs took place around the start of the school day, and 32 pick-ups occurred at the end of the day. Drop-offs and pick-ups are observed to be staggered during the surveyed periods, with a maximum of seven two-way trips in the morning and four in the afternoon.

The proposal will increase the total capacity (above the 2016 temporary expansion) by 263 students, representing an increase in student numbers of approximately 19%. Based on findings from the February survey, the TA suggests that the additional student numbers would generate approximately 16 two-way trips during the morning peak, and 12 two-way trips during the afternoon/evening peak (including the end of the day and after extra-curricular clubs). Using an alternative assessment method based on data collected on the current modal split of students' travel patterns, as well as estimated levels of car sharing based on Department for Transport methodology, the TA suggests that 45 two-way trips would be generated at the beginning and end of the school day. The TA claims that the estimate based on direct traffic observations is more representative than the forecast based on modal split data, and highlights that no movements would take place during the traditional evening rush hour of 17:00-18:00. The additional trips are anticipated to follow the same staggered pattern as the existing trips, and so the TA concludes that there is capacity on the road for additional vehicular movements. Furthermore, a Travel Plan sets out targets for reducing car travel and increasing the modal share of public transport, cycling and walking.

Despite the Transport Assessment's conclusions that the highway has capacity for an increase in student numbers, representations from local residents suggest that school

traffic and parking on Bents Drive is already putting a strain on the network and causing disturbance to neighbours. Many residents are concerned that a further increase will amount to a real highway safety issue. Representations highlight that a survey on a single day may not provide a sufficiently reliable picture of vehicular movements, including in varying weather conditions and at different stages in the school calendar, and residents have even carried out their own surveys which they consider to paint a graver picture of the extent of school traffic.

Officers do consider that evidence suggests that there is some adverse impact on the operation of the highway, albeit in the short term. The TA is, to some extent, flawed in carrying out a survey on only one day, and in selectively suggesting that the forecasting method generating the lowest estimate for the proposal's trip generation is the most representative, with little justification for this assertion. There are also questionable assumptions in the TA, such as the statement that residential and educational uses are complementary. This does not account for the increase in flexible working patterns and home working as a result of the Covid-19 pandemic, or for the fact that during the morning peak, commuting residents may set off for work at a similar time to the earliest school drop-offs. Nonetheless, the TA does contain some extensive detail and its findings cannot be entirely dismissed.

Overall, the Highways Officer considers that as the school does not allow drop-offs or collections within the site, better management of arrivals and departures on the highway is required. It is apparent that on occasion, vehicles may park on both sides of Bents Drive, impeding passage. An increase in school numbers could worsen the situation. It is therefore suggested that waiting restrictions on the south-west side of Bents Drive could lead to better traffic management and eliminate risks to the safe flow of traffic. Waiting restrictions would apply to all highway users, but could be limited to peak drop-off and pick-up times so as not to cause problems during the rest of the day. Furthermore, almost all dwellings on Bents Drive benefit from off-street parking, so it is considered unlikely that such a solution would lead to residents struggling to park. It is acknowledged that limitations on Bents Drive could lead to drop-off activity spreading further to the surrounding streets. However, the TA suggests that there is sufficient capacity on streets such as Bents Road, and a minor increase in traffic to other streets would not constitute a highway safety issue, whereas waiting restrictions on Bents Drive would have clear benefits in preventing unsafe blockages.

Representations submitted to the Council suggest that SEN students may not be able to travel independently to school, and so amongst these students the modal split would likely be skewed further towards drop-offs and pick-ups. The school has not yet been able to confirm whether a minibus service for SEN pupils will be available, or whether they will instead arrive by their own means. However, the SEN provision is likely to be predominantly for mainstream students with additional needs, and not profound disabilities. As such, it is likely that some SEN pupils would still be able to travel independently. Even if all SEN pupils required parent/carer drop-offs, the anticipated 30 additional SEN places represent only a small proportion of the additional student numbers and would be unlikely to create an additional highway capacity or safety issue.

The imposition of waiting restrictions would require a Traffic Regulation Order (TRO), the delivery of which would require a separate process, including public consultation, outside of the planning system. As such, the best way to secure the restrictions would be through the imposition of a condition requiring the developer to promote the Traffic Regulation Order to support the development. The condition would prevent above ground works from commencing until the matter of highway improvements is resolved, with arrangements having been entered into to secure the restrictions. Subject to this

condition, the increase in school traffic can be accepted.

In terms of staff parking, based on the existing modal split of staff transport methods (with 67.4% currently driving alone to work), the TA forecasts that the expansion would generate a need for 10 additional parking spaces, based on a requirement for 15 new staff members. The TA suggests that 10 spaces at the Hammer and Pincers public house, at the junction of Bents Drive and Ringinglow Road, could be secured for use by school staff. However, this would be an impermanent agreement reviewed on an annual basis, and the land is in separate ownership outside the application site boundary. Such a proposal would therefore have no legal standing, and the availability of these spaces for staff use could not be guaranteed. Staff could also be unlikely to consider these spaces sufficiently convenient, as they may have teaching materials to unload from their vehicles. The local planning authority does not consider that the Hammer and Pincers proposal should be considered as part of any parking solution.

The Highways Officer has stated that the proposal should only be supported if additional on-site parking can be provided to accommodate the additional staff parking demand as a minimum. Consequently, amended plans have now been provided which show 10 additional spaces on the site of the existing cycle shelters, which would be relocated to the site of the temporary classrooms intended to be removed following the construction of the new permanent teaching block. These spaces would not be accessible during core school hours, as the relevant area of the site is predominantly a pedestrian route for students, with moveable bollards preventing vehicular access. However, the bollards would be removed to allow staff to arrive and park before the beginning of the school day and then in the afternoon after most pupils have gone home.

The restricted access to the parking spaces does not represent a perfect solution, but the proposal does prevent an additional 10 cars being parked on Bents Drive, and the parking provision will adequately meet the needs of certain staff members. Due to the topographical constraints of the site, there is no preferable realistic alternative. Vehicle tracking has been provided to demonstrate to the satisfaction of the Highways Officer that cars will be able to safely manoeuvre into and out of the spaces at the closest points to the building. As the spaces are located within the school grounds but outside of the application site boundary, they can be secured through a negatively worded condition.

Some residents have raised concerns over increased parking demand from additional sixth form students who may begin driving themselves to school, and the TA does not provide any real assessment of this impact. Nonetheless, the proposal is for an increase in capacity across the entire school, and this is not disproportionately skewed towards sixth form expansion. Only 23% of the additional pupil numbers would be within the sixth form, and although the modal split amongst this group has not been separately assessed, it is unlikely that the proportion of drivers would be significantly higher as not all sixth form students will have passed their driving tests as well as having access to a vehicle. With additional staff cars accommodated through the new parking spaces, it is considered that the surrounding streets are likely to have capacity for a small number of additional parked vehicles belonging to sixth form students.

In terms of cycle parking, there are currently 120 covered cycle parking spaces distributed in six shelters, each with 10 stands capable of accommodating one bicycle on either side. Four of the existing shelters would be relocated to the current site of the temporary classrooms to make way for the new staff car parking spaces. The total cycle parking capacity would not be increased, but is stated to be operating well below capacity. The Council's cycle parking guidelines do not include specific standards for

school provision, and given the location of the site near several steeply sloping roads, it is not considered necessary to insist upon additional cycle parking spaces. Step-free ramped access to the building is shown on the plans and elevations, and this is considered by the Access Officer to represent appropriate disabled access, the provision of which can be secured through condition.

Overall, whilst it is acknowledged that the increased capacity of the school would have some adverse impact on traffic and parking in the area and on Bents Drive in particular, it is considered that the imposition of waiting restrictions at peak times and the delivery of 10 new staff parking spaces within the school grounds can provide suitable mitigation. 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. Based on the findings of the Transport Assessment and with additional measures secured, it is considered that obstructions to the free and safe flow of traffic can be avoided, and so there would be no severe or unacceptable impact on highway safety. As such, and being mindful of the acute need to secure additional school places, it is concluded that there would be no grounds for refusal on grounds of parking demand or traffic generation.

Drainage and Flood Risk

Policy CS67 of the Core Strategy sets out the Council's flood risk management policies, including limiting surface water run-off and promoting sustainable drainage. This policy is considered to be broadly in conformity with the NPPF, although the NPPF also sets out requirements for sequential and exception tests to direct developments to areas of lower flood risk. In this case, the application site is in Flood Zone 1 as set out on the Environment Agency's flood mapping, being at a low risk of flooding.

