

Planning and Highways Committee

Tuesday 2 April 2024 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 Glynis Chapman (Joint Chair), Alan Woodcock (Joint Chair), Mike Chaplin, 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
2 APRIL 2024**

Order of Business

- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 14)
Minutes of the meeting of the Committee held on 5th March 2024.
- 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. 473 - 1 Stratford Road, Sheffield, S10 3LR** (Pages 15 - 54)
Report of the Head of Planning.
- 8. Applications Under Various Acts/Regulations** (Pages 55 - 56)
Report of the Head of Planning.
- 8a. Planning Application No. 23/03892/FUL - Tennis Courts At Hillsborough Park, Middlewood Road, Sheffield, S6 4HD** (Pages 57 - 78)
- 9. Date of Next Meeting**
The next meeting of the Committee will be held on Tuesday 30th April 2024 at 2pm in the Town Hall.

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ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

Further advice can be obtained from David Hollis, Interim General Counsel by emailing david.hollis@sheffield.gov.uk.

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Planning and Highways Committee

Meeting held 5 March 2024

PRESENT: Councillors Glynis Chapman (Joint Chair), Alan Woodcock (Joint Chair), Mike Chaplin, Roger Davison, Barbara Masters, Laura Moynahan, Peter Price, Ibbby Ullah, Cliff Woodcraft, Garry Weatherall and Henry Nottage (Substitute Member)

1. EXCLUSION OF PUBLIC AND PRESS

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

2. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Tony Downing.

1.2 An apology for absence was received from Councillor Bernard Little. Councillor Henry Nottage acted as substitute.

3. DECLARATIONS OF INTEREST

3.1 Councillor Cliff Woodcraft stated that he had not been present at the previous meeting of the Committee where the decision had been made to defer Agenda Item No 7a, 23/00777/FUL - Within the curtilage of KFC, 236 Queens Road, Highfield, Sheffield, S2 4DL, so therefore would take no part in the discussion and voting thereon.

3.2 Councillor Mike Chaplin declared that Agenda Item No. 7b, . 22/04338/FUL - Dore Moor Nursery, Brickhouse Lane, Sheffield, S17 3DQ, was within the jurisdiction of the Peak District National Park Authority, who had put in an objection to the application. Therefore as the Council's representative on the Peak District National Park Authority he would take no part in the discussion and voting thereon, and would leave the meeting.

3.3 Councillor Roger Davison declared that Agenda Item No. 7c, Planning Application No. 22/00877/FUL - Land Between 5 And 21, Holmhirst Road, Sheffield, S8 0GU, was within his ward however he had not been involved in any discussions regarding the application and so approached it with an open mind. He also advised that on page 101 of the agenda pack under the heading "Councillor Shaffaq Mohammed" the text should read "Councillor" rather than "Councillors".

3.4 Councillor Barbara Masters declared that Agenda Item No. 7c Planning

Application No. 22/00877/FUL - Land Between 5 And 21, Holmfirst Road, Sheffield, S8 0GU, was within her ward however she had not been involved in any discussions regarding the application and so approached it with an open mind.

4. MINUTES OF PREVIOUS MEETING

- 4.1 **RESOLVED:-** that the minutes of the previous meeting held on the 9th January 2024 were agreed as a correct record.

5. SITE VISIT

- 5.1 **RESOLVED:-** That the Chief Planning Officer, in liaison with a Co-Chair, be authorised to make any arrangements for a site visit, in connection with any planning applications requiring a visit by Members, prior to the next meeting of the Committee.

6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

6.1 PLANNING APPLICATION NO. 23/00777/FUL - WITHIN THE CURTILAGE OF KFC, 236 QUEENS ROAD, HIGHFIELD, SHEFFIELD, S2 4DL

- 6a.1 Councillor Cliff Woodcraft left the meeting for the duration of the item.
- 6a.2 An additional representation, along with the Officer response, which included further explanation of the relevance of policy GE17 of the development plan, were included within the Supplementary Report which was circulated and summarised at the meeting.
- 6a.3 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 6a.4 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted.
- 6a.5 A motion to add a condition to require adequate security lighting was proposed, seconded, put to the vote and carried.
- 6a.6 **RESOLVED:-** That an application for approval of planning permission be

GRANTED, conditionally with an additional condition to ensure adequate security lighting, for the reasons set out in the report and supplementary report, now submitted, for the erection of a single-storey building for use as a restaurant and drive thru (Use Class Eb and Sui Generis) with associated car parking and landscaping works (Amended Drawings 16.08.2023), within The Curtilage Of KFC 236 Queens Road Highfield Sheffield S2 4DL (Application no. 23/00777/FUL).

6.2 PLANNING APPLICATION NO. 22/04338/FUL - DORE MOOR NURSERY, BRICKHOUSE LANE, SHEFFIELD, S17 3DQ

- 6b.1 Councillor Cliff Woodcraft returned to the meeting.
- 6b.2 Councillor Mike Chaplin left the meeting for the duration of the item.
- 6b.3 A summary of 3 further additional representations were included within the Supplementary Report which was circulated and summarised at the meeting.
- 6b.4 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 6b.5 David Bardsley, representing Dore Village Society attended the meeting and spoke against the application.
- 6b.6 Christopher Pennel attended the meeting and spoke against the application.
- 6b.7 Councillor Colin Ross attended the meeting and spoke against the application.
- 6b.8 Ellen Pearce, attended the meeting and spoke in support of the application.
- 6b.9 Philip Andrew attended the meeting and spoke in support of the application.
- 6b.10 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted.
- 6b.11 **RESOLVED:-** That an application for approval of planning permission for (i) the demolition of Dore Moor Garden Centre, and (ii) the construction of an Integrated Retirement Community of up to 125 Extra Care units (Use Class C2) with ancillary communal and care facilities and green space consisting of: (a) A full planning application for 63 Extra Care units (C2); the Village Centre; means of access; landscaping and open space; and all other associated works and infrastructure; and, (b) An outline planning application (all matters reserved except for access) for up to 62 Extra Care units (C2) with ancillary communal space, landscaping and all other associated works and infrastructure at Dore Moor Nursery Brickhouse

Lane Sheffield S17 3DQ be REFUSED for the reasons set out in the report.

6.3 PLANNING APPLICATION NO. 23/03216/FUL - THE COACH HOUSE, 306 DOBBIN HILL, SHEFFIELD, S11 7JG

6c.1 Councillor Mike Chaplin returned to the meeting.

6c.2 Councillor Gary Weatherall left the meeting and did not return.

6c.3 An additional representation along with the Officer response, and a further Officer response regarding comments made on the proposed Highway closure, were included within the Supplementary Report which was circulated at the meeting.

6c.4 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.

6c.5 Guy Rusling attended the meeting and spoke in support of the application.

6c.6 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted, and also having regard to representations made at the meeting.

6c.7 **RESOLVED:-** That an application for the approval of planning permission be GRANTED conditionally, for the reasons set out in the report and supplementary report, now submitted, for the use of land as part of the residential curtilage of The Coach House, with associated alterations including erection of boundary wall and fencing, landscaping and associated works (Amended Plans) at The Coach House 306 Dobbin Hill Sheffield S11 7JG (Application no. 23/03216/FUL).

6.4 PLANNING APPLICATION NO. 22/00877/FUL - LAND BETWEEN 5 AND 21, HOLMHIRST ROAD, SHEFFIELD, S8 0GU

6d.1 An amendment to the conditions, to require re-numbering and re-ordering, and an update on the figures regarding housing supply were included in the Supplementary Report which was circulated and summarised at the meeting.

6d.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.

6d.3 A motion to impose a condition requiring reinstatement of any trees removed

during the development was proposed, seconded, voted on and carried.

- 6d.4 **RESOLVED:-** That an application for approval of planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, including re-numbered and re-reordered conditions and an extra condition requiring replacement of trees, for the erection of 14no. 2 bed apartments in 1no. 2/3 storey block with associated car parking and landscaping and formation of vehicular access onto Holmhirst Road (Amended Description) at Land Between 5 And 21 Holmhirst Road Sheffield S8 0GU (Application no. 22/00877/FUL).

7. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

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

8. DATE OF NEXT MEETING

- 8.1 The next meeting of the Planning and Highways Committee would be held on Tuesday 2nd April 2024 at 2pm in the Town Hall.

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SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 19th March 2024

Subject: Tree Preservation Order No. 473

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

Summary: To seek confirmation of Tree Preservation Order No. 473

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 473 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No.473 Variation Order and map attached.
- B) Tree Preservation Order No.473 and map attached
- C) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- D) Images of the trees
- E) Objection

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

Tree Preservation Order No. 473

1 Stratford Road, Sheffield, S10 3LR

TREE PRESERVATION ORDER NO. 473

1.0 PURPOSE

- 1.1 To seek confirmation of Tree Preservation Order No.473, which protects six individual trees at 1 Stratford Road, Sheffield, S10 3LR.

2.0 BACKGROUND

- 2.1 On the 20th October the Council received information that tree surgeons were on site at 1 Stratford Road and were in the process of removing mature trees which lined the boundary of the property with Tom Lane and Carsick Hill Crescent. The property is adjacent to, but not included within, the Ranmoor Conservation Area, the border of which starts at 5 Stratford Road. Therefore, the trees were not subject to any pre-existing form of protection, such as that afforded by section 211 of the Town and Country Planning Act 1990.
- 2.2 A site visit was made by Vanessa Lyons, Community Tree Officer, on 20th October to assess whether it would be expedient in the interest of amenity to make the trees subject to a Tree Preservation Order, and thus prevent their removal. Information gathered from the tree surgeons at the site visit indicated that all the trees and shrubs along the boundary of Tom Lane and Carsick Hill Crescent were intended for removal, numbering sixteen trees in total. At the time of the visit, several trees along the boundary with Tom Lane had already been felled or had had their major limbs removed to leave a standing stem. It was the recommendation of the assessing officer that, pending further assessment, removal of all of the trees would have a detrimental impact upon the amenity of the area and that a Tree Preservation Order should be served. The order would have the effect of protecting all of the trees on site (by reference to an area) until such a time as the trees could be individually inspected and further assessed for their suitability for protection.
- 2.3 Paragraph 29 of Government guidance which accompanies the Town and Country Planning Act (<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>) states that area orders are intended for short term protection only, and to be used as a temporary measure until the trees on site can be fully assessed. It was the opinion of the assessing officer during the initial site visit that several of the trees on site may not have the requisite amenity to warrant being protected by an order, but that the conditions under which the visit was conducted (an emergency situation and during storm Babet) precluded the sort of full inspection that would be needed to fully ascertain which trees to protect.

