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Case Number	24/00357/OUT (Formerly PP-12685910)
Application Type	Outline Planning Application
Proposal	Outline application for the erection of up to 22no. dwellings (use class C3) with means of access from Manchester Road (appearance, landscaping, layout and scale reserved matters).
Location	Land between Manchester Road, The Rookery and Rookery Vale Stocksbridge Sheffield S36 2RJ
Date Received	02/02/2024
Team	North
Applicant/Agent	Johnson Mowat Planning
Recommendation	Grant Conditional Subject to Legal Agreement

## **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 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 appearance, landscaping, layout and scale (matters reserved by this 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.

3. 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.

## **Approved/Refused Plan(s)**

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

Planning Application Form (Received on 2nd February 2024).  
Planning Application Form Certificate B. (Received on 21st February 2024).  
Proposed Site Access AMA/21372/SK06 (Received on 2nd February 2024).  
Location Plan 2342.02 REV C (Received on 21st February 2024).

Reason: In order to define the permission.

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

5. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

6. Intrusive investigations as recommended in the approved Phase 1 Desk Study, Abbeydale ref. 631050-DS (Oct 2023) shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

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

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

ensure that the proposed drainage system will be fit for purpose.

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

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

9. As part of any Reserved Matters Scheme, technical evidence shall be submitted to evidence that groundwater will be successfully managed. This should include details of the position of the water table, details of stability of any excavation and retaining structures and the impact of any proposed excavation/retaining structures on the flow of ground water.

Reason: In the interest of ensuring satisfactory drainage.

10. No development shall commence until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall ensure that significant on-site habitat enhancements achieve a minimum 10% net gain in biodiversity, as measured using the latest statutory DEFRA metric, unless a lower percentage is agreed where supplemented with off-site biodiversity units secured through the general biodiversity gain plan condition imposed by Schedule 7A, Part 2, Paragraph 13 of the Town and Country Planning Act 1990 (as amended).

The HMMP shall be based on the indicative measures set out in the approved Biodiversity Net Gain Report SQ-1567. The HMMP shall include objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports over a 30-year period, at a frequency to be agreed with the Local Planning Authority, following the completion of the development. The development shall thereafter be undertaken in accordance with the approved HMMP and the management and monitoring undertaken in line with its approved phasing and methodology.

Reason: To secure significant on-site biodiversity net gains and maintenance of habitat enhancement for 30 years as required by Schedule 7A, Part 2, Paragraph 9 of the Town and Country Planning Act 1990 (as amended). This condition must be pre-commencement to ensure that the detailed biodiversity enhancements are factored into the site layout and that any retained habitats are protected before works commence.

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

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

12. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures. Thereafter the development shall be carried out in accordance with the approved CEMP.

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

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

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

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

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

15. Prior to commencing the development proposal, a construction method statement shall have been submitted to and approved in writing by the Local Planning Authority, including details of temporary traffic management and any time restrictions on construction work and the movement of construction traffic.

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

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

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

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

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

18. In this instance a 450mm diameter public combined sewer is recorded crossing the site, no building or other obstruction including landscape features shall be located over or within 3.5metres either side of the centre line of the public sewer i.e a protected strip width of 7 metres, that crosses the site.

A 375mm diameter public combined sewer is also recorded crossing the site. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer i.e a protected strip width of 6 metres, that crosses the site.

Furthermore, no construction works in the relevant areas of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority.

The details shall include but not be exclusive to the means of ensuring access to the pipe for the purpose of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand off or protection measures are to be achieved by diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of public health and maintaining the public sewer network.

19. No development shall commence until:

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In order to ensure the site is safely developed in relation to its coal mining legacy.

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

20. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In order to ensure the site is safely developed in relation to its coal mining legacy.

21. The design and location of all street lights shall be approved in writing by the Local Planning Authority before that part of the development commences. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to protect the amenity of neighbouring properties.

22. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of a suitable and sufficient dedicated bin storage area shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used unless the dedicated bin storage area has been provided in accordance with the approved details and, thereafter, the bin storage area shall be retained and used for its intended purpose and bins shall not be stored on the highway at any time (other than on bin collection days).

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

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

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

24. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:

a) been carried out; or

b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the new dwellings are brought into use and the new dwellings; shall not be brought into use until the highway improvements listed below have been carried out.

#### Highways Improvements:

- Construction of a new junction to serve the development site broadly in accordance with approved drawing number AMA/21372/SK006, including the provision of pedestrian dropped kerbs with tactile paving, drainage, review/provision of street lighting and visibility splays of 2.4 metres x 70 metres.

- Construction of a footway (minimum width of 3-metres) including to the northern radius of the new junction, running along the western side of Manchester Road connecting with the Bloor Homes signalised junction (for shared pedestrian/cycle use).

- Any other accommodation works to statutory undertaker's equipment, traffic signs, road markings, lighting columns and general street furniture necessary as a consequence of the development.

- Accessible pavement works including raised kerbs, tactile paving, and bus stop clearway marking.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway.

25. Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

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

26. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, details of the proposed surfacing, layout and marking out of the car parking accommodation shall have been submitted to an approved in writing by the Local Planning Authority. The dwellings shall not be used unless the car parking accommodation has been provided in accordance with the approved plans and thereafter such car parking accommodation shall be retained for the sole use of the occupiers of the development hereby approved.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality.

27. Prior to the occupation of the development or it being taken into beneficial use a signed statement of declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or manage necessary to address the risks posed by past coal mining.

Reason: In the interest of land stability of the development site and the amenity of future occupiers.

28. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to

the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation to validation of capping measures and validation of gas protection measures.

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

29. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:

- a) Be based on the findings of Noise Impact Assessment, ENS ref: NIA/11025/23/11235/v2, 26th Jan 2024.
- b) Be based on the principals of Good Acoustic Design, in accordance with an approved Acoustic Design Statement.
- c) 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).

- d) Include a system of alternative acoustically treated ventilation to all habitable rooms where good acoustic design cannot achieve the above noise criteria with windows partially open.

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

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

30. Before the use of the development is commenced, Validation Testing of the sound insulation and/or attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

- a) Be carried out in accordance with an approved method statement.
- b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound insulation and/or attenuation works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

31. Unless it can be shown not to be feasible or viable no development shall commence until a report has been submitted to and approved in writing by the Local Planning



Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

### **Other Compliance Conditions**

32. Where access driveways give both vehicular and pedestrian access to a dwelling, the driveway shall be at least 3.2 metres in width.