A Sustainable Drainage System (SuDS) Statement by Gate & Bar has been provided, setting out drainage proposals including below ground attenuation with a final discharge point to either an identified wetland area or the local mains systems, following further site investigations and detailed design.

The Lead Local Flood Authority (LLFA) have examined the outline drainage proposals, highlighting that an existing watercourse crosses the school site, which should be properly surveyed as part of the detailed drainage design and could be practical as a discharge option. The surface water discharge rate needs to be suitably controlled to no more than 1.0l/s, to avoid increasing flood risk downstream. Flows generated by up to 1 in 100-year storm events with 40% allowance for climate change should be managed within the site. Additional SuDS features are recommended, such as water attenuation within the green roof, permeable paving and dry swales or bioretention.

A pre-commencement condition is required to secure full drainage details before development begins, which will necessarily involve detailed surveys of the watercourse, identifying which option for the final discharge point has been chosen, and setting out how the discharge rate will be limited. Through the condition discharge process, it can be ensured that the drainage system will not cause or exacerbate local flooding issues as raised by objectors. Subject to conditions, the LLFA have no objections and the proposal is acceptable in terms of drainage and flood risk.

Energy and Sustainability

Policy CS63 of the Core Strategy sets out the Council's responses to climate change,

including (d) designing developments to increase energy efficiency and reduce energy consumption and carbon emissions, and (e) promoting developments that generate renewable energy. Policy CS64 requires new buildings to be designed to reduce emissions and function in a changing climate, and to use resources sustainably.

Policy CS65 requires all significant developments to (a) provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy and (b) reduce the developments overall predicted carbon dioxide emissions by 20%. However, the Climate Change and Design SPD assesses this requirement to be unviable in the wake of changes to Part L of the Building Regulations, and so only requirement (a) of policy CS65 applies.

An Energy and Environmental Statement by Gate & Bar has been provided, demonstrating that carbon emissions would be reduced by 22% through the installation of 260 square metres of solar photovoltaic panels as well as air source heat pumps. It is calculated that 48% of the total power requirement would be provided from renewable sources. The building would have no mains gas connections, operating with electrical power only. Off-site construction methods would also minimise waste reduction, and increased air tightness would reduce energy demand.

The renewable energy and carbon reduction measures as described, or an alternative carbon reduction method, can be secured through condition, including a requirement for the developer to submit evidence of implementation. Subject to this condition, it is considered that the proposal would represent environmentally sustainable and energy efficient development in accordance with the policies set out in the Core Strategy.

Pollution and Land Contamination

Policy GE23 of the UDP states that development should not be located where sensitive uses would be adversely affected by sources of air pollution. In this case, the only potential source of air pollution would be additional vehicle movements generated by the expansion of the school. As discussed above, a condition can be used to secure the promotion of waiting restrictions on the south side of Bents Drive, which would be expected to result in the better management of traffic at peak times at the beginning and end of the school day. This improved traffic management would be expected to prevent any worsening of air quality conditions on the street, or even lead to an improvement on the current situation. As such, the proposal is not considered to result in an unacceptable increase in air pollution.

Policy GE25 states that where contaminated land is identified, development will not be permitted on, or next to, the affected land unless the contamination problems can be effectively treated. A Phase I land contamination desktop study, Phase II site investigation report and ground gas risk assessment report have been provided and are considered satisfactory by the Environmental Protection Officer. No remediation measures are deemed necessary, but a directive can be included on the decision notice to advise that the local planning authority should be notified if any unexpected contamination is found during development works.

Archaeology

Policy BE22 of the UDP states that sites of archaeological interest will be preserved, protected and enhanced. Development will not normally be allowed which would damage or destroy significant archaeological sites. Where disturbance of an archaeological site is unavoidable, the development will be permitted only if an

adequate archaeological record of the site is made.

South Yorkshire Archaeology Service have confirmed that there are no concerns about disturbance to archaeological remains in this case. Monitoring of previous ground investigation works on the school site confirmed that there is low potential for archaeological evidence to survive, as a result of substantial landscaping associated with the construction of the replacement school. No investigation is required.

RESPONSE TO REPRESENTATIONS

All matters raised by members of the public have been addressed in the above Planning Appraisal. Representations relating to non-material considerations have been discussed and responded to in the Summary of Representations section of this report.

SUMMARY AND RECOMMENDATION

The proposed teaching block would allow for increased capacity at Silverdale School, catering for identified high demand for school places and bringing important social benefits to the south-west of the city. Due to the acute need for additional school places and having discounted alternative options for meeting this need, the principle of the development is concluded to be acceptable, as very special circumstances have been demonstrated which would justify otherwise inappropriate development in the Green Belt.

The proposal as submitted raises no concerns in relation to residential amenity, drainage, energy efficiency, land contamination, or archaeological disturbance, subject to the imposition of appropriate conditions. Through cooperation between Council officers and the applicant, and through the drafting of suitable conditions, matters of design quality, biodiversity, parking and highway safety have been satisfactorily resolved.

In summary, the proposal represents sustainable development in accordance with national and local planning policies when considered as a whole, and it is therefore considered that planning permission should be granted subject to the listed conditions.

Under the Town and Country Planning (Consultation) (England) Direction 2021, if the local planning authority does not propose to refuse permission for inappropriate development in the Green Belt, where this consists of the construction a building providing over 1000 square metres of floor space, the local planning authority is required to notify the Secretary of State for Levelling Up, Housing and Communities. Planning permission must not be granted until the expiry of a period of 21 days beginning with the date on which the Secretary of State confirms receipt of the local planning authority's recommendation and required supplementary documents.

As such, the officer's recommendation is that members be 'minded to grant' planning permission, subject to no objections being received from the Secretary of State.

Case Number	22/00101/FUL (Formerly PP-10504259)
Application Type	Full Planning Application
Proposal	Erection of extension to existing industrial/warehouse unit (Use Classes B2 and B8)
Location	Welbilt Uk Ltd Provincial Park Nether Lane Sheffield S35 9ZX
Date Received	11/01/2022
Team	North
Applicant/Agent	Arcus Consulting LLP
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

- Drawing No. AL(0) 101 Revision D (Proposed Floor Plan)
- Drawing No. AL(0) 115 Revision B (Proposed Elevations)

published on the 22 August 2022

- Drawing No. AL(9) 100 Revision B (Proposed Factory Layout)
- Drawing No. AL(0) 110 Revision B (Proposed West and North Elevations)
- Drawing No. AL(0) 111 Revision B (Proposed East and South Elevations)
- Drawing No. AL(0) 112 Revision A (Proposed Roof/Drainage Plan)
- Drawing No. AL(0) 116 Revision A (Proposed Elevations showing Existing Ground Levels)
- Drawing No. AL(0) 117 Revision A (Proposed Elevations showing Existing Tree Line)

published on the 11 January 2022

- Drawing No. AL(9) 101 Revision A (Proposed Landscape Plan)

published on the 26 January 2022

- Transport Statement (Mode Transport Planning - dated 29 November 2021)
- Arboricultural Report & Impact Assessment
- Preliminary Ecological Appraisal (PEA) Survey and Preliminary Roost Assessment (PRA) Report (estrada Ecology - dated October 2021)
- Noise Impact Assessment (dated 27 April 2022)
- Phase 1 Desktop Site Investigation
- Phase 2 Site Investigation Report
- SUDs/Drainage Statement (Reference No. RO/DS/21168.1 - dated March 2022)
- Sustainability Statement (dated January 2022)

published on the 11 January 2022, 26 January 2022, 23 May 2022 and 4 July 2022

Reason: In order to define the permission

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

3. 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.

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

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

5. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safety, operational needs and integrity of the railway

6. No work shall commence on site until full details have been improved in writing by the Local Planning Authority of the details and location of turning areas, parking and loading areas, which shall include where appropriate the installation of suitable vehicle incursion measures. Armco or similar barrier should be located in positions

where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing.

The development shall be carried out in accordance with the approved details and all measures retained during the course of the construction works.

Reason: In the interests of the safety, operational needs and integrity of the adjacent railway line

7. 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.

8. No development or other operations shall take place except in complete accordance with an approved Arboricultural Method Statement and Tree Protection Plan, which shall first be submitted to and approved in writing by the Local Planning Authority. The erection of barriers for the protection of any retained tree shall be undertaken in accordance with the approved Tree Protection Plan before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure trees are adequately considered and protected during construction of the development.

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

9. 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.

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. Prior to use of the development hereby permitted commencing, a Noise Management Plan shall be submitted for written approval by the Local Planning Authority. The plan shall set out procedures and controls designed to minimise local amenity impacts from operational noise, as far as reasonably practicable. The measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: In the interests of residential amenity.