- 2.4 A Tree Preservation Order does not come into effect until the moment that it is made. The general advice given to tree surgeons who may be working on the trees prior to an order being made is to cease work. This is to prevent work being conducted on the trees at the moment that the order is made and comes into effect, as damaging or carrying out works to a tree protected by an order without written consent from the Council would represent a contravention of the order, this being an offence under the Town and Country Planning Act 1990. This information was relayed to the tree surgeons by the assessing officer while on site. However, the tree surgeons chose to continue working on the trees, and de-limbed a further number of the trees fronting Tom Lane, before eventually finishing work prior to the time that the order was made and came into effect later that day. Tree Preservation Order No.473 (“the Original Order”) was therefore made on the 20th October 2023 to protect all of the trees within the curtilage of 1 Stratford Road.
- 2.5 A subsequent site visit was conducted on the 3rd of November, to carry out a more thorough inspection of the trees. The site visit, which was carried out in the presence of an arboricultural consultant acting on behalf of the homeowner, revealed that five of the ten trees fronting Carsick Hill Crescent were of insufficient quality to meet the high standard necessary to be included in a defensible TPO. Four of the trees fronting Tom Lane were also of insufficient quality to be included, due to being left as standing stems by the tree surgeons. A recommendation was made to vary the Original Order so as to remove these trees from its schedule and therefore the protection of the Order. A further order was made (a variation order made on 21st December 2023) so as to achieve this.
- 2.6 This variation order came into effect immediately, does not need to be confirmed and changed the Original Order so as to remove nine trees from its protection. The Original Order has therefore been varied. The “Varied Order” now protects 6 individual trees, as described in its schedule. It is the Varied Order which is recommended for confirmation by the Committee. A copy of the Varied Order, with its accompanying map, is attached as Appendix A.
- 2.7 Images of both the protected trees and those not included in the Varied Order are shown in Appendix D.
- 2.8 Since the order was varied, those trees lining Carsick Hill Crescent and Tom Lane which were no longer protected by the order have been removed. This was not a contravention of a TPO as the trees were no longer subject to any protection. It is not possible to further vary the Varied Order so as to protect trees which have been removed or compel their replanting.
- 2.9 Objections.

One duly made objection to the area TPO was received on the 30th October 2023 by an arboricultural consultant acting on behalf of the owners of 1 Stratford Road. Upon the variation of the order, an amended objection was submitted by the same consultant on the 18th January 2024, consisting of the

original objection with a cover letter appended. A copy can be found at Appendix D.

The main points of the objection are:

- The TPO was served in a storm for no apparent reason, though the use of the area designation, given the conditions was considered reasonable.
- Were the trees appraised using a structured system of amenity valuation they would be shown to not be worthy of a TPO.
- Serving an ill-considered TPO does not encourage people to manage their trees and is likely to discourage tree ownership.

In response:

- The TPO was served in response to information given to the Council regarding the impending removal of all of the trees on site, which was corroborated by information given to the assessing officer by the tree surgeons who were present when the initial visit was conducted. It was the Council's assessment that this would lead to an unacceptable loss of amenity to the area, such that it was expedient in the interest of amenity to make the trees subject to an Order.
- The trees were assessed using a structured system of amenity assessment. TEMPO is a tool for determining TPO suitability, used by a wide number of Councils, which assesses both amenity and expediency. The amenity assessment is contained within part 1 of the form, and this covers all the elements that the government guidance accompanying the Town and Country Planning Act 1990 states should be considered when assessing amenity. Where trees fulfil part 1 and are therefore shown to have sufficient amenity to be considered as suitable for protection, they then move to part 2 of the assessment, where it is assessed if it is expedient to make the trees subject to an Order.
- The TPO was not ill considered and therefore it is not accepted that it could, on that basis, have the effect described. The trees were assessed during two site visits by a suitably qualified and experienced officer who made a recommendation that the Order should be made to protect the trees. The legal test for the making of the TPO was satisfied and it is recommended that the Committee confirm the order on the same basis so as to ensure their continued protection.

Regarding TPOs and tree maintenance: a TPO does not prevent owners from maintaining their trees. It only requires that work to protected trees be subject to consent from the Council, and that such consent should be granted where the work is shown to be justified with regard to its potential impact upon the health and amenity of the trees. The Council may have regard to the reasons put forward in support of the work. Consent may be granted upon an application which is free of charge. This is not considered to be a substantially onerous process or a reason why a TPO should not be made or confirmed.

An objection to the Varied Order was received by the Council on February 2nd 2024, following from the removal of those trees from 1 Stratford Road which were not protected under the Varied Order. The objection stated concern at the loss of biodiversity that would occur following from removal of unprotected trees, asked for a justification of the variation of the order, and asked that the ecological value of the trees be assessed in order to more thoroughly inform any planning application for development on the site.

In response:

- The trees have been removed. It is not possible to further vary the order so as to reinstate protection for trees which have been removed. It is therefore difficult to see what remedy could be provided in light of the objection.
- At the time of the variation of the order there was no planning application for development at the site that could have factored into or informed an assessment of the trees; they were assessed entirely on the basis of whether it would be expedient in the interests of amenity to protect them.
- As mentioned, the purpose of a TPO is to protect trees in the interests of *amenity*. Government guidance states that in assessing amenity we should have regard to the visibility, size and form of the tree, its future potential as an amenity, any rarity, cultural or historic value, and its relationship to the conservation area or landscape. It states that while we might consider other factors, such as importance to nature conservation or climate change, these things alone are not sufficient to warrant making an order. Therefore, although it was accepted that loss of the trees would represent loss of habitat (as each tree by default provides a wealth of habitat for numerous insects and animals) the poor structure, form and potential future retention span precluded those select trees from being subject to a tree preservation order.
- The preservation of habitat and the protection of wildlife/biodiversity are the subject of their own separate statutory regimes which are not concerned with amenity value, in contrast to a TPO. A TPO should not therefore be seen as a route towards achieving a measure of protection for a habitat which the Council would otherwise not have powers to safeguard because it would not qualify under that separate legislation.

3.0 VISUAL AMENITY ASSESSMENT

Visibility: The 6 trees which were included for protection within the Varied Order are situated in an elevated position adjacent to Tom Lane and Carsick Hill Crescent. As such they are very visible from a number of locations and are prominent within the street scene. See images of the trees at Appendix D.

Condition: The condition of the 6 trees protected is generally good. There are some minor defects present amongst some of the trees, as listed on the individual TEMPO assessments (see Appendix C) however none of these overtly impact upon the structural integrity or health of the trees in question.

Retention span: The trees are growing within a large garden with ample space to reach maturity without coming into conflict with adjacent structures in a manner that would curtail their potential retention. Removal of competing and suppressing trees has improved prospects for those that remain, with regards

access to resources such as light, water and nutrients. All the trees have subsequently been assessed as having a 20–40-year retention span, with the exception of T3, a lime and T6, a beech, which are placed in the 40-100 year category in recognition of the longevity of their species (T3) and their young age (T6).

Relationship to the landscape. The trees are not within, but stand adjacent to, the Ranmoor conservation area, characterised by large gardens continuing mature trees. Retention of those of suitable form, condition and visibility was therefore deemed as desirable, particularly given the prominence of said trees with regards their size and elevated position above the highway. Only the poor condition of several of the trees prevented the order from being more extensive in regard to the number of trees protected.

Expediency: The trees were in the process of being removed when the Original Order was made.

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.473 (the Varied Order) will benefit the amenity of the local environment.

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

7.1 The Council 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 Council 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 Council may vary a TPO by making a variation order (regulation 10, the Town and Country Planning (Tree Preservation)(England) Regulations 2012).

Where the Council does not add additional trees to the schedule to the order – such as where it removes trees from the schedule to the order - various aspects of the usual order making process are dispensed with and a truncated procedure is followed. A variation order of this type comes into effect immediately and does not need to be confirmed (regulation 10(3)). Trees removed from the schedule of an order in this way are therefore immediately removed from its protection.

- 7.4 The Council may choose to confirm a TPO it has made. Once a variation order has been made, it is the varied order which is considered for confirmation. If the varied order is confirmed, it will continue to have legal effect until such point as it is revoked. If the varied order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.
- 7.5 A local authority may only confirm an order after considering any representations made in respect of that order. Two objections have been received in respect of the Varied Order.
- 8.0 RECOMMENDATION
- 8.1 Recommend Provisional Tree Preservation Order No.473 be confirmed.

Michael Johnson, Head of Planning,

19th March 2024

TREE PRESERVATION ORDER
TOWN AND COUNTRY PLANNING ACT 1990
THE TREE PRESERVATION ORDER NO 473 (2023)
1 Stratford Road, Fulwood, Sheffield S10 3LR

VARIATION ORDER NO.1("the Order")

Sheffield City Council makes the Order pursuant to regulation 10 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

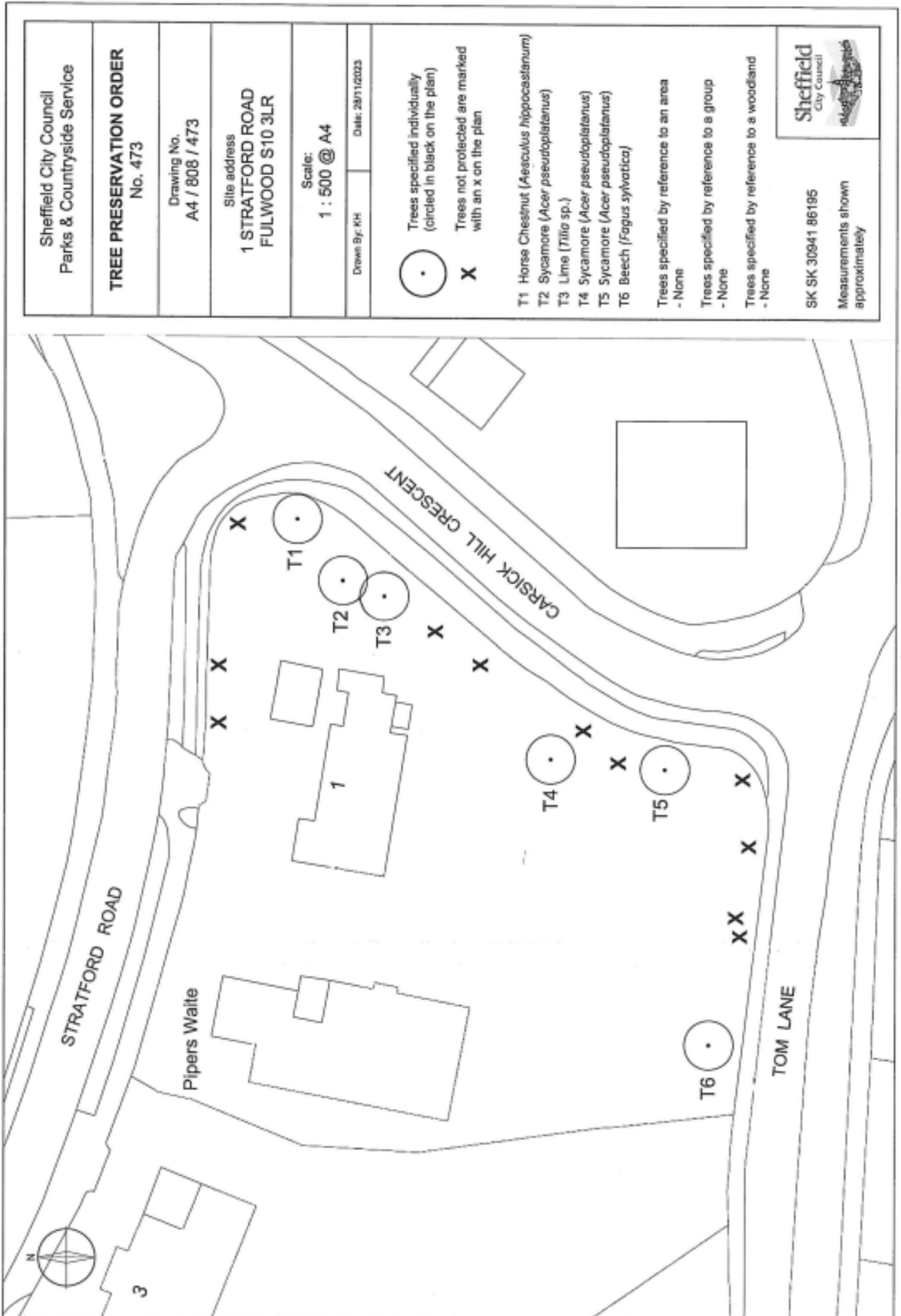
Tree Preservation Order No 473 (2023) – 1 Stratford Road, Fulwood, Sheffield S10 3LR is varied so as to specify which trees are protected individually – namely: T1 (Horse Chestnut – Aesculus hippocastanum), T2 (Sycamore – Acer pseudoplatanus), T3 (Lime – Tilia sp.), T4 (Sycamore – Acer pseudoplatanus), T5 (Sycamore – Acer pseudoplatanus), T6 (Beech – Fagus sylvatica) indicated on the Order Map. The Order is further varied so as to remove reference to area A1, the effect of which is to remove eleven trees from its protection.

