

Planning and Highways Committee

Tuesday 18 July 2023 at 2.00 pm

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

The Press and Public are Welcome to Attend

**Item No. 7 - DEFERRED FROM LAST MEETING – Tree Preservation
Order No. 468 - Ranfall, 15 Ranmoor Park Road, Sheffield, S10 3GX**

Membership

Councillors Alan Woodcock (Joint Chair), Mike Chaplin, Glynis Chapman, Roger Davison, Tony Downing, Bernard Little, Barbara Masters, Laura Moynahan, Peter Price, Ibbly Ullah, Sophie Wilson, Cliff Woodcraft and Garry Weatherall

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
18 JULY 2023**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 12)
Minutes of the meeting of the Committee held on 20th June 2023.
- 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. 468 - Ranfall, 15 Ranmoor Park Road, Sheffield, S10 3GX** (Pages 13 - 28)
Report of the Head of Planning.
- 8. Applications Under Various Acts/Regulations**
Report of the Head of Planning
 - 8a Planning Application No. 23/00198/FUL - 45A Brooklands Avenue, Sheffield, S10 4GB** (Pages 29 - 48)
 - 8b Planning Application No. 22/04490/FUL - Woodhouse Trinity Methodist Church, Chapel Street, Woodhouse, Sheffield, S13 7JL** (Pages 49 - 68)
 - 8c Planning Application No. 22/04491/LBC - Woodhouse Trinity Methodist Church, Chapel Street, Woodhouse, Sheffield, S13 7JL** (Pages 69 - 72)
- 9. Record of Planning Appeal Submissions and Decisions** (Pages 73 - 82)
Report of the Head of Planning.
- 10. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 15th August 2023 at 2pm in the Town Hall.

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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 General Counsel by emailing david.hollis@sheffield.gov.uk.

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Planning and Highways Committee

Meeting held 20 June 2023

PRESENT: Councillors Mike Chaplin (Joint Chair), Roger Davison, Tony Downing, Bernard Little, Barbara Masters, Cliff Woodcraft, Garry Weatherall and Joe Otten (Substitute Member)

1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Peter Price and Alan Woodcock
- 1.2 Councillor Joe Otten acted as substitute for Councillor Alan Woodcock.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 No declarations of interest were made.

4. MINUTES OF PREVIOUS MEETING

- 4.1 RESOLVED:- that subject to Minute No. 10 being amended to read

'The Committee received and noted a report of the Chief Planning Officer detailing planning appeals received, dismissed and allowed and Enforcement Appeals received and dismissed by the Secretary of State. Councillor Mike Chaplin expressed that Officers were doing a good job as so few appeals were being upheld by Planning Inspectors.'

the minutes of the meeting of the Committee held on 23rd May 2023 were approved as a correct record.

5. SITE VISIT

- 5.1 RESOLVED:- That the Chief Planning Officer, in liaison with a Co-Chair, be

authorised to make any arrangements for a site visit, in connection with any planning applications requiring a visit by Members, prior to the next meeting of the Committee.

6. TREE PRESERVATION ORDER NO. 466 - 28 TAPTON HOUSE ROAD, SHEFFIELD, S10 5BY

- 6.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 6.2 The Trees had been considered for protection due to the receipt of a Section 11 Notice for removal of the trees.
- 6.3 The Community Tree Officer had visited the site and carried out a TEMPO assessment which had identified the trees as suitable for protection.
- 6.4 No objections had been received.
- 6.5 **RESOLVED:-** That Tree Preservation Order No. 466 be confirmed unmodified.

7. TREE PRESERVATION ORDER NO. 467 - 16 COLLEGIATE CRESCENT, SHEFFIELD, S10 2BA

- 7.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 7.2 The trees had been considered for protection following receipt of a Section 211 Notice for the pruning of the of the trees in a manner considered to be detrimental to their amenity value.
- 7.3 The Community Tree Officer had visited the site and carried out a TEMPO assessment which had identified the lime trees as suitable for protection. The beech tree was considered to be of low value and was not included within the Order.
- 7.4 One objection had been received from an arboricultural consultant working on behalf of the landowner. The objection had been withdrawn at the landowners request prior to the date of the Committee.
- 7.5 **RESOLVED:-** That Tree Preservation Order No. 467 be confirmed unmodified.

8. TREE PRESERVATION ORDER NO. 468 - RANFALL, 15 RANMOOR PARK ROAD, SHEFFIELD, S10 3GX

- 8.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 8.2 The tree was considered for protection due to a Section 211 Notice being received for removal of the tree.
- 8.3 The Community Tree Officer had visited the site and carried out a TEMPO assessment which had identified the tree as suitable for protection.
- 8.4 Two objections had been received.
- 8.5 Bill Anderson and Andrew Mills attended the meeting and spoke against the TPO.
- 8.6 Committee noted that the tree was in the communal gardens of Ranfall, not within the garden of No.1 Ranfall as stated in the report.
- 8.7 RESOLVED:- That consideration of Tree Preservation Order No. 468 be DEFERRED to allow a site visit to take place.

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, dismissed and allowed and Enforcement Appeals received and dismissed by the Secretary of State.
- 9.2 A correction was noted by Committee to the dismissal of Case No. 22/02815/FUL. The final sentence of paragraph 2 of the officer response should read 'The Inspector concluded that a 119sqm (619 cubic metre) addition to a 165sqm building (its original footprint) would represent a disproportionate addition and did not meet the exception (under para 149c) of the NPPF.
- 9.3 Further to the appeal allowed by the Inspector, Case No. 22/01397/FUL, the Inspector noted that Member's judgement had been exercised reasonably and did not award costs.

10. DATE OF NEXT MEETING

- 10.1 The next meeting of the Committee would be held on Tuesday 18th July 2023 at 2pm.

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SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Head of Planning

Date: June 20th 2023

Subject: Ranfall, 15 Ranmoor Park Road, Sheffield, S10 3GX

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

Summary: To seek confirmation of Tree Preservation Order No. 468

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No.468 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No.468 and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Images of the trees
- D) Ranmoor Conservation Area Statement of Special Interest
- E) Objections

Category of Report: OPEN

Tree Preservation Order No. 468

TREE PRESERVATION ORDER NO. 468

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.468

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.468 ('the Order') was made on the 19th of January 2023 to protect a lime tree which stands within the curtilage of Ranfall, 15 Ranmoor Park Road. Standing within the Ranmoor Conservation Area, the tree is already protected to a limited extent by Section 211 of the Town and Country Planning Act 1990. A copy of the Order, with its accompanying map, is attached as Appendix A.
- 2.2 On the 29th of November 2022 the Council received a section 211 (reference 22/04282/TCA) giving notice of the removal of a lime tree at Ranfall, 15 Ranmoor Park Road. Ranfall is a complex of apartments created by the subdivision, and addition of dwellings to a large house, originally built in 1871. Although most of the grounds around Ranfall serve as communal areas, the lime tree is situated within a section of the grounds that serves as a private garden to apartment number 1. The section 211 notice, which contained no reference as to why the tree was to be removed, was submitted by a property management company on behalf of the owner of apartment 1.
- 2.3 The tree was subsequently inspected by Vanessa Lyons, Community Tree Officer on the 5th of January 2023. The inspection revealed a mature lime of large stature, being approximately 25m in height, with a diameter of 102cm (this equating to a circumference of 3.2m).The presence of ivy which extends into the canopy prevented an inspection of the main branch unions, however no major outward defects were noted on the visible parts of the tree and the overall health and condition of the tree was noted as being good. The canopy contained some deadwood, but of an amount and size which is usual for the species. The tree had been pruned in the past, to address issues of encroachment to the house. Images of the tree can be seen at Appendix C.
- 2.4 The tree is located to the south of the dwelling, adjacent to a summer house which was a later addition to the apartment, consent for the structure having been granted in 2006. During the visit, the owner of apartment 1 was present, and he stated that he wished to remove the tree due to issues of shade and seasonal debris which affected the summerhouse. Concern was also expressed regarding potential proximity of the tree's roots to the sewer, which runs through the front of the property, though no evidence of any damage was presented.

- 2.5 While estimation of a tree's age from the size of its stem is an inexact science, the girth of the tree suggests an approximate age of around 100 years for a tree of this species. It was therefore part of any gardens which accompanied the house before it was sub-divided into flats. The Ranmoor Conservation Area Statement of Special Interest, which can be found at Appendix D, states that landscape design and historic planting of private gardens makes an important contribution to the special character of the Conservation Area, referencing villas which, like Ranfall, are south facing, overlooking terraces and lawns planted with trees and shrubs. It is the opinion of the assessing officer that the tree therefore contributes to the special nature of the conservation area, and that despite its relatively limited public visibility, its good condition, age and long potential retention span makes its removal due to issues of shade undesirable.
- 2.6 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was conducted on the 5th of January 2023 and the lime tree was scored with 18 points, which indicated that a TPO was defensible. Having regard to this score, it was therefore deemed expedient in the interests of amenity to make the tree subject to an Order. A copy of the TEMPO assessment can be found at Appendix B.
- 2.7 On the 12th of January 2022 an application for consent under a Tree Preservation Order was submitted by the property management company acting on behalf of Ranfall residents. The application (reference 23/00101/TPO) sought consent to prune the tree by 30%, for reasons of shading of the summer house, veranda, and top balcony of the apartments on the east side of Ranfall House. Consent was granted, as healthy and structurally sound trees of this species are judged as capable of tolerating crown reductions of 30% of leaf volume. The works were therefore seen as reasonable, and the pruning a compromise, which would see the tree retained, but some amelioration of shading achieved.
- 2.8 The Council issued its decision notice giving consent to the work on 7th March 2023. The decision notice specifically states that the Council consents to a 30% canopy reduction equating to no more than a 12% reduction of overall branch length. The decision notice also states this work should be carried out in accordance with British Standard 3998 (Tree work – Recommendations, published by BSI).
- 2.9 BS 3998 states that a 30% reduction is not, as is sometimes assumed by the public, a reduction of overall tree height by 30% but instead is equivalent to an approx. 12% reduction in overall branch length (i.e., radial distance). A 30% reduction in overall tree height is a level of pruning which would amount to destruction of the tree as an amenity. This clarification was added, as the quality of information that was provided with the application suggested that arboricultural advice had not informed the process, and it was therefore deemed prudent to remove any possible ambiguity regarding the level of pruning for which consent was being given.

2.10 Following the decision notice being issued, communication was received from a resident of a neighbouring property, expressing concern that the TPO would prevent maintenance of the tree, which had dropped branches in his garden. The TPO does not prevent maintenance, rather it requires that work which is not exempt is made subject to an application for consent. With regards the dropping of branches, the photo provided with the email showed a dead branch. The shedding of deadwood is a normal occurrence for a tree, and an exception in the 2012 TPO regulations allows for the removal of dead branches from a tree without prior notice or consent.

2.11 Objections.

Two objections were received, both outside of the statutory 28-day time frame. One was from an arboricultural consultant engaged on behalf of the property company who manage Ranfall. A second was submitted by the director of Ranfall Residents Limited. Though outside of the 28-day time frame, the inclusion of both has been permitted and copies of both can be seen at Appendix E.

A summary of the main points is as below:

- There are 13 properties immediately surrounding the tree, the majority being opposed to the TPO, the tree causing stress to those in the immediate vicinity and being barely visible to those further away.
- The tree extends too close to Ranfall House numbers 1-5 and 40 Ranmoor Crescent
- It sheds branches and debris and poses a risk.
- The tree drops sticky residue and casts shade.
- there is no public position from which it can be fully seen.
- It has no particular value to wildlife or historical association that elevates its amenity value.
- The reasons given for its protection amount to no more than it being partially visible and it being alive.

2.12 In response:

The tree was inspected by a council arboricultural officer, and an arboricultural consultant engaged by the property management agency. Neither party reported evidence of a defect which would determine the tree as posing a hazard. It is assumed that the shedding of branches refers to deadwood, a natural occurrence, for which there is a straightforward remedy (i.e., their removal).

2.13 The assertion that the tree is too close to adjacent buildings is an opinion. The tree has space with which to grow to its full size over the course of an estimated 100 years of existence, and not come into contact with the fabric of Ranfall. Were it to do so, an application seeking consent to prune the tree to mitigate said contact would be deemed as reasonable.

2.14 It is accepted that the tree is of limited public visibility, offers no special habitat and cannot be stated to be historically significant. However, the tree is in good condition, of long potential retention span, of some public visibility, and can be considered as contributing to the character of the conservation area. These are all elements of amenity that government guidance ("Tree Preservation

Orders and Trees in Conservation Areas”) requires be considered when assessing the amenity of a tree and its suitability for protection. In considering these elements, the tree was found to provide sufficient amenity for its retention and it was therefore considered expedient in the interests of amenity to protect the tree by making the Order.

- 2.15 Removal on the grounds of shade and seasonal debris, despite being seen as undesirable, do not provide sufficient reasons as to why a tree should not be protected by way of TPO nor would they provide a landowner with a reason to remove a tree protected by a TPO if they are a minor inconvenience (and not an actionable nuisance).

