

# Planning and Highways Committee

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**Tuesday 11 October 2022 at 2.00 pm**

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

**The Press and Public are Welcome to Attend**

## **Membership**

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

## **Substitute Members**

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

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## PUBLIC ACCESS TO THE MEETING

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The Planning and Highways Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues. A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk) You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda. Recording is allowed at Planning and Highways Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings. Planning and Highways Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

### Attending Meetings

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

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

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## FACILITIES

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

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

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
11 OCTOBER 2022**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 14)  
Minutes of the meeting of the Committee held on 13<sup>th</sup> September 2022.
- 6. Site Visit**  
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Tree Preservation Order No. 454, Land North of Junction Road, Woodhouse** (Pages 15 - 32)  
Report of the Executive Director, City Futures
- 8. Tree Preservation Order No. 455, St Marys Roman Catholic Church Hall, Pack Horse Lane, Sheffield S35 3HY** (Pages 33 - 48)  
Report of the Executive Director, City Futures
- 9. Applications Under Various Acts/Regulations** (Pages 49 - 50)  
Report of the Director of City Growth Service.
- 9a. Application No. 22/02651/CHU - 9 Paper Mill Road, Sheffield, S5 0EA** (Pages 51 - 58)
- 9b. Application No. 22/01035/FUL - Abbey Glen, 10 Carley Drive, Sheffield, S20 8NQ** (Pages 59 - 72)
- 9c. Application No. 22/01032/FUL - Abbey Glen, 10 Carley Drive, Sheffield, S20 8NQ** (Pages 73 - 84)
- 9d. Application No. 21/04764/OUT - Wiggan Farm, 30 Towngate Road, Sheffield, S35 0AR** (Pages 85 - 110)

**10. Record of Planning Appeal Submissions and Decisions**

Report of the Executive Director, City Futures.

(Pages 111 -  
118)

**11. Date of Next Meeting**

The next meeting of the Committee will be held on Tuesday 8<sup>th</sup> November 2022 at 2pm in the Town Hall.

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

Further advice can be obtained from David Hollis, Interim Director of Legal and Governance by emailing [david.hollis@sheffield.gov.uk](mailto:david.hollis@sheffield.gov.uk).

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Planning and Highways Committee

Meeting held 13 September 2022

**PRESENT:** Councillors Dianne Hurst (Joint Chair), Mike Chaplin, Roger Davison, Brian Holmshaw, Barbara Masters, Bob McCann, Peter Price, Alan Woodcock, Cliff Woodcraft and Tony Downing (Substitute Member)

**1. APOLOGIES FOR ABSENCE**

- 1.1 Apologies for absence were received from Councillors Nighat Basharat, Tony Damms and Garry Weatherall.
- 1.2 Councillor Tony Downing acted as substitute for Councillor Damms.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

- 3.1 Councillor Roger Davison declared a personal interest in Agenda Item 10b, Application No. 22/01731/FUL – Silverdale School, Bents Crescent, Sheffield, S11 9QH, as a local ward member. Councillor Davison declared that as a local ward member, he had been involved in appeals for Silverdale School, therefore he would withdraw from the meeting and take no part in the discussion or voting thereon.
- 3.2 Councillor Barbara Masters declared a personal interest in Agenda Item 10b, Application No. 22/01731/FUL – Silverdale School, Bents Crescent, Sheffield, S11 9QH, as a local ward member. Councillor Masters declared that she had not given an opinion or made up her mind on the application prior to the meeting, therefore would take part in the discussion and voting thereon.
- 3.3 Councillor Alan Woodcock declared a personal interest in Agenda Item 10c, Application No. 22/00101/FUL – Welbilt UK Ltd, Provincial Park, Nether Lane, Sheffield, S35 9ZX, as a local ward member. Councillor Woodcock declared that he had not given an opinion or made up his mind on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

**4. MINUTES OF PREVIOUS MEETING**

- 4.1 **RESOLVED UNANIMOUSLY:-** that the minutes of the meeting of the Committee held on 9<sup>th</sup> August 2022 were approved as a correct record.

**5. SITE VISIT**

- 5.1 **RESOLVED UNANIMOUSLY:-** 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. 452, 3 KENWOOD ROAD, SHEFFIELD, S7 1NP**

- 6.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report. It was noted that a modification was required as the tree was incorrectly labelled *Cedrus atlantica*, which needed to be amended to *Cedrus deodara*.
- 6.2 A request to make the TPO had been received which had been co-signed by several people with affiliations to 3 Kenwood Road which stated that one of the leaseholders had threatened to fell the tree to make way for parking spaces. A phone call had also been received from a concerned member of the public.
- 6.3 A TPO was made on 12<sup>th</sup> May 2022 and on 30<sup>th</sup> June 2022, the Community Tree Officer had attended the site and noted that work had begun, despite the tree being protected by the TPO and without planning consent. The matter had then been referred to the Council's Enforcement Team.
- 6.4 No objections had been received.
- 6.5 **RESOLVED UNANIMOUSLY:-** That Tree Preservation Order No. 452 be confirmed subject to the modification to amend the tree to *Cedrus deodara*.

**7. TREE PRESERVATION ORDER NO. 453 - 17 LYNDHURST ROAD, SHEFFIELD, S11 9BJ**

- 7.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 7.2 Complaints had been received by members of the public that an access and work had been commenced in woodland to the rear of 17 Lyndhurst Road. The site was subject to a pre-application enquiry, but no permissions had been granted by the Council.

7.3 The matter had been passed to the Enforcement Team who had requested a joint visit with the Community Tree Officer.

7.4 No objections had been received.

7.5 **RESOLVED UNANIMOUSLY:-** That Tree Preservation Order No. 453 be confirmed unmodified.

## **8. PROPOSED CLOSURE OF FOOTPATH LINKING COBDEN VIEW ROAD AND NORTHFIELD ROAD, CROOKES, SHEFFIELD**

8.1 Mark Reeder (Engineer Highway Records) attended the meeting and presented the report.

8.2 The closure was required to close an informal footpath between Cobden View Road and Northfield Road in the Crookes Area of Sheffield. The closure was required to enable an approved development to take place.

8.3 It was explained that whilst the footpath had no formal status, a claim had been received to formalise the route. A formal Closure Order was therefore required to normalise the situation.

8.4 Councillor Brian Holmshaw asked why the closure order was being sought before the claim had been heard and asked if the closure was pre-empting the claim.

8.5 Officers explained that the closure was required for the development, which had already been approved by the Council, to commence. The Council was pursuing the closure as if the claim had already been successful, so there was no prejudice to the claimants of the path that the claim hadn't been formally resolved prior to this closure process being undertaken. To formally close the footpath would enable the development to begin.

8.6 **RESOLVED** That:-

1. No objections be raised to the proposed closure of the footpath linking Cobden View Road and Northfield Road, Crookes, as shown as a solid black line on Appendix A of the report, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected; and
2. Authority be given to the Director of Legal and 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; and
  - b. Confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections being resolved and

withdrawn prior to the order being confirmed.

**9. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

**9a. APPLICATION NO. 22/02416/FUL - LAND OPPOSITE HOLME HEAD, WHEEL DAM, RIVELIN VALLEY ROAD, SHEFFIELD, S6 5SF**

- 9a.1 Additional representations, along with the officer response, an amendment to reason 1 for refusal and a report correction were included within the supplementary report circulated and summarised at the meeting.
- 9a.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.
- 9a.3 Mick Hill, John Dolan and Susan Powers attended the meeting and spoke in support of the application.
- 9a.4 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also had regard to representations made during the meeting.
- 9a.5 **RESOLVED UNANIMOUSLY:-** That the application for provision of enclosed dog walk/dog run area including 1.8m wire fencing, formation of parking area and timber shelter at Land Opposite Holme Head Wheel Dam, Rivelin Valley Road, Sheffield S6 5SF (Application No. 22/02416/FUL) be REFUSED for the reasons outlined in the report.

**9b. APPLICATION NO. 22/01731/FUL - SILVERDALE SCHOOL, BENTS CRESCENT, SHEFFIELD, S11 9QH**

- 9b.1 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 9b.2 Sarah Sims attended the meeting and spoke in support of the application.
- 9b.3 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report, now submitted and also had regard to representations made during the meeting.
- 9b.4 **RESOLVED UNANIMOUSLY:** That the Committee be MINDED TO GRANT

planning permission, conditionally, subject to referral to the Secretary of State for Levelling Up, Housing and Communities, for the reasons set out in the report, now submitted, for the erection of a 3-storey block to form additional classrooms at Silverdale School, Bents Crescent, Sheffield, S11 9QH (Application No. 22/01731/FUL).

**9c. APPLICATION NO. 22/00101/FUL - WELBILT UK LTD, PROVINCIAL PARK, NETHER LANE, SHEFFIELD, S35 9ZX**

- 9c.1 A report correction was included within the supplementary report circulated and summarised at the meeting.
- 9c.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.
- 9c.3 The Committee considered the report and recommended conditions having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report including the amended conditions and additional conditions, now submitted and also had regard to representations made during the meeting.
- 9c.4 **RESOLVED UNANIMOUSLY:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for the erection of extension to existing industrial/warehouse unit (Use Classes B2 and B8) at Welbilt Uk Ltd, Provincial Park, Nether Lane, Sheffield, S35 9ZX (Application No. 22/00101/FUL)

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

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

**11. DATE OF NEXT MEETING**

- 11.1 The next meeting of the Planning and Highways Committee would be held on Tuesday 11<sup>th</sup> October 2022 at 2pm in the Town Hall.

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## SHEFFIELD CITY COUNCIL

### Planning & Highways Committee Report

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**Report of:** Director of City Futures

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**Date:** 11<sup>th</sup> October 2022

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**Subject:** Tree Preservation Order No. 454  
Land north of Junction Road, Woodhouse

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

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**Summary:** To seek confirmation of Tree Preservation Order No. 454

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**Reasons for Recommendation**

To protect a tree of visual amenity value to the locality

**Recommendation**

Tree Preservation Order No. 454 should be confirmed unmodified.

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**Background Papers:**

- A) Tree Preservation Order No.454 and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Images of the woodland
- D) Objections

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**Category of Report:** OPEN

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## CITY GROWTH SERVICE

### REPORT TO PLANNING & HIGHWAYS COMMITTEE

**11<sup>th</sup> October 2022**

Land north of Junction Road, Woodhouse

TREE PRESERVATION ORDER NO. 454

#### 1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.454

#### 2.0 BACKGROUND

Tree Preservation Order No.454 ('the Order') was made on 12<sup>th</sup> May 2022 to protect W1 a broadleaf woodland, at land north of Junction Road, Woodhouse. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.1 W1 (as described in the Order) is a small broadleaf woodland consisting primarily of silver birch, goat willow and oak. The woodland forms a belt of trees which runs directly adjacent to the railway line, and which is situated between a railway building to the east and which culminates with the bridge at Furnace Lane to the west. The woodland is sited within an elongated plot of land, part of which was formerly used as a scrapyard, and which now constitutes scrub and naturally regenerating woodland, and which is adjacent to a housing estate to the south.

2.2 The site was subject to planning application 15/02851/FUL, in which planning permission was granted conditionally for the erection of 17 homes. This planning application sought to retain the woodland adjacent to the railway line as a buffer strip. Officer reports accompanying the application noted the importance of the retention of this strip, forming as it does a green link for wildlife, important for the shelter, foraging and breeding ground it provides. Retention and improvement of the woodland was therefore conditioned within the consent.

Following from the lapsing of this planning permission, the site was subject to an ongoing pre-application enquiry regarding the erection of 41 houses on the site. Officer advice accompanying the pre-application enquiry notes the site as having strategic importance for wildlife, with the woodland strip, which is now the subject of the TPO, compromising part of a wildlife corridor between the Shirtcliffe Brook and the River Rother. The advice states that the importance of this corridor has been assessed as part of the Natural Capital Mapping project, and were the site to be developed, the corridor should be retained, with a buffer zone to the railway of a minimum of 20m width being requested.



2.3 On 27<sup>th</sup> April 2022 Sheffield City Council received two phone calls stating that 200 of the silver birch had been marked with blue dots, the concern being that they had been identified to be removed. Planning officers, planning enforcement and Council members were alerted to this. It was considered possible that the woodland may be being prepared to be cleared to allow for greater development potential within the site. As the trees were not, at this time, protected in any way, a request was made by officers within the Council's planning department for the trees to be inspected and their suitability for a TPO to be assessed.

2.4 In response to the above concerns, Vanessa Lyons inspected the woodland on 4<sup>th</sup> May 2022 with a view to determining the woodland's suitability for protection. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out and the woodland was assessed as scoring 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 make a TPO.

2.5 Objections.

One objection has been received from a town planning consultancy, acting on behalf of their client, who is in the process of obtaining ownership of the land. A copy of the objection letter can be found at Appendix D. The objection was also accompanied by a BS 5837 Arboricultural Report, Impact Assessment and Method Statement, which has been prepared for the client, in readiness for the submission of a new planning application which will propose the creation of 19 residential dwellings on the site.

In summary, the author stated no objection to the imposition of the TPO, provided certain trees be removed from it, to facilitate the proposed development.

In response:

- Of the trees identified for removal within the report, the majority (G1, G2, G3, G13, T4, and T5) fall outside of the boundary of the TPO. There would therefore be no need to exclude them from the TPO.
- However, the group of trees identified within the report as G14 falls within the area protected by the TPO, and a section of the group identified as W20 is also within the woodland that makes up the protected area. Plans supplied within the report show the proposed footprint of several homes as overlapping the edges of both groups, hence the request to allow for removal of trees protected by TPO 454 to facilitate the proposed development.
- Incursion of development into the 20m buffer zone contravenes advice given by Council Ecologists during discussions relating to the pre-application enquiry referred to in paragraph 2.2, which states that a 20m minimum buffer strip of land is necessary for the preservation of wildlife. The incursion would also necessitate removal of trees which it has been considered expedient in the interests of amenity to protect.

Therefore, no amendment to the TPO is considered as being appropriate at this time, and the recommendation would be for TPO 454 to proceed to confirmation at committee unmodified.

## 2.0 VISUAL AMENITY ASSESSMENT

- 3.1 Visibility: The woodland protected by the order runs alongside the railway line for approximately 450 metres. It is clearly visible from the public vantage points of Junction Road, Furnace Lane and Soap house Lane. Images of the woodland taken from a variety of vantage points can be viewed in Appendix C.

Condition of the trees: The trees are somewhat suppressed due to growing near each other, as is usual within a woodland. However, the trees appeared predominantly defect free and of good vitality.

Future potential as an amenity: A conservative estimate of the lifespan of trees in the wood was given at 20-40 years, which reflects the fact that the woodland is mainly comprised of silver birch, a short-lived species. 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.

Additional factors: The woodland comprises part of a wildlife corridor which has strategic importance for wildlife and biodiversity, linking the Shirtcliffe Brook to the north with the Shire Brook and River Rother to the south. The importance of the 'corridor' in which this site is located has been assessed as part of the Natural Capital Mapping project carried out in conjunction with the other South Yorkshire local authorities.

- 3.3 Expediency: Trees within the eastern part of the woodland were marked with blue dots, raising concerns that the intention was to fell the trees. As the woodland had no other form of protection, and the site was earmarked for development, the risk of the trees being removed was assessed as "foreseeable" within the attached TEMPO assessment (Appendix B). Additionally, information provided within an objection to the TPO indicates that a new planning application is due to be submitted to the site. The Arboricultural Survey that accompanies this shows proposed incursion of dwelling houses within the area protected by the TPO.

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

## 6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

## 7.0 LEGAL IMPLICATIONS

7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (Section 198, Town and Country Planning Act 1990).

7.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the Order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.

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

7.4 A local authority may only confirm an Order after considering any representations made in respect of that order. One objection has been received and is detailed in this report.

## 8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.454 be confirmed.

Michael Johnson, Head of Planning

30.09.22

Appendix A. Tree Preservation Order No.454 and map attached.

**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 454 (2022)**  
**Land North of Junction Road, Woodhouse**

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 454 (2022) – Land North of Junction Road, Woodhouse.

**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 12<sup>TH</sup> MAY 2022

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

*David Selkis*  
David Selkis  
Authorised  
Secretary 2012-5913791



**SCHEDULE**

**Specification of trees**

**Trees specified individually**  
(encircled in black on the map)

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

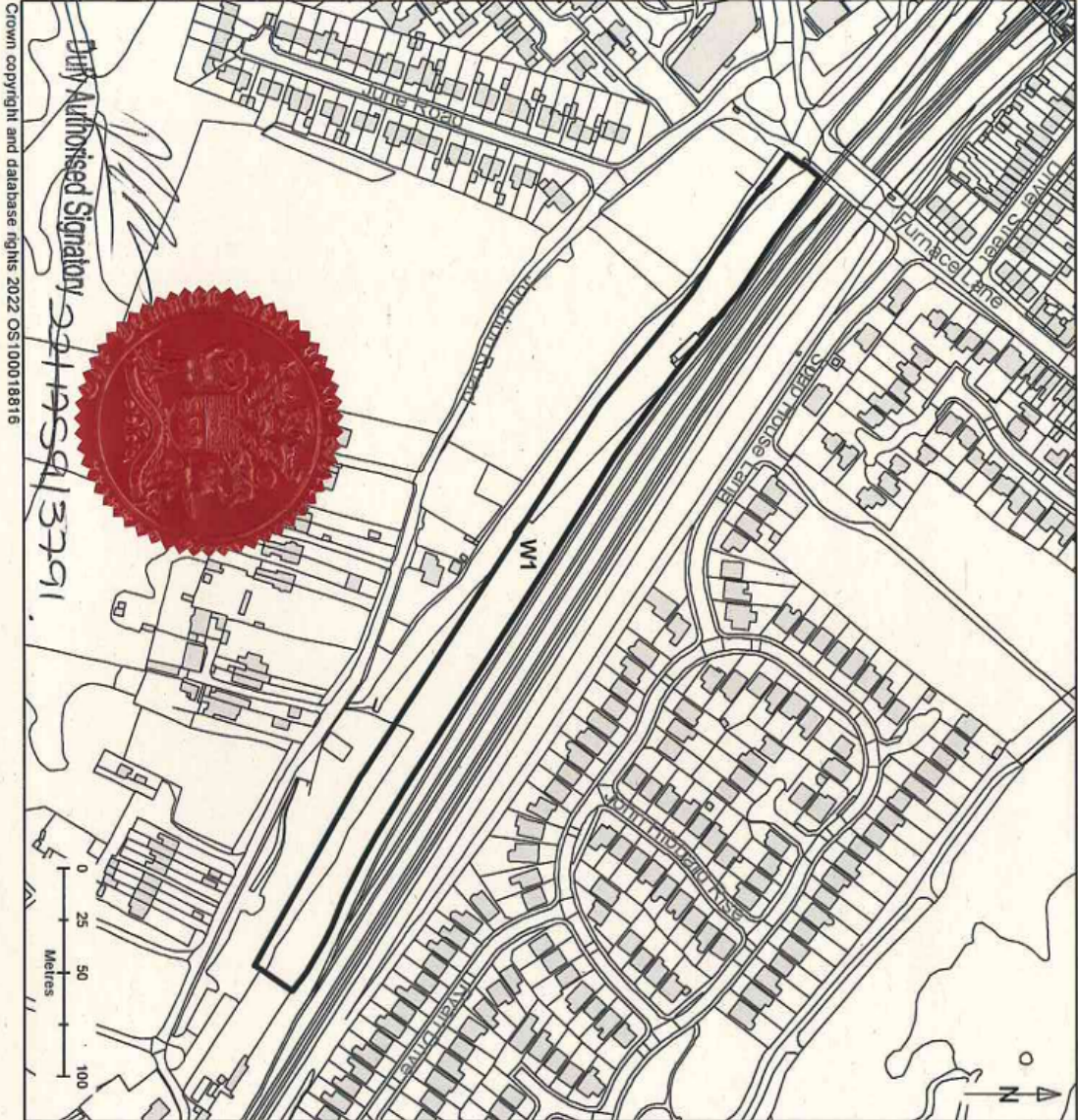
(within a solid red line on the map)

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


(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	Broadleaf woodland, mainly silver birch goat willow and oak	SK 43149 85163



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Duty Authorised Signatory: 22119594/33291

 Sheffield City Council Parks & Countryside Service
<b>TREE PRESERVATION ORDER</b> No. 454
Drawing No. <b>A4/UED/808/454</b>
Site address <b>Land North of          Junction Road,          Woodhouse</b>
Scale: <b>1:2,500 @ A4</b>
Drawn by MB      Date: 10/05/2022
<input type="checkbox"/> Trees specified by woodland (outlined in black on the plan)
<b>W1 - Broadleaf woodland, mainly silver birch          goat willow and oak</b>
Trees specified by reference to an area - None Trees specified by reference to a group - None Trees specified by reference to a woodland - None
<b>SK 43149 85163</b> A 20m wide buffer strip of woodland, running parallel to the railway line. Measurements shown approximately

# Appendix B. TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 04.05.22	Surveyor: Vanessa Lyons
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<b>Tree details</b>		
TPO Ref	Tree/Group W1	Species: Mixed deciduous woodland
Owner (if known):	Location: North of Junction Road, Woodhouse.	

### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

#### Part 1: Amenity assessment

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

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

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

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

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

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

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

Consider realistic potential for future visibility with changed land use

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

#### Score & Notes :

**3. Strip of predominantly silver birch running parallel to railway. Trees are young and suppressed due to growing in close confined, but largely defect free and showing good vitality.**

#### Score & Notes

**2**

**This score is based on the life span of silver birch, though other species in the wood, notably oak, would score 4.**

#### Score & Notes

**4. Trees clearly visible. Will also form a buffer between proposed housing development on the southern portion of the site and the railway.**

**d) Other factors**

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

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

**Score & Notes**

**3. Habitat. SCC ecologists note the importance of a habitat corridor linking this and adjacent sites. This has recently been assessed as part of the Natural Capitol Mapping project.**

**Part 2: Expediency assessment**

*Trees must have accrued 10 or more points to qualify*

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

**Score & Notes**

**3. the eastern part of the silver birch woodland has been marked, presumably to fell.**

**Rest of strip sits on land which has the potential to come under pressure from development.**

**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

**Woodland:**

Buffer strip of young silver birch, closely spaced, and of reasonable height, interspersed with young goat willow. Moving west this becomes a wider block of more mature silver birch, interspersed with goat willow and occasional sycamore. Further west the land becomes a steep embankment and the tree cover here is predominantly young oak. Much of the southern portion of this site is earmarked for development and predominantly contains low scrub. The western portion of the site which abuts Junction Road and is opposite the playing field which lies to the south of Junction Road. This area of land is more open in nature and is populated with semi mature standalone trees consisting mainly of hawthorn, sycamore, ash, goat willow and apple. This area is subject to discussion re development and is not included in the TPO.



Appendix C. Images of the woodland.



Image of the approximate boundary of TPO 454 (shown delineated in red). Image taken from Googlemaps.



Image of woodland from Google Streetview, taken from Junction Road, looking west.



Image of woodland from Google streetview, taken from the bridge at Furnace Lane, looking east.



Image of woodland from Google streetview, taken from Soaphouse Lane, looking west.

## Appendix D. Letter of Objection

**Mr R. Cannon**  
Professional Officer  
Legal Services  
Sheffield City Council  
Moorfoot Building  
Sheffield, S1 4PL

14 July 2022

Dear Richard,

**Objection/Comment to Tree Preservation Order No 454 – Land North of Junction Road, Woodhouse, Sheffield**

### **Context**

1.1

[REDACTED]

- 1.2 Following on from our telephone conversation, our client is in the process of buying Land North of Junction Road, Woodhouse, with aspirations to submit a planning application for 19 homes at the end of July 2022.
- 1.3 The site subject to this order is located in Woodhouse some 350m along Junction Road from the point where it meets Station Road. The total site area is approximately 1.5 hectares, of which approximately 0.57 hectares comprises land that was formally used as a scrapyard. The remainder of the site comprises of a woodland buffer strip adjoining the railway line.
- 1.4 The 0.57hectares of land formally used as a scrapyard has been vacant for a significant period of time, with containers and areas of hardstanding still present within the site. Located within the built fabric of Woodhouse, the site is contained by the presence of housing, road infrastructure and the presence of a railway line to the north.
- 1.5 Accessible to public transport and services; the site represents a sustainable location to accommodate much needed residential growth, alongside the opportunity for enhancements to the existing woodland.
- 1.6 Expanding on the above, planning permission was granted under reference 15/02851/FUL for 17 dwellings, alongside enhancements to the existing woodland. As part of this proposal (which is now extant but material in the consideration of this Order), a number of trees within the site were identified for retention, alongside the removal of trees identified of poor quality and value. This included trees along the site frontage. Importantly, in reaching a decision, Officers agreed that:

*'...the development plan supports the provision of housing on the site and the lack of 5-year supply of housing adds further weight in favour of the scheme. The site is mainly previously developed, vacant industrial land and redevelopment of the site will regenerate this despoiled site. The proposed housing scheme is considered to be well designed and of an acceptable density for this semi-rural location and the cottage aesthetic is an appropriate design response to the local character. The site is reasonably sustainably located with public transport services within reasonable walking distance.... The birch woodland and green link adjoining the railway line will be retained....Given the sensitive design proposed and the benefits of regenerating the site and providing new housing it is concluded that these significantly outweigh the impact on the rural character. It is recommended that planning permission be granted subject to the listed conditions'.*

- 1.7 The above supports the position that with appropriate mitigation and considered design, a high-quality scheme for housing can be delivered on this sustainable site, alongside the protection of trees which are of amenity value and important for wildlife function.

#### **The Order**

- 1.8 Tree Preservation Order no. 454 was made on 12<sup>th</sup> of May 2022, on the following grounds:

Matter 1: The trees to be protected are believed to be under threat of removal in order to prepared a site for development.

Matter 2: The trees are visually prominent, screen the site from the adjacent railway and form a wildlife corridor which has been identified as strategically important by Sheffield City Council's ecologists in that it links up with an adjacent area of habitat.

- 1.9 The trees identified within this Woodland TPO are located on the northern boundary of the site, which connects to an existing woodland to the north-west.

#### **Synopsis of Legislation – Guidance and Interpretation**

- 1.10 In the view of the Secretary of State, a TPO should be used to protect selected trees and woodland, if their removal would have a significant impact on the local environment and its enjoyment by the public. LPAs should be able to show that a reasonable degree of public benefit would accrue before the TPOs are made or confirmed. The trees or at least part of them should therefore normally be visible from a public place, such as a road or footpath, although the inclusion of other trees maybe justified. The benefit may be present or future: trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore, or future development: the value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland maybe collective only. Other factors such as importance as a wildlife habitat may be taken into account which alone would not be sufficient to warrant a TPO. A tree that is dead or in a dangerous condition is exempt from a TPO.

- 1.11 Expediency must also be assessed. The Secretary of State considers that it may be expedient to make a TPO, if the LPA believe there is a risk of the tree or woodland being cut down or pruned in ways which would have a significant impact on the amenity of the area.
- 1.12 It is important to note a TPO does not prevent or obstruct development, it does however ensure that trees subject of the order is a material consideration within any existing or future planning application

#### **Assessment**

Matter 1: The trees to be protected are believed to be under threat of removal in order to prepared a site for development.

- 1.13 The site is undergoing a legal transfer of ownership to my client [REDACTED]. In response to the Council's view that trees onsite are under threat of removal to prepare for development; our client is fully aware of the planning history of the site, with [REDACTED] appointed to undertake an updated Arboricultural Report, Impact Assessment and Method Assessment, alongside an updated Ecology Assessment. These documents will inform a future planning application, expected end of July 2022. Importantly, any works would be carried out in compliance with these assessments which were undertaken in May 2022. A copy of the Arboricultural Report, Impact Assessment and Method Assessment is enclosed with this response (**Appendix 1**).

Matter 2: The trees are visually prominent, screen the site from the adjacent railway and form a wildlife corridor which has been identified as strategically important by Sheffield City Council's ecologists in that it links up with an adjacent area of habitat.

- 1.14 The visibility of trees along Junction Road are acknowledged by my client and the design team. However, public visibility alone is not sufficient to warrant an Order.
- 1.15 The importance of trees along the railway from an amenity perspective is acknowledged. On this point, we draw reference to application 15/02851/FUL which adopted a buffer of existing birch woodland of approximately 12m deep to the north. This buffer was considered acceptable to screen views of the adjacent railway, and thus protect the amenity of existing and proposed residents. The quality of trees in this area (reference GO14; **Appendix 1**) have been identified [REDACTED] high amenity to site and surrounding area, but low overall quality, due to poor ground conditions ballast, tarmac and rubble, which could potentially limit the long-term future prospects of the trees within the group.
- 1.16 Expanding on the above, an ecological assessment was submitted in support of application 15/02851/FUL. An updated survey is currently being undertaken by [REDACTED] will be submitted as part of a future application.
- 1.17 Drawing upon the information contained in application 15/02851/FUL (due to timescales and availability of information); the area of land identified for preservation comprises early mature silver birch woodland. The Officers report noted that Sycamore, Ash and Silver Birch and species poor grassland were identified adjacent to Junction Road. Whilst none of the individual habitats within the site are considered to be of high nature conservation priority, together they provide important shelter, foraging and/or breeding for a range of wildlife including many terrestrial invertebrates, small mammals, birds and amphibians. In addition, as the habitats are

linked to Local Nature Sites their collective value can be considered of low local conservation value.

- 1.18 A search for protected species was undertaken as part of the application, and found no bat roosts or badger setts were recorded, although birch/oak woodland was noted as providing an important source of food for bats and there is evidence that the various habitats will provide suitable foraging material for badgers.
- 1.19 No great crested newts were observed within the site, although there are known breeding ponds in the locality. The mosaic of habitats within the site was assessed as providing good quality terrestrial habitat for great crested newts.
- 1.20 The ecological assessment concluded that the overall impact of the development (taking into account the mitigation) would be minor negative. Mitigation included the retention and management of the birch/oak woodland adjacent to the railway line (Area GO14 only; **Appendix 1**).
- 1.21 Importantly, Officers concluded that development in this location should not have a harmful ecological impact, and the existing birch woodland and woodland planting to the west of the housing area is to be retained, maintaining a green link by the railway line. No objections were raised by Natural England of the City Council's environmental team.
- 1.22 As noted above, our Client is preparing a planning application for the construction of 19 dwellings, with associated access as well as hard and soft landscaping. This will require the removal of trees as outlined in the accompanying Report and accompanying plans prepared by [REDACTED] (**Appendix 1**).
- 1.23 Trees identified for removal include 3 individual trees (T4, T5, & T15), 4 tree groups (G1, G2, G3, & G13), as well as the removal of a section of G14 and a southern section of woodland group (W20). The trees identified comprise Category B and C trees, mostly under 10 years of age and of moderate/low amenity value. However, there are some trees that are over 40+ years. To compensate for the loss of trees, replacement planting will be provided within the area of woodland to be retained. It is noted that fly-tipping happens within the area of some trees identified for removal.
- 1.24 The report also states that the proposal may also have an impact on the roots, stems and canopies of retained trees, unless suitable protection measures are put in place. We note that appropriate mitigation (as outlined in Section 5 of **Appendix 1**) can be secured via condition as part of a future application.
- 1.25 Importantly, the assessment identifies two category U Trees (T7 & T10) which should not be included in the TPO as a matter of law.
- 1.26 Overall, While there will be some loss of amenity value from the removals it will not significantly detract from the landscape value of the wider site. A high proportion of the trees to be removed are generally of low individual value.
- 1.27 Existing trees within G14 situated to the rear of proposed properties 10, 11, 12 and 13 (as highlighted in Tree Impacts Plan in Appendix 3) will require selective thinning to increase the usability of this private garden space. This will be of negligible loss as selectively thinning will remove the poorer trees within the sections whilst retaining the better quality trees, therefore overall improving the future growing conditions, and amenity of the retained trees.

1.28 The removal of sycamore T015 and a section of W20 is required to facilitate the construction of plots 1, 2 and 3. Due to the overall young and vigorous nature of the woodland this will be a short term loss and can be mitigated through the planting of suitable species, as well as incorporating an active management plan for woodland W20 which would overall improve the long term future growth and establishment of the woodland.

1.29 The development proposals have allowed space for the planting of replacement trees throughout the site once construction is complete. The planting of diverse tree species that are in keeping with the surrounding landscape character and tolerant of climate change can mitigate for the required removals and, in the longer term, increase the amenity value and ecosystem service benefits that the site's trees provide.

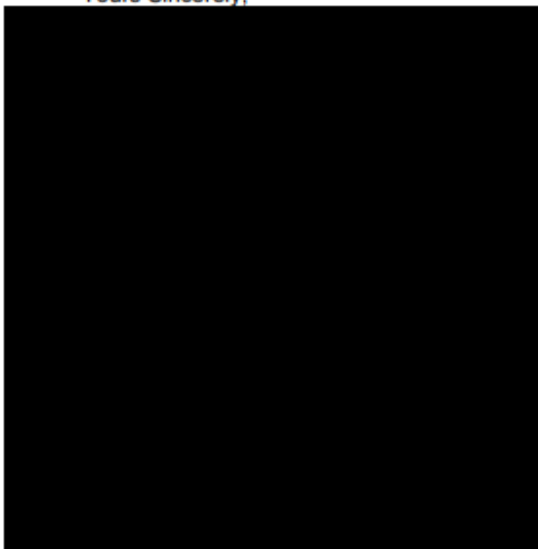
**Summary**

1.30 Overall, our client does not object to the imposition of the TPO, as long as the trees identified at Appendix 1 for removal to facilitate much needed development are omitted from the Order.

1.31 Our client would welcome discussions and continued dialogue with Sheffield City Council on the contents of this letter - prior to any determination and confirmation of the Order.

1.32 If you wish to discuss this further, please do not hesitate to contact me via the details outlined below.

Yours Sincerely,



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## SHEFFIELD CITY COUNCIL

### Planning & Highways Committee Report

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**Report of:** Director of City Futures

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**Date:** 11<sup>th</sup> October 2022

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**Subject:** Tree Preservation Order No. 455  
St Marys Roman Catholic Church Hall, Pack Horse Lane,  
Sheffield S35 3HY

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

---

**Summary:** To seek confirmation of Tree Preservation Order No. 455

---

**Reasons for Recommendation**

To protect a tree of visual amenity value to the locality

**Recommendation** Tree Preservation Order No. 455 should be confirmed unmodified.

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**Background Papers:** A) Tree Preservation Order No.455 and map attached.  
B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.  
C) Images of the trees

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**Category of Report:** OPEN

---

## CITY GROWTH SERVICE

### REPORT TO PLANNING & HIGHWAYS COMMITTEE

**11<sup>th</sup> October 2022**

St Marys Roman Catholic Church Hall, Pack Horse Lane, Sheffield S35 3HY  
TREE PRESERVATION ORDER NO. 455

#### 1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.455

#### 2.0 BACKGROUND

Tree Preservation Order No.455 ('the Order') was made on 19<sup>th</sup> May 2022 to protect four trees at St Mary's Roman Catholic Church Hall, Pack Horse Lane, Sheffield S35 3HY. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.1 T1, T2, T3 and T4 (as described in the Order) are four mature trees consisting of a purple beech, a lime, and two sycamores, which are located within the curtilage of St Mary's Roman Catholic Church. The purple beech stands to the front of the site, adjacent to the front boundary with Mortomley Lane. The two sycamore and the lime form a linear feature to the north-west boundary of the site.

2.2 The site is subject to an outline planning application (22/01111/OUT) regarding the demolition of existing buildings and the construction of two dwellings. The site is also within an Area of Special Character, and the trees are part of the distinct character of the site. Plans supplied with the outline proposal show the intended removal of the three trees to the rear of the site (four trees were marked on the plan, though there are in fact only three). The beech to the front of the site was earmarked for retention. The trees are not within a conservation area, and so are not subject to any measure of protection.

Guidance published within the most recent iteration of the government's National Planning Policy Framework states that opportunities must be taken to ensure that existing trees are incorporated within developments, while guidance from the Trees and Design Action Group (a not-for-profit and apolitical collaborative forum) indicates that where existing trees are removed and replaced, even with robust mitigation, it can take up to 25 years to match the benefits provided by the existing trees. The size of the trees in question means that they can be seen from some distance from the site, and their presence forms a green screen which acts to soften the nature of the built environment in which they reside. Therefore, their retention is desirable. Given this, a landscape officer within the Council, responsible for commenting

on the outline application, requested that the trees be inspected and that their suitability for protection by TPO be assessed.

2.3 Vanessa Lyons inspected the trees on the 5<sup>th</sup> May 2022, with a view to determining their suitability for protection. A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out and the trees to the rear of the site were assessed as scoring 14 points respectively. The beech to the front of the site, while not earmarked for removal was also inspected and considered for protection within the TPO, as it was felt that the tree would be vulnerable during the construction phase. This tree also scored 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.

2.4 Objections  
There are no objections.

### 3.0 VISUAL AMENITY ASSESSMENT

3.1 Visibility: The beech tree (T1) stands to the front of the site, is of a reasonably large size and is clearly visible from Mortomley Lane, which is a busy road bisecting the High Green area. The sycamore and lime (T2, T3 and T4) are all large stature trees to the rear of the church, and are partially visible above the roof of the church from the public vantage points of Mortomley Lane, Pack Horse Lane and Bellamy Court.

Condition and form of the trees: The condition of all of the trees was assessed as fair. The form of T1 suggest that at some point the tree has been heavily pruned and re-grown, however it is in reasonable condition and at the time of inspection of good vitality. Ivy and vegetation at the bases of T2, T3 and T4 precluded a thorough basal inspection, though a historic wound to the base of T4 was discernible. There was evidence of past pruning, small amounts of deadwood, and historic branch loss commensurate with trees of this age, but no visible outward defects which would indicate that the trees would not live to a reasonable age for their species. T2 in particular has an aesthetically pleasing, large, open crown.