The Order shall take effect on 21st December 2023

The Common Seal of
The Sheffield City
Council was hereunto
affixed in the presence of :-



David Selkous
23/203315794
Duly Authorised Signatory



Appendix B. Original TPO 473 and accompanying map

Tree Preservation Order
Town and Country Planning Act 1990
The Tree Preservation Order No 473 (2023)
1 Stratford Rd, Sheffield S10 3LR

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 473 (2023) – 1 Stratford Rd, Sheffield S10 3LR.

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 20th October 2023

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


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>

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>
A1	Mixed deciduous species.	SK 30985 86166

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>


This Order was varied by the Sheffield City Council on the 21st day of December 2023 by a variation order under reference 'Variation Order No.1', a copy of which is attached.

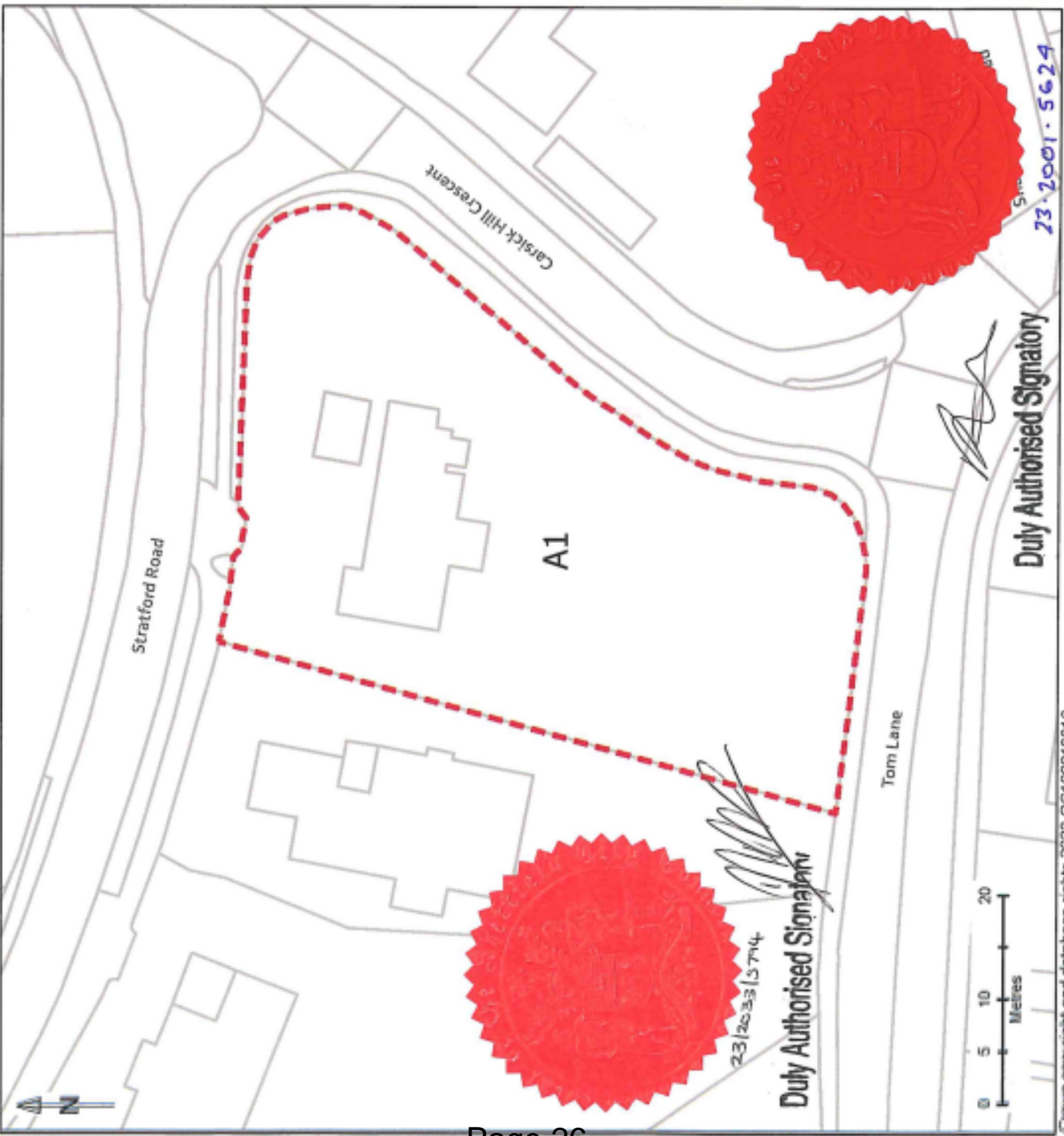
The Common Seal of)
The Sheffield City)
Council was hereunto)
affixed in the presence of)

David Sellers



23/203315794
Duly Authorised Signatory

 <p>Sheffield City Council Parks & Countryside Service</p>	<p>TREE PRESERVATION ORDER No. 473</p>
<p>Drawing No. A4/808/473</p>	<p>Site address 1 Stratford Rd, Sheffield S10 3LR</p>
<p>Scale: 1:500 @ A4</p>	<p>Drawn by MB Date: 20/10/2023</p>
<p>Trees specified individually . None</p>	<p>Trees specified by reference to an area (within dotted red line) A1 Mixed deciduous species.</p>
<p>Trees specified by reference to a woodland – None</p>	<p>SK 30985 86166 Measurements shown approximately</p>



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

TREE EVALUATION METHOD FOR PRESERVATION
ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 20.11.23	Surveyor: Vanessa Lyons
----------------	----------------------------

Tree details	
TPO Ref Road 1 Stratford Road, S10 3LR	Tree/Group Area T1 Horse chestnut
Owner (if known):	Location:

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. Cavity at 3m. Potential habitat feature.</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>2. Not in conflict with adjacent structures, shares canopy with neighbouring tree but is adapted to growing in such a way. Has cavity but tree appears structurally stable with good wound wood at site of cavity.</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

<p>Score & Notes</p> <p>4. Visible from Stratford Road, and Carsick Hill Crescent. Elevated above highway level, and prominent. Will be more visible if other trees earmarked for removal are felled.</p>

- 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. Indifferent form, but the trees contribute to the leafy nature of the local landscape. Not within the CA but half of Stratford Road is, and mature trees in large grounds are a defining feature, so these trees are in keeping with the locale.

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 all trees along boundary marked for removal. Felling was in process when an area order was served.

Part 3: Decision guide

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

Add Scores for Total:

15

Decision:

defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 20.11.23	Surveyor: Vanessa Lyons
----------------	----------------------------

Tree details		
TPO Ref Road 1 Stratford Road, S10 3LR	Tree/Group Area	T2 Sycamore
Owner (if known):	Location:	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

Condition & suitability for TPO

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

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

Score & Notes :

3 Some basal wounding, internal wood probed and found to be hard. No ffb. Foreign body (fence) attached to base. Shares canopy with T1.

Retention span (in years) & suitability for TPO

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

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

Score & Notes

2. Defects as listed above may shorten the time that the tree can be retained. However, the tree appears structurally acclimated to its surroundings, is not in conflict with any adjacent structures, so it is estimated it can be retained for a minimum of 20 years.

Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|--------------------------------------------------------------------|-----------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |

Score & Notes

4. The canopy of T2 (alongside T1 and T3) are seen from Stratford Road over the roof of the garage and the trees are visible from Carsick Hill Crescent where they are elevated to the highway.

- 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

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. See notes from T1 re contribution to landscape.

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 all trees along boundary marked for removal. Felling was in process when an area order was served.

Part 3: Decision guide

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

Add Scores for Total:

15

Decision:

defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 20.11.23	Surveyor: Vanessa Lyons
----------------	----------------------------

Tree details		
TPO Ref Road 1 Stratford Road, S10 3LR	Tree/Group Area	T3 Lime
Owner (if known):	Location:	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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 Girdling root. Otherwise in good condition.</p>

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>4. Long lived species. Growing in suitable ground. No conflicts with adj. structures</p>

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 |

<p>Score & Notes</p> <p>3 Canopy somewhat obscured but tree is elevated to highway, visible from Stratford Road and Carsick Hill Crescent.</p>

- 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

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 See notes listed in T1 re contribution to landscape.

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 all trees along boundary marked for removal. Felling was in process when an area order was served.

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible

Add Scores for Total:

16

Decision:

Merits TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 20.11.23	Surveyor: Vanessa Lyons
----------------	----------------------------

Tree details		
TPO Ref Road 1 Stratford Road, S10 3LR	Tree/Group Area	T4 Sycamore
Owner (if known):	Location:	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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

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

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 |

Score & Notes :

5. No notable outward defects

Score & Notes

2. Conservative estimate

Score & Notes

3 Canopy somewhat obscured but tree is elevated to highway, visible from Stratford Road and Carsick Hill Crescent. Tree will become more prominent pending removal of non-protected trees (notably the HC)

- 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

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 See notes (T1) re contribution to landscape.

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 all trees along boundary marked for removal. Felling was in process when an area order was served.

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:

16

Decision:

Merits TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 20.11.23	Surveyor: Vanessa Lyons
----------------	----------------------------

Tree details	
TPO Ref Road 1 Stratford Road, S10 3LR	Tree/Group Area T5 Sycamore
Owner (if known):	Location:

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

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*

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*

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 |

Score & Notes :

3. No close inspection possible due to vegetation. Some dead wood in lower canopy.

Score & Notes

2

Score & Notes

4. Medium sized tree, but very visible from the corner of Carsick Hill Crescent and Tom Lane. One of the few trees fronting Tom Lane to be retained, following from the removal of multiple mature sycamore.

- 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

Other factors

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

Score & Notes

1 see notes in T1 re relation to landscape

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

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

Score & Notes

5 all trees along boundary marked for removal. Felling was in process when an area order was served.

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

Part 3: Decision guide

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

Add Scores for Total:

15

Decision:

defensible

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 20.11.23	Surveyor: Vanessa Lyons
----------------	----------------------------

Tree details		
TPO Ref Road 1 Stratford Road, S10 3LR	Tree/Group Area	T6 Beech
Owner (if known):	Location:	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

Condition & suitability for TPO

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

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

Score & Notes :

3. Slight lean, as was suppressed by other trees. No notable outward defects. Tree will adjust/ compensate for the lean as it grows.

Retention span (in years) & suitability for TPO

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

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

Score & Notes

4. Young tree with potential now that other competing trees have/ will be removed. Has adequate space to reach mature age without conflict from adjacent structures.

Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|--------------------------------------------------------------------|-----------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |

Score & Notes

3 One of few trees fronting Tom Lane to be retained following removal of multiple mature sycamore

- 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

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 see notes in T1 re relation to landscape.

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 all trees along boundary marked for removal. Felling was in process when an area order was served.

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:

16

Decision:

Merits TPO

Appendix D. Images of the trees



Image 1. T1 horse chestnut, T2 sycamore and T3 lime, included within the varied Order and retained. Image taken during site visit on 3rd November 2023 looking from Stratford Road..



Image 2. T1 horse chestnut, T2 Sycamore and T3 lime, retained on site following removal of non-protected trees. Image taken on the 15th February 2024, following from the removal of unprotected trees. Photograph taken from Tom Lane.