3.0 VISUAL AMENITY ASSESSMENT

Visibility: A mature lime of approximately 25 m height of limited public view, visible from within the grounds of Ranfall by multiple occupants.

Condition: A tree in good condition with no major visible defects.

Retention span: At an estimated 100 years of age the tree has a potential retention span of a further 40-100 years.

Contribution to the conservation area: Lacking public open space, the gardens of Ranmoor are considered as making an important contribution to the conservation area. The tree is old and forms an important element of a garden described as being typical of said character of the conservation area, forming part of a lawn bounded by shrubs and trees, overlooked by a terrace and a south facing villa.

Expediency: Immediate. The tree was subject to a section 211 notice which stated the intention 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.468 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 The test for confirmation is whether it would be expedient in the interests of amenity to do so (the same test for making the order in the first instance). Neither 'amenity' or 'expedient' are defined in law. The government guidance (Tree Preservation Orders and trees in conservation areas') is also clear on this point. Members are however asked to note that what is expedient is described by the guidance primarily in terms of risk and it is not necessary for this risk to be immediate. The guidance does not state that an obligation to maintain a tree could prove so onerous so as to make it inexpedient to make or confirm a TPO.
- 7.5 Members are not being asked to consider whether to grant consent for the carrying out of works to the tree; there is no such application before them. The Council has already determined an application for consent per the process described at paragraphs 2.7 to 2.9 of this report. Consent was granted (albeit conditionally). There is a statutory right to appeal that decision – even a decision where consent is given – within 28 days of the decision being made. This right was not exercised.
- 7.6 Instead, two objections to the Order were subsequently received, both being made outside of the Council's stated objection period. The Council chose to accept the objections in the circumstances. The Council may only confirm the Order after considering any representations made in respect of it. If the Order is confirmed, its existence does not prevent further applications for works.
- 7.8 Paragraph 90 of the government's guidance states that an authority is advised, when considering an application for consent to works to a protected tree, to assess the likely impact on the amenity value of the tree or woodland and the impact of the proposal on the amenity of the area. The authority is further advised to consider, in light of this assessment, whether or not the proposal is justified "having regard to the reasons and additional information put forward in support of it". This paragraph appears to suggest that there may be scope to take into account other factors such as maintenance – it is however only applicable where an application for consent to carry out works has been made and the amenity impact of those works is deemed acceptable.

7.8 Any decision in respect of consent may subsequently be appealed via the Planning Inspectorate. This route represents the appropriate recourse where there is dissatisfaction with the Council's decision as to whether and how works may be carried out to a protected tree.

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.468 be confirmed.

Michael Johnson, Head of Planning,

June 20th 2023

Appendix A. Tree Preservation Order No. and map

Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 468 (2023)
15 Ranmoor Park Road, Sheffield S10 3GX

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 468 (2023) – 15 Ranmoor Park Road, Sheffield S10 3GX.

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 19TH JANUARY 2023

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


David Jellins
DUTY AUTHORISED SIGNATORY



SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Lime (<i>Tilia</i> sp)	SK 31831 86372

Trees specified by reference to an area

(within a dotted red line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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Groups of trees




(within a solid red line on the map)

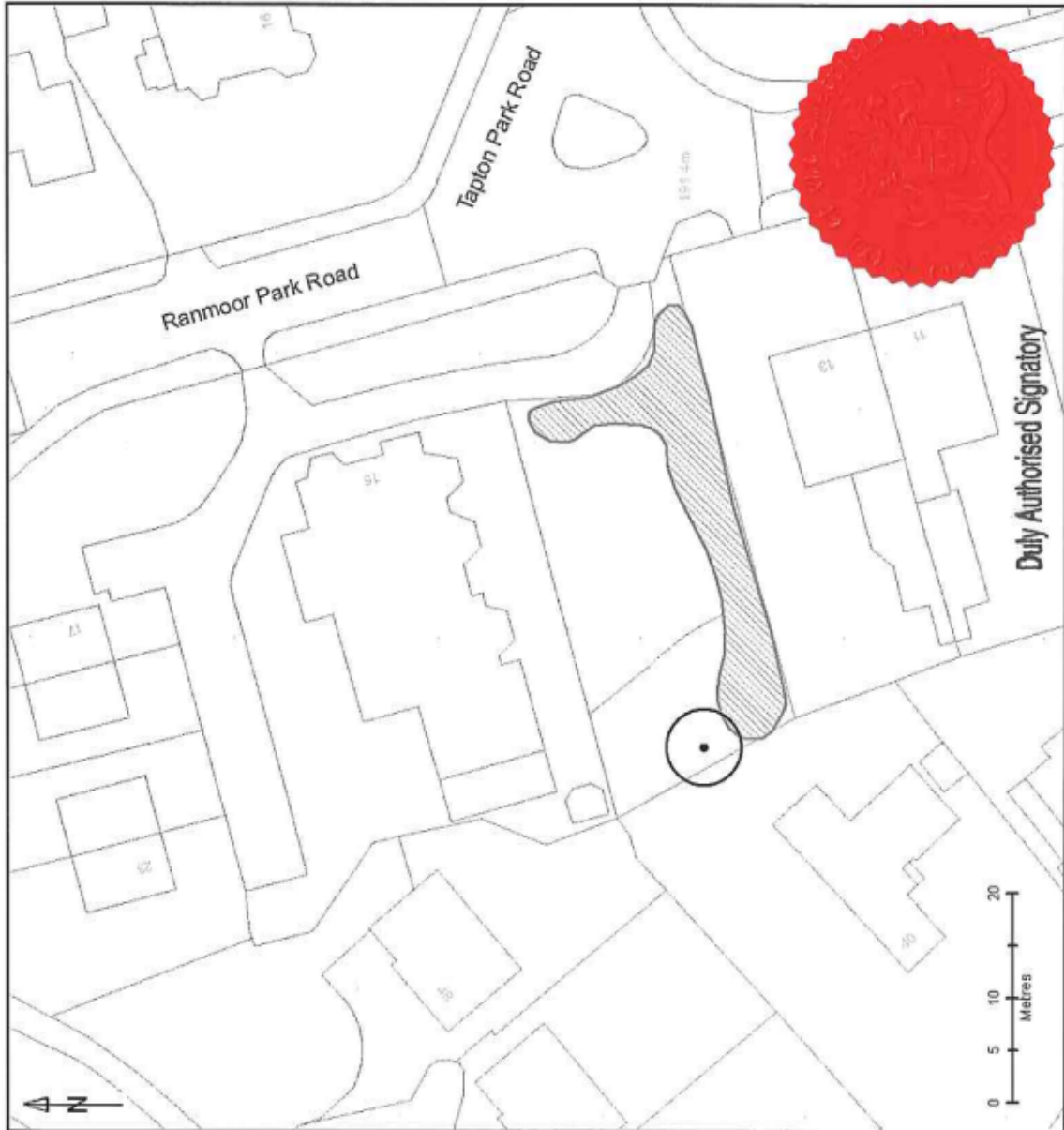
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
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Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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Sheffield City Council Parks & Countryside Service	
TREE PRESERVATION ORDER No. 468	
Drawing No. A4/808/468	
Site address Ranfall, 15 Ranmoor Park Road, Sheffield, S10 3GX	
Scale: 1:500 @ A4	
Drawn by MB	Date: 06/01/2023
 <p>Trees specified individually (circled in black on the plan)</p>	 <p>Trees which are not included in the TPO</p>
T1 Lime (<i>Tilia sp</i>) (Tree directly adjacent to the western corner of property number 1)	
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 31831 86372 Measurements shown approximately	



23-1867-4659

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- 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

Score & Notes

2. Tree not exceptional, though of better quality than would merit 1 point (indifferent form)

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 Section 211 notice reference 22/04282/TCA to fell

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:

18

Decision:

Definitely merits TPO

Appendix C. Images of the tree



Photograph of the tree taken looking towards number 1 Ranfall, the edge of which is just out of shot to the right.



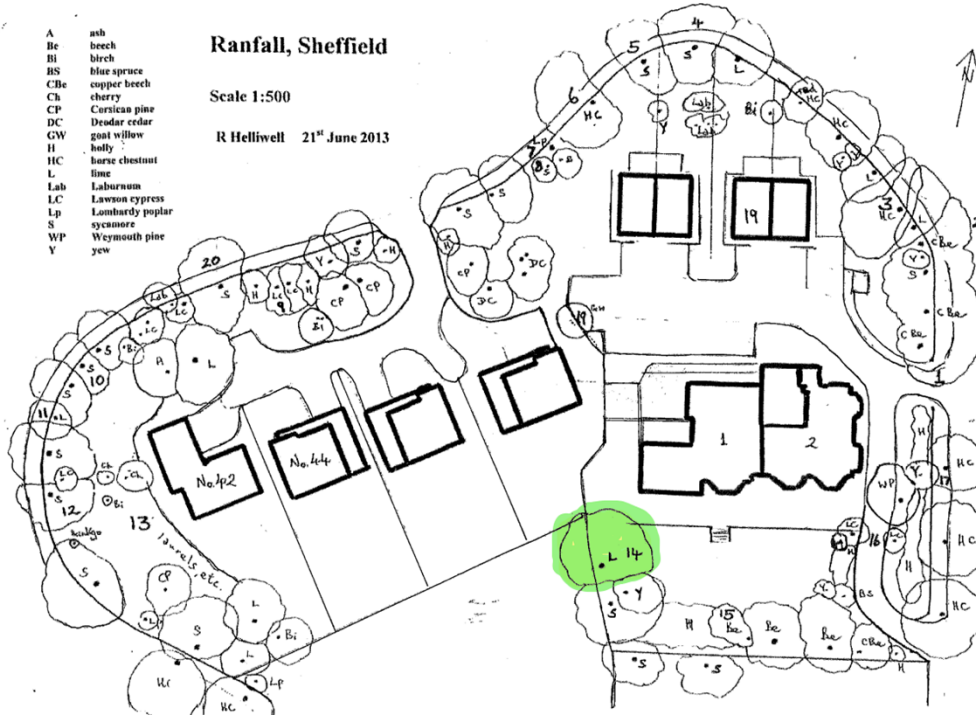
Image taken from Google Streetview, of the view of the tree from Ranmoor Crescent.

- A ash
- Be beech
- Bl birch
- BS blue spruce
- CBe copper beech
- Ch cherry
- CP Corsican pine
- DC Deciduar cedar
- CW goat willow
- H holly
- HC horse chestnut
- L lime
- Lab Laburnum
- LC Lawson cypress
- Lp Lombardy poplar
- S sycamore
- WP Weymouth pine
- Y yew

Ranfall, Sheffield

Scale 1:500

R Helliwell 21st June 2013



Location of the tree relative to the original house at Ranfall (now apartments number 1 and 2)

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Case Number	23/00198/FUL (Formerly PP-11860901)
Application Type	Full Planning Application
Proposal	Demolition of dwellinghouse, erection of four detached dwellinghouses including garages and one detached garage, associated landscaping and access improvements
Location	45A Brooklands Avenue Sheffield S10 4GB
Date Received	20/01/2023
Team	North
Applicant/Agent	Crowley Associates
Recommendation	Refuse

Refuse for the following reason(s):

- 1 The Local Planning Authority considers that the development would be harmful to the living conditions of the occupiers of neighbouring properties, resulting in an unacceptable degree of noise disturbance, light disturbance and a loss of amenity and privacy to adjacent properties and gardens. This is due of the close proximity of the development to neighbouring properties and the intensification of use of the narrow access into the site. The detrimental effect upon residential amenity would be significant and would outweigh the benefits of the scheme. In this respect the proposal is contrary to Policies BE5, H14 and H15 of the Unitary Development Plan, Core Strategy Policy CS74 and the paragraphs 130 and 185 of the National Planning Policy Framework.