12. Before above ground works commence, a scheme for biodiversity enhancement using the DEFRA Biodiversity Metric 3.0 Calculation Tool, such as the incorporation of permanent bat roosting feature(s), replacement tree planting, and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. When the features or measures will be installed within the construction, occupation, or phase of the development.

Reason: In the interests of securing biodiversity enhancement throughout the development site

13. The development shall incorporate all the recommendations set out at Paragraph 6 of the Preliminary Ecological Appraisal (PEA) Survey and Preliminary Roost Assessment (PRA) Report prepared by Estada Ecology. These shall include but not limited to the following:-

- Vegetation clearance works of the scrub are undertaken outside the breeding bird season (March to September - inclusive).
- Removal of all invasive species (Rhododendron) on site.
- Precautionary Method Statement relating to potential badger activity

- A suitable lighting scheme to prevent excess light from splaying over the woodland and adjacent railway to the east, south and west. Such scheme to follow guidance set out in Guidance Note 8: Bats and artificial lighting (Bat Conservation Trust 2018)

- Erection of bat and bird boxes

A report covering the aforementioned matters shall first be submitted to and approved in writing by the Local Planning Authority prior to the development being brought into use and such measures shall be implemented before the development is brought into use and thereafter retained.

Reason: In the interests of ecology and biodiversity enhancement.

14. Before the use hereby permitted commences, a Lighting Impact Assessment giving details of the impact of light from the development on adjacent dwellings shall be submitted to and approved in writing by the Local Planning Authority.

The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01: 2011 'Guidance Notes for the Reduction of Obtrusive Light'.

The Lighting Impact Assessment shall include the following:-

- Description of the existing and proposed lighting;
- Drawings showing the illuminance levels (separate drawings for each item listed).
- Plan showing horizontal illuminance levels (E_h), showing all buildings within 100 metres.
- Plan showing vertical illuminance levels (E_v), showing all buildings within 100 metres.
- Specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution.
- Proposed operational hours.
- A statement of the need for lighting.

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

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

15. Full details of any external lighting erected adjacent to the railway line shall be submitted to and approved in writing by the Local Planning Authority, in advance of the extension being brought into use. The lighting shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of the safety, operational needs and integrity of the adjacent railway line

16. A comprehensive and detailed hard and soft landscape scheme for the site, to include the planting of a minimum of 20 new trees, 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

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

If any tree fails to survive it should be replaced and allowed to successfully establish. You shall notify the Local Planning Authority when the planting has been carried.

Reason: In the interests of the amenity and to ensure the Local Planning Authority can confirm when and where the specified replanting has been carried out.

17. No trees shall be planted adjacent to the railway line unless first receiving the written express consent from the Local Planning Authority in conjunction with Network Rail. Where trees and shrubs are to be planted adjacent to the boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary fencing for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing.

Reason: In the interests of the safety, operational needs and integrity of the adjacent railway line.

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

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

19. 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.

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

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

Other Compliance Conditions

22. The existing landscaped areas within the site shall be retained and protected from construction activity. Any damage during construction / demolition works shall be made good by reinstating to the condition/appearance prior to the commencement of the works.

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

23. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 13.1 litres per second.

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

Attention is Drawn to the Following Directives:

1. Applicants seeking to discharge planning conditions relating to the investigation, assessment and remediation/mitigation of potential or confirmed land contamination, including soils contamination and/or ground gases, should refer to the following resources;
 - Land Contamination Risk Management (LCRM; EA 2020) published at; <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>;
 - Sheffield City Council's, Environmental Protection Service; 'Supporting Guidance' issued for persons dealing with land affected by contamination, published at; <https://www.sheffield.gov.uk/content/sheffield/home/pollution-nuisance/contaminated-land-site-investigation.html>.
2. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:
 - Reference to permitted standard hours of working;
 - 0730 to 1800 Monday to Friday

- 0800 to 1300 Saturday
- No working on Sundays or Public Holidays
- Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
- A communications strategy for principal sensitive parties close to the site.
- Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
- Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
- Vibration.
- Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
- A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

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

3. You are advised that any information which is subject to the Environmental Information Regulations and is contained in the ecological reports will be held on the Local Records Centre database, and will be dealt with according to the Environmental Information Regulations (EIR). This will be subject to the removal of economically sensitive data. Information regarding protected species will be dealt with in compliance with the EIR. Should you have any queries concerning the above, please contact:

Ecology Unit
 Sheffield City Council
 West Wing, Level 3
 Moorfoot
 Sheffield
 S1 4PL
 Tel: 0114 2734481/2053618
 E-mail: parksandcountryside@sheffield.gov.uk

4. Build-over of the watercourse is subject to Lead Local Flood Authority consent provided the following conditions are followed:
 - The culvert under the build-over is a single straight run and any obstructions/deviations/bends under the build-over are removed
 - Suitable safe access is provided upstream and downstream of the build-over for maintenance
 - A pre-commencement (design stage) and post construction CCTV survey of the culvert is provided to demonstrate the culvert has not been functionally or structurally impaired by the works.
5. For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to

railway tunnels (including tunnel shafts) please email
assetprotectioneastern@networkrail.co.uk.

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

Site Location



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LOCATION AND SITE CHARACTERISTICS

The application relates to a large factory unit, known as Wellbit in Ecclesfield.

The factory unit is included within Provincial Park, situated along the eastern side of Nether Lane. The site is surrounded by industrial units to the north, to its east is a railway line, and to its south and southwest are residential properties of Mellor Lea Farm Drive. The applicant (Wellbit) is a global leader in the manufacture and supply of professional catering equipment such as microwaves, ovens and coffee machines.

The site covers a total area of approximately 2.95 hectares that includes the existing building, service yards and associated open space. The building is rectangular in form with an external footprint of approximately 132.7m by 67.5m. Its height to eaves is 8.46m and to ridge is 11.18m. The manufacturing and storage components of the facility are all carried out at ground floor with a small area to the front of the building comprising first floor offices. The building and associated parking and loading areas comprise the northern section of the site, with open grass, scrub and woodland areas to the south. The open grass area lies immediately to the south of the loading area and is banked up from the main site area. The site is bordered along its southern, western and eastern sides by semi-natural woodland.

Staff parking for approximately 100 vehicles is provided to the front (western) section of the building. Access to the site's rear loading area is via an access road that extends along the northern side of the building.

The application site is situated in a Fringe Industry and Business Area as identified on the UDP Proposals Maps.

PROPOSAL

The applicant is seeking full planning permission to erect a 4,430 square metre extension to the building including alterations to the existing building's loading bays and the service yard. The proposed extension is being sought to facilitate additional capacity for both production and storage facilities on site.

The existing vehicular access arrangements and car parking provision would remain unaltered.

RELEVANT PLANNING HISTORY

09/02723/FUL - Enclosure of existing covered storage area – Granted 12 October 2009

21/03780/PREAPP - Pre-application advice - Extension to factory and alterations to existing loading bays and yard – Closed 30 September 2021

SUMMARY OF REPRESENTATIONS

Sixteen letters of objection have been received in response to this application. These are summarised below.

Amenity Issues

- Provincial Park is too close to the Mellor Lea Farm Housing Estate in the first instance.
- The last extension caused major problems and noise especially when they worked through the night. The Wellbit establishment already causes too much noise now including at night time. Once the fire doors are open, they become a hot spot for smoking, loud music and bad language.
- If the company is growing, this should be elsewhere;
- The plans show the building coming up close to the neighbouring properties' boundary
- Lighting does not seem to be controlled. The night-time glow is unacceptable by current standards
- The current aspect to the rear of residential properties is tranquil and adds to wellbeing and quality of living.
- Although some of the trees will remain, the planned reduction will result in a significant eye-sore particularly in the winter
- The Council should not be supporting use of this land for further industrial use and should value health and wellbeing of its communities and encourage further industrial expansion in more appropriate areas.
- The extension would extend along the back of properties, hemming residents in and resulting in unacceptable overlooking.
- There is a doubling of loading bays, which is a good indicator of increased production and therefore noise and light pollution

Highways

- 100 new jobs could possibly equate to 100 new cars in an already busy area.
- Traffic on Nether Lane is already horrific. Nether Lane is already a dangerous road in terms of the amount of traffic on it and the speed of the vehicles that use it. This road has already had at least one fatality over the last few years and it is only a matter of time before it happens again. School children use this road to cross to use the footpath up to Ecclesfield secondary school.
- A bigger building will only add to the congestion in the area.
- There will be an increase in environmental pollution due to the extra vehicle movements.
- More traffic noise will be created.
- The site glows like a Christmas tree from all the car park floodlighting.