Future potential as an amenity: A conservative estimate of the lifespan of the trees was given at 20-40 years, meaning that if retained, the trees will bring a good degree of amenity to the area for many years to come.

Other factors: The tree did not score additional points in this area (which considers rarity of species, historical association etc) though it can be considered that the presence of large canopy, mature trees such as these contribute to the local landscape which is designated as an Area of Special Character. The trees are part of the distinct character of the site and are likely a remnant from a time when the area had a more rural feel.

3.3 Expediency: T2, T3 and T4 were earmarked for removal to facilitate a new development, as indicated within outline planning application number 22/01111/OUT. The trees are not within a conservation area. T1 was not indicated as being removed within the outline planning application, however it was considered that the tree would be vulnerable to either removal or damage during any future construction phase, and that it should therefore be considered for protection alongside the other 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.454 will benefit the visual amenity of the local environment.

#### 6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

#### 7.0 LEGAL IMPLICATIONS

7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (Section 198, Town and Country Planning Act 1990).

7.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the Order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.

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

7.4 A local authority may only confirm an Order after considering any representations made in respect of that order. No objections have been received.

#### 8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.455 be confirmed.

Michael Johnson, Head of Planning

30.09.22

Appendix A. Tree Preservation Order No. 455 and map attached.

**Tree Preservation Order**  
**Town and Country Planning Act 1990**  
**The Tree Preservation Order No 455 (2022)**  
**St Marys Roman Catholic Church Hall, Pack Horse Lane, Sheffield S35 3HY**

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 455 (2022) – St Marys Roman Catholic Church Hall, Pack Horse Lane, Sheffield S35 3HY.

**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 19<sup>TH</sup> MAY 2022

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

  
DUTY AUTHORISED SIGNATORY

22/1701/5818



**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	Purple beech ( <i>Fagus sylvatica</i> 'Purpurea')	SK 34227 97593
T2	Sycamore ( <i>Acer pseudoplatanus</i> )	
T3	Common lime ( <i>Tilia × europaea</i> )	
T4	Sycamore ( <i>Acer pseudoplatanus</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)

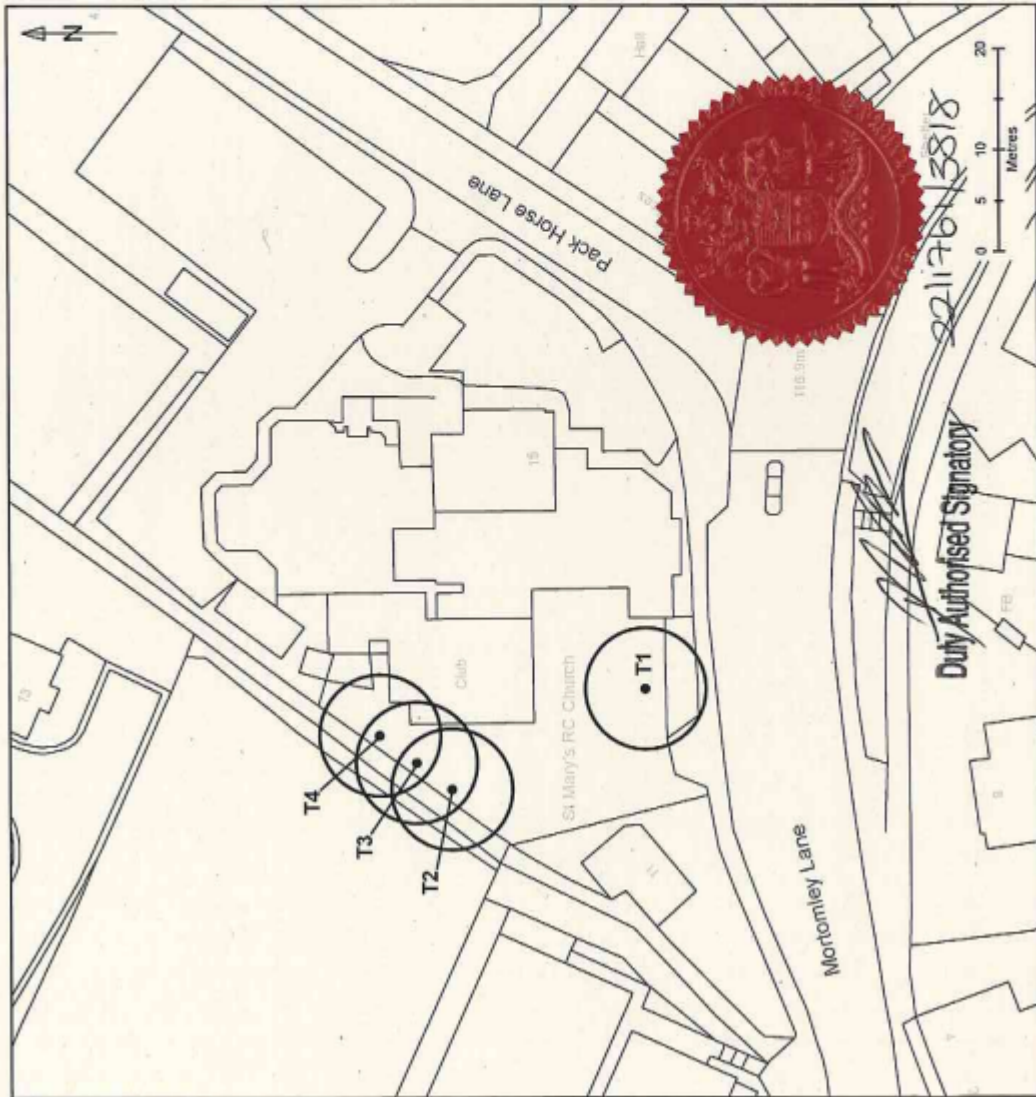
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
-------------------------	---	------------------

**Woodlands**

(within a continuous black line on the map)

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

Sheffield City Council Parks & Countryside Service	Sheffield City Council
<b>TREE PRESERVATION ORDER</b> No. 455	
Drawing No. A4/808/455	
Site address St Marys Roman Catholic Church Hall Pack Horse Lane Sheffield S35 3HY	
Scale: 1:500 @ A4	
Drawn by MB	Date: 13/05/2022
Trees specified individually (circled in black on the plan)	
T1 Purple beech ( <i>Fagus sylvatica</i> 'Purpurea') T2 Sycamore ( <i>Acer pseudoplatanus</i> ) T3 Common lime ( <i>Tilia x europaea</i> ) T4 Sycamore ( <i>Acer pseudoplatanus</i> )	
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 34227 97593 Measurements shown approximately	



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## Appendix B. TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

### SURVEY DATA SHEET & DECISION GUIDE

Date: 05.05.22	Surveyor: Vanessa Lyons
----------------	----------------------------

<b>Tree details</b> TPO Ref 455	Tree/Group T1, T2, T3, T4 Species: T1- Purple beech, T2 Sycamore, T3 Lime, T4 Sycamore
Owner (if known):	Location: St Marys Roman Catholic Church Hall, Pack Horse Lane S35 3HY

### 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. Ivy and epicormic restricted full basal inspection of T2-T4.**

**Historic wound at base of T4. Good wound wood present, Internal wood hard, no evidence FFB.**

#### Score & Notes

**2.**

#### Score & Notes

**5**

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

**d) Other factors**

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

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

**Score & Notes**

**1.**

**Could argue for 3 here based on age of trees and habitat/ historic association- however no direct evidence at present of historical links**

**Part 2: Expediency assessment**

*Trees must have accrued 10 or more points to qualify*

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

**Score & Notes**

**3. Outline planning application stating removal of T2-T4.**

**T1 earmarked for retention but could come under pressure during development process.**

**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

Appendix C. Images of the trees



Image of T2, T3 and T4, partially visible on the right, above the roof of the church. Image taken from Google streetview from the vantage point of Pack Horse Lane.



T1 Beech, taken from Mortomley Road.T2 in background.



T2 Sycamore. Taken from within the church grounds. T4 visible behind.



T3. Lime. Taken from within the church grounds.



T4. Sycamore. Taken from underneath the tree.



T2, T3 and T4, taken from entrance to church grounds.





## SHEFFIELD CITY COUNCIL Planning and Highways Committee

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**Report of:** Director of City Growth Department

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**Date:** 11/10/2022

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

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**Author of Report:** Lucy Bond and Sarah Hull

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**Summary:**

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**Reasons for Recommendations**

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

**Recommendations:**

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**Background Papers:**

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	22/02651/CHU (Formerly PP-11402063)
Application Type	Planning Application for Change of Use
Proposal	Alterations to dwellinghouse to form 2 self-contained studio / bedsits
Location	9 Paper Mill Road Sheffield S5 0EA
Date Received	14/07/2022
Team	North
Applicant/Agent	Wireframe Studio
Recommendation	Grant Conditionally

### **Time Limit for Commencement of Development**

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

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

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

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

Proposed Plans and Elevations, Drawing Number 4 Rev 4, Published 08.09.22  
Existing Plans and Elevations, (red line site plan) Drawing No 03 Rev 2, published 14.07.22

Reason: In order to define the permission.

### **Pre-Commencement Condition(s)**

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

### **Other Compliance Conditions**

3. The dwellings shall not be occupied unless the car parking accommodation as shown on the approved plans has been provided and surfaced in accordance

with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

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

Attention is Drawn to the Following Directives:

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

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

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

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

# Site Location



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## Location and Proposal

The application site is an end, two storey dwellinghouse located on Paper Mill Road. The street scene is predominantly residential and characterised by dwellings similar in age and appearance to the application property. The area is designated as a Housing Area in the adopted Sheffield Unitary Development Plan.

Consent is sought to subdivide the dwelling to form 2 studio flats. Each studio would occupy a floor and consist of a living /bedroom and separate kitchen and bathroom.

There is a good sized rear garden which would form shared amenity space. No external alterations are proposed to the property.

## Representations

One letter of objection has been received which has been accompanied by a petition with 34 signatories objecting to the proposal. The following points are raised;

- The units would attract single people which could cause problems on the street. Eg. visitors day and night, people congregating. Concerns are raised regarding safety.
- The area is characterised by family housing, concern is raised that bedsits would be inappropriate.
- Concern is raised that if families occupied each bedsit with two vehicles each there would be a highway safety issue caused by parking demand.
- The driveway is too steep for people to access.
- Comment is made that the bedsits would have little space.
- Concern is raised that owners and residents would not maintain the garden.
- Works have commenced to covert the properties without planning permission.
- Issues with mess and debris in the highway during conversion are detailed.
- Concern regarding lack of public consultation on the planning application

## Policy Context

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

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

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

The monitoring report released in August 2021 sets out the position as of 1 st April 2021 – 31st March 2026 and concludes that there is evidence of a 4- year supply of

deliverable housing land. Therefore, the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites.

Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date according to paragraph 11(d) of the NPPF.

The so called 'tilted balance' is therefore triggered, and as such, planning permission should be granted unless

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

In this context the following assessment will:

- Consider the degree of consistency these policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.

- Apply 'the tilted balance' test, including considering if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

#### Land Use

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

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

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

However, it is considered that weight can still be afforded to policy CS23 on the basis that it links to key themes in the NPPF including increasing the supply of new homes, regeneration and sustainable development, the efficient use of land, brownfield land development, sustainable development, and sustainable travel.

The scheme makes efficient use of an existing building within a sustainable, urban, residential location. Furthermore it would add to the supply and mix of accommodation in the area. The scheme is compatible with the above mentioned policies.

#### Amenity

Policy H5 seeks to ensure that a concentration of uses would not lead to nuisance for existing residents and that living conditions would be satisfactory for occupants of the accommodation and immediate neighbours. Policy H14 sets out similar aims regarding amenity.

The Guidance contained within SPG on Designing House Extensions is also applicable in assessing residential amenity implications.

This aim is robustly reflected in paragraph 130 of the NPPF and as such it is considered that significant weight can be attached to the local policies.

The use of the property as two separate units would be unlikely to yield a significantly higher number of occupiers. The existing house is two bed roomed and the nature of the studio style accommodation would be likely to be occupied by single people. The use would be residential within a residential area and would be compatible, adding to the mix of accommodation in the area. There is no evidence that the scheme would result in nuisance.

No external alterations are proposed and the internal accommodation would be laid out so that habitable room windows have the same outlook as existing.

The scheme would have acceptable residential amenity implications.

Amenity of Future Occupiers.

The South Yorkshire residential Design Guide states the minimum size of a studio should be 33m sq. The Technical housing standards - nationally described space standard sets this at 39 m sq. At 29sqm, these units do fall short, however it is accepted that this is a conversion and not a new build. The unit would have acceptable internal light and space, with the living area being of a reasonable dimension. There is also access to good sized outdoor amenity space. As such it is considered that the amenity for future occupiers would be acceptable.

Highways

UDP Policy H14 seeks to ensure developments provide safe access to the highway network, appropriate off-street parking and does not endanger pedestrians.

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 policies align and weight can be attached to the local policy.

The site has a dropped kerb, however parking on the site frontage is not formalised. It is evident that cars have been parked on the grass. The applicant has submitted a plan showing a single off street parking space which will be surfaced. Whilst an additional second parking space would be preferred, it is acknowledged that the intensity of use of the site will not materially alter, and there is some on street parking available, despite the demand for this. Taking a balanced view the parking provision is accepted.



Concern has been raised through representation about the gradient of the land, this is however regarded as being acceptable.

Unacceptable highway safety implications would not arise as a result of the scheme.

CIL

In this instance the proposal falls within Zone1. Within this zone there is a CIL charge of £0 per square metre.

## RESPONSE TO REPRESENTATIONS

The above assessment discussed many of the points raised through representation.

It is noted that there is particular concern regarding the future occupiers of the units, in terms of safety and potential antisocial behaviour. There is no evidence to suggest that this would be an issue. Any such behaviour would be addressed via separate legislation. The scheme cannot be resisted on planning grounds based on these concerns.

Concern is raised that works have commenced to covert the properties without planning permission- Any works have been carried out at the owners own risk.

Issues with mess and debris in the highway during conversion are raised – Separate powers exist to address this issue outside the planning process.

Concern regarding lack of public consultation on the planning application -Immediate neighbours adjoining the site have been consulted in line with the Council's Code of Practice for Publicity and Consultation on Planning Applications.

Concern is raised that owners and residents would not maintain the garden – This is not a material planning consideration, however powers do exist to address untidy land.

## Summary

Consent is sought to subdivide a two bedroom end town house to 2 studio flats.

Owing to the Council's lack of a 5 year housing land supply the tilted balance is engaged and Paragraph 11 (d) ii) of The Framework applies which requires permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In considering the planning balance for this proposal the benefits are considered to be; the contribution towards the provision of housing in the context of the lack of a 5 year housing land supply, the sustainable location of this small site which would add to the mix of housing in the area, and very limited benefits to the economy.

The disbenefits are that the size of each unit is slightly substandard and an additional parking space would be preferred, however this has been discussed above and is regarded as being acceptable.

In this instance the planning balance falls in favour of the development which is compliant with the above mentioned policies and referenced sections of the NPPF.

Recommendation: Grant Conditionally.

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Case Number	22/01035/FUL (Formerly PP-11110732)
Application Type	Full Planning Application
Proposal	Amendment to allow outside storage (hours of use between 7am and 9pm) (Application under Section 73 to vary condition no. 13 (outside storage) as imposed by planning permission 02/03682/FUL- Erection of unit for Class B1 (Business) use with ancillary offices and provision of car parking accommodation (Amended as per plans received on 12 February 2003))
Location	Abbey Glen 10 Carley Drive Sheffield S20 8NQ
Date Received	15/03/2022
Team	City Centre and Major Projects
Applicant/Agent	Abbey Glen Ltd
Recommendation	Refuse with Enforcement Action

**Refuse for the following reason(s):**

- 1 The Local Planning Authority considers that the proposal will have an unacceptable impact on highway safety as a result of insufficient on site parking and a consequent increase in parking on the local road network. Furthermore the tracking data submitted illustrates conflict between lorry movements and parked vehicles and excessive reversing manoeuvres creating safety concerns. The proposal is contrary to Unitary Development Plan Policy IB9 and Paragraphs 110 and 111 of the National Planning Policy Framework.
- 2 The Local Planning Authority considers that the proposal will result in unacceptable noise and disturbance to neighbouring properties, resulting in a harmful impact to living conditions. The proposal is contrary to Unitary Development Plan Policies IB9 and GE24 and Paragraphs 130 and 185 of the National Planning Policy Framework.

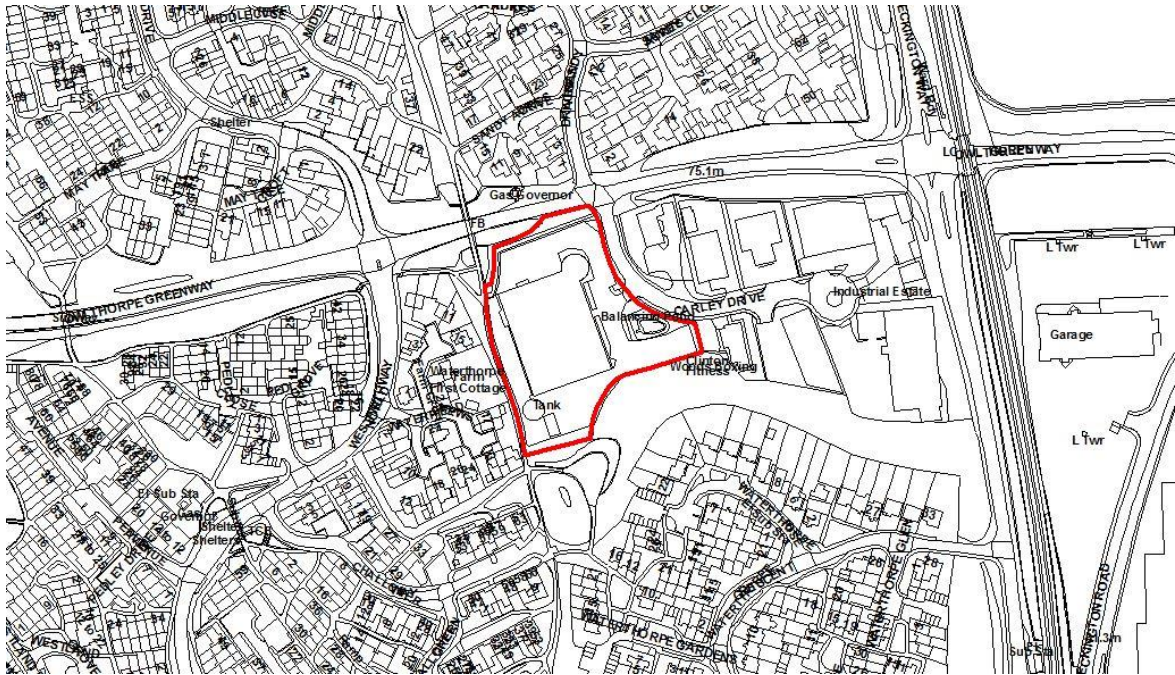
Attention is Drawn to the Following Directives:

1. The following plans have been considered in the determination of this application:

Information and storage plan contained within the Highways Technical Note (published 25 July 2022)

2. Despite the Local Planning Authority trying to work with the applicant in a positive and proactive manner it was not possible to reach an agreed solution in negotiations.