Attention is Drawn to the Following Directives:

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

Drawing No. 3090 -001 Rev A Proposed Site Plan published 01/02/2023

Drawing No. 3090 - 002 Plans and elevations Plot 1 published 20/01/2023

Drawing No. 3090 - 003 Plans and elevations Plot 2 published 20/01/2023

Drawing No. 3090 - 004 Plans and elevations Plot 3 published 20/01/2023

Drawing No. 3090 - 005 Plans and elevations Plot 4 published 20/01/2023

Drawing No. 3090 -006 Site Sections 1 published 20/01/2023

Drawing No. 3090 -007 Site Sections 2 published 20/01/2023

Drawing No. 3090 -008 Site Sections 3 published 20/01/2023

Drawing No. 3090 -010 Spring Solar Study published 20/01/2023

Drawing No. 3090 -011 Summer Solar Study published 20/01/2023

Drawing No. 3090 -012 Autumn Solar Study published 20/01/2023

Drawing No. 3090 -013 Winter Solar Study published 20/01/2023

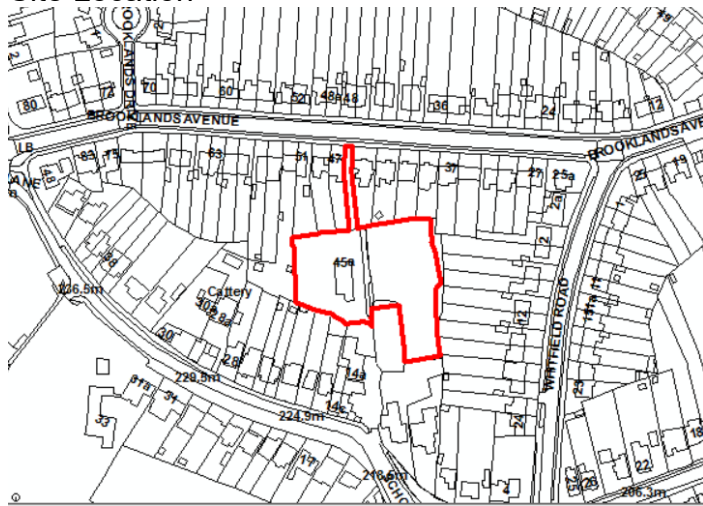
Drawing No. 3090 -014 Rev A Plot Boundaries and Areas published
01/02/2023

Drawing No. 3090 -016 Garage Plot 4 Plans and elevations published
20/01/2023

Drawing 1349-004 Rev D Landscape Master Plan and PLanting Plan
published 01/02/2023

Drawing 1349-006 Rev D Tree Protection Plan published 01/02/2023

Site Location



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LOCATION AND PROPOSAL

The application site relates to land to the rear of properties on Brooklands Avenue, Whitfield Road and School Green Lane. The site is accessed via a long driveway between 45 and 47 Brooklands Avenue and houses a dormer bungalow, No.45A Brooklands Avenue, and its extensive residential curtilage. The site has in the past been used as a tennis club and is laid out broadly over three levels, with the land falling away to the east. Around the periphery of the site are a number of trees which are protected by way of Tree Preservation Orders (TPOs).

The site is identified on the Unitary Development Plan Proposals Map as being within a Housing Area.

Planning permission is sought for the erection of 4 large detached dwellings as well as a detached double garage to serve the dwelling on plot 4 and a flat roofed linked garage to the front of the dwellinghouse on plot 1. The remaining dwellings would have integral garages.

The dwellings would each have five bedrooms (the dwellinghouse on plot one would also have a first-floor study which could readily be made into a bedroom). Residential accommodation would be spread over three floors with the uppermost floor being within the roof space.

To the front of the properties would be parking and to the rear each would have a private amenity area, of varying sizes. A landscape master plan has been submitted which indicates that the existing trees are to be retained and supplemented with additional tree and hedgerow planting.

RELEVANT PLANNING HISTORY

Outline planning permission was sought for the demolition of the existing property on the site and the erection of five dwellings under application reference 20/03379/OUT. The application sought approval for the access, layout and scale. Officers did not view the proposal favourably and the application was withdrawn in December 2020.

More recently planning permission has been refused for the erection of 5 detached dwellings and two detached double garages on the site. Application 22/01539/FUL refers. An appeal against the refusal of the application has been lodged and is currently being considered by the planning inspectorate (appeal reference APP/J4423/W/22/3312257).

The application was refused as the local planning authority considered that the proposal would represent an overdevelopment of the site which would not be sympathetic to the surrounding built environment; the development would have an adverse effect upon the living conditions of occupiers of neighbouring property and the development would not result in a net gain for bio-diversity. The applicant was advised (by way of a directive) that a significantly reduced scheme for 2-3 dwellings on the site may be viewed more favourably.

Following on from this a further application for 5 dwellings on the site was submitted (by the same applicant) and subsequently withdrawn. Application 22/03793/FUL refers.

SUMMARY OF REPRESENTATIONS

37 representations have been received. Of these 31 object (some of the objectors have written in more than once) and 6 are in support. None of the parties in support of the development share a common boundary with the site.

The objections are summarised as follows:

Although the number of properties has been reduced to four, the development still represents an overdevelopment of the site.

The design of the development remains little changed from the previous proposal which was refused planning permission.

The entrance into the site remains narrow and is inadequate, raising highway safety concerns, both for vehicular traffic and pedestrians.

There are no visibility splays for vehicles emerging from the development.

The proposed access from Brooklands Avenue would be dangerous for both vehicles and pedestrians, with high hedges / fencing to either side of the access obscuring views. The access would not be wide enough for large cars (which the owners of such large houses would inevitably have) to pass. Cars waiting to turn into the development would obstruct the highway and present a danger, particularly in snowy conditions or when the sun is low in the sky.

There have been 2 recent serious accidents in the vicinity of the site (one outside No.47 Brooklands Avenue and one outside No.37).

Brooklands Avenue is on a bus route which adds to safety concerns for cars turning into the development / waiting for cars to exit the driveway.

The access is long (at 47m) and would be unsafe for pedestrians using the access. Disabled people would find it difficult to access the development.

How will lorries access the development? Refuse lorries will not be able to access the site and so the bins for 4 properties will be left on Brooklands Avenue, causing more issues for pedestrians and reducing visibility for drivers emerging from the access.

Brooklands Avenue is at present heavily parked and the development will exacerbate this, particularly during construction works.

The narrowness of the access would pose a risk if needed by emergency vehicles, particularly fire appliances. Once within the site would emergency vehicles be able to turn if additional cars are parked? (i.e. cars parked in undesignated areas - not

on the driveways or in the garages).

The level of parking proposed is inadequate and cars are likely to park on Brooklands Avenue causing safety concerns.

The proposal would be an overdevelopment of the site. The properties would dominate the houses on Brooklands Avenue and would alter their outlook. The development is out of keeping with the area in both scale and style.

The gardens are not of sufficient size for dwellings of this scale.

The development would cause issues for the occupiers of the properties to either side of the access in terms of noise, privacy and potential damage to their boundary.

The development would result in overlooking to neighbouring dwellings, patios and gardens which would be exacerbated by the levels of glazing proposed.

The development includes lots of windows which are full height across large expanses of the front and rear. This will result in glare during the daytime and lightspill / light pollution in the evening.

The buildings are too tall for the location and are still too close to each other. The development is too dense for the plot and out of character with the area.

The development would result in overshadowing and loss of light and would be overbearing upon neighbouring dwellings.

The development will result in increased noise and general disturbance from the intensity of use of the site as well as lighting along the access.

Wildlife may no longer be able to access the site and neighbouring gardens due to the removal of hedging and the erection of fencing.

The roots of the trees will spread far. Given the size of the trees the development may compromise their viability. If they were to fall, they would cause damage to neighbouring property.

Issues of surface water drainage have not been addressed and this remains a concern for occupiers of properties 'downslope' from the development. The removal of trees and shrubs may result in increased surface water flooding.

The removal of so many trees has already impacted upon natural wildlife habitats. It is not acceptable to reduce biodiversity and to give monetary compensation to the council instead.

The development would be contrary to the Human Rights Act, in particular Protocol 1, Article 1 which sets out that a person has the right to peaceful enjoyment of all of their possessions which includes the home and other land and also Article 8 which states that a person has the substantive right to respect for their privacy and family

life.

The need to build as many new dwellings may reduce based on the 2021 Census.

Issues of loss of view, noise, dust and general disturbance during building works were also cited; however, these are not planning matters.

The representations in support of the development make the following points:

The development would provide larger quality family homes which are much sought after in the area. The development would add to the varied housing stock in the area.

Local schools are under subscribed, therefore extending catchment areas, taking in pupils from further afield creating larger transport issues. The development would support the local schools and community.

The site would not be overdeveloped. The proposal represents a 20% reduction on the previous scheme and the traffic generated by the proposal would not be excessive.

Private bin collections are to be arranged so the issue of bins left on the pavement will not occur.

The development would remove an area of derelict land and put it to good use. The existing building has been the subject of anti-social behaviour and vandalism.

The development would benefit local shops and services and would generate employment opportunities through the construction phase as well as revenue through Council tax.

The site is large enough to accommodate far more dwellings.

The access is of adequate size and the applicant has demonstrated that the development would not be harmful to highway safety.

The site will not remain as a single dwelling and the proposed development is well thought out and complies with policy. The reduction in the number of dwellings on the site (from 5 to 4) means that they sit better within the site.

PLANNING ASSESSMENT

Policy Context

The National Planning Policy Framework (NPPF/Framework) sets out the Government's planning priorities for England and describes how these are expected to be applied. The key principle of the Framework is the pursuit of sustainable development, which involves seeking positive improvements to the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching

principles.

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

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

The assessment of this development also needs to be considered in light of paragraph 11 of the Framework, which states that for the purposes of decision making:

(d) where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, 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". In addition to the potential for a policy to be out of date by virtue of inconsistency with the Framework, paragraph 11 makes specific reference to applications involving housing. It states that where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites with the appropriate buffer the policies which are most important for determining the application will automatically be considered to be out of date.

As of 1 April 2022, and in relation to the local housing need figure at that date taking account of the 35% urban centres uplift, Sheffield can demonstrate a 3.63 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) of the Framework.

The so called 'tilted balance' is 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 site does not lie within, nor is adjacent to any protected areas or assets of particular importance as described in paragraph 11di).

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

In this context the following assessment will:

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

Principle of Development

The application site is entirely within a designated Housing Area as defined by the Unitary Development Plan (UDP). Policy H10 of the UDP identifies housing as the preferred use of land in these areas. The principle of the development is therefore acceptable from a land use perspective.

However, it should be noted that whilst the principle is acceptable in terms of policy H10, the policy also states that any proposal would also be subject to the provisions of Policy H14 'Conditions on Development in Housing Areas' and BE5 'Building Design and Siting' being met. Furthermore, the principle of housing on this parcel of land is also subject to the more recent Core Strategy policies.

Previously Developed Land

Core Strategy policy CS24 gives priority for the development of new housing on previously developed land and states that no more than 12% of dwellings should be constructed on greenfield land in the period up to 2025/26. The policy does allow for development on greenfield sites that includes at part b) on small sites within the existing urban areas, where it can be justified on sustainability grounds.

While the NPPF actively promotes the reuse of Brownfield or previously developed land, it does not specifically advocate a 'brownfield first' approach. Given this, as CS24 stipulates a proportionate prioritisation of brownfield land this policy carries reduced weight.

The site is currently occupied by a single dwellinghouse, with the remainder of the site having been used as residential curtilage.

The NPPF defines previously developed land as being:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

The site relates to residential curtilage within a built-up area and so is deemed to largely be a greenfield site (it is acknowledged that one of the plots would be on the site of the existing dwellinghouse). The site is however in a sustainable location, close to local shops and services and on a bus route.

The most recent figures show that the Council is currently achieving a dwelling build rate of over 95% on previously developed land and therefore the development of this greenfield site would not conflict with Core Strategy CS24 or the NPPF.

Housing Density

Core Strategy Policy CS26 encourages making efficient use of land to deliver new homes at a density appropriate to the location depending on relative accessibility. The highest density of development is promoted in the most sustainable/accessible locations.

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

The site is approximately 0.4 hectares and the four dwellings proposed results in a density of around 10 dwellings per hectare. This falls below the recommended density identified in policy CS26 (30 to 50 dwellings per hectare); however, to increase the density of development on the site would be likely to be detrimental to the character of the area as well as raising highway safety and residential amenity concerns.

Design, Layout and Impact on the Street Scene

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

Paragraph 130 of the Framework which is concerned with design sets out a series of expectations including ensuring that developments: - add to the quality of the area. - are visually attractive as a result of good architecture, layout and

landscaping. - are sympathetic to the local character and surrounding built environment. - establish and maintain a strong sense of place; and - optimise the potential of a site and create places that are safe, inclusive and accessible.

Paragraph 134 of the Framework makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Policies CS74 of the Core Strategy and UDP policies BE5, H14 and H15 all seek to secure high quality developments which are of an appropriate scale and which enhance the character and appearance of the area. The part of UDP Policy H14 which is most relevant to design and street scene states that new development will be permitted where they are well designed and in scale and character with neighbouring buildings and where the site would not be overdeveloped.

UDP Policy BE5 'Building Design and Siting' also provides design guidance stating good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. Section a) of Policy BE5 notes that original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings.

Core Strategy Policy CS74 'Design Principles' (e) expects high quality development which contributes to place making and is of a high quality.

These local policies reflect of the aims of the Framework and continue to carry substantial weight in the assessment of this development.

The proposed development would see the site redeveloped with four large detached dwellings. The land would be reprofiled and the properties would step down the site from west to east. A band of trees (which are protected by way of a Tree Preservation Order) run along the eastern boundary of the site.

The reduction in the number of properties proposed on the site from the previously refused application (from 5 to 4) has allowed for a little more space between the dwellings.

