

Agenda Item 7b

Case Number	23/02892/OUT (Formerly PP-12436825)
Application Type	Outline Planning Application
Proposal	Outline Application (all matters reserved except for access) for demolition of garage and erection of up to 14 dwellinghouses
Location	Land At Rear Of 241 Burncross Road Sheffield S35 1RZ
Date Received	12/09/2023
Team	North
Applicant/Agent	Mr Ian Corner - Residential S72 Ltd
Recommendation	Grant Conditional Subject to Legal Agreement

Time Limit for Commencement of Development

1. 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) Appearance, (b) Landscaping, (c) Scale and (d) Layout (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.

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. 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.

Approved/Refused Plan(s)

4. The access arrangements for the development shall be carried out in accordance with the following documents and plans:-
 - Site Location Plan published 12.09.2023
 - Site Entrance - Drawing No: 1191- 001 published 12.09.2023
 - Indicative Site Layout - REFERENCE: RS72-2023-0110-03 published 05.09.204

Reason: In order to define the permission.

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

5. Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed

6. No development shall commence until (excluding demolition of existing structures and site clearance);
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/ or mitigation measures to address land instability arising from coal mining legacy, as maybe necessary, have been implemented on site in full in order to ensure that the site is made 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: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

7. 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.

8. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance 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.

9. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report 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.

10. 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.

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 incorporate survey details of the important habitats species and their location on site the recommendations of the Preliminary Ecological Appraisal (Weddles) - Dated January 2024.

The habitats and species shall thereafter be managed in accordance with the landscape and ecological management plan with clear requirements for mitigation of impacts and avoidance strategies including the following:

- Additional survey(s) as required by Preliminary Ecological Appraisal (Weddles) - Dated January 2024.
- Aims and objectives of management.
- Detailed location, management and enhancement measures for important ecological features.
- Identification of protected species using site and avoidance/protection measures.
- Construction methods that will minimise impacts on habitats and wildlife.
- Details of tree protection measures. 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.
- Guidelines for the planting of additional/replacement trees throughout the site including species, planting specifications and locations.
- a comprehensive and detailed hard and soft landscape scheme for the site, including full details of replacement tree planting.

The Landscape and Ecological Management Plan shall thereafter be implemented as approved and any approved ecological mitigation measures shall have been carried out/installed prior to the first occupation of the development or within an alternative timescale to be agreed in writing with the Local Planning Authority

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. 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.

13. No development shall commence until full details of measures to protect the existing trees to be retained as part of the development 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.

14. No development shall commence until the improvements to the highways 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 development is brought into use.

Highway Improvements:

- Creation of new site access arrangements for vehicles and pedestrians broadly in accordance with submitted Drawing No: 1191- 001 published 12.09.2023
- Accommodation works to street furniture and Statutory Undertakers equipment, including street lighting columns if necessary.
- Repositioning of bus stop to South Yorkshire Passenger Transport Executive specification on the Burncross Road frontage.

Reason: In the interests of public transport infrastructure and 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 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.

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

16. No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of the public sewer i.e. a protected strip width of 10 (ten) metres, that crosses the site. If the required stand-off distance is to be achieved via 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 order to allow sufficient access for maintenance and repair work at all times.

17. 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.

18. 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.

19. 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.

20. The dwellinghouses shall not be used unless full details of the car parking accommodation has been submitted to and approved by the Local Planning Authority, and thereafter 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.

Any new hardstanding areas to form the parking accommodation shall be constructed of permeable/porous materials or drain entirely to permeable areas within the dwelling curtilage. If the former, then the approved permeable/porous surfacing material shall be retained.

Reason: To ensure satisfactory parking provision in the interests of traffic safety and the amenities of the locality and in order to control surface water run off from the site and mitigate against the risk of flooding.

21. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report 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.

22. 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.

23. 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.

24. 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.

25. Details of all proposed external materials and finishes, including samples when requested by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority before that part of the development is commenced. Thereafter, the development shall be carried out in accordance with the approved details.

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

26. Details of suitable means of site boundary treatment including plot boundaries shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The dwellings shall not be occupied unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

27. The approved landscape works shall be implemented prior to the development being brought into use or within an alternative timescale to be first approved by the Local Planning Authority. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

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

28. Prior to occupation, all vehicle and pedestrian areas within the site shall have been surfaced, sealed and drained to the satisfaction of the Local Planning Authority.

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

29. 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: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is occupied.

30. 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 an approved noise survey of the application site, including an approved method statement for the noise survey.

b) Be capable of achieving the following noise levels:

Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);

Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

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

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

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

Other Compliance Conditions

31. 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 points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage.

32. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

i) the means of discharging to the public sewer network at a maximum rate of 3.5 litres per second to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

33. Full site layout and details submitted under the Reserved Matters application shall broadly align with the indicative Site Layout (REFERENCE: RS72-2023-0110-03 published 05.09.204) and shall include single-storey bungalows in the areas of Plots 2, 12, 13, 14 and 15.

Reason: To define the permission.

Attention is Drawn to the Following Directives:

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

3. Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

4. Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and

adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action.

Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at : www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

5. The developer is advised that, in the event that any unexpected contamination or deep made ground is encountered at any stage of the development process, the Local Planning Authority should be notified immediately. This will enable consultation with the Environmental Protection Service to ensure that the site is developed appropriately for its intended use. Any necessary remedial measures will need to be identified and subsequently agreed in writing by the Local Planning Authority
6. 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.
7. The applicant is advised that in order to discharge the above condition relating to gigabit-capable full fibre broadband the following should be provided:
 - A contract or invoice for the installation of the physical infrastructure and the connection to gigabit-capable full fibre broadband.
 - Confirmation of the speed that will be achieved by the gigabit-capable full fibre broadband infrastructure, from the network operator.
 - Relevant plans showing the location/detail of the measures.

