

Planning and Highways Committee

Tuesday 15 August 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

Membership

Councillors Mike Chaplin (Joint Chair), Alan Woodcock (Joint Chair), Glynis Chapman, Roger Davison, Tony Downing, Bernard Little, Barbara Masters, Laura Moynahan, Peter Price, Ibbby 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
15 AUGUST 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 18 July, 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. 469 - 45 Dore Road, Sheffield, S17 3NA** (Pages 13 - 28)
Report of the Director of City Growth
- 8. Applications Under Various Acts/Regulations**
Report of the Head of Planning
- 8.1 Planning Application No. 23/00392/FUL - 47 Whirlow Lane Sheffield S11 9QF** (Pages 29 - 50)
- 8.2 Planning Application No. 22/04253/FUL - 605 Ecclesall Road, Sheffield, S11 8PT** (Pages 51 - 72)
- 9. Record of Planning Appeal Submissions and Decisions** (Pages 73 - 78)
Report of the Head of Planning
- 10. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 12 September, 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 18 July 2023

PRESENT: Councillors Mike Chaplin (Joint Chair), Alan Woodcock (Joint Chair), Glynis Chapman, Roger Davison, Tony Downing, Bernard Little, Barbara Masters, Peter Price, Ibby Ullah, Cliff Woodcraft and Garry Weatherall

1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Laura Moynahan

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 Councillor Glynis Chapman declared a personal interest in Agenda Item No. 8a, Planning Application No. 23/00198/FUL - 45A Brooklands Avenue, Sheffield, S10 4GB as the some of the objectors in attendance were family members. Councillor Chapman declared that she would leave the meeting and take no part in the discussion or voting thereon.

3.2 Following the discussion of Agenda Item No. 8a, Planning Application No. 23/00198/FUL - 45A Brooklands Avenue, Sheffield, S10 4GB, Councillor Alan Woodcock declared that he had a personal interest as two of the objectors were known to him. Councillor Woodcock informed Committee that he had not seen the objectors for many years and had not realised that he knew them prior to the discussion. They had been known to him in a professional capacity in his previous work. He further declared that had he realised beforehand, he would have declared it and confirmed it had no bearing on his decision, and therefore would still have taken part in the discussion and voting.

4. MINUTES OF PREVIOUS MEETING

4.1 **RESOLVED:-** that the minutes of the meeting of the Committee held on 20th June 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. 468 - RANFALL, 15 RANMOOR PARK ROAD, SHEFFIELD, S10 3GX

- 6.1 As the tree preservation order had been brought back to Committee following a deferral at the meeting held on 20th June 2023 to allow for a site visit, Councillors Alan Woodcock, Glynis Chapman, Peter Price and Ibbby Ullah left the meeting as they had not been present at the previous meetings to hear the officer presentation and public representations.
- 6.2 Councillor Mike Chaplin took the Chair.
- 6.3 Three additional representations, along with the officer responses were included in the supplementary report circulated prior to the meeting and summarised by officers.
- 6.4 Victoria Clayton attended the meeting and updated Members on the application following the site visit.
- 6.5 Andrew Mills attended the meeting and spoke against the tree preservation order.
- 6.6 Members considered the report in the light of the objections received and the site visit carried out.
- 6.7 **RESOLVED:-** That Tree Preservation Order No. 468 be confirmed unmodified.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7a. PLANNING APPLICATION NO. 23/00198/FUL - 45A BROOKLANDS AVENUE, SHEFFIELD, S10 4GB

- 7a.1 Councillor Alan Woodcock returned to the Chair.
- 7a.2 A further representation, along with the officer's response was included within the supplementary report circulated and summarised at the meeting.
- 7a.3 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of

the meeting.

- 7a.4 Councillor Sue Alston and John Hartley attended the meeting and spoke against the application.
- 7a.5 James Hinchliffe and Susan Crowley attended the meeting and spoke in support of the application.
- 7a.6 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted.
- 7a.7 Councillor Mike Chaplin moved that overdevelopment be added to the reason for refusal and Councillor Cliff Woodcraft seconded the motion. The motion was passed by a show of hands.
- 7a.7 **RESOLVED:-** That an application for approval of planning permission for the demolition of dwellinghouse, erection of four detached dwellinghouses including garages and one detached garage, associated landscaping and access improvements at 45A Brooklands Avenue, Sheffield, S10 4GB be REFUSED for the reasons set out in the report and the addition agreed at the meeting.
- 7a.8 Following the decision, Councillor Alan Woodcock declared that he had a personal interest as detailed in Minute No. 3.2 above.
- 7b. PLANNING APPLICATION NO. 22/04490/FUL - WOODHOUSE TRINITY METHODIST CHURCH, CHAPEL STREET, WOODHOUSE, SHEFFIELD, S13 7JL**
- 7b.1 A report omission, additional information and additional representations along with the officer response were included within the supplementary report circulated and summarised at the meeting.
- 7b.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 7b.3 Laura Holland and Sue Howarth attended the meeting and spoke in support of the application.
- 7b.4 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted.
- 7b.5 Following a discussion regarding the Grade 2 listing of the building and the proposed changes to the interior, Councillor Mike Chaplin moved that the

development be refused with a note from the Committee that it would like to see the building redeveloped and restored with as many original features retained as possible. The motion was seconded by Councillor Roger Davison and passed by a show of hands.

- 7b.6 **RESOLVED:-** That an application for approval of planning permission for 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 though the south western boundary wall (Amended Plans/Description) at Woodhouse Trinity Methodist Church, Chapel Street, Woodhouse, Sheffield, S13 7JL be REFUSED for the reasons set out in the report along with a note from the Committee that it would like to see the building redeveloped and restored with as many original features retained as possible.

7c. **PLANNING APPLICATION NO. 22/04491/LBC - WOODHOUSE TRINITY METHODIST CHURCH, CHAPEL STREET, WOODHOUSE, SHEFFIELD, S13 7JL**

- 7c.1 **RESOLVED:-** That an application for approval of listed building consent for 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 though the south western boundary wall (Amended Plans/Description) at Woodhouse Trinity Methodist Church, Chapel Street, Woodhouse, Sheffield, S13 7JL be REFUSED for the reasons set out in the report.

8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 8.1 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.
- 8.2 A question was asked regarding the high numbers of delegated decisions being allowed by the Planning Inspectors. It was noted that the high numbers were due to the very high numbers of appeals currently being made.

9. DATE OF NEXT MEETING

- 9.1 The next meeting of the Planning and Highways Committee would take place on Tuesday 15th August 2023 at 2pm in the Town Hall.



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 15th August 2023

Subject: Tree Preservation Order No. 469

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

Summary: To seek confirmation of Tree Preservation Order No. 469

Reasons for Recommendation

To protect a tree of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 469 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No.469 and map attached.
 - B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
 - C) Images of the tree
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Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

Tree Preservation Order No. 469
45 Dore Road, Sheffield, S17 3NA

TREE PRESERVATION ORDER NO. 469

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.469

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.465 ('the Order') was made on the 16th of February 2023 to protect two beech trees which stand within the curtilage of 45 Dore Road. A copy of the Order, with its accompanying map, is attached as Appendix A.
- 2.2 On the 10th of January 2023 the Council received a request to protect trees which stand in the rear gardens of properties on Cavendish Avenue and Dore Road. The gardens of these properties stand back-to-back, with trees situated at the rear boundaries of both gardens creating an informal green screen between the properties. The request was submitted by residents of Cavendish Avenue in response to the granting, at appeal, of consent for the erection of three dwellings in the rear garden of 45 Dore Road (22/03587/FUL). Residents were concerned that trees which had been indicated as being retained within the rear garden of 45 Dore Road would be removed to facilitate the development. They therefore requested that trees in both the garden of 45 Dore Road, and their own gardens, be protected to ensure the continued existence of the informal screen, and to prevent removal of trees which served as vital habitat for wildlife.
- 2.3 The trees were subsequently inspected by Vanessa Lyons, Community Tree Officer on the 1st of February 2023 with a view to assessing their amenity value, and to determine whether it would be expedient in the interest of amenity to make the trees subject to an Order.
- 2.4 Of the trees inspected within the gardens of properties on Cavendish Avenue, several were good specimens, with regards form and condition. However, these trees were not very publicly visible, and were considered to be under good arboricultural management. It was therefore not deemed expedient to make the trees subject to an Order.
- 2.5 Of the trees in the rear garden of 45 Dore Road, none were of sufficient quality, with regards their condition, form, visibility, and potential retention span, to warrant making them subject to an Order. Of these, several trees had

been damaged during the construction phase, with spoil and construction materials piles in their rooting area, and trenches dug which had severed roots. However, two beech trees within the front garden, situated adjacent to the highway were found to be of good quality. These trees were previously accompanied by a third beech, which stood in line with the other two trees. This third beech tree was removed at the end of 2022, presumably to facilitate development. Although the developer stated that the two remaining beech trees were not earmarked for removal, the trees are not within a conservation area, and so not subject to any form of protection. Due to the removal and mistreatment of other trees on the site, and due to the amenity that the trees were assessed as providing, it was deemed expedient to make the trees subject to an Order, to ensure they were protected during on-going construction work in their vicinity.

2.1 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was conducted on the 1st of February 2023. The trees were scored with 13 points respectively 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.

2.2 Objections.

No duly made objections to the TPO have been received.

3.0 VISUAL AMENITY ASSESSMENT

Visibility: Two mature beech of reasonably large stature, standing directly adjacent to the highway at Dore Road. The trees are prominent in this section of the street scene. See images of the trees at Appendix C.

Condition: The trees are in reasonable condition, with no major outward defects noted at the time of inspection.

Retention span: The trees are mature specimens, growing in a grassed area of garden, bordered by hardstanding and behind a small retaining wall adjacent to the highway. The trees are not in conflict with the small retaining wall. In assessing the age, condition and location of the trees, it is thought that they each have a potential retention span of approximately 20 years.

Contribution to the landscape: The trees are part of an informal green screen of mature trees which line the front boundaries of gardens on Dore Road with the highway. The trees are in keeping with the leafy nature of the area.

Other factors: The tree gained no additional points for other factors.

Expediency: Foreseeable. Other trees on site have been removed or damaged during ongoing construction work, indicating that there is a foreseeable risk of similar happening to the trees in question.

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

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

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

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

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

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

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.469 be confirmed.

