

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning
To the Planning and Highways Committee
Date Of Meeting: 30/08/2016

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

NOTE 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.

| | |
|------------------|--|
| Case Number | 16/02738/FUL (Formerly PP-05331323) |
| Application Type | Full Planning Application |
| Proposal | Single-storey rear extension to dwellinghouse |
| Location | 11 Bradway Grange Road Sheffield S17 4PH |
| Date Received | 18/07/2016 |
| Team | South |
| Applicant/Agent | Mr Richard Heaviside |
| Recommendation | Grant Conditionally |

Subject to:

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

Site Location Plan and Proposed Plans and Elevations all received
18.07.2016

Reason: In order to define the permission.

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

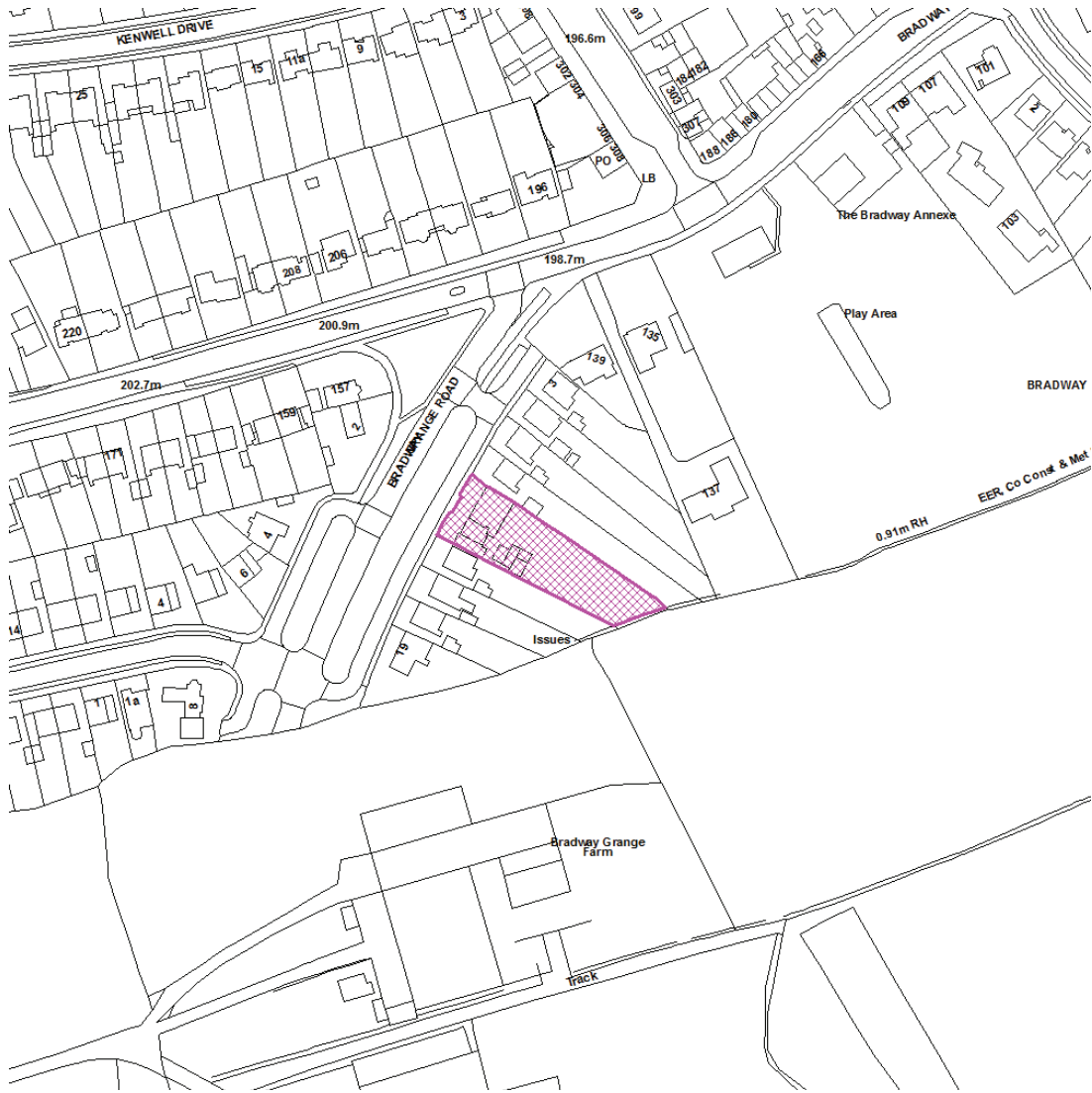
Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

Other Compliance Conditions

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner in accordance with the requirements of the National Planning Policy Framework. The Local Planning Authority considered that it wasn't necessary to have detailed discussions in this case.

Site Location



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LOCATION AND PROPOSAL

The application relates to a traditional, two-storey, detached dwellinghouse on Bradway Grange Road.

The application seeks planning consent to erect a single-storey rear extension to the existing rear/side off-shot, forming an enlargement to the games room.

RELEVANT PLANNING HISTORY

90/01812/FUL – Extension to dining room, sitting room and kitchen to form utility room, WC and double garage and first floor extension to form bathroom – Granted 15.08.1990

SUMMARY OF REPRESENTATIONS

No comments have been received from neighbours.

PLANNING ASSESSMENT

The property is located within a Housing Area, as identified by the Unitary Development Plan.

Design issues

The proposed single-storey rear extension would be a relatively minor addition to the existing rear off-shot, which is formed of a number of single-storey side/rear additions to the original dwelling, projecting out into the spacious rear garden.

The extension would project approx. 3.5m and be approx. 4m wide, with flat roof no higher than 2.5m from ground level with a glazed roof lantern. The extension would be finished in white render and brickwork to match the existing dwelling, as stated on the submitted drawings.

The extension would not be visible in the street scene and therefore raises no major design implications. The proposal would generally respect the character of the existing building in terms of its scale, form, details and materials. The design is therefore considered to satisfy guidelines 1-3 within the Supplementary Planning Guidance (SPG) on Designing House Extensions and UDP Policies BE5 (c) and H14 (a).

Residential living conditions

The adjacent neighbour at no. 9 Bradway Garage Road is not considered to be affected by the proposal given the degree of separation between the proposed extension and this neighbour.

The existing single-storey off-shot runs along the boundary with no. 11a Bradway Grange Road and projects approx. 10m beyond the neighbour's rear elevation. This exceeds the 3m limit suggested by Guideline 5 of the SPG. The proposal

would add a further 3.5m to the projection. However, as the proposed extension would be of limited height and massing and would be set in from the boundary with no. 11a by approx. 4.3m, it is not considered that this would contribute to any additional overbearing of this neighbour that would unreasonably detract from their living conditions.

A set of French windows would face the boundary with no. 11a, however, given the separation discussed above, and the fact the boundary comprises high and dense hedging, it is not considered that the development would raise any privacy issues.

Overall, it is considered the extension would have an acceptable impact on neighbouring living conditions and satisfies guidelines 4-6 within Designing House Extensions and UDP Policy H14(c).

Highways Issues

The proposal does not raise any highways issues.

SUMMARY AND RECOMMENDATION

The proposed development is considered to be acceptable in terms of its design and impact on living conditions and highway safety. The proposal complies with UDP Policies BE5(c), H14(a) and H14(c) and the guidelines within Designing House Extensions SPG.

Accordingly, the application is recommended for approval.

| | |
|------------------|--|
| Case Number | 16/02435/FUL (Formerly PP-05264142) |
| Application Type | Full Planning Application |
| Proposal | Use of shop for the purpose of a hot food takeaway (Use class A5) and provision of external fume extraction duct to the rear |
| Location | 46 High Street Mosborough Sheffield S20 5AE |
| Date Received | 24/06/2016 |
| Team | City Centre and East |
| Applicant/Agent | SLA Design |
| Recommendation | Grant Conditionally |

Subject to:

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

PO2 B

Reason: In order to define the permission.

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

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

3. Prior to the use commencing details of the means of reducing noise and vibration from the fume extract ducting shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenities of neighbouring occupiers.

4. The building shall not be used for the above-mentioned purpose unless a suitable receptacle for the disposal of litter has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

Other Compliance Conditions

5. The building shall be used for the above-mentioned purpose only between 1100-2300 on Mondays to Fridays, 1100-2330 hours on Saturdays and 1100-2200 hours on Sundays.

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

6. No movement, sorting or removal of waste bottles, materials or other articles nor movement of bins shall be carried on outside the building between 2300-0700 on the following day Monday - Saturdays and between 2200-0900 on the following day Sundays and Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers.

7. No deliveries shall be made to the building between 2300-0700 hours on the following day Mondays to Saturdays and between 2200-0900 on the following day Sundays and Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers

8. At all times commercial refuse bins shall be stored to the rear of the property and shall at no time be stored on the adjoining public highway.

Reason: In the interests of the amenities of the locality

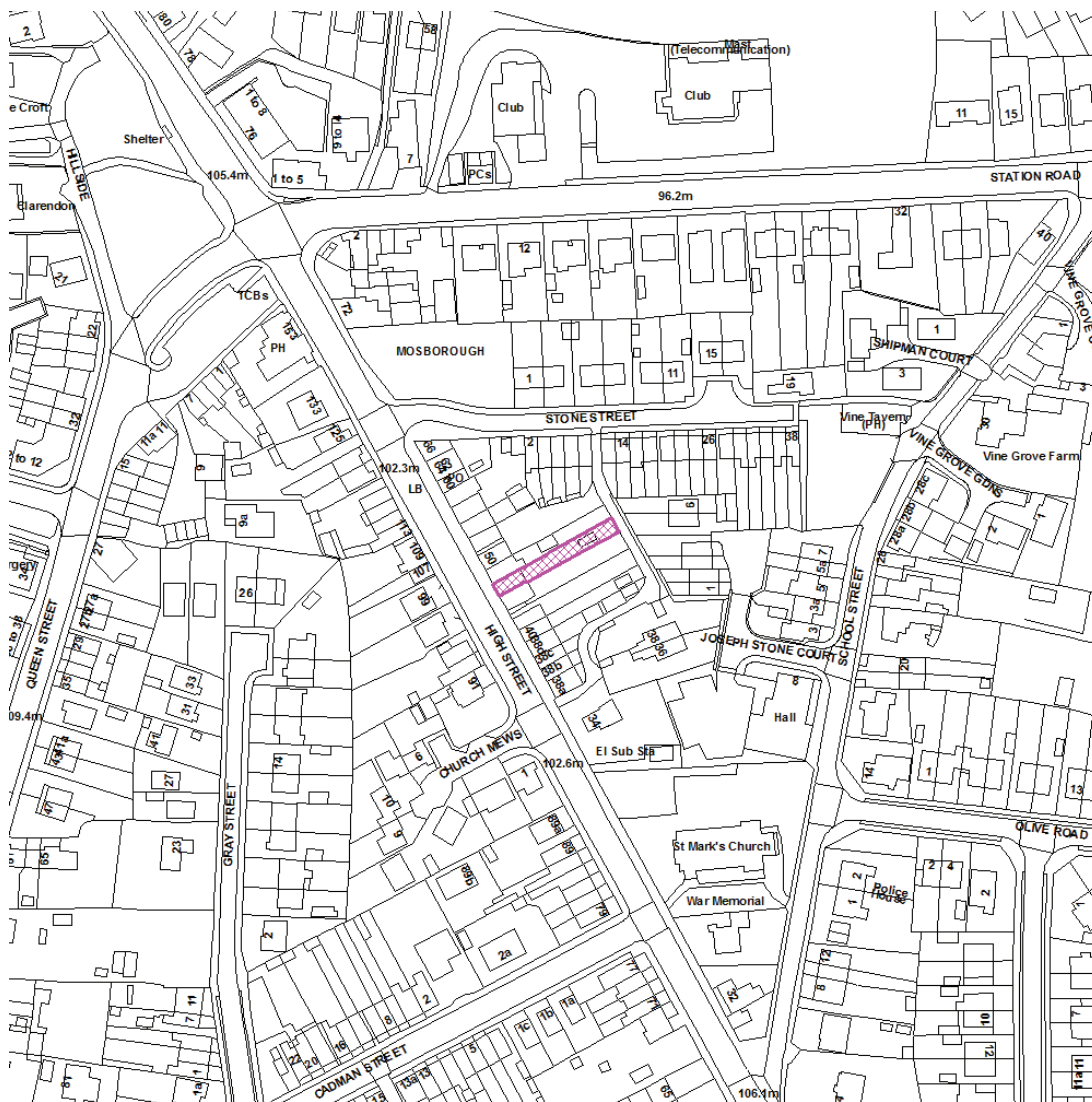
9. The building shall not be brought into use unless the external extraction flue ducting has been painted black.

Reason: in the interests of the amenities of the locality.

Attention is Drawn to the Following Directives:

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

Site Location



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LOCATION AND PROPOSAL

This application seeks permission to change the use of the ground floor of 46 High Street from a tanning and nail studio (Sui Generis/Class A1) into a hot food takeaway (Use Class A5).

The application site falls within an established 'Local Shopping Area' as defined in the Sheffield Unitary Development Plan (UDP). The building is a two storey brick fronted mid terraced property with a basement level below having direct external access to the rear. The property forms part of an established parade of shops which are located on the east side of High Street, Mosborough. The rear of the premises is accessible from Stone Street via a shared drive which also serves a number of the other shops fronting High Street. The opposite side of High Street is a Housing Policy Area and there are a mix of houses and commercial uses on this side of the street.

The application also proposes a fume extraction system which will be positioned largely internal to the building, exiting onto the rear roof plane of the building. The flue will terminate 1m above the ridge to the property in close proximity to the existing chimney. As part of the proposal the existing air conditioning unit to the front elevation will be removed.

SUMMARY OF REPRESENTATIONS

There have been 6 letters of representation in respect of this application, the issues raised are summarised as follows:

- Mosborough is a small village already adequately served by hot food takeaways.
- Parking will be a problem with yet another business with delivery drivers.
- The shop would be best utilised contributing to the day time community rather than creating more night time disturbance
- Odour and smell issues
- Litter concerns and increase in vermin
- Increase in noise and anti-social behaviour
- Will contribute to obesity in children
- Proposal will impact on existing small local food businesses.

RELEVANT PLANNING HISTORY

A planning application to use the adjoining retail unit no 44 High Street as a Hot Food Takeaway was refused by the Council in 2012 against the advice of planning officers. The application was subsequently allowed on appeal and the unit is now in use as an Indian takeaway.

PLANNING ASSESSMENT

Land Use & Dominance

Policy S7 'Development in District and Local Shopping Centres', identifies retail (A1) as the preferred use of land within the policy area, however it also identifies food and drink uses inclusive of hot food takeaways (use class A5) as acceptable uses. As such the principle of the proposed use is considered acceptable subject to the requirements of Policy S10.

Section (a) of Policy S10: Conditions on Development in Shopping Areas, states that proposals for changes of use should not lead to a concentration of uses which would prejudice the dominance of preferred uses in the 'area'. The area referred to in this case being those properties located on the eastern side of High Street only (No.34 to No.66 High Street) and which fall within the Local Shopping Area as defined on the UDP proposals map. Appendix 1 within the UDP defines dominance as usually meaning that non-preferred uses do not occupy more than half of the area.

Following an assessment of uses within the Local Shopping area 9 of the 15 retail units in the shopping area are currently in an A1 use. The use of the application property for an A5 use would still result in retail (A1) uses remaining the dominant use within the policy area.

The local shopping centre itself is considered to be relatively vibrant comprising of a good mix of retail uses. The proposed A5 use would bring a vacant shop unit back into use contributing positively to the vitality and range of available services in the local centre and would not lead to a dominance of uses that would affect the overall shopping function and character of the area. In this respect the proposal complies with Policy S10 (a)

Design

Policy S10: Conditions on Development in Shopping Areas, (d) states that new developments or change of use applications will only be acceptable if they are well designed and of a scale and nature appropriate to the site.

Externally the existing timber shop front will be retained although an existing air conditioning unit currently located at first floor level and large fascia sign will be removed improving its overall appearance.

The proposed extraction flue, originally shown to be located externally to the rear of the property will be routed internally, exiting thorough the rear roof plane of the property and terminating 1m above the ridgeline in close proximity to the chimney. The rear elevation of the building is not visually prominent accessible only by a private drive from Stone Street. The design of the flue is considered appropriate and subject to being painted black in order to blend with the existing slate roof the flue will not harm the appearance of the building or form a visually prominent or obtrusive feature in the street scene and therefore is considered to comply with Policy S10 (d).

Amenity Issues

Policy S10: Conditions on Development in Shopping Areas, Section (b) seeks to ensure that that new developments or change of use applications will only be acceptable if they do not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution & noise.

The flue has also been repositioned so it is largely internal to the building, exiting through the rear roof plane and now projects one metre above the ridge of the roof. Whilst the specification of the flue is deemed acceptable in respect of dispersal of cooking odours and fumes the internal routing has the potential to cause vibration and associated nuisance to neighbouring first floor residential uses. In view of this further details will be conditioned for subsequent approval should the application be approved.

There is potential for customers using the premises to create some noise when entering and exiting the premises. However the application site is in a Local Shopping Area adjacent to a busy road where some evening time activity and traffic movement would be expected. There are also a number of other established evening time uses such as public houses in the area which generate their own activity.

The applicant intends to open the hot food takeaway between 16.00 hours and 2300 hours 7 days a week. A condition will be added to any subsequent approval limiting the closing hours to that stated (Mon – Fri) but allowing a closing time of 23.30 on Saturdays and 2200 hours on Sundays reflecting the opening hours previously conditioned by the Planning Inspectorate for the neighbouring property. Additional conditions restricting the time of deliveries and sorting and removal of waste materials and bins shall be added to any subsequent approval to ensure there is no late night or early morning disturbance to local residents.

The proposed hot food takeaway will predominantly serve the local community and is unlikely to attract a significant number of customers to the area that would detrimentally affect the amenities of local residents. The proposed hours of operation will minimise the potential for late night noise and disturbance and are considered appropriate in a Local Shopping Area where there are other established late night uses.

The proposal is not considered to give rise to any unacceptable amenity issues and in this respect considered to comply with section (b) of policy S10.

Highways

Section (f) of Policy S10: Conditions on Development in Shopping Areas, states that new developments or change of use applications will only be acceptable if they are adequately served by transport facilities, provide safe access to the highway network, appropriate off-street parking and not endanger pedestrians.

The site is accessible by public transport and there is ample on street parking available on High Street and in the immediate vicinity should customers arrive by

car. Given the above, the proposal is considered to be in compliance with Policy S10 (f).

Access

The existing shop is accessed by two steps to the front elevation. No alterations are proposed to the shop front as part of this application but the applicant has indicated he will provide a removal/portable ramp should this be needed by customers in the future. This is considered a reasonable approach ensuring access for all users and an improvement on the current situation should the building be retained as a retail shop. A condition will be added to any subsequent approval.

Bin Storage/litter

The property has a large rear yard area accessed from Stone Street which could accommodate any required commercial bin storage associated with the takeaway. A litter bin for customers will be conditioned to be provided outside of the shop when the premises are open in order to prevent the spread of litter.

RESPONSE TO REPRESENTATIONS

The concerns of local residents have been largely addressed in the above report. There is no evidence to suggest that the use will increase or give rise to antisocial behaviour, which is a matter for the police. Again there is no evidence to suggest that the use would increase vermin or attract rodents, if this issue did arise it could be dealt with by Environmental Health. It is not the planning authority's role to prevent competition between local businesses.

SUMMARY AND RECOMMENDATION

The application seeks approval to use a vacant retail shop as a Hot Food Takeaway with the installation of an associated fume extraction system.

A land use assessment confirms that the loss of this retail unit for an A5 use would not threaten the overall dominance of A1 retail uses in the shopping area. The proposal will make use of an existing vacant unit and is considered to contribute to the vitality of the shopping area.

The fume extraction system is considered acceptable for use without detriment to the visual amenity of the locality or the amenity of local residents. The proposed hours of operation are subject to condition not considered to give rise to any unacceptable noise and disturbance.

The application site is accessible by public transport, there is considered to be ample on street parking and the site is also accessible by foot from the local area. Taking account of the commercial nature of the area and the close location of the surrounding residential community, this application is not considered to place any undue pressure on the existing highway network or harm highway safety.

The application is therefore considered in line with policy requirements and is recommended for approval.