Wildlife

- Concerned about the number of buildings being erected in the area that was once full of wildlife, which will now have to look for a new home.
- The site would better be used to promote wildlife
- Sanctuaries and further planting of trees should be provided for an improved environment.
- Residents regularly see wildlife in the tree cover such as birds, squirrels, owls and foxes

- There are nesting birds within the existing trees
- The proposed new tree planting is inadequate
- The applicant has failed to manage the existing trees with branches continuing to cause dangerous situations to arise.

Other

- The current provision of trees is unacceptable and poorly managed. The poplar trees are splitting / falling back. They provide insufficient cover in winter months.

Non-planning related matters

- The values of properties particularly behind the proposed factory extension will also be affected and residents would seek compensation in this case.

Ecclesfield Parish Council are in full support of the neighbours' objections and concerns raised in relation to this application. The Committee would like to request a site visit from the planning officer to this site with regard to the objections relating to noise pollution, lighting and the proposed development being overbearing.

PLANNING ASSESSMENT

Policy Context

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

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

The NPPF is a material consideration in planning decisions. The NPPF was published in 2012 and has subsequently been revised in 2018, 2019 and 2021 with consequent changes to some paragraph numbering.

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

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

clear reason for refusal.

In this instance, the application site is not situated in a protected area and does not include any assets of particular importance where specific protection is given under paragraph 11 of the NPPF. As such, the relevant policies contained in the development plan relating to the development are not automatically out of date and are considered to be applicable in the assessment of this application.

Set against this context, the development proposal is assessed against all relevant policies in the development plan and government policy contained in the NPPF. It is considered that the main issues relevant to this application are:

- Principle of Development – Land Use Planning
- Highway Matters
- Design
- Residential Amenity
- Landscaping
- Drainage and Flooding
- Ecology and Biodiversity
- Sustainability
- Ground Conditions
- Other Matters

Principle of Development – Land Use Planning

The application site is situated in a Fringe Industry and Business Area. The application should therefore be assessed against UDP Policies IB6 and IB9.

UDP Policy IB6 states that in Fringe Industry and Business Areas, preferred uses are Business (B1) and General Industry (B2) and Warehousing (B8) with Housing (C3), Hostels and residential Institutions included within the list of acceptable uses.

UDP Policy IB9 sets out a number of conditions that development in Industry and Business Areas are required to meet. These include at part a) that the development would not lead to a concentration of uses which would prejudice the dominance of industry and business in the area or cause the loss of important industrial sites.

These policies are considered to be broadly consistent with the NPPF, which states at paragraph 83 that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

The proposed development would not conflict with these policies with the proposal involving the erection of an extension that would provide additional storage facilities in connection with the site's established manufacturing and business use. As described, the proposed extension is being sought to increase production and increase the amount of warehousing space on site with the volume of units manufactured on site being increased from 240 per day to 320 per day. In light of the above the principle of the development is acceptable, subject to compliance with other relevant matters, considered in the sections below.

Highway Matters

UDP Policy IB9 sets out at part (f) that in Industry and Business Areas, new development will be permitted provided that it would be adequately served by transport facilities and provide safe access to the highway network and be provided with appropriate off-street parking.

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

As described, the application has attracted a high number of representations mainly from the residents of Mellor Lea Farm Drive. The concerns raised from a highway perspective include the extra demand for parking, traffic congestion, environmental pollution due to the extra vehicle movements, traffic noise and excessive floodlighting from the site's car park.

The application has been supported by a Transport Statement which focuses on the access arrangements, deliveries, trip generation and car parking provision.

As described, the extension would have a floor area of some 4,430 square metres. The proposal includes alterations to the loading bays and the service yard with no changes to the vehicular access arrangements or car parking provision.

With the extension, the total gross floor area (GFA) on the site would be 13,245 square metres. On the basis of the entire site being B2, Sheffield car parking guidelines would allow a maximum of 1 space per 75 sq.m GFA and 5% disabled parking, giving a total of 177 car parking spaces and 9 disabled spaces. This differs in the event of the site being entirely B8, where Sheffield car parking guidelines would allow a maximum of 1 space per 200 sqm GFA and 5% disabled parking, giving a total of 66 car parking spaces and 3 disabled spaces.

The existing car park capacity is 100 spaces, 2 disabled spaces and 12 bicycle parking spaces, which falls within the range for B2/B8 uses. The submitted drawings indicate more of a leaning towards B8 use, so on the basis of this, it is considered that in this instance, the amount of car parking provision on site is acceptable. The most recent satellite image on Google Maps of the site, (which appears to have taken during the working week) shows very few cars are parked on the local surrounding highway network. The satellite image shows 33 unoccupied parking spaces within the development site's existing 100 space car park, which suggests in officers' opinion that there is sufficient spare capacity to accommodate demand from the proposed extension.

The vehicular access arrangements in and out of the site would remain unaltered.

There would, however, be alterations to loading bays and the service yard. Some swept-path analysis has been submitted to demonstrate that the bays and service yard can accommodate 16.5-metre-long articulated lorries, which are legally the largest that can be driven on public highways.

Trip generation for the extension has been derived from the computer database TRICS, for a commercial warehouse use. For the weekday am-peak, 10 two-way trips are anticipated to be generated, with 9 two-way trips during the pm-peak. This suggests only a negligible impact on the local highway network.

One of the representations mentioned light spillage from the site's existing car park at night-time. Given the application proposes no increase to car park capacity (or any other alterations to the nature of the car parking) it is not justified in officers' view to request a review of illumination within the car park as part of this application.

Having reviewed the objections and considered the content of the submitted Transport Statement, it is considered that from a highway perspective, the proposal is acceptable and would not conflict with UDP Policy IB9 at part f or government policy contained in the NPPF.

Design

Policy BE5 (c) seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, and that designs should take advantage of the site's natural features.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. At Part (c) it includes the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

These policies are considered to be broadly consistent with government policy contained in the NPPF, although no reference is made in the NPPF to the requirement that the scale and character of the proposed development having to reflect that of neighbouring buildings. Government policy is contained in Chapter 12 of the NPPF (Achieving well-designed places) and states that good design is a key aspect of sustainable development, which creates better places in which to live and work. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to say that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that, amongst other things, planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

As described, the applicant is seeking to erect a 4,430 square extension to the

building to provide additional manufacturing and storage capacity. The proposed extension would be erected at the building's south-eastern corner, linked by a glazed structure. To accommodate the extension, the existing loading bays and infill ramps along the eastern elevation would be removed to create a seamless link from the main factory building through to the extension.

The extension would be sited within the open grassed area and extend partially into the wooded area adjacent to the building's southern elevation. The proposed height of the new extension adopts the height of the existing building and would have an external footprint of approximately 67.86m by 66.5m, approximately half the size of the original building. The extension would reflect the materials of the existing building, which would include buff facing brickwork with blue coloured contrasting band, metallic silver cladding panels, plastisol coated composite roof (Goosewing grey) and dark blue steel struts. Along its northern elevation (facing the loading area) would be a series of loading docks. No windows are proposed along its eastern, southern or western elevations.

It is considered that the proposed extension represents an acceptable form of development that would adequately respond to the design quality of the existing factory building. While the extension would be of substantial size, it is considered that the scale and massing of the building would be in-keeping with the existing factory building. The extension is of acceptable design quality that would sit harmoniously next to the existing building. The glazed link that forms the connection between the two buildings is welcomed as is the feature dark blue metal struts that supports the roof, which would replicate the form and architectural components of the existing building. It is considered that the extension responds positively to the site context, allowing for generous space separation from neighbouring properties, no overlooking of neighbouring properties and retention of the majority of the mature landscaping to its south and south-west.

Residential Amenity

UDP Policy IB9 'Conditions on Development in Business and Industrial Areas permits new development or change of use proposals provided that b) the site would not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions.

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

As described, a high number of objections have been received, primarily from the residents of Mellor Lea Farm Drive. A large number of these objections relate to noise disturbance from the existing operations of the site, which objectors consider would be increased through the expansion of the manufacturing operations on site. Other amenity concerns relate to the proximity of the extension to neighbouring properties, with some residents of Mellor Lea Farm Drive raising concerns with the proximity of the extension to properties within the estate that could harm their outlook.

In terms of noise, owing to the number of concerns raised, the applicant commissioned E2 Consultants Ltd to carry out a Noise Impact Assessment (NIA dated April 27, 2022) to determine the noise impact of the proposed development on the local population. The NIA details that a secondary survey has been conducted to reaffirm the current background noise levels at the closest sensitive receptor, and also an internal noise assessment of plant and machinery noise within the existing building. The applicant has also submitted a Noise Management Plan in response to noise complaints concerning the existing factory.