The properties themselves would be finished in coursed natural stone with tiled roofs. The amount of glazing has reduced slightly from the previously refused application; however the properties would still feature a significant amount of glazing, with windows on three floors.

Properties on Brooklands Avenue are largely detached and semi-detached dwellings finished in render and pebbledash with brick and tile detailing. On Whitfield Road to the east of the site properties are largely brick and rendered and on School Green Lane to the rear (south) of the site properties are a mixture of render, brick and natural stone with a far greater variety of house types.

Sections have been provided which show the dwellings in the context of

surrounding dwellings, these show that whilst glimpses of the dwellings will be visible from Brooklands Avenue they will not be particularly prominent.

To the rear of the properties private amenity areas are proposed. These are of varying sizes. The dwelling on plot 4 would have a large garden; however, the dwellings on the remaining plots would each have a smaller rear garden. Nevertheless the scale of the gardens has increased in comparison to the previous refusal with each of the properties having a rear garden which complies with or exceeds the recommended minimum standard (of 50 sqm).

That said the dwellings remain large, with the dwellings on plots 1-3 having small gardens in relation to the sizes of the dwellings themselves. Although the plans show that the TPO trees are to be retained the garage on plot 4 would encroach within root protection areas and the proximity of the development to the trees may in future result in calls for their removal. Nevertheless the reduction in the number of dwellings does address some of the previous issues in relation to design and it is considered that a refusal of the application on the grounds of the impact the development would have upon the character and appearance of the area can no longer be substantiated.

Amenity Issues

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

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

Overbearing and Overshadowing

The Council do not have any specific minimum space standards. Some general guidance is contained in the adopted Supplementary Planning Guidance (SPG) for Designing House Extensions. Guideline 4 of the SPG identifies that 50 square metres of garden space should be provided for a two or more-bedroom dwelling to avoid the overdevelopment of a plot and that a minimum distance from the rear elevation to the boundary of 10m is normally required for reasons of neighbours privacy as well as amenity. As the SPG relates to house extensions the principles set out within the document are used as guidance only when considering proposals for new dwellings.

Properties on Brooklands Avenue have long rear gardens with around 28m from the rear elevation to the boundary. The proposed dwellings would be set back from this northern boundary with a further gap of at least 15m from the closest of the dwellings to the boundary of the development. The applicant has provided solar

study plans which do show that during the winter months some overshadowing would occur; however the overshadowing from the development would not be significantly greater than already exists from the mature trees on the site.

In terms of the effect development would have upon properties to the east on Whitfield Road, these properties are set at a lower level but again have long gardens, ranging from 35 -50m from the rear elevation to the site boundary. A band of tall mature trees sits on the boundary, providing a degree of screening.

As with the properties on Brooklands Avenue a degree of overshadowing may occur during the winter months of the end of the gardens of these properties; however this would not be greater than the existing overshadowing from the mature tree belt.

Properties on School Green Lane are set to the south of the site and so overshadowing in this direction would not occur. As with the properties on Brooklands Avenue and Whitfield Road these dwellings generally have long rear gardens; the exception being 14 School Green Lane which is a traditional stone property set back behind the conventional building line. Planning permission has recently been granted for a dwellinghouse within the curtilage of 14 School Green Lane (application 20/03904/FUL refers) and this too is set closer to the site boundary, to the rear of plot 3.

The distance from the southern boundary to the dwellings on plots 1-3 varies from 9.5m – 19.4m. The dwellings on plots 1 and 3 would have the smallest gardens; however, they do in the large provide a distance of 10m (or more) from the rear of the dwellinghouse to the southern boundary. Cross sections have been provided which show that the proposed dwellinghouse on plot 3 would be of a similar height to the dwellinghouse that is proposed to the rear of 14 School Green Lane.

It is considered that, on balance, the development would not have such an overbearing impact upon these properties to warrant a refusal of the application on the grounds of overshadowing and overbearingness.

Overlooking

Main windows on the proposed development would face towards the rear of properties on Brooklands Avenue or towards the rear of dwellings on School Green Lane.

Adequate separation between the dwellings on Brooklands Avenue and the development is shown (being in excess of 40m) and it is acknowledged that there is a dwellinghouse on the site at present; albeit a much more modest property. The proposed dwellings would provide residential accommodation over three floors and the uppermost floor would have windows in gable features as well as rooflights. Given the increased number of properties and the increased height of the proposed dwellings, with accommodation over three floors as opposed to the dormer bungalow that previously occupied the site, a significantly greater perception of overlooking would occur to the rear gardens of properties on Brooklands Avenue.

The rear of the proposed properties; facing towards the rear of dwellings on School Green Lane, large areas of glazing are to be incorporated from which a degree of overlooking would occur as well as a heightened perception of being overlooked, in particular to the rear of 14 School Green Lane and to the property which has planning permission (but is yet to be built). Although the separation distance between facing windows would be in the region of 21m which is usual considered to be adequate to prevent unacceptable levels of overlooking from occurring, a sense of a loss of privacy for users of the gardens of these dwellings on School Green Lane would occur in comparison to the existing situation.

Users of the driveway would be passing very close to the gardens of both No.45 and 47 Brooklands Avenue. No. 47 has a timber fence along the boundary and No.45 has a privet hedge. The applicant has offered to erect an acoustic fence along both sides of the access. However, given the level changes, as people pass along the access a degree of overlooking would be likely to occur and users of the access would be particularly visible; again creating a sense of being overlooked and an infringement on privacy.

To conclude on this matter, whilst the development would not result in unacceptable levels of direct overlooking from window to window it would significantly increase the perception of being overlooked, with a much greater number of people using the site. In addition the development would result in greater overlooking to neighbouring gardens and would have a negative effect upon occupiers of neighbouring property in terms of privacy.

Other Amenity Issues

It is considered that the vehicle movements associated with the development would give rise to significantly greater noise and disturbance to the dwellings to either side of the narrow access by virtue of vehicles passing in close proximity to the dwellings either side. Pedestrians using the access would also create a degree of disturbance. The proposed development would increase the number of users of the driveway at least fourfold (from one modest bungalow to four large detached dwellings).

Lighting from headlight of vehicles passing along the access would also be visible from neighbouring dwellings and lead to increased disturbance. Lighting along the driveway would be likely to be necessary, particularly as the access is to be shared by pedestrians and vehicles and this too would be intrusive. Without such lighting the access would be dark and pose a safety risk to users, particularly pedestrians.

It is acknowledged that acoustic fencing is proposed to either side of the access; however it is not considered that this would be adequate to address officer concerns, given the close proximity of the development to these dwellings and level changes. The fencing would have to be tall and even then it would not prevent noise from drifting upwards.

Brooklands Avenue slopes down to the east, as such the dwelling at No.45 is set at a lower level than the access. People using the access would be clearly visible

from upper floor windows of No.45 and particularly when windows are open, significant disturbance would occur due to the proximity.

Cars manoeuvring into the garages and parking spaces in front of the properties would be likely to shine headlights onto the rear of several of the dwellings on Brooklands Avenue, at a greater intensity than occurs at present. The applicant has shown fencing to be continued further along this rear boundary, nevertheless it is still considered that a significant degree of disturbance to the occupiers of dwellings on Brooklands Avenue would occur.

Whilst it is acknowledged that there is an existing access to the single dwelling currently on site, the proposal will significantly increase the number of vehicles using this access to such a level that it will have a material impact and such impact will be harmful to existing residents. The reduction in dwellings from 5 to 4 will slightly reduce activity associated with the dwellings but this is not materially different to overcome the original reason for refusal in relation to this issue.

It is considered that when viewed in the round the development would have an unacceptable effect upon the amenity of occupiers of neighbouring dwellings and would be contrary to UDP Policy H14 and H15 as well as the NPPF (in particular paragraph 130 f) and paragraph 185).

Highway Issues

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

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

Policies H14 and H15 of the UDP, which are primarily concerned with housing development, expect sites to be adequately served by transport facilities, provide safe access, appropriate parking and to not endanger pedestrians.

Congestion and highway safety concerns raised by residents in this area are acknowledged.

The existing access to the site from Brooklands Avenue is to be utilised. The access driveway is narrow and is barely sufficient to enable two vehicles to pass each other. However, the additional traffic generated by the proposed development would be unlikely to have a material impact in terms of safety or capacity on the surrounding highway network. The site is within a sustainable location, with a bus route on Brooklands Avenue and shops and services close by.

Based on the information submitted in the revised Transport Statement it is accepted that in the main the access accords with guidance provided in the South Yorkshire Residential Design Guide. It is however questionable whether a fire appliance would be able to access the site at the point where the access width is most restricted.

In terms of parking provision the current guidelines indicate that for properties of this size the provision should be “negotiated”. Plots 1-3 are to have a single dedicated parking space to the front of each property alongside a parking space within a garage. The dwellinghouse on plot 4 would have more parking with a driveway parking space as well as two spaces in the detached double garage. This is considered to be adequate provision.

Adequate visibility splays can be provided for vehicles given the width of the pavement and verge; however visibility cannot be provided for pedestrians given the high boundary treatments to either side of the access. This is less than ideal and there are concerns regarding conflict between pedestrians and vehicles using the long narrow access.

Whilst the vehicle movements associated with four dwellings will not have a ‘severe’ cumulative impact on the highway network which are the NPPF tests in this respect, it would represent a significant intensification of use of an unsatisfactory access.

Trees

UDP Policy GE15 seeks for mature trees to be retained where possible and replacement planting provided for any which are lost. Paragraph 174 of the NPPF seeks to ensure that decisions contribute to and enhance the natural and local environment and recognises the value of trees and woodland.

The aims of the local and national policies align and significant weight is given to the UDP policy.

The site is bounded by mature trees which have been protected by the imposition of a Tree Preservation Order.

Neighbours have raised concerns that a number of trees have been removed and this is being investigated by planning enforcement.

The submitted plans indicate that all of the protected trees are to remain and some replacement planting for the trees that have been lost is to be carried out.

The proposed garage on plot 4 does encroach into root protection areas of some of the trees and it is also questioned whether the proximity of the development to the trees may result in calls for their removal in the future. These are concerns, however this could be addressed through conditions on any approval and would not be sufficient to warrant a refusal of the application.

Ecology

Policy GE11 of the UDP seeks to ensure that the natural environment will be protected and enhanced. It expects development to respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

Paragraph 174 of the NPPF states that development should enhance and contribute to the natural and local environment.

Paragraph 180 d encourages biodiversity improvements in an around development especially where it can secure measurable gains for biodiversity.

The local and national policy aims align and significant weight is given to the local policy.

The site has been subject to an appropriate level of ecological assessment, with a Preliminary Ecological Appraisal (PEA), Tree Survey, bat and badger surveys.

The report provides a competent assessment of the site and concludes that the main receptors are likely to be bats and birds, but any potentially negative impacts can either be avoided through good practice measures or sufficiently mitigated. With the inclusion of biodiversity enhancements, it is considered that there will be no significant residual effects.

It is advised that any required vegetation clearance avoids the bird nesting season (March 1st – August 31st) unless a check has been made by a suitably qualified ecologist. All wild birds, their active nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended).

An amended Biodiversity Impact Assessment (dated January 2023) has been submitted which uses baseline conditions for the site *before* it was extensively cleared during winter 2021 – 2022. Calculations (using Defra metric 3.0) inform us that the development will result in a net loss of 46.1% habitat units, with a net gain of 26.75% hedgerow units.

Overall, the project results in a *net loss* in biodiversity and the BNG trading rules are not satisfied.

Sheffield has yet to set its net gain tariff in the emerging Local Plan, so the soon to be mandatory 10% minimum BNG cannot be enforced, however, the scheme should still provide a net gain to demonstrate compliance with the NPPF (174, 180).

The applicant has set out through the planning statement that the development would include a diverse mix of native and non-native species; the lighting scheme would be designed to ensure relatively low levels of night time intrusion; 6 bird boxes would be provided on trees within the site and 6 bat boxes on buildings within the site; boundaries would include holes for hedgehogs and wood pile habitats would also be provided.

The applicant also accepts that despite these measures the loss to bio-diversity cannot be compensated for within the development site and the applicant would be agreeable to making a monetary contribution to provide compensatory habitat elsewhere (through a s106 agreement).

Paragraph 180 of the NPPF sets out that if significant harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

As the applicant has indicated a willingness to compensate for the loss to bio-diversity it is felt that the application cannot be refused on these grounds.

CIL

The Council's Community Infrastructure Levy (CIL) Charging Schedule (June 2015) sets the levy rates applicable to certain developments. Mostly CIL replaces some previous payments negotiated individually as planning obligations, such as contributions towards the enhancement and provision of open space (UDP Policy H16) and towards education provision (Core Strategy Policy CS43).

The site is within zone 5 where the CIL charge is £80 per sqm. The proposed development would see the creation of 1,258sqm of net additional floor space.

SUMMARY AND CONCLUSION

Planning permission is sought for the erection of four detached dwellings and garaging on the site of a bungalow to the rear of dwellings on Brooklands Avenue.