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| Case Number | 16/02347/FUL (Formerly PP-05208935) |
| Application Type | Full Planning Application |
| Proposal | Erection of 3 dwellinghouses and subdivision of existing farm house into 3 dwellings |
| Location | Holt House Farm Long Line Sheffield S11 7TX |
| Date Received | 17/06/2016 |
| Team | South |
| Applicant/Agent | DLP Planning Ltd |
| Recommendation | Refuse |

Refuse for the following reason(s):

1. The site for the new build development comprises a substantial area of garden with a significant road frontage and the Local Planning Authority consider that the proposals do not involve the infilling of a single plot within the confines of the substantially developed road frontage of Long Line. The development therefore constitutes inappropriate development in the Green Belt. In the absence of very special circumstances, which in this case have not been demonstrated, the Local Planning Authority consider that the proposed development would be contrary to Unitary Development Plan Policies GE1, GE3 and GE5 and paragraphs 87-89 of the National Planning Policy Framework.
2. The Local Planning Authority consider that the siting of the three new build dwellings and the provision of vehicular areas to serve these dwellings, represents an overly urban form of development that would detract from the character and appearance of the street scene, the Green Belt and the Area of High Landscape Value and would thereby be contrary to Unitary Development Plan Policies GE4 and GE8 and Core Strategy Policy CS74(c).
3. The Local Planning Authority consider that proposed garage extension would not constitute a minor or proportionate addition to the original dwellinghouse given previous cumulative additions to the property and would detract from the generally open character of the Green Belt in this location by reason of siting. It would therefore be contrary to Unitary Development Plan Policy GE6 and guideline 9 of Supplementary Planning Guidance 'Designing House Extensions.', and paragraphs 87-89 of the NPPF.

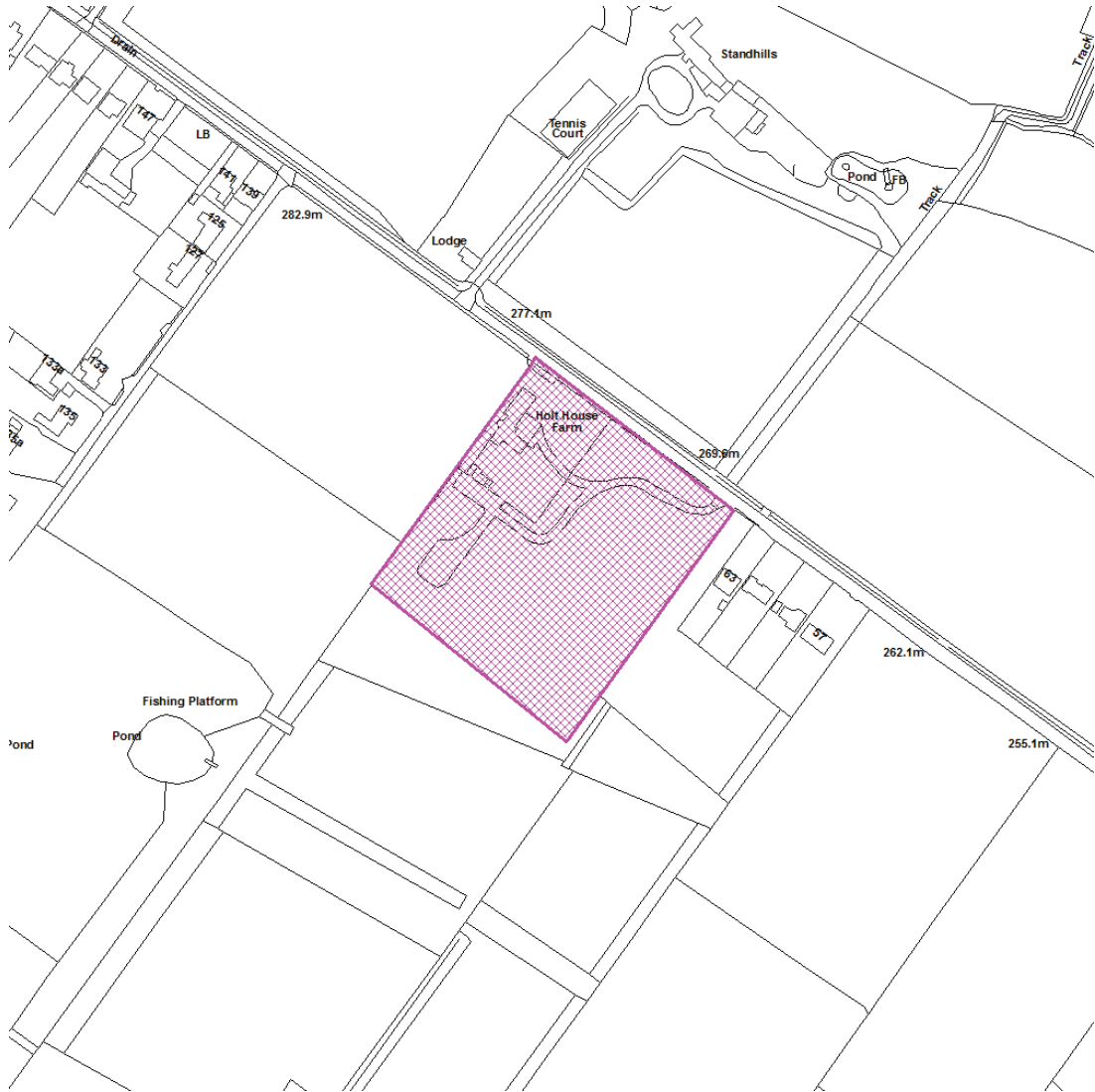
Attention is Drawn to the Following Directives:

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

| | |
|--------------|---|
| 26991(00)01 | LOCATION PLAN |
| 26991(01)01B | PROPOSED SITE PLAN |
| 26991(02)01 | PROPOSED PLANS PLOT 1 |
| 26991(02)02 | PROPOSED PLANS PLOT 1 |
| 26991(02)04 | PROPOSED PLANS PLOT 2 |
| 26991(02)05 | PROPOSED PLANS PLOT 3 |
| 26991(02)06 | PROPOSED PLANS PLOT 3 |
| 26991(02)13 | PROPOSED PLANS SUBDIVISION 1FLOOR |
| 26991(03)01 | SITE SECTION |
| 26991(04)02 | PROPOSED ELEVATIONS PLOT 1 01 |
| 26991(04)03 | PROPOSED ELEVATIONS PLOT 2 01 |
| 26991(04)04 | ELEVATIONS PLOT 2 02 |
| 26991(04)05 | PROPOSED ELEVATIONS PLOT 3 02 |
| 26991(04)06 | PROPOSED ELEVATIONS PLOT 3 01 |
| 26991(04)12 | PROPOSED ELEVATIONS SHEET 1 |
| 26991(04)13 | PROPOSED ELEVATIONS SHEET 2 |
| 26991 (02)12 | PROPOSED GROUND FLOOR PLANS SUBDIVISION |

2. Despite the Local Planning Authority wishing to work with the applicant in a positive and proactive manner, based on seeking solutions to problems arising in relation to dealing with a planning application, this application has taken no regard of the pre-application advice given, and shows insufficient regard for the national and local policy requirements set out within that advice, so an agreed solution has not been sought on this occasion.

Site Location



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LOCATION AND PROPOSAL

The application relates to a dwelling and its domestic curtilage located on the west side of Long Line. The curtilage amounts to approximately 1.74 hectares and the existing dwelling (Holt House Farm) is located towards the north west boundary of the site and consists of a two storey house which has been substantially extended over the previous decade.

A substantial outbuilding lies to the south of the main house and this received permission in 2000 to be converted to an additional dwelling though the permission was not implemented.

The balance of the curtilage is residential curtilage/garden.

The boundaries of the site are formed by:

To the north east: Long Line and beyond that an open field

To the south: the residential curtilage of one of a group of four dwellings fronting Long Line

To the north: an open field

To the south: open fields (the properties beyond this field which are located on a spur road running perpendicular to Long Line are dwellings constructed as replacement houses for previous builds)

The character of Long Line itself would best be described as broken linear (ribbon) development with housing located predominantly on the south west side of the road. Varying numbers of houses form ribbons of housing of different lengths, these being separated by either open fields or substantial open curtilages of individual dwellings.

The north side of the road is more sparsely developed with dwellings that appear to be/have been associated with agricultural enterprises.

The dwellings on Long Line vary in built form with detached two storey houses and bungalows dominating. Curtilage sizes vary greatly but are often generous in size.

It is proposed to:

- Erect three two storey detached dwellings on the road frontage to the south of the existing house.
- To subdivide the existing dwelling into two semi-detached dwellings, one three bedroom and one four bedroom
- To convert the current outbuilding into a further dwelling
- Create a new vehicular access from Long Line
- New ancillary driveway and hardstanding areas for the existing house conversion and outbuilding conversion
- New ancillary private driveway to serve the three new dwellings fronting Long Line, this running across the front of the three dwellings (parallel with Long Line).

The new 5 bedroom dwellings would be of traditional design with ridged roofs and constructed in coursed natural stone with natural slate roofs.

RELEVANT PLANNING HISTORY

Permission was granted in 2000 (00/01528/FUL) for alterations and extensions to form a dwelling house.

Permission was granted in 2000 (00/01838/FUL) for alterations and first floor extension to form a granny flat

Permission was refused in 2004 (04/02825/FUL) for a detached garage

Permission was granted in 2004 (04/04804/FUL) for a detached garage (amended design)

Permission was granted in 2005 (05/03751/FUL) for a first floor extension to the main dwellinghouse.

The applicant has sought pre-application advice in 2015, first for the erection of 4 dwellings, and secondly for the erection of 3 dwellings, in both cases in addition to the subdivision and extensions to the existing property. In both cases, officers gave advice to the applicant that the erection of new dwellings could not be supported owing to the fundamental conflict with national and local Green Belt policy.

SUMMARY OF REPRESENTATIONS

Applicant's Supporting Case

The application is accompanied by a supporting statement from the Applicant explaining their reasoning behind the proposed scheme, this essentially being a desire to provide separate dwellings for different family members with the converted outbuilding providing guest accommodation for visitors.

The Applicant describes the difficulties in achieving appropriate levels of privacy with two related families with 5 children between them occupying one house and also difficulties in finding a buyer for the existing property as is.

The application is also accompanied by a supporting planning statement detailing three appeal cases wherein appeals were allowed on the basis of the Inspectors considering them 'limited infill'

Public Representations

There have been 14 letters of objection to the proposal including submissions from The Council for the Protection of Rural England and the Dore Village Society.

The CPRE objects on the following grounds:

- Number of houses will have little effect on Housing supply

- No very special circumstances have been demonstrated to develop in the Green Belt.
- The scheme would contribute to a cumulative urbanising effect on the character of Long Line and its relationship to the surrounding countryside.

The Dore Village Society objects on the following grounds:

- The proposed dwellings would be contrary to the five purposes of the Green Belt
- The proposal does not represent infilling of a single plot, nor is it located within the confines of an existing village or substantially developed road frontage.
- There is no justification for the dwellings in terms of serving a functioning agricultural use or other rural enterprise.
- The emerging Dore Neighbourhood Plan has overwhelming support for retention of the open gaps in Long Line development to protect views from and to the Peak District National Park

Other representations objections can be summarised as follows:

- The proposal is contrary to both national and local Green Belt policy
- The proposal is for three plots rather than one
- The proposal would damage the Area of High Landscape Value
- Extensions to the original house have already exceeded the maximum allowed by SCC Supplementary Planning Guidance and no more extensions should be permitted
- There are erroneous statements within the submitted Planning Statement
- The proposal is contrary to the Conservation Area status of the locality
- The proposal would create a precedent for further such projects on Long Line
- The three houses will be out of character with Long Line
- There are concerns with regard to land drainage (flash flooding) and in particular a culverted watercourse passing close to the development
- The increase in areas of hardstanding will exacerbate surface drainage issues.
- The main sewer may not have an appropriate capacity for more houses
- The proposal will have an adverse impact on highway safety and introduce additional road use noise.
- The proposal could adversely impact on migratory birds and other wildlife
- No objections to changes to the existing dwelling but object to new dwellings to be built on Green Belt land.

Matters raised which are not material considerations

- The proposal would impinge on private views

PLANNING ASSESSMENT

General Principles

The National Planning Policy Framework at paragraph 14 states that 'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development' which for decision making means approving development proposals that accord with the development plan.

Paragraph 17 states that decisions should:

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside

Contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework

Paragraph 19 states:

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth...Therefore significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 58 states:

Planning policies and decisions should aim to ensure that developments

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- and are visually attractive as a result of good architecture and appropriate landscaping.

New Housing Development within The Green Belt

The site lies within the adopted Green Belt and an Area of High Landscape Value The National Planning Policy Framework sets out the purpose of Green Belts as being:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;

- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Unitary Development Plan (UDP) Policy GE1 remains consistent with the NPPF policy (Paragraph 89) and states:

The NPPF reiterates previous national planning guidance in stating that: “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

It goes on to confirm that the construction of new buildings should be regarded as inappropriate in the Green Belt but specifies exceptions to this approach.

The exceptions include “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

Policy GE1 ‘DEVELOPMENT IN THE GREEN BELT’ states:

In the Green Belt, development will not be permitted, except in very special circumstances, where it would:

- (a) lead to unrestricted growth of the built-up area; or
- (b) contribute towards merging of existing settlements; or
- (c) lead to encroachment of urban development into the countryside

Policy GE3 ‘NEW BUILDING IN THE GREEN BELT’ states:

In the Green Belt, the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses which would comply with Policy GE1.

Policy GE5 ‘Housing Development in the Green Belt’ remains consistent with the ‘limited infilling’ exemption indicated in the NPPF and states:

New houses in the Green Belt, other than those needed to support agricultural and other acceptable uses, will be permitted only where this would involve :

- (a) infilling of a single plot within the confines of an existing village, group of buildings or substantially developed road frontage

Key Consideration

It is considered that the key consideration in this case is whether the proposals represent ‘limited infill’. Long Line is identified specifically within Policy GE5 as having a substantially developed road frontage wherein ‘limited infill of a single plot’ would, in principle, be looked upon favourably.

However, it is not considered that this proposal represents development of a 'single plot'.

The word 'plot' is not defined exactly within this Policy GE5. A lay-person or estate agent might refer to a parcel of land of any size as a 'plot'.

However, were this definition to be adopted it would, in theory, enable the re-development of a parcel of any size to be re-developed on Long Line and this view would clearly run contrary to the aims of the policy itself.

Rather it is considered that 'plot' in this context would relate to an average or typical plot size for a single dwelling as is already present on Long Line

The width of residential plots along Long Line is somewhat variable but the average width of a single plot would be reasonably estimated as between 15 and 20 metres. The proposed frontage for the proposal would be 63 metres. Given the extent of the frontage of the site it is not considered that a development, as proposed, would represent a 'limited infill of a single plot' but rather a substantive development of a much larger site that currently contributes significantly to the openness and character of the Green Belt.

The Appellant's Agent claims that the aspect of Policy GE5 which refers to a single plot has been superseded by the National Planning Policy Framework (NPPF) which does not specify exactly what constitutes 'limited infill'.

It should be noted that the national guidance preceding the NPPF (Planning Policy Guidance Note 2: Green Belts) also failed to specify exactly what constituted 'limited infill' and it is therefore considered reasonable to suppose that such a definition would be determined at local level.

Since the NPPF does not specify what constitutes 'limited infill' it must be similarly assumed that such definitions would be the province of local plan policy makers as previously.

The specification of a single plot as defined in Policy GE5 is therefore considered to be entirely consistent with the aims of the NPPF, as it was with previous national planning policy guidance.

Given the above the proposal is therefore considered to represent inappropriate development in the Green Belt. The NPPF is clear that inappropriate development is by definition harmful, and can only be permitted in very special circumstances.

The applicant's submission contends that the development does represent limited infilling and is therefore appropriate, so no specific very special circumstances have been put forward. Whilst sympathetic to the Applicant in terms of the matters raised in their representation (above) it is not considered that these represent very special circumstances so as to justify a departure from national and local Green Belt policy.

The proposal is therefore considered contrary to the NPPF, to Unitary Development Plan policies GE1, GE3 and GE5

Subdivision and extension of existing buildings to form 3 new dwellings

The subdivision of the existing house into two dwellings is considered acceptable in principle though the introduction of large areas of additional hardstanding is considered unnecessary and would result in an 'urbanisation' of the site to the detriment of visual amenity and the openness of the Green Belt.

The proposals include two changes to the external envelope of the building:

- The removal of an existing conservatory which links the house to the barn and its replacement with a single storey extension of similar footprint/volume
- The extension of the barn building to form an additional garage for the southernmost semi-detached house (house 2). This latter extension would add approximately 59 cubic metres

The original house had a volume of 1,747 cubic metres. The proposed addition to the garage in this case would take the cumulative additions to the house to 602 cubic metres which represents a 34% increase in volume over original.

Policy GE6 HOUSE EXTENSIONS IN THE GREEN BELT states:

In the Green Belt, extensions to existing houses will be permitted only where the proposed extension would:

- (a) form a minor addition to the original house; and
- (b) use matching materials and be sited and designed to complement the style of the original building or in the local building style, as appropriate.

Supplementary Planning Guidance 'Designing House Extensions' guideline 9 states:

Extensions in the Green Belt will be allowed only if they are a minor addition to the dwelling and are not visually intrusive.

It expands on this statement by continuing:

For smaller houses a minor addition is defined by the Council as up to one third of the cubic content of the original house. Larger houses will normally only be allowed more modest extensions, because to extend a larger house by up to one third would be likely to have an adverse effect on the Green Belt.

The NPPF (para 89) identifies the extension of an existing building in the Green Belt as not inappropriate provided that it doesn't result in a disproportionate addition to the original building. Whilst the NPPF doesn't define disproportionate, Inspectors on appeal have given significant weight to the Council's definition in Guideline 9.

The dwelling which is the subject of this application is not considered a small house and as such the already permitted additions to the original house are considered to have been somewhat generous.

Whilst the substitution of the 'boot room' to 'House 2' in place of the existing link structure is considered acceptable the further addition to the garage which is also more visible within vistas of the Green belt is considered contrary to Policy GE and SPG guideline 9.

Openness and Character of the Green Belt and the Area of High Landscape Value

Policy GE4 DEVELOPMENT AND THE GREEN BELT ENVIRONMENT states:

The scale and character of any development which is permitted in the Green Belt, or would be conspicuous from it, should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment.

Policy GE8 'Areas of High Landscape Value and The Peak National Park' states: In Areas of High Landscape Value, protection and enhancement of the landscape will be the overriding consideration. Development which is permitted:

(b) on land conspicuous from Areas of High Landscape Value or the Peak National Park; must protect, and wherever appropriate enhance, the appearance and character of the Area of High Landscape Value and Peak National Park.

Notwithstanding the conclusions regarding the inappropriateness of the development it is also considered that the introduction of the three new dwellings at this location would adversely impact on the openness and character of both the Green Belt and the Area of High Landscape Value.

Whilst there are three discrete 'ribbons' of dwellings on Long Line these are separated by significant breaks in domestic curtilage frontage which enables views across the open countryside from both east and west. The intermittent nature of existing development is part of the established character of the road itself and it is considered that the erection of three dwellings (which would effectively double in length one of the aforementioned ribbons of development) would adversely impact on visual amenity and openness within the Green Belt and the Area of High Landscape Value.

The introduction of significant additional areas of hardstanding both for off-street car parking provision and as driveways would also introduce a more urban aspect to an area of land with green and open appearance that forms part of the established rural character of the locality.

The proposal is therefore considered contrary to Policies GE4 and GE8

Design and context

National Planning Policy Framework paragraph 58 states:

Planning policies and decisions should aim to ensure that developments function well and add to the overall quality of the area, and respond to local character and history, reflect the identity of local surroundings and materials, and are visually attractive as a result of good architecture and appropriate landscaping.

At paragraph 59 it continues:

'...design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally'.

Further, at paragraph 60 it states:

Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

BE5 'Building design and siting' states:

Good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions. The following principles will apply:

Physical Design

(a) original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings;

(f) designs should take full advantage of the site's natural and built features;

Policy CS74 'Design Principles' of the Sheffield Core Strategy states:

High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including:

c. the townscape and landscape character of the city's districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials;

The built environment on Long Line is characterised by detached dwellings in generous curtilages. The prevailing built form is the bungalow/dormer bungalow but there are two storey dwellings in evidence. There is little in the way of established rhythm in the street scene and no dominant architectural style/period to the dwellings themselves.

Taken in isolation therefore the design of the individual houses in this case is considered acceptable in that the dwellings are appropriately proportioned, suitably fenestrated and the use of natural stone and natural slate would result in dwellings of good quality.

However, whilst there is no established form or layout to existing dwellings on Long Line the prevailing character of the road would best be described as rural. The

introduction of three dwellings of near identical design, so closely and regularly spaced and with associated ancillary works (access driveway and surface car parking hardstanding areas) occupying a large percentage of the space between the dwellings and Long Line would be significantly more urban in character and it is considered that this would result in a development at odds with the prevailing character of the road.