For more guidance with respect to addressing this requirement please see the Guidance Note on <https://www.sheffield.gov.uk/content/dam/sheffield/docs/documents-not-in-site-structure/new-build-developer-guidance.pdf> and/or contact hello@superfastsouthyorkshire.co.uk

8. Clearance of any scrub vegetation must be avoided within the bird breeding season (March 1st - August 31st). All birds, their nests, eggs and young are protected under the Wildlife & Countryside Act 1981 during this time. If clearance is required within this period, a nesting bird check should be made by a suitably qualified ecologist.
9. 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

10. It is noted that your planning application involves the construction or alteration of an access crossing to a highway maintained at public expense. This planning permission DOES NOT automatically permit the layout or construction of the access crossing in question, this being a matter which is covered by Section 184 of the Highways Act 1980. You should apply for permission, quoting your planning permission reference number, by contacting:

Mrs D Smith
Highways Development Control
Vehicle Crossings
Howden House, 1 Union Street
Sheffield
S1 2SH

Tel: 07770 641 761
Email: dawn.smith2@sheffield.gov.uk

11. 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

12. 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

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.

13. 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/addressmanagement.html>

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

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

14. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

Site Location



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LOCATION AND PROPOSAL

The application site is located in Chapeltown in the north-east of Sheffield, comprising part of the curtilage of No.241 Burncross Road and a parcel of grassland/woodland to its rear (south). The site has an overall a size of approximately 0.83 hectares.

No.241 Burncross Road is a brick bungalow with a detached garage, driveway and low stone wall with hedge to the site frontage. Access to the grassland/woodland to the rear of the site is possible via a grassed lane on the eastern side of the bungalow. The main part of the site to the rear is mostly overgrown with brambles, trees and an area of rough grass behind the dwellings which adjoin on the northern side of the site. The land initially falls from north to south by approximately 4m within the curtilage of No.241. It then rises back up again by around 14m within the undeveloped area of land to the rear.

The site borders residential properties on the western and southern boundaries (notably those on Burns Drive) with allotment gardens bordering the eastern boundary. Burncross Road adjoins the site to the north. There is also a doctor's surgery to the north-west of the site.

The majority of the site is designated as an Open Space area within the Sheffield Unitary Development Plan (UDP), with the site frontage and access designated within a Housing Area.

The site is understood to be in private ownership with no public access, although there is gated access evident on the western boundary which appears to allow access to private residential gardens of properties located on Burns Drive.

Proposal

Outline planning permission is sought for the demolition of an existing garage belonging to No.241 Burncross Road and the erection of up to 14 dwellinghouses. All matters are reserved except for means of access.

The indicative development proposal consists of the following:

- The erection of 14 dwellings (5 bungalows, 4 semi-detached houses and 5 detached houses are shown on the indicative site layout plan)
- Demolition of the existing detached garage at No.241 Burncross Road to facilitate access to the site.
- A landscaping strip on the western edge of site, as well as soft landscaping within proposed curtilage of each dwelling.

PLANNING HISTORY

No relevant history.

SUMMARY OF REPRESENTATIONS

Site notices were displayed within and around the site on 16th February 2024 with an expiry date for comments of 12th March 2024.

Miriam Cates raised the following concerns on behalf of a constituent who had written to her office whilst she was still the sitting MP for the Stocksbridge and Penistone constituency:-

- Development will reduce green space locally and impact wildlife.
- The site is home to several birds including swifts, as well as hedgehogs and foxes.
- The allotments benefit from solace being adjacent to a green space.
- It is accepted that there is a housing need, but consideration needs to ensure that homes are not built to the detriment of the environment.
- Lack of social housing in the proposals.

35 representations have been received of which 34 are in objection and 1 is made as neutral comments.

The objections are summarised below:

Landscaping and Ecology concerns

- Loss of trees.
- Impact upon nature conservation & loss of biodiversity. Birds, bats and other species forage and roost on site.
- The reason that the site is not publicly accessible is why it is a haven for wildlife, unlike other open spaces in the area.
- The development needs to offset any habitat loss and provide a 10% biodiversity net gain.
- The lack of ecological survey reports available to view on the planning application webpage.
- Sheffield's Great Outdoors Green & Open Space Strategy 2010-2030 should be acknowledged.
- Removal of green space, of which there are a shortage in the local area.
- The development could lead to injury or kill protected species.

Local Character

- The proposal will affect the character and appearance of the area.

Local Infrastructure

- Strain upon schools, dentists & doctors' provision.

Highways concerns

- Traffic issues and impact upon Burncross Road which is already busy.
- A Transport Statement should have been submitted. The suitability of the

access has therefore not been evidenced.

- The proposal incorporates land adjacent to No.241 to create a bell mouth access, resulting in an awkward and substandard parking arrangement for the parking.
- It is not clear if a bin lorry or emergency services could serve the development.
- Concerns that the new access will make access to the cemetery difficult and use of the Zebra crossing dangerous.

Impact of local resident's amenity

- Concerns about noise.
- Concerns about air pollution from vehicular movements near to homes.
- Impact upon residents which adjoin at Burns Drive.
- Proposed landscaping and new fencing will reduce natural light to gardens and properties of Burns Drive.
- Privacy concerns to neighbouring gardens and houses from both the houses and vehicular movements.
- The open space and ecological benefits greatly benefit the amenity of local residents.

Miscellaneous

- There are already new-build houses in Chapeltown, many of which are unoccupied. There does not appear there is a need for further private housing.
- The site acts as natural barrier to residential homes. Therefore, the development will increase risk of burglary and anti-social behaviour.
- Concerns that houses are replacing a nature spot.
- The development will reduce water infiltration due to increased run-off which could affect surrounding area and allotments.
- The description is inaccurate as two outbuildings are required to be demolished not just the garage.
- In accordance with Policy NC3 of the Publication Draft Local Plan, residential developments over 10 dwellings should contribute towards affordable housing provision.
- The proposal is inappropriate backland development.

Non-material planning considerations

- Concerns of debris on adjacent allotment during construction process.
- Concerns of construction period and associated traffic.
- Loss of view.

PLANNING ASSESSMENT

The National Planning Policy Framework (NPPF) sets out the Government's planning priorities for England and describes how these are expected to be applied. The key principle of the Framework is the pursuit of sustainable development, which

involves seeking positive improvements to the quality of the built, natural and historic environment, as well as in people's quality of life. The following assessment will have due regard to these overarching principles.

