

Planning and Highways Committee

Tuesday 30 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
30 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 - 12)
Minutes of the meeting of the Committee held on 2nd April 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. Proposed Diversion of Public Footpath SHE162 at Shirecliffe, Sheffield 5** (Pages 13 - 20)
Report of the Director of Street Scene and Regulation
- 8. Proposed Closure of Parts of Public Footpaths SHE/217 and SHE/301 at Skye Edge, Sheffield 2** (Pages 21 - 28)
Director of Street Scene and Regulation
- 9. Tree Preservation Order No. 474 - 47 Moorbank, Sheffield, S10 5TQ** (Pages 29 - 50)
Report of the Head of Planning
- 10. Applications Under Various Acts/Regulations** (Pages 51 - 52)
Report of the Head of Planning
- 10a. Planning Application No. 23/03631/FUL - 45A Brooklands Avenue, Sheffield, S10 4GB** (Pages 53 - 84)
- 11. Record of Planning Appeal Submissions and Decisions** (Pages 85 - 106)
Report of the Head of Planning
- 12. Date of Next Meeting**
The next meeting of the Committee will be held on a date to be confirmed.

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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 2 April 2024

PRESENT: Councillors Glynis Chapman (Chair), Mike Chaplin, Roger Davison, Tony Downing, Barbara Masters, Laura Moynahan, Peter Price, Alan Woodcock, Dianne Hurst (Substitute Member), Henry Nottage (Substitute Member) and Richard Williams (Substitute Member)

1. APOLOGIES FOR ABSENCE

- 1.1 An apology for absence was received from Councillor Bernard Little. Councillor Little submitted his apology along with an email that stated that he was unable to attend the meeting due to a recent road traffic accident involving his wife and members of her family. He was needed to support their rehabilitation. He was also recovering from surgery. Councillor Henry Nottage acted as substitute.
- 1.2 Apologies for absence were also received from Councillors Garry Weatherall and Cliff Woodcraft. Councillors Dianne Hurst and Richard Williams acted as substitutes.
- 1.3 An apology was also received from Councillor Ibbly Ullah.

2. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

- 3.1 Councillor Mike Chaplin declared a personal interest in Agenda Item No. 8a, Planning Application No. 23/03892/FUL - Tennis Courts At Hillsborough Park, Middlewood Road, Sheffield, S6 4HD as he had received an email from an objector. Councillor Chaplin declared that he had not given an opinion or made up his mind on the application prior to the meeting, therefore would take part in the discussion and voting thereon.
- 3.2 Councillor Tony Downing declared a personal interest in Agenda Item No. 8a, Planning Application No. 23/03892/FUL - Tennis Courts At Hillsborough Park, Middlewood Road, Sheffield, S6 4HD as he had been a Member on the Communities Parks and Leisure Policy Committee that had discussed the use of the park. Councillor Downing declared that he had not given an opinion or made up his mind on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

3.3 Councillor Henry Nottage declared a personal interest in Agenda Item No. 8a, Planning Application No. 23/03892/FUL - Tennis Courts At Hillsborough Park, Middlewood Road, Sheffield, S6 4HD as he had close friends who were objecting to the application. Councillor Nottage declared that he would leave the room and take no part in the discussion or voting thereon.

3.4 Councillor Richard Williams declared a personal interest in Agenda Item No. 8a, Planning Application No. 23/03892/FUL - Tennis Courts At Hillsborough Park, Middlewood Road, Sheffield, S6 4HD as he had been a Member on the Communities Parks and Leisure Policy Committee and the Charity Sub-Committee that had discussed the use of the park. Councillor Williams declared that he had not given an opinion or made up his mind on the application prior to the meeting, therefore would take part in the discussion and voting thereon.

4. MINUTES OF PREVIOUS MEETING

4.1 **RESOLVED:-** that the minutes of a meeting of the Committee held on 5th March 2024 be approved as a correct record subject to the amendment of paragraphs 3.3 and 3.4. Both declarations be amended to read:

3.3 Councillor Roger Davison declared that Agenda Item No. 7c - Planning Application No. 23/03216/FUL - The Coach House, 306 Dobbin Hill, Sheffield, S11 7JG, 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. 23/03216/FUL - The Coach House, 306 Dobbin Hill, Sheffield, S11 7JG, was within her ward however she had not been involved in any discussions regarding the application and so approached it with an open mind.

5. SITE VISIT

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

6. TREE PRESERVATION ORDER NO. 473 - 1 STRATFORD ROAD, SHEFFIELD, S10 3LR

6.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the

report.

- 6.2 The trees had been considered for protection due to information being received that tree surgeons were on site and were in the process of removing mature trees which lined the boundary of the property with Tom Lane and Carsick Hill Crescent.
- 6.3 The Community Tree Officer had visited the site and carried out a TEMPO assessment which had identified some of the trees as suitable for protection and an order made. This was varied on 2nd February 2024 and was now before Members for approval.
- 6.4 One objection had been made to the Order and the response was contained within the report.
- 6.5 **RESOLVED:-** That Tree Preservation Order No. 473 be confirmed unmodified.

7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

7a. PLANNING APPLICATION NO. 23/03892/FUL - TENNIS COURTS AT HILLSBOROUGH PARK, MIDDLEWOOD ROAD, SHEFFIELD, S6 4HD

- 7a.1 Councillor Henry Nottage left the meeting.
- 7a.2 Additional representations, along with the Officer response, and amendments to Conditions 5 and 11 were included within the Supplementary Report which was circulated and summarised at the meeting.
- 7a.3 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 7a.4 Leah Byatt attended the meeting and spoke against the application.
- 7a.5 Isobel Wells attended the meeting and spoke in support of the application.
- 7a.6 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted.
- 7a.7 **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, for the 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 at the Tennis Courts At Hillsborough Park, Middlewood Road, Sheffield, S6 4HD (Application no. 23/03892/FUL).

8. DATE OF NEXT MEETING

- 8.1 The next meeting of the Planning and Highways Committee would be held on Tuesday 30th April 2024 at 2pm in the Town Hall.



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Street Scene and Regulation

Date: 30th April 2024

Subject:

PROPOSED CLOSURE OF PARTS OF PUBLIC FOOTPATHS SHE/217 & SHE/301 AT SKYE EDGE, SHEFFIELD 2.

Author of Report: Mark Reeder 0114 474 2509

Summary:

To seek authority to make a Public Path Order under Section 118 of the Highways Act 1980 that is required to close those parts of definitive public footpaths SHE/217 and SHE/301 shown as solid black lines on the plan included as Appendix A at Skye Edge, Sheffield

Reasons for Recommendations

Based on the information within this report, officers support:

- the proposed closure of parts of definitive public footpaths SHE/217 and SHE/301, as shown on the plan included as Appendix A, on the basis that they are no longer needed for public use.

Recommendations:

1. Members raise no objections to the proposed closure of parts of definitive public footpaths SHE/217 and SHE/301, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
2. Authority be given to the Director of Legal & Governance to
 - a. Take all necessary action to close the footpath under the powers contained within Section 118 of the Highways Act 1980.
 - b. Confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.

Background Papers:

Category of Report: OPEN

DIRECTOR OF STREETSCENE AND REGULATION

REPORT TO PLANNING
AND HIGHWAYS COMMITTEE
30th April 2024

PROPOSED CLOSURE OF PARTS OF PUBLIC FOOTPATHS SHE/217 & SHE/301
AT SKYE EDGE, SHEFFIELD 2.

1.0 PURPOSE

- 1.1 To seek authority to make a Public Path Order under Section 118 of the Highways Act 1980 that is required to close those parts of definitive public footpaths SHE/217 and SHE/301 shown as solid black lines on the plan included as Appendix A at Skye Edge, Sheffield 2.

2.0 BACKGROUND

- 2.1 The Highway Authority has received a request from the Public Rights of Way Team requesting that parts of footpaths SHE/217 and SHE/301 are closed as shown by solid black lines on the plan included as Appendix A, hereby referred to as "the plan".
- 2.2 Footpath SHE/217 connects Skye Edge Fields with Whites Lane, Wybourn, Sheffield 2.
- 2.3 Footpath SHE/301 links the subject part of footpath SHE/217 with Nuttall Place, Wybourn, Sheffield 2.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies.
- 3.2 Ward Councillors have been consulted and have raised no objections.
- 3.3 The Peak and Northern Footpath Society and the Ramblers have raised no objections to this proposal.
- 3.4 Not all the consultees had responded at the time of writing this report. Those that have responded have raised no objections.
- 3.5 If any comments relating to the application are received before the Planning and Highways Committee meeting, they will be reported verbally.

4.0 LEGAL IMPLICATIONS

- 4.1 If the Committee was minded to agree to this proposal, it would be appropriate for the Council to process the closures using the power contained within Section 118 of the Highways Act 1980. This power provides that a public footpath may be closed where the Council considers it expedient to create a legal order on the basis that the path is no longer needed for public use.

5.0 HIGHWAY IMPLICATIONS

- 5.1 Public footpaths SHE/217 and SHE/301 are definitive public footpaths in the Wybourn/Skye Edge area of Sheffield. They are regarded as definitive because they have been formally recorded on the Council's definitive map and statement of public rights of way.
- 5.2 There are several paths that serve the area of public open space between Manor Laithe Road and Manor Oaks Road. These paths have varying status and comprise adopted, definitive (formal) and informal park paths. Together they provide more convenient links to the surrounding highway network than the paths that are subject to this proposal.
- 5.3 In addition, a new public right of way has been created which links Bassett Place with the unaffected part of footpath SHE/217. This is shown as a black dotted line on the plan. It is not a direct replacement for the subject paths but it does provide another alternative public route across the playing fields site.
- 5.4 To be clear – the mere existence of alternative routes is not a reason to close a path. However, if it becomes evident that a path is no longer needed for public use (e.g. because it is no longer being used) then it can be considered for closure on that basis.
- 5.5 That is the case here: the subject parts of SHE/217 and SHE/301 have become neglected by the public, resulting in them becoming overgrown and inaccessible. The Public Rights of Way team have received no complaints regarding the condition of these public paths, further indicating that they are no longer needed for public use.
- 5.6 It is therefore considered that the proposed closure is expedient, as it will not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposals in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

7.1 No particular equal environmental implications arise from the proposals in this report.

8.0 FINANCIAL IMPLICATIONS

8.1 The cost of the closure application and advertising of the Order has been met from the Public Rights of Way 2023/24 allocation of the Local Transport Plan

8.2 Any future costs relating to this decision will be contained within existing resources.

9.0 CONCLUSION

9.1 Based on the above information, Officers support the proposed closure of parts of definitive public footpath SHE/217 and SHE/301, as shown on the plan included as Appendix A.

10.0 RECOMMENDATIONS

10.1 Raise no objections to the proposed closure of parts of definitive public footpaths SHE/217 and SHE/301, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

10.2 Authority be given to the General Counsel for Legal Services to

- a. take all necessary action to close the footpath under the powers contained within Section 118 of the Highways Act 1980
- b. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.



Mohamed Edroos

Head of Highway Maintenance

30th April 2024

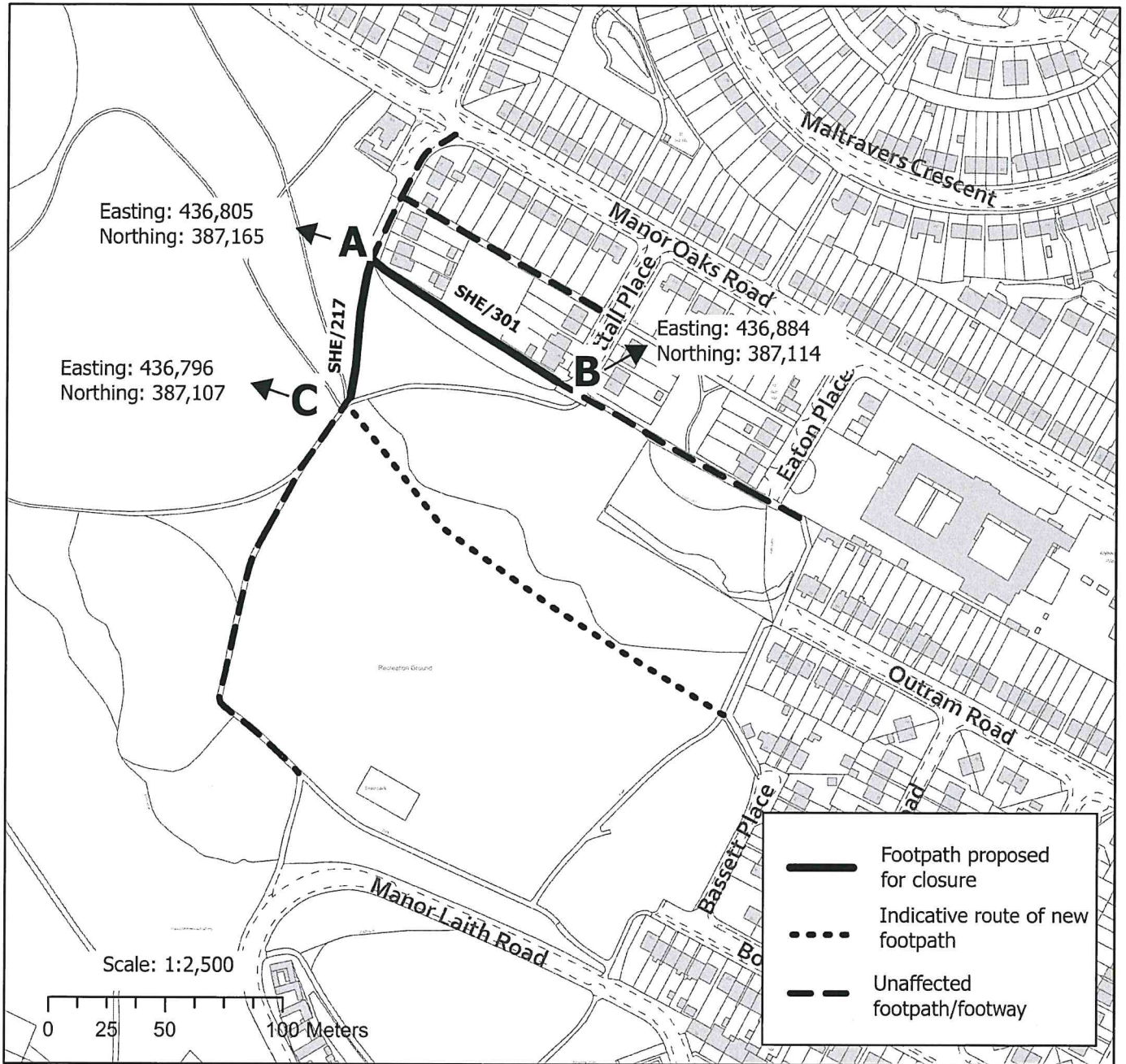


Highway Records
 Streetscene and Regulation
 Howden House
 Union Street
 Sheffield
 S1 2SH