Michael Johnson, Head of Planning,

15th August 2023

Appendix A. Tree Preservation Order No. and map

Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 469 (2023)
45 Dore Road, Sheffield S17 3NA

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 469 (2023) – 45 Dore Road, Sheffield S17 3NA

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

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

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	Beech (<i>Fagus sylvatica</i>)	SK 31911 81485
T2	Beech (<i>Fagus sylvatica</i>)	

Trees specified by reference to an area

(within a dotted red line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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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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**TREE PRESERVATION ORDER
No. 469**

Drawing No.
A4/808/469

Site address
**45 Dore Road,
Sheffield,
S17 3NA**

Scale:
1:500 @ A4

Drawn by MB Date: 03/02/2023

 Trees specified individually (circled in black on the plan)

T1 Beech (*Fagus sylvatica*)
T2 Beech (*Fagus sylvatica*)

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 31911 81485

Measurements shown approximately

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Appendix B. Tree Evaluation Method for Preservation Orders (TEMPO) assessment
**TREE EVALUATION METHOD FOR PRESERVATION
 ORDERS - TEMPO**

Date: 01.02.23	Surveyor: Vanessa Lyons
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Tree details TPO Ref 469 Owner (if known): 45 Dore Road	Tree/Group Location: T1 T2	Species: Beech
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REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

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

Score & Notes :
3

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

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

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

Score & Notes
2

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable

Score & Notes
4

1) Trees not visible to the public, regardless of size Probably unsuitable

d) Other factors

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

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

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

3) Trees with identifiable historic, commemorative or habitat importance

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

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

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

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

Score & Notes 3. Many mature trees on site have been removed. Of those retained, several have been damaged during construction (trenching/ compaction/ spoil piled in root

5) Immediate threat to tree inc. s.211 Notice

3) Foreseeable threat to tree

2) Perceived threat to tree

1) Precautionary only

Part 3: Decision guide

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

Add Scores for Total: 13

Decision: TPO defensible

Appendix C. Images of the tree



Image of T1 taken from within the garden.



Image of T1 taken from Dore Road



Image of T2 taken from Dore Road.



Images of T1 and T2 taken from Dore Road.

Case Number	23/00392/FUL (Formerly PP-11914635)
Application Type	Full Planning Application
Proposal	Demolition of dwellinghouse and erection of dwellinghouse with associated landscaping and driveway (amended plans 15.06.23)
Location	47 Whirlow Lane Sheffield S11 9QF
Date Received	06/02/2023
Team	South
Applicant/Agent	Axis Architecture
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Geoweb Tree Root Protection System Installation Guide (Scan Date 16.05.2023)
Geoweb Tree Root Protection System (Scan Date 16.05.2023)
47WL_Tree Root Protection Notes (Scan Date 14.04.2023)
27755 A (04) 03 REVC Proposed Side Elevation (Scan Date 13.07.2023)
27755 (01) 03 REVF Site Plan Proposed (Scan Date 01.08.2023)
27755(01) 04 REVB Site Plan 45 Degree Line Analysis (Scan Date 15.06.2023)
27755 (01) 05 REVB Tree Protection Plan Proposed (Scan Date 15.06.2023)
27755 A (02) 01 REVB Proposed Plans Lower Ground Floor (Scan Date 15.06.2023)
27755 A (02) 02 REVB Proposed GA Plans Ground Floor (Scan Date 15.06.2023)
27755 A (02) 04 REVD Proposed GA Plans Second Floor (Scan Date 15.06.2023)
27755 A (02) 05 REVC Proposed GA Plans Roof (Scan Date 15.06.2023)

27755 A (04) 01 REVA Proposed Front Elevation (Scan Date 15.06.2023)
27755 A(04) 02 REVA Proposed Side Elevation (Scan Date
15.06.2023)
27755 A (04) 04 REVB Proposed Rear Section (Scan Date 15.06.2023)
27755 A (04) 05 REVB Proposed Rear Elevation (Scan Date 15.06.2023)
27755 A (04) 06 REVA Proposed Internal Section (Scan Date 15.06.2023)
27755 A (04) 07 REVA Proposed Internal Section (Scan Date 15.06.2023)
27755 A (04) 08 REVA Proposed Street Section (Scan Date 15.06.2023)

Reason: In order to define the permission.

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

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

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

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

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

5. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to

ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures. Thereafter the development shall be carried out in accordance with the approved CEMP.

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

6. No development shall take place, including any works of demolition until details of a Bat Survey has been submitted to and approved by the Local Planning Authority. Such survey shall include confirmation that in the event of bats being identified as roosting in the building(s) no works shall commence, including demolition, until a protected species mitigation license has been issued by Natural England, and shall incorporate a mitigation plan guided by a named Ecologist.

Reason: In the interests of protecting Protected Species.

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

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

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

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

Reason: In the interests of biodiversity.

9. A comprehensive and detailed hard and soft landscape scheme for the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority.

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

Other Compliance Conditions

10. Plant and equipment shall be designed to ensure that the total LAr plant noise rating level (i.e. total plant noise LAeq plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA90 background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.

Reason: In the interests of the amenities of occupiers of the adjacent dwellings.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that Sheffield City Council, as Highway Authority, require that drives/vehicular access points be designed to prevent loose gravel or chippings from being carried onto the footway or carriageway, and that they drain away from the footway or carriageway, to prevent damage or injury.
3. The applicant is advised that the carrying out of any works to the existing trees, hedges or shrubs within the site, which are works authorised by this permission will constitute the commencement of work on the development. The unauthorised removal of any tree, hedge or shrub or any other works which threaten their future vigour and quality, may result in breach of condition action. It could also mean that the development is materially different from that which has permission and may be liable to enforcement action and the submission of a new planning application may be required.
4. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:
 - Reference to permitted standard hours of working:
 - 0730 to 1800 Monday to Friday
 - 0800 to 1300 Saturday
 - No working on Sundays or Public Holidays
 - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
 - A communications strategy for principal sensitive parties close to the site.
 - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
 - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - Vibration.
 - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
 - A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
 - A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in

relation to noisy processes and/or equipment.

- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

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

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

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

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

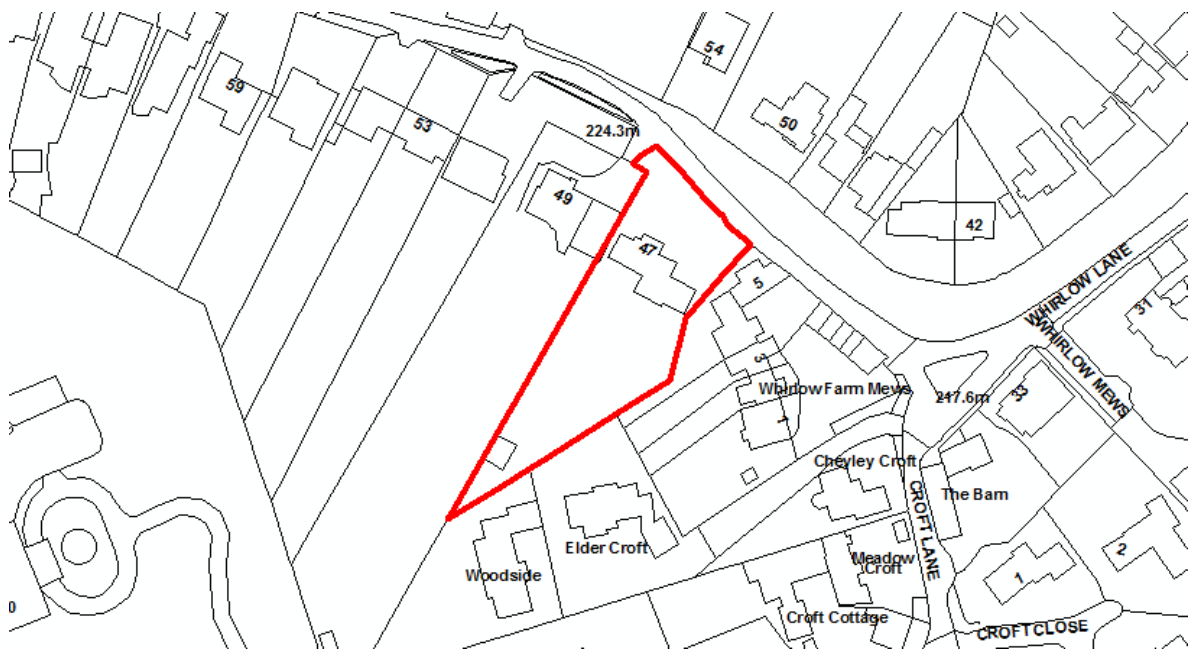
Tel: (0114) 273 6136
Email: dawn.jones@sheffield.gov.uk

6. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.
7. You are advised that any information which is subject to the Environmental Information Regulations and is contained in the ecological reports will be held on the Local Records Centre database, and will be dealt with according to the Environmental Information Regulations (EIR). This will be subject to the removal of economically sensitive data. Information regarding protected species will be dealt with in compliance with the EIR. Should you have any queries concerning the above, please contact:

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

8. The applicant should note that the proposed development would be sited over a Northern Grid apparatus. This requires further approval under the Electricity Act 1989, and the applicant is advised to contact the Network Connections, Alix House, Falcon Court, Stockton on Tees, TS18 3TU, Tel 0800 0113433, prior to the submission of an application.

Site Location



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SITE DESCRIPTION

The development site consists of a 2-storey detached dwelling which is finished in render and has a concrete tiled roof. The existing dwelling is sited around 15 metres from Whirlow Lane and has a ridge height of around 14.5 metres. The existing dwelling is of an individual design and, attached to the dwelling, is a single storey flat roofed garage. The garage is sited between (approximately) 1.35 to 3 metres from No 4 Whirlow Farm Mews. The existing dwelling is sited around 1 metre from the boundary with No 49 Whirlow Lane. At the front of the dwelling is a driveway, a buffer of trees and a traditional stone wall, separating the plot from the highway.

The land levels slope through the site from the west to the east and from the north to the south. The land level difference between the development site and No 4 is approximately 2.84m and the land level difference between No 49 and the development site is approximately 2.844m.

Thus, No 4 is sited at a lower land level to the development site and No 49 is sited at a higher land level. The site's relationship with No 5 Whirlow Farm Mews, consists of mature shrubbery along the boundary, and a pathway which leads to the rear garden of No 4. No 5 is sited at a lower level to the development site, and within the rear elevation of No 5 there are secondary windows that serve secondary rooms, or the windows are the second window serving a primary room.

Secondary windows are windows that serve rooms that do not form part of the primary living space (living rooms, kitchens, and bedrooms) within a dwellinghouse. Primary rooms/living space are the main rooms (living room, kitchen, and bedrooms) that form part of the dwellinghouse. The development site has wider frontage along Whirlow Lane before narrowing to an apex in the garden.