Therefore whilst the design and appearance of individual dwellings (new build) is considered satisfactory in accordance with Policy BE5(a) the layout of the site as a whole is not considered to reflect the character of existing development on Long Line and is therefore considered contrary to Policy CS74(c).

Housing Supply, Location and Density

The NPPF at paragraph 49 states:

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The most recent figures show that the city has a 4.7 year supply of housing land, which it is accepted represents a shortfall and this needs to be taken into consideration.

The proposal would make a contribution towards housing supply as set out in Core Strategy Policy CS22. The development would also make a small contribution to economic growth through investment in the construction of the dwellings. However, whilst there is currently a shortfall in the supply of deliverable sites for housing, it is considered that the proposals will make only a very limited contribution and, consequently, little weight can be afforded this factor.

Policy CS23 'Locations for New Housing' states:

New housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. In the period 2008/09 to 2020/21, the main focus will be on suitable, sustainably located, sites within, or adjoining the main urban area of Sheffield.

It is not considered that the site represents a particularly sustainable location being set well away from the main urban envelope.

It is not considered that Long Line forms part of the main urban area of Sheffield where Policy CS 23 would expect to locate 90% of additional dwellings.

The Policy itself maintains that outside the urban areas and larger villages, housing development will be limited to that which is consistent with policies for the Green Belt and countryside areas. This is not considered the case here and consequently it is considered that the proposal is not in accordance with Policy CS23.

Core Strategy Policy CS24 gives priority to locating new housing development on previously developed (brownfield) sites. The site is not 'previously developed land' being the domestic curtilage of an existing dwelling.

The policy expands further by specifying that in the period to 2025/26 housing on greenfield sites will be developed only in specific locations and the proposed development does not fall within these specified locations.

The proposal therefore fails to satisfy Policy CS24.

Policy CS 26 'Efficient Use of Housing Land and Accessibility' requires housing development to make efficient use of land but the density of new developments should be in keeping with the character of the area and support the development of sustainable, balanced communities.

Subject to the character of the area being protected, densities will vary according to the accessibility of locations. In a rural location such as this a density of 30-40 dwellings per hectare would normally be expected.

The proposed development equates to a density of approximately 3.4 dwellings per hectare which falls significantly below this range.

However, since the proposal lies within a locality where housing densities are considerably below the stated criteria it is considered that the proposal responds to local context which is a more important determinant in this case.

The proposal can therefore be considered acceptable with regard to Policy CS26

Residential amenity (Neighbouring residents)

The proposals would satisfy all space about dwelling requirements of Supplementary Planning Guidance.

Separation distances to the nearest neighbouring main aspect windows are achieved.

It is not considered that the trip generation associated with the introduction of three dwellings at this location would result in any significant increase in vehicular traffic noise.

Residential amenity (future occupants, new build elements)

The dwellings would all benefit from good outlook, natural lighting to main habitable spaces and the dwellings would all benefit from satisfactory external amenity space both in terms of size and quality. Conditions on any approval could secure the proposed boundary treatments between the new dwellings themselves and between Plot 1 and No.63 Long Line.

The introduction of such boundary treatments would however add to the impact of the development on the openness and character of the Green Belt.

Residential amenity (future occupants, converted farmhouse)

The dwellings would all benefit from good outlook, natural lighting to main habitable spaces and the dwellings would all benefit from satisfactory external amenity space both in terms of size and quality.

Again, a condition could secure the suggested boundary treatments between the newly created dwellings, but again, the introduction of such boundary treatments would impact on the openness and character of the site. However, it is considered that the walling and fencing proposed in this part of the scheme could be erected in exercise of existing permitted development rights and as such this element is not considered to represent a reason for refusal of the subdivision of the existing house.

Highways and Parking

Policy BE9 Design for Vehicles states:

New developments and refurbishments should provide a safe, efficient and environmentally acceptable site layout for all vehicles (including cycles) and pedestrians.

Unitary Development Plan guidelines require the provision of 2-3 spaces per dwelling for dwellings of this type and this can be accommodated on the indicated hardstanding areas and garages.

It is considered that very minor changes to the existing layout of drive and hardstanding could adequately provide for the house/outbuilding conversion element of the scheme. Given the recommendation of this report amendments have not been sought in this regard.

The proposed new build elements would be acceptable in terms of provision for vehicles but the previously stated concerns relating to their impact on the openness and character of the Green Belt remain.

The proposed access points onto Long Line are considered acceptable with regards to highway safety and the site arrangements should allow for vehicles to enter and leave in forward gear.

The proposals are therefore considered acceptable with regard to Policy BE9

Landscaping

Policy BE6 'Landscape Design' states that good quality landscape design will be expected in new developments.

The development itself will not result in the loss of any significant publicly accessible open/green space or loss of trees of significant public value and a condition requiring landscape details could secure an appropriate landscape scheme in the event of an approval.

Sustainability

The site is not in a particularly sustainable location being outside the urban area and approximately 1km from the nearest shops (Dore Local Centre) with limited services on the connecting routes (Hathersage Road/Cross Lane). It can be reasonably concluded that occupiers of the dwellings would be most likely to be reliant on the use of a car for most activities.

It is acknowledged that there is scope for the dwellings to be constructed using sustainable techniques and a high degree of energy efficiency could be achieved. The use of permeable surfacing and employment of rainwater harvesting could negate any significant contribution to surface water problems in the locality.

In view of the above, and subject to appropriate conditions, the proposals are capable of broadly complying with Policies CS63 and CS64.

Drainage

A culvert runs across the site and that this would traverse the site beneath the footings of Plots 2 and 3 as proposed. It would however be technically feasible to divert this culvert (in all likelihood it would be advantageous to open the course up).

This being the case it is not considered that surface water concerns represent a robust reason for refusal given that conditions could be attached to ensure the use of porous materials for hard standings and the re-direction/refurbishment of the culvert.

The site does not lie within an identified flood risk area.

Response to Representations

Applicant

The Applicant's Agent has submitted supporting information relating to recent appeal cases for development which they consider similar to the proposals. In these cases limited infill development was allowed at appeal. It should be remembered that each planning case is considered on its merits.

Nonetheless the circumstances in the Felbridge case appear to show a parcel of land very much within the envelope of an existing village at the end of cul-de-sac with residential development on three sides and the grounds of an educational establishment on the fourth. This is not considered to represent similar circumstances to Long Line.

The Kelsall case reveals a site which also appears to be on the edge of an existing village though it is accepted that there are open fields to the east. Nonetheless, once again the circumstances of this case do not appear to mirror to a significant degree those on Long Line which is not a village but rather intermittent housing in a rural setting.

The Moulton case is considered to have very little relevance to this application. The site did not lie within a designated Green Belt, the application was for 148 houses and the Local Authority in question could only demonstrate a 2.5 year supply of housing land. The Inspector therefore greatly reduced the weight afforded the Council's policy relating to protection of the countryside.

Objectors

Matters relating to the Green Belt and Area of High Landscape Value, the character of the area, design and detailing, highways, car parking and land drainage have been dealt with in the main body of this report.

Community Infrastructure Levy

The development is CIL liable and is in a part of the city (South West: Zone 5) where the CIL charge is £80 per square metre.

CONCLUSIONS

This is an application containing two main elements, the first the subdivision and extension of the existing house/outbuilding to form three dwellings.

This principle of subdivision of the existing residential property and its curtilage is considered acceptable but further extension of the existing buildings is contrary to the aims of Green Belt Policy.

The second element of the scheme would be the erection of the three new build dwellings. This element is not considered to represent limited infill and therefore the proposal is considered inappropriate development in the Green Belt as set out in the NPPF and Unitary Development Plan policy.

Whilst accepting that there is both a presumption in favour of development enshrined within the NPPF and that Sheffield currently has a projected marginal shortfall in the supply of deliverable sites for housing, it is considered that the proposals will make only a very limited contribution to the latter and this factor does not outweigh the harm that will accrue to the Green Belt and Area of High Landscape Value.

No special circumstances have been demonstrated so as to justify an exemption from the relevant policies.

The subdivision of the existing house is considered acceptable in principle but the further extension of the existing built form is considered (taken cumulatively with previous extensions) disproportionate.

The appearance of the new build dwellings and their ancillary works, taken cumulatively, is considered out of character with the existing 'street scene' due to their more urban appearance within a rural setting.

The application is considered contrary to the aims of paragraphs 87, 88 and 89 of the NPPF, to Policies GE1, GE3, GE4, GE5, GE6 and GE8 of the Sheffield UDP, to Policies CS23, CS24 and CS74 of the Sheffield Core Strategy and to Supplementary Planning Guidance 'Designing House Extensions'

The application is therefore recommended for refusal.

| | |
|------------------|---|
| Case Number | 16/01974/FUL (Formerly PP-05071419) |
| Application Type | Full Planning Application |
| Proposal | Change of Use from shop (Use Class A1) to hot food takeaway (Use Class A5) including erection of an extraction flue. |
| Location | 457 Firth Park Road Sheffield S5 6QQ |
| Date Received | 23/05/2016 |
| Team | City Centre and East |
| Applicant/Agent | Jabula Design Ltd |
| Recommendation | Grant Conditionally |

Subject to:

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

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

FPR 16-PL-002B; FPR 16-PL-003B; and FPR16P-SD-002

Reason: In order to define the permission.

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

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

3. Prior to the use commencing details of the means of reducing noise and vibration from the fume extract ducting shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of amenities of neighbouring occupiers

4. The building shall not be used for the above-mentioned purpose unless a suitable receptacle for the disposal of litter has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

Other Compliance Conditions

5. The building shall be used for the above-mentioned purpose only between 1100 hours and 2300 hours on any day.

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

6. No movement, sorting or removal of waste bottles, materials or other articles nor movement of bins shall be carried on outside the building between 2300-0700 on any day.

Reason: In the interests of the amenities of neighbouring occupiers.

7. No deliveries shall be made to the building between 2300 - 0700 hours on any day.

Reason: In the interests of the amenities of neighbouring occupiers.

8. At all times commercial refuse bins shall be stored to the rear of the property as shown on the approved plan and shall at no time be stored on the adjoining public highway.

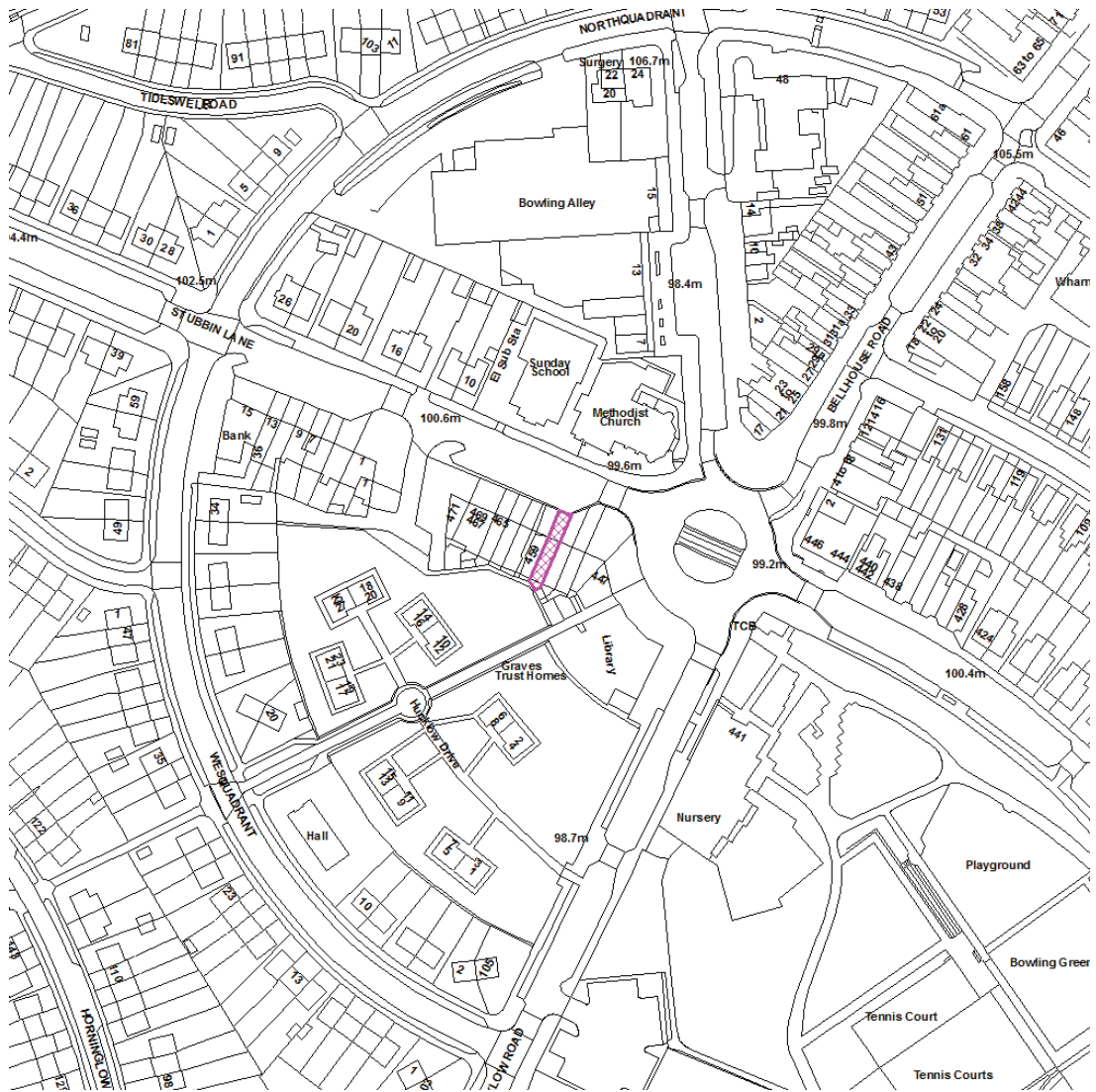
Reason: In the interests of the amenities of the locality

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where

necessary in accordance with the requirements of the National Planning Policy Framework.

Site Location



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LOCATION AND PROPOSAL

This application seeks permission to change the use of the ground floor of 463 Firth Park Road from Retail (Use Class A1) into a hot food takeaway (Use Class A5).

The application site is located within the Firth Park District Shopping Centre as defined by the Sheffield Unitary Development Plan (UDP). The building is a three storey mid terraced property with independent residential accommodation provided on the upper floors and in the roof space of the building. The application site forms part of a parade of shops located on the south side of Firth Park Road. The upper residential floors of the property are accessed via a shared covered alley between 461 and 459 Firth Park Road which leads to a stepped access to an open first floor walkway serving 447 to 471 Firth Park Road.

The application also proposes an extraction flue which will be positioned largely internal to the building and terminating at ridge height adjacent to the existing chimney.

SUMMARY OF REPRESENTATIONS

There have been three letters of representation in respect of this application, the issues raised are summarised as follows:

- The position of the flue would create odour and noise to adjoining occupiers. The flue would be visually intrusive and be detrimental to the amenities of the locality.
- The use as a HFTA would result in additional noise and disturbance to local residents and lead to youths congregating outside the building with associated anti-social behaviour.
- The proposal would exacerbate ongoing problems with litter and rodents in the area.
- The council previously refused an application for a HFTA at 463 Firth Park Road which is located within the same terraced block.
- There is a lack of bin provision. The area to the rear of the property is a right of access and bin storage in this area would block access and fire escapes to the rear of neighbouring shops and first floor residential accommodation.
- There are already a number of A5 uses within the shopping district and a further HFTA would endanger the preference of A1 uses. From an economic point of view the area cannot support additional A5 uses and an approval may lead to other HFTA's going out of business.
- There is a shortage of parking in the area and the proposal will affect this further.

PLANNING ASSESSMENT

Land Use & Dominance

Policy S7: 'Development in District and Local Shopping Centres' identifies retail (A1) as the preferred use of land, however it also identifies food and drink uses inclusive of hot food takeaways (use class A5) as acceptable uses in the policy

area. As such the principle of the proposed use is considered acceptable subject to the requirements of Policy S10.

Section a) of Policy S10: Conditions on Development in Shopping Areas, states that, proposals for changes of use should not lead to a concentration of uses which would prejudice the dominance of preferred uses in the area (the area in this case being the Firth Park District Shopping Centre). Appendix 1 within the UDP defines dominance as usually meaning that the non-preferred uses do not occupy more than half of the area.

Following an assessment of uses within the District Shopping Centre (July 2015) the loss of this A1 unit would not reduce the percentage of A1 units below 50% within the centre. If the application were to be approved and implemented, 60% of the total units in the local centre would remain in A1 use. As a result, the change of use is not considered to conflict with policy S10 a).

Design

Policy S10: Conditions on Development in Shopping Areas, (d) states that new developments or change of use applications will only be acceptable if they are well designed and of a scale and nature appropriate to the site.

Externally the shop front will be retained as existing. The proposed extraction flue, originally shown to be located externally to the rear of the property will be routed internally through a service duct and terminating at ridge height adjacent to an existing chimney on the rear elevation. From both a visual amenity point of view this is considered to be the preferred location as it will be barely visible from the rear of the property.

At the time of the previous refusal for a HFTA at 463 Firth Park Road, the extraction flue was to be located on the rear elevation of the building terminating 3.5m above the eaves to the property. At this time it was considered that the excessive height of the flue would be detrimental to the visual amenities of the locality. The current proposal with the flue routed internally does not raise the same concerns and is considered to be in compliance with Policy S10(d)

Amenity Issues

Policy S10: Conditions on Development in Shopping Areas, Section (b) seeks to ensure that that new developments or change of use applications will only be acceptable if they do not cause residents or visitors in any hotel, hostel, residential institution or housing to suffer from unacceptable living conditions, including air pollution & noise.

The design of the flue extraction system terminating at high level will ensure neighbouring dwellings are not affected by odours. As the flue will run internally the flue will be mounted on anti-vibration fixings with additional sound proofing to ensure it will not cause nuisance to occupiers of the neighbouring residential accommodation. Full details will be conditioned for subsequent approval should the

application be approved to ensure no detriment to the living conditions of adjoining properties.

Whilst there is the potential for customers using the premises to create some noise on entering and leaving the building, the building is located within an established shopping centre, adjacent to a busy highway where there are a variety of commercial uses, including existing HFTA which area open in the evening.

The applicant has indicated that the building would be in use between 1100 hours and 2300 hours 7 days a week. These hours are considered reasonable within this busy commercial environment where there are other established late night uses. Conditions restricting the time of deliveries and sorting and removal of waste materials and bins shall be added to any subsequent approval to ensure there is no late night or early morning disturbance to local residents.

The proposal is not considered to give rise to any unacceptable amenity issues and in this respect considered to comply with section (b) of policy S10.

Highways

Section (f) of Policy S10: Conditions on Development in Shopping Areas, states that new developments or change of use applications will only be acceptable if they are adequately served by transport facilities, provide safe access to the highway network, appropriate off-street parking and not endanger pedestrians.

The site is well served by public transport and, although parking can be limited at busier times of the day, there is on street parking available in the area. It is also noted that the use is not considered to be a large trip generator in its own right, given that many customers will already be in the area, either using other services or living in close proximity. Given the above, the proposal is considered to be in compliance with Policy S10 (f)

Access

The existing shop front is not being altered as part of the application. There is a low threshold into the building which will ensure ease of access for all users.

Bin Storage and litter

The applicant has shown designated bin storage area within the rear yard area which is located clear of the shared rear access way. A condition will be added to any subsequent approval requiring the rear access to be kept free of obstruction at all time. In addition a litter bin for customers will be conditioned to be provided outside of the shop when the premises are open in order to prevent the spread of litter.

RESPONSE TO REPRESENTATIONS

The concerns raised in respect of the proportion of fast food shops and odour is addressed in the report above. Issues with regard to litter on the street can be dealt

with by adding a condition requiring the provision of a litter bin outside the premises. There is no evidence to suggest that the use will increase or give rise to antisocial behaviour, which is a matter for the police. Again there is no evidence to suggest that the use would increase vermin or attract rodents but if this issue did arise it could be dealt with by Environmental Health. It is not the planning authority's role to prevent competition between local businesses.

SUMMARY AND RECOMMENDATION

The application seeks approval to use a vacant retail shop as a Hot Food Takeaway with the installation of an associated fume extraction system.

Following an assessment of uses within the District Shopping Centre, the use of this unit as a hot food takeaway (A5) would not threaten the overall dominance of A1 retail uses. It is considered that the design and location of the proposed extraction unit will not lead to any amenity concerns in respect of neighbouring property or visual amenities of the locality.

The proposed unit is in close proximity to good public transport links and, given the commercial nature of the area and the close location of the surrounding residential community, this application is not considered to place any undue pressure on the existing highway network

The application is therefore considered in line with policy requirements and is recommended for approval.

