

# Planning and Highways Committee

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**Tuesday 10 January 2023 at 2.00 pm**

**To be held at the Town Hall, Pinstone  
Street, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

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Councillors Alan Woodcock (Joint Chair), Nighat Basharat, Mike Chaplin, Tony Damms, Roger Davison, Brian Holmshaw, Dianne Hurst, Barbara Masters, Bob McCann, Peter Price, Garry Weatherall, Sophie Wilson and Cliff Woodcraft

## **Substitute Members**

In accordance with the Constitution, Substitute Members may be provided for the above Committee Members as and when required.

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## PUBLIC ACCESS TO THE MEETING

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The Planning and Highways Committee is responsible for planning applications, Tree Preservation Orders, enforcement action and some highway, footpath, road safety and traffic management issues. A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk) You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda.

Recording is allowed at Planning and Highways Committee meetings under the direction of the Chair of the meeting. Please see the website or contact Democratic Services for details of the Council's protocol on audio/visual recording and photography at council meetings. Planning and Highways Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last.

### Attending Meetings

Meetings of the Council have to be held as physical meetings and are open to the public. If you would like to make a representation to the Planning and Highways Committee, please email [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk) by 9am 2 working days before the meeting and state which application you wish to speak on. If you would like to attend the meeting, please report to an Attendant in the Foyer at the Town Hall where you will be directed to the meeting room. However, it would be appreciated if you could register to attend, in advance of the meeting, by emailing [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk) as this will assist with the management of attendance at the meeting.

PLEASE NOTE: The meeting rooms in the Town Hall have a limited capacity. We are unable to guarantee entrance to the meeting room for observers, as priority will be given to registered speakers and those that have registered to attend. Alternatively, you can observe the meeting remotely by clicking on the 'view the webcast' link provided on the meeting page of the website and then click on the 'Click for more details about Planning and Highways Committee' header which will enable you to see the presentations made. Further information on this or any of the agenda items can be obtained by speaking to Abby Hodgetts on telephone no. 0114 273 5033 or by emailing [abby.hodgetts@sheffield.gov.uk](mailto:abby.hodgetts@sheffield.gov.uk)

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## FACILITIES

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms.

Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**PLANNING AND HIGHWAYS COMMITTEE AGENDA  
10 JANUARY 2023**

**Order of Business**

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- 1. Welcome and Housekeeping Arrangements**
- 2. Apologies for Absence**
- 3. Exclusion of Public and Press**  
To identify items where resolutions may be moved to exclude the press and public
- 4. Declarations of Interest** (Pages 5 - 8)  
Members to declare any interests they have in the business to be considered at the meeting
- 5. Minutes of Previous Meeting** (Pages 9 - 16)  
Minutes of the meeting of the Committee held on 6<sup>th</sup> December 2022.
- 6. Site Visit**  
To agree a date for any site visits required in connection with planning applications prior to the next meeting of the Committee
- 7. Applications Under Various Acts/Regulations** (Pages 17 - 18)  
Report of the Head of Planning
- 7a. Application No. 22/02924/RG3 - Bole Hill View, 2 Eastfield Road, Sheffield, S10 1QL** (Pages 19 - 42)
- 7b. Application No. 22/02302/OUT - Land between Hollin Busk Road, Carr Road and Broomfield Lane, Sheffield, S36 2AQ** (Pages 43 - 88)
- 7c. Application No. 22/02303/OUT - Land between Hollin Busk Road, Broomfield Grove and Broomfield Lane, Sheffield, S36 2AQ** (Pages 89 - 134)
- 7d. Application No. 22/01910/FUL - 4 Lees Hall Road, Sheffield, S8 9JH** (Pages 135 - 142)
- 7e. Application No. 22/00865/FUL - Land adjacent 137 Main Road, Wharncliffe Side, Sheffield, S35 0DP** (Pages 143 - 178)
- 8. Record of Planning Appeal Submissions and Decisions** (Pages 179 - 188)  
Report of the Head of Planning

**9. Date of Next Meeting**

The next meeting of the Committee will be held on Tuesday 14<sup>th</sup> February 2023 at 2pm in the Town Hall.

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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

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

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

You **must**:

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

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

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

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

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

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

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

You have a personal interest where –

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

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

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

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

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

Further advice can be obtained from David Hollis, Interim Director of Legal and Governance by emailing [david.hollis@sheffield.gov.uk](mailto:david.hollis@sheffield.gov.uk).

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Planning and Highways Committee

Meeting held 6 December 2022

**PRESENT:** Councillors Dianne Hurst (Joint Chair), Mike Chaplin, Tony Damms, Roger Davison, Brian Holmshaw, Barbara Masters, Bob McCann, Peter Price, Alan Woodcock, Tom Hunt (Substitute Member) and Richard Williams (Substitute Member)

**1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Nighat Basharat, Garry Weatherall and Cliff Woodcraft.

1.2 Councillor Tom Hunt acted as substitute for Councillor Weatherall.

1.3 Councillor Richard Williams acted as substitute for Councillor Woodcraft.

**2. EXCLUSION OF PUBLIC AND PRESS**

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

**3. DECLARATIONS OF INTEREST**

3.1 Councillor Richard Williams declared a personal interest in Agenda Item 9f, Planning Application No. 22/02840/FUL - Garage Site At Rear Of 23 To 31 Hanson Road, Sheffield, S6 6RF, as a local ward member. Councillor Woodcock declared that he had received representations from neighbours of the site and had made comment. He would take no part in the voting thereon.

**4. MINUTES OF PREVIOUS MEETING**

4.1 Councillor Holmshaw informed the Committee that he had moved that the application at Minute No. 8e be deferred due to local residents and Members not being notified of the date of the meeting, rather than not being consulted.

4.2 **RESOLVED:-** that, subject to Minute No. 8e.1 being amended to read '*Councillor Brian Holmshaw moved that the application should be deferred to allow local residents and ward members more time to make their representations because he stated that they had not been notified of the date of the meeting. The Officer explained to the Committee the nature of the publicity which had been carried out,*

*which included direct neighbour notification to affected residents; a notice in the Sheffield Telegraph; and notices posted adjacent to the site. This is in line with the statutory requirements for publicising planning applications as well as the Council's Statement of Community Involvement and Code of Practice for publicity. The motion was not seconded, so the application proceeded to be heard',*  
the minutes of the meeting of the Committee held on 8<sup>th</sup> November 2022 were approved as a correct record.

**5. SITE VISIT**

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

**6. TREE PRESERVATION ORDER NO. 456 - CARTMELL HILL, WOODSEATS, S8 0RG**

- 6.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 6.2 An email had been received from a local Councillor with a request from a member of the public that the tree be protected as adjacent trees had recently been removed or inexpertly pruned.
- 6.3 The Community Tree Officer had visited the site and carried out a TEMPO assessment which had identified the tree as suitable for protection.
- 6.4 No objections had been received.
- 6.5 **RESOLVED:-** That Tree Preservation Order No. 456 be confirmed unmodified.

**7. TREE PRESERVATION ORDER NO. 457 - QUARRY HILL COTTAGE, WOOD ROYD ROAD, DEEPCAR, S36 2TA**

- 7.1 Vanessa Lyons (Community Tree Officer) attended the meeting and presented the report.
- 7.2 A Landscape Officer within the Council had requested that trees on the site be assessed for suitability for protection, following receipt of a pre-application on the site.
- 7.3 The Community Tree Officer had visited the site and carried out a TEMPO assessment which had identified 3 sycamore trees as suitable for protection.

7.4 One objection had been received to the protection of T3 due to its proximity to the footprint of one of the proposed buildings and to overhead powerlines. It was noted that the tree was offered no other protection and the pre-application had now been shelved. Pruning would be carried out periodically by Northern Power.

7.5 **RESOLVED:-** That Tree Preservation Order No. 457 be confirmed unmodified.

## 8. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

### 8a. DEFERRED FROM LAST MEETING - PLANNING APPLICATION NO. 22/00491/OUT - 9 - 11 WOOD ROYD ROAD, SHEFFIELD, S36 2TA

8a.1 The Chair explained that this was a continuation of the application from the previous meeting at which she had not been present and that only those Members who were present at the previous meeting could take part in the debate and vote.

8a.2 The Chair and Councillors Bob McCann, Peter Price, Tom Hunt and Richard Williams left the meeting.

8a.3 Councillor Alan Woodcock took the Chair.

8a.4 An additional representation, along with the officer response and corrections to the list of conditions from the previous meeting plus further representations, along with the officer response received since the last meeting were included within the supplementary report circulated and summarised at the meeting.

8a.5 Following a summary of the application, presented at the last meeting prior to its deferral, the Officer resumed Members questions in relation to flooding and highway safety matters. Officers from Highways and the Lead Local Flood Authority were also present to answer Member questions.

8a.6 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also had regard to representations made during the previous meeting and responses to questions from Highways and the Lead Local Flood Authority.

8a.7 **RESOLVED:** That an application for planning permission be GRANTED, conditionally subject to Legal Agreement, for the reasons set out in the report and supplementary report, now submitted, for outline planning application (all matters reserved except for access) for the partial demolition of the western gable of former farmhouse, retention of 2- storey barn, demolition of single-storey ancillary buildings, erection of up to 41 dwellinghouses, formation of vehicular access point and provision of open space and landscape buffer (Resubmission of application 19/03890/OUT) at 9 - 11 Wood Royd Road, Sheffield, S36 2TA (Application No. 22/00491/OUT).

**8b. PLANNING APPLICATION NO. 20/03766/OUT - LAND AT AND ADJACENT MEADOWHALL CENTRE, MEADOWHALL WAY, SHEFFIELD ROAD AND VULCAN ROAD, M1 DISTRIBUTION CENTRE, VULCAN ROAD AND THE SOURCE, 300 MEADOWHALL WAY, SHEFFIELD, S9 1EQ**

8b.1 Councillor Dianne Hurst re-took the Chair and Councillors Bob McCann, Peter Price, Tom Hunt and Richard Williams returned to the meeting.

8b.2 Councillor Tony Damms entered the meeting.

8b.3 A late representation, along with the officer response, an update to the S. 106 Heads of Terms and updates to the list of conditions were included within the supplementary report circulated and summarised at the meeting.

8b.4 Verbal clarification was given at the meeting in respect of the wording of the fourth paragraph of page 183 of the agenda papers which should be amended to read as follows:

*Overall, taking all relevant factors into account, in terms of the health of existing centres and the potential impact of the proposed development, as set out in the report above, and subject to the impact mitigation proposed by the applicant being secured through appropriately worded planning conditions and obligations, it is accepted that there is no reasonable basis to conclude that the proposed development would be likely to have a significant adverse impact upon the vitality and viability of any City, Town or District Centre within the catchment areas or any existing, committed and planned public and private investment in those centres. It is consequently considered that the application is acceptable in principle and accords with the relevant Local Plan and National Planning Policy Framework policies set out at the beginning of this section.*

8b.5 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.

8b.6 Philip Villars and Jamie Whitfield attended the meeting and spoke against the application.

8b.7 David Bloy attended the meeting and spoke in support of the application.

8b.9 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also had regard to representations made during the meeting.

8b.10 **RESOLVED:** That an application for planning permission be GRANTED, conditionally subject to the prior completion of a legal agreement under Section

106 of the Act based on the Heads of Terms set out in the Committee Report (as amended by the Supplementary Information) and also subject to prior consultation with the Secretary of State under the requirements of the Consultations Direction 2021, for the reasons set out in the report and supplementary report, now submitted, for outline application (all matters reserved) for the extension and/or demolition (in part or full) of existing buildings, demolition of car parking, and the provision of new built development for indoor recreation and leisure, retail, catering, offices, light industrial, creche (Use Class E), drinking establishments, hot food takeaway, cinema, police station and car showroom (Sui Generis), non-residential institution (Use Class F1), along with pedestrian and vehicular highways works, car parking (including multi-storey car park), servicing, landscaping, public realm and associated works. Permission is sought for the following description of development: Full application for the change of use of The Source from (former) Use Class D1 and D2 to indoor recreation and leisure, catering, offices, creche (Use Class E), drinking establishments, hot food takeaway (Sui Generis), and/ or non-residential institution (Use Class F1) at Land At And Adjacent Meadowhall Centre, Meadowhall Way, Sheffield Road And Vulcan Road, M1 Distribution Centre, Vulcan Road And The Source, 300 Meadowhall Way, Sheffield, S9 1EQ (Application No. 20/03766/OUT).

**8c. PLANNING APPLICATION NO. 22/01692/FUL - 100A BASFORD STREET, SHEFFIELD, S9 5BJ**

- 8c.1 Councillor Holmshaw was not present at the start of discussion of the application, therefore took no part in the discussion or voting thereon.
- 8c.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 8c.3 Omar Khan, Ahmad Hayat and Councillor Mary Lea attended the meeting and spoke against the application.
- 8c.4 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report, now submitted and also had regard to representations made during the meeting.
- 8c.5 It was moved by Councillor Peter Price and Seconded by Councillor Roger Davison that Condition 8 regarding parking be strengthened to ensure that parking would only be permitted by those working or visiting the property. On being put to the vote, the strengthened condition was approved.
- 8c.6 It was moved by Councillor Bob McCann and seconded by Councillor Roger Davison that a directive be added to ensure that the applicant request that an H sign be added to the highway at the entrance to the property. On being put to the vote, the additional directive was approved.

8c.7 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, including the additional condition and directive, for the use of dwellinghouse (Use Class C3) as residential children's home (Use Class C2) for up to 3 residents including erection of two-storey side extension, alterations to fenestration and associated works at 100A Basford Street, Sheffield, S9 5BJ (Application No. 22/01692/FUL).

**8d. PLANNING APPLICATION NO. 22/03685/FUL - LAND OPPOSITE HOLME HEAD WHEEL DAM, RIVELIN VALLEY ROAD, SHEFFIELD, S6 5SF**

8d.1 An amendment to condition 2 was included within the supplementary report circulated and summarised at the meeting.

8d.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.

8d.3 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted.

8d.4 **RESOLVED:** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, now submitted, for provision of enclosed dog walk/dog run area including 1.7m timber/wire fencing and formation of parking area (Re-submission of planning application 22/02416/FUL) at land Opposite Holme Head, Wheel Dam, Rivelin Valley Road, Sheffield, S6 5SF (Application No. 22/03685/FUL).

**8e. PLANNING APPLICATION NO. 22/02768/FUL - 218 WORTLEY ROAD, HIGH GREEN, SHEFFIELD, S35 4LX**

8e.1 An additional condition and 2 additional conditions were included within the supplementary report circulated and summarised at the meeting.

8e.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.

8e.3 Gill Ellis attended the meeting and spoke against the application.

8e.4 Daniel Bull attended the meeting and spoke in support of the application.

