

Planning and Highways Committee

Tuesday 12 September 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
12 SEPTEMBER 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** To Follow
Minutes of the meeting of the Committee held on 15th August 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. 470 - 423 Glossop Road, Sheffield, S10 2PR** (Pages 9 - 28)
Report of the Head of Planning.
- 8. Tree Preservation Order No. 471 - The Limes, 7a Endcliffe Hall Avenue, Sheffield, S10 3EL** (Pages 29 - 44)
Report of the Head of Planning.
- 9. Applications Under Various Acts/Regulations** (Pages 45 - 46)
Report of the Head of Planning.
- 9a. Planning Application No. 23/00392/FUL - 47 Whirlow Lane, Sheffield, S11 9QF** (Pages 47 - 68)
- 9b. Planning Application No. 22/04356/FUL - Land Between Railway Tracks And Junction Road, Woodhouse, Sheffield, S13 7RP** (Pages 69 - 102)
- 10. Record of Planning Appeal Submissions and Decisions** (Pages 103 - 112)
Report of the Head of Planning.
- 11. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 10th October 2023 at 2pm in the Town Hall.

This page is intentionally left blank

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.

This page is intentionally left blank



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 12th September 2023

Subject: Tree Preservation Order No. 470

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

Summary: To seek confirmation of Tree Preservation Order No. 470

Reasons for Recommendation

To protect a tree of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 470 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No.470 and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Images of the tree
- D) Broomhill Conservation Area Appraisal
- E) Objection

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

Tree Preservation Order No. 470
423 Glossop Road, Sheffield, S10 2PR

TREE PRESERVATION ORDER NO. 470

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.470

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.470 ('the Order') was made on the 16th of March 2023 protect a lime tree which stands within the curtilage of 423 Glossop Road. The tree is located within the Broomhill Conservation Area and so is already protected to a limited extent by Section 211 of the Town and Country Planning Act 1990. A copy of the Order, with its accompanying map, is attached as Appendix A.
- 2.2 Planning permission (ref. 22/03074/FUL) has been granted at this site for the construction of a small extension to the rear of the house. A condition of the permission is the retention (and sensitive pruning) of the lime which is the subject of Order 470. The lime tree stands within several metres of the rear of the house, in a small, raised garden area. Adjacent to this is a second lime tree situated in a small carparking area - this second lime is not included in the Order.
- 2.3 In plans submitted with the planning application, both trees were shown as either being retained, or removed and replaced. An accompanying tree survey recommended removal and replacement but also stated that retention, subject to the trees being pruned to facilitate the development, was also an option. In e-mail communication, the planning officer was asked by the applicant for their view as to whether removal and replacement, or retention of the trees would be preferred by the Council.
- 2.4 Following discussion between Council planning, landscape and ecology officers, it was determined that retention of the trees should be feasible during the construction phase and would be the favoured outcome, given the habitat for wildlife that the trees offer, and their contribution to the amenity of the Broomhill conservation area, being trees that are publicly visible and prominent on the street scene. It was noted that the tree closest to the house is included in an appraisal of the Broomhill conservation area where it is listed as a prominent tree (see map excerpt in Appendix C).
- 2.5 When granting planning permission authorities have a duty to ensure, whenever appropriate, that planning conditions are used to provide for tree preservation and planting. Orders should be made in respect of trees where it

appears necessary in connection with the grant of permission (whether for giving effect to such conditions or otherwise). As officers were considering conditioning retention of the trees in conjunction with the granting of consent for application 22/03074/FUL, Vanessa Lyons, Community Tree Officer, was asked to inspect the trees to determine their quality and suitability for retention, and subsequently for their protection under an Order, the benefit of an Order at this point being to add weight to any condition seeking retention of the tree, and ensure the tree was fully considered during the construction phase.

- 2.6 The trees were inspected on the 10th of March 2023 and assessed using the Tree Evaluation Method for Preservation Orders (TEMPO). The lime within the carpark – which is not included in the TPO - was assessed as being of impaired form and condition, having had its upper canopy removed at some point in its past, which had re-grown in an asymmetric manner, with cavities at crown break. Due to the tree's condition and its location within an inhospitable environment (a tarmacked carpark) it was determined that the tree had a limited future retention span. Subsequently the tree was assessed as being of insufficient quality to be considered for retention, with removal of the tree and a condition seeking two-for-one replacement being deemed as a more appropriate response.
- 2.7 The tree within the rear garden of the property – which is included in the TPO - was assessed as being of higher quality. Though near to the house, and also heavily pruned in the past, the tree had re-grown a large canopy, displaying good vigour, and which could be seen from a distance and at multiple locations along Glossop Road. The tree was scored with 13 points which indicated that a TPO was defensible. Having regard to this score, it was therefore deemed expedient in the interests of amenity to make the tree subject to an Order. A copy of the TEMPO assessment can be found at Appendix B.
- 2.8 Objections.

One duly made objection to the TPO was received, which can be found at Appendix E. The objection was submitted by an arboricultural consultant working on behalf of the owners of 423 Glossop Road. The salient points of the objection are:

- The tree does not have sufficient amenity to warrant an Order
- It has outgrown its position.

In response

- The tree is considered as having sufficient amenity value to justify protecting with a TPO per the details of the TEMPO assessment detailed at paragraph 2.7.
- Retention of the tree will not prevent construction of the proposed extension (retention of the tree being one of the options proffered by the same arboricultural consultant in his communication with the applicant).

- The tree is not causing any damage to the adjacent structure (the house at 423 Glossop Road).
- Although the tree is close to the house and some of the canopy is in contact with it, this is rectifiable by pruning. The amount of pruning to be carried out has been specified by the Council as part of a condition attached to planning permission ref. 22/03074/FUL (itself based on a method statement submitted by the arboricultural consultant).

3.0 VISUAL AMENITY ASSESSMENT

Visibility: A mature lime of reasonably large stature, standing directly adjacent to a public footpath linking Glossop and Clarkehouse Road, and from which the tree can be seen almost in its entirety. Prominent within the street scene of Glossop Road, the tree can be seen from a distance both up and down the road, visible to the large numbers of people who use the busy road on a daily basis. See images of the trees at Appendix C.

Condition: The presence of ivy covering the stem and major branch unions prevented a thorough inspection of the tree's condition, though the upper canopy appears healthy. The tree was estimated as being in reasonable condition.

Retention span: The tree is close (within 4 metres) of the house at 423 Glossop Road, and at the time of inspection some of the upper canopy was in contact with the property, though this was remediable with relatively minor pruning. Despite its proximity, the tree has been able to grow to its large size without causing damage to the house, and it was estimated by landscape officers that the tree could be retained during the extension that was proposed to the rear of the house. Given this, it was estimated that the tree had a likely retention span of approximately 20 years.

Contribution to the conservation area: The tree is listed as a prominent tree within the Broomhill Conservation Area appraisal. A copy of the appraisal can be found at Appendix D, and an excerpt from the map that lists the tree can be found at Appendix C.

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

Expediency: Foreseeable threat to the tree. The tree was initially under consideration for removal, and once retained, at risk of potential damage during the construction phase.

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.470 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). Further, the local authority is under a duty to make such TPOs as appear to be necessary in connection with the grant of planning permission, whether for giving effect to conditions for the preservation of trees attached to such permission or otherwise.
- 7.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the Order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.
- 7.3 The local authority may choose to confirm a TPO it has made. If an Order is confirmed, it will continue to have legal effect until such point as it is revoked. If an Order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.
- 7.4 A local authority may only confirm an Order after considering any representations made in respect of that order. One objection has been received in respect of the Order.
- 8.0 RECOMMENDATION
- 8.1 Recommend Provisional Tree Preservation Order No.470 be confirmed.

Michael Johnson, Head of Planning,

12th September 2023

Appendix A. Tree Preservation Order No. 470 and map

Tree Preservation Order

Town and Country Planning Act 1990
The Tree Preservation Order No 470 (2023)
423 Glossop Road, Sheffield S10 2PR

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 470 (2023) – 423 Glossop Road, Sheffield S10 2PR.

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 16TH MARCH 2023

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


PATRICK HUGH CHISHOLM
DUTY AUTHORISED SIGNATORY



SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Tilia x europaea (Common lime)	SK 33843 86821

Trees specified by reference to an area

(within a dotted red line on the map)

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

Groups of trees



(within a solid red line on the map)

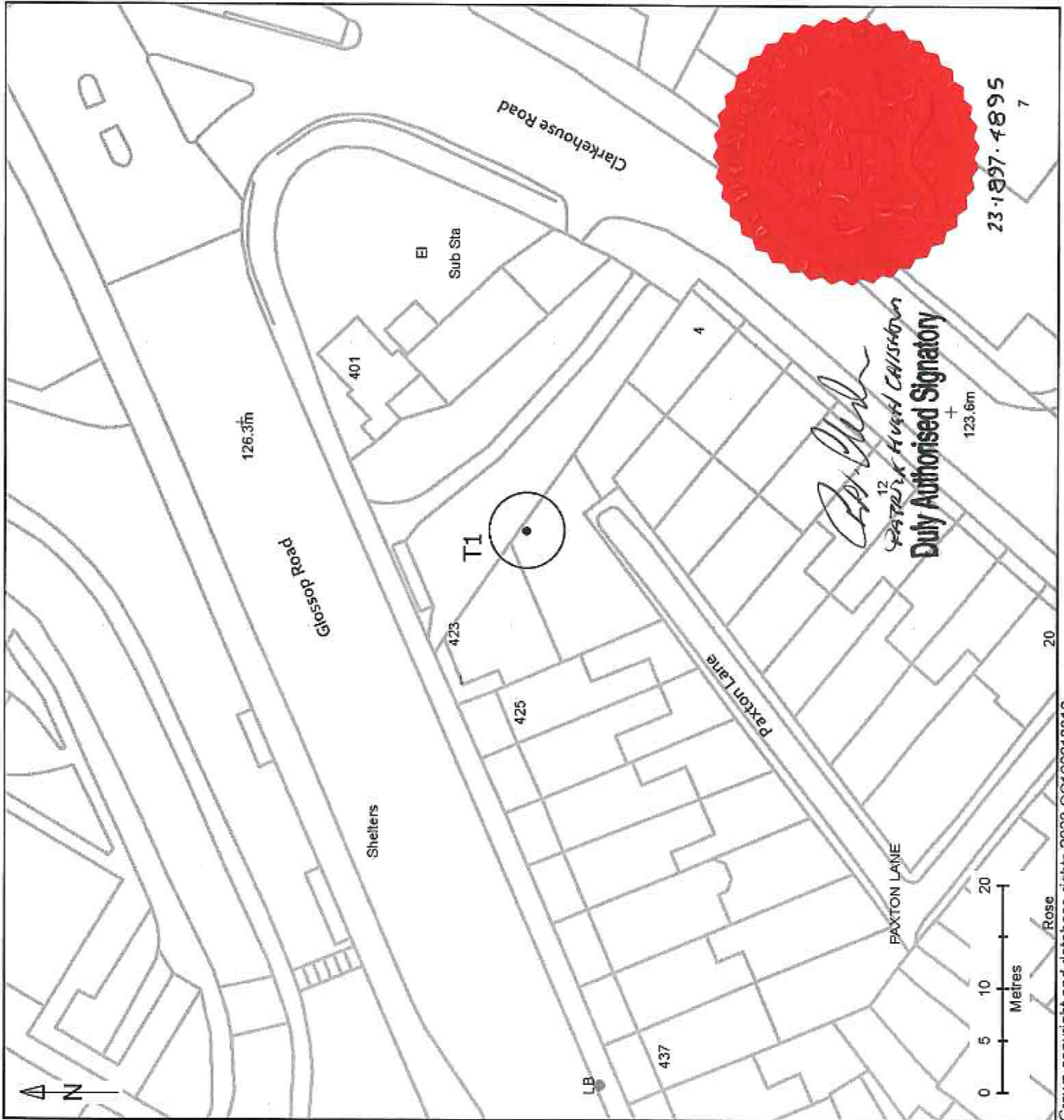
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
-------------------------	---	------------------

Woodlands

(within a continuous black line on the map)

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

Sheffield City Council Parks & Countryside Service	Sheffield City Council 
TREE PRESERVATION ORDER No. 470	
Drawing No. A4/808/470	
Site address 423 Glossop Road Sheffield S10 2PR	
Scale: 1:500 @ A4	
Drawn by MB	Date: 13/03/2023
	Trees specified individually (circled in black on the plan)
	T1: <i>Tilia x europaea</i> (Common lime)
	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 33843 86821
	Measurements shown approximately



Crown copyright and database rights 2023 OS100018816

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

d) Other factors

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

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

Score & Notes

1. Likely pollarded/ topped in past. Listed as notable tree on CA appraisal.

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes

3 . Planning application reference 22/03074/FUL. Developer has asked for advice re retention of tree. Tree will require protecting during construction

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



Google Streetview, looking uphill on Glossop Road



Google Streetview, tree as viewed approaching on Glossop Road



The tree with the second lime (to be removed) to the immediate left. Image taken from Clarkehouse Road



Tree as viewed from the public footpath joining Glossop to Clarkehouse Road. Tree is to the right in the second image.



Tree (on right) from Paxton Lane

Excerpt taken from a map of notable trees, taken from the Broomhill Conservation Area Appraisal. Tree marked with red arrow.



Appendix E. Objection.

Anderson Tree Care Ltd
Garden Cottage, Park Street
Barlborough, Chesterfield
Derbyshire, S43 4TJ
01246 570 044
info@andersontreecare.co.uk
www.andersontreecare.co.uk



[REDACTED]

March 10th 2023.

[REDACTED]

**Lime tree at 423 Glossop Road,
Broomhill, Sheffield, S10 2PR.**

Thanks for getting in touch again and forwarding me the e-mail from Jacob George the Planning Officer, to which I shall respond. [REDACTED] also sent it me this morning. For ease of reference I've copied the pertinent parts below:

Further to my previous email, I have been in discussion with the Tree Officers today and it is felt that the trees should be retained. T2, in particular, is a large specimen which has strong amenity value in contributing to the character of the area.