The site benefits from a south facing rear garden and the garden consists of a patio abutting the dwelling, trees and mature shrubbery, and sheds sited towards the lower half of the garden. The boundary treatment abutting No 4 consists of mature hedgerows, a hedgerow leading to a raised open section, and a stone wall with a 1.8m approx. fence on top. The total height of the fence and the raised land levels is 4.6m approx.

The boundary treatment abutting No 49 consists of mature hedgerows, a stone wall that forms part of No 49, and a simple post and rail fence. The development site lies within a street scene that consists of a traditional former farmstead (the properties that form Whirlow Mews), and a set of 3 detached 1940s dwellings that are set back from Whirlow Lane leaving a large grass verge abutting Whirlow Lane.

THE PROPOSAL

The proposal is for the demolition of the existing dwellinghouse and the erection of a dwellinghouse with associated landscaping and driveway.

Amended plans were received during the course of the application. The proposed dwelling will be set back from Whirlow Lane by between (approximately) 6.46 metres and 8.86 metres. The proposed dwelling is substantially larger in scale than the existing dwelling on the site and consists of a series of interlocking pitched and gabled roofs (a

central horizontal gable with 2 end gables passing through the central gable and a forward-facing gable).

The dwelling will consist of four floors, including a lower ground floor, ground floor, first and second floor (in the roof space), and an integrated garage at ground floor level. From Whirlow Lane the dwelling will have the appearance of a three-storey property and the ridge height will be approximately 19.57 metres high.

The dwelling will also incorporate a single storey rear projection with a parapet roof and first floor balcony over. This will project 2.8m from the rear facing and central gables and abuts the gable nearest to No 49. It will be sited around 2.44m from the shared boundary with No 4, and the first-floor balcony will be inset around 1.7m from the side elevation of the projection and around 4.48m from the shared boundary with No 49. The proposed balcony includes a 2m high privacy screen at this side.

Leading off the lower ground floor is a terraced area that will form a light well to serve this floor. The lower terraced area will be sited 2.1m from the boundary with No 4. Another terrace will be accessed off the lower ground floor and will not be visible from No 49 as a stairwell would screen this terraced area. The stairwell from the lower ground floor will be sited alongside the boundary with No 49 which leads to a glazed walkway and a pool house and annexe. The stairwell will have the height of a single storey when taken from ground level.

The pool house and annexe will be sited between 1.83m and 2.972m from the shared boundary with No 49 and will be half a storey below the ground level of the proposed dwelling. A central terraced area will be sited off the ground floor, which will project 8.78m and will be sited 21.6m from the shared boundary with No 49, and 14.57m from the shared boundary with No 4. Thus, the terrace will be screened by the pool house and annexe, and there will be limited views from No 4, due to the distance from the shared boundary.

Forward of the dwelling will be a driveway that will provide two off-street car parking spaces, and a tree buffer. The existing wall will be re-aligned, as the access will be repositioned by 6.46m to the west, and the existing access will be filled in with dry stone wall to match the existing. The new access includes a sliding gate. The ground levels within the tree buffer will be retained as existing, and new shrubbery planting is proposed.

Abutting the tree buffer area will be a new low wall consisting of steel poles and timber sleepers. The driveway will consist of bound resin gravel or block paving, and Geoweb tree protection is proposed underneath the driveway adjacent to Trees 15 and 16. A proposed 1.8m brick facing retaining wall is proposed near the shared boundary with No 49, and existing boundary treatments will be retained.

The following amendments have been received during the application:

- The single storey projection will be set 4.78m from the shared boundary with No 4. The original set back of the single storey projection was 3.5m from the shared boundary with No 4, thus there has been an increase in the set back of the single storey projection from No 4 by 1.28m.

- The single storey projection nearest to the shared boundary with No 4, has been set in 1.2m from the edge of the eastern elevation of the dwelling.
- The lower ground floor terrace nearest to the shared boundary with No 4, has been set in 1.2m from the edge of the eastern elevation of the dwelling.
- The balcony above the single storey projection has been set in 3.24m from the edge of the single storey projection. The edge of the balcony will be set 4.3m from the shared boundary with No 4. The original plans show the distance from the edge of the balcony to the shared boundary with No 4 was 2m.
- The balcony will also include a 2m high privacy screen that will slope down to 1m high over a distance of 1.8m the original plans show that the balcony had a parapet wall and no railings or screening.
- The ridge of the gable nearest to No 4 has been set down 1m from the ridge of the central gable of the property. The width of the projecting gable has been reduced from 11.7m to 8.9m and the gable has been set off the eastern elevation facing No 4. The roof line from the edge of the elevation consists of sloping roof and then the gable. The original plans consisted of gable that formed the eastern elevation.
- The glazing within the apex of this gable has been reduced from 4 windows to 1 window.
- The rear Juliette balcony serving the second floor of the nearest gable to No 49 has been removed.
- The proposed material palette has been amended from red stock brick to the ground floor section of the building and natural slate tiles to ashlar stone and double camber clay tiles.
- The driveway will consist of Geoweb tree protection is proposed underneath the driveway adjacent to Trees 15 and 16.
- New low boundary separating the buffer of trees includes steel posts with timber infill rather than a low brick wall, and the ground levels around the trees will be maintained as existing.

RELEVANT PLANNING SITE HISTORY

None

LETTERS OF REPRESENTATION

23 Letters of objection received raising the following concerns:

Design

- The street scene shows a lack of consideration for the urban grain of Whirlow Lane, the property will sit too far back from Whirlow Lane, does not fit with the character of the street scene.
- Amendments to the proposal should include the scaling back the height of the property to that of the existing property.
- The dwelling will be a larger than surrounding properties and as a result does not fit in with the scale and form of neighbouring properties. The proposed materials do not match those of the surrounding area. When other modern additions and dwellings are considered within the area, the proposal will result in the erosion of the rural character of the area.

Residential Amenity

- The sun path analysis has been provided and on the differing diagrams the neighbouring properties appear to be in incorrect positions.
- A 45-degree exclusion report should be undertaken from the windows of 5 Whirlow Mews Farm.
- The latest amended plans show that the first and second floor properties do not encroach within the 45-degree exclusion zone taken from the nearest primary window within No 4, however the balcony atop the ground floor projection will encroach within the 45-degree zone. Consideration must be given to the land level changes and the proposed balcony would have a similar impact to a 2-storey extension and would encroach within the 45-degree exclusion zone.
- Obscure glass screen is proposed but this will still be intrusive as movement will be seen behind the screen, a more solid screen must be provided. The screen will not prevent overlooking, just to the way the proposed dwelling is angled to neighbouring properties.
- The height of the property will overshadow the neighbouring Whirlow Mews Farm properties, this is exacerbated by the differing land levels.
- The proposed property will have a greater massing than the existing property and this greater massing will be sited closer to the properties at Whirlow Mews Farm. The existing property closest to Whirlow Mews Farm is a garage and this will be replaced by a 3-storey property and the massing will be brought closer.
- The ridge height of the proposed house is greater than the existing ridge height and is closer than the existing property and will overbear the Whirlow Mews Farm properties and their gardens.
- Overlooking and the loss of privacy of the Whirlow Mews Farm properties and their gardens.
- Overshadowing of the 49 Whirlow Lane and Whirlow Mews Farm properties and their gardens and potential loss of light to these properties, the proposal will encroach within the 45-degree exclusion zone taken from the nearest habitable room and a more detailed assessment is required.
- The existing property allows for space around the property, the proposed property will dominate and overbear the site and is a large footprint and will not allow for space around the property.
- The current ridge of the property is well above the properties of Whirlow Mews Farms, however as it is set back from the road it does not dominate, the proposed property is a storey higher and closer to the road and as a result will dominate neighbouring properties.
- Loss of light and views from 2 windows within the rear elevation of No 5 and from the windows within the rear elevation of No 4.
- Will the doors and windows within the south side gable be obscurely glazed because they will be overlooking No 5's windows.
- Noise and disruption during the construction period on the neighbouring properties.
- The proposal fails take into consideration the differing land levels between the development site and the neighbouring properties at Whirlow Mews Farm.

Highways

- There must be 5m driveway length between the garage doors and the end of the driveway/gates.
- The entrance to the property is set back from the road to allow for a passing place for going up the lane.
- Poor access to the site down narrow lanes will damage the lanes, verges, and drainage culverts. The proposal will potentially exacerbate existing damage to the lanes and cause water run off onto neighbouring properties.
- The construction vehicles parked on Whirlow Lane will make access to neighbouring properties difficult and raise safety concerns with regards to pedestrians walking on a lane which does not have a pavement. The proposal includes re-landscaping, and this will require heavy machinery and lorries to visit the site. To overcome this concern, lose the lower ground floor from the basement, then less construction traffic would be required. It should be conditioned that all construction vehicles must be parked within the site.
- Tyre wash facilities must be conditioned as part of any approval.
- The proposed re-siting of the entrance is dangerous to existing traffic and will prejudice highways and pedestrian safety.

Landscape/Ecology/Sustainable

- No landscaping proposal within the application submission.
- No proposed solar panels or energy saving building materials will be used.
- Removal of 6 trees including an oak tree will result in the loss of a habitat for wildlife.
- Potential bats roosting within the property.
- Potential archaeological impacts due to the excavation of the site.
- The planting of trees and shrubbery close to the boundary with the Whirlow Mews Farm properties has the potential for future damage.
- The proposed plans do not mark out Tree 6, an Atlas Cedar Blue infected with a needle cast disease, this should be removed prior to the construction of the dwelling to enable its removal and prevent the disease infecting other trees within the neighbourhood.

Procedural and Other Matters

- The planning officer has been invited to view the site from neighbouring properties, and the offer has not been taken up. The application cannot be assessed by Google Earth. It is recommended that a site visit is undertaken prior to determination. During the planning application at No 46 the neighbours contacted the Planning Officer, and they visited the neighbouring properties, and this resulted in amendments to the plans.
- The proposed plans denote that neighbouring properties windows are in approximate positions, surely this supports the request for the planning officer to undertake a site visit.
- The proposal is too big a decision for a planning officer to take and should be referred to a planning committee.
- The drawings are not correct as they do not show the triangular nature of the plot of the land, or the relationship of the development site with No 4.