# Site Location



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## LOCATION AND PROPOSAL

The application relates to a two-storey commercial unit located at the junction of Carley Drive and Owlthorpe Greenway. The building is sited towards the western boundary of the site and is surrounded by hard surfaced parking and servicing areas to the north, east and south, with a small landscaped SUDs area to the south east corner of the site. The building is in use by Abbey Glen, an independent laundry business offering services to supply rental linen to the hospitality industry.

Carley Drive, to the east of the site is characterised by a range of commercial uses. Owlthorpe Greenway is to the north of the site with a designated Housing Area beyond. To the south of the site is a strip of landscaping (primarily consisting of trees and grassed areas with footpaths) designated as an Open Space Area, with housing beyond. To the west of the site, beyond a footpath and a narrow strip of trees, are the boundaries of other residential properties fronting Waterfield Mews. The application site itself is allocated as a Business Area as designated in the adopted Sheffield Unitary Development Plan.

Planning consent (subject to conditions) was granted in April 2003 for the erection of the unit for Class B1 (Business) use with ancillary offices and provision of car parking accommodation (case reference 02/03682/FUL).

Condition 13 of the above permission states:

There shall be no external storage within the site unless otherwise authorised in writing by the Local Planning Authority

This current application seeks a variation of Condition 13 under Section 73 of the Town and Country Planning Act 1990, to allow outside storage.

Amendments have been made during the course of the application to consolidate the storage proposed. It is now proposed to store up to 300 crates externally to the south of the building to allow for rotation of laundry on crates into and out of the warehouse and between delivery vehicles. A skip for waste is also proposed close to the southern boundary. Whilst the crates will be stored externally in perpetuity, they are proposed to be moved only between the hours of 7am and 9pm. External storage is already evident on site.

The site was purchased by the applicant in 2020 and has been operating as 'Abbey Glen' since that time. Abbey Glen is an independent laundry business offering services to supply rental linen to the hospitality industry. The applicant has detailed that they require the condition to be varied so that they can store excess empty cages during the quiet season (December to March) when they are not needed. Furthermore, during busier periods, a maximum of 120 cages can be stored internally within the factory. Cages are sorted at a speed of 35/40 per hour, meaning that following the last delivery (6pm as proposed through application 22/01032/FUL), if there is no external storage, the majority of stock will be processed by 9pm and the business would be unable to process all soiled stock as a result of a loss of production capacity. The applicant states that this would make the business unviable.

## RELEVANT PLANNING HISTORY

22/01032/FUL - Amendments to delivery hours to between 0800 hours and 1800 hours Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays, no deliveries on Sundays and between 1000 hours and 1600 hours on Public Holidays (with no deliveries on Christmas Day, Boxing Day and New Year's Day) (Application under Section 73 to vary condition no. 3 (delivery hours) as imposed by planning permission 02/03682/FUL- Erection of unit for Class B1 (Business) use with ancillary offices and provision of car parking accommodation (Amended as per plans received on 12 February 2003)) AMENDED DESCRIPTION – pending consideration

20/02247/FUL - Application to allow extended delivery hours: 0400 hours-2200 hours on all days (Application under Section 73 to vary condition 3 (Delivery hours) imposed by planning permission 02/03682/FUL - Erection of unit for Class B1 (Business) use with ancillary offices and provision of car parking accommodation – refused

04/00259/FUL - Erection of water storage tank and pump house (in connection with planning permission 02/03682/FUL) -refused with enforcement action – appeal allowed

02/03682/FUL Erection of unit for Class B1(Business) use with ancillary offices and provision of car parking accommodation (Amended as per plans received on 12 February 2003) – granted conditionally.

## SUMMARY OF REPRESENTATIONS

Neighbours were initially notified of the application on 23 March 2022. Following amendments to the scheme they were re-notified on 26 July 2022.

Two councillor objections have been received. The points raised are detailed below:

Councillor Kevin Oxley

- Local residents have been leading a very vocal campaign for 18 months against Abbey Glen operating as an E class unit
- Many local residents are angry at the constant disturbance to their everyday life, wellbeing, mental health and amenity
- Residents have evidence of deliveries or noise disturbances occurring throughout the evening and early hours of the morning, despite the current restrictions in place
- Abbey Glen are in breach of current planning conditions as they already store hundreds of metal trollies in the yard and a skip for waste, photographic evidence of this is available
- No enforcement action has been undertaken in respect of the breach
- What assurances will local residents receive that this application will not exacerbate the current noise disturbances already experienced
- What assurance can be given that any further breaches to planning regulations will be properly investigated
- Question whether the operation of the business would fall within Class E (formally B1), this must be investigated further
- The proposal will adversely affect and put increased parking on Carley Drive

where there is already an increase in on-street parking

Councillor Gail Smith

- Has tried many times to get on the site without success
- Concerned about the application. Residents on Waterfield Mews are being woken up at 5.30am and the business is working until midnight. This is unacceptable

28 letters of objection have been received, 19 letters are from the first round of consultation and 9 from the second round of consultation. The points raised are detailed below:

First round of consultation

- Abbey Glen is a B2 business operating under a B1 permission. The proposed application will increase the B2 use of the unit
- The factory is too small for Abbey Glen's needs
- Planning rules relating to outside storage are already breached
- UDP policy requires development to 'not cause residents or visitors in any housing to suffer from unacceptable living conditions...e.g. noise, other nuisance or risk to health and safety'
- The original application conditioned no items to be stored externally 'In the interests of the amenities of the occupiers of adjoining property'
- Reference made to Technical Advice Note: Assessing Residential Amenity from South Gloucs Council, which refers to residential amenity
- The immediate area around Abbey Glen is being systematically destroyed in terms of the health and well being of the community. Homes are becoming inhabitable and this application will make this worse
- The Sheffield Joint Health and Well Being Strategy requires that 'Everyone has a home that supports their health'
- Object due to noise of moving trollies late at night; movement of trollies is very noisy
- Noise also evident from doors slamming and roller shutters, this will get worse, such noise is harmful to residential amenity in residential dwellings and their garden areas
- Unloading noise will get worse
- Any increase in storage outside will increase the already noisy operations, including constant humming noise which means residents can't sleep with windows open
- Already excessive noise from the premises, including machine noise during day and night, traffic coming and going and talking/laughing of staff and drivers
- Fire risk from linen being stored outside. Abbey Glen state that limited amounts of linen can be stored inside to reduce fire risk, it should therefore follow that the linen will be a fire risk if stored outside, in close proximity to trees and residential property. This presents a fire risk to the neighbourhood
- Odour issues and concerns about health
- Health hazards from infectious material on the laundry
- Residents cannot open windows or enjoy gardens owing to noise and odours
- Some activities cause vibrations in neighbouring properties



- Abbey Glen is making parts of the neighbourhood uninhabitable
- Trolleys are not secured together and bang into each other causing noise
- Impact on amenity will lead to poor mental health, loss of jobs and homes
- Objection to amendment to delivery hours owing to noise issues
- Opening hours are excessive and cause amenity issues
- The land is not large enough to accommodate extra storage, where will the cars park
- Additional traffic
- Storage is extremely unsightly

#### Second round of consultation

- The majority of issues raised are the same as those outlined in relation to the first round of consultation
- Trials of moving trolleys between 7am and 9pm are not representative of the real-life situation and would have been undertaken with extreme care, creating less noise
- From experience moving trolleys is noisy, employees carrying out this activity are offered ear defenders
- The impact of 300 trolleys will be devastating for residents, no matter what time of day they are being moved. Coupled with existing noise issues this is unacceptable
- Noise will be disruptive to children at bedtime
- If the highway transport note is correct then why do Abbey Glen employees park dangerously on Carley Drive, choking the entrances to other units, especially at shift change time
- Evidence on site contradicts the Transport Technical Note
- Object to lorries taking car parking spaces, this will push car parking out on to nearby residential streets
- Lorries often parked on roads
- Extreme temperatures have been experienced this summer, which increases the fear of fires setting light to nearby trees adjacent to residential properties
- Trolleys should be stored in a purpose-built facility covered by sprinkler system

#### Letters of response from Abbey Glen

- EPS have investigated and confirmed Abbey Glen are not a statutory noise nuisance (March 2022)
- Significant investment has been made to reduce noise from operations
- EPS have confirmed Abbey Glen are not a statutory odour nuisance (August 2021)
- Items are washed with water and soap and do not emit obnoxious odours
- Local members have been updated throughout the process
- Require a bin/skip in yard area to take waste away from the site
- Want to be able to store, when required, dormant stock that won't be used for several months outside
- Would like to store soiled stock outside when there is no further space inside in the factory
- In respect of external storage, request similar entitlement to the other businesses on the shared industrial estate

- There is no fire risk from storing items outside, in line with inspections and remarks from insurers and the local fire department
- Some residents have been aggressive and intimidating and other residents are fearful or recriminations if they support the proposal
- Welcome anyone with concerns to come and visit the site
- An email from South Yorkshire Fire Safety has been forwarded, detailing that a visit from a Fire Safety Office has been undertaken and does not raise concerns that the storage of linen outside is a fire risk.

## PLANNING ASSESSMENT

### Policy Context

The National Planning Policy Framework (NPPF/Framework) sets out the Government's planning priorities for England and describes how these are expected to be applied. The key principle of the Framework is the pursuit of sustainable development, which involves seeking positive improvements to 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.

Sheffield's development plan comprises the Unitary Development Plan (1998) and the Core Strategy (2009).

Paragraph 219 of the NPPF states 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.

### Principle of Development

A number of objections refer to whether the use of the building falls within the E use class (previously B1) or B2 use class. Assessment of this matter is ongoing and will be supported by an independent noise report which is currently being carried out. The results of this process will confirm whether an application for a change of use is required.

For the purposes of this application the assessment of the acceptability of the outside storage will not affect the future ability to require a change of use application or to take enforcement action in relation to the use of the building.

### Highways

Policy IB9 of the Unitary Development Plan states that development should be adequately served by transport facilities and provide safe access to the highway network and appropriate off-street parking.

Paragraph 110 of the NPPF states that in assessing applications it should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location
- b) Safe and suitable access to the site can be achieved for all users; and
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 of the NPPF states that new development ‘should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.

Paragraph 112 goes on to state that priority should be first given to pedestrian and cycle movements and second to facilitating access to high quality public transport.

Moderate weight can be given to the local policy, as although the principles generally align with the NPPF, the test set out in Paragraph 111 states development should only be refused if it causes an unacceptable impact on highway safety, which is a higher test.

The site is accessed from Carley Drive to the east of the site, with an access road running through the site providing access to parking and servicing areas. The approved layout includes service yards to the north and south of the building and 85 car parking spaces.

The proposed use of the area to the south of the building for external storage will result in the loss of the service yard and turning area as approved through the 2003 planning permission. An amended site layout plan has been submitted in support of the current application to demonstrate the proposed car parking and lorry parking arrangements. Tracking information has also been submitted to demonstrate how vehicles will turn within the site.

#### Car parking

The amended site layout plan illustrates a total of 45 parking spaces, of which 3 are disabled and 14 lorry spaces.

Parking guidelines require 1 parking space per 60 square metres of floor space. Based upon a floorspace of 4,505 square metres, this would equate to a requirement for 75 car parking spaces. The proposal is clearly below this level.

The applicant has submitted information in support of their application which seeks to provide details about the number of employees to demonstrate that car parking is appropriate. The maximum number of staff on site at any one time is 69, formed from a combination of office staff, delivery staff and production staff. Shift times do not cross over, ensuring that shift workers will have vacated their parking space before the

spaces are required for the next shift workers. Although the information submitted with the application details that there are currently a number of employees who car share, this cannot be relied upon to be the case going forward. None the less it is not expected that everyone employed at the site will use a private vehicle to access the site. There is a large catchment within walking distance of the site and it is also accessible by public transport being approximately 400 metres away from the nearest tram stop.

### Lorry parking

Abbey Glen has 14 lorries and has subsequently indicated 14 lorry spaces within the curtilage of the site. These are in three areas; the first to the north of the site is shown to accommodate 4 vehicles; the second to the south-east of the site is shown to accommodate 8 vehicles; finally, two vehicles are shown to be parked within the southern service yard.

The site layout plan indicates that the parking arrangements for the lorries is very tight and cramped. In the north and south-east parking areas the lorries are shown to be parked right up to the edge of the hardstanding, on the ground these would be touching the boundary treatments of landscaping or low fencing. Additionally, the lorries are shown to be parked with very small distances between them, in some cases as little as 0.3 metres.

In reality the restricted dimensions and tight arrangement of vehicles would make achieving the parking layout highly impractical and likely impossible. The minimal separation distances would make even getting in and out of vehicles difficult and if just one driver were to park slightly out of line then this would result in vehicle displacement. It is considered that the layout does not adequately accommodate all lorries and that as a consequence they are likely to be parked within parking bays or on the street. In combination with the above discussion on the level of car parking provision, it is concluded that insufficient parking is provided within the site to accommodate delivery vehicles and staff car parking. As such the development will lead to the displacement of vehicles onto the local public highway which is to the detriment of highway safety. Officers have carried out a number of site visits and noted high levels of on-street parking within the vicinity of the site.

### Vehicle manoeuvres

The tracking information shows how a 12 metre rigid truck and a 10 metre box van could access both service yards to the north and south of the building, along with the proposed lorry parking areas. Access to the southern service yard will involve a reversing manoeuvre into the HGV parking area for vehicles to turn and exit the site in a forward gear.

This manoeuvre will be very tight, vehicles reversing into the HGV parking area could potentially be required to squeeze between parked vehicles. The dimensions are very restricted and would be partly reliant on lorries being parked in the exact positions indicated on the drawings which as detailed in the previous section are themselves very tight. For 12 metre rigid trucks, exiting the HGV parking area is also very tight and will bring the trucks in close proximity to parked cars, this is likely to prove impractical/problematic in practice. Such restrictive dimensions could lead to conflicts

between vehicles and pedestrians and the problems inherent with manoeuvres into the HGV parking area could lead to trucks reversing the full distance between the service area and Carley Drive which would be dangerous.

The tracking information demonstrates that vehicles entering the lorry parking area to the north of the site will reverse the entire distance between the site entrance and the parking area. Reversing for such long distances presents conflicts between other vehicles and pedestrians within the site and is harmful to highway and pedestrian safety.

It is concluded that the proposed outside storage area and resultant displacement of vehicle parking and alterations to turning/manoeuvring within the site will lead to an unacceptable impact on highway and pedestrian safety. The proposal is contrary to local and national policies in this regard.

#### Amenity

UDP Policy IB9 (b) states that new development should not cause residents or visitors to suffer from unacceptable living conditions.

UDP Policy GE24 'Noise Pollution' states that development will be permitted only where it would not create noise levels which would cause a nuisance (a) or locate sensitive uses and sources of noise pollution close together.

Paragraph 130(f) of the Framework identifies that development should create places with a high standard of amenity for existing and future users.

Development should also be appropriate for its location taking account of the effects of pollution on health and living conditions, the potential sensitivity of the site or the wider area to impacts that could arise from the development and mitigate and reduce to a minimum any potential adverse impacts of noise on health and quality of life (paragraph 185).

The local and national policies are considered to be well aligned and so substantial weight can be offered to the local policies in this instance.

The proposed storage area to the south of the existing building will be located approximately 26 metres away from the rear garden boundaries of properties on Waterfield Mews to the west and approximately 40 metres away from properties on Waterthorpe Rise to the south.

A noise impact assessment was submitted in support of application 22/01032/FUL which seeks to vary the delivery hours. The noise report identifies that noise from deliveries has a low impact but recommends that a noise management plan should be implemented to ensure that that extended delivery hours did not result in an unacceptable increase in noise to neighbouring properties. The noise report identifies that moving trollies in the yard creates noise and the management plan states that trollies should be checked regularly to ensure they operate correctly and with minimum noise and that the service yard should be checked regularly, and any damaged areas repaired to avoid trolley rattles. As detailed in relation to the previous application these measures may be difficult to implement in reality.

Permission is sought for movement of the trollies within the storage area and between the storage area and building between the hours of 7am and 9pm. These hours extend beyond the proposed delivery hours in both the morning and evening times. It is considered that the increased movement of trollies during the quieter morning and evening times will create increased noise and disturbance (from trolley movement and associated voices) to nearby residential properties during periods where it would be reasonable to expect a quieter noise environment. Such increase would have a harmful impact on the living conditions of nearby residents, contrary to local and national policy requirements.

The applicant has stated that these hours are the minimum at which they can effectively operate. This is due to the fact that there is not enough space within the factory to accommodate sufficient cages to enable all stock to be processed. Additional stock (to be stored externally) is required to be moved into the factory to allow processing. If such movements cannot take place then Abbey Glen will be unable to work to capacity, losing operating time and making the business unviable.

## Design

UDP Policy IB9 states that development should be well designed with buildings and storage of a scale and nature appropriate to the site.

Core Strategy Policy CS74 states that high quality development will be expected which respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods.

Paragraph 126 of the NPPF highlights the importance of good design as a key aspect of sustainable development, whilst paragraph 130 sets out more specific guidance.

The local and national policies are aligned and weight can be given to the local policies.

External storage of cages is not ideal owing to the visual impact that this would create, however in this instance they will be largely screened by the existing building and set back from the public highway. As a result of this the cages are not considered to form an overly prominent feature and will not detract from the overall character and appearance of the site or surrounding area.

## RESPONSE TO REPRESENTATIONS

The majority of points raised have been addressed in the main report, those which have not are considered below:

- An investigation is currently ongoing in relation to whether the building is currently operating as a Class E or B2 use. The outcome of this investigation is not needed to allow full consideration of the current application relating to hours of use.
- Noise related to the outside storage is considered in this report. Noise related to an increase in delivery times is considered in the report for application 22/01032/FUL. Other noise matters within the site such as plant/equipment noise cannot be considered as part of this application

- Issues relating to odour/smells cannot be considered as part of this application as they are not directly related to the external storage area
- Air pollution generated from the additional vehicle movements is considered to be negligible
- Traffic generated from the additional vehicle movements is unlikely to have a material impact on the local road network
- Impact on house prices is not a material consideration
- Matters relating to breach of conditions will be dealt with through enforcement and should not influence the outcome of this application.
- The applicant has submitted an email from South Yorkshire Fire Safety detailing that a visit from a Fire Safety Office has been undertaken and does not raise concerns that the storage of linen outside is a fire risk.