- 8e.5 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report and supplementary report, now submitted and also having regard to representations made at the meeting.
- 8e.6 It was moved by Councillor Richard Williams and seconded by Councillor Brian Holmshaw that an additional condition be added to ensure that the group of trees to be removed to facilitate the development be replaced by new trees to be planted elsewhere within the site. The Planning Officer suggested that the landscape condition be amended to include reference to replacement tree planning. On being put to the vote, the amended condition was approved.
- 8e.6 **RESOLVED:-** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report and supplementary report, including the amended condition, now submitted, for demolition of existing bungalow and erection of five detached dwellinghouses at 218 Wortley Road, High Green, Sheffield, S35 4LX (Application No. 22/02768/FUL)

**8f. PLANNING APPLICATION NO. 22/02840/FUL - GARAGE SITE AT REAR OF 23 TO 31 HANSON ROAD, SHEFFIELD, S6 6RF**

- 8f.1 Having previously declared his interest, Councillor Richard Williams took no part in the discussion or vote on the application.
- 8f.2 The Officer presented the report which gave details of the application and highlighted the history of the site and the key issues in addition to presenting photographs of the site which were provided to committee members in advance of the meeting.
- 8f.3 The Committee considered the report and recommendation having regard to the development plan, the National Planning Policy Framework and other relevant considerations as summarised in the report, now submitted.
- 8f.4 **RESOLVED:-** That an application for planning permission be GRANTED, conditionally, for the reasons set out in the report, now submitted, for use of detached, garage building as annexe to main residence at 23 Hanson Road to form external store/garden room including alterations/extension to create 1st floor level office space with first floor 3 bay window (resubmission of application 22/01897/FUL) (Amended description) at Garage Site At Rear Of 23 To 31 Hanson Road, Sheffield, S6 6RF (Application No. 22/02840/FUL)

**9. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

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

- 9.2 Officers drew Members attention to the appeal dismissed against the decision of the Committee (wrongly indicated as a delegated decision in the report) for the demolition of existing buildings and erection of 7-storey office building (Use Class E) with ground floor commercial unit (flexible retail and/or other Use Class E), with associated cycle parking at 39-43 Charles Street and 186-194 Norfolk Street, Sheffield, S1 2HU (Case No: 21/02206/FUL)
- 9.3 The Inspector agreed that the harm was less than substantial but was not outweighed by the public benefits. A reduced scheme had since been approved by the Committee.

**10. DATE OF NEXT MEETING**

- 10.1 The next meeting of the Planning and Highways Committee would be held on Tuesday 10<sup>th</sup> January 2023 at 2pm in the Town Hall.





## SHEFFIELD CITY COUNCIL Planning and Highways Committee

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**Report of:** Head of Planning

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**Date:** 10/01/2023

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**Subject:** Applications under various acts/regulations

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**Author of Report:** Lucy Bond and Sarah Hull

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**Summary:**

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### **Reasons for Recommendations**

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

**Recommendations:**

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### **Background Papers:**

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

**Category of Report:** OPEN

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Case Number	22/02924/RG3 (Formerly PP-11291119)
Application Type	Application Submitted by the Council
Proposal	Demolition of former care home and erection of 36 proposed flats in two blocks with associated communal facilities including car parking and landscaping
Location	Bole Hill View 2 Eastfield Road Sheffield S10 1QL
Date Received	05/08/2022
Team	North
Applicant/Agent	Mr Ethan Dunbobbin
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

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

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

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

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

Red Line Site Location Plan, Drawing Number 01 Rev P3 (published 05.08.22)

Proposed Site Plan, Drawing Number 003 Rev P5 (published 30.11.22)

Block 1 Elevations and Sections, Drawing Number 301 Rev P6 (published 30.11.22)

Block 2 Elevations and Sections, Drawing Number 302 Rev P6 (published 30.11.22)

Block 1 Floor Plans Drawing Number 101 Rev P6 (published 30.11.22)

Block 2 Floor Plans, Drawing Number 102 Rev P6 (published 30.11.22)

Block 2 Site Sections, Drawing Number 202 Rev P1 (published 30.11.22)

Window Jam Detail, Drawing Number 403. Rev P1 (published 30.11.22)

General Landscape Arrangement, Drawing Number 01, Rev P1 (published 30.11.22)

Existing and Demolition Plan, Drawing Number 15001 Rev P2 (published 05.08.22)

Reason: In order to define the permission.

**Pre-Commencement Condition(s)**

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

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

4. 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.

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

5. No development shall commence until a Highways Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include:

- arrangements for wheel cleaning;
- on site parking / manoeuvring for construction vehicles;
- arrangements for contractor parking.

Thereafter, such facilities shall be provided to the satisfaction of the Local Planning Authority and in place for the period of construction.

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

6. Unless it can be shown not to be feasible or viable no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon

energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

7. 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.

8. 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.

9. 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.

10. No development shall commence until details of measures to facilitate the provision of gigabit-capable full fibre broadband within the development, including a timescale for implementation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/timetable thereafter.

Reason: To ensure that all new Major developments provide connectivity to the fastest technically available Broadband network in line with Paragraph 114 of the National Planning Policy Framework

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

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

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

12. A sample panel of the proposed masonry shall be erected on the site and shall illustrate the colour, texture, bedding and bonding of masonry and mortar finish to be used. The sample panel shall be approved in writing by the Local Planning Authority before any masonry works commence and shall be retained for verification purposes until the completion of such works.

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

13. Large scale details, including materials and finishes, at a minimum of 1:20 of the items listed below shall be approved in writing by the Local Planning Authority before that part of the development commences:

- Brickwork detailing

Thereafter, the works shall be carried out in accordance with the approved details.

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

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

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

Framework Core Strategy.

15. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

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

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

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

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

18. Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of hedgehog homes, nesting opportunities for birds or biodiversity enhancement, enhanced landscaping, green / brown roofs to cycle / bin stores shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. When the features or measures will be installed within the construction, occupation, or phase of the development.

Reason: In the interests of ecological enhancement.

19. 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 first been submitted to and approved in writing by the Local Planning Authority. If discharge to the public sewer is proposed the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate not to exceed 24 litres per second.

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

20. 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.

21. No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and approved in writing by the Local Planning Authority. Once installed such plant or equipment shall not be altered.

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

### **Other Compliance Conditions**

22. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

23. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 24 litres per second.

Reason: In order to mitigate against the risk of flooding.

24. The dwellings shall not be used unless the sight line, as indicated on the approved plans, has been provided. When such sight line has been provided, thereafter the sight line shall be retained and no obstruction to the sight line shall be allowed within the sight line above a height of 1 metre.

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



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

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

26. The development shall be carried out in accordance with the Ecological Impact Assessment published 22.09.22 having particular regard to:

- The Method Statement for Bats (appendix B)
- Reasonable Avoidance Measures for Badgers and Hedgehog
- Lighting for Bats (paragraph 124)

Reason: In order to protect important species

27. The first floor window on the North-West elevation of Block 1 facing the properties on Moorsyde Crescent shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity and no part of the window shall at any time be glazed with clear glass.

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

28. 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.

29. The development shall not be occupied until the boundary treatment to the perimeter of the site has been provided in accordance with the details on the approved Site Plan and General Landscape Arrangement Plan, unless alternative details have first been submitted to and agreed in writing by the Local Planning Authority. The dwellings shall not be used 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 visual amenity.

30. 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.

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 is reminded that all wild birds, their active nests, eggs and young are protected under the Wildlife & Countryside Act 1981).

No thinning, felling or vegetation clearance should take place during the bird nesting season (March 1st - August 31st) unless a check has been made by a suitably qualified ecologist.

3. 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.
4. Plant and equipment shall be designed to ensure that the total LA<sub>r</sub> plant noise rating level (i.e. total plant noise LA<sub>eq</sub> plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA<sub>90</sub> background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
5. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:

- Reference to permitted standard hours of working;
- 0730 to 1800 Monday to Friday
- 0800 to 1300 Saturday
- No working on Sundays or Public Holidays
- Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
- A communications strategy for principal sensitive parties close to the site.
- Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
- Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
- Vibration.
- Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
- A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.

- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

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

6. The applicant is advised that, as per the attached condition, details of public art need to be agreed with the local planning authority prior to being implemented on site. Advice can be sought in advance of the submission of details from the Council's Public Art Officer. Please note there is an hourly charge for this advice.

You can contact the Public Art Officer at: [publicart@sheffield.gov.uk](mailto:publicart@sheffield.gov.uk)

Further details on the Council's public art projects can be found at <https://www.sheffield.gov.uk/planning-development/public-art-projects>

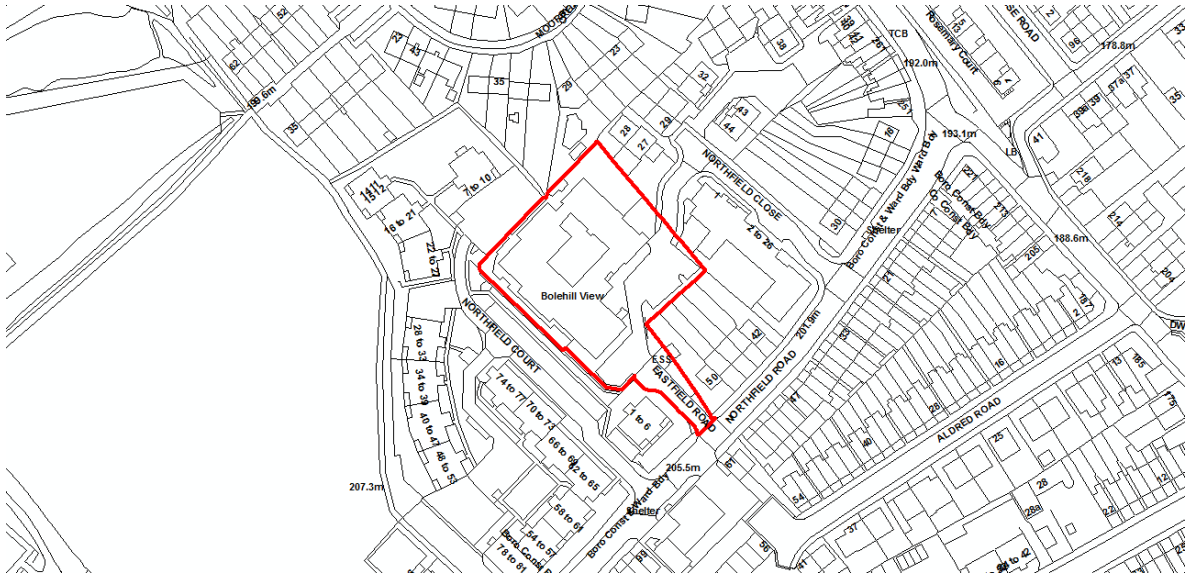
7. The applicant is advised to have regard to the specifications detailed in the consultation response received from South Yorkshire Police to aid in designing out crime. This is published on the online file.
8. The applicant is advised that in order to discharge the above condition relating to gigabit-capable 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 attached Guidance Note and/or contact [hello@superfastsouthyorkshire.co.uk](mailto:hello@superfastsouthyorkshire.co.uk)

9. The applicant is advised to have regard from the consultation response received from Northern Powergrid available on the online file.

# Site Location



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## LOCATION AND PROPOSAL

The application relates to the single storey former Bole Hill View residential home which is accessed via Eastfield Road, off Northfield Road in Crookes.

Consent is sought to demolish the existing building and redevelop the site with 36 x 1 bedroomed flats which would be accommodated within two separate blocks; one being 2 storeys and the other being 3 storeys in height.

The development has been submitted by the Council's Housing Growth Service and is a project which is part of the Council's stock increase programme which aims to increase the Council's stock of affordable homes by 3,100 over a 10 year period.

The accommodation proposed would be rented to Council tenants at a rent that is no greater than affordable. The submission states that it is the intention that the development remains under the ownership of the Council to provide affordable rented accommodation for its lifespan.

The site is surrounded by residential properties which range between single storey and three storeys in height. A pedestrian link runs through the site linking Eastfield Road to Northfield Close, to the north-east.

## PLANNING HISTORY

Two lots of preapplication queries have been submitted for this site which ultimately culminated in the submission of this application.

During the course of this application a separate prior approval submission was submitted for the demolition of the existing buildings on site (22/04231/DPNRG3) This was granted on 16 December 2022.

## REPRESENTATIONS

16 Letters of representation have been received following publicity on this scheme. 13 of these object to the scheme and 3 raise queries / comments. The points raised are summarised below:

- Objection to visual impact of the development due to its proximity, scale and size in relation to nearby property.
- The new buildings should be in keeping with Northfield Court.
- Amenity implications resulting from the height of the development.
- Loss of privacy.
- Loss of daylight and overshadowing to property and gardens.
- Concern that new trees would grow too high.
- Request for mature planting / screening to be provided along the shared boundary of the site with the 5 houses on Northfield Road, to prevent overlooking and noise.
- Increased noise from the car park.
- No new infrastructure is proposed - concern regarding impact on GPs, nurseries, schools, traffic and public transport capacity.
- Concern about the nature of future occupants
- Noise and pollution from demolition.

- An alternative design would be preferable and enhance greater natural light, and better cater for the climate.
- Concern about extra traffic exiting onto the main road in an area where there are already a number of accesses in close proximity to one another. This would worsen existing highway safety issues.
- Insufficient parking, no visitor parking, no capacity if more than one vehicle per unit is owned. Concern that this would result in overspill to nearby roads, which would cause capacity issues and inconvenience to existing residents.
- Concern about increase in traffic causing access problems to existing property and queueing within the site.
- Concern regarding boundary provision and accuracy to No 50 Northfield Rd.
- Neighbour is hoping to increase land ownership.
- Impact on selling third party property.
- Loss of view.

### South Yorkshire Police

No objections are raised. Advice is provided to the developer with regards to the design of the lighting scheme, building specifications and finer design of communal areas. This advice is relayed to the applicant via directive.

### PLANNING ASSESSMENT

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

The Council's development plan comprises the Core Strategy which was adopted in 2009 and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in July 2021 (the NPPF) is a material consideration (paras 2 and 218 of the NPPF).

Paragraph 219 of the NPPF provides that existing policies in a development plan should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

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

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

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

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

As of 1 April 2021, and in relation to the local housing need figure at that date taking account of the 35% urban centres uplift, Sheffield can only demonstrate a 4-year deliverable supply of housing land. Because the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, the relevant policies for determining applications that include housing are considered to be out-of-date according to paragraph 11(d) (footnote 8) of the Framework.

Considering the above and the fact that no ‘protected areas or assets of particular importance’ are affected in this case the ‘tilted balance’ is engaged, and planning applications 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.

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

#### Policy Context

The site lies in a Housing Area in the UDP. UDP Policy H10 (Development in Housing Areas) identifies C3 residential use as the ‘Preferred’ land use in Housing Areas. Therefore, the proposed residential development is acceptable in principle.

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

Core Strategy Policy CS23 (Locations for New Housing) identifies that new housing will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure and in the main urban area.

Core Strategy Policy CS24 ‘Maximising use of Previously Developed Land for New Housing’ seeks to try and ensure that priority is given to developments on previously developed sites. This site would be classed as brownfield and the scheme would be in line with this aim.

The policy approaches of CS23 and CS24 in regard to prioritising brownfield sites are considered to broadly align with the NPPF paragraphs 119 and 120, which promote the effective use of land and the need to make use of previously-developed or ‘brownfield land’. Furthermore, paragraph 120 c) gives substantial weight to the value of using

brownfield land within settlements for homes and other identified needs. Given the strong alliance with the NPPF, in this regard it is concluded that these policies can be offered substantial weight.

Paragraph 69 of the revised NPPF sets out that 'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.' The site is medium sized and developing it for 36 dwellings would sit well with this aim.

#### Efficient Use of Land

Policy CS26 'Efficient Use of Housing Land and Accessibility' of the Core Strategy encourages making efficient use of land to deliver new homes at a density appropriate to location depending on relative accessibility. The density requirements are a gradation flowing from highest density in the most accessible locations down to lower densities in suburban locations with less accessibility. This is reflected in paragraph 125 of the NPPF and therefore Policy CS26 is considered to carry substantial weight in determination of this application.

Paragraph 124 of the NPPF promotes making efficient use of land taking account of a number of factors including identified housing needs; market conditions and viability; the availability of infrastructure; the desirability of maintaining the prevailing character of the area, or of promoting regeneration; and the importance of securing well designed places.