- An amended drawing of this building has been submitted hours before the final decision date. As this doesn't give opposing parties the time to digest the new information nor indeed ask for clarification from the planning officer a request for further time is granted for this to happen.
- The digging out of the lower level could cause flooding to the Whirlow Mews Farm properties, due to the lower land levels and digging below the water table or they may come across a natural spring as have other basement excavation within the area. Will structural surveys be provided to ensure no damage is done to neighbouring properties from the digging of lower ground floor. Potential construction damage to the retaining wall of No 49. Within any approval there should be a condition requiring the insertion of pile driven steel shuttering to protect neighbouring properties from subsidence.
- Limited information provided with regards to the proposed boundary treatment and whether any boundary reinforcement will be undertaken.
- The proposed development risks the security of the Whirlow Mews Farms properties during construction.
- How will the proposed property be maintained without encroaching on neighbouring properties.
- The wrong documents uploaded to the planning case file, and these documents should be removed, and the correct documents uploaded. In light of this a further 2-week notification period must be given to enable the review of the correct documents.
- Will the new dwelling be sited off the elevation of 49 Whirlow Lane, will access be available for maintenance and repairs to this wall.

PLANNING ASSESSMENT

PRINCIPLE OF THE PROPOSAL

The National Planning Policy Framework (NPPF) provides the framework for the planning policy and development within England. The overarching principle is to ensure that new development is sustainable, and all relevant local policies should be considered to be in accordance with the relevant paragraphs of the NPPF.

Paragraph 11 of the NPPF makes specific provision in relation to applications involving the provision of housing and provides that where the Council cannot demonstrate a five-year supply of deliverable housing sites, the policies which are most important for determining the application will be considered to be out of date.

At this current time, the Council cannot demonstrate a five-year supply of sites for housing (it is 3.63 years), there is a presumption in favour of the development at this current time.

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

However, paragraph 11 d) i) and footnote 7 of the NPPF make clear the presumption in favour would not apply where the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. This would include cases where a development would cause substantial harm to heritage assets (such as listed buildings and conservation areas) and such harm is not significantly outweighed by public benefit.

LAND USE

The development site lies within a Housing Area, as allocated under the Unitary Development Plan. Policy H10 'Development in Housing Areas' sets out the preferred, acceptable and unacceptable uses in these areas and defines housing as the preferred use. Given that this proposal is simply for a replacement house, the principle is already established.

DESIGN/LANDSCAPE

Core Strategy Policy CS74 (Design Principles) and UDP Policy BE5 are relevant to the determination of this application. Policy CS74 states that high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the neighbourhood.

Further to this, high-quality development will be expected that takes advantage of the townscape and landscape of the city's neighbourhoods and quarters with their associated scale, layout and built form, building styles and materials.

Development should also contribute to place-making, be of a high quality, that contributes to a healthy, safe, and sustainable environment that promotes the city's transformation. Furthermore, new development should contribute towards creating attractive, sustainable, and successful neighbourhoods.

Policy BE5 Building Design and Siting states that good design and the use of good quality materials will be expected in all new and buildings. Further to this original architecture will be encouraged but new buildings should complement the scale, form, and architectural style of surrounding buildings. All new developments the design should be on a human scale wherever possible, and designs should take full advantage of the site's natural and built features. The design, orientation and layout of development should encourage the conservation of energy and other natural resources.

Paragraph 130 of the NPPF states that developments should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. New development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Further to this, new development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development should seek to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live.

These policies are consistent with paragraph 130 of the NPPF and therefore weight is afforded. The development site sits within Whirlow Lane which consists of semi-detached and detached properties of differing styles and forms. The new dwelling will be sited behind a tree buffer zone, and there will be passing glances of the new dwelling from the access and as you move northwards along Whirlow Lane.

The new dwelling will not project beyond the established building line, and amendments have been received, changing the material palette from red stock brick to the ground floor section of the building and natural slate tiles, to ashlar stone and clay double camber tiles. The proposed materials will be more characterful and in-keeping with the adjacent properties. The new dwelling will have a contemporary design and form and consist of forward-facing gables. The retention of the tree buffer zones, and several matures trees to the rear, when combined with the proposed native planting will soften and enhance the setting of the new dwelling and retain key landscape characteristics of the surrounding rear gardens.

Due to the character of the street scene, the screening provided by the tree buffer, and the good quality contemporary design and form of the new dwelling no significant harm will arise to the character of the street scene. The proposal accords with Paragraph 130 of the NPPF and CS74 and BE5 of local planning policy.

RESIDENTIAL AMENITY

UDP Policy H14 c) states that 'new development should not be over-developed or deprive residents of light, privacy or security or cause serious loss of garden space which would harm the character of the neighbourhood.

Paragraph 130 of the NPPF states that proposed development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The Supplementary Planning Guidance "Designing House Extensions" provides guidelines for protecting residential amenity. Whilst not relating specifically to new build schemes the guiding principles are considered relevant.

Following the undertaking of site visits by the case officer and a review of the proposed plans concerns were initially raised regarding overbearing, overshadowing, and overlooking impacts on the neighbouring property No 4 Whirlow Farm Mews. Consequently, amended plans have been received setting the single storey rear projection around 4.78m in from the shared boundary with No 4. The original proposed set back of the single storey projection was 3.5m from this shared boundary. Thus, there has been an increase in the setback of the single storey projection from No 4 by around 1.28m.

The single storey rear projection and the lower ground floor terrace nearest to the shared boundary with No 4, have been set in 1.2m from the edge of the eastern elevation of the dwelling. The balcony above the single storey rear projection has been set in 3.24m from the edge of the single storey projection. The edge of the balcony will be set in 4.3m from the shared boundary with No 4. The original plans show the

distance from the edge of the balcony to the shared boundary with No 4 was 2m. The balcony will also include a 2m high privacy screen that will slope down to 1m high over a distance of 1.8m. The original plans show that the balcony had a parapet wall and no railings or screening.

The ridge of the gable nearest to No 4 has been set down 1m from the ridge of the central gable of the property. The width of the projecting gable has been reduced from 11.7m to 8.9m and the gable has been set off the eastern elevation facing No 4. The roof line from the edge of the elevation consists of sloping roof and then a gable. The original plans consisted of gable that formed the eastern elevation, but the new arrangement has reduced the massing of the new dwelling nearest to No 4.

Overshadowing Impacts

The development site benefits from a south facing garden, and the '27755 Sun Path Study Existing and Proposed', received on the 16th May 2023, shows the existing relationship between the development site and No 4 Whirlow Farm Mews. No 4 and 5 Whirlow Farm Mews are sited to the east of the development site and at a lower land level to the development site. No 49 Whirlow Lane is sited to the northwest of the development site. The Sun Path Study shows that there will be no significant increase in overshadowing impacts on No 4 and 5 beyond existing overshadowing impacts from the existing dwelling.

From 18:00 (21st June) onwards the Sun Path Study shows that there may be a small increase in overshadowing of No 4 and 5, however consideration must be given to the site characteristics which includes land level changes, a 1m to 1.8m fencing sited along the boundary and that the main private amenity area for No 5 is sited off the principal elevation. Further to this, the windows within the rear elevation of No 5 serve secondary rooms. When the above factors are taken into consideration the new dwelling will not result in a significant increase in the overshadowing of No 4 and No 5 Whirlow Farm Mews and No 49 Whirlow Lane.

Overbearing

The '45-degree analysis', received on the 15th June 2023, shows the 45 degree exclusion zone taken from the nearest primary window within the rear elevation of No 4 Whirlow Farm Mews. As mentioned previously amendments have been received setting the single storey rear projection away from the shared boundary, and then setting the balcony area and the balcony screen off the edge of the side/eastern elevation of the single storey rear projection.

Whilst the differing land levels are acknowledged the '45-degree analysis', shows the removal of the existing garage which encroached on a larger scale within the 45-degree encroachment zone, than the new dwelling will. As mentioned previously, the rear windows within No 5 Whirlow Farm Mews serve secondary windows. Further amendments have been received reducing the width of the rear gable elevation, the height of the ridge of the rear gable nearest to No 4, and the design and form of the roof from a gable to a sloping roof and then a rear gable. This has reduced the massing of the section of the new dwelling sited nearest to No 4 and 5 Whirlow Farm Mews. As such the proposal will result in no significant overbearing impacts on No 4 and 5 Whirlow Farm Mews.

Overlooking Impacts

The amendments include the setting of the balcony off the edge of the single storey rear projection and the erecting of a 1.8m to 1m balcony screen along the eastern and southern elevation of the balcony. The area of the balcony has been reduced, and the highest part of the balcony will be sited along the balcony edge that is nearest to No 4 Whirlow Farm Mews. It must also be noted that due to the triangular nature of the site there is an existing degree of overlooking over the upper south-western section of No 4's garden, however due to the noted amendments there will be no significant overlooking impacts over the main private residential amenity space of No 4 Whirlow Farm Mews. The proposal therefore accords with Paragraph 130 of the NPPF and local planning policy H14 in respect of amenity impacts.

HIGHWAYS

UDP Policy H14 (d) states that new development should provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians. It is considered that the sections of these local plan policies being relied on above remain in accordance with the NPPF and can be afforded substantial weight.

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

Paragraph 112 c) of the NPPF states that applications for development should create places that are safe, secure, and attractive which minimise the scope for conflicts between pedestrians, cyclists, and vehicles, avoid unnecessary street clutter and respond to local character and design standards.

The new dwelling will be served by a large double internal garage and two driveway car parking spaces. The Council's Highway Officer reviewed the proposed site plan and requested a swept analysis to demonstrate that cars parked on the driveway and within the garage can safely manoeuvre within the driveway and leave the site forward-facing.

Following a review of the swept path analysis the Council's Highway's Officer was satisfied this could be achieved. Further to this, no highways and pedestrian safety concerns were raised regarding the enlargement and realignment of the existing access.

Interested parties have raised concerns regarding construction vehicles using narrow lanes to access the site, and how this detrimentally impacts on pedestrian and highways safety and causes damage to the road surface and grass verges. To address this concern, a Construction Management Plan will be required through condition. The proposal accords with Paragraphs 111 and 112 of the NPPF and local planning policy H14 (d).

TREES/ECOLOGY

UDP policy GE15 seeks to retain mature trees and where these are lost, replacements should be provided as part of development. Core Strategy policy CS74 requires new development to take advantage of woodlands and natural features. It is considered that

the sections of these local plan policies being relied on above remain in accordance with the NPPF and can be afforded substantial weight.

Paragraph 131 of the Framework also details that trees make an important contribution to the character and quality of urban environments and requires the retention of trees where possible.

Paragraph 179 of NPPF specifies the need for protection of designated sites and priority habitats and species and encourages biodiversity net gain where possible. Paragraph 180 of NPPF sets out that in determining planning applications, planning authorities should aim to conserve and enhance biodiversity.