Reason: In the interests of the safety of road users.

33. The gradient of shared pedestrian/vehicular access shall not exceed 1:12.

Reason: In the interests of the safety of road users.

34. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

35. Unless otherwise indicated on the approved plans no tree, shrub or hedge shall be removed or pruned without the prior written approval of the Local Planning Authority.

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

36. No new tree planting shall be permitted over or within 5m either side of the centre line of the sewers which cross the site.

Reason: In order to protect the structural integrity of the pipe from tree root infestation.

37. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the parts of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage.

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. In the National Planning Policy Framework, the government advises that new development can help to reduce greenhouse gas emissions through its location, orientation and design (para. 159). The applicant is therefore encouraged to incorporate sustainable design measures to support low carbon energy use and appropriate forms of renewable energy into the design of the new dwelling.
3. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

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

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

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

4. The developer is advised that the outline planning permission to which this reserved matters approval relates is subject to the statutory Biodiversity Gain Plan condition imposed by Schedule 7A, Part 2, Paragraph 13 of the Town and Country Planning Act 1990 (as amended). The development must not begin unless a Biodiversity Gain Plan has been submitted to and approved by the local planning authority.
5. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:
  - Reference to permitted standard hours of working;
  - 0730 to 1800 Monday to Friday
  - 0800 to 1300 Saturday
  - No working on Sundays or Public Holidays
  - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
  - A communications strategy for principal sensitive parties close to the site.
  - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
  - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
  - Vibration.
  - Dust - including wheel-washing/highway sweeping; details of water supply

arrangements.

- A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.

- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.

- Details of site access & egress for construction traffic and deliveries.

- A consideration of potential lighting impacts for any overnight security lighting.

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

6. Applicants seeking to discharge planning conditions relating to the investigation, assessment and remediation/mitigation of potential or confirmed land contamination, including soils contamination and/or ground gases, should refer to the following resources;

- Land Contamination Risk Management (LCRM; EA 2020) published at; <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>;

- Sheffield City Council's, Environmental Protection Service; 'Supporting Guidance' issued for persons dealing with land affected by contamination, published at; <https://www.sheffield.gov.uk/content/sheffield/home/pollution-nuisance/contaminated-land-site-investigation.html>.

7. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

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

9. The applicant should install any external lighting to the site to meet the guidance provided by the Institution of Lighting Professionals in their document GN01: 2011 "Guidance Notes for the Reduction of Obtrusive Light". This is to prevent lighting causing disamenity to neighbours. The Guidance Notes are available for free download from the 'resource' pages of the Institute of Lighting Professionals' website.

10. You are advised that any information which is subject to the Environmental Information Regulations and is contained in the ecological reports will be held on the Local Records Centre database, and will be dealt with according to the Environmental Information Regulations (EIR). This will be subject to the removal of economically sensitive data. Information regarding protected species will be dealt with in compliance with the EIR. Should you have any queries concerning the above, please contact:

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

11. In areas where shallow coal seams are present caution should be taken when carrying out any on-site burning or heat focused activities. To check your site for coal mining features on or near to the surface you can use The Coal Authority's interactive map viewer.
12. Under the Coal Industry Act 1994 any intrusive activities including initial site investigations borehole and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposed require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission to enter or disturb our property will result in the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean Local Authority area our permission may not be required; it is recommended that you check with us prior to commencing any works.

Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at <https://www.gov.uk/guidance/get-a-permit-to-deal-with-coal-or-coal-mines>.

13. Where highway schemes require developers to dedicate land within their control for adoption as public highway an agreement under Section 38 of the Highways Act 1980 is normally required.

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

If you require any further information please contact:

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

Email: [highwayadoptions@sheffield.gov.uk](mailto:highwayadoptions@sheffield.gov.uk)

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

Telephone: 0114 273 6677  
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

They will be able to advise you of any pre-commencement condition surveys,

permits, permissions or licences you may require in order to carry out your works.

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

The notice should be sent to:-

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

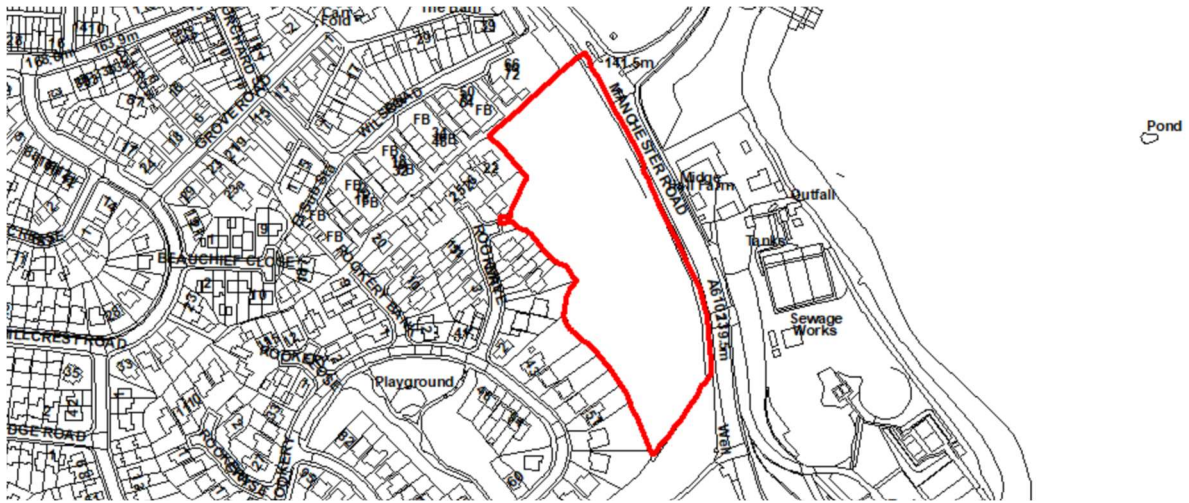
Telephone: 0114 273 6677  
Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

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

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

16. The applicant is advised that any future reserved matters application will need to address several matters raised in the officer report including but not limited to design, amenity issues, impact on trees and drainage matters. The reserved matters scheme should look to better work with the topography of the existing site. The applicant is advised to enter into preapplication discussions.