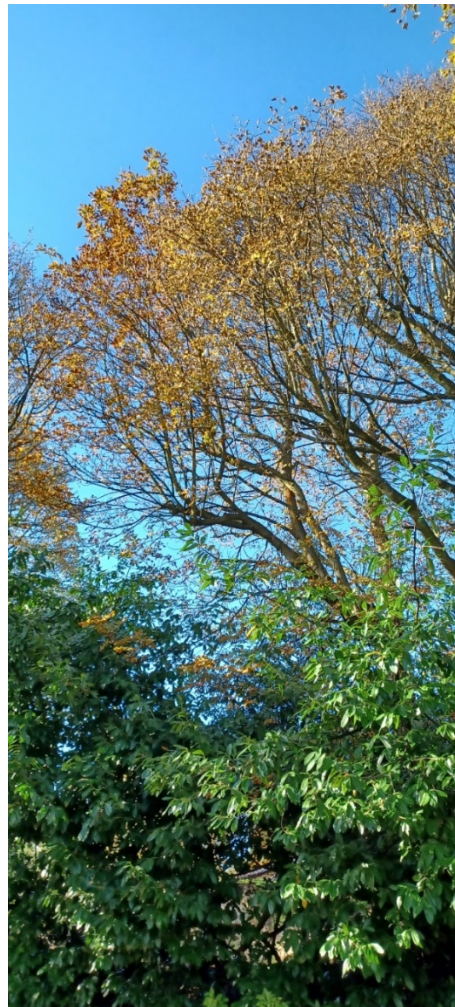


Image 3 (left). Sycamore on junction of Stratford Road and Carsick Hill Crescent. Extensive basal decay. The tree was previously inexpertly pruned. Not included in the varied Order and since

removed. Image 4 (right). Sycamore and horse chestnut (adjacent to Carsick Hill Crescent). The trees were previously inexpertly pruned (topped) permanently impairing their form. Images taken on the 3rd November 2023. Trees since removed.



Image 5 (left) Horse chestnut with symptoms indicative of bleeding canker, including stem bleeding. The tree was suppressing a nearby, good quality sycamore (T4 on the varied Order) which has been retained, and which can be seen in the foreground of the right-hand image. Images taken on the 3rd November 2023 from within the grounds of 1 Stratford Road..



Image 6. T5 Sycamore, shown standing in the forefront of the image. T4 shown to the right, and a red oak, not protected within the varied Order but retained by the homeowner shown to the far left.



Image 7. T6 Beech. Included in the varied Order and retained. Image taken on the 3rd November 2023 from within the grounds of 1 Stratford Road.



Image 8. Trees facing Tom Lane which were de-limbed before the variation Order was made and therefore not suitable for inclusion. Photograph taken from Tom Lane.

Anderson Tree Care Ltd



info@andersontreecare.co.uk
www.andersontreecare.co.uk



Sheffield City Council,
Town Hall,
Sheffield, S1 2HH.

Attention; Richard Cannon, Legal Services Officer.

January 18th 2024.

Dear Sir,

Objection to Tree Preservation Order 473 (2023)
1 Stratford Road, Sheffield S10 3LR.

Further to my objection to this Order the Tree Officer revisited the site and re-examined the situation. The Order has now been varied and protects 6 trees of the 17 or so on the site. Although we are grateful for the acknowledgement of our original representations, we remain of the opinion that the specified trees are not TPO-worthy.

It's hard to see when the trees are surrounded by shrubs and growing in close proximity to other trees but we do not believe that any single tree represents a good individual specimen and not a single one is likely to develop into a decent individual specimen that might be said to be "a good example of the species." Because of this we remain of the opinion that none have sufficient amenity value to justify protection.

My original objection discussed the lack of proactive management for the group of trees and how this has led to them growing with thoroughly merged crowns. While this is of little consequence as long as the group comprises of relatively small trees, when they become overgrown it makes management very awkward. Serving an ill-considered TPO simply compounds the situation and does not serve to encourage people to manage their trees. In fact it's more likely to discourage tree ownership if they see undeserving trees being protected in this way.

I'd be grateful if you would accept this letter as an addition to the previous objection, which is appended.

Yours sincerely,



Enclosure: Original objection from October 2023.



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



Sheffield City Council,
Town Hall,
Sheffield, S1 2HH.

Attention; Richard Cannon, Legal Services Officer.

October 30th 2023.

Dear Sir,

Objection to Tree Preservation Order 473 (2023)
1 Stratford Road, Sheffield S10 3LR.

Please accept this letter as an objection to the above Order that was served on October 20th 2023. This was in the midst of an extreme weather event, Storm Babet. My client is [REDACTED], who has lived there for some 40 years.

The Tree Preservation Order (TPO) is an Area Order and protects "mixed deciduous species." Presumably this means all the trees bar the Hollies, which are evergreen (not deciduous) and the very large Cherry Laurel shrubs, which are also evergreen and not usually regarded as trees. I note here that Cherry Laurel is an invasive species that many conservation-minded people consider to be an invasive pest.

The first reason for our objection is that the Area designation should only be used in an emergency and is not suitable for long-term protection. Although we accept that the weather on October 20th might have made it appropriate to use the Area-designation, it would now be appropriate to determine which trees the City considers to be worthy of protection. To that end you should arrange for the Tree Officer to re-visit and re-serve the Order making it clear which trees are TPO-worthy.

The second reason for objection is that the trees here do not have sufficient amenity value for any of them to justify protection. The Council have not followed the Government Guidance,¹ which requires Councils to develop systems of "amenity valuation" that can be used to ascertain when trees deserve protection. The Council use an appraisal system but in reality all this tells us is that the trees are alive and that they can be seen. To be TPO-worthy trees don't necessarily need to be visible to the public, but there does need to be some special factor that makes them something beyond "merely visible." Paragraph 008 of the Government's Guidance categorically states that "*Public visibility alone will not be sufficient to warrant an Order.*"

The TEMPO system that the Council seem to have adopted in lieu of a "structured system of amenity valuation" is not a system of amenity valuation, it is a procedure devised for the review of TPOs. It was developed to reappraise trees that were already deemed to have amenity value as defined in the Guidance. In this case the TEMPO data sheet only achieves the TPO threshold score by giving the trees an extra score of 50% because they're apparently "under threat." This is TEMPO's expediency assessment.

I do not accept this part of the TEMPO system at all. Expediency is a binary question; it is expedient or it isn't. TEMPO includes this section because the Planning Act states "*If it*

¹ <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order." This is from section 198 of the 1990 Town and Country Planning Act. The word "expedient" has caused much consternation within the planning world, but increasing a tree's "amenity value" because it's expedient to serve a TPO makes no sense.

In this case my client and I accept that a Council Officer might have deemed it expedient to serve a TPO, but we do not accept that expediency means the trees' amenity value has increased in any way.



Photograph 1 is a screen grab from Google. I'm not sure when this image was taken but I've included it to show how the trees are casting significant shade over the garden, from the east and the south. I think it would be reasonable to describe this group of trees as a sort of shelter-belt.

Photograph 1.

Although shelterbelts are more a feature of agricultural areas than urban landscapes, their routine management present similar problems. In agricultural areas the main one is how to preserve the shelter when the trees mature. As the trees get taller and lose lower branches, the wind starts to come through the trees rather than being blocked by the merged crowns. To make sure trees provide a screen it is necessary to manage the trees to ensure that there is still dense growth at ground level. In such areas this is probably best done by ensuring that the taller trees do not shade-out the smaller understory trees and shrubs. In urban

areas the problem is to prevent the trees becoming too tall and thus creating situations where the shade cast covers the whole garden. Agricultural landscapes usually have more space so the problem of shade doesn't arise.

In the case of 1 Stratford Road, it seems the approach might have been to prune all the trees to make them less tall. This would have maintained the screen but prevented the shade from becoming too extensive. That said, pruning all these trees every few years would have been something of a mammoth undertaking and it's debatable whether such a course of tree management could be regarded as sustainable. It certainly would have been expensive. With hindsight it might have been better to grow some sort of informal hedgerow as a screen here. That is small trees densely planted, and then managed by intermittent coppice-cutting. Unfortunately it's fairly common to find these problems not being considered until the trees have become thoroughly overgrown.

The trees on the site are described (on the TEMPO data sheet) as having suffered poor pruning in the past, and being "suppressed or hard up against the boundary wall." I would agree with the description of the pruning as poor, although it might better be described as misguided or inadequate. In this case, this lack of past management might be said to have reduced the trees' amenity value. This is not to say that trees will only develop amenity value if they are managed or nurtured, but it is to accept that a lack of proactive management or consideration might reduce their longevity and their development.

In this case suppression means competition from neighbouring trees, which has led to nearly all of the trees in the site developing one-sided crowns. This is not a problem unless the intention was to grow a good individual tree. By this I mean one with a full crown that might be regarded as a "good" example of a species. At this property suppression has not come only from neighbouring trees within the site, it's also come from the overgrown Cherry Laurel shrubs (that have reached tree proportions), and from trees outside the site growing in the highway verges.

The TEMPO data sheet further states that the trees have a 20-40 year retention span, and then states that this is a "conservative estimate" and that "younger trees on site will have longer potential retention span." This is something of an all-encompassing appraisal, and does not bear close scrutiny. As discussed above, all the trees in the roadside group have been undermanaged in the past and are only suitable for long-term retention if some remedial action is taken. This is a matter that I and my client considered some time ago. We decided that most of the trees had become too large for satisfactory remedial pruning. She accepted that routine management was something that she had neglected over the previous decades, and my colleague and I concluded that the most sensible course of action would probably be to remove the trees and replant.

It is something of a misunderstanding of the TPO rules that when serving TPOs the Order somehow gives an LPA the authority to require maintenance work. This is not the case and the Guidance acknowledges this in paragraph 002. TEMPO also acknowledges this and states that trees that are likely to become a nuisance within 10 years should not be protected. TEMPO presumes that all trees will be maintained in accordance with the owner's duty of care and current best practice.

Summary.

1. This TPO was served in a storm for no obvious reason. As such the use of the Area Designation and the lack of a more detailed tree appraisal is forgive-able.
2. A proper appraisal of the trees in this garden, with the aid of a "structured system of amenity valuation" (that complies with the Government Guidance) will reveal that none of the trees are of a quality that merits their protection with a Tree Preservation Order.
3. The TPO should be revoked.
4. My client is more than happy for the Council's Tree Officers to visit the site and inspect the trees properly, which will reveal that none of them justify statutory protection, We would be grateful if this could be done promptly.

Yours sincerely,



E. Objections – objection 2

Formal Objection to Variation of Tree Preservation Order – Significance of Habitat Loss

Dear [REDACTED],

I trust this email finds you well. I am writing to formally object to the proposed variation to the tree preservation order 473, specifically highlighting concerns regarding significant habitat loss.

Upon consideration of the proposed variation, and given the extent of the habitat loss that has occurred in the past few weeks it is clear that there is further significant risk to the trees and wildlife at the site.

It is a real shame that the initial variation has already led to such an extensive loss of habitat, and I believe the site will benefit from both a reversal of this decision, but also whatever further protection you can afford. I object to the variation being made permanent (however I fear it is too late, as many of the trees and hedges have been removed to make way for development of the site), and can you please pass this objection on to the Legal Services Department

It is evident that the changes have already resulted in the removal or alteration of trees that serve as crucial habitats for various species. This alteration poses a significant threat to the existing ecosystem, potentially leading to irreversible environmental consequences.

It is essential to emphasize the ecological importance of the affected area, which currently supports diverse flora and fauna. The potential habitat loss due to the proposed variation could disrupt the delicate balance of the local ecosystem, leading to a decline in biodiversity and a detrimental impact on the overall health of the environment.