HIGHWAYS ACT 1980 SECTION 118
 PROPOSED CLOSURE OF PARTS OF
 FOOTPATHS SHE/217 AND SHE/301 AT
 SKYE EDGE, SHEFFIELD 2



APPENDIX A



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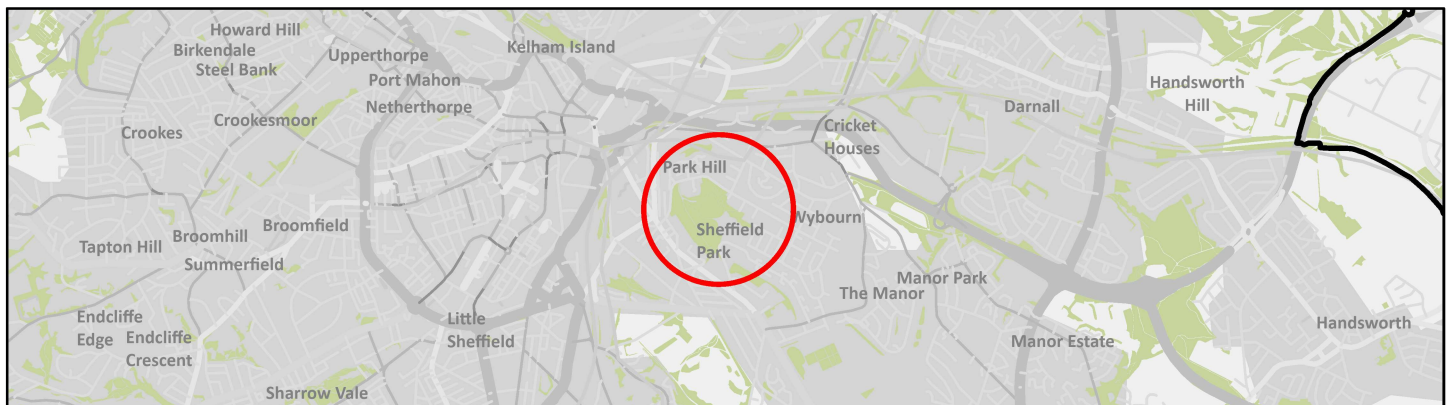
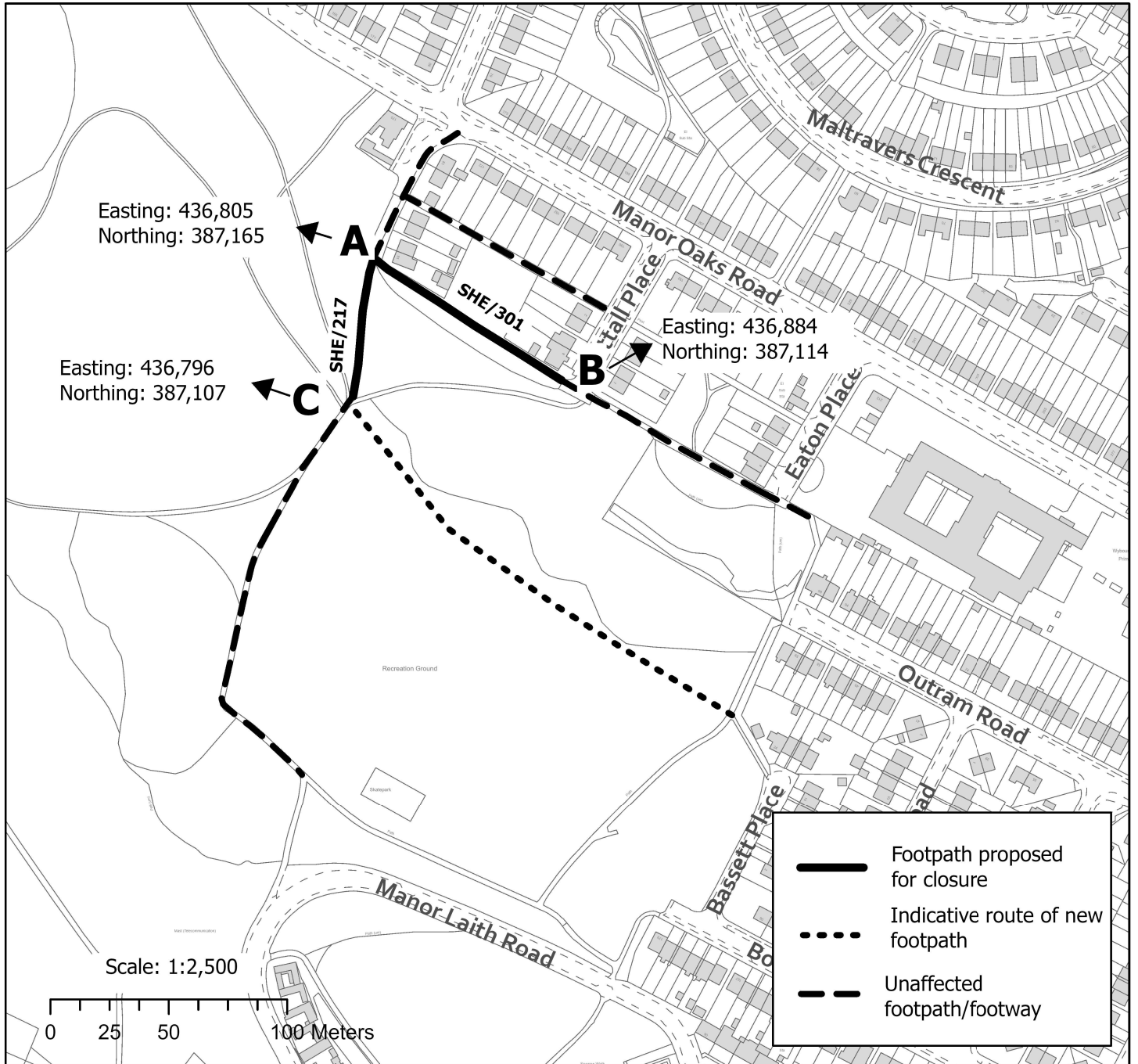


Highway Records
 Streetscene and Regulation
 Howden House
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 S1 2SH

HIGHWAYS ACT 1980 SECTION 118
 PROPOSED CLOSURE OF PARTS OF
 FOOTPATHS SHE/217 AND SHE/301 AT
 SKYE EDGE, SHEFFIELD 2



APPENDIX A



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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Street Scene and Regulation

Date: 30th April 2024

Subject:

PROPOSED CLOSURE OF PARTS OF PUBLIC FOOTPATHS SHE/217 & SHE/301 AT SKYE EDGE, SHEFFIELD 2.

Author of Report: Mark Reeder 0114 474 2509

Summary:

To seek authority to make a Public Path Order under Section 118 of the Highways Act 1980 that is required to close those parts of definitive public footpaths SHE/217 and SHE/301 shown as solid black lines on the plan included as Appendix A at Skye Edge, Sheffield

Reasons for Recommendations

Based on the information within this report, officers support:

- the proposed closure of parts of definitive public footpaths SHE/217 and SHE/301, as shown on the plan included as Appendix A, on the basis that they are no longer needed for public use.

Recommendations:

1. Members raise no objections to the proposed closure of parts of definitive public footpaths SHE/217 and SHE/301, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
2. Authority be given to the Director of Legal & Governance to
 - a. Take all necessary action to close the footpath under the powers contained within Section 118 of the Highways Act 1980.
 - b. Confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.

Background Papers:

Category of Report: OPEN

DIRECTOR OF STREETSCENE AND REGULATION

REPORT TO PLANNING
AND HIGHWAYS COMMITTEE
30th April 2024

PROPOSED CLOSURE OF PARTS OF PUBLIC FOOTPATHS SHE/217 & SHE/301 AT SKYE EDGE, SHEFFIELD 2.

1.0 PURPOSE

- 1.1 To seek authority to make a Public Path Order under Section 118 of the Highways Act 1980 that is required to close those parts of definitive public footpaths SHE/217 and SHE/301 shown as solid black lines on the plan included as Appendix A at Skye Edge, Sheffield 2.

2.0 BACKGROUND

- 2.1 The Highway Authority has received a request from the Public Rights of Way Team requesting that parts of footpaths SHE/217 and SHE/301 are closed as shown by solid black lines on the plan included as Appendix A, hereby referred to as “the plan”.
- 2.2 Footpath SHE/217 connects Skye Edge Fields with Whites Lane, Wybourn, Sheffield 2.
- 2.3 Footpath SHE/301 links the subject part of footpath SHE/217 with Nuttall Place, Wybourn, Sheffield 2.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies.
- 3.2 Ward Councillors have been consulted and have raised no objections.
- 3.3 The Peak and Northern Footpath Society and the Ramblers have raised no objections to this proposal.
- 3.4 Not all the consultees had responded at the time of writing this report. Those that have responded have raised no objections.
- 3.5 If any comments relating to the application are received before the Planning and Highways Committee meeting, they will be reported verbally.

4.0 LEGAL IMPLICATIONS

- 4.1 If the Committee was minded to agree to this proposal, it would be appropriate for the Council to process the closures using the power contained within Section 118 of the Highways Act 1980. This power provides that a public footpath may be closed where the Council considers it expedient to create a legal order on the basis that the path is no longer needed for public use.

5.0 HIGHWAY IMPLICATIONS

- 5.1 Public footpaths SHE/217 and SHE/301 are definitive public footpaths in the Wybourn/Skye Edge area of Sheffield. They are regarded as definitive because they have been formally recorded on the Council's definitive map and statement of public rights of way.
- 5.2 There are several paths that serve the area of public open space between Manor Laithe Road and Manor Oaks Road. These paths have varying status and comprise adopted, definitive (formal) and informal park paths. Together they provide more convenient links to the surrounding highway network than the paths that are subject to this proposal.
- 5.3 In addition, a new public right of way has been created which links Bassett Place with the unaffected part of footpath SHE/217. This is shown as a black dotted line on the plan. It is not a direct replacement for the subject paths but it does provide another alternative public route across the playing fields site.
- 5.4 To be clear – the mere existence of alternative routes is not a reason to close a path. However, if it becomes evident that a path is no longer needed for public use (e.g. because it is no longer being used) then it can be considered for closure on that basis.
- 5.5 That is the case here: the subject parts of SHE/217 and SHE/301 have become neglected by the public, resulting in them becoming overgrown and inaccessible. The Public Rights of Way team have received no complaints regarding the condition of these public paths, further indicating that they are no longer needed for public use.
- 5.6 It is therefore considered that the proposed closure is expedient, as it will not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposals in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

7.1 No particular equal environmental implications arise from the proposals in this report.

8.0 FINANCIAL IMPLICATIONS

8.1 The cost of the closure application and advertising of the Order has been met from the Public Rights of Way 2023/24 allocation of the Local Transport Plan

8.2 Any future costs relating to this decision will be contained within existing resources.

9.0 CONCLUSION

9.1 Based on the above information, Officers support the proposed closure of parts of definitive public footpath SHE/217 and SHE/301, as shown on the plan included as Appendix A.

10.0 RECOMMENDATIONS

10.1 Raise no objections to the proposed closure of parts of definitive public footpaths SHE/217 and SHE/301, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

10.2 Authority be given to the General Counsel for Legal Services to

- a. take all necessary action to close the footpath under the powers contained within Section 118 of the Highways Act 1980
- b. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.



Mohamed Edroos

Head of Highway Maintenance

30th April 2024

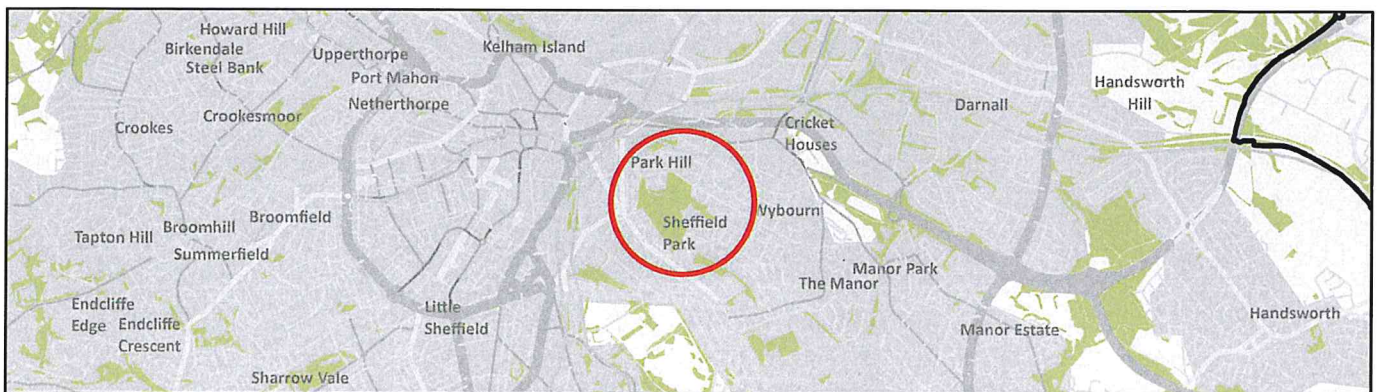
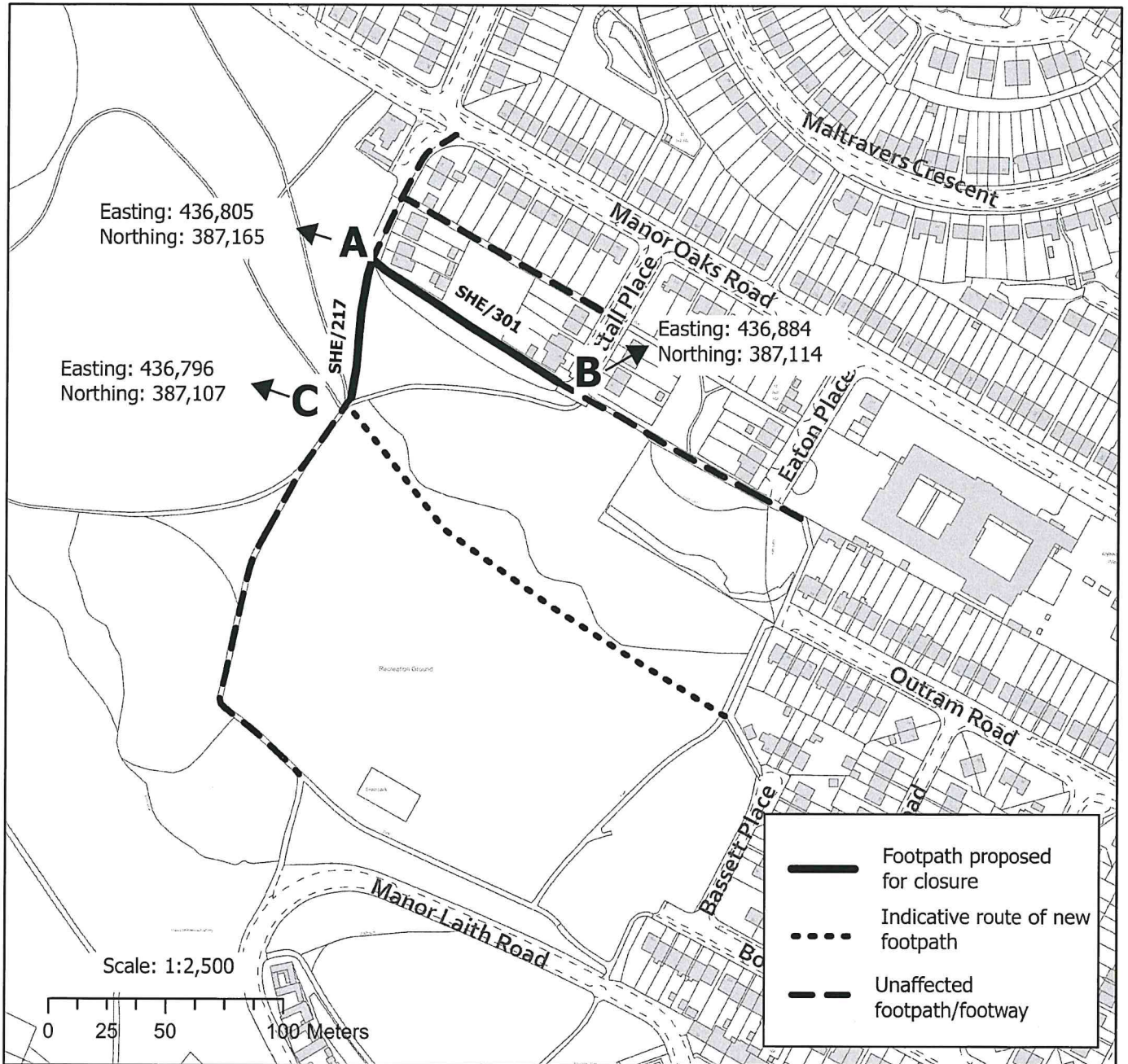


Highway Records
 Streetscene and Regulation
 Howden House
 Union Street
 Sheffield
 S1 2SH