## Site Location



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## SITE DESCRIPTION/PROPOSAL

The development site is sandwiched between Manchester Road (A6102), Rookery Vale and The Rookery. The land levels slope through the site from Rookery Vale and The Rookery to Manchester Road. The development site consists of a grazing field that is bordered by stone walls and mature hedgerows and trees. On the northeastern side of Manchester Road is Midge Hall Farm and the Bloor Homes Estate which is under construction.

The proposal seeks outline approval for the erection of up to 22 dwellings (use class C3) with means of access from Manchester Road (appearance, landscaping, layout, and scale are reserved matters).

## RELEVANT PLANNING SITE HISTORY

No recent planning site history.

## LETTERS OF REPRESENTATION

Letter of objection from Miriam Cates MP for Penistone and Stocksbridge raises the following concerns.

- Residents in the area are experiencing considerable noise and environmental disturbance from the Bloor Homes Development.
- The site is on a very steep site and building on it will require earth movements on a very large scale and these in turn will lead to constant HGV traffic.
- The site is a hillside there is constant concern about land stability and the potential for land slipes.
- Water run-off from underground springs currently causes regular flooding at the site, with no obvious solution to this issue.

Letter of objection from Cllr Lewis Chichen raising the following concerns:

- The proposal is for the erection of dwellings on previously undeveloped land and therefore proposes further encroachment on and damage of the greenfield land surrounding Deepcar. Due to the position and topography of the site, this development would negatively impact visual amenity by removing this greenfield site from the existing landscape.
- The greenfield nature of the site and its steepness will likely increase the risk of surface water run-off to neighbouring areas, conflicting with Paragraph 173 of the National Planning Policy Framework (NPPF). The Flood Risk Assessment states that Manchester Road to the east of the site is at high potential risk of surface water flooding already. Those who drive along the A6102 will be familiar with the surface water issues on that stretch of Manchester Road.
- The proposed access onto Manchester Road whilst the technically in a 30mph zone, is near a 40mph zone, and then shortly after that National Speed Limit. Many cars when driving into Deepcar do not slow down to 30mph when entering the 30mph zone. This, alongside the fact that there

is a bend in the road close to the access that reduces visibility, increases the highway safety risk. The high volume of traffic that uses this stretch of Manchester Road should also be considered.

- The adverse impacts of granting development would significantly and demonstrably outweigh the benefits, in line with Paragraph 11(d)(ii) of the NPPF. It is also noteworthy that the Draft Sheffield Plan approved by Sheffield City Council and submitted to the Government does not contain the proposed development as an allocated site, and that emerging Local Plans should be afforded adequate weight in determining planning proposals.

Letter of objection from Cllr Janet Ridler raising the following concerns:

- The site has diverse wildlife including a population of bats; the submitted plans do not include a full ecological survey and Sheffield Bat Protection Group have made an objection.
- Dangerous blind corner to the T-junction onto Manchester Road poses a threat to the safety of motorists and pedestrians.
- Concerns over the stability of the site and potential impact on neighbouring properties through over-engineering or landslip.
- Potential instability from previous coal mining as indicated by the mining survey.
- Inadequate parking provision in an area which is poorly served by public transport and where people depend on private cars.
- Inappropriate development in a semi-rural area.
- The proposed site is a green space and as such should be protected from development in accordance with the Sheffield Local Plan which has been approved by Sheffield City Council. The Local Plan sets out to protect the city's green belt and to ensure that developments such as this are not permitted to encroach on our precious green spaces. Significant weight should be given to the Local Plan when considering this application.

Letter of objection from Cllr Julie Grocutt raising the following concerns.

- The steepness of this site makes it difficult to build upon.
- There will be numerous disruptions to traffic with large vehicles moving earth from the site with nowhere to park or wait. This will have a negative impact on transport congestion. Safety will be an issue with these vehicle movements.
- The coal mining survey states there are mines which could make the site unstable which are across the hillside. These will be an issue for the required retaining walls.
- Underground springs with water runoff, and there is no satisfactory way of dealing with this water runoff.
- The lack of suitable parking on the development.
- The document mentions loss of biodiversity, SCC has declared a nature emergency. The South Yorkshire Bat Group raise concerns.
- Surface water and sewage encasement. Existing problems of sewage escaping into the Little Don River. This development will exacerbate the



problem. The application submission states consideration will need to be given to providing drainage if any groundwater seepages are encountered from the hillside, as well as providing drainage for any proposed new retaining structures.

- Currently there are issues of flooding due to water runoff, members and the public should have the opportunity to examine these plans and comment on them prior to any decision being made. This highlights the unsuitability of this site for housing.

- The documents state that slope sustainability needs considering. It will not just affect this development but the homes of people on the Rookery estate.

- The location of the entry to the planned development is unsafe as it's on a bend.

- The proposal will lead to additional noise, pollution, degradation to the road and congestion. When combined with the Bloor Homes site across the road who are still on site and will be there for several more years.

- One of the application documents covers railways. For the avoidance of doubt the railway line in question is only used for carrying materials to and from the Stocksbridge Steel Works. At present this is not a passenger railway. Confirmation from government of any upgrade under railway schemes will be released in the last budget.

- The application states that access to the site will be via Manchester Rd. The adverse impacts of this cannot be mitigated by other planning considerations. This is a completely unsatisfactory access to the estate on the bend in the road.

- In the longer term when the Bloor estate with over 400 homes is built all of whom will have to access Manchester Rd from the junction which has been put in diagonally across from this proposed entrance. The congestion with vehicles waiting to enter/leave this development, then the Bloor Development, then the Deepcar traffic lights and for traffic heading towards the by-pass there is the one-way bridge. The volume of traffic already causes congestion, and this will add a further complicating factor to this section of road.

- The area suffers from transport poverty, with a significantly reduced bus service to what was here a few years ago. The service of two buses an hour is less in evening and weekends to Sheffield, and despite meetings with the SYMCA Mayor Coppard there has been no long-term commitments to improving the service.

- Lack of parking on the development for visitors, 5 spaces could easily be eaten up by residents on the development. The only obvious place to park then would be on Manchester Rd adding to the traffic issues on this road. Parking is insufficient given the lack of public transport and parking availability in the area.

- The core Strategy states that homes in this area should be built on previously developed land. This site doesn't fit into this category and there are other sites in the town that do and therefore should be developed as a priority before this site, to meet the set housing requirements placed on SCC by government.

- Two of the buses mentioned in this document are school buses, making the information misleading.