## SUMMARY AND RECOMMENDATION

The application seeks permission to vary Condition 13 of planning application 02/03682/FUL, to allow external storage.

The external storage is to be sited to the south of the building, in the area shown to be a servicing/turning area on the approved plans. An amended site layout plan has been submitted to demonstrate how the loss of the turning area impacts on the site layout. The proposal leads to a reduction in car parking and shows a highly impractical layout for lorry parking which in reality is likely to prove impossible to adhere to.

In light of this the amended layout does not demonstrate sufficient/suitable parking provision and will lead to an increase in on-street parking. Furthermore, the tracking data submitted demonstrates conflict between lorry movements and parking arrangements and requires vehicles to reverse over long distances, which creates conflict between vehicles and pedestrians. It is concluded that when viewed in combination the above issues will result in an unacceptable impact on highway safety.

The introduction of the storage areas in close proximity to residential uses, to be used between the hours of 7am and 9pm will result in increased noise which will be harmful to living conditions of nearby occupiers.

The applicant has set out that the external storage is required as there is not sufficient space to store all stock within the building. External storage will allow for Abbey Glen to process all stock, meeting contractual obligations and ensuring that the business remains viable. The proposal would therefore result in economic benefits, as well as social benefits in providing employment in the local area.

The most important policies for determining the application are those relating to highways, amenity and design and these are not considered to be out of date. As such the titled balance is not in play. In this instance the harmful impacts of the proposal in relation to highway safety and residential amenity outweigh the economic and social benefits and the proposal is therefore recommended for refusal with enforcement action.

## ENFORCEMENT ACTION

It is recommended that the Planning Enforcement Team of the City Futures Service be authorised to take any appropriate action under the Town and Country Planning Act 1990 and to instruct the Director of Legal & Governance to institute legal proceedings to secure the removal of all the external storage from within the site.



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Case Number	22/01032/FUL (Formerly PP-11024524)
Application Type	Full Planning Application
Proposal	Amendments to delivery hours to between 0800 hours and 1800 hours Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays, no deliveries on Sundays and between 1000 hours and 1600 hours on Public Holidays (with no deliveries on Christmas Day, Boxing Day and New Years Day) (Application under Section 73 to vary condition no. 3 (delivery hours) as imposed by planning permission 02/03682/FUL - Erection of unit for Class B1 (Business) use with ancillary offices and provision of car parking accommodation (Amended as per plans received on 12 February 2003)) AMENDED DESCRIPTION
Location	Abbey Glen 10 Carley Drive Sheffield S20 8NQ
Date Received	15/03/2022
Team	City Centre and Major Projects
Applicant/Agent	Abbey Glen Ltd
Recommendation	Grant Conditionally

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

1. The development shall be begun not later than the expiration of five years from the date of the 23 April 2003

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

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

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

**Other Pre-Commencement, Pre-Occupancy and other Stage of Development**

## Condition(s)

2. Before any work on site is commenced, a landscape scheme for the site shall have been submitted to and approved by the Local Planning Authority. The scheme shall be carried out to the satisfaction of the Local Planning Authority by the end of the first planting season following the completion of development and thereafter the landscaped areas shall be retained. The landscaped areas shall be cultivated and maintained for 5 years from the date of implementation and any failures within that 5 year period shall be replaced to the satisfaction of the Local Planning Authority.

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

3. Deliveries to the proposed business unit shall only take place during the following times:

Between 0800 hours and 1800 hours, Mondays to Fridays;

Between 0800 hours and 1300 hours on Saturdays;

Between 0800 hours and 1600 hours on Public Holidays (excluding Christmas Day, Boxing Day and New Year's Day)

There will be no deliveries on Sundays

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

4. Before the development is commenced, full details of any plant and equipment, shall have been submitted to and approved by the local planning authority.

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

5. The canteen window on the elevation of the production building facing west shall be glazed with obscure glass to the satisfaction of the Local Planning Authority and shall not at any time be glazed with clear glass without the prior written agreement of the Local Planning Authority.

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

6. Before the development is commenced, a Travel Plan, which shall include clear and unambiguous objectives and targets, together with a timebound programme of implementation, monitoring and regular review and improvement, shall be submitted to and approved in writing by the local planning authority and thereafter operated.

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

7. Before the development is commenced, details shall be submitted and approved in writing of proposals to prevent mud/debris from being deposited in the highway.

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

8. The site shall be developed with separate systems of drainage for foul and

surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage.

9. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be drained properly.

10. Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

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

11. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

Reason: In the interests of satisfactory drainage.

12. No external lighting or CCTV cameras shall be installed within the site or on the building without the prior written approval of the Local Planning Authority.

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

13. There shall be no external storage within the site unless otherwise authorised in writing by the Local Planning Authority.

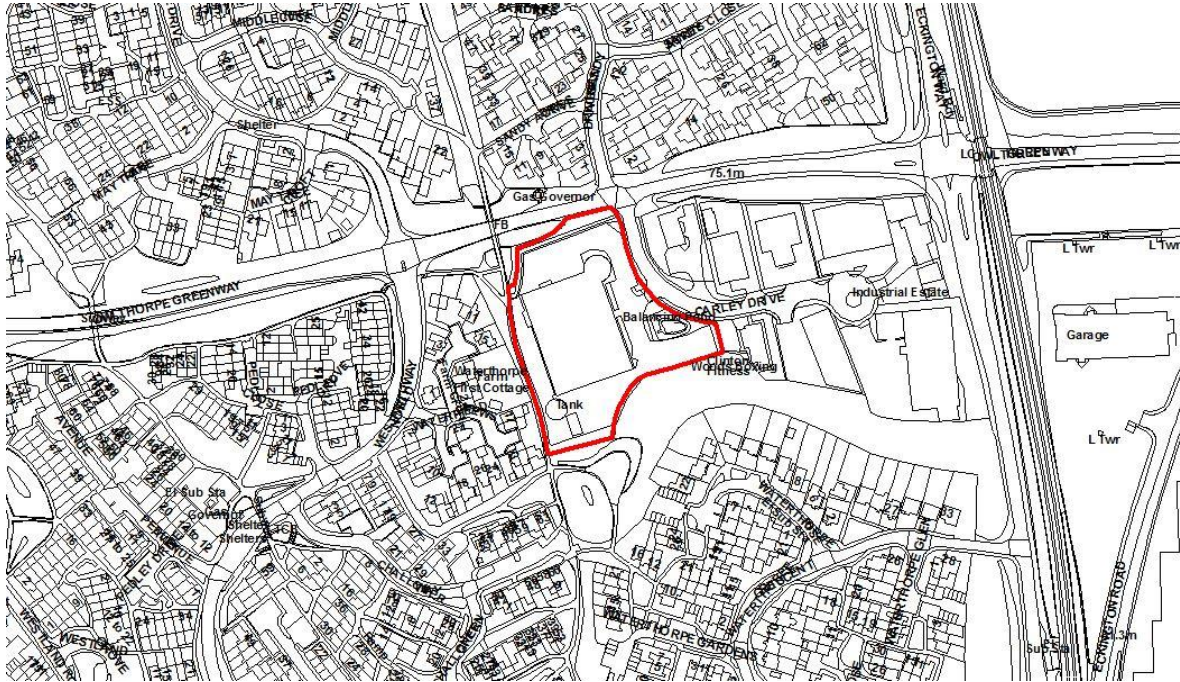
Reason: In the interests of the amenities of occupiers of adjoining property.

### **Other Compliance Conditions**

Attention is Drawn to the Following Directives:

1. For the avoidance of doubt all the original conditions have been included on this Decision Notice for completeness. No further information is required in relation to these conditions at this stage. Please note the repeat conditions are listed with the same numbering as the original decision notice.
2. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

# Site Location



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## LOCATION AND PROPOSAL

The application relates to a two-storey commercial unit located at the junction of Carley Drive and Owlthorpe Greenway. The building is sited towards the western boundary of the site and is surrounded by hard surfaced parking and servicing areas to the north, east and south, with a small landscaped SUDs area to the south east corner of the site.

Carley Drive, to the east of the site is characterised by a range of commercial uses. Owlthorpe Greenway is to the north of the site, with a designated Housing Area beyond. To the south of the site is a strip of landscaping (primarily consisting of trees and grassed areas with footpaths) designated as an Open Space Area, with housing beyond. To the west of the site, beyond a footpath and a narrow strip of trees, are the boundaries of other residential properties fronting Waterfield Mews.

Planning consent (subject to conditions) was granted in April 2003 for the erection of the unit for Class B1 (Business) use with ancillary offices and provision of car parking accommodation (case reference 02/03682/FUL).

Condition 3 of the 2003 approval, states that:

Deliveries to the proposed business unit shall take place only between 0800 hours and 1600 hours Mondays to Fridays, and 0800 hours and 1300 hours on Saturdays, with no deliveries on Sundays or Bank Holidays.

This current application seeks variation of the condition, under Section 73 of the Town and Country Planning Act 1990, to allow deliveries to take place between 0800 hours and 1800 hours Mondays to Fridays and 0800 to 1300 hours on Saturdays with no deliveries on Sundays, and between 1000 hours and 1600 hours on Public Holidays (excluding Christmas Day, Boxing Day and New Year's Day).

The proposed hours have been amended during the course of the application from the originally proposed hours of between 0700 hours and 2000 hours Mondays to Fridays, 0800 hours and 1500 hours on Saturdays and Sundays and 0800 hours and 1600 hours on Public Holidays.

The site was purchased by the applicant in 2020 and has been operating as 'Abbey Glen' since that time. Abbey Glen is an independent laundry business offering services to supply rental linen to the hospitality industry. The applicant has detailed that the proposed change of hours is required to enable them to meet their customer needs and ensure the continued operation of their business. They consider the present condition to be highly restrictive and to have resulted in the loss of business in 2021. Abbey Glen consider that if the condition isn't varied it could result in the business not being viable. An example is given where, for customers located a large distance away, drivers are unable to return to site within the existing hours and so linen cannot be unloaded and processed on the same day leading to delays and resulting in staff having insufficient work to unload and process. A robust delivery management plan is proposed to be implemented to reduce the impact on neighbours.

## RELEVANT PLANNING HISTORY

22/01035/FUL - Amendment to allow outside storage (hours of use between 7am and 9pm) (Application under Section 73 to vary condition no. 13 (outside storage) as imposed by planning permission 02/03682/FUL- Erection of unit for Class B1 (Business) use with ancillary offices and provision of car parking accommodation (Amended as per plans received on 12 February 2003)) – pending consideration

20/02247/FUL - Application to allow extended delivery hours: 0400 hours-2200 hours on all days (Application under Section 73 to vary condition 3 (Delivery hours) imposed by planning permission 02/03682/FUL - Erection of unit for Class B1 (Business) use with ancillary offices and provision of car parking accommodation – refused

The reason for refusal is detailed below:

When approving the construction of the unit in 2003 it was considered necessary to restrict delivery days and times in order to protect the amenity of nearby residents, and it is considered that there has been no material change in circumstances since that time. Notwithstanding the economic argument in favour of the proposal, it is considered that the variation of condition would result in significant, unreasonable, and unacceptable harm to residential amenity due to noise disturbance from delivery vehicles and associated operations and processes, especially those carried out outside the building, at unsociable times. As such the proposal cannot be considered as sustainable development and is contrary to UDP Policies IB9 and GE24, and Paragraphs 8 and 127(f) of the NPPF.

04/00259/FUL - Erection of water storage tank and pump house (in connection with planning permission 02/03682/FUL) - refused with enforcement action – appeal allowed

02/03682/FUL Erection of unit for Class B1(Business) use with ancillary offices and provision of car parking accommodation (Amended as per plans received on 12 February 2003) – granted conditionally.

## SUMMARY OF REPRESENTATIONS

Neighbours were initially notified of the application on 23<sup>rd</sup> March 2022. Following amendments to the proposed hours they were re-notified on 27<sup>th</sup> May 2022. Two councillor objections and one MP objection have been received. The points raised are detailed below:

Councillor Kevin Oxley

- Local residents have been leading a very vocal campaign for 18 months against Abbey Glen operating as an E class unit
- Many local residents are angry at the constant disturbance to their everyday life, wellbeing, mental health and amenity
- Residents have evidence of deliveries or noise disturbances occurring throughout the evening and early hours of the morning, despite the current restrictions in place
- Storage of metal trollies in the yard is in breach of planning conditions and the movement of these is very noisy

- Residents cannot enjoy their gardens due to noise, some are selling their homes or considering moving or relocating bedrooms to be away from the rear of the house
- One resident has suffered a break down in their mental health
- Residents have presented a petition at Full Council containing over 150 signatures
- Whilst sound attenuation works have been carried out as a result of intervention from our Environmental Health Officers. They are still unduly disturbed by the operation of this unit
- Variation in hours would result in significant, unreasonable and unacceptable harm to residential amenity owing to noise disturbances from vehicles and associated processes

#### Councillor Gail Smith

- Has tried many times to get on the site without success
- Concerned about the application. Residents on Waterfield Mews are being woken up at 5.30am and the business is working until midnight. This is unacceptable

#### Clive Betts MP

- Noise from Abbey Glen has caused many residents to complain, historically, this was a statutory nuisance
- Whilst the noise is no longer classed as a statutory nuisance, the extension to delivery hours and proposed outside storage areas could make the situation worse.
- There are still ongoing investigations into noise and smell.
- Enforcement action was being pursued following several documented breaches of the original planning permission. These outstanding issues need to be dealt with.
- Object to the proposal as it will further disturb residents who have already had their quality of life impacted from the site's operations

Thirty letters of objection have been received from local residents; 26 were received during the first round of consultation and 4 in the second round. 18 letters of support have also been received; of which 8 are people employed by Abbey Glen. The points raised through objections are detailed below:

#### Initial round of consultation

- The original planning permission is for a B1 business but Abbey Glen is operating as a B2 business
- Abbey Glen should not be allowed to operate in a residential area
- The operation of the business causes poor amenity to neighbouring residents, the extended delivery hours will make this worse, making lives unbearable and homes uninhabitable
- Abbey Glen's operating hours are very long, sometimes between 5.30am and midnight, and this causes disturbance to residential properties.
- Hours should be reduced not increased
- Harmful to mental health and wellbeing
- Hours were controlled on the original application in order to protect the amenities of neighbours. An application in 2020 for extended hours was refused as it was considered to harm residential amenity. The grounds for refusal have not changed
- Object to all extended hours but particularly to the Sunday and Bank Holidays

- Residents subject to noise, including a constant humming noise, noise from machines starting at 6am, movement of trollies, employees talking/shouting in the yard, reverse sensors on lorries,
- There are many young children in the area and they are unable to get to sleep at an appropriate time due to noise
- Extension of hours will reduce the amount of peaceful time residents currently get and will reduce the ability to enjoy their homes and gardens
- Hepworth's noise report is flawed; the monitor was not close enough to neighbours and the operating times are not accurate
- Frequently operate throughout the night and this causes disturbance to neighbours
- Residents subject to odours from the use
- Air pollution from deliveries and from chemicals used for cleaning
- Increased traffic from additional deliveries
- Abbey Glen constantly breach planning rules; breaches should result in a fine
- Concern that Abbey Glen would continue to breach hours even if the extended hours applied for were approved
- The delivery management plan from April 2021 is not adhered to
- The company does not care about staff or residents
- More suitable alternative sites nearby (e.g. Holbrook)
- Company's justification includes reference to loss of customers in 2021, but this would be highly likely to be as a result of Covid 19. Customer requirements should not override planning conditions/controls
- Bank holiday working should not be permitted as residents need a break
- The building area is too small to extend to accommodate more deliveries
- May affect house prices

#### Second round of consultation

- Owing to the open breach of rules, consider that Abbey Glen will not abide to the proposed amended hours and so cannot support
- Delivery hours requested should include collections as the noise is the same
- Operate between 5.30am and midnight, giving residents only 5 hours of peace
- Easter bank holidays should be excluded
- Object to the deliveries on Bank Holidays. In the spirit of compromise, request that Good Friday and Easter Monday are also excluded

The points raised in support are detailed below:

- Can't understand the issues raised by objectors.
- If you listen carefully you can hear noises if you walk past the factory but it is not obvious
- Cannot hear or smell anything at nearby residential property, including from garden and with windows open
- Company causes no problems and provides jobs
- Need to encourage jobs, not cause businesses issues
- Objections to the proposal are from just a few locals stirring up trouble

8 letters of support have also been received from employees of Abbey Glen. The main points raised are



- Workers are concerned about their jobs
- Abbey Glen is a good employer and provides good opportunities
- Abbey Glen have undertaken improvement works to address noise issues
- Staff have been abused/threatened on their way to and from work, including drivers having bottles thrown at them
- Only a small minority of residents have an issue, others are afraid of reprisal if they support the proposal
- There is not an odour issue
- Abbey Glen has cooperated and made improvements to the building

Ben West, owner of Abbey Glen, has made the following comments:

- EPS have investigated and confirmed Abbey Glen are not a statutory noise nuisance (March 2022)
- Significant investment has been made to reduce noise from operations
- EPS have confirmed that Abbey Glen are not a statutory odour nuisance (August 2021)
- Items are washed with water and soap and do not omit obnoxious odours
- Local Members have been updated throughout the process
- Proposed delivery hours are seen to be reasonable for loading and unloading vehicles. Noise from such activities was not picked up in recent noise reports
- Residents will be able to hear other vehicles on the industrial estate and roads, beyond the hours that Abbey Glen's vehicles are parked up
- Some residents have been aggressive and intimidating and other residents are fearful or recriminations if they support the proposal
- Welcome anyone with concerns to come and visit the site

## PLANNING ASSESSMENT

### Policy Context

The National Planning Policy Framework (NPPF/Framework) sets out the Government's planning priorities for England and describes how these are expected to be applied. The key principle of the Framework is the pursuit of sustainable development, which involves seeking positive improvements to 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.

Sheffield's development plan comprises the Unitary Development Plan (1998) and the Core Strategy (2009).

Paragraph 219 of the NPPF states 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.

### Principle of Development

A number of objections refer to whether the use of the building falls within the B1 (now Class E) or B2 use class. Assessment of this matter is ongoing and will be supported by an independent noise report which is currently being carried out. The results of this process will confirm whether an application for a change of use is required.

For the purposes of this application the assessment of whether the proposed change of delivery hours is acceptable will not prejudice the future ability to require a change of use application or to take enforcement action in relation to the use of the building.

### Amenity

The impact on the living conditions/amenity of residential properties in the locality is the main issue to be considered.

Paragraph 130(f) of the Framework identifies that development should create places with a high standard of amenity for existing and future users.

Development should also be appropriate for its location taking account of the effects of pollution on health and living conditions, the potential sensitivity of the site or the wider area to impacts that could arise from the development, and mitigate and reduce to a minimum any potential adverse impacts of noise on health and quality of life (paragraph 185).

UDP Policy IB9 (b) states that new development should not cause residents or visitors to suffer from unacceptable living conditions.