HIGHWAYS ACT 1980 SECTION 118
 PROPOSED CLOSURE OF PARTS OF
 FOOTPATHS SHE/217 AND SHE/301 AT
 SKYE EDGE, SHEFFIELD 2



APPENDIX A



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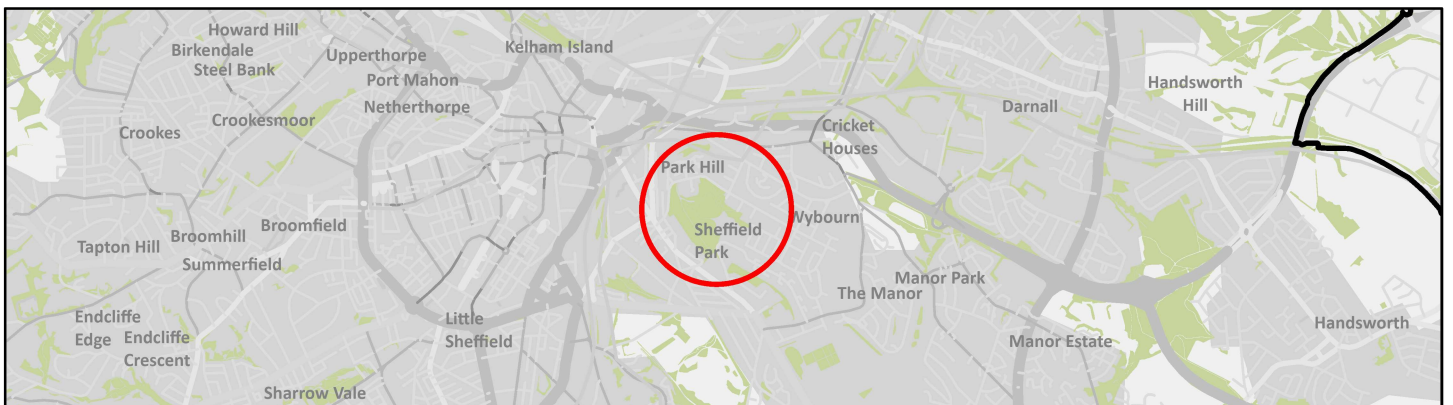
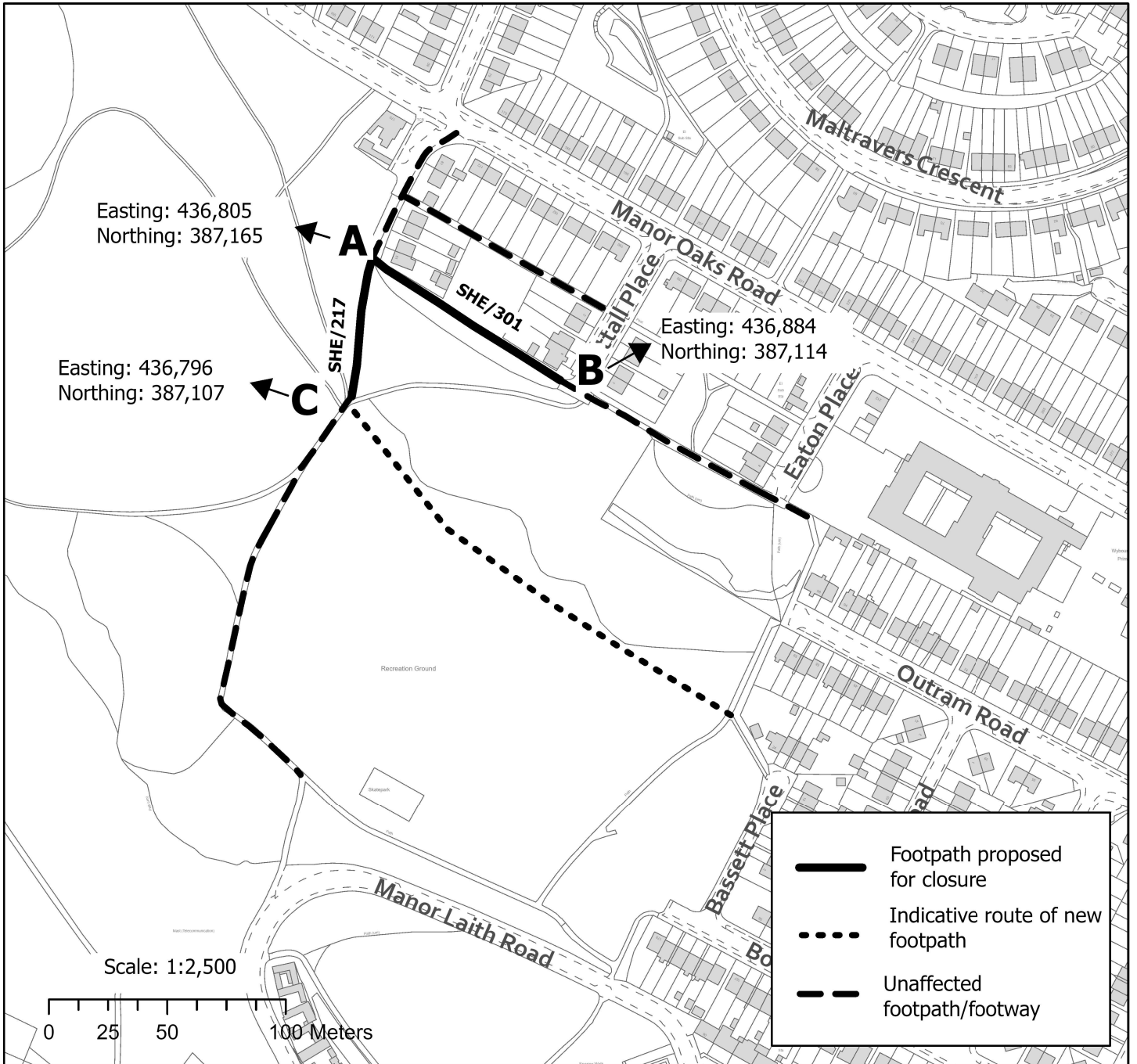


Highway Records
 Streetscene and Regulation
 Howden House
 Union Street
 Sheffield
 S1 2SH

HIGHWAYS ACT 1980 SECTION 118
 PROPOSED CLOSURE OF PARTS OF
 FOOTPATHS SHE/217 AND SHE/301 AT
 SKYE EDGE, SHEFFIELD 2



APPENDIX A



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SHEFFIELD CITY COUNCIL

Planning & Highways Committee Report

Report of: Director of City Growth Service

Date: 30th April 2024

Subject: Tree Preservation Order No. 474
47 Moorbank Sheffield, S10 5TQ

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

Summary: To seek confirmation of Tree Preservation Order No. 474

Reasons for Recommendation

To protect trees of visual amenity value to the locality

Recommendation

Tree Preservation Order No. 474 should be confirmed unmodified.

Background Papers:

- A) Tree Preservation Order No.474 and map attached.
- B) Tree Evaluation Method for Preservation Orders (TEMPO) assessment attached.
- C) Images of the trees
- D) Objections
- E) Support

Category of Report: OPEN

CITY GROWTH SERVICE

REPORT TO PLANNING & HIGHWAYS COMMITTEE

Tree Preservation Order No. 474

47 Moorbank Road, Sheffield, S10 5TQ

TREE PRESERVATION ORDER NO. 474

1.0 PURPOSE

1.1 To seek confirmation of Tree Preservation Order No.474

2.0 BACKGROUND

- 2.1 Tree Preservation Order No.474 ('the Order') was made on the 14th of November 2023 to protect two mature beech trees and one lime within the curtilage of 47 Moorbank Road, that stand adjacent to the boundary of the property with 1 Burnt Stones Drive. A copy of the Order, with its accompanying map, is attached as Appendix A.
- 2.2 On the 23rd of March 2023 the Council received communication from a member of the public requesting that trees at the property be protected by a Tree Preservation Order. The enquirer stated that the house had been unoccupied for several months, and that a change of ownership appeared likely. The property is not within a conservation area and the trees are not afforded any form of protection, such as that afforded by section 211 of the Town and Country Planning Act 1990 (which would require the serving of a notice prior to the carrying out of potential works in most circumstances, providing the Council with an opportunity to potentially make a TPO to prevent them).
- 2.3 The enquirer raised concerns about the trees' future safety under subsequent new owners, who may not view the trees in the same way as their current custodians. The enquirer noted the high amenity value of the trees, particularly the beech trees, from which the property takes its name of Beechview. This initial correspondence was followed by further emails over the course of three subsequent months detailing activity at the house which led the enquirer to believe that the house was being emptied for sale, prompting a repeat of the request that the tree be considered for protection.
- 2.4 The Council can make a Tree Preservation Order if it appears to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. It may be considered expedient to make an Order if the Council believes there is a risk of trees being felled, pruned, or damaged in ways which would have a significant impact on the amenity of the area, but it is not always necessary for there to be immediate risk for there to be a need to protect trees. Paragraph 10 of the Government's guidance regarding Tree Preservation Orders and trees in conservation areas provides an example of other sources of risk such as changes in property ownership. It further states

that intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution. Given this, and that the Council had been informed of a possible change of ownership, an inspection of the trees was conducted to assess whether it would be expedient in the interest of amenity to make them subject to an Order.

2.5 The site was visited by Vanessa Lyons, Community Tree Officer on the 1st of November 2023. It was noted at this time that the house appeared unoccupied. The trees on site consist of numerous smaller trees to the rear (north) of the garden, which are not particularly visible from a public vantage point, and multiple mature trees which are visually very prominent. These consist of a mature lime, situated adjacent to the boundary wall with 1 Burnt Stones drive, and two mature beech trees, also adjacent to the boundary wall and close to the highway. These trees form a group with two sycamore trees (of lesser quality and therefore not included within the Order) and mature trees (mostly lime) which also sit adjacent to the boundary wall, but within the grounds of 1 Burnt Stones Drive, and which are also not subject to the Order.

2.6 The trees were assessed using the Tree Evaluation Method for Preservation Orders (TEMPO), a copy of which can be found at Appendix B. The two beech trees were awarded 18 points each, and the lime 17, indicating the trees definitely merit protection. It was therefore deemed expedient in the interest of amenity to make these three trees subject to an Order.

2.7 Objections.

Two duly made objections to the TPO were received on the 15th of December 2023, and one representation in support of the TPO, made on the 22nd of December. The objections (which are contained within Appendix D), state:

- The objectors are part owners of the property and they dispute that the property is undergoing a change of ownership, as stated within the formal notice accompanying the TPO.
- Given that the trees have previously been maintained under good arboricultural management, and that the house is not undergoing a change of ownership, the TPO is unnecessary, and will create an onerous layer of administration that may mean that the trees fall below the level of maintenance undertaken previously.

While not related to the merits of the TPO, the following additional points were also raised:

- That SCC has acted upon hearsay when serving the TPO, causing distress by initiating an unexpected process.
- That one of the objectors did not, as part owner of the property, receive notification of the TPO.

These points are not addressed within this report as they do not relate to the merits of the TPO. Responses have however been provided as part of a separate complaint investigation.

In response to the objections:

- Notification that the TPO was made was sent by first class recorded delivery to the landowner's addresses as identified via information held by HM Land Registry, fulfilling the requirements for service according to section 329(1)(c) of the Town and Country Planning Act 1990. That one of the landowners may have moved since registering their interest, and that the re-direct they have set up with Royal Mail appears to not have worked, is outside of the Council's control.
- A TPO does not prevent owners from maintaining their trees. In most cases, it only requires that work to protected trees be subject to consent from the Council. 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, and 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.
- In assessing whether it would be expedient in the interest of amenity to make the trees subject to the Order, the Council based its assessment on information received from members of the public and observations of the Officers who attended the house and determined that it was unoccupied. In this regard, the Council was acting in good faith with the information available to them at the time, though it is accepted that the wording of the Order could have been framed to indicate the impression that the house *may* be undergoing a change of ownership, as opposed to stating that it was.
- With regard to whether the Order is appropriate, given information that the house is not under imminent change of ownership, the Government guidance in respect of making TPOs ('Tree Preservation Orders and trees in conservation areas) states that it is not necessary for there to be *immediate* risk for there to be a need to protect trees, highlighting that changes in property ownership and intentions to fell trees are not always known in advance. This means it is permissible for the Council to make Orders proactively as a precaution, which is in fact the basis that this Order was made. The trees offer a very high level of amenity to the surrounding area and, while the house is not currently undergoing a change of ownership, it has been stated that the house may change ownership at some point in the future. If the Order is not confirmed, the trees may someday then be removed owing to there being no other form of protection in place that would prevent this. Due to the high value of the trees, this would result in a significant loss of amenity to the area and would represent a missed opportunity to safeguard trees of value.

One representation in favour of the TPO (contained within Appendix E) was made by a member of the public, who commented on the beauty of the trees, their contribution to biodiversity, and who referred to the trees as a community asset.

3.0 VISUAL AMENITY ASSESSMENT

Visibility: The 3 trees included for protection within the Order are situated directly adjacent to the boundary wall with a property on Burnt Stones Drive, and due to their tall stature and proximity to the highway, are clearly visible from several locations, including Burnt Stone Drive and Moorbank Road. The individual trees, and the group that they are contained in, form a visually striking part of the street scene, as demonstrated in images of the trees found at Appendix C.

Condition: Overall, their condition is very good. The beech trees have tight unions where the stem bifurcates to become the canopy, with some evidence of adaptive growth present. This normal for this species of tree, and as there are no signs of movement or change within the unions, this is not a cause for concern. The trees are of large stature, the beech being particularly prominent, and all the trees are of pleasing form.

Retention span: Situated in a garden where there is room for the trees to grow relatively unhindered (barring some suppression from neighbouring trees and proximity to the neighbouring house which can be addressed via routine pruning) the trees have relatively long potential retention spans. This is estimated at 40-100 years.

Relationship to the landscape/ other factors. The trees are principal members of a group of trees, the loss of which would negatively alter the symmetry and cohesion of the group. The boundary wall has been designed to fit around them, and the group is a distinctive feature of the local area. Situated close to the boundary of the Sandygate area and open countryside, the presence of mature trees is in keeping with the sylvan feel of the area.

Expediency: Precautionary.

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

6.0 FINANCIAL IMPLICATIONS

6.1 There are no financial implications.

7.0 LEGAL IMPLICATIONS

- 7.1 A local authority may make a Tree Preservation Order (TPO) where it appears that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (Section 198, Town and Country Planning Act 1990). Further, the local authority is under a duty to make such TPOs as appear to be necessary in connection with the grant of planning permission, whether for giving effect to conditions for the preservation of trees attached to such permission or otherwise.
- 7.2 A TPO may prohibit the cutting, topping, lopping or uprooting of the trees which are the subject of the Order. It may also prohibit the wilful damage or destruction of those trees. Any person who contravenes a TPO shall be guilty of an offence and liable to receive a fine of up to £20,000.
- 7.3 The local authority may choose to confirm a TPO it has made. If an Order is confirmed, it will continue to have legal effect until such point as it is revoked. If an Order is not confirmed, it will expire and cease to have effect 6 months after it was originally made.
- 7.4 A local authority may only confirm an Order after considering any representations made in respect of that order. Two objections have been received in respect of the Order.

8.0 RECOMMENDATION

- 8.1 Recommend Provisional Tree Preservation Order No.474 be confirmed.

Michael Johnson, Head of Planning

30th April 2024

Appendix A. TPO 474 and accompanying map.

Tree Preservation Order

Town and Country Planning Act 1990

The Tree Preservation Order No 474 (2023)

47 Moorbank Road, S10 5TQ.

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 474 (2023) – 47 Moorbank Road, S10 5TQ.

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 14th NOVEMBER 2023

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



David Sellars
Duly Authorised Signatory



23. 2013. 5676

SCHEDULE

Specification of trees

Trees specified individually

(encircled individually in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Beech – <i>Fagus sylvatica</i>	SK 30764 87040
T2	Beech – <i>Fagus sylvatica</i>	
T3	Lime – <i>Tilia</i> species	

Trees specified by reference to an area

(within a dotted red line on the map)

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

Groups of trees


(within a continuous black line on the map)

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

Woodlands

(within a continuous black line on the map)

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

Sheffield City Council Parks & Countryside Service	Sheffield City Council 
TREE PRESERVATION ORDER	
No. 474	
Drawing No. A4/808/474	
Site address	
47 Moorbank Road, Sheffield S10 5TQ	
Scale: 1:500 @ A4	
Drawn by MB	Date: 03/11/2023
<input type="radio"/> Trees specified individually (circled in black on the plan)	
T1: Beech (<i>Fagus sylvatica</i>) T2: Beech (<i>Fagus sylvatica</i>) T3: Lime (<i>Tilia species</i>)	
(Trees marked with X refers to two sycamore trees not included within the order)	
Trees specified by reference to a group - None Trees specified by reference to an area - None Trees specified by reference to a woodland - None	
SK 30764 87040	
Measurements shown approximately	



[Signature]
 Duty Authorised Signatory

23.2013.5676

Appendix B Tempo Assessment

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 01.11.23	Surveyor: Vanessa Lyons
----------------	-------------------------------

Tree details TPO 474	Tree T1 Beech, T2 Beech, T3 Lime
Owner (if known):	Location: 47 Moorbank Road, S10 5TQ

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

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

Score & Notes :

5. All in good condition. T1 and 2 both have tight unions at the bifurcation from the stem, with presence of some adaptive growth to T2. Very common growth pattern in beech. Upright growth issues from both, no cracks or areas of dysfunction visible in the unions.

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

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

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

Score & Notes

4. Beech likely at lower end of this, the lime has the potential to live for longer.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes

T1 + T2=4

T3=3

Forming part of a prominent group, visible along Burnt Stones Drive and Moorbank Road.

d) Other factors

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

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

Score & Notes

4. Principle members of tree group, particularly the beech, without which the group would lose its symmetry.

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

1. House changing hands.

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:

T1+2=18

Decision:

Definitely merits TPO

Appendix C. Images of the trees



A view of the trees seen as approaching 47 Moorbank Road from Burnt Stones Drive, looking northeast.



The trees as seen from the corner of Moorbank Road.



Two of the protected beech, in the foreground of the image.



The beech trees, image taken from within the grounds of the garden.



The lime, taken from within the garden, trees to the right are in the garden of 1 Burnt StonesDrive.



The integration of the trees into the boundary wall.



Google Street View image of the 2 protected beech.