Moreover, it is well-documented that trees play a pivotal role in mitigating climate change by sequestering carbon dioxide and providing essential ecosystem services. The removal of these trees, especially in light of the current global environmental challenges, raises concerns about the long-term sustainability and resilience of the area.

I kindly request that a comprehensive ecological impact assessment be conducted to evaluate the potential consequences of the proposed variation. This assessment should consider the specific habitats that may be affected, the species dependent on these habitats, and the broader environmental implications. It would also be good for the assessment to also cover the impact of the extensive removal which has already taken place on the site.

I would also welcome some information on the justification for the change in the first place.

I appreciate your attention to this matter and urge you to carefully consider the potential ramifications of the proposed variation on the local ecosystem (not to mention the loss of some beautiful trees!). I believe that a thorough and transparent assessment will contribute to a more informed decision that balances the need for development with the imperative to preserve our natural environment. Thank you for your time and consideration.

Officer response: Dear [REDACTED],

Thank you for the email below in which you outline your concerns and object to the varying of the Tree preservation Order no 473.

As the Manager of Design Conservation and Trees Team, I am reaching out to respond to these concerns, and hopefully provide you with information regarding the processes we follow to assure you regarding consistency and quality of decision making and also update you regarding other, relevant Planning considerations that have just come in.

1. Justification to the change of the Order:

On the 20th October an area Order was served to protect trees at 1 Stratford Road following from information received by the Council, from the public, that trees on site, which were not protected by way of being within a Conservation Area or protected by TPO, were being removed.

Paragraph 29 of the Government guidance which accompanies the Town and Country Planning Act (<https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>) states that area orders are intended for short term protection only, and to be used as a temporary measure until the trees on site can be fully assessed. It was the opinion of the assessing officer during the initial site visit that several of the trees on site may not have the requisite amenity to warrant being protected by an Order, but that the conditions under which the visit was conducted (an emergency situation and during storm Babet) precluded the sort of full inspection that would be needed to fully ascertain which trees to protect. Therefore, an area Order was made, with a view to a later inspection being conducted to ascertain which trees to retain.

A further inspection of the trees was conducted on the 3rd November 2023, which led to a variation of the area Order. The varied Order protected a total of 6 trees and it came into effect on the 21st December 2023.

A TPO is intended to protect trees of quality which bring a high degree of amenity to the area. Government guidance which accompanies the Town and Country Planning Act states that the amenity value of trees should be assessed taking into account factors such as:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

While authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

With the above criteria in mind, four trees fronting Tom Lane had been de-limbed by tree surgeons, and were little more than standing stems, and therefore were not included in the varied Order (see included images). Five trees fronting Carsick Hill Crescent were of impaired form due to poor past pruning, and impaired physiological condition resulting from a combination of poor past

management, suppression, and pathogens. Their visual amenity, and potential for long term retention were sufficiently diminished so as to be found unsuitable for inclusion in the varied Order (see included images).

While it is regrettable that these trees have subsequently been felled, only trees of high-quality ought to be included in a TPO. To include trees of poor quality would be to disregard government guidance to the contrary, and to potentially over-step the power afforded to the Council by parliament with regards the making of TPO's. As objections can be raised against TPO's, which must be addressed and resolved at Planning Committee before the Order can be made permanent, it is therefore important to only include trees that can be robustly defended.

2. Habitat loss/ ecological impact: BNG Net Gain

You raise important and pertinent points as regards the habitat loss and ecological impact, and whilst I do not disagree with any of your comments, unfortunately, under the TPO remit, as outlined in the Government guidance above, we are guided to only consider the amenity value of the tree/s in question in terms of being able to robustly defend the TPO.

Having said this, 10% mandatory BNG (Biodiversity Net Gain) has only come in for major development sites at the moment (10+ dwellings or sites of 1 hectare or more), with the 10% BNG on smaller sites is due in April. That said between now and then, national policy would require no net loss which would still necessitate a small gain.

The details on Govt Guidance are set out here. [Understanding biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/understanding-biodiversity-net-gain) Extract from the Govt Guidance- *BNG is an approach to development. It makes sure that habitats for wildlife are left in a measurably better state than they were before the development. In England, BNG is mandatory under [Schedule 7A of the Town and Country Planning Act 1990 \(as inserted by Schedule 14 of the Environment Act 2021\)](#). Developers must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development.*

With this in mind, if the site was subject to a planning application, it is highly likely that the habitat value of the trees, previous to the trees being felled, will form part of consideration, necessitating further assessments etc and we would be required to take a view on this, as to a developer trashing a site.

Having read the response above, if you consider your concerns to have been resolved in light of this information, then I would further ask you to please consider withdrawing your objection. In any case, it would be very useful for us, if you let us know of your views, in the next couple of days, as we prepare to take the TPO for confirmation (as is the process), to an upcoming Planning Committee.

Many thanks,

Objector response: Dear [REDACTED],

Many thanks for your comprehensive reply. I have a few follow-on questions if I may?

1. My understanding is that the variation order was to vary the initial order (which encompassed all of the trees to the rear of the site) to just specific trees on the site. I am a little confused as to why the contractor was allowed to act on the variation until it has been confirmed? Why didn't the contractor have to wait until the Variation Order was made permanent to allow for members of the public to be able to have their opinions.
2. Perhaps I am am mis-understanding the situation but can you please explain what effect my objecting to, or approving of the variation order will have?
3. I have been unable to see the variation order on your website - it appears to not be listed: <https://www.sheffield.gov.uk/your-city-council/legal-orders>. I can see other TPO's or orders (eg. number 470) Can you please explain why this is missing?
4. Can you please let me know the date of the planning committee?

Many thanks for your help in this matter.

Officer response: Hello [REDACTED],

Please see clarifications on your queries, as set out below;

1. My understanding is that the variation order was to vary the initial order (which encompassed all of the trees to the rear of the site) to just specific trees on the site. I am a little confused as to why the contractor was allowed to act on the variation until it has been confirmed? Why didn't the contractor have to wait until the Variation Order was made permanent to allow for members of the public to be able to have their opinions.

The variation order has the effect of varying the original order. The variation does not need to be confirmed and has an immediate effect i.e. it immediately varies the original order. As soon as the variation order was made, the trees which were removed from the protection of the original order through the variation were capable of being removed without consent being needed from the Council. The original order which has now been varied has been in effect since it was made, that effect now having been varied. That original order will expire six months after it was originally made unless it is confirmed. If it is confirmed, it will last in perpetuity.

2. Perhaps I am mis-understanding the situation but can you please explain what effect my objecting to, or approving of the variation order will have?

Objecting to the variation order has the effect of lodging an objection which the Council must consider before a decision can be made as to whether the now varied order should be confirmed. The objection is made against the order which has now been varied – ordinarily objections are made on the basis that the order should not exist and seek to prevent the order from being confirmed.

An objection on the basis that the now varied order does not go far enough in its protection would presumably be seeking that the varied order should not be confirmed and that another, different order should be made instead. However, it is difficult to see what a new, different order could achieve. It is not possible to protect trees which were lawfully removed and no longer exist – the Council cannot compel their replanting. It is entirely a matter for someone who has entered an

objection to decide whether they wish to withdraw it but I would suggest that some consideration be given to doing that with this in mind

3. I have been unable to see the variation order on your website - it appears to not be listed: <https://www.sheffield.gov.uk/your-city-council/legal-orders>. I can see other TPO's or orders (eg. number 470) Can you please explain why this is missing?

We will arrange for the upload of the variation order.

4. Can you please let me know the date of the planning committee?

We do not have a set date for the consideration of this TPO at committee at this point. It will however be timetabled for a decision by April 2024



SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Head of Planning

Date: 02/04/2024

Subject: Applications under various acts/regulations

Author of Report: Andrew Burton 2039183

Summary:

Reasons for Recommendations

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

Recommendations:

Background Papers:

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

Category of Report: OPEN

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Case Number	23/03892/FUL (Formerly PP-12650467)
Application Type	Full Planning Application
Proposal	Erection of a sports facility including café/community space building, replacement tennis courts, replacement MUGA, new mini-golf, Padel court facilities and outdoor activity space, and other associated works
Location	Tennis Courts At Hillsborough Park Middlewood Road Sheffield S6 4HD
Date Received	07/12/2023
Team	North
Applicant/Agent	Courtside Hubs CIC
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Site Location Plan - Drawing No: 1553-08 Rev No: B published 20.03.2024
Proposed Site Plan - Drawing No: 1553-02 Rev No: X published 20.03.2024
Proposed Site Elevations - Drawing No: 1553-03 Rev No: J published 20.03.2024
Proposed Site Elevations - Drawing No: 1553-04 Rev No: J published 20.03.2024
Proposed Site Sections - Drawing No: 1553-05 Rev No: J published 20.03.2024

Proposed Hub Floor Plan - Drawing No: 1553-06 Rev No: M published 20.03.2024

Proposed Cafe & Indoor Activity Building Elevations - Drawing No: 1553-07 Rev No: L published 20.03.2024

Proposed External Finishes Plan - Drawing No: 1553-09 Rev No: D published 20.03.2024

Proposed Hub Internal Areas - Drawing No: 1553-10 Rev No: B published 20.03.2024

Proposed Cafe & Indoor Activity - Drawing No: 1553-12 Rev No: D published 20.03.2024

Proposed Column Details - Drawing No: 1553-13 Rev No: - published 20.03.2024

Tree Protection Plan - drawing number 1687-003 revision A published 20.03.2024

Biodiversity Net Gain (BNG) Calculation (Issue 1, issue date 16.11.2023) by 4 Acre Ecology Limited published 07.12.2023

Preliminary Roost Features Assessment by Arbtech published 07.12.2023

Reason: In order to define the permission.

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

3. No development shall commence on the site shown on 'Proposed Site Plan' (Drawing No: 1553-02U Proposed Site Plan) until details of the design of the sports courts have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The details shall accord with Sport England's Artificial Surfaces for Outdoor Sport Updated guidance for 2013 and include technical design elements, including necessary specification sheets, detailed site plans, elevations and cross section drawings of the sport courts, detailing the sub layers, materials and depth of materials, drainage, and all court layout dimensions including line markings; enclosures and access; as well as any equipment and associated fixtures to facilitate the intended outdoor sports. The sport courts shall be constructed fully in accordance with the approved details and shall not be used other than for outdoor sport and play, thereafter.

Reason: Having regard to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended it is necessary to have these details before development of the proposed sports courts commences to ensure the development is fit for purpose and sustainable as well as to accord with Development Plan Policy and to comply with paragraph 103 of the National Planning Policy Framework.

4. 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.

5. No development shall commence until detailed proposals for surface water disposal, including calculations have been submitted to and approved in writing by the Local Planning Authority. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of QBar based on the area of the development. An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site.

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

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

6. No development shall commence until the measures to protect existing trees to be retained have been implemented in accordance with the Tree Protection Plan (Drawing No: 1687-003 Revision A). 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.

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. Details of the security shutters on the building hereby approved 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.

9. The biodiversity enhancements and mitigation shown within both the BNG Calculation by 4 Acre Ecology Limited and the Preliminary Roost Features Assessment by Arbtech shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. The biodiversity enhancements shall thereafter be maintained and retained in perpetuity.

Reason: In the interests of biodiversity.

10. The flood lighting hereby approved shall be carried out in accordance with the approved plans and shall be finished in green to match the approved fencing.

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

Other Compliance Conditions

11. No customer shall be permitted to be on the premises outside the following times: 0700 hours to 1000 hours

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

12. All sports floodlighting associated with the use of the development hereby permitted shall be controlled by automatic timer which shall be set to turn off the lights between 21:30 hours and 07:30 hours the following day on all days.

