

Planning and Highways Committee

Tuesday 8 November 2022 at 2.00 pm

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

The Press and Public are Welcome to Attend

Membership

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

Substitute Members

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

PUBLIC ACCESS TO THE MEETING

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

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

Attending Meetings

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

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

FACILITIES

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

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

**PLANNING AND HIGHWAYS COMMITTEE AGENDA
8 NOVEMBER 2022**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 14)
Minutes of the meeting of the Committee held on 11th October 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. 451, 2 Broomgrove Road, Sheffield, S10 2LR** (Pages 15 - 30)
Report of the Head of Planning.
- 8. Tree Preservation Order No. 458, 41 St Andrews Road, Nether Edge, Sheffield, S11 9AL** (Pages 31 - 50)
Report of the Head of Planning.
- 9. Applications Under Various Acts/Regulations** (Pages 51 - 52)
Report of the Head of Planning.
- 9a. Planning Application No. 22/03144/FUL - 27 Blackbrook Drive, Sheffield, S10 4LS** (Pages 53 - 62)
- 9b. Planning Application No. 22/02585/FUL - Mobri Bakery, St Mary's Lane, Ecclesfield, Sheffield, S35 9YE** (Pages 63 - 80)
- 9c. Planning Application No. 22/02586/LBC - Mobri Bakery, St Mary's Lane, Ecclesfield, Sheffield, S35 9YE** (Pages 81 - 86)
- 9d. Planning Application No. 22/01805/FUL - Land at junction of Derbyshire Lane and Norton Lees Road, Meersbrook, Sheffield, S8 9EL** (Pages 87 - 116)

- 9e. Planning Application No. 22/01617/FUL - 39-43 Charles Street and 186-194 Norfolk Street, Sheffield, S1 2HU** (Pages 117 - 156)
- 9f. Planning Application No. 22/00491/OUT - 9 - 11 Wood Royd Road, Sheffield, S36 2TA** (Pages 157 - 214)
- 10. Record of Planning Appeal Submissions and Decisions** (Pages 215 - 220)
Report of the Head of Planning.
- 11. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 6th December 2022 at 2pm in the Town Hall.

ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

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

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Planning and Highways Committee

Meeting held 11 October 2022

PRESENT: Councillors Dianne Hurst (Joint Chair), Alan Woodcock (Joint Chair), Nighat Basharat, Mike Chaplin, Tony Damms, Roger Davison, Brian Holmshaw, Barbara Masters, Peter Price, Cliff Woodcraft and Anne Murphy (Substitute Member)

1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Bob McCann and Garry Weatherall.
- 1.2 Councillor Anne Murphy acted as substitute for Councillor Weatherall.

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 Alan Woodcock declared a personal interest in Agenda Item 8, Tree Preservation Order 455, St Marys Roman Catholic Church Hall, Pack Horse Lane, Sheffield S35 3HY, 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.
- 3.2 Councillor Peter Price declared a personal interest in Agenda Item 19a, Application No. 22/02651/CHU – 9 Paper Mill Road, Sheffield, S5 0EA, as a local ward member. Councillor Price 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 13th September 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. 454, LAND NORTH OF JUNCTION ROAD, WOODHOUSE

- 6.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 6.2 Concerns had been raised that 200 trees had been marked for removal and that the woodland may be in the process of being prepared for development.
- 6.3 The Community Tree Officer had visited the site and carried out a TEMPO assessment which had identified that the woodland should be protected.
- 6.4 One objection had been received which was outlined in the report, along with the officer response.
- 6.5 **RESOLVED UNANIMOUSLY:-** That Tree Preservation Order No. 454 be confirmed unmodified.

7. TREE PRESERVATION ORDER NO. 455, ST MARYS ROMAN CATHOLIC CHURCH HALL, PACK HORSE LANE, SHEFFIELD S35 3HY

- 7.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 7.2 The site was subject to outline planning permission, however the plans indicated the removal of the trees. A landscape officer within the Council had requested the inspection of the trees.
- 7.3 The Community Tree Officer had visited the site and carried out a TEMPO assessment which had identified the trees as suitable for protection.
- 7.4 No objections had been received.
- 7.5 **RESOLVED UNANIMOUSLY:-** That Tree Preservation Order No. 455 be confirmed unmodified.

8. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

8a. APPLICATION NO. 22/02651/CHU - 9 PAPER MILL ROAD, SHEFFIELD, S5 0EA

- 8a.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.
- 8a.2 Helena Wodzak Anan attended the meeting and spoke in support of the application.
- 8a.3 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.
- 8a.4 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, for alterations to dwellinghouse to form 2 self-contained studio/ bedsits at 9 Paper Mill Road, Sheffield, S5 0EA (Application No. 22/02651/CHU)

8b. APPLICATION NO. 22/01032/FUL - ABBEY GLEN, 10 CARLEY DRIVE, SHEFFIELD, S20 8NQ

- 8b.1 A report correction and an amended condition were included within the supplementary report circulated and summarised at the meeting.
- 8b.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 8b.3 Sean Corey, Dawn Groundwell, Mike Peat, Sean Frost and Councillor Tony Downing attended the meeting and spoke against the application.
- 8b.4 Ben West and David Knights attended the meeting and spoke in support of the application.
- 8b.5 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.
- 8b.6 A discussion took place as to whether deliveries included unloading of lorries. It was moved and seconded that the amended condition 3 be further amended to:
- Deliveries (which, by definition, includes unloading) 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 1000 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.

On being put to the vote, the amendment was passed.

8b.7 Various members voiced their concerns about the impact on the residents and it being in their view an unacceptable impact on their amenity. The vote in favour of the officer's recommendation to grant the application was lost and members further articulated their potential reasons for refusing the application and after taking advice from the planning officer in that regard.

8b.7 **RESOLVED:** That an application for planning permission for 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 at Abbey Glen, 10 Carley Drive, Sheffield, S20 8NQ (Application No. 22/01032/FUL) be REFUSED, as the Committee considered that the proposal would result in unacceptable cumulative 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.

8c. APPLICATION NO. 22/01035/FUL - ABBEY GLEN, 10 CARLEY DRIVE, SHEFFIELD, S20 8NQ

8c.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.

8c.2 Sean Corey, Mike Peat and Pauline Thorpe attended the meeting and spoke against the application.

8c.3 David Horsfield attended the meeting and spoke in support of the application.

8c.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.

8c.5 **RESOLVED UNANIMOUSLY:-** That the application for 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)) at Abbey Glen, 10 Carley Drive, Sheffield, S20 8NQ (Application No. 22/01035/FUL) be REFUSED for the reasons outlined in the report.

8d. **APPLICATION NO. 21/04764/OUT - WIGGAN FARM, 30 TOWNGATE ROAD, SHEFFIELD, S35 0AR**

8d.1 This application was withdrawn at the request of the applicants.

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

9.1 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.

9.2 Members attention was drawn to an enforcement appeal that had been allowed at 15 Rosedale Gardens, Sheffield, S11 8QB. The Inspector had given weight to the fall-back position under Permitted Development rights and the orientation of the property.

10. **DATE OF NEXT MEETING**

10.1 The next meeting of the Planning and Highways Committee would be held on Tuesday 8th November 2022 at 2pm in the Town Hall.

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SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Head of Planning

Date: 8th November 2022

Subject: Tree Preservation Order No. 451
2 Broomgrove Road, Sheffield, S10 2LR

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

Summary: To seek confirmation of Tree Preservation Order No. 451

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No. should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No. and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Objection letters attached.
- D) Images of the tree trees.
- E) Appraisal of the Broomhall Conservation Area.

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

08.11.22

2 Broomgrove Road, Sheffield, S10 2LR

TREE PRESERVATION ORDER NO. 451

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.451

2.0 BACKGROUND

2.1 Tree Preservation Order No.451 ('the Order') was made on 23rd June 2022 to protect four lime trees and one horse chestnut which stand within the garden of 2 Broomgrove Road. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 T1 to T4 (as described in the Order) are positioned to the north of the site, forming a linear group adjacent to a low boundary fronting Clarkehouse Road. T5 stands alone on the west of the site adjacent to a boundary wall fronting Broomgrove Road. As such the trees are very visible and form a prominent part of the street scene along a busy main thoroughfare. Images of the trees can be seen at Appendix D. The trees are located within the Broomhall Conservation Area, so they are already protected to a limited extent by Section 211 of the Town and Country Planning Act 1990.

2.3 The trees have been implicated in several planning applications, beginning with 21/04101/FUL which concerns the conversion of the former offices into a residential dwelling. As part of this application the boundary wall was inspected on behalf of the applicant on the 16th August 2021 by an engineering consultant. They concluded that the wall was in poor repair, that the proximity of the trees was a contributing factor to the damage and that the trees should therefore be removed to facilitate repair and replacement of the wall.

A landscape officer with the Council expressed concern over the potential loss of mature trees from along a main arterial road into the city and within the conservation area. Having made their own assessment, they felt that the wall was deteriorating due to age and poor construction as opposed to the presence of the trees pushing at the wall. They were of the opinion that the wall could be rebuilt, and the trees retained, and subsequently on the 23rd November 2021 they requested that the trees be inspected for their suitability for a TPO.

- 2.4 In response to this Vanessa Lyons inspected the trees on 24th November 2021 and conducted a Tree Evaluation Method for Preservation Orders (TEMPO) assessment. The trees were scored with 15 points respectively. The assessment produced a clear recommendation for protection, and it was deemed expedient in the interest of amenity to make an order. A summary of the TEMPO can be found in Appendix B.
- 2.5 On the 26th November, the planning officer responsible for determining application 21/04101/FUL received communication from the applicant stating that the intention was to now retain the trees, while replacing the existing boundary with 2.4 and 2.8m new walls. The building of the boundary wall was removed from application 21/04101/FUL and the TPO process was paused pending receipt of detailed plans regarding the new wall. These were submitted on 8th March, reference 22/00944/FUL. The application was withdrawn following advice from planning officers regarding the likelihood of refusal due to the impact of the wall on the visual amenity of the conservation area and inadequate information regarding how the trees would be safely retained during the construction phase.

In June 2022, the council requested that one of their engineers survey the wall and trees. The aim of this survey was to gather information to better inform decision making on any subsequent application regarding the wall's construction. The report concluded that it would be possible to rebuild the wall with the trees in situ, using root bridging techniques and slimmer wall profiles adjacent to the trees to allow for future growth. A subsequent application (22/02968/FUL) was submitted by the applicant on 9th August 2022 and is currently pending decision.

- 2.6 Although it was indicated by the applicant that the trees were to be retained during construction of the walls, on 23rd June it was deemed expedient in the interest of amenity to make the TPO. This followed from a desire to ensure that the trees were fully considered during any subsequent work to the boundary walls, and due to concerns around on-going damage to the trees as a result of construction spoil being repeatedly piled in their rooting area. This prompted a site visit from Vanessa Lyons in April 2022, in which construction workers were advised to remove the spoil and avoid the rooting area of the trees for future storage of construction material. The amenity of the trees was also further compromised following excessive pruning pursuant to a section 211 notice, reference 22/00400/TCA, in which the specified recommendation of pruning to 5.2m to clear the highway was exceeded by the tree surgeon.
- 2.7 Objections.

One objection was received via letter on the 13th July, and can be seen in Appendix C. The objection was from a solicitor, acting on behalf of the owner of 2 Broomgrove Road and was accompanied by an arboricultural report on T5 (the lime tree which stands adjacent to Broomgrove Road). The report

provided evidence that the roots of the tree had been damaged during construction of a neighbouring wall associated with number 4 Broomgrove, with the implication being that long term retention of the tree was therefore unlikely. The author therefore objected to the protection of T5, based on its condition.

- 2.8 An email was sent to the objector on 18th August 2022 stating the Council's intention to vary TPO 451 so as to remove T5 from the order. This was achieved by way of a variation order, made by the Council on 27th October 2022. T5 has consequently been removed from the Order. All of the interested parties who were notified of the Order originally being made have been notified of the variation being carried out. It is therefore considered that the objection to the order has been addressed, although the objection must still be considered before a decision can be made whether to confirm the Order as it has not been withdrawn.

3.0 VISUAL AMENITY ASSESSMENT

Visibility: The trees are considered as having high public visibility, forming a linear group of large, mature trees which are entirely visible from Clarkehouse Road, a busy main road into the city. Images of the trees can be seen in Appendix D

Condition: The trees appear in reasonable condition, with upright canopies typical of trees which have previously been heavily pruned. Although this form is not typical for the species of tree, it is a form that is well suited to the location of the trees, the upright nature of the growth keeping the trees relatively clear of the adjacent highway.

Longevity: The trees have an estimated 20–40-year retention span, meaning they will provide good amenity to the local area for many years to come.

Additional factors: The trees are considered as contributing to the character of the Broomhall conservation area. An appraisal of the conservation area, which can be found at Appendix E, notes that trees are an essential part of the areas identity, giving the area a distinctly sylvan character.

- 3.1 Expediency. The TPO will ensure the trees are fully considered during any subsequent work to the adjacent boundary wall.

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.451 will benefit the visual amenity of the local environment.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

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

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

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

7.4 A local authority may only confirm an Order after considering any representations made in respect of that order. One objection has been received in respect of the Order. A response to that objection is provided at paragraph 2.7.

7.5 A local authority has the power to vary a Tree Preservation Order in accordance with the procedure set out in the Town and Country Planning (Tree Preservation)(England) Regulations 2012. This procedure has been followed and a variation order has made. As a result, the varied version of Tree Preservation Order No. 451 is that which is recommended for confirmation. Details of how the Order has been varied are described in paragraph 2.8.

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.451 be confirmed.

Michael Johnson, Head of Planning,

28th October2022

Appendix A. Tree Preservation Order No. 451 and map to follow.

Varied order to be supplied

Appendix B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 24/11/21	Surveyor: Vanessa Lyons
Tree details	
TPO Ref (if applicable): 448	Tree/Group No: T1. Species: Lime
Owner (if known):	Location: 2 Broomgrove Road,

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* | <u>Unsuitable</u> |

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

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

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

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

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

d) Other factors

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

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

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Part 3: Decision guide

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

Score & Notes :

3. A previously pollarded lime prominent within the street scene of Clarkehouse Road. The tree has responded to previous pruning with vigorous upright growth that appears well attached. Small amount of dead wood in the canopy, of an amount normal for the species. Slight encroachment of lower branches onto highway, could be rectified with minor pruning of branches less than 10cm in diameter.

Score & Notes

2. A conservative estimate of 20-40 years is given. Although limes are a long-lived species, the tree is situated in limited soil next to a busy street. These unfavourable growing conditions have therefore been taken into account in estimating the trees remaining life span.

Score & Notes

4. This is a medium tree, clearly visible to the public.

Score & Notes

1. The tree's previous pruning renders it of indifferent form, though of a form well suited to its location, as the upright nature of the stems reduce encroachment to the highway

Score & Notes

5. The arborist acting on behalf of the developer has recommended the tree be felled to accommodate the development

Add Scores for Total:

15

Decision:

TPO defensible.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 24/11/21	Surveyor: Vanessa Lyons
Tree details	
TPO Ref (if applicable): 448	Tree/Group No: T2. Species: Lime
Owner (if known):	Location: 2 Broomgrove Road, adjacent to boundary with Clarkehouse Road

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

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

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

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

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

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes
4. This is medium tree, clearly visible to the public.

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. The tree's previous pruning renders it of indifferent form, though of a form well suited to its location, as the upright nature of the stems reduce encroachment to the highway

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes

5. The arborist acting on behalf of the developer has recommended the tree be felled to accommodate the 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.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 24/11/21	Surveyor: Vanessa Lyons
Tree details	
TPO Ref (if applicable): 448	Tree/Group No: T3. Species: Horse chestnut
Owner (if known):	Location: 2 Broomgrove Road, adjacent to boundary with Clarkehouse Road

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

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

Score & Notes :

3. A previously pollarded horse chestnut prominent within the street scene of Clarkehouse Road. The tree has responded to pruning with good upright growth which appears well attached. Evidence of multiple pruning wounds which have completely occluded, indicating the tree is vigorous. No evidence of bacterial bleeding canker, common in mature trees of this species. Tree would require minor tip pruning to clear the highway.

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

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

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

Score & Notes

2. A conservative estimate of 20-40 years is given. Horse chestnut are long-lived species, but the tree is situated in limited soil next to a busy street. These unfavourable growing conditions have therefore been taken into account in estimating the trees' remaining life span.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes

4. This is medium tree, clearly visible to the public.

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. The tree's previous pruning renders it of indifferent form, though of a form well suited to its location, as the upright nature of the stems reduce encroachment to the highway

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes

5. The arborist acting on behalf of the developer has recommended the tree be felled to accommodate the 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.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 24/11/21	Surveyor: Vanessa Lyons
----------------	----------------------------

Tree details		
TPO Ref (if applicable): 448	Tree/Group No: T4.	Species: Lime
Owner (if known):	Location: 2 Broomgrove Road, adjacent to boundary with Clarkehouse Road	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

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

Score & Notes :

3. A previously pollarded lime prominent within the street scene of Clarkehouse Road. The tree has responded to pruning with good upright growth which appears well attached. Tree has some lower growth obstructing the highway, this could be remedied with minor pruning of branches less than 10cm in diameter.

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

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

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

Score & Notes

2. A conservative estimate of 20-40 years is given. Lime are long-lived species, but the tree is situated in limited soil next to a busy street. These unfavourable growing conditions have therefore been taken into account in estimating the trees' remaining life span.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes

4. This is medium tree, clearly visible to the public.

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 | Score & Notes
1. The tree's previous pruning renders it of indifferent form, though of a form well suited to its location, as the upright nature of the stems reduce encroachment to the highway |
| 4) Tree groups, or principal members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habitat importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | |
- 1) Trees with poor form or which are generally unsuitable for their location

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|---|
| 5) Immediate threat to tree inc. s.211 Notice | Score & Notes
5. The arborist acting on behalf of the developer has recommended the tree be felled to accommodate the development |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Part 3: Decision guide

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

Add Scores for Total:

15

Decision:

TPO defensible.

Appendix C. Objection letter.



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

Your Ref: LS/RC/1904317
Our Ref: MA/MA/MKA/06437/21/Sall

Date: 13 July 2022

Dear Sirs

Re: Tree Preservation Order No.451: 2 Broomgrove Road, Sheffield, S10 2LR. Reference No. LS/RC/1904317

We confirm we act for [REDACTED]

We wish to object on [REDACTED]
[REDACTED] to the tree preservation order T5 (Lime Tilia x europaea) as marked on Drawing No. A4/UED/808/451.

The grounds for objection for this tree are attached in Weddle Landscape Design Tree Protection Note.

Please confirm receipt of this objection.

Yours sincerely

[REDACTED]

Athi Law LLP

285 LONDON ROAD SHEFFIELD S2 4NF

Job: 2 Broomgrove Road, Sheffield Date & Time: 1.00pm 28.06.2022
Weather Conditions: Dry, Warm
WLD representative: [REDACTED]

PURPOSE: INSPECTION OF T5

[REDACTED] has asked Weddle Landscape Design to inspect Lime tree T5 (Referred to as T1 within the Tree Preservation Order) due to concerns over its health.

The site has very recently been served notice that the council intend to put a permanent Tree Preservation Orders on the 5 site trees (council reference LS/RC/1904317). The 5 site trees have recently had crown reduction works as per tree works application 22/00400/TCA.

Regarding T5 (TPO T1), nearby excavation for construction of an approx. 2.5m high retaining wall to 4 Broomgrove Road has cut through part of the root area of T5 (TPO T1). Based on historic google street view it appears this replaced a lower retaining wall, in a similar position. The depth of the recent excavation would have severed roots leading south. The client believes this happened between 6 and 9 months ago.

Based on T5 (TPO T1) 600mm \varnothing trunk the total RPA should be approx. 131m². Approx. 32m² has been lost within the boundary excavations, a 24% loss (shown green below). The root loss may be larger due to the tree being constrained by a low retaining wall to Broomgrove Road and impermeable hardstanding to the west, north and east.



Extract of Tree Protection Plan with green indicating approx. area of root loss

The top 1m of the cut face is still exposed. This was inspected to see if and how many roots were potentially damaged during the works. There are 3no. larger roots exposed: 1 45mm severed root, 1 35mm severed root and 1 25mm partially severed root:



Major roots identified within excavation of 4 Bromgrove Road retaining wall.

Additional deeper roots (in the now backfilled area) may have been damaged during the excavation, however due to their depth this is less likely than the exposed section.

As a mature Lime, a 24% root area loss and severing of at least 3 major roots is likely to significantly weaken the tree, possibly to an extent it may not survive. Additionally, the low

retaining wall at the base of the tree also needs rectification due to health and safety concerns. Although this work could be carried out with minimal impact to the tree roots (using hand tools and special construction techniques) the pragmatic approach may be to replace this tree with suitable replacement which will offer similar amenity benefit and diversify the sites tree stock age. I'd suggest replacement in the same planting area of 2no. Semi-mature *Carpinus betulus* 'Fastigiata' (Hornbeam); 20-25 Girth; 500-550 Height; RB; 3x; Semi-mature; clear stem minimum 200cm. These trees would have the correct form and spread for this position and require less maintenance than the existing Lime.

Appendix D Images of trees.



Trees looking north looking along Clarkehouse Road. Images taken from Google Street view.



Trees looking south along Clarkehouse Road. Images taken from Google Street view



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Head of Planning

Date: 8th November 2022

Subject: Tree Preservation Order No. 458
41 St Andrews Road, Nether Edge, Sheffield, S11 9AL

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

Summary: To seek confirmation of Tree Preservation Order No. 458

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No. should be confirmed unmodified.

Background Papers:

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

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

8TH November 2022

41 St Andrews Road, Nether Edge, Sheffield, S11 9AL

TREE PRESERVATION ORDER NO. 458

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.458

2.0 BACKGROUND

2.1 Tree Preservation Order No.458 ('the Order') was made on 28th July 2022 to protect a pine tree which stands within the garden of 41 St Andrews Road. A copy of the Order, with its accompanying map, is attached as Appendix A.

2.2 T1 (as described in the Order) is positioned to the west of the house, in the front garden adjacent to the boundary with St Andrews Road. As such the tree is very visible and forms a prominent part of the street scene. An image of the tree can be seen at Appendix C. The tree is located within the Nether Edge Conservation Area, so is already protected to a limited extent by Section 211 of the Town and Country Planning Act 1990.

2.3 The tree is the subject of a section 211 notice (reference 22/02305/TCA) received on 17th June 2022. The notice stated the intended removal of the tree due to its implication in cracking and lifting to the driveway to which it is directly adjacent.

2.4 In response to the section 211 notice, Tree Service manager Jerry Gunton inspected the tree on the 28th July 2022 with a view to determining whether the removal of the tree was appropriate. He found that the tree is healthy with no major outward defects, barring the loss of its central leader. He felt this had occurred some years previously, cause unknown, and that the central stem is now being replaced by upward growth of other lateral branches. He observed that the drive near the base of the tree is cracked and lifting, but there was no indication that further investigative work had taken place, such as lifting of the broken slabs, to ascertain how close the roots are to the surface of the drive and whether the drive can be made good with the tree in situ. It is therefore deemed possible that an engineering solution exists which would see the drive repaired, and the tree retained.

Given this, it was the opinion of the assessing officers that there is insufficient evidence at this time to suggest that tree removal is the only option. The tree is healthy, visually prominent and contributes to the character of the conservation area, and therefore its retention is desirable. It was therefore

deemed expedient in the interest of amenity to make the tree subject to a Tree Preservation Order.

2.5 On 28th July 2022 Vanessa Lyons conducted a Tree Evaluation Method for Preservation Orders (TEMPO) assessment. The tree scored 15 points producing a clear recommendation for protection. A summary of the TEMPO can be found in Appendix B.

2.6 Objections.

No duly made objections have been received.

3.0 VISUAL AMENITY ASSESSMENT

Visibility: The tree has high public visibility, standing directly adjacent to St Andrews Road, a main road in and out of the Nether Edge area.

Condition: The trees appear in reasonable condition, though not of entirely typical form for its species due to the loss of a central leader.

Longevity: The tree has an estimated 20–40-year retention span, meaning it will provide good amenity to the local area for many years to come.

Contribution to the conservation area: Local authorities must pay attention to the desirability of preserving or enhancing the appearance of the conservation area. In an appraisal of the Nether Edge conservation area, included in Appendix D, trees are noted as being a defining feature of the area, with garden trees forming a perfect foil to the layout of formal houses within the area.

Expediency: The tree is subject to a section 211 notice signalling the intention of the homeowner to remove the tree.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

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

5.2 Protection of the trees detailed in Tree Preservation Order No.458 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 in respect of the Order.

8.0 RECOMMENDATION

- 8.1 Recommend Provisional Tree Preservation Order No.458 be confirmed.

Michael Johnson, Head of Planning,

28th October 2022

Appendix A. Tree Preservation Order No. and map

Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 458 (2022)
41 St Andrew's Rd, Nether Edge, Sheffield S11 9AL

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 458 (2022) – 41 St Andrew's Rd, Nether Edge, Sheffield S11 9AL.

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 28th JULY 2022

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


David Selkis
DUTY AUTHORISED SIGNATORY



2022/07/28

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	Pine (Pinus species)	SK 33635 85135

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)

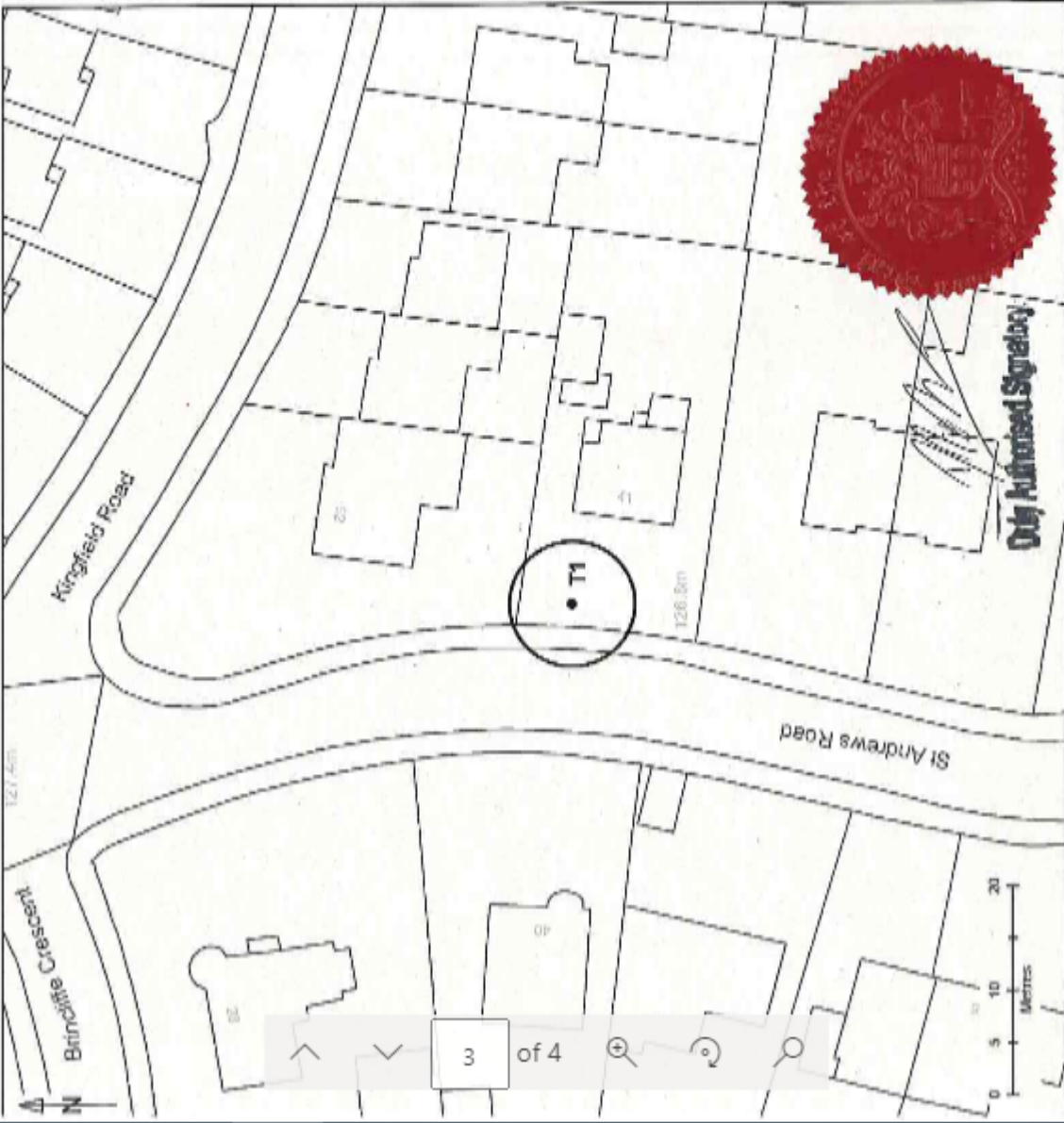
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
-------------------------	---	------------------

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 
TREE PRESERVATION ORDER No. 458	
Drawing No. A4/808/458	
Site address 41 St Andrew's Rd, Nether Edge, Sheffield S11 9AL	
Scale: 1:500 @ A4	
Drawn by MB	Date: 28/07/2022
Trees specified individually (circled in black on the plan)	
	
T1 Pine (Pinus species)	
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 33635 85136 Measurements shown approximately	



27/11/22 / 4585

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Need varied order to include here

Appendix B. Tree Evaluation Method for Preservation Orders (TEMPO) assessment

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 28.07.22	Surveyor: Vanessa Lyons
----------------	----------------------------

Tree details TPO Ref 458 Owner (if known):	Tree/Group T1 Location: 41 St Andrew's Road	Species: Pine
---	--	---------------

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

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

Score & Notes :

3. Tree has lost top at some point in past and lateral branches have taken over as leader.

Damage to driveway (reason for section 211). No investigative work done to see if this can be remedied with tree in situ, though drive is thick, so likely it could be re-levelled.

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

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

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

Score & Notes

2

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes

4. Prominent on street.

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. Not perfect form, however tree is not outgrowing location

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes

5

Part 3: Decision guide

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

Add Scores for Total:

15

Decision:

TPO defensible

Appendix C. Images of the tree



Image of tree facing south on St Andrews Road. Image taken from Google Street view.



Image of tree facing north on St Andrews Road. Image taken from Google Street view.



Image of damage to drive.



Image of tree taken from opposite 41 St Andrews Road.

APPRAISAL OF GENERAL CHARACTER

Uses And Activity

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

Archaeology

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

Urban Structure And Movement

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

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



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

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

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

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



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

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

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



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

Landscape Setting

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

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

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

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

Page 45 Architecture And Building Materials

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

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



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

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

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



(a) Varied roofing and architectural forms.



(b) Towers.



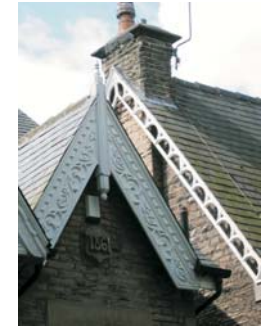
(c) Gables in asymmetrical design.



(d) Hipped roofs.



(e) Chimneys with pots.



(f) Bargeboards in elaborately carved timber.



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



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



(i) Sliding sash windows constructed in timber.



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



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



(l) Stone sills and lintels.



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



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



(o) Ironwork as decoration.



(p) Finials to the apex of roofs.



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



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

Figure 11 - Typical architectural features in Nether Edge

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

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



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

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

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

Trees, Parks And Gardens

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



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

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

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

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

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

Floorscape & Boundaries

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

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

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

APPRAISAL OF CHARACTER AREAS

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

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

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

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

The following examines the characteristics that distinguish each area.

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Head of Planning

Date: 08/11/2022

Subject: Applications under various acts/regulations

Author of Report: Dinah Hope and Lucy Bond

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

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

Category of Report: OPEN

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Case Number	22/03144/FUL (Formerly PP-11493732)
Application Type	Full Planning Application
Proposal	Alterations and extension to roof to form front and rear gables and a side dormer extension to form additional living accommodation at first floor level, and a flat roof single storey extension to the rear (amended description)
Location	27 Blackbrook Drive Sheffield S10 4LS
Date Received	24/08/2022
Team	North
Applicant/Agent	Right Property Design Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drg No: 005 (Rev 1) 'Proposed Ground and Loft Floor Plans' (Published 29.09.2022)

Drg No: 006 (Rev 1) 'Proposed Roof Plan' (Published 29.09.2022)

Drg No: 007 (Rev 1) 'Proposed Elevations' (Published 29.09.2022)

Reason: In order to define the permission.

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

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

3. The materials to be used externally shall match those of the existing building in colour, shape, size and texture.

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

4. The windows of the dormer extension hereby approved on the east side roof plane facing 25 Blackbrook Drive shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the windows shall at any time be glazed with clear glass.

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

Other Compliance Conditions

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.

Site Location



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LOCATION AND PROPOSAL

The property the subject of this application is a hipped roof detached bungalow located on the south side of Blackbrook Drive, in the Fulwood area of the city. Blackbrook Drive is a residential cul-de-sac comprising other bungalows, with primarily unaltered single storey hipped roof examples toward the eastern entrance of the cul-de-sac, but with more variety in built form evident toward the hammerhead, where several properties have been extended in various ways to create accommodation at first-floor level.

This application seeks planning permission for a hip to gable roof extension in order to create accommodation at first-floor level, including a flat roof dormer to the east side roof plane.

The description of the proposal also includes a large flat roof single storey extension to the south rear elevation of the host which has previously been approved under a prior notification application for a larger home extension (see 'RELEVANT PLANNING HISTORY' below). This extension is under construction at the time of writing.

All measurements can be scaled from the submitted drawings.

Following concerns raised by the case officer regarding the first-floor fenestration, the 'flat' appearance of the front gable as originally proposed, and the size of the side dormer, amended drawings have been received showing smaller and more symmetrical first-floor windows in the front elevation, a canopy roof along the front elevation above the entrance and bay windows, and the side dormer reduced in size.

RELEVANT PLANNING HISTORY

21/02128/HPN - Single-storey rear extension - the extension will be 8m from the rear of the original dwellinghouse, ridge height no more than 3.23m and height to the eaves of 2.93m - Prior notification granted 16.06.2021.

21/02141/ASPN - Enlargement of dwellinghouse by construction of an additional storey (total height 9.33m) - Prior notification refused due to the proposal not meeting the requirements of a Class AA development 06.07.2021.

21/03062/ASPN – Enlargement of dwellinghouse by construction of an additional storey (total height 9.33m) - Prior notification refused, as the planning authority considered that the addition of an additional storey on an existing bungalow, together with the raised ridge height, would create a conspicuous and incongruous building that would be at odds with the established and repeated built form of bungalows and dormer bungalows in the street-scene 30.09.2021.

A subsequent appeal against the above decision was dismissed, with the Planning Inspector stating that the proposal would be “clearly distinguished from the other dwellings on the street, failing to integrate within the surrounds or to visually relate to the predominant form of neighbouring development. Comparatively, it would be of a greater scale than is common on the street, in a prominent location close to the turning point of the cul-de-sac such that it would appear unduly dominant. Overall, it would be read as incongruous within the surrounding context”.

REPRESENTATIONS

Immediate neighbours were notified of the application as originally submitted and were given the deadline of 27 September to comment. Objections were received from occupiers of 23 properties (including properties on Blackbrook Avenue and Brooklands Avenue as well as Blackbrook Drive). These objections are summarised as follows:

- The proposal is a much larger / oversized, 2 storey dwelling which is overdevelopment that would dominate its neighbours and the street-scene
- The proposed gable roof 'A Frame' house is not a bungalow, is out of character with the existing pyramid roof single-storey dwellings in the cul-de-sac, and would erode the consistency / uniformity of the street-scene
- The proposal is contrary to the previous refusal and the subsequent appeal decision
- The large single storey rear extension is out of proportion to the existing bungalow
- The red brick front boundary wall and gate pillars that have been erected are unsightly and not in keeping with other front boundary walls in the street
- The large flat roof dormer is not consistent with others in the street which have pitched roofs and are set back from the side walls of the houses
- The flat roof dormer proposed is contrary to previous planning decisions in the cul-de-sac where pitched roof dormers were described as appropriate and flat roof dormers to the rear were approved because they would not be prominently visible in the street-scene
- The side dormer proposed would significantly impact the light and privacy of near neighbours
- The ground and first-floor extensions proposed would dominate and shadow neighbours
- Allowing the proposal would set a dangerous precedent for future development in the area
- The applicant is not going to live at the property and is maximising its size in order to sell

Immediate neighbours and objectors were re-notified following receipt of the amended scheme described at the beginning of this report and were given the deadline of 14 October to comment. In response, letters of objection were received from occupiers of 15 properties, primarily reporting that the amendments proposed are small and do not address the concerns previously raised / summarised above.