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| Case Number | 16/01169/OUT |
| Application Type | Outline Planning Application |
| Proposal | Demolition of existing buildings and structures and erection of residential development (Use Class C3) with means of site access including a new vehicular bridge and a pedestrian/cycle bridge across the River Don, and associated landscaping and infrastructure works (As amended by drawings received on the 11 and 16 August 2016) |
| Location | Site Of Oughtibridge Mill Sheffield Site 22 - 24 Main Road Wharncliffe Side Sheffield S35 0DN |
| Date Received | 22/03/2016 |
| Team | West and North |
| Applicant/Agent | Nathaniel Lichfield And Partners |
| Recommendation | Grant Conditionally Legal Agreement |

Subject to:

Time Limit for Commencement of Development

1. Application for approval in respect of any matter reserved by this permission must be made 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.

2. The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

3. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (a) Access, (b) Appearance, (c) Landscaping, (d) Layout and (e) Scale (matters reserved by the permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

Approved/Refused Plan(s)

4. The development shall be carried out broadly in accordance with the following approved plans:

01 Use and Development Area (Dwg. Ref. no. 1526:10 Rev L)
02 Landscaping and Open Space (Dwg. Ref. no. 1526:11 Rev B)
03 Storey Heights (Dwg. Ref. no. 1526:12)
04 Density (Dwg. Ref. no. 1526:13 - Revision D)
05 Access (Dwg Ref. no. 1526:14 - Revision C)
06 Tree Removal Plan (Dwg Ref. no. 1526:15 Revision F)
Proposed Access Arrangement Langsett Road North (Dwg No. 15/215/TR/003)
Proposed Footway Widening Scheme on A6102 Langsett Road North:
Drawing 1 (Dwg. Ref. no. 15/215/TR/008 Rev B), Drawing 2 (Dwg. Ref. no. 15/215/TR/009 Rev C), and Drawing 3 (15/215/TR/010 Rev B).

Reason: In order to define the permission.

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

5. No advance infrastructure and enabling works (including but not limited to any works of demolition and/or works of a temporary nature, such as, temporary hard and/or soft landscaping or temporary vehicular routes) within a Phase ("Advance Infrastructure and Enabling Works") shall commence until details of the proposed Advance Infrastructure and Enabling Works have been submitted to and approved in writing by the Local Planning Authority.

The Advance Infrastructure and Enabling Works shall be carried out in accordance with those approved details. For the avoidance of doubt, any Advance Infrastructure and Enabling Works may be undertaken prior to the submission or approval of Reserved Matters Applications pursuant to Conditions 1 and 2 and without compliance with pre-commencement conditions 7, 8, 9, 11, 12, 14, 15, 16, 17, 20, 21, 22, 25, 29, 32 and 33.

Reason: To safeguard highways safety and amenity during early development activities.

6. No development of a phase shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for the following matters in respect of the development of the phase:
 - i. The parking of vehicles of site operatives and visitors
 - ii. Means of access for construction traffic
 - iii. Loading and unloading of plant and materials
 - iv. Storage of plant and materials used in constructing the development
 - v. The erection and maintenance of security hoarding
 - vi. Wheel washing facilities
 - vii. Measures to control the emission of dust and dirt during construction
 - viii. Measures to protect potential reptiles during construction

Reason: To provide for appropriate on-site facilities during construction, in the interests of highway safety and the general amenity of the area.

7. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5 prior to the commencement of development a phasing plan setting out the proposed phasing of construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application for a phase submitted pursuant to Condition 3 above shall be accompanied by an updated phasing plan. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved pursuant to this Condition. The development shall be carried out in accordance with the phasing plan as approved and updated unless otherwise agreed in writing with the Local Planning Authority or required by other conditions of this permission. For the purposes of this permission all references to a "phase" or "phase of development" shall be interpreted as being a reference to a phase as defined on the phasing plan approved or subsequently updated pursuant to this condition.

Reason: To ensure the satisfactory delivery of elements of the proposed development.

8. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, no development of a phase shall take place until a scheme has been submitted to, and approved in writing by, the Local Planning Authority detailing:
 - i. Means of crossing the River Don for pedestrians and cyclists and links into wider footpath/cycleway network;
 - ii. The provision of pedestrian access points onto Langsett Road North;
 - iii. The provision of public art; and
 - iv. The timing of the provision of i, ii and iii.

Thereafter the approved scheme shall be implemented in accordance with the timescales set out within the approved scheme.

Reason: To provide sustainable travel options to local services and facilities within Oughtibridge and Wharnccliffe Side and in order to satisfy the requirements of Policy BE12 of the Unitary Development Plan.

9. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, no development of a phase shall take place until a scheme has been submitted to, and approved in writing by, the Local Planning Authority detailing:

- i. Means of crossing the River Don for vehicles; and
- ii. The timing of the provision of i.

Thereafter the approved scheme shall be implemented in accordance with the timescales set out within the approved scheme.

Reason: To provide a satisfactory vehicle crossing over the River Don.

10. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5 no phase of development shall commence until a Phase II Intrusive Site Investigation Report in respect of that phase of development has been submitted to, and approved in writing by, the Local Planning Authority. The report will confirm that supplementary intrusive site investigations, gas monitoring and risk assessment have been undertaken as recommended in report Geoenvironmental Appraisal Report of land at Oughtibridge Mill, ref: C6485A, Final Rev A, dated March 2016, Volumes 1 to 3 (Sirius), and as are required by the Environmental Protection Service. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

Reason: To minimise risks from land contamination to the future users of the land and neighbouring land in accordance with saved UDP Policy GE25.

11. No development of any phase, or other operations being undertaken on site in connection with the development, shall take place until the following documents, prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) for that phase, are submitted to and approved in writing by the Local Planning Authority:

- Tree protection plan and barrier details (TPP)
- Arboricultural Method Statement (AMS)

No development or other operations shall take place except in complete accordance with the approved TPP and AMS. The erection of barriers for the protection of any retained tree shall be undertaken in accordance with the approved TPP and AMS before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been

removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure trees are adequately considered and protected during construction of the development.

12. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, no development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP:otters) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (otters) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- c) The location and timing of sensitive works to avoid harm to otters and their movement through the river corridor.
- d) The times during construction when specialist ecologists need to be present on site to oversee works.
- e) Responsible persons and lines of communication.
- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person and the maintenance of a daily log by this person to be provided to the LPA.
- g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure adequate protection of otters

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

13. No dwellings within any phase of development shall be occupied until the vehicular site access has been implemented in accordance with the details approved by Dwg No. 15/215/TR/003 (Proposed Access Arrangement Langsett Road North), or any alternative access arrangements submitted to, and approved in writing by, the Local Planning Authority which is substantial accordance with this plan.

Reason: In the interests of highway safety.

14. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, no phase of development shall commence until an agreed timetable for implementation of the Proposed Footway Widening Scheme has been agreed in writing by the Local Planning Authority. Thereafter the approved widening scheme shall be implemented in accordance with the details approved by: Drawing 1 (Dwg. Ref. no. 15/215/TR/008 Rev B), Drawing 2 (Dwg. Ref. no. 15/215/TR/009 Rev C), and Drawing 3 (15/215/TR/010 Rev B), or any alternative improvement scheme agreed in writing with the Local Planning Authority, and the agreed timetable for implementation,

Reason: In the interests of highway safety.

15. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5 prior to the commencement of any phase of development, a detailed Travel Plan for that phase which is in broad accordance with the Bryan G Hall Framework Travel Plan (March 2016), and finalises the measures to be put in place for the phase shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan for that phase shall thereafter be carried out and operated as approved.

Reason: To promote the use of more sustainable modes of transport.

16. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5 no phase of development shall commence until full details of the proposed surface water drainage for that phase have been submitted to and approved by the Local Planning Authority, including the arrangements for surface water infrastructure management for the life time of the development. These works shall be carried out concurrently with the development of the phase to which they relate and shall be operational in accordance with the approved details prior to the occupation of any dwellings within the relevant phase of development.

Reason: To ensure that the site is properly drained and that surface water is appropriately discharged.

17. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5 the surface water discharge from this brownfield site shall be reduced by at least 30% compared to the existing peak flow as referred to within Table 1 of the Drainage Assessment (Oughtibridge Mill, Oughtibridge, Sheffield - Drainage Assessment, Final Report v1-0, March 2016, Weetwood Services Ltd). This should be achieved by sustainable drainage methods where feasible. Should the design not include sustainable methods evidence is to be provided to show why sustainable drainage methods are not feasible for this site. Detailed proposals for surface water disposal for each development phase, including calculations to demonstrate the reduction, must be submitted to and approved by the Local Planning Authority prior to commencement of any phase development. Each phase of development shall thereafter be carried out in accordance with the approved details for that phase.

Reason: To ensure that the development can be properly drained and to prevent the increased risk of flooding.

18. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed for each development phase in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

19. The access to Wharncliffe Side Waste Water Treatment Works shall be maintained throughout all phases of the development, details of which shall be submitted to and approved by the Local Planning Authority. Furthermore, construction activity in the relevant area of the site shall not commence until the approved details have been implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure access to Wharncliffe Side Waste Water Treatment Works is maintained throughout the development.

20. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, a minimum of 1.38ha shall be provided as public open space for the development as a whole. Such public open space shall comprise of informal amenity space, including the riverside walkway, and facilities for children's play. No development within a phase shall commence until the Local Planning Authority has approved in writing the details of, and arrangements for, the setting out of on-site public open space as part of that phase of the development to include the following matters in respect of the phase:

- i. The delineation and siting of the proposed public open space;
- ii. The type and nature of the facilities to be provided within the public open space, including where relevant children's play provision;
- iii. The arrangements to ensure that the Public Open Space is laid out and completed during the course of the development; and
- iv. The arrangements for the future maintenance of Public Open Space.

The open space for that phase shall be completed in accordance with the approved details and arrangements for that phase.

Reason: To ensure adequate provision of public open space to meet the needs of future occupiers of the development in accordance with saved UDP Policy H16.

21. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, no development shall begin until a scheme for the provision of affordable housing (as defined in Annex 2 of the National Planning Policy

Framework (or any revocation or modification thereof in force from time to time)) which equates to 10% of the total number of dwellings gross internal floor area to be provided within by the development has been submitted to and approved in writing by the Local Planning Authority. The scheme may provide for the provision of the affordable housing on a phase by phase basis. The development (and each phase thereof) shall be carried out in accordance with the approved scheme.

Reason: To secure the provision of affordable housing in accordance with Core Strategy Policy CS40.

22. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5 no phase of development shall commence until a Remediation Strategy Report detailing those remediation works recommended within the Phase II Intrusive Site Investigation Report approved pursuant to Condition 10 for that particular phase have been submitted to, and approved in writing by, the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures, including the YAHPAC Technical Guidance (October 2014), Acceptable Methods of Validating Capping Thickness (May 2013) and Verification of Gas Protection Measures (February 20019).

Reason: To minimise risks from land contamination to the future users of the land and neighbouring land in accordance with saved UDP Policy GE25.

23. Upon completion of any measures identified in the approved Remediation Strategy, or any approved revised Remediation Strategy, for a phase, a Validation Report shall be submitted to the Local Planning Authority in respect of that phase. No dwellings within a phase shall be occupied until the final Validation Report for that phase has been approved in writing by the Local Planning Authority. The Validation Reports shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures, including the YAHPAC Technical Guidance (October 2014), Acceptable Methods of Validating Capping Thickness (May 2013) and Verification of Gas Protection Measures (February 20019).

Reason: To minimise risks from land contamination to the future users of the land and neighbouring land in accordance with saved UDP Policy GE25

24. No development of any phase shall take place until a woodland management plan has been submitted to, and approved in writing by, the Local Planning Authority, which details measures to manage the adjacent woodland edge up to the existing fence line, and the timescales for the implementation of such measures. Thereafter the approved scheme management plan shall be implemented in accordance with the approved details.

Reason: To ensure that the ancient woodland surrounding the site is adequately considered and protected.

25. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, no phase of development shall commence until details of mitigation measures as set out within Section 5 of the Ecological Survey prepared by Baker Consultants (March 2016) for that particular phase have been submitted to, and approved in writing by, the Local Planning Authority, to the extent only that such measures are relevant to the particular phase under consideration. Mitigation measures are specific to the following paragraphs of the Ecological Survey:

- i. Replacement bat roost habitat - Paragraph 5.3.9 (p48);
- ii. Provide nesting and feeding habitats for birds - Paragraph 5.3.17 (p49); and
- iii. Invasive species management - Paragraph 5.3.18-5.3.20 (p49).

The details will include a timetable for the implementation of mitigation measures for that particular phase. Thereafter, the development of that phase shall be carried out in accordance with the approved details.

Reason: To ensure adequate protection of species and habitats.

26. Demolition of Buildings B10 and B18 as shown in the Ecological Survey prepared by Baker Consultants (March 2016) and removal of the existing vehicular bridge shall not commence unless the Local Planning Authority has been provided with either:
- a) A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (R53 Licence) authorizing the specified activity/development to go ahead; or
 - b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require an R53 Licence.

Reason: To protect the interests of bats as a protected species.

27. No dwellings within a phase of development shall be occupied until a scheme of sound insulation works for that phase has been installed. Such scheme of works shall be first submitted to and approved in writing by the Local Planning Authority and shall:

- a) Be based on the findings of approved Noise Assessment report ref. 15/0651/R1-3.
- b) Be capable of achieving the following noise levels:
 - Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
 - Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
 - Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);
 - Bedrooms: LAFmax - 45dB (2300 to 0700 hours); and

External Amenity Areas (rear gardens): LAeq (16 hour) 55dB (0700 to 2300 hours).

c) Where the above internal noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms. Such works shall thereafter be retained.

Reason: In the interests of residential amenity.

28. Prior to the occupation of any phase of development, Validation Testing of the scheme of the sound insulation works provided for dwellings pursuant to Condition 27 shall have been carried out for each house type within that phase and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

a) Be carried out in accordance with a method statement approved by the Local Planning Authority.

b) Demonstrate that the noise levels specified in Condition 27 have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound attenuation works thus far approved, a further scheme of sound attenuation works capable of achieving the specified noise levels and recommended by an acoustic consultant for the relevant development phase shall be submitted to and approved by the Local Planning Authority before any dwellings within the phase are occupied. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before any dwellings within the phase are occupied and shall thereafter be retained.

Reason: In the interests of residential amenity.

29. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, unless it can be shown not to be feasible and viable, no phase of development shall commence until details identifying the strategy for providing a minimum of 10% of the predicted energy needs arising from that phase from decentralised and/or renewable or low carbon energy, or an alternative energy saving mechanism, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development of that phase shall be carried out in accordance with the approved details.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change, in accordance with Sheffield Development Framework Core Strategy Policy CS65.

30. The landscape buffer along the Main Road/Langsett Road North boundary shall comprise retained existing woodland and new woodland planting, to create a substantial long term landscape feature with a minimum width of 10m. Existing woodland is to be managed and enhanced with new planting, and new woodland planting is to include a substantial proportion of large forest species trees details of which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the surrounding area

31. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To ensure adequate protection of badgers

32. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, a "lighting design strategy for biodiversity" for semi-natural habitats including ancient woodland, sensitive species shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats, badgers and otters, ancient woodland, and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: To ensure adequate protection of species and habitats

33. Save for any Advance Infrastructure and Enabling Works approved pursuant to Condition 5, a method statement for the protection of reptiles shall be submitted to and approved in writing setting out mitigation measures that would be undertaken during the course of the construction phases.

Reason: To ensure adequate protection of species and habitats given the development and site clearance will reduce the number of basking areas and potential reptile habitat on site.

Other Compliance Conditions

34. The development shall comprise no more than 320 dwellings.
- Reason: to ensure that the development can be safely accommodated on the highway network in line with the submitted Transport Assessment.
35. Site levels shall be set in accordance with the approved Flood Risk Assessment (FRA) Weetwood dated March 2016 and the following mitigation measures detailed within the FRA:
- Site levels for the development platform and floor levels of any building are set no lower than the 1 in 1000 year (ie 0.1% annual probability) flood level.
- No dwellings within a phase of development shall be occupied until the above mitigation measures have been fully implemented for that phase.
- Reason: To prevent the increased risk of flooding to the proposed development and future occupants.
36. Each phase of the development shall be carried out in accordance with the details shown on the submitted Drainage Assessment reference 2992/DA/Final/v1.0 dated 18/03/2016 prepared by Weetwood, unless otherwise agreed in writing with the Local Planning Authority.
- Reason: In the interests of satisfactory and sustainable drainage.
37. Each phase of development and the associated remediation of the phase shall proceed in accordance with the recommendations of approved Remediation Strategy approved for the phase pursuant to Condition [22]. In the event that remediation for that development phase is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works on that development phase shall cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
- Reason: To minimise risks from land contamination to the future users of the land and neighbouring land in accordance with saved UDP Policy GE25.
38. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays and at no time on Sundays or Bank Holidays.
- Reason: In the interests of residential amenity.
39. As shown on Parameter Plan 1, a minimum 5m wide vegetated buffer zone shall be provided between the nearest part of the developable area of the

site and the Ancient Semi-Natural Woodland/Local Nature Site (Wharnccliffe Woods). The remaining area adjacent to the Northern boundary (Eastern side) shall be provided with a buffer between 5m-20m.

Reason: In the interests of biodiversity and protection of the adjoining ancient woodland from deterioration.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

If you require any further information please contact Mr S A Turner on Sheffield (0114) 2734383.

3. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received a signed consent under the Highways Act 1980. An administration/inspection fee will be payable and a Bond required as part of the consent.

You should apply for a consent to: -

Highways Adoption Group
Development Services
Sheffield City Council
Howden House, 1 Union Street
Sheffield
S1 2SH

For the attention of Mr S Turner
Tel: (0114) 27 34383

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

The notice should be sent to:-

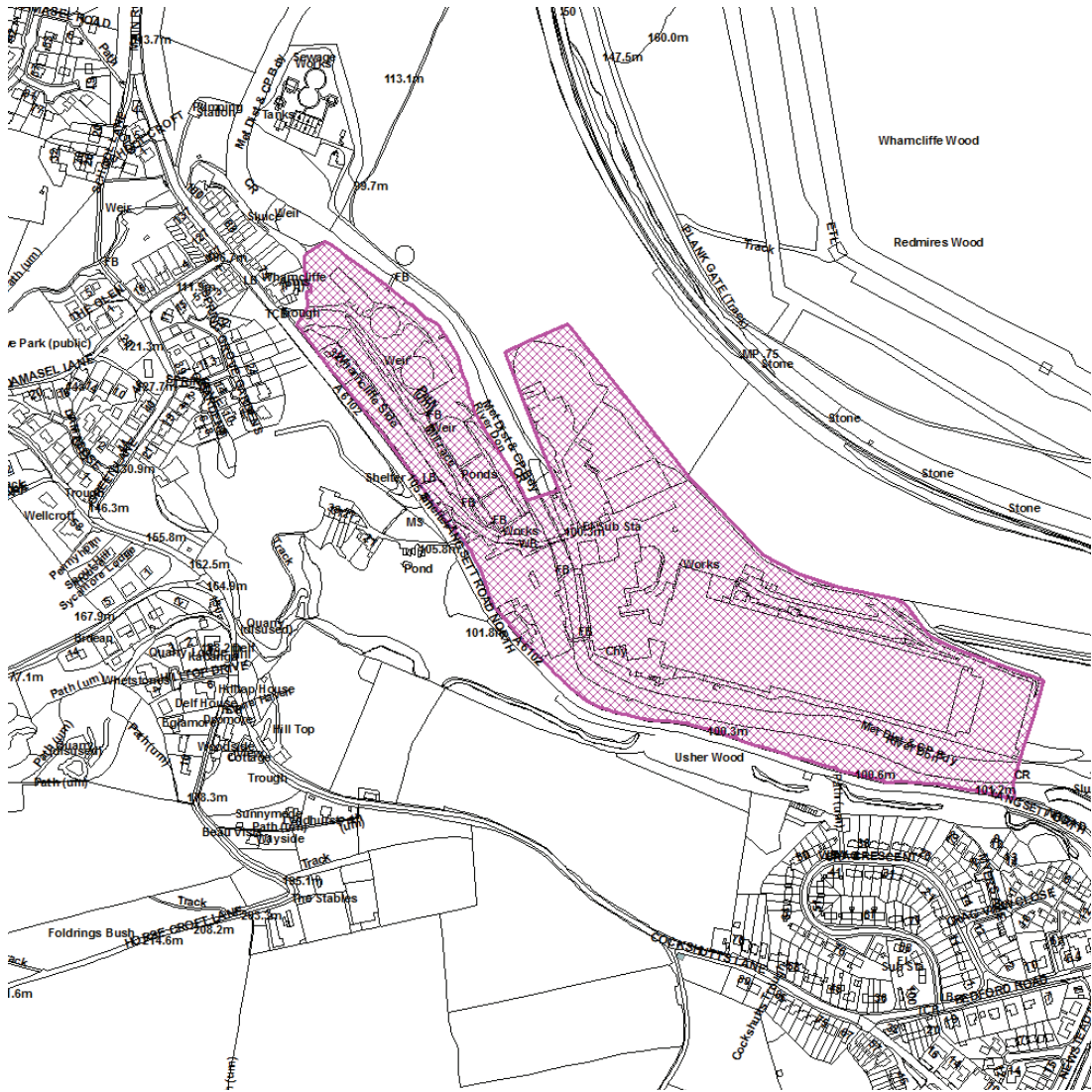
Sheffield City Council
Town Hall
Penistone Street
Sheffield
S1 2HH

For the attention of Mr P Vickers

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

5. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group on Sheffield 2736677, prior to commencing works. The Co-ordinator will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.
6. The applicant should be aware that a legal agreement has been completed in respect of this proposal.