UDP Policy GE24 'Noise Pollution' states that development will be permitted only where it would not create noise levels which would cause a nuisance (a) or locate sensitive uses and sources of noise pollution close together.

The local and national policies are considered to be well aligned and so substantial weight can be offered to the local policies in this instance.

As described at the beginning of this report there are residential neighbours to the north, south and west of the site, the closest fronting Waterfield Mews, approximately 15 metres from the site. When approving the construction of the unit in 2003 it was considered necessary to restrict delivery days and times in order to protect the amenity of neighbouring residents. Neighbours have objected to the extension to the proposed delivery hours on the basis of increased noise being harmful to their amenity and standard of living.

There is a complex history associated with noise from Abbey Glen. The Environmental Protection Service has assessed noise issues and has secured a number of improvements to attenuate the noise of plant and equipment. Nevertheless, a large number of objections refer to noise including humming from plant and equipment, movement of trollies and vehicles, employees talking/shouting in the yard and reverse sensors on lorries. This application relates only to extended delivery hours and can

consider only the impact associated with those activities on neighbouring residents. The general operation of the business and opening hours are outside the remit of this application.

Servicing of the unit takes place to the west of the building, in close proximity to residential garden boundaries, and is not shielded by the building in any way. Specific noise likely to be associated with deliveries includes vehicles arriving, manoeuvring, parking and departing, engines revving and/or left idling, movement around the site, voices talking/shouting/laughing, reversing alarms, noise breakout of amplified sound from delivery vehicles, opening/closing of doors or shutters, tail lift operation, unloading / loading of goods inside the trailer, and goods being moved inside the building etc.

The applicant has submitted a noise impact assessment which summarises that the noise from deliveries has a low impact on residential properties but does recommend that a noise management plan is implemented to reduce noise associated with deliveries. These include turning off reverse warning alarms, no unnecessary revving of engines, no slamming of doors, voices to be kept to a low volume, radios turned off in cabs, all engines switched off when a vehicle is stationary, service yard to be checked regularly and any potholes, damaged areas or surface irregularities to be maintained to avoid vehicle/trolley rattle. In reality these elements may prove difficult to manage and the effectiveness of the measures is therefore questioned. As a result of this, the extent of the proposed extended hours has been reduced during the course of the application, to be better aligned with normal daytime working hours. As a consequence of this the effectiveness/practicality of the above measures is less critical.

The extended opening hours Monday to Friday represent an additional two hours between 4pm and 6pm. These hours can be considered to be normal daytime working hours, where a business could be expected to operate. Whilst this will result in some additional noise disturbance to nearby residents, the noise will be outside of later evening hours/early morning periods, where a quieter noise environment could be reasonably expected.

It is also proposed to allow deliveries on bank holidays, based on the inclusion of 5 out of 8 public holidays (excluding Christmas Day, Boxing Day and New Year's Day), between the hours of 0800 and 1600. These hours are restricted in comparison to a normal weekday and are within normal daytime periods where background noise will limit the impact to a certain extent.

It is considered that the increase in delivery hours is a reasonable compromise and will not result in a significant harmful impact to neighbours whilst allowing the business to work in a way that is more conducive to their operational requirements and will have resulting economic and social benefits for the business and employees.

The Environmental Protection Service has confirmed that they consider the proposal to be acceptable.

## RESPONSE TO REPRESENTATIONS

- An investigation is currently ongoing in relation to whether the building is currently operating as a Class E or B2 use. The outcome of this investigation is not needed to allow full consideration of the current application relating solely to delivery hours.

- Abbey Glen does not have any restrictions on working hours, as there was no condition on the original application to control this
- Noise associated with deliveries is considered in the report; other noise issues within the site, such as plant/equipment noise cannot be considered as part of this application
- Concern is raised that the Hepworth's noise report is flawed. Whilst reference is made to this report, officers have taken a cautious and practical approach to the noise associated with the increase in delivery hours
- Issues relating to odour/smells cannot be considered as part of this application as they are not impacted by delivery hours
- Air pollution generated from the additional vehicle movements is considered to be negligible
- Traffic generated from the additional vehicle movements is unlikely to have a material impact on the local road network
- Impact on house prices is not a material consideration
- Matters relating to breach of conditions will be dealt with through enforcement and should not influence the outcome of this application.
- Issues relating to the behaviour of individuals (e.g. neighbours and employees of the business) are not material planning considerations

## SUMMARY AND CONCLUSION

The application seeks permission to vary Condition 3 of planning application 02/03682/FUL, to allow extended delivery hours. The proposed extension to the hours has been reduced during the course of the application.

The extended periods for deliveries are during normal daytime hours where they will be heard against the general background noise and activity of the surrounding area. Whilst the increased delivery hours may result in some increase to noise, this will not result in a significant harmful impact to neighbours owing to the limited extent of the increased hours proposed. Furthermore, the extension to hours will allow Abbey Glen to work in a way which is more conducive to their operational requirements and allow them to meet contractual obligations. There are economic and social benefits associated with this.

The most important development plan policies for determining the application are those relating to residential amenity. These are not considered to be out of date. As such the tilted balance is not in play. In this instance the benefits of the proposal outweigh any harm and it is therefore recommended that Condition 3 is varied as follows:

Deliveries to the proposed business unit shall take place only between 0800 hours and 1800 hours Mondays to Fridays, and 0800 hours and 1300 hours on Saturdays, with no deliveries on Sundays, and between 1000 hours and 1600 hours on Public Holidays (excluding Christmas Day, Boxing Day and New Year's Day).

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Case Number	21/04764/OUT (Formerly PP-10322447)
Application Type	Outline Planning Application
Proposal	Outline planning application for residential development of up to 67 dwellings including demolition of stone barn and outbuildings (All matters reserved except Access) Re-submission of planning application 19/01970/OUT
Location	Wiggan Farm 30 Towngate Road Sheffield S35 0AR
Date Received	10/11/2021
Team	North
Applicant/Agent	DLP Consultants
Recommendation	Refuse

**Refuse for the following reason(s):**

- 1 The Local Planning Authority consider that the proposed development would result in the loss of a non-designated heritage asset which would be harmful to the character of the local area and which would cause less than substantial harm to the setting of Grade II Listed Buildings (64 and 66 Towngate and Fox House on Top Road) to the south east of the application site. The development does not provide clear and convincing justification for that harm and the public benefits and not considered to be sufficient to outweigh this harm. As such, the proposed development is considered to be contrary to Paragraphs 199 - 203 of the National Planning Policy Framework and to Policies BE15, BE19 and BE20 of Sheffield's adopted Unitary Development Plan.
- 2 The proximity and narrowness of the access in relation to both the farmhouse and No.20 Towngate Road would have an unacceptable effect upon residential amenity, through noise and general disturbance as well as unacceptable levels of overlooking. In this respect the development is considered to be contrary to UDP Policy H14, and paragraph 130 of the National Planning Policy Framework.

Attention is Drawn to the Following Directives:

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

Drawing YK976-5PS Site Location Plan (showing the amended redline boundary) published 2/9/2022

Drawing YK976-4PD-003 Rev A Proposed Site Access Arrangement with Narrowing published 2/9/2022

Drawing SK\_101 Rev H Proposed Masterplan (indicative site layout) published 2/12/2021

2. Despite the Local Planning Authority trying to work with the applicant in a positive and proactive manner it was not possible to reach an agreed solution in negotiations.

## Site Location



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## LOCATION AND PROPOSAL

This application relates to approximately 2 hectares of land located in the centre of the village of Worrall. Approximately 1.7 hectares of the site is a sloping field, the remaining 0.3 hectares is occupied by a farmhouse, ancillary farm buildings and hardstanding.

The site is in a Housing Area as defined in the adopted Sheffield Unitary Development Plan (UDP) and is surrounded by residential properties. One of the farm buildings, a stone barn, adjacent to Towngate Road has been locally listed, making it a non-designated heritage asset.

There are several mature trees along the eastern site boundary which are protected by a Tree Preservation Order (TPO).

The application seeks outline planning permission for up to 67 dwellings and is a resubmitted application, with planning permission for a similar development having been refused by the planning committee in December 2020 (application 19/01970/OUT refers).

Originally the applicant sought to remove all of the buildings on the site to make way for the access into the development. More recently amended plans have been received which slightly amend the redline boundary to include an agricultural building which is in the applicant's ownership adjacent to the rear boundary of No.20 Towngate Road. The current proposal would now see the stone farmhouse retained; however all other buildings, including the stone barn along the site frontage would be removed to provide access into the site. It is highlighted that the indicative site layout has not been updated to show the amended site access and includes the original access. This is not ideal, however the applicant has expressed reluctance to update this drawing and given the application is outline only this cannot be insisted upon.

The application is in outline and access is the only matter under consideration. The appearance, landscaping, layout and scale of the development are reserved for subsequent approval.

During the course of the application the applicant has been in negotiations with Sheffield City Council over the purchase of a piece of land at Walshaw Road to the north of the site, which would enable an alternative access into the site to be provided. These negotiations have stalled and so the application is to be determined based on the redline boundary and amended plans which were published on the Council's website on 2<sup>nd</sup> September 2022.

## PLANNING HISTORY

19/01970/OUT – Outline application for the erection of up to 67 dwellings (all matter reserved except for the means of access) – refused.

The application was refused by the Planning Committee in December 2020. It was considered that the proposed development would result in the loss of non-



designated heritage assets which would be harmful to the character of the local area and which would cause substantial harm to the setting of Grade II Listed Buildings (64 and 66 Towngate and Fox House on Top Road) to the south east of the application site.

Furthermore, the development did not provide clear and convincing justification for that harm and failed to show that the harm is necessary to achieve substantial public benefits.

As such the development was deemed to be contrary to Paragraphs 194 - 197 of the National Planning Policy Framework and to Policies BE15, BE19 and BE20 of Sheffield's adopted Unitary Development Plan.

99/01599/FUL – Erection of 47 dwelling houses with garages and provision of associated roads and drainage – refused.

This application was refused by the Planning Committee in July 2000. It was considered that the development would be contrary to PPG3, through the development of a greenfield site when at the time Sheffield had sufficient capacity through the development of brownfield and existing committed greenfield sites to meet housing target.

In addition the site was not considered to be sustainable in terms of accessibility to jobs, shops and services with no major transport links nearby. The layout of the development was considered to be unacceptable in terms of the effect it would have upon residential amenity, resulting in overlooking and overbearing effects upon existing dwellings surrounding the development as well as the proposed new dwellings.

The development was also felt to be unsympathetic to the neighbouring Grade II Listed buildings and the loss of the traditional farm buildings of Wiggan Farm was deemed to be harmful to the character and appearance of the area.

The proposal was deemed to be contrary to PPG3 as well as UDP Policies BE2, BE5, BE19, BE20 and H14.

An appeal against this decision was lodged and a Public Inquiry was due to be held; however the appeal was withdrawn prior to the Public Inquiry commencing.

## SUMMARY OF REPRESENTATIONS

The original submission sought to demolish all of the existing farm buildings to provide an access into the site from Towngate Road. The application was advertised by letter, site notices and a newspaper advert in December 2021 and as a result representations were received from 81 interested parties. 79 were objecting to the development and 1 was marked as neutral (but expressed objections) and 1 was in support.

Following the receipt of amended plans, (which altered the access to allow the farmhouse to be retained, but still involved the demolition of all the other buildings,

including the locally listed barn) a further 50 representations were received, again objecting to the development.

In total since the application was submitted representations have been received from 113 interested parties.

In addition the following representations have been received from Councillors, Bradfield Parish Council and local groups:

Cllrs Richard Williams, Penny Baker and Vickie Priestley (Stannington Ward Councillors) have written a joint letter. They acknowledge that only one of the two historic buildings will now be destroyed but set out that the proximity of the revised access road will destroy the historical character of the surviving building and will have a detrimental impact on the setting of the listed buildings and wider village character. They also feel that the development would have a detrimental impact on the amenity of the village as a whole and raise concerns about the viability of the access where the road and footpath narrow.

Bradfield Parish Council have raised concerns in regard to the number of houses proposed, this being over development; Lack of privacy due to the land heights on the site; Loss of trees, also resulting in loss of privacy; Loss of green open space; Possible loss of an historic building; Impact on wildlife; Wildlife corridor should be preserved; Single track access to the site, issues around access and egress; Increase in traffic accessing the site, to include residents vehicles but also delivery vehicles etc; Concerns regarding traffic/road safety for local people; Loss of character in the village; Concerns regarding infrastructure being unable to cope with demand, schools are at capacity; Concerns regarding flooding in exceptional circumstances.

It is felt the minor modifications to the development as shown in this most recent application do not affect Councillors previous objection.

Hallamshire Historic Buildings have set out that the revised plans still fail to address previous concerns. The development will cause substantial harm to the setting of listed buildings, there has been an insufficiently rigorous assessment of alternatives and the development still entails the loss of non-designated heritage assets without sufficient justification. The addition of the farmhouse and barn to the Local Heritage List gives greater weight to their historical significance. The applicant should pursue an alternative access, through the purchase of land owned by Sheffield City Council at Walshaw Road. The loss of the barn would erase the form and outline of the farm, entirely destroying the context of the farmhouse. Its loss would be highly visible, greatly degrading the character and appearance of the historic core of the village. The harm done by the revised proposal to designated and non-designated assets would be of a similar magnitude to that of the previous proposal.

The Friends of Loxley Valley have objected to the development and have set out that the development is essentially the same as the previous one already turned down by the Council. The FoLV support the detailed objections made by others and wish to point out that this is a greenfield site of ecological value as an open space and as agricultural land. 67 more houses would put strain on existing

services and the highway network and would be hazardous for pedestrians.

Issues raised in the general representations are summarised as follows:

### Highways

- The existing road network cannot cope with the volume of traffic and additional demands of this development.
- Since the pandemic fewer school children are using the bus and so traffic in the area has already increased.
- Haggstones and other surrounding roads are congested at busy times.
- The majority of Towngate Road is single carriageway and residents park making it hazardous for cars to pass each other
- There are safety issues on Towngate Road and Haggstones Road especially in bad weather (cars get stuck due to snow and ice),
- There is poor visibility to and from the proposed access.
- Top Road is only single width.
- Public transport services are inadequate and have been reduced to an hourly frequency. From October the bus service is to be withdrawn.
- An alternative access from Walshaw Road would be preferable from a safety and capacity perspective.
- The traffic surveys in the Transport Statement are misleading as they were carried out outside peak times.
- There is only a footway on one side of Towngate Road creating safety issues for pedestrians, children accessing Bradfield School and the elderly attending the Worrall Memorial Hall.
- There is a lot of commuter traffic in Worrall as drivers attempt to avoid congested areas of the city. The development at Oughtibridge Mill will make the situation worse.
- Inadequate parking is provided for future residents and there would be a loss of parking for local people.

### Design and layout

- There will be a loss fields and the farm which contain historic buildings that contribute to the rural character of the village. The development does not maintain the local heritage of the village.
- The barn is in a poor state of repair but it could be restored. The applicant has deliberately neglected the barn.
- The development is out of character with existing dwellings
- The density is too high and results in an overdevelopment of the site.
- A previous application for around 40 houses was refused for overdevelopment
- Size, height and positioning of dwellings is unacceptable, particularly considering the sloping topography of the area.
- The presence of the farm and the open fields creates a sense of openness.
- The dwellings would be squeezed together with minimal gaps between properties to enhance views.

## Ecology and Landscape issues

- Inadequate consideration of the impact on wildlife. The site provides a habitat for many species including bats, badgers, birds, hedgehogs, mice, shrews, voles.
- The development does not promote biodiversity net gain and does not provide adequate compensation within the development.
- Trees on the site boundary are protected by TPO and will be affected.

## Amenity

- Adjoining properties would be overlooked and privacy reduced.
- Large dwellings would be overbearing because of the topography of the site.
- The loss of the greenspace would be detrimental to amenity (green neighbourhoods are associated with slower cognitive decline, reduced stress, mitigation of cancer risk and lower risk of developing mental health disorders).
- Noise would increase and air quality would be affected by increased vehicle movements.
- The construction process, associated traffic generation and movement of plant and equipment would have a negative impact on the amenities of residents.
- Lighting would affect the amenity of neighbours.

## Other issues

- Planning consent has been refused on this site before and the current proposal is little different.
- Infrastructure in the village is inadequate to cope with additional demand.
- Extra pressure has already been put on local services from other recently built or planned developments.
- School places are limited, or oversubscribed, and local health care facilities are operating above capacity.
- The proposal will reduce opportunities for other children in the area to access local schools.
- Sufficient affordable housing is not being provided for young people. The affordable units may be bought by private landlords.
- Surface water run off causes waterlogging of adjoining properties garden.
- There are already significant housing development in progress in the Oughtibridge / Wharnccliffe Side areas.
- The development would bring about no public benefits for Worrall or its residents.
- There are more suitable Brownfield sites elsewhere.
- Increased demand on surface water and sewage infrastructure.
- The development does not benefit local people who want to stay in the area.
- Insufficient consultation has been carried out and the Council does not take account of resident's views.
- There has been no meaningful engagement with residents in advance of the submission of the application. Plans to redevelop the site have already been rejected twice, with representations having to be made for a third time.
- The development will affect property values.
- Retaining wall between house and garden and house foundations could be affected by heavy lorries and machinery.
- The development would result in a loss of views.

The representation in support of the scheme sets out that the site has not been a working farm for some time since there was an outcry in relation to the hazard it created, especially having to herd cows on Top Rd towards the top entrance to the farm. Consequently, the one field (proposed for development) is used to store silage bales which borders the public footpath through to Walshaw Road.

The silage bales are more unsightly than a well-conceived housing development.

Worrall has been developed steadily since the 1970's and is regarded as a desirable place to live.

Demolition of the cow sheds is desirable.

A sympathetic development at Wiggan Farm will be ideal.

Additional housing will help sustain the small businesses in the area that are suffering due to the economic decline.

The houses towards the top of the field could be single storey to give an uninhibited view for those using the public pathway which appears to be valued by those commenting on the outline planning application in general.

## PLANNING ASSESSMENT

### Policy Context

The National Planning Policy Framework (NPPF/Framework) sets out the Government's planning priorities for England and describes how these are expected to be applied. The key principle of the Framework is the pursuit of sustainable development, which involves seeking positive improvements to 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.

The documents forming the Council's Development Plan (UDP and Core Strategy) date back some time and substantially predate The Framework. Paragraph 12 of the Framework makes it clear that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

The Framework (paragraph 219) also identifies that existing development plan policies should not simply be considered out-of-date because they were adopted or made prior to its publication. Weight should be given to relevant policies, according to their degree of consistency with the Framework. The closer a policy in the development plan is to the policies in the Framework, the greater the weight it may be given.

The assessment of this development also needs to be considered in light of paragraph 11 of the Framework, 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:

11di) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or

11dii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is referred to as the “tilted balance”.