For a site such as this, CS26 part (d) is relevant and states that a range of 50-80 dwellings per hectares is appropriate. The development would give a density of approximately 91 dwellings per hectare. This figure is above the suggested range in CS26, however the thrust of paragraph 125 of the NPPF is to avoid low density developments and secure optimal use of the potential of each site.

In this instance, the prevailing character of the immediately adjacent sites is apartments, with some family housing. The proposed density reflects the character of the immediate area and is considered to be acceptable, providing that the resulting scheme would provide acceptable living standards which is assessed in the sections below. As such the proposal complies with Policy CS26 of the Core Strategy and paragraphs 124 and 125 of the NPPF in relation to densities and efficient use of land.

#### Demolition

The building is not listed or in a conservation area and is not considered to be of architectural merit. As such its loss is acceptable.

#### Design

UDP Policies BE5 (Building Design and Siting), and H14 (Conditions on Development in Housing Areas) seek to secure high quality developments which are of an appropriate scale and which enhance the character and appearance of an area.

Core Strategy Policy CS74 (Design Principle) also expects high quality development



that respects, takes advantage of and enhances the distinctive features of the city, its districts and neighbourhoods. It should create a healthy and sustainable environment and transform the character of physical environments that have become run down.

NPPF paragraph 126 promotes high quality and beautiful buildings with good design being a key aspect of sustainable development that creates better places to live, work and establish communities. Furthermore, NPPF paragraph 130 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. These NPPF principles align closely with the local policies described above and, therefore, it is considered that they can be afforded significant weight.

The site does not form part of the main road frontage, however it does have a footpath running through it meaning that there would be some public prominence to the site. The existing site is fairly intensely developed with the building having a large footprint. The redevelopment proposal is also intense, however incorporates a greater amount of parking.

The site is shown to be developed with two blocks adjacent to the south west and north western perimeters. Both blocks have a return into the site which creates a courtyard effect. The return on the larger block screens a small area of accessible parking within the courtyard and also serves to provide a focal point acknowledging the access road.

Parking is proposed to the south-east and north-east areas of the site. This is intense as 37 spaces are proposed; however this has been disaggregated as far as possible and intervening landscaping is proposed to soften this. A clear pedestrian route is shown to pass through the site. This is clearly identifiable and follows a logical route.

The scale of the development responds well to the surrounding residential development. The development to the south-west is 3 storeys, and the site is lower than these properties on Northfield Court, thus meaning that the larger 3 storey block would not appear out of scale in this location. Existing properties to the north-west are two storeys. The scheme would be 3 storeys adjacent to this boundary in part. The second block is lower at two storeys.

There are bungalows to the north-east of the site and the scheme has been designed sensitively so it is the two-storey element of the scheme which is closest to these. There is also a good intervening separation distance. This gives an appropriate transition in scale.

To the east and south-east the existing properties are two storeys. The development would be of appropriate scale in relation to these.

The massing of the blocks has been broken up by hipping the roofs and incorporating projecting elements to vary the building form. During the course of the application the applicant has responded positively to Officers' comments to incorporate brick detailing to give the building some vertical emphasis.

The deep plans of the building does result in the roof pitch being shallow, however this does not cause significant visual harm in the context.

The development is proposed to be finished in brick with areas of brick detailing to add interest. The simple pallet of materials is welcomed and subject to appropriate detailing, which can be controlled by condition, the design would be good quality.

The current vacant building detracts from the area. The redevelopment of the site is welcomed. The scheme would integrate well with the surrounding buildings and be of acceptable design. The visual impact of the development would be acceptable and compliant with the aims of the above-mentioned policies.

#### Amenity

UDP Policy H14 (Conditions on Development in Housing Areas) part (c) seeks to ensure that sites are not overdeveloped or deprive residents of light, privacy or security.

Policy H5 (Flats, Bed-sitters and shared Housing) a) seeks to ensure that a concentration of these uses would not cause serious nuisance to existing residents and H5 b) seeks to ensure satisfactory living conditions for occupants of the accommodation and their neighbours.

Supplementary Planning Guidance on Designing House Extensions sets out specific amenity standards that are applied to house extensions, and whilst this is not directly applicable, the principles are still able to be used as a gauge to assess residential amenity.

Paragraph 130(f) of The Framework identifies that development should create places with a high standard of amenity for existing and future users. Development should also be appropriate for its location taking account of the effects of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (paragraph 185).

Local policies align with the Framework and are therefore afforded substantial weight.

#### Amenity for Existing Residents.

The layout is such that the separation distances between the proposed buildings and existing residential buildings is generous, being at least 20 metres.

To prevent unacceptable overshadowing and overbearing issues, the guideline separation distance is 12 metres between windows and blank walls on two storey properties, and a greater distance if there is a level change or the buildings are higher. The separation distance achieved in this instance exceeds these Guidelines.

The most sensitive area of the site is to the north, where residential gardens of Moorsyde Crescent and bungalows on Northfield Close abut the site. At this point the proposed development is of two storey height. The building is set off the boundary by 5 metres at the closest point abutting gardens on Moorsyde Crescent, and then steps away from the boundary, proving a greater offset. Due to the orientation of the building to these neighbours there would be some overshadowing to the bottom portion of their gardens. This would be limited to the middle of the day and would not be to an unacceptable degree. The separation distance to the bungalows is approximately 23 metres. This relationship is acceptable.

It is concluded that unacceptable overshadowing and overbearing implications would

not arise as a result of the scheme.

The separation distances between proposed windows and directly facing existing property exceeds 21 metres in most instances, which is the guideline standard. The relationship between the closest apartments on Northfield Court which abut the highway to the south-west, falls slightly short of 21 metres. This shortfall is not significant, furthermore the development and this existing accommodation is separated by the road and would be an acceptable relationship. Unacceptable loss of privacy would not arise to these units.

Habitable room windows are located approximately 7.4 metres from the boundary with gardens on Moorsyde Crescent. The outlook would be over the lower part of the gardens. At ground floor level, site boundary treatment would provide adequate screening, however there is potential for some loss of privacy to the upper floors. This issue can be overcome by conditioning these windows to be obscured. The room this would affect is an open plan kitchen, living dining room and this room has a further 2 windows which face north which would not need to be obscured. Adequate light and outlook would still be provided whilst maintaining privacy for existing neighbouring occupiers.

The scheme would increase the number of flats in the area, however there is also family housing in the immediate vicinity. The scheme would add greater accommodation mix to the area and provide affordable social housing. Such residential use is compatible with the residential nature of the area.

The previous accommodation on site was sizable and would have generated activity through comings and goings. The nature of the accommodation proposed, being independent units, would result in increased activity on site, however the nature of this would not cause unacceptable amenity implications. The layout arrangement includes the main parking area in a broadly similar location to the existing, which has historically coexisted with the existing properties. The impacts to the amenities of neighbouring residents would remain acceptable.

#### Amenity for Future Occupiers

The floor sizes of the units are adequate and exceed the size detailed in the South Yorkshire Residential Design Guide.

The units would benefit from adequate privacy. The majority of the units would have good outlook with the scheme incorporating landscaping and intervening space between habitable room windows and parking areas. There are some units which would have a compromised outlook. Amended plans have been secured to improve this for some units; however there remain 3 ground floor units in the larger block, which solely face the perimeter fence. This is elevated as the neighbouring land levels are higher and the units are in fairly close proximity to this, being within 5 metres of the fence. These units may feel somewhat hemmed in for future occupiers and Officers sought to secure amendments to improve this. Whilst no amended plans have been submitted; the applicant has provided a statement justifying the design choice. This is said to provide surveillance over the amenity space. Examples have also been provided as to how the intervening land between the building could be treated to make this attractive and less oppressive by a combination of stepped levels and sensitive landscaping.

Additional sections have also been provided which demonstrate that adequate daylight

would be experienced in these units. Taking a balanced view, and looking at the amenity of the units on the development as a whole, then the level of compromise that may be experienced by a small number of residents is not regarded as being to the extent that refusal could be justified.

The main area of external amenity space is concentrated in the northern corner of the site and would be a mixture of formal and informal areas. A Further formalised seating area is provided along the western boundary, with informal areas around the perimeter of the site, where the units open out onto these perimeter spaces; this would be valuable for the occupiers of those units. This is adequate provision in terms of its amount and the plans indicate that this will be provided to a good quality.

### Highway Safety

UDP Policy H14 relates to conditions on development in housing areas and states that in Housing Areas new development or change of use will be permitted provided that, amongst other matters..., (b) new development would be well laid out with all new roads serving more than five dwellings being of an adoptable standard; and (d) it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

UDP Policy H15 seeks to ensure that the design of new housing developments will, amongst other matters, (a) provide easy access to homes and circulation around the site for people with disabilities.

Core Strategy Policy CS53 'Management of Demand for Travel' sets out a variety of ways in which the increased demand for travel will be managed across the city including applying maximum parking standards to all new developments to manage the provision of private parking spaces.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

It is considered that the aims and objectives of these local plan policies reflect those of the Framework and can be considered to have substantial weight in this context.

It is anticipated that the development would generate in the order of 110 vehicular movements per day. Whilst this may be a slight increase on the level of traffic generated by the former care home it is not of such a magnitude as to represent a material impact on the surrounding highway network.

The proposed flats will utilise the existing access (Eastfield Road). The access will generally be in the order of 4.5m in width (widening to 6m at the junction with Northfield Road). A 2m segregated footway is also proposed. Ideally the vehicular access would be a minimum of 5m for the first 5m into the site in order to allow 2 vehicles to pass. This is not quite achievable, owing to the proposal to incorporate the footway, however given the relatively low levels of traffic generation, the likelihood of vehicles meeting is low and as such in this instance, the access geometry is considered to be acceptable.

The plans demonstrate that adequate sight lines can be achieved within the realms of the existing highway. These sight lines will be secured by condition.

Parking provision is shown at 1 space per unit, plus 1 visitor space, whilst this does not provide much visitor parking, regard is had to the sustainable location of the site on a bus route and close to amenities which reduces reliance on cars. Furthermore, cycle parking is proposed to be incorporated into the scheme which would promote use of alternative transport modes. Officers are of the view that acceptable levels of parking are incorporated into the site to cater for the development.

The plans demonstrate that adequate manoeuvring space can be provided within the site; some minor adjustment to the proposals has facilitated this.

An existing footpath route runs through the site linking Eastfield Road to Northfield Close. At present this runs through the car park of the care home. The scheme has enhanced this route by designing in a clear separate pedestrian route which will enhance pedestrian safety for all users.

Overall, the scheme does not raise any significant highway safety concerns and is compliant with the above policy aims.

### Landscaping

Policy GE15 'Trees and Woodlands' within the UDP states that trees and woodlands will be encouraged and protected. This is supported by UDP Policy BE6 (Landscape Design) which expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation.

Paragraph 131 of the NPPF recognises the important contribution trees make to the character and quality of urban environments, and their role in helping to mitigate climate change. It sets out that existing trees should be retained where possible. The aims of Policies GE15 and BE6 are considered to align with the Framework and continue to carry substantial weight.

The landscaped areas are currently overgrown. A tree survey has been submitted with the application detailing that within the site there are 18 trees and a further 3 trees situated in neighbouring gardens close to the boundary fence.

The existing tree cover is made up of mainly small to medium sized specimens of Cherry and Rowan, along with individual Ash, Holly and Willow. Most of the larger trees are situated to the north-east of the building.

Eight of the trees are in moderate / high quality condition whilst the remainder are either in fair or poor condition. The plans show that the 3 highest quality trees would be retained, with the remainder being removed. There may be potential to retain 2 of the moderate specimens which are just outside the site boundary; this will be sought to be achieved by appropriate tree protection and construction methods.

Whilst there would be tree removal associated with the scheme, these are not worthy of preservation and a submitted landscaping plan shows 15 new trees to be planted as well as shrubs and grass.

This is an intensely developed site, however the proposed landscape scheme is considered acceptable in principle and has been carefully considered to maximise planting within the site and aid in breaking up the parking areas. Furthermore, small

areas of attractive amenity space would be provided for residents.

## Ecology

UDP Policy GE11 (Nature Conservation and Development) states that the natural environment should be protected and enhanced and that the design, siting and landscaping of development needs to respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.

Core Strategy Policy CS74 (Design Principles) identifies that high-quality development will be expected, which respects, take advantage of and enhances the distinctive features of the city, its districts and neighbourhoods, including important habitats.

NPPF paragraph 180 sets out principles to ensure that biodiversity and habitats are protected. The aims of the local and national policies broadly align and the local policy can be afforded significant weight.

The submission has been accompanied by a Preliminary Ecological Survey which details that there is limited ecological interest on the site. There are no protected species on site. Suitable directives can be added to any approval to advise on requirements if encountered.

The scheme does result in the loss of trees on site, replacement tree planting is proposed as is a soft landscape scheme and bat and swift boxes to seek to achieve a biodiversity net gain. A net gain calculation has been submitted which demonstrates that, subject to implementation of details as indicatively submitted in the landscape plan, a net gain of 52% will be achieved. A condition will be attached to secure final and suitable details of these aspects.

## Sustainability Issues

Core Strategy Policy CS65 (Renewable Energy and Carbon Reduction) states that all significant development will be required to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy, if feasible and viable. An equivalent 10% reduction in a development's energy needs from a fabric first approach is also acceptable.

Framework Paragraph 157 confirms new development should comply with any development plan policies or local requirements for decentralised energy supply unless this is demonstrated to be not feasible or viable. Sustainability is also a key theme in the NPPF. Local policies are compatible with the NPPF and therefore significant weight can be given to these.

The scheme has been designed incorporating cycle parking to encourage sustainable travel and the redevelopment of the site also improves the desirability of the public route through the site which would make this more attractive to footpath users.

The supporting details confirm that the scheme seeks to provide energy efficient homes to help address the effects of climate change that go over and above building regulation targets and use improved energy efficiency measures such as improved thermal fabric efficiency, air tightness, and effective heating controls.

Officers are satisfied that the approaches detailed would meet the policy requirement. This will be secured by planning condition.

## Drainage

Policy CS67 seeks to limit surface water run off and ensure developments are protected from flooding and minimise their impact elsewhere. The Framework seeks to ensure that development does not increase flood risks elsewhere and that the most vulnerable development is located in areas at the lowest risk of flooding.

Paragraph 169 requires major development to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. In doing so the systems used should take account of the advice of the Lead Local Flood Authority.

The local and national policies align and the local policy can therefore be given significant weight.

The site is in Flood Zone 1 and not at high risk of flooding.

Surface water drainage is likely to need to drain to the existing network due to the ground conditions and lack of local watercourse. The rate and exact details will be controlled by condition.

A Suds statement was submitted with the application, however the solutions discussed in this have not been translated into the final scheme. There is opportunity to utilise SUDS in the format of type C permeable paving which would improve water quality. Cost implications have resulted in there being some resistance to incorporating these, however a condition is proposed to secure these in new areas of hard surfacing where possible.

No significant drainage issues arise from this development subject to the attached conditions.

## Contaminated Land

UDP Policy GE25 seeks to ensure that any contaminated land is identified and effectively treated.

The Framework (paragraph 183) identifies that a site should be suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or previous activities such as mining. The aims of policy GE25 and the NPPF closely align, in this respect and significant weight can be afforded to the local policy.

A Phase 1 risk assessment has been carried out and recommends that a Phase 2 intrusive site investigation is undertaken to assess the contamination status and potential gas risk to the proposed development. Standard conditions are proposed to ensure the appropriate reporting and remediation is carried out.