Site Location



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INTRODUCTION

The application relates to the site of Oughtibridge Mill, a former paper mill that lies on the eastern side of Main Road/Langsett Road North (A6102), some 0.45km north of the village of Oughtibridge. The site has a long standing history in the manufacturing and processing of paper products that dates back to the late 19th Century. The previous owners of the site (SCA Group) ceased paper production at the site in 2007 (partly in response to the 2007 Sheffield Floods) and ceased all other operations in 2014/15. The application site, together with the whole of the Oughtibridge Mill Estate is now within the ownership of CEG, who purchased the estate's portfolio on behalf of ASE II Developments Ltd in 2015.

Members are informed that there have been two formal pre-application enquiry submissions prior to the application being submitted, one of these sought planning advice by the then owner (SCA) on a total of 13 sites in order to establish their suitability for development/re-development including for housing. The application has been submitted in response to these pre-application enquiries and subsequent discussions between officers and the applicant's representations.

Members are also informed that two separate applications have been submitted independent of this outline application by the applicant seeking approval of the proposed vehicular and pedestrian/ cycle bridges. These are being considered under application Nos. 16/00706/FUL and 16/00708/FUL.

LOCATION AND PROPOSAL

This Oughtibridge Mill site is located relatively equidistant between Wharnccliffe Side to its north and Oughtibridge to its south. The site covers an area of approximately 13.79 hectares and is bisected by the River Don. The land to the south and west of the River Don is located within the administrative boundary of Sheffield City Council, and is designated a General Industry Area (without Special Industries), whilst the land to the north and east of the River Don is located within the administrative boundary of Barnsley MBC. The land located within Barnsley's is designated Green Belt.

The application site sits on the valley floor with the main area of the site either side of the river being relatively flat ranging from 90m (AOD) to 102m (AOD). This is in contrast to the steep valley sides and undulating sloping landform.

The application comprises previously developed land including a number of existing buildings and structures, that include traditional 19th C stone buildings fronting onto Langsett Road North, a large 20th C warehouse shed, in addition to areas of cleared land, hardstandings and metalled roads. Building heights vary from two storey buildings fronting Langsett Road North, to the site's much higher warehouse buildings, which are up to 13m in height. Details submitted with the application state that the site's remaining buildings provide in excess of 32,000 square metres of floorspace and have an overall mass of 215,000 cubic metres. The majority of the site's buildings and structures including the large warehouse building is located on the northern side of the River Don within the administrative area of Barnsley.

The site contains a number of individual and groups of trees, which are protected by a Tree Protection Order (TPO). The site is bounded by woodland to its north, east and west, which is also covered by TPO and includes ancient woodland. Wharncliffe Woods, which is partly designated as both Ancient and Semi-Natural Woodland and Ancient Replanted Woodland is located beyond the site's northern and eastern boundary, areas of woodland are located along the southern boundary between the Langsett Road North and the River Don and woodland and the existing built form of Wharncliffe Side found along its western boundary. At the site's north-western corner, fronting onto Langsett Road North is the Wharncliffe Arms Public House. Low stone walling encloses part of the site along its Langsett Road North frontage, in which a wide opening towards its northern end provides vehicular ramped access. The site's road boundary is also characterised by the remnants of the 19th C stone buildings, which is built up against the back edge of footpath, mixture of wire mesh, wood and metal fencing, conifer hedging and pedestrian footpath that varies between 1.5m-2.5m in width. Wharncliffe Side Wastewater Treatment Works (WWTW) is located approximately 80m north of the site.

The applicant is seeking outline planning approval for the demolition of the site's existing buildings and structures and erection of residential development (Use Classes C3) with means of access including a new vehicular bridge and a pedestrian/cycle bridge spanning the River Don onto Langsett Road North. The applicant has requested only means of access be considered under this outline application with appearance, landscaping, layout and scale all reserved for future consideration, (the Reserved Matters). While these matters are reserved, in support of the application, a series of parameter plans have been submitted to illustrate how key elements would be brought forward at the detailed stage. These Parameter Plans are listed below for ease of reference:-

Parameter Plan 01 (Use and Development Area): This plan indicates the developable area of the proposed housing, location of the new vehicular crossing onto Langsett Road North, and the indicative locations of the new pedestrian bridge and vehicular route of primary access road. The plan also shows potential pedestrian link at the site's south-eastern corner subject to further assessment and feasibility study.

Parameter Plan 02 (Landscaping and Open Space): This plan indicates the areas of open space, riverside green corridors and areas of buffer planting onto Langsett Road North.

Parameter Plan 03 (Storey heights): This plan indicates the storey heights of the proposed dwellinghouses/apartments showing a mixture of 2, 2.5 and 3 storey dwellinghouses/apartments on three of the four parcels of land and a mixture of 3 and 4 storey dwellings/ and or apartments within the area of the former mill buildings.

Parameter Plan 04 (Density Plan): This plan shows that the density of the site would range between 30-40 dwellinghouse per hectare on three of four larger parcels of land and 50-100 dwellings per hectare on the smaller parcel of land in the area of the former stone and brick mill buildings that front onto Langsett Road North. At this density range, it is proposed that the site will provide a maximum of 320 dwellinghouses with approximately 120 of these being situated on the Sheffield side of the site and 200 on the Barnsley's side.

Parameter Plan 05 (Access): This plan indicates the location of the proposed vehicular access and the indicative location of the proposed new pedestrian footbridge.

Parameter Plan 06 (Tree Removal Plan): This plan indicates the site's existing trees that would be removed, trees to be retained and trees that may need to be removed subject on remediation measures.

PROCEDURAL MATTERS

The application site is located in both the administration boundaries of Barnsley MBC and Sheffield CC. On account of this, discussions between the two authorities took place in advance of the application being submitted in order to establish the procedural matters relating to the cross boundary nature of the site. It was agreed between the two authorities that decision making authority in respect of the application (and all subsequent applications for the approval of reserved matters, S73 applications, NMAs and applications to discharge conditions) be delegated to Sheffield CC. Despite the largest part of the site being within Barnsley, the site's location along Langsett Road North adjoining the two settlements of Wharnccliffe Side and Oughtibridge, and its remoteness from the main built up areas of Barnsley would mean that it will function and draw mainly if not entirely upon the services located in Sheffield and not Barnsley.

These arrangements were confirmed by Barnsley MBC when its Planning Regulatory Board on the 23 February 2016 delegated its decision making functions as Local Planning Authority to SCC pursuant to Section 101(1) (b) of the Local Government Act 1972. The report agreed by Barnsley's Members at the Planning Regulatory Board details that permission is delegated to SCC and that the Council (Sheffield) have regard to any conditions or clauses within a S106 agreement recommended by Barnsley in a consultation response having regard to our development plan and all other material considerations.

The application has been advertised as a departure from the Development Plan as the development involves the erection of houses within a General Industry Area and Green Belt. However, Members are informed that there is no specific requirement to refer the application to the Secretary of State simply because of this. With regard to referrals, the relevant direction remains the Town and Country Planning (Consultation) (England) Direction 2009 (Direction). Paragraph 9 of the Direction says that 'Where a local planning authority does not propose to refuse an application for planning permission to which this Direction applies, the authority shall consult the Secretary of State'. With regard to Green Belt development, there is no requirement to consult the Secretary of State if the LPA is satisfied that the development does not constitute 'inappropriate development' provided it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. With regard to the proposed development within a General Industry Area, Members are advised that it used to be the case that the Secretary of State had to be notified of all 'departure applications' that is planning applications which are not consistent with policies in the local development plan for that particular area. However, following proposals in the 2006 Barker Review of Land Use Planning

Final Report, the Government changed this situation in 2009 to narrow the situation in which the Secretary of State had to be notified. The Direction does not therefore require the blanket referral of all departure applications. In this instance, officers are satisfied that whilst the application, at least within the Sheffield part of the site, comprises a departure from the development plan, there is no requirement to refer it to the Secretary of State. Members are informed that the specific publicity requirements for advertising departure applications has been applied in respect of this application pursuant to Article 15 of the DMPO. This has included the posting of 16 site notices in and around the settlements of Wharncliffe Side and Oughtibridge and being advertised in the local press.

PUBLIC CONSULTATION

The applicant has carried out a thorough consultation programme in advance of the application being submitted that involved members of the local community and key stakeholders. Details of the public consultation are found within the applicant's Statement of Community Involvement (SCI), which accompanied the application and included the distribution of a leaflet to all residential properties in both Oughtibridge and Wharncliffe Side informing residents of the proposals and inviting them to a public exhibition led by the applicant and its consultation team on the 21 January 2016.

RELEVANT PLANNING HISTORY

There have been two pre-application enquiries relating to the development of the site in advance of this outline application being submitted. One of these sought planning advice by the then owner (SCA) on a total of 13 sites in order to establish their suitability for development/re-development including for housing (14/03735/PREAPP) and the second (15/04387/PREAPP) was submitted by the applicant following their purchase of the site in 2015 based on the advice given in the first submission. There has been no other relevant planning history prior to these two pre-application enquiries being submitted.

SUMMARY OF REPRESENTATIONS

Representations have been received in response to this application from several bodies/departments. These include comments from Barnsley Metropolitan Borough Council (BMBC), Campaign for the Protection of Rural England (CPRE), Loxley Valley Protection Society (LVPS), Bradfield Parish Council, Sheffield Wildlife Trust, Angela Smith MP and a local councillor. These have been summarised below:-

Barnsley Metropolitan Borough Council (BMBC)

There are no objections to the cross boundary outline planning application from a Barnsley Metropolitan Borough perspective subject to Sheffield City Council being satisfied that the application is acceptable in the following regards:-

- That the proposal would represent the complete redevelopment of a previously developed site which would not have a greater impact on the openness of the

Green Belt, or the purposes of including land within it than the existing development.

- That the loss of a designated employment site would be acceptable as a Departure to the Sheffield Unitary Development Plan having regard to the employment land needs of the area.
- That the site is suitably located for a future housing development of this magnitude from a sustainable development perspective taking into account the relationship with existing settlements and any spatial policies in the UDP and any emerging policies and SPD's.
- That the development would not be at unacceptable risk of flooding or cause an unacceptable risk of flooding downstream and that the sequential test and exception tests are satisfied and that there are no objections from the Environment Agency and Sheffield Council Drainage/Flood Risk Officers.
- That the proposed plans satisfy Sheffield policies regarding the design of new housing developments and highway design. Note however that it shall be necessary to establish whether or not Barnsley Council shall be expected to play any future role in the adoption and maintenance of the roads and bridges in order to determine whether this authority needs to involve itself in assessing the current full applications for the bridges and the detail of the proposed housing development as part of any future application for the approval of the reserved matters.
- That the application would include education, affordable housing and public open space provision that is in accordance with the requirements of Sheffield planning policies and that there would be no expectation that Barnsley Council would need to get involved with the adoption of the open spaces within the Barnsley side.
- That Sheffield afford weight to the comments expressed by the Council's Biodiversity Officer and satisfy themselves prior to the determination of the application that the development would conserve and enhance biodiversity interests prior to determining the application.
- That Sheffield ensure the proposals indicated on the design parameters plan regarding the retention of the existing trees located around the edges of the site and adjacent to the River Corridor are carried through to the reserved matters stage and that adequate protection measures are put in place during the construction period. In addition, a good standard of soft landscaping should be provided as part of the new development.
- That the development would not be at unacceptable risk from Contaminated Land or could be appropriately mitigated via an appropriate remediation strategy.
- The Council would request that the noise mitigation conditions requested by EPS are imposed on any grant outline planning permission.

Campaign for the Protection of Rural England (CPRE) wish to object to the application for the following reasons:-

- The site cannot be considered in isolation and there must be a Masterplan produced for the whole Don Valley Corridor, which includes housing, amenities, public transport, green space and green infrastructure;
- It is considered that the density is far too low and the site could accommodate many more dwellings than 320. The opportunity presented by the site to Sheffield's housing growth will be missed; CPRE is a strong advocate of excellent, sustainable, high density housing schemes in sustainable locations; There is plenty of evidence that net densities of less than 45 dwellings per hectare do not

adequately support local shops, services and public transport. Net residential densities should be at least 60 dwellings per hectare compared to the 30 currently proposed;

- All housing growth in the corridor must be supported by real improvements in public transport, otherwise it will be unsustainable;
- The commuted sum approach to affordable housing provision would only be acceptable if a Masterplan as suggested for the corridor includes realistic proposals for affordable provision nearby, without this then only an on-site provision would be acceptable;
- It is not appropriate to give outline approval for this scheme with most matters reserved, in advance of the Local Plan and in the absence of a Masterplan;
- Supportive in the principle of an appropriate re-use of this brownfield site;
- It is essential that the full sustainable potential of the re-use of such a prominent and distinctive site should be realised;
- It is essential that all development contributed to meeting the need for affordable housing. At the 10% rate identified for the area, a scheme of 320 homes should be providing 32 affordable homes. If the affordable housing provision is in the form of a commuted sum, this must be supported by convincing evidence that alternative sites with higher rates of affordable houses are likely to be forthcoming and that they would be within the Middlewood to Stocksbridge corridor;
- The local community are justifiably concerned that additional development along the A6102 corridor will generate unacceptable amounts of additional traffic. New housing development typically generates 6 to 7 additional vehicles movements per day per dwelling, so 320 dwellings would produce around 2,000 additional movements. A large proportion of these would impact upon the congested one-way system within the centre of Oughtibridge that Oughtibridge already suffers from noise and air pollution. That is why sustainable transport must be at the heart of any development and all development proposals within the corridor.
- The site is almost three miles from the Park and Ride at Middlewood, and whilst that may be within cycling distance, the A6102 is hopelessly unsuitable and dangerous for cyclists, and is also hostile to pedestrians. The bus service which passes the site connects it to the tram at Middlewood, but this service is also constrained by the bottleneck in Oughtibridge at peak times. The site is not therefore sustainably accessible;
- There has been a long running campaign to re-open the Don Valley rail line to passenger trains, which CPRE supports. If the growth aspirations for the Upper Don Valley are to be realised sustainably, then a light rail/tram scheme utilising the existing track from Sheffield centre to Stocksbridge is the only genuinely viable option. This is further reason why the site must not be developed prematurely before the strategic decisions needed to facilitate sustainable travel have been put in place.

CPRE has also made further comment with regard to Vacant Building Credit (VBC). Our reading of the guidance is that VBC should not apply in this case. National Practice Guidance states that "The vacant building credit applies where the building has not been abandoned." The applicant's website for the development states that the Oughtibridge Mill Estate ceased operations in 2014. It is currently home to vacant warehouses, industrial buildings and offices which are no longer suitable for modern employment purposes." It is clear that it has not been considered suitable for employment for two years, and therefore should be classified as 'abandoned', for the

purposes of interpreting National Practice Guidance. In our view, the maintenance of a small security presence on the site does not qualify as 'ongoing management', not least as this security presence is of course the responsibility of the new owner and developer of the site, not the former operator of Oughtibridge Mill.

You will note from our objection that we consider 320 dwellings to be too few - ie too low density - for the site, and therefore it is logical that a large number of dwellings would result in a different calculation of the floor area ratio, even if VBC were to apply. Furthermore a proportion of the new development is proposed for the other two greenfield plots, so these elements are not contributing to the re-use or re-development of any vacant buildings, and we would expect an affordable contribution to be required on those plots in any case.

The Court of Appeal ruling indicates that VBC, as an element of national planning policy, is a material consideration in determining a planning application, as is SCC's 10% affordable housing policy. In other words, VBC is not an overriding technical procedure to be applied before the application's policy compliance is considered; rather it is one of the policies against which compliance should be considered. It is therefore up to SCC to determine firstly whether VBC does apply in this case, and secondly the weight that VBC should carry as a material consideration, compared to other considerations. Consequently, if the need for affordable homes is given sufficient weight, and VBC would prevent the proposal from delivering an appropriate affordable contribution, then on balance the application should be refused.

Angela Smith MP raises a number of concerns with the application. These are summarised below:-

- Highways - The proposed development sits along an extremely busy road (A6102), which suffers from congestion for much of the day, especially around the 'rush hour' periods. A development of several hundred dwellings would serve to exacerbate significantly this already serious problem and whilst there are aspirations to improve public transport in the area, these are not firm plans and so cannot reasonably be expected to mitigate the additional car journeys;
- Pressure on Services – The local primary school at Oughtibridge is heavily oversubscribed. Highly concerned at the effect upon school admissions of the number of children who would live on the proposed development;
- Consideration should also be given to other services in the area such as the GP clinic and utilities. While the applicant has stated that there is capacity in the Yorkshire Water Waste Water Treatment Works for the treatment of foul sewage, however the correspondence from Yorkshire Water clearly states that the WWTW has only limited spare capacity, if any, available. The Planning Committee should satisfy itself therefore that the infrastructure in the area is adequate to accommodate a development of this scale.
- Over-development – Do not oppose in principle a level of redevelopment on this land. However, concerned that the scale of the development will place an unacceptable strain upon local services and infrastructure. Care should be taken to ensure that habitable properties are not located within 400m of the WWTW, as

recommended in industry standards and guidance.

-Flooding - Suitable measures must also be planned for at an early stage to ensure that any proposed development is not at risk of flooding, and that it does not contribute to a heightened flood risk further downstream.

An objection to the proposal has also been received from Loxley Valley Protection Society (LVPS). A summary of their comments are listed below:-

- Support both local residents and CPRE regarding the pressure on the existing infrastructure and transport network both in Oughtibridge itself and the whole of this valley corridor.
- Support CPRE in their desire for there to be an overall Masterplan for development in the city as a whole, based on the URBED analysis of the citywide growth option;
- Support CPRE view that the site should not be looked at in isolation, but do not agree that there should necessary be more houses than proposed on this site. Until the Masterplan is developed, an overall picture of potential sites and the overall housing numbers based on need will not be apparent.
- The potential for sustainable transport is important with the possibility of re-opening the Don Valley rail line to passenger trains. This would relieve pressure on the already congested road.
- While LVPS are supportive of the redevelopment of brownfield sites, and against any incursion into the Green Belt, such sites should be sustainable;
- We are pleased to see that there will be a 8m buffer zone along the river to help with the potential for flooding and restrict light pollution.
- A 15m buffer zone should also be incorporated to protect the ancient woodland/individual veteran trees in line with Natural England's standing advice.
- Would support the retention of the stone buildings which add to the historic character of the site.
- There should be exemplary standards in terms of design/energy performance and a great opportunity to explore the use of the river for hydro-electric energy generation.
- There is also an opportunity to provide 32 affordable houses or 10% of the total number. If a S106 offer is commuted to a sum, sites should be identified within the valley corridor.

Bradfield Parish Council has stated that all the recommendations within the specialist reports be adhered to such as ecological, flood, air quality etc. they recommend that a cycle pathway be implemented from the development to Forge Lane rather than diverted along the busy A6102. The LPA should also ensure that a decision is made as which catchment area the development will be in and ensure that the required capital investment is available for the particular school.

Councillor Keith Davis comments that any further development in the Stocksbridge and Upper Don Wards must be supported by improvements to the local infrastructure. Planning permission for 417 new dwelling at Deepcar (Bloors) and 197 at Stocksbridge (Fox Valley) will create utter havoc on journey times to and from the city which are already extended due to ineffective road changes at Penistone Road. The schools, doctors will be at breaking point.