It is not felt that pollarding T2, as suggested, would represent a desirable outcome, as it could potentially take decades for the tree canopy to return to its current size. Simply erecting tree protection fencing does not provide confidence that the root protection area (RPA) of the tree would not be harmed during the construction works.

As such, we would ask for more information on the tree and how it will be protected during construction. We would ask that some ivy be removed to further inspect the condition of the tree at the base, and to allow for the trunk to be measured to inform the best estimate of the RPA. The RPAs should be plotted on the site plan. There also needs to be more investigation of potential bat roost features.

With the tree more fully surveyed, we would then request a detailed method statement for how the extension would be constructed to avoid harm to the tree. This would involve setting out detail of the groundworks required in the vicinity of the RPA, and how the canopy would be treated to facilitate the two-storey extension. Pollarding is not supported, and we would recommend that your arboriculture consultant look at options for a crown lifting and potential sympathetic canopy reduction instead.

These details are required before determination, as we fundamentally need to establish whether the extension is compatible with the retention of this tree.

I'm not acquainted with Jacob, I don't know if he's new in post but I hope he doesn't think I'm being overly familiar.

Anyway, he states that I suggested T2 could be pollarded. I did not suggest that I suggested that T2 should be removed, and T1 could be pruned in the manner often dismissed as a "toilet brush job."

In case it's not obvious I don't like that idea, hence my suggestion that both trees were removed and replaced, which is far and away the best way of ensuring the site makes a contribution to the landscape of the Conservation Area into the future. Pollarding is really more severe than the pruning I suggested and I'm fully aware that it really is a practice that



VAT Reg No. 471150474
Company Reg No. 5872995
Registered in England and Wales

Not controlled when printed

should not be undertaken on established trees. Nonetheless if as in this case, T1 is a lapsed-pollard; one that was previously pollarded, it might be looked upon more sympathetically.

Apart from that I would take issue with the idea that it might take many decades for the tree canopy to be restored. Firstly we don't want the tree to grow back to be the same size; it's already too big for its position, and secondly trees grow back much more quickly than Jacob suggests. In fact new trees can grow quite rapidly. I'm quite smug about some of the trees I've planted in Sheffield; here's one I planted in 2001:

<https://goo.gl/maps/LeE7WefYiS6jvPBk7>

The idea that trees don't grow very fast is widespread and wrong. In fact the project on Dunkeld Road in the above Google image, featured in the Sheffield tree dispute and at least one of the trees we planted in 2001 was removed because it had become too large. Having worked in Sheffield for over 40 years I fairly regularly come across trees I planted in streets (I was directly employed by SCC in the 80s) that it's hard to believe aren't more than 40 years old. In fact now I come to think of it, in 1983 I planted 10 Italian Alders alongside the City Hall, if Jacob's a local he might remember them, but they were removed in 2004 partly because they were too large and partly because the area was remodelled. One of the Alders was 50 feet tall! The only London Plane left in front of Cole Brothers is one I planted at the same time; that's been pruned and is still enormous.

That aside, Jacob then asks for more information and implies that the tree should be "fully surveyed." I'm not entirely sure what he means by this; precisely what information does he require? We've got the trees' dimensions and condition, and we can see that they're growing in less than ideal conditions. And it's entirely obvious that the proposed building project cannot be undertaken without intruding into both trees' RPAs. If he's suggesting something like tree root investigation using radar technology (I'm being serious here, this does exist) then I'd simply say that neither tree is sufficiently important to justify such expense.

I could, well "we" could, prepare a method statement detailing special construction methods but nothing is going to alter the fact that both trees are far too close to the existing building. I suppose we could install some ground protection over T1's RPA but this would not alter the fact that the ground in which it grows is already seriously compromised. Realistically we cannot do anything here, even maintenance of the existing building, without causing some harm to tree 1, and equally obviously even if we were doing nothing here I would still be recommending the removal of tree 2 as it's entirely outgrown its position. Incidentally it was never suitable for its position and why it's not been removed before now is a mystery to me.

Jacob describes T2 as having "strong amenity value" which is a topic I discussed at some length in my report. I should point out here that until I undertook my survey all involved regarded there to be only a single tree; nobody had noticed that there are two trees. A tree that occasioned nothing more than a casual glance really can't be described as having "strong amenity value." And that is to overlook the Government guidance that says "visibility alone will not be sufficient to warrant an Order." I should point out here that I pass this site fairly regularly and had never noticed either tree until asked to undertake this report.

The ultimate test here is whether either tree deserves protection with a TPO, which in my opinion they don't. Although Sheffield's Tree Officers have not developed their own

“structured system of amenity valuation” (as required by the Government Guidance) they do sometimes use a system called TEMPO. This is very easy to manipulate so I’ve filled in the TEMPO-pro-forma, which is appended.

For the avoidance of doubt and because of my poor handwriting, here are my scores and reasoning:

1. The trees are in satisfactory condition so score 3 points.
2. The trees could live for many years with appropriate regular pruning but this would require repeating at least every 20 years and probably in as little as 7 years. (They could be scored as zero for having “clearly outgrown their context” but that would be rather harsh.) Score 1 point.
3. They’re only medium trees but clearly visible to any member of the public that actually looks at them. Score 4 points.
4. Both trees are unsuitable for their location. They’re common Limes and just about the worst possible species for such a position. So score -1 point.

This give a total of 7 so the TEMPO process stops there.

I really don’t think there’s much more to be said about the situation.

Summary.

My best advice remains to remove both trees and replant. Severely pruning tree 1 and removing tree 2 is an option but not one I’d particularly like. The best long-term enhancement of the Conservation Area will be brought about by planting something better.

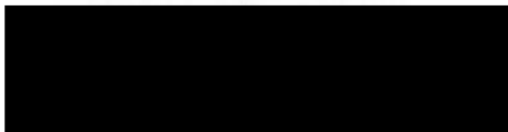
Jacob’s suggestion that either tree has strong amenity value does not fit with the Government’s guidance on what is meant by a tree’s amenity value.

I cannot see what is meant by a “fuller survey,” or what further pertinent information might be revealed. I really doubt whether tree-root-radar would be practical and also don’t consider it reasonable for such a small project. (NPPF paragraph 044.)

If we opt for the remove-tree-2-and-prune-tree-1 option then ground protection and a tree protection method statement would be reasonable, although I would remind all concerned that a successful outcome would not be guaranteed. Resources could probably be more productively spent replanting.

I hope this is helpful.

Yours sincerely,



Enclosure: TEMPO data sheet and decision guide.

This page is intentionally left blank



SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 12th September 2023

Subject: Tree Preservation Order No. 471

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

Summary: To seek confirmation of Tree Preservation Order No. 471

Reasons for Recommendation

To protect a tree of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 471 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No.471 and map attached.
 - B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
 - C) Images of the tree
 - D) Endcliffe Conservation Area Boundary Plan
 - E) Objection
 - F) Section 211 Delegated Officers Report
-

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

Tree Preservation Order No. 471

The Limes 7a Endcliffe Hall Avenue, Sheffield, S10 3EL

TREE PRESERVATION ORDER NO. 471

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.471

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.471 ('the Order') was made on the 30th of March 2023 protect a lime tree which stands on the privately-owned highway to the front of 7A Endcliffe Hall Avenue. The tree is located within the Endcliffe Conservation Area and so is already protected to a limited extent by Section 211 of the Town and Country Planning Act 1990. A copy of the Order, with its accompanying map, is attached as Appendix A.
- 2.2 The tree stands to the front of 7A Endcliffe Hall Avenue and is part of an avenue of lime trees which runs along the length of both sides of the road. As Endcliffe Hall Avenue is an un-adopted highway, responsibility for maintenance of the road and the trees within it ordinarily falls upon homeowners whose properties front the highway (known as 'frontagers'). Frontagers typically have ownership of the trees that stand in un-adopted highway adjacent to their property.
- 2.3 On the 13th of February 2023, the Council received a section 211 notice, reference 23/00470/TCA, submitted by a tree surgeon working on behalf of the owner of 7A Endcliffe Hall Avenue. This notice stated the intention to remove the tree in the highway to the front of the property, as following from strong winds the week before, it was felt that the tree was leaning more than it had done previously, and therefore needed removing as a matter of safety. Additionally, its roots were stated as damaging the pavement, and interrupting the electricity supply to electric gates that front the property.
- 2.4 The tree was subsequently inspected by Vanessa Lyons, Community Tree Officer on the 28th of February, and again on the 13th of March 2023. Due to the potential safety implications outlined in the section 211 notice, a second opinion was requested by Vanessa from a colleague, and from the manager of Sheffield City Council's Tree Service. The inspections revealed some lifting of the tarmac consistent with root growth, which is a normal and common occurrence seen in trees surrounded by tarmac, and which can be remedied by relaying the tarmac. There was no evidence of cracking, lifting or disturbance of the ground within the tree's root plate that would be considered typical of a tree experiencing root plate instability. The kerb to the base of the tree is higher than the surrounding kerb line, but the colour of the kerbstone

and presence of moss indicates that this kerb had been raised for some time, there being no break in the moss, or clean area of non-weathered stone visible, as would be consistent with a kerb that had been recently lifted. Examination of images from Google Streetview showed no change in kerb alignment from before and after the high wind event (see images in Appendix C) and indicate that the kerb has been elevated since 2008.

- 2.5 The stem of the tree leans in the direction of the house, but the upper canopy of the tree shows typical upright growth structure, indicating that the original cause of the lean happened sufficient time ago for the canopy to right itself to a normal orientation. The angle of these branches, and the stem, create a reference point for comparison. Google Streetview photographs indicate that there has been no discernible change in the stem angle or alignment of branches within the canopy from before, and after, the high wind. Looking even further back, according to image comparison, there has been no discernible change for over 10 years. The conclusion drawn by the three members of the Tree Service is that the tree has not recently moved and is not showing any indication of instability such that the tree requires removal on the grounds of safety.
- 2.6 Regarding alleged damage of the mechanism of the electric gate by the tree's roots, there was insufficient evidence provided with the section 211 notice to indicate that the roots are the cause of the issue, or that the gate cannot be fixed with the tree in situ.
- 2.7 The tree was assessed using the Tree Evaluation Method for Preservation Orders (TEMPO). It scored 17 points, indicating that the tree offers sufficient amenity to merit a TPO. It was therefore deemed expedient in the interests of amenity to make the tree subject to an Order. A delegated officer's report outlining the rationale for this was issued alongside a decision notice, stating the intention of the Council to protect the tree with an Order. A copy of the delegated officer report can be found at Appendix F, and a copy of the TEMPO assessment can be found at Appendix B.
- 2.8 Objections.

One duly made objection to the TPO was received, which can be found at Appendix E. The objection was submitted by the owner of 7A Endcliffe Hall Avenue, and the salient points are as follows:

- The applicant has consulted with an arborist who recommends the tree be felled.
- The tree's roots have raised the pavement, broken the gate mechanism and cracked the front garden wall.
- A Council Officer stated that the damage to the pavement was heat related damage, not root damage, and that this is incorrect.

In response

- No evidence was supplied with the section 211 notice to indicate how the arborist arrived at their conclusion that the tree is dangerous and must be removed. This would typically take the form of a detailed

inspection of the tree, of the sort that has been conducted by the Council's own officers.

- Following from a detailed inspection of the tree, and image comparison to identify possible changes in stem angle or branch alignment over time, the expert opinion of three arboriculturists employed by the Council is that the tree is not in a dangerous condition such that removal is necessary.
- The damage to the pavement is caused by ingress of the tree's roots. This is remediable without needing to remove the tree. The Council's arboricultural officer is not of the opinion that the damage is heat related and has no recollection of stating as such.
- There is insufficient evidence to suggest that the tree is the cause of damage to the wall or gate. If so, it is possible that engineering solutions exist which could fix these issues without removing the tree.

3.0 VISUAL AMENITY ASSESSMENT

Visibility: A mature lime of reasonably large stature, forming part of an avenue of mature lime trees which line both sides of Endcliffe Hall Avenue. The tree is prominent within the street scene and fully visible to the public.

Condition: The tree is in reasonable condition with no major outward defects. It leans, but this is a very common feature of many trees, and the upright nature of the canopy shows that the cause of lean is historic and that the tree has returned to upright growth. The canopy of the tree has previously been pruned but has responded with reasonable amounts of growth. There is no indication that the tree has recently moved or that the angle of lean is increasing.

Retention span: The tree is estimated as having an approximate retention span of 20 years, which is a conservative estimate based upon the inhospitable environment (tarmac) the tree is growing in.

Other factors: The tree is part of an avenue of mature limes, similar in size and age and therefore important as an arboricultural feature due to its cohesion. Removal of a constituent part of the avenue should be resisted unless strictly necessary.

Contribution to the conservation area: There is no recent appraisal which outlines the nature of the Endcliffe Conservation Area. However, lime avenues are considered important features of several conservation areas within the city. The lime avenue that lines Endcliffe Hall Avenue adds considerable amenity to the area, and consistency to a street where plots are set back, and houses varied. Such avenues of trees should be preserved where possible.

Expediency: Immediate. Section 211 notice stating removal of the tree.