PLANNING ASSESSMENT

Policy context

Paragraph 130 of the National Planning Policy Framework (2021) states that developments need to contribute towards creating visually attractive, distinctive places to live, work and visit, whilst also being sympathetic to local character. Innovation should not be prevented but developments should add to the quality of an area whilst providing a high standard of amenity for existing and future users. This assessment will have regard to this overarching principle.

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area. The assessment takes account of Policies BE5 (Building Design & Siting) and H14 (Conditions on Development in Housing Areas) from the Sheffield Unitary Development Plan (UDP); Core Strategy Policy CS74 (Design Principles) and the Supplementary Planning Guidance (SPG) on Designing House Extensions. All of

these policies require new extensions to be well designed and to be in scale and character with surrounding buildings. This is consistent with National Planning Policy Framework Paragraph 130 which seeks to ensure that developments are visually attractive and sympathetic to local character. The local policies can therefore be afforded substantial weight in this case.

Design / visual amenity (SPG guidelines 1-3)

SPG Guidelines 1 and 2 advise that extensions should be compatible with the character and built form of the area and should not detract from the host dwelling or the general appearance of the street or locality. Guideline 3 advises that the use of matching materials and features will normally be required for extensions.

The extension the subject of the previously refused prior notification (see under 'RELEVANT PLANNING HISTORY' above) was to form a full 2 storey house and the reason for refusal specified that it was the proposed additional storey, together with raised ridge height, that was considered conspicuous and incongruous. In dismissing the subsequent appeal, the Planning Inspector also stated that "...the proposal would be clearly distinguished from the other dwellings on the street, failing to integrate within the surrounds...".

Rather than a full 2 storey house, the amended scheme as now proposed is considered more akin to a bungalow with accommodation in the roof-space, and the apex of the proposed roof is no higher than the existing situation. This is markedly different to the refused proposal.

Although it is accepted that, as originally constructed, Blackbrook Drive was characterised by single storey hipped roof bungalows, as described at the beginning of this report, especially toward the hammerhead, there are several examples of dwellings which have been extended in order to create accommodation in the roof space. These examples include front, side, and rear dormer extensions as well as hip to gable type extensions, such as those at Numbers 31 and 38.

Indeed, in the officer report recommending refusal of the previous prior notification the case officer noted that while "...bungalows and dormer bungalows is a dominant and defining characteristic..." the Planning Authority "...accepts that there is now some disparity in the appearance of nearby houses..." and "...various extensions and alterations to the dwellings have diluted the street's consistency".

As amended, the development now proposed is very similar to the built form of Number 31 which was approved in 2017 (application reference 17/01288/FUL) and in recommending approval at that time the officer report stated that "it is considered that the proposed hip-to-gable enlargements would not be harmful to the character and appearance of the street, with examples on the street of dwellinghouses that have had hip-to-gable enlargements to the front as proposed and the use of side dormer windows".

Although it is acknowledged that the development now proposed would result in further erosion of the original character of the cul-de-sac; in the context of the above it is considered that the resulting gable roof form would not appear unacceptably incongruous or obtrusive in this part of the cul-de-sac.

The application form submitted confirms that it is proposed to use bricks and tiles

matching those of the host dwelling in the construction of the extensions proposed. It is considered that the use of acceptable materials could be ensured by appropriate conditions attached to any approval.

In respect of the side dormer proposed, the amended drawings submitted show this significantly reduced in size and set well back from the side elevation of the host property. It is proposed to utilise hanging tiles matching those of the roof of the host property for the external finish of the dormer. Whilst a narrower pitched roof dormer would be preferred, given that the proposed dormer is well set back from the front elevation of the dwelling it is considered that it would not appear prominent in the street-scene and no significant or unacceptable harm to visual amenity is envisaged.

In respect of the single storey rear extension, while this is of significant size in relation to the host property and the flat roof design does not reflect the existing built form, as mentioned at the beginning of this report this was approved under a previous prior notification application for a larger home extension. In addition, as it is to the rear it is considered that it would not be prominently visible from the street.

In respect of the red brick boundary wall and gate pillars erected along the north front boundary of the property, this was not included in this application. Further to the case officer's visit to the site the applicant was notified that the wall and pillars that had been erected were considered unacceptable. As a result, the applicant has provided photographic evidence showing that the wall and pillars have been reduced in height so that no part is now over 1.0m tall and as such this structure is now considered to constitute permitted development under Part 2, Class A of the General Permitted Development Order 2015 (as amended).

Amenity / Impact on neighbours (SPG guidelines 4-6)

SPG Guideline 4 advises against overdevelopment and that an adequate amount of garden space should be retained.

SPG Guideline 5 advises that extensions should result in no unreasonable overshadowing and over dominance of neighbouring dwellings and no serious reductions in the light and outlook of the dwelling to be extended. Guideline 6 advises that extensions should protect and maintain minimum levels of privacy.

The property includes a long rear garden which, were the extensions the subject of this application to be constructed, is still considered sufficient to provide outdoor amenity space to serve the needs of the enlarged dwelling as proposed. No overdevelopment of the plot is envisaged.

Regarding concerns expressed by objectors that the first floor / roof extension proposed would dominate and shadow neighbours, some additional impact on the amenity of Numbers 25 and 29 to the east and west sides respectively is envisaged as a result of the gable roof proposed. However, as the first floor proposed would not be larger than the original footprint of the host and, as the driveways alongside the dwellings provide a degree of separation, the level of harm envisaged is considered not to be unreasonable or unacceptable.

Regarding concerns expressed by objectors that the side dormer proposed would impact the light and privacy of neighbours, as previously described the amended drawings submitted show the dormer significantly reduced in size and no significant

additional loss of light or overshadowing to neighbours is envisaged as a result of this element of the scheme. In addition, the windows of the dormer are shown serving a bathroom and an en-suite and the application form states that frosted glazing is proposed for these windows. It is considered that the privacy of neighbouring occupiers could be adequately protected via a condition attached to any approval requiring that appropriate obscure glazing is installed and maintained in these windows.

Regarding concerns expressed by objectors that the single storey rear extension proposed would dominate and shadow neighbours; as previously mentioned this extension was approved under a previous prior notification application for a larger home extension. In addition, as a result of its flat roof form, the separation between dwellings previously described, and the partial screening that would be provided by respective detached garages, no unreasonable or unacceptable impact on the amenity of neighbouring occupiers is envisaged.

Regarding neighbours fronting Lodge Moor Road to the south rear of the site; due to the separation provided by the long rear garden at the site no significant or unacceptable impact on the amenity of these neighbours is envisaged as a result of the development proposed.

Impact on landscape and wildlife (SPG guideline 7)

Guideline 7 of the SPG advises that all developments should minimise adverse effects on the landscape and wildlife in the area, and UDP Policy GE11 requires all development to respect and promote nature conservation.

The site is not within or adjacent to any applicable designated areas.

Due to the type of development proposed, and the suburban nature of the site / its immediate environs, it is considered that the development proposed would not have any adverse impact on the landscape or wildlife of the area.

Highway impact (SPG guideline 8)

Guideline 8 of the SPG reflects UDP Policy H14 (Criterion 'd') which states that development will be permitted provided that it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

There is an existing detached single garage at the property in question as well as a long driveway alongside the dwelling. The application form submitted confirms that no alterations are proposed to the existing access or off-street parking arrangements at the site and the existing provisions are considered sufficient to serve the enlarged dwelling as proposed.

No adverse highway impact is envisaged as a result of the development proposed.

Other matters

Precedent:

Regarding concerns raised that the approval of this application would set a precedent for future development in the area, each application must be considered on its own merits.

The intentions of the applicant:

Regarding concern that the applicant is not intending to live at the property and is seeking to enlarge the dwelling in order to sell it, the future intentions of the applicant are not a material planning concern.

SUMMARY AND RECOMMENDATION

It is concluded that the proposed alterations to the dwellinghouse are in line with the provisions of the adopted plan, namely UDP Policies H14 and BE5; Core Strategy Policy CS74; and the Council's SPG on Designing House Extensions. Furthermore, these policies are in line with National Planning Policy Framework Paragraph 130.

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

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Case Number	22/02585/FUL (Formerly PP-11367743)
Application Type	Full Planning Application
Proposal	Demolition of outbuildings and use of former bakery/cafe (Use Class E) as a dwellinghouse (Use Class C3) with associated alterations to fenestration and landscaping (Re-submission of 21/03292/FUL)
Location	Mobri Bakery St Mary's Lane Ecclesfield Sheffield S35 9YE
Date Received	08/07/2022
Team	North
Applicant/Agent	Taylor Tuxford Associates
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:

Site Location Plan with Red Line, Drawing Number 20/3029/002/C published 08.07.22

Block Plan, Drawing Number 20/3029/003/C published 08.07.22

Proposed Floor Plans, Drawing Number 20/3029/001/F, published 18.10.22

Proposed Elevations, Drawing Number 20/3029/004/D, published 18.10.22

Reason: In order to define the permission.

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

3. Part A (pre-commencement)

No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

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

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

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

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

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

5. Full details of the proposed design, materials and finishes of all new and or replacement doors and windows shall be submitted to and approved in writing before that part of the development is commenced. The details should include an elevation at 1:20 scale of each window and door and 1:5 scale cross sections showing full joinery and glazing details including any mouldings, head, lintel and cill details and relationship with the external plane of the wall. Thereafter, the works shall be carried out in accordance with the approved details.

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

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

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

7. Details of new rainwater goods shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

Other Compliance Conditions

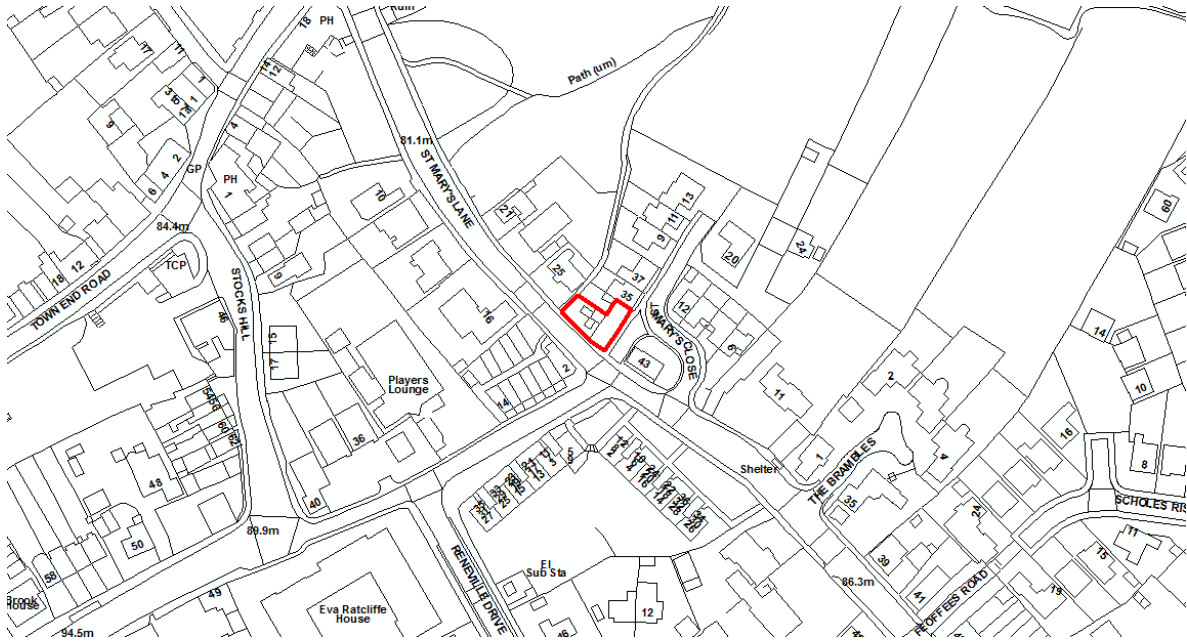
Attention is Drawn to the Following Directives:

1. The applicant is advised that the listed building consent (reference 22/02586/LBC) includes additional conditions which control the interior alterations to the building. Both decision notices should be read in conjunction.
2. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process.

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

3. The applicant is advised that if any protected species are encountered during development then the relevant legal requirements must be adhered to.
4. The applicant is advised to have regard to the advice from Northern PowerGrid published 26.07.22 on the online planning application file.
5. 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 site relates to a Grade II Listed single storey building that fronts St Mary's Lane and St Mary's Close in Ecclesfield. The site also falls within the Ecclesfield Conservation Area.

The building is attached to the neighbouring residential property and has a small area of enclosed land associated with it on the northern side. This is occupied by containers/ outbuildings.

The building is currently used as a café / bakery with the outbuildings accommodating a dog grooming business. Planning and Listed Building consent is sought to change the use of the building and wider site to residential accommodation with internal and external alterations to facilitate this.

This report is a joint report and assesses matters relating to both the planning submission and the separate Listed Building submission (references 22/02585/FUL and 22/02586/LBC).

PLANNING HISTORY

A planning Application was submitted to use of former bakery/cafe (Use Class E) as a dwellinghouse (Use Class C3) with associated alterations to fenestration, landscaping and formation of parking under application 21/03292/FUL. During the course of the application the building was designated a Grade II Listed Building. This application was subsequently withdrawn.

A subsequent preapplication submission was made to seek a view on a similar scheme to that proposed under these current applications.

REPRESENTATIONS

Representations have been received from 70 parties in connection with the proposals, which are summarised as follows:

Objections:

- Closure of bakery - representations highlight that this is an operating business rather than a former bakery as described within the submission.
- Loss of dog grooming business.
- Loss of local, independent business and employment.
- The businesses are regarded as a community asset / social hub.
- People will have to travel further to shops which is less sustainable and inaccessible to some.
- Job losses - there is more than 1 employee, contrary to the application form
- Objection to demolishing a Listed Building.
- Harm to listed building, hiding original crucks and bricks.
- Historic building would no longer have public access.
- Harm to structure of neighbouring buildings of historic interest.
- The materials are not sympathetic to the building.
- The fenestration changes are out of keeping with the building
- Concern is raised that appropriate contractors would not be used.
- Objection to stud walls being inserted.

- Previous recent improvement works to the bakery would be obsolete which is unsustainable.
- The new accommodation would have poor levels of privacy.
- The development would result in loss of privacy to adjacent dwellings.
- The new property would not benefit from much natural light.
- Concern is raised regarding the impacts on the public footpaths and rights of access.
- Safety implications of parking on the paved area.
- No safe off-street parking is available - contributing to highway safety issues and contrary to UDP Policy T25 (Car parking in Residential Areas).
- The scheme would result in people parking on street overnight which is more unsafe than the parking associated with the existing use.
- No facility for electric vehicle charging.
- No off-street parking provision discriminates against people with disabilities.
- Concern is raised regarding the impact on protected wildlife in the area.
- Concern is raised regarding flooding to adjacent houses.
- Objection is raised regarding the integrity of the information supplied with the submission.
- There is no need for more houses.
- Concern about fire safety of inward opening windows.
- The scheme is contrary to Policy CS32 (Jobs and Housing in Ecclesfield) and CS24 (Maximising Use of Previously Developed Land) as the scheme involves developing land of recreational value.
- Right of way not included
- The property is a mix of freehold and leasehold; concern is raised that the correct request may not have been made.
- There is a power line beneath the site which would be impacted if archaeological investigation occurred.
- Concern is raised about disruption during the conversion works.
- Reference is made to a nearby property which has gained consent from residential to commercial. The rationale behind this is queried.
- The previous submission attracted a petition with over 100 signatories, this should be considered again.
- The breeze block toilet is not shown on the plans.

Comments

Ecclesfield Parish Council:

- Request that comments/objections in respect of the history of the building and that job losses are taken into consideration.
- Request if any alterations are made, they need to be sympathetic to the Grade II listed building and the conditions imposed by the Heritage Statement.

Sheffield Conservation Advisory Group:

- The proposal was generally welcomed as it protects the future integrity of the of the Cruck barn. Request is made for more details on the fenestration and close attention should be given to their materials.

POLICY CONTEXT

All planning applications have to be determined under S38(6) of the Planning and Compulsory Purchase 2004 Act, that is in accordance with the development plan unless

material considerations indicate otherwise. The National Planning Policy Framework (NPPF/Framework) is a material consideration in planning decisions.

The key principle of the Framework (paragraph 8) is the pursuit of sustainable development, which is identified as having three overarching objectives (economic, social and environmental) that are independent and should be pursued in mutually supportive ways. This assessment will have due regard to these overarching principles.

The Council's Development Plan (UDP and Core Strategy) predates the Framework; the development plan does however remain the starting point for decision making and its policies should not simply be considered out-of-date if adopted or made prior to the publication of the Framework, as is the case in Sheffield. Paragraph 219 of the Framework requires due weight to be given to the relevant UDP and CS 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.

Planning Balance

The assessment of this development also needs to be considered in light of paragraph 11d of the Framework and the application of the tilted balance which applies a presumption in favour of development. It states that where there are no relevant development plan policies, or those policies most important for determining the application are out of date, planning permission should be granted unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or
- ii. 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" and it will only be engaged in this case if:

(1) the most important policies for the determination of the application are out of date or deemed out of date by the absence of a five-year housing land supply (para. 11(d));

and

(2) The application of policies in this Framework that protect areas or assets of particular importance does not provide a clear reason for refusing the development proposed (11(d)(i)).

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

As of 1 April 2021, and in relation to the local housing need figure at that date taking account of the 35% urban centres uplift, Sheffield can only demonstrate a 4-year deliverable supply of housing land. Because the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, the relevant policies for

determining applications that include housing are considered to be out-of-date according to paragraph 11(d) (footnote 8) of the Framework.

The site is in the Ecclesfield Conservation Area and is a Grade II Listed Building which are designated heritage assets. In accordance with footnote 7 of paragraph 11d(ii), the tilted balance will only apply if the application of policies in the Framework that protect areas or assets of particular importance (designated heritage assets), does not provide a clear reason for refusing the development.

The scheme must be assessed against relevant local heritage policy and paragraphs 200 to 202 (heritage balance) of the Framework before a decision can be reached on the application of the tilted balance under paragraph 11d(ii).

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

Housing Policy Issues

The site lies within an allocated Housing Area as defined in the UDP. Policy H10 of the UDP states that, within such areas, housing is the preferred use of land.

Chapter 5 of the NPPF sets out the strategy for delivering the Government's objective to significantly boost the supply of homes.

The government attaches significant weight to boosting the supply of new homes. Framework Paragraph 69 identifies the important contribution small and medium size sites, such as the application site, can make to meeting housing requirement of an area. Development of windfall sites is supported, and great weight is afforded to the benefits of using suitable sites within existing settlements for homes.

A 2 bedroomed residential unit would diversify the local housing stock, which is a Benefit, albeit a small contribution, towards the City's 5-year housing land supply of which at present there is a shortfall.

Loss of the Existing Business.

Whilst a bakery / café business is not regarded as a designated community facility from a planning policy perspective, it is clear from the many representations received that the business on site provides a valued contribution to the local community; is regarded as a community facility by some and would be missed, if it were to close.

A dog grooming parlour is not regarded as a community facility. The planning system has no ability to control this.

UDP Policy CF2 (Keeping Community Facilities) states that development which would result in the loss of community facilities will be permitted if: (a) the loss is unavoidable and equivalent facilities would be provided in the same area; or (b) the facilities are no longer required; or (c) where a change of use of a building is involved, equivalent accommodation would be readily available elsewhere.

This aligns with the NPPF which sets out the importance of facilities which support communities. Framework paragraph 93 requires planning policies and decisions to : a) plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential

environments; and c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.

The site is located within the urban area of Ecclesfield and is approximately 75 metres from a convenience store and 230 metres from a café and within 350 metres of a Local Shopping Centre. The area is well served by a range of facilities which provide similar goods or service. Refusal could therefore not be justified on this basis.

Furthermore, it is understood that the site and the businesses and building / land are in separate ownership and ultimately the landowner has control over whether the businesses could continue running from the site, outside the planning process.

Heritage Issues

NPPF Paragraph 8c) identifies the protection and enhancement of the historic environment as an integral part of the environmental objective of sustainable development.

Chapter 16 sets out the Government's policies relating to the historic environment. Local planning authorities (LPA) are required to assess the significance of heritage assets affected by a proposal, including development affecting their setting. The aim being to avoid or minimise conflict between the asset's conservation and any aspect of the proposal.

When determining applications affecting heritage assets, the desirability of sustaining and enhancing assets, the positive contribution assets can make to sustainable communities and the desirability of new development contributing to local character and distinctiveness, are all matters that should be taken into account (paragraph 197 parts a) to c)).

The government attaches great weight to the conservation of heritage assets (the more important the asset, the greater the weight should be) irrespective of whether potential harm amounts to substantial harm, total loss or less than substantial harm to the asset's significance.

Harm to the significance of a heritage asset requires 'clear and convincing justification' Consent for development that results in substantial harm (or total loss of significance) should be refused, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraphs 200-201).

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm is required to be weighed against the public benefits of the proposal (paragraph 202).

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 is a material consideration and describes the general duty with respect to conservation areas and states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.'

At a local level Policy BE16 of the UDP states that permission will only be given to schemes which preserve or enhance the character or appearance of a Conservation

Area.

Policies BE15 and BE19 of the UDP are applicable and seek to preserve the character and appearance of Listed Buildings and where appropriate preserve and repair original details and features of interest

The Council's heritage policies, most important to the determination of this application, lack the heritage balancing exercise specified in Framework paragraphs 200 to 202. BE15, BE16 and BE19 are not therefore fully consistent with the Framework, reducing the weight they can be afforded.

Assessment of Harm

Paragraphs 200 to 202 require the Local Planning Authority (decision maker) to assess the significance of harm that would be caused by a potential development, and then categorise that harm as substantial, less than substantial harm or no harm. Only then can the appropriate heritage balancing exercise be carried out.

In this instance, there are two designated heritage assets affected by the development. The Grade II Listed Building and the Ecclesfield Conservation Area.

Listed Building

The building is a cruck-framed stone barn of pre-1700 date with possible medieval origins, and with later alterations. It is listed for its architectural interest as a pre-1700 building retaining a significant proportion of its original fabric including (but not limited to) at least three full-height crucks, hewn purlins, and stone walling. It is considered as a regionally distinctive agricultural building type. The listing also details that it has value due to its close proximity to, and visual relationship with, the listed and scheduled early C19 former file manufactory at number 11 High Street.

Works would consist of internal and external works required to convert the barn to a 2 bedroomed dwelling. These works are summarised below:

Externally:

- Replacement of existing doors,
- Replacement of render on the south elevation
- Infilling of existing doors and insertion of timber windows
- Reinstatement of openings and new doors / windows
- Removal of curtilage structures and unsympathetic addition to rear.

Internally:

- Removal of 20th C internal partitions and wall cladding and introduction of new internal timber stud walls.
- The internal wall finish will comprise insulated plasterboard with an internal timber sub frame to create a service void.
- Existing twentieth century concrete and tile floors will be removed and a new ground bearing insulated floor slab constructed.
- Internal lining (including insulation if present) of the roof to be removed, condition to be assessed and under draw the existing roof tiles with insulated boards between the existing rafters to limit cold bridging.

Beyond the works to the listed building, the current yard to the north of the former barn is shown to be converted into a garden space, with the existing stone boundary wall retained. The existing wooden panelling above the stone boundary wall; storage containers and outbuildings; and abutting structures would be removed. This would remove clutter which currently detracts from the building and its setting and would enhance the setting by the laying out of this space as garden.

The building has undergone significant alterations throughout the twentieth century. The southern gable end was entirely rebuilt in brick and rendered in the mid-twentieth century and the eastern elevation has had a number of new windows inserted and historic openings infilled. Such is the level of alteration that the historic fenestration arrangement is no longer legible.

The re-rendering of the south west elevation and removal of the existing signage and metal roller shutters over the windows would enhance this elevation which is prominent and faces onto St Mary's Lane.

The south-east elevation contains openings and windows which are non-original. The proposal has been amended during the course of the application so that the fenestration appears less uniform and domesticated than originally proposed. The scheme now makes use of more of the existing openings, with some infill in timber, so the building's evolution is more legible. The change in fenestration would not compromise the significance of the building.

The replacement of windows and doors is acceptable and a condition is recommended to control the final details.

Areas of infill masonry will be required to match the existing stonework and a sample panel will be required. Samples will also be required of the timber infill. These aspects and details defining the quality of the scheme can be controlled by suitable conditions.

Internally, the historic features are four surviving crucks. The original plan form is no longer legible. The internal alterations have introduced blockwork and timber partitioning, timber and tile cladding both on twentieth century partitions and historic internal walls, concrete and tile floors, and the creation of a loft space in the northern element of the barn.

The plans involve exposing the crucks and introducing partitions. These have mostly been sited so that they do not abut the cruck, but one stud wall would straddle this. A condition is recommended to seek details of the final installation of this partition to ensure that the integrity of the original structure is not compromised.

The proposal to internally insulate these walls would have little impact on the overall character of the spaces. A detailed section drawing showing the relationship of the existing walls, subframe and appropriate junction details will be required.

As the layout of the barn at present does not reflect the historic plan form, altering the layout to that proposed would not harm the significance of the building. The replacement of the floor is considered acceptable as again this is non original. A detailed sectional drawing would be required to control the details of this, which can be secured by condition.

Works are proposed to insulate the roof. This would be acceptable subject to the submission of further details including a section, which would be secured by condition.

All of the works detailed would be subject to detailed proposals secured by condition to ensure that the works would be of appropriate quality and detailing given the significance of the building.

It is concluded that the scheme would offer some enhancement to the building in terms of its external appearance and also much more so to its setting. The scheme would therefore not result in harm to the listed building and is compliant with the policy aims set out above.

Ecclesfield Conservation Area

The barn is identified as being of townscape merit in the character appraisal for the Ecclesfield Conservation Area. The proposed works would provide a greater degree of architectural unity in the presentation of the building and site. The materials and finishes would be enhanced. Furthermore, the undesirable elements of the boundary treatment would be removed as would the array of insensitive outbuildings / containers which currently have a negative impact on both the setting of the Listed Building and the Conservation Area. It is therefore concluded that the works would enhance rather than harm the Conservation Area.

Archaeology

UDP Policy BE22 states that sites of archaeological interest will be preserved, protected and enhanced. It goes on to state development will not normally be allowed which would damage or destroy significant archaeological sites and their settings. Where disturbance is unavoidable the development will only be permitted if adequate archaeological record of the site is made and where the site is found to be significant, the remains are preserved in their original position.

Paragraph 205 of the National Planning Policy Framework states that local planning authorities should require developers to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. Policy BE22 aligns with the underlying principles of paragraph 205, so can be afforded moderate weight.

The submitted heritage report identifies potential for archaeological remains of medieval to post-medieval date within the building and to the yard, to its north-west, including beneath existing surfaces. Colleagues from South Yorkshire Archaeology Service agree with this assessment

Cruck framed buildings are an important aspect of the region's vernacular architecture and surviving examples form an important resource of national importance, whilst any associated buried remains could also help contribute towards knowledge of the age and use of the site and the early development of Ecclesfield. The investigation of the age, distribution and form of cruck barns, and medieval settlements more generally, is a focus of several research questions in the South Yorkshire Historic Environment Research Framework.

The proposal involves alterations to the structure of the former barn, including the removal of modern fabric, alterations to existing openings and the construction of new floor slab; and removal of modern buildings and concrete footings in the north-west garden. These works have the potential to harm or destroy important archaeological

evidence that may exist within the site. As such, a scheme of archaeological mitigation will be required.

SYAS recommend that this be secured by attaching condition to ensure a programme of historic building recording and dendrochronology to secure a record in advance of development and advance knowledge of the extent and age of surviving historic fabric; and archaeological monitoring (a watching brief) during groundworks. The results of this work should be appropriately archived to ensure their long-term preservation and to make them publicly accessible.

Subject to the attached condition the scheme would comply with Policy BE22.

Design Issues

Chapter 12 of the Framework (Achieving well-designed places) identifies good design is a key aspect of sustainable development. Paragraph 130, seeks to ensure that developments function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and landscaping; are sympathetic to local character, including the surrounding built environment (while not preventing appropriate innovation or change); maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

Policy BE5 of the UDP (Building Design and Siting) advises that good design and the use of good quality materials will be expected in all new developments, that original architecture will be encouraged but new buildings should complement the scale form and architectural style of surrounding buildings, and that measures should be taken to break down the mass of large-scale developments.

Policy CS74 of the Core Strategy (Design Principles) advises that high-quality development is expected which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.

UDP Policy H14 sets out conditions that development in Housing Areas is expected to meet. These include, at part a), that new buildings are well designed and in scale and character with neighbouring buildings.

These local plan policies are considered to align with the Framework in relation to design matters and continue to carry substantial weight.

The external alterations are minimal. They have been discussed in detail within the above heritage assessment and are appropriate in design terms complying with the above-mentioned policies.

Residential Amenity Issues

UDP Policy H14 part c) states that sites should not be over-developed or deprive residents of light or privacy.

This policy considered consistent with paragraph 130 f) of the Framework, which sets out that developments should ensure a high standard of amenity for existing and future users.

The size of the accommodation and garden space would be acceptable.

The limited size of the openings would somewhat compromise the internal amenity in terms of light and outlook for future occupiers. This however is a constraint of the listed nature of the building. The main living accommodation would be open plan with a large window facing south-west to the main road, further windows would serve the same space facing south-east. These would provide adequate light and outlook to serve this space.

The bedrooms would have small south-east facing windows, whilst these would have limited light due to their size, this would be optimised due to their south-eastern orientation. They would have adequate outlook to the adjoining highway.

The openings would all abut the highway, which would reduce the privacy for occupiers, however similar relationships where habitable rooms abut highways are present across urban areas. The scheme would incorporate adequate private garden space to the rear.

The windows would face the highway frontages, over public rather than private land. It is noted that the windows in the south elevation would face the side of No 43, this has no windows at ground floor in the side elevation and would not result in loss of privacy to neighbouring properties.

The use of the building for residential purposes would be compatible with the residential nature of the area and neighbouring properties and would potentially remove noise and disturbance that could be generated by the current commercial use of the site.

Overall, the amenity for existing neighbours and future occupants of the dwelling would be acceptable.

Highway Issues

UDP Policy H14 part d) expects new development to provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

UDP Policy T25 states that in residential areas on street parking will be restricted where necessary (b) and parking will be regulated to encourage property owners to provide off street parking within the boundary of their property wherever possible.

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

Paragraph 111 of the NPPF sets out 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 local and national policies broadly align although the NPPF is somewhat less prescriptive than the UDP policies. Moderate weight is therefore attributed to these.

There is no off-street parking associated with the proposed unit. This was explored at preapplication stage but this would have resulted in the loss of some of the stone wall and garden area which contributes positively to the setting of the Listed Building and the Conservation Area.

The main road has parking restrictions and the side access to the cul de sac is limited in width. Representations received raise concerns about this route being blocked. Highway obstruction would be a police matter.

The accommodation would be 2 bedrooms which would limit the occupancy of the dwelling. The site is located in a sustainable location, close to amenities, public transport and there is some limited on-street parking on the surrounding streets.

The existing uses would generate some parking demand, which is likely to be greater than the proposed dwelling, though limited to its opening hours.

The impact on parking demand and the highway network would be limited and would not result in unacceptable highway safety implications. A balance has been struck between highways considerations and the desire to preserve the setting of the listed building and conservation area. This specific scheme is therefore satisfactory in this aspect.

A public footpath runs to the rear of the site. The scheme would have a neutral impact on this.

Community Infrastructure levy (CIL)

The site is in CIL charging zone 3 and is subject to a 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.

Ecology

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

Core Strategy Policy CS74 (Design Principles) identifies that high-quality development will be expected, which respects, take advantage of and enhances the distinctive features of the city, its districts and neighbourhoods, including important habitats.

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

The footpath behind the bakery leads to a woodland supporting wildlife and is also a designated Local Wildlife Site (LWS 208 Ecclesfield Allotments). However, the bakery site is bounded by a stone wall and wooden fence and is not functionally linked to the woodland. It is not regarded as a foraging and commuting route for protected wildlife. The site would appear to have negligible potential for bats. The scheme would have a neutral ecological impact. A directive can however be attached to any consent advising the applicant of the correct course of action if protected species were to be encountered.

RESPONSE TO REPRESENTATIONS

Many points raised through representations have been discussed within the above assessment. Other aspects are responded to below:

- Loss of local, independent business and employment - whilst it is regrettable if a local business closes, the control of this falls outside the planning process.
- Historic building would no longer have public access - whilst this building would no longer have public access, the building is in private ownership and this is beyond the control of the planning system.
- Harm to structure of neighbouring buildings of historic interest - harm to third party buildings is a private issue.
- Concern is raised that appropriate contractors would not be used - the planning system cannot control which contractors are selected. Specific conditions are attached to require a high level of detail about aspects of the works proposed. These would need to be approved and carried out on site.
- Concern is raised regarding flooding to adjacent houses - the plans show a reduction in built form on the site. The scheme is not considered to increase flooding implications.
- No facility for electric vehicle charging - there is no current planning requirement for this and in this instance such provision would not be feasible as no on-site parking is provided.
- Concern about fire safety of inward opening windows - inward opening windows are required so that they don't open out over the highway, for safety reasons. Separate Building Regulations cover fire safety implications.
- The scheme is contrary to Policy CS32 and CS24 - CS32 relates to land use and protecting land designated for employment uses from housing demands. In this instance the land is within a residential area and is not allocated as an employment area. CS24 is concerned with using previously developed land for housing and not using greenfield land which would have recreational value. This scheme is an existing building and does not involve new construction.
- Right of way not included - this is a private issue.
- Concern is raised as to whether the correct ownership certificates have been signed - this has been checked with the applicant who confirms that they have.
- Concern is raised that works may impact on a power line beneath the site -the applicant will be advised of the presence of this and should liaise with the utility company prior to works.
- Concern is raised about disruption during the conversion works - any unreasonable noise could be addressed via Environmental Protection Powers, outside the planning system.
- Reference is made to a nearby property which has gained consent from residential to commercial. The rationale behind this is queried - the applications are submitted independently and assessed against policy on their own merits.
- Concern is raised regarding the accuracy of the application - Officers have visited the site and reviewed the submitted detail, the level of detail is sufficient to allow for proper assessment.

PLANNING BALANCE AND SUMMARY

The site is a Grade II Listed building in the Ecclesfield Conservation Area. The building is currently used as a bakery / café with a dog grooming business running from an informal outbuilding in the curtilage. Planning and Listed Building Consent is sought to convert the site to a residential property, which would involve external and internal alterations and the removal of structures in the garden.

The above assessment concludes that there is no harm to the identified heritage assets.

The tilted balance (identified in paragraph 11di) of the Framework) is not engaged in accordance with Framework paragraph 201, in this instance as there is not considered to be any impact on the identified heritage assets (subject to appropriate conditions), however the most important policies relating to the determination of the planning application in terms of housing are considered out of date. The tilted balance is therefore engaged as per 11dii)

This requires any adverse impacts of granting permission to significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

In this instance the benefits are:

- Some enhancement of listed building, particularly the setting.
- Enhancement of the conservation area.
- Provision of additional housing unit at a time where there is a shortfall in the housing land supply
- Revenue from council tax and CIL (limited weight is given to this as his would be minimal)

The disbenefits are:

- The lack of on-site parking, though low weight is given to this given the limited impact of this and the sustainable location of the site
- There would be some compromised amenity for the future occupiers, though limited weight is given to this as this is still assessed to be of acceptable quality.
- Loss of valued business. Limited weight is given to this due to the urban nature of the area close to a range of other amenities.

These negative aspects have been assessed in the report above and are judged not to be contrary to the aims of the development plan when assessed as a whole. In this instance greater weight is given to the benefits of the scheme which are considered to outweigh the negative aspects.

It is therefore recommended that both the planning application (22/02585/FUL) and listed building application (22/02586/LBC) are approved subject to the listed conditions in each case.