Protected Species/Biodiversity

The amended site plan received on the 19th July 2023, provides indicative locations for proposed bird and bat boxes and the new planting of mixed native scrub species. The proposed ecological enhancements will support the further biodiversification of the site and enable the provision of a biodiversity net gain of 10%. Further details will be confirmed through the conditioned landscaping scheme. The development site lies within 500m of Great Crested Newts site and the Council's Ecologist foresees no impact on their habitat. The Council's Ecologist raises no objections, subject to a bat survey being required before any demolition works are undertaken.

The Bat Survey will be secured through condition and no development allowed to be undertaken until the results of the survey are known. If bats are found, a protected species mitigation license issued by Natural England will be required to legally remove the roost. A mitigation plan will be required, and the named ecologist will guide this process.

Trees

It is acknowledged that there will be a loss of a limited number of mature trees which is regrettable, however the buffer of trees (Trees 15 and 16) will be retained forward of the new dwelling. These trees are highly visible within the street scene of Whirlow Lane, and amended plans were received showing the extent of the root protection areas. The ground levels around these existing trees will be maintained as existing, and a low wall with steel posts and timber sleeper infills will be erected along the boundary between the driveway and the buffer area.

The new wall will be excavated through handheld mechanical tools only. Geoweb tree root protection will be installed beneath the finished driveway area that lies within the root protection area of Trees 15 and 16 prior to the use of the driveway. Further to this, mature trees (Trees 3 and 6) and the hedgerow will be retained to the rear of the property. The Council's Landscape Officer raises no objections. The proposal accords with Paragraphs 131, 179 and 180 of the NPPF and local planning policy GE15 and CS74.

SUSTAINABILITY/DRAINAGE

Policy CS64 of the Core Strategy Plan Document states that all new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse

gases and function in a changing climate.

All developments will be required to achieve a high standard of energy efficiency; and make the best use of solar energy, passive heating and cooling, natural light, and natural ventilation; and minimise the impact on existing renewable energy installations and produce renewable energy to compensate for any loss in generation from existing installations as a result of the development.

All new buildings and conversions of existing buildings must be designed to use resources sustainably. It is considered that the sections of these local plan policies being relied on above remain in accordance with the NPPF and can be afforded substantial weight.

Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. The positive site orientation will ensure the main primary rooms benefit from good levels of natural light and the opportunity for natural ventilation and cooling of the new dwelling. The proposal includes a green roof to the swimming pool which potentially provides the opportunity to form part of the source of a sustainable drainage system. The drainage details will be conditioned to ensure there is an overall reduction in surface water run off from the site as compared with existing. When the above elements are considered, the proposal accords with local plan policy CS64.

RESPONSE TO REPRESENTATIONS

The main issues raised in the representations are discussed in the report above. Other matters raised are responded to below:

- An amended drawing of this building has been submitted hours before the final decision date. As this doesn't give opposing parties the time to digest the new information nor indeed ask for clarification from the planning officer a request for further time is granted for this to happen.

A set of amended plans were received on the 13th July 2023 and these contained a minor amendment to the annotation where the split faced stone on the swimming pool was annotated as ashlar stone. This minor amendment did not require the re-advertisement of the application.

- The wrong documents uploaded to the planning case file, and these documents should be removed, and the correct documents uploaded. In light of this a further 2-week notification period must be given to enable the review of the correct documents.

The wrong documents were uploaded to this planning application, as a result of human error and were removed as soon as the Local Planning Authority was made aware. The amended plans relating to this planning application were uploaded and available for the full 2-week re-neighbour notification period, thus there is no requirement for further period of neighbour notification.

- Will the new dwelling be sited off the elevation of 49 Whirlow Lane, will access be available for maintenance and repairs to this wall.

The side elevation of the new dwelling will be sited 430mm from the side elevation of No 49. With regards to access being available for maintenance repairs to the side elevation of No 49 this would be a civil matter rather than a planning consideration.

- The planning officer has been invited to view the site from neighbouring properties, and the offer has not been taken up. The application cannot be assessed by Google Earth. It is recommended that a site visit is undertaken prior to determination. During the planning application at No 46 the neighbours contacted the Planning Officer, and they visited the neighbouring properties, and this resulted in amendments to the plans.

Two planning site visits were conducted by the case officer (on the 17th February 2023 and 27th March 2023). The planning site photos have been reviewed and they show the relationship of the development site with the surrounding area, and the closest neighbouring residential properties. As such no further planning site visits by the case officer are deemed to be required. Further to this, following the review of the planning site photos and an assessment of the proposal against local and national planning policy amendments were received to address initial concerns raised and the amended plans were re-publicised.

- The drawings are not correct as they do not show the triangular nature of the plot of the land, or the relationship of the development site with No 4.

The plans received within the application submission accord with legislation set out within The Town and Country Planning (Development Management Procedure) (England) Order 2015 and Local and National validation requirements.

- The digging out of the lower level could cause flooding to the Whirlow Mews Farm properties, due to the lower land levels and digging below the water table or they may come across a natural spring as have other basement excavation within the area. Will structural surveys be provided to ensure no damage is done to neighbouring properties from the digging of lower ground floor. Potential construction damage to the retaining wall of No 49. Within the approval there should be a condition requiring the insertion of pile driven steel shuttering to protect neighbouring properties from subsidence.

The above issues are civil matters between the parties as well as matters which are covered under the Building Regulations.

CONCLUSION

Overall, following the amendments to the new dwelling there will be no significant overbearing, overlooking or overshadowing impacts arising on No 4 and No 5 Whirlow Farm Mews. The design and form of the new contemporary dwelling will complement the character of the street scene, and the proposal retains the tree buffer forward of the principal elevation. No significant highways, landscape, trees, and ecological concerns have arisen. The proposal is therefore considered to accord with Paragraphs 111, 112, 130, 131, 179 and 180 of the NPPF, and local planning policies CS64, CS74, BE5, H10,

H14, and GE15.

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

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Case Number	22/04253/FUL (Formerly PP-11711988)
Application Type	Full Planning Application
Proposal	Alterations and extensions to allow change of use from vacant Sunday School to a food hall/street food restaurant, bar and local enterprise with ancillary retails and business workspace (Use Class E) including addition of mezzanine floor level, alterations to single-storey wing to form first floor roof terrace, formation of external seating and meeting place to front, and erection of single-storey rear extension with ancillary sub-station and plant space
Location	605 Ecclesall Road Sheffield S11 8PT
Date Received	25/11/2022
Team	South
Applicant/Agent	Axis Architecture
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development hereby permitted shall be carried out in complete accordance with the following plans, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

27595 A(00)01 P1 Site Location Plan

As published by the Local Planning Authority on 25th November 2022

27595 A(01)02 P7 Proposed site layout plan

27595 A(02)10 P7 Proposed Ground Floor Plan

27595 A(02)11 P8 Proposed First Floor Plan
27595 A(04)10 P9 Proposed Elevations

As published by the Local Planning Authority on 14th July 2023

Reason: In order to define the permission.

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

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

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

4. Before development commences full details of all flood resilience measures to be employed (including scale plans of any external features at a minimum scale of 1:20) shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter such approved details shall be implemented and retained thereafter.

Reason: In order to secure appropriate flood resilience to the development

5. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must

be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

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

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

6. Before the development is first brought into use, details of an obscure glazed screen to the southern extremity of the first floor terrace shall be submitted to, and approved in writing by, the Local Planning Authority. The screen shall be 1.7 metres in height and shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity. The screen shall thereafter be permanently retained as per the approved details.

Reason: In the interests of the amenities of occupiers of dwellings on Neill Road.

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

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

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

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

9. No above ground works shall commence until details have been submitted to and approved in writing by the Local Planning Authority of arrangements

which have been entered into which will secure the reconstruction of the footways adjoining the site before the development is brought into use. The detailed materials specification shall have first been approved in writing by the Local Planning Authority.

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

10. Before that part of the development is commenced, full details of the proposed external materials shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved materials shall be in place before that part of the development is first occupied.

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

11. Before the commercial development is brought into use a Flood Plan, including an evacuation procedure and safe exit routes to land within Flood Zone 1 (prior to flood waters rising) or to the upper floors of the building in the event of flooding, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the flood plan shall be displayed prominently and employed within the premises at all times.

Reason: To ensure safe evacuation procedures are in place in the event of flooding.

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

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

13. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the use shall not be commenced unless such cycle parking has been provided in accordance with the approved plans and, thereafter, such cycle parking accommodation shall be retained.

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

14. The development shall not be used unless the dedicated bin storage area as shown on the approved plans has been provided in accordance with those plans. Thereafter the bin storage area shall be retained and used for its

intended purpose and bins shall not be stored on the highway at any time (other than on bin collection days).

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

15. The development shall not be used for the purposes hereby permitted unless a scheme of sound (insulation and/or attenuation) works has been installed and thereafter retained. Such works shall be based on the findings of a noise report submitted to and approved in writing by the Local Planning Authority and shall include an assessment of noise impacts on nearby noise sensitive premises, in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

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

Other Compliance Conditions

16. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

17. No amplified sound shall be played within the commercial unit except through an in-house amplified sound system fitted with a sound limiter, the design and settings of which shall have received the prior written approval of the Local Planning Authority.

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

18. The commercial food use hereby permitted shall not commence unless a scheme for the installation of equipment to control the emission of fumes and odours from the premises is submitted for written approval by the Local Planning Authority. These details shall include:

- a) Drawings showing the location of the external flue ducting and termination, which should include a low resistance cowl.
- b) Acoustic emissions data for the system.
- c) Details of any filters or other odour abatement equipment.
- d) Details of the systems required cleaning and maintenance schedule.
- e) (Optional: Details of a scheme of works to prevent the transmission of structure borne noise or vibration to other sensitive portions of the building).

The use shall not commence until the approved equipment has been installed and is fully operational and shall thereafter be installed, operated, retained and maintained in accordance with the approved details.

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

19. No customer shall be permitted to be on the premises outside the following times: 0800 and 2330 on any day.

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

20. Commercial deliveries to and collections from the building shall be carried out only between the hours of 0700 to 2300 on Mondays to Saturdays and between the hours of 0900 to 2300 on Sundays and Public Holidays.

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

21. No external movement, sorting or removal of waste materials, skips or bins shall take place from 1900 hours until 0900 hours (on the following day) Mondays to Sundays.

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

22. No loudspeakers shall be fixed externally nor directed to broadcast sound outside the building at any time.

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

23. The external seating area to the front of the premises and the first floor terrace shall only be used between the hours of 0900 and 2100 on any day of the week.