Sheffield Wildlife Trust (SWT) has stated that local people have questioned the sustainability of a large housing development at this location with no associated improvements to infrastructure. They recommend that these issues are fully explored as SWT fully support sustainable communities. They also comment as follows:-

- The site is adjacent to Wharnccliffe Woods Local Wildlife Site and the River Don Local Wildlife Site. The Council's policies on the Green Environment must be adhered to. It is considered that the available reports do not provide sufficient information on the woodland buffer zone. SWT would want to be assured that the woodland would not be negatively affected by the construction phase, lighting, noise, garden waste, pets and potential increased access.
- Potential impacts and opportunities on the River Don and its riparian habitats from increased access etc.
- A confirmed winter bat roost has been found and further bat surveys, including summer surveys have been recommended. These must be carried out prior to any planning decision;
- Would like to see as many category A and B trees to be retained;
- Any green infrastructure/landscaping on the site should be native and compliment the setting of the woodlands and environment;
- Would recommend any play features to be natural play;
- Would like to see green roofs given serious consideration in the development in line with the Sheffield Green Roof Action Plan;
- Would like to see a robust long-term landscape and ecology management plan; and
- Would like to see CIL or s106 monies arising from the development to be spent on the neighbouring woodland complex – Wharnccliffe/Weata/Greno woods

Representations have also been received from 6 local residents. A summary of their comments are listed below:

Objections

- Concerned that the development is excessive and potentially the first step in a much wider scheme for the whole Oughtibridge Mill Estate.
- Any planning consent granted for the site should be subject to a planning obligation that provides an undertaking not to seek to develop any further parts of the former Oughtibridge Mill Estate.
- Consideration should be given to whether the capacity of the local area is able to support the development and not put pressure on services such as doctors and schools;
- The resident is also concerned that the Statement of Community Involvement is deficient as it does not appear that secondary schools have been consulted.
- More certainty and clarity is required in respect of enhanced public access to the wider area, improvements to local infrastructure, where necessary, provision for and long term management of open space and impacts and improvements to schools and local services;
- The development would result in significant congestion along the highway network;
- Impact on local services such as schools; and
- Impact on local infrastructure

PLANNING ASSESSMENT

It is considered that the main issues relevant to this application are as follows:-

- (i) The Principle of Development – Policy and Land Use
- (ii) Highway Issues;
- (iii) Land Quality Issues;
- (iv) Flooding Issues;
- (v) Drainage Issues;
- (vi) Ecology Issues;
- (vii) Landscaping Issues;
- (viii) Design Issues;
- (ix) Provision of Open Space;
- (x) Affordable Housing;
- (xi) Education Provision;
- (xii) Residential Amenity Issues;
- (xiii) Sustainability Issues;
- (xiv) Noise Issues;
- (xv) Air Quality Issues;
- (xvi) Public Art; and
- (xvii) CIL Issues

These are considered in turn below.

- (i) Principle of Development - Policy and Land Use

The application site should be assessed against Policies GE1-G5 (Inclusive) and Policies IB5 and IB9 of UDP on account of the location of the site situated in both the Green Belt and General Industry Area. Also relevant are Core Strategy Policies CS5 (Employment Land) and Policies CS23 and CS24.

Green Belt Considerations

Policy GE1 states that development will not be permitted where it would lead to unrestricted growth of the built up area, contribute towards merging of existing settlements, lead to encroachment of urban development in the countryside or compromise urban regeneration. Policy GE2 states that in the Green Belt, measures will be taken to maintain and enhance those areas with a generally high landscape value and improve poor landscapes in priority areas. Policy GE3 states that in the Green Belt, the construction of new buildings will not be permitted, except in very special circumstances, for purposes other than agriculture, forestry, essential facilities for outdoor sport and recreation, cemeteries, and other uses which would comply with Policy GE1.

Policy GE5 sets out the circumstances where new houses would be allowed in the Green Belt. Under this policy it states that other than those needed to support agricultural and other acceptable uses, housing will be permitted only where this would involve either infilling of a single plot within the confines of an existing village,

group of buildings or substantially developed road frontage or replacement of an existing house on the same site.

Government guidance is contained within National Planning Policy Framework (NPPF). It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics being their openness and their permanence. Paragraph 89 details that Local Planning Authorities should regard the construction of new buildings as inappropriate development in Green Belt, with exceptions to this limited to amongst others, buildings for agriculture and forestry, the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would have not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The Council's policy position is very clear in terms of circumstances where new houses would be allowed in the Green Belt. Under Policy GE5 of the UDP, it states that new houses in the Green Belt, other than those needed to support agriculture and other acceptable uses will be permitted only where this would involve either the (i) infilling of a single plot within the confines of an existing village, group of buildings or substantially developed road frontage or (ii) the replacement of an existing house on the same site, providing that the new house is not significantly larger than the one it replaces.

The application site is not within the confines of an existing village, group of buildings or substantially developed road frontage nor does it represent the replacement of existing houses on site. Under the terms of Policy GE5, the development of this site for housing would therefore be unacceptable.

While it is acknowledged that the development would be contrary to development plan policy, significant weight should be given to government guidance contained in NPPF with regard to the redevelopment of this previously developed site. As stated above, the re-development of a previously developed site such as this is not inappropriate development, subject to the proposal not having a greater impact on the openness of the Green Belt than the existing development.

The applicant's response to impact on openness is set out within their supporting submission. As detailed above, only Barnsley's part of the site lies within the Green Belt. This part of the site is previously developed with extensive building coverage with the total floorspace amounting to over 32,000 square metres and a volume of some 215,000 cubic metres. Heights of the buildings in this area, which include the large industrial shed, range between 5m to 13m.

Parameter Plan 1 indicates that the proposed redevelopment of the site (developable area) would not encroach beyond the footprint and wider curtilage of the existing buildings. In this area, based on the densities set out on Parameter Plan 2 (25-45 houses per hectare), it is envisaged that this part of the site would accommodate approximately 200 units with a total floorspace likely to be no greater than 22,000 square metres and volume of 59,000 cubic metres. In comparison, the proposed

development in this area would therefore result in a net reduction of 10,000 square metres of floorspace and a net reduction of volume of 156,000 cubic metres. In addition to this, the supporting statement goes on to state that the proposed redevelopment of the site would allow for a reduction in overall massing across its area to better integrate with its setting with the residential areas broken up by areas open space and landscape corridors.

In terms of Green Belt impact, officers remain satisfied that the proposed development would improve openness to the benefit of the Green Belt. The development would result in a significant reduction in built form within the Green Belt with a volume reduction of some 62% over the site's existing buildings and an overall reduction of building height from 13m to 9m. The proposed development would therefore accord with the general aims of NPPG in terms of the redevelopment of previously developed sites in the Green Belt.

Given that the overall volume of the proposed development would be significantly less than the site's existing buildings, and the development would result in an overall reduction in building height and massing, it is not considered appropriate as part of this outline application to remove the properties' 'PD' Rights. An assessment on whether this will be necessary will be fully considered at the detailed stage.

Also relevant to the application with regard to the development of houses on the Barnsley side of the site, is the fact that it is proposed to be removed from the Green Belt (on the basis that the site does not contribute to the five purposes of Green Belt – as set out in NPPF) and is proposed to be allocated for housing within the Barnsley Local Plan Publication Draft 2016. Although little weight can be given to this emerging policy, in officers' opinion, it gives further indication of Barnsley's position with regard to the site.

Loss of Employment Land

The north-western part of the application site (Sheffield side) is identified in the UDP as a General Industry Area. Within General Industry Areas, UDP Policy IB5 states that B2 (Industry and Business) and B8 (Warehousing) uses are preferred uses with C3 (Housing) included within the menu of unacceptable uses. UDP Policy IB9 relates to conditions that development in General Industry Areas are expected to satisfy and states that within industrial and business areas, new development or change of use will be permitted provided that 'it would not lead to a concentration of uses which would prejudice the dominance of industry and business in the area or cause the loss of important industrial sites and would be in compliance with other policies including Policy IB5'.

Core Strategy Policy CS5 sets out locations for manufacturing, distribution/warehousing and other non-office businesses. This policy sets out four types of location, each of which accords with the Core Strategy objectives and spatial strategy, one of these being the Lower Don Valley.

Also relevant to the application is the development of housing on the Barnsley part of the site, which is identified an existing employment site and therefore afforded protection by Policy CSP19 of the Barnsley Core Strategy. This policy details that the

redevelopment of employment land for non-employment uses will only take place if it is demonstrated that the redevelopment of the site would not result in a loss of existing jobs or employment potential, and there will be an adequate supply of employment within the locality. The policy also goes on to state that it must be demonstrated that the land cannot satisfactorily support continued employment use.

Government guidance on employment uses is contained in Paragraph 22 of the NPPF. Paragraph 22 advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable protection of a site being used for that purpose.

In the applicant's supporting statements, it comments at Paragraph 7.10 that it is important to note that Policy CS5 of the Core Strategy does not identify the Oughtibridge area as being within a key strategic location for manufacturing, distribution or warehouse uses, and instead focus is directed to other part of the city better related to the strategic highway network and major areas of population. It goes on to state at Paragraph 7.11 that in relation to this site, UDP Policies IB5 and IB9 have effectively been superseded by the spatial approach set out in the Core Strategy and limited weight should therefore be given to these policies.

Notwithstanding the applicant's view that limited weight should be given to the Council's development plan policies in relation to the protection of existing employment uses, the applicant appointed Cushman and Wakefield to provide advice on the potential for the site to accommodate future employment uses, whether this be the re-use of the existing buildings or as a redevelopment opportunity. Their assessment found that in relation to employment land, whilst there may be a shortfall in employment land within Barnsley authority area, market and viability consideration are critical in determining the suitability of any proposed allocations. A broad quantitative analysis within a 2.5 mile radius of the site showed that there is approximately a 3 years supply of floor space currently available. In terms of supply, Cushman and Wakefield considers that one major employment site at Claywheels Lane Sustainable Industrial Park, which has been largely vacant for 25 years and marketed for over 10 years is expected to absorb any future employment land requirements within the vicinity of the application site.

In terms of viability, Cushman and Wakefield comment that the age of the premises is an issue as several aspects of the site do not accord with institutional standards for modern premises. The site is also heavily restricted by its location and is unable to compete with more established industrial locations, which benefit from ready access to the motorway network, while the scale of the former paper mill fails to meet the potential occupier market within the area.

To conclude, Cushman and Wakefield consider that based upon market evidence there is no reasonable prospect of the site being brought back into employment use, but in any event, the site is not in a strategic location where either Sheffield or Barnsley are seeking to focus new employment generating uses.

In light of the above, the applicant considers that the criteria set out in Policy CSP19 of the Barnsley Core Strategy to justify the loss of the existing employment use have been demonstrated. The applicant states that the development needs to be

considered in the context of Cushman and Wakefield conclusions, the fact that the site is not identified as being within a key strategic location for manufacturing, distribution or warehouse uses in the Core Strategy and government guidance contained in NPPF, which advises against long term protection of sites allocated for employment use where there is no reasonable protection of a site being used for that purpose.

Officers accept the views of the applicant with regard to the loss of this employment site for housing. While it is accepted that residential uses would not normally be acceptable in a General Industry Areas under UDP Policy IB5, Core Strategy Policy CS5 does not identify the site as a strategic location for manufacturing, distribution and warehousing uses. Wharncliffe Side is also not identified in the spatial strategy as having a key city-wide role. There is therefore no objection from a business and industrial policy point of view to a change of emphasis to housing.

Other Land Use Considerations

Core Strategy Policy CS23 relates to and aims to concentrate new housing (at least 90%) within the main urban areas of Sheffield. Policy CS24 seeks that priority be given to the development of previously developed land (brownfield sites) and states that no more than 12% of new dwellinghouses should be on greenfield sites between 2004/05 and 2025/26. Policy CS26 relates to the efficient use of housing land. In rural areas such as here, it states that the density should be in the order of 30-40 dwellings per hectare. The policy does allow allowances outside these ranges in instances where they achieve good design, reflect the character of an area or protect a sensitive area.

As the proposal involves the redevelopment of a brownfield site, the application would accord with Core Strategy Policy CS23 and government guidance contained in NPPF in terms of the development of previously developed land.

Core Strategy Policy CS26 relates to the efficient use of Housing Land and Accessibility. The location of the site is within an area where a density range of 30 to 40 dwellinghouses would be sought. The policy does however allow densities outside these ranges in instances where they achieve good design, reflect the character of an area or protect a sensitive area.

In terms of Policy CS26, Parameter Plan 04 shows that the density of the site would range between 30-40 dwellinghouse per hectare on three of four larger parcels of land and 50-100 dwellings per hectare on the smaller parcel of land in the area of the former stone mill buildings that front onto Langsett Road North. The applicant has confirmed that this density range would achieve up to 320 dwellinghouses across the site made up of lower density 2 and 3 storey dwellinghouses and 3 and 4 storey higher density housing such as 1-2- bedroomed apartments. It is considered that this density range is acceptable and would be in general accordance with Policy CS26. Although it is acknowledged that CPRE have raised concerns with the proposed density range, seeking that the density range should be increased in order to achieve 500+ dwellinghouses on grounds of sustainability, this higher density range can not be justified within an area where 30-40 dwellinghouses is sought through the Core Strategy.

Paragraph 49 of National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that where an LPA cannot demonstrate a five-year housing supply, relevant policies for the supply of housing should not be considered up-to-date.

With regard to Paragraph 49, Sheffield currently can demonstrate a 4.7 year housing supply of deliverable housing sites across the city. While less weight can be given to housing supply policies in the development plan as detailed in the NPPF, it is considered that the proposed development of this site for 320 dwellinghouses would make a significant and positive contribution to housing land supply across the city and should be given weight.

Given the above, it is considered that the principle of developing the site for housing on this brownfield site is acceptable and whilst the development represents a departure of the development plan in respect of IB5, the proposal would not conflict with Core Strategy Policies CS5, CS10, CS23, CS24 and CS26 and government guidance contained in NPPF.

(ii) Highway Issues

UDP Policy T28 seeks that new development which would generate high levels of travel will be permitted only where it could be served adequately by existing public transport services and infrastructure and the existing highway network. Where transport improvements will be needed to enable the proposal to go ahead, these should normally be provided, or commitment entered into to secure their provision, before any part of the development comes into use.

It is proposed to access the site via a new access some 50m to the north of the existing access on Langsett Road North, leading down to a new vehicle/pedestrian bridge. The revised layout offers improved visibility at the junction, and lessens the gradient of the access road into the site. The new site access is in the form of a priority junction, with a right turn lane into the site. Pedestrian crossing facilities are provided to allow access to bus stops on Langsett Road North. Negotiations are ongoing between maintenance departments in Sheffield and Barnsley regarding the adoption and ongoing maintenance of the bridges and highway layout within the site.

South Yorkshire Fire and Rescue (SYFR) have confirmed that one vehicular bridge is sufficient for the site. In addition to the new bridge at the site access, a new pedestrian/cycle bridge is proposed to the east of the site subject to a separate application, to improve pedestrian access to bus stops on Langsett Road North, and on to Oughtibridge village. SYPTE has recommended that, in addition to upgrades to existing bus stops, further bus stops should be provided on Langsett Road North where it meets the pedestrian bridge. This will mean that all properties within the development are within 400 meters of a bus stop. There is also the opportunity to connect the pedestrian/cycleways within the site to the existing footpath network around the site.

The application was accompanied by a Transport Assessment in order to demonstrate

the potential impact of the development on the highway network based on a maximum of 320 dwellinghouses. The TA has included predicted traffic from committed developments at Stocksbridge (Dransfield and Bloors Homes). The assessment estimates a split of 87% of traffic heading west towards Sheffield in the AM peak, some 102 vehicle trips, with 91 return trips in the evening peak. The Assessment shows that, whilst there will be an increase in traffic flows within Oughtibridge, the junctions will operate within capacity. The assessment is considered robust. The developer has proposed that the speed limit on Langsett Road North past the site should be reduced from 50 mph to 40 mph, thus standardising the speed limit from Wharncliffe Side down to Oughtibridge.

In proposing the footbridge to the eastern end of the site, the applicant has acknowledged the need for improved pedestrian/cycle links to Oughtibridge. Whilst possible links (either on Langsett Road North, connecting through to the existing footpath network or both) are still being explored, it is still possible to condition that link(s) are to be provided. Taking the above into consideration, it is considered that, subject to conditions, from a highway safety perspective, the development is considered to be acceptable.

While highway officers accept that a pedestrian bridge onto Langsett Road North at its eastern end is necessary to serve the development, something that will ensure future occupants of the houses are located within 400m of a bus stop in addition to providing a means of access to Oughtibridge along the adjoining footway, some concerns have been raised that the proposed pedestrian bridge in this location is far from ideal as this would result in bringing future occupants of the development onto a highway where parts of the footpaths are narrow (less than 1.5m wide in parts) and road traffic speeds are 50mph. Officers would therefore contend that future residents particularly schoolchildren may be reluctant to use this pedestrian bridge to access the facilities and services at Oughtibridge, including the local primary school given the somewhat hostile environment for both pedestrians and cyclists. In acknowledging officers' concerns, as part of the development, the applicant has agreed to under highway improvements including widening the footway (where possible) along the length of Langsett Road North and finance a Traffic Regulation Order in order to seek a speed limit restriction along the adjacent highway to 40mph.

Transport Planning has suggested that a more appropriate location of a pedestrian bridge crossing would be to the east of the development site, provided together with an adopted link (riverside walk) perhaps via Forge Lane towards Coronation Park. UDP Policy T7 seeks to promote that walking and cycling as an alternative to car travel and details that in assessing development proposals, particular attention will be given to these two modes of travel. Officers are therefore keen to explore this option given the noted benefits of doing so and the opportunity to create an attractive riverside pedestrian and cycle route from the development site to Oughtibridge in addition to bridging onto Langsett Road North. Officers would contend that this alternative link to Oughtibridge would be more sustainable in line with government guidance contained in NPPF under Paragraph 35, and provide a more suitable link for pedestrians and cyclist including schoolchildren to access Oughtibridge.

However, Members are advised that this second bridge link will be subject to a feasibility study and importantly an assessment of its environmental impacts given

that the proposed siting of the bridge would be located within part of the adjoining ancient woodland. Subject to outcome of the feasibility study (to be carried out by the Council), it is recommended that a condition be attached to any grant of planning that secures that this second bridge link is able to be brought forward in connection with the development. Although the applicant has raised doubts over the feasibility of bringing this second bridge forward to implementation particularly in view that it would require undoubted felling of trees within the ancient woodland, which of course will require clear and reasoned justification to which a balanced judgment would have to be made, they are nonetheless agreeable to the imposition of a condition to account for this secondary crossing and pedestrian/cycle link.

From a highway perspective the development is considered to be acceptable with officers satisfied that the impact of the development on the local highway network would not be significant and would be in line with UDP Policies T7 and T28.

(iii) Land Quality Issues

The application includes 'Consolidated Geo-Environmental Investigation Report' by Opus (UK); ref J-D0434_R1_NLH (01/03/2011). This report summarises ground investigations undertaken by Joynes Pike Assoc. (JPA) in 2004.

As the development outlined includes residential use with private gardens, it is important that any ground contamination and/or ground gases present are adequately characterised, and any remediation required is undertaken and validated according to an agreed methodology.

The Opus report concludes that the JPA investigations presented are not sufficient for the above purpose. This is due to the omission of tests for certain suites of contaminants, inadequate sample points, inadequate gas sampling, the lack of sampling in the area of the boiler room, etc. The Opus report recommends that further testing is undertaken to complete the characterisation of the site.

The Opus report is considered to be acceptable within the bounds of its scope. However, it is clear that further intrusive investigations are required, both to characterise areas currently inaccessible due to buildings, and to fill the gaps left by the 2004 investigations. It is recommended therefore that the usual suite of ground contamination conditions be attached to any planning approval to ensure that subsequent reporting is complete and to current standards.

(iv) Flooding Issues

The application site is situated within both Flood Zones 2 and 3a, although the majority of the proposed built development will be in Flood Zone 2. As a requirement of NPPF Paragraph 101, the Council has applied a sequential test to the proposal to establish whether there are other sites less prone to flooding, firstly within areas with the lowest probability of flooding. If there are no suitable and available sites within the agreed search area, then the proposal will also have to pass the exception test.

Details of these two requirements are set out below:-

Sequential Test

Search area

The search areas for applying the Sequential Test includes the 'Rural Settlements' Core Strategy area; the Stocksbridge and Upper Don Ward; the Rural Upper Don and Stocksbridge and Deepcar Affordable Housing Areas. The applicant has justified this search area based on the housing market area that the development will serve; the site straddles the administrative areas of Sheffield and Barnsley but the site functions as part of Sheffield, will look to Sheffield for its services and the development will meet Sheffield's housing needs. The applicant puts forward the case that the proposal will be targeted at the characteristics and circumstances of the housing market in the areas listed above. Sheffield's Housing Market Assessment has been used to reach this conclusion.

The proposal is significant in terms of the housing numbers it will bring to the local area and the proposal will realise unique, site specific, regeneration qualities in a rural part of Sheffield which could not be realised in many other parts of the authority which is predominantly urban in character. Taking a pragmatic view, officers are satisfied with the search area carried out by the applicant and to seek a city wide search in respect of this site would be unreasonable.