## Noise Implications

UDP Policy GE24 is concerned with noise pollution and seeks to ensure noise nuisance does not arise as a result of development and also seeks to ensure sensitive uses are

suitably located so they are not subject to noise pollution.

This policy aligns with the aims of paragraphs 130 and 185 of the NPPF. Significant weight can therefore be afforded to this local policy.

No significant noise generation issues arise in relation to this scheme, due to its nature and the character of the area. As the scheme incorporates some mechanical plant, noise levels of this will be controlled to ensure appropriate amenity.

Any approval would also include the requirement for a Construction Management Plan to minimise disamenity during the construction phase to surrounding properties. This would cover aspects such as noise, vibration, dust, air quality and pollution.

### Archaeology

UDP Policy BE22 relates to 'Archaeological Sites and Monuments' and states that these will be preserved, protected and enhanced. Where disturbance of an archaeological site is unavoidable, the development will be permitted only if (a) an adequate archaeological record of the site is made; and (b) where the site is found to be significant, the remains are preserved in their original position.

Paragraph 194 of the NPPF requires that due regard is had to archaeological assets. The national policy strongly reflects the local policy in this instance and therefore significant weight can be afforded to Policy BE22.

Assessment has been submitted with regards to the site's archaeological interest. This concludes that the site's archaeological potential has been greatly reduced by earlier quarrying and the construction of the present buildings. This has been examined by the South Yorkshire Archaeology Service, who agree with the assessment and raise no concerns with regards to heritage impact.

### Affordable Housing

Policy CS40 of the Core Strategy sets out the broad principles and aims in relation to securing affordable housing through residential development.

Guideline GAH2 of the Community Infrastructure Levy (CIL) and Planning Obligations Supplementary Planning Document (SPD) sets out the expected developer contributions for the city's 12 Affordable Housing Market Areas. The expected developer contribution towards affordable housing provision varies between 0% and 30%, depending on which Affordable Housing Market Area the site is in.

In this instance the site falls in the City Centre West Area, where a 10% contribution is required.

The General Needs accommodation provided as part of this proposal is to be rented to Council tenants at a rent that is no greater than 'affordable', defined as 80% of market rental value for the area. The rental amount for each apartment will be determined by the number of bedrooms in the accommodation. The cost of council housing rent is in line with affordable housing prices and is aimed to provide support to those who otherwise may not be able to afford housing in the private rental market.



There is a need for more one bed social rented properties citywide to meet demand, so any new developments in the city will support this requirement.

The provision of the housing proposed meets this policy requirement.

#### Community Infrastructure levy

In this instance the proposal falls within Zone 3. Within this zone there is a CIL charge of £30 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010

The proposed development will be 100% social housing funded by Sheffield City Council, therefore this may be exempt from a CIL contribution.

#### Response to Representations

Many of the themes raised in representations have been discussed within the above assessment. Other issues are discussed below:

- No new infrastructure is proposed, concern regarding impact on GPs, nurseries, schools, traffic and public transport capacity. – A CIL payment would address these aspects, however the development may be exempt in this instance.
- Concern regarding boundary provision and accuracy of the existing detail. Where new areas of boundary treatment are proposed they are standard heights and styles which are typical and appropriate to a residential area. The amenity and visual implications to adjacent residents are acceptable.
- Concern new trees would grow too high – Whilst this concern is noted, greater weight is given to the benefits that tree planting would bring to the visual amenities of the locality. The extent of tree planting proposed in relation to neighbouring properties is minimal and would not cause unacceptable amenity implications. The species chosen would reflect the constraints of the location.

The following are Non-Planning Issues and cannot be considered in the determination of the application:

- Impact on selling third party property
- Loss of view
- Neighbour is hoping to increase land ownership.

#### SUMMARY AND RECOMMENDATION

This application seeks consent for the demolition of the existing care home and the erection of 2 blocks to accommodate 36 residential units. These would be for social rent.

In the absence of a 5-year supply of housing land the tilted balance is engaged in accordance with Paragraph 11 of the NPPF and the positive and negative aspects of the scheme must be carefully weighed.

That there would be a number of benefits that will arise from this application including:

- The scheme would deliver 36 new residential units which would be affordable and go towards addressing identified city-wide need.
- The site is in a sustainable location and would constitute efficient use of land which is currently under-utilised and visually detracts from the locality.
- The construction process would create employment opportunities.
- Future residents would generate local spend within the economy.

The disbenefits of the scheme relate to the compromised amenity a small number of units. Whilst this is a negative aspect, on balance the scheme complies with policy.

In applying the titled balance in favour of sustainable development in NPPF Paragraph 11 (d), on balance greater weight is given to the benefits of the scheme in terms of housing delivery of needed, affordable housing in a sustainable location with a scheme which integrates suitably within the existing locality.

It is concluded, that in this instance the balance falls in favour of scheme and the scheme would be compliant with the above-mentioned policies. It is therefore recommended that planning permission be granted subject to the listed conditions.

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Case Number	22/02302/OUT (Formerly PP-11195500)
Application Type	Outline Planning Application
Proposal	Outline application for erection of up to 75 dwellinghouses and associated vehicular and pedestrian access (All matters reserved except Access)
Location	Land between Hollin Busk Road, Carr Road and Broomfield Lane Sheffield S36 2AQ
Date Received	16/06/2022
Team	North
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally 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) Access, (b) Appearance, (c) Landscaping, (d) Layout and (e) Scale (matters reserved by the permission) shall have been obtained from the Local Planning Authority.

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

2. 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.

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

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

## Approved/Refused Plan(s)

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

Drawing D02 Location Plan (showing red line boundary) published 16th June 2022

Drawing SK01 - Master Plan Rev D (showing 75 dwellings) published 16th December 2022

Drawing 100-SK-001 Rev E (1st drawing only) - General Arrangements published 16th December 2022

Drawing 100-SK-002 Rev E (1st drawing only) -Engineering Layout published 16th December 2022

Drawing 100-SK-001 (2nd drawing only) - Swept Path Analysis published 16th December 2022

Design and Access Statement April 2022 Issue 3 published 16th June 2022

Landscape and Visual Appraisal 221-3110.101A prepared by Pegasus published 16th June 2022

Archaeological Desk Based Assessment prepared by Orion dated Sept 2022 published 23rd September 2022

Phase 1 Geo-environmental Desk Study and CMRA prepared by RLRE Consulting Engineers published 26th July 2022

Flood Risk Assessment and Drainage Strategy P21-428 2148 RLL XX RP C-002 published 16th June 2022

Landscape Master Plan P21-3110.102 Rev A published 16th June 2022

Travel Plan - Version 1.0 prepared by Fore published 16th June 2022

Ecological Appraisal August 2022 prepared by FPCR published 19th December 2022

Winter Bird Survey April 2022 prepared by FPCR published 19th December 2022

Reason: In order to define the permission.

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

5. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
  - The requirement to seek preservation in situ of identified features of importance.
  - The programme for post-investigation assessment.
  - The provision to be made for analysis and reporting.
  - The provision to be made for publication and dissemination of the results.
  - The provision to be made for deposition of the archive created.

- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and postinvestigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

6. 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.

7. 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.

8. 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.

9. 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.

10. Prior to the submission of a reserved matters application and any works commencing on site, the intrusive site investigation works described in the Phase 1 Geo-environmental Desk Study and Coal Mining Risk assessment produced by RLRE Consulting Engineers published 26th July 2022 shall have been carried out as recommended and a report of the findings arising from the intrusive site investigations be submitted to and approved by the Local Planning Authority. Where the investigations indicate that remedial works are required, a scheme of remedial works shall be submitted to and approved by the Local Planning Authority before the development commences and thereafter the remedial works shall be carried out in accordance with the approved details.

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.

11. 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.

12. 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.

13. 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.

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

a) been carried out; or

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

Highways Improvements:

- Construction of new priority junction and footways to serve the development site, pedestrian drop-crossings with tactile paving, all broadly in accordance with the submitted drawings.
- Any accommodation works to Statutory Undertaker's equipment, traffic signs, road markings, lighting columns, highway drainage and general street furniture necessary as a consequence of the development.

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

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.

16. 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. For further information

on preparing a CEMP please refer to the CEMP directive below.

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

17. Prior to the commencement of development, a Landscape and Biodiversity Enhancement Master Plan shall be submitted to and approved in writing by the Local Planning Authority. The content of the Plan shall include:

- Aftercare and long-term management and maintenance of ecological features including an appropriate monitoring strategy.
- Biodiversity Net Gain calculations using the DEFRA 3.1 metric, to demonstrate a minimum 10% net gain
- Retention of existing trees and features of ecological interest e.g. stone walls
- Native species landscaping:
  - Wildflower areas
  - Hedgerows
  - SUDS, swales and ponds, some ideally with ability to hold water permanently and with appropriate marginal planting
- Habitat boxes on all properties and strategically sited throughout the development for maximum benefits:
  - Bat boxes
  - Swift boxes - swifts are colony nesters, so we would recommend boxes grouped together rather than single installations
  - Swallow 'cups'
  - Starling boxes
  - House sparrow 'terrace' type box
  - General purpose 28mm hole bird boxes
  - Habitat piles and refugia for reptiles, amphibians and invertebrates
  - Suitable gaps in fencing for hedgehogs to move freely through the site
  - Wildlife sensitive lighting as per the recommendations at 4.28 of the Ecology Report

Works shall then be carried out in accordance with the revised approved ecological mitigation measures and timetable.

Reason: To ensure the ecological interests of the site are maintained and that the habitat creation on site and subsequent management measures are sufficient to deliver a net gain in biodiversity as required by paragraph 174 of the National Planning Policy Framework

18. Unless it can be shown not to be feasible or viable no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been



installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

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

19. The development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

20. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

21. No development shall commence until details of measures to facilitate the provision of gigabit-capable full fibre broadband within the development, including a timescale for implementation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/timetable thereafter.

Reason: To ensure that all new Major developments provide connectivity to the fastest technically available Broadband network in line with Paragraph 114 of the National Planning Policy Framework.

22. The Developer shall use reasonable endeavours to ensure that any identified end-user of any phase of the development shall, in collaboration with Talent Sheffield, produce a detailed Inclusive Employment and Development Plan, designed to maximise opportunities for both immediate and on-going employment from the operational phase of development. The plan shall be submitted to and approved in writing by the Local Planning Authority.

The Plan shall include detailed implementation arrangements, with provision to review and report back on progress achieved, via Talent Sheffield, to the Local Planning Authority. Thereafter the Plan shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic and social benefits for Sheffield from the operational phase of the proposed development.

23. Before the development is occupied the detailed lifetime management arrangements for the drainage system shall be submitted to and approved in writing by the Local Planning Authority. These arrangements shall demonstrate that there is in place a legally binding arrangement for the life time management of the drainage system including funding source/s. This shall include operation and maintenance manuals for regular and intermittent activities and as-built drawings.

Reason: To ensure satisfactory drainage arrangements are provided to serve the site in accordance with the National Planning Policy Framework it is essential for this agreement to be in place before the use commences.

24. 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.

25. 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.

26. 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 commenced.

### **Other Compliance Conditions**

27. The submitted Travel Plan shall be operated for the lifetime of the development, unless otherwise varied in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).

28. Notwithstanding the submitted drawings, the indicative layout and parking arrangements are not approved.

Reason: This is an outline planning application with all matters reserved for subsequent approval, except access.

29. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 4.7 litres per second.

Reason: In order to mitigate against the risk of flooding.

30. 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.

31. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

Attention is Drawn to the Following Directives:

1. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6349  
Email: james.burdett@sheffield.gov.uk

2. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677  
Email: highways@sheffield.gov.uk

3. 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.

4. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;
  - Reference to permitted standard hours of working;
  - 0730 to 1800 Monday to Friday
  - 0800 to 1300 Saturday
  - No working on Sundays or Public Holidays

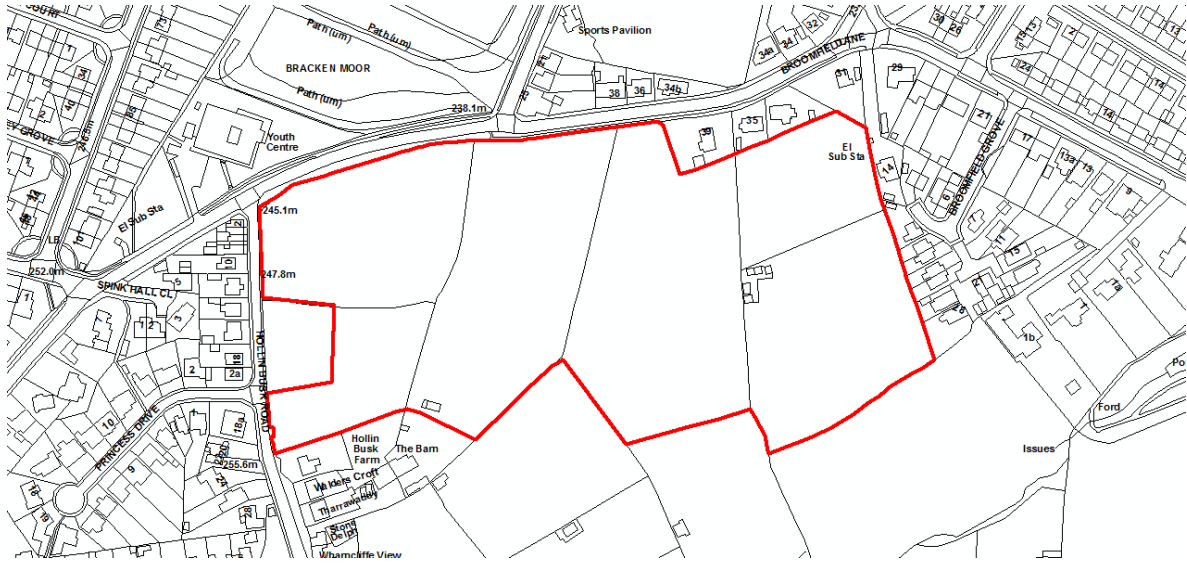
- Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
- A communications strategy for principal sensitive parties close to the site.
- Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified,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

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

5. 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.
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. Applicants seeking to discharge planning conditions relating to the investigation, assessment and remediation/mitigation of potential or confirmed land contamination, including soils contamination and/or ground gases, should refer to the following resources;
  - Land Contamination Risk Management (LCRM; EA 2020) published at; <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>;
  - Sheffield City Council's, Environmental Protection Service; 'Supporting Guidance' issued for persons dealing with land affected by contamination, published at; <https://www.sheffield.gov.uk/content/sheffield/home/pollution-nuisance/contaminated-land-site-investigation.html>.
8. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in

accordance with the requirements of the National Planning Policy Framework.

# Site Location



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## LOCATION

The application relates to a series of fields which extend to 4.84ha, located on the south eastern fringe of Stocksbridge. The site runs along Broomfield Lane to the junction with Hollin Busk Road and is generally open. The fields are separated by low dry stone walls and appear to be used for grazing.

The land is elevated and slopes gently to the south, up from Broomfield Lane. To the north of the site (on the opposite side of Broomfield Lane) is Stocksbridge Cricket Club and additional playing fields. To the east are residential properties on Broomfield Lane and Broomfield Grove and to the south are further fields. Beyond these to the south east is a site which recently received planning permission (at appeal) for the erection of up to 85 houses with associated landscaping, car parking and open space. This is referred to as the 'Hollin Busk' development (planning application reference 17/04673/OUT).

To the west the site is bound by Hollin Busk Road with further residential properties on the opposite side of the lane.

The site is identified on the Sheffield Unitary Development Plan Proposals Map as being within an Open Space Area (OSA). This designation also covers the fields to the south of the site and extends to Fox Glen Wood to the south east of the site which is designated as an Area of Natural History Interest (ANHI) and Local Wildlife Site (LWS).