4.0 EQUAL OPPORTUNITIES IMPLICATIONS

4.1 There are no equal opportunities implications.

5.0 ENVIRONMENTAL AND PROPERTY IMPLICATIONS

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

5.2 Protection of the trees detailed in Tree Preservation Order No.471 will benefit the visual amenity of the local environment.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

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

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

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

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

8.0 RECOMMENDATION

8.1 Recommend Provisional Tree Preservation Order No.471 be confirmed.

Michael Johnson, Head of Planning,

12th September 2023

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

SURVEY DATA SHEET & DECISION GUIDE

Date: 23.03.23	Surveyor: Vanessa Lyons
----------------	----------------------------

Tree details TPO Ref 471 Owner (if known): 7a Endcliffe Hall Ave	Tree/Group T1 Location:	Species: Lime
--	----------------------------	---------------

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

<p>Score & Notes :</p> <p>3. Previously pruned. Tree leans at a 33 degree angle. No signs of recent movement visible during inspection. Comparison of google streetview photographs between 2008 and present day show no change in the angle of the stem, or changes to the angle of upper canopy structure that would indicate movement had occurred.</p>
--

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

<p>Score & Notes</p> <p>1. Estimated retention span of approx. 20 years. Conservative estimate based upon inhospitable growing environment (street tree)</p>
--

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 |

<p>Score & Notes</p> <p>4. Privately owned but stands on unadopted public highway, Clearly visible to public.</p>

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

d) Other factors

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

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

Score & Notes

4. Tree is part of avenue of limes similar in size and age. Removal of tree would impact upon the cohesion of the avenue.

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes

5 Section 211 notice reference 23/00470/TCA stating intention to remove the tree due to concerns over lean.

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:

17

Decision:

Definitely merits TPO

Appendix C. Images of the tree

Images showing lack of movement in kerb profile between 2012 and 2022.



Google Streetview. November 2012. Raised kerb at the foot of the tree.



Google Streetview. May 2019. No substantial change to kerb alignment



Streetview October 2022, taken after the high wind event of January 2022, which allegedly caused the tree to move. Tree inspected on 28th February 2023. No indication typical of tree movement was present. Comparison of Streetview photographs show no evidence of movement in kerb profile between 2012 and present day.

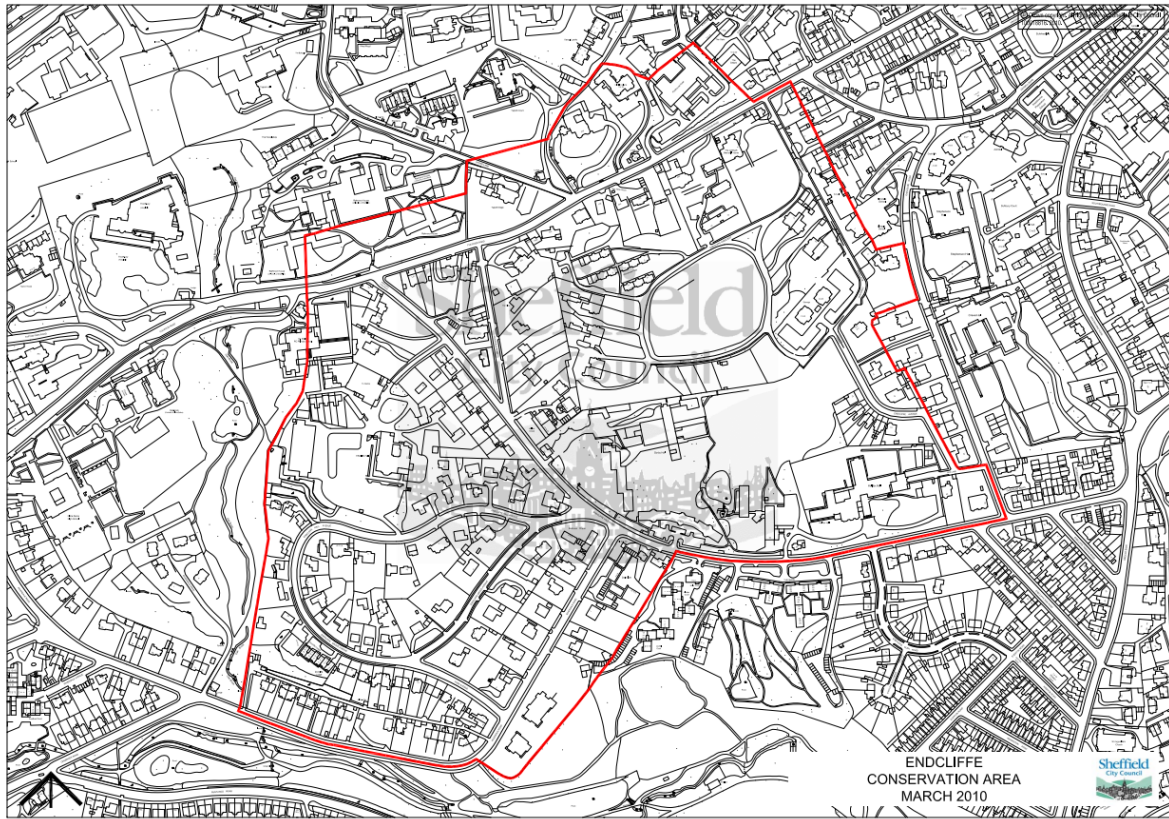


Google Streetview May 2019



Google Streetview October 2022. No discernible change in angle of the tree

Appendix D. Endcliffe Conservation Area Boundary Plan



Appendix E. Objection.

Dear [REDACTED]

I refer to your letter of 6th April 2023.

I strongly disagree with the decision to not allow us to remove the tree and instead put a TPO on it. We consulted with a reputable arborist who recommended that it should be felled as it is in danger of falling.

It is clearly listing and the roots have raised the pavement outside.

Your officer said the damage to the pavement was caused by heat damage and not the roots which is absolutely ridiculous.

Our landscape gardeners also took a look and were amazed that anyone , especially a specialist from the council , could state that it is heat damage.

The roots have also damaged our electronic gate mechanism causing our gates to now be out of order.

Additionally , our front wall has cracks in it from the movement of the tree.

If the tree does fall then the damage will be c £100,000 . This would include the gates and our front wall , a car , our neighbour's garage and part of their house , other trees and lighting in our front garden and the overhead telephone lines.

This assumes that no one is injured .

I would be grateful if you would reconsider this decision and if you wish to visit the site then please let me know.

I will send photos after this email of the tree and the root damage.

Yours Sincerely

[REDACTED]

APPLICATION: 23/00470/TCA

PROPOSAL: Removal of a tree (Endcliffe Conservation Area)

Address The Limes
7A Endcliffe Hall Avenue
Sheffield
S10 3EL

Site visit 28.02.23 and 13.03.23.

The tree is a mature lime which stands on the highway to the front of 7a Endcliffe Hall Avenue. As this portion of the road is un-adopted, homeowners' also own the trees which stand at the front of their properties.

The tree leans at a 33 degree angle and the kerb stone adjacent to the tree is raised. The tarmac at the foot of the tree has been lifted in a manner typical with root growth under the tarmac, and in a manner which can be seen at the base of other trees on the street. The homeowner stated that the electronic gates have stopped working, and that the technician thinks it may be due to root ingress to the lower mechanism of the gate. The tree has previously been crown reduced quite heavily.

The tree was inspected by two Tree Officers and the manager of the Trees and Woodlands Team to ascertain if the tree had moved. The inspections showed that there was no cracking or displacement of the tarmac around the tree which would be indicative of root plate movement. Similarly, there was no buckling or cracking of the lower stem which sometimes accompanies trees which are unstable at the base. Although the kerb stone at the rear of the tree is lifted, Google Street view imagery revealed that the stone has been like this since 2008. Comparison between the tree and street view images indicate no change in the angle of the stem, or in the angle of upper canopy structure between 2008 and the present day, which indicates that the tree has not moved during this time.

Although the tree is lifting the tarmac of the pavement with its roots, there is no evidence that this cannot be fixed with the tree in situ, nor direct evidence that the tree is the cause of the gate malfunction, or that if it is, that this also cannot be fixed with the tree in situ.

The amenity value of the tree was assessed as being sufficient to consider retention of the tree as being desirable. This is based upon the high public visibility of the tree, its health, size, and likely future retention span and also because the tree is a component part of an avenue of other similar sized trees, important for its cohesion. The tree contributes to the leafy nature of the Endcliffe Conservation Area, which features other tree lined streets.

It is the assessment of the Council's Tree Service, who provide expert advice on Tree Applications, that there is insufficient evidence to suggest that the tree is dangerous and

requires removal, and that the tree provides sufficient amenity to make its retention desirable. The Council therefore objects to the removal of the tree and intends to make the tree the subject of a Tree Preservation Order.

This page is intentionally left blank



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Head of Planning

Date: 12/09/2023

Subject: Applications under various acts/regulations

Author of Report: Chris Heeley and Michael Eaglestone

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

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

Category of Report: OPEN

This page is intentionally left blank

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)
2755 A (02) 03 REV C Proposed GA Plans First 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

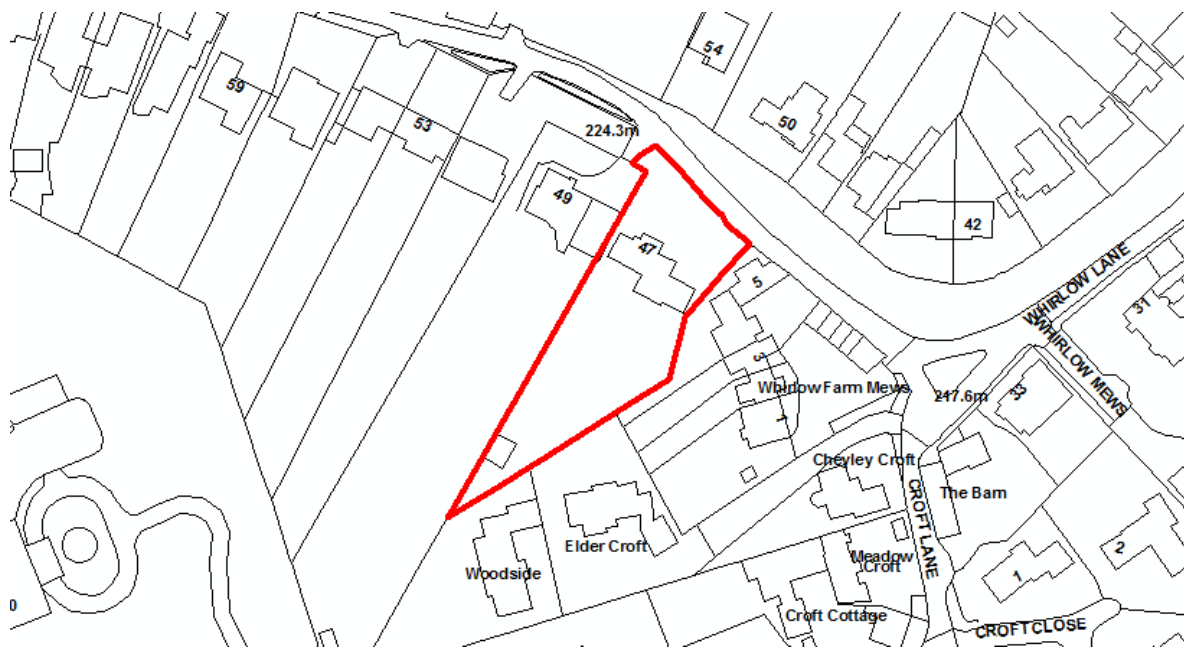
6. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes 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



© Crown copyright and database rights 2016 Ordnance Survey 10018816

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 12m metres from Whirlow Lane and has a ridge height of around 7m 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 to 3 metres from the boundary shared with 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 2m and the land level difference between No 49 and the development site is approximately 1.5m.

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 3.8m 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 7metres minimum at its East

end (with garage entrance) and 16.5 metres maximum at its main entrance. The proposed dwelling is substantially larger in scale than the existing dwelling on the site, being similar in width but deeper front to back, 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 is arranged across four floors, including a lower ground floor/basement, ground floor, first and a second floor (contained within 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 main East-West ridge height will be approximately 8.7metres high and the ridge of the highest front-facing gable is 9.7m high above ground floor level

The dwelling will also incorporate a single storey rear projection with a parapet roof and first floor balcony over. This will project 2.4m from the rear facing and central gables and abuts the gable nearest to No 49. It will be sited a minimum of around 2.3m from the shared boundary with No 4, and the first-floor balcony will be inset around 1.6m from the side elevation of the projection and between 4.0m and 4.5m 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/basement is a terraced area that will form a light well to serve this floor. The lower terraced area will be sited 2m from the boundary with No 4, and approximately 2.5m below existing ground levels. Another terrace will be accessed off the lower ground floor/basement 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 glazed walkway will have the height of a single storey when taken from ground level.

The pool house and annexe will be sited between 2.3m and 3.5m 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 8.3m and will be sited 8m from the shared boundary with No 49, and 6.5m 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 approximately 5m 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 owing to officer's concerns about impact on neighbouring dwellings, and following negotiations with the applicant.

- The single storey projection will be set back a minimum of 2.3m from the shared boundary with No 4. The original set back of the single storey projection was 1m 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 1.3m.
- The single storey projection nearest to the shared boundary with No 4, has been set in 700mm 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 700mm from the edge of the eastern elevation of the dwelling.
- The balcony above the single storey projection has been set in 1.6m from the edge of the single storey projection. The edge of the balcony will be set back between 4.0m and 4.5m 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 previously a minimum of 2m.
- The balcony will also include a 2m high privacy screen that will slope down to 1.1m high. 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 0.4m below the main East-West ridge of the property. The width of the projecting gable has been reduced from 5.8m to 4.4m 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 with a North-South ridge 1.3m higher than the main East-West ridge
- 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 for the ground floor section at the rear of the building, from red stock brick to coursed split-faced stone. Pitched roofs have been amended from natural slate tiles to double camber red clay tiles.
- 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 2.3m in from the shared boundary with No 4. The original proposed set back of the single storey projection was 1m from this shared boundary. Thus, there has been an increase in the setback of the single storey projection from No 4 by around 1.3m.

The single storey rear projection and the lower ground floor terrace nearest to the shared boundary with No 4, have been set in 700mm from the edge of the eastern elevation of the dwelling. The balcony above the single storey rear projection has been set in 1.6m from the edge of the single storey projection. The edge of the balcony will be set in between 4.0m and 4.5m 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 1.1m. 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 5.8m to 4.4m 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, the existing retaining wall structure and 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 2m to 1.1m 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 runoff 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 alongside the 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

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. Following the amendments to the scheme there will be no significant overbearing, overlooking or overshadowing impacts arising on No 4 and No 5 Whirlow Farm Mews.