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Case Number	22/02586/LBC (Formerly PP-11367743)
Application Type	Listed Building Consent Application
Proposal	Demolition of outbuildings and use of former bakery/cafe (Use Class E) as a dwellinghouse (Use Class C3) with associated alterations to fenestration and landscaping
Location	Mobri Bakery St Mary's Lane Ecclesfield Sheffield S35 9YE
Date Received	08/07/2022
Team	North
Applicant/Agent	Taylor Tuxford Associates
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 Planning (Listed Buildings and Conservation Areas) Regulations 1990.

Approved/Refused Plan(s)

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

Site Location Plan with Red Line, Drawing Number 20/3029/002/C published 08.07.22

Block Plan, Drawing Number 20/3029/003/C published 08.07.22

Proposed Floor Plans, Drawing Number 20/3029/001/F, published 18.10.22

Proposed Elevations, Drawing Number 20/3029/004/D, published 18.10.22

Reason: In order to define the permission.

Pre-Commencement Condition(s)

3. Part A (pre-commencement)

No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

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

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

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

4. Large scale details including a section drawing, including materials and finishes, at a minimum of 1:10 showing the proposed insulation and ceiling finishes in context with the roof shall be submitted to and approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the works shall be carried out in accordance with the approved details.

Reason: In order to protect the character of the listed building

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

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

6. Details of the insulation boards and fixings together with large scale details including a section drawing, (minimum 1:10) showing the relationship of the

existing walls, subframe and junction details for the installation of this shall be submitted to and approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the works shall be carried out in accordance with the approved details.

Reason: In order to protect the character of the listed building

7. Full details of the proposed design, materials and finishes of all new and or replacement doors and windows shall be submitted to and approved in writing before that part of the development is commenced. The details should include an elevation at 1:20 scale of each window and door and 1:5 scale cross sections showing full joinery and glazing details including any mouldings, head, lintel and cill details and relationship with the external plane of the wall. Thereafter, the works shall be carried out in accordance with the approved details.

Reason: In order to protect the character of the listed building.

8. Full details of the insulated floor slab including a detailed sectional drawing at a minimum of 1:10 shall be submitted to and approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the works shall be carried out in accordance with the approved details.

Reason: In order to protect the character of the listed building

9. Large scale details at a minimum of 1:10 of the abutment of new stud walling to the Listed Building shall be submitted to and approved in writing by the Local Planning Authority before that part of the development commences. Thereafter, the development shall be carried out in accordance with the approved plans.

Reason: In order to protect the character of the listed building.

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

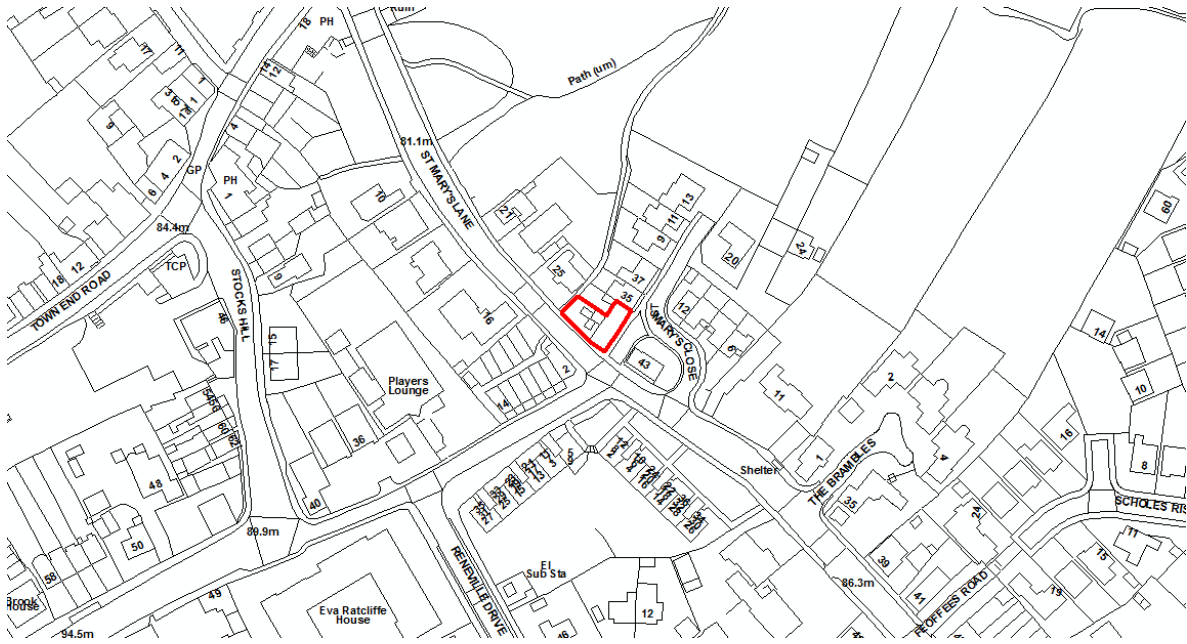
Reason: In order to ensure an appropriate quality of development.

11. Details of new rainwater goods shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

Other Compliance Conditions

Site Location



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Please see the above report under application 22/02585/FUL.

Case Number	22/01805/FUL (Formerly PP-11123308)
Application Type	Full Planning Application
Proposal	Demolition of existing dwelling and outbuildings and erection of 11 flats (7 x 2-bedroom and 4 x 1-bedroom) with 2 off-street parking spaces and associated hard and soft landscaping works
Location	Land at junction of Derbyshire Lane and Norton Lees Road Meersbrook Sheffield S8 9EL
Date Received	09/05/2022
Team	South
Applicant/Agent	JR Planning
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Drawing No: 21-020-PL02 Revision A (Proposed Lower Ground Floor Plan), as published on the 17th October 2022.

Drawing No: 21-020-PL03 Revision A (Proposed Ground Floor Plan), as published on the 17th October 2022.

Drawing No: 21-020-PL04 Revision A (Proposed First Floor Plan), as published on the 17th October 2022.

Drawing No: 21-020-PL05 Revision A (Proposed Second Floor Plan), as published on the 17th October 2022.

Drawing No: 21-020-PL06 Revision A (Proposed Roof Floor Plan), as published on the 17th October 2022.

Drawing No: 21-020-PL07 Revision A (Proposed Elevation 1 - Derbyshire Lane), as published on the 17th October 2022.

Drawing No: 21-020-PL09 Revision A (Proposed Elevation 4), as published on the 17th October 2022.

Drawing No: 21-020-PL10 Revision A (Proposed Elevation 5), as published on the 17th October 2022.

Drawing No: 21-020-PL13 Revision A (Proposed Section A), as published on the 17th October 2022.

Drawing No: 21-020-PL14 Revision A (Proposed Section B), as published on the 17th October 2022.

Drawing No: 21-020-PL15 Revision A (Proposed Section C), as published on the 17th October 2022.

Drawing No: 21-020-PL18 Revision A (Proposed Landscaping & Boundary Treatments Plan), as published on the 17th October 2022.

Drawing No: 21-020-PL19 Revision A (Proposed Levels & Drainage Strategy Plan), as published on the 17th October 2022.

Drawing No: 21-020-PL20 Revision A (Proposed Street Elevations), as published on the 17th October 2022.

Drawing No: 21-020-PL21 Revision A (Proposed Sections D-G), as published on the 17th October 2022.

Drawing No: 21-020-PL01 (Proposed Location Plan), as published on the 9th May 2022.

Drawing No: 21-020-PL08 (Proposed Elevations 2 and 3), as published on the 9th May 2022.

Drawing No: 21-020-PL12 (Proposed Elevations 7 and 8), as published on the 9th May 2022.

Drawing No: 21-020-PL11 (Proposed Elevation 6), as published on the 21st October 2022.

The RB Geotechnical Phase I Desk Study Report (March 2021), as published on the 9th May 2022.

The Paragon Highways Transport/Highways Statement - Project no.1939 (February 2022), as published on the 9th May 2022.

The Bat Survey/Ecology Report, dated 11th May 2021, as prepared by Middleton Bell Ecology, as published on the 9th May 2022.

Reason: In order to define the permission.

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

3. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

4. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

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

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

6. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the

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

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

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

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

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

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

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

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

9. Notwithstanding the details shown on the approved plans and, prior to the commencement of the development, full details of the design of the bin store (including materials) shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall then be erected in accordance with those approved details prior to the occupation of the development, and thereafter, the approved bin store shall be retained and used for its intended purpose and bins shall not be stored on the highway at any time (other than on bin collection days).

Reason: In the interests and amenities of the future occupants of the development and highway safety.

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

Reason: In the interests of protecting and promoting biodiversity at the site and to ensure that there are maintenance plans in place which should help safeguard against the landscaped areas of the site from becoming overgrown and run down which would be harmful to the visual amenities in the locality.

11. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

12. The development shall not be begun until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall first have been approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety.

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

13. Prior to any of the flats being occupied, an electric car charging point shall be installed to each of the two off-street car parking bays. Once installed, the developer shall notify the Local Planning Authority that the electric car charging points have been installed and, thereafter, the electric car charging points shall be retained.

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

14. No part of the development shall be occupied unless the cycle parking accommodation for 16 cycles as shown on the approved plans has been provided in accordance with those plans and, thereafter, such cycle parking accommodation shall be retained.

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

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

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

16. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

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

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

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

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

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

Windows
Reveals

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

details.

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

20. Details of a suitable means of site boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied and the development shall not be occupied unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

21. Notwithstanding the details shown on the approved plans, a comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and future occupants of the development.

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

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

23. Notwithstanding the details shown on the approved plans, and prior to that stage of the development commencing, full details of all external and subterranean lighting (including the lighting on the deck walkway areas) shall have been submitted to and approved by the Local Planning Authority. Thereafter, the approved details shall be implemented prior to any of the apartments being occupied and, subsequently retained thereafter.

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

24. Prior to any of the apartments being occupied, the developer shall arrange for a further bat survey to be carried out and for the findings and recommendations from that further bat survey to be implemented accordingly. Notwithstanding those recommendations and enhancements from the additional bat survey report (if there are any), the developer will (before any flat is occupied) need to carry out the recommended enhancements outlined in the Middleton Bell Ecology, Bat Survey Report (dated 11th May 2021), i.e. the inclusion of a bat box as part of the fabric of the development.

Reason: In the interests of promoting and enhancing biodiversity and ecology, and meeting the aims of the NPPF.

25. No apartments shall be occupied unless all redundant accesses have been

permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented. The means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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

26. No excavation for the foundations shall take place until Approval in Principle (AIP) identifying support to the public highway during excavation, and continued support thereafter by the structure of the building has been submitted to and approved in writing by the Local Planning Authority. As a minimum, the AIP submission shall include:

- i) Excavation method statement and method of maintaining highway support during the excavation process;
- ii) Proof of structural integrity of the buildings foundations/walls to be able to support the public highway, including calculations, drawings, cross-sections.

The development shall only be carried out in accordance with the approved AIP.

Reason: In the interests of highway safety.

Other Compliance Conditions

27. Notwithstanding the details shown on the approved plans, the following windows shall at all times be glazed with obscure glass to a minimum level 4 obscurity: -
- the ground-floor bathroom windows to apartment nos. 3, 4, 5, and 6;
 - the first-floor utility/store room windows and double height stairwell windows to apartment nos. 7, 8, 9, and 10;
 - the first-floor utility/store, bathroom and en-suite windows to apartment no.11;
 - the second-floor side-facing dormer windows to apartment nos. 7, 8, 9, and 10.

Reason: In the interests of amenities of the future occupants of the apartments and occupiers of neighbouring properties.

28. Notwithstanding the details shown on the approved plans, the second-floor-level gable window on the side elevation of apartment 11 facing towards no.15 Norton Lees Road, shall at all times be glazed with obscure glass to a minimum level 4 obscurity and, shall be a fixed non-openable window.

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

29. Notwithstanding the details shown on the approved plans, a 1.8 metre high privacy screen shall be installed on the first-floor level deck access along the party boundary between apartment no.7 and no.68 Derbyshire Lane. The privacy screen shall have a 90 degree return section of 2 metres in length and also of a 1.8 metre height, thereby preventing residents or visitors of the new development from standing at the end of the deck access and having uninterrupted views over onto the rear of no 68 Derbyshire Lane. Prior to being installed, full details (including drawings) of the privacy screen feature shall have been submitted to

and approved by the Local Planning Authority prior to any of the apartments being occupied. Once the approved privacy screen feature has been installed, it shall be retained thereafter.

Reason: In the interests and amenities of occupiers of neighbouring property.

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

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.

3. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense.

This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

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

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

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

Planning Authority

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

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

6. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
7. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
8. The applicant is advised to have regard to the security advice contained within

the correspondence received from South Yorkshire Police as published on the 25th May 2022 (on the online file).

9. The applicant is advised to have regard to the information provided by Northern PowerGrid as published on the 23rd May 2022 (on the online file)
10. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

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

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

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

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

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

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

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

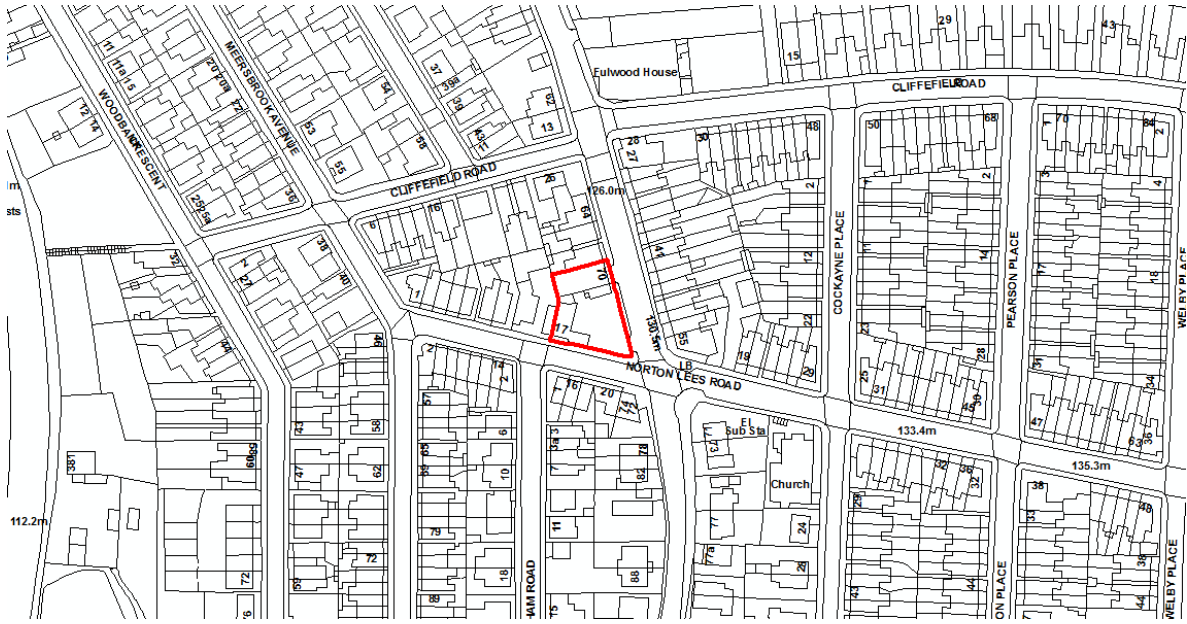
They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

13. The applicant is advised that measures to facilitate the provision of gigabit-capable full fibre broadband should be considered as part of implementing this development and for more details please contact hello@superfastsouthyorkshire.co.uk and/or refer to the Informative Note on <https://www.sheffield.gov.uk/content/dam/sheffield/docs/documents-not-in-site-structure/provision-of-gigabit-capable-full-fibre-broadband-for-dwellings-and-developments.pdf>.

14. To progress the Approval in Principle process, the applicant is advised to contact hmdstructures@sheffield.gov.uk at the earliest opportunity.
15. The applicant is advised to have regard to the information provided by Yorkshire Water as published on the 14th June 2022 (on the online file).
16. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process.

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

Site Location



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SITE LOCATION AND DESCRIPTION

This is a full detailed application in a Housing Policy Area in the Norton Lees/Meersbrook district of Sheffield. The proposal is for the demolition of an existing dwelling and outbuildings, and then for the subsequent erection of 11 flats with 2 off-street car-parking spaces and associated hard and soft landscaping works.

The application site is located on a prominent corner plot at the junction of Derbyshire Lane and Norton Lees Road. The site had previously been used as a residential dwelling alongside a vehicle repairs/service garage. The site is currently vacant and in a state of disrepair. With the exception of a few shops (located directly opposite on Derbyshire Lane) the immediate area is predominantly residential in character.

The application site incorporates a two-storey brick-built dwelling and several outbuildings which include a single flat roofed garage, a detached brick-built storage outbuilding with a mono-pitch roof and the old garage repair workshop which currently has no roof at all. The site is enclosed with high brick-built boundary walls and the main yard area is predominantly tarmac. Access into the yard area is via an access gate which is located close to the main corner of the site, on Derbyshire Lane. Derbyshire Lane slopes down from south to north and as a consequence of this, the nearby properties on Derbyshire Lane have a staggered appearance.

Under this proposal (as amended), the developer is seeking to create a contemporary-designed, residential development, that would consist of 11 apartments spread over 4 levels (this would include 4 properties with 1 bedroom and 7 properties with 2 bedrooms). The original proposal was for 12 flats (consisting of 7 x 1-bedroom units and 5 x 2-bedroom units).

In addition to the main accommodation blocks, the proposal would also create two covered off-street car-parking spaces and a central courtyard communal amenity space.

In terms of facing materials, the applicant is proposing to use a simple materials palette comprising of red brick, feature brick panels, dark framed windows and a standing seam metal roof. Glazed bricks are to be placed as feature panels to mark the entrance areas and the two parking bays.

RELEVANT PLANNING HISTORY

The only planning history for this site includes (in chronological order):

- 75/02272/FUL – An application for use of premises for motor vehicle repairs and painting. This application was conditionally approved in August 1975.
- 79/01958/FUL – An application for the continuation of use of the premises for the purpose of motor vehicle repairs and painting. This application was conditionally approved in September 1979.
- 85/01149/FUL – An application for the continuation of use of premises for the purpose of motor vehicle repairs and painting. This application was conditionally approved in July 1985.
- 22/01805/FUL – this is the current application.

NEIGHBOUR REPRESENTATIONS

Following neighbour notification and 2 separate site notices being put up near the site (one on Derbyshire Lane and the other on Norton Lees Road) a total of 33 representations have been received (this includes a neutral representation from Cllr Paul Turpin asking if Site Notices are to be put up near the site). Of the remaining 32 representations, 29 are in objection to the proposal and 3 are in support of the proposal. The representations have been summarised and are shown below: -

Reasons for Objection:

Traffic/On-street parking

- There is not enough parking provision for the development.
- This development is on a busy junction and also close to a bus route where busses already struggle to navigate the junction, any increase in on-street parking in this locality will cause further traffic congestion.
- The submitted transport assessment has greatly under-estimated the impact of congestion that will be caused by the development on Norton Lees Road, Derbyshire Lane and other surrounding roads.
- Providing cycle parking spaces is just an 'eco' gesture. There are steep hills in this neighbourhood so the new residents are just not going to use cycling as their main form of transport, they will use cars.
- Sheffield City Council's own guidance expects one parking space for each new dwelling.
- Emergency, service, and delivery vehicles struggle to gain access to properties because of parking congestion. This development will make that problem worse.
- It is good to promote other sustainable modes of transport but, there's no guarantee that all the future occupants of this development will not be car owners.
- There needs to be a Section 106 Agreement in place confirming that residents will not have access to parking permits.
- Derbyshire Lane is known for being a hazardous road in bad winter weather, having more on-street parking in this location will only add to that problem.
- Car parking is a real issue in the area, why can't car parking be provided underneath the accommodation?
- There are already parking restrictions along one side of Derbyshire Lane, existing residents struggle to park their cars now, the situation will only get worse if this scheme is allowed.
- The lack of adequate off-street car parking provision means that the development would be contrary to UDP policy H5 because it will cause nuisance for existing residents and it will also be contrary to UDP Policy H14 which states that

developments will only be permitted where they provide appropriate off-street car parking.

- The bus service that runs in front of this site (no.20) is already unreliable and there could be more cuts proposed to this bus services.

Amenity Issues

- The increased height of the development will block out natural light entering neighbouring properties.
- The size and scale of the development is such that it will lead to existing views of the city (currently enjoyed by neighbouring properties) being permanently lost.
- The proposed development will result in the loss of privacy for existing neighbouring properties.
- The proposed noise levels are also a matter of concern because, a development of the size being proposed will lead to significant unacceptable levels of noise.
- The boundary walls need to be retained at their existing heights, thereby maintaining the original privacy levels.
- There is no 'Noise Impact Assessment' or 'Construction Management Plan'. Development of the application site could therefore have a detrimental impact on existing neighbouring businesses where outside seating is provided.

Design Issues

- Whilst some form of development could definitely improve the look of the site, this proposed block of flats will not blend in with the existing buildings on the street.
- Currently the buildings on the development plot are predominantly at the back and edges of the site, with a large open space at the front where cars would have parked when the garage was operating. This proposal will replace what is currently a large open site with a 4-storey development along the site frontage, and this will change the density and character of the street scene.
- The development should be reduced in size and scale then this would enable more car parking spaces to be provided.
- The mass and density of the development is out of scale and character with the immediate surrounding area.
- The Design Statement claims that the building is DDA compliant, however, there is no lift access to the first and second floors and, there's no ramped access to lower ground or ground floor apartments, which also have stepped access. The development will not therefore provide accessible housing.
- With the expected increased take-up of electric vehicles, on-site parking is the best way to facilitate re-charging of vehicles. It wouldn't be feasible to have recharging cables running across public footpaths and roads.

- There are no green or sustainable features to this development.

Reasons for Support:

- This is an excellent proposal which will drastically improve the visual appearance of this stretch of road.
- The proposal will provide much needed housing close to the city centre and close to local amenities and bus routes.
- It's an attractive development and, it will incorporate green elements (such as cycle parking and planted areas) which, will make the street much more attractive and enhance the public realm.
- Consideration seems to have been made in terms of scale and roof lines because the development is in keeping with surrounding properties.
- The site is currently an eyesore with derelict buildings, graffiti and fly-tipping which are all out of character with the area as a whole.
- The area is well-served in terms of public transport.
- The lack of car parking should never be a reason to object to a new housing development, particularly when the development is within a sustainable location, close to local facilities and good public transport links.
- This development will be providing more affordable flats on a space of land that is currently wasted.
- Cycle routes have recently been improved with the upgraded Sheaf Valley route along Saxon Road into town.
- 25% of Sheffield residents don't have a car, so it's not always necessary to have parking spaces for all flat owners.

Other Comments:

South Yorkshire Police

South Yorkshire Police support the proposal in principle and have also made some recommendations to ensure the safety of the future occupants of the development.

PLANNING ASSESSMENT

Policy Context

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

The key principle of the NPPF is the pursuit of sustainable development, which involves

seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

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, this includes Sheffield.

The monitoring report released in August 2021 sets out the position as of 1st April 2021 – 31st March 2026 and concludes that whilst there is evidence of a 4-year supply of deliverable housing land, Sheffield City 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:

- 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.

Key Issues

The main issues to be considered in this application are:

- The acceptability of the development in land use policy terms;
- The design of the proposal and its impact on the surrounding street scene;
- The effect on future and existing occupiers living conditions;
- Whether any highway safety issues are created.

Land Use Principle

The application site falls within a Housing Policy Area as defined in the Sheffield Unitary Development Plan (UDP). UDP Policy H10 'Development in Housing Areas' identifies housing as being the preferred use in such areas. In this regard therefore, the redevelopment of the site for housing would accord with UDP Policy H10 and, is therefore acceptable in principle. This policy also identifies general industry (Class B2 uses), which is what a vehicle repair garage would have been, as being an unacceptable use in a Housing Policy Area. So not only is the proposed development

introducing a preferred use (housing), it will also result in an unacceptable use being permanently removed from the site.

However, it should be noted that whilst the principle of new housing is acceptable in terms of UDP Policy H10, the policy also states that any proposal would also need to satisfy the provisions of UDP Policy H14 'Conditions on Development in Housing Areas' and, UDP Policy BE5 'Building Design and Siting'.

In addition to the above-mentioned UDP policies, the proposal would also need to satisfy relevant policies contained within the Sheffield Core Strategy'.

Policy CS23 'Locations for New Housing' states that new housing development should be concentrated where it would support urban regeneration and make efficient use of land and infrastructure.

Policy CS24 'Maximising the Use of Previously Developed Land for New Housing' states that priority will be given to the development of previously developed sites and no more than 12% of dwelling completions will be on greenfield sites.

The development being proposed in this instance is within an existing urban area (with access to shops, facilities and services) and, the site is classed as being a brownfield site, as such the proposal would comply with Core Strategy Policies CS23 and CS24. These policies also reflect the aims of Paragraph 119 of the NPPF which promotes the effective use of land and the need to make use of previously developed or 'brownfield land'.

Therefore, it is considered that the proposal is consistent with the aims of policies H10, CS23 and CS24.

Efficient Use of Land

Core Strategy Policy CS26 'Efficient Use of Housing Land and Accessibility' encourages making efficient use of land to deliver new homes at a density appropriate to location and accessibility to support the development of sustainable balanced communities. The density requirements in this policy are graded dependant on the accessibility of the site. The application site is located in an urban area within close proximity to high frequency bus routes, and as such, the density for a site like this would need to be between 40 to 60 dwellings per hectare.

In this instance, the application site is approximately 750sq metres and the proposal will deliver 11 residential units (flats). This will create a development with a density level of approximately 146 dwellings per hectare which is significantly higher than the range normally required for this type of area (as set out in Policy CS26). However, the density level of this proposal must also take into account that this development is for flats with shared communal space and not individual dwellings set within their own curtilage areas, which inevitably increases density and therefore, the development of flats with a higher density level can be considered acceptable under these circumstances. This is further reflected in the NPPF (Paragraphs 124 and 125) where the aim is to secure more efficient use of land, providing there is no adverse or harmful impact on the character of an area or street-scene and that the scheme is well-designed and, will provide acceptable living standards for the future occupants. In this respect therefore, Policy CS26 is considered to carry substantial weight in the determination of this application.

Officers are satisfied that the proposal will comply with the principles of Policy CS26 of the Core Strategy and, paragraphs 124 and 125 of the NPPF in relation to densities and efficient use of land.

Design Considerations

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

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

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

It is considered that the design policies within the UDP and Core Strategy reflect and align with the guidance in the NPPF, and therefore are considered consistent with the NPPF and so can be afforded significant weight.

Whilst it is acknowledged that most of the existing properties in the immediate area have accommodation spread over 3 floors, officers are comfortable with the 4 floors approach in this instance. The overall design considers significant changes in levels and has two principal elevations which converge at a corner. The new elevation facing Norton Lees Road will have a two-storey appearance (with additional accommodation in the roof space) thereby respecting the built form already established by existing properties on Norton Lees Road. The proposed development maintains a strong terraced contextual appearance with back edge of pavement building lines and will be constructed using appropriate facing materials.

The proposed form and layout of the new development is also supported because the development reflects existing building lines and creates entrances wherever possible. Officers also support the overall scale and massing of the development including the pitched roofscape which adds visual interest in the street-scene. The proposed facing brickwork reflects and reinforces the context of the site and its surroundings. The contemporary appearance of the development knits well with the surroundings in terms of scale, form and material.

The existing buildings at the site are not considered buildings of townscape merit and nor do they have any special architectural features. The former vehicle repair garage building is derelict, has no roof and generally has a detrimental impact in the street-scene (Derbyshire Lane, from where it is most visible) therefore, the removal of the buildings at the site is considered acceptable in this instance.

The site boundaries will consist of both low-level walls (and retaining walls) that will be

constructed in matching brickwork and, most of these walls will be finished off with 1.1-metre-high railings above. The walls and railing will help define boundaries and create defensible spaces from the adjacent public footpaths

At the request of officers, the proposal has been amended to ensure that the lower ground floor accommodation will have windows with reasonable outlook and natural light and a consequence of these changes is that the development has changed from being 12 flats to 11 flats.

The new accommodation has been designed to have an inner courtyard/amenity space which will be for communal use. In addition to the courtyard amenity space, the inner yard area will also accommodate a secure cycle parking outbuilding with a storage capacity for up to 16 cycles. The courtyard area will also be a location where the communal waste bins will be stored. To help soften the appearance of the courtyard area (and the site as a whole), the proposal will also include a hard and soft landscaping scheme. The landscaping works will include the inner courtyard/amenity area and the 2 pockets of landscaping fronting Norton Lees Road where a feature tree is to be planted. Currently, the only landscaping at the site is a short (4 metre) expanse of boundary hedging to the immediate front of the original dwelling on the Norton Lees Road elevation.

As well as individual entry points to some of the apartments off Derbyshire Lane, the development will also incorporate a main gated pedestrian access entry point off Norton Lees Road, and this pedestrian entry point will enable access to be gained to all of the apartments via a stair core (which will go down to the lower basement level and up as far as the first-floor level). Access to the second-floor levels of apartments 7, 8, 9 and 10 will be taken internally from the individual flats.

The site will also have a secondary access point (the service entrance) which will be located to the west of the 2 covered car parking bays. The service entrance will be used on bin collection days and for any landscape/maintenance works to the amenity area and, to also allow the cycles to be wheeled out of the site. The service entrance will also be a controlled access gate.

The applicant's agent has confirmed that the 2 covered car parking bays will be open-fronted and will incorporate electric car charging points.

Whilst the two apartments at lower basement level will primarily be accessed from the front elevation (off Derbyshire Lane), they will also have a secondary fire/escape door at the rear leading to the stair core via a subterranean corridor. There are no windows at the rear of the lower basement apartments, all of the fenestration for the two lower basement apartments will be at the front, facing Derbyshire Lane.

It is considered that the overall design qualities of the scheme are acceptable and would satisfy: UDP Policies BE5 and H14, Core Strategy Policy CS74 and paragraph 126 of the NPPF. These local development plan policies are closely aligned and consistent with the guidance in the NPPF, and therefore can be afforded significant weight.

Living Conditions

UDP Policy H14 'Conditions on Development in Housing Areas' part (c) requires that new development in housing areas should not cause harm to the amenities of existing residents. This is further supported by Supplementary Planning Guidance 'Designing

House Extensions' (SPG) which whilst strictly relevant to house extensions, does lay out good practice guidelines and principles for new build structures and their relationship to existing houses.

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

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

Impact on Existing Neighbouring Residents

The closest neighbouring properties to the application site are number 68 Derbyshire Lane and number 15 Norton Lees Road, both of which immediately adjoin the site. Other properties close to the site include the residential and commercial properties directly opposite the site on Derbyshire Lane and Norton Lees Road. The properties directly opposite on Norton Lees Road are 2/2.5-storey units that are in elevated positions and therefore have a higher ridgeline than the development being proposed. The relationship between the new development and the existing properties on the opposite side of Norton Lees Road will be similar to the relationship of the original dwellinghouse at the site. The new development will still maintain the same front building line along Norton Lees Road and therefore will have a similar separation distance (of approx. 12 metres) between the windows in the new development and windows of the properties opposite.

Likewise, the properties directly opposite on Derbyshire Lane would have a separation distance of approximately 14 metres from the windows of the new development. Because front-facing windows are visible from the public domain in any case, it is not reasonable to protect these in the same way that rear facing windows are protected, and in this instance, officers are satisfied that there will be no loss of privacy caused to the front windows of existing properties located directly opposite the site.

It is also noted that the rear-facing windows of the new apartments are to non-habitable rooms (utility rooms, bathrooms and stairwells) and therefore can be obscure-glazed (secured by planning condition) this should therefore ensure that there is no direct overlooking and loss of privacy from rear facing windows of the development onto the rear garden/yard of number 68 Derbyshire Lane.

However, the proposed deck access/walkway at first-floor level is at a height that could lead to residents of the new development having open/un-restricted views over the existing boundary wall and result in loss of privacy for the occupants of number 68 Derbyshire Lane. The applicant's agent has agreed for a planning condition to be imposed requiring a privacy screen to be installed at the end of the deck/access/walkway along the party boundary (with no.68 Derbyshire Lane) and for that privacy screen to have a 90degree return section at 2 metres in length. This would ensure that residents from the new development cannot lean over the railings to the deck/walkway (at first floor level) and have open/unrestricted views to the rear of neighbouring properties.

Apartment No.11 (above the 2 covered parking spaces) has a gable-end window serving a living room that would face directly towards the gable elevation of no.15 Norton Lees Road. No.15 Norton Lees Road has a second-floor window facing towards the proposed new development. If unresolved, this would result in two main habitable

rooms having windows facing each other with a separation distance of approximately 8 metres and therefore, it is considered appropriate for the gable end window to apartment 11 to be obscure glazed and a fixed non-openable window (secured by planning condition), thereby preventing overlooking and loss of privacy for the occupants of 15 Norton Lees Road.

With regard to the concerns raised about potential noise impact, it is considered that the site (being used for housing) will generate less noise nuisance than it would if continued to be used as a vehicle repair garage. Furthermore, if the neighbour concerns about noise relate to noise generated during the construction phase, then it should be borne in mind that this stage would be temporary in nature and can be controlled under statutory noise nuisance legislation. A directive relating to construction works being carried out during appropriate times can be included.

Impacts on the Future Occupants of the Development

The majority of the windows to the rear of the apartments serve bathrooms, hallways and landings and therefore will be conditioned to be obscure glazed accordingly. However, at ground floor level, apartment nos. 3, 4, and 5, will all have rear-facing kitchen windows that will face out towards the deck/walkway and communal amenity space beyond. This is an acceptable arrangement.

The two apartments at lower ground floor level will rely entirely on natural light entering those apartments from the windows and doors on the front/Derbyshire Lane elevation. The submitted cross-sections show that some of the windows to apartment no.2 will face out towards a retaining wall which is not ideal, however, to maximise the amount of natural light entering apartment no.2, the windows are wider and taller than the front-facing windows of apartment no.1. The 2 main windows that will be affected by the retaining walls serve bedrooms where maximum light is less important than say, a main living space. The three windows serving apartment no. 2 will allow natural light into the 3 core sections of the apartment and, whilst not ideal, this would be the only apartment in the development that would have limited natural light. The retaining wall/loss of natural light is not an issue at apartment no.1 because the gradient and level of the public footpath is virtually at the same ground level as that of apartment no.1.

Whilst it could be argued that both apartment nos.1 and 2 are positioned close to the back edge of the public footpath (with a separation distance of approximately 1.5 metres) and that this could result in some loss of privacy as people walk up and down Derbyshire Lane, this would be no different to the scenario and living conditions faced at nos. 66 and 68 Derbyshire Lane and also the majority of properties directly opposite on Derbyshire Lane which, all have windows close to the back-edge of the public footpath.

The side-facing dormer windows to apartment nos. 8, 9, and 10 will face directly onto the rooflights of the adjacent apartments and as such, could result in direct overlooking between habitable room windows with only a 1.5 metre separation. The applicant's agent has agreed for a planning condition to be imposed requiring all the glazing on the side facing dormer windows to be obscure glazed, this would ensure that there is no loss of privacy between the future occupants created by the dormers. The habitable rooms in the roof-space would each still have a clear-glazed window facing out onto Derbyshire Lane as well as 2 roof lights. The obscure glazed dormer window to each of the apartments 7, 8, 9, and 10 would still also benefit by having the natural light coming through the obscure-glazed dormer window.

Sheffield does not have any adopted internal space standards which can be applied to new residential development, however there are internal space standards contained within the South Yorkshire Residential Design Guide (SYRDG), considered Best Practice Guidance and the National Space Standards. The SYRDG recommends 46 square metres of floor area as a minimum for a 1-bedroom unit, and 62 square metres for a 2-bedroom unit. The National Space Standards recommend a minimum of 39 square metres for a 1 bed unit, and a minimum of 61 square metres for a 2-bedroom unit.

This development will create 7 x 2-bedroom apartments and 4 x 1-bedroom apartments. All of the proposed 2-bedroom apartments exceed the recommended minimum standards outlined above by both the South Yorkshire Residential Design Guide and the National Space Standards. In respect of the 1-bedroom units being created by the development, all 4 of the 1-bedroom units will exceed the recommended guidelines set by the National Space Standards but have a marginal shortfall when assessed against the recommended guidelines set by the South Yorkshire Residential Design Guide. However, when taken as a whole, the proposed development will generate significantly more recommended floor space than both the National Space Standards and the South Yorkshire Residential Design Guide and are acceptable in this respect.