The documents comprising of the Council's Development Plan (UDP and Core Strategy) date back some time and substantially predate The Framework. Paragraph 12 of the Framework does however make it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

Paragraph 225 of the Framework provides that existing development Plan policies should not however simply be considered out-of-date because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The closer a policy in the development plan is to the policies in the Framework, the greater the weight it may be given.

The assessment of this development also needs to be considered in light of paragraph 11 of the Framework, which states that for the purposes of decision making, where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or
- Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

This is referred to as the "tilted balance".

In addition to the potential for a policy to be out of date by virtue of inconsistency with the Framework, paragraph 11 makes specific provision in relation to applications involving the provision of housing and provides that where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer (or a four year supply, if applicable, as set out in paragraph 226) the policies which are most important for determining the application will automatically be considered to be out of date.

Set against this context, the development proposal is assessed against all relevant policies in the development plan and the Framework below.

The majority of the site is designated as an Open Space area within the Sheffield Unitary Development Plan (UDP), with the site frontage and access designated within a Housing Area.

HOUSING LAND SUPPLY

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

- the application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In terms of paragraph 11, the Council is required to demonstrate a 4-year supply of housing (previously required to demonstrate 5 year). Sheffield's annual local housing requirement is 3,038 homes, taking into account projected household growth, local affordability ratios and the 35% uplift for England's largest towns and cities. The total net four-year requirement is 12,154 homes. Sheffield is able to demonstrate a net deliverable supply of 9,165 homes, with the supply of deliverable housing sites currently equating to only 3.01 years.

Consequently, the most important development 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. In this instance, the so called 'tilted balance' is triggered, and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance that include Conservation Areas, listed buildings and the green belt 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.

In addition to the above the NPPF (paragraph 60) still attaches significant weight to boosting the supply of new homes. Based upon those considerations it is considered that the provision of fourteen houses would make a positive contribution to the City's supply of housing. This is attributed significant weight in the balance of this recommendation.

USE

In terms of the Housing Area designation (front portion of the site), UDP Policy H10 states that housing is the preferred use in these areas. The immediate area is dominated by residential properties and as such the use of the site for residential purposes is considered to be fully compatible. Therefore, the principle of the development is acceptable in land use policy terms, subject to compliance with Policies H12-H16 as appropriate.

Open Space Area

The largest part of the application site, including the areas where the majority of new dwellings is proposed is situated on land that is designated as an Open Space Area.

The relevant development plan policies are UDP Policies LR5, and LR8, and Core Strategy Policy CS47.

UDP Policy LR5 relates to development in Open Space Areas and lists a number of criteria where development will not be permitted. These include, where the development would:

- cause damage to mature or ancient woodland or result in a significant loss of mature trees;
- significantly detract from the green and open character of the Green Network;
- make an open space ineffective as an environmental buffer;
- result in over-development or harm the character of an area;
- harm the rural character of a wedge of open countryside;
- the proposed use would be incompatible with the surrounding land uses.

Open space is defined within the UDP as 'a wide range of public and private areas'. This includes parks, public and private sports grounds, school playing fields, children's playgrounds, woodland, allotments, golf courses, cemeteries and crematoria, nature conservation sites, other informal areas of green space and recreational open space outside the confines of the urban area. On the Proposals Map, areas over 0.4 hectares are normally defined as Open Space Areas or are included in the Green Belt.

The application site comprises privately owned grassland and vegetation. It is not accessible to the public, but it is acknowledged that there are gates within the rear boundaries of houses on Burns Drive which would appear to facilitate private (and potentially unauthorised) access for some local residents. The site is not readily visible from wider view, but does provide some greenery and thus visual amenity from adjoining housing and the adjacent allotments. However, as the site has no public access, the visual amenity afforded by its open character can only relate to views of it, of which those are limited.

With regards to the consistency of policy LR5 with the NPPF, the key issue to consider is whether an area of inaccessible land, allocated as open space but valued only for its visual amenity from adjoining premises, falls within the definition of open space in the NPPF annexe. The second issue leading from this is whether NPPF paragraphs 102 and 103 apply, which relate to open space and recreation.

The NPPF annexe defines open space as: 'All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs), which offer important opportunities for sport and recreation and can act as a visual amenity'. The use of the word 'and' indicates that the site has to offer an important opportunity for sport and recreation and if it does, it can also make a contribution to visual amenity i.e. visual amenity itself is not a reason for it being classed as open space. The site has no public access and does not provide any opportunities for sport or recreation.

The site's value to the local community is the visual amenity afforded by its open character and appearance from private residential properties and the adjoining allotments. Visual amenity is not a standalone function of open space as per the NPPF annexe definition and NPPF paragraphs 102 and 103 which relate to open space cannot apply to land valued only for visual amenity.

Furthermore, NPPF paragraph 102 cannot apply to land primarily safeguarded for its visual amenity value because open space protected for its visual amenity could never be deemed surplus to requirement (NPPF paragraph 103a), or be replaced by equivalent or better provision (NPPF paragraph 103b). Therefore, the protection of land for visual amenity alone is not consistent with the open space policies of the NPPF.

On this basis, it is considered that UDP Policy LR5 goes beyond the requirements of the NPPF and any element of it relating to the protection of open space for visual amenity alone is not consistent with the NPPF and can only carry limited weight.

As Policy LR5 forms part of the statutory Development Plan, the application is still assessed against its criteria below, but within the context that this policy can only be given limited weight in the decision-making process.

While the proposal involves the loss of grassland and trees, it is not considered that it would conflict with the broad list of conditions in Policy LR5 which restricts development in open space areas. The development would not cause damage to mature or ancient woodland, and whilst 20 trees and 9 tree groups would be felled these are mainly Category C trees with only two being Category B and are predominantly semi-mature trees. The development would not cause damage to a designated nature conservation site. The site is not of such quality that it is of city-wide importance, and it would not be overdeveloped, with a landscaped edge included on the western edge of the site. Moreover, owing to its location within the built-up area of Chapelton the development would not harm the rural character of a wedge of open countryside.