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.

The tilted balance applies in the context of an absence of a five year housing supply as the proposal involves the provision of housing albeit in replacement or enlarged form. There are minor benefits to the scheme in the form of the provision of a dwelling with improved living accommodation and greater long-term efficiency, and for the period of construction, economic and employment benefits. For the reasons outlined above there are not considered to be adverse impacts that significantly and demonstrably outweigh those benefits, so the presumption in favour of development within paragraph 11 of the NPPF applies.

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

This page is intentionally left blank

Case Number	22/04356/FUL (Formerly PP-11605998)
Application Type	Full Planning Application
Proposal	Erection of 19 residential dwellings, with access, landscaping and associated works
Location	Land Between Railway Tracks And Junction Road Woodhouse Sheffield S13 7RP
Date Received	05/12/2022
Team	City Centre and Major Projects
Applicant/Agent	Mrs Rachel Reaney - Astrum Planning Ltd
Recommendation	Grant Conditional Subject to Legal Agreement

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:

Site Location Plan - JCT-ENJ-XX-XX-DR-A-01-000-A (published 09/02/2023)

Proposed Site Plan - JTR-ENJ-XX-XX-DR-A-01-001 Rev. K (published 20/03/2023)

House Type A - GA Elevations & Plans - JTR-ENJ-XX-XX-DR-A-A-001-C (published 06/03/2023)

House Type B - GA Elevations and Plans - JTR-ENJ-XX-XX-DR-A-B-001-C (published 06/03/2023)

House Type C - GA Elevations & Plans - JTR-ENJ-XX-XX-DR-A-C-001-B (published 06/03/2023)

House Type D - GA Elevations & Plans - JTR-ENJ-XX-XX-DR-A-D-001-B
(published 06/03/2023)

Proposed Separated Double Garages - GA Drawings - JTR-ENJ-XX-XX-
DR-A-GD-01-A (published 06/03/2023)

Proposed Single Garage GA Drawings - JTR-ENJ-XX-XX-DR-A-GS-01-A
(published 06/03/2023)

Street Scene - ENJ-A-01-003-A (published 06/03/2023)

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 measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

4. No development (other than site investigation works) shall commence until an ecological report setting out the findings of the further ecological survey work recommended within Section 4 of the PRELIMINARY ECOLOGICAL APPRAISAL - September 2022, and making any relevant recommendations for any actions, works or enhancements to ensure that all potential impacts of the development on ecological features are adequately avoided, mitigated or compensated for, has been submitted to and approved by the Local Planning Authority. Thereafter any actions, works or enhancements set out within the approved report shall be implemented in full and completed before any part of the development is brought into first use or occupation.

Reason: Although sufficient ecological information has been submitted to be confident that the development can be carried out in an ecologically acceptable way, it is essential that the further survey work is undertaken and any required further mitigations proposed prior to the development taking place in order to ensure all potential ecological impacts of the development are fully understood and mitigated.

5. No development (other than site investigation works) shall commence until a site investigation report has been submitted to and approved by the Local

Planning Authority assessing any risks posed to the development from land instability, ground contamination and ground gas as per the recommendations set out within Section 8 of the submitted STAGE 1 GEO-ENVIRONMENTAL DESK STUDY REPORT, dated 28/09/2022.

In the event that the need for remediation works is identified to address any unacceptable ground gas or contamination risks, a Contamination Remediation Strategy shall also be submitted to and approved by the Local Planning Authority before any development commences (other than site investigation works). Any Contamination Remediation Strategy shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

In the event that the need for remediation works is identified to address any unacceptable land stability risks, a Land Stability Remediation Strategy shall also be submitted to and approved by the Local Planning Authority before any development commences (other than site investigation works).

Reason: In order to ensure that any contamination or land stability risks are appropriately dealt with as part of the development scheme it is essential that this condition is complied with before the development commences.

6. No development (other than site investigation works) shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the local planning authority. The CEMP shall set out provisions to ensure that all site activities are planned and managed so as to prevent nuisance and minimise dis-amenity 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. In addition, the CEMP shall include details of how all relevant ecological receptors will be protected during the remediation and construction phase. Thereafter the development shall only be carried out in strict accordance with the provisions of the approved CEMP.

Reason: In the interests of minimising the adverse environmental effects of the construction phase of development, it is essential that this condition is complied with before any works on site commence

7. No development (other than site investigation works) 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.

8. No development (other than site investigation works) shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

9. No remediation 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.

10. No development (other than site investigation and remediation works) 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. 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 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)

11. No part of the development shall be brought into first use of occupation

unless and until a report has been submitted to and approved 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.

12. No part of the development shall be brought into first use or occupation unless and until a scheme of sound insulation works has been installed. Such scheme of works shall:

- a) Be based on the findings of approved noise survey (ref: 14669415 (version 3), dated: 09/08/2022, prepared by: Bureau Veritas).
- b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

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

Reason: In the interests of the amenities of the future occupiers of the buildings

13. No part of the development shall be brought into first use or occupation until Validation Testing of the sound insulation works of two representative properties have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

- a) Be carried out in accordance with an approved method statement.
- b) Demonstrate that the specified noise levels have been achieved.

In the event that the specified noise levels have not been achieved for the two representative properties identified then, notwithstanding the sound insulation thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before any part of the development is brought into first use or occupation. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before any part of the development is brought into first use or occupation.

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

14. No part of the development shall be brought into first use or occupation until detailed lifetime management arrangements for the drainage system have been submitted to and approved by the Local Planning Authority. These arrangements shall demonstrate that there is in place a legally binding arrangement for the lifetime management of the drainage system including funding source/s. This shall include operation and maintenance manuals for regular and intermittent activities and as-built drawings. Thereafter the approved management arrangements shall be implemented for the lifetime of the development.

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

15. No above ground works shall commence until a comprehensive and detailed hard and soft landscaping scheme for the site has been submitted to and approved by the Local Planning Authority. The approved landscape works shall be completed prior to any part of the development being brought into first use or occupation or in accordance with any alternative implementation programme which has been approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Reason: In the interests of ensuring that the development enhances biodiversity and visual amenities within the locality and that adequate external amenity space is provided for residents

16. No above ground works shall commence until a Biodiversity Enhancement Scheme has been submitted to and approved by the Local Planning Authority. Unless otherwise approved, the scheme shall make provision for supplemental planting within the woodland areas to be retained within the site, hedgehog highways through garden fences, and the provision of bird and bat boxes/ bricks to be incorporated within the houses/ garages. Evidence shall be provided that the proposed on-site biodiversity enhancements and landscaping works, in combination with the separate

provisions for off-site ecological enhancements, are sufficient to ensure that the development should result in an overall biodiversity net gain. The works set out within the approved scheme shall thereafter be completed prior to any part of the development being brought into first use or occupation or in accordance with any alternative implementation programme which has been approved by the Local Planning Authority.

Reason: In the interests of biodiversity and ecological enhancement.

17. No part of the development shall be brought into first use or occupation until full details of boundary treatments have been submitted to and approved by the Local Planning Authority. Such details shall include all garden fencing and walls illustrated on Proposed Site Plan - JTR-ENJ-XX-XX-DR-A-01-001 Rev. K and also details of the fencing to be installed along the boundary with the adjacent railway line to ensure risk of trespass onto that line from the site is adequately mitigated. No part of the development shall be brought into first use or occupation until the approved boundary treatments have been provided in accordance with the approved details. The approved boundary treatments shall thereafter be retained and maintained for the lifetime of the development.

Reason: In the interests of the visual amenities of the locality and maintaining a secure boundary with the adjacent railway line.

18. Upon completion of any measures identified in the approved Land Stability Remediation Strategy, or any approved revised Land Stability Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority demonstrating that the approved remediation measures have been implemented and any relevant land stability risks have been reduced to an acceptable level. No plot or group of plots within the development shall be brought into first use or occupation until a Validation Report for land stability covering the relevant plots has been approved in writing by the Local Planning Authority. A final combined Validation Report should be issued on completion of the remedial works (covering all plots) for approval by the Local Planning Authority. This shall include a declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development and shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In order to ensure that any land stability risks associated with the legacy of historic mining activities are properly dealt with.

19. Following completion of any measures identified in the approved Contamination Remediation Strategy or any approved revised Contamination Remediation Strategy, land contamination and gas protection Verification Reports shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in accordance with

the approved Contamination Remediation Strategy or any approved revised Contamination Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the local planning authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

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

20. Before any above ground works commence, details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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

21. Before any above ground works commence, full details of the improvements to Junction Road along the site frontage, as illustrated on Proposed Site Plan - JTR-ENJ-XX-XX-DR-A-01-001 Rev. K, including new surfaces and kerbs, pedestrian facilities and turning facilities, shall be submitted to and approved by the Local Planning Authority. Thereafter the improvements shall be implemented before any part of the development is brought into first use or occupation.

Reason: In the interests of traffic and pedestrian safety.

22. No part of the development shall be brought into first use or occupation until full details have been submitted to and approved by the Local Planning Authority of the provision of Electric Vehicle Charging Point (EVCP) infrastructure for each of the dwellings hereby approved. The details shall include:

- i) Location of charge points;
- ii) Specification of charging equipment

The approved EVPC infrastructure shall be installed and commissioned before any part of the development is brought into first use of occupation.

Reason: To ensure that the development facilitates the use of low emissions vehicles, in the interests of sustainability, climate change and air quality mitigation.

23. No part of the development shall be brought into first use or occupation until full details of secure, covered, cycle storage facilities to be provided for each dwelling have been submitted to and approved by the Local Planning Authority. Thereafter the development shall only proceed in accordance with the approved details and the cycle storage facilities shall be fully constructed

and installed before any part of the development is brought into first use or occupation.

Reason: In the interests of promoting sustainable and healthy forms of transportation.

24. No part of the development shall be brought into first use or occupation until full details of the refuse and recycling storage and collection facilities to be provided to serve each dwelling have been submitted to and approved by the Local Planning Authority. No bins shall be stored to the front of dwellings unless a bin store of an appropriate quality will also be provided. The approved refuse and recycling storage and collection facilities shall be provided in full prior to each dwelling being brought into first use or occupation.

Reason: In order to ensure that adequate facilities are provided for the storage and collection of waste and recycling containers in the interests of waste management and visual amenity.

25. No part of the development shall be brought into first use or occupation until a detailed Travel Plan shall has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include:

1. Clear & unambiguous objectives to influence a lifestyle that will be less dependent upon the private car;
2. A package of measures to encourage and facilitate less car dependent living; and,
3. A time bound programme of implementation and monitoring in accordance with the City Councils Monitoring Schedule.
4. Provision for the results and findings of the monitoring to be independently validated to the satisfaction of the Local Planning Authority.
5. Provisions that the validated results and findings of the monitoring shall be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.

Prior to the occupation of any dwelling, evidence that all the measures included within the approved Travel Plan have been implemented or are committed shall have been submitted to and approved in writing by the Local Planning Authority

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

Other Compliance Conditions

26. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy(s). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy(s), or unexpected contamination is encountered at

any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure that the site is made safe for residential occupation.

27. An open access strip shall be maintained to the retained woodland to the west of the houses hereby approved, as illustrated on Proposed Site Plan - JTR-ENJ-XX-XX-DR-A-01-001 Rev. K.

Reason: In the interests of amenity.

28. No external lighting shall be installed as part of the development hereby approved, unless it is being installed in full accordance with details of the type, luminosity, mounting height, and angle of glare of the external lighting units which have first been submitted to and approved by the Local Planning Authority.

Reason: To ensure no external lighting is installed which has the potential to interfere with the operation of the adjacent railway line.

Attention is Drawn to the Following Directives:

1. The applicant will need to secure a Great Crested Newt Mitigation Licence or District Level License from Natural England before development commences.
2. This site contains trees, which are protected by Tree Preservation Orders or Conservation Areas. These trees must be retained and protected and the Local Planning Authority may pursue legal action where vegetation is illegally damaged or removed. The Wildlife and Countryside Act may also be a legal consideration in the removal or works to trees, if the trees are providing a habitat to protected species or a nest site to wild birds.
3. 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: 2021 "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.
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. Applicants seeking to discharge planning conditions relating to the investigation, assessment and remediation/mitigation of potential or confirmed land contamination, including soils contamination and/or ground gases, should refer to the following resources;
 - Land Contamination Risk Management (LCRM; EA 2020) published at; <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>;
 - Sheffield City Council's, Environmental Protection Service; 'Supporting Guidance' issued for persons dealing with land affected by contamination, published at; <https://www.sheffield.gov.uk/content/sheffield/home/pollution-nuisance/contaminated-land-site-investigation.html>.
6. 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.
7. 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:-

Sheffield City Council
Town Hall
Penistone Street
Sheffield
S1 2HH

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.

8. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines and application forms on the Council website. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk. Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.
9. South Yorkshire Police have provided the following advice on the development: 'If Planning consent is granted it is my professional recommendation that the development is design and build to Secured by Design standards. SBD New homes 2019. Registration for Secured by Design Developer's award can be found at www.securedbydesign.com

If Secured by Design standards are not adopted, attention and consideration should be given to the following areas: -

- Doors are to comply with PAS24: 2016, as a minimum.
- Windows (including any curtain walling) under 2.4m in height are to comply with the PAS24: 2016 specification (where the PAS specification is a draft British Standard).
- Prior to the commencement of development (including ground works), a scheme detailing any street lighting to all private (un-adopted) sections of secondary roads/drives/courtyards should be submitted to and approved in writing by the Local Planning Authority. The scheme should not include low-level or bollard lighting. No dwellings accessed from private (un-adopted) roads/drives/courtyards shall be brought into use until the street lighting so approved has been installed and brought into use, and the street lighting shall be retained as such thereafter.

https://www.securedbydesign.com/images/PCPI_LIGHTING_GUIDE_web.pdf

10. Network Rail have provided the following advice on the development:

Former Railway Land - It appears that the scheme may be situated at least partly on former railway land. It is incumbent upon the applicant to investigate all the covenants and understand any restrictions relating to the site which may take precedence over planning conditions. Please note that the comments contained in this response to the council do not constitute formal agreement of any existing covenants.