The pocket of amenity space at the corner of the site (where the feature tree is to be located) will not form part of the useable amenity space for the future occupants of the development, it is intended to be a soft landscaped area for visual amenity purposes only. The applicant's agent has confirmed it will be managed and maintained.

Although not a formally adopted policy, the South Yorkshire Residential Design Guide (SYRDG) recommends (for flats) that a minimum of 50sq metres of amenity space be provided plus an additional 10sq metres for each flat. This would equate to a total of approximately 160sq. metres of communal amenity space to be provided. This proposal will provide approximately 100sq metres of private useable amenity space (the courtyard area), which falls short of the guidance. Despite the shortfall, additional amenity space will be provided but will not be readily accessible for communal use, this includes the two pockets of landscaped areas that front Norton Lees Road. These are not private or secure areas that would benefit any of the occupants of the development, they are purely ornamental landscaped areas to help soften the appearance of the development. Likewise, the small, terraced areas fronting the site on the Derbyshire Lane elevation would not be private or secure spaces but could nevertheless be a space where a couple of chairs could be sited for individuals to sit. The amenity space being provided in the courtyard will be a reasonable space because it will be an enclosed private area, overlooked by some of the residential flats and therefore, there will be some natural surveillance of the space and, it will also be an area that will capture sunlight because of the orientation of the site. The landscaped spaces (fronting Norton Lees Road) will create a visual benefit to the wider community and the street-scene. Meersbrook Park is also within approximately a 3-minute walk and therefore provides the future occupants of this development with further options in terms of amenity.

The proposed development would provide a satisfactory living environment for the future occupants of the development. This development will not have an adverse impact on the amenities of existing neighbours, and therefore, it is considered that the proposal will comply with UDP policy H14 and paragraph 130 of the NPPF.

Highway/Traffic Issues

UDP Policy H14 'Conditions on Developments in Housing Areas' part (d) requires that permission will be granted where there would be appropriate off-street car-parking for the needs of the people living there.

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

The NPPF seeks to focus development in sustainable locations and make the fullest possible use of public transport, walking and cycling. Paragraph 111 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

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

This application will be delivering 11 apartments in the form of 7 x 2-bed and 4 x 1-bed units and will be providing 2 dedicated off-street parking spaces (each with electric car charging points) and a secure cycle storage outbuilding capable of storing 16 bikes.

Virtually all of the objections have raised concerns about highway matters, this includes: the lack of adequate parking provision, increased traffic congestion, difficulties for emergency and service vehicles manoeuvring, and existing residents not being able to park near their homes.

The area surrounding the development site does experience a high degree of on-street car-parking, as one might expect when the environment is predominantly terraced housing with little on-plot car parking provision. However, surveys undertaken by a highways officer on Sunday 19/06/2022 at 3pm and on Monday 20/06/2022 at 6.15am showed car parking availability on all 4 arms of the cross-roads junction next to the development site. A more recent site visit by the case officer on Tuesday 18/10/2022 at 9.30pm also revealed that there was car parking capacity available near the site on Norton Lees Road and on Derbyshire Lane. Furthermore, on all of the days those visits took place by officers, the section of Derbyshire Lane between Norton Lees Road and Chesterfield Road had lots of spare capacity to park on-street, mainly as there are fewer houses on the eastern side of the road.

The most recent Census data (2011) for the Graves Park Ward identifies that 2,290 households out of the 7,464 households in the Ward had multiple car or van ownership (which equates to only 30%) and 1691 households (nearly 23%) had no car at all. With the flats being one and two-bedroom units, the development is aimed at the rental/first-time buyer market, where car ownership profiles tend not to be the highest. If residents want to live somewhere and not own a car, Meersbrook is considered an ideal location, with good bus services and amenities all within easy walking distance. Bus routes run past the development site and there are multiple high frequency bus services running along Chesterfield Road, with shops and other amenities readily accessible.

In the received representations, it was commented that no account had been taken of topography and that the steepness of roads would discourage cycling, also that the provision of cycle racks instead of car parking provision was laughable. In response, many people cycle despite hills, electric bikes are becoming ever more prevalent, and as consequence, hills are becoming much less of a barrier to cycling. The submitted plans indicate 16 bicycle parking spaces, which would be both secure and sheltered.

With regard to existing residents not being able to park outside their houses, Derbyshire Lane and Norton Lees Road are both public highways and not private car parks and as such, residents living in the area, in properties that have no dedicated off-street parking can never be guaranteed to be able to park outside or near their homes. If the development does lead to an increase in on-street parking, officers are satisfied that there is capacity for those increases to be absorbed within the locality.

Taking all the above comments into account, granting planning permission for this scheme would have no significant adverse highway consequences. There are existing parking restrictions at the cross-roads junction to prevent indiscriminate/unsafe parking. There has been just 1 slight injury accident recorded near the development site over the past 5-year period. Any small amount of on-street parking demand that the development does generate can be accommodated within all the existing on-street parking arrangements, with no additional detriment to the free-flow of traffic.

On this basis, the proposal is considered to complying with UDP, Core Strategy and NPPF policies as listed above, and would not have the level of impact that would justify refusal of permission on highway safety grounds as required by the NPPF.

Drainage/Sustainability Issues

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

- Locating and designing development to eliminate unacceptable flood risk.
- Giving preference to development on previously developed land where this is sustainably located.
- Adopting sustainable drainage systems.

Policy CS67 'Flood Risk Management' of the Core Strategy seeks to ensure that new developments reduce the extent and impact of flooding by:

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

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

The site is located in a main urban area, on land that has previously been developed, which is served by sustainable forms of transport (bus links) and is within close walking distance of local facilities. The proposal does not incorporate any sustainable drainage systems and instead shows that the drainage system will link to existing drains/sewer

pipes. However, there is an opportunity and a requirement to include some sustainable drainage systems/features in order to adapt to climate change and to reduce the risk of flooding.

Land drainage records show a culverted watercourse adjacent to the site. Core Strategy Policy CS67 requires no culverting and not building over watercourses wherever practicable; and encourages the removal of existing culverting. The developer will need to explore this matter further because it could significantly affect the layout.

Under Section 23 of the Land Drainage Act 1991, the developer would need to apply to the Lead Local Flood Authority (LLFA) for any proposals that would involve altering, diverting, connecting to or modifying a watercourse.

Before any works on-site could commence, the developer would also need to carry out a survey to determine the size, depth, location, and condition of the existing watercourse.

Appropriate planning conditions are recommended requiring full drainage details.

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

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

No details of renewable energy or carbon reduction have been submitted as part of this application, however there is no reason why this cannot be achieved and secured by condition.

Overall, it is considered that subject to satisfactory compliance with planning conditions (requiring details to be submitted and subsequently approved) the proposal could reasonably meet the local sustainability policy requirements, CS63, CS64 and CS65 and the NPPF.

Landscaping Issues

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

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

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

At present there are no trees on site and the only element of greenery is an existing short stretch of boundary hedge in-front of the existing dwellinghouse on the site

(fronting Norton Lees Road). The proposal does include the creation of several landscaped areas including the provision of a feature tree on the front corner of the site. The introduction of the landscaped areas are welcomed because they should help soften the appearance of the site, add some visual interest in the street-scene and create additional wildlife habitats. Again, it would be necessary for the details of landscaping to be agreed by planning condition. Subject to satisfactory compliance with the landscape planning conditions, officers see no reason why the proposal would not comply with policies GE15, CS74 and paragraph 169 of the NPPF.

Ecology Issues

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

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

With the exception of a short (4 metre) length of front boundary hedging, there are no trees or greenery on the site and as such, there is limited opportunity for wildlife habitats to be formed at the site. However, there is the potential for bats to be present on site and as such, the developer commissioned a bat survey to be carried out. The bat survey report (prepared by Middleton Bell Ecology) dated 11th May 2021, states that there are no visible signs of bat presence on either the inside or outside of the surveyed buildings. The submitted report does state however that if works are to commence after a 12-month period (from the date of the nocturnal survey date – 10th May 2021), then the developer would need an updated survey to be carried out. Clearly therefore, an updated survey will be necessary. The submitted bat survey report also makes recommendations for features and measures that could be included as part of the development that will enhance wildlife habitats, and this includes:

- The introduction of a bat roosting feature into the fabric of the development i.e., a bat box to be fitted to the south or west elevation of the new development. The bat box should be sited at wall top height and away from areas of light spill.

In this instance, and as there were no visible signs of bat presence on either the inside or outside of the surveyed buildings, it is recommended that a suitably worded planning condition be imposed requiring a further bat survey to be carried before any works on site commence and, in addition to any findings and recommendations made as a result of that updated bat report, that an ecological management plan be submitted for approval in order to secure appropriate measures that will lead to enhanced biodiversity at the site to meet the aims of paragraphs 174, 179 and 180 of the NPPF.

Land Contamination

The site had previously been used as a vehicle repair garage and therefore there is a potential for land contamination. The developer has submitted an R B Geotechnical

Phase I Desk Study Report (reference RBG223, dated March 2021). The contents of this are satisfactory. The report recommends that a Phase II intrusive investigation be carried out and remediation as necessary, which can be secured by condition.

Disability/Accessibility Issues

The amended plans show that apartment nos. 1, 3, 4, 5, and 6 will be accessible for people in wheelchairs and/or with mobility issues. The Council's access officer has assessed the proposals and has subsequently confirmed that there are no objections to the proposal.

Community Infrastructure Levy

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

RESPONSE TO NEIGHBOUR REPRESENTATIONS

The matters raised in the representations have been addressed either in the 'Planning Assessment' section of this report or by the various planning conditions that would be imposed if planning consent is granted.

SUMMARY AND RECOMMENDATION

This is an application within a Housing Policy Area for a new residential development consisting of 11 apartments with two off-street parking spaces, 16 secure cycle parking spaces, and associated hard and soft landscaping. The proposal has resulted in 29 objections being received and 3 representations in support. Virtually all of the objections have raised concerns about the lack of adequate off-street car parking provision and the implications that will result as a consequence. Other concerns raised relate to poor design, and impact on residential amenity.

In terms of the 'tilted balance' and the need to weigh up the benefits of the development against any negative aspects (paragraph 11 of the NPPF), it is considered on balance that: -

- the principle of the development in land use terms is acceptable,
- the site is in a sustainable location,
- the scheme represents a well-designed development that sympathetically respects the scale, form and materials of the immediate surroundings,
- there will be no significant harm caused to existing neighbours (in terms of amenity/loss of privacy),
- the living conditions for the future occupants of the development will be acceptable,

- the proposal will make a modest contribution (11 new apartments) to the housing stock in Sheffield,
- a dilapidated/run down site will be removed and,
- there will be limited benefits and job creation in the construction industry.

Weighed against these benefits is the fact that there will be a shortfall of off-street car-parking provision. Despite the shortfall of on-site car-parking provision, officers are satisfied that the proposal will not lead to any highway safety issues. Therefore, there will be no significant adverse effects from this proposal to outweigh the benefits, and as such, there is a presumption in favour of granting planning permission.

For the reasons outlined above, it is considered that the proposals will accord with local and national planning policies, and therefore, it is recommended that this application be conditionally approved.

Case Number	22/01617/FUL (Formerly PP-11208512)
Application Type	Full Planning Application
Proposal	Demolition of existing buildings and erection of 6-storey office building (Use Class E) with ground floor commercial unit (flexible retail and/or other Use Class E), with associated cycle parking (Resubmission of 21/02206/FUL)
Location	39-43 Charles Street and 186-194 Norfolk Street Sheffield S1 2HU
Date Received	25/04/2022
Team	City Centre and Major Projects
Applicant/Agent	Urbana
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:

EXISTING SITE PLAN 2937-CDA-00-SL-DR-A-090100 G Published 25.04.2022

PROPOSED SITE PLAN 2937-CDA-00-XX-DR-A-090500 J Published
06.10.2022

BASEMENT PLAN 2937-CDA-00-B1-DR-A-090600 J Published 06.10.2022

GROUND FLOOR PLAN 2937-CDA-00-00-DR-A-090601 J Published
06.10.2022

FIRST FLOOR PLAN 2937-CDA-00-01-DR-A-090602 J Published 06.10.2022

SECOND FLOOR PLAN 2937-CDA-00-03-DR-A-090603 J Published 06.10.2022

THIRD FLOOR PLAN 2937-CDA-00-03-DR-A-090604 J Published 06.10.2022

FOURTH FLOOR PLAN 2937-CDA-00-05-DR-A-090605 J Published 06.10.2022

FIFTH FLOOR PLAN 2937-CDA-00-05-DR-A-090606 J Published 06.10.2022

ROOF PLAN 2937-CDA-00-07-DR-A-090607 J Published 06.10.2022

EAST ELEVATION 2937-CDA-00-XX-DR-A-090700 J Published 06.10.2022

SOUTH ELEVATION 2937-CDA-00-XX-DR-A-090701 J Published 06.10.2022

WEST ELEVATION 2937-CDA-00-XX-DR-A-090702 J Published 06.10.2022
NORTH ELEVATION 2937-CDA-00-XX-DR-A-090703 J Published 06.10.2022
CONTEXT ELEVATIONS 2937-CDA-00-XX-DR-A-090704 J Published
06.10.2022
CONTEXT ELEVATIONS 2937-CDA-00-XX-DR-A-090705 J Published
06.10.2022
TRAVEL PLAN P1642_20220407_190 Norfolk Street, Sheffield - Travel Plan
Revision 3 07/04/2022 Published 25.04.2022
TPS Transport Consultants Ltd Technical Note P1642 April 2022 Published
25.04.2022

Reason: In order to define the permission.

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

3. No demolition hereby authorised shall be carried out before a contract for carrying out the construction of the new building hereby approved has been made. Evidence that such a contract has been made shall be submitted to and approved in writing by the Local Planning Authority before demolition commences.

Reason: To ensure that premature demolition does not take place and result in an undeveloped site, some time before rebuilding, which would be detrimental to the visual character of the Conservation Area.

4. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

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

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

that damage to archaeological remains is irreversible.

5. Any intrusive investigation recommended in the submitted Phase I Preliminary Risk Assessment Report (by Arup, dated 6 April 2022) shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works on the new building commencing. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

6. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works on the new building commencing. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

7. No development (except demolition) shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

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

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

8. No development (except demolition) shall commence until:

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the

development proposed.

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

Reason: In the interests of the safety and stability of the development in accordance with paragraph 183 of the National Planning Policy Framework.

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

a) been carried out; or

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

Highways Improvements:

i) Reconstruction of the footway along Charles Street with new kerbs, pedestrian drop-crossing and tactile paving where necessary (and possibly bollards along the Charles Street front of footway) all in accordance with the Primary Palette of the Urban Design Compendium.

ii) Any accommodation works to street lighting, highway drainage, traffic signs, road markings, statutory undertaker's equipment and general street furniture because of the development proposal.

Reason: In the interests of pedestrian and highway safety and to ensure the development contributes positively to the character of the conservation area and is consistent with the higher quality public realm being delivered in the primary zone of the city centre.

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

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

11. No development (including demolition) shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

12. No development (including demolition) shall commence until details of the site accommodation including an area for delivery/service vehicles to load and

unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

13. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

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

14. No demolition of existing basement walls, construction of additional basement areas, or construction of the new building, shall take place until Approval in Principle (AIP) for the basement walls and floor, which will be permanently supporting the adjacent public highway, has been submitted to and approved in writing by the Local Planning Authority.

As a minimum, the AIP submission shall cover:

- Proof of structural integrity of the basement walls and floor, with structural calculations and drawings, demonstrating that the adjacent public highway will be adequately supported.
- Confirmation and agreement of the proposed ongoing structural inspection strategy, including the protocol for submitting inspection reports to the Local Planning Authority.
- Servicing arrangements for inspection personnel needing to gain access to the structure.
- The method of temporary support to the public highway during demolition/construction of the basement, including proof of structural integrity, calculations and drawings.

Construction of the basement shall not commence until the AIP has been approved by the Local Planning Authority.

Reason: In the interests of highway safety.

15. Prior to the construction (excluding demolition) of the new building commencing, a detailed Inclusive Employment and Development Plan for that phase, designed to maximise opportunities for employment and training from the construction phase of the development, shall have been developed collaboratively with Talent Sheffield and submitted to and approved in writing by the Local Planning Authority.

The Plan shall include a detailed Implementation Schedule, with provision to

review and report back on progress achieved, via Talent Sheffield, to the Local Planning Authority. Thereafter the Plan shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic and social benefits for Sheffield from the construction of the development.

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

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

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

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

- Plant screens
- Ventilation grills and extracts
- Glazing system
- Balustrades
- External doors

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

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

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

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

19. Prior to the installation of any commercial kitchen fume extraction system full details, including a scheme of works to protect the occupiers of adjacent dwellings from odour and noise, shall first have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) Drawings showing the location of the external flue ducting and termination.
 - b) Acoustic emissions data for the system.
 - c) Details of any filters or other odour abatement equipment.
 - d) Details of the system's required cleaning and maintenance schedule.
 - e) Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building.

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

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

20. The cycle changing facilities, lockers and showers shall be provided before the building is brought into use and thereafter retained.

Reason: In the interests of encouraging sustainable travel to and from the site.

21. Notwithstanding the submitted plans, full details of the door operation on the route to the cycle parking provisions shall be submitted to and approved in writing by the Local Planning Authority. These approved details shall have been provided prior to occupation of the development.

Reason: In the interests of encouraging sustainable travel to and from the site.

22. The cycle parking accommodation indicated on the submitted plans is not approved. Before the development is commenced, or in accordance with an alternative timeframe to be submitted to and approved in writing by the Local Planning Authority, full details shall have been submitted to and approved in writing by the Local Planning Authority of arrangements that increase the amount of internal cycle parking provision from that originally indicated. This overall increased amount of cycle parking provision shall have been provided prior to occupation of the development, and be retained and maintained thereafter.

Reason: In the interests of encouraging sustainable travel to and from the site.

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

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

24. The building shall be designed, constructed and operated in accordance with the LETI Net Zero Carbon Framework as set out in Paragraph 3.62 of the sustainability statement and to achieve a wired score-minium gold, EPC score-

minimum A certification, as set out in Paragraph 7.1.9 of the planning statement. Prior to the occupation of the building a report incorporating an audit of the performance of the building against the above targets including the measures to ensure delivery of these elements to be provided during the operational phase, shall be submitted to and approved by the Local Planning Authority. Thereafter the approved measures shall be maintained and implemented.

Reason: In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64 and in order to ensure a highly sustainable building is delivered as proposed, as these benefits have been taken into account when considering the planning balance for this development.

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

Reason: In the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS64 and in order to ensure a highly sustainable building is delivered as these benefits have been taken into account when considering the planning balance for this development.

26. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, have first been submitted to and approved in writing by the Local Planning Authority, and once installed such plant or equipment should not be altered without prior written approval of the Local Planning Authority. All plant shall be specified in accordance with recommendations of the approved Noise Impact Assessment (ref: DC3543-R2v2, dated: 08/04/2022, prepared by: Dragonfly Consulting), and with a cumulative rating level not exceeding those stipulated in Section 6.1 at the façade of the nearest sensitive receptors.

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

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

Reason: In the interests of the safety and stability of the development in accordance with paragraph 183 of the National Planning Policy Framework.

28. Before the playing of any live music or amplified sound in the ground floor commercial units commences and before the office use commences, Validation Testing of the relevant sound insulation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such

Validation Testing shall:

- a) Be carried out in accordance with an approved method statement.
- b) Demonstrate that the relevant specified noise levels set out in Condition 28 for the office accommodation and Condition 33 for the ground floor commercial uses have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound insulation works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

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

29. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

30. The office accommodation shall not be brought into use unless a scheme of sound insulation works has been implemented and is thereafter retained. Such works shall:

- a) Be based on the findings of approved noise survey (ref: DC3543-R3v4, dated: 06/04/2022, prepared by: Dragonfly Consulting).
- b) Be capable of achieving the following noise level: Noise Rating Curve NR40 (0700 to 2300 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilations.
[Noise Rating Curves should be measured as an LZeq at octave band centre frequencies 31.5 Hz to 8 kHz)

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

31. Before any work on the green walls commences full details of the design, planting, growing medium, irrigation, and maintenance schedule shall be submitted to and approved by the Local Planning Authority. Thereafter the green walls shall be implemented and maintained in accordance with the approved details.

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

32. The green walls shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved in writing by the

Local Planning Authority. Thereafter the green walls shall be retained and they shall be cultivated and maintained and any plant failures shall be replaced.

Reason: In the interests of the visual amenities of adjoining residential occupiers.

33. The windows labelled as having non-vision glazing on the hereby approved drawings shall be incorporate obscure glazing to a minimum level 4 obscurity and be permanently retained as such thereafter.

Reason: In the interests of protecting the adjacent residents from excessive overlooking and loss of privacy.

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

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

35. No live music or amplified sound shall be played within the ground floor commercial use unless a scheme of sound attenuation works shall have been installed and thereafter retained. Such a scheme of works shall:

a) Be based on the findings of an approved noise survey (ref: DC3543-R2v2, dated: 08/04/2022, prepared by: Dragonfly Consulting).

b) Be capable of restricting noise breakout from the commercial use to the street to levels not exceeding the prevailing ambient noise level when measured:

(i) as a 15 minute LAeq, and;

(ii) at any one third octave band centre frequency as a 15 minute LZeq.

c) Be capable of restricting noise breakout and transmission from the ground floor commercial use and any associated plant or equipment, to all adjoining office accommodation to levels complying with the following:

(i) Office: Noise Rating Curve NR40 (0700 to 2300 hours);

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

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

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

36. No amplified sound shall be played within ground floor commercial use of the building except through an in-house amplified sound system fitted with a sound limiting facility capable of limiting the sound level output of the system to a pre-set level which may then be secured in a tamper resistant manner, the design and settings of which shall have received the prior written approval of the Local Planning Authority.

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

Other Compliance Conditions

37. No customer of the class E unit shall be permitted to be on the premises outside the following times: 07:30 and 00:00 hours on any day.

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

38. No doors (except sub-station doors or emergency exit doors) are to open into the adjoining public realm or adopted highway.

Reason: In the interests of pedestrian safety.

39. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage.

40. The demolition and construction works shall be carried out in accordance with the measures set out in the Construction Environment Management Plan unless alternative arrangements are approved by the Local Planning Authority.

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

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

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

42. Movement, sorting or removal of waste materials, recyclables or their containers in the open air shall be carried on only between the hours of 08:00 to 23:00 Mondays to Saturdays and between the hours of 09:00 to 21:00 on Sundays and Public Holidays.

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

43. Commercial deliveries to and collections from the building shall be carried out only between the hours of 08:00 and 23:00 hours Monday to Saturday and not on Sundays and Public Holidays.

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

44. The Travel Plan shall be implemented in accordance with the details and timescales contained within it for the lifetime of the development.

Reason: In the interests of encouraging sustainable travel to the site.

45. The submitted/approved Servicing Management Plan (SMP) shall be operated for the lifetime of the development unless alternative agreement are approved by the Local Planning Authority.

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

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner in accordance with the requirements of the National Planning Policy Framework. The Local Planning Authority considered that it wasn't necessary to have detailed discussions in this case.
2. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

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

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

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

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

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

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

Telephone: 0114 273 6677

Email: highways@sheffield.gov.uk

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

5. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

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

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

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

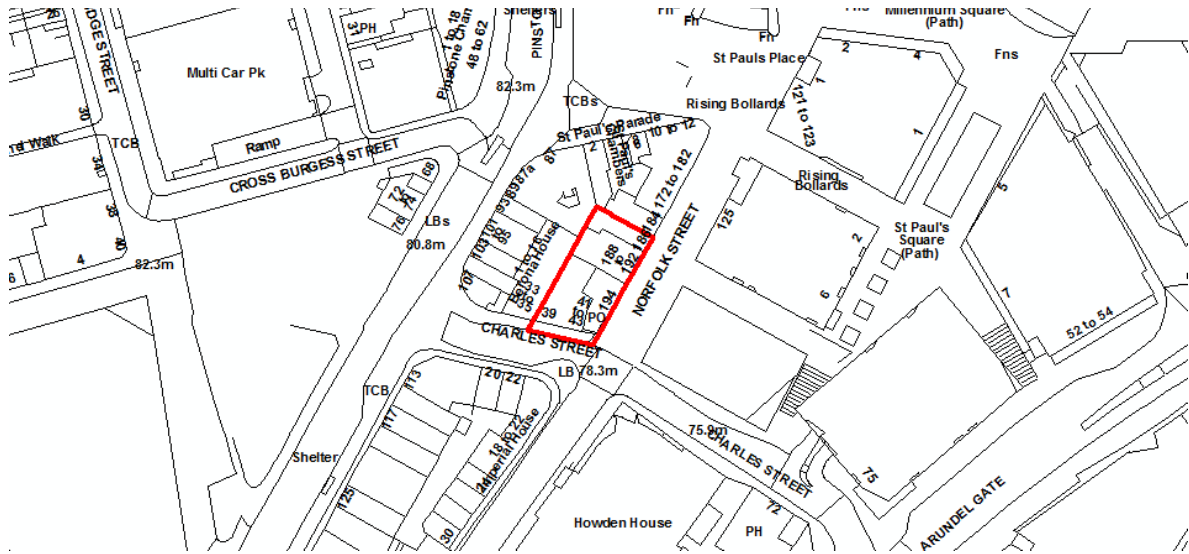
6. As the Charles Street frontage projects into the public highway, you are required to contact (highways@sheffield.gov.uk; 0114 273 6677) in order to secure an over-sailing licence.
7. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2020 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
8. Plant and equipment shall be designed to ensure that the total LA_r plant noise rating level (i.e. total plant noise LA_{eq} plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA₉₀ background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
9. For larger commercial kitchens or cooking types where odour and noise risk is higher, reference should be made to the updated guidance document; 'Control of odour and noise from commercial kitchen exhaust systems' (EMAQ; 05/09/2018). Appendix 2 of the document provides guidance on the information required to support a planning application for a commercial kitchen.

10. The applicant is advised that, as per the attached condition, details of public art need to be agreed with the local planning authority prior to being implemented on site. Advice can be sought in advance of the submission of details from the Council's Public Art Officer. Please note there is an hourly charge for this advice.

You can contact the Public Art Officer at: publicart@sheffield.gov.uk

Further details on the Council's public art projects can be found at <https://www.sheffield.gov.uk/planning-development/public-art-projects>

Site Location



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BACKGROUND

Members may recall dealing with an application at this site as part of the Committee meeting on 18 January 2022. Whilst Officers recommended that the application be approved, following detailed consideration including a visit to the site, Members voted to refuse the application (see refusal reasons in the Planning History section later in this report).

The current application is a re-submission following that refusal, with the applicant seeking to address the previous refusal reasons as far as they consider possible.

LOCATION AND PROPOSAL

The application site is in the heart of the city centre and is bound by Norfolk Street to the east and Charles Street to the south. It forms part of a perimeter block which also faces on to St Paul's Parade and the Peace Gardens to the north and Pinstone Street to the west, with a central courtyard between. It is located within the City Centre Conservation Area.

The site is positioned at the Charles Street and Norfolk Street corner of the block and is occupied by 3-storey buildings formerly used for office purposes and as a yoga studio. A retail activity currently takes place on the ground floor. The existing buildings probably date from the 1950/60s and are of no architectural merit. The rest of the block comprises of heritage buildings including the grade II listed Prudential House to the north.

On the opposite side of Norfolk St there is the St Paul's Place development consisting of 3 contemporary office blocks between 8 and 11 storeys in height. Opposite the site on Charles Street there is 3 storey retail and office development dating from the 1950/60s and the 6/7 storey Howden House office block.

The applicant is seeking permission to demolish the existing buildings and replace them with a 6-storey building comprising of a basement incorporating plant and facilities, ground floor retail uses (approximately 206m²) and grade A offices above (approximately 1812m²). The building's ground floor level will cover almost the whole footprint of the site and the development is proposed as a net zero carbon building with no car parking.

The proposed retail unit is located on the corner of Charles Street and Norfolk Street with entrances on both frontages. The offices will be accessed from Norfolk Street with a reception lobby, staff changing spaces on the ground floor, and bike and bin stores at basement level.

The application proposes a 6-storey building, representing a reduction from the 7-storey building previously refused. Since the submission of the application, the proposal has been further amended to reduce the extent of the floor plan of the upper storey, and to make changes to the street facing elevations. The building continues to be faced in anodised aluminium cladding and curtain wall glazing on the upper floors and natural red sandstone columns, framing double height glazed openings on the ground floor. The footprint follows the existing buildings except on the Charles Street/Norfolk Street corner where a glazed cantilevered curved corner is proposed for the upper floors.

The north and west facing elevations are more solid with glazing commencing at fourth

floor level and a full height green wall on to the courtyard elevation facing north and west.

RELEVANT PLANNING HISTORY

21/02206/FUL - Demolition of existing buildings and erection of 7-storey office building (Use Class E) with ground floor commercial unit (flexible retail and/or other Use Class E), with associated cycle parking - REFUSED - 20.01.2022 for the following reasons:

1. The Local Planning Authority considers that, due to its scale, mass and siting the proposed development will significantly reduce light/sunlight, appear overbearing and adversely affect the outlook for the residents of Berona House, St Paul's Chambers and Waterhouse, whose apartments face on to the courtyard space adjoining the development and also for users of the amenity space at the rear of St Paul's Chambers. This will reduce the attractiveness of the apartments and the courtyard amenity space serving St Paul's Chambers and lead to increased reliance on artificial light. As a consequence, there will be an unacceptable impact on living standards resulting in a significant adverse impact on residential amenity and health and well-being. This is contrary to Policy S10 b) of the Unitary Development Plan and Paragraphs 119, 124 e) and 130 f) of the National Planning Policy Framework. This harmful amenity impact is not outweighed by the benefits of the proposal.
2. The Local Planning Authority considers that, due to the unsympathetic scale and massing of the proposed development it will detract from the setting of the Grade II listed Prudential Assurance building and the City Centre Conservation Area. The impact will be less than substantial but there is no clear and convincing justification and the public benefits of the proposal do not outweigh the harm to the significance of the heritage assets. As a result, the proposal is considered to be contrary to Unitary Development Plan policies BE5, BE15, BE16 and BE19; Core Strategy Policy CS74; and Paragraphs 130 c), 189, 200, and 202 of the National Planning Policy Framework.

This applicant has appealed against the refusal of planning permission but the outcome of the appeal is not yet determined. The appeal is being dealt with by the Planning Inspectorate.

SUMMARY OF REPRESENTATIONS

HISTORIC ENGLAND (HE)

HE has commented on the original proposals as follows:

- Further height reduction (compared to previous scheme) is recognised. This minimises the height difference with Berona House, which they commend. Essentially, they comment the proposed scale is considered acceptable.
- They add, however, that the glazed bay abutting the frontage of the New Central Hall has been increased to the detriment of the relationship between existing building and proposed development.
- Additionally, they refer to the failure of the two-storey shopfront to open up to the key junction, with a wide brick column positioned at its centre. This stands in contrast to the heavily glazed cantilever above, which alienates the shopfront from the upper portions of the building. As a result, it's added that more work is

required to the corner of the shopfront to continue the prominence characterising the upper floors.

- In conclusion they add they are broadly comfortable with the height and mass of the new development, though they consider that the scheme does not complement the area's rich architectural heritage through its appearance and design. They do not consider that the scheme adds positively to the local distinctiveness and sense of place of the City Centre Conservation Area and isn't entirely sympathetic to its character and history.
- Their conclusion is that the scheme would cause a degree of harm to the conservation area; the harm would be less than substantial, and on the lower scale, but nonetheless material mainly given the contextually incongruous appearance and design of the new building.
- They say that if the Council is minded to approve the application in its current form, it should be satisfied that the public benefits of the proposal outweigh the harm to the conservation area.

CONSERVATION ADVISORY GROUP (CAG)

- The CAG recognised the reduction in height but considered that this did little to address previous concerns.
- They added that the proposal would create a dominant building affecting the block and would neither preserve nor enhance the Conservation Area.
- It was also added that proposed materials and colours would need to better reflect those of the surrounding 19th century buildings.

CITY COUNCILLORS

The City Ward Councillors, Martin Phipps, Douglas Johnson and Ruth Mersereau submitted a joint objection. They confirm they still hold concerns about the impacts on adjacent residents, and they support their objections.

- The loss of light impacts are notable, with the submitted reports stating that 67% of windows in Berona House would not meet the Vertical Sky component (VSC) daylight guidelines and 67% of the rooms not meeting the No Sky Line requirement.
- References that these properties were once used as offices, or they have balconies do not justify the level of proposed loss of light and its impacts to health and wellbeing. Previous concerns around impacts on living standards remain. There has not been a material change in the number of windows affected.
- Light forms part of the fitness for habitation of a home, under the Housing Health and Safety Rating System. The Council mustn't approve developments which will result in existing properties being no longer suitable for good quality, healthy residential use.
- Report states 0% of courtyard would receive 2 hours of sun on 21st March, where this is recommended to be 50%.
- The windows from 4th and 5th floors facing Berona House, would represent privacy concerns.
- To make the city centre a desirable place to live, it must be allowed to develop in a way suitable to a residential area and residents' concerns heard.

- As per Historic England's concerns, the proposed building does not make the area more attractive to residents and visitors and downgrades the conservation area and potential heritage tourist area.
- Any approval would need to seriously consider construction management, with controls set on reasonable hours of work which minimise disruption to residents.

RESIDENTS

40 representations were received regarding the initially submitted scheme with 18 of these from occupiers of properties neighbouring the site and the remaining 22 from addresses elsewhere in Sheffield and further afield. The comments can be summarised as follows:

Daylight and Sunlight

- Amendments do not address daylight loss. Removal of one storey does not address impacts on light and massing which led to previous refusal.
- Loss of daylight to courtyard for over half the year. Space used for relaxing, socialising and growing vegetables. Its value became clear during lockdown. Proposal would place courtyard in practically permanent shadow. Space represents a reason for living in apartments.
- There would continue to be significant loss of light, especially to Berona House. These effects may constitute a housing hazard on the basis of wellbeing and mental health. Some apartments still face light losses of 90%. Increased use of artificial lighting will lead to increasing energy bills.
- Effects on mental health. Wellbeing report connects natural light and quality of life.
- Lack of daylight will cause dampness and building deterioration.
- Queried how light and space criteria can be a design requirement for new housing and disregarded for existing residents. The importance of natural light for proposed office users is highlighted, but at residents' expense.
- Sunlight assessment documents misrepresentative, and not in accordance with BR209 (which recognises 21st March as assessment date). Makes subjective interpretations. Use of GLA guidance is not relevant. Attributing loss of light to existing balconies is questionable. Light assessment document should be independently checked.
- Day & Sun light report is incomplete, and so conclusions cannot be drawn
- Light impacts to Peace Gardens, affecting footfall and business.

Privacy

- Overlooking to 3 windows of neighbouring flat (2 to kitchen and 1 to a bedroom).

Ecology

- No effort to reduce ecological impact.

Design and Heritage Issues

- Inappropriate scale and massing. Insufficient alterations to scheme's massing or design, not addressing previous reason for refusal. Building height is excessive, and profit led.

- Out of context with surrounding historic buildings and area. Older architecture is being dwarfed by soulless, overwhelming and unattractive buildings. No enhancement. Historic England have objected, as they previously did.
- Tall buildings create unsafe places and unwelcoming environments.
- Sheffield is not Manchester or Liverpool.

Sustainability

- Previously clear that building wasn't net zero, but there would be carbon off-setting via woodland planting. Therefore, current claims should be closely assessed.
- Existing building could be refurbished and retro-fitted.
- Net zero claims are not supported by appropriate documentation. Sustainability report states scheme is "aiming to achieve" net zero. Proposal represents 'greenwashing'.
- No details are given about off-setting the carbon in its construction.
- No energy modelling has been carried out.
- Without tight control, building would be no more sustainable than regular buildings.
- Not possible to ensure users will select eco-friendly energy suppliers. Recycling of materials at end of building's life is also unknown, so shouldn't be considered.
- Building seems to have no sustainability features.
- Proposal will trap air pollution. Queried what investigation of this has been done.