1 Letter of objection from the Stocksbridge Town Council raising the following concerns.

- Access/egress on a dangerous bend onto Manchester Road and question if sight lines sufficient to serve the proposed junction.
- Wagons moving earth to cut into land, and where will workers park their vehicles.
- Water run-off concerns resulting from the excavation.
- Potential detrimental impact on Midge Hall
- The South Yorkshire Bat Protection Group have objected.

1 Letter of objection from The South Yorkshire Bat Protection Group raising the following concerns.

- Lack of published ecological information available for the application. The development site is important for connectivity of natural habitats into and across the area. Close proximity to Wharncliffe Woods where there are records of 6 roosting species. The proposal is reasonably likely to form a critically habitat for bats and the proposal is reasonably likely to affect local bat populations. The development site is not allocated for housing in the new draft Sheffield Plan.

31 letters of objection raising the following concerns.

#### Land Use and Allocation

- The Sheffield Core Strategy outlines that New Development should take place mainly on previously developed land, not undeveloped grazing land. The grazing land separates the Rookery Estate and the Bloor Estate under construction, and the application submission states that having one continuous block of residential development is a visual benefit.
- The undeveloped grazing land under planning review separates the two large residential developments and acts as a small green divide, which breaks up what would be a continuous block of residential development, giving a far more pleasing panoramic view from along the valley.
- Deepcar is losing its village feel due to the large housing estates being constructed and will eventually join onto Stocksbridge and Wharncliffe Side.
- Loss of countryside views from neighbouring residential properties, and residents moved here to enjoy the countryside views, open fields, and nature.
- The proposal will destroy a green field in the suburbs when there are many brownfield sites in need of regeneration.
- The proposed 22 dwellings will not make a significant contribution towards meeting the housing shortage.
- Question whether affordable housing will be provided.

#### Land Stability

- The proposed development will see a large volume of earth movement required, given that the development would effectively be built into the side of a hill. Neighbouring development sites have resulted in noise, dust and construction debris detrimentally affecting the amenity of adjacent residential properties.
- The proposal may cause ground instability of the neighbouring properties on Rookery Vale and The Rookery due to the large volume of excavation proposed. The development site lies within a High-Risk Coal Area.
- The Phase 1 Desk Study Report prepared by Abbeydale Building Environment Consultants states that just under half of the site at the Southern and Eastern boundary of the site has area described as of moderate risk of landslides and in sum-'On site Moderate Slope instability problems are probably present or have occurred in the past. Land use should consider specifically the stability of the site.'
- The installation of the proposed Wood Crib Lock system to retain the land up from the excavated site and the future maintenance of the system, it has a finite life even if maintained, who will be responsible for ongoing maintenance and future replacement. The retaining of the slope is likely to require significant civil engineering and pile driving being required to stabilise the slope. No edge protection to this fall from an area that the application indicates will for communal use for 'foraging'. This would add to the noise and disruption, and there is a risk of damage to the properties above the site.

#### Drainage and Flood Concerns

- The flood report states that measures to reduce surface water on the site could lead to problems. Diverting a spring and large amounts of surface water on a steep banking on a plot that has moderate risk of subsidence. The flood risk assessment states multiple reasons why the use of soakaway drainage is unsuitable. The flood risk assessment is generic for the site and does not explore the high possibility of mining under this area to assess how this could impact on the amount of surface water, the contamination of the surface water and the stability of the site.
- Current ongoing local developments have been beset with serious and ongoing problems regarding localised flooding, subsidence and landslip, issues fully raised at the outline application stage. The field is a soakaway for water runoff from The Rookery and may result in surface water runoff on Manchester Road. Behind Rookery Vale there is a natural spring that causes the area behind approximately 8 Rookery Vale to become waterlogged.

#### Highways concerns

- Detrimental effect on highway safety resulting from the proposed access of the development. The proposed new T-Junction onto Manchester Road would lead to a significant increase in potential road traffic accidents and fatalities.
- The proposed new 5.5 m T-Junction access onto Manchester Road outlined in the application quotes 2.4m by 70m visibility splays. The 60mph

speed limit applicable to the A6102 Manchester Road, reduces to 40mph and then 30 mph just before the approach to the blind corner. Vehicles leaving this blind corner very rarely do so at 30 mph.

- The road experiences frequent surface water and flooding. The recommended stopping distances in wet conditions at 30mph are at least 46 metres, at 40mph it increases to 72m, at 50mph it is 106m and at 60mph it is 146m. The application outlines a 70m visibility splay.
- The position of the proposed junction could cause extra problems with the new controlled Bloor Homes development junction.
- The road traffic accident data within the application submission takes no account of the newly constructed Bloor junction and the likely increase in traffic flow resulting from the Bloor Homes development. The traffic data was also collated during 2020 where the volume of the traffic was lesser due to the pandemic.
- The proposal when combined with the Bloor Homes development and recently granted planning permissions for other residential schemes is likely to result in significant number of additional vehicles journeys along Manchester Road and result in congestion and traffic delays during peak periods. The proposal will likely result in the controlled junction of Carr Road and Vaughton Hill experiencing greater congestion at peak times.
- If access to Manchester Road is allowed through The Rookery and Rookery Vale, there would be a huge increase in cars accessing the estate, using it as a thoroughfare. When the Rookery was built access to Manchester Road as a through road was denied due to safety concerns. What circumstances have changed to allow for a new access onto Manchester Road.
- Insufficient off-street parking within the development as 2 spaces per house, plus 5 visitor spaces are proposed within an area with minimal public transport. No proposed pedestrian crossing facilities.
- A proposed path will follow the existing sewer network path. While this is useful for family access up the hill to local schools (Deepcar St Johns) and parks on the Rookery estate, no consideration has been included for pavements along the main road or a side path towards Wilson Road where foot access to Vaughton hill (and local bus stops) exist. The current plan details an existing path along the main road on the front east face of the development. This path does not exist, and is a grass covered verge.
- The impact of an additional 400-800 cars using Manchester Road will cause significant traffic congestion at peak times. This could become the normal traffic once the new estate is occupied. When the new traffic lights are commissioned cars will queue across the proposed entrance of this application. How will this be managed.
- Sustrans have commented that an opportunity has been missed to connect the development site (and Rookery via the path passing through the development site) to the Trans Pennine Trail/National Cycle Network running through Wharnccliffe Woods. If paths and footways leading to the Bloor Homes signals on Manchester Road can be widened to 3 metres, they can be used by both pedestrians and cyclists.
- Concern about disruption to existing traffic caused by lorries removing copious quantities of excavated material from the site.
- Increased pressure on local services and infrastructure

- Deepcar and Stocksbridge are not well served by public transport and the future occupants will likely be reliant on cars as their main mode of transportation.
- Will it be possible to connect the lower half of the Rookery estate through the new estate to Manchester Road to enable the lower half of the estate to avoid the congestion along Carr Road?
- Will there be an improvement to transport provision and facilities within the surrounding area? The area has suffered the loss of the Super tram link bus.