The applicant has looked at one allocated site and 29 sites listed in the 2015 Strategic Housing Land Availability Assessment (SHLAA). They classify these sites according to their availability and suitability. Officers agree with the methodology summarised in Stage 4: Conclusion and accept that the two sites they have investigated further are not available at present. P01223: Former Silica Brick Works, Land off Platts Lane, Oughtibridge also has two or more landownerships which makes its availability more challenging than the proposal site.

In light of the above, it is considered that the Sequential Test process in this instance has demonstrated that this development cannot be steered to Flood Zone 1 in the agreed search area. The application site, located in Flood Zone 2 and 3a, is considered to be the next reasonable location for this development. It is therefore considered that the Sequential Test has been passed.

Exception Test

There are a number of wider sustainability benefits that the proposal will bring which the applicant outlines on page 13 and 14 of the Flood Risk Sequential and Exception Test report. Officers would agree with these and consider that it passes the first part of the exception test and given that the EA .

Officers have also considered the proposal in relation to the EA's standing advice for proposals in flood zone 2. Finished floor levels should be a minimum of whichever is higher:

- 300millimetres (mm) above the general ground level of the site
- 600mm above the estimated river or sea flood level

The FRA states that the re-profiling of the site will result in the ground levels being above the 1 in 1000 annual probability flood level. Based on the model nodes within the red line boundary, all of the levels for the 1 in 1000 annual probability flood event are more than 600mm above the 1 in 100 + climate change (20%) estimated flood levels. This alone satisfies the EA's standing advice and the FRA also states in paragraph 5.2 that the finished floor levels will be 0.15m above the re-profiled ground level. Officers are satisfied with this proposed approach and echo the Environment Agency's recommendation that this should be conditioned.

In response to the application, the Environment Agency have stated that they have no objection to the submitted Flood Risk Assessment (FRA), providing both Sheffield City Council and Barnsley Metropolitan Council are satisfied that the Flood Risk Sequential Test has been undertaken in an open and transparent way, in full accordance with the National Planning Policy Framework and the National Planning Practice Guidance, and that it has been passed. The EA states that if the Sequential Test demonstrates that there are 'Reasonably Available' lower risk sites to which the development could be steered, the Exception Test should not be applied and the application should be refused. Paragraph 102 of the National Planning Policy Framework (NPPF) makes clear that both elements of the Test must be passed for development to be permitted. Part 2 of the Test requires the applicant to demonstrate in a site specific flood risk assessment that the development will be safe, without increasing flood risk elsewhere, and, where possible will reduce flood risk elsewhere. The Flood Risk Assessment and our detailed flood risk comments, along with consultation with your Emergency Planners, Drainage Engineers, the Emergency Services, relevant IDB and Water Company where relevant, will help you to establish whether the second part of the test has been met. This information should fully inform your consideration of the first part of the test by allowing you to weigh up the flood risks against the wider sustainability benefits to the community that the development may bring.

The EA have concluded that providing that the LPA is satisfied with the above requirements; the proposed development would only meet the requirements of the National Planning Policy Framework if the measure(s) detailed in the Flood Risk Assessment are implemented and secured by way of a planning condition on any planning permission. Members are advised that a condition has been attached that requires the development to be carried out in accordance with the FRA.

(v) Drainage Issues

The applicant commissioned Weetwood Services Ltd to undertake a drainage assessment of the proposed development. The assessment reviews how surface water from the site currently drains and how foul water from the previously operational site was managed, and presents illustrative schemes for the management of surface and foul water from the proposed development.

The assessment found that Yorkshire Water (YW) has confirmed that there is capacity in the local foul sewer network and wastewater treatment works (WWTW) to receive, convey and treat foul flows from the proposed development. It is however proposed that two on-site pumping stations would be required to pump foul water to

the approved connection point on the 225mm combined sewer in MainRoad/Langsett Road North.

Wharnccliffe Side WWTW is located approximately 80m north of the site. An odour assessment demonstrates that there should be no significant detriment to amenity within the area of the proposed development and that nuisance from odour is not expected. As such, residential development on this site would be acceptable.

In terms of surface water drainage, a drainage survey confirms that surface water from the majority of impermeable surfaces is currently directed to the River Don via an on-site drainage system via 12 outfalls. Disposal of surface water from the site by infiltration is not feasible due to the presence of made ground and potentially contaminated soils. It is therefore proposed to continue to dispose of surface water to the River Don. The proposed surface water strategy would reduce surface water runoff rates leaving the site by a minimum of 30%. Weetwood's report also details that it is expected that the redevelopment of the site would result in a reduction in the volume of runoff leaving the site due to a 25% reduction in impermeable surfaces.

The report concludes by saying that the drainage assessment has demonstrated that surface water from impermeable surfaces and foul water from the proposed development can be sustainably managed in accordance with local and national policy and guidance.

SCC Land Drainage have confirmed that they are satisfied with the report's findings and that the measures recommended in the report can be adequately controlled by planning condition.

Yorkshire Water has commented that the Drainage Assessment carried out by Weetwood Services Ltd is acceptable. They recommend three conditions should be attached to any permission in order to protect the local aquatic environment and YW infrastructure to include no piped discharge of surface water from the application site to take place until works to provide a satisfactory outfall, other than the existing local public sewerage for surface has been completed, and that access to the Wharnccliffe Side WWTW is maintained throughout all phases of the development.

(vi) Ecology Issues and protection of endangered species and ancient woodland

Ecology Issues and protection of endangered species

Policy GE11 of the UDP relates to nature conservation and development. This policy seeks to protect and enhance the natural environment and details that the design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value. Also relevant to the proposal is UDP Policy GE17 given that the development site is bisected by the River Don. This policy states that as part of the development of the Green Network, all rivers and streams will be protected and enhanced for the benefit of wildlife and where appropriate, for public access and recreation. The third part of this policy (Part c) details that this will be done by expecting the setting back of new development to an appropriate distance from the banks of major rivers to allow for landscaping. An appropriate distance is

defined in the UDP as being 8m in the case of major rivers, unless this would seriously harm the operations of an existing commercial or industrial development, or make a site undevelopable.

In terms of government guidance, the relevant sections relating to the conservation and enhancement of the natural environment are contained under Paragraphs 109-125 of the NPPF. Paragraph 118 details that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles. One of these principles is that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

In terms of supporting submission, the applicant was accompanied by an Ecological Appraisal by Baker Consultants. The scope of the assessment included a desk-based study of online databases to identify statutory and non-statutory designated sites of nature conservation importance and records of protected and/or notable species, an Extended Phase 1 Habitat survey to record the nature and extent of vegetation and habitats within and adjacent to the site, an inspection of the buildings for evidence of bat roosts, daytime internal and external surveys for the presence of bats, an assessment of the buildings for their potential to support barn owl roosts, and additional surveys to establish the potential impacts public access to the river corridor and woodland areas. Targeted surveys for the Wharncliffe Woods habitat, otter and water vole and invasive species were also undertaken subsequent to the initial Extended Phase 1 Habitat survey. The surveys were carried out between November 2015 and January 2016, confirmed by the report to be a sub-optimal time of year for most species groups (such as breeding birds).

In terms of impacts on protected species, the appraisal found that there was evidence of badger with badger field signs and one probable badger hole found in woodland beyond the eastern perimeter fence with the nearest evidence of a potential sett entrance was approximately 40m from the site boundary but no clear indication of regular badger activity at this location. In terms of bats, the surveys established that one of the buildings (B10) is a roost for hibernating bats, and also has a high potential to hold summer roosts. Demolition to this building will require a European Protected Species (EPS) licence. Most of the site's other buildings were found to have a low potential for roosting bats, although eight of the site's structures could not be fully accessed for internal survey. The report advises therefore that before demolition of these buildings, an internal inspection must be carried out in order to assess whether bats are present, and whether any further measures, such as EPS licenses will be required. The Phase 1 Habitat survey did not identify any trees with significant roost potential within the site.

The survey found no signs of otter or water vole during the targeted surveys with the report confirming that impacts on both are unlikely and no further measures are recommended. However, during the course of the application written evidence has been provided by Sheffield and Rotherham Wildlife Trust (SRWT) that otters have been identified moving up and down the river in the vicinity of the development. Given this position there are potential impacts on otters from demolition, construction and

post completion of the vehicular bridge, pedestrian footbridge and pedestrian walkway. It is therefore recommended that a condition be attached that ensures no disturbance to the free movement of otters throughout the development site.

Impacts upon amphibians such as the great crested newt and common toad were found to be negligible. With regard to reptiles, the report details that clearance of the site will reduce the number of suitable basking areas and potentially suitable reptile habitat on site. Recent records show grass snake in the immediate area, and there are areas within the site boundary that could provide suitable conditions for reptile species. However, the report details that the loss of this habitat could adversely impact reptiles, but given the proximity of valuable reptile habitat locally, the impacts are not anticipated to be significant. With regard to birds, it is an offence under the Wildlife and Countryside Act 1981 (as amended) to damage active nests during the bird breeding season. Site clearance or construction works will therefore have to be carried out outside the bird breeding season.

The overall view of the appraisal of the site and surrounding area finds that there would be a net gain in biodiversity as a result of the proposed development. It goes on to say that so long as appropriate mitigation measures are followed, it is anticipated that no protected species will be harmed or disturbed, and that wildlife in general will benefit from a suitable management plan to include proposals for planting and establishing features such as bat and bird boxes.

Effect on Ancient Woodland

The application site is bounded by Wharncliffe Woods, an Ancient Semi-Natural Woodland and designated Local Wildlife Site beyond its north and east boundaries.

With regard to the ancient woodland, the ecology report/appraisal details that a 10-30m vegetated buffer zone (shown on Appendix 4) would be provided between the development and the woods to ensure the ancient woodland habitat is protected during construction and operational phases. However, inspection of this woodland buffer plan shows that the 10-30m has been calculated from the edge of the developable area and the boundary fence that skirts beyond the site's northern boundary, despite Natural England's ancient woodland inventory map showing that the ancient woodland washes over this fence to the edge of the site. As such, there would be a section of the site's northern boundary (western end), measuring approximately 340m where the ancient woodland would abut up against the developable area with no buffer. In response to this and following protracted discussions between the parties in terms of the need to provide the buffer given that no part of the development would encroach into the ancient woodland and the applicant's agreement of a woodland management plan, the applicant has nevertheless agreed to provide a 5m buffer zone along this section of the site. By doing so, the ancient woodland would now be protected by a vegetated buffer zone along the full length of the site northern boundary of a buffer; 5m at its narrowest and in parts up to 20m deep. This buffer zone is now indicated on revised Parameter Plan 1.

Members are informed that the buffer zone would reduce or buffer the impacts of land uses and development which adjoin the ancient woodland and enable easier

implementation of effective conservation management prescriptions. Whilst active conservation management is welcomed and should be conditioned, these should be used in conjunction with a buffer zone to effectively safeguard the ancient woodland against negative impacts. In the absence of a buffer zone, concerns are raised over the effectiveness of any management prescriptions. For example if gardens back onto the ancient woodland/Local Wildlife Site there is potential for the semi-natural ecological assemblage at the site boundary to deteriorate, due to mechanisms such as:

- Garden escapes/invasive plants could seed directly into the ancient woodland. In terms of management intensive searching/removal of garden escapes/invasive plants would be needed;
- Garden waste/waste deposition;
- Localised trampling and compaction, desire lines/made paths leading to an overall degraded edge – this is the case even with secure fenced boundaries due to e.g. increased access from residents from installation of unauthorised gates where gardens directly back on to woodland; and
- Light pollution.

Although officers acknowledge that Natural England's standing advice on ancient woodland is to provide a minimum 15m buffer zone between the development and ancient woodland, this level of mitigation is not considered to be necessary here given the nature of the development and the fact that the existing site includes hardstandings/access roads that abut right up against the ancient woodland, which would be removed as part of the development.

From an ecological perspective, it is considered that the development is acceptable. A number of conditions have been attached that would ensure appropriate mitigation measures are incorporated into the scheme. Subject to these conditions being attached, it is considered that the overall result of the development from a biodiversity perspective would be positive. UDP Policies GE11 and GE17 and government guidance contained under Paragraphs 109-125 of the NPPF are considered to be met.

(vii) Landscaping Issues

The application was accompanied by an arboricultural report by JVA (Arboriculturists). The report was commissioned by the applicant to provide a detailed and independent advice on the site's existing trees in the context of potential residential development. The scope of the report included all trees within the site boundary with a stem diameter above 75mm, and where applicable trees outside the site boundary, which were considered to be close enough to be affected by the development.

In terms of treescape and visual amenity value, the report details that the mixed broadleaf and coniferous plantation/woodlands (P35 and P38) that border the site to the north are of good quality. These trees are clearly visible from the southern side of the valley and along Langsett Road North and are considered to be the most important addition to the treescape of the site. Also, the report details that a group of trees (G17), which borders Langsett Road North to the west of the site and the belts of riverside trees (G2, G3, G6, G34 and G41), which pass through the site are

considered to contribute well to the local treescape. With exception of the above mentioned trees/woodlands, report's author details that the remaining trees on site are considered to be of a lower arboricultural value and generally include scattered groups of trees of poor quality and individual trees which have grown in the context of their former industrial surroundings. In terms of tree category, the supporting schedule shows that most of the individual and group of trees are listed as being either Category C (Tree which could be retained) or Category U (Tree for removal). Three groups of trees (G17, G29, G31 and G41) and individual trees (T11 and T12) are listed as Category B (Retention desirable). The site contains no Category A (Retention most desirable) trees.

Members are informed that the application site is covered by historical Tree Preservation Orders (TPO numbers 21 and 36), which protect various trees in and around the site. Inspection of these TPOs show that they cover a large proportion of the trees within the application site boundary, including the long group of trees that border Langsett Road North (G17) at the site's north-west edge, riverside trees, the group of trees to the south of the existing stone mill buildings (G41 and G47) and the small group of trees to the north of the large industrial shed/warehouse (G39).

As detailed on Parameter Plan 6 (Tree Removal Plan), the application proposes to remove all the trees within the developable area (Parameter Plan 1), which include the large swathe of trees within G17 at the north-western section of the site and the trees located to the west of the River Don (Sheffield side) within the northern section of the site. Other trees shown to be removed include the smaller group of trees identified as G39 in the tree schedule to the north of the large industrial shed and close to the adjacent ancient woodland boundary.

In response to concerns raised by officers with amount of trees that would be felled to facilitate the proposed development, particularly G17, which are acknowledged to contribute well to the local treescape, the applicant has provided further written evidence in addition to their statement in the supporting Planning Statement to justify their removal. The justification given by the developer is due to the requirement to carry out significant re-profiling of site levels across the entirety of the site in order to remediate the existing ground conditions; address issues of flood risk; provide for adequate site drainage (particularly for foul water drainage); and create an economic and practical build platform. Moreover, the applicant has added that the above measures necessitates a holistic approach to levels across the site as a whole, with material from higher parts of the site being transferred to those sites at lower levels, thus avoiding the need for large amounts of material to be transported off, or onto, the site.

In terms of remediation strategy, whilst not yet formally fixed, the applicant has confirmed that the approach likely to be taken will require removal of all existing top soil to a depth of 1.5-2m, which will then be cleaned to remove contaminants, before being replaced. Following this, large parts of the site will need to be raised to accommodate the 1 in 1,000-year event flood level, which forms the development's agreed approach to addressing flood risk, and which requires levels to be raised on site by up to 4m in places. Importantly, once re-profiled the land must be capable of being adequately drained in terms of both surface and foul water flows.

Further justification given by the applicant is that the vast majority of the individual and groups of trees that would be removed to facilitate the development, including those covered by the TPO are of low quality, either category C1/2 or U.

With specific reference to Groups G41 and G17, both Category B (Retention desirable), the applicant has confirmed that Group G41 falls outside the development area, and it is highly unlikely that this will be needed to be removed, and as such has agreed to remove this group of trees from amended Parameter Plan 06. With regard Group G17, these are proposed to be removed specifically for the reasons set out above, but also needed to enable the 'cut and fill' of this part of the site in order to raise levels to the above the requisite flood level, and to facilitate the effective drainage from this area to a foul pump station located at the southernmost point of this part of the site. The applicant contends that to retain this group of trees would therefore not be practically possible, and its removal is required in order to bring forward the wider parcel of brownfield land for redevelopment.

In referring to trees, the applicant makes reference to Paragraph 118 of the National Planning Policy Framework (NPPF), which refers only to the required protection of ancient woodland and the loss of aged or veteran trees (defined as having exceptional value for wildlife, the courtside, or culturally) unless the need for, and benefits of, the development clearly outweigh the loss. This is not the case for Group G17, which does not demonstrate these exceptional characteristics, and is required for removal in order to facilitate a large part of this brownfield site to come forward for much needed residential development.

Whilst officers do not generally support the removal of established trees in order to bring it forward for development, it is considered that there is a good justification of doing so here given the complications of bringing this heavily contaminated brownfield site forward for redevelopment, whilst also accepting that there are noted benefits of raising the ground levels to accommodate a 1 in 1000 year flood event and re-profiling works. Officers also accept that the proposal does not involve the loss of any Category A trees to facilitate the development, and importantly that the development does not involve any encroachment into the surrounding ancient woodland. With exception of the trees to be removed, which officers acknowledge number quite a few, it is considered that the development site would still benefit from extensive tree coverage; the retention of high quality semi-mature and mature trees which contribute to amenity and landscape character of the immediate, in particular those along the north-western corner of the site and along the River Corridor. In response to protracted discussions with officers prior to and during the course of the application, landscaping proposals include a 10m deep woodland buffer zone along Main Road/Langsett Road North that would be planted with native woodland species. It is considered that in time this woodland belt to Main Street/Langsett Road North would provide significant benefit of the site's landscape character and compensate for the removal of G17. This considered to be particularly welcomed due to the somewhat sparse tree coverage along this section of the site and the opportunity to remove a long stretch of privet hedge planting that extends along the side boundary of the site's upper car park area.

Also, as a response to negotiations with officers at pre-application stage, the proposal includes measures that would help open up and maximise the river corridor for public

space, retaining a wide buffer alongside of the River Don for recreational purposes and a riverside cycle/walk as well as agreeing to create a landscape corridor that would extend along each side of the site's main internal spine road. This was considered to be key to the landscape strategy and layout of the site given that the development site is in the valley bottom, which is predominately influenced by the linear form of the river and road.

On balance, it is considered that from a landscape perspective, the scheme is acceptable. While the proposal involves the removal of a number of trees, some of which are acknowledged to make a positive contribution to the area, the site would still continue to benefit from good tree coverage, which would be bolstered by the addition of a new woodland tree buffer along the northwestern section of the site's boundary to Main Road/Langsett Road North. There is an opportunity to plant further trees on site to compensate for the trees that would be removed to facilitate the development, and it is therefore recommended that the permission include a condition that requires the planting of extra heavy standards across the site and a condition that secures the planting of the woodland belt as shown on Parameter 6 within the first planting season post construction. It is also recommended that a further condition be attached that requires tree protection measures to be put in place during the construction phase to ensure that the existing trees not shown to be removed, particularly in the north-western corner of the site adjacent to Wharncliffe Arms PH and Tree Groups 41 and 47 are not placed at unnecessary risk.

(viii) Design Issues

The applicant has reserved appearance, layout and scale for future consideration. The level of detail that has been submitted with regard to these matters therefore is significantly less than if the application was made in full. Officers nevertheless remain confident that a successful housing scheme is achievable that would both respect the open character of the Green Belt and sit comfortably within the site context.

Although the proposal involves the loss of the existing traditional stone mill buildings that front onto Main Road/Langsett Road North, as the buildings are not listed or situated within a Conservation Area, there is little scope to retain the buildings in situ. However, discussions have been held between officers and the applicant's appointed architects (STEN Architecture) on the proposed treatment of this section of the site with indicative drawings showing high density riverside apartments (at a density of 50-100 dwellings per hectare) within the area of the mill buildings.

The site's three larger development parcels would be built at a lower density (between 30-40 dwellings per hectare) in accordance with Core Strategy Policy CS26.

It is considered that the design and layout of the proposed dwellinghouses (320 units) can be suitably controlled at Reserved Matters Stage. The parameter plans have been amended on the advice of officers to ensure that key features of the site such as the river and adjoining woodland are capitalised, inclusion of a landscape corridor and better connectivity through the site.