The NIA details that the new proposed delivery area would be located to the south-east of the current area and perpendicular to the existing delivery bays. The proposed delivery bays will change from their current orientation of the delivery to the main site that would create a barrier to the nearest sensitive receptors at Mellor Lea Farm Drive. The NIA also notes that a mound divides the boundaries of the proposed development to these residential properties.

The survey found that delivery vehicles idling and being loaded is the greatest noise issue on the site. The location of the new loading area behind the proposed extension is shown to reduce the noise impact of the facility on the local residential area. In addition to this, it is also stated that the new facility will reduce the noise impact from other sources in the area due to the natural barrier it creates. Modelling carried out in respect of the current delivery bay area showed that the direct noise impact on the closest receptor was 29dB. This value would be reduced to 19dB daytime and 10dB night-time once the new facility for deliveries is in place and that the noise source would be rotated 90 degrees away from the nearest sensitive receptors. The report concludes that the introduction of the new delivery area will be of benefit to the local residents through the reduction of current noise levels from the site.

An assessment has also been carried out to establish whether the development would lead to any significant noise breakout from the increased production on site from the extended building. Details within the NIA show that there would be a 20dB reduction from the factory floor, which was obtained with the vents open. The applicant has confirmed, which is evidenced from the supporting floor plans that the extension is being sought to store finished goods. There is no perceived addition of noise levels other than the likelihood of an increase in deliveries (which has been accounted for in the report). There is no planned expansion of machinery or hours of work and therefore there is going to be little to no increase in any workplace/production noise levels within either the existing or the new extension.

Environmental Protection Service (EPS) has inspected the NIA and Noise Management Plan and is generally satisfied with their findings. It is considered that neighbouring properties would not be unduly harmed from any significant noise disturbance that would harm their residential amenity. The NIA evidences that noise levels from the site, which are largely generated from the loading area would be significantly dissipated by the siting of the proposed building between the loading area and the nearest noise sensitive receptors at Mellor Lea Farm Drive. A site visit carried out by EPS found that the extension is going to be largely used for storage space and is not being sought for extra production lines that could generate any significant noise disturbance. The extension would also not have any air conditioning units or ventilation louvres on the elevations nearest to residential properties. In

addition to this, officers were advised that most of the work on site is carried out in two daytime shifts, which finish at 2200 hours and that the main assembly line shift ends at 3.30pm. The applicant has also confirmed that there is no intention to introduce night shifts for the main assembly lines or significantly intensify production during the day or at weekends in connection with the proposal. In terms of the current noise complaint at the premises, the applicant has confirmed that they are seeking to resolve this by ensuring that the louvres nearest to this neighbouring property closes at 2200 hours.

Environmental Protection Service (EPS) is generally satisfied with the findings of the Noise Management Plan and raise no significant concerns subject to the submission of a revised NIA to account for the closure of the building's existing and proposed ventilation system between the hours 2300 and 0700 hours, as opposed to 0000 and 0600 hours as the former is the normal night-time hours for the purpose of noise assessment.

In terms of the proposed siting of the extension, it is considered that any effect on the residential amenity of neighbouring properties would not be so significant so as to be harmful. It is not considered that the extension would have an overbearing appearance or lead to any significant loss of outlook that would harm the properties at Mellor Lee Farm Drive. At pre-application stage, officers were mindful that any large extension erected close to residential properties at Mellor Lee Farm Drive could be harmful owing to the proximity of the site and the change in levels between the site and these properties. and advised the applicant to provide cross section drawings as part of the full planning application to illustrate the relationship. These are shown on Drawing Nos. AL(0) 116 Revision A (Proposed Elevations showing Existing Ground Levels) and AL(0) 117 Revision A (Proposed Elevations showing Existing Tree Line).

The supporting cross section drawings show that the proposed extension, owing to the elevated levels of the site to the adjacent housing estate would be elevated (approximately 5m) from the finished floor levels of the immediate properties (Nos. 57-63) that back onto the site. However, the separation distance between the nearest properties and the extension (at its closest) range between 30.5m and 34m, a distance which in officers' opinion is considered adequate to prevent any significant loss of outlook or result in the building having an overbearing appearance. Moreover, the area between the back of the residential properties and the proposed extension is currently covered by an extensive tree belt, which currently provides an attractive landscaped buffer and natural screen of the site from the rear gardens of the neighbouring properties. This area would be largely retained and supplemented with additional tree planting, which should ensure that views of the extension would be limited and unlikely to appear overly prominent that would lead to any significant loss of amenity.

The proposed extension would be located to the east and over 30m from the nearest residential properties (Nos. 57-63). The siting of the extension as proposed should not therefore lead to any significant overshadowing from the building. Any shadow cast would be minimal and unlikely to be any greater than what currently arises from the adjacent trees.

It is noted that a number of residents have raised concerns with regard to light

pollution emanating from the existing site. It is considered reasonable in officers' opinion to seek a lighting strategy for the overall site given the concerns raised. This strategy would examine both the existing and proposed lighting across the site to ensure that light levels and any light spillage that could harm the amenity of neighbouring properties is adequately controlled and managed.

Landscaping

UDP Policy GE15 relates to trees and woodland and states that trees and woodland will be encouraged and protected by a) requiring developers to retain mature trees, copses and hedgerow, wherever possible, and replace any trees which are lost, and c) not permitting development, which would damage existing mature and ancient woodlands.

This policy is broadly consistent with government policy contained in paragraph 175 of the NPPF, where at part c) it states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

The application was accompanied by a Tree Survey Report and an Arboricultural Impact Assessment (AIA) prepared by AWA Tree Consultants. The survey revealed 23 items of wooded vegetation that comprised 15 individual trees and 8 groups of trees or shrubs. All trees surveyed have been identified as being retention Category C (Low Quality) with no trees within the survey being either Category A (High Quality) or B (Moderate). The species diversity is considered to be reasonable, which include ash, birch, cherry, hawthorn, poplar, sycamore and willow.

To accommodate the proposed extension, 6 individual trees (T3, T4, T5, T7, T9 and T13) and 2 tree groups (G10 and G11) will require removal as they are either situated on the footprint of the extension or their retention and protection during the development phase is not considered desirable. The report details that these trees and groups are all lower value and have negligible value in the wider landscape, and therefore their removal will have a negligible negative arboricultural impact.

Some further trees within Tree Groups G1, G8 and G12 will also need to be removed to facilitate the development. In terms of tree groups G1 and G8, the Arboricultural Impact Assessment comments that these comprise low value individual trees and shrubs and that their partial removal will have a negligible negative impact. In terms of G12, this group of trees are considered to have a reasonably prominent presence in the local landscape, but owing to the trees being predominately of very low value, typically young or semi-mature, it again has been found that the removal of a section of these group will have a low overall arboricultural impact. Moreover, it is considered that the retention of the trees to the east, south and west of the group will help to minimise the loss of visual amenity from their removal.

To mitigate for the loss of the trees, the report details that the site provides an excellent opportunity to undertake new tree planting across the site, which would help mitigate for the tree loss, and in the long term has the potential to improve the site's tree cover.

It is considered that the supporting Arboricultural Impact Assessment (AIA) is robust and represents a reasonable and sound assessment to the impact of the development on the site's trees. It is acknowledged that a number of trees would need to be removed in connection with the development, and while this is regrettable, it is considered that their removal would not have a significant or detrimental impact on the wider landscape. As described in the AIA, it is considered that the loss of the trees should be compensated with replacement tree planting across the site as part of a soft landscaping scheme. It is therefore recommended that a condition be attached that requires the applicant to undertake extensive tree planting as part of a comprehensive hard and soft landscaping scheme for the site. As a minimum, this should include the planting of 20 replacement trees, new shrub planting and new wildflower planting zones that takes into account the proximity of the railway line and advice given by Network Rail in terms of species and distance to railway line. A further condition should also be attached that requires the retained trees to be protected during the development through protective fencing and construction exclusion zones to prevent these being placed at undue risk from damage from machinery, materials and equipment.

Drainage and Flooding

Core Strategy Policy CS67 relating to flood risk management seeks to reduce the extent and impact of flooding.

Government policy relating to planning and flood risk is contained at Paragraphs 159-169 (inclusive). Paragraph 159 sets out that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. At Paragraph 161 sets out that plans should apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change.

Paragraph 167 of the NPPF states that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere and at Paragraph 169, it says that major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should amongst other things take account of the advice of the Lead Local Flood Authority, and have appropriate proposed minimum operational standards.