### Amenity Concerns

- The footpath from the Rookery Estate to Manchester Road is unacceptable, as it will result in the loss of privacy of neighbouring property, lower the value of neighbouring properties and has potential for antisocial and criminal behaviour and littering.
- The proposal will result in the loss of green areas which contribute to the physical and mental health of residents, and their reduction could adversely affect the overall quality of life in the neighbourhood.
- No assessment of the additional noise pollution the development will create. Residents already experience noise pollution from on-going development nearby. The proposal will extend the time period of disruption.
- The proposal does not include an air pollution assessment for the bottom of the valley been conducted.
- Overlooking of neighbouring residential properties.
- The proposed siting of the access road and driveways will result in headlights from cars moving on/off driveways shining directly into adjacent property. These issues will be most notable in the winter months when the tree foliage is sparse.

### Ecological and Landscape Concerns

- Detrimental impact on biodiversity due to over development and loss of natural habitats of protected species.
- No species policy relating to biodiversity has been included within the application submission.
- As part of the planning process Sheffield planning department should complete a full ecological survey of the site.
- There is reference on the plans of root protection areas that cannot be compacted or constructed on. The plans show the root protection areas overlapping the supporting walls and gardens which would be heavily compacted. There is a concern that trees would be maintained, future potential planning amendments could result in the removal of mature trees. This would be very detrimental to habitats, appearance, and land stability.
- The Arboricultural Survey is time sensitive and states that it is use for planning purposes will expire on 4th May 2024.
- Future responsibility for the maintenance of the proposed landscaping area to the rear (between the back gardens of the proposed and the

Rookery), the sides, and the front (between the access and Manchester Road) of the housing and the boundaries.

#### Procedure Concerns

- The application has not been correctly advertised with only one half of Rookery Vale receiving a neighbour notification letter and letters not being sent by the council to Midge Hall Farm.

#### Other Matters

- The planning application states that Sheffield City Council does not currently benefit from a four-year housing land supply and that the most important policies relating to housing for determining this application are out of date. As such the application outlines that paragraph 11 of the NPPF suggests the presumption in favour of sustainable development applies. The qualification of the presumption is that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.
- The objections received prove without doubt that any benefit derived from the proposal, especially relative to the hundreds of dwellings currently under construction are completely outweighed by the negative socio-economic and environmental effects resulting from the unsustainable development plan in its current form.
- The current application under review outlines the need for sustainable development comprising socio-economic, and environmental roles. It is vital for the local community that the socio-economic, and environmental effects of these residential developments are fully assessed before any consideration should be given to approving any further development.
- The property market will soon be saturated with new properties.
- Neighbouring development sites have stalled, so why is more housing proposed for this area when other development sites are not completed.
- Numerous unoccupied and unsold new properties in the area, is there need for further properties to be built.
- Over development of Deepcar when combined with new housing developments in the area, these will have a severe impact on local services and infrastructure. Where will the funding come from to improve local services to enable them to deal with increased demand.

#### PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town & Country Planning Act 1990 provides that the local planning authority shall have regard to the provision of the development plan, as far as material to the application, and to any other material considerations. Other material planning considerations include the National Planning Policy Framework and guidance within the National Planning Policy Guidance.

Paragraph 12 of the NPPF is clear that the starting point when assessing the principle of development is the development plan. The adopted local plan is the Sheffield Core Strategy (2009) and relevant saved policies from the Unitary Development Plan (1998).

The emerging Sheffield local plan has been submitted to the government but is awaiting examination. Accordingly, at this time, the policies are given no significant weight in decision making.

NPPF paragraph 225 advises that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. As such, relevant policies contained within the Core Strategy are given due weight according to their degree of consistency with the framework.

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

At this current time, the LPA cannot demonstrate a four-year supply of sites for housing. Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date according to paragraph 11(d) of the NPPF. The so called 'tilted balance' is triggered, and as such, planning permission should be granted unless the application of policies in the NPPF provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

## LAND USE

The development site lies within a Housing Area, as allocated under the Unitary Development Plan. Policy H10 'Development in Housing Areas' sets out the preferred acceptable and unacceptable uses in these areas and defines housing as the preferred use.

Paragraph 60 of the NPPF seeks to significantly boost the supply of homes. In addition, paragraph 69 says that authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment.

From this, planning policies should identify a sufficient supply and mix of sites, considering their availability, suitability, and likely economic viability. Planning policies should identify a supply of specific, deliverable sites for years one to four of the plan period. As mentioned previously, the Council cannot demonstrate a 4-year housing supply.

The site is proposed as an Urban Green Space Zone in the draft local plan, but this holds very limited weight at present.

## DENSITY

Core Strategy Policy CS26 requires that housing development makes efficient use of land. The policy sets a density of 30 to 50 dwellings. This policy is consistent with the NPPF which seeks to ensure the efficient use of land in Paragraph 128; as such CS26 can be offered significant weight.

The development site covers an area of 1.49 hectares and the proposal will have a density of 14 dwellings per hectare. Whilst this is considerably less than guidance found within CS26, consideration must be given to the site's topography and that a public foul and surface water sewer runs through the site west to east and public sewer runs through the site north to south, thus these constraints will restrict the area available for development. Further consideration must be given to the desire to retain the existing trees and the character of the surrounding area and the urban grain which consists of semi-detached and detached properties sited within moderate to large plots, therefore the proposal would not be uncharacteristic of the surrounding area.

## LOCATION FOR NEW HOUSING

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

Core Strategy Policy CS24 (Maximising use of Previously Developed Land for New Housing) seeks to ensure that priority is given to developments on previously developed sites and that no more than 12% of dwellings should be constructed on greenfield land in the period up to 2025/26. It also states that such development should only occur on small sites within urban areas, where it can be justified on sustainability grounds.