. D. Objections

To: General Counsel for Legal Services
David Hollis
Town Hall

Ref: LS/RC/10517105

15th December 2023

Received by
19 DEC 2023

Dear Sirs,

I refer to your formal notice of 14th November 2023 advising that Sheffield City Council had made a TPO No: 474 at 47 Moorbank Road, S10 5TQ and write to lodge my formal objection as follows:-

1. The TPO has been put in place as, per your letter, "the house is now undergoing a change of ownership". As one of the owners of the property, I am somewhat astounded by this statement as it has no basis in fact, and at no time prior to the making of the TPO was I or the other owners consulted about the current state of ownership. This statement therefore appears to be based on rumour or hearsay, not something I would expect Sheffield City Council to act upon without establishing the facts.
2. Your letter states that "The trees at 47 Moorbank Road have been previously maintained under good arboricultural management. The house is now undergoing a change of ownership and the Council may not be informed of an intention to fell the trees in advance. To safeguard the trees against any future potential risk of removal, or development pressure associated with the sale of the house..." Given that the house is not undergoing a change of ownership, I fail to see why the Council would feel that they would need to safeguard the trees against any potential future risk. In fact, a TPO in this case will actually increase the risk. My sister and I ([REDACTED] and therefore co-owners of the property) currently care for our elderly mother who suffers from advanced dementia. As you can imagine, caring for her and maintaining the property is an onerous task alongside which we both have our own families to care for, houses to run and are both working. To have to consult the Council if we wish to maintain the trees, a process which I believe can take up to 6 weeks, will add yet another layer of administration upon us. Time is limited and we may not have such time to follow such a procedure. Accordingly, it is possible that the maintenance of the trees will actually fall well below that undertaken previously as a result. The property has been in our family since 1975 and the trees have always been maintained to a high standard. It would be devastating for us and them if we are unable to give them the care and attention they deserve.

This unexpected process has been very stressful and has caused a great deal of upset and anxiety to our family in already stressful and trying circumstances. I am quite frankly appalled that the Council has seen fit to take such action based upon rumour and hearsay.

I look forward to hearing from you with details of the hearing date and whereabouts of the meeting to consider the TPO which I shall be attending.

Yours faithfully,
[REDACTED]

To: General Counsel for Legal Services
David Hollis
Town Hall

Ref: LS/RC/10517105

15th December 2023

Dear Sirs,

I refer to your formal notice of 14th November 2023 advising that SCC had made a TPO No: 474 at 47 Moorbank Road, S10 5TQ and write to lodge my formal objection as follows:-

1. I have not received any notification as required. My sister, [REDACTED] was advised by Harshada Deshpande, Technical Manager in the Designs Conservation & Trees Dept. that notification had been sent to me at the address shown at the Land Registry. I have moved from that address, however I have a redirect on the mail by Royal Mail which until 9th December 2023 and I have received all my other mail without any problem
2. The TPO has been put in place as, per your letter, "the house is now undergoing a change of ownership". As one of the owners of the property, I am somewhat astounded by this statement as it has no basis in fact, and at no time prior to the making of the TPO was I or the other owners consulted about the current state of ownership. This statement therefore appears to be based on rumour or hearsay, not something I would expect Sheffield City Council to act upon without establishing the facts.
3. Your letter states that "The trees at 47 Moorbank Road have been previously maintained under good arboricultural management. The house is now undergoing a change of ownership and the Council may not be informed of an intention to fell the trees in advance. To safeguard the trees against any future potential risk of removal, or development pressure associated with the sale of the house..." Given that the house is not undergoing a change of ownership, I fail to see why the Council would feel that they would need to safeguard the trees against any potential future risk. In fact, a TPO in this case will actually increase the risk. My sister and I ([REDACTED] and therefore co-owners of the property) currently care for our elderly mother who suffers from advanced dementia. As you can imagine, caring for her and maintaining the property is an onerous task alongside which we both have our own families to care for, houses to run and are both working. To have to consult the Council if we wish to maintain the trees, a process which I believe can take up to 6 weeks, will add yet another layer of administration upon us. Time is limited and we may not have such time to follow such a procedure. Accordingly, it is possible that the maintenance of the trees will actually fall well below that undertaken previously as a result. The property has been in our family since 1975 and the trees have always been maintained to a high standard. It would be devastating for us and them if we are unable to give them the care and attention they deserve.

This unexpected process has been very stressful and has caused a great deal of upset and anxiety to our family in already stressful and trying circumstances. I am quite frankly appalled that the Council has seen fit to take such action based upon rumour and hearsay.

I look forward to hearing from you with details of the hearing date and whereabouts of the meeting to consider the TPO which I shall be attending.

Yours faithfully,

A solid black rectangular box redacting the signature of the sender.

E. Support

-----Original Message-----

From: [REDACTED]
Sent: Friday, December 22, 2023 9:07 AM
To: [REDACTED]
Subject: TPO No. 474

[REDACTED]

Dear [REDACTED]

I am writing to express my support for the recently applied TPO on the cluster of trees located at 47 Moorbank Road. As a resident [REDACTED] since 1998, I have witnessed the beauty of these trees, which not only add to the street scene, but they are equally important as they attract a wide variety of biodiversity, including owls and bats. As strikingly visible as these trees are owing to their prominent position during the light of day, their presence is equally felt at night with the sound of owls which often roost in their branches. I am therefore grateful to the Council for protecting this wonderful community asset.

Kind regards,

[REDACTED]

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SHEFFIELD CITY COUNCIL Planning and Highways Committee

Report of: Head of Planning

Date: 30/04/2024

Subject: Applications under various acts/regulations

Author of Report: Sarah Hull

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	23/03631/FUL (Formerly PP-12607195)
Application Type	Full Planning Application
Proposal	Demolition of existing dwelling and the erection of four detached dwellings with associated landscaping; and improvements to the access (resubmission of 23/00198/FUL)
Location	45A Brooklands Avenue Sheffield S10 4GB
Date Received	17/11/2023
Team	North
Applicant/Agent	Crowley Associates
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development 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.

Proposed Site Plan (Red Line) Drawing No 02, Published 17.11.23
Proposed Site Plan, Drawing Number 3090-001, Rev c, published 18.04.24
Plot 1 Elevations and Floor Plans, Drawing number 3090-003 Rev A, published 17.11.23
Plot 2 Elevations and Floor Plans, Drawing number 3090-004 Rev A, published 17.11.23
Plot 3 Elevations and Floor Plans , Drawing number 3090-005 Rev A, published 17.11.23
Plot 4 Elevations and Floor Plans, Drawing number 3090-006 Rev A,

published 17.11.23

Site Section 1, Drawing Number 3090 -007 Rev B, published 17.11.23

Site Section 2, Drawing Number 3090- 008 Rev B, published 17.11.23

Site Section 3, Drawing Number 3090- 0010 , published 18.04.24

Garage Plot 4, Drawing Number 3090- 016 published 17.11.23

Tree Protection Plan, Drawing Number 1349-006 Rev D, published 17.11.23

Landscape Section A, Drawing Number 1349-010, published 17.11.23

Landscape Section B, Drawing Number 1349-00, published 17.11.23

Reason: In order to define the permission.

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

3. No development shall commence until full details of measures to protect the existing trees to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

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

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

5. Development shall not commence until a biodiversity gain plan has been submitted to and approved in writing. Thereafter the approved plan shall be implemented, with evidence of this submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until this has taken place.

Reason: To compensate for biodiversity loss and provide net gain.

6. Before any work commences upon site, including any site clearance works the applicant shall produce a bat emergence survey and a statement confirming that the site is not occupied by protected species and, if development is to commence within the bird nesting season, to confirm that no nesting birds will be affected by the proposed works. The statement shall be prepared by a qualified ecologist and shall include measures that will be undertaken during the course of development to protect protected species.

Reason: In the interest of biodiversity.

7. 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

8. Prior to the commencement of development details an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include a report giving details of the impact of lighting on adjacent dwellings and wildlife. The report shall demonstrate that the lighting scheme is designed in accordance with The Institution of Lighting Professionals document GN01:2011 " Guidance Notes for the Reduction of Obtrusive Light". The development shall be carried out and thereafter retained in accordance with the approved details.

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

9. Development shall not commence until a Construction Environmental and Highway Management Plan has been submitted to and approved by the Local Planning Authority. The plan shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and

guidance in relation to noise, vibration, dust, air quality and pollution control measures. The plan shall also assist in ensuring highway safety during construction in this respect the plan shall include details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials . Thereafter the development shall be carried out in accordance with the approved plan.

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

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

10. Before development commences full details of the surfacing of the access driveway including details demonstrating how surface water will be prevented from spilling onto the public highway, shall be submitted to the Local Planning Authority for approval and the development shall not be brought into use until the approved surfacing and drainage arrangements are in place.

Reason: In the interest of the amenity of occupier of neighbouring properties and highway safety.

11. 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.

12. Details of a suitable means of site boundary treatment, including the specifications for the acoustic fencing and fencing incorporating wildlife routes shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority and the dwellings shall not be occupied unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

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

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

Other Compliance Conditions

14. The approved landscape works 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. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

15. The dwellinghouses shall not be used unless the car parking accommodation as shown on the approved plans has been provided in accordance with those plans and thereafter such car parking accommodation shall be retained for the sole purpose intended.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the development shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the amenities of occupiers of adjoining property, bearing in mind the restricted size of the curtilage of some of the plots and to ensure the protection of trees.

17. There shall be no gates or barriers erected at the means of access to the site.

Reason: To ensure access is available at all times.

18. Construction of the development shall be carried out in accordance with the Construction / Precautionary Working Methodology set out in part 5.2 and 5.3 of the Weddle Landscape Design Ecological Assessment (april 22) published 20.12.23.

Reason: In the Interests of wildlife protection.

19. Before the first occupation of the development permitted the windows in the first and second floor side facing elevations shall be fitted with obscure glazing to a minimum privacy standard of Level 4 Obscurity and any part of

the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter.

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

Attention is Drawn to the Following Directives:

1. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/address-management.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email snn@sheffield.gov.uk

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

2. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority
3. The applicant is advised that there may be utilities present within the site. The applicant is advised to contact Northern PowerGrid regarding this.
4. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;

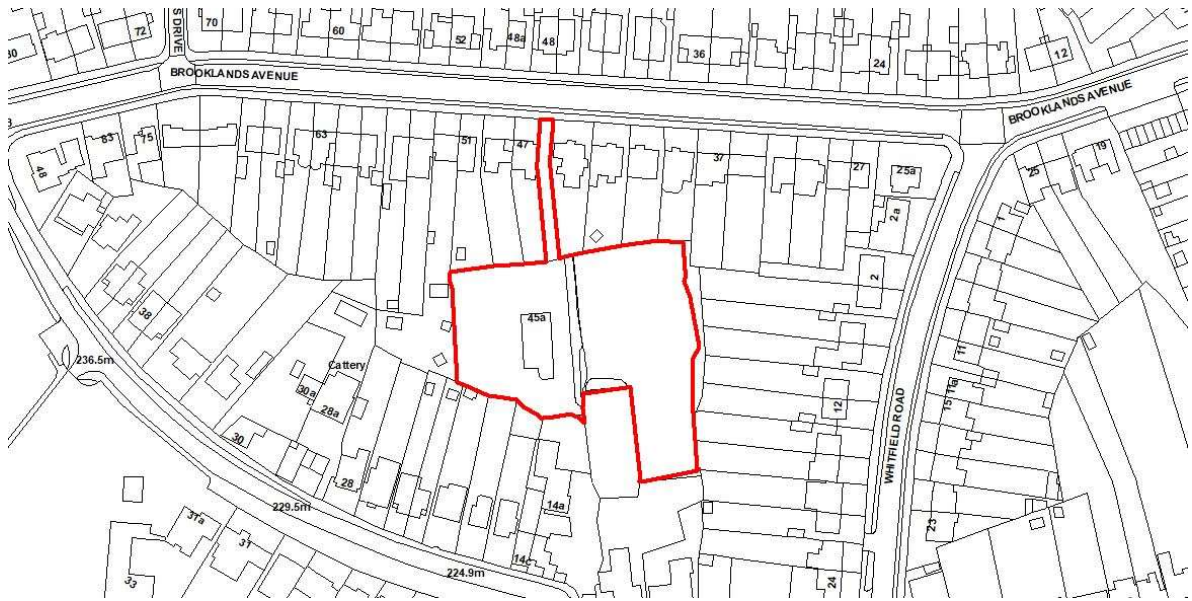
- Reference to permitted standard hours of working;
- 0730 to 1800 Monday to Friday
- 0800 to 1300 Saturday
- No working on Sundays or Public Holidays
- Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
- A communications strategy for principal sensitive parties close to the site.

- Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
 - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
 - Vibration.
 - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
 - A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
 - A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
-
- Details of site access & egress for construction traffic and deliveries.
 - A consideration of potential lighting impacts for any overnight security lighting.

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

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

Site Location



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Location and Proposal:

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

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

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

The dwellings would each have four bedrooms with either a study or playroom at second floor (which could readily be made into a bedroom). Residential accommodation would be spread over three floors with the uppermost floor being within the roof space.

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

Relevant Planning History:

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

Planning permission was refused for the erection of 5 detached dwellings and two detached double garages on the site. (Application Reference 22/01539/FUL)

The reasons for refusal were that the Local Planning Authority considered that the scheme would result in the overdevelopment of the site with the dwellings being overly large and not commensurate with the size of the plot. The overall development was regarded as having a cramped appearance and would appear car dominated. The development was not considered to be sympathetic to the surrounding built environment.

A second reason for refusal concluded that the development would be harmful to the living conditions of neighbouring properties resulting in an unacceptable degree of noise disturbance, light disturbance and loss of privacy due to the close proximity of development to neighbouring properties and the intensification of the

use of the narrow access into the site.

A third reason for refusal was that the development would not result in a net gain for bio-diversity.

The applicant was advised (by way of a directive) that a significantly reduced scheme for 2-3 dwellings on the site may be viewed more favourably. This application was subsequently appealed and dismissed.

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

The most recent application (23/00198/FUL) for the demolition of the dwellinghouse, erection of four detached dwellinghouses including garages and one detached garage, associated landscaping and access improvements was refused in July 2023.

The reasons being that the site would be overdeveloped and would be harmful to the living conditions of the occupiers of neighbouring properties resulting in an unacceptable degree of noise and disturbance, light disturbance and a loss of amenity and privacy to adjacent properties and gardens. This being due to the close proximity of the development to neighbouring properties and the intensification of use of the narrow access to the site.

This decision has been appealed by the applicant and is currently awaiting a decision from the Inspectorate.

This current application is very similar to the last application refused by the Council. The site layout remains the same with some additional on plot parking incorporated and some minor changes to the hard surfacing arrangement.

The houses themselves remain largely unchanged, however louvers are shown to the majority of rear facing openings on rear elevations at first and second floor.

The internal layouts of the houses have been amended which includes a reduction in bedrooms to 4no. with additional study / play rooms.

This application is also accompanied by a Noise Report in relation to traffic noise associated with the development.

Since the last application was determined the appeal decision has been issued in connection with the last refusal for the 5 houses on the site. The appeal decision includes analysis by the Planning Inspectorate that provides conclusion on certain aspects that are relevant to this application. This will be discussed in detail within the relevant sections of this report.

Representations

Following publicity on this application 47 letters of representation have been

received. 5 of these have been in support of the scheme and 42 have been in objection. Some residents have written in more than once. It is noted that none of the supporters share a boundary with the site. The comments raised through representation are summarised below;

In support;

- Support housing in this location.
- Support for creation of new family housing.
- Support for size of housing.
- House styles are in keeping with the mixture of house styles being built elsewhere in other parts of Sheffield.
- Benefit to community.
- Makes use of brownfield land.
- Employment creation, CIL revenue.
- Additional houses would support local shops.
- Highway objections are refuted.
- Previous concerns have been addressed.
- The houses would fit into the surrounding area.

In Objection;

Principle of Development

- Minimal change has been made since the previous submission.
- There is no need for additional housing in the area in light of other proposed developments nearby (NHS Fulwood).
- Objection to loss of bungalow as this type of accommodation is needed.

Design, character and visual amenity

- The development would detract from the character of the area.
- Out of character with adjacent farm and barn.
- The scheme would appear overly dominant.
- The scheme is an overdevelopment.
- The buildings are too close to one another and out of scale with the locality.
- The size of the gardens is not commensurate with the size of the dwellings.
- The design of the development is out of keeping with the locality.
- Height of the houses is excessive.
- The density is out of keeping with the locality.
- Previous advice from the LPA is that 2 or 3 dwellings of more modest size would be regarded as appropriate.
- The block plans shows trees that don't exist the level of screening would not be as shown.

Amenity

- Loss of light and outlook to neighbouring properties.
- Overlooking to neighbouring properties due to the land levels, heights of the buildings and extensive glazing.