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

24. All external doors serving the ground floor shall be closed from 2100-0800 hours on any day of the week.

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

25. Notwithstanding the terms of the Town and Country Planning (Use Classes) Order 1987 (as amended) the uses on the site shall be limited to the following:

Use Class E (a), (b), (c) and (d)

but shall exclude Use Class E (e), (f) and (g)

Reason: In order to define the permission and in the interests of the amenities of residents in the locality.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact:

Highway Adoptions
Highways Maintenance Division
Howden House, 1 Union Street
Sheffield
S1 2SH

Email: highwayadoptions@sheffield.gov.uk

3. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

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

Mr J Burdett
Highways Development Management
Highways Maintenance Division
Howden House, 1 Union Street

Sheffield
S1 2SH

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

4. You are required as part of this development, to carry out works within the public highway: as part of the requirements of the New Roads and Street Works Act 1991 (Section 54), 3rd edition of the Code of Practice 2007, you must give at least three months written notice to the Council, informing us of the date and extent of works you propose to undertake.

The notice should be sent to:-

Highway Co-Ordination
Sheffield City Council
Town Hall
Sheffield
S1 2HH

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

Please note failure to give the appropriate notice may lead to a fixed penalty notice being issued and any works on the highway being suspended.

Where the notice is required as part of S278 or S38 works, the notice will be submitted by Highways Development Management.

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

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

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

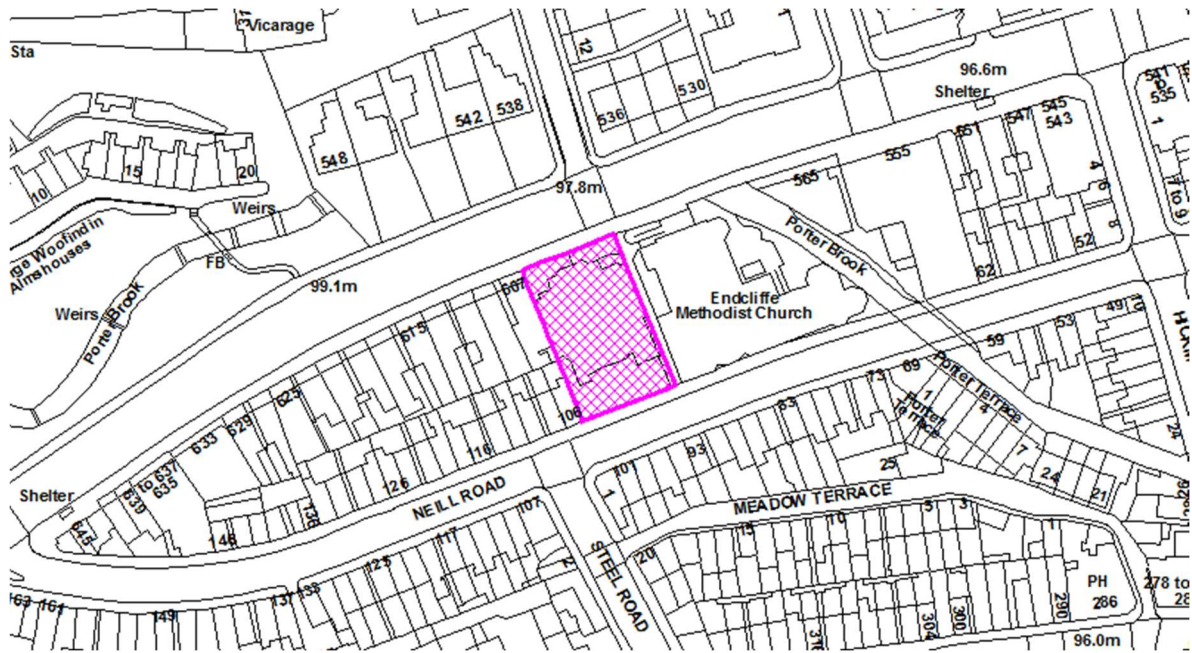
6. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

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

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

7. Should a connection/modification be proposed to a nearby/onsite watercourse, a Section 23, Land Drainage Act 1991 consent application for Works on an Ordinary Watercourse maybe required. This will have to be submitted to the LLFA. There is no cost for an application.
8. The Applicant is advised that in addition to flood resilience features to be secured through submission of details relating to condition 4, high level ground floor mains electricity installed at high level and on separately switched circuit from first floor, boilers, control and water storage/ immersion being installed at high level, anti-siphon devices being fitted to all toilets, and limiting the use of MDF carpentry at ground floor level would also contribute to flood resilience.

Site Location



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LOCATION AND PROPOSAL

The application relates to a former museum originally constructed as Endcliffe Sunday School in 1927. The building is of stone construction and in many respects takes its architectural cues from the adjacent Endcliffe Methodist Church (now 'The Well Church') which it functioned alongside during its early life. The building features a prominent gable fronted facade rising to two domestic storeys in height. This prominent gable features two large buttresses which flank a flat-headed tracery window in the Gothic style, and a projecting portico with two pointed arched doorways. The outer sides of the buttresses attach to projecting aisles with plain window openings and coped parapets concealing flats roofs.

The central hall located behind the main facade has a significant pitched slate roof with a hip featuring on the rear elevation.

The rear and side elevations of the building are much plainer in style and the rear elevation features some later brick built infill walls that are somewhat out of character with the original design.

Internally the building has lost most of its original fixtures and fittings but the basic form of a large central classroom (with stage) with smaller flanking classrooms/service rooms in the outer aisles remains. The internal spaces are accessed via a front lobby with double doors fronting Ecclesall Road.

The building is not listed and is not designated as a heritage asset. There is no intention to have the building recognised as a heritage asset and whilst the design of the front elevation, in particular, has some notable features the building as a whole is not considered of significant architectural merit.

Nonetheless, there is little doubt that the former Sunday school and its neighbouring church contribute to the character of the street scene of Ecclesall Road and the buildings retention and conversion (rather than total demolition) was encouraged by officers at pre-application stage recently prior to a previous permission.

The building was in use as a Heritage Museum (University owned) from 1985 until 2011. It has since stood vacant and the building has passed into a state of disrepair. There is anecdotal evidence that it attracts anti-social behaviour and littering.

It is proposed to convert the main building to a food hall/street food restaurant with a small bar, small retail spaces and flexible seating areas that can be booked as meeting/business spaces. The proposal would include the introduction of a mezzanine floor into the building and the construction of a single-storey extension to the rear of the building (Neill Road elevation).

Planning History

Permission was granted in 2021 (21/03423/FUL) for part-demolition, refurbishment and extension of existing building into a commercial unit (Use Class E) and 9 no.

apartments and the erection of 4 no. dwellinghouses fronting Neill Road.

Representations

There have been 28 representations made by members of the public including 5 letters of support, 6 of a neutral tone and 17 objections.

Summary of Representations

Support

- Food Hall is a unique and exciting prospect
- Will bring people to the locality and will be a boost to local businesses
- Will add to the vitality of the Shopping Area
- Regeneration is long overdue
- Will provide local jobs and offer small businesses an opportunity not available in the locality

Objections

- Proposed opening hours are unacceptable.
- Will result in the loss of a pedestrian link between Neill Road and Ecclesall Road
- There are too many food and drink outlets in the locality already
- There will be unacceptable noise (towards Neill Road) from the first floor terrace
- Deliveries will result in noise nuisance.
- The substation plant will result in noise disamenity to residents of Neill Road
- The proposal will result in disamenity through odours (to Porter Terrace)
- The first floor terrace will result in loss of privacy to residents on Neill Road

Planning Assessment

Policy Context

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

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

Key Issues

The main issues to be considered in this application are:

- The acceptability of the different aspects of the development in land use policy terms,
- The design of the proposals and their impact on the surrounding street scene,
- The effect on future and existing occupiers living conditions,

- Whether suitable highways access and off-street parking is provided.

Land Use Considerations

The UDP identifies the site straddling an allocated District Shopping Area (that half fronting Ecclesall Road) and a Housing Area (fronting Neill Road). The Draft Sheffield Plan would see this allocation change to entirely District Centre.

The Commercial Uses (Class E)

The end users for the ground floor spaces are not specified in the application this being left 'open-ended' within Use Class E (commercial) use. Given the limited scale of the offered spaces ('kitchens') it is considered likely that these will be occupied by smaller local businesses.

It is considered the this can be more finely specified as a use within Use Classes E(a), E(b), E(c) and E(d) i.e.

- Retail
- Cafe or restaurant
- Financial and professional services
- Indoor sport, recreation or fitness

but excluding the following

- E(e) - Provision of medical or health services
- E (f) - Clinics, health centres creches and day nurseries
- E(g) - for any industrial process which can be carried out in any residential area (without causing detriment to the amenity of the area) and research and development of products or processes.

This delineation within Use Class E has been agreed with the Applicant's agent.

Policies S7 and H10 of the Unitary Development Plan do not refer to the new Class E (having pre-dated its designation) but refers to the acceptability of the above uses as follows:

Retail:	Preferred (S7) Acceptable (H10)
Food and drink:	Acceptable (S7 & H10)

All of the above uses are subject to the constraints of Policy S10 'Conditions on development within Shopping Areas and H14 'Conditions on Development in Housing Areas'. However, all of the above uses are acceptable in principle. The compliance, or otherwise, of each of these uses with regard to these policies (and any subsequent requirements for conditions) is explored in the assessment of the scheme below as necessary.

However, in terms of principle both the Class E ground floor uses are acceptable in principle.

Retail Dominance Considerations

UDP Policy S10 (a) of the Sheffield Unitary Development Plan requires that the preferred use (A1) remains dominant in Shopping Centres or that its principal role as a shopping centre is not prejudiced. At the last count (July 2019) the retail dominance figure was at 56% though it is acknowledged this will have changed given recent changes to the Use Classes (see below) and the impact of the pandemic.

The introduction of an entirely retail use at this location would, of course, be greatly welcomed since this would strengthen the retail credentials of the Ecclesall Road DSC.

However, given that the most recent use was a non-retail use the introduction of another largely non-retail use would maintain the status quo and officers are satisfied that there will be no conflict with UDP Policy S10 in this instance should such a change occur.

Furthermore, since the introduction of Use Class E in September 2020, it is impractical to ensure a dominance of retail uses in Centres given the range of uses that fall within the new Class E. As a result, officers have taken the view that less weight should in any case be placed on the need to maintain a dominance of retail uses in Local or District Centres as outlined in UDP Policy S10, and this position is in line with the principle in paragraph 86 of the NPPF which supports the diversification of centres in response to changing market conditions.