The site would be accessed via a narrow driveway, located between No.45 and No.47 Brooklands Avenue.

In the absence of a 5-year housing land supply, Paragraph 11dii) of the Framework is triggered and the application should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme. In this context the benefits and disbenefits of the scheme are weighed below.

On the negative side it is considered that the proposal still represents an overdevelopment of the site. Despite the mitigation measures put forward by the applicant (erection of acoustic fencing and additional planting along the boundaries), it is considered that the intensification of use of the site would have an unacceptable impact upon occupiers of neighbouring dwellings in terms of privacy when using their gardens, noise, light pollution and general disturbance.

Whilst the reduction in the number of dwellings on the site (from 5 - 4) has meant that more space can be provided between the dwellings, and the garden sizes of the plots have increased slightly, it remains a concern that the level of development proposed would result in significant disamenity to occupiers of neighbouring dwellings.

Whilst the development has attempted to avoid the root protection areas of the trees that are protected by TPO's some encroachment would still occur and the development would not result in a net gain for biodiversity (although the applicant has indicated a willingness to provide compensation to allow for off-site provision which would weigh in favour of the scheme).

The applicant has demonstrated that the development would not have a severe impact upon highway safety and the level of parking proposed would be adequate, given the sustainable location. However, the width of the access and visibility of pedestrians using the pavement on Brooklands Avenue are not ideal.

The benefits of the scheme include a small contribution towards the housing land supply, the sustainable location of the scheme and the small economic and social benefits associated with providing new homes.

When viewed as a whole, in this instance it is considered that the adverse impacts of the scheme (amenity concerns) outweigh the benefits, even with the presumption in favour of sustainable development coming into play.

The development is considered to be contrary to UDP Policy BE5, H14, and H15, Core Strategy Policy CS74 as well as guidance contained in the National Planning Policy Framework.

It is recommended that the application be refused.

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Case Number	22/04490/FUL (Formerly PP-11692509)
Application Type	Full Planning Application
Proposal	Alterations to former church including provision of mezzanine floor and ramp to front to form 8 apartments with parking provision and a new vehicular access through the south western boundary wall (Amended Plans/Description)
Location	Woodhouse Trinity Methodist Church Chapel Street Woodhouse Sheffield S13 7JL
Date Received	14/12/2022
Team	South
Applicant/Agent	PPIY Limited
Recommendation	Refuse

Refuse for the following reason(s):

- 1 The Local Planning Authority consider that the proposed development, involving the near total removal of the interior and excessive degree of subdivision would detract from the special architectural and historic interest of the Woodhouse Trinity Methodist Church, a Grade II Listed Building, and insufficient information has been provided to justify this level of harm. In this respect the proposal is contrary to the requirements of policy BE19 of the Unitary Development Plan and the National Planning Policy Framework.
- 2 The Local Planning Authority consider that the proposed development, involving the hard surfacing of the land next to the church for car parking and ancillary buildings, would harm the setting of the Woodhouse Trinity Methodist Church, a Grade II Listed Building, and insufficient information has been provided to justify this level of harm. In this respect the proposal is contrary to the requirements of policy BE19 of the Unitary Development Plan and the National Planning Policy Framework.
- 3 The Local Planning Authority consider that the proposed development could have a harmful affect on buried archaeology in the parcel of land to the west

of Trinity Methodist Church, and insufficient information has been provided to assess the likelihood or magnitude of this harm. In this respect the proposal is contrary to policy BE22 of the Unitary Development Plan, and the requirements of the National Planning Policy Framework.

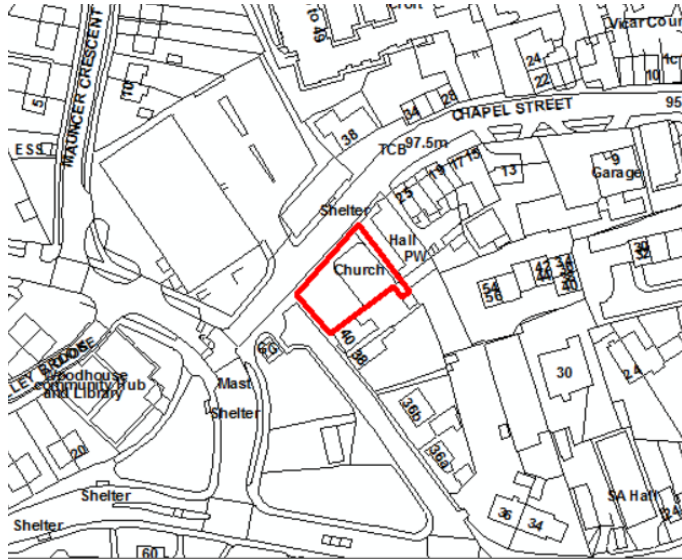
Attention is Drawn to the Following Directives:

1. Despite the Local Planning Authority trying to work with the applicant in a positive and proactive manner it was not possible to reach an agreed solution in negotiations.
2. The applicant is advised that owing to the fundamental concerns expressed in the reasons for refusal, an ecology survey was not requested as part of the application process. However the applicant should note that this would be necessary as part of any future submission.
3. The applicant is advised that this application has been refused for the reason stated above, and taking into account the following documents:

Job No. 2196, Drawing No's. 100, 101, 102, 103, 104, 105, 106, (Published 09.09. 2022)

Job No. 2196, Drawing No's. 201 REV A, 202 REV A, 203 REV A, 204, 205, (Published 09.09.2022)

Site Location



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LOCATION AND PROPOSAL

These applications relate to the grade II listed Trinity Methodist Church (List Entry number: 1271054), which occupies a prominent position in the street scene at the corner of Chapel Street and Tannery Street in the Woodhouse area of Sheffield, along with a small area of land to its west. The church is no longer in use and is understood to have been vacant since 2009.

The building is a very fine and near-intact example of a nineteenth-century Methodist chapel, designed in a Romanesque-revival style with a gable end show-front onto the street scene. Construction was completed in 1879 at a time of sustained expansion and division within the wider Methodist Church when its architecture was reaching maturity.

Externally, the chapel's general bulk and stocky proportions are blended with a notable and contrastingly delicate richness of ornament and texture. Despite a long period of vacancy, the condition of the exterior is largely unaffected with the exception of broken windows and boarded up doorways.

The interior of the chapel, which is organised in a voluminous auditory plan form, is where the majority of its historic interest and significance resides. The openness of the internal space with the elegant tiered gallery supported on slender iron columns and impressive central rostrum all facilitate the Methodist principles of congregational worship, being acoustically and visually designed to give prominence to the pulpit and uninterrupted sightlines for every member of the congregation. Despite the period of vacancy, which has seen theft, vandalism, water ingress and animal infestation resulting in the loss or damage of some historic fabric and internal fixtures and fittings, the vast majority of the interior has survived well. The chapel retains almost a full suite of original fixtures and fittings, many of which are of high quality including a full set of box pews including curved pews within the gallery, the impressive pulpit with organ case above and the loosely Jacobean gallery front. The damages and losses during this period are regrettable but have not reduced the legibility of the building or the strong connection that the design and spatial quality of its interior make to its special interest; even in its current condition the building benefits from an important and unusually intact nineteenth century interior.

The entrance into the chapel from Chapel Street is marked by steps through handsome stone posts flanked by traceried cast iron railings which are also grade II listed (List Entry number: 1247076).

The quality and architectural expressions of the chapel, both internally and externally, demonstrate the level of investment the community made to it, and their aspirations, at a time when church building in other parts of the country was in decline. Its interior in particular embodies the tension between the Methodist teachings of frugality and divinity, and the materialistic expectations of Victorian society.

The land to the west of the building is bound by a low stone wall to the north and west, and the gable end of 40 Tannery Street, a two storey domestic scale dwelling

to the south. The historic use of this parcel of land has not been established; the presence of marked stones and some historic records suggest it was used for burials prior to the construction of the chapel, but some anecdotal evidence suggests it may not have been and was a 'memorial garden'. During the period of vacancy, the land had become overgrown with vegetation and has now recently been mostly cleared.

In terms on land outside the application site, immediately to the east across a strip of hard surfacing is the former Sunday school/church hall where the congregation is now based, and to the south is 40 Tannery Street with its gable end forming the boundary of the undeveloped area, and its rear amenity space extending behind the church.

The character and appearance of the surrounding area is varied: there are a number of attractive vernacular stone built cottages and terraces along Chapel Street and Tannery Street which sit alongside more modern stone and brick domestic scale buildings, with a larger scale Co-op supermarket across Chapel Street to the north, and a modern community centre across Stradbroke Road to the west.

It is proposed to convert the listed church building into 8no. residential apartments comprising:

- 1no studio apartment – 30m²
- 3no one bed apartments – all 43m²
- 4no two bed duplexes – 94m², 94m², 74m², and 63m²

To facilitate this conversion, very significant internal changes would be required including the removal of most of the interior partitions and walls, structures, fixtures and fittings including:

- Pews, pulpit, organ and organ case
- Internal walls defining the lobby and vestry
- Rounded gallery, balustrade, benches and the upper part of the staircases
- Most of the wall and ceiling decorative detailing

Retained internal features would be limited to the entrance lobby walls and vestibule doors, most of the rounded staircases either side of the lobby, the cast iron pillars which hold up the gallery, and some of the wall and ceilings decorative detailing.

The cleared internal space would be extensively subdivided to create the 8no. units across three levels with internal additions including:

- Full first floor at approximately the height of the existing gallery
- Mezzanine floor across the full length of the building and set in from each side
- Party walls splitting the building into four quadrants on all three levels
- One new staircase between the ground and first floors

- Four new staircases between the first and mezzanine floors, one within each two bed duplex
- Internal walls between communal access/circulation routes and the units
- Internal walls to define bedrooms, bathrooms and WCs within each unit

External changes to the building are also proposed including:

- Replacement of windows on both side elevations with clear glass (currently stained glass)
- Addition of ramp access and stairs, and increasing the size of terrace at the front entrance
- Changing the direction step on to the east side entrance

Windows on the front elevation would be retained and repaired, along with the rainwater goods, stonework, boundary treatments and roof.

The parcel of land to the west of the church is proposed to be laid with permeable paving and used as car parking with nine spaces including one accessible space, with a narrow strip of soft landscaping on the inside of the boundary wall along Chapel Street. Two new access points would be created through the stone boundary wall: a pedestrian entrance from Chapel Street and a vehicular entrance from Tannery Street.

It is proposed to erect a bin store enclosure for four of the apartments within the car park area and to utilise the existing boiler house to the rear of the church for a bin and cycle store for the other four apartments.

As the proposed development would necessitate physical alterations to the Grade II listed church and its boundary treatments, both planning permission and listed building consent are required, and this report covers both applications.

RELEVANT PLANNING HISTORY

There have been two previous rounds of planning application and listed building consent applications relating use of this church for apartments and work to facilitate this.

Applications 12/01336/FUL and 12/01337/LBC sought consent for 12no apartments (all two bed) and were refused 28.11.2012. A subsequent appeal was dismissed 29.01.2014. The Planning Inspector agreed with two of the reasons for the refusal: harm to the listed building and living conditions for prospective and neighbouring occupiers; but did not agree that highway safety was a reason for refusal.

Applications 15/04556/FUL and 15/04557/LBC sought consent for 8no apartments (3no one bed, 1no two bed, 4no three bed) and were withdrawn 17 March 2016 following discussions between the applicant and LPA, during which the applicant was advised that this level of subdivision and internal 'strip out' was unacceptable, and it was suggested the pre-application advice was sought for one or two residential units to allow the retention of the most significant features of the interior

of the building.

Pre-application advice was sought in early 2022 (22/00186/PREAPP) in relation to another 8no apartment scheme (4no one bed, 1no two bed, 3no three bed). Advice was given that the conversion to residential was likely to be acceptable, and suggested the 8 units could be accommodated, but raised concerns about the extent of the intervention needed, the width of the mezzanine and the loss of internal fixtures and fittings. It is noted that no Heritage Statement or Viability Appraisal was submitted with this advice request thus limiting the scope of the advice.

SUMMARY OF REPRESENTATIONS

There have been two rounds of consultation with the public and statutory consultees: one when the applications were first validated, and another when further assessment work and amendments to the proposal were submitted.

The application is being presented to planning committee because it has generated a considerable amount of public interest, including the submission of a petition with 95 signatures in support of the proposal on the basis it provides one and two bed apartments.

13 written representations (eight support, four object, one neutral) have been made:

Support

- The development would be an opportunity to retain and make use of a deteriorating structure
- The development would be an investment in the area
- The development would offer natural surveillance to this part of Woodhouse

Object

- There would be potential for overlooking [*windows on rear elevation and new access point into building have since been omitted from the proposal*]
- The proposal would be overdevelopment of the building
- There are more suitable uses for the building
- The development would result in the loss of internal features
- Concerns over land levels and drainage in car park
- The development would increase traffic and parking pressure
- The submission does not addressing NPPF requirements for information

Newly elected Councillor Alison Norris was the lead petitioner for the above petition in support of the proposal prior to her election.