Other Issues

- Parking pollution
- There is said to be 80,000sqft of office space available in City Centre (effects of home working), so this development is not needed. Will likely remain vacant.
- Housing shortages and desire to increase city living mean residential would be preferable. Proposal will discourage occupation of surrounding residential properties.
- Will discourage people from visiting and/or living in city centre. St Paul's Parade, The Waterhouse Building and Berona House form a key part of 'Heart of the City 1' aim to encourage more people to live in the city centre
- Priority should be supporting leisure experiences
- Inadequate consultation (specifically to Berona House).
- Previously stated objections should be taken into account.
- Unpleasant wind conditions.
- Applicants have not maintained building, and they treat tenants and neighbours poorly.
- Privacy and noise/pollution impacts during construction. People will move out because of this. How will landlords be compensated? Query safety and health implications during demolition
- Responding to applications is time-consuming and taxing.

CHANGINGSHEFF, a City Centre Resident's Association, makes the following comments:

- The objection to and refusal of the previous application stemmed from light reduction from traditional residential buildings, and creation of a building that undermined residents' amenities. Current scheme does not deal with these

issues; Loss of light to Berona House and significant reduction to other residents around courtyard.

- Proposal will counter the aim of increasing the residential population in the City Centre.
- Net zero claims are highly dubious, and amount to green-washing.

PLANNING ASSESSMENT

Policy

The site lies within the Retail Core of the Central Shopping Area. Unitary Development Plan (UDP) Policy S2 says that on ground floor frontages new retail and complementary uses which add to the vitality and viability of the Central Shopping Area will be encouraged. Outside the Fargate Area this means that shops are preferred; offices used by the public, food and drink outlets and amusement centres are acceptable; with all other uses being unacceptable. In the Central Shopping Area other than on the ground floor frontages offices are acceptable along with a range of other uses (Policy S3).

Office uses now fall within Class E which includes a range of uses such as shops, cafes, restaurants, offices used by the public, professional services and other uses such as indoor sport and recreation, medical services, nursery, research and development and light industry. The E class of uses are considered to meet the requirement in Policy S2 as they would add to the vitality and viability of the City Centre.

Offices are acceptable on the upper floors and therefore the proposal is supported by Policy S3.

Core Strategy Policy CS17a says the distinctive and fundamental roles of different 'quarters' of the City Centre will be consolidated and strengthened. The site lies within the Heart of City where shopping, office uses, civic uses, arts and cultural uses are appropriate. Policy CS3 promotes the City Centre as a location for office development and Policy CS4 identifies the Heart of the City for new large and high-density office development. The proposal is therefore supported by these Core Strategy policies.

The National Planning Policy Framework (NPPF) paragraph 81 says that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. As the development will support economic growth by delivering high quality business space the principle is supported by the NPPF.

Paragraph 86 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation. It goes on to say that town centres should meet anticipated needs for retail, leisure, office, and other main town centre uses. The proposal will support the city centre role as a major centre for offices.

Demand For Offices

Many of the representations state there is no demand for additional offices, particularly given the levels of increased home working due to the pandemic.

The applicant has submitted a Supply and Demand report from a commercial property consultant. This makes the case that the site is very well located in terms of accessibility, prominence, and surrounding amenities.

Office take-up in 2020 was 28% less than the long-term average. Whilst lockdown restriction remained for the 1st half of 2021, total take up in 2021 exceeded the 10-year average. The average transaction size in 2020/21 reduced significantly, which was thought to be due to the pandemic, with companies requiring smaller but higher quality offices as companies adapt to flexible working. It is added that demand has returned to pre-pandemic trends.

The report notes that there is a relatively low supply of office accommodation across all grades and a specific lack of Grade A space in the city centre. It is added that the current Grade A space available is fragmented in each building, such that any demand for space above approximately 6,000ft² would not be able to be accommodated in continuous suites. Also, were existing deals in hand to proceed, Grade A accommodation would reduce to approximately 20,000ft² by the end of 2022. This is said to not offer potential occupiers sufficient choice, resulting in the city being discounted by potential corporate occupiers.

The report argues that there is now an appetite to return to the workplace. The challenge facing businesses is about increased staff expectations on their working environment. This means that employers are looking to improve their office environment to encourage staff to return and to facilitate recruitment and retention. It says that some companies will increase office space and others will cut back and the companies that rationalise space will look to take smaller spaces of better quality and that this will be important in attracting and retaining talent, particularly younger people.

The report describes the design considerations that are likely to be important for future offices; for example, maximising external spaces, provision of active travel facilities, high energy performance, health and wellbeing and connectivity.

Separately, an on-line article has been submitted covering the recovery of the regional office market from the pandemic. The main summary points are that in Half 1 of 2022 take-up represented an increase of 22% on Half 1 in 2021, and a 26% increase from 2020. In regional markets Grade A take up accounted for 46% of this overall total, representing a resilience. In the five-year period prior to the pandemic, take up for under 5,000ft² accounted for 26% of total take up and in 2022 Half 1 36%, showing a growing demand for smaller Grade A office space. It is also concluded that there is currently less than 2 years of Grade A supply in all the UK Big 6 markets.

It is therefore considered that there is a clear need for targeted office space, particularly Grade A provision of the type proposed.

Heritage Issues

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In addition, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

National Planning Policy Framework Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 197 says that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 200 says that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 202 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 206 says local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.

UDP Policy BE15 'Areas and Buildings of Special Architectural or Historic Interest' says that buildings and areas of special architectural or historic interest which are an important part of Sheffield's heritage will be preserved or enhanced. Development which would harm the character or appearance of Listed Buildings, Conservation Areas or Areas of Special Character will not be permitted.

UDP Policy BE16 'Development in Conservation Areas' says permission will only be given for proposals which would preserve or enhance the character or appearance of the Conservation Area. These principles will also be material considerations in considering proposals which would affect the setting of a Conservation Area or significant views into, or out of, the Area. Redevelopment of sites which detract from a Conservation Area will be encouraged where it would enhance the character or appearance of the Area.

UDP Policy BE19 'Development Affecting Listed Buildings' says that proposals for development within the curtilage of a building or affecting its setting, will be expected to preserve the character and appearance of the building and its setting.

Significance of Heritage Assets Affected

The buildings to be demolished have no heritage significance. The heritage assets that have the potential to be affected by the new development are the Town Hall, Prudential Building, other character buildings in the same block and the City Centre Conservation Area. There is also the potential for archaeological interest to be affected by the building works.

The setting of the Grade I listed Town Hall is encompassed by the buildings along Surrey Street, Pinstone Street and the buildings across the Peace Gardens, including the Prudential Assurance Building, St Paul's Chambers (which form part of the same block as the application site) and the more contemporary buildings on the south-east side of Norfolk Street. The Peace Gardens open space and the broadly contemporary buildings contribute positively to the Town Hall's heritage interest by allowing its civic importance, and architectural and historic interest to be appreciated in the context of similar period buildings.

The Grade II Listed Prudential Building is a late 19th century ornate red sandstone building with an interesting roof scape. Its setting is defined by the adjacent broadly contemporary buildings. Its increased scale gives it prominence within the block and at the corner of the Peace Gardens and Pinstone Street. The similar period buildings on the opposite side of Pinstone Street and within the same block contribute positively to its setting allowing its historic and architectural interest to be appreciated within the 19th century townscape.

The non-designated heritage assets of St Paul's Chambers and Berona House derive their significance from their architectural interest and their visual cohesion as part of 19th century townscape contributing positively to the setting of the listed buildings and the character of the conservation area.

The City Centre Conservation Area includes a large part of the grand Victorian architecture which exists in the centre, defining the growth Sheffield experienced through the second half of the 19th century. The site is at the southern end of the conservation area where it abuts the larger scale contemporary development surrounding St Paul's Place. The whole of the block of which the application site is part, except for the application site, is identified as either unlisted buildings that contribute to the character of the conservation area or listed buildings. The Conservation Area Statement of Special Interest says that the visual cohesion of the townscape of the Conservation Area depends on the combination of characteristics, particularly the density of the streets and buildings, the fairly consistent height of buildings and the use of local sandstone or red brick building materials. It says that buildings are predominantly no more than four storeys to eaves lines and that this homogeneity of scale has allowed functionally important buildings to stand out as landmarks such as the towers of the Town Hall. It says that gables, towers, turrets, chimneys and balustraded parapets all add to the interest of the townscape.

The potential archaeological interest relates to former buildings from the early 19th century and from the early 20th century which may contribute to the understanding of the post-medieval and 19th century development of Sheffield at a local level.

Assessment of Heritage Impact

The buildings to be demolished are of no special heritage interest and therefore their loss will not detrimentally affect the significance of heritage assets.

The setting of the Town Hall is enhanced by the 19th century buildings on Pinstone Street and by the Prudential Assurance Building plus non-designated heritage assets within the application block. The proposed development will closely adjoin the rear of these buildings. The current scheme is one storey less in its overall height (2.9 metres) than the previously refused version. This results in its height being approximately

equivalent to the eaves level/s of the Prudential Assurance building.

Its 5th floor layout plan is also setback from the site's northern boundary such that there would be only limited visibility of the building from the Peace Gardens. As such and, given that the Town Hall's context incorporates the much taller buildings of St Paul's Place, it is considered that the proposal would not have an adverse impact on the setting of the Town Hall. The previous scheme was not resisted because of any implications on the Town Hall's setting, and it would be unreasonable and not logical to conclude that the current proposal in its reduced size would have detrimental impacts.

The significance of the Grade II listed Prudential Assurance Building is enhanced by its dominance at the corner of the Peace Gardens and the point where Pinstone Street bends south-west. This allows the architectural interest including the varied roof profile to be fully appreciated. The current proposal is now approximately equal to the eaves level of the Prudential Assurance building. As a result of this reduction in height from the refused scheme, and because of the reduced extent of the 5th floor layout, the proposed building will no longer be visible in the backdrop of views of the Prudential Assurance building from Pinstone Street to the north. As such, there is not considered to be an impact on the setting of the listed building, addressing the previous refusal reason.

The impact of the development on the non-designated heritage asset of St Paul's Parade from the Peace Gardens should be given lesser weight given that it is a non-designated heritage asset. This building complements Prudential House and creates a strong frontage of historic 19th century buildings defining the southern edge of the Peace Gardens open space. The proposed building will be located in close proximity to the rear of this building and will be seen to a very slight extent in views over the top of it from the Peace Gardens. The previously refused scheme was considered to be acceptable in this regard because of the proximity to the taller buildings at St Paul's Place's. Therefore, the reduced size of the current proposal would have a lesser impact and continue to be considered acceptable in this respect.

The proposed building abuts St Paul's Chambers and Berona House on the Norfolk Street and Charles Street frontages. These buildings are three to four storeys high, faced in traditional materials, and St Paul's Chambers is characterised by rich detailing. The massing of these buildings is broken down by bays and stepped levels. These are the buildings which most closely define the context for the development. Whilst the modern taller development on the east side of Norfolk Street also provides context, it is secondary to the attached 19th century buildings within the same block as the application site.

The existing buildings to be demolished do not enhance the setting of these non-designated heritage assets.

Whilst the scale of the proposed scheme is taller than the attached buildings, its design provides an acceptable transition in scale. The lower height / glazed treatment and smaller footprint of the upper floor, together with the setback at 2nd floor (and upwards) at the attachment to St Paul's Chambers and the more solid elevational treatments to Charles Street help to secure a stepping down in the scale towards the attached heritage buildings and to show a sympathy to the rhythm of the buildings within the conservation area. Additionally, it references the heritage buildings' traditional architecture in a contemporary way with the use of stone columns and large window openings at ground floor.

Historic England raised a concern about the amount of glazing abutting the frontage of New Central Hall (St Paul's Chambers). The amended proposals include increased solid treatment at this connection point, and officers consider this to help form a more successful transition and relationship between the two buildings.

Overall, a successful transition between the proposal building and its attached neighbouring buildings is considered to be achieved.

The block which the site forms part of (except for the application building/s) is a visually cohesive block of heritage buildings which make an important positive contribution to the character of the conservation area. Whilst the buildings to be demolished do not make a positive contribution to the character of the conservation area their scale is sympathetic to the heritage buildings and they are mildly mannered. The current proposal sees a reduction in one storey compared to the previously refused scheme. This is considered to address the concerns that the refused scheme had a detrimental impact upon the conservation area due to it undermining the contribution made by the block to the wider heritage asset. As such, these variations to the refused application are considered to result in a scheme which has an acceptable impact upon the conservation area as a whole.

It continues to be accepted that there is no evidence to suggest that the below ground archaeological interest will be so significant that it would preclude the redevelopment of this site as proposed. A condition will ensure that any archaeological interest is properly investigated and recorded as part the site redevelopment.

Heritage Impact Conclusion

The proposed development will continue to not harm the setting and significance of the Town Hall. The current scheme, in its revised form, would avoid the minor harmful impact/s on the setting of Prudential House, as its reduced height will no longer be visible in the backdrop of views from Pinstone Street. The proposed building will provide a successful transition to the non-designated heritage assets at Berona House and St Paul's Chambers, thereby avoiding a detrimental impact on the character of the conservation area. The proposal will replace tired and dilapidated buildings, which are of no special townscape merit, with a higher quality building which will, in officers' judgement, enhance the conservation area.

Overall, the impacts on the setting of Prudential House and the character of the conservation area are not considered to be detrimental, such that national policy does not require there to be a clear and convincing justification for the heritage harm.

Notwithstanding this conclusion, the proposal is considered to bring the following public benefits:

- the provision of a highly efficient net zero carbon building with sustainability credentials in excess of the standards required by the Council's sustainable design policies.
- the provision of Grade A office space of which there is a low supply, which will support the local economy
- the provision of a high travel generating use in a highly sustainable location able to benefit from sustainable travel modes and linked trips which will help to reduce carbon emissions and support shopping and leisure uses in the City Centre.

- employment benefits during the construction phase and from the future office employment.
- the high-quality design will also improve the appearance of the site.

Overall, there is not considered to be reason to resist the current proposal on heritage grounds given that the conclusion reached is that the revised scheme does not result in a harmful impact on any heritage assets.

Design Issues

Core Strategy Policy CS74 is concerned with design principles. It says that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including:

- c. the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials;
- d. the distinctive heritage of the city, particularly the buildings and settlement forms associated with:
 - i. the metal trades (including workshops, mills and board schools)
 - ii. the City Centre
 - iii. Victorian, Edwardian and Garden City suburbs
 - iv. historic village centres and the city's rural setting.

Development should also:

- e. contribute to place-making, be of a high quality, that contributes to a healthy, safe and sustainable environment, that promotes the city's transformation;
- f. help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- g. enable all people to gain access safely and conveniently, providing, in particular, for the needs of families and children, and of disabled people and older people;
- h. contribute towards creating attractive, sustainable and successful neighbourhoods.

UDP Policy BE5 is concerned with building design and siting. It says the use of good design and use of good quality materials will be expected in all new and refurbished buildings and extensions. The following principles will apply:

Physical Design

- (a) original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings;
- (d) in all new developments, design should be on a human scale wherever possible, and, particularly in large-scale developments, the materials should be varied and the overall mass of buildings broken down;
- (e) special architectural treatment should be given to corner sites in order to create a lively and interesting environment;
- (g) the design, orientation and layout of developments should encourage the conservation of energy and other natural resources.

User Requirements

- (h) the design of buildings, landscaping and lighting should promote all aspects of personal safety and security, particularly at night time;
- (i) designs should meet the needs of users, particularly people with disabilities, elderly people, people with children, and women;

Policy BE11 is concerned with public spaces and says that public spaces will be protected and enhanced where they make an important contribution to the character or appearance of an area or provide spaces for people to walk or relax. Development within or adjacent to the following Public Spaces will only be permitted where it would respect:

- (a) The character of the space in terms of function, scale proportions and views; and
- (b) The contribution surrounding buildings make to the character of the space in terms of scale, massing and proportions.

The Peace Gardens is one of the identified spaces.

Paragraph 126 of the NPPF says that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 says that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The existing buildings are 3 storeys high and match, or are of lesser scale, than the other heritage buildings that make up the block. They are faced in dark grey brickwork, tiles, stone, concrete and metal cladding with a 1950/60s design character. There is a strong horizontality to the design which contrasts with the heritage buildings in the same block. There are shopfronts on the ground floor. They do not complement the conservation area, although they are unassuming.

The proposed development continues to maintain the existing back edge of pavement development but increases the scale from 3 to 6 storeys. Therefore, despite the increase in scale from existing, the proposed building is smaller than the previously refused proposal, which was originally concluded as acceptable in respect of its design and visual appearance. Therefore, the latest proposal is considered to be appropriate to the site and the surroundings. The contemporary design is finished in high quality materials, which would be consistent with the design policies encouraging original

architecture. The use of more modern materials than the more ornate heritage buildings in the same block was previously considered to be acceptable, and this remains the case. Stone columns continue to be included with large, glazed openings providing a similar rhythm to St Paul's Parade.

The proposed increase in height and curved cantilevered glazing at the Norflok Street and Charles Street corner will help mark the corner and create a sense of place and provide a comfortable transition to the taller buildings opposite. It is considered that the proposal will help to deliver the special treatment at corner locations required by the aforementioned design policies.

Historic England raised a concern that the two-storey shopfront didn't open up to the key junction. However, your officers consider that the wider block includes a series of subtle entrances and therefore the proposal is not uncharacteristic of the block in this respect. The glazing at the ground floor level will be supplemented with active uses and a welcoming frontage which will promote a safe environment.

The proposed design and materials are high quality, and the scale and design are considered to strike a reasonable balance between respecting existing character and delivering a contemporary design which will contribute positively to the streetscape. It is concluded that scale and design is consistent with the key design policies outlined above.

Residential Amenity

The National Planning Practice Guidance 'Effective Use of Land' says "where a planning application is submitted, local planning authorities will need to consider whether the proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, as well as assessing whether daylight and sunlight within the development itself will provide satisfactory living conditions for future occupants."

It also asks the question "What are the wider planning considerations in assessing appropriate levels of sunlight and daylight?" It provides the following guidance in relation to this: "All developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design. For example, in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings". Therefore, it is accepted in national planning guidance that lower daylight and sunlight levels at some windows may be acceptable if new developments are to be in keeping with their surroundings.

The application site is located at the south-east corner of a perimeter block. The internal courtyard space between these buildings provides outlook and natural light together with some limited outdoor space for the residents of the adjoining perimeter block surrounding the courtyard.

The upper floors of all the buildings within the same block, except the application site, have been converted to flats. Objections have been received from residents on the basis of overlooking/loss of privacy, loss of light/sunlight and loss of outlook. Berona House is situated on the south-west corner of the block with frontages to

Pinstone Street and Charles Street. There are flats across 3 floors of which 3 face south-east towards the site and 3 face north, perpendicular to the site. They all have bedrooms and combined living rooms and kitchen/dining (L/K/D) areas that face into the courtyard. The ones facing towards the site have small balconies. The ones perpendicular to the site that serve L/K/D spaces have windows facing on to Charles Street as well as the courtyard.

St Paul's Chambers is located at the north-east corner of the block with frontages to St Paul's Parade and Norfolk Street. There are flats across 3 floors with 8 units that have habitable room windows facing on to the courtyard. There are both combined L/K/Ds and bedrooms facing on to the courtyard. The combined L/K/Ds have windows facing on to the street as well as the courtyard. Those units in the Norfolk Street block do not look towards the site as they are orientated north-west. Those in the St Paul's Parade block face south-east towards the site and the Norfolk Street wing of the building.

The Prudential Assurance Building is located at the north-west corner of the block and has frontages to St Paul's Parade and Pinstone Street with a rear wing extending back into the courtyard. Of the flats facing into the courtyard those in the rear wing face north-east away from the site and contain L/K/D room windows. The flats in the rear elevation of the main building contain bedroom windows which face south-east towards the site and also towards the existing rear wing of the Prudential building which is much closer than the proposed building. Some of the original plans for this building are missing from the planning application file so it is assumed that the first-floor layout is replicated on the upper floors.

Amenity Impact

Residents living in a dense city centre cannot expect the same level of amenity as those living in suburban locations. Lower privacy distances, less private amenity space, reduced outlook and greater overshadowing are frequently accepted to achieve townscape objectives and more density in highly sustainable locations. Indeed, within the existing blocks surrounding the courtyard there are substandard outlook distances between existing flats. Balanced judgements need to be made, weighing the overall benefits of the scheme against harmful amenity impacts.

Privacy

The existing building has first and second floor office type windows which face into the courtyard.

In terms of Berona House, windows are not present on the proposed scheme until the 4th and 5th floor levels. These are sited in the side face of the part of the building immediately adjacent to Charles Street, and largely look onto the roof of Berona House. Views across the open area to the east facing windows of Berona House will be separated by a minimum of approximately 12 metres from the proposed 4th/5th floor windows and be separated by a minimum of 1 storey in height terms. So, whilst users of the proposed office space would be able to look down to the Berona House flats, their main aspect would be over the top of the flats. The current proposals resemble the previous scheme in this respect, which also included sideward glazing facing Berona House, at the 4th to 6th floor levels. Therefore, the current proposal would have a reduced impact in this respect than the previous proposal, given the reduction in height (which correspondingly reduces the amount of glazing). It should also be noted that in other high-rise developments in the city centre, 12 metre separation distances have

been accepted between courtyard windows and across a street.

In respect of Prudential House, there are no windows in the relevant part of the proposed elevation facing westward. Therefore, there are no potential / perceived overlooking implications in this respect. The 5th floor level windows facing northwards are obliquely angled in relation to Prudential House, which will essentially preclude overlooking opportunities to the existing neighbouring building. The terrace space at 5th floor level will allow views towards Prudential House and its rear facing bedroom spaces. However, the terrace is likely to be used relatively infrequently, during working hours, and will not present a significant overlooking concern. Particularly in comparison to the relationship with the existing rear wing of the Prudential building which is already much closer than the proposed building.

In relation to St. Paul's Chambers, the proposed building has some windows at the 4th and 5th floor levels. Additionally, there is the 5th floor level terrace space. Windows at 1st to 4th floor levels are obscure glazed, serving WC areas and do not provide an outlook. The 4th floor glazing is in the portion of the building adjacent to Norfolk Street and so will not have privacy implications. At 5th floor level the windows cover a portion narrower than the terrace space, with the terrace set across approximately the front-most two thirds of the area. From the terrace space there would be a minimum separation of 13.5 metres increasing to approximately 17.6 metres to facing windows. This is greater than the minimum 10 metres which featured in the refused scheme, where the most adjacent part of the proposal was internal space rather than the external terrace space proposed here.

Loss of light

A daylight and sunlight assessment has been submitted in support of the application. A technical analysis has been undertaken using the Building Research Establishment Guidelines entitled 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice'. The applicant's consultants conclude that the overall impact of the scheme on the surrounding residential properties is entirely acceptable.

The applicant points out that the guidelines are not mandatory and that the guide recommends a more contextual approach and setting alternative target values for city centres, urban environments and historic locations. They also say that it is well established that the guidelines are based on low rise suburban development.

The National Planning Policy Practice Guidance under the Effective Use of Land says that where a planning application is submitted, local planning authorities will need to consider whether the proposed development would have an unreasonable impact on the daylight and sunlight levels enjoyed by neighbouring occupiers, as well as assessing whether daylight and sunlight within the development itself will provide satisfactory conditions for future occupants.

It goes on to say that all developments should maintain acceptable living standards. What this means in practice, in relation to assessing appropriate levels of sunlight and daylight, will depend to some extent on the context for the development as well as its detailed design. For example, in areas of high-density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings.

The guidelines include two methods for assessing daylight and one for sunlight. Daylight is assessed by the Vertical Sky Component (VSC) and the No Sky Line (NSL). Sunlight is assessed by the Annual Probable Sunlight Hours (APSH).

VSC gives an assessment of how much of the sky is unobstructed from an outward facing window. The guidelines have a 27% VSC target which is based on a suburban type environment. The diffuse daylighting may be affected if the VSC is less than 27% or less than 0.8 times its former value.

The applicant's consultant points out that the Greater London Authority produced a report in 2013 which is largely in agreement with the guidance but states that in an inner-city urban environment VSC values in excess of 20% should be considered as reasonably good and that VSC in the mid-teens should be acceptable.

The NSL methodology is a measure of the distribution of daylight on a desktop plane within a room. If a significant part of the working plane (normally more than 20%) receives no direct skylight then the distribution of daylight in the room will be poor and supplementary electric light may be required. The guideline says that daylight may be adversely affected if the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.

APSH provides a percentage of the annual probable sunlight hours for the whole year and for the winter period. The most important rooms are living rooms whilst kitchens and bedrooms are less important. The guidance says that a window may be adversely affected if a point at the centre of the window receives:

- Less than 25% of the APSH during the whole year, of which 5% APSH must be in the winter period; and
- Receives less than 0.8 times its former sunlight hours in either time period; and
- Has a reduction in sunlight for the whole year more than 4% APSH.

In terms of overshadowing of amenity areas, the BRE guidelines provides two methods of calculation.

Sun on the ground identifies areas that receive direct sunlight. The guidelines recommend that at least half of an amenity space should receive at least 2 hours of direct sunlight on March 21st. For existing spaces where the sunlit area is less than half of the area, the area which receives 2 hours of sunlight should not be reduced by more than 20% (it should retain 0.8 times its former value).

The second method is transient overshadowing where a shadow plan is produced for these different times of the day and year:

21st March (spring equinox)
21st June (summer solstice)
21st December (winter solstice)

For each of these days the overshadowing is calculated at hourly intervals. Professional judgement is required to compare the shadow resulting from the proposed development with the existing situation.

Berona House

The latest results show:

19 of the 33 windows do not meet the VSC guidance
10 of the 15 rooms do not meet the NSL guidance
2 of the 13 windows do not meet the APSH guidance

The report says that eight of the windows which do not meet the criteria for VSC daylight, and seven of the rooms which do not meet the NSL daylight criteria, are bedrooms, which are considered to have a lesser requirement for daylight by the BRE. This means that 11 windows serving L/K/D spaces do not meet the BRE criteria for VSC daylight, and three living kitchen diners do not meet the criteria for NSL daylight.

A further Average Daylight Factor Assessment is carried out, which is a significantly more detailed method of daylight assessment. Of the 15 rooms assessed for ADF, 12 will meet or be within 20% of the BRE target criteria. The baseline ADF figures for the rooms which do not meet the criteria are low, and none currently meet the ADF criteria, which places a significant burden on the development site to maintain already poor daylight levels.

In Berona House all of these L/K/D rooms (6 in total) are served by more than one window. In these circumstances the BRE guidance states that a mean VSC can be calculated. Based on this mean calculation, 4 of the L/K/D spaces meet the VSC room target. The 2 which do not are currently provided with balconies, which overhang the windows below and prevent light from reaching the windows and into the room. A direct view of the sky is therefore limited in the existing scenario, and the aspect and view within the 2 L/K/D spaces is said to be comparable with the proposed development in place.

The amendments included in the current proposal therefore result in acceptable impacts to the occupiers of Berona House with the exception of 2 L/K/D spaces, with windows facing south-eastward toward the proposal. These spaces each have their own balconies and L/K/D windows which sit underneath the balcony of the above flat. The current amendments secure lesser loss of light impacts to these two apartments than the previous scheme, but not sufficient to meet the relevant guidance requirements.

Given that these L/K/D spaces are currently compromised in terms of light penetration due to the existing balcony structures and that this aspect of the design of Berona House is considered to be as much a determining factor in the amount of daylight received to these rooms as is the proposed development it is concluded that the positive aspects of the development scheme outweigh the harm to these spaces and that the impacts on sun/day light to Berona House are therefore considered to be acceptable in this specific context.

Prudential House

The latest results show:

0 of the 29 windows do not meet the VSC guidance
3 of 11 rooms do not meet the NSL guidance

BRE suggests that all main living rooms which face within 90 degrees of due south should be assessed for APSH sunlight. None of the rooms in this property face within 90 degrees of due south and as such, an APSH sunlight assessment has not been

undertaken.

The 3 rooms which do not meet the NSL daylight criteria are all bedrooms. As discussed above, bedrooms' daylight requirements are considered to be less critical. Two of the rooms are reduced by 23.4% and 21.5%, so very nearly meet the target reduction of 20% and result in minor impacts. This leaves just one bedroom which experiences a moderate impact (34.8%). Given the room's use as a bedroom this is considered to be acceptable in this dense urban environment.

Given the limited extent of impact and/or the use of the 3 rooms affected being bedrooms, the sunlight and daylight impacts to Prudential House are considered as acceptable.

St Paul's Chambers

The latest results show:

6 of the 60 windows do not meet the VSC guidance
1 of the 14 rooms does not meet the NSL guidance
4 of the 26 windows do not meet the APSH guidance

Of the 6 windows not achieving VSC guidance compliance, 2 of the windows serve bedrooms (one of these serves the room not achieving NSL guidance). Given the lesser requirement of bedrooms for daylight, this is considered acceptable.

The remaining four windows serve L/K/D spaces, which are served by multiple windows. When the mean VSC is calculated all rooms meet the VSC daylight criteria.

Four of the windows do not meet the APSH criteria, and the layout of the building is such that these windows face out onto the courtyard, and the baseline (existing) levels are generally low, thus placing a high burden on the development site to maintain existing levels. The worst-case impact will be a fall of 40% annual sunlight hours, with the other reductions ranging between 20 and 24%.

These impacts are judged to be acceptable in the context of this dense urban environment.

Overshadowing of Amenity Space

There is a shared hard surfaced amenity space at first floor level of approximately 100m² to the rear of the St Paul's Chambers apartments. The method of overshadowing assessment uses the sun on ground indicator to determine the areas which receive direct sunlight and those which do not. The BRE guidelines recommend that at least half of an amenity space should receive at least 2 hours of direct sunlight on March 21st. Regarding existing spaces where the existing sunlit area is less than half of the area, the area which receives 2 hours of sunlight should not be reduced by more than 20% (it should retain 0.8 times its former value).

In the existing, pre-development scenario, the amenity area will receive 2 hours of sunlight to 32.50% of its area. With the proposed development in place, no part of the amenity area will receive 2 hours of sunlight on March 21st. The Applicant points out that the pre-existing sunlight level to the amenity area is low, and below the recommended 50%. It is argued that any viable development at the site would result in

similar impacts. Additionally, it is restated that the area that receives 2 hours+ of sunlight is located on the space's north-eastern corner and is an area which is used as a thoroughfare to access apartments and the staircase serving the upper floor apartments, and so the space most likely to be used as an amenity space receives sunlight below the target criteria in both the existing and proposed situations.

To complement this, an assessment has been done using June 21st, as a point in the year when the space is most likely to be used by residents, which is an approach accepted by the BRE. The results are that 97.44% of the area would receive 2 hours+ of sunlight currently, whilst 92.20% of the area would receive 2 hours+ sunlight post development. Therefore, at the point when the sun is at its highest, the proposal would result in only a marginal reduction in the area receiving over 2 hours of sunlight. This far exceeds the BRE's 50% target and is considered to be a good provision given the city centre location.

Overshadowing (pre and post development) images have been provided using the June 21st date. These images are closely comparable and reflect the negligible reduction from 97.44% to 92.20% referred to above.

Whilst the details focusing on March 21st mirror those included in the previous officer report, the information about June 21st is additional and confirms that at the height of summer the amenity space will not suffer from reduced sunlight. This means that during the period of the year when the space is most attractive and likely to be most used it would continue to receive good levels of daylight provision.

As a result of the above analysis, the proposal is considered to be acceptable in this respect.

Outlook

The proposal will be 3 storeys higher than the existing building and the footprint of the development is deeper at its upper floors such that there will be effects on outlook from rearward facing windows of flats looking toward the courtyard / open space. As highlighted above, this is more of an issue for living spaces than for bedrooms.

The 3 flats at Berona House with L/K/D spaces with external balconies facing the application site are single aspect. Also, there are another 3 flats oriented at right angles to the site, which are dual aspect with windows facing on to Charles Street as well as the courtyard. It was previously stated in the Officer report that the new building would appear significantly more imposing from these properties due to increased scale, and despite the 1-storey reduction in height this would continue to be the case to a reduced extent. The reduced overall height is accompanied by a reduction in the footprint at the upper floors. The westward facing elevation features staggering, such that the elevation is separated by an additional 1.6 metres (approx.) compared to the refused scheme. This additional setback and the height reduction is considered to be critical in this respect, representing a less immediate and reduced presence than the refused proposal.

It continues to be relevant that the occupiers currently look out on to an elevation containing multiple large office windows, with banks of air conditioning units and external staircases, which are currently visually unattractive. There will therefore be a measure of visual enhancement arising from the proposal. Additionally, there will also be less overlooking. The proposed outlook will feature a large expanse of living walling,

which will represent a visual enhancement when compared with the existing situation.

The amendments are considered to be critical in addressing the relevant aspects of the reason for refusal of the previous scheme.

With respect to St Paul's Parade, there are 4 flats with L/K/D room windows facing towards the site. Additionally, these are dual aspect rooms, with primary windows facing the Peace Gardens.

As well as the proposal being one storey less in height, the reduced footprint means that there is no development at the north-western corner and the 5th floor layout features a terrace at the northern section (resulting in a 2-storey height reduction in the northern most component of the building). In combination, these reductions mean that the proposal will represent a much lesser presence from the internal living spaces at St Paul's Chambers. The proposed building will appear more imposing than the existing building and this will affect amenity. However, the amendments are considered to be significant, and to result in substantially reduced impacts compared with the refused version. The reduction in height of 1 storey (or 2 storeys, given the terrace component) and the setback from the site's north-western corner point result in acceptable impacts on visual outlook.

The reduction in the height and footprint/floorplan layouts of the proposal will prevent the amenity space from feeling excessively enclosed. As discussed above, during the summer months the amount of sunlight loss is not considered to be significant. Given that the primary function of the amenity space appears to be as a pleasant setting for the flats with only limited use for outdoor seating, and due to the reductions in the scale of the development it is now considered to be acceptable when viewed from this space. It is concluded that the attractiveness of this area will not be unduly reduced to a point which would warrant a refusal of this latest application.

Sustainable Development

The site is located in a highly sustainable position in the heart of the city centre where it is well served by public transport and there is a high propensity for linked trips with other city centre uses.

The applicant is aiming for the first net zero carbon building in Sheffield. There is no formal net zero certification process. It is therefore proposed that the building does not burn fossil fuels, that all electricity used is renewable, the building services design is optimised to achieve above energy intensity target and that solar generation at roof level is maximised. It will also involve limited embodied carbon in numerous ways, such as by setting ambitious targets for all primary components, and any residual emissions are achieved using residual offsets. Condition/s securing this will be incorporated into the recommendation to secure delivery of these sustainability benefits.

The applicant states the developer proposes to connect to the district heating system. Solar-thermal and PV panels are being considered, as well as ground source and air source heat pumps. Additionally, there is a commitment to buying only 100% renewable energy for the building.

There have been some concerns raised about the reliability and permanency of the stated intentions of achieving a net zero scheme. To ensure that the intention is secured and that this remains the case, a suitably worded condition is included in the

recommendation requiring submission and agreement, along with the ongoing implementation. This is considered to address these concerns.

Policy CS65 requires new developments such as this to meet a minimum of 10% of their predicted energy needs from de-centralised and renewable or low carbon energy. As mentioned, it is the intention to connect to the District Heating System, which is a low carbon energy source. In addition, options such as an efficient building, PV roof panels and air source heat pumps are proposed to achieve compliance /exceedance with this policy requirement.

Policy CS64 requires developments to achieve a BREEAM 'Very Good' rating. The building is to be designed to achieve an 'Excellent' rating, which will be in excess of this policy requirement.

Conditions requiring CS64 and CS65 compliance are included in the recommendation. Overall, the proposal is considered to meet, and moreover exceed, the relevant policy requirements in this respect.

Access Issues

The City's transport priorities are promoting choice by alternatives to the car, maximising accessibility, containing congestions levels, improving air quality, improving road safety and supporting economic objectives through demand management measures and sustainable travel initiatives.

Paragraph 111 of the NPPF says 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.

Paragraph 112 says that first priority should be given to pedestrian and cycle movements and second to facilitating access to high quality public transport. Applications should address the needs of people with disabilities and reduced mobility and create places that are safe, secure and attractive. All developments which generate significant amounts of movement should be required to provide a travel plan.

The application site is in a highly accessible location and is well served by public transport, pedestrian and cycle facilities and close to a number of public car parks and car club facilities. Norfolk Street is a pedestrian zone except for permit holders and loading between 18.30 and 10.00. The development will be car free and indeed there is no realistic way of providing off street parking without compromising the active frontage of the site. The submitted documents and plans include some uncertainty on cycle storage capacity, with there being scope to include more spaces than indicated, and so a condition requiring submission of further details on this item is recommended. Cyclist's changing facilities are also proposed. It is expected that most trips to the site will be by sustainable modes with car visitors utilising the public car parks. The proximity of shops and services to the site means that there is high likelihood that the development will facilitate linked trips.