UDP Policy LR8 relates to development in local open spaces and details that development will not be permitted, where it would involve the loss of recreation space which: i) serves a Housing Area and where provision is at or below the minimum guidelines; ii) is in an area where residents do not have easy access to a Community park; or iii) provides a well-used or high quality facility for people living or working in the area.

Policy LR8 is not considered to be applicable with respect to this application since this policy relates to the loss of recreation space. The site is not used for recreational or leisure purposes.

Core Strategy Policy CS47 seeks to safeguard open space by restricting development in instances where there would: a) be a quantitative shortage of either informal or formal open space in the local area; b) it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value; c) it would deny people in the local area easy or safe access to a local park or to small informal open space that is valued or well used by people living or working in the local area;

or d) it would cause a break in the city's Green Network.

As Policy CS47 relates to specifically to the 'Safeguarding of Open Space', and the application site does not fit into any of the formal or informal categories of open space defined in paragraph 9.26 of the Core Strategy (outdoor sports facilities, parks, accessible green spaces and countryside and areas for informal recreation etc), Policy CS47 cannot therefore apply to the application and the scheme cannot be assessed against it.

Officers acknowledge that the application site is highly valued by local residents and recognise the general ecological and environment benefits of open spaces within built up areas. As set out within the supporting text to UDP Policy LR4, Sheffield is a relatively green city, reflecting both its topography and historical development. It goes on to say that open spaces are an important part of the character of Sheffield and enhance the quality of urban life.

The UDP also recognises that because these areas are not built on, they are subject to many pressures from development, particularly those which are in private ownership. Many open spaces contain valuable wildlife, geological and archaeological sites, or are part of the Green Network, with the most valued including long established parks, sites that contain mature or ancient woodland and those that provide an important contribution to the setting of a listed building.

Whilst the application site provides some ecological and environmental benefits, discussed below, it comprises of grassland and mainly category C trees, which is not publicly accessible and so cannot be used for either recreation or sport by people living or working in the area. The site therefore fails to meet the purposes of open space areas as defined in the NPPF and the categories of open space defined in paragraph 9.26 of the Core Strategy, and its protection cannot be justified when assessed against government policy in this regard.

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

GREENFIELD LAND

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

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.

It is understood that the site has at times at outbuildings located on the site, but the site has been in its current state since approximately the 1980's. The proposal can therefore be considered to be development of a greenfield site, as the definition of previously developed land as set out in the NPPF. In this instance, the most recent

figures show that the Council is currently achieving a dwelling build rate of over 95% on previously developed land and therefore the development of this greenfield site would not conflict with Core Strategy CS24.

HOUSING DENSITY

Core Strategy Policy CS26 states that new housing will be required to make efficient use of the land, but the density of new housing should be in keeping with the character of the area. For the urban area of the city which is close to regular bus routes, which includes the application site, this policy recommends a density of 40-60 dwellings per hectare, however it also states that densities outside this range will be permitted where they achieve good design, reflect the character of an area or protect a sensitive area.

Paragraph 135 c) and d) seeks to ensure developments are sympathetic to local character including the built environment and landscape setting and seeks to establish a strong sense of place using the arrangement of streets, spaces and building types to create attractive, welcoming and distinctive places.

The site area of this application is approximately 0.89 hectares which results in a density of 17 dwellings per hectare in relation to a development of up to 14no dwellinghouses. It is acknowledged that falls below the minimum 40 dwellings per hectare target. However, the site would be windfall type of development and Policy CS26 also states that densities outside the recommended ranges will be permitted where they achieve good design or reflect the character of an area. The urban grain of the local area is varied due in part to dwellinghouses being constructed at different periods. An indicative layout plan has been submitted, which is not dissimilar to the adjacent housing to the west and given the variance in the wider area, it is not considered that such housing would be out of character with the local area.

The proposed development is therefore considered to accord with Core Strategy Policy CS26, but also UDP Policy H14 and paragraphs 135 c) and d) of the NPPF.

DESIGN

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

UDP policies BE5, H14, H15 and Core Strategy Policy CS74 seek to achieve good design. The aims of these policies are consistent with the principles of Paragraphs 131 and 135 of the NPPF.

The site is located amongst an established residential area. The existing open space is not readily visible from wider view, nor is it readily accessible. The construction of new housing within the site, whilst being partly visible from adjoining neighbours

would not be visible in any significant way from Burncross Road, or other public areas.

The application has been submitted in outline form, with all matters reserved except for means of access. Matters of layout, scale, appearance and landscaping design, will therefore be subject to a separate reserved matters application. Nevertheless, as part of this outline application, the applicant has submitted an indicative layout plan that would provide a clear steer of how the site could be developed. The layout shows 14no dwellings. Most of those are positioned on the eastern edge of the site, with the proposed rear gardens backing onto the adjoining allotments and the front elevations facing towards the rear boundary of gardens serving properties on Burn Drive.

The site would be accessed via Burncross Road, with an existing detached garage serving No.241 being demolished to facilitate the construction of such an access.

There is variation in the local area in terms of housing types and architectural styles, but it is considered that any new housing should be faced in brick or stone and be of a traditional style to replicate the majority of the wider area. It is accepted that the form of the housing will likely be influenced by the need to reduce any impact to neighbouring living conditions, notably for privacy reasons. Therefore, several of the plots may need to be bungalows. There is no objection to bungalows, especially as there are some in the locality including No.241 which fronts the site.

It is considered that the site can reasonably accommodate up to 14 dwellinghouses with a range of house types that would sit comfortably within the context of the site and not unduly harm the character of the surrounding area.

RESIDENTIAL AMENITY

There are no direct local plan policies regarding amenity or living conditions within Open Space areas. However, whilst the site is mainly designated within an Open Space policy area, the site is partly located within and is surrounded by an established housing area and therefore UDP Policy H14 is relevant.