- Light pollution.
- Physical and mental health impacts.
- Concern about length of construction, disamenity and highway safety implications during this time.
- The dwellings are close together and would appear as an overbearing mass reducing light to surrounding properties.
- The studies / playrooms could be used as an additional bedroom.
- Concern regarding proximity of access road to adjacent dwellings and noise implications resulting from increased intensity of use.
- Disamenity arising from noise due to increased occupancy of the site.
- The acoustic fence would not work above ground level.
- Concern that the existing fence in place is not an acoustic fence.
- Concern about validity of the noise survey. Concern that this is misleading.
- Insufficient site screening is proposed.
- Insufficient garden space for future occupants.
- Louvers would be ineffective.
- Concern is raised that the louvres could be removed in the future.
- Proposed tree planting would not result in privacy.
- Concern about proximity of communal bin store to neighbours.
- Disamenity from car lights and fumes.
- Concern is raised that the houses could be extended via permitted development rights which would worsen amenity implications.
- Objection on grounds of inadequate amenity space, parking and privacy for future occupiers.
- Request for PD rights to be removed.
- Latterly submitted context analysis images are misleading in their presentation. Query is raised about the height of the new development in comparison to the existing dwelling shown, concern about the limited extent of the development shown, concern that window dimensions may not be accurately shown, the tree implied to screen is not representative of the more scant leafed tree that is present. Concern is raised that the wide angled lens used does not give a true impression of the situation on site.
- The contextual analysis is limited to the relationship to a couple of properties.
- Concern that there is no plan showing the height of the development in relation to the existing houses on School Green Lane.
- A greater contextual analysis should be provided.
- Concern that the houses could be extended in the future.

Highways

- Increase in traffic and limited access via a long, narrow driveway, which varies in width and is not straight, having a pinch point would be a highway safety risk.
- The width of the access is not suitable for pedestrians and cars.
- The access does not have suitable visibility and is located on a hill, at a point in the road where there is speeding and accidents.

- Concern regarding insufficient parking and overspill onto Brooklands Avenue, adding congestion and compromising highway safety, particularly as cars may not park in the garages.
- Concern that there have been previous accidents in the immediate vicinity to the site.
- Congestion of vehicles waiting in the highway to access / exit site
- Concern regarding access for emergency vehicles.
- Concern regarding site access for construction and impacts on highway safety if parking occurs on street.
- The Highways Technical note is misleading, eg underestimated volume of traffic and frequency, contradictory conclusions about footpath usage, narrow survey scope, varying width of access between applications, surveys being undertaken during COVID which would not be an accurate current day representation, additional accidents in the immediate vicinity of the site are not documented.
- The width of the access seems to have increased since the last application from a pinch point of 3.15m to 3.7m, concern that this is inaccurate and should be verified.
- Concern is raised that if a gate were included then it would result in reversing onto the highway.
- Previous applications have highlighted Highway Officer's concerns.
- Concern that the installation of the acoustic fencing would narrow the access road.
- The scheme would be contrary to NPPF paragraphs 110 b and 112 and UDP policy T25.
- Lack of detail about how refuse management would take place.
- Concerns about bins being stored in the highway on collection days and about access and arrangements for refuse collection.

Ecology

- Removal of green space that supports wildlife, birds, bats, badgers and small mammals).
- Wildlife corridor is needed for air quality.
- Concern about light pollution and impact on wildlife.
- Badgers are active in the vicinity of the site. The Preliminary Ecological Survey is out of date. Concern is raised that that protected species could be on the site and that this has not been addressed in this latest application.
- Concerns are raised regarding the accuracy of the Biodiversity Impact Assessment.
- Biodiversity compensation would not benefit the immediate area where this is lost.
- Concern is raised that the boundaries to the perimeter of the wider site may not allow for wildlife to pass through e.g. badgers.
- Concern that the ecological assessments are out of date and don't reflect the current wildlife use of the site.

- Concern is raised that the site was run down ecologically prior to the surveys being undertaken.

Trees

- Concern over future pressure to remove TPO trees due to shading.
- Concern about impact to existing hedging and trees due to proximity of development to roots.
- Concern about impact on TPO Scots Pine.
- Comments are made regarding previous unauthorised removal of trees.
- Many of the mature trees shown on plan no longer exist.
- Concern about damage to hedge through alterations and installation of fencing to access road.
- Environmental impacts of tree and vegetation removal.
- Planting should be native and large trees.

Drainage

- Concern about increased surface water drainage issues and risk of future flooding to other properties.
- Query is raised as to sewage disposal.

Other

- The proposed boundary treatment is queried.
- Loss of value to properties.
- Concern about disruption to existing utility services.
- The site plans don't represent the shape of neighbouring property correctly. Neighbouring property is closer to the access road than shown.
- The applicant does not own all the land shown as the access drive.
- Concern about damage to third party property.
- The scheme would conflict with the Human Rights Act which states that a person has the right to peaceful enjoyment of all their possessions including home and other land and that they have the substantive right to respect for their private and family life.
- Impact on demand for local services.
- The boundary with the Whitfield Road properties on supporting statement p3 is incorrect. A strip of land shown in Brooklands plot is actually part of these gardens.
- Concern that supporters of the development are not from the immediate locality
- Comment about inaccuracies in the planning statement

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless

material considerations indicate otherwise.

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and last revised in December 2023 (the NPPF) is a material consideration (paras 2 and 224 of the NPPF).

Paragraph 225 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

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

- the application of policies in the NPPF that protect areas or assets of particular importance (including SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provides a clear reason for refusing the development proposed;
- Or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This is referred to as the "tilted balance" and this assessment will have due regard to this.

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

Under the revised NPPF Sheffield is required to demonstrate a 4 year supply of housing (instead of 5 years). The 4-year supply figure is 3.01 years.

Because the Council is currently unable to demonstrate a four-year supply of deliverable housing sites, the relevant policies for determining applications that include housing are considered to be out-of-date according to paragraph 11(d) of the Framework.

Set against this context, the development proposal is assessed against all relevant

policies in the development plan and the Framework below.

Assessment

Principle of Development

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

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

Housing Land Supply

Core Strategy Policy CS22 (Scale of the Requirement for New Housing) relates to the scale of the requirement for new housing and sets out Sheffield's housing targets until 2026; identifying that a 5-year supply of deliverable sites will be maintained. However, the NPPF now supersedes this, and the Council cannot demonstrate adequate Housing Land Supply at this point in time. Weight cannot therefore be afforded to the housing figures identified in Policy CS22.

Core Strategy Policy CS23 (Locations for New Housing) identifies that new housing will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure, within the main urban area of Sheffield. However, it is considered that weight can still be afforded to policy CS23 on the basis that it links to key themes in the NPPF including increasing the supply of new homes, regeneration and sustainable development, the efficient use of land, brownfield land development, sustainable development, and sustainable travel.

Paragraph 70 of the revised NPPF sets out that 'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'.

This development will make a positive contribution towards the Council's housing land supply of deliverable sites and this is afforded considerable weight as a material consideration in the determination of this application.

Previously Developed Land

Core Strategy policy CS24 gives priority for the development of new housing on previously developed land and states that no more than 12% of dwellings should be constructed on greenfield land in the period up to 2025/26. The policy does

allow for development on greenfield sites that includes at part b) on small sites within the existing urban areas, where it can be justified on sustainability grounds.

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

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

The NPPF defines previously developed land as being:

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

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

The Council is currently achieving a dwelling build rate on previously developed land that aligns with the policy requirement and therefore the development of this predominantly greenfield site would not conflict with Core Strategy CS24 or the NPPF.

Housing Density

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

The policy is considered consistent with paragraph 128 of the Framework which promotes the efficient use of land subject to the consideration of a variety of factors including housing need, availability of infrastructure/sustainable travel modes, desirability of maintaining the areas prevailing character and setting, promoting regeneration and the importance of securing well designed and attractive places.

The site is approximately 0.4 hectares and the four dwellings proposed results in a density of around 10 dwellings per hectare. This falls below the recommended density identified in policy CS26 (30 to 50 dwellings per hectare); however, to

increase the density of development on the site would be likely to be detrimental to the character of the area as well as raising highway safety and residential amenity concerns.

Design, Layout and Impact on the Street Scene

Chapter 12 of the Framework is concerned with achieving well-designed places and paragraph 131 identifies that good design is a key aspect of sustainable development.

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

Paragraph 139 of the Framework makes it clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

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

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

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

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

The scheme would involve the demolition of the existing bungalow. This is acceptable in principle.

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

Whilst the previous refusal cited overdevelopment as a reason for refusal this no

longer referred to the appearance of the site, as it was concluded that this aspect had been addressed since earlier submissions for 5 dwellings on the site.

The dwellings would be two storey with accommodation over 3 floors with the second floor accommodation being located within the roof space.

Whilst no materials have been specified within this submission, the visuals supplied indicate that the properties themselves would be finished in coursed natural stone with tiled roofs. The dwellings incorporate extensive fill height glazing as a feature of the design. Final materials can be controlled by condition.

Properties on Brooklands Avenue are largely two storey, detached and semi-detached dwellings finished in render and pebbledash with brick and tile detailing. On Whitfield Road to the east of the site properties are largely brick and rendered and on School Green Lane to the rear (south) of the site properties are a mixture of render, brick and natural stone with a far greater variety of house types. The predominant scale of built form is 2 storey.

The dwellings would be set well back from Brooklands Avenue, with some limited visibility via the access road. They will not be particularly prominent. The scale and design of the dwellings are compatible with the locality.

To the rear of the properties private amenity areas are proposed. These are of varying sizes. The dwelling on plot 4 would have a large garden; however, the dwellings on the remaining plots would each have a smaller rear gardens. Nevertheless the scale of the gardens exceeds the recommended minimum standard (of 50 sqm) and are at least 10 metres in length at the shortest distance to the rear boundary of the site. This accords with Guidance set out in Guideline 4 on Supplementary Planning Guidance on Designing House Extensions. Whilst the proposed development is not for a house extension, the guidance within this document sets out standards sought in residential areas to maintain amenity and good design and these principles are applicable to developments for new housing.

Amenity

Policies H14 (Conditions on Development in Housing Areas) and H15 (Design of New Housing Developments) expect new housing developments to provide good quality living accommodation to ensure that basic standards of daylight, privacy, security and outlook are met for existing and future residents

Paragraph 135(f) of the Framework identifies that development should create places with a high standard of amenity for existing and future users. Development should also be appropriate for its location taking account of the effects of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (paragraph 191).

The aims of the local and national policies closely align enabling the local policies to be afforded significant weight.

The reason for refusal on the previous scheme was on the grounds of harm to

living conditions resulting from an unacceptable degree of noise and disturbance, light disturbance and loss of amenity and privacy to adjacent properties and gardens . This was due to the close proximity of the development to neighbouring properties and the intensification of the use of the narrow access into the site. It was also concluded that this demonstrated the overdevelopment of the site.

The plans have been amended slightly as outlined earlier within the report.

Since the previous application for 4 houses was refused at committee an appeal decision has been issued dismissing the appeal in relation to an earlier refusal for 5 houses. Whilst the appeal was dismissed in the analysis the Inspector reached conclusion on some specific items which need to be given regard in the assessment of this application.

Overbearing and Overshadowing

Properties on Brooklands Avenue have long rear gardens. The proposed dwellings would be set back from this northern boundary with a further gap of at least 18m from the closest point of the dwellings to the boundary of the development. The applicant has provided solar study plans which do show that during the winter months some overshadowing would occur; however the overshadowing from the development would not be significantly greater than already exists from the mature trees on the site.

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

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

Properties on School Green Lane are set to the south of the site and so overshadowing in this direction would not occur. As with the properties on Brooklands Avenue and Whitfield Road these dwellings generally have long rear gardens; the exception being 14 School Green Lane which is a traditional stone property set back behind the conventional building line and is understood to have been subdivided in recent years. A new dwelling is under construction within the curtilage of 14 School Green Lane (application 22/03501/FUL refers) and this too is set closer to the site boundary, to the rear of plot 3.

The distance from the southern boundary to the dwellings on plots 1-3 varies from 9.8m – 19.4m. The dwellings on plots 1 and 3 would have the smallest gardens; however, they do in the large provide a distance of 10m (or more) from the rear of the dwellinghouse to the southern boundary.

Plots 1 and 2 would be constructed off lower land levels than existing, with land for plots 3 and 4 being built up.

The ridge height of plot 2 would be roughly 2 m higher than the ridge height of the existing bungalow.

Cross sections have been provided which show that the proposed dwellinghouse on plot 3 would be of a similar height to the dwellinghouse that is proposed to the rear of 14 School Green Lane, these properties would have the closest facing relationship.

The remaining proposed dwellings would be of such a distance from neighbouring property that overshadowing or overbearing issues would not be unacceptable.

It is considered that, the development would not have an unacceptable overbearing or overshadowing impact upon neighbouring properties.

Overlooking

The previous refusal was based on the perception of overlooking to properties on Brooklands Avenue, amongst other relationships. This included the degree of overlooking as well as a heightened perception of overlooking especially to 14 School Green Lane and the property currently under construction. The report stated whilst facing windows would be in the region of 21 m a sense of loss of privacy would occur in comparison to the existing situation.

Overlooking issues were also identified from people utilising the driveway.

The scheme is designed so main windows on the proposed development would predominantly face towards the rear of properties on Brooklands Avenue or towards the rear of dwellings on School Green Lane.

The separation distance between the development and properties and gardens on Brooklands Avenue exceeds minimum separation distances. The previous assessment raised concerns regarding perception of overlooking to these properties. The relationship is broadly similar to that assessed by the Inspectorate with regard to the scheme for 5 houses. In this assessment relating to these properties, the relationship was concluded to be not significantly detrimental to the privacy of occupiers of these neighbouring properties. In light of this appeal conclusion, this relationship is now regarded as acceptable.

The relationship of the development to the properties to the rear of the site is largely unchanged since the previous submission except that louvers have been added to the upper floor windows and the nature of some of the rooms have changed. Officers consider that there would be little to stop these rooms being changed to spaces that are used more intensely eg additional bedrooms.

The separation distances between facing windows of the closest properties to the rear exceed 21 metres, these being No 14 School Green Lane and the dwelling being constructed. The level changes between the proposed properties and those to the rear are not significant owing to plots 1 and 2 being set at lower land levels to the existing dwelling to ensure it is not excessively elevated in relation to No 14 School Green Lane. Plot 3 is also shown to be a similar level to the new dwelling constructed off School Green Lane. Separation distances between facing windows

of plots 1 and 4 are far greater.

The separation distances are acceptable, however the large expanse of glazing would mean that a perception of overlooking would occur to occupants of properties to the rear, which would have some impact on their amenity. This would be more pronounced compared to the existing situation.

Whilst this concern remains, the relationship of the proposed development to the neighbouring properties does accord with the Council's separation distances and whilst it is acknowledged that the situation would worsen compared to the existing, particularly with regards to the perception of overlooking, the resulting relationship would be comparable to countless other developments that exist and are approved across the city and it is in the case of living in a residential area that visibility into other people's gardens are common place. The key in this instance is that the separation distances are acceptable meaning that whilst still visible the separation distance is not so low that this would constitute an unacceptable impact on privacy.

The plans show that louvers would be fitted this would have an impact of somewhat obscuring the view out of the windows and into them, which would minimise the impact of activity and outlook at these levels. The agent confirms that these louvers will be fixed. The addition of these does improve the situation over the previous submission. In considering whether these should be conditioned to be retained for the lifetime of the development, then Officers are of the view that this would not meet the test of being necessary in this instance as the required separation distances are achieved. In this instance a condition is not proposed to be incorporated into any approval. This would mean that in the future these features could be removed by future occupiers.

Side facing windows on the upper floors could be conditioned to prevent overlooking from these aspects.

The appeal decision assessed the impact of overlooking from pedestrians using the access to the properties either side. The Inspector found that based on the current and proposed heights of the boundaries and the fact that side elevations of the existing dwellings face these (rather than main elevations) it would be unlikely that prolonged overlooking would occur in excess of what would occur being in a residential environment such as this.

The scheme would see high fencing to the access which would afford adequate privacy for neighbours.

The above assessment of privacy has reached a different conclusion to the previous application. The assessment within the appeal decision essentially concludes previous matters of concern relating to privacy from the access and perception of privacy to properties on Brooklands Avenue would not result in unacceptable disamenity. These conclusions have narrowed the scope of privacy concerns. In light of this and the assessment above officers conclude on balance the impact on adjoining residents privacy can no longer be substantiated as a reason for refusal.

A condition will be attached to prevent further additions to the properties using permitted development rights. This is required to ensure separation distances are maintained, to avoid additional intensification of outlook and to ensure that the site does not become overdeveloped.