Railway Access - The proposed scheme must not obstruct or restrict access to adjacent railway facilities in any way either during construction or subsequent site use. Access is required on a 24/7 basis for inspection, maintenance and emergency purposes.

Works in Proximity to the Operational Railway Environment - Development Construction Phase and Asset Protection Due to the proximity of the proposed development to the operational railway boundary, it will be imperative that the developer liaise with our Asset Protection Team (contact details below) prior to any work taking place on site to ensure that the development can be undertaken safely and without impact to operational railway safety. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.

Drainage - It is imperative that drainage associated with the site does not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. There must be no connection to existing railway drainage assets without prior agreement with Network Rail.

Trespass Proof Fencing- Trespass onto the railway is a criminal offence. It can result in costly delays to rail traffic, damage to the railway infrastructure and in the worst instances, injury and loss of life. Due to the nature of the proposed development we consider that there will be an increased risk of trespass onto the railway.

Landscaping- It is imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. Where trees and shrubs are to be planted adjacent to boundary, they should be positioned at a minimum distance greater than their height at maturity from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to the railway boundary for screening purposes should be placed so that when fully grown it does not damage the fencing, provide a means of scaling it, or prevent Network Rail from maintaining its boundary fencing. Below is a list of species that are acceptable and unacceptable for planting in proximity to

the railway boundary;

Acceptable: Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrus Communis*), Fir Trees - Pines (*Pinus*), Hawthorn (*Cretaeagus*), Mountain Ash - Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatata "Zebrina"

Not Acceptable: Acer (*Acer pseudoplatanus*), Aspen - Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore - Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra* var, *betulifolia*), Lombardy Poplar (*Populus nigra* var, *italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

Lighting - Where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Railway Noise Mitigation - The Developer should be aware that any development for residential or noise sensitive use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

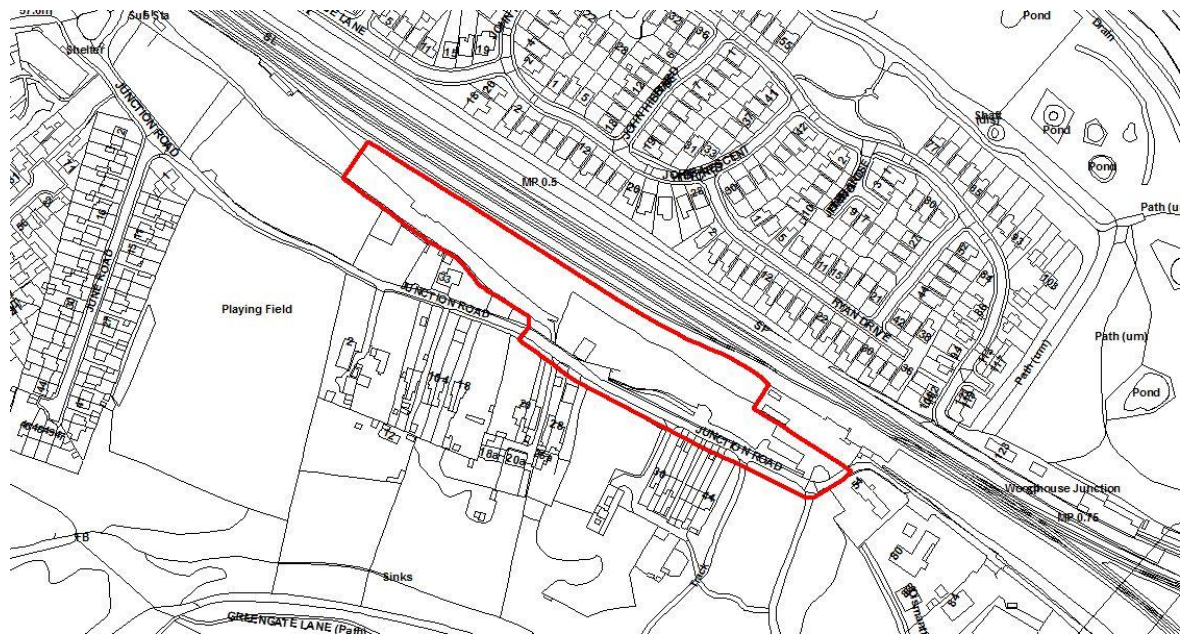
For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email assetprotectioneastern@networkrail.co.uk.

For enquiries relating to land ownership enquiries, please email landinformation@networkrail.co.uk.

For enquiries relating to agreements to use, purchase or rent Network Rail land, please email propertyservices@networkrail.co.uk.

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

Site Location



© Crown copyright and database rights 2016 Ordnance Survey 10018816

LOCATION AND PROPOSAL

The application site is located in Woodhouse some 350m along Junction Road from the point where it meets Station Road. The total site area is approximately 1.5 hectares of which approximately 0.55 hectares are to be developed for housing. The remainder comprises an area of woodland to the north-west (to be retained), a woodland buffer strip adjoining the railway line (also to be retained), and part of Junction Road that is incorporated into the site so that it can be improved. The woodland buffer strip adjoining the railway is protected by Tree Protection Order no. 454, made on 12 May 2022.

The south-east part of the site was last used as a scrapyard site but has been unused for some years. An area of steeply sloping embankment covered in woodland to the north-west of the site is to be retained as existing. The housing is to be developed on the former scrap yard area. The part of the site to be developed for housing is long and narrow, approximately 200m long by 35m wide. It has a long frontage to Junction Road which is an unadopted highway with no footpaths, it has the character of a rural lane.

To the north is the Sheffield to Worksop railway line with a modern housing estate beyond. To the south and on the opposite side of Junction Road are terraced houses and semis which are faced in stone or brick and have long front gardens. To the east is a small network rail depot and to the west a single dwelling house and unused naturally regenerating land.

The site was originally used as railway sidings and is level with the railway to the north but falls below Junction Road as it rises to the west. There is a belt of naturally regenerating Birch Woodland adjacent to the northern boundary with the railway line. The site also incorporates an area of steeply sloping woodland to the north-west of the area to be developed for housing. Both the main woodland area to the north-west and a buffer of existing Birch woodland approximately 12m deep, between the housing and the railway line, are to be retained.

The application is seeking permission for 19 houses on the south-eastern part of the site. The houses are arranged in two cul-de-sacs of 5 houses on the western part of the site whilst the 9 houses on the eastern part face onto (and would be directly accessed from) Junction Road. Nine detached and ten semi-detached 3 and 4 bedroom properties are proposed. Two of the 3-bedroom semi detached dwellings are proposed to be provided as affordable housing.

A similar proposal, albeit for 2 fewer houses and no affordable housing, gained planning permission in 2016 and was varied in 2019 but has not been implemented and has now lapsed.

RELEVANT PLANNING HISTORY

Planning permission was granted for a continuation of the use of the land for the sorting of scrap on 05 May 2002 (ref. 02/00625/FUL). Subsequently planning permission was refused for a development of 52 houses and 35 flats on a larger site that incorporated the application site and land to the west up to the intersection

with Station Road, (ref. 05/04573/FUL). It was refused on the grounds that-

- The development would be out of keeping with the character of the area;
- The highway impact;
- Poor design of the houses;
- Loss of greenfield/open space land considered to be of visual and ecological value;
- Harmful impact on wildlife due to the erosion of the green corridor.

However, planning permission was then granted in 2016 for a smaller residential development scheme on the site (17 houses) limited to the former scrapyards area (ref. 15/02851/FUL). This planning permission was varied in 2019 (ref. 19/02864/FUL) but has now lapsed.

SUMMARY OF REPRESENTATIONS

Twenty representations in objection to the proposed development have been received. The main points raised in these objections are summarised below (full copies of all representations are available to view on the Public Access website):

- The development will increase traffic on a sub-standard road with no pedestrian facilities to the detriment of the safety of pedestrians (inc. young children/ pushchairs), cyclists and equine users (and also elderly residents of Brunswick Gardens Village who may be using wheelchairs or mobility scooters);
- If the developers were serious about making this an acceptable development they would want to widen the road right the way up to Junction Road and put in a pavement to make sure that pedestrians were safe which clearly they will not be with extra traffic on the road;
- Concern that the level of traffic associated with the development may have been underestimated, taking account of the size of the proposed dwellings and recent changes in lifestyles habits in terms of home deliveries, etc;
- The development will lead to increased on-street parking pressure due to inadequate off-street provision which will worsen conditions, obstructions and hazards on Junction Road;
- The development will increase the risk of the road becoming obstructed (by on-street parking/ delivery vehicles) which could prevent emergency services from accessing existing properties;
- Junction Road is used as a recreational pedestrian route linked to areas such as Beighton Marsh, Rother Valley Country Park and the Trans Pennine Trail and the increase in traffic from the development would make this route less attractive and safe;
- The proposed road improvement works on the site frontage would affect adjacent residents' accesses;
- The development will result in significant ecological harm including to protected trees, protected species and other flora and fauna;
- The proposed removal of trees would exacerbate climate change (with one tree storing 2.9 tonnes of carbon);
- The development would sever the existing coherent ecological corridor adjacent to the railway line;

- Health and safety concerns in terms of the risk associated with families with children living adjacent to a railway line;
- Concern that the site might be contaminated with toxic waste associated with the former scrap yard use;
- The land may be unstable due to the presence of an un-treated mineshaft;
- The site would be unacceptably impacted by noise from the new Network Rail workshop and track maintenance work at anti-social times (which have not been taken account of in the noise assessment);
- The development will increase surface water run-off during flood events and thereby exacerbate pre-existing flooding problems;
- The development design is poor with the houses just looking like they are from any other housing estate;
- The development will spoil the frontage of existing homes;
- The development will cause a loss of privacy for existing residents;
- The noise and disturbance caused by the development (including from increased traffic) will adversely affect existing residents and change the character of the locality from a quiet area to a more urban noisier place;
- The proposed turning head will increase traffic and associated noise disturbance for adjacent existing residents;
- The construction phase will cause severe disturbance to residents particularly given the sub-standard access;
- Unacceptable loss of open space in visual and ecological terms;
- Local education and health services are inadequate;
- Existing utilities are inadequate to serve the development;
- Lack of public consultation;
- Land ownership issues.

[Note: Following concerns being raised in relation to land ownership issues the applicant contacted relevant residents with a view to clarifying the land ownership position of the relevant land (an area of verge at the foot of existing resident's gardens on the opposite side of Junction Road which is now functionally used as part of the gardens) and transferring this land to the residents – this is a separate, private, land ownership issue but the efforts of the applicant to resolve the issue with residents/ objectors are acknowledged]

One of the objectors is Clive Betts MP, whose full comments are set out below:

'I would like to raise an objection to this planning application. I recognise in the past a planning application has been approved but I think there are a number of factors which now need more detailed consideration by the Planning Committee.

The first is about the access to this site. The road is unadopted. It is narrow. It does not have pedestrian pavements alongside it for the length from the development up to Junction Road where all vehicles from the site will have to travel.

Looking at the number of parking places on the site there are over 40 potential car parking spaces and therefore a significant increase in the number of vehicles that are being suggested as a result of this development.

The developer is only proposing to widen the road immediately alongside the development itself and put in a pavement on one side of the road. If the developers were serious about making this an acceptable development they would want to widen the road right the way up to Junction Road and put in a pavement to make sure that pedestrians were safe which clearly they will not be with extra traffic on the road. This effectively is development on the cheap with the developer trying to make as much money from the site as they can without actually spending the money to upgrade the road in the way that it should. In my view it will be completely inappropriate to approve a development which relies on unadopted roads without proper pedestrian pavements in order for all vehicles from the site to access the main road network.

The second issue is about the environmental aspects of the site which will be lost. There are protected trees on the site and others which are being considered for protection but what is not referred to at all in the application is the amount of flora and fauna which exists on the site which is detailed in other objections. These clearly need to be taken into account. Just because the site has had previous uses does not mean to say that it does not have environmental value to people who live around it and benefit from it on a daily basis. I think these matters must be taken into account when considering the impact of any development. The developer shows no sign of having done so.'

PLANNING ASSESSMENT

Decision Making Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998.

The Council is currently developing a new replacement Local Plan (entitled 'The Sheffield Plan') which will set out planning policies and land use allocations to shape development within Sheffield for a plan period running to 2039. Having progressed through an Issues and Options stage in 2020 a full draft plan has been prepared for submission to the Secretary of State for examination, which has been subject to public consultation in January and February 2023. However little weight can currently be attached to the proposals and policies set out within the draft Sheffield Plan prior to it being tested for soundness through examination in public.

The National Planning Policy Framework first published in 2012 and last revised in July 2021 (the NPPF) is a material consideration in all planning decisions. Paragraph 219 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the

NPPF.

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

- the application of NPPF policies that protect areas or assets of particular importance (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) 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 NPPF policies taken as a whole.

This is referred to as the “tilted balance”.

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

The Council’s most recently published position in relation to the deliverable 5 year housing land supply situation is set out in the ‘5 Year Housing Land Supply Monitoring Report’, December 2022. The monitoring report indicates that, at the base date of 01 April 2022, the supply was 3.63 years for the period 2022/23 to 2026/27. As such, a 5 year supply of housing cannot be demonstrated and so the tilted balance does apply in relation to the proposed development – which proposes the development of 19 new houses.

Principle of Development

The application site lies within a Housing Policy Area in the Unitary Development Plan (UDP). Within this area the preferred use is housing and therefore the development is acceptable in terms of land use principle.