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

The above policy closely aligns with the aims of Paragraphs 135 (f) of the NPPF and therefore weight is given to the aims of H14 as well as the NPPF

There are no specific guidelines in relation to the construction of new dwellings, however privacy and separation distances set out in the SPG 'Designing House Extensions' are applicable in this instance. Designing House Extensions SPG Guidelines 4-6 detail how the above policy is put into practice. These guidelines essentially require extensions to avoid overshadowing neighbouring property and maintain minimum levels of privacy. Similar principles are also provided within the South Yorkshire Residential Design Guide 2011 and therefore this guidance is also a

useful tool to assess the relationship of new dwellinghouses with adjacent properties.

The proposed residential use is compatible with the surrounding area given the designation as a housing area. The use is therefore acceptable in principle, however assessment with respect to neighbouring living conditions has to be made.

As the application has been submitted in outline with all matters reserved except for access, the applicant has only submitted an indicative plan of how the site could be developed to accommodate 14 dwellinghouses.

The properties likely to be most affected by the development include three existing dwellinghouses that are situated immediately to the north/north-east of the site in backland positions behind existing dwellings on Burncross Road and houses on Burns Drive which adjoin the western boundary.

Guideline 5 of the SPG which specifies that a two-storey elevation should be no closer than 12 metres from a neighbouring main ground floor window.

Guideline 6 of the SPG also recommends a separation distance of 21 metres between main facing windows, which is also reiterated in the South Yorkshire Residential Design Guide.

A separation distance of approximately 10m should be achieved from the rear elevation to the rear boundary line, to accord with Guideline 4 of the SPG and that within B1.3 of the South Yorkshire Residential Design Guide.

12 of the proposed dwellings are shown to sit on the eastern side of the site (3 bungalows, 4 semi-detached houses and 5 detached houses). There are also two bungalows proposed at the end of the proposed driveway at the southern end of the site.

With regards to the 12 dwellings on the eastern side of the site, the length of the proposed rear gardens which would adjoin the allotments to the east vary in length, with the plans indicating distances from in excess of 10m up to a maximum of 19m. They would therefore accord with Guideline 4 of the SPG and B1.3 of the South Yorkshire Residential Design Guide.

These proposed properties would also achieve good separation from the rear elevations of houses on Burns Drive, ranging from 23m up to approximately 26m, which exceeds the 21m required for main facing windows under Guideline 6 of the SPG. Similarly, the proposed houses would achieve a good separation from the rear boundary line of those properties, with distances ranging from 14m up to approximately 20m. Given that 10m is usually applied for rear gardens, this separation distance can be used as an indicator and thus the separation distances shown are considered sufficient and will not allow overlooking to a harmful degree. Ultimately any new housing would introduce a degree of overlooking, but it is not considered that such overlooking would be harmful given the separation distances indicated.

The indicative plan shows that appropriate garden sizes and privacy distances can

be achieved that would comfortably accord with the guidance contained in the Designing House Extensions SPG. A more detailed assessment of amenity issues would be carried out at reserved matters stage when the proposed layout, scale and external appearance of development is known.

With regards to the two bungalows proposed at the southern end of the site, one is shown to sit parallel with the rear boundary of No.55 Burns Drive. The property would be inset from the boundary by approximately 3.5m with a separation of approximately 17m to the rear elevation of that neighbour. The property would be positioned well in excess of 12m required under Guideline 5 of the SPG and it is acknowledged that the property would be single-storey which further reduces any impact. It is considered that the separation shown is acceptable in this instance. The other bungalow would adjoin the boundary with the allotments to the east, but the property would be single-storey and would be inset from the boundary by approximately 2m at the nearest point.

Based on the above, it is considered that the development would not significantly impact on the residential amenity and living conditions of neighbouring properties. Further assessment would need to be made at reserved matters stage when full details are submitted.

Living conditions of future occupiers

UDP Policy H14 (c) and (e) seeks to ensure development will only be permitted where it would not suffer from or cause unacceptable living conditions.

The above policy closely aligns with the aims of Paragraph 135 (f) of the NPPF and therefore weight is given to the aims of H14 as well as the NPPF.

The site is within an established residential area. Full plans have not been submitted however there is adequate space to ensure that each dwellinghouse has sufficient space and private gardens to ensure a good standard of living is achieved. The floorspace of each house will need to accord with the National Space Standards should the proposal progress to a reserved matters application.

LANDSCAPING

Policy BE6 states that good landscape design will be required in all new developments. This policy is consistent with Paragraph 135 b) of the NPPF.

UDP Policy GE15 states that trees and woodland will be protected by planting, managing and establishing trees and woodlands and not permitting development which would damage existing woodlands. This policy broadly aligns with para 180 b) of the NPPF.

A Tree Survey, Tree Constraints Plan and Tree Protection Plan undertaken by Weddles Landscaping has been submitted in support of the application. The survey has identified significant tree coverage within and adjoining the site. The submission indicates that 20 trees and 9 tree groups are required to be felled to facilitate the development. Two of these trees are identified as category B (an Oak and

Sycamore) with the others all being identified as category C.

The loss of trees would be preferred to be avoided, however, it is acknowledged that their removal is necessary to facilitate the development of the site. Significant weight is given to the provision of new housing, especially as the site does not function as open space as outlined previously in this report. Whilst the trees offer visual amenity from private residences which adjoin the site, they do not offer significant visual amenity from wider public vantage points. The indicative site layout plan shows the inclusion of new tree planting on the eastern edge and within private gardens proposed. It is considered that replacement planting can be secured to off-set the loss of some trees and therefore a condition is recommended to be imposed to secure a Landscaping and Ecological Management Plan.

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

ECOLOGY

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

Paragraph 186a) of the NPPF identifies that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Part d) of paragraph 175 goes on to state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

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

A Preliminary Ecological Appraisal (PEA) by Weddles (dated January 2024) has been undertaken and submitted with the application. The survey included a desk study of designated sites and ecological data, and a detailed walkover survey of the site considering habitats and species. The report determined that the site contains a medium distinctiveness of broad habitat, neutral grassland, scrub and broadleaf woodland that is mostly of low strategic importance. No irreplaceable habitat was identified, and the site is not designated as either a Local Wildlife Site (LWS) or a SSSI (Site of Special Scientific Interest).