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

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

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

Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date according to paragraph 11(d) of the NPPF. The so called ‘tilted balance’ is therefore triggered, and as such, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In this context the following assessment will:

- Assess the proposals compliance against existing local policies as this is the starting point for the decision-making process. For Sheffield this is the UDP and Core Strategy.
- Consider the degree of consistency these policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Apply ‘the tilted balance’ test, including considering if the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

## Land Use

The entire site is in an allocated Housing Area as defined in the UDP. The development accords with Policy H10 of UDP which identifies housing (use class C3) as the preferred use of land in the policy area.

Policy CS23 states that in the larger villages of Oughtibridge, Worrall and Wharnclyffe Side housing development will be limited to suitable, sustainable sites within the existing built-up area. The site is within the built up area of Worrall. The sustainability of the site is considered elsewhere in the report. The principle of the development is acceptable subject to compliance with relevant local and national policies and other material considerations.

## Brownfield/Greenfield Issues

The section of the site that accommodates the existing farmhouse building is classed as brownfield land. The field is a greenfield site. Land last occupied by agricultural buildings including the barn, sheds and related structures on site are excluded from the definition of previously developed land (Annex 2 of the Framework) and are therefore greenfield.

Core Strategy Policy CS24 identifies that no more than 12% of dwelling completions will be on greenfield sites between 2004/05 and 2025/26. In the period to 2025/26, greenfield sites should also only be developed for housing in certain circumstances, including on small sites in urban areas or larger villages where it can be justified on sustainability grounds, and on sustainably located larger sites within or adjoining urban areas provided annual monitoring shows that there is less than a five year supply of deliverable sites.

Completions of properties on greenfield sites have not reached the 12% stated in CS24 and are closer to 5%. Moreover, this is considered to be a reasonably sustainably located site, which makes efficient use of land.

Unlike CS24, which stipulates a proportionate prioritisation of brownfield land, the Framework at Paragraph 120 actively promotes the reuse of brownfield (previously developed land) but does not specifically advocate a 'brownfield first' approach. Given this, policy CS24 carries reduced weight.

Nevertheless, the proposals are considered to comply with both CS24 and the Framework, which places great emphasis on boosting the supply of homes (Paragraph 60) and attaches weight to the development of suitable windfall sites within existing settlements (paragraph 69)(such as this for the important contribution they can make to meeting housing requirements).

## Housing Density

Core Strategy Policy CS26 encourages making efficient use of land to deliver new homes at a density appropriate to the location depending on relative accessibility. The highest density of development is promoted in the most sustainable/accessible locations. In areas such as this density should be within the region of 30 to 50

dwellings.

The policy is considered consistent with paragraph 124 of the Framework which promotes the efficient use of land subject to the consideration of a variety of factors including housing need, availability of infrastructure/sustainable travel modes, desirability of maintaining the areas prevailing character and setting, promoting regeneration and the importance of securing well designed and attractive places.

The site is approximately 2 hectares and if 67 dwellings are developed this would equate to a density of approximately 33.5 dwellings per hectare. The layout as submitted would achieve the density requirements set out in policy, however it is noted that this density may need to be reduced as a result of issues in relation to the layout, amenity issues and biodiversity issues.

#### Loss of Agricultural Land

The site contains 1.7 hectares of agricultural land primarily used for grazing. Policy GE7 of the UDP is concerned with the protection of the rural economy and agriculture. The permanent loss of the best and most versatile agricultural land should not be permitted and neither should development that seriously harms agricultural activities or the viability of a farm. More up to date policy in the Framework (paragraph 174) requires the wider benefits of natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land - to be recognised.

Footnote 58 of the Framework clarifies that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

The best and most versatile agricultural land lies in grades 1, 2 and 3a of the Agricultural Land Classification (ALC).

The weight attributed to GE7 is reduced as a result of the more flexible approach advocated by the Framework.

Considering the sites limited size and location in the centre of a village there would be no significant loss of agricultural land. Farming activities at the site have dwindled over the years. Only some of the building are used for storage and the field for occasional grazing / silage.

Furthermore as the land is grade 4 (poor quality) in accordance with the ACL, the development would not result in the loss of the best and most versatile agricultural land that the Framework seeks to protect.

In principle there are no policy objections to the loss of this small parcel of agricultural land for residential development.

#### Impact on Heritage Assets.

The Framework attaches great weight to the conservation, protection and



preservation of heritage assets (Chapter 16 of the Framework). They are identified as irreplaceable resources that should be conserved in a manner appropriate to their significance. Annex 2 of the Framework provides a definition of a 'designated heritage' asset. It includes listed buildings, conservation areas and ancient monuments.

The more important the designated heritage asset, the greater the weight should be given to its protection. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to the asset's significance.

Clear and convincing justification is required for any development that causes harm to, or the loss of significance of a designated heritage (including its setting).

Permission should be refused where development results in substantial harm to a designated heritage asset, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, as set out by paragraph 201 of the Framework.

Where a development results in less than substantial harm to a designated heritage asset, the harm must be considered against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 202).

At a local level UDP policy BE19 aims to protect the setting and appearance of listed buildings. BE20 identifies that the retention of other historic building which are of local interest but not listed will be encouraged wherever practicable. BE15 seeks to preserve and enhance buildings which are important parts of the Sheffield's heritage.

Whilst these local policies seek to preserve heritage assets they do not include reference to considering the public benefits as set out the NPPF and so can only be offered limited weight.

Policy CS74 of the Core Strategy also identifies that high-quality development is expected and development should respect the distinctive heritage of the city including historic village centres and the city's rural setting.

In addition to identified local and national policy requirements, when making a decision on a planning application for development that affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged.

These obligations are set out in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and have been considered in the determination of this application.

There are no designated heritage assets within the redline boundary of the site;

however during the course of the application the traditional stone barn adjacent to Towngate Road has been locally listed and this and the farmhouse are considered to be non-designated heritage assets.

Paragraph 203 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

There are also three Grade II listed buildings (dwellings) within the vicinity. Nos 64 and 66 Towngate Road are located immediately to the west of the site and Fox House is some 50 metres to the south west on Top Road. The effect on the setting of these designated heritage assets must also be considered.

Historic England have stated that the barn forms part of a great local significance and therefore harm to this significance would be caused by its loss. The NPPF doesn't state what might justify the harm to such non designated assets but public benefit is a consideration in terms of harm to designated assets. Here the public benefit would be the creation of housing, at a time when the local planning authority cannot demonstrate a five year housing land supply. The development would also have an economic benefit through the creation of jobs and increased spending in the area.

However, the development has previously been found to be contrary to the relevant paragraphs of the NPPF which deal with heritage assets and this now is a material planning consideration.

The proposed development, although now retaining the farmhouse would still see the loss of the stone barn and development sited close to the listed buildings that border the site.

The loss of the associated open land is also considered to have a negative effect on the setting of the grade II listed buildings, nos. 64 and 66 Towngate Road and Fox House on Top Road which make a positive contribution to the historic landscape character of the settlement.

The applicant has submitted a viability appraisal for the barn which demonstrates that it may not be financially viable to restore the barn and put it back into use (the report looks into a variety of uses including residential, offices, restaurant and gym), however the report looks at the viability of reuse of the barn in isolation rather than as part of the overall viability of the site.

The viability report is not considered to be sufficient justification for the development and it is considered that overall the development would be harmful to the historic character and appearance of the site and wider area.

All things considered, when weighed in the balance the development is still considered to be contrary to paragraphs 199 - 203 of the National Planning Policy Framework and to Policies BE15, BE19 and BE20 of Sheffield's adopted Unitary Development Plan.

South Yorkshire Archaeology Service have commented that the submitted geophysical survey report by Archaeological Research Services suggests it is unlikely that earlier remains of significance are present in the open area of the site, although SYAS always recommend that such results are tested by a phase of trial trenching, to establish archaeological potential with more certainty. This further evaluation work could potentially be considered and addressed at a reserved matters stage.

The Heritage Statement by The JESSOP Consultancy also refers to archaeological interest in the farm buildings complex - both in the standing buildings themselves and the potential for buried evidence relating to their use, preserved below-ground.

The application is outline, with all matters reserved except access – with the proposed access sited through the current farm buildings complex. As such, consideration of archaeological impact in relation to the farm complex would have to be considered and addressed in relation to the current outline application.

SYAS supports the retention and re-use of historic buildings – such an approach reduces the impact on and loss of archaeological evidence. The applicant does not control additional land that could afford alternative access to the site, mitigating the need to demolish the existing historic building on site. The current proposal has therefore been considered on its merits.

#### Design and Layout

Chapter 12 of the Framework is concerned with achieving well-designed places and paragraph 126 identifies that good design is a key aspect of sustainable development.

Paragraph 130 of the Framework which is concerned with design sets out a series of expectations including ensuring that developments:

- add to the quality of the area;
- are visually attractive as a result of good architecture, layout and landscaping;
- are sympathetic to the local character and surrounding built environment;
- establish and maintain a strong sense of place;
- optimise the potential of a site and create places that are safe, inclusive and accessible.

Policies CS74 of the CS and UDP policies BE5, H14 and H15 all seek to secure high quality developments which are of an appropriate scale and which enhance the character and appearance of the area. These policies are reflective of the aims of the Framework and are considered to carry substantial weight.

The detailed design of the scheme including the layout, scale, external appearance and landscaping are reserved for separate approval. However an indicative site layout drawing has been submitted along with formal details of the access from Towngate Road.

This site is enclosed by development on all sides and the site slopes steeply to the

east. As discussed above the development would necessitate the removal of the stone barn on the site frontage. Putting this issue to one side, there are a variety of styles of housing of differing character and appearance in the locality.

Whilst a self-contained development such as this could be designed so as not to harm the character and appearance of the area, it is considered that the current indicative layout is too dense leaving little room for the neighbouring listed buildings to breathe and the development as indicated may impinge upon the mature trees, which are protected by TPO to the east of the site.

To accommodate the number of properties within the site the development has resulted in car dominated frontages.

The proposed access cutting across in front of the farmhouse and the narrowing of the access to squeeze between the farmhouse and No.20 Towngate Road point to an overdevelopment of the site. As the proposed access will be the only means of accessing the site significant volumes of traffic (vehicular and pedestrian) would be brought into very close proximity of the farmhouse as well as rear garden of No.20 (which is at a considerably lower level).

The development as a whole would not be sympathetic to the local character and surrounding built environment, however given this is an outline application, these issues could be addressed at reserved matters stage.

### Highway Issues

The Framework (paragraphs 104 to 113) promotes sustainable transport. Paragraph 110 specifically requires that when assessing applications for development it should be ensured that a) appropriate opportunities have been taken up to promote sustainable transport modes given the type of development and the location, b) safe and suitable access to the site can be achieved for all users and c) any significant impacts from the development on the transport network or highway safety can be cost effectively mitigated.

Policy CS51 'Transport Priorities' within the CS sets out six strategic transport priorities for Sheffield and CS53 'Management of Demand for Travel' identifies a variety of ways in which increased demand for travel will be managed across the City.

Policy H14 part (d) requires development to not endanger pedestrians, provide safe access to the highways network and appropriate off-street parking. Policy H15 (Design of New Housing Developments) identifies that easy access to homes and circulation around the site for people with disabilities or with prams should be provided.

These local plan policies can be considered to have substantial weight as they are in broad conformity with the NPPF. Paragraph 111 of the Framework does however make it clear 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.

## Access

The site is currently accessed from Towngate Road. Outside the site entrance and just to its west the carriageway is narrow, the impact of which can be compounded by on-street parking. In order to accommodate access for a 12 metre long refuse/removal vehicle, a parking layby is proposed to be constructed in the grass verge on the opposite side of the road (with porous paving) which would allow existing residents to park their cars completely clear of the carriageway. To accommodate the access some of the farm buildings including the barn which sits on the northern edge of the carriage way are to be demolished.

The applicant has been looking at whether the access could be taken from the eastern end of Walshaw Road, where there is a gap in the housing. However, this land is not within the applicant's control and the proposed access arrangements must be considered on their merits.

The proposed access road would be 7 metres wide for the initial 10 metre length, before tapering down with 2 footways provided each side of the access road and a section of new 2.0m wide footway provided across the site frontage to Towngate Road.

The access narrows to get past the farmhouse; however this localised narrowing of the access road is some 28 to 30 metres into the site. Narrowing's or 'pinch-points' with give-way markings to oncoming traffic are a common traffic calming technique and can be found on much busier roads than would be the case for the development site, such as on Fraser Road in Woodseats and on Richmond Park Road.

Subsequently, as with the previous application, highway officers raise no objections to the access arrangements indicated in this fresh submission.

## Parking

No details of vehicle parking are provided as part of this application; however suitable provision for future residents will need to be accommodated within the site at reserved matters stage.

This resubmission has attracted a considerable number of representations raising the following highways related objections/concerns:

- A lack of local facilities and poor bus services will push an additional 130 vehicle movements onto the local highway network.
- Access would be taken from a narrow road, where on-street parking creates a bottleneck. Increased traffic will compromise the safety of young people walking to and attending Bradfield School.
- The barn should be retained. Access should be taken from Walshaw Road.
- Towngate Road is a racetrack. A large number of cars use it. It is dangerous owing to the on-street parking that occurs.
- This represents overdevelopment of the site.

- The safety of pedestrians, especially school children, horse riders, and motorists will be compromised.
- Walking distances quoted in the submitted documents to local facilities from the centre of the site are ‘as the crow flies’. They are not the actual walking distances. They are an underestimate.
- The Walshaw Road traffic surveys used to predict the peak hour trip rates for the development are not representative.
- Traffic volumes on Towngate Road will be increased by 150%.
- 37 metres is the stopping sight distance for 25 mph. Such a sight-line might not be achievable onto Towngate Road from the new access.
- The roads are dangerous with ice and snow in winter.
- There are no spaces in the local schools.
- The number 57 bus service through Worrall is to be cancelled from the 2<sup>nd</sup> of October 2022, forcing more people into their cars.

In response, the proposal is to build houses on what is currently farmland, situated within the village of Worrall. All matters are reserved for subsequent approval apart from the access arrangements. The application has been supported by a transport statement and framework travel plan.

Traffic generation for the development has been derived by undertaking traffic surveys of movements into and out of Walshaw Road, which provides access to 57 family sized houses. Based on data from these surveys (factored for 69 houses at Wiggan Farm) the AM weekday peak hour would be 27 departures, 11 arrivals (38 two-way movements). The PM weekday peak hour would be 13 departures, 24 arrivals (37 two-way movements). This generation would have a negligible (if any) impact on the local highway network.

An updated review of personal injury accidents has taken place for the years 2016 to 2020. During that period, 1 accident occurred on Walshaw Road, whereby a car drove into two other parked-up cars. All the occupants (5) received slight injuries. No accidents were recorded on Towngate Road, which has a continuous footway to the rear of the grass verge for school pupils to use. Given the modest increase in traffic generated by the development, there is no reason to believe that the safety of pupils walking to school would be compromised.

Speed measurements have been taken along Towngate Road, revealing an 85<sup>th</sup> percentile of 25 mph. This would accord with visibility splays from the site access of 2.4 metres x 32 metres. In fact, greater than 32 metres has been achieved, as a consequence of providing a 2 metres wide footway along the development site frontage.

Facilities within the village, including Bradfield School, are within acceptable walking distances of the site. The bus service is one per hour (where the buses pass each other two-way) connecting with the City Centre to the south, and in a northerly direction up through Oughtibridge. The stops are on Haggstones Road, close to the junction with Walshaw Road. There’s a public footpath running along the western boundary of the site. A spur would be created into the site from it, offering a route to the bus stops via Walshaw Road. A framework travel plan has been submitted with the application, upon which a detailed travel plan will be

based, and operated upon occupation.

Regarding the 57-bus service passing through Worrall, this is due to be axed from 02/10/2022. However, due to public reaction, Stagecoach has, at short notice, agreed to run the Stocksbridge Flyer through Worrall on a trial basis to assess demand, which will be the 57a service.

### Highways Conclusion

The amount of traffic generated by the development can be readily accommodated on the adjoining highways without threatening highway safety or giving rise to any residual cumulative impacts on the road network that are considered to be severe (Framework paragraph 111). The proposal is considered to be acceptable from a highway perspective and in accordance with UDP Policy H14 and H15 as well as the Framework.

### Residential Amenity

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

Policies H14 (Conditions on Development in Housing Areas) and H15 (Design of New Housing Developments) are considered to align with the Framework as they expect new housing developments to provide good quality living accommodation to ensure that basic standards of daylight, privacy, security and outlook are met for existing and future residents.

Policy H15 (Design of New Housing Developments) expects developments to provide adequate private gardens or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met for all residents. These local policies retain weight as they seek to ensure existing and future users are offered a good standard of amenity which accords with the aims of the Framework.

The indicative layout plans seek to show that the site could accommodate up to 67 dwellings. The dwellings are shown to be a mixture of 2 bedroomed detached and semi-detached bungalows, 3 bedroomed semi-detached and terraced housing, 4 bedroomed 2.5 storey semi-detached and detached dwellings, and 4 bedroomed 2 storey detached and semi-detached dwellings.

Some of the rear gardens of the properties appear small, particularly for 4 bedroomed properties and some of the plots appear to be very close to the protected trees that bound the site; and may potentially result in calls for their removal due to overshadowing.

The revised proposal, retaining the farmhouse would squeeze the development further, with no space for development forward of the farmhouse.

It is acknowledged that the plans are only indicative and that the site layout is reserved for subsequent approval; however as indicated it is considered that on balance the proposal would pose an overdevelopment of the site.

It is however, considered that a residential development could be devised that protects the amenities of existing residents from overlooking, overshadowing, overbearing while providing suitable living conditions for future residents.

However, traffic movements associated with the scheme would not be insignificant and it is considered that the narrowing of the access in close proximity to both the farmhouse and No.20 Towngate Road would be likely to have an unacceptable effect upon the residential amenity of occupiers of these properties, through noise and general disturbance from vehicle and pedestrian movements. No. 20 is set at a lower level and people accessing the site would be able to overlook the rear garden and windows of this property.

The indicative layout shows some of the properties to have small rear amenity areas, particularly for the size of the properties. The application seeks permission for up to 67 dwellings, it is anticipated that in order to ensure adequate amenity levels, the development would need to have less than this maximum number.

On balance the development would not be considerate to the residential amenity of occupiers of neighbouring dwellings and the amenity of occupiers of the proposed development is potentially not as good as it could be if a less dense layout were to be pursued.

#### Landscape and Ecology Issues

Policy CS74 of the Core Strategy expects high-quality development that respects and enhances the distinctive features of the city including its Green Networks, important habitats, waterways, woodlands, and other natural features.

Policy GE11 of the UDP seeks to protect and enhance the natural environment and promote nature conservation. UDP Policy BE6 requires new development to provide a suitable landscape scheme with regards to new planting and/or hard landscaping and details of existing vegetation that is to be removed or retained.

Paragraph 174 (a) and (d) of the Framework identifies that planning decisions should contribute to and enhance the natural and local environment, mitigating harm on and provide net gains in biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

It is considered that the local policy aims of protecting and enhancing ecology are compatible with the Framework and therefore retain substantial weight.