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

Interested parties have raised concerns regarding the loss of the Greenfield site, and that under the draft local plan the development site is allocated as an Urban Greenspace Zone. At present the draft plan carries limited weight within the assessment of planning applications.

The Council is currently achieving a dwelling build rate on previously developed land that aligns with the requirement set out in CS24. The development site lies within the existing urban area of Deepcar and benefits from local amenities within Deepcar and nearby Stocksbridge. As such the development would accord with CS23 and CS24.

## DESIGN



The site is located within a Housing Area as defined by the Sheffield Unitary Development Plan (UDP). UDP Policy H14 requires that new development is well designed and appropriate to the site and will not result in residents or visitors suffering from unacceptable living conditions.

UDP Policy BE5 requires new development to be of a good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.

Core Strategy Policy CS74 states that high quality development will be expected which respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods. It also states that development should contribute to place making and contribute to a healthy, safe and sustainable environment which promotes the city's transformation and helps to transform the character of physical environments that have become run down and are lacking in distinctiveness. Development should also enable all people to gain access safely and conveniently, providing, for the needs of families, children, disabled and elderly people and should contribute towards creating attractive, sustainable and successful neighbourhoods.

Chapter 12 of the Framework is concerned with achieving well-designed places and Paragraph 131 identifies that good design is a key aspect of sustainable development. Paragraph 135 of the NPPF states that planning decisions should 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. Further to this development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, whilst being sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies CS74, BE5 and H14 are consistent with Paragraph 135 of the NPPF and therefore weight is afforded.

As stated previously, the application is outline with all matters except access reserved for future approval. Nevertheless an indicative plan demonstrating how the development could be laid out has been submitted. The indicative plans show the new dwellings will be centrally sited within the site with terraced gardens to the rear. The new dwellings will be cut into the slope with soft landscaped areas encompassing them. A footpath will be centrally sited within the site and connect Rookery Vale with Manchester Road. The Council have raised concerns that the proposal will require considerable excavation when the proposed design and layout should look to work with the topography of the land. Although, it must be acknowledged that as the plans are indicative only and the proposal is merely seeking approval for the principle of the 22 dwellings and the design, scale, and layout of the new dwellings will be dealt with at through a subsequent reserved matters application. It is considered that a suitable design which reflects the character of the area could be achieved through further design work at reserved matters stage. As such it is considered that the proposal accords with paragraph 131 and 135 of the NPPF, and local planning policies H14, BE5 and CS74.

AMENITY

Policy H14 (c) seeks to ensure that sites are not overdeveloped and do not deprive residents of light, privacy or security.

Paragraph 135(f) of the NPPF states the development should 'create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'. The aims of H14 are consistent with the aims of the NPPF and can therefore be offered significant weight.

Interested parties have raised concerns regarding the overlooking of properties from the path and the new dwellings. The indicative plans show that the new dwellings will be set down into the slope with terraced gardens, and the properties along The Rookery and Rookery Vale would be sited at a high level to the new dwellings. In addition generous separation distances will be achieved and as a result no overlooking or overbearing impacts will arise between the properties. The properties sited either side of the footpath entrance on Rookery Vale benefit from 2m high fences thus, no significant overlooking will occur from the footpath, and the footpath will benefit from a good level of natural surveillance from properties along Rookery Vale and from within the development site.

Whilst the indicative plans show that the new dwellings will be sited within reasonable plots and benefit from positive outlooks to the east, due to the proposed garden terracing and the north westerly orientation of the site, there are concerns that this will result in the private residential amenity space of the new dwellings being somewhat overshadowed. Not only this, but the proposed terracing of the rear garden could result in overbearing impacts on the new dwellings and a poor outlook. As the plans are indicative only and the proposal is merely seeking approval for the principle of the 22 dwellings and the access, the design, scale and layout of the new dwellings will be dealt with through a subsequent reserved matters application.

The agent has been advised that a scheme should be brought forward that requires a less intensive scheme of excavation and that better works with the topography of the site.

#### Noise Attenuation

The Council's Environmental Protection Officer has reviewed the Noise Impact Assessment, ENS ref: NIA/11025/23/11235/v2 (26th January 2024) and denotes that the report is acceptable in terms of noise impact assessment (site characterisation) and plant noise recommendations. However, the report is lacking in terms of making recommendations regarding Good Acoustic Design. Nevertheless, suitable noise attenuation will be secured through conditions.

A Construction Environmental Management Plan (CEMP) will be required by conditions which will outline how the developer will minimise any negative environmental impacts of a specific construction project. A CEMP should also demonstrate that a construction project complies with any relevant environmental legislation. Consequently, the proposal will result in no significant harm to the amenity of neighbouring residential properties and will provide suitable amenity for

the future occupiers of the dwellings. The proposal accords with paragraphs 135 of the NPPF and local planning policy H14.

## HIGHWAYS

Policy H14 (d) requires that development provide safe access to the highway network, appropriate off-street parking and to not endanger pedestrians.

The NPPF seeks to promote sustainable transport and locations, emphasising pedestrian and cycle movements followed by public transport in Paragraphs 115 and 116. Paragraph 115 states that safe and suitable access to the site should be achieved by all users. Paragraph 115 goes on to detail that new development 'should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The indicative plans show that 2 car parking spaces per dwelling, 5 visitor car parking areas, a widened existing access and levelled access onto Manchester Road will be provided. A footpath will connect Rookery Vale with Manchester Road and improve pedestrian connectivity of Rookery Vale with Manchester Road. As the application is outline further details of the car parking provision, site layout and levelling of the access will be provided through the reserved matters application.

The Council's Highway's Officer has noted concerns raised by interested parties regarding increased congestion on the highway's network and whether the local highway's network can take additional trips generated from this estate and neighbouring developments.

In this case the proposal is for 22 dwellings and the trigger for residential developments to be accompanied by a Transport Assessment (TA) is 80 dwellings or more. Recent developments within the Deepcar area are acknowledged, and within the case of Hollin Busk (17/04673/OUT) the predicted traffic generation from Bloor Homes (and other committed developments) was added to the local highway network to give a holistic assessment. The TA for Hollin Busk resulted in improvements to the operation of the signals at Vaughton Hill. The Hollin Busk application was granted on appeal, and the Inspector acknowledged concerns regarding accessibility to local amenities and concluded there were no grounds to refuse the application on that basis. A similar consensus applies in this case.