Other Amenity Issues

Noise disturbance

The proposal would result in increased vehicle movements accessing the site between the properties of No 45 and 47 Brooklands Avenue. There is concern that the increased activity would generate adverse amenity implications for these properties, particularly as the access is narrow, there may be instances on vehicle conflict which could generate additional disturbance.

This application differs from the previous submissions in that it has been accompanied by a noise report.

This has been produced factoring in a 2.1 m high acoustic fence to both sides of the access route and returning along the rear boundaries of properties on Brooklands Avenue that are parallel to the internal communal manoeuvring space within the site. A change in the surfacing of the access route from gravel to tarmac is also proposed.

The fencing is in situ abutting No 47 Brooklands Avenue and the report assumes the same style of fencing will be replicated to the other side of the access and also to the rear boundaries of some of the existing properties on Brooklands Avenue as described above.

The report details that the barriers would not provide any significant attenuation to the first floor windows at night.

The report concludes that the surface change and fencing would provide additional acoustic benefit over the existing situation and that the noise reduction outweighs the impact of the increased vehicle movement and would be of benefit rather than detriment in terms of noise from traffic on the access.

Nighttime vehicle movements were considered to be likely to be very infrequent thus not having a significant adverse impact.

It is noted that representations have highlighted that the access surfacing has been recently changed to gravel and also comment is made on the low level of use the previous access had, however this was understood to be due to the circumstances of the previous occupier. Regard must be had to the fact that the existing bungalow could be refurbished and brought back into use with this gravel drive. The survey has been based on this assumption.

The noise report has been examined by the Councils Environmental Protection Officer who confirms that a tarmac drive would cause less noise and the fence would bring some benefits, however there would be more vehicle movements than

previously. It is acknowledged that this is difficult to quantify however the EPS Officer has not raised objection to the scheme.

A condition would be attached to any approval requiring the fencing to be installed as described and the surfacing detail approved.

Concern has been raised through representation about the increased noise generated by the intensity of development and the use of the gardens.

The appeal decision makes some reference to this and concluded that future residents using their gardens would be unlikely to cause unacceptable harm as the site is within a residential area there is expectation that some noise from having neighbours would arise.

Light Implications

The development would be likely to require some form of lighting to the access and the increased intensity of development on the site would require the introduction of additional domestic lighting. Lighting from headlights of the increased vehicle usage could also have amenity impacts.

Concerns relating to amenity have been raised through representations.

The impact from lighting was discussed in the appeal decision, albeit for a different scheme, The conclusions of the Inspector however are highly relevant.

In summary, the Inspector concluded that lighting for the access road could be low level so that it would not have a detrimental impact on existing occupiers adjacent to the access, due to the existing and proposed boundary treatments.

The dwellings would have significant amounts of glazing and there would be car headlights and general domestic lighting, however owing to the separation distances, site circumstances and intervening boundary treatments and vegetation it was concluded that the amount of light emanating from the development would not have an unacceptable impact on the living conditions of neighbouring occupiers.

Taking into account the Inspectors assessment, Officers conclude the same with regards to this current application.

Highways

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

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

Policy T25 seeks to regulate car parking in residential areas to ensure highway safety.

Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraphs 114 and 116 seek to ensure that sites are designed safely amongst other things.

Local and national policies broadly align.

A Transport Statement has been submitted and has been examined by the Highways Officer. It is noted that objectors have queried its validity and have commented that aspects such as the crash map data do not include recent accidents in the immediate vicinity of the site. Officers note these comments.

The existing access to the site from Brooklands Avenue is to be utilised. The access driveway is narrow and would be narrowed marginally further still via the installation of additional fencing to the east side of the access. The drive is barely sufficient to enable two vehicles to pass each other. This has potential to result in conflict in waiting for vehicles to pass and could also result in pedestrian conflict. This would be likely to be infrequent and could be resolved within the site and be a potential inconvenience for users of the access rather than a severe highway safety issue, owing to the low speeds of travel.

A condition will be attached to ensure that gates are not added to the access to maximise free flow.

The additional traffic generated by the proposed development would be unlikely to have a material impact in terms of safety or capacity on the surrounding highway network. The site is within a sustainable location, with a bus route on Brooklands Avenue and shops and services close by.

Based on the information submitted in the Transport Statement it is accepted that in the main the access accords with guidance provided in the South Yorkshire Residential Design Guide. The details of the drive width indicate that a fire appliance would be able to access the site.

In terms of parking provision, the current guidelines indicate that for properties of this size the provision should be "negotiated". Plots 1-3 are now shown to have two dedicated parking spaces to the front of each property alongside a parking space / spaces within a garage. This application has seen additional parking being incorporated to plots 2 and 3 to achieve this. The dwellinghouse on plot 4 would have similar levels of parking with a driveway parking space as well as two spaces in the detached double garage. This is considered to be adequate provision.

Adequate visibility splays can be provided for vehicles given the width of the

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

The submission details that the site would be serviced by a private waste management company which would access the site in a van. This removes the need for a large vehicle to enter the site and also removes the need for bins to be stored on the highway on collection days.

Concern has been raised through representation regarding impacts during construction in terms of highway safety and amenity. Officers have recommended that a condition is attached to require details of such matters to be agreed in advance of work commencing.

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

Trees

UDP Policy GE15 seeks for mature trees to be retained where possible and replacement planting provided for any which are lost. Paragraph 180 of the NPPF seeks to ensure that decisions contribute to and enhance the natural and local environment and recognises the value of trees and woodland.

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

The site is bounded by mature trees which have been protected by the imposition of a Tree Preservation Order. These are mainly located to the eastern boundary of the site with two further TPO trees being located in the north western area of the site.

It is noted that residents detail that there has been tree loss and site clearance on the site in recent years. It is understood that this has been investigated by the Enforcement Team.

The submitted plans indicate that all of the protected trees are to remain, with the removal of 4 category C trees and a group of category C trees. These are predominantly located on the southern boundary which would be within plot 3. Replacement planting for the trees to be lost is to be carried out. This is detailed on a landscape management plan which can be conditioned as part of any approval.

The submission includes the root protection zones of the trees and a tree protection plan. The proposed garage on plot 4 does encroach into root protection areas of some of the trees as does some of the hard landscaping to the east of plot 4. Overall though the scheme has been designed to minimise the impact on the trees. A condition can be attached to ensure that the trees are protected during

construction works and the construction method is appropriate in terms of ensuring their protection.

There is some concern the proximity of the development to the trees may result in calls for their removal in the future, however the most dense band of trees is to the eastern boundary of the site where they would not block a significant amount of sunlight, furthermore the trees to the south of the site provide benefit of screening between the site and adjacent existing properties and are likely to be retained for this purpose.

Subject to conditions the impact on trees is regarded as being acceptable.

Ecology

UDP Policy GE11 states that the natural environment will be protected and enhanced and that development should promote nature conservation and include measures to potentially reduce harmful effects of development on natural features of value.

NPPF paragraph 180 sets out principles to ensure that biodiversity and habitats are protected and seeks to minimise impacts and provide net gains.

The aims of the local and national policies broadly align and the local policy can be afforded significant weight.

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

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

The Councils Ecologist raised concern over the age of the surveys as they are essentially the resubmissions of previous data. The applicant's Ecologist has provided an update in that any walkover now would assess the bungalow as having low suitability for bats.

This generates the need for an additional emergence survey. In this instance the Councils Ecologist is satisfied that this can be secured by condition, given the presence and findings of the previous surveys. A statement will also be required to be submitted to confirm that the site is not occupied by other protected species.

The supporting submissions advised that any required vegetation clearance avoids the bird nesting season (March 1st – August 31st) unless a check has been made by a suitably qualified ecologist. All wild birds, their active nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). This aspect can also be secured via condition.

The PEA identifies ecological enhancement opportunities via;

- Enhanced planting
- A carefully designed lighting scheme
- 5 bat boxes and 5 bird boxes
- Hedgehog highways
- Wood pile habitats

These aspects can be secured by requiring the applicant to submit and implement a Landscape and Ecological Management Plan (LEMP). This can be conditioned.

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

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

The application was submitted prior to the new requirements for BNG however must still provide a net gain to demonstrate compliance with the NPPF (paragraph 180).

The submission details, in order to deliver biodiversity net, off-site compensatory habitats will be required. This will need to include the provision of at least 0.14 habitat units of Woodland and Forest and 1.13 Units of Urban Trees to ensure trading rules are satisfied. The compensation could also comprise the same broad habitat at medium distinctiveness or other higher distinctiveness habitat.

The applicant seeks to address this via condition. This could be in the form of them purchasing off site habitat units. This would be acceptable.

Paragraph 185 of the NPPF sets out that if significant harm to biodiversity resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

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

Drainage

Core Strategy Policy CS67 seeks to reduce the extent and impact of flooding.

Paragraph 173 of the NPPF states “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere amongst other things.

Local and national policies align. Significant weight can be given to the local policy.

The site is located in Flood Zone 1 and is not at significant risk of flooding. The development of the site would see an increase in surfacing as a result of the development. Surface water drainage conditions will be attached to any approval to ensure that increased run off is suitably catered for to ensure risk of flooding off site is not increased.

Community Infrastructure Levy

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

The site falls within CIL Charging Zone 5 and a CIL charge of £80 per square metre applies. There is an additional charge associated with the national All-in Tender Price Index for the calendar year in which the relevant planning permission is granted. All charges accord with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

Response to Representations

The issues raised through representation have been predominantly discussed in the above assessment. Issues not fully addressed are discussed below;

Comment is made on the accuracy of the plans and visuals and the extent of contextual analysis submitted – Officers visit the site as part of the assessment of the scheme and are familiar with the site as it exists to ensure appropriate and comprehensive assessment of the site.

Concern has been raised regarding boundary treatment – A condition is attached to control this.

Concern is raised regarding the impact from car fumes and the impact of site clearance on air quality – In terms of traffic generation this would be low level and compatible with the residential nature of the area. With regard to vegetation clearance, additional tree planting is proposed and a net gain is secured as a result of the development. Air Quality implications are acceptable.

Concern is raised about proximity of communal bin store to neighbours – The scheme proposes a communal bin storage area within the site. This is shown to be located close to the rear boundary of No 45 Brooklands Avenue. The distance of this to the dwelling of No 45 is considerable and the intensity of storage would not be excessive. The use and siting of domestic bins associated with the development

would not result in unacceptable disamenity.

Loss of value to properties – This is a private/ none planning issue

Concern about disruption to existing utility services – This is a private/ none planning issue

Concern about damage to third party property – This is a private/ none planning issue

Impact on demand for local services – The scheme is small scale and does not trigger any contributions beyond CIL.

Comment about inaccuracies in the planning statement – The planning statement has not been submitted as part of this application.

Concern has been raised that some of the site is outside the applicant's ownership – The agent has confirmed that this is not the case.

Planning Balance and Summary

This resubmitted application seeks consent to demolish the existing bungalow and redevelop the site with 4 houses.

A similar scheme has been refused in the past, however additional information included with this application and the intervening determination of an appeal on the same site has narrowed the scope of matters previously raised.

The above assessment concludes that the development would have an acceptable visual impact on the locality. Whilst the intensification of the site would have a noticeable impact to the amenity of existing surrounding residents, through the more intense use of the site and access, the presence of the houses and the intensity of glazing, these have been concluded to be acceptable in terms of amenity impact when assessed against the relevant policy. These impacts would not be out of the ordinary to experience in a suburban residential area.

The intensification of the access is undesirable, however would not have a severe impact on highway safety satisfying the requirements of paragraph 115 of the NPPF.

The most important trees on site would be retained and a scheme of additional planting and ecological management will be secured.

In particular regard to the previous reason for refusal, the above assessment concludes that the scheme would not have an unacceptable impact on neighbours living conditions with regards to noise and disturbance, light disturbance and unacceptable loss of amenity to and privacy to adjacent properties and gardens. In light of this assessment then the scheme is not regarded as being an overdevelopment.

In the absence of a 4-year supply of housing land the tilted balance is engaged in accordance with Paragraph 11 of the NPPF and the positive and negative aspects of the scheme must be carefully weighed.

Based on the content of this report, it is considered that there would be some benefits that will arise from this application including:

- The provision of 3 additional residential units at a time where there is insufficient housing land supply, this attracts significant weight.
- The development adds to the housing mix in the area, moderate weight is afforded to this
- Additional households would add to the local economy, however given the scale of the development this would be modest
- Economic benefits via employment during the construction phase. These are temporary and attract limited weight
- The small amount of revenue via the new homes bonus and council tax are regarded as small scale and attract limited weight in the planning balance

Turning to the disbenefits

- The intensification of the access is not ideal
- The extent of glazing incorporated into the dwellings would cause some perceived amenity implications to surrounding neighbours, though the scheme does comply with policy.
- It is regrettable that the biodiversity net gain cannot be secured on site, however again this is not in conflict with policy.

In applying the tilted balance, whilst there are elements of the scheme that are undesirable, when assessed these do not surmount to a conflict with policy. In the past officers have encouraged a lower density scheme and it remains the case that this would sit more comfortably, however the scheme presented must be assessed on its own merits. On balance, officers are of the view that the planning balance falls in favour of the development and approval is recommended subject to the attached conditions.

Recommendation: Grant Conditionally.

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SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: The Head of Planning

Date: 30 April 2024

Subject: RECORD OF PLANNING APPEALS
SUBMISSIONS & DECISIONS

Author of Report: Abby Hartley

Summary:

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

Reasons for Recommendations

Recommendations:

To Note

Background Papers:

Category of Report: OPEN

1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND
DECISIONS

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

2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the alterations and extensions to roof including raising of ridge height and erection of a rear dormer, and erection of a one/two storey rear extension at 51 Burrowlee Road, Sheffield, S6 2AT (Case No: 23/03824/FUL).

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the siting of a toilet (including disabled toilet) and refreshment block at land opposite Holme Head Wheel Dam, Rivelin Valley Road, Sheffield, S6 5SF (Case No: 23/03457/FUL).

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Listed Building Consent for the removal of an internal fireplace, opening up of external gable wall to form new external doorway, and replacement of gravel terrace with paved terrace at Hall Farm Cottage, 156 Hollow Lane, Sheffield, S20 5DN (Case No: 23/03219/LBC).

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the provision of pitched roof over existing first floor bay window at 28 Bignor Road, Sheffield, S6 1JD (Case No: 23/03150/FUL).

(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of first and second floor side extension to dwellinghouse at 11 Carfield Avenue, Sheffield, S8 9HY (Case No: 23/03011/FUL).

(vi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse advertisement consent for the removal of 2x 48 sheet illuminated hoardings and replaced with a double-sided digital style board at advertising right adjacent Park House, Bernard Road, Sheffield, S2 5BQ (Case No: 23/03004/ADV).

(vii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse advertisement consent for the installation of 2x 48 sheet freestanding LED illuminated advertising display units in 'double-sided' format at Holiday Inn Express, Blonk Street, Sheffield, S1 2AB (Case No: 23/02969/HOARD).
(viii) An appeal and an application for costs have been submitted to the Secretary of State against the non-determination of an application for planning permission for the erection of a dwellinghouse with associated parking and landscaping works at land between 9 Brotherton Street & 204 Rock Street, Sheffield, S3 9DW (Case No: 23/02884/FUL).
(ix) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of roof to external rear stairwell and alteration to fenestration of flat at Unit 8, 3 Kenwood Road, Sheffield, S7 1NP (Case No: 23/02822/FUL).
(x) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse an application for the removal of a tree protected under TPO No. 808/465 at 9 Clumber Road, Sheffield, S10 3LE (Case No: 23/02061/TPO).
(xi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the demolition of detached garage, erection of two-storey side extension with front and rear dormers, and single-storey rear extension to dwelling at 18 The Lawns, Sheffield, S11 9FL (Case No: 23/01047/FUL).
(xii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for hard and soft landscaping works to extend rear terrace, including the erection of 2no fixed timber frame pergolas and festoon lighting on timber posts at The Wadsley Jack, 65 Rural Lane, Sheffield, S6 4BJ (Case No: 23/00649/FUL).
(xiii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse an application for the removal of a tree protected under TPO No. 808/446 at Wisteria House, 15 Brincliffe Gardens, Sheffield, S11 9BG (Case No: 23/00389/TPO).
(xiv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the demolition of existing buildings and erection of a new dwellinghouse with garage, landscaping and associated works at Plumbley Cottage, Plumbley Lane, Sheffield, S20 5BJ (Case No: 23/00124/FUL).
(xv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse Listed Building Consent for the alterations to former church including provision of mezzanine floor and ramp to front to form 8 apartments with parking provision and a new vehicular

access though the south western boundary wall at Woodhouse Trinity Methodist Church, Chapel Street, Woodhouse, Sheffield, S13 7JL (Case No: 22/04491/LBC).