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

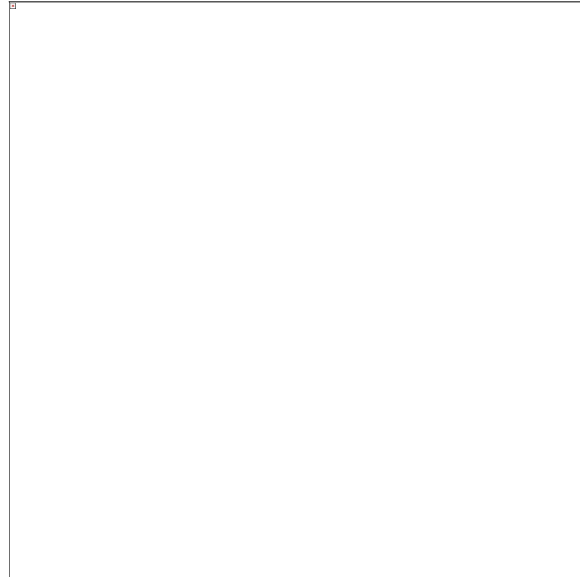
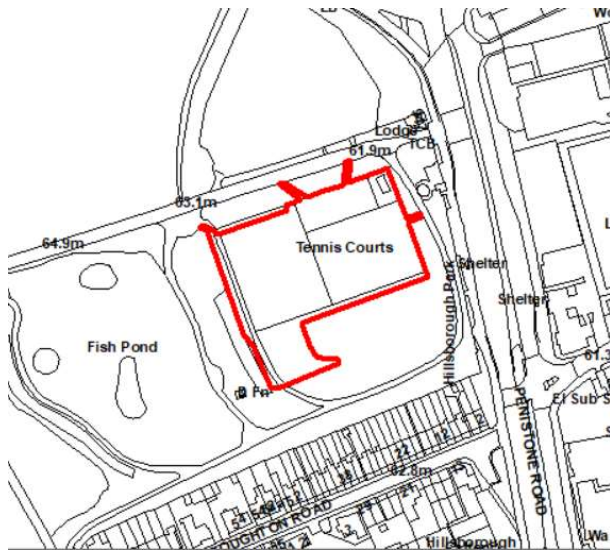
13. No amplified sound or live music shall be played in external areas hereby permitted, nor shall loudspeakers be fixed externally nor directed to broadcast sound outside the building at any time.

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

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 proposed site plan indicates the proposed planting of new Oak trees near to the site. This tree planting is welcomed and you are encouraged to uphold this commitment and plant the new trees by the time the development is complete.

Site Location



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LOCATION AND PROPOSAL

The site relates to Hillsborough Park, which is located north-west of the City Centre. The park is located between Penistone Road and Middlewood Road, with Sheffield Wednesday's Hillsborough stadium positioned immediately north of the park. The district shopping centre of Hillsborough is located to the south. West of the park is characterised by Victorian housing, and there is also housing located adjoining the boundaries at the south and south-eastern corner. Land to the east mainly comprises industrial development along Penistone Road.

Hillsborough Park is designated as an Open Space area, a Historic Park and Garden and lies within the Hillsborough Conservation Area as defined by Sheffield Unitary Development Plan (UDP). There are also a number of Listed buildings within the confines of the park:-

- Hillsborough Hall (Library) - Grade II
- Former coach house and stable (Now Depot Bakery Café) - Grade II
- West Lodge – Grade II
- East Lodge - Grade II
- Gateway and boundary wall at East Lodge - Grade II
- Historic Park & Garden (Grade II)

A primary school located on Parkside Road to the north-western side of the park is also Grade II Listed.

Proposal

Planning permission is sought for the erection of a sports facility including a new café/community space building, replacement tennis courts, a replacement Multi Use Games Area (MUGA), new mini-golf, Padel tennis court facilities and outdoor activity space and other associated works.

The proposal is to be located within the south-eastern corner of the park and would replace both the existing MUGA and tennis courts (4no.). The site is located between the duck pond and the boundary with Penistone Road and is immediately adjacent to the fairly recently created pump track that is in use for bikes, scooters and skateboards etc.

The scheme is proposed by Courtside Hub CIC in conjunction with the Council's Parks and Countryside Department. Courtside Hub is a not-for-profit community interest company dedicated to increasing physical activity and promoting physical activity through the transformation of local parks.

The proposal includes the following features:

- A café/community space building (use for exercise classes, yoga, community meetings etc)
- 3 x Tennis courts (With 1 of those also being suitable for Netball)
- 1 x multi-use games area (MUGA)
- 2 x Padel Tennis courts

- Mini-golf area
- Outdoor activity space

It is understood that the MUGA will remain as a free-to-use facility, but that there will be a charge for the other facilities proposed. The proposed MUGA will be smaller than the existing and there will be a reduction of 1 tennis court, but this is offset by the introduction of the 3 new tennis courts, 2 new padel courts, new mini golf, a defined outdoor activity space and a community building and café.

PLANNING HISTORY

There is much planning history within Hillsborough Park, the most relevant being the recent permission for the pump track adjacent to the application site:

20/01278/FUL - Construction of an asphalt all-wheel bike track and learn to ride area, siting of 2 shipping containers for equipment storage and welfare facilities, provision of hard surfaced areas, benches, bike racks, signage, lighting columns and soft landscaping – Granted conditionally

SUMMARY OF REPRESENTATIONS

Site notices were displayed within and around the park on 22nd December 2023 with an expiry date for comments of 16th January 2024.

30 representations have been received of which 18 are in objection, 10 are in support and 2 have been made as neutral comments.

The objections are summarised below:

- Many of the objections make reference to the reduction in ‘free to use’ space (i.e. the MUGA) and the ‘commercialisation’ of the park through the introduction of the Padel Courts and the Community/Café building.
- Concerns have also been raised with regards to the potential impact upon Cycling4All and other groups who use the ‘free’ facilities within the park.
- There is also objection to the introduction of an additional café into the park.

Non-material planning considerations

- Several comments have also queried whether the remuneration connected with the facility will be directly reinvested into the park.

Comments of support are summarised below:

- Sheffield Wednesday FC support the introduction of new and improved facilities within the park, which they say would provide facilities to support their community outreach, well-being and education projects, as well as providing further facilities to support the ‘Owls in the Park’ event.
- Yorkshire Sport Foundation support the scheme and reference the adjacent Pump Track as being a success.

- Burton Street Foundation (located half a mile away) support the introduction of new facilities which they could use.
- Several comments support the introduction of new and improved facilities within the park, notably the Padel courts.

Sport England representation

Sport England (SE) were consulted on this application as the proposals involves a facility to serve an existing sports ground. Sport England does not wish to object to this this planning application, as it is considered to meet the following objectives:

- Provide - To provide new opportunities to meet the needs of current and future generations, as set out above
- Enhance - To enhance opportunities through better use of existing provision

However, Sport England would therefore prefer it if the technical design matters could be addressed prior to determination of the planning application. If this is not possible, then Sport England would recommend the imposition of the following planning condition:

No development shall commence on the site shown on 'Proposed Site Plan' (Drawing No: 1553-02U Proposed Site Plan) until details of the design of the sports courts have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The details shall accord with Sport England's Artificial Surfaces for Outdoor Sport Updated guidance for 2013 and include technical design elements, including necessary specification sheets, detailed site plans, elevations and cross section drawings of the sport courts, detailing the sub layers, materials and depth of materials, drainage, and all court layout dimensions including line markings; enclosures and access; as well as any equipment and associated fixtures to facilitate the intended outdoor sports. The sport courts shall be constructed fully in accordance with the approved details and shall not be used other than for outdoor sport and play, thereafter.

Reason: Having regard to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended it is necessary to have these details before development of the proposed sports courts commences to ensure the development is fit for purpose and sustainable as well as to accord with Development Plan Policy and to comply with paragraph 103 of the National Planning Policy Framework.

PLANNING ASSESSMENT

National Planning Policy Framework (NPPF)

The National Planning Policy Framework attaches great importance to the design of the built environment and emphasises its role in contributing positively to making places better for people, whilst not attempting to impose architectural styles or particular tastes.

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Paragraph 11 of the NPPF requires that development that accords with up to date policies should be approved without delay. In instances where policies which are most important for determining the application are out-of-date, granting permission unless:

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when weighed against policies in the NPPF taken as a whole.

Paragraph 47 requires development to be determined in accordance with the development plan unless material considerations indicate otherwise.

The park is designated as an Open Space area, a Historic Park and Garden and lies within the Hillsborough Conservation Area as defined by Sheffield Unitary Development Plan (UDP).

USE

Paragraph 103 of the NPPF states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

UDP Policies LR2, LR5 and LR10 (Development in Open Space), and Core Strategy Policies CS47 (safeguarding open space) are applicable.

These local plan policies and paragraph 103 of the NPPF are broadly aligned.

The principle of using the site for the proposed facilities is considered acceptable as they are facilities which would support the sport, leisure and recreational function of the park. The community building would provide opportunity for exercise classes, which are clearly reflective of a recreational nature, but even the proposed use for community meetings and the associated café would be ancillary functions adding further facilities into a large city park. Such facilities are acceptable in open space areas especially those which introduce new facilities and support the recreational function, providing they do not degrade or result in the loss of

important landscape features or areas of high-quality open space.

The proposal would replace and improve the existing tennis courts and MUGA, whilst also introducing new facilities (Padel Tennis Courts, Mini Golf, Community building/café and defined outdoor activity space) into the park. It is also acknowledged that the facilities are proposed in an area of the park which is already used as a MUGA and tennis courts, and as such the proposal is considered to be an improvement on existing provision. The proposal is therefore compliant with UPD Policy LR2 which promotes new leisure facilities.

UDP Policy LR5 states that development in open space areas will not be permitted where they would damage the character of a Historic Park or Garden; or where they would harm the appearance of a public space. The proposal comprising a new building and associated courts would be located on an area of the park which has already been developed (currently comprises MUGA and tennis courts) and comprises a relatively small area compared with the overall size of Hillsborough Park and therefore it is not considered that the proposal would be tantamount to overdevelopment nor result in the loss of an important area of the park. The park consists of significant areas of grass and open land which are used for various recreational purposes, notably the large area of grass on the northern side of the park, and the development would not result in the loss of any of these areas. The proposed facility, which would be relatively small compared with the size of the park, would not undermine or prevent the park being used for other leisure purposes such as walking, running or grassed based sports and informal play.

The site location proposed was considered to be the most suitable location within Hillsborough Park to provide such facilities and improvements. The northern half of the park appears to be unchanged from OS maps circa 1890, which comprises open grassed lawn and trees lining the footpaths and boundary edges. The south-western area of the park comprises rolling grassed areas, tree-lined paths and is in vicinity to the Grade II listed Hillsborough Hall (Library). This open aspect in combination with tree lined footpaths form a strong character of the park's appearance and contributes to its designation as a Historic Park and Garden. Development positioned in these areas would ultimately affect the appearance of the park and the setting of the Listed Hillsborough Library, whereas the proposal is positioned in an area of the park which has already been changed since the creation of the park and it is an opportunity to both upgrade existing facilities and introduce new facilities.