Further objector concerns relate to the proximity of the widened access onto Manchester Road and the new junction serving Bloor Homes. The Council's Highway's Officer denotes that there is sufficient separation from the Bloor Homes signalised junction so as not to raise any road safety concerns. The Bloor Homes access has been superimposed on the application site plan. Operation of the signals will help to create gaps in the traffic flowing along Manchester Road, easing ingress/egress from the development site. Any traffic waiting to turn right into the development site can stand in the hatching on Manchester Road.

Interested parties raised further concerns regarding insufficient visibility splays at the widened access. The submitted site access plan indicates visibility splays of 2.4

metres x 70 metres to the left and right on Manchester Road. Manual for Streets suggests visibility splays of 2.4 metres x 43 metres for vehicle speeds of 30 mph. It is acknowledged that if the Bloor Homes signals are on green for Manchester Road, vehicle speeds might be slightly higher. Manual for Streets suggests splays of 2.4 metres x 59 metres for vehicle speeds of 37 mph. Consequently, the splays indicated on the submitted plans are considered acceptable. It must be acknowledged that there's an existing gated access in the location of the proposed development site access.

Further representations raise concerns relating to construction traffic, the significant amount of excavation proposed and the removal of the earth. Construction traffic will be dealt by way of conditions relating to CEMP, a Construction Management Plan (CMP) and wheel washing. A S106 agreement will deal with upgrades to the bus stop 26993. The proposal accords with paragraphs 115 and 116 of the NPPF and local planning policy H14.

## LANDSCAPE/BIODIVERSITY

UDP policy GE15 seeks to retain mature trees and where these are lost, replacements should be provided as part of development. Core Strategy policy CS74 requires new development to take advantage of woodlands and natural features. The aims of GE15 and CS74 are consistent with the aims of the NPPF and can therefore be offered significant weight.

Paragraph 136 of the Framework also details that trees make an important contribution to the character and quality of urban environments and requires the retention of trees where possible.

Paragraph 185 of NPPF specifies the need for protection of designated sites and priority habitats and species and encourages biodiversity net gain where possible. Paragraph 186 of NPPF sets out that in determining planning applications, planning authorities should aim to conserve and enhance biodiversity.

### Biodiversity

Interested parties have raised concerns regarding the loss of habitats and wildlife. The Council's Ecology Officer raises no concerns regarding the accompanying Preliminary Ecological Appraisal (PEA) which is a competent assessment and informs that the site comprises predominantly sheep-grazed improved grassland, with some boundary perennial vegetation and established trees. No protected or priority habitats are found within the site boundary, thus no impacts to statutorily designated habitats are predicted from the proposal. Similarly, no protected species are believed to be currently resident on site, but there remains the chance that wildlife may commute through or forage on site. Any potential impacts that may arise can be adequately mitigated.

Interested parties and the South Yorkshire Bat Group have raised concerns over potential impacts to local bat populations, particularly noting the diversity of bat species in Wharnciffe Woods. Both the Council's and the project ecologists consider the site to have limited potential for bats (PEA 5.5.3.2) and, as this is a relatively low

impact development, maintaining existing boundary trees and creating new native habitat on site, any impacts to local bat populations will be sufficiently mitigated.

The indicative plans show that there will be space allocated to the creation of neutral grassland, native scrub, introduced shrubs and tree planting. As outlined within the Biodiversity Net Gain Report this will include a mix of extra heavy standard trees, feathers and a 'foragers mix'. The accompanying BNG Assessment indicates the proposal will deliver 3.65 habitat units and 1.85 hedgerow units, a net gain of 23.95% and 11.77%, thus exceeding the mandatory 10% bio-diversity net gain. A Biodiversity Gain Plan (BGP) and Habitat Management & Monitoring Plan (HMMP) will be required by conditioned that will evidence how the biodiversity enhancements will be funded and monitored for a 30-year period.

## Landscape

The indicative plans show the existing slope will be cut into to create tiered levels and a levelled access off Manchester Road. The indicative plans show that retaining structures will be used to create the tired levels. Whilst the plans are indicative as all matters except access have been reserved, the Council's Landscape Officer raises concerns regarding the loss of highways trees adjacent to Manchester Road, and mature trees adjacent to the residential properties abutting The Rookery and Rookery Vale.

Both the Council's Landscape Officer and Ecologist acknowledge that some trees will need to be removed to facilitate the creation of the access. Further to this both officer's raise concerns regarding the encroachment of the root protection areas of the mature trees to the rear of the site (T224 and T229) from the proposed retaining structures. The trees to the rear of the site are good quality specimens which should be retained and are shown to be retained within the indicative layout. Nevertheless, the layout does indicate some minor encroachment into root protection areas. Any reserved matters application will need to ensure that the development is wholly outside of root protection areas.

The trees to the front of the site are also shown to be retained, with the exception of those needed to be removed to facilitate the site access. These trees individually are not as of high a quality as the trees to the rear of the site but do offer high amenity value when viewed from the road. Any future reserved matters application should give careful consideration to the impact of the development on the trees to the site perimeter.

The development site borders a Local Wildlife Site to the south (LWS 048 Parsonage Wood Farm) and a suitable stand-off between the development site and the LWS boundary should be retained. The proposed landscape scheme should include native scrub within this buffer.

Details will be required through conditions regarding hard and soft landscaping, a topography survey showing land levels, services, boundary features, structures and trees, cross sectional drawings showing the retaining structures including proposed materials, retained and proposed features should be clarified, comprehensive list of species and stock specification, maintenance schedule, an accurate shrub and tree

planting schedule and planting plan and tree protection plan.

In conclusion, the proposal will provide a biodiversity net gain of more than the mandatory 10%, and further details will be provided through the reserved matters application which will address the concerns raised by both the Council's Landscape and Ecologist regarding the loss of trees and replacement planting of trees and the encroachment of the retaining structures within the T224 and T229 root protection area. The proposal accords with paragraphs 136, 185 and 186 of the NPPF, and local planning policies GE15 and CS74.

## LAND QUALITY

Paragraph 194 (d) of the NPPF states that proposals should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

### Coal Mining/Land Contamination

Interested parties have raised concerns that the development site lies within a Coal Mining Referral Area. The Coal Authority and the Council's Environmental Protection Officer have reviewed the Phase 1 Desk Study Report (October 2023) prepared by Abbeydale Building Environment Consultants Ltd and denotes the desk study report correctly identifies past coal mining activity and based on a review of relevant sources of information concludes that insufficient rock cover may exist above potential unrecorded shallow coal mine workings.