The application was accompanied by a Flood Risk Assessment (FRA) prepared by Arcus Consulting. The FRA identifies that the site is in Flood Zone 1 and is deemed to be at low risk of flooding. Within Flood Zone 1, the proposed accommodation should remain protected from watercourse flooding for all events up to and including the 1000-year flood event.

The FRA goes on to say that there is a small area of high risk within the proposed new unit footprint and a further area to the north-west which would not impact the development. The area of high risk is not overland flows and is associated with ponding of water. It is anticipated that as part of the construction phase, new drainage will be introduced that removes the existing onsite flooding issue.

It is understood that there is historic flooding associated with the culvert failure on the site, which has impacted third parties. As such the culvert will need to be surveyed prior to construction to ensure it remains functional and does not cause a potential risk to third parties. These works would include a new manhole to the side of the existing building to ensure clear access, a CCTV survey of the culvert, which will determine the line of the culvert and whether any realignment will be required.

The supporting Drainage Strategy (dated March 2022) prepared by RWO examines the implications of the development in relation to foul and surface water drainage. The site's surface water is currently drained via a private drainage system that discharges into a culvert that is located to the northeast of the site. The culvert watercourse wraps around the northern end of the existing building with flows being conveyed towards the east, which discharge under the rail track, and understood to dissipate into the adjoining woodland area.

The Strategy details that surface water will discharge to the watercourse at a rate of 13.1 litres/second in line with the existing discharge rate of the building. Matching the previously approved discharge rate should ensure that there is no increase downstream in the risk of flooding. Foul water drainage will discharge to the public sewerage system, subject to relevant consent and approvals from the relevant authorities.

The Lead Local Flood Authority (LLFA) has inspected the drainage strategy and considers that it is acceptable subject to the attachment of conditions. They concur with the findings of the strategy that a survey of the watercourse (culvert) should be undertaken to determine the size, depth, location and condition of the existing watercourse. They also acknowledge that surface water to infiltration (into the ground) is not appropriate for this site as set out in the supporting SUDs statement and agree to the discharge of surface water to the culverted watercourse. They also find the peak discharge rate of 13.1 l/s is acceptable, which is based on previously imposed greenfield runoff rate for the existing building.

Ecology and Biodiversity

UDP Policy GE11 relates to nature conservation and development, and it states that the natural environment will be protected and enhanced. It goes on to say that the design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

These policies are broadly consistent with government policy contained in the NPPF at paragraph 174, which sets out that decisions should contribute to and enhance the natural and local environment through measures that include a) protecting and enhancing valued landscapes, sites of biodiversity, and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 180 of the NPPF sets out that when determining planning applications,

local planning authorities should apply a number of principles, including a) that if significant harm to biodiversity 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.

The application was accompanied by a preliminary Ecological Appraisal (PEA) Survey and preliminary Roost Assessment (PRA) Report prepared by Estrada Ecology (dated October 2021).

The survey site, outside the built up area is stated to comprise tall ruderal communities, semi-natural woodland, amenity grassland and continuous scrub.

The report details that no badger field signs were recorded, no evidence of use by western European hedgehog was apparent and the site provides hostile conditions for reptiles and riparian/aquatic mammals due to lack of waterbodies and unsuitable terrestrial habitat. The site does not support habitat for any other protected or significant fauna such as barn owl, dormouse or brown hare. No ancient semi-natural woodland or ancient replanted woodland is present within 100m of the site.

The site survey found the site to be a good suitability for breeding birds due to the woodland and dense vegetation, but no nests or breeding activity was recorded. It was also found that the site and adjacent land has good suitability for use by bats for commuting/foraging, particularly as the surrounding environment being dominated by open vegetated areas and large woodland which bats could utilise.

The majority of the development site area comprises of amenity grassland which is located centrally within the site. This appeared well managed with evidence of recent mowing and maintenance. Sward height was low and species composition was poor. All trees within the development footprint were subject to a ground level roost assessment by a licenced bat ecologist to survey their potential to support roosting bats. No trees that were surveyed within the development boundary recorded any potential roosting features which bats could utilise.

The report concludes that no direct or indirect impacts are expected from the development. Due to the size of the proposed development, it is considered likely that any ecological impacts will be restricted to site level only, as works will be concentrated within the site itself and no impacts are predicted on statutory designated or non-statutory designated sites. In terms of bats, while no features were recorded within the site which could support bats for roosting or as a place of shelter, the woodland immediately adjacent to the south and west of the site comprises semi-mature trees which could have potential to support roosting bats. It was also noted that the railway to the east has the potential to support foraging and commuting bats being a linear feature bordered by priority habitat deciduous woodland. As the adjacent woodland and railway line has the potential to support roosting bats, foraging and commuting bats, the report recommends that a suitable lighting strategy should be provided that prevents excess light from splaying across the woodland in the south and west, as well as the railway in the east. The report also details that despite no field sign evidence to suggest that badgers are using the site and surrounding area, a precautionary method statement should be implemented during

the development relating to potential badger activity due to the species being highly mobile. An invasive species (Rhododendron) was identified in a single strand at the north-eastern corner of the site, which should be properly cleared from site.

It is considered that these matters can be controlled by a suitably worded planning condition.

In terms of mitigation and biodiversity enhancements as required by the National Planning Policy Framework (NPPF), the report details that upon finalisation of plans and the landscaping scheme, post development calculations can be complied. Habitat enhancements for this scheme could include the integration of bat and bird boxes, native tree, shrub and hedgerow planting and open boundary treatments to allow safe passage for small mammals including hedgehogs. It is recommended therefore that a further condition be attached that demonstrates that the application includes biodiversity enhancements using the DEFRA Biodiversity Metric 3.0 Calculation tool.

Sustainability

Core Strategy Policies CS63, CS64 and CS65 of the Core Strategy, as well as the Climate Change and Design Supplementary Planning Document (SPD), set out the Council's approach to securing sustainable development.

Policy CS63 gives priority to developments that are well served by sustainable forms of transport, that increase energy efficiency, reduce energy consumption, carbon emissions and that generate renewable energy.

Policy CS64 sets out a series of actions to reduce the city's impact on climate change. These actions include the requirement of commercial developments of 500m² or more to achieve BREEAM very good and provide 10% of their predicted energy needs from a decentralised and renewable or low carbon energy source. Policy CS65 relates to renewable energy and carbon reduction, and states that all significant developments will be required, unless this can be shown not to be feasible and viable to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. An equivalent 10% reduction in a development's energy needs from a fabric first is also acceptable (although not referenced in the policy).

These policies are considered to be consistent with government policy contained in the NPPF and should be afforded significant weight. Paragraph 157 confirms new development should comply with development plan policies for decentralised energy supply unless it is not feasible or viable having regard to the type and design of development proposed. Landform, layout, building orientation, massing and landscaping should also be taken into account to minimise energy consumption.

The NPPF identifies three dimensions to sustainable development, these being economic, social and environmental.

The application was accompanied by a Sustainability Statement prepared by Arcus Consulting. The statement sets out that the proposal forms an integral part of a wider strategic plan for the future expansion of the business, which will make a contribution to the local and regional economy by creating further employment, forecast to be an

additional 100 additional jobs. The Statement goes on to say that the applicant is already contributing substantially to the local and regional economy, and that through this proposal, would also significantly contribute to the sustainability of strong, vibrant and healthy local communities in the future through the provision of significant employment opportunities for local people in a location which is readily accessible to them. It is considered that the development would meet the economic and social dimensions of the Framework in delivering sustainable growth.

In terms of the environmental role, the Framework identifies that sustainable development should seek to protect and enhance the natural, built and the historic environment, improving biodiversity, using natural resources, minimising waste and pollution mitigating and adapting to climate change including moving to a low carbon economy. These aims are generally reflected in Core Strategy Policies CS63, CS64 and CS65.

In respect of this, the Sustainability Statement details that the proposal will consider a range of measures to drive energy efficiency, and amongst others will seek to include efficient cooling systems, high levels of air tightness, high levels of insulation, efficient lighting, rainwater recycling and solar PV panels.

It is clear from reading the Statement that the broad aims of the proposal in meeting the government's three dimensions of sustainable development would be met. Other than stating that it is the applicant's intention to consider a range of energy efficiency and conservation measures, no specific details have been given to demonstrate how the proposal would meet the policy requirements of Core Strategy Policies CS63, CS64 and CS65. It is therefore recommended that conditions be attached to any grant planning that ensures that the proposal fully satisfies these policy requirements and that as a minimum, 10% of the predicted energy needs of the development is derived from renewable or low carbon energy source and that BREEAM very good is met.