The site chosen and shown on this application currently comprises existing surfaced tennis courts and a MUGA and is immediately adjacent to the pump track for bikes, scooters and skateboards. This area of the park alongside the car park appears to be the main area which has been significantly altered since the creation of the park. It is understood that the tennis courts were created around 1923, however the area now has a modern municipal character due to the tennis court fencing and the creation of the adjacent MUGA. Consequently, the proposal within this area of the park is not considered to affect or degrade the appearance of the park any further and the proposal is an opportunity to improve the appearance of the site whilst enhancing and introducing new facilities. As mentioned, the proposal would introduce a new and improved facilities within the park which is compatible

with and supports the leisure function of the designated open space. It is therefore considered that the proposal would accord with the aims of LR5. Further assessment and consideration in terms of appearance and impact upon heritage assets will be given in later sections of this report.

The scheme would also comply with the aims of UDP Policy LR10 as it would improve facilities offered within the park and aid in providing a wider range of outdoor recreational opportunities without limiting current provision. It is acknowledged that there would be a net loss of one traditional tennis court and that the MUGA would be smaller in size. However this is considered to be offset through the creation of additional facilities which includes 2 brand new courts for the newer form of padel tennis.

In addition to the above it is not considered that the proposed facility would harm the aims of Core Strategy Policy CS47 (Safeguarding Open Space). This policy seeks to protect open space and prevent development that would result in the loss of open space which is of high quality or of heritage landscape. As discussed, the site in question is an area of the park which has been significantly altered due to the formation of the existing MUGA and tennis courts, and the site is considered to be sufficiently separated from the listed buildings within the park. Ultimately the proposal is a facility to support the function of the open space and adds a high-quality facility to be used by members of the public.

The principle of the proposed is therefore not considered to undermine the aims of local and national open space policies, and is supported by UDP Policy LR2, LR5 and LR10 and the aims of the NPPF.

DESIGN & IMPACT UPON HERITAGE ASSETS

Paragraph 131 of the NPPF identifies that good design is a key aspect of sustainable development. Paragraph 135 sets out a series of expectations including ensuring that developments add to the quality of the area, are visually attractive as a result of good architecture; layout and landscaping; are sympathetic to the local character and surrounding built environment; establish and maintain a strong sense of place; optimise the potential of a site and create places that are safe, inclusive and accessible.

UDP policies BE5 and Core Strategy Policy CS74 seek to achieve good design. UDP Policies BE16 (Conservation Areas), BE19 (Listed Buildings) and BE21 (Historic Park & Gardens) are also applicable. The aims of these policies are consistent with the principles of Paragraphs 131 and 135 of the NPPF.

The location shown is the main area within the park which has been significantly altered from the original layout of the park due to the creation of the existing tennis courts and MUGA. As stated previously, the application site would appear to be the most logical position to introduce such a facility. Other locations would likely harm the appearance of the park and affect the setting of the listed buildings.

When assessing the proposed facility, consideration has to be given to the existing site which comprises hardstanding and associated fencing which delineates the

existing MUGA and four tennis courts. The proposal would replace the existing facility and would be located on a similar footprint, albeit with a different layout and the inclusion of a new building. The proposed scheme would provide new tennis courts (x3), a MUGA, padel courts (x2), mini golf, outdoor activity space and new building including a cafe, WCs and indoor activity space. The proposal also includes a small extension to the 'Learn to Ride' track adjacent to the pump track.

The cafe/ community space is to be a single storey building with a natural stone plinth and stone coloured render above and an asymmetric pitched roof. Negotiations have secured the introduction of natural stone into the scheme to ensure there is a link between the scheme and the character of the Historic Park. The building would have an entrance on the northern and southern sides to provide both a welcoming presence on the main thoroughfare through the park and maintain good access within the sports areas. Natural stone is the predominant material in the Hillsborough Conservation Area and wider surroundings. Therefore, the proposed use of natural stone will aid in ensuring that the new building will reflect the character and identity of the park and Conservation Area. The asymmetric roof and modern doors and windows will ensure the building is distinctly contemporary and will suit the use of the building, which will need to be robust. The design of the building is contemporary in style whilst also being sympathetic to its context through the introduction of a strong stone plinth which anchors the building and respects its context. The overall design is simple and modest but is considered appropriate for its use which will involve high footfall and various user groups.

The padel courts are to have semi-opaque, off-white canopies constructed using a green steel frame to ensure year-round play, which the application submission states is fundamental to the viability of the scheme. The applicants have made efforts to reduce the impact of the canopies, such as making the steels green in colour to match the proposed mesh fencing and by making the canopy material an off-white colour and semi-opaque. Ultimately their appearance will be functional, but they will be easily removable should the courts cease to be required in the future. The key point is that the canopies are integral to the viability of the activity hub, which will provide substantial public benefits and in turn, outweigh any visual harm caused by the canopies.

The overall activity hub will be enclosed by mesh fencing in a green colour up to a maximum height of 4m. This fencing would not be dissimilar to the existing fencing which surrounds the site and therefore the visual impact of it is considered to be negligible in this respect.

New, green 10m high columns with LED court lights (floodlighting) are proposed to replace the old metal halide floodlights. This floodlighting is to match the new sports fencing layout and ensure year-round use (a restriction on the hours of use is detailed within the forthcoming section of the report on residential amenity).

Although strictly speaking outside the red line boundary of the application site it is proposed to include newly surfaced areas and new areas of soft landscaping including 2no. oaks to the west of the site and two areas of wildflower planting. This can still be secured with the land being within Council ownership.

The proposal would not result in the loss of any trees and only a very small area of grassed area would be lost. The trees lining the central footpath within the park would offer some screening of the development and ultimately the facility would be positioned in an area which has already been developed. The building is considered to be of a good design with high quality materials proposed. The development would have minimal impact in terms of the main views within the park. The site is in the most secluded area possible, despite its position close to Penistone Road. It is considered that other locations within the park would impede views within the park and could affect the setting of either of the two listed buildings.

The proposed scheme is considered acceptable from a design perspective and is considered to preserve the character and appearance of the Conservation Area by continuing its recreational use and preserving the heritage assets at the west end of the park. It will enhance the appearance of the conservation area on the eastern boundary.

Further to the above, UDP Policy BE19 identifies that development is expected to preserve the character and appearance of a listed building and its setting, with Policy BE16 seeking to preserve or enhance conservation areas and Policy BE21 seeking to protect Historic Parks & Gardens. These policies align with the following guidance in the NPPF.

The NPPF seeks to protect heritage assets from unacceptable harm (paragraph 195 NPPF). Paragraphs 205 to 214 of the NPPF identify how the effects and impacts on heritage assets should be considered. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

It goes on to say that any harm to the significance of a heritage asset requires 'clear and convincing justification', that substantial harm to Grade II listed buildings should be exceptional (paragraph 206); and that, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal' (paragraph 207).

In considering whether to grant planning permission for development which affects a listed building or its setting, section 66 of the Planning (Listed Building & Conservation Areas) Act 1990 states that the local planning authority shall have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

With reference to paragraphs 205 to 207, consideration has to be given to the impact upon the setting of the heritage assets. In this instance the heritage assets are as follows:

- Hillsborough Hall (Library) - Grade II
- Former coach house and stable (Now Depot Bakery Café) - Grade II
- West Lodge – Grade II
- East Lodge - Grade II
- Gateway and boundary wall at East Lodge - Grade II
- Hillsborough Park Conservation Area
- Historic Park & Garden (Grade II).

The proposed activity hub is to be located at the east end of the park and does not involve any physical alterations to any of the Grade II listed structures, therefore it is the impact on their setting which is to be considered.

The distance of the activity hub from the Hall (Library), coach house and west lodge is considered to be sufficient that the visual impact will not be significant and certainly not detrimental. The existing trees and topography of the park will provide an effective visual barrier, even during winter. There is a possibility that the padel court canopies may be seen from certain vantage points at the western end of the park, but these would be fleeting, and the Hall (library) is very unlikely to be viewed in the same context as the activity hub. In terms of the setting of the heritage assets at the western end of the park (the Hall (Library), coach house and west lodge) it is considered that any harm would be negligible, and any harm that may entail is considered to be outweighed through the public benefits of the scheme through the introduction of new and upgraded facilities.

The East Lodge and adjacent gateway and boundary wall are adjacent to the application site, therefore the potential impact on their setting is greater. There is also likely to be a greater impact on the Hillsborough Park Conservation Area and the Historic Park and Garden. The impact of the proposal upon the heritage assets at the east end of the park is considered moderate, due to the cumulative impact of the building, fencing, canopies and court lights. The change to the site is not considered significant due to the established existing MUGA and tennis courts, which already has associated fencing and lights. The new padel canopies, fencing and court lights can be easily removed, but nevertheless they are utilitarian structures required as part of the overall scheme. The resulting impact of the new building and associated sports courts on the heritage assets (East Lodge, gateway & boundary wall, Hillsborough Conservation Area and Historic Park & Garden) is considered to be less than substantial harm, but this is considered to be outweighed by the public benefits through the introduction of new and upgrade leisure/sporting facilities.

The benefits of providing improved facilities and introducing new facilities for users of the park and the residents of Sheffield are considered to outweigh any harm that the scheme may have upon the specified heritage assets. The proposal is therefore considered compliant with the aims of the NPPF.

RESIDENTIAL AMENITY

Although the site is designated within an Open Space policy area, the site is located immediately next to an established housing area. Houses on Broughton Road back onto the park and will therefore be in relatively close proximity to the

proposed development.

UDP Policy H14(c) states that in Housing Areas, development will be permitted provided that the site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

The above policy closely aligns with the aims of Paragraph 135 (f) of the NPPF.

The nearest sensitive uses are the houses on Broughton Road approx. 50m away. This road runs parallel to the southern boundary of the park. The pump track as well as a grassed area, footpath and a further grassed area would be retained between these houses and the application site including a number of trees positioned.

The structure of the proposed building, padel court canopy and associated fencing would be suitably separated from the neighbouring houses to ensure that the structure does not impact upon their neighbouring living conditions.

The scheme has the potential to introduce additional noise into the park and potentially impact upon the living conditions of houses on Broughton Road. The tennis courts can, at any one time, be used by a maximum of four people, assuming that a doubles match is played. The application proposed No.3 tennis courts, a MUGA, Mini Golf Course and No.2 Padel courts. Consequently, during daylight hours, there could be circa 20 persons playing on tennis/Padel courts and more persons (possibly 10 or more) on the MUGA. In summer months, play could take place on the courts until the late evening without the need for floodlights. It is not considered that the proposal would increase noise levels to a degree significantly above that which already occurs from use of the tennis courts, MUGA and people playing sports on the nearby grassed areas. The backdrop of noise associated with the park is a long-established situation.

There is however the possibility for the use of the proposed building to generate noise as it would include exercise/fitness classes, as well as yoga, meetings, a café and possibly birthday parties. Such activity has the potential to be a nuisance to nearby residents and other park users, however noise within the building is likely to be lost amongst noise generated from other leisure activities within the park and the noise generated from vehicles traversing Penistone Road, which runs immediately to the east of the site. In light of this, it is considered reasonable to impose conditions to restrict the hours of use of the site from 7am until 10pm, and also a condition to ensure that any floodlighting is turned off by 9:30pm and turned on no earlier than 7:30am. It is also considered appropriate to impose a condition to restrict the placement of fixed speakers externally, so that amplified sound does not otherwise cause a noise nuisance to residents or other park users. These conditions have been discussed with the applicant and are considered appropriate to prevent the any disamenity from occurring from the use of the premises.

Subject to the above conditions, it is considered that the proposal would be acceptable in light of UDP Policy H14 and the aims of the NPPF.

LANDSCAPING

Policy BE6 states that good landscape design will be required in all new developments.

This policy is consistent with Paragraph 135 b) of the NPPF.

UDP Policy GE15 states that trees and woodland will be protected by planting, managing and establishing trees and woodlands and not permitting development which would damage existing woodlands.

This policy broadly aligns with para 180 b) of the NPPF.