The amount of floor space will increase over that which currently exists, however, it is expected that any increased demand for parking can be accommodated in the existing public car parks.

A travel plan has been submitted in support of the application which incorporates the

normal travel plan measures such as appointing a travel plan co-ordinator, promoting up to date travel information, offering personalised journey plans, encouraging occupiers to take part in the cycle to work scheme, and promoting car sharing. The travel plan sets targets for reducing the proportion of journeys by car.

The servicing for the retail space should not be significantly different from that required to serve the previous retail uses on the site. It is accepted that servicing movements associated with the development will have a negligible impact on the operation of the highway network. A Construction Environment Management Plan proposes wheel washing facilities to minimise the risk of mud being brought on to the highway. The construction traffic routing is proposed via Charles Street and exiting via Union Street on to Furnival Gate.

The elevations show level entrances to the retail and office entrances together with lift access to the upper floors and disabled toilets; therefore the development will provide for inclusive access.

The proposal is supported by the Development Plan and NPPF transport policies and will not have any significant highway or pedestrian safety impacts.

Noise/Dust

The applicant has undertaken a noise assessment which includes a noise survey to establish the existing noise climate. The results of this show that the internal noise climate would be as follows; noise from fixed plant would result in a low risk of significant adverse impact, noise from patrons (of the retail space) would be none / not significant and limits on noise from amplified music are given to ensure acceptable noise levels.

The Environmental Protection Officer has reviewed the noise survey, and recommended conditions which require a scheme of noise insulation to be submitted to achieve appropriate internal noise levels and validation testing of this before uses commence.

Noise from plant has the potential to cause dis-amenity for local residents living close by. The proposed Use Class allows for food and drink uses as well as office uses and there is the potential for cooking odours to cause dis-amenity for local residents and office occupiers. There is also the potential for noise breakout from commercial uses and noise from deliveries. Given this the EHO has recommended conditions to control these potential impacts.

The Construction Environment Management Plan (CEMP) proposes a series of measures to minimise the escape of dust during construction. Construction hours will be limited to 07.30 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturday with no working on Sundays or public holidays. The contractor will employ "best practical means" to minimise noise and vibration resulting from construction operations and shall comply with the recommendations detailed in the Code of Practice for noise and vibration control on construction and open sites (BS 5228-1: 2009 + A1: 2014 & BS 5228-2:2009 + A1: 2014). The Environmental Health Officer is satisfied that the submitted CEMP has proposed reasonable measures to minimise the amenity impacts during construction.

Microclimate

Under the Council's guidance, a 6-storey building does not need to be subject to a microclimate assessment. As such no details have hereby been provided.

However, the previous application was accompanied by a qualitative desk study to assess the wind conditions around the development for the original scheme featuring 10-storeys. The implications were concluded to be within acceptable limits for the intended uses of the surrounding spaces, and so no mitigation was proposed.

The currently proposed building's impacts would be less than described in relation to the 10-storey structure subject to the assessment.

Land Quality

The site lies within a Coal Mining High Risk Area. The applicant has submitted a Phase 1 land contamination assessment, this recommends further ground investigations to assess the mining history, ground gas, and unexploded ordnance. The Coal Authority has also recommended conditions to ensure the coal mining legacy is investigated and mitigated if appropriate.

Additionally, the Environmental Protection Officer has recommended conditions for investigating and mitigating ground conditions.

Drainage

The drainage submission states infiltration is unlikely to be viable, and that there are no nearby watercourses. As such, surface water will be discharged to the public sewer network, subject to appropriate reduction/s in discharge levels. To achieve the required reductions the installation of a blue roof is proposed.

The Lead Local Flood Authority is satisfied with the submitted proposals. Yorkshire Water has no objections to surface water being connected to the public sewer subject to conditions which require the applicant to demonstrate that infiltration is not practical, provide evidence of a restricted discharge to the existing rate, less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Therefore, it is concluded that drainage can be satisfactorily dealt with by way of conditions whilst delivering reduced surface water run-off.

RESPONSE TO REPRESENTATIONS

The above assessment covers the issues raised within representations.

SUMMARY AND RECOMMENDATION

The proposed use aligns with the Development Plan and will also help to support employment and economic growth and the regeneration of the city centre, which remains consistent and closely aligned with NPPF policy. There are concerns about the demand for office space given increased home working following the pandemic, and in this respect the applicant has submitted evidence of the returning demand for office space and especially Grade A space of the type proposed.

Compared to the earlier refusal, the proposed scheme represents a 1 storey height reduction and a reduction in the floor layout/s of the upper storeys. Further amendments to the floor layouts have been submitted during the course of the assessment of the application to increase setback from the nearby residential occupiers. In the view of your officers', it is considered that the amended proposals will not appear unacceptably overbearing and that they address the concerns which resulted in the previous refusal. It remains the case that the proposal will be similar to other relationships approved in the City Centre to facilitate delivery of viable development.

The impacts upon day/sun light provisions in the surrounding residential apartments are considered to be at acceptable levels, such that the development will not lead to unacceptable dis-amenity impacts which would be sufficient to warrant refusal of the amended scheme.

It is acknowledged that the external courtyard amenity space will experience some reduced sunlight, and the proposal will be visible from the space. However, at the times of year when this space is most likely to be used by residents for sitting out, the sunlight impacts are very negligible. Additionally, the variations to the proposed scheme markedly reduce the potential overbearing impacts and it is a much less prominent structure compared to the previously refused scheme.

The proposal in its latest form is concluded to have acceptable impacts upon amenities of surrounding occupiers and the courtyard amenity space.

The reduction in the proposed building height is considered to address the concerns within the refusal about detrimental impacts upon the setting of the listed Prudential House building and the City Centre Conservation Area. The building will not be apparent within the key views of the Prudential Building, and the reduced height is considered to ensure that the proposal will be of appropriate scale within the block and avoid negative impacts upon the character of the conservation area.

The building will be evidently of a high-quality contemporary design which, following amendments, is considered to complement the character of the street scene and the conservation area. It will also transition appropriately to its neighbouring buildings. Overall, it is considered that the proposal will not have harmful impacts to the designated heritage assets. As such, there is no requirement to balance any harmful impacts against the public benefits, even though the public benefits have been highlighted earlier in the report.

Overall, the proposal is considered to comply with the relevant local and national planning policies when considered as a whole. It is therefore recommended that planning permission is granted subject to the listed conditions.

Case Number	22/00491/OUT (Formerly PP-11008817)
Application Type	Outline Planning Application
Proposal	Outline planning application (all matters reserved except for access) for the partial demolition of the western gable of former farmhouse, retention of 2-storey barn, demolition of single-storey ancillary buildings, erection of up to 41 dwellinghouses, formation of vehicular access point and provision of open space and landscape buffer (Resubmission of application 19/03890/OUT)
Location	9 - 11 Wood Royd Road Sheffield S36 2TA
Date Received	08/02/2022
Team	North
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally Subject to Legal Agreement

Time Limit for Commencement of Development

1. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (matters reserved by this permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

2. The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

3. Application for approval in respect of any matter reserved by this permission must be made 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)

4. The development shall be carried out broadly in accordance with the following documents and plans:-

- Location Plan (Drawing No. D01)
- Indicative Layout (Drawing No. 19-004-10 Revision G)
- Proposed Elevation to Wood Royd Road (Drawing No. 19/004/032 Revision B)
- Site Plan at Site Entrance (Drawing 19/007/030 Revision A)
- Site Profiles (Drawing No. 19/004/021 Revision B) published 31/08/2020
- Heritage Impact Assessment (Reference No. 22-006 - dated January 2022)
- Flood Risk Assessment and Drainage Strategy - dated 01/11/2019
- Addendum - Flood Risk Assessment and Drainage Strategy
- BIA Proposals Map (Reference No. RSE_3079_BIA_2 Rev V1)
- Preliminary Ecological Appraisal (Reference RSE_3079_R2_V1_PEAR) - dated November 2021
- Nocturnal Bat Surveys (Reference RSE_3079F)
- Landscape/Townscape Visual Appraisal prepared by FPCR Environmental and Design Ltd - dated February 2022
- Geophysical Survey Report prepared by Locus Consulting - July 2022

Reason: In order to define the permission.

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

5. Before implementing each phase of development approved by this planning permission, no development shall commence until such time as a scheme to identify and protect Clough Dike Culvert has been submitted to, and approved in writing by, the Local Planning Authority.

A survey to correctly identify the path of the Clough Dike culvert should be undertaken, to ensure that an adequate buffer zone can be maintained between the culvert and the development. This is to ensure no damage is caused to the culvert during construction and that there is no increase in load, both horizontally and vertically, upon the culvert. This will ensure adequate access is maintained should the culvert require repair or replacement.

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

6. No development shall commence until detailed proposals for surface water disposal, including calculations have been submitted to and approved in writing by the Local Planning Authority. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of QBar based on the area of the development. An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site.

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

7. No development shall commence until details of measures to facilitate the provision of gigabit-capable full fibre broadband within the development, including a timescale for implementation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/timetable thereafter.

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

8. No development shall commence until further intrusive site investigations have been undertaken to establish the exact coal mining legacy issues on the site and a report explaining the findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include the submission of a layout plan which identifies the exact location of mine entry 428398-038, including grid coordinates (if found present within the site), and the calculated zone of influence (no-build zone) around the mine shaft. In the event that site investigations confirm the need for remedial works, details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

9. Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any remedial works will have been completed to the satisfaction of the Local Planning Authority prior to full occupation of the development.

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

10. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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

11. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

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

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

13. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

14. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

15. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

16. Prior to the commencement of development, a Landscape and Biodiversity Enhancement Master Plan shall be submitted to and approved in writing by the Local Planning Authority. The content of the Plan shall include:

- An assessment of baseline conditions set out in the Preliminary Ecological Report (RammSanderson November 2021, RSE_3079_R2_V1_PEAR) and Nocturnal Bat Surveys (RammSanderson -19 July 2022 RSE_3079F) shall be carried out to establish if there have been any changes in the presence and/or abundance of protected species and identify any likely new ecological impacts.

- Where the survey results indicate that changes have occurred that will result in ecological impacts not previously considered as part of this outline application, the originally approved ecological mitigation measures shall be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

- Aftercare and long-term management and maintenance of ecological features including an appropriate monitoring strategy.

- Biodiversity Net Gain calculations using the DEFRA 2.0 metric.

- Lighting Strategy

- Provision and specification of bird nesting and bat roosts (boxes) opportunities within/adjoining the site.

Works shall then be carried out in accordance with the revised approved ecological mitigation measures and timetable.

Reason: To ensure the ecological interests of the site are maintained and that the habitat creation on site and subsequent management measures are sufficient to deliver a net gain in biodiversity as required by the NPPF paragraph 170.

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

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

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

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

a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the highway improvement works in advance of the development being brought into use.

Highways Improvements:

- Construction of new priority junction and footways to serve the development site, broadly in accordance with the submitted drawings.

- Provision of pedestrian dropped kerbs with tactile paving on Wood Royd Road, Armitage Road and the new priority junction.
- Promotion of a Traffic Regulation Order (waiting restrictions) in the vicinity of the development site, subject to the usual procedures, including the provision of any associated lining/signing.
- Any accommodation works to statutory undertaker's equipment, traffic signs, road markings, lighting columns, highway drainage and general street furniture necessary as a consequence of the development.

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

19. Prior to the submission of any reserved matters application, an archaeological evaluation of the application area and archaeological building record of the historic structures at the site will be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority. Drawing upon the results of the field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ shall be submitted to and approved in writing by the Local Planning Authority and then implemented.

Reason: To ensure that a record made of historic structures prior to loss/demolition, and that the site is archaeologically evaluated, in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters.

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

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

21. No building or other obstruction including landscape features shall be located over or within 4 (four) metres either side of the centre line of the public sewer i.e. a protected strip width of 8 (eight) metres that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

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

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

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

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

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

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

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

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

a) Be based on the findings of a noise report by a qualified noise consultant.

b) Be capable of achieving the following noise levels:

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

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

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

Bedrooms:

LAFmax - 45dB (2300 to 0700 hours).

c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

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

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

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

27. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage

28. Before the dwellinghouses are brought into use, Validation Testing of the sound insulation and/or attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

a) Be carried out in accordance with an approved method statement.

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

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

Other Compliance Conditions

29. Surface water discharge from the completed development site shall be

restricted to a maximum flow rate of 5.6 litres per second for the site of 2.32 hectares, equivalent to 2.4 litres per second per hectare

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

30. No buildings/structures shall be erected within 35m of the Clough Dike culvert watercourse.

Reason: To ensure no obstruction and maintenance access.

Attention is Drawn to the Following Directives:

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

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

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

Bond of Surety required as part of the S278 Agreement.

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

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

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

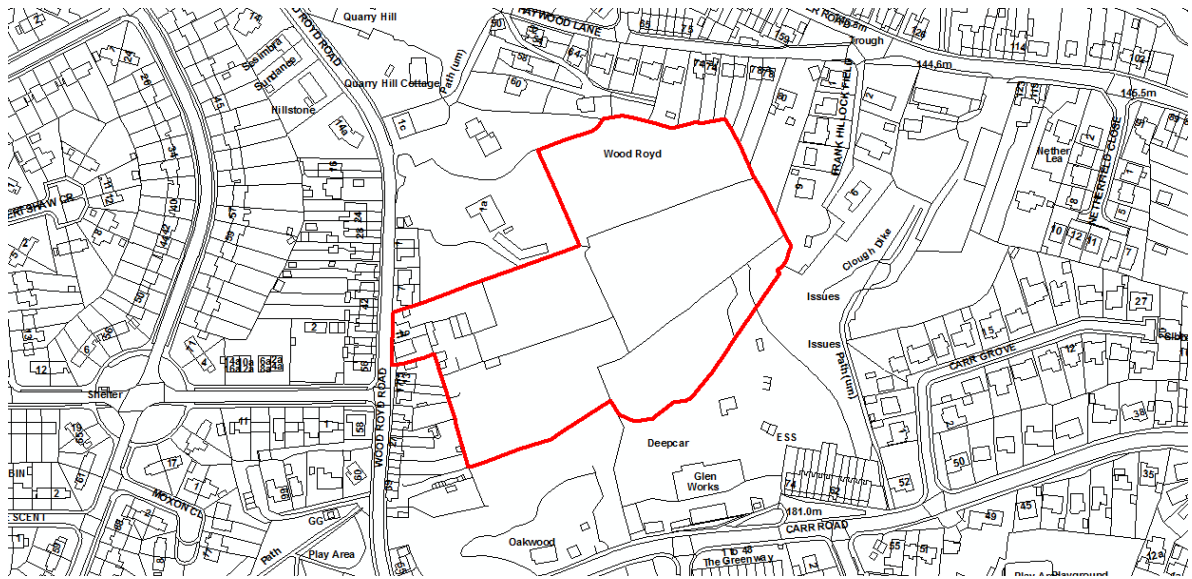
3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677
Email: highways@sheffield.gov.uk

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

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

Site Location



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INTRODUCTION

This application relates to Wood Royd Farm in Deepcar. An outline application to erect up to 41 dwellinghouses on this site was refused in February 2021 at the Planning and Highways Committee, under reference No. 19/03890/OUT. It was refused for the following three reasons:

- 1) The Local Planning Authority consider that the proposed development would result in substantial harm to the significance of a non-designated heritage asset as a result of its partial demolition and the development of the associated open pastoral fields, which will also harm the visual amenities and character of the wider area. As such the proposed development is considered to be contrary to paragraph 127 (c) of the National Planning Policy Framework and policy LR5 (c, e and i) of the Unitary Development Plan.
- 2) The proposed development would involve the loss of open space which forms part of the Council's Network of Green Links. The Local Planning Authority considers that the development of the site would detract from its green and open character and cause serious ecological damage by failing to contribute to and enhance the natural and local environment through the loss of land that is considered to be of high biodiversity value and recognised for its intrinsic landscape character. As such the proposed development is considered to be contrary to paragraph 170 of the National Planning Policy Framework, Policies GE10 and GE11 of the Unitary Development Plan and Policies CS73 and CS74 of the Core Strategy.
- 3) The Local Planning Authority consider that the additional vehicular traffic generated by the development would be detrimental to the safety of pedestrians and to the free and safe flow of traffic on Wood Royd Road by reason of the prevailing conditions of the existing highway network in terms of traffic flow, the limited width and lack of footway provision along part of Wood Royd Road, and the narrowing of the carriageway from on-street parking along its length. As such the development would be contrary to Unitary Development Plan Policy H14 (d) and government policy contained in the National Planning Policy Framework (NPPF) at Paragraphs 108 and 109.

SITE LOCATION

Wood Royd Farm is situated to the east of Wood Royd Road and is made up of a former farmstead that dates from the late 18th century and the adjoining agricultural fields. The site includes a farmhouse, a two-storey stone barn and associated single storey outbuildings that include two 'nissen' style huts (half-cylindrical with a skin of corrugated iron). To the east of the farmstead are 5 individual fields that are divided up by low drystone walling. The site contains few trees, largely around the perimeter, and the five grassland compartments comprise of poor semi-improved and neutral grassland.

The application site is situated within both a designated Housing Area and an Open Space Area as set out on the Sheffield Unitary Development Plan Proposals Map. The Housing Area occupies the western section of the site towards Wood Royd Road and covers approximately 9,200 square metres (40%) of the total site area, the remaining area of approximately 14,000 square metres being an Open Space Area (60%).

The site also lies within The Coal Authority High Risk Development Area associated with former mining activities.

The site covers an area of approximately 2.35 hectares, the majority of which is open pasture. The land extends back from Wood Royd Road for about 220m. The site's front section to Wood Royd Road, which contains the farm buildings, is relatively level. Beyond this the land falls quite steeply away to the north, east and south. Due to the topography of the site, the lowest section of the site (AOD 172.69) is about 17.5m below the ground levels to Wood Royd Road (AOD 200.5).

Access into the site is taken from Wood Royd Road, to the southern side of the farmhouse.

The site is bounded by residential properties to its north, east and west, including either side of the farmhouse fronting onto Wood Royd Road. Beyond the site's northern field are detached and terraced dwellinghouses, some of which front onto Haywood Lane, and to its north-east is a small group of houses that front onto Haywood Lane and Frank Hillock Field.

A dense woodland belt (Fox Glen Wood Local Wildlife Site) and further residential development lies to the south and south-east of the site, beyond which is an open storage commercial business (Glen Works) and a large detached dwellinghouse that take their access from Carr Road.

PROPOSAL

Outline planning permission is being sought to erect up to 41 dwellinghouses on this site. All matters are reserved except for access.

This application is largely a resubmission of refused planning application No. 19/03890/OUT, but it is supported by additional information and proposed changes to the site entrance in order to address the previous reasons for refusal.

As before, the proposal includes the demolition of the front section of the farmhouse to Wood Royd Road and the retention of the site's attached stone barn and the demolition of the single storey ancillary buildings.

Any subsequent proposal to alter or change the use of the barn would be subject to separate full planning application at a later date.

RELEVANT PLANNING HISTORY

19/03890/OUT Outline planning application (all matters reserved except for

access) for the partial demolition of dwellinghouse, retention of 2-storey stone barn, demolition of single-storey ancillary buildings, erection of up to 41 dwellinghouses, formation of vehicular access point and provision of open space and landscape buffer (Amended description) – Refused 25 February 2021

SUMMARY OF REPRESENTATIONS

Five site notices were posted within the vicinity of the site. The application was also advertised in the Sheffield Telegraph on the 3 March 2022.

81 letters of objections have been received in response to this application. Some of the representations received have come from the same household, and a number have written in more than once.

Representations have also been received from Stockbridge Town Council and Local Councillors Lewis Chinchen and Julie Grocutt and Sheffield and Rotherham Wildlife Trust (SRWT).

Highway Issues

- Since the last applications, the completion of infill housing on Haywood Lane has made the junctions of Heywood Lane, Wood Royd and New Street almost impossible to use at certain periods due to parked cars. This problem will only increase with applications for further infill on Heywood Lane.
- The current infill development on Heywood Lane will undoubtedly lead to an increase of parked cars at the bottom of Wood Royd/Haywood Lane. In effect, Wood Royd Road has become a single lane road due to parked cars and a junction into an estate at the proposed location would make the road extremely hazardous, especially considering the limited views up and down the hill to road users and person exiting the estate.
- The main concern is the poor access and the lack of footway along Wood Royd Road.
- When using the junction at Armitage Road to Wood Royd there is a blind spot when looking left due to parked cars and traffic.
- The junction of an access road onto Wood Royd Road would have to be immediately adjacent to a row of cottages (Rock Row) fronting directly on to the road, so any vehicle waiting to join traffic from the access side road would not be able to see traffic approaching along Wood Royd Road from its Carr Road end. Exit from the proposed site would be 'blind'. This problem is compounded by the exit being extremely close to the junction with Armitage Road, which already has significant problems with its narrowness and necessarily on-street parking by Rock Row residents. It's a constant problem for drivers, who regularly have to pause or back up, and is a particularly difficult section of the 57 / S11/SL1a bus route.
- The development would compound congestion in the area. A development off Wood Royd Lane (as with any up the hill served by Carr Road, such as the Hollin Busk proposal) would add still further to congestion on Carr Road,

which is a main bus route for all buses serving Deepcar / Stocksbridge: the 57, SL1, SL1a & 23. At the foot of Carr Road, buses often have to wait minutes to join the main route out to Sheffield (Manchester Road). There is still the impact of congestion and gridlock of Wood Royd, Armitage Road and Carr Road, even more so during peak time. Vulnerable groups will be at a higher risk of being affected on our already congested roads. These include young children who use Fox Glen Park and those in attendance at local schools such as Royd Infant and Deepcar Junior School.

- The proposed crossing, with tactile paving and bollards do not make this part of the road any safer. Pedestrians, drivers and cyclists and will still need to negotiate traffic. Extra vehicles (of future residents) will only exacerbate these problems.
- The site is close to the children's playground and infant / junior school so there will be increased safety issues for children crossing the road as outlined by other resident comments.
- The majority of any new residents from the proposed site would be making car journeys to reach the local shops in Stocksbridge not on sustainable modes of transport. The terrain of the site and existing routes are simply too steep for the average person/family. This would mean a significant increase in traffic up and down Wood Royd Road and also impact on surrounding streets.
- The development relies on land that belongs to No. 15 Wood Royd Road in order to achieve the required visibility splays.
- The new proposal makes a minor amendment to the vehicular exit in an effort to improve visibility, but makes no claims on how it seeks to improve or how it impacts the situation on Wood Royd Road itself or the surrounding areas.
- Concerns are for pedestrian safety on this narrow road with parked cars running down the whole of one side. This makes it difficult for cars in both directions finding space to pull in. The new proposed entrance to the site is not very far from the original one thus still making it dangerous to see what is coming up or down Wood Royd Road both for pedestrians and vehicles.
- Wood Royd Road is already over used, with at least four buses an hour and heavy traffic. The road cannot support more traffic. The development would potentially mean up to another 80 cars per day (2 cars per house), which will increase vehicles traffic to intolerable levels.
- The development now involves proposing dropping some kerbs, making a crossing point and putting posts in near the proposed new junction. This will severely limit residents parking their cars. Dropping the kerb is really not going to help with children's safety.
- The development could restrict access for emergency vehicles with vehicles being parked around the access road.
- Wood Royd Road does not support 2-way traffic at the narrow point when cars are parked up.
- This together with approved plans for 50 houses on Carr Road would cause further traffic hazards.
- Creating a new junction onto Wood Royd Road would be hazardous.
- The upper part of the road has only one footpath and the majority of residents having road parking. It is a blind hill with cars having to reserve up

the road for several hundred yards to allow cars coming up to pass throughout the day.

- Additional pollution from increased traffic.

Heritage Issues

- Object to the partial demolition of one of the oldest buildings in the area. The Farmhouse is an historical building which will be demolished for the access point and entrance to the estate.
- The development would result in substantial harm to the significance of a non- designated heritage asset.
- The proposed development would result in damage to a traditional linear farmstead and loss of locally characteristic dry-stone walling and field systems; further erosion of Deepcar's heritage of mixed agricultural, mining and early modern industrial land usage.
- Wood Royd green fields are ancient agricultural fields belonging to Wood Royd Farm which is one of the original farms that are situated along the spring lines of the valley sides and that farmed the hillside meadows. This application retains the farmhouse but removes its gable end, to provide road access. This part demolition still constitutes damage to a visible heritage asset. Building houses on its associated green fields causes significant harm to its natural setting. Local heritage should be protected.

Housing Land Supply

- The new proposal also continues to refer to a lack of a 5 year plan for available land, but the council can provide at least 4 years, thus, there is no immediate pressure to utilise greenfield sites. The committee should take this into account and not rush through developments based on the commercial interests of the applicants.
- The emerging Sheffield local plan identifies that the city is meeting its current supply for housing, therefore this area, which is designated as green space, is not required to meet demand. The plan also calls for the majority of housing to be delivered on brownfield sites, closer to the city.
- There is little or no demand for yet more additional houses within the village. Demand is from city dwellers looking for the substantially lower house prices given the ten-mile commute to Sheffield. This demand should be met by much more building on brownfield sites within Sheffield city itself, of which there is an ample supply. This itself would serve to lower Sheffield house prices by improving the demand-supply equation. This of course also would fit with the need to radically reduce commute distance, reducing the congestion and pollution this causes, through not only less mileage but also increased public transport use, given there is less utility of car ownership in city living.

Design/Landscape Character

- While the application includes a Landscape Assessment report, this should be questioned over its impartiality. The report seems to ignore one of the most important viewpoints of the general public, the Fox Valley access road.

The report also appears to play down the importance of the pastoral field to the context of the farm buildings and its contribution to breaking up the built-up nature of the area.

- The development would have a considerable impact on the feel, setting and amenity of Deepcar. The farm and its green space is vital to the setting and ambience of Deepcar, and an important historical link to its history as a rural community, dominated by small farming units.
- The application contains no LVIA, however, this scheme will have a major impact on the Deepcar area. At present, this open space maintains the semi-rural character of Deepcar, especially when viewed from Haywood Lane, Manchester Road area. It also forms an important buffer in the urban character of the area when viewed from the Stocksbridge bypass area.
- The loss of open space would result in over-development and harm the character of the local area.
- The impact to the environment will be irreversible. The site is one of the last remaining green spaces in the immediate vicinity.
- This has always been original farming land which has never been built on before apart from one building and is the last green space left in Deepcar.

Infrastructure/Services

- Additional pressure on local infrastructure. The schools, GP surgeries and dentists in the area struggle to cope currently. The provision of additional housing on top of houses already approved in the surrounding area including at Hollin Busk will place further strain on services which are already stretched.
- The past few years have seen lots of large housing developments in this area but with no additional public facilities. Schools, Doctors, Dentists etc are already under severe pressure. It is not possible to continue to add to the resident numbers without increases in public facilities.

Ecology Issues

- Loss of biodiversity and natural habitats for birds, badgers, foxes and hedgehogs
- Bats have roosts in the outbuildings.
- The development will result in the loss of flora and fauna.
- The land plays an important role in maintaining biodiversity in the area.
- The development would result in the destruction of a vital Green corridor link which currently runs down the hillsides from Bolsterstone through Hollin Busk, Fox Glen and down to Clough Dike. The Wood Royd development would destroy this vital green corridor link forever.

Residential Amenity Issues

- The construction of the houses would cause a lot of dust and noise over a long period of time, involving heavy machinery and deliveries entering and exiting the site at the top of Wood Royd Road.
- Overlooking and light glare.

- Increase in noise pollution.
- During Autumn and Winter months, we already suffer from restricted day light as the affected part of Haywood Lane is below the skyline so building elevated houses and proposed planting of more trees to the existing ones will add to this considerably as the sun and light disappears behind the hillside.

Flooding/Drainage Issues

- To say that the area is of low risk to flooding is inaccurate. The site on the Council's website shows the site as a medium risk.
- There are major drainage works along Wood Royd Road owing to a broken culvert. The road is under continuous threat from flooding.
- Building more houses will only add to further and more extensive flooding only of already established properties.
- The development of the green fields will only add to the flooding issues in the area.
- The issue of flooding is only going to get worse in the future. The development is likely to pose a risk of flooding of the new properties based on the fact that they are situated in the run-off area from the culvert should it overflow again.
- Wood Royd Road has suffered from extreme flooding in the past two years from Fox Glen.
- In heavy rain the fields near Hollin Busk are saturated with rain water and naturally run into Clough Dike, causing flooding.
- The fields provide a soak away for normal rainfall. Building roads and 41 houses on the site would have an impact on potential flooding.
- The applicant proposes to manage flooding by installing SUDS initiatives, ponds and pumps. SUDS initiatives are not designed to capture fast flowing water, especially on a hillside. To be effective, the size of the ponds would have to be considerable to contain the volume of water flowing across 1.5 hectares of hard surfaces. These ponds would present a permanent risk of the ponds being breached or overtopped and spilling onto the dwellings downhill of the proposed development. Forming ponds on steep hillsides would require building large bunds (dams) along the downhill (low) side of the ponds. The proposed pumping station will have to pump both surface water and sewerage up to the drains in Wood Royd Road, a height of around 40 metres.
- The forming of a wider entrance to the proposed development will divert more surface water from Wood Royd Road, Armitage Road and the new Hollin Busk development onto the new development.
The combination of increased surface water flow from Wood Royd Road, Armitage Road and the new Hollin Busk development plus the new development's roads, roofs, footpaths, driveways, hard landscaping and the slope of the hillside will act as a funnel collecting surface water and directing it towards the dwellings on Haywood Lane and Frank Hillock Field presenting an increased flood risk to those dwellings.

Loss of Open Space

- The lack of an up-to-date local plan is not a reason to allow development on designated green space. There has been a considerable amount of housing land brought forward in the Deepcar/Stocksbridge area without the need to allow development on undesignated housing land/green space.
- Open green spaces should be retained.
- The Council has adopted a policy of ‘green corridors’ with inter-connecting green links. One of these links is the subject of this application, which runs up the hillside and separates Deepcar from Stocksbridge. The application seeks to destroy this green separation and continue urban sprawl across the hillside.
- Local people value the green nature of the area with open views across the hillside and access to open countryside for walking and recreation.
- There are many more appropriate brownfield sites that need to be used first.

Other/Miscellaneous Issues

- The site has been proven to be not appropriate, and a virtually identical application was refused by the Planning and Highways Committee on 25-02-2021. As the resubmitted application has not adequately addressed the reasons for refusal, and as the application is still for an inappropriate development in an inappropriate location, it would be expected that permission should again be refused. There are more than three valid grounds for refusal, so it would be appreciated if the refusal this time could be made more robust.
- Since this application was last rejected, there have not been any fundamental changes that would allow it to be re-submitted.
- Sheffield City Council should maintain its stance on brownfield development first, and protect its image as the Green City. It should maintain a consistent approach and reject this re-application
- Would be more in favour of the development if the plans included bungalows and disabled friendly properties. None of the recent large applications that have been passed in the North of the city have any low level accommodation included. These kinds of dwellings are needed now more than ever.
- Land stability. The garden to No. 62 Haywood Lane has a small boundary with the development site with a drop of 6m with no retaining wall. Concerned about potential landslides as it appears that the wall is being held in place by the weight of the soil and tree/shrubs.
- The Coal Authority report of March 2022 states that the application site falls within the defined "Development High Risk Area" and highlights the risk of landslip if it is disturbed. The report goes on to mention the presence of shafts in addition to acknowledging that unofficial mining took place.

Non-Planning Issues

- Loss of views.

Stocksbridge Town Council objected to the application for the following reasons:

Highways access

The proposed development site is very close to the junction of Armitage Road with Wood Royd Road. The centreline of the proposed access is around 20m from the edge of Armitage Road, and the application justifies this close proximity by making reference to the junction spacing guidance in section B.3.1.2 of South Yorkshire Residential design guide. This guidance does not however stipulate that the distance should be measured from the centreline of the proposed and existing junctions; indeed, when measured from the edges of the existing and proposed junction the separation is actually around 9 metres.

Visibility at the access point to the proposed development is constrained due to the building lines of adjacent properties. We are informed by local residents that the development site – including work necessary to improve the poor visibility at the site entrance – encroaches onto land owned by adjacent property owners who are not involved in the promotion of the scheme, and indeed would have access to their property impaired should development go ahead. We are highly concerned at what seems to be such a basic error in a key component of the planning application, and are concerned about what implications this may have for the other reports constituting the application.

The transport statement says that cars climbing Wood Royd Road would see slow-moving cars exiting the site and therefore be able to react in time. Stocksbridge Town Council would argue that road safety is the responsibility of everyone, and does not believe that the sole onus of road collision avoidance should be placed on road users who are already negotiating a steep incline on a road with two-way traffic, restricted width due to numerous parked vehicles, and already having to anticipate the busy Armitage Road junction which is also utilised by public transport.

Flooding

The application site is currently undeveloped except for grazing purposes, and as such allows a certain degree of natural surface water permeation at this critical location between Fox Glen, which is known to flood frequently and severely during bad weather events, and Clough Dyke, which also floods to a considerable degree during such events. The development of this site would inevitably lead to a reduction in the natural permeability of the ground, and indeed an acceleration of the downhill flow of surface water toward Clough Dyke and, ultimately, the B6088 Manchester Road and the Little Don.

Ecological Considerations

The site is currently home to a plethora of wildlife including birds and bats, which rightly enjoy protection under planning and environmental regulations. No assessment has yet been made of the precise species count at this site, however it is known locally to have a wide variety. This site is also close to the willow tit habitat which was recently restored in an effort to increase the South Yorkshire population of this threatened species. The site is currently divided up into fields by

a number of dry-stone walls, which are known to provide a habitat for a variety of plant and animal species due to their ability to provide a range of temperatures, levels of light and degrees of water saturation in close proximity, as well as helping to provide a conduit along which wildlife can move from one area to another.

Traffic

Wood Royd Road is already a very busy road in comparison to its width, and feeds onto Carr Road, a major local road which is even busier, particularly at peak times. The applicant's own assessments concede that the development of this site would lead to a considerable increase in vehicle movements to and from the site. It is entirely likely that the majority of these vehicle movements would link to Carr Road in order to connect to the bypass and M1, as this connectivity is suggested as an argument to demonstrate the sustainability of the site by the applicant. This would however exacerbate the problems faced by local people at the congested junction of Carr Road and Manchester Road, near the Vaughton Hill traffic lights, which already cause significant tailbacks in all directions. Unfortunately, the applicant's traffic study was conducted at a time of the day when traffic was at or close to its minimum level.

Local Infrastructure

Local services such as schools, medical and dental services are full and will struggle to cope with the additional housing which has been built or for which permission has already been granted. The provision of an additional 41 houses will cause further strain on services which are already stretched.

Built Heritage and Historical Industry

The approval of this planning application would permit the partial demolition of a farmhouse which, although not listed by Historic England, predates an 1851 Ordnance Survey map of the local area, and has therefore been a fixed part of the local built heritage for at least 170 years. Stocksbridge Town Council has deep reservations about such a partial demolition, which would entirely transform the frontage of a building which has formed a point of constancy in the ever-changing streetscene of Stocksbridge. The official guidance for adding buildings to the List, from the Department of Culture, Media and Sport, states that most buildings from 1700-1850 which retain a significant proportion of their original fabric are likely to be considered to hold special interest, and therefore are worthy of consideration for inclusion on the List.

Very careful consideration must also be given to the stability of the application site, given the history of mine workings in this area. This not only potentially weakens the ability of the surface to bear weight, but also significantly complicates the consideration of issues such as underground drainage.

Conclusion

Stocksbridge Town Council would object strongly to this application on the basis of traffic levels, highways hazards, built heritage, historical industry, biodiversity

considerations, impact on local infrastructure and the increased likelihood and impact of pluvial flooding on-site and fluvial flooding off-site in the local area. We would also request that a decision on this application is made by the Planning and Highways Committee, given the history of the site and the fact that previous applications on the site have been decided by the Committee.

Councillor Lewis Chinchon objects to the development for the following reasons:

As a local City Councillor, I object to the outline planning application for the erection of up to 41 dwellings with access on Wood Royd Road (ref: 22/00491/OUT). A similar outline planning application was received in 2019 and subsequently rejected by the Sheffield Council Planning and Highways Committee. With only minor amendments being made, these new plans still fail to adhere to much of the National Planning Policy Framework ('the Framework').