The ecological survey has determined that the potential for bat roosts on the site to be negligible and that was a similar case for badger setts and reptiles including great crested newts. However, the recommendations of the report are that activity surveys are required to understand the baseline value of the site of supporting foraging and

commuting bats. Bat surveys are not usually reserved by condition as they are a material consideration. Exceptions can however be made and as bat roost potential on site (buildings and trees) has been judged to be negligible, it is considered they can in this instance be secured via condition – this has been agreed with the Council’s Ecologist. In addition, the report recommends that any vegetation clearance works is carried out outside of bird nesting season (March to September inclusive).

Furthermore, the PEA also concludes that the following enhancement opportunities should be incorporated into the development:

- Bird boxes on northern or eastern elevations at 5m above ground level.
- Shrub and tree planting secured under a Landscape & Ecological Management Plan (LEMP).
- Bat boxes on southern or western elevations close to gable end apexes or underneath eave features.
- Native planting incorporated into development to provide habitat.
- Through-site connectivity for amphibians, hedgehogs and other small mammals to be incorporated into the design plans.
- Further ecological enhancements are recommended relating to foraging and commuting bats subject to additional survey(s).
- Construction Environmental Management Plan (CEMP).

The additional surveys required by the PEA and the above enhancement features are recommended to be secured via condition.

In addition, the outline application is supported by a BNG assessment report (with metric spreadsheet included), indicated a net loss of -4.66 habitat units (-80.34%) and -0.06 hedgerow units (-100%). As the proposal would require the loss of the majority of the existing habitat found on site the BNG assessment report has concluded that it is highly unlikely that adequate habitat compensation could be provided on site. Therefore, an adequate habitat compensation strategy involving off-site provision is recommended to be secured under a planning obligation (S106 Agreement).

The application was submitted prior to February 2024 and therefore predates mandatory 10% net gain under the statutory regime. However, Net Gain is still a requirement under the NPPF. In this case there is limited scope for significant habitat provision on-site, although some minimal compensation maybe possible and could be secured under a Landscape & Ecological Management Plan (LEMP). Notwithstanding it is unlikely that any on-site compensation would achieve a ‘no-net loss’ and most certainly not a position of net gain of biodiversity. It is therefore deemed necessary that a commuted sum would need to be secured via a Section 106 agreement in order to achieve the 10% biodiversity net gain which is the commitment set out in the Biodiversity Net Gain report, which accompanies the application via off-site provision. This has been calculated as follows:-

Habitat baseline: 5.81 habitat units, 0.06 hedgerow units
Post development: 1.14 habitat units, 0.0 hedgerow units

Deficit: 4.66 habitat units, 0.06 hedgerow units

Units required to deliver 10% net gain: 5.24 habitat units, 0.06 hedgerow units (=5.3 units)

Total cost (at £25,000 per unit) = £132,500.00

It is therefore recommended that a LEMP is conditioned to achieve a degree of on-site mitigation and compensation as well as a securing a Section 106 agreement to secure 'off-site' habitat provision. These measures will ensure a 10% net gain is achieved and the process has been agreed with the Council's Ecologist and the applicant.

FLOOD RISK & DRAINAGE

Policy CS67 Flood Risk Management of the Core Strategy seeks to reduce the extent and impact of flooding through a series of measures including limiting surface water runoff, the use of Sustainable drainage systems (Suds), de-culverting watercourses wherever possible with a general theme of guiding development (where possible) to areas at the lowest flood risk.

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

The development site is within Flood Zone 1 (low risk).

The intended use of the site for residential is classified as "more vulnerable" in accordance with Table 2 of the NPPF Planning Guidance.

Taking into account the site being located within Flood Zone 1 and the Vulnerability Classification class falling under 'more vulnerable' development, Table 3 of the NPPF Planning Guidance confirms that the development is appropriate and hence there is no requirement to undertake Sequential or Exception Tests.

A Drainage Statement by Fortem has been submitted with includes a flood risk assessment. The report states that the proposed development is located within Flood Zone 1. It goes onto state that surface water flood mapping shows there is a medium to high risk of flooding from surface water at the low point in the site. Therefore, the introduction of a positive drainage system would mitigate the risk of flooding to low.

The submitted Drainage Statement has been reviewed The Lead Local Flood Authority (LLFA). The LLFA confirm that surface water discharge to the public sewer is likely to be the most suitable outfall location and that the discharge rate shown is acceptable. They have however queried the reference to 'pumping stations'. The LLFA have no objection to the scheme, but advise that a condition is attached to secure full drainage details.

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

SUSTAINABILITY

Core Strategy Policies CS63, CS64 and CS65 of the Core Strategy, as well as the Climate Change and Design Supplementary Planning Document (SPD), set out the Council's approach to securing sustainable development.

Policy CS63 gives priority to developments that are well served by sustainable forms of transport, that increase energy efficiency, reduce energy consumption, carbon emissions and that generate renewable energy.

Policy CS64 sets out a series of actions to reduce the city's impact on climate change. Policy CS65 relates to renewable energy and carbon reduction, and states that all significant developments will be required, unless this can be 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. An equivalent 10% reduction in a development's energy needs from a fabric first is also acceptable (although not referenced in the policy).

These policies are considered to be consistent with government policy contained in the NPPF and should be afforded significant weight. Paragraph 162 confirms new development should comply with development plan policies for decentralised energy supply unless it is not feasible or viable having regard to the type and design of development proposed. Landform, layout, building orientation, massing and landscaping should also be taken into account to minimise energy consumption.

The Sustainability Statement submitted with the application states that all plots will be fitted with photovoltaic arrays and that they will meet the high thermal requirements of Approved Document L1 of Building Regulations. The statement goes on to state that the design of the properties will respond to local urban design and local character. Reference is also made to sustainable transport and the economy.

The principles outlined within the sustainability statement are welcomed, however the full details to ensure compliance with the aforementioned sustainability policies will be required and as such a condition to secure such details is recommended.