(xvi) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse a prior notification application for the installation of telecommunications base station comprising a 17.5m high slimline column, associated GPS module fixed to the top, 2no. equipment cabinets, 1no. meter cabinet and ancillary works (Application to determine if prior approval required for siting and appearance) at land at junction with Worcester Road and Rochester Road, Sheffield, S10 4JQ (Case No: 22/04192/TEL).

3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the City Council to refuse planning permission for the alterations and extension to roof including raising of ridge height, hip to gable extension, and erection of rear dormer extension to dwellinghouse at 4 Roxton Road, Sheffield, S8 0BD (Case No: 23/02747/FUL) has been dismissed.

Officer Comment:-

The Inspector agreed with officers that the raising of the ridge, forming of gables in place of the existing hipped roof, and the visibility of a large box rear dormer, visible from adjacent roads, were harmful to visual amenity.

(ii) To report that an appeal against the delegated decision of the City Council to refuse advertisement consent for the removal of 1x 48 sheet advert and upgrade of 1x existing 48 sheet advert to support digital poster at land at 113 Gower Street, Sheffield, S4 7JW (Case No: 23/02632/ADV) has been dismissed.

Officer Comment:-

The main issue was the effect of the proposal on public safety.

The Inspector noted that the Council's Highway Officer was concerned that the proposed site for the advertisement is not within the general field of vision of a motorist and would require a motorist to take their eyes completely off the road ahead to assimilate the information on the digital display. There is a junction to the left with Sorby Street and a motorist should be able to focus on this junction without undue distraction from a prominent digital display with changing images. The Inspector agreed with that assertion.

During the Inspector's site visit she noted a number of parked vehicles, vehicular accesses, and the junctions with Carlisle Street and Sorby Street. The road was busy and used by a number of cyclists and pedestrians. She considered that viewing the advertisement display, even momentarily would

be a particularly dangerous distraction, diverting attention from driving, and could cause a driver to be unaware of parked vehicles, pedestrians crossing, cyclists, or vehicles emerging from nearby junctions/accesses, thereby creating conditions prejudicial to highway safety. The Inspector found that those factors cumulatively present hazards that require a motorist to take more care and demand full focus.

Overall, the Inspector found that the proposed advertisement would unacceptably affect public safety by causing distraction to motorists in an area where the cumulative number of nearby accesses, junctions, parked vehicles, pedestrians and cyclists require more care and attention to be taken. For that reason the appeal was dismissed.

(iii) To report that an appeal against the delegated decision of the City Council to refuse planning permission for the demolition of existing garage and erection of 2x dwellinghouses with associated landscaping works at 90 Broomspring Lane, Sheffield, S10 2FB (Case No: 23/02242/FUL) has been dismissed.

Officer Comment:-

The key issues were the effect of the development on the character and appearance of the Hanover Conservation Area (HCA), and whether living conditions would be acceptable.

The Inspector noted the character and appearance of the HCA contained terraced properties, stepping down with the topography, of consistent design with consistently proportioned windows and doors with regular spacing between the lintel and eaves. The Inspector considers this to form part of the significance of the HCA.

The Inspector agreed with officers that the whilst the step in ridge height of the proposals reflected this character, the position, rhythm and design of the windows would not follow the established pattern, particularly in respect of a significant gap between lintel and eaves, stone banding and blind windows.

This harm to the character of the HCA was considered 'less than substantial' in the terms of NPPF and as required by paragraph 208 balanced this against public benefits of the provision of 2 additional dwellings in a sustainable location at a time of short supply, and their associated economic activity but did not feel these were sufficient to outweigh the harm to the CA.

The Inspector also agreed with officers that the living conditions in the dwellings would be unsatisfactory in respect of privacy, outlook and external amenity space.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of 1no. internally illuminated LED display at Four Board Advertising Right at car sales site, Archer Road, Sheffield, S8 0LA (Case No: 23/02199/HOARD) has been dismissed.

Officer Comment:-

The appeal site is an existing hand car wash site situated on a main road within the urban area. The main issue was the effect of an additional internally illuminated LED sign on the north east part of the site on the character and appearance of the area.

Whilst giving consideration to the commercial character and appearance of the locality and the existence of various types of signage, the Inspector concluded that the proposed sign would be erected on part of the site which is currently devoid of this type of advertising and where the backdrop of trees and other vegetation provide some visual relief to the urban character of the street scene. As a result, the Inspector considered that the proposed display, by virtue of its position, size and means of display, would be a visually intrusive feature that would be harmful to the appearance of the area.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the replacement of existing hoarding with a digital hoarding at 418 Pitsmoor Road, Sheffield, S3 9AY (Case No: 23/02074/HOARD) has been dismissed.

Officer Comment:-

The main issue was the effect of the proposal on the amenity of the area.

The appeal site related to the gable end of 418 Pitsmoor Road, a two storey terraced property which is in use as a hot food takeaway at ground floor level. The property forms part of a short parade of shops and is within a Local Shopping Centre.

The Inspector considered that the proposed scale of the sign would not be sympathetic in the context of surrounding two storey properties. In addition, they were of the view that the position and size of the sign, and the digital display with images changing at frequent intervals, would result in a discordant and intrusive feature in this location.

The benefits of the proposal were afforded consideration. However, the Inspector was not persuaded that this is the only location in which the advertisement could take place and afforded limit weight to those arguments accordingly.

Overall, the appointed Inspector concluded that the proposed advertisement would have a significantly harmful effect on the visual amenity of the area, including the Area of Special Character and dismissed the appeal.

(vi) To report that an appeal against the delegated decision of the City Council to refuse planning permission for an application to allow temporary extension to operational hours on Friday and Saturday nights (0900hrs - 0200hrs (the following morning)) (Application under Section 73 to vary condition 7 (Opening

Hours) imposed by planning permission ref. 23/01337/CHU - Previous permission under Section 73 to vary condition 7, preceded by section 73 permission ref. 23/00668/CHU, original permission ref. 20/02805/CHU - Use of retail unit (Use Class A1) and residential flat (Use Class C3) as a drinking establishment with small food offering (Use Class A4), including internal refurbishment) at 293-295 Ecclesall Road, Sheffield, S11 8NX (Case No: 23/02030/CHU) has been dismissed.

Officer Comment:-

The appeal related to a drinking establishment situated within the Ecclesall Road District Centre. The main issue was the effect of the proposed variation of the condition (to increase closing time from 00:30 until 02:00 (the following day) on Fridays, Saturdays and any Sunday immediately preceding a Bank Holiday Monday) on the living conditions of nearby residents, with particular reference to noise and disturbance.

The Inspector accepted there is already likely to be a degree of noise and general disturbance at night but concluded that extending the opening hours would result in more people visiting the premises and more activity taking place around the premises, and that this would be likely to result in significant harm to the living conditions of nearby residents due to additional noise and disturbance in the early hours of the morning.

(vii) To report that an appeal against the delegated decision of the City Council to refuse planning permission for the installation of 48 sheet 6.396m x 3.348m non-illuminated poster panel at The Co-operative Food, 282-292 Gleadless Road, Sheffield, S2 3AJ (Case No: 23/00780/HOARD) has been dismissed.

Officer Comment:-

The appeal site is a shop situated at the junction of Richards Road, Carrfield Road and Gleadless Road. There is an existing 48-sheet advertisement at ground-floor level on the western side of the building, with the proposal seeking another 48-sheet advertisement on the eastern gable at the first-floor level. The main issue was the effect of the proposed advertisement on visual amenity.

The Inspector noted that Gleadless Road is commercial in nature but concluded that the scheme would introduce a large, permanent feature that would draw the eye and appear conspicuous in the context of the surrounding area where displays are generally more discreet. It would also be significantly higher than the existing advertising and its size would dominate the gable end of the building. As a result, the proposed advertisement would cause harm to the visual amenity of the area.

(viii) To report that an appeal against the delegated decision of the City Council to refuse planning permission for the erection of single-storey front and rear extensions, with balcony to the rear, erection of dormer windows to

front and rooflights to front and rear of dwellinghouse at 155 Long Line, Sheffield, S11 7TX (Case No: 23/00375/FUL) has been dismissed.

Officer Comment:-

The Inspector agreed with officers that the extensions to the dwelling, taken with previous extensions, represented a disproportionate addition to the original dwelling, and that the additional facilities offered were not essential for a functional dwelling. As such it represented inappropriate development, by definition.

Despite the small scale of the extensions and that they are an addition to an existing dwelling, the Inspector agreed with officers there was a harmful impact on openness of the Green Belt.

In the absence of very special circumstances the appeal was dismissed.

(ix) To report that an appeal against the delegated decisions of the Council to refuse planning permission and listed building consent for the internal alterations and single-storey rear extension to dwellinghouse at The Old Rectory, Norton Church Road, Sheffield, S8 8GZ (Case No's: 22/04364/FUL and 22/04365/LBC) have been dismissed.

Officer Comment:-

The appeal property is part of a grade II listed building at the Old Rectory, which dates from the early 18th century, with mid-18th and late 19th century additions and alterations. It was divided to create three dwellings in 2001. The appeal property includes the building's northern projecting two storey wing. The main issues were whether the proposed alterations and extension would preserve the listed building's features of special architectural or historic interest and whether it would preserve or enhance the character or appearance of the Norton Conservation Area.

The Inspector noted that, despite alterations, the building retains its historic character and attractive appearance as an important former rectory building. It also has a strong street presence at the junction of Norton Lane and Norton Church Road and is identified as making a key contribution to the conservation area's special interest.

The Inspector found that the proposed single storey extension, which would replace an existing lean-to extension, has a simple geometric form rather than a pastiche appearance, and is not particularly large in relation to the size of the building overall. However, it would introduce a much bulkier single storey addition with a considerable flat roof section and would obscure much of the existing historic fabric of the rear wall and a window opening, resulting in the importance and legibility of a traditional architectural feature and opening on the historic rear wall of the listed building being lost. In addition, a good deal of the historic fabric of the rear wall of the appeal property at ground floor level would be removed in order for the proposed extension to be opened up to the

main part of the property, affecting the building's plan form. The Inspector concluded that overall, therefore, the proposal would impair the building's historic legibility and significance and fail to preserve its special interest.

With regards to the conservation area, whilst the proposal would not be highly visible from public vantage points, it would be appreciated to a limited extent from nearby properties and so would cause some minimal harm to the significance of the conservation area and would fail to preserve its character and appearance.

Overall, the Inspector concluded that the proposal would fail to preserve the special interest of the listed building or the character or appearance of the conservation area, and that the public benefits of the proposal would be limited, and insufficient to outweigh the harm to the designated heritage assets identified.

(x) To report than an appeal against the delegated decisions of the City Council to refuse planning permission for the change of use to a private function hall (Use Class Sui Generis) and erection of a single-storey side extension and internal alterations to existing building including raising the floor level and reconfiguration of toilet areas (Retrospective Application) (Appeal A), and Listed Building Consent for the erection of a single-storey side extension and internal alterations to existing building including raising the floor level and reconfiguration of toilet areas (Retrospective Application) (Appeal B) at The Office, 117 Uppertorpe Road, Sheffield, S6 3EA (Case No's: 22/04105/FUL (A) & 22/04106/LBC (B)) have been dismissed.

Officer Comment:-

The main issue was whether the proposal would preserve the Grade II listed building (listed as Eversley House, 117 Uppertorpe Road) or any features of special architectural or historic interest that it possesses (both Appeals).

117 Uppertorpe Road (No.117) was listed in 1973 (Ref 1247457) and the list description mentions that the two storey house dates from the 1840s with late 20th century alterations and additions and has been more recently been used as a club. It is brick with stone dressings and has a hipped slate roof. It describes the architectural detailing of the front, and side elevation fronting Oxford Street, including the sash windows and blank windows, first floor band, and details of the Ionic portico, panelled door and lattice overlight. It states that the interior was not inspected.

The significance of the listed building, in so much as it relates to the appeal before the Inspector, is largely derived from its age, form, historic fabric and its architectural detailing. These attributes mark it as an important survival of a period townhouse. The status and significance of this building is clearly apparent when viewed from the front and the Oxford Street elevation, and this is reinforced by its context within a grouping of historic properties. These are the surroundings in which the listed building is experienced and appreciated, and they directly contribute to its special interest and significance.

The Inspector took the view that the recent addition to the flat-roofed extension, which is the subject of the appeals, has added considerably to its overall size and bulk making it a much more dominant addition to the listed building.

The Inspector also felt that the brickwork to the new part of the extension is a poor match in terms of colour and texture to the adjoining brickwork, which is a much darker red, and the vertical joint indicated to me that no attempt has been made to key it in. Poor quality cement patch repairs have also been made around openings. Furthermore, the upvc windows with their thick frames, top-opening lights and some with projecting sills do not respect the traditional joinery details and finish of the windows on the listed building. Furthermore, the metal security grilles covering some of these windows, the two entrance doors externally covered by solid roller-shutters with external shutter boxes jutting out from the building, upvc fascia band and air conditioning units all add to the prominence of the extension and its incongruity on a listed building when viewed from the surrounding area. The combination of all these features makes the addition read as more of a building associated with a screened rear yard or more typically associated with a modern industrial or commercial building rather than a prominently sited structure on a 19th century, period former dwelling of high status.

The Inspector also observed that a significant number of changes have been made to the interior of the ground floor over the years. Whilst many of these works have been within the more recent flat roofed part of the building at the rear, some also appear to have affected the layout and internal details of the historic building.

Considering all of the above, the Inspector found that the development/works fail to preserve the special interest and significance of the listed building. Therefore, the expectations of the Act are not met.

Notwithstanding the Inspector set out that Paragraph 205 of the Framework advises that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets and any such harm should have a clear and convincing justification. The Inspector find the harm in the context of the significance of the heritage asset as a whole, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection. Where a development/works lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.

The development/works are clearly beneficial to the appellant's business, providing an internal arrangement that suits its running. However, this is

essentially a private benefit. There would be economic benefits, it would bring the listed building back into active use and secure its future repair and maintenance. The building would also remain in community use. These are all modest public benefits. However, it has not been demonstrated that these benefits could not be achieved in a different way which would not cause harm to the listed building.

Given the above, the Inspector concluded that the public benefits identified are of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage asset. As such, the development/works do not comply with paragraph 205 of the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the listed building.

As such the Inspector considered that the development/works fail to preserve the Grade II listed building and any of the features of special architectural or historic interest that it possesses. They therefore fail to satisfy the requirements of the Act and the Framework and would conflict with Policies H14, BE5, BE15 and BE19 of the Sheffield Unitary Development Plan (1998) which seek to underpin the statutory and policy objectives. Both appeals were dismissed accordingly.

(xi) To report that an appeal against the delegated decision of the Council to refuse planning permission for the extension of roof over north side to form additional habitable rooms, alterations to the exterior and provision of a link road from existing driveway to south side at Manor Cottages, Common Lane, Sheffield, S11 7TG (Case No: 22/02716/FUL) has been dismissed.

Officer Comment:-

The appeal site relates to 1 and 2 Manor Cottages, a pair of two storey dwellings located in a row of three to the north of Common Lane. The main issues were the effect of the proposed extension and alterations to the roof of the appeal property on the character and appearance of the host properties, including the significance of non-designated heritage assets; and the effect on the living conditions of the neighbouring occupiers of Ivy Cottage, with particular regard to privacy.

The Inspector found that, despite some previous unsympathetic alterations, the cottages retain elements of interesting design and detailing indicating that they date from the nineteenth century. The Inspector also found that the cottages make a positive contribution to the area by virtue of their simple vernacular style and as part of a tightly knit group of properties, such that they should be treated as non-designated heritage assets.

The Inspector considered that the extension to the roof would significantly change the roof profile of the cottages and dominate the rear roof slope, introducing a flat roof to the apex which would be uncharacteristic of the roof profile of the cottages and neighbouring buildings which have traditional pitched roofs.

The Inspector felt that the harm would be exacerbated by the proposed dormer which would add to the scale of the roof extension and, due to the lack of a window, would fail to reflect the simple fenestration of the cottages and further diminish their character.

The alterations to the roof would not be prominent when viewed from public vantage points but would nevertheless be visible from within the appeal site and from neighbouring properties, where it would appear as an incongruous and unsympathetic form of development. The Inspector therefore concluded that the proposal would harm the character and appearance of the host properties and the significance of the non-designated heritage assets.

However, given that the overall height of the cottages would not be significantly increased, the Inspector concluded that the extension would not be harmful to the living conditions of the neighbouring occupiers of Ivy Cottage, with particular regard to privacy.

(xii) To report that an appeal against the delegated decisions of the City Council to refuse planning permission for the demolition of detached garage, erection of dwellinghouse with associated parking at curtilage of 21 Brincliffe Crescent, Sheffield, S11 9AW (Case No: 22/02535/FUL) has been dismissed.

Officer Comment:-

Note – This application was a revised application following a previous approval.

The key issue was the effect of the development on the character and appearance of the Nether Edge Conservation Area (NECA).