The application site is part of a Green Corridor along the railway line. UDP Policy GE10 is concerned with the Green Network. It says that Green Corridors will be protected from development which would detract from their mainly green and open character or which would cause serious ecological damage. As covered in more detail elsewhere in this report, the development would retain the main area of woodland to the north-west and the corridor of woodland along the railway line and therefore provides for the retention of the substance of the green corridor.

Core Strategy (CS) policy CS24 seeks to maximise the use of previously

developed land for housing. The majority of the site area is previously developed land and therefore the proposal will meet the objective of this policy.

Policy CS26 promotes the efficient use of housing land. Subject to the character of the area densities will vary according to the accessibility of the location. The density range for this site would be 30-50 dwellings per hectare. The developable site area is approximately 0.55 of a hectare and the density is therefore approximately 35 dwellings per hectare. This meets the policy and it considered to be acceptable on this site as it feels like a semi-rural site where a lower density is to be expected.

UDP policy GE15 states that trees and woodland will be encouraged and protected, mature trees, copses and hedgerows will be retained where possible and lost trees replaced. The development scheme meets this requirement by primarily limiting development to the former scrap yard area and providing for the retention of the majority of the trees and woodland on the site including protected trees - albeit some tree loss would occur and is effectively unavoidable in developing the site for housing.

In the Publication Draft Sheffield Plan (to which minimal weight can currently be attributed) the part of the site that is proposed to be developed for housing is proposed as a housing site (Site Reference SES23 – capacity for 20 homes). The part of the site that is to be retained as woodland is identified as Urban Greenspace.

In summary the development plan and emerging policies support development of the site for housing. National planning policy gives high priority to increasing the supply of housing and the lack of a 5 year supply of housing in Sheffield adds further weight in favour of the scheme, as does the responsivity of the housing mix proposed to housing needs within this part of the City (which is for family housing). The development is also considerate of the Green Corridor allocation of the railway corridor in terms of minimising tree loss and maintaining the connectivity and integrity of the woodland belt along the corridor. The development is therefore considered to be acceptable in principle as tested against the key development plan policies referenced above.

Affordable Housing and Housing Mix

Policy CS 40 says that in all parts of the city, developers of new housing will be required to contribute towards the provision of affordable housing where practical and financially viable.

The site lies within the South East Housing Market Area (HMA) where the affordable housing requirement is 10% subject to viability. Sheffield's current Strategic Housing Market Assessment (SHMA) estimates that the South East HMA has an annual shortfall of 6 affordable properties per year, which is a modest shortfall in relation to the whole city.

The applicant has accepted this requirement and proposes to provide 2 of the dwellings as affordable housing (two 3-bed semi-detached properties) which is

slightly over the 10% requirement. Details of the type and tenure of the affordable housing, together with delivery requirements, are proposed to be set out in a legal agreement made under Section 106 of the Act (S106 agreement) which would be drawn up in the event that Committee resolve to approve the application.

Therefore the development is compliant with policy CS40 and will assist in the delivery of housing for those unable to afford market rates.

Policy CS41 seeks to create mixed communities it promotes a broad range of housing for smaller households in the City Centre and requires a greater mix of housing in other locations including housing for large households especially families. A key feature of the South East housing market is that it provides an opportunity for households to purchase larger family homes that may not be affordable for them elsewhere in the city.

The proposed development will contain 19 houses, comprising of 10 three bedroom and 9 four-bedroom homes. All proposed houses exceed the Nationally Described Space Standards for either 3 bed 5-persons or four bed 7-person floor areas. It is considered that the proposed development is well aligned with the evidence of housing need set out in the Housing Market Assessment (SHMA) and that the proposed housing mix is acceptable in relation to the provisions of CS41.

Design/Character issues

Unitary Development Plan Policy H14 states that new buildings in housing areas should be in scale and character with neighbouring buildings. UDP Policy BE5 'Building and Design Siting' expects good quality design in keeping with the scale and character of the surrounding area and Core Strategy Policy CS74 states that high quality development is expected which respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods.

These policies align well with Chapter 12 of the NPPF which requires well designed places, with paragraph 126 stating that good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities, which contribute positively towards making places better for people. Paragraph 134 states that planning permission should be refused for development that is not well designed and where it fails to reflect local design policies and government guidance on design. The local policies can therefore be afforded significant weight.

The part of the site to be retained as open space has a heavily wooded appearance. The part which is to be developed for housing has a run-down unkempt appearance. There is a belt of birch woodland adjacent to the railway line which is 8-10m deep and some scrub vegetation and relatively low quality trees along the Junction Road frontage. The rest of the site has a loose gravel/crushed brick finish remaining from the former industrial uses with an area of tarmac surfacing providing access to the yard associated with the signal box. There is some dilapidated fencing on the Junction Road frontage and some rusty skips block a former access into the site and prevent fly tipping. Although Junction Road at its eastern end has a rural character the site of the proposed housing has a

despoiled unattractive appearance.

Development around the site is of mixed character. There are some traditional terraced stone cottages opposite the site which have long front gardens some of which incorporate unsympathetic modern garages fronting Junction Road. There are Victorian semis further west along Junction Road faced in stone, brick and render also with long front gardens. Towards the western end of Junction Road there are some more compact 1950/60s semis. In addition, there are a few modern detached dwellings of one and two storeys to the east of the site on Junction Road and a large 1990s suburban housing estate on the opposite side of the railway line.

The quantum of development proposed for the site strikes a reasonable balance between delivering a viable scheme and responding to the more rural character of this part of Junction Road. The houses are set back a little from Junction Road, allowing the provision of small walled gardens (to be landscaped) designed to soften the transition between Junction Road and the new houses.

A footpath will be provided on the development side of the frontage whilst maintaining the soft green informal edge to the existing housing opposite. A reasonable balance has been struck between setting the housing back from Junction Road, retaining the green link tree planting buffer to the railway line and achieving enough housing to deliver a viable scheme and also deliver affordable housing.

By designing cul-de-sacs perpendicular to Junction Road for the western part of the site it has been possible to provide an area for 'green buffer/ landscaping' which can be planted with native trees and hedge plants which to help maintain the semi-rural feel to Junction Road. A 0.75m high brick wall with soldier coping will be provided as a sympathetic and non-defensive boundary treatment along the Junction Road frontage and houses will be oriented to present an active front to the road.

Garages and car parking are set back into the site so that parking appears less dominant in the street scene. The mixture of short cul-de-sacs and houses facing on to Junction Road will create variety and interest so that the scheme will appear as a sensitive small scale scheme which would not be the case with a homogeneous design.

The house designs are relatively simple and not particularly distinctive, but are not without character or design merit and will not appear incongruous or disharmonious in the street scene. Initial plans for the use of render to upper floors have been dropped, as this material was considered to be contextually out of place and all walls will now be in brick with a soldier bond string course between the GF and 1F and further soldier coursing to ornament the heads of door and window openings.

The scale and form of the houses will be typical of modern suburban housing and not contextually driven; however the development will not be incongruous in its context. Given the mixed character of the surroundings the house style proposed is

considered to be acceptable and is reasonably sensitive to the semi-rural setting.

Full soft landscaping details have not been provided at this stage; however the approach illustrated on the site plan - providing a landscaped buffer to Junction Road) and retaining the majority of the woodland to the north-west and birch woodland along the railway boundary - is considered to be broadly acceptable. The retention of the majority of the existing woodland on the site, in particular, is considered to be key to preserving local character and it is welcomed that the applicant proposes to retain access into the woodland for local residents. Full landscaping and tree protection details will be reserved by planning condition.

Overall it is considered that the design quality of the development is of an acceptable standard and is suitably responsive to the characteristics of the locality and that the development will not result in any significant harm to local visual amenity or diminution of the character of the locality, taking account of the low contribution the former scrap yard area currently makes to this character.

In conclusion, the proposed design of the scheme is in line with the requirements of the relevant UDP and Core Strategy policies as well as the aims of the NPPF, as described at the start of this section.

Access Issues

Unitary Development Plan Policy H14 says that new development should be well laid out with all new roads serving more than five dwellings being of an adoptable standard. Development should provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

This aligns closely with Paragraph 110 of the NPPF which states that safe and suitable access to sites should be achieved for all users and that the design of streets and parking areas should reflect current national design guidance. Paragraph 111 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

Junction Road will be widened along the site frontage and brought up to an adoptable standard with a footpath provided along the front of the site. This will leave a section of approximately 250m of shared highway between the site and June Road. This section of highway should ideally be improved; however it would be unreasonable for this small site to be liable for the costs of upgrading the full length of Junction Road. This means that additional traffic will be generated on the substandard section of Junction Road which is shared by vehicles and pedestrians. Whilst this is not ideal, in your officer's view it does not create a severe highway safety problem and therefore it would be unreasonable to resist the application on this basis, particularly bearing in mind the test at paragraph 111 of the NPPF.

In the event that the western section of Junction Road is developed for housing in the future (as proposed within the Development Plan) this section of highway will also be brought up to modern highway standards.

Whilst the highway along the site frontage will be improved to adoptable standard the Council is not able to adopt it until the western section to June Road is also brought up to standard. This will mean that, at least in the short term, the existing and new residents will be responsible for the maintenance of the road along the site frontage.

The intersection of Junction Road with Station Road is considered to be adequate to serve the existing traffic that would be generated by the development.

A turning head is proposed at the eastern end of Junction Road to allow refuse and service vehicles to turn.

Sixteen of the houses have a garage and 2 additional parking spaces, one house has a garage and 1 parking space and two houses have 2 parking spaces and no garage. The proposed parking provision is considered to be acceptable.

It is approximately 350m walking distance from the site to the Junction Road bus terminus and a further 150m to train station. Therefore it is concluded that public transport is reasonably accessible from the site.

It is concluded that the access and parking arrangements are acceptable with some reservations regarding the standard of the western part of Junction Road. However given the circumstances referred to above these concerns are considered to be outweighed by the benefits of developing the site for housing and the proposals are therefore considered to be in accordance with the requirements of the local and national policies referenced at the start of this section in this respect.

Ecology and Tree Issues

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

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

GE11 and CS74 align with the NPPF and can be given substantial weight. To clarify, NPPF paragraph 174 parts a) and d) identify that planning decisions should contribute to and enhance the natural and local environment, minimise impacts on and provide net gains in biodiversity. Furthermore, paragraph 180 a) identifies that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Part d) of paragraph 180 goes on to state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

This is an ecologically sensitive site, given that it clearly possesses high biodiversity value and has a strategically important location, sited on the Council's [draft] Nature Recovery Network (NRN) and sits within very close proximity to an established nature conservation project (jointly SCC, Network Rail, Froglife) aimed at improving habitat along the rail corridor for a range of protected and priority species.

The site possesses a mosaic of woodland, scrub and grassland habitats, suitable for a wide range of wildlife. The current application essentially maintains the previously approved approach of retaining the majority the woodland to the north-west and the birch woodland along the railway corridor (thereby retaining a coherent ecological corridor) but would result in the clearance of the former scrapyard area including the loss of scrub, a belt of trees, grasses and shrubs.

The application has been revised during its assessment to reduce the depth of gardens in order to reduce tree loss and compartmentalisation of woodland. None of the trees on site which are subject to a Tree Preservation Order (No 808/454) are proposed to be removed. Overall it is considered that the level of tree loss associated with the current proposals is acceptable and strikes a reasonable compromise between the practicalities of developing the site for housing and the interests of maintaining the integrity and extent of the main woodland area and green corridor.

In terms of the ecological information provided, it is considered that an appropriate level of surveying has been carried out for the purposes of supporting the planning application and the reports are of a high standard. In relation to protected species it is noted that:

Bats: no evidence of roosting bats was found within the wall and conditions considered sub-optimal. However, the wider site is considered to provide 'moderate' suitability for commuting and foraging bats and therefore activity surveys are recommended. This will provide a more detailed assessment of how bats use the site and inform more specific mitigation measures, such as a sensitive lighting scheme.

Badgers: no setts found and not believed to be resident on site. A precautionary approach recommended and best practices measures would need to be set out in a CEMP.

Great crested newt (GCN): whilst there are no waterbodies within the application area, the site lies within a zone of GCN breeding ponds considered a stronghold for the species in Sheffield. The applicant's ecological consultants consider it reasonable to conclude that GCN are present on site (albeit in their terrestrial phase) and therefore propose that the site is registered under Natural England's District Level Licensing (DLL) scheme for the development to proceed. No further survey work is recommended and initial site clearance work would need to be carried out under specific and likely supervised best practice measures.

Reptiles: the site contains suitable habitat and basking spots for native reptile species and Ecus have recommended a suite of presence / absence surveys carried out during the optimal period. Similar to GCN, SE Sheffield has established populations of reptiles and therefore, as statutorily protected species, status needs to be established in order to determine if mitigation is required.

A Biodiversity Net Gain Assessment has also been provided which advises that the development will result in a loss of 3.4 habitat units (but an increase in hedgerow units) as assessed using the most recent DEFRA metric. The applicant proposes to address this, and provide for an overall Biodiversity Net Gain, by making a financial contribution to the Council of £85,000 to facilitate the delivery and maintenance of an equivalent amount/ quality of habitat off-site.

The Council's Ecology Unit have advised that the contribution could be used within some of Sheffield's large park sites, which contain many acres of poor quality amenity grass, where BNG delivery could be focussed. Biodiversity delivery sites are likely to be (initially) Concorde Park, Longley Park and Parson Cross Park, with other, smaller SCC sites to be considered. The precise site to which the funding from this development would be put has not yet been decided.

As well as a S106 agreement securing the BNG financial contribution, it is also considered necessary to impose a planning condition requiring the applicant to gain approval for a Biodiversity Enhancement Scheme, including provisions for supplemental planting within the woodland areas to be retained within the site, hedgehog highways through garden fences, and the provision of bird and bat boxes/ bricks to be incorporated within the houses/ garages. Evidence would also be required that the proposed on-site biodiversity enhancements and landscaping works, in combination with the separate provisions for off-site ecological enhancements, are sufficient to ensure that the development should result in an overall biodiversity net gain. Subject to this condition it is considered that the proposal is acceptable in terms of ecology and biodiversity matters in accordance with paragraphs 174 and 180 of the NPPF and local policies GE11 and CS74.