(ix) Provision of Open Space

UDP Policy H16 details that for new housing developments, developers will be required to ensure that there would be sufficient open space to meet the local needs of people living there. For sites over one hectare, a proportion of the site should be laid out, defined as 10% of the site should be laid out as open space. Exceptions to this is when provision of recreation space in the catchment area of the site would continue to exceed the minimum guideline after the development and the developer makes an appropriate contribution if needed, to the improvement of existing recreation space in the catchment area of the site, or it would be more appropriate to provide or enhance recreation space in the catchment of the site. The applicant has confirmed that a minimum of 1.38 hectare of the total site (equivalent to 10%) would be laid out as public open space. The open space shall comprise of informal amenity space, including the riverside walk and facilities for children's play. Subject to a condition that secures this provision, Policy H16 would be met.

(x) Affordable Housing

Core Strategy Policy CS40 expects developers of housing developments in all parts of the city to contribute to the provision of affordable housing from all new housing developments where practicable and financially viable. The implementation of this policy is through the CIL and Planning Obligations Supplementary Planning Document (December 2015). The SPD at Guideline GAH3 sets out circumstances where the Council may accept a commuted sum in lieu of an on-site contribution, for instance, where significantly more affordable housing of a high quality could be provided in the local area through off-site provision.

In the Rural Upper Don Valley Affordable Housing Market Area, in which the application site is located, it has been shown that 10% affordable housing is viable on the majority of sites, and is therefore the expected developer contribution in the SPD for this part of the city. At the time of the application being submitted and as outlined in the supporting planning statement at Paragraph 8.10, the applicant has agreed to provide a commuted sum equivalent to 10% on-site provision, which would be secured through S106 legal agreement, an approach supported by the Council's Housing and Neighbourhood Regeneration Team.

Notwithstanding the above, the applicant is now seeking a zero contribution to the delivery of affordable housing in connection with the development following the reinstatement of Vacant Building Credit (VBC) in the Government's Planning Practice Guidance (PPG) in May 2016. Vacant Building Credit was introduced as Government policy via a Written Ministerial Statement (WMS) in November 2014. The policy stated that vacant buildings brought back into use, or demolished for redevelopment, would benefit from a 'credit' equivalent to the floorspace of the vacant building to be offset against affordable housing contributions. Following a successful legal challenge in July 2015 the Government removed all reference to the VBC from the PPG and this remained the case until May this year. However, in May 2016, the Court of Appeal overturned that earlier decision and as a result the Government's policy on VBC was reinstated as lawful policy.

Planning guidance regarding VBC is contained in PPG Paragraphs 021, 022 and 023. The VBC is an important material consideration, which weight must be given in the

determination of the application. The guidance advises that national policy provides an incentive for brownfield development on sites containing vacant buildings. It details that where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. As an example, the guidance details that where a building with a gross floorspace of 8,000 square metres is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing should be a fifth of what would normally be sought.

The guidance advises that VBC would not be applicable to development proposals where the building has been abandoned or in instances where the building has been made vacant for the sole purpose of redevelopment.

The applicant has stated that they consider that the development should benefit from VBC and as a result, given the amount of gross floorspace of the existing buildings that would be demolished as part of the development exceeding the gross floorspace of the proposed new houses, no contribution towards the delivery of affordable housing should be required. In their support they have detailed the guidance set out within the Written Ministerial Statement (WMS) and guidance contained in PPG is an important material consideration to which local planning authorities must have regard. They state that the Oughtibridge Mill site is subject to ongoing management and has not been abandoned with the site's existing buildings substantially vacant for some time for commercial reasons. As evidence of this, they go on to state that the announcement that commercial operations were ceasing at Oughtibridge Mill came in 2014 and before the VBC was originally introduced as Government policy following the WMS on the 28 November 2014. As such, they contend that the site was vacated for commercial reasons, and not for the sole purpose of development.

In terms of whether the buildings have been abandoned, unfortunately the PPG offers no definition on this, and there has been no court cases or guidance that officers are aware of from which a definitive view can be drawn upon. Officers can only ascertain from recent history of the site that paper production ceased in 2007 and that an announcement that all operations would close and the site sold off in 2014, upon which the applicant purchased the site in October 2015 with the intent of bringing the site forward at the earliest opportunity for a sustainable residential-led development. Officers would take from this that the industrial use had been abandoned at the time of the site being purchased in October 2015 with the buildings vacated in order to bring forward a residential led scheme.

Despite the applicant's position as set out above, officers hold the view that VBC is not applicable in respect of the application. As stated at Paragraph 023 of PPG, the purpose of the VBC is to incentivise the development of brownfield land, including empty and redundant buildings with the policy implying that it is intended for brownfield sites which need an incentive to come forward for development. The evidence shows that is not the case here. The PPG is clear that in considering how the vacant building credit should apply to a particular development, local planning authorities should have regard to the intention of national policy. It is noted that the outline application was submitted with a commitment by the applicant to provide 10%

affordable housing (through a commuted sum) in line with Core Strategy Policy CS40 and the SPD. Given that the application was submitted prior to the reinstatement of the VBC in PPG, officers consider that the development of Oughtibridge Mill is not one where a VBC should be applicable since the site had already come forward for re-development without any financial incentive through VBC. It is the view of officers therefore that this application for VBC does not accord with the intention of the Government policy on such and therefore the policy should not apply in this instance.

It is clear from the recent Court of Appeal case that vacant building credit should not be applied by default in all cases but instead a local planning authority is able to use its discretion as to when to apply it, and yet whilst it forms a material consideration, which weight must be given in the determination of the application, is one material consideration to be set alongside others including policies in the adopted development plan.

As Members will be aware, Sheffield has a significant need for affordable housing, which is currently not being met. The 2013 Strategic Housing Market Assessment (SHMA) identified the backlog of existing need and projected arising need from newly forming households over the 2013-2018 period. The assessment then compared this figure with the projected supply from planned new build programmes and through lettings within existing affordable housing stock. The SHMA arrived at a projected annual shortfall of 725 affordable homes. This equates to a 3,625 affordable homes shortfall for that 5 year period. The shortfall figure of 725/year is therefore not the total need, but the number of affordable homes that would need to be delivered solely through the Affordable Housing Planning Policy if the city's Affordable Housing needs are to be met.

In this case, the requirement for VBC to enable the delivery of this brownfield site has not been justified with officers giving greater weight to the delivery of affordable housing pursuant to Core Strategy Policy CS40. The application was submitted before the court of appeal decision was made, and therefore submitted on the basis that a policy compliant AH contribution would be required. For the applicant to now attempt to benefit from VBC in respect of this site, when a commitment of 10% affordable housing (through a commuted sum) has already been given is considered to be at odds with the clear policy intentions of VBC and its reinstatement in Planning Practice Guidance. On the basis that the development of the site would be financially viable without the financial incentive of VBC and the Council's policy position of CS40 in terms of the delivery of affordable where viable, it is considered reasonable that a contribution is made through the imposition of a condition to secure this.

The applicant has submitted a further statement as part of their case in support of their application in response to officers' views on VBC. They state that it is not reasonable to seek to draw conclusions from the timing of the submission of the application, as it is clear that the evidence does not support the position in which officers has adopted in respect of VBC. They go onto to state that the WMS simply said that the proposal 'was to boost development on brownfield land and to provide consistency with exemptions from the CIL'. Neither WMS nor the advice in PPG states that VBC should only be applied when the applicant has demonstrated that the development would be unviable. They consider to attempt to read a viability test into the application of VBC is misguided and amounts to a misinterpretation of policy. In

addition, they consider that the SPD is inconsistent with national planning policy insofar as it does not address VBC and other elements of the PPG. Sheffield's affordable housing needs amounting to over 700 units per year is based upon its 2013 Strategic Housing Market Assessment (SHMA), which the applicant considers is out of date and does not accord with Paragraph 158 of the NPPF. Lastly, they state that of Sheffield's twelve affordable housing market areas, the location of application site within the Rural Upper Don Valley Affordable Housing Market Area is shown in the 2013 SHMA to have one of the lowest annual shortfalls in affordable housing (just two units).

While these comments are noted, officers contend that it is not appropriate to apply VBC in respect of this application for the reasons set out above. In essence there is a fundamental disagreement between the parties on the circumstances when VBC should and should not apply. It is accepted that the Council's SPD does not address VBC however that is because it was adopted at a time when VBC was not national policy. That said, it does not mean that the Government policy should therefore automatically override the Council's SPD. The Council does not accept that its SHMA is out of date and in addition, the applicant has misinterpreted the Council's affordable housing policy in basing its position on the shortfall of affordable housing in the Rural Upper Don Valley Affordable Housing Market Area. The Council's policy is clear that it can be applied citywide, and therefore it is not considered to be relevant if the area where the site is located contains one of the lowest annual shortfalls in affordable housing.

In order to prevent a refusal on grounds of lack of affordable housing provision, and despite the applicant's view that VBC should be applied to the site in its entirety, thus avoiding any provision of affordable housing, they are agreeable for the Council to attach a condition to the permission that secures the provision of affordable housing in accordance with Policy CS40 and SPD. Should the applicant seek to have this condition removed at a later date, this of course would be subject to a separate application or alternatively the applicant could appeal the imposition of the condition directly to the Planning Inspectorate.

Subject to this condition being attached to any grant of planning permission, it is considered that Core Strategy Policy CS40 and guidance contained in CIL and Planning Obligations SPD would be met with the development making a very positive contribution to the delivery of affordable housing city wide. Based on an equivalent of 10% on-site provision, the Council would be expected to receive a commuted sum over £5m towards the delivery of affordable housing, which is likely to allow for affordable dwellings in excess of 40 units.

(xi) Education Provision

Core Strategy Policy CS43 states that the expansion of schools will be funded by developers where there is insufficient local space for demand arising from new housing developments. Details to how this is implemented are set out in the Community Infrastructure Levy (CIL) and Planning Obligations SPD (adopted December 2015). Paragraph 5.21 details that where there are capacity issues arising from new housing development, contributions towards providing additional school accommodation, either through an extension or the commissioning of a new school

will normally be funded through CIL. The Regulation 123 List specifies which education projects across the city will be CIL funded in whole or part.

The SPD states that there may be circumstances where a S106 Planning Obligation is required, giving an example where a major residential development is proposed, and subsequently the capacity of a local school will have to be increased, either through an extension or the commissioning of a new school. The SPD defines Major Residential Development as all types and sectors of housing, except those which are unlikely to yield school age children (such as one bedroomed flats, purpose built student accommodation and dwellinghouses formally designated as retirement properties). It details that in respect of primary provision, 500+ dwellinghouses is sufficient to require a physical extension to an existing school to provide a whole class room and development of 1000+ dwellinghouses would be sufficient to trigger a new individual primary school. Although the guidance sets out when a S106 would normally be required in addition to CIL, in instances where provision of new school infrastructure is necessary to make major residential development sustainable, it does not however preclude seeking a S106 for developments less than 500 dwellinghouses. As such, the Council is able to seek a contribution from a developer towards school infrastructure provision, which covers primary, secondary and sixth form school classrooms and associated facilities through a S106, if it can be demonstrated that the development would result in an increase in the number of school age pupils in the local area that would create a need for additional places.

With regard to the proposal, Children and Young People and Families Directorate (CYPF) have stated that they will be seeking a financial contribution towards education provision. On the basis of the forecast demand for local schools, CYPF have anticipated that additional places for both primary and secondary school places will be required as a result of the development. CYPF have tabulated that within the primary catchment (Wharnccliffe Side NIJ) and Oughtibridge NIJ) there are currently limited/no surplus places available at the catchment school in Reception and limited /no places available in other year groups. Within the secondary catchment (Bradfield and Forge Valley), the latest data shows that there are currently no surplus places available at the catchment schools in Year 7 and limited places available in other year groups. In terms of forecasted demands for places, CYPF have detailed that forecasts indicate that there will be no surplus available in the next three years and a very tight situation overall. To emphasis this point, CYPF have detailed that in 2016/17, 12 catchment children were refused places at Oughtibridge Primary. With regard to forecasted demand for secondary places, forecasts indicate that there are sufficient places for the next three years, but following this, the general population growth coming through the system means there would be deficits in all years beyond. Bradfield School are offering an additional 30 places for the next three years and there is a proposal for this to continue, however this is not funded and even with an extra 30 places permanently, CYPF would still expect a deficit in places in most years.

Where a S106 planning Obligation is required, Paragraph 204 of NPPF requires contributions to be related in scale to the development. With regard to this, Guideline GE2 of the SPG details the level of contribution that will derive from a developer towards school infrastructure will be calculated from (a) the number of school-age

children expected to come from the development, and (b) the cost of providing the additional capacity required to accommodate these children.

In terms of contribution, the SPD sets out how the costs are calculated with the main factors being the number of school children expected to come from a development based on the number and size of family houses. The cost of providing the additional capacity required will be based on an estimate of the costs of works needed, which is based on a national cost-per-place formula by the Department for Education. As set out in SPG, the figure is based on the number of pupils expected to yield from the housing development calculated as a ratio of pupils per year per 100 houses with the ratio being 3 pupils per age group (0.03) per 100 houses.

With regard to this development, based on the figures set out in SPD, it has been calculated that a contribution of £2,548 per dwelling should be sought for local primary school placement and £2,743 per dwelling for secondary school placement. Based on an estimated 210 houses that would be provided on the Barnsley's side of the development site only, this would equate to a financial contribution of approximately £1.1m. As stated above, this amount would be secured through the applicant entering into a S106 legal agreement, which the applicant has agreed to enter into. Members are informed that the S106 agreement includes a clause given the cross boundary issues of the development and the fact that the houses where a contribution would be sought would lie within the administrative boundary of Barnsley. As Sheffield has no obligation to educate children on the Barnsley's side of the development, it will be necessary that the S106 agreement include a clause to include the dwellinghouses on the Barnsley part is included within the school catchment boundary of Sheffield LEA so that schoolchildren living within these properties are able to attend school in Sheffield, otherwise, schoolchildren living on Barnsley's side of the site would have no guaranteed access to local schools and instead would have to attend schools in Barnsley, the nearest of which being some 6.5 miles from the site.

The applicant has agreed to enter into a S106 agreement that would secure a financial contribution towards education provision in line with the SPD. Subject to this being secured, it is considered that Core Strategy Policy CS43 would be met and provide the necessary funding to meet the additional school capacity needs that would arise from the development.

(xii) Residential Amenity Issues

The development of this site for housing is not considered to raise any implications on the residential amenity of nearby dwellinghouses. The application site is bounded by woodland on three sides and Langsett Road North on its other side. The nearest residential properties to the site are located on the north-western side on Wharncliffe Arms PH, these being some 30m from the nearest part of the proposed development site. This separation distance is considered to be satisfactory to avoid any significant disamenity from the development including issues such as noise disturbance and dust emissions during the construction phase.

(xiii) Sustainability Issues

Core Strategy Policy CS64 seeks that all new buildings must be designed to reduce emissions of greenhouse gases and function in a changing climate. New development will be required to achieve a high standard of energy efficiency, make the best use of solar energy and passive heating and cooling. Also relevant is Policy CS65 (part a), which requires that significant development, unless shown not to be feasible and viable to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. No details of how the above two policies would be met have been provided. It is therefore recommended that a condition be attached that requires a sustainability report that secures the measures set out in the two policies to be incorporated within the detailed scheme unless shown not to be feasible and viable.

(xiv) Noise Issues

The supporting Opus report examines the potential for road traffic noise. However, there is no assessment of the potential for noise from the adjacent retained buildings, such as external plant noise or noise from the recreational areas or car parks. Although the mitigation measures recommended make reference to specific plots, it is important that acceptable internal noise levels are achieved in all habitable rooms. This can be secured by condition.

(xv) Air Quality Issues

The application was accompanied by an Air Quality Assessment on account of the site located within the city wide Sheffield City Council Air Quality Management Area (AQMA). The Assessment demonstrates that, during construction activities, the overall effect on air quality would not be significant with potential effects on health and amenity, and that the proposed development of 320 dwellings would have negligible effect on air quality.

(xvi) Public Art

Policy BE12 of the UDP encourages the provision of public art in places which can be readily seen by the public as an integral part of the design of major development schemes. It is considered appropriate that there should be on site provision as a part of any final scheme. In response to discussions held between officers and the applicant, it was agreed that public art could be integrated as part of the proposed pedestrian bridge and to this end a condition has been attached to secure this.

(xvii) Community Infrastructure Levy (CIL)

Since July 2015, the Council has adopted a new approach to planning obligations and developer contributions, known as Community Infrastructure Levy (CIL). CIL is now the main mechanism to seek pooled developer contributions to help meet the city's strategic infrastructure needs such as education provision and open space/public realm projects. Section 106 Planning Obligations will continue to apply for the delivery of affordable housing and in respect of providing school infrastructure provision required to make major residential development sustainable.

Owing to the cross-boundary nature of the development, only the site area situated within the administrative area of Sheffield is liable for CIL. Oughtibridge Mill is situated within an area where a contribution of £30 per sqm will be sought. A reduction may be made to the overall contribution if it can be demonstrated that the existing buildings on site have been in lawful use for a continuous period of at least six months within the period of three years. No specific details have been provided by the applicant in terms of their lawful use, but it would appear from officers' site visit and discussions with the applicant's agent that they have not been in use for a period of six months within the last three years and therefore a full CIL contribution is likely to be secured on this part of the site.

Other considerations

Comments received from CPRE stating that the development of this site should not be determined without a Masterplan being in place for the Don Valley Corridor is not considered to be relevant in respect of this application. Although officers would accept that it would have been beneficial to consider the application alongside a Masterplan, it would be unreasonable to refuse to deal with the application without one. The application has therefore been considered on its individual merits and in accordance with the development plan and guidance contained in NPPF.

In terms of impact on local services, the applicant's Statement of Community Involvement details that CEG met up with the GP Surgery in Oughtibridge prior to the application being submitted to assess capacity of the surgery and potential impacts of the development. The Statement details that a review of capacity indicated that the existing surgery in Oughtibridge is still accepting new patients, and has fewer patients per GP than national and regional averages. Moreover, and importantly, following the development, the Surgery will still have fewer patients per GP than the average within the South Yorkshire NHS Area, and the average across England. At time of writing, no response has been made from the relevant NHS body following consultation. This will be reported verbally to Members at Committee should this be received prior to the meeting.

HEADS OF TERMS

An agreement to enter into for the developer to provide and/or enhance bus shelters along Main Road/Langsett Road North (A6102).

An agreement to enter into for the developer to secure education provision as part of the development.

An agreement to enter into for the developer to finance a Traffic Regulation Order in order to seek a speed limit restriction along the A6102 to 40mph.

SUMMARY AND RECOMMENDATION

The application relates to the site of Oughtibridge Mill, a former paper mill that lies on the eastern side of Langsett Road North. The site covers an area of approximately 13.79 hectares and is bisected by the River Don. The land to the south and west of the River Don is located within the administrative boundary of Sheffield City Council,

and is designated a General Industry Area (without Special Industries), whilst the land to the north and east of the River Don is located within the administrative boundary of Barnsley MBC. The land located within Barnsley's is designated Green Belt.

The applicant is seeking outline planning approval for the demolition of the site's existing buildings and structures and erection of residential development (Use Classes C3) with means of access including a new vehicular bridge and a pedestrian/cycle bridge spanning the River Don onto Langsett Road North. The applicant has requested only means of access be considered under this outline application with appearance, landscaping, layout and scale all reserved for future consideration, (the Reserved Matters).

It has been demonstrated within this report that the proposed development for housing would not prejudice highway safety or result in any significant problems on the local highway network. With careful control of the siting and layout of the units at Reserved Matters stage, it is considered that the development would represent an appropriate form of development that would improve the open character of the Green Belt. Officers are also raise no objection with regard to the loss of this employment site for housing. While it is accepted that residential uses would not normally be acceptable in a General Industry Areas under UDP Policy IB5, the site is not identified as being within a strategic location for manufacturing, distribution and warehousing uses under Core Strategy Policy CS5.

It is acknowledged that the proposal would involve the loss of a high number of trees to facilitate the development, some of which are considered to contribute significantly to the landscape character of the area. However, officers remain satisfied that the loss of these trees can be justified in order to bring the site forward, particularly in view of the need to remediate and to re-profile the site, taken as a whole, it would still continue to benefit from good tree coverage, which would be bolstered by the addition of a new woodland tree buffer along its northwestern road boundary to Main Road/Langsett Road North.

For the reasons given in the report and having regard to all other matters raised, it is considered that the development accords with UDP Policies GE1-G5 (Inclusive), BE12, G11, GE17, T7, and T28 and Core Strategy Policies CS5 and CS10 (Employment Land), CS23, CS24, CS40, CS64 and CS65, and the CIL and Planning Obligations Supplementary Planning Document (December 2015) and government guidance contained in National Planning Policy Framework (NPPF)

The application is therefore recommended for approval subject to the conditions listed and the applicant entering into a legal agreement to secure a financial contribution towards education provision, the provision and/or enhancement of bus shelters along the A6102 and to fund a Traffic Regulation Order (TPO) in order seek a speed limit restriction to 40mph.