## PROPOSAL

The application seeks outline planning permission for the construction of up to 75 dwellings on the site. All matters have been reserved except for the access. Plans have been submitted which show the site to be accessed from Broomfield Lane.

Matters of appearance, landscaping, layout and scale are all reserved for subsequent approval. An illustrative masterplan accompanies the application and demonstrates how the proposed development could be accommodated on the site as well as a landscape masterplan.

The masterplan shows the proposed residential development located towards the eastern end of the site, set back from Broomfield Lane by green space and attenuation pools to be created through a sustainable urban drainage scheme (SUDS). A small children's play area is also shown adjacent to Broomfield Lane. The western portion of the site would remain open. The plans indicate that an informal kick about space would be created alongside areas of flower meadows.

The plans indicate that dry stone walls would be retained and repaired and additional tree and hedgerow planting undertaken. Footpaths would run through the site, in both a north south and east west direction providing greater access and connectivity.

The indicative plans illustrate that the development would incorporate a variety of house types with a mixture of detached, semi-detached and terraced properties (short runs of 3 terraces). The plans also set out that properties in the south-eastern corner would be single-storey, however, the majority would be two-storey / two and a half storey properties. With this scheme the net developed area would be 1.98ha. 1.81ha would be open space with the remainder of the site area being given over to the SUDS and



swales.

## RELEVANT PLANNING HISTORY

In 1990, outline planning permission was refused for residential development and construction of new roads and sewers on 17.4 hectares of land (which included the current planning application site) at Carr Road, Hollin Busk Road and Broomfield Lane (application no. 89/3037P).

The reasons for the refusal were: (1) the proposal would result in significant environmental intrusion and damage to the ecology of the area, particularly Fox Glen, thereby representing a serious reduction in the amenities currently enjoyed by a large number of people; and (2) the proposal is contrary to policy 3.2.8 of the adopted Stocksbridge District Plan and it is considered that there are other sites in the locality which are suitable for residential development involving considerably less environmental intrusion and ecological damage.

An appeal against this refusal was dismissed in August 1991. The appeal Inspector concluded that in the context of the statutory plan for the area (the Stocksbridge District Plan) there was no justification for release of the site for housing development at that time, and that the appeal proposal would be severely detrimental to the character of the area and to the quality of the environment of local residents. This appeal decision has very limited weight in the determination of the current planning application given the age of the decision and subsequent change in national and local policy context. Furthermore planning permission has recently been granted for development on the south eastern portion of the site as described below.

To the south east of the site planning permission was granted at appeal in August 2021 for the development of up to 85 dwellings on land at the junction of Carr Road and Hollin Busk Road (application 17/04673/OUT refers). This application was in outline with all matters except for the access reserved for subsequent approval. The Inspectors decision is a material planning consideration in the determination of this current application as it relates to land within the same Open Space Area designation. The appeal reference is APP/J4423/W/21/3267168.

A reserved matters application is currently being considered for the above mentioned site, with the development being for 69 dwellings (reduced from 85) including open space and associated landscaping and car parking spaces (application 22/01978/REM refers).

Running in parallel to the application that is the subject of this report, the applicant has also submitted a scheme for up to 92 dwellings on the site. This again is in outline with all matters reserved except for the access. The red line boundary is the same as for the application being considered by this report; however that proposal also includes an access from Hollin Busk Road to serve the 17 additional units that would be located on the western portion of the site. Application 22/02303/OUT refers.

## SUMMARY OF REPRESENTATIONS

The application has been publicised by newspaper advert, display of site notices and by letters of notification to nearby occupiers. As a result, 68 representations have been received, all of which object to the development. These include representations from

Cllr Lewis Chinchon and Cllr Julie Grocutt, Stocksbridge Town Council, Rotherham and Yorkshire Wildlife Trust and the CPRE. In addition, a petition signed by 177 people has also been received.

In summary the petition sets out that the development is contrary to the NPPF and UDP and Core Strategy Policies. It also details that the development will cause unreasonable harm to the established landscape and visual amenity at local and wider levels; the development will be harmful to the character of the area; it undermines the role of the site to separate the established settlements of Deepcar and Stocksbridge; the development will result in the loss of an Open Space Area and this has not been demonstrated to be surplus to requirements; the development will affect the habitat of red listed species; the adverse impacts of the development would demonstrably outweigh any benefits the scheme might deliver; the development totally contravenes the unequivocal safeguards afforded to this site in terms of development on land which is designated as open space; the site is accessed via narrow rural roads with multiple parked vehicles; the existing bus service is to be reduced.

Cllr Chinchon, as local City Councillor for Stocksbridge and Upper Don Ward sets out the following points:

The fundamental objective of the planning system is to achieve sustainable development. The proposed development is not sustainable due to the irreversible and significant damage it would inflict on open space, the potential increase in flooding and due to inappropriate access.

Policy CS24 of the Sheffield Core Strategy gives priority to the development of previously developed sites rather than greenfield sites. This policy is consistent with Paragraph 119 of the NPPF which states 'strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land'. Indeed, Policy CS72 of the Core Strategy specifically mentions Hollin Busk as an area to be safeguarded.

Species of birds and bats have also been detected, as has other wildlife on this site. The rich biodiversity in this area means development would conflict with Paragraph 180(a) of the NPPF.

The site is one of the few remaining open green spaces in the local area and provides an important geographical separation between the closely linked but distinct settlements of Stocksbridge and Deepcar. Again, this visual break between Stocksbridge and Deepcar is explicitly referenced in the Core Strategy. Development of this site will merge these two communities.

Being on the side of a valley, development in Stocksbridge and Deepcar often increases flood risk due to the additional surface water run-off created by tarmacking green spaces. These green spaces provide a critical function in absorbing rainfall. Paragraph 167 of the NPPF states that 'local planning authorities should ensure that flood risk is not increased elsewhere'. There is a significant risk that development on this site at this scale could increase flood risk elsewhere due to the topography of the land and the removal of natural permeability.

In accordance with Paragraph 110(b), access should be safe and suitable for all users. There is currently no pavement on the side of the development on Hollin Busk Road.

The plans indicate that pavement will be built on Hollin Busk Road for pedestrians turning right out of the development. However, pavement will not be on the left side. This means pedestrians coming out of the development and travelling up Hollin Busk Road will have to immediately cross the road, without the assistance of a designated crossing point. Many cars travel at speed on this stretch, which will pose additional risk for pedestrians.

This proposed access point is also situated close to another junction with Coal Pit Lane/Broomfield Lane meaning vehicles may appear very quickly without warning. Several new developments in the local area are being built, including a development of over 400 dwellings off Station Road in Deepcar, in addition to other sites recently being given planning permission.

This development will put yet more pressure on local services and will likely exacerbate existing congestion issues in the local area.

The comments made by Cllr Julie Grocutt mirror these and add that the proposal is contrary to Paragraphs 120(c), 174(b) & 99 (a) of the National Planning Policy Framework.

The latter stipulates that 'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements'. No such assessment has been undertaken, no such determination has been reached, the open space at Hollin Busk is much loved and used by local people and therefore National Planning Policy states the proposal should not go ahead. This visual amenity is enjoyed by walkers along both Hollin Busk Road and Broomfield Lane'.

Cllr Grocutt also raises concerns about the increase in traffic and the effect that this would have upon the local area. Hollin Busk Road is a narrow rural road often with multiple parked cars. The bus service is also due to be reduced which will exacerbate highway concerns.

Stocksbridge Town Council

The Town Council had serious concerns with regard to the previous application at the other end of Hollin Busk Road and are certain that if allowed to proceed, this development would have the same detrimental effect on the local area.

The site is not considered to be housing land and is not in the right location to fulfil a housing need. The development would damage bio-diversity and have an injurious impact upon the environment. A multitude of nearby species would be disturbed by the development. Consideration should be given to the effect the development will have upon Fox Glen Woods.

The site should be viewed in a similar manner to Green Belt land as it fulfils the fundamental aim of the Green Belt as well as its five purposes as defined in para 80 of the NPPF. The only reason why the site is not defined as Green Belt is due to an error when Green Belt boundaries were first drawn.

Hollin Busk is a key integral component of the overall landscape of Stocksbridge and Deepcar, separating the two settlements. Previous attempts to develop the land have been rejected and the decisions upheld by the Planning Inspector.

The access would be in close proximity to Royd Nursery and Infant School which would pose a danger to young children, particularly when there are lots of stationary vehicles. The development would increase traffic in the area and the site is not well served by public transport.

Surface water flooding already causes significant problems in Fox Glen during periods of heavy rainfall.

The granting of planning permission at appeal on the neighbouring site should not help justify the destruction of another area held dear by local people which contributes so much to a treasured local landscape. In fact the granting of the other application eroding the eastern section of Hollin Busk should have the opposite effect. The role of the surviving parts of Hollin Busk in separating settlements of Deepcar and Stocksbridge is even more crucial.

## CPRE

The representation from the CPRE sets out that the development will result in a harmful loss of a cherished local green space on the edge of the urban area. The planning inspector recognised that some harm was involved [in determining the appeal on the neighbouring site] and these proposals are also harmful to the character and enjoyment of the countryside.

The development will merge adjoining parts of the settlement and reduce the green buffer to open countryside.

The site is not sustainable as the combination of topography and distance make sustainable travel to essential local facilities limited for most potential residents leading to a reliance on the car.

If the planning authority is minded to grant planning permission for the development the density is too low.

## Rotherham and Sheffield Wildlife Trust

The RSWT have set out that this land should not be granted planning permission until Sheffield City Council have completed their assessment of all land for the Local Plan, as the assessment should include areas for Nature Recovery Networks, for example.

A Biodiversity Net Gain assessment should accompany this application - (to comply with the NPPF) and an accompanying 30 year agreement for managing habitats.

If one of the applications is to be granted, the 22/02302/OUT application would be preferable, both in terms of habitat enhancement and potential BNG and also for the potential to mitigate for the loss of bird habitat.

It is recommended that some areas are fenced off from dog walkers in order to prevent disturbance - at least one of the water bodies in particular. In addition integrated bat and bird boxes should be incorporated in the houses, as well as swift bricks and full passage throughout for hedgehogs.

Representations made by local residents cover the points detailed above and add the following:

The first field has old mine works which could affect the development.

The second field contains a natural spring and so the development could be liable to flooding / cause flooding elsewhere.

The loss of the green space would be detrimental to mental health.

The development would adversely affect the habitat of red listed species (curlew, lapwing, owls and large flocks of starlings).

No assessment has been undertaken to clearly show that the open space is surplus to requirements.

Proper and extensive consideration has not been given to the siting of the development on previously developed sites.

The field behind Broomfield Lane has suffered from subsidence.

The submission of two applications at the same time is misleading and it is questioned whether this has been done to reduce the number of objections.

The community consultation exercise carried out by DLP did not involve any engagement with the local community and views expressed have been ignored.

Michael Gove has identified the current process of distant planning inspectors overruling strong local opposition to housing developments as one of the greatest failings of the planning process.

The determination of this application should not rely too heavily on the appeal decision notice. The two sites are not the same.

The cumulative impact of the proposed development and that which has planning permission should be considered. This will result in over two thirds of the open space area being developed.

Local facilities such as doctors and dentists are over subscribed and are struggling to meet current demand.

The Transport Statement is not accurate with Hollin Busk Road being narrower than the 6m that is claimed.

The Housing Minister (Robert Jenrick) has been on television stating that only in exceptional circumstances would development be allowed on greenfield sites – is this exceptional?

How does the development comply with the Greener Sheffield Initiative?

Issues of noise, disturbance and damage to property during construction works and loss of view were also cited. These are not planning considerations.

## STATUTORY PLANNING POLICY CONTEXT AND OTHER MATERIAL CONSIDERATIONS

### The Statutory Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise. The statutory Development Plan for the area comprises the Sheffield Core Strategy (2009) and the saved policies of the Sheffield Unitary Development Plan (UDP) (1998). The Proposals Map forms part of the Sheffield UDP. The National Planning Policy Framework (NPPF or the Framework) is also a material consideration. The most recent version of the NPPF is dated July 2021 and therefore post-dates the preparation and adoption of both the Sheffield UDP and Core Strategy.

Paragraph 12 of the Framework makes it clear that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

The Framework (paragraph 219) also identifies that existing development plan policies should not simply be considered out-of-date because they were adopted or made prior to its publication. Weight should be given to relevant policies, 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:

(d) 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:

- i) 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
- ii) 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 reference to applications involving housing. It states that where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer the policies which are most important for determining the application will automatically be considered to be out of date.

The Council has released its revised 5-Year Housing Land Supply Monitoring Report. This new figure includes the updated Government’s standard methodology which includes a 35% uplift to be applied to the 20 largest cities and urban centres, including Sheffield.

The monitoring report released in August 2021 sets out the position as of 1<sup>st</sup> April 2021 –31<sup>st</sup> March 2026 and concludes that there is evidence of a 4-year supply of deliverable supply of housing land. Therefore, the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites.

Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date according to paragraph 11(d) of the NPPF. The so called ‘tilted balance’ is therefore triggered, and as such, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The relevant policies of the statutory Development Plan are set out below, along with the weight apportioned to the policies at the recent appeal on the neighbouring Open Space Area which is also a material consideration.

Sheffield Unitary Development Plan - UDP (1998)

The site forms the north and western part of a wider Open Space Area (OSA) allocation on the Sheffield UDP Proposals Map (1998).

The relevant policy is saved policy LR5 ‘Development in Open Space Areas’ of the UDP.

Policy LR5 states: Development in Open Space Areas will not be permitted where: (a) it would cause damage to nature conservation sites, Scheduled Ancient Monuments or other archaeological sites; or  
(b) it would cause damage to mature or ancient woodland or result in a significant loss of mature trees; or  
(c) it would significantly detract from the green and open character of the Green Network; or  
(d) it would make an open space ineffective as an environmental buffer; or  
(e) it would harm open space which forms the setting for a Listed Building or other historic building, or is needed to maintain an important view or vista; or  
(f) it would damage the character of a Historic Park or Garden; or (g) it would harm the character or appearance of a Public Space; or  
(h) it would result in the loss of open space which is of such quality that it is of City-wide importance; or  
(i) it would result in over-development or harm the character of an area; or  
(j) it would harm the rural character of a wedge of open countryside; or  
(k) the proposed use would be incompatible with 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 is part of a privately owned area of open countryside. This is used as grazing land and is not accessible to the public. The site's value to the local community is the visual amenity afforded by its open character and appearance from public vantage points located outside the site (including road frontages and users of PROWs) along with views from private residential properties, providing a feeling of being in the rural countryside due to the site's openness which allows views across it.

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 public vantage points outside the site, falls within the definition of open space in the NPPF annexe.

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

At the appeal on the neighbouring site the Council agreed that the site does not comprise open space as defined in Annex 2 of the Framework.

Notwithstanding the fact that the site is not open space within the context of the Framework, parts (i) and (j) of the policy are essentially countryside protection policies and seek to resist any harm to rural character.

Paragraphs 130(c) and 174(b) of the Framework require development proposals to recognise the intrinsic value of the countryside and be sympathetic to local character.

The Inspector recognised that the consideration of harm to the character of the countryside retains some degree of alignment with the Framework and therefore attached moderate weight to these parts of policy LR5.