The Inspector noted the character of the area contained a range of dwelling types of differing scale and form, well-proportioned with consistent and balanced fenestration, mostly set back from the road with boundary walls and hedging contributing significantly.

They considered the contemporary approach, with Scandinavian simplicity held little reference to local architectural detailing or distinctiveness, that the fenestration pattern was not well balanced, the entrance was not clearly defined and overall the design was inconsistent with the character of the NECA. They also felt the white brick and timber cladding would appear incongruous and would not preserve the material characteristics of the NECA.

The harm was considered 'less than substantial' in the terms of NPPF and as required by paragraph 208 balanced this against public benefits. They felt the scale of benefit resulting from one additional dwelling in an accessible location, the economic activity from the construction and support for local services by occupants, and the Passivhaus credentials of the development were limited and did not outweigh the great weight afforded to the harm to the heritage asset by the NPPF. The tilted balance does not therefore apply in

this case.

The Inspector acknowledged the previous approval on the site but noted clear differences in the two schemes.

4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission for the alterations to roof to form additional habitable space including raising of ridge height and addition of 4no rooflights at 4 Oldfield Close, Sheffield, S6 6EN (Case No: 23/02510/FUL) has been allowed.

Officer Comment:-

The main issues were the likely effect of the proposed roof extension on the character and appearance of the dwelling and its immediate surroundings.

The appeal concerns No. 4 Oldfield Close, a low detached 3 bedroomed part single part 2 storey 3 bedroom dwelling near the end of a short cul-de-sac road in the settlement of Stannington. It is in a small tight group of similar low single storey dwellings with shallow pitched roofs.

In the Inspectors view, the proposed extension works at No. 4 Oldfield Close are acceptable. As the land falls to the east, the existing main roof ridge of No. 4 is lower than that of the adjoining house to the west at No. 2 Oldfield Close. The raised ridge at No. 4 would become higher than that of No. 2, but by less than its 2.15m extra height. Although Nos. 4 and 2 are built close to each other, he considered that there would not be any undue resulting dominance, loss of sunlight or overlooking caused by the appeal project. The heightened section of No. 4 would be furthest from the neighbouring house to the east, No. 6, again not causing its occupiers any loss or reduction of amenity.

The other matter of concern was that there would be a loss of off-street parking space due to the conversion of the incorporated single garage into the extended residential accommodation at No. 4. The Inspector noted that the single integral garage parking space was lost to an internal dividing wall alteration some time ago. The appeal extension would add another bedroom to the domestic accommodation within the house. But the existing parking and accessway arrangements within the curtilage would not be adversely affected by this modest increase in the size of the house at No. 4.

Overall, the Inspector determined that the proposals were acceptable and the appeal was allowed.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of freestanding 48 sheet LED advertising display unit at land adjacent Royal Standard Public House, St

Mary's Road, Sheffield, S2 4AN (Case No: 23/01918/HOARD) has been allowed.

Officer Comment:-

The appeal site is within the car park of a bar and restaurant on a busy route through the city centre. The area is commercial and industrial with some student accommodation nearby. The main issue was the effect of the proposed advertisement on the visual amenity of the area.

The Inspector noted that the streetscape is varied and includes large, modern, functional commercial, industrial and residential buildings. The busy character of the road and the high frequency of transport using it, together with the fascia signs and advertisements, all contribute to a distinct vibrancy, within which the proposed advertisement would not look out of place.

The Inspector also noted that the site lies outside the Cultural Industries Quarter Conservation Area, but that the appeal scheme would be visible from within it and would also be visible from the grade II listed Truro Works Building. The Inspector concluded, however, that the immediate area is close to a busy modern road junction and the installation would be in amongst modern buildings. In addition, its height, overall scale and degree of separation from each asset would not be sufficiently significant to have an adverse effect on settings. The advertisement would not therefore cause harm to the amenity of the area.

(iii) To report that an appeal against the delegated decisions of the City Council to refuse planning permission for the Removal of existing advertisements and installation of an internally illuminated digital display hoarding at JCDecaux, Advertising Right Next To 30, London Road, Sheffield, S2 4LR (Case No: 22/04496/HOARD) has been allowed.

Officer Comment:-

The Inspector disagreed with officers that the illumination levels from the proposed hoarding would be harmful to amenity (of adjacent residential property).

(iv) To report that an appeal against the delegated decision of the Council to refuse a prior notification application for the installation of telecommunications base station comprising of 17.5m high slimline column, associated GPS module fixed to the top, 2no. equipment cabinets, 1no. meter cabinet and ancillary works (Application to determine if prior approval required for siting and appearance) at grass verge at Abbey Lane, Sheffield, S8 0EQ (Case No: 22/04049/TEL) has been allowed.

Officer Comment:-

The main issue was the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and, if any harm

would occur, whether this is outweighed by the need for the installation to be sited as proposed, considering any suitable alternatives.

The Inspector noted that the proposed installation would be substantially taller and bulkier than existing tall structures in the vicinity of the site, namely streetlighting and the single and two storey housing that characterises the area. However, they felt that Abbey Lane is a wide road that has a sense of spaciousness which provides some capacity to accommodate a taller structure without it appearing overly constrained or confined by the built form.

It was also noted that the proposal would be seen with a backdrop of mature trees on Abbey Lane and at the entrance to Folds Crescent which would serve to soften the impact of the structure, even when the trees are not in leaf. From the east, the line of existing mature trees in the central reservation would also, it was noted, provide partial screening of the proposed installation, until viewed at close quarters.

The Inspector felt that, as a result of its contrasting size and prominence in some views, the installation would result in some detriment to visual amenity and, as such, the siting and appearance of the proposed installation would harm the character and appearance of the area. However, the Inspector concluded that in this case, the harm would be outweighed by the need to site the installation as proposed in order to deliver the upgrade and increased coverage identified, given the lack of suitable alternatives within the target area.

(v) To report that an appeal against the delegated decision of the Council to refuse planning permission for the use of land for a horse riding arena including landscaping, parking and associated works at land to rear of Keren The Beeches and 11 Oriel Road, Brookhouse Hill, Sheffield, S10 3TF (Case No: 22/03993/FUL) has been allowed.

Officer Comment:-

The main issue was whether the proposal would preserve or enhance the character or appearance of the Fulwood Conservation Area.

In views from the footpaths to the south which run through the valley bottom, the Inspector identified that the proposal would only be visible from certain limited vantage points due to the screening effect of the topography and built form.

In views from the footpaths to the south which run through the valley bottom, the proposal would only be visible from certain limited vantage points due to the screening effect of the topography and built form. From those locations, views of the proposal would be heavily filtered by the trees and vegetation of the linear woodland along Porter Brook. This woodland would continue to provide screening during the months when the trees are not in leaf, as I observed during the Inspectors site visit. In such views, the proposal would be seen against the backdrop of the sloping land, and in the context of the

nearby dwellings, the existing stables associated with the site and those of the neighbouring property on Oriel Road, and the domestic paraphernalia of residential gardens.

From those locations, the Inspector observed that views of the proposal would be heavily filtered by the trees and vegetation of the linear woodland along Porter Brook. This woodland would continue to provide screening during the months when the trees are not in leaf, as the Inspector observed during their site visit. In such views, the proposal would be seen against the backdrop of the sloping land, and in the context of the nearby dwellings, the existing stables associated with the site and those of the neighbouring property on Oriel Road, and the domestic paraphernalia of residential gardens.

For those reasons, the Inspector formed the view that the arena would not be a prominent feature in views to the south. They considered that the proposal would not interrupt views of the Porter Brook and its wooded valley or the pastureland beyond, nor would it diminish the open pastoral character of the landscape or the semi-rural setting provided by the grassland between the village and the valley bottom. This would be the case when considered individually, but also cumulatively with the existing stable block, which in the Inspectors view sits relatively unobtrusively in views to the south.

Consequently, the Inspector concluded that the proposal would not harm, and would therefore preserve, the character and appearance of the Conservation Area and allowed the appeal.

(vi) To report that an appeal against the committee decision of the Council to refuse planning permission for the demolition of outbuildings and use of former bakery/café (Use Class E) as a dwellinghouse (Use Class C3) with associated alterations to fenestration and landscaping at Mobri Bakery, St Mary's Lane, Sheffield, S35 9YE (Case No: 22/02585/FUL) has been allowed.

Officer Comment:-

The main issue was the effect of the proposed development on the special interest of the Grade II listed building, Former cruck barn attached to the south of 35 St Mary's Lane, Ecclesfield (the cruck barn).

The appeal proposal would involve the change of use of the building to a two bedroom dwelling. The building is no longer in its original use as an agricultural building and the café and storage use has led to insensitive alterations, notwithstanding that these changes were carried out before the building was listed. The Inspector acknowledged that use as a dwelling may lead to pressure for other alterations to the exterior, however, given the listed status, any alterations that materially affect the character of the listed building would require listed building consent. Furthermore, alterations to the curtilage such as the installation of buildings or boundary treatments would require planning permission.

Whilst the Inspector acknowledged that cruck 2 is widely visible to all users of

the café at present, crucks 3 and 4 are not visible, being located in the storage area. Moreover, there is limited control over the extent of the visibility of the interior of the building given that it is in private ownership, and that the use of the building could be changed without an application for planning permission to multiple other uses that could in themselves result in a significant reduction in access to the building. Nevertheless, the change of use to a dwelling would bring the two halves of the building back into the same use which would potentially enable the crucks to be appreciated together within the same building. This would represent an enhancement to the special interest and significance of the listed building.

No extension or additions are proposed to the building and its distinctive form would be preserved in the view of the Inspector. The conversion proposes no new window or door openings and would involve the re-use of all of the existing window and door openings. None of the existing doors or windows are historic and some are in relatively poor condition. Their removal would therefore not result in the loss of any historic fabric. The installation of new sympathetic doors and windows, which could be adequately controlled through a planning condition, would therefore preserve the building's special interest and not harm its significance.

Some of the existing openings would be partially infilled with timber boarding which would ensure the evolution of the building would remain legible, whilst preserving its architectural integrity and its agricultural, non-domestic, appearance. The Inspector acknowledged that the precise detail of the proposed fenestration is relatively limited having regard to the listed status of the building. However, they were satisfied that a suitable level of detail could be supplied as part of a planning condition to ensure that its precise design and form would be sympathetic to the character of the building, thus preserving the building's special interest and ensuring no harm to its significance.

The Inspector also noted that it is proposed to remove the concrete surfacing and structures within the yard to the rear. This would open up this space, allowing for views of the rear of the building from within the site and from the road outside. The space would become a garden area and the existing stone wall would be retained. This would better reveal the asset and would represent a clear enhancement to the listed building in their opinion.

The Inspector therefore concluded that, taken as a whole, the proposal would preserve the Grade II listed building, Former cruck barn attached to the south of 35 St Mary's Lane, Ecclesfield, and any features of special architectural or historic interest that it possesses and allowed the appeal.

5.0 CIL APPEALS DECISIONS

(i) To report that an appeal against the CIL surcharge imposed by the City Council relating to planning permission 23/01415/FUL for the conversion of existing 1x no. 4 bedroom dwelling to form 2x no. 3 bedroom dwellings, with

demolition of existing two-storey extension to rear and erection of a new three-storey extension and associated landscaping works at 16 Hunter House Road, Sheffield, S11 8TW has been dismissed.

Officer Comment:-

The inspector considered that the alleged breach that led to the surcharge did not occur under CIL Regulation 117(1)(a). The breach being that a commencement notice had not been received in accordance with CIL Regulation 67(1) - no later than the day before the day on which the chargeable development is to be commenced.

He considered that the appellant insisted that he had submitted a commencement notice but could not provide proof of postage and that the Council noted that the date on the commencement notice received after the chargeable development had commenced was dated the same date as the commencement date which rendered it invalid in accordance with CIL Regulation 67(1).

Due to the commencement notice being invalid he conclude that the alleged breach occurred, that the appeal failed accordingly. It was dismissed and the surcharge upheld.

6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

7.0 ENFORCEMENT APPEALS DISMISSED

(i) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised execution of operational development consisting of the erection of a canopy structure to the rear of Amici and Bici, 220 Abbeydale Road, Sheffield, S7 1FL (Inspectorate Ref: APP/J4423/C/23/3333128) has been dismissed.

Officer Comment:-

The main issues were the effects of the canopy structure on the Nether Edge Conservation Area and its effects on neighbouring living conditions.

The appeal site is the Amici and Bici café/restaurant on the corner of Abbeydale Road and Chippinghouse Road. The Inspector noted the characteristics of Chippinghouse Road (which is within a Conservation Area), and the appeal site's location immediately adjacent to this, stating that the rear canopy structure distinctly diminishes the open character of the street, with the site now almost entirely enclosed by buildings and that the addition of the rear canopy is a significant interference to the building line.

The Inspector noted that the built form of Chippinghouse Road is adversely

affected by the construction of the rear canopy by abruptly interrupting the vista along the street. In terms of the Framework this results in 'less than substantial harm' which should be weighed against the public benefits of the proposal.

Benefits to the local economy were sited as public benefits, however a lack of evidence to back this up meant it was offered little weight compared to the harm to the character and appearance of the area.

Potential for use of the canopy at the weekends, noise and overlooking to and from the garden areas of neighbouring properties were all taken into consideration and were found to result in potential for unsatisfactory living conditions for the occupiers of the neighbouring ground floor flat and contrary to policy S10 and of the development plan for the area.

The appeal was dismissed, and the enforcement notice was upheld.

8.0 ENFORCEMENT APPEALS ALLOWED

(i) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised execution of operational development consisting of the construction of a rear dormer extension to the property on the Land, and the change of use of the property comprising the use of the second floor as a separate residential flat within the property at 283 - 285 Shoreham Street, Sheffield, S1 4SS (Inspectorate Ref: APP/J4423/C/23/3327003) has been allowed.

Officer Comment:-

Main issues concerned the effects of the development on the living conditions of the occupants of the second floor flat and the effects of the dormer extension on the character and appearance of the host property and the surrounding area.

The notice was issued as the design and form of the rear dormer were deemed unacceptable, and without the dormer it was considered that there would be insufficient head height to provide adequate living standards.

Neither party contends that the living conditions of the occupiers of the second floor flat could be acceptable without the dormer extension: it is integral to the material change of use. Without it, the space would be extremely cramped with minimal acceptable head height. The Inspector went on to assess the living conditions with the dormer and found that the standards are met.

With regards to the effect on the character and appearance of the area the Inspector noted that the dormer is significantly larger than others in the immediate vicinity. However, there is a preponderance of other large rear dormers found in the local (if not immediate) area.

The property could not benefit from permitted development rights because it is not a single dwellinghouse, but the Inspector accepted that such rights are available to most other properties in the area and in the wider vicinity such permitted development rights appear to have been taken advantage of. Other dormers, whilst apparently not expressly permitted, now form part of the local street scene.

The Inspector did not find the construction of this dormer to detract unduly from the prevailing character of the area, stating it is reasonably well-designed and it is in scale and character with the neighbourhood, consistent with policies H14, BE5 and CS74.

The appeal was allowed, and planning permission granted.

(ii) To report that an appeal against the Enforcement Notice issued by the Council for the unauthorised execution of operational development consisting of the change of use to a mixed of allotment garden, a learning and skills educational centre, (including upcycling and making goods / products) and a community facility for meetings and social events, music venue, event hire and the provision of food and drink, and associated storage. Also operational development consisting of the (i) the erection of buildings, stage, gates, fencing, a mulch storage area, and engineering operation to change the land levels to form a car park and drive at Bole Hill Road Allotment Gardens (SITE C - Allotments 51, 52, 53, And 56 - 'The Promise Land'), Sheffield, S6 5DF (Inspectorate Ref: APP/J4423/C/23/3325722) has been allowed.

Officer Comment:-

The enforcement notice was appealed under a number of grounds (A, B, C and F). Ground A (deemed planning application) was not considered because the Inspector upheld the appeal under B, in relation to the alleged use for education centre and community use (ie the breach has not occurred) and upheld the appeal under C for the music venue (that if has occurred but is not a breach of control). The Inspector deemed the notice was directed solely at the uses and the buildings were therefore not associated with the non-existent use or, in the case of the music venue, it was permitted development under Class B of the GPDO for temporary uses of land, for any purpose for up to 28 days in a calendar year.

The Inspector, in her reasoning explained that some of the operational development was still capable of the Councils attention, (a small building added within the last 4 years). In reality the Council is out of time on the four-year rule, (s171B), for the substantial and harmful (in Green Belt context) operational development. In the context of the successful Ground B and C appeals, she therefore made no comments in terms of Green Belt policy.

The appeal was allowed, and enforcement notice was quashed.

9.0 RECOMMENDATIONS

That the report be noted.

Michael Johnson
Head of Planning

30 April 2024

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