Councillors Mick Rooney and Paul Wood, and former Councillor Jackie Satur, have written in support of the application provided it includes one and two bedroom apartments.

Historic Building and Places, The Victorian Society and Historic England have been consulted during both round of consultation, and all three organisations have

raised significant concerns about the proposal relating to the loss of internal features, the level of subdivision and the replacement of windows, as well as questioning the applicant's assertion that the parcel of land to west has not been used for burials. Historic England have also highlighted that they hold records with a good level of detail about the use of the chapel, including seating plans which provide an insight into the demographics and standing of members of the congregation.

Sheffield's Conservation Advisory Group were also consulted; they noted that the church has a fine interior and is the most significant listed building in Woodhouse, and despite its poor state of repair it could not support the application due to the lack of information about the retention of interior features.

RESPONSE TO REPRESENTATIONS

The issues raised in consultations responses are covered in the following planning assessment, including the suitability of the site for alternative uses which would ordinarily not form a material consideration but in the case of heritage assets is relevant in the context of less harmful alternative viable uses.

PLANNING ASSESSMENT

The development plan is the starting point for the determination of planning applications, and it comprises the policies and proposals map of the Unitary Development Plan, and the policies of the Core Strategy.

Where development plan policies do not align with the National Planning Policy Framework (NPPF) their weight is reduced and, as is the case in respect of the impact of the development on the listed building, the NPPF position becomes a central consideration.

It is important to note that in this case, despite Sheffield City Council only demonstrating a 3.63 year supply of deliverable housing sites, the so-called 'tilted balance' set out in paragraph 11 of the NPPF is not engaged. This is because paragraph 11d)i offers an exception to this tilted balance in cases where assets that are protected by the NPPF, including heritage assets, would be affected in such a way that that consideration alone would provide a clear reason for refusal. As set out later in this report, harm to the heritage asset in this case is sufficient to warrant a refusal.

Set against this context, and with consideration the nature and setting of the proposal, the key issues in this case are:

- Land use and density
- Impact on the listed building
- Archaeology
- Living conditions
- Character, landscape, and design
- Highways

Land Use

Principle

The UDP Proposals Map locates the application site within a Housing Area where policy H10 (Development in Housing Areas) offers preference to a residential uses meaning there is no land use policy conflict for the proposed development, although its acceptability rests on its compliance with other relevant policies and the NPPF. Policy H10 also lists a number of other acceptable uses for land within housing areas, which is a relevant consideration in the in the context of the NPPF's position on heritage which is covered later in the report.

The emerging Sheffield Local Plan sees the boundary of the Woodhouse District Centre amended to include the application site, and as such emerging policy NC10 (Development in District and Local Centres) would be relevant. This policy would offer preference to commercial, business and service uses (excluding offices) within the area but considers a number of other uses acceptable, including residential, where they would not dominate the preferred uses. Whilst this policy is only afforded very limited weight at this stage owing to the early stage of Plan preparation, it is relevant to consider that provided the 'dominance' test was met, a residential conversion would not conflict with this policy and that a number of other uses would be acceptable, or indeed preferred.

Density

Policy CS26 (Efficient Use of Housing Land and Accessibility) sets density ranges for different parts of the city, with the application site having a suggested density of 30-50 dwellings per hectare, although the policy offers flexibility to these ranges relating to design, character and sensitive areas, with heritage referred to as one such sensitivity. This complies with the NPPF's encouragement of the efficient use of land which invites consideration of need, viability, services, character and design. In this instance, the provision of 8 units within the 625m² application site represents a density of 128 dwellings per hectare which exceeds the target range, although that is not unusual for apartment schemes and represents the efficient use of land, so can in principle be supported.

Built Heritage

As this report deals with both the planning and listed building consent application, it is important to note that this section of the report forms the sole consideration for the listed building consent application, whilst the planning application is considered within the much the wider scope of topics covered in this report.

Decisions about development proposals are made in the context of the Council's statutory duty, contained under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), to have special regard to the desirability of preserving heritage assets and their setting or any features of special architectural or historic interest which they possess.

Policy BE19 (Development Affecting Listed Buildings) looks for development to preserve the character and appearance of listed buildings and offers preference to the building remaining in its original use. Whilst offering a similar level of protection, the restrictiveness of this policy and the limited scope of considerations it invites

does not align with the NPPF so its weight is substantially reduced, and instead the NPPF's tests will be the central consideration.

Like local policy, the NPPF takes a resolute position on the protection of heritage because their preservation is in the public interest; they are finite, irreplaceable and intrinsically linked to the history of their locality. The Framework directs decision makers to consider development proposals through the lens of significance. It looks to consider the significance of a heritage asset, and the qualities of the asset and its setting that this significance is derived from, and then to assess the level of harm to that significance that would arise as a result of a development. The central thread of the NPPF's position on heritage assets, at paragraph 199, is to afford great weight to the conservation of this significance. Different tests are applied for different levels of harm and in this case, as explained below, the harm caused to the asset would be substantial which necessitates the application of the test set out in paragraph 201:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, 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, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site; and*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use*

Significance

Heritage significance can be defined as the value of a heritage asset to this and future generations because of its heritage interest. This interest can be derived from any archaeological, historic, architectural and artistic interest it possesses. Trinity Methodist Church exhibits significant architectural interest being built in the Romanesque revival style. A number of features typical of this style are apparent including a projecting central gable with venetian window, clasping buttresses and pinnacles above an arch headed double doorway. Arch headed windows are a significant feature to both front and side elevations of the building, hood moulds further emphasising the principal elevation of the building.

However, Trinity Methodist Church also derives a large part of its significance from its interior, which even after a period of vacancy is unusually intact. Its spatial qualities, being the triple height space and auditory layout, are fundamental to understanding its original use, and the fixtures, fittings, and decorative details tell an interesting story of the congregation and wider Methodist Church at the time of its construction and use. This intactness is also part of the historic significance of chapel in that it provides evidence of the Methodist community in this part of Sheffield, but also wider communal value such as individual family association with the church and evidence of the approaches to social values, particularly the

ordering of pews.

There is also potential for archaeological interest in the church grounds.

Harm to Significance

The proposed physical changes to the interior are very extensive and cumulatively they would represent a complete loss of the legibility of the internal space. It is acknowledged that the proposal has made some attempts at preserving spatial qualities, e.g. with the mezzanine floor being stepped in from the sides to retain some internal height, but owing to the amount of subdivision throughout the building and the narrow width of these void spaces in the context of the space as a whole, these do not go far enough to preserve the important contribution the spatial qualities make to the significance of the building.

The change of use would also see an almost complete removal of all fixtures, fittings and decorative detailing. Whilst the proposed retention of some internal fixtures is welcomed, e.g. ceiling detailing and the columns which hold up the gallery, in the context of the proposed development as a whole this would do very little to preserve the contribution that these features make to the building's significance.

The retention and repair of most of the exterior of the building is welcomed, but the replacement of the stained glass windows on both side elevations would nonetheless have an impact on its significance in terms of its appearance and the way its internal space is experienced. The proposed changes to the front entrance including the construction of a ramp entrance are not considered to be particularly harmful to the significance but notwithstanding this, improved accessibility to the heritage asset would outweigh any harm arising as a result of changes to the relatively intact façade.

The use of the land to the west of the church as a car park with bin storage, and the laying of hard surfacing with very limited soft landscaping, is harmful to the setting of the listed building. This harm is caused by the loss of the relationship between the church and its grounds, the nature of which was ancillary to the church (either as a memorial garden or a graveyard) and also forms an important part of the open setting within the street which increases the prominence of the church.

Concerns were raised with the applicant about the extensive subdivision, loss of so much of the interior fabric and detailing, and the replacement windows following the first round of consultation, and suggestions from officers and statutory consultees were shared which could have reduced the harm that would be caused by these interventions, e.g. omitting the mezzanine floor, and incorporating historic fixtures like the pews into the fittings and fixtures needed for residential use. Some changes were made to the proposal following this, including a reduction on the size of the mezzanine and reducing the amount of subdivision within each residential unit, but these changes did not amount to a meaningful change that addressed these concerns and to reduce the level of harm. The above NPPF policy test for 'substantial harm' was also highlighted to the applicant at that stage, and

information to justify this harm was invited in order to comply with the NPPF's test. No further information was provided in that regard.

Policy Test

As above, Paragraph 201 directs local planning authorities to refuse consent for such harmful developments with two specific exceptions.

Exception One

...unless it can be demonstrated that the substantial harm...is necessary to achieve substantial public benefits that outweigh that harm

The level of harm caused by the proposal is so substantial that the public benefits needed to outweigh it would be very considerable; particularly in this case where the story told by the interior of this building is intrinsically linked to the history of the local population.

The public benefits offered by this proposal would be the modest contribution of eight residential units to the city's housing land supply, the investment into the area, and the building itself being bought back into use to regenerate this part of Woodhouse.

Beyond stating that the proposal would provide this residential accommodation, the applicant has not submitted any information or evidence to demonstrate why this should be considered a substantial public benefit. Representations from Councillors and the submitted petition both support the proposal on the basis it would provide one and two bedroom residential units. In order to come to a view on the extent to which this would offer a public benefit, and in the absence of any area specific information, the Housing Market Area (HMA) profiles have been reviewed. The application site falls with the South East HMA 2021 which covers a large area of the city - Woodhouse one of 16 areas covered by it - so its findings are not a precise way of assessing house need in each neighbourhood, particularly for proposals like this one which are small in the context of such a large area. Whilst the HMA identifies a shortfall of one and two bed units across the whole south east of the city, it highlights that the housing stock in Woodhouse includes a higher percentage of flats than the city as a whole.

Although a contribution to housing supply at a time when our housing land supply is below the 5 year target would offer a limited public benefit, given the fairly small scale of the proposal and that the HMA does not point toward an acute need for this type of accommodation in this area, it is considered that the provision of these units would not constitute a substantial public benefit, even when taken together with the reuse of the currently vacant building and the investment the area.

Exception Two

...or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;*
- and*

- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use*

The location, size, or internal layout of Trinity Methodist Church does not prevent all reasonable uses. There would be no conflict with the key land use policy H10 to convert the building into a number of other uses which would require less physical changes including offices, restaurant, community space or recreational facility. Similarly, the emerging policy NC10 would offer preference to commercial, or community uses (except offices) and could support a residential conversion depending on the dominance of that use across the wider District Centre. A residential conversion involving less physical intervention with a reduced number of units, and more meaningful incorporation of existing fixtures and fittings, would still represent an efficient use of land.

No evidence has been provided that these alternative, less harmful uses would not be viable, or that appropriate marketing has taken place to pursue them. The application documentation makes very limited references to unsuccessful attempts to find alternative uses but has not supported this with the necessary evidence. The optimum viable use of the chapel is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. Notwithstanding this, should residential use be demonstrated as the optimum viable use, there are different levels of impact that can be caused by any conversion and the scale of conversion would need to be clearly and convincingly justified. Conversion to fewer units would cause less harm than a more intensive conversion e.g. the installation of the mezzanine floor. Currently, eight residential units have not been justified. No evidence has been provided to demonstrate that attempts to source grant funding or alternative ownership have been explored.

As above, the public benefit of bringing the building back into use for the proposed use and the scale of conversion is not considered to outweigh the harm, particularly without any evidence to say this would be the only viable use of the building.

As the applicant has not provided the necessary evidence to demonstrate that the proposal falls into one of these exceptions, the NPPF is clear that owing to the substantial harm the development proposal would cause to the significance of Trinity Methodist Church, the application should be refused.

Archaeology

Policy BE22 looks to protect archaeological sites from damage and destruction, and depending on their significance either requires them to be preserved in situ or to secure an adequate record. As with built heritage, this policy position is not wholly in line with the NPPF's approach which in the case of non-designated heritage assets invites a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. Paragraph 194 is clear that

the onus is on the applicant to submit an appropriate desk-based assessment for sites with the potential to contain buried archaeology which would determine whether further assessment work is required and allow an understanding of the archaeology's significance.

The potential area of buried archaeological interest in this case is the parcel of land to the west of the chapel which is proposed to be used for car parking. According to information held by the Council, a chapel was built on this site in 1814 and had a burial ground, with grave markers found on site predating the construction of the existing chapel. The applicant has submitted very limited information about this, relying wholly on anecdotal evidence that burials have not taken place and proposed work in the area is carried out under a watching brief.

Further information was requested from the applicant to understand the nature of the work that would be taking place to form the car park to come to a view on whether a watching brief would be sufficient, i.e. existing and proposed land levels, drainage works, and surface treatments. Insufficient information has been provided, and we are therefore unable to come to a view on whether the potential for harm to the burials and evidence of the earlier chapel is such that a watching brief is an appropriate response, or whether further assessment work or alternative designs would be required. In light of the NPPF's position on heritage assets, this lack of information is also a reason for refusal.