Ground Conditions

UDP Policy GE25 relates to contaminated land and states that where contamination is identified, development will not be permitted on, or next to, the affected land unless the contamination problems can be effectively treated so as to remove any threats to human health or the environment.

This policy aligns with paragraph 183 of the NPPF, which requires a site to be suitable for its intended use taking account of ground conditions, land instability, contamination, natural hazards and/or previous activities such as mining.

The application site falls within the defined Development High Risk Area for former coal mining activities, which means that the site and surrounding area may contain coal mining features and hazards which need to be considered as part of this application.

The application was therefore accompanied by a Phase 1: Desk Study (dated November 2021) prepared by Solmek Ltd. This report identifies that the application site may have been subject to past coal mining activity, with the Coal Authority

indicating that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth. The report confirms that it would be prudent to drill rotary boreholes to establish the exact situation with regard to potential unrecorded shallow mine workings and to establish any necessary remedial measures. A subsequent Phase 2 Site Investigation Report was submitted by the applicant during the course of the application which shows that a rotary borehole investigation (as required by the Phase 1) was carried out to determine the site's ground conditions. This investigation encountered no shallow coalmine workings on site.

The Coal Authority accept the findings of the second report and have revised their initial recommendations and concur with the authors of the report that the application site is safe and stable for the proposed development and raise no objection.

In terms of land contamination, in addition to the Phase 1 Desk Study, as referenced above, the applicant has also submitted a Phase 2 Site Investigation Report. The Phase 1 report states that there is an historical landfill within 250m, made ground on site, and possible contamination from construction/demolition waste, railway waste and contamination from the nearby steelworks. The Phase 2 report gives results to date and show that the land is not likely to be contaminated and will be suitable for its intended use. Gas monitoring has commenced and the results will be available at a later date. Drilling of rotary boreholes to determine the situation with respect to unrecorded shallow mine workings will also be carried out and reported on separately.

Environmental Protection Service (EPS) has commented that they are satisfied with the progress of the site investigation and recommend that the usual suite of land contamination conditions be attached to any grant of planning including a revised Phase 2 report as gas monitoring has to be yet to be completed on site.

Other Issues

Given the proximity of residential properties to the proposed development, EPS recommend a Construction Environmental Management Plan (CEMP) to be submitted for approval in advance of work commencing on site.

The proposed extension would be built up close to the adjacent railway line, which extends along the eastern side of the site. Network Rail, who own and are responsible for the adjacent railway line were therefore consulted on the application. They have commented that they have no objection in principle to the development but state that owing to the proximity of the proposed development to the operational railway boundary, the applicant will need to liaise with Network Rail's Asset Protection Team prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Network Rail suggest a number of conditions should be attached to any grant of planning permission to cover the above, and also matters relating to boundary treatment, landscaping, lighting and drainage. In terms of landscaping, Network Rail have advised that it is imperative that the proposed landscaping scheme does not impact on operational railway safety and offer advice on the type of trees that would be acceptable and minimum planting distances to the line. In addition to the above, Network Rail also advise that Ecclesfield West Crossing, which is a public footpath

should remain unrestricted for access during the construction phase of the development.

SUMMARY AND RECOMMENDATION

The application relates to a large factory unit, known as Wellbit in Ecclesfield. The unit is included within Provincial Park that is situated along the eastern side of Nether Lane. The application site is situated within a Fringe Industry and Business Area. The most important policies for determining the application are not out of date and so the tilted balance is not in play.

The applicant is seeking full planning permission to erect a 4,430 square metre extension to the building including alterations to loading bays and the service yard. The proposed extension is being sought to facilitate additional capacity for both future production and storage facilities on site.

The proposal to erect an extension to the factory unit is considered to be acceptable when assessed against UDP Policy IB6 and IB9. It is considered that the development raises no significant highway concerns with the site's existing car park considered to have spare capacity to accommodate any additional demand for on-site parking. The extension is considered to be of acceptable design quality that would sit harmoniously against the existing building. It has also been found that the proposed development is likely to improve the noise environment of neighbouring properties with the extension acting as a physical sound barrier between the site's service yard and these properties. Any visual impact on neighbouring properties is likely to be low given the separation distance and the high level of natural screening between the extension and the nearest properties at Mellor Lea Farm Drive. While it is acknowledged that a number of trees would be felled to accommodate the extension, none of these trees fall within Category A or B, and would be compensated in part by additional tree planting.

For the reasons set out in the report and having regard all other matters, it is considered that the proposed development is acceptable and would be in general accordance with UDP Policies IB6, IB9, BE5, GE15, Core Strategy Policy CS63, CS64, CS65 CS67 and CS74, and government policy contained in the National Planning Policy Framework (NPPF).

It is therefore recommended that planning permission be approved.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of City Growth Department

Date: 13 September 2022

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND
DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the demolition of rear off-shot and erection of single-storey rear extension to dwellinghouse at 11 Dalmore Road, Sheffield, S7 2EP (Case No: 22/00974/FUL).

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of lower-ground floor front extension to basement of dwellinghouse at 59 Wadsley Lane, Sheffield, S6 4EA (Case No: 22/00861/FUL).

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the installation of 18m high 'slim line' Streetpole with built-in cabinet and 3no. separate equipment cabinets to be positioned alongside existing street furniture (Application for determination if approval required for siting and appearance) at Birley Spa Lane street works, Birley Spa Lane adjacent to junction with Dyke Vale Avenue, Sheffield, S12 4EL (Case No: 21/05066/TEL).

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the installation of 15 metre slim line Street pole with built-in cabinet and 3no. separate equipment cabinets (Application for determination if approval required for siting and appearance) at junction of Hartley Brook Road and Beck Road, Sheffield, S5 0GA (Case No: 21/04985/TEL).

(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of an 18m high Phase 8 street-pole with wrap-around cabinet and provision of associated equipment cabinets (Application to determine if approval is require for site and appearance) at 5G telecommunications pole, Owlthorpe Greenway, 95m from junction with Thorpe Drive, Sheffield, S20 7JU (Case No: 21/04628/TEL).

(vi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of a digital LCD display screen to Street Hub unit at pavement at front of Hallam University, Arundel Gate, Sheffield, S1 2PN (Case No: 21/03291/HOARD).

(vii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the removal of telephone kiosk and erection of Street Hub at pavement at front of Hallam University, Arundel Gate, Sheffield, S1 2PN (Case No: 21/03290/FULTEL).

(viii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of a digital LCD display screen to Street Hub unit at pavement outside 45-47 Fargate, Sheffield, S1 2HD (Case No: 21/03285/HOARD).

(ix) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the removal of telephone kiosk and erection of 1x Street Hub at pavement outside 45-47 Fargate, Sheffield, S1 2HD (Case No: 21/03284/FULTEL).

(x) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of a digital LCD display screen to Street Hub unit at pavement outside 19 Market Place, City Centre, Sheffield, S1 2GH (Case No: 21/03281/HOARD).

(xi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the removal of telephone kiosk and erection of 1x Street Hub at pavement outside 19 Market Place, City Centre, Sheffield, S1 2GH (Case No: 21/03280/FULTEL).

(xii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of two digital LCD display screens to Street Hub unit at pavement outside 832 Ecclesall Road, Sheffield, S11 8TD (Case No: 21/02495/HOARD).

(xiii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the removal of 2no. kiosks and erection of 1no. Street Hub at pavement outside 832 Ecclesall Road, Sheffield, S11 8TD (Case No: 21/02494/FULTEL).

(xiv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the removal of 2no. kiosks and erection of 1no. Street Hub at pavement outside Copthorne Hotel, Bramall Lane, Highfield, Sheffield, S2 4QZ (Case No: 21/02482/FULTEL).

(xv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for two digital LCD display screens to Street Hub unit at pavement outside Copthorne Hotel, Bramall Lane, Highfield, Sheffield, S2 4QZ (Case No: 21/02483/HOARD).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of lower-ground floor front extension to basement of dwellinghouse at 59 Wadsley Lane, Sheffield, S6 4EA (Case No: 22/00861/FUL) has been dismissed.

Officer Comment:-

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

Due to the scale and forward projection, he found that the appeal proposal would appear incongruous in the context of both the host property and the street scene and considered that such a departure from the established built form would appear inconsistent and unsightly, unbalancing the host property, be uncharacteristic and cause material harm to the character and appearance of the area. He therefore concluded that it was in conflict with policies H14 and BE5 of the UDP; Policy CS74 of the Core strategy and Paragraph 130 of the NPPF.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of single-storey rear extension, canopy over front door and amendments to existing elevations at Totley Grove Cottage, Totley Grove, Hillfoot Road, Sheffield, S17 3AX (Case No: 22/00617/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be:-

- Whether the works constituted inappropriate development in the Green Belt;
- The effect on the openness of the Green Belt; and
- If inappropriate whether the harm would be outweighed by very special circumstances.