Policies BE5 (Building design and siting), GE10 (Green Network), GE11 (Nature Conservation and Development), GE13 (Areas of natural history interest and local nature sites), GE15 (Trees and woodland), GE22 (Pollution), GE23 (Air pollution), GE26 (Water quality of waterways) and H16 (Open space in new housing developments) are also applicable. These policies relate to site specific matters rather than the overall principle of development and generally conform to the requirements of the NPPF so can be given weight in the determination of the application. These policies are addressed within the planning assessment below where relevant.

Sheffield Core Strategy (2009)

Key policy considerations:

The Sheffield Core Strategy contains a countryside policy CS72 'Protecting Countryside not in the Green Belt'. Policy CS72 states: The green, open and rural character of areas on the edge of the built-up areas but not in the Green Belt will be safeguarded through protection as open countryside, including the following locations: a. to the east of



Woodhouse b. to the south-west and north of Mosborough Village (at Mosborough Moor and Moor Valley) c. at the former Holbrook Colliery d. south of Stocksbridge (at Hollin Busk).

Whilst the policy refers to land south of Stocksbridge (at Hollin Busk) the specific area to which this relates is not defined on any map. This policy provides absolute protection of the countryside which is inconsistent with the Framework. At the appeal the Inspector set out that The Framework requires that planning decisions recognise the intrinsic character and beauty of the countryside. However, this does not suggest that the countryside should be safeguarded from development as Policy CS 72 implies. Accordingly, little weight was afforded to the provisions of this policy.

Core Strategy Policy CS47 relates to 'Safeguarding of Open Space'. The Core Strategy does not make land allocations and the application site does not fit in to any of the formal or informal categories of open space as defined in paragraph 9.26 of the Core Strategy. Policy CS47 cannot therefore apply to the application and the scheme cannot be assessed against it (this is consistent with the view taken at the appeal).

Policy CS23 identifies general locations for new housing development albeit the Core Strategy does not make specific site allocations. The policy outlines that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. The policy states that up to 2021, the main focus for housing development will be on suitable, sustainably located sites within, or adjoining, the main urban area of Sheffield (90% of additional dwellings) and the urban area of Stocksbridge / Deepcar. The application site adjoins Deepcar and conforms with the general approach set out in policy CS23.

The Inspector took the view that this policy had generally been overtaken by events but did not find that the proposal would conflict with the locational aspects of this policy.

Policy CS24 relates to maximising the use of previously developed land. The policy gives priority for the development of new housing on previously developed land and states that no more than 12% of dwellings should be constructed on greenfield land in the period up to 2025/26. The policy does allow for development on greenfield sites that includes at part d) in sustainably located larger sites within or adjoining urban areas, if annual monitoring shows there is less than a 5-year supply of deliverable site. Furthermore, the most recent monitoring shows that 95% of dwelling completions were on previously developed land.

As set out previously the Council is unable to demonstrate a 5-year housing land supply and so the development accords with this policy as long as the site is considered to be sustainably located.

Core Strategy Policy CS33 states that within Stocksbridge / Deepcar, new housing will be limited to previously developed land within the urban area.

This policy is also inconsistent with the Framework and so is afforded little weight. Policies CS26 (Efficient use of housing land and accessibility), CS40 (Affordable housing), CS51 (Transport priorities), CS53 (Management of demand for travel), CS64 (Climate change, resources and sustainable design of developments), CS65 (Renewable energy and carbon reduction), CS67 (Flood risk management), CS73 (The strategic green network) and CS74 (Design principles) relate to site specific matters

rather than the overall principle of development and generally conform to the requirements of the NPPF. These policies can be given full weight in the determination of the application and are addressed within the planning assessment below where relevant.

#### National Planning Policy Framework (2021)

The National Planning Policy Framework (NPPF) contains the Government's planning policies for England; it promotes sustainable growth and gives significant weight to supporting housing delivery through the planning system. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 8 explains that achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the three different objectives).

Paragraph 10 explains that at the heart of the NPPF is a presumption in favour of sustainable development. This presumption in favour of sustainable development is set out in NPPF paragraph 11 and has already been touched upon above.

The sections of the NPPF that are relevant to the assessment of this application include: - Section 2: Achieving Sustainable Development, Section 5: Delivering a sufficient supply of homes, Section 8: Promoting healthy and safe communities, Section 9: Promoting sustainable transport, Section 11: Making effective use of land, Section 12: Achieving well-designed places, Section 14: Meeting the challenge of climate change, flooding and coastal change and Section 15: Conserving and enhancing the natural environment.

Relevant paragraphs from the NPPF are referred to within the planning assessment below.

#### Neighbourhood Plan

A Stocksbridge Neighbourhood Area has been designated under the Government's National Planning (General) Regulations 2012 as amended, however Stocksbridge Town Council have advised that work on the preparation of the Stocksbridge Neighbourhood Plan is not being progressed and as such carries no weight in the assessment of this planning application.

#### Other Material Considerations

Guideline GOS1 of the Council's Supplementary Planning Document (SPD) on Community Infrastructure Levy and Planning Obligations (2015) states that for residential developments over four hectares, a relevant proportion (a minimum of 10%) of the site should be laid out as open space, except where provision of recreation space in the local area would continue to exceed the minimum guideline after the development has taken place or it would be more appropriate to provide or enhance recreation space off-site within the local area. The SPD also provides guidance on affordable housing. The proposed development exceeds the 15 or more dwellings threshold and lies within

an area where there is a required level of contribution of 10% identified in Guidelines GAH1 and GAH2 of the Planning Obligations document.

## PLANNING ASSESSMENT PRINCIPLE OF DEVELOPMENT

### Development within Open Space Area

As already set out the site forms the eastern part of a wider Open Space Area (OSA) allocation on the Sheffield UDP Proposals Map (1998). The relevant policy is saved policy LR5 'Development in Open Space Areas' of the UDP. This sets out a range of circumstances where development within open space will not be permitted. Policy LR5 states: Development in Open Space Areas will not be permitted where:

- (a) it would cause damage to nature conservation sites, Scheduled Ancient Monuments or other archaeological sites; or
- (b) it would cause damage to mature or ancient woodland or result in a significant loss of mature trees; or
- (c) it would significantly detract from the green and open character of the Green Network; or
- (d) it would make an open space ineffective as an environmental buffer; or
- (e) it would harm open space which forms the setting for a Listed Building or other historic building, or is needed to maintain an important view or vista; or
- (f) it would damage the character of a Historic Park or Garden; or
- (g) it would harm the character or appearance of a Public Space; or
- (h) it would result in the loss of open space which is of such quality that it is of City-wide importance; or
- (i) it would result in over-development or harm the character of an area; or
- (j) it would harm the rural character of a wedge of open countryside; or
- (k) the proposed use would be incompatible with surrounding land uses.

As identified earlier, Policy LR5 carries little weight, nevertheless, for completeness the application is assessed against the relevant criteria.

In respect of item (a), the development would not cause damage to a nature conservation site, being located 90m (at the closest point) from Fox Glen Wood to the south east. The site does not house any Scheduled Ancient Monuments and the applicant has provided a desk based heritage report to look into the archaeology of the site. The report is adequate at this stage; however, if planning permission is granted further intrusive survey work is required prior to any development commencing.

In respect of item (b), the site does not contain many trees, being laid mainly to grass. There are a few trees around the periphery of the site and these can be retained and incorporated into the development.

Looking at item (c), the proposal would not significantly detract from the green and open character of the Green Network. The indicative layout plans show the site to be crossed from north to south and east to west by green corridors which would link into the surrounding footpath network; providing enhanced access. On this basis, although there will be a change to the character of the application site itself, it is considered that the development would not significantly detract from the green and open character of the Green Network.

In respect of item (d), the site itself does not form an environmental buffer between sensitive uses, such as housing, and uses which can cause disturbance, such as heavy industry. On this basis, the development would not make an open space ineffective as an environmental buffer.

In relation to item (e), the proposed development is not located within close proximity to any Listed Buildings or Conservation Areas. On this basis, the proposed development would not harm open space which forms the setting for a Listed Building or other historic building, or is needed to maintain an important view or vista.

In relation to item (f), the application site does not form part of an historic park or garden or its setting and will not therefore damage the character of a Historic Park or Garden.

In relation to item (g), the application site does not form part of a public space (which are defined on the UDP Proposals Map) and will not therefore cause harm to the character or appearance of a Public Space on this basis.

In relation to item (h), the application site is not identified as being of such quality that it is of city-wide importance as open space. The development would not therefore result in the loss of open space which is of such quality that it is of City wide importance.

In relation to criteria (i), the site is located within close proximity to existing urban development with residential areas located adjacent to the site to the east (on Broomfield Lane and Broomfield Grove) as well as to the west on Hollin Busk Road.

Further consideration is given to this matter in the landscape section of the report. However, to summarise, the proposed development is not considered to be out of character with the land use in the surrounding area and in principle would not unacceptably harm the overall character of the area. The scheme achieves an appropriate density of development in relation to the surrounding pattern of development in the area and the indicative design and landscaping of the scheme are appropriate albeit they would be agreed at Reserved Matters stage.

In relation to criteria (j), the applicant has undertaken a Landscape and Visual Impact Assessment (LVIA). Full and detailed consideration is given to this in the landscape section of the report. The development will bring about a high magnitude of change to the land use; however the effects on landscape character would be confined to the site itself due to the containment provided by adjacent residential areas.

In relation to item (k), existing residential development is located to the east and west of the site and the proposed use would not therefore be incompatible with surrounding land uses.

In principle the development accords with UDP Policy LR5 (although as discussed before, this policy carries limited weight).

As set out above in the Planning Policy Context, Core Strategy policy CS72 'Protecting Countryside not in the Green Belt', does not make specific land allocations or contain any assessment criteria beyond providing blanket protection for countryside for its own sake. It in effect places a bar on all development in the countryside, this is inconsistent with the NPPF. The NPPF recognises the intrinsic character and appearance of the countryside, albeit within a balanced framework, but does not protect countryside for its own sake (paragraph 174 b). The effect that the development would have upon the

character and appearance of the area will be dealt with in more detail below.

It is concluded that the proposal does not conflict with local open space policy. The development offers the potential to boost the supply of housing in the absence of the Council being able to demonstrate a 5 year supply of housing. The site is considered to be in a sustainable location, on the fringe of the existing settlement, within close proximity to local shops and services.

## IMPACT UPON LANDSCAPE

Paragraph 12.8 of the Core Strategy's reasoned justification for policy CS72 identifies Hollin Busk as 'a large and integral part of the countryside south of Stocksbridge, prominent in local views and providing an important visual break between the settlements of Stocksbridge and Deepcar. Its rural character is greatly valued locally.'

As such visual amenity is identified as the site's key value. Paragraph 174 of the NPPF seeks to protect and enhance 'valued landscapes' (VL) in a manner commensurate with their statutory status or identified quality in the Local Plan. It also recognises the intrinsic character and beauty of the countryside.

The site is not a designated landscape and is not identified as an Area of High Landscape Value in the UDP. As such the site does not form a 'valued landscape'. It does not have any demonstrable physical attributes taking it beyond mere countryside.

Although the site is not a Valued Landscape, any harm to features that may be relevant to the objective of recognising the intrinsic character and appearance of the countryside are material considerations.

The application is supported by a Landscape and Visual Impact Assessment (LVIA). A baseline study has been undertaken to record the character of the landscape, including any features and aesthetic and perceptual factors which contribute to it.

In terms of the National Landscape Character Assessment the site falls within Area 37, Yorkshire Southern Pennine Fringe. The site is within 800m of the Peak District National Park (PDNP); however views to the site from the PDNP are obscured by the topography.

The Sheffield Preliminary Landscape Assessment places the site within UP2 'Pastoral Hills and Ridges'. The landscape is held to be of moderate quality with its greatest attribute being its openness, comprising of fields enclosed by stone boundary walls. However, the sloping land form and surrounding residential development restricts the visibility of the site.

The proposed change would represent a change to a small part of the wider UP2 character area through the loss of the fields and alterations to the dry stone boundary walls. Given the extent of the area affected and topography the magnitude of change upon the wider UP2 character area is assessed as being low, resulting in a minor adverse effect during construction which would reduce through time as the vegetation that is proposed around and within the site establishes.

In terms of the effect the development would have upon the immediate area, there are existing residential properties to the north and west of the site with street lights running

along Hollin Busk Road and Broomfield Lane. Within the eastern fields are a series of small stables and electric fences which have an 'ad hoc' appearance and do detract slightly from the underlying open character. The site is of a nature which is not rare in the local landscape; there being many fields of a similar character and appearance in the vicinity. The landscape value of the site itself is considered to be medium.

It is accepted that the development will have a major adverse impact upon the landscape character in the immediate vicinity, both during construction works and when the development is completed (as the proposal is for development where currently there is largely none); however there are opportunities for mitigation and environmental improvements, through the creation of the SUDs swales, and extensive areas of accessible open space within the site (the provision and maintenance of which can be secured through a s106 agreement).

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites The South Pennine Moors (Phase 1) Special Protection Area (SPA), Dark Peak Site of Special Scientific Interest (SSSI), and the designated landscape Peak District National Park.

In terms of the landscape impact the Inspector dealing with the appeal on the neighbouring site (in the same Open Space Area) felt that the site did not have any marked sense of scenic quality, tranquillity or wildness and is not used for any formal or informal recreation.

The same conclusions can be drawn for this site. The application relates to open fields with no distinctive features, other than the dry stone walls which are shown on the parameter plans to be retained and incorporated into the development.

It is concluded that the development will result in some harm locally and this needs to be balanced against the wider benefits of the scheme. This balancing exercise will be carried out towards the end of the report.

## DENSITY AND DESIGN

UDP Policy BE5 and Core Strategy Policy CS74 seek good quality design. NPPF, paragraph 126, states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 130 states that, amongst other things, planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The local and national policies are aligned in relation to design and so local policies can be afforded weight.

Core Strategy Policy CS26 states that housing development will be required to make efficient use of land but the density of new developments should be in keeping with the character of the area and support the development of sustainable balanced communities, and gives a density range of 30 to 50 dwellings per hectare for developments in 'remaining parts of the urban area'. The policy states that densities outside these ranges will be allowed where they achieve good design and reflect the character of an area.

Policy CS26 is broadly consistent with government guidance contained in the NPPF where, at paragraph 124, it promotes the efficient use of land subject to the consideration of a variety of factors including housing need, availability of infrastructure and sustainable travel modes, desirability of maintaining the areas prevailing character and setting, promoting regeneration and the importance of securing well designed and attractive places; and where, at paragraph 125 (b) it states that it may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range.

When taken at face value the proposed development of 75 dwellinghouses on this 4.84 hectare site equates to a density of approximately 15.5 dwellinghouses per hectare, which would fall below the desired density range set out in Policy CS26.

However, as a large proportion of the site would remain undeveloped due to the open space and SUDs schemes, as well as potential physical constraints (posed by the mine entries) it is considered reasonable to expect a lower density better reflecting the character and limitations of the area. Indeed if the density calculation is carried out for the net developable area (1.98ha) and excludes the areas of open space and SUDs infrastructure, the density would be 37 dwellings per hectare. In light of the above it is considered therefore that the development would not conflict with Policy CS26.

The applicant's Design and Access Statement includes a design code for the layout and appearance of the proposed development which seeks to ensure that the important parameters are delivered in any subsequent reserved matters application.

The principles throughout the design code include ensuring the development responds to the existing landscape and setting to create distinct character relating to the rural edge.

High quality boundary treatments should be provided, dwellings should reflect the local townscape and character, and a green infrastructure network provided so that adverse impacts on landscape are minimised. A key principle for the design stage is to use an appropriate scale, mass and height for new buildings that is comparable to existing buildings.