Living Conditions and Accessibility

NPPF paragraph 185's protection of living conditions aligns with both policy H14 (conditions on development in housing areas), which protects residents for pollution or nuisance, and looks to avoid overdevelopment to ensure residents are not deprived of light or privacy, and policy H5 (flats, bed-sitters and shared housing) which supports the creation of flats provided they would provide satisfactory living conditions.

Sheffield City Council has no adopted space standards, but the National Space Standards and South Yorkshire Residential Design Guide (SYRG) provide useful benchmarking for living space, as shown in the table below (where two figures are given, this is dependent on occupation, not a minimum and maximum):

	One bed	Two bed
National Space Standards	37-50m ²	70-79m ²
SYRG Space Standards	33-47m ²	62m ²

Prospective Occupiers

Space

The studio apartment on the ground floor at 30m² is below the lower end of the less generous SYRG standard. The 3no one bed apartments all at 43m² align fairly well with both sets of standards. The smaller two bed at 63m² is just meeting SYDG. The remaining 3no two beds at 94m², 94m² and 74m² meet or exceed the

standards. Taken as a whole, the space provided in each unit is considered acceptable. In the context of the above NPPF policy test for heritage assets and noting a conversion to less units would result in less harmful subdivision, the fact that some units only just meet the minimum standards demonstrates that a conversion to less units would not result in overly large apartments. The layout of the internal space and the proximity of the building to other built development does not raise any concerns about noise, privacy, outlook or daylight.

No outdoor amenity space is provided as part of the proposed scheme, which is not unusual for smaller scale apartment schemes, but given the site's proximity to several areas of publicly accessible open space this is not a concern.

Neighbouring Occupiers

The nearest residential property to the application site is 40 Tannery Street, which abuts the parcel of land to the west of the site with their amenity space extending to the rear of the church. Early concerns about overlooking from new windows on the rear elevation were addressed by omitting them from the proposal. The use of the parcel of land to the west of the church for car parking would generate noise from car parking and manoeuvring, but given the fairly low number of spaces within the car park, and the proximity to Chapel Street which is a fairly busy road, it is considered unlikely that this additional noise would result in a significant change to the prevailing noise environment and would not give rise to any concerns about living conditions and nuisance.

Design, Landscaping and Character

Policies H14 (Conditions on Development in Housing Areas), BE5 (Building Design and Siting) and CS74 (Design Principles) all look for good, high quality design, and policy BE6 (landscape design) looks for good quality landscape design that integrates well with existing features and promotes interest and nature conservation; these policies reflect the importance placed on design and character by the NPPF.

The repair of stonework, roofing and other building elements would have a positive effect on the street scene. Whilst bringing the area of land next to the church back into use could have a positive effect on the street scene, it would be preferable to see a much 'softer' use and layout which incorporated more planting to retain the characterful relationship of a religious building and garden; a less extensive conversion could negate the need for car parking and allow a more sympathetic treatment of this part of the site. The replacement of the stained glass windows on the side elevations are not ideal as their retention and repair would make a positive contribution to the appearance and character of the building, and as above raise concerns in terms of heritage, but provided the materiality of the frames was sympathetic to the building this alone would not represent a conflict with design policies.

Very little information has been provided about the design of the bin storage within the parking area. Whilst its footprint and siting are likely to be acceptable in design terms, its massing, appearance and materiality would need to be sympathetic to its

setting and with no detail it is not possible to come to a view on policy compliance.

Highways, Parking and Access

Policies H5 and H14 look for sufficient off-street parking for new residential development and the Car Parking Guidelines suggest a maximum of 14 spaces would be needed for this development (one per one bed dwelling (4), two per two bed dwelling (8), and one visitor space per four dwellings (2)). Owing to the sustainable location of the application site very close to the local centre and public transport routes in the vicinity, and with consideration of the NPPF's position on promoting sustainable transport, the proposed parking provision of 8 spaces and one accessible space is sufficient for this development and the layout of the parking area allows 6m clearance which is sufficient for manoeuvring and allowing all cars to enter and exit in a forward gear.

Reduced parking provision, including potentially a car free approach, may be considered acceptable for the conversion of this building depending on the nature and intensity of the use and the existing availability of parking in the area. This is because, as outlined above, a different approach to this part of the site would offer important benefits in respect of character and the setting of the listed building, and in any case the presence of archaeological interest could be a constraint to developing it.

Biodiversity

Policy GE11 (Nature Conservation and Development) requires the design, siting and landscaping of development to respect and promote nature consideration and mitigate harmful effects of the development on nature, which aligns fairly well with the NPPF although the Framework focuses on securing net gains.

No information has been submitted in respect of the potential biodiversity interest in the building that has developed during the period of vacancy, e.g. bats, therefore we have insufficient information to assess whether the proposal is likely to negatively impact upon them, and whether there is a need to incorporate measures to offset this biodiversity impact within the scheme. Owing to the fundamental heritage issues being identified early on and subsequently failing to be resolved, this information was not requested during the course of the application, but the applicant has since been advised that this would be required in any future application or appeal.

The small strip of landscaping within the car park could offer some limited biodiversity interest to the site with an appropriate species mix and long-term maintenance.

Sustainability

Policy CS64 (Climate Change, Resources and Sustainable Design of Development) require all developments to reduce emissions and function in a changing climate, with policy CS65 (Renewable Energy and Carbon Reduction) requires all significant developments (more than five dwellings) to incorporate

decentralised, renewable or low carbon energy, and minimise energy demand.

The limitations of converting a historic building, in terms of energy saving and generation, is recognised, and the need to minimise harmful physical changes and alterations would outweigh the need to incorporate intrusive and impactful sustainability measures. The applicant has submitted a Sustainability Statement setting out the measures that could be incorporated, including low energy bulbs and A rated appliances, which in the context of this conversion would meet the thrust of this policy.

Drainage

Policy CS67 (Flood Risk Management) looks to reduce the extent and impact of flooding by ensuring all developments significantly limit surface water run-off, and the NPPF at paragraph 167 requires decision makers to ensure developments do not lead to an increase in flood risk.

The site is not located in an area at risk of flooding. The proposal would see no change to the footprint of built form at the site, and the use of permeable paving to the car parking area would significantly limit any increase in run-off.

Bin Storage

Inadequate or impractical bin storage can lead to future residents leaving their wheelie bins on the pavement which can have an impact on the accessibility and safety of the public highway, and on the character of an area, both are which are protected under aforementioned policies. It is proposed to make use of an existing boiler house to the rear of the church for bin storage for some of the flats, but the only point of access into this store is outside the application site, and gaining access through a new doorway within the application site would require the infilling of the external stairway to the cellar of the church and involve using stairs to move between the public highway and the bin store. Despite requests, no information has been provided about if or how these issues would be overcome, so there remains a concern about the potential impact of the scheme in this regard.

SUMMARY AND RECOMMENDATION

It is proposed to convert the vacant, grade II listed Trinity Methodist Church into 8no apartments which would involve significant internal alterations, some external alterations, and the use of the adjacent garden as a car park.

The pertinent issue in the determination of these applications is the impact of this proposal on the listed building in the context of the NPPF. Whilst the proposal's modest contribution to housing supply and the reuse of this building would offer a limited public benefits, they would not outweigh the very high level of harm that this proposal would cause. Furthermore neither the building itself, nor adopted or emerging land use policy, would prevent a conversion to a number of less harmful alternative uses, including a less intensive residential conversion, but no meaningful evidence has been submitted to demonstrate that this very harmful proposal would represent the least harmful viable use of this building.

In the days leading up to the deadline of this report, some discussion took place with the applicant about the preparation and submission of a Viability Assessment to justify the harm. This document was first requested by officers in February alongside other necessary evidence e.g. to demonstrate alternative uses had been marketed. As this document could take months to prepare, submit and scrutinise, and alone would not be sufficient to assess compliance with the NPPF's requirement to justify the harm, we cannot continue to delay the determination of this application whilst waiting for it. The NPPF is clear that the onus is on the applicant to justify development which harms the significance of heritage assets but unfortunately no such justification has not been provided, which leaves no choice but to recommend the planning and listed building consents for refusal.

In addition to the harm to the significance of the built heritage asset, there is a fundamental lack of information about the potential impact of the proposal on buried archaeology. Despite repeated requests for details about the car parking element of the proposal, that would likely negate the need for onerous and time consuming archaeology assessment work, no such information has been provided. Very shortly before the deadline for this report, a drawing was submitted showing typical sections for car park groundworks but this does not provide sufficient detail to assess the proposal, and the timing of its submission did not allow any meaningful consultation with archaeology specialists. Therefore the lack of information about buried archaeology is also a reason to recommend the planning application for refusal.

There are other concerns with the proposal relating to the bin storage, landscaping and biodiversity, but these are not considered to be so significant that they would be a reason for refusal. If the fundamental heritage and archaeology policy conflicts could be resolved in a future application, these other concerns are likely to be overcome with minor amendments and the submission of further information.

In respect of other the issues covered in this report, living conditions, highways, sustainability and drainage, there are no policy conflicts that would raise concerns about the future conversion potential of this building, and any additional detail required in relation to these specific areas for a future application could be dealt with by planning conditions.

It is recognised that the condition of this listed building is deteriorating. Its repair and upkeep requires a viable use to be found to prevent irreversible damage and total loss, and identifying and facilitating that viable use is in the public interest. During pre-application discussions and over the course of this determination, Council officers and statutory consultees have made it clear that there is no in principle objection to converting the building. There has been considerable and proactive engagement with the applicant to try to overcome concerns by inviting a reduction of harm and the justification of any necessary harm. Unfortunately, this engagement has not resulted in any meaningful amendments to the scheme, or the timely submission of necessary and sufficient information.

Therefore, in light of the unjustified harm to the listed building and its setting that is not outweighed by public benefit, contrary to policy BE19 of the UDP and paragraph 202 of the NPPF, and the lack of information about buried archaeology

as required by policy BE22 of the UDP and paragraph 194 of the NPPF, it is recommended that the planning application and listed building consent application are refused.

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Case Number	22/04491/LBC (Formerly PP-11692509)
Application Type	Listed Building Consent Application
Proposal	Alterations to former church including provision of mezzanine floor and ramp to front to form 8 apartments with parking provision and a new vehicular access through the south western boundary wall (Amended Plans/Description)
Location	Woodhouse Trinity Methodist Church Chapel Street Woodhouse Sheffield S13 7JL
Date Received	14/12/2022
Team	South
Applicant/Agent	PPIY Limited
Recommendation	Refuse

Refuse for the following reason(s):

- 1 The Local Planning Authority consider that the proposed development, involving the near total removal of the interior and excessive degree of sub-division would detract from the special architectural and historic interest of the Woodhouse Trinity Methodist Church, a Grade II Listed Building, and insufficient information has been provided to justify this level of harm. In this respect the proposal is contrary to the requirements of policy BE19 of the Unitary Development Plan and the National Planning Policy Framework.
- 2 The Local Planning Authority consider that the proposed development, involving the hard surfacing of the land next to the church for car parking and ancillary buildings, would harm the setting of the Woodhouse Trinity Methodist Church, a Grade II Listed Building, and insufficient information has been provided to justify this level of harm. In this respect the proposal is contrary to the requirements of policy BE19 of the Unitary Development Plan and the National Planning Policy Framework.
- 3 The Local Planning Authority consider that the proposed development could have a harmful affect on buried archaeology in the parcel of land to the west

of Trinity Methodist Church, and insufficient information has been provided to assess the likelihood or magnitude of this harm. In this respect the proposal is contrary to policy BE22 of the Unitary Development Plan, and the requirements of the National Planning Policy Framework.

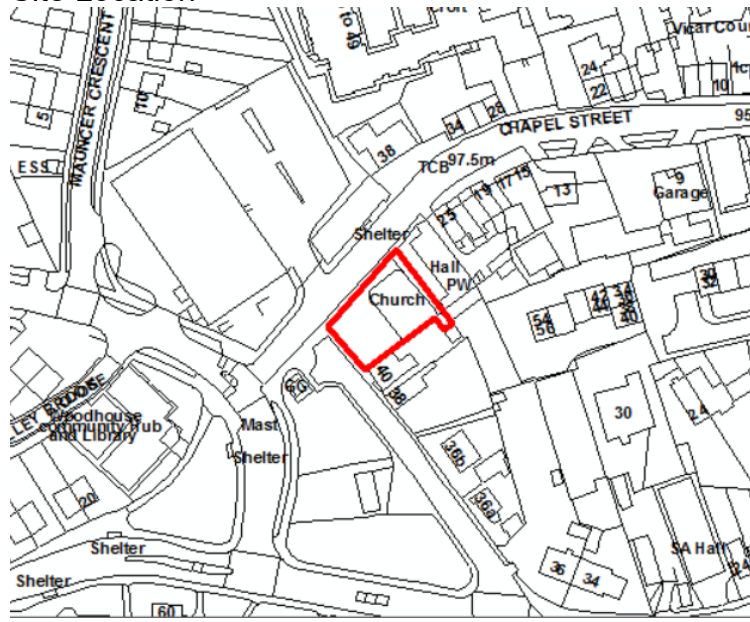
Attention is Drawn to the Following Directives:

1. Despite the Local Planning Authority trying to work with the applicant in a positive and proactive manner it was not possible to reach an agreed solution in negotiations.
2. The applicant is advised that this application has been refused for the reason stated above, and taking into account the following documents:

Job No. 2196, Drawing No's. 100, 101, 102, 103, 104, 105, 106, (Published 09.09. 2022)

Job No. 2196, Drawing No's. 201 REV A, 202 REV A, 203 REV A, 204, 205, (Published 09.09.2022)

Site Location



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For the Report – please see 22/04491/FUL



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 18 July 2023

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 a Certificate of Lawful Development for the proposed erection of a hip to gable loft conversion and erection of rear dormer extension to dwellinghouse (Application under Section 192) at 5 Delves Avenue, Sheffield, S12 4AA (Case No: 23/00135/LD2).