This approach is also supported by Core Strategy Policy CS34 which encourages District/Local Shopping Centres to provide for everyday needs with a range of retail, leisure and community facilities. The proposed uses would encourage people to mix and would benefit the wider community (in line with the aims of NPPF - paragraph 93) and would therefore contribute to the vitality and viability of the Local Shopping Area alongside the range of other existing Class E uses that exist in the Centre. Based on these points raised, officers are satisfied that a proposal within Use Class E (a/b/c/d) will not create a dominance issue that would adversely affect the vitality and viability of the Shopping Centre and therefore, officers have no objections to the proposal from a land use/dominance perspective.

The local policies are therefore considered to align with the NPPF and can be afforded significant weight.

Environmental Considerations

Chapter 12 of the NPPF (2021) requires good design, where paragraph 126 states that good design is a key aspect of sustainable development and should contribute positively to making places better for people.

Paragraph 134 requires that planning 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.

Paragraph 130 of the NPPF states that planning policies and decisions should

ensure that developments:-

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

These requirements closely reflect the aims of policies BE5, H14 and CS74 so those policies can be afforded full weight.

UDP Policy BE5 (Building Design and Siting) states that original architecture will be encouraged, but that new buildings should complement the scale, form and architectural style of surrounding buildings.

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

UDP Policy H14 'Conditions on Development in Housing' states that new development and extensions will only be permitted where they are well designed and in scale and character with neighbouring buildings, where the site would not be overdeveloped or cause serious loss of existing garden space which would harm the character of the neighbourhood.

UDP Policy S10 'Conditions on Development in Shopping Areas' states that:

- (d) be well designed and of a scale and nature appropriate to the site

The above local policies are considered to align closely with the NPPF and can be afforded significant weight.

Design and Detailing

In terms of scale and massing the extension would provide something of a transition between the original school building itself and the street scene of Neill Road. The prevailing height of development on Neill Road itself is provided by the dominance of two-storey terraced housing though the rear elevation of the school and the neighbouring former church are clearly on a much larger scale. In this respect the proposal relates well (in terms of overall height) relative to the terraced properties to the west and maintains an appropriate separation to The Well so as to avoid impacting the side elevation of that building.

The current rear elevation of the former school could best be described as utilitarian with the central stone built 'spine' of the building (running north/south)

flanked by two red brick wings. It is therefore not considered to display any significant architectural merit and its replacement in the street scene with the proposed clean lined modern alternative is considered acceptable.

The design of the extension is simple and uncluttered and whilst the proposed facing materials introduce a contemporary and new material to the street scene these materials have been employed in significantly more sensitive locations to some degree of success. The Applicant has declined the opportunity to reconsider the facing materials and officers consider the proposed standing seam zinc is on balance acceptable in the context.

Overall it is considered that the design of the extension will provide for an acceptable addition to the former Sunday School that, whilst making a strong statement in its own right, also responds adequately to the most important architectural features of the original building and result in an overall form that should contribute positively to the street scene of Neill Road.

The footpath which currently links Neill Road and Ecclesall Road is being retained and this is welcomed.

There are very limited additional works proposed within the curtilage, as the majority will be required to be retained for access to and from the premises, as at present.

Overall, in terms of design the proposal is therefore considered to satisfy policies BE5, S10, H14 and CS74 and paragraph 130 of the NPPF.

Impact on Living Conditions

UDP policies H14 and S10 require development not to cause residents to suffer from unacceptable living conditions, including air pollution, noise, or other nuisance or risk to health or safety.

NPPF paragraphs 130 and 185 sets out similar aims in terms of ensuring decisions take into account the impact of pollution on health and living conditions and secure high standards of amenity. The local and national policies closely align and significant weight can therefore be given to H14 and S10.

Existing Residents

Physical Presence of the New Build

The nearest dwellings to the proposals are the terraced houses on the opposite side of Neill Road, and the adjacent terrace No.106 Neill Road.

In the case of the former the proposal would be located approximately 15 metres from the front elevations of these dwellings across the public highway. There are no overlooking implications since there are no windows in the south elevation of the extension.

It is considered that there might be some limited overlooking potential from the first floor terrace towards properties on Neill Road though the separation distances here would exceed those of first floor window to first floor window separations between terraced houses on the street. Nonetheless, given the commercial use of the terrace and the likelihood that the potential overlooking would be of greater intensity it is considered prudent to require a 1.7 metre high privacy screen at the southern extremity of the terrace.

Given the separation distance and the orientation (to the north of the terraces opposite) there is not considered to be either overbearing or overshadowing potential.

Impact of the Ground Floor Commercial Use

Although there is no end user identified for the ground floor commercial use it is nonetheless clear from the plans that the new use will include food/drink uses and to condition the unit as such. As above, this is confirmed with the applicant.

Any such uses are likely to generate some degree of event based noise (loud talking etc). In terms of other event based noise such as vehicular comings and goings (and associated noise such as car doors slamming/car radios playing) it is considered that patrons are less likely to arrive by car and to park their vehicles in the locality but rather arrive on foot, by public transport or taxi.

Ecclesall Road is a busy main road and therefore generates a considerable amount of ambient noise immediately adjacent to the site and flats above. In the context of this background noise, it is not considered reasonable to expect that residents fronting this major road should enjoy the same level of amenity that might be afforded in a solely residential area. Ambient noise levels produced by vehicular and pedestrian movements are apparent late into the evening in this busy location within the district shopping centre with a number of late opening takeaways, restaurants and drinking establishments in the vicinity.

Operating Times (Noise and disturbance).

In recognition of the potential for noise disturbance a Noise Survey was submitted with the application, and following officer assessment identified deficiencies, a revised document was submitted in April 2023.

The scheme was initially proposed with closing times past midnight, and this prompted many representations from neighbours. Officers did not consider this satisfactory and have therefore insisted on the scheme adopting the same hours of operation (09:00-23:30) regime that has been established on this part of Ecclesall Road.

These hours align with those that have been established over the past 15-20 years as representing an appropriate balance between business desire/viability and residential amenity in and around the DSC.

Regarding the proposed outside seating areas and first floor terrace local residents

have previously experienced noise disturbance from such sources late at night and, (again in line with established practice) it is considered that such areas be limited to 21:00 cessation of use in the interests of residential amenity. In addition, the proposed first floor external terrace has been significantly reduced in size, taking its southern edge further away from residential properties on Neill Road, reducing its impact, along with the limited hours which will be secured by an appropriate condition.

It is also considered prudent to add operational conditions relating to sound attenuation, waste management, external plant, and amplified sound be added to any permission.

Subject to conditions the scheme can achieve the requirements of the relevant part of policy S10.

Odours/Smells

The plans submitted with the application do not include detailed plans of the proposed cooking equipment as they are likely to depend on each end user in the food hall. However, in the likely event that fume extraction is required it will be necessary to add conditions to any permission requiring details of extraction flue details. Subject to these conditions it is considered that such a use will be able to function without impacting on neighbouring living conditions.

The proposal is considered to be acceptable on this basis and subject to conditions the scheme can achieve the requirements of the relevant part of policy S10.

Highways Considerations

The NPPF seeks to promote sustainable transport and locations, emphasising pedestrian and cycle movements and public transport in Paragraphs 110 and 112. Paragraph 110 states that safe and suitable access to the site should be achieved by all users. Paragraph 111 goes on to detail that new development 'should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The site is located in a highly sustainable location within close proximity to excellent public transport links.

The site does not benefit from any off-street parking and owing to the site constraints there is no opportunity to provide any. In terms of a food and drink use the highly sustainable location within a District Shopping Centre is a positive consideration with the majority of customers likely to be walking or arriving by public transport or taxi at the venue. However some pay and display on-street car parking is available both immediately outside the premises and on the opposite side of Ecclesall Road.

In the context of the highly sustainable location this is considered to be acceptable.

In terms of servicing there are loading restrictions in the adjacent on-street parking zones but servicing could occur from Ecclesall Road outside these restricted hours (as it does for other similar businesses located on Ecclesall Road).

Appropriate bin storage will be provided in the communal service area and be serviced by waste disposal vehicles on Neill Road. Highway Officers do not consider that the quantum of development and corresponding waste generation justifies a requirement for the introduction of a Traffic Regulation Order on Neill Road.

Secure covered cycle parking is not indicated within the plans and this should be provided. There is apparent capacity to introduce this within the ground floor layout. Such parking should be secured through condition.

Flood Risk

The site lies within Flood Zone 2 and the uses are defined as 'more vulnerable uses' in Table 2 of the Environment Agency guidance. A Flood Risk Assessment has been submitted with the application.

This indicates that the majority of the site is at risk of surface water flooding.

There are numerous commercial uses on Ecclesall Road that fall within the Flood Zone 2 area and a consistent view has been taken with any changes of use within the locality. That is that as this is a change of use application it is impractical to raise existing floor levels but there are a range of flood resistant measures that could be used in the fit-out of the property e.g. Ground level electrical main run from higher level and on separately switched circuit from first floor; boilers, control and water storage / immersion installed at higher level; anti-siphon fitted to all toilets; kitchen/bar units of solid, water resistant material; limiting use of MDF carpentry at ground floor level.

The FRA recommends that these flood resilient features should be incorporated into the proposed extension and refurbishment designs in the event that floodwaters seep past the threshold barriers.

It also recommends that commercial owners should sign up for the Flood Warning scheme operated by the Environment Agency and that a Flood Evacuation Management Plan is produced for the site.

Given that the existing building is to remain unchanged (externally), with a 'minor development' extension proposed on the existing hardstanding area, surface water will continue to discharge at the brownfield rate through the existing drainage network. Attenuation storage will therefore not be required.

It is considered that, subject to the appropriate conditions relating to evacuation plans, flood warning service commitment, and the provision of suitable design features to reduce/negate potential flood implications the development would be satisfactory.

Surface Water Drainage

The use of infiltration Sustainable Drainage Systems within the site is not considered to be viable due to the geology of site. However, as the proposal seeks to develop a site that currently comprises of either hard standing or built structure there are opportunities here to improve the overall drainage of the site.

As the site does not immediately adjoin a watercourse (the nearest being the Porter Brook) the proposal should seek to limit the run-off of surface water into the public sewers with attenuation measures restricting the flow of water.

It is not considered that the proposal would increase surface water-run off but attenuation measures to reduce the surface water run-off could be utilised.

Proposals to provide a rain garden are acceptable in principle but these may only serve the proposed extension and so the drainage systems for the existing building will need to be surveyed to incorporate SUDS or demonstrate retrofitting SUDS is not feasible/practical.

Given the above it is considered that any permission should be conditioned to require full details of a proposed surface water drainage design. Subject to this condition it is considered that the proposals can be acceptable with regard to policy CS67.