The Inspector concluded that owing to the extent of increase in built form to the original building from the proposal and other recent alterations, the works would represent disproportionate increase in volume to the original building and were therefore inappropriate development in the context of para 147 of the NPPF.

Despite its lack of public view the Inspector concluded the additions, although minor in themselves would increase the scale and mass of the dwelling and would lead to a loss of openness of the Green Belt.

The Inspector gave the appellant's argument that a larger replacement dwelling would potentially gain approval only limited weight, and acknowledged the improvements to living space, and the economic benefits of construction activity, but considered these to be of limited benefit and did not consider they amounted to very special circumstances.

The appeal was therefore dismissed.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for 1x internally illuminated digital advertising screen at land between Vicarage Road and Newhall Road, Sheffield, S9 3RF (Case No: 21/04438/ADV) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be the impact of the proposal on highway safety and on the amenity of the area, including the setting of the Grade II Listed former Adelphi Cinema.

He noted that the appeal site is located at a multi-lane, traffic light-controlled junction on Attercliffe Road and that the site itself is currently on open land.

The proposed sign would be a free-standing screen on a pole, located at the south-west corner of the site, close to the junction of Attercliffe Road and Newhall Lane. It would be approximately a 6 metres wide, 3 metres high LED advertising display, providing static images which would change no more than once every 10 seconds. The Inspector noted that the highway junction is both busy and complex for people wishing to negotiate through it and concluded that the proposed advertisement would be a distraction, especially to drivers negotiating the junction, leading to significant harm to highway safety, contrary to paragraphs 112c and 111 of the NPPF.

In relation to amenity, the panel would be viewed in the context of the listed building and with its modern, sleek appearance, the Inspector concluded that it would form an alien feature in relation to the significance of the setting of the listed building with its more traditional design and building materials from that era. In this regard, there would be harm caused to the amenity of the area. He concluded that the proposal was contrary to Policies BE13 and BE19 of the UDP and paragraph 136 and chapter 16 of the NPPF.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for 1 internally illuminated digital display sign at EE, 31-35 The Moor, Sheffield, S1 4PF (Case No: 21/03445/ADV) has been dismissed.

Officer Comment:-

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

They noted that the digital hoarding would be erected in a prominent position on the splayed corner of the elevation at first and second floor levels, with wide ranging visibility. The building is a Portland stone building with tall, narrow windows and is of a similar architectural style to 29 The Moor on the opposite corner, which has a clear visual relationship with the appeal site.

The proposed display would cover up the first and second floor windows on the corner splay and would harmfully dominate the elevation. Overall, the Inspector concluded that despite the commercial nature of the area, the presence of such a large and prominent digitally illuminated display would not be sympathetic in the existing context.

The proposal would be in conflict with Policy BE13 of the UDP and paragraph 136 of the NPPF.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a single-storey rear extension to dwellinghouse - the extension is 6m from the rear of the original dwellinghouse, ridge height no more than 4m and the height of the eaves is 3m at 16 Gleadless Common, Sheffield, S12 2UQ (Case No: 21/03320/HPN) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as the effect of the development upon the living conditions of no's 14 and 18 Gleadless Common, with particular regard to privacy outlook and light.

The Inspector noted the bungalow form of the dwelling and its neighbours; that the dwelling was on higher ground than no.14, but lower than no.18; that no. 14 had a long rear extension; and that the proposed extension was to replace a smaller existing extension to the property. They also noted the relatively small size of the gardens to no's 16 and 18.

With a ridge height of 4m and eaves height of 3m the Inspector felt that although on lower ground than no.18 the extension, it would rise above boundary fencing and extend beyond the rear elevation of no.18 where it would be a visible and dominant structure, heightened by the modest space available to no.18 within their garden. This would impact on daylight and cause overshadowing.

Such issues were not felt to arise in respect of no.14 as the extension would be set back from the boundary and no.14's garden being larger, would be less impacted.

The Inspector felt that loss of privacy would occur but could be overcome with suitable conditions.

They concluded by dismissing the appeal owing to impacts on the living conditions of no.18 Gleadless Common being in conflict with UDP policy H14, the Council's Supplementary Planning Guidance on House Extensions and the provisions of the NPPF.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for the enlargement of dwellinghouse by construction of an additional storey (total height 9.33m) at 27 Blackbrook Drive, Sheffield, S10 4LS (Case No: 21/03062/ASPN) has been dismissed.

Officer Comment:-

The Inspector noted that the main issue was whether the proposal would accord with Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

The Inspector noted that the appeal site is a bungalow on a cul-de-sac characterised by a regular arrangement of largely single storey dwellings. Despite alterations, the original single storey nature and modest scale of the dwellings remain evident, lending consistency to the street.

The Inspector noted that control over the external appearance of the dwelling is not limited to the property itself. Rather, it can include the impact on the surroundings and as such the visual impact of the proposal on the streetscene can be considered and whilst materials and architectural detailing would reflect the existing dwelling, the proposal would result in a significant addition of built form at the property, increasing its bulk and mass. As a result, despite its position in the cul-de-sac the proposal would be clearly distinguished from the other dwellings on the street, failing to integrate within the surrounds or to visually relate to the predominant form of neighbouring development. Overall, the Inspector considered that it would be read as incongruous within the surrounding context and would be unacceptable and contrary to the requirements of paragraph AA.2.(3)(a)(ii) of Article 3(1) and Schedule 2, Part 1, Class AA of the GPDO.

(vii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 17.5m monopole supporting 6 antennas and 1 GPS module, with associated equipment cabinets and barrier (Application for determination if approval required for siting and appearance) at Rivelin Park Road, junction of Hollins Lane, Sheffield, S6 5GD (Case No: 21/01588/TEL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the siting and

appearance of the proposed installation on the character and appearance of the area.

The appeal site forms part of a grass verge area on the eastern side of Rivelin Park Road, close to the junction with Hollins Lane. On the opposite side of Rivelin Park Road is a predominantly residential area formed mainly of semi-detached housing. To the east of this road, is a large woodland area with land levels that fall sharply towards Rivelin Valley Road which gives the area a distinctly semi-rural character.

The Inspector noted that, at 17.5m high, the mast, in the location proposed, would be clearly seen from higher levels when travelling from a westerly direction along Hollins Lane. They also noted that the existing mast would remain, and the proposal would be an additional telecommunications mast in close proximity to it. Whilst views of two masts together would be mainly around the junction of Rivelin Park Road and Hollins Lane, they would nevertheless be seen from various vantage points in and around this space. This proliferation of masts would result in telecommunications clutter that the eye would be unacceptably drawn to and would be harmful to the semi-rural character.

On the evidence before them the Inspector was not convinced that less harmful alternatives had been properly explored and that other locations would necessarily be constrained by their geographic location or other factors. In their view the need for the proposal does not in this case, outweigh the harm.

The Inspector therefore concluded that the siting and appearance of the proposed installation would harm the character and appearance of the area and would conflict with paragraph 115 of the NPPF and UDP Policies BE14, H14 and GE4 which seek, amongst other matters, for telecommunications development to be sited and designed so as to minimise its visual impact.

4.0 APPEALS DECISIONS – ALLOWED

Nothing to report.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

(i) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the notice which is the unauthorised change of use of the Land to the use for motor vehicle sales, display of vehicles for sale and associated storage/parking of motor vehicles at Land between 264 and 270, and to the rear of 270 Handsworth Road, Sheffield, S13 9BX (Case No:

22/00108/ENCHU).

Planning Inspectorate Ref: APP/J4423/C/22/3298932

(ii) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the notice which is the unauthorised operational development being the provision of 9 air conditioning units attached to the north facing elevation of the building at first floor level at 1 Ecclesall Road South, Sheffield, S11 9PA (Case No: 21/00130/ENUD).

Planning Inspectorate Ref: APP/J4423/C/22/3299518

(iii) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the notice which is the unauthorised change of use of the Land to motor vehicle repair, maintenance and tyre fitting garage, with associated storage, of vehicles, parts, equipment tyres, waste and a metal container and the erection of a workshop building, and posts surmounted by tyres and unauthorised advertisements at 241 Barnsley Road, Sheffield, S4 7AD (Case No: 18/00171/ENCHU).

Planning Inspectorate Ref: APP/J4423/C/22/3297846

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report.

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

13 September 2022

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