The Framework supports sustainable development. The proposed development is not sustainable for the following reasons:

Access and Highway Safety

The houses on Wood Royd Road opposite the proposed vehicular access point do not have off-street parking. This means they regularly have to park on the road directly opposite the proposed access point. As a result, vehicles turning right out of the new development will be forced to pull out onto the wrong side of the road. With poor visibility and a blind summit nearby, this poses a significant highway safety risk.

Furthermore, Wood Royd Road is already challenging for motorists due to unavoidable on-street parking and its narrowness. Many vehicles have to reverse back to allow oncoming vehicles to pass. A new development with up to 41 dwellings would make this a more regular occurrence and be detrimental to the free and safe flow of traffic.

Vehicles pulling out of Armitage Road often have poor visibility due to parked cars on Wood Royd Road. The development's access point is very close to the Armitage Road/Wood Royd Road junction, which creates further risk for motorists.

I also have strong concerns about pedestrian safety. There is no footpath as you turn right, out of the proposed site. This means pedestrians will have to cross the road which is potentially dangerous given the lack of visibility and that cars may be driving on the wrong side of the road for the reasons outlined above. In addition, pedestrians crossing the other way to return to the development site will have restricted visibility when stepping out due to parked cars on Wood Royd Road. The crossing point, which simply consists of a dropped kerb and tactile paving, is unlikely to be a sufficient measure to mitigate the risk.

Issues around highway safety were a reason for the previous application being rejected. The new plans are broadly the same and the proposed crossing point does little to change the fact that Wood Royd Road is a difficult and narrow road for motorists and pedestrians to navigate. In accordance with Paragraph 111 of the

Framework, the impact on highway safety remains unacceptable.

Flood Risk

Wood Royd Road and roads nearby such as Haywood Lane are already at risk of flooding due to their location in relation to Clough Dyke and the natural downhill flow of water. In November 2019, 9 residential properties on Wood Royd Road were flooded.

The flood risk is therefore real and flood pumps are currently (March 2022) in place on Wood Royd Road due to recent heavy rainfall. The proposed development will exacerbate these issues as it will reduce permeability, thereby increasing surface water run-off with potential consequences for roads at the lower end of the hillside, such as Haywood Lane. The topography of the site makes the flood risk even more apparent. The Framework clearly states in Paragraph 159 that developing in areas where there is a flood risk should be avoided and that developments should not increase the flood risk elsewhere. The proposed plans fail this test.

Damage to the Natural and Local Environment

The ecological and environmental value of green space in built-up areas should not be understated, particularly as this site adjoins a Local Wildlife Site. Sufficient weight should be afforded to the fact that this is one of the few remaining predominately undeveloped sites in the local area.

Paragraph 174 of the Framework states that planning decisions should contribute to and enhance the natural and local environment. It should be noted that one of the reasons for the rejection of the previous outline planning application was that the development would cause serious ecological damage by failing to contribute to and enhance the natural and local environment. This is still the case with the revised plans.

Partial Demolition of a Candidate Non-Designated Heritage Asset

Wood Royd Farm, a candidate non-designated heritage asset, likely dates back to the 18th century, which makes it relatively rare. The plans propose partial demolition of the existing farmhouse. I have strong concerns about this. The rejection of the previous outline application listed this asset as one of the reasons for refusal. Developing the open fields will also harm the setting of the remaining part of Wood Royd Farm.

Mining History

Paragraph 184 of the Framework refers to land stability issues. There is a mining history in the area - consideration of the plans needs to take account of this.

Conclusion

Due to the aforementioned issues relating to highway safety, flooding, the environment and biodiversity, partial demolition of a historic asset and the mining

history, the adverse impacts of granting permission for this site significantly and demonstrably outweigh the benefits. It is not a sustainable development and outline planning permission should be refused.

Councillor Julie Grocutt has objected to the development for the following reasons: I objected to the application in 2019, and this resubmission has done nothing to change my mind about the unsuitability to build houses in this location for a wide variety of reasons set out below.

Flood Issues

As the local councillor I spend a great deal of my time dealing with flood issues in this area. The site is currently used by cattle, providing natural surface water permeation at this location between Fox Glen, which floods frequently and severely during bad weather, and Clough Dyke. This is such a problem that we have an agreement with Amey who have to regularly check this area for flooding in bad weather and often have to deploy pumps to ensure the flood water doesn't flood into houses on Wood Royd Road. The development of this site would cause a reduction in the natural permeability of the ground and accelerate the downhill flow of surface water toward Clough Dyke and Manchester Road and the Little Don river.

Ecology Issues

A wide variety of wildlife including protected bats and birds are to be found on the land subject to this application. It is concerning that the species on this site have not been assessed. A site for willow tits is also close to this site. The dry-stone walls which mark out the fields on this site provide access for the wildlife which inhabit them and also allow a number of plants to flourish in the walls. This will all be lost should the application be approved.

Highways Access

Entry to this proposed development is almost directly across from the junction of Armitage Road with Wood Royd Road. The centreline of the proposed access is roughly 20m from the edge of Armitage Road. The application justifies this proximity by making reference to the junction spacing guidance in section B.3.1.2 of South Yorkshire Residential design guide. This guidance does not however state the distance should be measured from the centreline of the proposed and existing junctions; indeed, when measured from the edges of the existing and proposed junction the separation is actually around 9 metres.

A local resident informs me that to deal with the poor visibility when entering/exiting the site the plans encroach onto his property, impairing access to his and other properties. There has been no consultation with this land owner and it is extremely worrying that the developer is submitting an application, using land they do not appear to have authority to use.

Road safety is the responsibility of all road users. This location is complicated by the pumps (as described above) that are often in Wood Royd Road just past the

junction with Armitage Road towards Carr Road, when needed to pump out the excessive flood water. There are barriers around the pumps. There is only a footpath on the playground side of the road. The shallow raised area on the opposite side of the road, I am told is the property of the houses and is not a footpath. It is too narrow to walk on safely and certainly not wide enough for a pram or wheelchair. Vehicles (including those belonging to the houses) regularly park with their wheels on this strip of land. These issues mean pedestrians frequently have to walk in the road. It is worth noting that this is the way children are walked from the nearby housing estate to the local schools and of course to use the playground.

The transport statement states that cars climbing Wood Royd Road would see slow-moving cars exiting the site and therefore be able to react in time. As someone who knows and use this road frequently, I can state this would not be the case due to the number of parked cars regularly on this road which add to the difficulty of driving on this road and obstruct the view. Add public transport into this mix, the gradient of the road, the developers acknowledgement that this development will lead to an increase in vehicular movements and this is indeed concerning road safety. Further we already have issues with congestion at Vaughn Hill, Manchester Road, Carr Road Junction, which will be exacerbated with the 400+ homes that are currently being built on this junction, we will have a real issue with transport movements.

Heritage Issues

This application seeks to demolish part of a farmhouse which predates 1851 and forms an important part of the local history of the area. Partial demolition would completely alter the look of this building altering the street scene which has been as is for 150 years.

Sheffield and Rotherham Wildlife Trust have made the following comments to the application:

- 1) Part of the site is allocated as open space. As this has not changed (it may do with the forthcoming Local Plan, either one way or the other) then my previous objection still stands on this basis.
- 2) Bat concerns – While initially objecting to the application due to lack of bat surveys, these surveys have now been carried out, which did not identify a roost within the buildings. While some concerns are still raised, SRWT do not have sufficient evidence to object to the scheme on this basis.

The other comments/recommendations (for conditions etc) previously highlighted still stand unless any of them have been addressed by the applicant. Comments are raised about whether the loss of grassland would be compensated for (BNG). A BNG assessment was subsequently carried out which does show a 10%+ gain, although there is a small loss of grassland and scrubland (0.37 units), which needs to be assessed by SCC Ecology.

Other risks include construction impacts on areas of grass that would be retained and enhanced potentially not being factored in, and the potential condition of the

habitats may still be overestimated. A good Biodiversity Management and Monitoring plan is really key for achieving what they say they are going to do. This can be conditioned.

PLANNING ASSESSMENT

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

The Council's development plan comprises the Core Strategy (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 published in 2018 and revised in February 2019 (the NPPF) is also a material consideration.

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

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

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

Paragraph 219 of the NPPF 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.

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

determining the application will automatically be considered to be out of date.

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

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

The proposal involves the erection of up to 41 dwellinghouses (Use Class C3). In this instance, there are no protected areas or assets of particular importance as described in footnote 7 of paragraph 11, (such as Conservation Areas, listed buildings or Green Belt) within the boundary of the application site. The NPPF does, however, emphasise the importance of the delivery of housing, and that importance is heightened with the tilted balance engaged in the delivery of housing. As such, Members are advised that the most relevant policies in respect of this application should be viewed to be out of date in line with paragraph 11 (d) of the NPPF, and unless there are adverse impacts that would significantly and demonstrably outweigh the benefits of the development, planning permission should be approved.

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

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

- The Principle of Development – Policy and Land Use
- Highway Issues
- Design
- Landscape Character and Ecology and Biodiversity Issues
- Heritage and Archaeology Issues
- Flooding/Drainage Issues
- Effect on the Residential Amenity of Neighbouring Properties
- Ground Conditions and Coal Mining Legacy
- Affordable Housing
- Sustainability Issues
- Community Infrastructure Levy (CIL)
- Other Issues

The Principle of Development – Policy and Land Use

The application site covers two land use designations, the upper western section of the site (approximately 40%) is situated within a Housing Area and the lower eastern section (approximately 60%) is situated within an Open Space Area as set out on the UDP Proposals Maps.

The application site would not fall within the definition of previously developed land and would be classed as a greenfield site as the definition of previously developed land in the glossary to the NPPF excludes land that is or was last occupied by agricultural buildings.

The Housing Area

In Housing Areas, housing (Use Class C3) is listed as the preferred use of land under UDP Policy H10. The supporting text to this policy states that housing is preferred in existing Housing Areas because these areas generally provide adequate living conditions, and as new housing needs a large amount of land, the release of sites in Housing Areas would reduce demand for building on greenfield sites and open spaces in the built-up area.

UDP Policy H14 sets out conditions that developments in Housing Areas are expected to meet. These include at part a), that new buildings are well designed and would be in scale and character with neighbouring buildings, at part c) the site would not be over-developed or deprive residents of light or privacy, and at part d), it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

UDP Policy H15 relates to the design of new housing developments. This policy amongst other things states that new housing will be expected to provide easy access to homes and circulation around the site for people with disabilities, provide adequate private gardens or communal open space to ensure that basic standards of daylight, privacy and outlook are met for all residents.

The application should also be assessed against Core Strategy Policies CS23, CS24, CS26 and CS33.

Policy CS23 sets out locations for new housing and says that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. In the period between 2008/09 to 2020/21, the main focus will be on suitable, sustainably located sites within, or adjoining the main urban areas of Sheffield and the urban area of Stocksbridge/Deepcar.

Notwithstanding the site's Open Space designation in the UDP, the application site is located within the urban area of Deepcar and use of the designated Housing Area for housing would comply with Policy CS23.

Policy CS24 states that priority will be given to the development of previously

developed sites and that no more than 12% of dwelling completions will be on greenfield sites between 2004/05 and 2025/26.

Policies CS23 and CS24 are considered to be broadly consistent with government policy contained in the NPPF, where it states in paragraph 119 that policies should set out a strategy for meeting need in such a way that 'makes as much use as possible of previously-developed or brownfield land.' However, while the NPPF actively promotes the reuse of brownfield land, it does not specifically advocate a 'brownfield first' approach. The NPPF details at paragraph 120 that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. Also relevant is paragraph 73 of the NPPF, which states that supply of large number of new homes can often be best achieved through significant extensions to existing villages and towns, provided that they are well located and designed, and supported by the necessary infrastructure and facilities.

The Council's latest figures show that of all housing completions, over 95% have been on previously developed sites. The proposal to erect 41 dwellinghouses across the site would therefore comply with this policy.

Policy CS26 seeks the efficient use of housing land and sets out density ranges that new housing developments should achieve. The density ranges are based on a range of factors but primarily based on the site's proximity to services and public transport. The policy does allow development outside the specified ranges set out within the policy, but only where they achieve good design, reflect the character of an area or protect a sensitive site. The site is located in an area where a density in the order of 30 to 50 dwellinghouses per hectare should be achieved.

Policy CS26 is broadly consistent with government guidance contained in the NPPF where, at paragraph 124, it promotes the efficient use of land subject to the consideration of a variety of factors including housing need, availability of infrastructure and sustainable travel modes, desirability of maintaining the areas prevailing character and setting, promoting regeneration and the importance of securing well designed and attractive places; and where, at paragraph 125 (b) it states that it may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range.

The proposed development of 41 dwellinghouses on this 2.35 hectare site equates to a density of approximately 17.4 dwellinghouses per hectare, which would fall below the desired density range set out in Policy CS26. However, as a large proportion of the site would remain undeveloped due to the physical constraints and sloping topography of the site, as well as the requirement to provide a 15m wide buffer between the development and the adjoining Local Wildlife Site (LWS), it is considered reasonable to expect a lower density better reflecting the character and limitations of the area. It is considered therefore that the development would not conflict with Policy CS26.

Policy CS33 relates to jobs and housing in Stocksbridge/Deepcar. It states that new housing in these areas will be limited to previously developed land within the

urban area. The development of this greenfield site for housing would therefore be contrary to this policy. However, like CS24, this policy is only broadly consistent with the NPPF and is arguably too restrictive in its aims. While the NPPF actively promotes the reuse of brownfield land, it does not specifically advocate a 'brownfield first' approach and it does not exclude the development of greenfield sites. In this regard Policy CS33 has to be given less weight.

In relation to the part of the development site that is located entirely within the Housing Area therefore, it is considered that there are no substantive policy objections against the erection of new housing. As previously stated, the Council is currently achieving over 95% of all housing completions on previously developed sites, and so the proposal would not conflict with Core Strategy Policy CS24. It is considered that the proposed density range does not conflict with Policy CS26, given local circumstances, and it is also considered that, while the development conflicts with Policy CS33 in relation to new housing being limited to previously developed land within the urban area, CS33 carries reduced weight in the planning balance as described above.

As such, the principle of developing the western part of the site for housing is considered to be acceptable. -

The Open Space Area

The majority of the application site (approximately 60%) is situated on land that is designated an Open Space Area. The land is currently in agricultural use and is primarily used for grazing.

The relevant development plan policies are UDP Policies GE7, LR5, and LR8, and Core Strategy Policies CS47 and CS72.

UDP Policy GE7 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 NPPF (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 NPPF 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 Policy GE7 is reduced as a result of the much more flexible approach advocated by the NPPF.

The vast majority of the site is pastoral fields for the grazing of sheep. While the development would remove the land from agricultural use, given the location of the site, which is surrounded by development on three sides, it is not considered that the retention of the land for agricultural use can be justified. The applicant has confirmed that the land no longer forms part of any operational agricultural unit and

has not been commercially farmed from the site and existing buildings for at least two generations. The outbuildings on site are not in agricultural use and the barn is being used for domestic storage purposes only. The land is occasionally used by a friend of the applicant to graze sheep, not for financial gain or remuneration, but as a favour and to maintain the appearance of the site. The economic impact of the loss of the site is therefore low and to an extent counterbalanced by the economic benefits derived from the proposed development. 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 NPPF seeks to protect.

UDP Policy LR5 relates to development in Open Space Areas and lists a number of criteria where development will not be permitted. These include, where the development would:

- cause damage to mature or ancient woodland or result in a significant loss of mature trees;
- significantly detract from the green and open character of the Green Network;
- make an open space ineffective as an environmental buffer;
- result in over-development or harm the character of an area;
- harm the rural character of a wedge of open countryside;
- the proposed use would be incompatible with the surrounding land uses.

Open space is defined within the UDP as ‘a wide range of public and private areas’. This includes parks, public and private sports grounds, school playing fields, children’s playgrounds, woodland, allotments, golf courses, cemeteries and crematoria, nature conservation sites, other informal areas of green space and recreational open space outside the confines of the urban area. On the Proposals Map, areas over 0.4 hectares are normally defined as Open Space Areas or are included in the Green Belt.

The application site comprises of privately owned grassed fields that have been historically linked to the adjoining farmstead. It is used as grazing land and is not accessible to the public. The site’s value to the local community is the visual amenity afforded by its open character and appearance from public vantage points located outside the site, along with views from private residential properties. As the site has no public access, the visual amenity afforded by its open character can only relate to views over it from surrounding vantage points.

With regards to the consistency of policy LR5 with the NPPF, the key issue to consider is whether an area of inaccessible land, allocated as open space but valued only for its visual amenity from public vantage points outside the site, falls within the definition of open space in the NPPF annexe. The second issue leading from this is whether NPPF paragraphs 98 and 99 apply, which relate to open space and recreation.

The NPPF annexe defines open space as: ‘All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act

as a visual amenity'. The use of the word 'and' indicates that the site has to offer an important opportunity for sport and recreation and if it does, it can also make a contribution to visual amenity i.e. visual amenity itself is not a reason for it being classed as open space. The site has no public access and does not provide any opportunities for sport or recreation.

The site's value to the local community is the visual amenity afforded by its open character and appearance from public vantage points located outside the site, along with views from private residential properties. Visual amenity is not a standalone function of open space as per the NPPF annexe definition and NPPF paragraphs 98 and 99 which relate to open space cannot apply to land valued only for visual amenity.

Furthermore, NPPF paragraph 98 cannot apply to land primarily safeguarded for its visual amenity because open space protected for its visual amenity could never be deemed surplus to requirement (NPPF paragraph 99a) or be replaced by equivalent or better provision (NPPF paragraph 99b). Therefore, the protection of land for visual amenity alone is not consistent with the open space policies of the NPPF.

On this basis, it is considered that UDP Policy LR5 goes beyond the requirements of the NPPF and any element of it relating to the protection of open space for visual amenity alone is not consistent with the NPPF and can only carry limited weight.

As Policy LR5 forms part of the statutory Development Plan, the application is still assessed against its criteria below but within the context that this policy can only be given limited weight in the decision making process.

While the proposal involves the loss of open fields, it is not considered that it would conflict with the broad list of conditions in Policy LR5 which restricts development in open space areas. The development would not cause damage to mature or ancient woodland or result in a significant loss of mature trees across the site. The development would not cause damage to a nature conservation site, with the indicative plan incorporating a buffer (minimum distance of 15m) between the site and the adjacent local wildlife site. The site is not of such quality that it is of city-wide importance and it would not be overdeveloped, as the built form including gardens and roads represents about 60% of the total site area, with the remaining area laid as a central open green space, wooded margin and buffer zone. Moreover, owing to its location within the built-up area of Deepcar, the development would not harm the rural character of a wedge of open countryside.

UDP Policy LR8 relates to development in local open spaces and details that development will not be permitted, where it would involve the loss of recreation space which: i) serves a Housing Area and where provision is at or below the minimum guidelines; ii) is in an area where residents do not have easy access to a Community park; or iii) provides a well-used or high quality facility for people living or working in the area.

Policy LR8 is not considered to be applicable with respect to this application since

this policy relates to the loss of recreation space. The site is not used for recreational or leisure purposes, but instead is in use for the grazing of animals for agriculture.

Core Strategy Policy CS47 seeks to safeguard open space by restricting development in instances where there would: a) be a quantitative shortage of either informal or formal open space in the local area; b) it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value; c) it would deny people in the local area easy or safe access to a local park or to small informal open space that is valued or well used by people living or working in the local area; or d) it would cause a break in the city's Green Network.

As Policy CS47 relates to specifically to the 'Safeguarding of Open Space', and the application site does not fit into any of the formal or informal categories of open space defined in paragraph 9.26 of the Core Strategy (outdoor sports facilities, parks, accessible green spaces and countryside and areas for informal recreation etc), Policy CS47 cannot therefore apply to the application and the scheme cannot be assessed against it.

Core Strategy Policy CS72 relates to protecting countryside not in the Green Belt. It says that the green, open and rural character of areas on the edge of the built-up areas but not in the Green Belt will be safeguarded through protection as open countryside, including at part d), south of Stocksbridge (at Hollin Busk).

Policy CS72 does not make specific land allocations and protects countryside for its own sake i.e. it is a restrictive policy and in effect places an outright bar on development in the countryside. It was adopted within a national planning policy context of restriction where there was sufficient land for housing within the district and additional housing land did not need to be found.

The policy approach in CS72 is not consistent with the NPPF, which does not protect countryside for its own sake (i.e. it does not impose outright restrictions on development in countryside) but instead requires that all decisions recognise the intrinsic character and appearance of the countryside.

On this basis, it is concluded that policy CS72 goes beyond the requirements of the NPPF and can only carry limited weight.

However, as policy CS72 forms part of the statutory Development Plan, the application should still be assessed against it, within the context that any conflict can only be given limited weight in the decision making process.

Policy CS72 relates to countryside situated on the edge of built-up areas. Unlike land at Hollin Busk, the application site is contained by built development on three sides and is not open countryside or land that is situated on the edge of the built-up area.

Officers acknowledge that the application site is highly valued by local residents and recognise the general ecological and environment benefits of open spaces within built up areas. As set out within the supporting text to UDP Policy LR4,

Sheffield is a relatively green city, reflecting both its topography and historical development. It goes on to say that open spaces are an important part of the character of Sheffield and enhance the quality of urban life.

The UDP also recognises that because these areas are not built on, they are subject to many pressures from development, particularly those which are in private ownership. Many open spaces contain valuable wildlife, geological and archaeological sites, or are part of the Green Network, with the most valued including long established parks, sites that contain mature or ancient woodland and those that provide an important contribution to the setting of a listed building.

Whilst the application site provides some ecological and environmental benefits, discussed below, it comprises of low quality agricultural land (grade 4) which is not publicly accessible and so cannot be used for either recreation or sport by people living or working in the area. The site therefore fails to meet the purposes of open space areas as defined in the NPPF and the categories of open space defined in paragraph 9.26 of the Core Strategy, and its protection cannot be justified when assessed against government policy in this regard.

However, the development of the site for housing would, as proposed, include provision of an enhanced and publicly available open space area (approximately 2,750 square metres), a wooded margin of 5,500 square metres and would be adequately set back from the LWS to prevent any adverse effects on this established woodland and its ecological and environmental value. The overall built up area, including private gardens, would amount to approximately 60% of the site area, with the remaining land laid out as formal and informal open space.

Housing Land Supply

Chapter 5 of the NPPF relates to delivering a sufficient supply of homes and states at paragraph 60 that, to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land comes forward where it is needed.

Paragraph 74 of the NPPF expects local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing.

At the time of the earlier application in 2021, the Council was able to demonstrate a 5.4 year supply of deliverable housing sites. This position has now changed. The Council's revised 5-Year Housing Land Supply Monitoring Report (August 2021), which includes the 35% urban uplift, sets out the position as of 1st April 2021 – 31st March 2026 and concludes that there is evidence of a 4 year supply of deliverable housing land.

In terms of housing delivery, the proposal to erect up to 41 houses on this site would make a valuable contribution to the delivery of housing in the city, to which it is considered significant weight should be given in the planning balance.

Highway Issues

One of the three reasons for refusal of the previous application was highway related (reason 3). To reiterate, it was considered that the additional vehicular traffic generated by the development would be detrimental to the safety of pedestrians and to the free and safe flow of traffic on Wood Royd Road by reason of the prevailing conditions of the existing highway network in terms of traffic flow, the limited width and lack of footway provision along part of Wood Royd Road, and the narrowing of the carriageway from on-street parking along its length.

As before, the application should be assessed against UDP Policies H14 and H15. UDP 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.

Also relevant are Core Strategy Policies CS51 and CS53. CS51 relates to the strategic priorities for transport, and includes maximising accessibility, containing congestion levels and improving air quality and road safety. Policy CS53 relates to the management of demand for travel, which includes implementing travel plans for new developments to maximise the use of sustainable forms of travel and to mitigate the negative impacts of transport, particularly congestion and vehicle emissions.

These local plan policies are generally considered to align with government policy contained in the NPPF (paragraphs 104 to 113), which promotes sustainable transport. Paragraph 111 makes 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.

Wood Royd Road is a single carriageway road subject to a 30mph speed limit. The existing access to the site comprises of a narrow farm track set between two stone pillars located to the south of Nos. 9-11 Wood Royd Road. In the vicinity of the site, several residential properties on both sides of the carriageway have direct driveway access and in many cases residents have to reverse out into the carriageway due to the lack of on-site turning. There are no parking restrictions along Wood Royd Road in the vicinity of the site and many residents park on-street, in particular along the western edge of the carriageway where there is a continuous footway. On the eastern side of the carriageway there is a long gap in footpath provision to the north of the site access.

The proposed access arrangements would remain similar to the scheme that was previously refused. The proposed site access would measure 5.5m in width, which will allow two cars to pass and refuse vehicles to enter and leave the site in a forward gear, with 1.8m wide footways provided on either side. The footway would tie into the existing provision to the south of the site, and then be extended along the site frontage to the north.

The change to the junction arrangement proposed by the applicant is the

introduction of dropped kerbs with tactile paving to help pedestrians and wheelchair users cross Wood Royd Road, with the crossing located almost mid-point between the site access and Armitage Road. Reflective bollards were shown on the submitted plans at three metre centres along the site frontage (front of footway) to discourage on-street parking and enhance visibility of the site access. However, vehicular access to the neighbouring property would be impeded by the proposed bollards. An alternative solution, to which the applicant has agreed, is to introduce double yellow lines to keep the pedestrian crossing free from on-street parking. Waiting restrictions would need to be advertised in accordance with the usual procedures.

The centreline of the proposed access would be positioned 20m to the north of the Wood Royd Road and Armitage Road junction. This would be in accordance with Section B.3.1 of the South Yorkshire Residential Design Guide, on streets with design speeds over 20mph, where the minimum junction spacing is 40m for same side junctions and 20m for opposite side junctions.

By demolishing the front section of the farmhouse, as proposed, the proposed vehicular access would achieve a visibility splay to the north of 2.4m by 41m, 1.3 metres off-set from the channel, and 2.4m by 43m to the south. The brow of the hill on Wood Royd Road is considered by highway officers to be sufficiently far north to have no bearing on the available visibility from the site access. Also, once the highway has been crossed, the footway is not fragmented like it is on the eastern side of Wood Royd Road.

The location of the proposed access to the development site has not moved any closer to Armitage Road under the current application. The key change is the provision of dropped kerbs and tactile paving to help pedestrians cross Wood Royd Road, thereby avoiding the fragmented footway on the eastern side. The additional introduction of double yellow lines would prevent the proposed pedestrian crossing from being obstructed by parked cars and stop cars from parking too close to the junction. Some of the safety issues raised by residents (about on-street parking obstructing sightlines) might also be eased, though it should be noted that no personal injury accidents have been recorded over the past 5-year period at the Armitage Road junction, nor along the length of Wood Royd Road (other than one slight injury accident at the junction with Carr Road).

The supporting Transport Assessment confirms that the proposed junction geometry for the site access and visibility splays would accord with national standards and that stopping sight distances are appropriate for the measured speeds of vehicles travelling along Wood Royd Road. Existing on-street parking to the north of the proposed site access is all on the western side of Wood Royd Road, so it would not mask oncoming traffic for drivers looking to the right upon leaving the development site. To the south of the proposed access, the existing on-street parking transfers mainly to the eastern side of Wood Royd Road. Residents leaving the development site looking to the left would edge towards the centreline of Wood Royd Road, before gaining a clear view and pulling out fully.

The submitted Transport Assessment reviewed the sustainability of the development site's location, which is situated within the established residential

conurbation of Deepcar. The document titled 'Providing for journeys on foot' published in the year 2000 by The Institute of Highways and Transportation quotes 'acceptable' and 'maximum' walking distances to different types of destination. For schools, the distances are 1000 and 2000 metres respectively (acceptable and maximum). Stocksbridge High School is 1700 metres away. Deepcar St John's School 500 metres. Deepcar Medical Centre is 450 metres, the same distance for groceries and a newsagent. There are bus stops within easy walking distances for service numbers 23/23a, 57 and SL1/SL1a. It is therefore considered that the refusal of this planning application on the grounds of its unsustainable location would not withstand scrutiny.

Trip generation from the development (based on 41 houses) was derived from TRICS, which predicted 21 two-way vehicular trips during the weekday morning and evening peak hour periods. The transport assessment commissioned an Automated Traffic Count (ATC) on Wood Royd Road which indicated 134 two-way vehicle movements during the morning peak, and 140 two-way movements during the evening peak. 140 movements equate to 2.3 vehicles per minute. The 21 two-way development trips would add a further 0.4 vehicles per minute to the immediate highway network during the peak periods. The ATC obtained data over a 7-day period (24 hours) between Tuesday 2nd November to Monday 8th November 2021 (outside half term). The data was then used to calculate the 85th percentile approach speeds and weekday average flows.

In order to gain an indication of the multi-modal trip generation from the development, the 2011 census was reviewed for the "method of travel to work" for Deepcar, which revealed 74% of trips were by driving a car/van, 8% by bus, 6% by foot, 5% car passenger, 7% other. Applying the 6% by foot to the development proposal would give 2 pedestrian movements. Dropped kerbs and tactile paving are proposed to help pedestrians cross Wood Royd Road and Armitage Road, with double yellow lines to prevent cars from obstructing the crossing.

Finally, the occupant of a neighbouring dwellinghouse asserts that the boundary of their property (No.15) would be breached in order to deliver the proposed site access, and that the proposed junction layout of the site access would prevent vehicular access to their drive and garage - their Land Registry Title Plan shows the front boundary or freehold of the property running concurrently with the channel-line of Wood Royd Road. However, Council records indicate that the footway forms part of the adopted public highway, with just a small strip of private forecourt in front of No.15 and the neighbouring cottages. In many instances, property deeds show land ownership up to the centre of the roads they abut, and in most cases the roads and footways are adopted public highways. Where this occurs, it is the subsoil that is, in most cases, within the ownership of the property owner.

Adopted carriageways and footways are maintained by the Local Authority. They are regularly and openly travelled by the general public, which has been the case in respect of the land in front of No. 15 for a period of at least 25 years. Officers are therefore satisfied that the boundary of this property has not been breached in order to achieve the necessary visibility, or that the proposed access road would prevent safe vehicular access to and from the driveway and garage.

While the previous highway reason for refusal is a material consideration that carries weight in the determination of this application, it is considered that the revisions to the junction arrangement, with the introduction of dropped kerbs and tactile paving to help pedestrians and wheelchair users cross Wood Royd Road together with double yellow lines to discourage on-street parking and enhance visibility, addresses a large part of the highway reason for refusal, which must also be taken into consideration in the planning balance, as discussed below.

Design

The proposed layout and number of units have not changed from the previous scheme, and it was not one of the three reasons for refusal. As such, this section of the report remains unchanged from that reported to the committee in 2021.

Chapter 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development, which creates better places in which to live and work. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to say that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that, amongst other things, planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The relevant policies of the development plan in respect of design and layout of new housing development are UDP Policies BE5, H14, and H15 and Core Strategy Policy CS74.

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

UDP Policy H14 relates to conditions in Housing Areas, and at part (a), states that new buildings should be well designed and in scale and character with neighbouring buildings.

UDP Policy H15 relates to the design of new housing developments and amongst other things states that ease of access to homes and circulation around the site for people with disabilities and prams will be expected, as would adequate private gardens to ensure basic standards of daylight, privacy and outlook for all residents.

Core Strategy Policy CS74 (Design Principles) expects high-quality development that respects, takes advantage of and enhance the distinctive features of the city, its districts and neighbourhoods including, at part (c), the townscape character of

neighbourhoods with their associated scale, layout and built form, building styles and materials.

These policies are considered to be broadly consistent with government policy contained in the NPPF.

Within the vicinity of the site entrance, the character of the area is one of traditional two-storey stone housing. Although there is some variation across the wider area, the predominant material is coursed local gritstone that in most instances has darkened as a result of years of pollution.

The application has been submitted in outline, with all matters reserved except for access. Matters of appearance, siting and design will therefore be subject to a separate Reserved Matters application. Nevertheless, as part of this outline application, the applicant has submitted a Design Guide and indicative layout drawings that would provide a clear steer of how the site could be developed.

The site would be accessed from Wood Royd Road to the southern side of the retained farmhouse. The site's existing single storey farm buildings would be demolished.

The main access road would extend in an eastwardly direction through the central part of the site, following the upper edge of the adjacent woodland then arching in a northerly direction towards the north-eastern edges of the site. From the main access road, two secondary access roads would branch off to form two smaller cul-de-sacs, the first in a southward's direction serving eleven dwellinghouses (Plots 31-41) and the second in a northerly direction serving fifteen dwellinghouses (Plots 07-21). The layout also includes a green corridor running north-south, the purpose of which is to help manage the layout given the sloping topography of the site whilst creating an attractive setting for the new homes. The layout plan shows the central green corridor would cover an area of 2,750 square metres, the wooded margin some 5,500 square metres, and the 15m buffer zone some 1,390 square metres.

As set out in the Design Guide, the proposed layout seeks to respect and positively respond to the site's existing landscape, particularly the heavily wooded boundaries that provide an attractive woodland fringe to the east and south. To protect the woodland, the houses along the southern boundary would be positioned not less than 15m from the woodland edge and further planting is proposed along the site's northern and eastern boundaries.

The proposal includes a mixture of detached and terraced housing. The house types are envisaged to be traditional in form, principally 2-storey in height with pitched roofs not less than 30 degrees.

In terms of materials the Design Guide states that the secondary access roads would be surfaced in permeable block paving. The houses would be constructed largely using local coursed stone, with stone heads and cills, factory finished timber windows and doors and be roofed with natural blue slate. Boundary walls would be natural stone to match the houses. It is envisaged that stone salvaged

from the removal of the natural stone field boundaries would be reused as boundary walls and landscaped features within the public realm.

The front section of the existing farmhouse (approximately 4m) would be demolished, in order to achieve improved sight-lines to Wood Royd Road, and the materials used to be extended to its eastern side. Works to the farmhouse and adjoining barn would be subject to a full planning application as they fall outside the scope of this outline application.

It is considered that the site can reasonably accommodate up to 41 dwellinghouses with a range of house types that would sit comfortably within the context of the site and not unduly harm the character of the surrounding area.

The use of natural stone and slate is welcomed as is the careful treatment of the site's boundaries and incorporation of an open space area and landscaped buffer to provide a soft edge to the adjoining woodland.

It is considered therefore that development would therefore comply with Policies BE5, H14 (a) and H15, and Core Strategy Policy CS74.

Landscape Character and Ecology and Biodiversity Issues

One of the three reasons for refusal of the previous application related to the loss of open space, which forms part of the Council's Network of Green Links. As set out in the second reason for refusal, it was stated that the development of the site would detract from its green and open character and cause serious ecological damage by failing to contribute to and enhance the natural and local environment through the loss of land that is considered to be of high biodiversity value and recognised for its intrinsic landscape character.

As before, the proposal should be assessed against UDP Policies GE11 and BE6 and Core Strategy Policy CS74. Policy GE11 seeks to protect and enhance the natural environment and promote nature conservation and 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. Core Strategy Policy CS74 expects high-quality development to respect and enhance the distinctive features of the city including its Green Networks, important habitats, waterways, woodlands, and other natural features.

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, mitigating harm and providing 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 NPPF and therefore retain substantial weight.

The previous application included a Preliminary Ecological Appraisal Report

(PEAR) which identified that the site comprises largely of poor semi-improved grassland. This report was updated following an additional field survey carried out in November 2021. While this a sub-optimal time of year to carry out an ecological survey, this is not considered to be a major constraint as there have been no significant changes to the habitats present on site since the initial survey.

The survey found that the existing trees on site had negligible potential for roosting bats and of the ten buildings on site, including the farmhouse and barn, three were classified as having moderate bat roosting habitat potential, five low and two negligible. The updated report also found that buildings possessed varying potential to support roosting bats. The applicant therefore commissioned further nocturnal emergence surveys on buildings B2a, B2c, B2d, B2e and B3, which is recorded within the supporting Nocturnal Bat Surveys prepared by Ramm Sanderson Ecology Ltd. These nocturnal surveys were carried out in June/July 2022. These surveys found no bat roosts on site, and as such bat roosts are considered to be absent from the site's buildings, and therefore the demolition and/or renovation of these buildings will not require a Protected Species Licence (PSL). While no bat roosts were identified within any of the buildings, the report details that the absence of bats can never be completely ruled out, particularly given the suitability of the features observed on the site buildings for roosting bats, any demolition and/or renovation works should be conducted under a Precautionary Method of Works. The report recommends a sensitive lighting strategy should be implemented across the development site to prevent indirect impacts to any bat species that may utilise the site for foraging and commuting. The report also recommends the development include the incorporation of bat and bird nest boxes and hedgehog boxes.