Within the report appropriate recommendations are included for intrusive site investigations to identify any necessary remedial measures. The report also recommends ground gas monitoring and ground water monitoring. Both the Council's Environmental Protection Officer and the Coal Authority raise no objection to the proposal subject to the imposition of conditions regarding a scheme of Phase II intrusive investigations and proposed remediation works or mitigation measures. The proposal accords with paragraph 194 of the NPPF and local plan policy ME9.

## DRAINAGE

Policy CS67 of the Core Strategy states that the extent of and impact of flooding must be reduced as part of the development proposal. Policy GE19 of the UDP states that development will be permitted only where it would not have an adverse effect on the quantity or quality of surface or groundwater resources.

Paragraphs 165 to 174 of the NPPF states that the flood risk of a development must be assessed and mitigated where possible.

Interested parties and the Council's Drainage Officer have denoted that the indicative plans show SuDs and proposed infiltration as part of the drainage strategy. However, there are significant concerns that proposed SuDs and proposed infiltration would be incompatible with the ground conditions of the site, and that it would likely exasperate existing ground conditions. Drainage by infiltration may not

be possible on this site but this would need to be robustly justified. Given the proximity to the River Don, surface water discharge to the watercourse via existing surface sewers is likely to be practical.

Both interested parties and the Council's Drainage Officer have raised further concerns regarding that the indicative plans show that a significant amount of cut from the slope, and the existing land drainage must be considered as part of the proposed design. Furthermore, the proposed cutting into the existing slope may intersect groundwater flow paths, and the proposed retaining structures constructed in groundwater flow paths may become destabilised. Technical evidence (such as site investigation or specialist technical advice) should be provided to evidence management of groundwater as part of any future application.

As mentioned previously, the plans are indicative only and the proposal is merely seeking approval for the principle of the 22 dwellings and the access, the design, scale, and layout of the new dwellings will be dealt with at through a subsequent reserved matters application. Thus, drainage details within a drainage strategy and a SuDs statement will be required through condition. The agent has been advised that a scheme that requires less intensive excavation and that works with the topography of the land should be proposed within a future reserved matters application, and this may overcome the drainage concerns raised. The proposal accords with paragraphs 165 to 174 and 191 of the NPPF and local planning policy GE19 and CS67.

#### AFFORDABLE HOUSING/ COMMUNITY INFRASTRUCTURE LEVY

The proposed development would be Community Infrastructure Levy (CIL) liable and is located within Charging Zone 3. The CIL charge for the site at 2024 rates is £45.00 per square metre. As the plans are indicative this will be dealt with at the reserved matters stage. The CIL regime covers the majority of infrastructure requirements relevant to the development i.e. education and recreation provision. The exception to this is Affordable Housing.

Policy CS 40 states that in all parts of the city, developers of all new housing developments will be required to contribute towards the provision of affordable housing where this is practicable and financially viable.

In relation to Affordable Housing the normal requirement for this location would be 10% provision. The applicant has prepared a draft legal agreement to provide assurance the development will deliver the affordable dwellings in accordance with the planning policy. This will accord with the 10% provision denoted within CS40 and the proposal will accord with Core strategy Policy CS40 in this respect.

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#### OTHER MATTERS

Interested parties have raised the following concerns.

- The application has not been correctly advertised with only one half of

Rookery Vale receiving a neighbour notification letter and letters not being sent by the council to Midge Hall Farm.

From a review of the planning application file, all properties that share a red line boundary with the development site were sent a neighbour notification letter. Three planning site notices were put up on Wilson Road on a lamppost between the last two blocks of flats, and on lampposts on the west bound side of Manchester Road and the east bound side of Manchester Road (adjacent to Midge Hall Farm). The planning application has been advertised in accordance with Sheffield's Statement of Community Involvement and The Town and Country Planning (Development Management Procedure) (England) Order 2015.

- Lack of published ecological information available for the planning application.

As the ecological information may contain sensitive information regarding protective species this information has not been published on public access. No formal request was made to view the redacted version of the ecological information submitted as part of the application submission.

Interested parties have raised concerns regarding the amount of excavation required, the longevity of the proposed timber crib retaining wall system (even if properly maintained), and how the retaining wall will be maintained. These structural considerations will be dealt with by building regulations.

The following matters are not of a planning material consideration:

- The property market will soon be saturated with new properties.
- Neighbouring development sites have stalled, so why is more housing proposed for this area when other development sites are not completed.
- Numerous unoccupied and unsold new properties in the area, is there need for further properties to be built.

## CONCLUSION

In conclusion, the principle of the proposal is acceptable as the development site is allocated within a Housing Area, located within the sustainable location of Deepcar and will contribute to housing supply within the city. No significant concerns have arisen with regards to the widening and improvement of the existing access onto Manchester Road, nor from a biodiversity and land contamination perspective. Whilst concerns have arisen with regards to the extent of the proposed excavation and that the design of the proposed dwellings should look to better work with the topography of the site, it must be acknowledged that the matters of design, scale and layout will be dealt with by way of a reserved matters application. The proposal accords with paragraphs 60, 115, 116, 128, 131, 135, 136, 165 to 174, 185, 186, 191 and 194, and local planning policies H10, H14, BE5, CS23, CS24, CS26, MW9, GE19, CS67 and CS74.

## HEAD OF TERMS



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

- 1) Financial contribution of £ 9850.99 (indexed linked) must be paid to the South Yorkshire Mayoral Authority prior to the first occupation of the dwellings to fund the supply and installation of a 3-bay full-end 1710mm solar-powered shelter (incl. 10 years maintenance) at the bus stop 26993.
- 2) Affordable housing shall be delivered as part of the development scheme in accordance with the CIL and Planning Obligations SPD amounting to a minimum of 10% of the total Gross Floor Area of the development.

Planning obligations must be:

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

In this case the bus stop improvement is needed to support sustainable transport, is directly related to the development (as the development would create additional trips) and the level of financial contribution (£9850.99) is considered to be fairly and reasonably related to the scale of development proposed.

In this case the affordable housing provision is needed to meet affordable housing need within the city and in accordance with requirements policy CS40 and the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (December 2015), is directly related to the development (as the development would create additional households and the level of affordable housing accords with policy requirements).

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