The design code includes a set of parameter plans for land use (housing, public open space, managed grasslands), movement (spine road and pedestrian routes), storey heights (largely 2 storeys with single-storey properties to the south eastern corner), density (30 -35 dwellings/ha), landscape and open space, boundary treatments, and character areas within the development.

The submitted plans are only indicative; however, in terms of density and design the development accords with UDP Policy BE5, Core Strategy Policy CS26 and CS74 as well as paragraph 120, 124 and 126 of the revised NPPF. The site is of sufficient size to ensure that the proposal would not overdevelop the site. Conditions can be imposed requiring existing dry stone walls within and around the site to be retained.

## ECOLOGY

The site is crossed in part by a Green Corridor and Green Link as identified in the UDP (Map 4 The Green Network). Although the map is diagrammatic in form, it does show

that the land is important for linking together areas of open space.

UDP Policy GE10 states that a network of Green Corridors and Green Links will be (a) protected from development which would detract from their mainly green and open character or which would cause serious ecological damage, and (b) enhanced by encouraging development which increases their value for wildlife and recreation.

The proposal, which incorporates significant amounts of connected green space will preserve and could even enhance the value for wildlife and recreation.

Core Strategy Policy CS73 relating to the strategic green network states that within and close to urban areas, a Strategic Green Network will be maintained and where possible enhanced, which will follow the rivers and streams of the main valleys. The valleys and corridors listed in this part of the policy does not include Hollin Busk/Fox Glen/Clough Dyke. However, the policy goes on to say that "These Green Corridors will be complemented by a network of more local Green Links and Desired Green Links."

UDP Policies GE11 and GE13 seek to protect the natural environment and enhance areas of natural history interest. UDP Policy GE12 states that development which would damage Sites of Special Scientific Interest or Local Nature Reserves will not be permitted.

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, mitigating harm and providing net gains in biodiversity. Paragraph 180 goes on to state that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

It is considered that the local policy aims of protecting and enhancing ecology are compatible with the NPPF and therefore weight can be attributed to the local policies.

The consultants have carried out a suite of appropriate surveys and have made a reasoned and competent assessment of the site.

The site comprises of species poor semi improved grassland, some of which is used for grazing by horses. There are a few areas of scrub which could provide wildlife habitat but this is only of site wide importance and a few trees around the periphery of the site which are of low importance and in any case are indicated for retention. Within the site are a few buildings in the form of timber / corrugated metal stables and dry stone walls which are also shown to be retained.

The Ecological Appraisal that has been submitted also contains bat surveys (Preliminary Roost Assessment (PRA) and transect surveys) and a Wintering Bird Report (April 2022) as well as reference to other breeding bird surveys carried out in 2021 and earlier.

No suitable habitat for roosting bats were found to be within the site. A small number of bats were recorded to be using the site for foraging / commuting. The development will include green corridors / swales and so could potentially improve opportunities for foraging bats.

In terms of birds, the loss of the semi-improved grassland will reduce foraging



opportunities for bird species such as starlings, woodpigeon and rooks. However the habitat that would be created through the scheme could bring about greater benefits in terms of trees and hedgerows for nesting as well as improved foraging opportunities (through the provision of landscaping which would be beneficial to insects and plant species rich in seeds and berries).

Assessment is also made for other protected / priority species such as badger and reptiles and these are not judged to be impacted by the proposed development. No badgers were found to be on the site and no reptiles were recorded. Furthermore no other protected species (such as protected species of butterflies, moths etc) were found to be within the site.

The report concludes that no significant impacts are predicted to statutory sites (SAC / SPA / SSSI).

Natural England have not raised any objections to the scheme in their representation. Impacts to non-statutory sites (e.g. Local Wildlife Sites) are also assessed and are judged to be not significant or negligible.

From the initial landscape masterplan that has been submitted it would appear that proposals could achieve a 'net gain' for biodiversity (although the percentage gain has not been calculated at present) and so would accord with paragraph 174 d) and 180 d) of the NPPF. This sets out that opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for bio diversity or enhance public access to nature where this is appropriate.

It is recommended that a range of biodiversity enhancements are set out in a Biodiversity Enhancements Management Plan (BEMP) or Landscape & Ecological Management Plan (LEMP), providing details on the habitats created and strategies for maintenance and monitoring. This should be assessed through the latest 3.1 metric and ideally with as much of the gain in biodiversity delivered on-site and with minimal need to resort to off-site measures. This can be secured by condition.

The proposal complies with Core Strategy Policy CS73, UDP Policies GE10, GE11, GE12 and GE13, all of which carry weight in the decision making process, and NPPF paragraphs 174 and 180.

## FLOOD RISK AND DRAINAGE

Core Strategy Policy CS67 relating to flood risk management seeks to reduce the extent and impact of flooding.

NPPF paragraph 159 states that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk and NPPF paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

The local and national policies are generally aligned and so weight can be attributed to the local policies.

The application site lies within flood zone 1 where there is a low probability risk of flooding.

The applicant has submitted a Flood Risk Assessment and Drainage Strategy. This sets out that there are no water courses running through the site. The site is not considered to be suitable for a system of infiltration for surface water drainage, the site believed to be on a clay subsoil. A SUD scheme (sustainable urban drainage) is proposed within the site which will comprise of two balancing ponds. These would be capable of attenuating surface water drainage for the development up to a 1 in 100 year storm event (plus 40% to accommodate climate change). The effect that the development would have upon neighbouring sites in terms of surface water drainage would be negligible.

Foul water drainage would connect to the existing sewer network in Broomfield Lane. Yorkshire Water have confirmed that a foul connection for the development could be accommodated.

The Council's Lead Local Flood Authority as local drainage authority has raised no objections to the principle of the proposed surface water drainage arrangements subject to conditions to secure satisfactory details of the sustainable drainage system.

Subject to conditions, the proposal in principle complies with Core Strategy Policy CS67, which carries weight in the decision making process, and the Government's planning policy guidance on flood risk in the paragraphs 167 and 169 of the NPPF.

## HIGHWAY AND TRANSPORTATION ISSUES

Applicable policies 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.

Paragraphs 104 to 113 of the NPPF promote sustainable transport. The NPPF, paragraph 111, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The development proposal is for 75 dwellings served via a give way T-junction onto Broomfield Lane close to where there's currently a metal gate in a stone boundary wall allowing agricultural vehicular access to a field. This is an outline planning application with all matters reserved for subsequent approval, except access.

A full transport assessment (TA) and residential travel plan (TP) have been submitted in support of the application.

A planning application for 85 dwellings (17/04673/OUT) by the same developer on nearby land fronting the junction of Hollin Busk Road with Carr Road was relatively recently refused by this Planning Committee but subsequently granted by a Planning Inspector at appeal. Highways matters raised by the Inspector will be considered in the context of the current application.

This application has attracted a sizeable number of online highways related representations, mostly objecting to the development proposal. Some of the comments for this application (75 dwellings) also relate to 22/02303/OUT for 92 dwellings. Without duplicating similar points, the issues raised are:

- The proposed access to the site is virtually opposite Royd Nursery & Infant School, creating an unacceptably high hazard for very young children, particularly at the start and end of the school day when there are invariably high numbers of stationary vehicles.
- The provision of additional housing so far from public transport links will increase traffic on Carr Road, especially near the cross-roads of Cockshot Lane with Hollin Busk Lane, which has poor visibility. Visibility is also poor at the junction of Hollin Busk Road with Broomfield Lane.
- Carr Road cannot cope with any more traffic. Neither can Broomfield Lane, Bracken Moor Lane, or the quite narrow Victoria Road.
- Happy with brownfield sites being developed in Deepcar and Stocksbridge, but not building on beautiful fields in unsustainable locations.
- Hollin Busk is a greenfield site in the rural fringe outside the urban areas of Stocksbridge and Deepcar, and so is clearly unsustainable development.
- Despite a 20-mph speed limit on Coal Pit Lane, traffic still races around. If it gets any busier someone will get killed. Hollin Busk Road is too narrow and busy for a new access to be constructed. Existing residents have to park on-street in this location.
- The roads surrounding the site are not suited to take the increased volume of traffic that such a development would bring and there's no scope for any improvements.
- Has cumulative analysis of traffic impact been taken account of, particularly with regard 17/04673/OUT granted by the Planning Inspector?
- Hollin Busk Road where the access is proposed is a narrow rural road with multiple parked cars which is insufficient to allow hundreds of additional car journeys that the application would create, having a serious detrimental effect on local residents.
- Recent restrictions to bus services will exacerbate the problems of developer traffic on the local highway network. Development within existing urban conurbations would be more policy compliant and sustainable.
- The submitted transport assessment suggests 75 houses would generate 39 two-way car journeys during the peak periods. This is unrealistically low and should not be accepted.
- Existing residents parking on Hollin Busk Road opposite the proposed access will be displaced, possibly towards Coal Pit Lane which is a tricky junction with poor visibility.
- The new junction will undoubtedly cause accidents and endanger life. Adding more traffic will make it even more difficult to cross the road for pedestrians and horses.
- The poor public transport links to Sheffield and the local area means the use of vehicles will become a necessity, leading to further congestion in the area.
- This development will put yet more pressure on local services and will likely exacerbate existing congestion issues in the local area, such as the junction of Carr Road with Manchester Road. The negative cumulative impacts conflict with NPPF's presumption in favour of sustainable development.
- Owing to fragmented footways round the perimeter of the site, new residents choosing to walk will be forced to cross busy roads.

- A petition with 177 signatures has been received which concurs with the views expressed above.

Responding to the concerns/objections listed above, officers agree that a projected two-way flow of 39 vehicles seems an underestimate of the trips likely to be generated by the development.

This figure was derived from the TRICS database, where the transport consultant has selected survey details of numerous residential developments from across the country with similar location characteristics to the application site in Deepcar. The trips have then been averaged out to give a trip rate per 100 houses (and then applied to the proposed 75 houses).

From TRICS, the average AM arrival trip rate was 0.132, the departure was 0.388, giving 10 vehicular arrivals and 29 departures during the morning peak (39 two-way).

The average PM arrival trip rate was 0.353, the departure was 0.162, giving 26 vehicular arrivals and 12 departures during the evening peak (38 two-way).

As background research for a residential development off Coppice Close in Stocksbridge, officers undertook some traffic surveys to challenge the TRICS trip rates submitted for that particular application. The morning arrival peak hour trip rate for Coppice Close was 0.12, the departure was 0.64 (0.76 two-way). The evening arrival peak hour trip rate was 0.57, the departure was 0.32 (0.89 two-way). The surveys were undertaken in 2018, pre-covid. Applying these rates to the 75 houses proposed at the Broomfield Road development site gives 9 vehicular arrivals during the morning peak, 48 departures (57 two-way). The evening peak arrivals are 43 vehicles, 24 departures (67 two-way).

These higher generations were relayed back to the developer, and it was agreed the transport consultant would submit an addendum to their original TA submission, assessing how the local highway network performances when subjected to these higher numbers of development trips.

Reviewing the Transport Assessment/Addendum:

An independent traffic survey company was appointed in November 2021 to undertake classified turning count surveys at the following junctions (pre-agreed with officers):

Junction 1: Broomfield Lane/Site Access 3-arm priority junction.

Junction 2: Broomfield Lane/Broomfield Road 3-arm priority junction.

Junction 3: Broomfield Lane/Bracken Moor Lane 3-arm priority junction.

Junction 4: Broomfield Lane/Coal Pit Lane/Hollin Busk Road 3-arm priority junction.

Junction 5: Carr Road/Cockshot Lane/Hollin Busk Lane/Royd Lane 4-arm priority junction.

Junction 6: A6102 Manchester Road/A6102 Vaughton Hill/B6088 Manchester Road 3-arm signalised junction (including the B6088 Manchester Road/Carr Road 3-arm priority junction).

Junction 7: Bocking Hill/Nanny Hill/Haywood Lane 3-arm priority junction.

The effects of the Covid-19 pandemic on future traffic flows have not been fully established. However, due to the increase in working from home arrangements and

change in travel patterns, it is widely considered that current levels of peak hour traffic are likely to be representative of future travel behavioural patterns.

Trips from the two committed developments below were then added to the base surveys undertaken by the traffic survey company:

- Application 17/04673/OUT granted by the Planning Inspector for 85 homes at the junction of Carr Road with Hollin Busk Lane.
- Application 19/00054/FUL for 428 homes off Manchester Road just south of the Vaughton Hill junction (the Bloor Homes development).

Finally, the higher development trips were assigned to the highway network using a gravity model and data from the 2011 census for Sheffield, enabling a calculation of the different proportions of traffic travelling in different directions.

For each of the junctions numbered 2 to 7 above, a comparison was made of the volume of traffic flowing in and out of them between base conditions for the year 2027 with no added development trips, and base conditions for the year 2027 with development trips added in. 2027 is the anticipated completion date of the development.

Base conditions mean the classified turning counts from the traffic survey company but with the two aforementioned committed developments added in, all grow to the occupation year 2027. With regard growth in the traffic, a review of DfT data at a permanent traffic count site on Manchester Road just to the west of Carr Road actually showed no growth in peak hour traffic flows since 2008. However, by adding in the flows from the two committed developments and by using the higher development trip rates at the request of officers, the junction capacity analysis is considered to be as robust as possible.

The threshold for development traffic having a material impact at junctions is when there's an increase in flows of greater than 10%. This is recognised within the Institute of Environmental Management and Assessment Guidelines for the Environmental Assessment of Road Traffic, where it is accepted that daily variations in background traffic flows on roads generally fluctuate by approximately 10%.

Of the junction numbers 2 to 7 above, only junction number 3 surpassed the 10% trigger for suggesting a material increase, coming in at an 11.1% in both the morning and evening peak periods. The other junction increases ranged from 2.3% to 7.2%, other than for junction number 6 (A6102 Manchester Road/A6102 Vaughton Hill/B6088 Manchester Road, including Carr Road/B6088 Manchester Road) which experienced a 1.4% increase during the morning peak and a 1.3% increase during the evening peaks.

Given junction number 3 exceeded the 10% threshold and junction number 6 is strategically important, both were taken forward within the Transport Assessment Addendum for modelling work to consider the impact on capacity and queue lengths. The modelling used the higher trip rates requested by officers. The Addendum considered not just the proposed site access off Broomfield Lane, but also the proposed access off Hollin Busk Road (so covers the full 92 houses when adding in 22/02303/OUT).

Junctions10 is the latest Transport Research Laboratory's software industry-standard package for modelling roundabouts, priority junctions and simple signalised junctions.

The software calculates the maximum Ratio of Flow to Capacity (RFC) and average queue length (Q) measured in Passenger Car Units (PCU's), essentially the number of cars waiting on the approaches to junctions. The model breaks the peak out into 15-minute periods and gives an average queue length over the hour.

The RFC is a key indicator of junction performance. A ratio of 0.85 on an approach arm suggests that operational capacity has been reached. Queues and delays start to develop as the RFC exceeds 0.85, and grow disproportionately heading towards 100% saturation.

For the base traffic conditions year 2027 (without development trips) at junction number 3 (Bracken Moor Lane/Broomfield Lane), the worst RFC was 0.14 (14%) in both the AM and PM peak periods, resulting in average queue lengths (PCU's) of 0.2 car lengths. This was on the Broomfield Lane east arm. When adding in development trips, the worst RFC was 0.21 (21% saturated) during the AM peak on the Broomfield Lane eastern arm, which translated to an average PCU of 0.3 car lengths. This is well below the 0.85 RFC threshold and demonstrates no material impact on junction performance when subjected to development trips.