Amenity

Unitary Development Plan Policy H14 says that new housing should not suffer from unacceptable noise and where appropriate there should be an environmental buffer to shield sensitive land uses. It also states that the site should not be over-developed or deprive residents of light or privacy. Policy GE24 states that development will be permitted where it would not locate sensitive uses and sources of noise pollution close together.

The NPPF at paragraph 130 Part (f) requires a high standard of amenity for existing and future users. Paragraph 185 requires decisions to mitigate and reduce potential adverse impacts resulting from noise. The UDP policy is therefore considered to align with these requirements and should be given significant weight.

There is plenty of physical separation between the proposed houses and existing houses around the site so that the development will not have a significant adverse

impact on the privacy of existing householders.

All the new houses have sufficient private amenity space for family housing. The outlook distances between the new housing meets the Council's normal guidelines for protecting privacy except across the two cul-de-sacs at the western end of the site where the front to front distance between habitable room windows is 12m. However, it is considered that householders are more tolerant of reduced outlook distance between the fronts of properties and in this case the close proximity of houses across the streets helps to create a pleasing cottage aesthetic. Therefore, in this case, the reduced outlook distances are considered to be acceptable.

The site adjoins a railway line and there is some concern that there may be noise disturbance from passing trains. However, the applicant has carried out a noise assessment which demonstrates (subject to suitable sound insulation and window standards) internal noise levels would not be unacceptable in relation to relevant standards. The applicant also undertook a specific further assessment of potential disturbance from the adjacent Network Rail depot. Conditions are proposed requiring specified internal noise levels to be achieved.

Overall, it is assessed that the proposed development would not significantly impinge upon the amenities enjoyed by the occupants of any existing adjacent residential dwellings through overbearing, overshadowing or overlooking and that the standard of accommodation provided will be sufficient to provide residents with an acceptable level of amenity, in accordance with NPPF Section 12 and paragraphs 130(f) and 185 and Unitary Development Plan policies H14 and GE24.

Flood Risk and Drainage

Policy CS63 'Responses to Climate Change' of the Core Strategy states that action to adapt to expected climate change will include designing development to eliminate unacceptable flood risk and adopting sustainable drainage systems.

Policy CS67 'Flood Risk Management' states that the extent and impact of flooding should be reduced. It seeks to ensure that more vulnerable uses (including housing) are discouraged from areas with a high probability of flooding. It also seeks to reduce the extent and impact of flooding through a series of measures including limiting surface water runoff, through the use of Sustainable drainage systems (Suds), de-culverting watercourses wherever possible, within a general theme of guiding development to areas at the lowest flood risk.

These policies are considered to align with Section 14 of the NPPF. For example, paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided and development should be directed away from areas at the highest risk. Paragraph 167 states that when determining applications, it should be ensured that flood risk is not increased elsewhere with relevant applications being supported by a Flood Risk Assessment. Paragraph 169 expects major developments to incorporate sustainable drainage systems unless there is clear evidence to demonstrate otherwise.

The applicant has submitted a Flood Risk Assessment and Indicative Foul and

Surface Water Drainage Strategy. The residential development of the site is acceptable in flood risk terms (with the site being in flood zone 1). The preliminary drainage submission states that percolation tests have shown that the site is unsuitable for soakaways and there is no convenient watercourse near the site. The surface water is to be stored on site and discharge to combined sewer at a restricted rate. The amount of storage has been calculated to limit the run-off to the greenfield rate with an allowance for climate change.

The Lead Local Flood Authority and Yorkshire Water have no objections in principle to the surface water drainage arrangements subject to further development of the detailed design and restricting surface water discharge rates to 3.5 l/s. This could be controlled by condition. Subject to full details of the drainage system being reserved by planning condition, it is considered that the proposed development is acceptable in relation to flood risk and SUDS in accordance with paragraphs 159 and 167 of the NPPF and Core Strategy Policies CS63 and CS67.

Ground Conditions (Stability and Contamination Risks)

Paragraph 183 of the NPPF says that planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation). In this instance the site is a former scrap yard which is also within an area subject to historic coal mining and therefore both contamination legacy and land stability issues must be considered.

In relation to stability issues, the submitted coal mining risk assessment identifies the potential for a shaft on or close to the site and the need to consider shallow coal workings. Following concerns raised by the Coal Authority the applicant undertook site investigations in order to locate the mineshaft on the site. The mineshaft was not located in the position identified on historical mapping or the further extent of the site which was stripped as part of the investigations. Based upon the information on where the mine shaft definitely isn't, the applicant is confident that the houses would not be in the mineshaft's zone of influence and that it would be possible to remediate any stability risks through capping/ grouting, etc.

The applicant has gone as far as is reasonable in managing risks associated with the mineshaft and that any remaining concerns can be resolved through further site investigations and remediation proposals reserved by planning condition. The Coal Authority has now advised (by letter dated 2 August 2023) that they withdraw their objection subject to the imposition of two conditions to secure additional intrusive investigations and a validation statement that the site has been made safe. The substance of these conditions is addressed by proposed conditions 5 and 18.

In relation to contamination issues, the site was previously used as railway sidings and a scrap yard and therefore is likely to be contaminated. The submitted

environmental risk assessment report identifies potential pollutant linkage risks associated with the residential development of the site due to these potentially contaminating historic uses and recommends site investigations to quantify the risk and identify any required remedial measures, such as the use of a capping system. Conditions are proposed which will require the contamination to be assessed and remediated.

It is considered that the submission adequately assesses the potential for the development to be affected by land stability and contamination issues and demonstrates that the site can be developed safely, subject to the required further investigations and remediation proposals being controlled by suitable planning conditions. Consequently, the proposal is considered to accord with paragraph 183 of the NPPF, which states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Sustainability

The key way which the planning system can help to contribute towards sustainable development is by ensuring that development is delivered in the right locations in order to minimise the need to travel and create walkable neighbourhoods. In this instance the proposal site is within an existing housing area, in relatively close proximity to a railway station and bus routes and within walking distance of a range of facilities (including schools, playing fields and a limited number of shops). The development of the site with housing is therefore not considered to be inconsistent with the principles of sustainable development in spatial terms.

In addition to this the planning system seeks to contribute to sustainable development by promoting development schemes which minimise embodied carbon, maximise energy efficient building design and generate renewable or low carbon energy. This area is partly covered by the requirements of building regulations (Approved Document L) but the planning system can play a role through pushing for the retention and conversion of existing buildings and trees and minimising level changes to reduce embodied carbon, ensuring that buildings are orientated and fenestrated in a manner which promotes passive solar heating (being mindful of overheating issues) and by imposing building fabric and renewable energy requirements over and above the building regulations baseline.

In terms of specific policy requirements Core Strategy Policy CS65 requires all significant developments to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy (or an alternative fabric first approach). NPPF paragraph 157(b) requires that developments take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

In terms of compliance with these policies, the submitted Design and Access Statement advises that:

‘Although final U-value calculations are not yet confirmed, the proposal will strive to exceed relevant building regulation requirements at the time of

construction. The process will be monitored using SAP calculations and a regular photographic record to ensure good quality is maintained. Energy and water saving measures are proposed to support the in-use sustainability of the homes when completed. Embodied carbon has been considered from the outset of the design process through the careful retention of woodland, particularly given that there is limited scope for the re-use of existing building materials on the site. It is also proposed that the Contractor will, where possible, utilise local supply chains to minimise vehicle and delivery use. Dependent on-site conditions, it is proposed to utilise either air-source heat pumps or a combined gas & PV systems when the houses are occupied. Low energy lighting utilising LED's have been considered in conjunction with positive specification choices to ensure a more sustainable in-use strategy. The document has outlined a strong passive solar gain strategy, with natural purge and cross-ventilation identified as suitable further to the completed Air Quality and Noise Assessments.'

Subject to a planning condition requiring a minimum of 10% of the predicted energy needs of the completed development to be obtained from decentralised and renewable or low carbon energy (or an alternative fabric first approach to offset an equivalent amount of energy) and also requirements for cycle parking, EV charging, a detailed Travel Plan, a SUDS scheme, landscaping scheme and biodiversity enhancement scheme, the proposal is considered to be consistent with relevant sustainability requirements in accordance with Section 14 of the NPPF and Core Strategy policy CS65.

Community Infrastructure Levy (CIL)

The proposed development would be Community Infrastructure Levy (CIL) liable and is located within Charging Zone 3 with a current charge of £41.93 per m² for housing. It is considered that the CIL regime covers the majority of infrastructure requirements relevant to the development i.e. education and recreation provision. The exception to this is Affordable Housing and Biodiversity Net Gain, which will be addressed through a S106 agreement.

SUMMARY AND RECOMMENDATION

The development plan supports the provision of housing on the site and the lack of a 5 year supply of housing adds further weight in favour of the scheme as does the fact that the development would provide for 2 affordable houses and is responsive to the specific need for additional family housing within this part of Sheffield. The site is mainly previously developed, vacant industrial land and redevelopment of the site will regenerate this despoiled site.

The proposed housing scheme is considered to be reasonably well designed and of an acceptable density for this semi-rural location and the character of the scheme is an appropriate design response to the mix of building styles present within the locality. The site is reasonably sustainably located with public transport services within reasonable walking distance.

Ideally the access road should be improved between the site and the adopted

highway at June Road. However, this would be too great a burden for a relatively small development site such as this to bear. The improvement of the access road along the site frontage is considered to be a reasonable compromise. It is concluded that the additional traffic generated by the development would not create a severe highway safety problem.

The improvements to the access road and the construction of the new housing will undoubtedly change the rural character of Junction Road to a more urban character. However, this is inevitable if new housing is developed off this road. Given the benefits of regenerating the site and providing new housing it is concluded that these significantly outweigh the erosion of the existing rural character of the locality.

The birch woodland and green corridor adjoining the railway line will be retained and, subject to an ecologically enhanced landscaping scheme, the development would not result in an unacceptable level of loss of woodland or other habitats and risks to protected species can be managed through planning conditions. In this instance, and given the lengths to which the applicant has gone to minimise on-site habitat loss, it is considered acceptable to compensate for the predicted on-site loss of biodiversity by making a financial contribution for the Council to create an equivalent value of habitats off-site.

It is recommended that planning permission be granted subject to the listed conditions and also a Section 106 agreement embodying the following Heads of Terms:

Heads of Terms

- 1) Financial contribution of £85,000 in order to fund the Council to deliver and maintain new or enhanced habitats (on a like for like or better basis) elsewhere within the City which equate to a habitat unit value of at least 3.4 habitat units.
- 2) Provision of at least 2 dwellings as affordable housing.

Planning obligations must be:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In this case the BNG financial contribution is needed to avoid a biodiversity net loss, is directly related to the development (as the development would create the loss) and the level of financial contribution (£85,000) is considered to be fairly and reasonably related to the scale of development proposed.

The provision of 2 dwellings as affordable housing is necessary in order to comply with policy CS40 and deliver the development plan objective of meeting the needs of residents unable to access housing at full market rates. The on-site provision of affordable housing is directly related to the development and the provision of 10% of the development as affordable housing is considered to be fairly and reasonably related to the scale and kind of development, as per the thresholds set out within

the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (December 2015).

This page is intentionally left blank



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 12 September 2023

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse a prior notification for the erection of 20m monopole with associated cabinets and equipment (Application to determine if approval required for siting and appearance) at land opposite Staniforth Works, Main Street, Hackenthorpe, Sheffield, S12 4LA (Case No: 22/02975/TEL).

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse a prior notification for the erection of Apollo Medium Duty 20m High VF ARV2 Pole, including 6No. VF Antennas, 1no. GPS Module, and 1no. Lancaster Cabinet and 1no. SFMC Meter Cabinet and associated equipment (Application to determine if prior approval required for siting and appearance) at land opposite Ranmoor Gardens, Ranmoor Road, Sheffield, S10 3FR (Case No: 22/02855/TEL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of two-storey side and rear extension and a single-storey front extension to dwellinghouse at 42 Westfield Crescent, Sheffield, S20 5AQ (Case No: 22/03323/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as the effect of the two-storey side extension on the character and appearance of the area.

She noted the consistent building lines and presence of garden space at the side of dwellings on corner plots which contribute positively to the character of the area, and that a side garden exists at the appeal property and it's neighbour on the opposite side of the road junction.

She noted the proposal was a reduced version of a previously refused scheme, and that it did read as subservient to the main dwelling, but that it

would still erode the garden space and sense of open character at the junction, which would be detrimental to its appearance.

She agreed with officers that the impact of this was greatest when the site was viewed on approach from the south on Ash Street.

The appellant provided an example of a similar extension in the near vicinity, however the Inspector felt this did not the overall character of the area or provide context and gave limited weight to its presence.

Equally she gave little weight to a potential fall-back position advanced by the appellant, in the form of a two storey rear extension and hip to gable conversion that they felt could be constructed as Permitted Development as a) there was no Lawful Development Certificate confirming this, and b) it would have less impact on the side garden than the appeal proposal in any event.

She therefore concluded the proposal was in conflict with UDP policy H14, associated Supplementary Planning Guidance and paragraph 130 d) of the NPPF.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of a 3 x storey extension at roof top level to existing building to form 6 x 2 bedroomed apartments and 18 x 1 bed apartments at site of former Eon Works, Earl Street, Sheffield, S1 4PY (Case No: 21/04888/FUL) has been dismissed.

Officer Comment:-

The Inspector considered the main issues to be whether the proposal would preserve or enhance the character or appearance of the Cultural Industries Quarter Conservation Area and, if there is harm, whether that harm is outweighed by the public benefits of the proposal.

The appeal site is a recent predominantly brick-built, five storey block of apartments (with ground floor commercial use), known as the Lightbox. The site is within the CIQ conservation area where the significance is derived from small brick-built industrial buildings associated with the metals trades, which are small plots amidst a grid layout of narrow streets and wider roads.