LAND CONTAMINATION

UDP Policy GE25 relates to contaminated land and states that where contamination is identified, development will not be permitted on, or next to, the affected land unless the contamination problems can be effectively treated so as to remove any threats to human health or the environment.

This policy aligns with paragraph 189 of the NPPF, which requires a site to be suitable for its intended use taking account of ground conditions, land instability, contamination, natural hazards and/or previous activities such as mining.

The site is adjacent to a former nursery and currently includes allotment gardens, which are a risk factor for soils contamination. There are buildings with suspected

asbestos containing materials.

The site is partially within the Coal Authority Development High Risk Area. The proposed use is likely to include private residential gardens and is therefore high risk. All these considerations are appropriately assessed within the submitted desk study report, which has been reviewed by the Council's Environmental Protection Services (EPS). The following report has been submitted:

- Geo-environmental & CMRA report, Betts Geo Env ref.23FRT016/DS&CMRA, Noc 2023

The report advises further intrusive site investigations, including deep bore holes to evaluate any mining legacy, gas monitoring (TBC), subsurface and shallow soils chemical analysis and an asbestos survey.

The above report is not advised by EPS as suitable for approval at this stage. EPS state that whilst the report largely satisfactory, they consider the report would benefit from greater clarity in respect of the recommendations for gas monitoring. The preliminary Conceptual Site Model (CSM) states that ground gas monitoring will be required. However, gas monitoring is not mentioned in the closing section 9.2 Proposed Ground Investigation Scope. No cross-sectional schematic of the site is included to illustrate source-pathway-receptor linkages in respect of ground/mine gas and conjectured geology, including coal seams. EPS infer that gas monitoring will be dependent upon the outcome of deep rotary drilling and confirmation of the geology and any evidence of shallow mine workings. However, the report's recommendations are not sufficiently clear in this respect. In light of the above, EPS advise the imposition of the full suite of land contamination conditions.

COAL MINING

The site falls partly within the Coal Authority development high-risk area. The applicant has submitted the following report:

- Geo-environmental & CMRA report, Betts Geo Env ref.23FRT016/DS&CMRA, Noc 2023

The Coal Authority has been consulted and they state that they concur with the conclusions of the report and have no objection. This is subject to the imposition of conditions securing intrusive investigations and a declaration by a suitably competent person demonstrating that the site has been made safe and stable for the proposed development.

HIGHWAYS

Policy H14 part (d) requires development to not endanger pedestrians, provide safe access to the highways network and appropriate off-street parking. Policy H15 (Design of New Housing Developments) identifies that easy access to homes and circulation around the site for people with disabilities or with prams should be provided.

Also relevant are Core Strategy Policies CS51 and CS53. CS51 relates to the strategic priorities for transport, and includes maximising accessibility, containing

congestion levels and improving air quality and road safety. Policy CS53 relates to the management of demand for travel, which includes implementing travel plans for new developments to maximise the use of sustainable forms of travel and to mitigate the negative impacts of transport, particularly congestion and vehicle emissions.

These local plan policies are generally considered to align with government policy contained in the NPPF (paragraphs 108 to 117), which promotes sustainable transport. Paragraph 115 makes it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The detached garage at No.241 is to be demolished to allow for the creation of a new access into the site. The indicative site layout shows the road running on the eastern side of the plot with a turning head towards the lower end. The driveway would replace that for No.241 and the existing grassed lane serving the back of the site, thereby creating a single access point rather than two as existing. So, whilst access may result in additional vehicular movements, there would be some improvement through providing a single access point in place of two. No.241 would be accessed via the new access and plans indicate it would have two new parking spaces within the rear garden area. The access and roadway proposed has a width of 5.5m which is the minimum width required to allow two vehicles to pass at a slow speed and for future adoption standards. However, with layout being reserved the detailed design of the internal road would need to be resolved at the reserved matters stage.

In terms of the Highway's considerations to be resolved at the outline stage, the position and dimensions of the proposed access, as well as the visibility splays indicated are considered acceptable and raise no objections from Highways Officers.

The new access is positioned close to a nearby bus stop on Burncross Road and therefore a condition securing the necessary off site highway works is required to ensure that any necessary alterations to the positioning of the bus stop are secured under the planning permission.

The site layout is only indicative; however, it does demonstrate that each property can achieve at least two dedicated parking spaces, which is considered sufficient. The turning head within the site would need to be extended to allow a refuse vehicle to safely turn within the site and this can be secured at reserved matters stage.

As mentioned, the new access would result in increased vehicular movements, however it is not considered that the proposal would result in such trip generation which would cause an adverse impact upon the surrounding highways, nor significantly worsen parking demand given there is sufficient space to provide dedicated parking with the site. The proposal is located amongst an established housing area and is an appropriate location for such a facility. The proposal is not considered to result in any highway safety concerns and as such would accord with the NPPF.

Fire Vehicle Access

South Yorkshire Fire and Rescue (SYFR) usually specify that the furthest point of a property to the public highway being no more than 45-50m from the public highway. The indicative site layout plan shows the access road would connect to Burncross Road, but as mentioned the turning head would need extending to allow a vehicle to safely turn around within the site. However with the current layout only being indicative this would be something that would need to be resolved at the reserved matters stage.

Refuse Collection

Manual for Streets March 2007 (MSF) states specifications for Refuse Collection Vehicles. A distance of 12 metres maximum is usually acceptable, however longer distances can be accepted if straight and free from obstacles. A distance of 30 metres is generally the distances that bins can be collected on foot. Bins will need to be stored on street during collection days, which is not uncommon for residential areas. As mentioned previously, the turning head shown on the indicative site layout plan would need to be extended and this can be secured at reserved matters stage.

OTHER MATTERS

No.241 Burncross Road would have a reduced curtilage and would lose an existing detached garage. However, the property would retain adequate garden space and would include two off-street parking spaces which is considered ample parking provision.