Sustainability Considerations

The NPPF details that the purpose of the planning system is to achieve sustainable development. The three overarching sustainability objectives set out in paragraph 8 relate to economic, social and environmental aims. The proposal involves the redevelopment of an existing building, in a sustainable location close to accessible services and which will support economic growth in the city. As such the proposal accords with the sustainability objectives set out in paragraph 8 of the NPPF.

In terms of the sustainability benefits it is considered that:

- i. The site is in a highly sustainable location.
- ii. The development includes for the re-development of previously developed land within the main urban area of the city.
- iii. The development includes for a substantial retention of an existing building rather than a wholesale demolition and re-build.
- iv. The development will provide for a positive economic impact in terms of job generation both during construction and thereafter in the commercial operation at ground floor.

Local Policy CS64, requires developments of this scale and type to provide 10% of their predicted energy requirements from low or renewable energy sources.

There are no detailed specifications describing how such requirements will be met but the applicant has committed to incorporate such measures having agreed the

details can be secured through condition.

It should be noted that the retention of the great majority of the existing building represents a significant positive in sustainability terms with energy requirements for demolition and disposal negated, energy and materials commitments (use of concrete/brick/stone) and the embodied carbon in the existing building.

In light of the above, it is considered that, subject to conditions, the proposal accords with the local and national policies in relation to sustainability.

Landscape Considerations

UDP Policy BE6 expects good quality landscaping in new developments. The site entirely consists of building and hardstanding and there is no loss of vegetation associated with the proposals.

There is little scope for planting at ground level but it is not considered that an absence of planting is a significant shortfall given the nature and form of the proposals and the existing site context.

The proposed rain garden will however provide opportunities for enhanced biodiversity on the site, and is expected to be located in close proximity to the footpath which will add visual interest.

Response to Representations

Matters relating to neighbouring and future occupant amenity, design, external materials, car parking, and the access pathway have been dealt with in the main body of the report or in amendments made to the application responding to the concerns raised – e.g. reduced operating hours.

Highways Officers do not consider a TRO is required for waste servicing on Neill Road.

SUMMARY AND RECOMMENDATION

The proposal site straddles a District Shopping Centre and a Housing Area. This raises no fundamental land use policy concerns.

On the Ecclesall Road frontage the proposal should restore a rather tired and dilapidated building and introduce a use that will add vitality to the District Shopping Area.

Concerns of noise disturbance have been considered, and the hours of operation restricted accordingly. Any issues relating to noise sources such as external planty can be adequately addressed through appropriate mitigation measures.

Whilst there is no dedicated off-street car parking within the scheme it is considered that the highly sustainable location and the presence of a residents parking scheme render this insufficient reason to resist the application.

Taking all of the above into consideration it is therefore felt that, the scheme meets the relevant requirements of the NPPF and UDP policies S7, S10, BE5, BE9, H10 and H14, Core Strategy policies CS34, CS64, CS67 and CS74, and the quoted paragraphs of the National Planning Policy Framework.

Accordingly, it is recommended that the application be granted conditionally.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 15 August 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 planning permission for the alterations to front garden of dwellinghouse to form off-road parking including formation of dropped kerb at 518 Fulwood Road, Sheffield, S10 3QD (Case No: 23/00806/FUL).

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of a detached domestic double garage and provision of associated driveway and landscaping works at 143 Top Warren, Warren Lane, Sheffield, S35 2XT (Case No: 22/04488/FUL).

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the demolition of part of existing building (central part of 2nd/3rd floor ceilings/roofing over 3rd floor) and provide new glazed roof to create an atrium, internal/external alterations and conversion of 2nd/3rd floor offices (Use Class E) to create co-living accommodation HMO (69 en-suite rooms with kitchen) (Use Class Sui Generis) including separate kitchen diner, installation of new windows, alterations to entrance (Dixon Lane), provision of new entrance (Haymarket), alterations to basement to form gym and shared amenity space at 12-18 Haymarket, Sheffield, S1 2AX (Case no: 22/03856/FUL).

(iv) An appeal has been submitted to the Secretary of State against the Committee decision of the City Council to refuse planning permission for the demolition of outbuildings, erection of 4 dwellinghouses with associated parking, landscaping and formation of access at Kenwood Hall Hotel, Kenwood Road, Sheffield, S7 1NQ (Case No: 20/03276/FUL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the provision of bike/bin store with green roof to front of dwellinghouse at 18 Watson Road, Sheffield, S10 2SD (Case No:

22/03947/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be the impact of the proposal on the host dwelling and the Broomhill Conservation Area. They noted that the row of dwellings in which the appeal site sits appeared uniform in character and appearance, with their features being viewed consistently together and small front gardens which are free from development, meaning that the proposal would be prominently viewed. The proposed structure would fill a notable part of the front garden and partly obscure views of the front elevation because it would be higher than the eave of the bay window and the boundary wall. She concluded that the structure would be out of keeping with the character of the dwelling and of the conservation area. Whilst the harm would be classed as 'less than substantial' there are no public benefits arising from the proposal so she dismissed the appeal.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the upgrade to EE/H3G 1No. 11.79m High Argus NNOX310R Tri-Sector Antenna on root foundation including EE/H3G Phase 7 Monopole complete with wraparound cabinet and associated ancillary works (Application for determination if approval required for siting and appearance) at telecommunications mast at junction with Carter Knowle Road and Montrose Road, Sheffield, S7 2EF (Case No: 22/03063/TEL) has been dismissed.

Officer Comment:

The Inspector considered the main issues to be the effect of the siting and appearance of the proposal on the character of the area and whether any identified harm is outweighed by other considerations (such as the potential availability of other sites).

She noted that the site is prominent and elevated due to the topography of the area and the junction has a wide degree of openness, meaning that the monopole would be highly visible in views from significant distances. The pole would be substantially taller than nearby lampposts and trees and of greater height than nearby buildings. She concluded that the pole would be an incongruous feature, be visually intrusive and would dominate its surroundings, with the associated cabinets adding to a cluttered street scene. It would therefore harm the character and appearance of the area.

The application was not accompanied by a cell coverage map or any assessment of alternative sites and, as a consequence, it has not been robustly demonstrated that this site represents the least harmful option. On this basis the Inspector dismissed the appeal.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a 4-storey apartment block to form 6.no apartments (Use Class C3) with associated parking, access and

landscaping at land to the rear of 377 Fulwood Road and Riverdale Road, Sheffield, S10 3GA (Case No: 21/05069/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issue to be whether the proposal would preserve or enhance the character and appearance of the Ranmoor Conservation Area (RCA).

The Inspector noted that the RCA has largely retained its low-density character with medium and large houses in spacious grounds.

The appeal proposal consists of a simple building block finished in natural stone and metal cladding with a flat roof and large areas of glazing, balustrades and external terraces. He concluded that the proposal would constitute a sub-division of the curtilage of the historic villa and the proposed building would be sited in its immediate setting. This would lead to a severance of the villa from its curtilage and the new building would be larger than the original villa, such that the setting of the villa (the Canton Orchard) would be eroded and undermined and the development would harm the setting of the villa as a consequence.

The form of the new building would be at odds with the form of nearby buildings and would fail to preserve the significance of the RCA.

Whilst the Council cannot demonstrate a 5 year supply of housing at the current time the Inspector only attributed moderate weight to this point in the balance as well as to the economic benefits and concluded that the benefits do not outweigh the significant harm to the character and appearance of the RCA in this case. The appeal was therefore dismissed.

(iv) To report that an appeal against the delegated decision of the City Council to refuse planning permission for the retention of 9 air conditioning units at 1 Ecclesall Road South, Sheffield, S11 9PA (Case No: 21/04019/FUL) has been dismissed.

Officer Comment:-

The Inspector considered that the main issue was the effect of the development on the living conditions of nearby residents. The air conditioning units are situated on the northern elevation of the building. Whilst the application was accompanied by an acoustic assessment, the equipment used to measure the background noise level was open to the roadway via the gap between the building and 345 Psalter Lane. The Inspector concluded that this was likely to give an overestimation of background noise when compared to the rear of the building itself, where the houses are shielded from the road noise by the building. The report did not take account of intermittency either such that the results are likely to be skewed. The Inspector was not therefore persuaded that the cumulative impact of the units does not give rise to a significant adverse effect on the living conditions of neighbours.

The Inspector also noted that the equipment is prominently viewed from the deck and first floor windows of no.345 and dominate the views from this dwelling and its garden.

On this basis the Inspector dismissed the appeal and upheld the enforcement notice to remove the units and make good the building elevation (see Enforcement appeals below)

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of free standing Summer House / Garden Studio in rear curtilage of dwellinghouse at 19 Thorncliffe View, Sheffield, S35 3XU (Case No: 22/01913/FUL) has been allowed.

Officer Comment:-

The Inspector considered the main issues to be whether the proposals would provide a suitable living environment (in the way of outdoor amenity space) and the effect on living conditions of neighbouring property. Whilst they noted that the proposal would result in a clearly reduced amenity area, they concluded that it would still allow beneficial enjoyment of the area and was not sufficient reason to reject the proposal. In terms of the neighbouring properties, given the relatively limited height of the structure, the Inspector concluded that it would not be dominant and that any views from the building would be towards the appellant's own property rather than to neighbours.

On this basis he allowed the appeal.

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

7.0 ENFORCEMENT APPEALS DISMISSED

(i) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised execution of operational development consisting of the provision of 9 air conditioning units attached to the north facing elevation of the building at first floor level at 1 Ecclesall Road South, Sheffield, S11 9PA (Planning Inspectorate ref: APP/J4423/C/22/3299518 Our ref: 21/00130/ENUD) has been dismissed.

Officer Comment:-

This case relates to planning application 21/04019/FUL above and the Inspector issued a joint decision. The Inspector upheld the enforcement notice to remove the units and make good the building elevation.

(ii) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised execution of operational development consisting of the erection of a canopy to side of the premises at 990 Abbeydale Road, Sheffield, S7 2QF (Planning Inspectorate ref: APP/J4423/C/23/3317254 Our ref: 20/00333/ENUD) has been dismissed.

Officer Comment:-

The appeal was made on the basis that the appellant did not consider that a period of 35 days was sufficient to allow for the removal of the canopy and instead wanted 6 months to comply. The Inspector was not persuaded by any of the documents submitted by the appellant and concluded that the works required to remove the canopy are not complex, in that no specialist contractors are required. There is a public interest for the breach of planning control to be remedied as soon as possible such that the Inspector concluded that the Enforcement Notice should not be varied and 35 days for compliance was sufficient.

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

15 August 2023