The application is accompanied by an Ecological Impact Assessment report (EclA), dated October 2021, which identifies those habitats and species present on site and assesses the potential impact on the identified habitats.



An updated bat survey was undertaken and this found two of the buildings to be the site of summer bat roosts. As such a Natural England licensing would be required for the destruction of the day roosts.

Trees on site have been assessed as having bat roost potential, but are expected to be retained.

Hedgehogs are confirmed as present in the general Worrall area and local residents have confirmed that they have been seen on site. Hedgehogs have suffered significant declines in recent decades and are considered a conservation priority. The measures proposed by the consultants are acceptable (sections 6.2.6.1 and 6.2.6.2 of the EclA).

The proposals need to demonstrate compliance with the NPPF and the mitigation hierarchy: the principles of 'avoid, mitigate, compensate'.

Whilst it is agreed that the habitats found on site could be considered to be of 'low value', the scheme will still need to deliver a measurable 'net gain' in biodiversity in line with the Environment Act 2021.

The current indicative plan shows a densely laid out development with no communal green-space or area that could be considered as an enhancement for wildlife.

The loss of buildings on site is a significant concern. These are used by bats (albeit low numbers) and feral pigeons and clearly have potential for species such as swallow, house martin, house sparrow and barn owl. Enhancement measures in an approved scheme should provide extensive compensatory habitat provision for species such as these. These would be set out in a Biodiversity Enhancement Management Plan (BEMP).

In its current form the development does not demonstrate how a net gain for biodiversity may be brought about and given the dense form of development on site the layout as indicated would not be conducive to net gain. However, the proposal is outline only and it is considered that a development which did secure net gain could be achieved at outline stage and through the imposition of appropriate condition. As such it is considered that the proposal is acceptable in relation to biodiversity.

## Sustainability

Chapter 14 of the Framework deals with the challenges of climate change and identifies the planning system as playing a key role in reducing greenhouse gas emissions and supporting renewable and low carbon energy. Paragraph 157 of the Framework makes it clear that new development should comply with local requirements for decentralised energy supply unless it is not feasible and viable, and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

The Climate Change and Design Supplementary Planning Document and Practice

Guide 2011 supports Policy CS63 of the Core Strategy which sets out the overarching approach to reducing the city's impact on climate change which includes prioritising sustainably located development well served by public transport, development of previously developed land and the adoption of sustainable drainage systems.

Policy CS64 of the Core Strategy seeks to ensure that new buildings are designed to reduce emissions of greenhouse gases through high standards of energy efficient design. Policy CS65 promotes renewable energy and carbon reduction and requires developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. An equivalent reduction in energy demands via a fabric first approach is now also accepted.

These local policies are considered to robustly align with the Framework and are afforded substantial weight.

The site is sustainably located within the existing built up area of Worrall. As this is an outline application the applicant has not provided any detailed information on how they intend to meet the requirements of CS65, however such details could be secured by condition.

#### Drainage and Flooding

Core Strategy Policy CS 67 (Flood Risk Management) seeks to reduce the extent and impact of flooding and requires the use of Sustainable Drainage Systems or sustainable drainage techniques, where feasible and practicable. Policy CS 63 (Responses to Climate Change) also promotes the adoption of sustainable drainage systems (SuDS).

The Framework seeks to ensure that areas at little or no risk of flooding are developed (Flood Zone 1) in preference to areas at higher risk (Flood Zones 2 and 3). It also seeks to reduce the effects of flooding through the use of sustainable drainage systems. CS 63 and 67 are considered to be compatible with the Framework in terms of reducing the impacts of flooding and therefore retain substantial weight.

The site is in Flood Zone 1 (the lowest risk of flooding). The management of surface water is therefore the primary consideration. The Environment Agency's surface water flooding maps show that a small part of the site, where some of the existing buildings are located, is at low risk of surface water flooding.

The applicant's FRA identifies that the use of SUDS is not appropriate for this site.

The Lead Local Flood Authority (LLFA) concur with the applicant's assessment that ground conditions (infiltration), site gradients and the absence of watercourses may rule out the use of SuDs.

Surface water is proposed to discharge, at a restricted rate, to the combined sewer on Walshaw Road. Below ground tanks are indicated to provide surface water storage. Yorkshire Water has no objection to the scheme subject to conditions

requiring the discharge of surface water to be reduced, the submission of detailed drainage design and for further detailed assessment of all available SuDs methods. Yorkshire Water have also set out that a water main crosses the red line site boundary. The presence of the main may affect the layout of the site and no obstruction should encroach within 3 metres on either side of the main i.e. a protected strip width of 6 metres. It may be possible for the main to be diverted under s.185 of the Water Industry Act 1991. These works would be carried out at the developer's expense.

It is considered that the site could be appropriately developed in relation to drainage and flooding subject to the imposition of appropriate conditions.

### Land Contamination

Para 183 of the NPPF identifies that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining.

As part of the previous application, a Phase 1 site investigation report was submitted which recommended that further site investigations are required to establish potential of ground contamination. The report confirmed that the development is unlikely to be influenced by ground gas associated with coal seams or historic landfill.

The Council's Environmental Protection Service recommend that a series of conditions are attached to secure further site investigations and any remediation measures necessary to protect future residents.

### Affordable Housing

The site falls in the Rural Upper Don Housing Market Area. The Council's CIL and Planning Obligations Supplementary Planning Document (SPD) requires 10% of the gross internal floor area of the development to be transferred to a Registered Provider at the Transfer Price, subject to viability. Affordable housing should be delivered on site unless a robust justification for an off-site financial contribution is made in accordance with the Framework (Paragraph 63).

As this application has been submitted in outline with all matters, except access reserved, the exact number of dwellings, design and layout of the scheme is not known.

The applicant has set out in their planning statement that the proposed development will meet the full 10% affordable housing requirement. The mix of house types and tenure proposed will be determined at the subsequent detailed reserved matters. Should permission be granted a S106 agreement would need to be completed to secure the affordable housing provision.

The Council's housing are recommending additional social-rented properties with four or more bedrooms to address the current extremely low provision of this type

in the area. The Government now requires 25% of the affordable units to be made available as First Homes (which are discounted home ownership), so the development should provide a mix of affordable tenures. Such matters could be addressed at reserved matters stage.

### Health Facility Issues

Residents and the NHS trust have raised concerns with the existing capacity of medical practices and their ability to cope with additional service demands associated with this and other recently permitted schemes in the Oughtibridge area.

The perceived capacity issues are acknowledged however a development such as this, for up to 67 dwellings, falls well below the threshold (1000 dwellings) identified in the CIL and planning obligations SPD where financial contributions, beyond those secured through CIL, are required for health-related infrastructure. Any enhancement of local health care facilities will need to be delivered through the Community Infrastructure Levy.

### Education Issues

The Councils School Organisation Team have been consulted on the application and have not provided a response; however in dealing with the previous outline application for 67 dwellings which was determined in December 2020, they identified that the site is in the catchment area for Oughtibridge Infant and Junior School (primary) and Bradfield School (secondary).

The potential additional yield of school age children generated from this development is anticipated to exacerbate existing capacity issues. Forecasts show there will be continuing capacity issues at primary and secondary level in the catchment in the coming years; however forecasts suggest that secondary school pupils at least can be accommodated at other local schools.

The above information is out of date, potential education capacity issues are acknowledged, however the development of this site falls well below the thresholds (500+ dwellings for primary and 1000+ for secondary) set out in the CIL and Planning Obligations SPD whereby section 106 education contributions are required. Any additional education provision will therefore need to be funded through CIL or other funding streams.

### Community Infrastructure Levy (CIL)

Sheffield has an adopted Community Infrastructure Charging schedule. The site falls within CIL Charging Zone 3. Within this zone there is a CIL charge of £30 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010. The funds generated through CIL will be used in connection with strategic infrastructure needs.

## Public Art

Policy BE12 of the UDP identifies that public art should be an integral part of the design of major developments.

As this is an outline application no details of the inclusion of public art are provided at this stage but they could be secured by condition.

## RESPONSE TO REPRESENTATIONS

Measures to mitigate the impacts of the construction phase can be secured by requiring the submission of a Construction Environmental Management Plan (CEMP).

Any impact on property values, whether perceived to be positive or negative, is not a planning matter.

The application was advertised in accordance with the Council's adopted Code of Best Practice for consultation on planning application. Individual letters of notification were sent out, notices were posted on site and a press notice was published in the Sheffield Telegraph.

In planning legislation there is no right to a view across another person's land.

The structural stability of boundary walls is a private matter.

The development falls below the threshold where an air quality assessment is required.

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

## SUMMARY AND CONCLUSION

Outline planning permission to erect up to 67 dwelling houses is proposed. Access is the only matter under consideration. The external appearance, layout, scale and landscaping (reserved matters) of the site are reserved for subsequent approval.

The site comprises of a number of farm buildings and low quality agricultural land. In principle the redevelopment of the farmland does not conflict with local or more up to date national policy which seeks to protect the highest quality agricultural land.

The site is in an established Housing Area in the UDP where the principle of housing development is supported. The site is in part previously developed land but is largely a greenfield site. It is located within the built up area of Worrall where development is supported by policy CS24 as completions of properties on greenfield sites have not reached the 12% and are closer to 5%.

The Council is unable to demonstrate a five year supply of housing land and so the 'tilted balance' comes into play whereby sustainable development should be

supported. The redevelopment of suitably located windfall sites such as this is supported by the Framework as they can make an important contribution to boosting the supply of new housing.

The benefits of the scheme include the provision of housing in the absence of a 5 year housing land supply on a sustainably located site in the existing urban area. There are also economic benefits from the construction of the development and increased spending in the local area, as well as social benefits in creating new homes.

The harm includes the loss of a non-designated heritage asset, through the demolition of the stone barn on the road frontage which would be removed to provide the access into the site. The barn has a high local heritage value and has been locally listed. There are also three grade II listed buildings in the vicinity.

It is considered that the development would cause harm to the designated and non-designated heritage assets, through the demolition of the barn and the close proximity of the development to the farmhouse and neighbouring listed buildings, and so this harm should be weighed against the public benefits of the scheme.

Whilst the amended plans which seek the retention of the farm building go some way to reduce harm caused it is still considered that the development would overall be harmful to the character and appearance of the area.

The proximity of the access to both the farmhouse and No.20 Towngate Road would be detrimental to the residential amenity of occupiers of those properties as there would be unacceptable overlooking, noise and general disturbance.

The proposal is largely similar to the previous 2020 refusal and this is a material planning consideration. In the period since that decision was issued the Council is now unable to demonstrate a 5 year Housing Land Supply and thus the tilted balance is engaged.

Overall when weighed in the balance the benefits of the scheme are not considered to significantly outweigh the harm that the proposed development would bring about.

The scheme is considered to be contrary to UDP Policy BE5, BE15, BE19, BE20 and H14 of the Unitary Development Plan and guidance contained within the revised National Planning Policy Framework. Notably paragraphs 130, and 199 - 203.

It is recommended that planning permission be refused.



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Executive Director, City Futures

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**Date:** 11 October 2022

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Abby Hartley

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**Summary:**

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

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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## 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 alterations/extension to roof to provide additional habitable space including rear dormer with Juliette balcony and provision of rooflights to the front elevation at 9 Norton Lees Square, Sheffield, S8 8SP (Case No: 21/05105/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 17.5 metre monopole with 6 no. antennas, 1 no. GPS module, 2 no. equipment cabinets, and 1 no. meter cabinet (Application for determination if approval required for siting and appearance) at land at junction with Carter Knowle Road, Carter Knowle Avenue and Montrose Road, Sheffield, S7 2EF (Case No: 21/04733/TEL).

## 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 single sided, internally illuminated 48-sheet digital poster display at land adjacent TK Max Kilner Way, Sheffield, S6 1NN (Case No: 22/00621/HOARD) has been dismissed.

Officer Comment:-

The inspector considered the main issue to be the effect of the advertisement on visual amenity.

The inspector concluded that the proposed illuminated sign would detract from the visual amenity of the area owing to its size and siting. It would obscure part of an attractive retaining wall reducing its visual amenity and would add clutter when viewed in the context of existing signage and traffic lights.



(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of an internally illuminated 48-sheet digital advertisement display at gable at Don Valley House, Savile Street East, Sheffield, S4 7UQ (Case No: 21/05190/ADV) has been dismissed.

Officer Comment:-

The Inspector noted that the main issue in this case is the effect of the advert on visual amenity.

The appeal proposal would be located on the gable wall to Don Valley House, 6m x 3m in size, installed approximately 14.5m high on the gable. The proposal would obscure approximately 3m of existing fenestration to that elevation and be extremely prominent due to its height and illumination. The loss of the pattern of fenestration would affect the architectural composition of the building.

In conclusion the Inspector felt that the advertisement would be overly prominent causing harm to visual amenity, contrary to UDP Policy BE13, Core Strategy Policy CS74 and paragraph 136 of the NPPF.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission and take enforcement action against the erection of a single-storey rear extension and dormer windows to an existing terraced house at 42 Woodseats House Road, Sheffield, S8 8QF (Case No: 20/02300/FUL).

Officer Comment:-

See officer comment in 7.0 i) below.

#### 4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of internally illuminated digital advertising hoarding at 746 City Road, Sheffield, S2 1GN (Case No: 22/00121/HOARD) has been allowed.

Officer Comment:-

The inspector considered the main issue to be the effect of the advertisement on visual amenity.

The appeal site is the flank gable wall of a two-storey terraced property currently trading as a takeaway unit, located on a busy road facing a car repair garage. The surrounding area is a mix of residential and commercial

uses with the residential uses primarily located on the opposite side of City Road to where the advertisement is proposed.

The Inspector did not agree that the sign would be incongruous and at odds with the surrounding residential properties harming the character and appearance of the area. The Inspector noted the nearby large scale commercial premises, totem signage, various commercial fascia signage and a digital bus stop advertisement all sited in the immediate vicinity and felt that the proposed advertisement would be viewed against this backdrop, assimilating into the surroundings and would not appear as an incongruous feature.

They considered the large flank wall of the property to be of a sufficient size to comfortably accommodate the proposal which would be the same size and occupy the same position as the previous paper advertisement. Whilst the proposed advertisement may draw the eye more than the previous one due to the different method of display, the Inspector considered that the level of illumination could be controlled by a condition. They concluded that the proposal was acceptable and allowed the appeal subject to conditions to control the display, including turning it off overnight and, the brightness of the display.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of single internally-illuminated 48-sheet digital advertisement display at land at Don Valley House Car Park, Savile Street East and Windsor Street, Sheffield, S4 7UQ (Case No: 21/05191/HOARD) has been allowed.

Officer Comment:-

The inspector considered the main issue to be the effect of the advertisement on visual amenity.

The appeal site is located at the edge of the car park to Don Valley House, close to the junction of Windsor Street and Corby Street. The area is industrial / commercial in nature. It is proposed to install a new 6m x 3m digital advertisement display board, mounted at a height of 2.5m. It would slightly overhang the car park boundary toward a vegetation buffer and would face traffic travelling south-west along Corby Street.

The Inspector noted that the PPG outlines that large poster-hoardings may be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

They noted that the display would be in view when travelling in a south-westerly direction for a reasonable length of time and distance but not so long or to such a great extent as to dominate views or distract attention to a harmful level In a well-lit and predominantly commercial / industrial urban setting.

Even though it was noted that illuminated displays are not present within the immediate vicinity, they concluded that the proposed advertisement closely relates to commercial activities and signage, as well as to the existing buildings in terms of its scale.

They concluded that the proposal was acceptable and allowed the appeal subject to conditions to control the display, including avoiding moving images and the brightness of the display.

## 5.0 CIL APPEALS DECISIONS

Nothing to report.

## 6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

## 7.0 ENFORCEMENT APPEALS DISMISSED

(i) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised erection of a dormer window extension to the front of an existing terraced house at 42 Woodseats House Road, Sheffield, S8 8QF (Planning Inspectorate Ref: APP/J4423/C/22/3294743) has been dismissed.

### Officer Comment:-

In June 2018, planning permission was granted for the erection of dormer windows to the front, side and rear of the property. During the course of determining the application and to make the development acceptable, an amended plan was submitted to show the front dormer window considerably reduced in scale from the original proposal such that it lined up with the first-floor window. Condition no.2 of the permission required the development to be carried out in complete accordance with the amended plans received. The dormer was built considerably larger in scale than what was approved.

An enforcement notice was served and the appellant subsequently, appealed against the notice on ground (a) that planning permission should be granted.

The Inspector's agreed with the Council view that the dormer was dominating the front roof plane, it did not align with the first-floor window, altering the balance of the elevation. It clashed with the defined window hierarchy of the houses in the street, which have larger ground floor bay windows and smaller first floor windows. Despite the timber cladding being painted grey to attempt to blend in with the slate roof, the dormer as built appeared to the Inspectorate as an incongruous feature in the street scene, in which there are few alterations to the original roofscape.

The appellant had pointed that there were other dormers in the wider area which do not follow the adopted design principles. However, these the inspector stated that were relatively few in number and he had no information as to whether they are authorised, when they were constructed and whether the present design policy guidance was then in place

The Inspector concluded that the dormer unduly harms both the character and appearance of the street scene. Therefore, dismissed the appeal.

## 8.0 ENFORCEMENT APPEALS ALLOWED

(i) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised demolition of rear conservatory and erection of single-storey rear/side extension and provision of canopy to front of dwellinghouse and increasing of height of the timber boundary fencing along the party boundary with the Berkeley Precinct Shopping Centre at 15 Rosedale Gardens, Sheffield, S11 8QB (Planning Inspectorate Ref: APP/J4423/C/22/3295240) has been allowed.

### Officer Comment:-

This was an enforcement appeal, as the appellant did not submit an appeal against the refusal of planning permission for the extension within the twelve week time frame.

The enforcement appeal was made on ground a) – that planning permission should be granted.

The Inspector considered the main issue to be that set out in the reason for refusal of planning permission – the impact upon the living conditions of occupiers of no.17 Rosedale Gardens. They noted that the Council's Supplementary Planning Guidance indicated a maximum 3m projection for such extensions to avoid overbearing and overshadowing.

At 4m deep along the common boundary with no.17 the extension exceeded the 3m guideline. The fall-back position of a 3m deep extension with a height of 4m was considered by the Inspector to be material.

They considered the blank wall to have no impact on privacy of the neighbours at no.17, and whilst imposing from the garden, the extension did not have significant impact on the kitchen (nearest) window. The kitchen was considered a non-habitable room and the orientation meant that no loss of direct sunlight would occur, and in conclusion they felt the additional 1m beyond the Council's guideline was offset by the height being 0.75m lower than could be achieved under permitted development rights.

They therefore concluded the extension was not harmful to living conditions of

no.17 and allowed the appeal, granting planning permission and quashing the enforcement notice.

## 9.0 RECOMMENDATIONS

That the report be noted.

*Michael Johnson*  
Head of Planning

*11 October 2022*

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