It is noted that several objectors raise concerns that the proposed development will put additional strain on existing infrastructure such as doctors' surgeries, dentists and local schools. These are considered valid concerns, but not just specific to this area, and given the modest scale of the development (up to 14 dwellinghouses), it is considered that the demand that would be placed on the local area's infrastructure and essential services would not be severe. The Council requires developers in CIL liable areas to pay a levy which is used by the Council to help deliver infrastructure and essential services needed to support development in their area which can include school places and medical services. Whilst the concerns are acknowledged, there are no substantive grounds to give significant weight to the perceived harmful impact on local health services and school places given the limited scale of the development.

An objector has referenced Policy NC3 of the Draft Local Plan which intends to secure affordable housing contributions for proposals which include 10 dwellings or more. This policy is only in draft form and is not adopted and thus affordable housing provision cannot be insisted upon for this scheme. Currently, developments of 15 houses or more require affordable housing contributions as per Policy CS40 of the Core Strategy and GAH1 of the SPD for CIL and Planning Obligations.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

The site is within Charging Zone 3 of the Community Infrastructure Levy where there

is a £30 charge per square metre.

The agent has completed the relevant CIL form.

TILED BALANCE

Outline planning permission (all matters reserved except for access) is sought for the demolition of garage and erection of up to 14 dwellinghouses.

As the Council is currently unable to demonstrate a four-year supply of deliverable housing sites, the relevant policies for determining applications that include housing should be considered as automatically out-of-date according to paragraph 11(d) of the Framework. The so called 'tilted balance' is therefore triggered, and planning permission for housing should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The application includes no protected areas or assets of particular importance as described in footnote 7 of paragraph 11, (such as conservations areas, listed buildings or green belt) within the boundary of the application site.

In this instance the NPPF is clear in its position that unless there are adverse impacts of doing so, which would both significantly and demonstrably outweigh the benefits, planning permission should be approved.

The balancing exercise is set out below, weighted in favour of sustainable development, to reach an overall conclusion on the acceptability of the scheme. The application of the planning balance is a matter of judgement for the decision maker.

As part of the balancing exercise, officers have set out below the benefits and the dis-benefits associated with the proposals:-

Dis-benefits:

- The loss of an area of land that is designated an Open Space Area. This should only be given limited weight as the land does not have an open space function beyond its visual amenity and would not therefore comply with the NPPF open space definition.
- The expected loss of the vast majority of existing undesignated biodiversity habitats and hedgerows including some of medium distinctiveness, but mainly low strategic importance which is not irreplaceable.
- Loss of trees for visual amenity for surrounding occupiers.
- Vehicle movements entering the site which may have some impact to the free flow of pedestrians along the highway. However, it is considered that any harm to the highway network would be low as the likely increase in vehicular movements resulting from the development would not be significant.
- Some noise disturbance to neighbouring living conditions through comings and goings (pedestrian and vehicular) not currently happening, as well as some perceived overlooking through the construction of the site for housing.

Benefits:

- Provision of 14 new homes. Significant weight should be given to this benefit in the context of the NPPF requirement to significantly boost the supply of new homes, particularly at a time when the Council is only able to demonstrate a 3.01-year supply of deliverable housing sites
- LEMP to secure new tree, landscape planting and habitats on site.
- Natural surveillance through creation of new homes in an otherwise currently secluded site.
- The creation of employment opportunities through the construction process, to which some weight should be given.
- Commitment to good design and use of materials which are characteristic of the local area. Good design is a key aspect of sustainable development and should be given moderate to significant weight.
- The provision of a policy compliant level of predicted energy needs from decentralised and renewable or low carbon energy (10%), which is given moderate to significant weight.
- Remediation of the site from previous coal mining activities, to which some weight should be given.
- Improved surface water drainage of the site.
- A single access point instead of two as existing (one for No.241 and another for the open space area)
- A commuted sum to achieve a 10% biodiversity net gain in off-site provision.

As described, the application site is situated partly within a Housing Area where housing is the preferred use under UDP Policy H10, and an Open Space Area, where development should only be permitted upon meeting the number of criteria set out in UDP Policy LR5.

As described, the loss of the open space which is used neither for leisure or recreational purposes has limited protection when assessed against policies in the Core Strategy and would fail to meet the definition of open space as set out in the NPPF. The application site is not accessible to the public. The site's value to the local community is therefore limited to visual amenity afforded by its greenery and that is generally afforded to local residents and users of the allotments. As the land does not meet the required function of open space as set out in the NPPF, the level of protection that the site can be afforded from development is significantly lower from that being afforded to designated open space sites that provides a recreation and/or leisure function.

In relation to the erection of housing within the designated Open Space Area, it has been found that the development would not conflict with UDP Policy LR5, and that LR5 can only be given limited weight as the elements of it relating to the protection of open space for visual amenity alone are not consistent with the NPPF.

Policies LR8 and CS47 are not considered to be applicable with respect to this application since LR8 relates to the loss of recreation space, and application site does not fit into any of the formal or informal categories of open space defined in the

Core Strategy.

In relation to biodiversity, the Preliminary Ecological Appraisal Report has identified a number of ecological constraints as defined within section 5 of the report and confirmed that specific avoidance, mitigation and compensation measures have been advised. It also states that further surveys are required to fully understand the ecological baseline of the site for foraging and commuting bats. For other ecological receptors mitigation and enhancements, it confirms that these can be secured through appropriately worded planning conditions as part of any planning consent granted. As discussed, a LEMP is advised to be conditioned to secure a degree of on-site habitat compensation, and a Section 106 agreement is recommended to obtain a commuted sum to off-set the loss of on-site habitats by ensuring off-site provision is secured.

As evidenced within the highway section of the report, it is considered that the proposal would not result in unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe.

It is considered that the balance weighs in favour of granting this application for outline planning permission, with all matters reserved except for access. Whilst acknowledging the number of objections received against the application, it is considered that the identified harm resulting from the development would not significantly or demonstrably outweigh the benefits of the development. The provision of up to 14 dwellinghouses will make a positive contribution in meeting the current shortfall of housing in this sustainable location, to which significant weight should be given in line with paragraph 11 of the NPPF.

RECOMMENDATION

It is recommended that outline planning permission is granted subject to conditions and the completion of a S106 Agreement (to secure a 10% net gain of biodiversity)