In terms of other species, no reptiles were recorded, and there were no badger setts or field signs observed during the first and second surveys.

SCC Ecologists have confirmed that they are satisfied with the supporting ecology reports and appraisals and that the application does not raise any specific constraints from habitat values in respect of the proposed development. With appropriate mitigation measures, it is considered that any effect on protected species and habitats as a result of the development would not be significant. The standard suite of ecological conditions should be attached to cover the recommendations set out in the ecological and bat reports.

The PEAR identifies the importance of Fox Glen Woods LWS, which is designated for its ancient woodland, and notes that nearby south and south-east facing gardens risk introduced species encroaching into the ancient woodland. As before, the report recommends that a 15m buffer be maintained between the LWS and the proposed development in line with Natural England guidance (2019), which is shown on the indicative site layout plan.

As described, the previous application was refused as it was considered that the development would detract from its green and open character and cause serious ecological damage by failing to contribute to and enhance the natural and local environment. The reason sets out that the site is considered to be of high biodiversity value and is recognised for its intrinsic landscape character. To

address this reason for refusal, the applicant commissioned a Landscape/Townscape and Visual Appraisal (LTVA), prepared by FPCR Environment and Design (February 2022). The purpose of the study was to provide an independent assessment of the likely landscape and visual effects of the proposed development.

The LTVA details that the site and the local townscape/landscape is not covered by any townscape/landscape quality designation at either a national or local level. The report details that the topography of the site's context is dominated by the combination of valley and ridgeline landforms. The site occupies part of a general roll in the wider valley slopes created by a small subsidiary valley. As a result, the site has a general aspect towards the east and north east, with the land generally falling from its western side alongside Wood Royd Road in an easterly and north easterly direction. It is considered to be a well-defined and contained sloping parcel of land surrounded by existing built development within the settlement area.

In terms of landscape value, the report details that the site does not include any statutorily designated nature conservation sites and that there are no known ecological matters of significance in relation to the site. The condition of the landscape within the site has been assessed as poor to moderate. Urban influences dominate within the immediate context, which includes housing, industrial areas on the lower lying land and nearby roads.

The report comments that the level of landscape/ townscape effect arising from the proposed development would amount to a 'minor adverse' effect at a localised scale, and at a broader level, which would encompass the wider settlement area and its landscape context, the effect would be 'negligible'. These quantified effects are stated in the report as being down to the presence and dominance of existing residential and built development within the site's wider context. In visual terms, the report states that the most notable visual effects arising from the proposed development will be confined to a relatively limited number of existing dwellings immediately adjoining or close to the boundary of the site. The visual effect of the proposed development on these neighbouring properties has been assessed as being up to 'moderate adverse'.

Other views towards the proposed development will be limited and largely confined to more distant positions and receptors, including some Public Rights of Way and a small number of farming or other properties situated on the rising valley slopes to the north of the existing settlement area. These also include passing views from the A616 (Stocksbridge Bypass) and the slip road to the Fox Valley Shopping Park. Within these views the proposed development has been assessed as forming only a minor or very minor part of the wider settlement area and any visual effect upon these receptors will be 'negligible' or at most 'minor adverse'.

The report concludes that in landscape/ townscape and visual terms, the proposed development provides an appropriate and characteristic design response to the site and will result in no more than limited or localised landscape/townscape visual effects.

In relation to biodiversity net gain (BNG), as set out in the Preliminary Ecological Appraisal (PEA), it has been found that the development of the site offers opportunity to enhance the site's biodiversity. Any loss of trees on site would be off-set through replacement tree planting, the introduction of species rich hedgerows and that the grassland within the south and the centre of the site should be retained and enhanced through the creation of wildflower meadows. It is reported that there is potential for significant gains of up to 22% in habitat units and 100% in hedgerow units, which would exceed the minimum requirement of Biodiversity Net Gain by 11%. Further opportunities for bio-diversity net gain could also be achieved through the provision of attenuation basins as part of the site's surface water drainage.

It is acknowledged that the development would diminish the open character of the site. However, views of the site are limited and the vast majority is made up of pastoral fields, which is categorised as Grade 4 (poor quality) in accordance with the ACL. It is therefore considered that the biodiversity value of the site is low to moderate and not of high value as set out in the reason for refusal.

Officers' consider that the Landscape/Townscape and Visual Appraisal (LTVA) to be a robust and comprehensive assessment of the landscape and townscape characteristics of the site. The appraisal finds that the proposed development would have no more than limited or localised landscape/townscape visual effects. It should also be noted that, in order to be defined as a valued landscape, land must inhibit particular landscape features that are 'out of the ordinary' rather than a designation or perceived value; a view that was upheld in the high court (Decision ref [2015] EWHC 488 between Stroud District Council v Secretary of State for Communities and Local Government) that ruled that valued landscapes must have distinctive, intrinsic value (i.e. special features) and had to show some demonstrable physical attribute rather than just popularity. While the site is open and provides some visual amenity value, it does not possess features of any significant value that would justify its unconditional protection from development.

Also, as previously set out in the report, the site's value to the local community is the visual amenity afforded by its open character and appearance from a small number of public vantage points located outside the site and from views from private residential properties. Where a parcel of open space serves no recreational or leisure purpose, and is only valued for its visual qualities, which is the case in this instance, the land in question would fail to meet the specific requirements of open space definition as set out in the annexe to the NPPF.

The indicative layout plan shows that a landscape buffer would be provided along the full length of the southern boundary between the nearest houses and the adjacent LWS. This would ensure that there is no adverse impact on the adjacent wildlife corridor, which forms part of the Council's Green Network. Generous tree planting is also proposed along the eastern fringes of the built area that would provide an attractive feature that would increase the site's biodiversity and be of benefit to wildlife.

These benefits, in addition to the updated Preliminary Ecological Appraisal Report, Nocturnal Bat Surveys and conclusions of the LTVA, must be taken into

consideration in the planning balance.

Heritage and Archaeological Issues

UDP Policy BE20 encourages the retention of historic buildings of local importance and policy BE22 sets out that sites of archaeological interest will be preserved, protected and enhanced. Policy BE22 goes on to say that development will not normally be allowed which would damage or destroy significant archaeology sites and their settings. Where disturbance of an archaeological site is unavoidable, the development will be permitted only if a) an adequate archaeological record of the site is made and b) where the site is found to be significant, the remains are preserved in their original position.

Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It goes on to say that when weighing up proposals that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Archaeology

As there was a risk of encountering significant archaeological remains that might preclude or restrict development, the applicant agreed to commission an archaeological consultant (Pre-Construct Geophysics) to carry out a geophysical survey of the site. The survey found that there is potential for buried archaeological remains likely to be associated with 18th and 19th century mining and farming activities.

South Yorkshire Archaeology Service (SYAS) consider that it is likely that buried remains would have no more than regional importance, but that the development would result in the partial loss or even destruction of their heritage significance. Where development resulting in the loss of archaeological sites is permitted, UDP Policy BE22 and the NPPF at paragraph 205 require that provision be made to secure a record of heritage assets in advance of their loss.

As such, in the event that outline planning permission is granted, SYAS has recommended that a condition be attached that requires an archaeological evaluation of the application area and archaeological building record of the historic structures at the site to be undertaken in accordance with a written scheme of investigation.

Effect of Development on a Non-Designated Heritage Asset

The supporting Heritage Statement (HS) states that the site does not include any designated heritage assets and does not lie within a designated area or within the setting of any designated heritage assets.

Wood Royd Farm is a linear farmstead that dates from the late 18th century. The HS says that the main range has retained its overall structural form but has undergone considerable repair and extension over its lifetime. The outbuildings are deemed to be of limited interest.

The HS concludes that the development will result in the partial loss of the linear farmstead and associated outbuildings, which would amount to a minor degree of harm to the architectural and historical interest of Wood Royd Farm. The report also states that there would be a moderate to high degree of harm to the ability to experience the architectural and historic interest of Wood Royd Farm through the development of the open pastoral fields.

As described, paragraph 203 of the NPPF states that the effect of a scheme on non-designated heritage assets should be taken into account in determining the application. The level of weight afforded should be proportionate to the scale of harm and the significance of the asset.

The proposal includes the demolition of all outbuildings, plus the northern extensions and western gable of the farmhouse. It will also involve the loss of the historic yard area and development of the adjoining land. Noting these impacts, SYAS has nevertheless stated that in their view, any harm to the site's heritage significance would be less than substantial and should be weighed against the merits of the proposal (the planning balance).

An assessment of the amended proposal has also been carried out by the Council's Conservation Officer, who agrees with the established position that the building is a non-designated heritage asset and that the adjoining pastoral fields comprise part of its wider rural setting, but that the heritage interest and significance of the site is at the lower end of the spectrum of non-designated heritage assets. He considers the main interest of the site to be the relatively early age of the building and to a lesser extent its historic interest, as it demonstrates the nature and use of such farmsteads and their development over time but notes, as described in the heritage statement, that farm buildings of this type and form are not rare within the area.

The building's architectural interest, whilst still legible, is not considered to be of high value and has to an extent been detrimentally affected by less desirable changes over the years and the landscape value of the fields is likely greater than any heritage value linked to Wood Royd Farm. The farm buildings are unlikely to meet the relevant criteria for Local Listing, but as a non-designated heritage asset, as espoused by paragraph 203 of the NPPF, there is a need to take a balanced judgement having regard to the scale of any harm or loss and the degree of significance of the heritage asset being affected.

The previous reason for refusal, relating to the impact of the development on the significance of a non-designated heritage asset, is a material consideration and it is considered that the partial demolition of the farmhouse and outbuildings, and the loss of the associated pastoral fields would cause harm to the significance of a non-designated heritage asset. However, having regard to the scale of the harm and the significance of the heritage asset, and bearing in mind the conclusions of the LTVA, which finds that the proposed development would have no more than limited or localised landscape and townscape visual effects, it is now considered that there would be limited harm to the visual amenities and character of the wider area.

It is considered that the amended Heritage Statement takes a predominantly balanced view of the proposals and largely makes a fair assessment of the proposals and potential impacts. There is clearly some harm to the non-designated asset as a result of proposals to demolish part of the former farmhouse, which would diminish its historic interest. As would the loss of the pastoral fields through the development of the site for housing, which together with roads and associated infrastructure would extend across a large part of the application site. The legibility of the buildings historic form and to some extent the uses and activities on the site will be partially lost. The proposal to retain the most part of the former farmhouse and the barn is nevertheless positive in that original fabric and an element of authenticity will be retained. Also positive in officers' opinion, is the proposal to retain the area below the housing site as informal open space, and the proposed landscape buffer zone between the site and the adjacent woodland edge, both of which would help to mitigate to some degree the loss of the open fields.

This level of harm should also be weighed against the wider benefits of the scheme as set out in the NPPF, including the proposal to retain the most part of the former farmhouse and the barn, in light of the Council's inability to demonstrate a five year supply of deliverable housing sites, which triggers the tilted balance in line with paragraph 11 of the NPPF (as set out below).

Flooding/Drainage Issues

UDP Policy GE17 relates to rivers and streams. It states that as part of the development of the Green Network, all rivers and streams will be protected and enhanced for the benefit of wildlife and, where appropriate, for public access and recreation. This includes not permitting the culverting of any river or stream unless necessary and setting back new development to an appropriate distance from the banks of rivers and streams to allow for landscaping. The UDP defines an appropriate distance as being 8 metres in the case of major rivers and streams.

Core Strategy Policy CS67 (Flood Risk Management) seeks to reduce the extent and impact of flooding by requiring all developments to significantly limit surface water run-off, to use Sustainable Drainage Systems (SuDS) or sustainable drainage techniques, and to ensure that any highly vulnerable uses are not located in areas at risk of flooding.

These development plan policies are broadly consistent with government policy contained in NPPF which states, at paragraph 159, that inappropriate

development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

The application was accompanied by a Flood Risk Assessment (FRA), which states that the application site is in Flood Zone 1 (at low risk of flooding from fluvial and tidal sources) and there are no open watercourses located within the site area.

Clough Dike, a main river, flows adjacent to the site's south-eastern site boundary and flows underground in two culverted sections. This culvert is a masonry structure with a stone slab soffit which is approximately 5m below ground at the upstream-end and 20m below ground at the downstream-end.

The FRA shows that the site is generally unaffected by surface water flooding. However, there is an overland flow path originating from an off-site area along Armitage Road, to the west of the site boundary, which crosses the site in a north-easterly direction. The LLFA have also commented that incidents of flooding in the area caused by the exceedance of Clough Dyke confirm that overland flow routes do impact on the site.

The FRA states that based on the underlying geology, hydrogeology and soils, it is anticipated that the site has limited potential for infiltration, although this would need to be ascertained through testing. In addition to the soil composition, owing to the steep fall in levels across the site, the use of infiltration features such as soakaways is likely to be limited.

An attenuation-led drainage strategy is therefore proposed by the applicant, with SuDS features to capture, contain and convey surface water run-off to an appropriate and available discharge receptor. The FRA details that the proposed layout would allow the conveyance of surface water across and from the site, that the surface water drainage strategy for the proposed development would include measures for the management of impacts on the surface water run-off regime, and that the drainage strategy could also be used to help manage the surface water flood risk.

The proposed surface water drainage strategy adheres to the sustainable drainage hierarchy and also incorporates sustainable drainage systems (SuDS). Although not established at the moment, if a surface water drainage connection from the site to Clough Dike could be achieved, then a discharge into this watercourse at an attenuated rate is suggested. If this is not possible, the FRA suggests a drainage connection from the site to one of the surface water sewers in the area. The FRA also recommends that the finished floor levels of buildings should be elevated above surrounding ground levels by at least 150mm.

The FRA states that, with the incorporation of a sustainable surface water drainage strategy, the proposed development can manage the quantity and quality of surface water runoff.

The Environment Agency has stated that they have no objection to the proposed development subject to conditions being attached. These include a condition to identify and protect Cough Dike Culvert, and a survey that correctly identifies the

path of the culvert to ensure that an adequate buffer zone can be maintained between the culvert and the development site.

Yorkshire Water have recommended that if granted, conditions be imposed that include no piped discharge of surface water from the development prior to the completion of surface water drainage works.

The LLFA has confirmed that the proposed range of SuDS techniques are acceptable, subject to arrangements for the management of all surface water infrastructure.

While the development would lead to the hard surfacing of a large proportion of the site, a detailed drainage scheme should ensure that there are no significant harmful impacts from surface water run-off. The proposal is therefore acceptable in principle from a drainage perspective.

Effect on the Residential Amenity of Neighbouring Properties

UDP Policy H14 (c) expects sites not be overdeveloped or development to deprive residents of light, privacy or security and, at part (k), to not lead to air pollution, noise, smell, excessive traffic levels or other nuisance for people living nearby. This is reflected in paragraph 130 (f) of the NPPF, which states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

As the application has been submitted in outline with all matters reserved except for access, the applicant has only submitted an indicative plan of how the site could be developed to accommodate 41 dwellinghouses.

The properties likely to be most affected by the development include a small group of dwellinghouses that are situated to the north and south of the existing farmhouse. However, the indicative plan shows that appropriate garden sizes and privacy distances can be achieved that would comfortably accord with the guidance contained in the SPG Designing House Extension. A more detailed assessment of amenity issues would be carried out at reserved matters stage when the proposed layout, scale and external appearance of development is known.

No. 15 Wood Royd Road lies to the southern side of the proposed access road and has ground and first floor windows within its side elevation facing the access road. The residents of this property would experience some increased noise disturbance resulting from the increased use of the reconfigured access road, however it is considered that the impact would not be so significant as to warrant a refusal on amenity grounds. A distance of approximately 7m would be maintained between the side elevation of no.15 and the nearest part of the vehicular access, which together with appropriate acoustic boundary treatment and/or planting should prevent any significant noise disturbance over and above that already experienced from traffic on Wood Royd Road.

Based on the above, it is considered that the development would not significantly impact on the residential amenity and living conditions of neighbouring properties. This view was accepted by Members, with the effect on neighbouring properties' residential amenity not included within the three reasons for refusal.

Ground Conditions and Coal Mining Legacy

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

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

The application site is situated within a Development High Risk Area for former coal mining activities, meaning that an assessment needs to be undertaken to establish whether there are coal mining features and hazards which may impact on the proposed development.

The application was accompanied by a Coal Mining Risk Assessment (CMRA) which explains that the risks to the proposed development would stem from coal seams being worked at shallow depth and the presence of a recorded mine entry. The report recommends that intrusive investigations be carried out in the form of trial pit/rotary boreholes in order to establish the depth and conditions of any coal seams, as well investigate the exact location and condition of the on-site mine entry.

The Coal Authority has stated that they agree with the recommendations of the report in that there is a potential risk to the development from former coal mining activity as well as from mine gas. The Coal Authority has stated that they have no objection subject to the imposition of conditions that require intrusive site investigations to be carried out, and if necessary remedial/mitigatory measures to ensure that the site is, or can be, made safe and stable for the proposed development.

The Council's Environmental Protection Service (EPS) confirmed that the application site shares a boundary with adjacent land that has been identified as potentially contaminated due to a former use as a quarry and brick works. The site is also in close proximity to other areas identified as potentially contaminated due to its former use as a quarry (presumed infilled) and historic landfill sites. Additionally, as the site falls within an area known for former coal mining activities, there is potential for the presence of contaminants and/or ground gases which could impact upon human health and/or the environment.

It is therefore considered necessary for the full suite of land contamination conditions to be attached in the interests of remediating any known or found contamination on site.

Affordable Housing

Core Strategy Policy CS40 expects developers of housing developments in all parts of the city to contribute to the provision of affordable housing from all new housing developments where practicable and financially viable. Guideline GAH3 of the CIL and Planning Obligations Supplementary Planning Document (December 2015) sets out the circumstances where the Council may accept a commuted sum in lieu of an on-site contribution, for instance, where significantly more affordable housing of a high quality could be provided in the local area through off-site provision.

In the Stocksbridge/Deepcar Affordable Housing Market Area it has been shown that 10% affordable housing is viable on the majority of sites and is therefore the expected developer contribution for this part of the city. In accordance with Core Strategy Policy CS40, the trigger for developers to contribute to the provision of affordable housing is 15 units. As the development includes up to 41 dwellings, the trigger is met.

The definition of affordable housing is set out in Annex 2 of the NPPF and states that affordable housing is housing for sale or rent, for those whose needs are not met by the market, and which complies with one or more of the following (affordable housing for rent, starter homes, discounted market sales housing and other routes to home ownership). Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

The application was accompanied by an Affordable Housing Statement which details that the applicant is agreeable to the provision of affordable housing in accordance with development plan policy and within the definition of Annex 2 of the NPPF subject to an independent viability assessment when details are confirmed.

The mechanism for securing the provision of affordable housing cannot be done by planning condition, and instead must be secured by legal agreement. The applicant has therefore agreed to enter into a legal agreement with the LPA in order to secure the delivery of 10% affordable housing provision and has provided officers with a draft agreement.

The Council's Strategic Housing Section previously confirmed that the 10% contribution rate would equate to four affordable units, and recommends on-site provision of one 2-bed, two 3-bed and one 4-bed units for Affordable Rent (the tenure which the current transfer rate is based on). This view has not changed under this resubmitted application.

Sustainability Issues

Core Strategy Policies CS63, CS64 and CS65 of the Core Strategy, as well as the

Climate Change and Design Supplementary Planning Document (SPD), set out the Council's approach to securing sustainable development.

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

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

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

The Sustainability Statement submitted with the application states that it is not possible to identify detailed measures to ensure how the 10% requirement would be delivered, although it does say that this is expected to be achieved through the use of solar panels/photovoltaics cells. The requirements of Core Strategy Policy CS65 can be secured by planning condition.

The application site is situated in a sustainable location with a range of shops and services within walking distance. A regular bus service runs along Carr Road.

Community Infrastructure Levy

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

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

In this instance the proposal is liable for CIL charges owing to the development relating to the erection of housing.

Other Issues

The Environmental Protection Service (EPS) advises that the development is of a scale that would warrant a Construction Environmental Management Plan (CEMP)

to manage and minimise local impacts on amenity and other environmental impacts. The content of the CEMP, which is secured by condition, would place a restriction on working hours (0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturday) as well as controls over noise and dust emissions.

EPS also advise that good acoustic design should be informed by an Initial Site Noise Risk Assessment, as per the best practice guidance contained in PPG: Planning & Noise (May 2017). These matters can also be secured by planning condition.

Titled Balance

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision making, this means:

- approving development proposals that accord with an up-to-date development plan without delay, or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless either the two points are not met:
 - i) the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework taken as a whole.

Footnote 8 to paragraph 11 states that development plan policies that involve the provision of housing should be viewed as out-of-date in instances where the local planning authority is unable to demonstrate a five year supply of deliverable housing sites.

In terms of the application of policies within the Framework that protect areas or assets of particular importance, these are set out at footnote 7 to paragraph 11 and include development proposals on land designated as Green Belt, Areas of Outstanding Natural Beauty, and designated heritage assets such as Listed buildings and Conservation Areas.

Members are advised that at the time of the previous application, the Council had a 5 year supply of deliverable housing sites, and as such, when assessing the planning merits of the application, development plan policies that related to the supply of housing were not automatically out of date. However, and as described above, the Council is no longer able to demonstrate a 5 year supply of deliverable housing sites, with the revised 5-Year Housing Land Supply Monitoring Report concluding that there is evidence of only a 4 year supply of deliverable housing land. Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered 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. The application includes no protected areas or assets of particular importance as described in footnote 7 of paragraph 11, (such as conservations areas, listed buildings or green belt) within the boundary of the application site.

Unlike the last application, in this instance the NPPF is clear in its position that unless there are adverse impacts of doing so, which would both significantly and demonstrably outweigh the benefits, planning permission should be approved.

The balancing exercise is set out below, weighted in favour of sustainable development, to reach an overall conclusion on the acceptability of the scheme. The application of the planning balance is a matter of judgement for the decision maker.

To reiterate, the previous scheme was refused for three reasons, with the previous decision of the Council forming a significant material consideration in respect of this resubmitted application.

To address the three reasons for refusal, the applicant has submitted a number of additional documents in addition to submitting revised proposals that seek to improve visibility at the site entrance, additional landscape corridors as well as commissioning a landscape/townscape visual appraisal and archaeological field evaluation of the site in order to establish the likely effects on landscape character and archaeological implications of the proposal. Amongst others, these include a Landscape/Townscape and Visual Appraisal (LTVA), a geophysical survey of the site, updated Heritage and Transport Statements, a Preliminary Ecological Appraisal (PEA) and nocturnal survey reports.

As part of the balancing exercise, officers have set out below the negative and positive aspects of the revised scheme, and the weight that should be given to each.

Negative Aspects:

- Demolition of part of the farmhouse and loss of pastoral fields that would result in some harm to the significance of a non-designated heritage asset. The harm however is considered to be less than substantial and should carry moderate weight.
- The loss of an area of land that is designated an Open Space Area. This should only be given limited weight as the land does not have an open space function beyond its visual amenity and would not therefore comply with the NPPF open space definition.
- Narrowing of the area's green network allocation. This should be only given limited weight as a minimum 15m wide landscape buffer would be provided between the built form and the Fox Glen Local Wildlife Site (LWS) in line with Natural England's standing advice, thus limiting any impact on the

green network. The amended scheme also includes 2 further green corridors over and above that previously submitted.

- Increased vehicle movements along Wood Royd Road that could lead to increased congestion and loss of on-street parking, and increased conflict between vehicles entering onto Wood Royd Road and the free flow of pedestrians along the highway. However, it is considered that any harm to the highway network would be low as the likely increase in vehicular movements resulting from the development would not be significant.
- Potential risk of flooding through the partial loss of open grassland. However, the Environment Agency and the LLFA have raised no objection to the development from a flood risk perspective, subject to the attachment of conditions that includes the submission of a drainage strategy, and while the proposal would include large areas of hardstanding across part of the site, it is not considered that the proposal would exacerbate flooding in the area and would amount to little or no harm.
- Increased noise disturbance from vehicles egressing and ingressing the site that could lead to some disamenity to neighbouring properties, in particularly No. 15 Wood Royd Road. However, as described in the report, a distance of approximately 7m would be maintained between the side elevation of no.15 and the nearest part of the vehicular access, which together with appropriate acoustic boundary treatment and/or planting should prevent any significant noise disturbance over and above that already experienced from traffic on Wood Royd Road. Any harm on neighbouring properties' residential amenity is considered to be low and therefore carries very limited weight in the planning balance.

Positive Aspects:

- The provision of up to 41 dwellinghouses. Significant weight should be given to this benefit in the context of the NPPF requirement to significantly boost the supply of new homes, particularly at a time when the Council is only able to demonstrate a 4-year supply of deliverable housing sites.
- The creation of employment opportunities through the construction process, to which some weight should be given.
- The benefits to the local economy as a result of increased spending by future residents of the dwellinghouses, to which some weight should be given.
- The provision of a policy compliant level of affordable housing (10%), which is given moderate to significant weight.
- Commitment to good design and use of materials which are characteristic of the local area. Good design is a key aspect of sustainable development and should be given moderate to significant weight.
- Retention of most of the farmhouse and barn, which will continue to contribute towards the streetscene on Wood Royd Road, to which some weight should be given.
- The provision of a policy compliant level of predicted energy needs from decentralised and renewable or low carbon energy (10%), which is given moderate to significant weight.
- Remediation of the site from previous coal mining activities, to which some weight should be given.

- Improved sight lines at the site entrance and an improved pedestrian crossing facility on Wood Royd Road that seeks to address in part the third reason for refusal, to which some weight should be given.
- The development of the site offers opportunity to enhance the site's biodiversity by up to 22% in habitat units and 100% in hedgerow units, which would exceed the minimum requirement of Biodiversity Net Gain by 11%. Improvement to the site's ecology and biodiversity across the site should be given moderate to significant weight.
- The updated Bat Survey report found that no bats were found to be roosting in Buildings B2 (a-e) and B3. The development does not therefore impact negatively on protected species or habitats, but does offer opportunities for enhancement, which should be given moderate to significant weight.

As described, the application site is situated partly within a Housing Area where housing is the preferred use under UDP Policy H10, and an Open Space Area, where development should only be permitted upon meeting the number of criteria set out in UDP Policy LR5. While the part demolition of the farmhouse and the loss of the pastoral fields weighs against the development, it is not considered that this in itself provides sufficient grounds to refuse the application. As set out within the report, the supporting Heritage Statement details that such farm buildings of this type and form are not in themselves rare within the area, and that given the pastoral nature of the farming, the setting is not of particularly high heritage value.

As described, the loss of open fields that are used neither for leisure or recreational purposes have limited protection when assessed against policies in the Core Strategy and would fail to meet the definition of open space as set out in the NPPF. The application site is used as grazing land and is not accessible to the public. The site's value to the local community is therefore limited to visual amenity afforded by its open character and appearance. As the land does not meet the required function of open space as set out in the NPPF, the level of protection that the site can be afforded from development is significantly lower from that being afforded to designated open space sites that provides a recreation and/or leisure function.

In relation to the erection housing within the designated Open Space Area, it has been found that the development would not conflict with UDP Policy LR5, and that LR5 can only be given limited weight as the elements of it relating to the protection of open space for visual amenity alone are not consistent with the NPPF.

Policies LR8 and CS47 are not considered to be applicable with respect to this application since LR8 relates to the loss of recreation space, the site is used for grazing, and application site does not fit into any of the formal or informal categories of open space defined in the Core Strategy.

Policy CS72 relating to countryside situated on the edge of built-up areas goes beyond the requirements of the NPPF and can only carry limited weight, but in any case the proposal does not conflict with it because the application site is contained by built development on three sides and is not open countryside or land that is situated on the edge of the built-up area.

In relation to biodiversity, the updated Preliminary Ecological Appraisal Report

confirmed that the site comprises largely of poor semi-improved grassland and found no evidence of protected species. The additional Nocturnal Bat Surveys found no bat roosts on site. While the second reason for refusal refers to the site as being of high biodiversity value, this is not evidenced by the ecology consultants assessment of the site.

On the Green Network and biodiversity, the proposal includes an indicative layout plan that shows the retention of greenspace around the south and east of the site, and an enhanced 'buffer zone' to the adjacent Fox Glen LWS. The application also includes additional green corridors over and above that previously submitted by the applicant as part of their initial submission. The edge of the built development would include a 15m buffer from the edge of the LWS, which would accord with the Natural England Standing Advice.

As evidenced within the highway section of the report, it is considered that the proposal would not result in unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe.

The recent appeal decision at Hollin Busk, which was allowed in August 2021, under planning reference No. 17/04673/OUT (Appeal reference No. APP/J4423/W/21/3267168) is also material to the assessment of this planning application. The weight given to it is limited due to the different site circumstances, however both cases relate to the development of housing on agricultural fields (designated as open space) as well as having direct effects on a heritage asset. In allowing the appeal, the planning inspector considered that the proposal would only have a moderately adverse effect upon the landscape character and appearance of the area. He also concluded that, with regards to effects on an adjacent heritage asset, in this instance a Grade II listed farmhouse and associated barns and outbuildings (para 83 to 105 of the appeal decision), the development would inevitably result in the loss of the contribution that the agricultural fields make to the significance of the heritage assets, but the architectural or historic interest in the buildings will not be necessarily reduced, and any harm to the setting of the heritage assets would be less than substantial.

Members should also be mindful of the recent decision of the Council (February 2022) to select Option 3 as part of its overall spatial options for meeting future development needs in Sheffield through the emerging Sheffield (Local) Plan. Members will be aware that Option 3 supports the provision of new housing on UDP allocated Housing Policy Areas and on underused open spaces as the preferred spatial option in the period up to 2039. The application site is part located within a Housing Area and part within an Open Space Area, adding weight to its release for housing as proposed, particularly as the functional requirement of this designated open space, as set out in the NPPF definition of open space, is not met.

Though finely balanced, it is considered that the balance is in favour of granting this application for outline consent, with all matters reserved except for access. Whilst acknowledging the previous reasons for refusal and the high number of objections received against the application, it is considered that the identified harm resulting from the development would not significantly or demonstrably outweigh

the benefits of the development. The provision of up to 41 dwellinghouses will make a positive contribution in meeting the current shortfall of housing in this sustainable location, to which significant weight should be given in line with paragraph 11 of the NPPF.

HEAD OF TERMS

The applicant will enter into an agreement with the Council to secure the delivery of affordable housing equivalent to 10% of gross floor space of total number of units.

RECOMMENDATION

It is recommended that outline planning permission is granted conditionally and subject to a legal agreement to secure the delivery of on-site affordable housing.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 8 November 2022

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the alterations to roof including raised ridge height and erection of dormer window with Juliet balconies to rear of dwellinghouse at 29 Worcester Road, Sheffield, S10 4JH (Case No: 22/01898/FUL).

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 15m 5G telecommunications monopole with wraparound base cabinet, 3 equipment cabinets and associated ancillary works (Application for determination if approval required for siting and appearance) at land near junction at Herries Drive, Longley Lane, Sheffield, S5 7JD (Case No: 21/03945/TEL) has been dismissed.

Officer Comment:-

The Inspector noted the main issues to be the effect of the siting and appearance of the proposed installation on the character and appearance of the area, having regard to the setting of Longley Hall; They noted that the appeal site forms part of a grass verge between the footway and the vehicular Carriageway with trees along the verge, in an adjacent area of open space as well as to the frontages of residential properties, giving the area a spacious, suburban character.

In this context they noted that the 15 metre height of the structure would leave it unduly exposed in an open area, being conspicuously taller than nearby features. In contrast they did not consider that it would harm the setting of the Grade II listed Longley Hall.

Nevertheless, in conclusion they felt that that the mast would harm the character and appearance of the area, in conflict with paragraph 115 of the NPPF; UDP Policies BE14 and H14; and Core Strategy Policy CS74. They

also considered that alternative locations had not been sufficiently explored.

4.0 APPEALS DECISIONS – ALLOWED

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

Officer Comment:-

The Inspector identified the main issue as being the effect of the development on the living conditions of the occupiers of no.13 Dalmore Road – in terms of outlook.

They noted no's 11 and 13 formed a pair of semi-detached dwellings and that no.11 had an existing 2m deep rear extension which was to be replaced with an extension 5.5m deep with a ridge height of 4.4m and which would be set in from the shared boundary by 0.5m.

Officers considered the 5.5m deep projection would significantly exceed the maximum 3m guideline set out in the Council's adopted Supplementary Planning Guidance and would result in unreasonable overshadowing and dominance for the occupants of no.13.

However, the Inspector disagreed and felt that the limited height of the extension (achieved by a split level floor plan) and the absence of directly facing windows at no.13 would prevent any unacceptably adverse impact in terms of creating enclosure, and a reasonable level of outlook would remain for both the rear facing windows and garden area, despite conflict with the guideline.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

7.0 ENFORCEMENT PART DISMISSED PART ALLOWED

(i) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised:

- (i) laying of concrete hard surfaces and paving on the Land.
- (ii) the erection of buildings
- (iii) the erection of timber screen

- (iv) the erection timber clad metal gates
- (v) the laying of a hard core track
- (vi) the laying of a hard core surface
- (vii) the erection of blockwork retaining walls
- (viii) the laying of concrete foundations

on the land at Donkey Field, land at junction with Long Lane and Hagg Lane, Sheffield, S10 5PJ (Ref APP/J4423/C/21/3285589) has been refused in part and allowed in part.

Officer Comment:-

The appellant appealed against the service of the notice on grounds (a) that planning permission should be granted; (b) that those matters have not occurred; (f) that the steps required in the notice are excessive; and (g) that the timescale for compliance is too short.

The site lies with Green Belt. It comprises a grassed paddock of less than 1 ha on a sloping hill side, enclosed by Hagg Lane to the west and Long Lane to the north. The alleged material change of use and operational developments are largely confined to the uppermost, southern part of the site.

On the ground (a) appeal, the main issues in this case where i. whether the development is inappropriate development in the Green Belt having regard to the NPPF and any relevant development plan policies; ii. the effect of the development on the openness of the Green Belt; iii. the effect of the development on the character and appearance of the area; and iv. whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

With regards to the material change of use, such a use may not be inappropriate in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it. However, in this case, the inspector concluded that the storage of motor vehicles, plant, machinery, equipment, waste and other miscellaneous material does not accord with this limitation. It reduces the openness of the Green Belt and fails to safeguard the countryside from encroachment.

He generally found that most of the buildings did reduce the openness of the Green Belt to some degree but were not inappropriate development given the minimal visual impact from most public viewpoints, the impact on the landscape and do not appear incompatible with the character of the wider locality. Except for one building which is to be used for storage associated with the maintenance of the land. The Inspector felt that this appears to be an unduly large building for the stated purpose, given the modest size of the land holding and the amount of storage space available in the complex of the other buildings and therefore considered this to be inappropriate.

The erection of a 2.5 m high the timber clad metal gates and the timber screen are also considered as inappropriate forms of development which

reduce the openness of the Green Belt and are visually obtrusive in, and out of character with, this semi-rural landscape.

The hard core surface on which one of the building once stood, which was removed before the notice was served. The Inspector felt that there was little reason to require the removal of the hard core given that it had become overgrown with grass. With regards to the other hard core surfaces the inspector concluded that these appears functionally related to the use of the stables and the adjoining field for the keeping of horses, a use compatible with the site's location in the Green Belt, and therefore, the hard core had limited impact on the openness of the Green Belt and is proportional to the type of use.

In conclusion, the Inspector concluded that the alleged material change of use and some of the operational development as unacceptably harmful to the Green Belt and the remaining operational development to be acceptable in line with the policy background set out in the NPPF and the development plan.

On ground (b) in relation to alleged material change of use for the storage of motor vehicles, plant, machinery, equipment waste and other miscellaneous materials. The appellant accepted that the storage of the various items occurred, and the appeal failed on this basis.

The appeal on ground (f) that the building B is considered acceptable form of development which include the concrete base and its blockwork retaining structure for the reason highlighted in ground (a).

The appeal on ground (g) the appellant had claimed that there may be bats present in one or more of the buildings, there was no evidence of this and the 6 months compliance period was considered adequate and this part of the appeal failed.

The appeal succeeds in part and permission for that part is granted. But otherwise, the appeal fails and the enforcement notice, as varied.

8.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

8 November 2022

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