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse a prior notification for the installation of 20m High FLI Cypress Tree with 6no. apertures. 2no. dishes and active routers to be fixed to support poles below antennas and associated ancillary works (Application to determine if prior approval required for siting and appearance) at Goole Green, off Fulwood Road, Sheffield, S10 3QH (Case No: 22/04048/TEL).

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to grant planning permission for the upgrade of 1 existing 48 sheet advert with 1 internally illuminated digital advertising hoarding (6m width x 3m high) and removal of 1 existing 48 sheet advert hoarding at Clear Channel (UK) Ltd, Advertising Right Fronting Prime Engineering, Effingham Road, Sheffield, S9 3QA (Case No: 22/03714/HOARD) (Appeal against condition 3 (frequency of image change)).

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of two-storey side and rear extension and a single-storey front extension to dwellinghouse at 42 Westfield Crescent, Sheffield, S20 5AQ (Case No: 22/03323/FUL).

(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for an outline planning application (seeking approval for all matters except landscaping) for the erection of 1x four storey apartment block comprising 4x flats with associated car parking, and formation of Local Area of Play (LAP) at land at junction with Crookes Road and Weston View, Sheffield, S10 5BZ (Case No: 22/03309/OUT).

(vi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of an open-sided veranda with a clear glazed roof at Chantreyland Nursery, Grange Barn, 34 Matthews Lane, Sheffield, S8 8JS (Case No: 22/02883/FUL).
(vii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for an outline application (all matters reserved) for residential development (Re-submission of 21/03838/OUT) at land adjacent 1 Orgreave Lane, Sheffield, S13 9NE (Case No: 22/02124/OUT).
(viii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of a two-storey side extension to dwellinghouse at 14 Oakcroft Mews, The Coach House, 379B Fulwood Road, Sheffield, S10 3GA (Case No: 22/02108/FUL).
(ix) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for 2no. digital 75" LCD display screens to Street Hub unit at LCD advertisement display outside Morrisons, Fulwood Road, Sheffield, S10 3BB (Case No: 22/01428/HOARD).
(x) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the removal of 2no. BT kiosks and installation of 1no. BT Street Hub at LCD advertisement display outside Morrisons, Fulwood Road, Sheffield, S10 3BB (Case No: 22/01427/FULTEL).
(xi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to grant planning permission for the erection of a detached split level dwellinghouse at land to the rear of 56-68 Church Street, Oughtibridge, Sheffield, S35 0FW (Case No: 21/04348/FUL) (Appeal against condition 4 (removal of garage associated with 70 Church Street).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse a prior notification for a single-storey rear extension - the extension will be 6 metres from the rear of the original dwellinghouse, ridge height no more than 3.52 metres and height to the eaves of 2.42 metres at 196 Bannerdale Road, Sheffield, S7 2DT (Case No: 22/04150/HPN) has been dismissed.
Officer Comment:-
The Inspector identified the main issue as being whether or not the proposal

constitutes permitted development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and if so, whether prior approval would be required.

They noted that the property had already been extended to the side and that the proposed rear extension was attached to this and greater than half the width of the original dwelling.

They therefore agreed with officers interpretation of the GPDO that the proposal was not permitted development, and a full planning application would be necessary, so dismissed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of single-storey rear extension to dwellinghouse, erection of retaining walls and stepped access to rear garden at 20 Underwood Road, Sheffield, S8 8TH (Case No: 22/04083/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being the effect of the development on the living conditions of neighbours.

They noted the dwelling had an existing two storey extension with a raised patio accessed from steps at the rear, and that the proposed single storey extension of 3.9m would replace the patio and 2m retaining walls would be constructed on the boundary with no.22 Underwood Road.

The Inspector felt that at 5.8m projection from the extended rear of no.22 would present a stark and unduly dominant form from the rear of no.22 and notably the ground floor window.

No.18 would also be adversely affected, despite being offset, by the presence of a 3.9m extension beyond the existing extension, which would adversely affect outlook.

The Inspector gave no weight to the lack of objection from neighbours as this does not suggest an absence of harm, being mindful of the need to ensure developments create a high standard of amenity for existing *and* future users.

The proposal was therefore in conflict with UDP policy H14 and Guideline 5 of the Council's Supplementary Planning Guidance, and the appeal was dismissed.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 2x dormer windows to front of dwellinghouse at 67 Greenhow Street, Sheffield, S6 3TN (Case No: 22/03977/FUL) has been dismissed.

Officer Comment:-

The Inspector noted that the dormer windows would sit lower than the ridge and align with ground and first floor windows. However, the two dormers would be joined by a recessed link that would increase the overall bulk and massing of the development. It would create a development that would cover a large expanse of roof and would be visually dominant on the roof plane.

The Inspector noted other front dormers within the street scene but that their design and appearance did not always make a positive contribution to the street scene and that they cannot be treated as a persuasive reason to allow the appeal.

The Inspector concluded that the proposed scheme would harm the character and appearance of the area and would conflict with Policies BE5, H14, CS74 and Guidelines 1 and 2 of the SPG on Designing House Extensions.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the use of annexe incidental to 53 Carter Knowle Road (approved under 20/03749/FUL) as independent dwellinghouse at 4 Coverdale Road, Sheffield, S7 2DD (Case No: 22/02927/FUL) has been dismissed.

An application for a full award of costs has also been refused.

Officer Comment:-

Substantive Appeal

The Inspector identified the main issue as being whether previously approved works to form an annexe under ref 20/03749/FUL had been carried out, in order for the now proposed change of use to take place.

They noted at the time of their visit the works were largely complete, but that they followed demolition, which did not form part of the previous approval. They agreed with officers that the rebuilding exercise that was subsequently undertaken did not therefore have planning permission, in the light of which the proposed change of use could not be considered further, and the appeal was dismissed.

Costs Claim

The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

The appellant claimed costs on the basis of misleading pre-application advice which delayed the consent and cost the appellant income from the completed development, and additional fees pursuing the appeal.

Whilst the Inspector noted this concern and understood the frustration it would cause, they noted officers had co-operated with the appellant and had reasonable concerns when they determined the application, clearly setting out reasons and advising how to resolve matters.

On this basis they did not find the Council's behaviour unreasonable, and an award of costs was not justified.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of single-storey front extension and front porch, insertion of first floor window to side elevation and installation of air source heat pump to dwellinghouse at 455 Whitley Lane, Sheffield, S35 8RP (Case No: 22/02001/FUL) has been dismissed.

Officer Comment:-

The Inspector determined that the building is not curtilage listed, however it does contribute positively to the special interest of Whitley Farmhouse (listed) through its historical and functional association with it and its presence in its setting.

The Inspector considered that the proposed extension would extend the footprint of the building significantly so that it would unacceptably erode the linear character of the former barn, which provides an understanding of its previous use. Furthermore, the conservatory extension would erode the legibility of the former barn door and both extensions would overly domesticate the former barn to an unacceptable degree harming its character. Although the building would retain the same physical relationship to the listed building it would harm its significance due to the unacceptable loss of the historic agricultural character and layout of the former barn.

The Inspector concluded the development would result in less than significant harm to the heritage asset but that there is no public benefit. The proposal is contrary to policies BE5, BE15, BE19 and CS74, and the NPPF.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the retention of replacement window within the existing front dormer to dwellinghouse at 25 Briar Road, Sheffield, S7 1SA (Case No: 22/04287/FUL) has been allowed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the replacement window in the existing dormer on the character and appearance of the Nether Edge Conservation Area.

They noted the dwelling is a three-storey mid terraced dwelling and the significance of the Conservation Area (CA) is as a residential suburb with a mix of Victorian and Edwardian dwellings, Briar Road being one of three parallel roads characterised by Victorian housing. They noted Briar Road was an attractive road with dwellings of uniform appearance with ground floor bays and distinctive second floor dormers, including that at no.25 which has seen a traditional sliding timber sash window replaced with a mock sash window also painted timber.

The Inspector accepted traditional sliding sash windows represent the traditional character of the CA, they observed numerous examples of replacements in neighbouring dormers, including upvc casements. They further felt that the window as replaced would only be noticeably different when opened. They also felt the dark grey paint colour was of little consequence to its overall appearance.

Given the Inspector identified the proposal must be considered against the effect on the CA as a whole they felt that with the limited prominence of the window it has a neutral effect of the character and appearance of the CA, and therefore meets the statutory duty at s72(1) of the Planning (listed Buildings and Conservation Areas) Act 1990 and accords with the relevant local policies and paragraphs 199-202 of the NPPF and allowed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the alterations to dwellinghouse to form 2x 1 bed flats at 53 White Thorns Drive, Sheffield, S8 8ET (Case No: 22/03316/FUL) has been allowed.

Officer Comment:-

The Inspector identified the main issues as being a) the living conditions of future occupiers in terms of indoor space and outdoor amenity space; and b) the effect on the living conditions of the future ground floor flat in terms of overlooking of the amenity space.

They noted the property was a mid-terrace two storey unit in common with the surrounding area.

The Inspector noted the space within the two flats feel marginally short of the guidance contained within the South Yorkshire Residential Design Guide, but whilst noting the usefulness of the guidance gave limited weight to the guidelines given their lack of adopted status. They agreed with the appellant that the accommodation exceeded the Nationally Described Space Standards (NDSS) but noted also the absence of a development plan policy requiring compliance with the NDSS.

On a) they concluded the proposal was acceptable in that the flats had all basic amenities for 1 bed flat occupancy, good outlook and natural light. The ground floor flat had private amenity space (rear garden) and the first floor flat access to a small front garden, and open space in the wider area.

In respect of b) the above arrangement enabled overlooking of the rear garden by the first floor flat but the Inspector did not consider this a concern given the mutual overlooking that occurs in the terraced dwellings currently.

Given they identified no adverse impacts of the development and the positive benefits of a minor increase in housing stock in a sustainable location they allowed the appeal, noting the presumption in favour of sustainable development set out in paragraph 11 of the NPPF.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of two-storey building with front and rear dormer windows comprising 6 x one-bed apartments (Use Class C3) with associated landscaping and amenity space at land at rear of 14-24 Jedburgh Street, Woodgrove Road, Sheffield, S9 1NX (Case No: 21/05367/FUL) has been allowed.

Officer Comment:-

The Inspector considered the main issues to be: (a) the effect of the development on the character & appearance of the street scene; (b) the effect on the living conditions of the future occupiers in respect of internal space standards, outlook & amenity space; and (c) the effect on parking in the surrounding area.

They concluded that the four front dormers would be in proportion with the roof slope and building as a whole and would align with the windows below and that they would not be incongruous when seen against the backdrop of rear dormers on Jedburgh Street and in the context of a varied streetscape. They did not find conflict with the design policies of the UDP, Core Strategy and NPPF.

In relation to living standards the Inspector noted that Sheffield does not have formally adopted space standards yet but that the ground and first floor flats would meet the national standards and the second floor flats would have adequate light and outlook as well as a floor area which exceeds the national standards. It was noted that the ground floor flats would have private amenity space but that the 4 upper floor flats would have no private space. Nevertheless, there is public open space nearby which would serve as an amenity to residents, such that no harm was identified to living conditions.

In respect of car parking, whilst the Inspector noted that no parking facilities are to be provided on the site (being too small to accommodate any) their observations of the site and surroundings led them to conclude that the parking arising from the development could be accommodated on surrounding streets without detriment to highway safety and that the site was in an accessible location, close to public transport facilities.

The Inspector therefore allowed the appeal, subject to conditions to control the materials used; cycle storage facilities, 10% renewable energy; land contamination; and landscaping.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

(i) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the Notice which is the unauthorised execution of operational development comprising a dormer extension to the frontage roof of the existing property at 8 Borough Road, Sheffield, S6 2AY (Our ref: 23/00070/ENUHD Planning Inspectorate ref: APP/J4423/C/23/3323039).

7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report.

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

18 July 2023

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