The Inspector noted that the site is set back from Eyre Street where the street grid layout remains intact and the hierarchy of buildings largely reflects the layout, with taller buildings found around and in proximity to the main routes of Eyre Street, Furnival Square, Matilda Street and St Mary's Road. The site is not on a main route, rather it is on the smaller lanes of Eyre Lane, Earl Street and Hallam Lane. In this context the Inspector felt that the proposal to increase the height to 8 storeys would be inappropriate, marked and unsubtle in these surroundings because of the difference in scale and massing compared to the more modest buildings in the vicinity. It would also be higher than the rear of the fire station which fronts Eyre Street.

The Inspector concluded that the proposal would damage the hierarchy and would not be commensurate with its location next to narrow lanes, overshadowing these routes. There was no justification for additional height in a location which is not on a key route, gateway or vista. The proposed materials would also be out of keeping, with metal cladding becoming more dominant rather than brickwork, further detracting from the significance of the conservation area. The proposal was found to be contrary to the Development Plan and the NPPF in design and heritage terms. The harm was concluded to be less than substantial and whilst there would be a small contribution to the housing stock at a time when there is not a 5 year supply of housing, and some employment generation, as well as the site being in a highly accessible location, the Inspector concluded that the harm to the designated heritage asset would not be outweighed by those public benefits.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 2no. dwellinghouses with parking provision and alterations to existing parking provision and amenity space serving No's 2 and 4 at land adjacent No.2 Osmaston Road, Sheffield, S8 0GT (Case No: 21/03397/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issues as:-

- a) whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to internal space standards and private outdoor amenity space,
- b) the effect of the proposal on the living conditions of occupiers of existing neighbouring properties, with particular regard to the resultant private outdoor space provided for, and outlook from, number 2 Osmaston Road,
- c) whether the proposal would result in an unacceptable impact on highway safety,
- d) whether the proposal would create an unacceptable flood risk, and
- e) the effect of the proposal on the character and appearance of the area, including the extent of proposed development on the site.

For a) and b) the Inspector agreed with officers that the internal and external spaces associated with the dwellings would fall significantly short of space standards set out in national guidance and the South Yorkshire Residential Design Guide and would provide irregular shaped spaces that would not function well, whilst reducing the existing external space to no.2 Osmaston Road to a similarly unsatisfactory level. In addition there would be poorly site bin storage for dwelling 1a adjacent to living room windows of No.2 Osmaston Road, adversely affecting its outlook. As such the proposals represented unsatisfactory living accommodation for existing and future residents in conflict with policy H14, CS74 and paragraph 130 f) of the NPPF.

For c) the Inspector noted the road was an unadopted public highway with a

high demand for on street parking, including on pavements and in the head of the cul de sac, which can make for difficulties in manoeuvring. They concluded that the proposals would displace existing off street parking on the appeal site to on street, severely limit turning within the street and manoeuvrability for spaces at no's 4 and 6 Osmaston Road and the Medical Centre, and would force pedestrians into the highway, and therefore agreed with officer it would conflict with policy H14, and paragraphs 110 b) and 111 of the NPPF.

In terms of flood risk (d) they agreed with officers that insufficient information had been provided to confirm this was acceptable and did not conflict with policy CS67.

For e) whilst the Inspector did not agree with officers that the dwellings were poorly positioned in relation to no.2 Osmaston Road, they did agree that owing to the scale of development, very limited external areas and poor parking arrangements with consequential highway safety issues, that it would represent a too intensive development of the site, detrimental to the area's character and in conflict with policy BE5, H14, CS74 and paragraphs 130 a) and c) of the NPPF.

In applying the titled balance owing to the absence of a 5 year housing supply within the city, the Inspector gave moderate weight to the provision of 2 dwellings, and limited weight to the economic benefits associated with that, but felt that the adverse impacts identified would significantly and demonstrably outweigh those benefits, and dismissed the appeal.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse a prior notification for the erection of 15m streetpole and associated equipment cabinets (Application for determination if approval required for siting and appearance) at land at Shirland Lane, Sheffield, S9 3SQ (Case No: 22/03434/TEL) has been allowed.

Officer Comment:-

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

The site relates to an area of footpath on Shirland Lane, adjacent to an area of open greenspace, comprising a large grass mound planted with trees and shrubs. There is a large utility station directly opposite the site and the nearest residential properties are behind the area of open space and further up the street.

The Inspector identified that the pole will be highly visible, however they

considered that given the presence of other vertical features, the proposed siting, between the open space and industrial area, avoids any direct conflict with nearby residential properties. They further considered that the siting of the mast adjacent to the existing group of trees and vegetation will reduce its visual impact.

The Inspector concluded that the siting and appearance of the proposal would not result in harm to the character and appearance of the area. The proposal would accord with relevant local and national planning policies and consequently the appeal was allowed.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for an application to remove reference to affordable housing on the floor plans (Application under Section 73 to vary condition 2. (approved plans) imposed by application 21/05354/FUL - Application for alterations to elevations and layout (Application under Section 73 to vary condition 2. (approved plans) and remove condition 21. (Dutch Ramp)), imposed by application 20/04572/FUL - Application to revise the housing mix and change of window material (in places) to UPVC (Application under Section 73 to vary condition 2. (approved plans), 12. (energy needs) & 34. (UPVC windows) (Amended Plans) imposed by planning permission 19/03779/FUL - Demolition of existing buildings and erection of mixed use building up to 12/17/38 storeys to form residential units with ancillary amenities including gymnasium, cinema, common rooms and raised external deck, associated cycle and bin storage and ground floor retail unit (Use Class A1) (Development Accompanied by an Environmental Statement as amended 19th December 2019) at land bounded by Rockingham Street, Wellington Street and Trafalgar Street, Sheffield, S1 4ED (Case No: 22/02430/FUL) has been allowed.

Officer Comment:-

This was an appeal held by Public Inquiry concerned with a refused planning application submitted under Section 73 of the Act (S73 application) to remove reference to affordable housing on the plans for an approved 38 storey residential development scheme on a vacant site at the corner of Rockingham Street and Wellington Street in Sheffield City Centre (diagonally opposite from the new Pounds Park – just below Kangaroo Works).

Planning permission was granted in July 2020 for a development scheme on the site which was essentially in a student accommodation format (primarily small self-contained studio rooms) but which the applicant described as a 'Co-living' scheme, with the concept being that the rental units would be let to both students and non-students (targeting graduates and young professionals). However, this planning permission was subject to a S106 legal agreement requiring the delivery of 10% of the residential floorspace as affordable housing (with the delivery of affordable housing through the development scheme a key part of the applicant's planning case that the development was acceptable).

Enabling works commenced on site in 2021 following the discharge of relevant conditions precedent. The works had the effect of implementing the planning consent. However activities halted following the completion of these preparatory works in 2022 and the applicant submitted the S73 application to remove the reference to affordable housing on the approved plans in June 2022, arguing that a worsening of economic conditions meant that the development scheme could not longer viably support the delivery of affordable housing.

The S73 application was refused in September 2022, following an independent review of the applicant's financial viability assessment by CP viability. Although CP viability disagreed with the applicant's viability argument the refusal was primarily based upon concerns that the removal of affordable housing from the scheme was not a 'minor material amendment' and therefore couldn't be considered under a S73 application based upon the National Planning Practice Guidance in place at that time.

The refusal of the S73 application opened up a right of appeal for the applicant under S78 of the Act and an opportunity for them to argue their viability case to a Planning Inspector. The applicants approach effectively sidestepped the protection embedded in S106A of the Act - which would normally mean that a developer could not make an application (with a right of appeal) to discharge a S106 Planning Obligation until the 'relevant period' (5 years from the completion of the S106 agreement) has elapsed.

The applicant duly appealed the refusal of the S73 application and requested that the appeal was determined by Public Inquiry.

The key issues in contention in the appeal were essentially:

- 1) Whether the removal of affordable housing from a development scheme went beyond the legal scope of what could be considered under a Section 73 application;
- 2) Whether the provision of affordable housing made the development scheme financially unviable;
- 3) Whether the removal of affordable housing from the development scheme made the development scheme unacceptable in terms of planning balance, sustainable development and housing mix.

On issue 1 the Council's case was significantly weakened by the 'Armstrong' high court decision (handed down well after the S73 application was determined) which effectively quashed the Government's Planning Practice Guidance that S73 could only encompass 'minor material amendments'. This Planning Practice Guidance has now been updated to remove this advice and instead state that 'There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.'

Legal arguments were presented by the barristers representing both sides, viability evidence was considered via a round table discussion and planning

arguments were tested through cross examination.

After hearing the evidence the Planning Inspector essentially sided with appellant on all 3 key issues, concluding that:

- 1) 'whether or not the appeal proposal forms a fundamental variation, is not relevant to the consideration of whether the change is within the scope of a section 73 application. What is relevant is whether the change relates to the operative part of the permission. In this case, the description of development in the original permission, does not refer to affordable housing. The removal of affordable housing from the plans as proposed does not alter the description of development, a position agreed by both parties. Accordingly, it creates no conflict with the operative part of the permission. It is my view therefore, that there is no restriction in law as to whether the appeal proposal can be considered under section 73 of the Act.'
- 2) 'Based on my conclusions, that rental levels are likely to be just below that figure [£197.96 per week] and that a reasonable developer profit would be 15%, it is highly likely that the scheme would be unviable and unable to deliver 10% affordable housing.'
- 3) 'I accept that the lack of affordable housing degrades the accommodation mix in the scheme. However, the proposal would provide a mix of accommodation types not just for students but also for young professionals through a co living product ... I conclude that whilst there is conflict with Policy CS41, it is very limited. With the exception of the provision of affordable housing, the appeal proposal continues to provide the social, economic and environmental benefits of the consented scheme ... Given the very limited weight attributed to Policy CS41, I find that the scheme complies with the development plan taken as a whole.'

The appeal decision was subject to a Unilateral Undertaking which effectively requires viability to be reassessed (to establish if an affordable housing commuted sum payment can viably be made) should the scheme remain below ground level at the end of 12 months or below eaves height within 3 years.

No costs application was made by either side.

The appeal decision currently has no practical effect – with the Planning Inspector having no power to require that the existing S106 agreement requiring the delivery of affordable housing (which also binds any subsequent S73 consent including the appeal consent) is modified or discharged. However, the courts have previously held that it is not reasonable for a Council to refuse to amend a S106 agreement if such a decision would effectively frustrate a planning permission granted upon appeal. Therefore the Council will have to reasonably consider any request by the applicant to modify or discharge the existing S106 agreement.

Some of the key learning points from the appeal are:

- A. Where the provision of affordable housing is considered to be pivotal in a planning decision to approve a development scheme, i.e. a planning benefit which is crucial to counterbalancing disbenefits/ policy conflicts, this should be made clear in the Committee Report;
- B. Planners should be very cautious in terms of the way in which affordable housing is secured in planning decisions and aware that developers may seek to use S73 to bypass the 5-year S106 renegotiation moratorium if reference to affordable housing is included on the approved plans or otherwise referenced in planning conditions;
- C. The scope of Section 73 is now very broad in the eyes of PINS and the Courts and the key/ only issue in terms of the legitimacy of a S73 application now seems to be whether a change proposed under S73 would conflict with the development description or not (the operative part of the planning permission). This increases the importance of ensuring that development descriptions accurately and precisely describe all fundamental aspects of a development scheme.
- D. In the eyes of PINS the weight to be given to CS41 is 'very limited', this means that at the current moment in time, without a 5 year housing land supply and before any appreciable weight can be attached to the new housing mix policies set out within The Sheffield Plan (NC5), it is likely to be difficult to sustain refusals on the grounds of specific housing mix conflicts with the requirements of CS41.'

5.0 CIL APPEALS DECISIONS

Nothing to report.

6.0 NEW ENFORCEMENT APPEALS

(i) An appeal has been submitted to the Secretary of State against the Enforcement Notice served in respect of the breach of planning control as alleged in the Notice which is the unauthorised erection of two front dormer extensions, the provision of a vehicular gate and the increase in height of the wall between the front amenity area and the driveway at 264 Darnall Road, Sheffield, S9 5AN (Our ref: 20/00141/ENUHD, Inspectorate ref: APP/J4423/C/23/3325258).

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 erection of an enclosed canopy structure on concrete and brick base at 411-415 Staniforth Road, Sheffield, S9 3FQ (Our ref: 21/00346/ENUD, Inspectorate ref: APP/J4423/C/22/3312962) has been dismissed.

Officer Comment:-

The appellant appealed against the service of the notice on grounds (b) that the matters alleged in the notice have occurred. The appellant also raised concerns about the structure (canopy and base) were not being permanent therefore planning permission was not required. The Inspector decided that the appeal under ground (c) should also be considered.

On the ground (b) appeal, the inspector concluded that the appellant acknowledged that the structure was in place at the time the notice was served and therefore the appeal under ground (b) failed.

On the ground (c) appeal the Inspector stated that there are three primary tests for whether a structure is a building, and these are its size, permanence and physical attachment and none of these factors are necessarily decisive on its own.

The canopy structure and base were of a substantial size and the post were cemented into the concrete and brick base. The metal canopy roof was physically fixed by bolts to the support posts, and this was directly attached to the shop frontage. Guttering was also affixed to the roof and support posts that connects to the premises, under the canopy roof was also wiring and fixed lighting, requiring a point of service. Furthermore, a mesh fence/grill was fixed to one side of the canopy posts and roof. The Inspector's view was that it was a building within the meaning of s336 of the Act. Given the physical and permanent characteristics of the canopy structure at the front of the premises and the physical constraints of the site, and the length of time the canopy structure has been and was likely to remain in place.

No evidence was provided by the appellant that the development constitutes permitted development and could be considered a temporary building or moveable structure for the purposes of Class A of Part 4 of the GPDO.

The Inspector concluded that the appeal under ground (c) also failed and upheld the enforcement notice.

8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

12 September 2023