As the application site is currently used as a leisure facility comprising of tennis courts and a large area of hardstanding comprising the MUGA, very little of the application site consists of vegetation. Immediately adjacent to the application site is a row of mature trees along the northern boundary and a smaller row of trees in the south-eastern corner. None of these trees will be removed or affected by the proposed development as shown in the existing and proposed site layouts. A tree protection plan has however been submitted and a condition is recommended to be imposed to ensure that tree protection measures are in situ prior to the commencement of construction works and shall remain throughout the construction period.

The only loss of vegetation within the development site is a small strip of grass which surrounds an existing table tennis table and area of hard standing. The area of grass to be lost is insignificant within the wider context of Hillsborough Park and is also considered to be of low ecological value. It is also considered that when accounting for the benefits to the proposed facilities and the encouragement of healthy living and access to open spaces, these improvements would significantly outweigh the loss of a small area of grass.

In light of the above, it is considered that the proposal will have a minimal impact upon the setting of the park and its landscape.

New Oak trees are to be planted within the vicinity of the application site but outside the defined red line boundary. Notwithstanding this can still be secured by virtue of the land being Council owned.

The scheme would therefore be compliant with UDP Policy BE6 and GE15, and paras 135b) and 180 b) of the NPPF.

ECOLOGY

Paragraph 180 a) and d) of the NPPF identifies that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity value; and minimise impacts on and providing net gains in biodiversity; including by establishing coherent

ecological networks that are more resilient to current and future pressures.

Paragraph 186a) of the NPPF 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 175 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.

Policy GE11 'Nature conservation and development' of the UDP seeks to protect and enhance the natural environment ensuring that the design, siting and landscaping of development respects and promotes nature conservation and includes measures to reduce any potentially harmful effects of development.

The Environment Act 2021 has introduced a requirement for some new developments to deliver a 10% biodiversity net gain. However, for non-major development proposals the legislation does not apply to applications submitted before 2nd April 2024. Notwithstanding the application proposal is still required to demonstrate no net loss of biodiversity and a net gain has been encouraged by Officers.

The site area as existing comprises mainly hardstanding forming the tennis courts and a MUGA, and there is a very small area of grass. The site therefore has limited biodiversity value and is largely used for recreation purposes which is likely to deter much wildlife from this area in any instance.

The site is located near to the duck pond which is home to various wildlife, such as ducks and geese. It is not considered that the proposal would provide any additional harm over and above that caused by the nearby Pump track and existing tennis courts and MUGA.

A Preliminary Roost Features Assessment by Arbtech has been undertaken and submitted with the application. The site and surrounding trees have been assessed for nesting birds, foraging bats and bat roosts. The report concluded that there is unlikely to be any such feature which would constrain the redevelopment of the site. The Preliminary Roost Assessment concluded that there would be no direct impact on bats or birds, but light-spill may indirectly affect them, but this was not seen as a constraint to the proposals. No other protected or notable species were found on the site or are regarded as likely to use the common habitats found there. The proposal includes the installation of two bird boxes along with three bat boxes are to be erected in retained trees to the north to enhance the site for nesting birds and roosting bats, with feeding stations encouraging birds for visitors to see. These features are welcomed.

A BNG Calculation by 4 Acre Ecology Limited has been submitted with the application. The calculation states that the proposed works will result in a net loss of 0.09 biodiversity units, due to the loss of some small areas of amenity grassland. To compensate for this, it is proposed to enhance other areas immediately adjacent to the site by planting a super pollinator meadow in one area, a woodland

fringe meadow in another and removing shrub and replanting this with amenity grassland. Therefore, taking this into consideration, the biodiversity net gain calculation achieved a net gain of 0.49 units, or over 540%, with enhancement of off-site grassland and introduced shrub removal within the same ownership, easily surpassing the 10% aim.

The inclusion of bat and bird boxes, as well as the BNG calculation concludes that there will be a net gain in biodiversity, well above the 10% aim that is currently advised and would therefore comply with the aims of the NPPF.

FLOOD RISK & DRAINAGE

Policy CS67 Flood Risk Management of the Core Strategy 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 with a general theme of guiding development (where possible) to areas at the lowest flood risk.

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The large majority of the development site is within Flood Zone 1. However, based on the flood risk map the eastern portion of the site is shown as located within Flood Zone 2, which is categorised as “Land having between a 1 in 100 and 1 in 1000 annual probability of river flooding”.

The intended use of the site for outdoor sports and recreation (Courts and external areas) is classified as “water-compatible development” in accordance with Table 2 of the NPPF Planning Guidance, however the community building/café would be considered a ‘less vulnerable use’.

Taking into account the site being located within Flood Zone 2 and the Vulnerability Classification class falling under ‘less vulnerable’ and ‘water-compatible’ development, Table 3 of the NPPF Planning Guidance confirms that the development is appropriate and hence there is no requirement to undertake an Exception Test.

A Surface Water Drainage Strategy (Ref 6781-AEA-ZZ-XX-RP-Z-2500) by Ambient Environmental Assessment has been submitted which includes a flood risk assessment. The report states that the proposed development is located within Flood Zone 1 and 2, as indicated by the EA Flood Map for Planning. According to Table 2 of the Flood Risk and Coastal Change PPG, the existing site is considered both ‘Water Compatible’ and ‘Less Vulnerable’, due to its usage for outdoor sports and recreation (tennis courts, MUGA, mini golf etc.) and café/indoor activity space, respectively.

The key findings of the Surface Water Drainage Strategy and Flood Risk Assessment are as follows:

- The existing site is utilised for outdoor sports and recreation and therefore the use is already established. The proposed development seeks to expand on the existing established use. Furthermore, the majority of the site is to be classified as 'Water Compatible', which is considered appropriate in Flood Zone 2. The 'Less Vulnerable' development (café/indoor activity space) is to be located in Flood Zone 1 and subsequently at the lowest area of flood risk. Therefore, it would be unreasonable to suggest that there is a more appropriate site at lower risk of flooding that the development could be located on.
- The assessed pluvial flood risk over the development lifespan is considered to be relatively low.

Surface Water Drainage Strategy (reference 6764-AEA-ZZ-RP-Z-0001) goes onto reference the drainage strategy for the site, which has been reviewed The Lead Local Flood Authority.

The submitted strategy shows the intention to discharge surface water via infiltration. The infiltration tests results showed a relatively quick infiltration rate, typical of sand as specified by the LLFA. The LLFA state that infiltration is unlikely to be suitable and given the sites proximity to an existing watercourse and associated pond, its viability has been questioned. A very strong case for infiltration being suitable must be made. Discharge to existing watercourse may be more appropriate.

Technical evidence in the form of a technical note/infiltration test results has been requested to be submitted to evidence that infiltration is appropriate for this site. Such discussions are ongoing and therefore it is considered that such details can be reserved by condition, unless further details are provided prior to the planning committee.

Subject to the imposition of a condition to secure full drainage details, the proposal is considered acceptable in terms of drainage and flood risk.

HIGHWAYS

Development should seek to ensure highway safety as required under paragraph 114 of the NPPF. Paragraph 115 of the NPPF further states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The proposal would be located within the confines of the park. Whilst it would be adjacent to Penistone Road, it would not be significantly visible, would be set back from the boundary by at least 20 metres and would be partly screened by existing trees. The scheme is not considered to have a detrimental impact to highway safety or interfere with or provide a distraction to motorists.

The proposal is within a public park and therefore it is considered that it would not increase vehicular movements to the park to a level that would be considered to be harmful. Many users are likely to traverse to the site on foot, Supertram and there will be a degree who visit by car, however there is paid parking available within the park to cater for motorists.

It is not considered that the proposal would result in such trip generation which would cause an adverse impact upon the surrounding highways nor significantly worsen parking demand. The proposals are located within an established park which attracts significant numbers of people and is an appropriate location for such a facility. The proposal is not considered to result in any highway safety concerns and as such would accord with the NPPF.

OTHER MATTERS

The applicants have confirmed that the hub has been carefully designed (with over 20 iterations) to accommodate existing and potential site users, including but not limited to: Tramlines, Sheffield Cycling4All (SC4A), MUGA and pump track users, Make Space for Girls, the LTA/tennis players, parkrun, netballers, padel players, café visitors and local residents. The building is sited centrally with a welcoming entrance on the north side to invite passers-by in from the main park thoroughfare. A takeaway hatch is located on this front façade, for important operational reasons. The hub serves as a base for all the peripheral sport and recreation facilities, and the south-facing outdoor café seating offers a pleasant aspect looking out onto a central courtyard and detached from the noise of Penistone Road.

The applicants have also stated that throughout this lengthy consultation process, Sheffield Cycling4All (SC4A) has been an important stakeholder. SC4A has storage provision on the car park, use of the widened pathways around the park and use of the Learn to Ride area/MUGA. At SC4A's request, the applicants moved the new MUGA to the south west corner of the site, ensuring free-flowing access between the Learn to Ride area and MUGA during their delivery hours.

The proposed development would not impact operations other than on selected school holiday days when the new MUGA may be in use, hence extending the Learn to Ride area (by around 50sqm) and widening the connecting pathway on the western side of the site to circa 3m wide to facilitate the collection and return of tricycles from/to storage. These extensions will be completed first allowing for minimal disruption to SC4A, with whom the applicants are in close contact. They have, in addition to the above, discussed how the applicants can support SC4A staff with welfare whilst delivering sessions, offering them use of the proposed facilities along with discounted food and drink.

CONCLUSION AND RECOMMENDATION

Planning permission is sought for the erection of a sports facility including a café/community space building, replacement tennis courts, replacement MUGA, new mini-golf, Padel court facilities and outdoor activity space and other associated works.

The principle of the development is accepted under paragraph 97 of the National Planning Policy Framework (NPPF). The proposal is also considered to comply with Open Space policy outlined within Policies LR2, LR5 and LR10 of the Unitary Development Plan (UDP), as well as Core Strategy Policy CS47.

It is considered that the proposal represents an appropriate form of development which would support the recreational function of the park and would introduce a new facility providing additional recreational choice for the residents of Sheffield. The proposed scheme is considered to have minimal impact upon the heritage assets of the Grade II Listed Buildings (Hillsborough Hall (Library), former coach house and stable (Now Depot Bakery Café), West Lodge, East Lodge, and Gateway and boundary wall at East Lodge), Hillsborough Conservation Area and the designation of the site as a Historic Park & Garden. The development is minimal in the context of the size of the park, replacing the existing tennis courts and multi-use games area (MUGA) within the south-western corner of the park. The proposal would not interfere with any key views within the park given its proposed position. The south-eastern appears to be main location which has been altered since the creation of Hillsborough Park back in the 1890's. The proposed building is considered appropriate subject to the use of high quality facing materials which include the proposed use of a natural stone plinth.

The proposal is considered compatible with the existing recreational uses within the parks and is not considered to create any greater noise nuisance than existing usage of the tennis courts and MUGA. A condition is however recommended to be imposed to ensure lighting is switched off at appropriate times to limit the potential for activity in this area to carry on into the late evenings and also conditions to limit the hours of use of the building.

The site is located within both Flood Zone 1 and Flood Zone 2, however the proposed uses are defined as 'water compatible' and 'less vulnerable' in accordance with Table 2 of the NPPF Planning Guidance and therefore the submitted FRA defines the development is appropriate subject to adequate drainage provision.

For the reasons given within the report, it is considered that the development would be in accordance with the aims of the National Planning Policy Framework and local plan policies, specifically UDP Policies LR2, LR5, LR10, BE5, BE6, BE16, BE19, BE21, GE15 as well as Core Strategy Policies CS47 and CS74.

It is recommended that planning permission is granted conditionally.