Moving to junction number 6 (Manchester Road/Vaughton Hill and Carr Road/Manchester Road), for base flow traffic conditions year 2027 (without development trips), the worst RFC was a degree of saturation of 78.7% during the PM peak on the Manchester Road A6102 northbound approach from Wharnccliffe, resulting in an average queue length of 7.9 car lengths. When adding in development trips, the worst RFC was a degree of saturation of 81.7% during the PM peak on the Vaughton Hill approach, resulting in an average queue length of 8.1 car lengths.

For the Carr Road approach, the worst RFC with development trips was during the AM peak with a degree of saturation of 74.5%. Across the hour, the average queue length was 2.3 vehicle lengths. In reality, there are spikes in queue lengths across the peak hour. The Carr Road and Manchester Road approach from Stocksbridge spike queue lengths do exceed the averages over the peak hour, but they dissipate quickly during the hour (hence the low average). From local knowledge, drivers are generally very courteous at this junction, with the Manchester Road flow leaving gaps for Carr Road motorists to join.

The Bloor Homes development has a planning condition attached to change the traffic light operating system at Vaughton Hill from fixed-time operation to MOVA, where detection is used more to monitor queue lengths and vary the signal timings to give more 'green-time' to where the longest queues are. This system will soon be commissioned and can deliver between 6% and 10% improvements in junction efficiency. In recent times, an additional public route has been opened to the Stocksbridge By-Pass via the Fox Valley Retail Park, helping to reduce pressure at Vaughton Hill particularly during the morning peak.

What the modelling for this application has demonstrated is that the 85% degree of saturation threshold hasn't been broken at any of the junctions when adding in development trips. The Carr Road/Manchester Road/Vaughton Hill junction was already a busy junction at peak times, but development trips have had no material impact.

Furthermore, a review of personal injury accidents for a 5-year period from 2015 to 2020 shows no recorded accidents at the junctions surrounding the development site,

including the 4-armed junction of Carr Road/Cockshut Lane/Hollin Busk Lane/Royd Lane, and the 3-armed junction of Broomfield Lane/Coal Pit Lane/Hollin Busk Road. Along the length of Carr Road, 2 slight injuries and 1 serious injury have been recorded. At the Carr Road/Manchester Road/Vaughton Hill junctions, 3 slight injuries and 1 serious injury have been recorded.

The crux of the highways related public objections are that the location of the development is not sustainable, and that the local highway network will not be able to safely accommodate any additional traffic from the new housing, the car trips from which will be high owing to poor public transport connections and lack of easily accessible local facilities.

The junction capacity analysis doesn't substantiate this view. Even the Carr Road/Manchester Road/Vaughton Hill junctions have spare reserve capacity during the peak periods. The accident statistics raise no cause for alarm. The numbers are low. There are no clusters of accidents. The junctions highlighted by objectors as being unsafe have no recorded accidents over the 5-year period.

With regard being situated in an unsustainable location (and accepting the hills) in terms of the pedestrian catchment, the Chartered Institute of Highways & Transportation suggests acceptable walking distances can be split into three categories: 500 metres is considered desirable; 1.0 km is considered acceptable; and 2.0 km is considered the preferred maximum distance.

Within the 1.5 km to 2.0 km walking distance range is a Lidl, Fox Valley Retail Park, a Co-op, Stocksbridge Golf Club, St Ann's Catholic Primary School, Royd Nursery Infant School, Deepcar St John's CE Junior School, Stocksbridge Nursery Infant School, Stocksbridge High School, the Deepcar Medical Centre, the Valley Medical Centre, and Deepcar Dental Care.

Closer to the development site is Majeed Brothers Convenience Store located on Lee Avenue (570 metres away) and in the same row of shops is a newsagent and a hot-food takeaway. A Spar on Pot House Lane is 990 metres away. A hot-food takeaway (Mills) is located on Coal Pit Lane approximately 490 metres away. Five pubs are located between 840 metres and 2 km away.

With regard bus services, unfortunately there have been some recent cutbacks. The Supertram shuttle bus and other local services have been axed. The number 57 service, however, does run hourly and passes close to the development site running along Armitage Road, Lee Avenue, Bracken Moor Lane, with stops just past Hollin Busk Lane.

Lastly on sustainability, when the Planning Inspector granted planning permission for 17/04673/OUT (85 houses at Hollin Busk Lane/Carr Road) they concluded that the site is adjacent to established residential areas and that future residents would benefit from a similar degree of accessibility as those residents of the surrounding existing residential areas. The Inspector considered that the proposed development would be adequately accessible to local facilities by means of walking and that the site was sufficiently sustainable for residential use (even noting gradients). The Inspector felt that there would be no road safety issues caused by the granting of planning permission.

Returning to this current planning application, an independent Road Safety Audit (Stage

1) was undertaken which entailed a site visit. The only potential issue raised was visibility to the right at the Hollin Busk Road/Broomfield Lane junction, caused by some vegetation. The auditor felt that if during detailed design if it was found visibility was being impaired, the vegetation could be removed.

The site access junction geometry has been modified slightly following some swept-path analysis to demonstrate that a 4-axle refuse vehicle can turn into the site with cars parked on-street opposite the junction.

Finally, a residential Travel Plan has been submitted with this application which sets out an aspiration to encourage alternatives to single-occupancy car journeys, identifying a choice of travel options for future residents, maximising walking, cycling, public transport use and car sharing, by publishing information packs that it will be the responsibility of the Travel Plan Co-ordinator to disseminate. Residents will be surveyed to determine the different modes of travel and targets set for shifting towards more sustainable forms of travel.

Highway officers raise no objections to the granting of planning permission subject to the imposition of planning conditions. It is considered that the development would not result in unacceptable highway safety impacts or be of a scale that could be viewed as having a residual cumulative impact on the road network that could reasonably be considered as severe.

## ARCHAEOLOGY

The applicant has provided a desk based archaeological survey of the site. This concludes that the site has low potential for remains of Pre-historic, Roman, Post-Medieval and Modern time periods.

There is a low / moderate potential for the site to contain Saxon / Medieval remains.

South Yorkshire Archaeology Service have reviewed the report and have concluded that its potential is uncertain but raises no objections to the scheme subject to an archaeological evaluation of the site to establish its archaeological potential being carried out prior to any Reserved Matters Application to allow any archaeological issues to be identified before a final design is progressed.

This can be secured through planning conditions.

## 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 157 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 site is considered to be in a sustainable location, being on the fringe of the existing urban area.

In relation to sustainability, the applicant's Design and Access Statement states that there are opportunities to incorporate sustainable design and construction techniques, such as using renewable/sustainable sources in construction, use of permeable surfaces as part of a sustainable drainage strategy, potential grey water harvesting, photovoltaic panels and high levels of insulation.

It is therefore considered that a scheme can come forward at the reserved matters stage which complies with the requirements of Core Strategy policies and this will be secured through condition.

#### AFFORDABLE HOUSING

Core Strategy Policy CS40 states that in all parts of the city, developers of all new housing schemes will be required to contribute towards the provision of affordable housing where this is practicable and financially viable.

The Council's Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (December 2015) includes guidance on affordable housing.

The proposed development exceeds the 15 or more dwellings threshold and lies within an area where there is a required level of contribution of 10% identified in Guidelines GAH1 and GAH2 of the Planning Obligations document.

The applicant has confirmed that it is the intention to meet the policy requirement for the provision of at least 10% of the development for affordable housing and this will be secured as part of a S106 Agreement. This will help meet the ongoing need for affordable housing across the city and is a benefit of the development attracting significant weight. The proposal would, therefore, comply with Core Strategy Policy CS40 which carries weight in the decision making process.

#### LAND CONTAMINATION

The applicant has submitted a Stage 1 Geo-Environmental Desk Study and Coal Mining Risk Assessment Report. The site is within an area at high risk from past coal mining activities.

The report finds that there are 5 known mine shafts within or close to the site and 2

mine shafts within the site boundary. 2 coal seams lie beneath the site and both have records of having been worked. It is also possible that unrecorded shallow or surface mine working could have occurred in the past.

NPPF paragraph 183 requires decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land stability. This includes risks arising from former activities such as mining.

Initially the Coal Authority objected to the development, setting out that there were two known mine shafts in close proximity to the site and that the site could be the subject of unrecorded shallow mine workings. The report that was initially submitted (CONM29 Non-Residential Mining Report) did not provide any assessment of the potential risks from past coal mining activities.

The applicant has since provided a Coal Mining Risk Assessment, contained within the Stage 1 Geo-Environmental Desk Study and CMRA Report. This sets out that the development is at high risk from past coal mining activities and sets out a mitigation strategy. This gives general steps that should be followed to further investigate and reduce the risk from mining legacy issues impacting the proposed development.

These include the drilling of bore holes, assessments of ground gas, identification and treatment of the 2 mine shafts, stabilisation of shallow workings beneath road and plot footprints, maintaining vigilance for unrecorded mine entries and the use of reinforced or semi-raft type foundations to mitigate the risk from future residual settlement. In addition the site layout should be planned around the location of known mine shafts and will require further revision once the shafts are accurately located and a 10m standoff should be allowed for.

The report sets out that the extent and depth of future ground stabilisation works should be reviewed and revised following any intrusive site investigation. A permit to enter or disturb Coal Authority mining interests will be required. The Coal Authority have considered the CMRA and removed their objections subject to conditions on any approval.

The Council's Environmental Protection Services have made no further observations with regard to land contamination and are recommending conditions be attached requiring further intrusive investigations and any necessary remediation to be undertaken.

It is considered that subject to conditions that the proposal complies with UDP Policies GE22 and GE25, both of which carry weight in the decision making process, as well as NPPF paragraph 183.

## RESIDENTIAL AMENITY

Paragraph 130 (f) of the NPPF, which states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

There are residential properties adjacent to the site on Broomfield Lane, Broomfield Grove and on the opposite side of Hollin Busk Road.

Whilst this is an outline planning application with details of layout, scale, design and landscaping being reserved for subsequent approval, the proposal will involve built development of dwellings and roads and the provision of drainage, open space and landscaping.

The application site is of sufficient size to ensure the proposed development can be accommodated and provide sufficient separation between proposed and existing buildings to ensure there would be no significant overlooking, overbearing or overshadowing of existing and future residents.

The proposal would cause noise and disturbance during the construction phase, and create noise and disturbance from the movements of people and vehicles during the operational phase when the dwellings are occupied. However such impacts would not be so significant as to harm the living conditions of existing residents in the locality.

The impact on air quality would not be significant. The production and implementation of a Construction Environmental Management Plan (CEMP) will be required by condition. It is considered that the proposed development would not significantly harm the living conditions of existing and future residents in the locality.

The proposal would, subject to satisfactory details at the reserved matters stage and the imposition of conditions, comply with UDP Policy BE5 and Core Strategy Policy CS74, both of which carry weight in the decision making process as well as paragraph 130 of the NPPF.

#### COMMUNITY INFRASTRUCTURE LEVY

The Community Infrastructure Levy (CIL) is applicable to this development. The site is located within a CIL Charging Zone with a residential levy of £30 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010. The funds generated through CIL will be used in connection with strategic infrastructure needs.

#### OTHER CONSIDERATIONS

This development would not be required to make S106 contributions towards local facilities such as health and education because it is not of a large enough scale. In this respect the adopted Supplementary Planning Document entitled Community Infrastructure Levy and Planning Obligations sets the following thresholds: - Education contributions for sites of 500+ dwellings. - Health contributions for sites of 1000+ dwellings.

The site is within the school catchment area of Royd Infant and Deepcar St. John Junior schools (primary) and Stocksbridge High School (secondary).

Based on the yield calculation of 2 pupils per year group from every 100 properties, the expected pupil yield from this development (counting only properties of 2 bed or more) is 19 for the primary phase and 14 for the secondary phase.

Primary schools forecasts for Royd Infant and Deepcar St. John Junior schools suggest that the additional pupil yield from this development could be accommodated in the

likely catchment primary school.

Primary schools in this area are currently seeing surplus places in all year groups, as a result of falling birth rates. This is in line with the regional and national picture. Birth rates may pick up again over the next few years which could lead to a shortage of places if all developments are completed and produce the estimated pupil yield.

With regard to secondary schools currently forecasts for Stocksbridge High School suggest that the additional pupil yield from this development could be accommodated in the likely catchment secondary school. However, as stated above the cumulative pupil yield from all developments in the area, may not be accommodated at the school.

The scheme will be required to make a contribution as part of the Community Infrastructure Levy (CIL) and this could be used to improve services in the locality if the local authority determined this as a priority.

## RESPONSE TO REPRESENTATIONS

The majority of the issues raised have already been covered elsewhere within the report.

In relation to third party arguments that there is a brownfield first policy, national policy has changed in this respect since the adoption of the Sheffield UDP and Core Strategy and the NPPF does not advocate a brownfield first approach; albeit the reuse of brownfield land is encouraged and supported.

In response to the question as to why more housing is needed in Stocksbridge, given the number of developments that are currently under construction or have consent, the Council are unable to demonstrate a five-year supply of land for housing and so in line with the Government's objective to significantly boost the supply of homes set out at NPPF paragraph 60, further housing development is encouraged rather than precluded in order to boost housing supply.

The site is not located within the Green Belt and therefore does not fulfil the purpose of Green Belt and the development cannot be assessed against Green Belt policy.

With regard to representations concerning the loss of a well loved area for local residents which has been especially important for mental health and well being, there is no public access to the site and so any potential harm can only relate to visual or landscape impact caused by the development of the site. This point has been addressed in the main landscape and visual impact assessment section of the report. The proposed development will also provide public access through the site and into the woods, thus increasing accessibility for local residents.

An assessment has not been carried out of the existing level of open space within the Stocksbridge area as the site is not laid out as informal or formal open space. It is reiterated, there is no public access to the site and so no recreational function would be lost through its redevelopment, indeed the master plans show that the development would provide a children's play area (for use by the local community) adjacent to Broomfield Lane and accessible areas of informal open space within the development (in total 1.81 hectares of open space would be provided).

In terms of subsidence, as set out by paragraph 184 of the NPPF, responsibility for securing a safe development rests with the developer and / or owner.

## PLANNING OBLIGATIONS

A legal agreement will be required to secure affordable housing and to secure the land drainage scheme including on-site and off-site features, its management and maintenance. A legal agreement is also required to secure the provision and on-going management and maintenance of proposed children's play area and areas of open space.

## SUMMARY AND PLANNING BALANCE

Outline planning permission is sought for the erection of up to 75 dwellings on open fields on the fringe of Stocksbridge. All matters are reserved for subsequent approval apart from the means of access. This is shown to be taken from Broomfield Lane. The site is identified on the Unitary Development Plan Proposals Map as being within an Open Space Area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise. In terms of compliance with the Development Plan, the application is accompanied by a range of technical reports which demonstrate that the scheme generally complies with Development Plan policies in respect of the general location of development, making effective use of land, compatibility with surrounding land uses, conserving and enhancing the historic and natural environments, controlling pollution, protecting residential amenity, addressing flood risk management and drainage, providing appropriate levels of open space and affordable housing, achieving sustainable design, addressing climate change and ensuring a safe highway network.

Turning to the areas of conflict with the Development Plan, the proposed development will not safeguard the application site as open countryside and so the application conflicts with Core Strategy policy CS72. The scheme also conflicts with Policy CS33 which restricts housing development to previously developed land within the urban area of Stocksbridge / Deepcar.

The development is in an Open Space Area; however it does not provide formal or informal opportunities for outdoor sport and recreation. The land does not have an open space function beyond views over it from outside the site and this does not comply with the NPPF open space definition. UDP Policy LR5 deals with development in Open Space Areas. The main consideration is the effect the development would have upon the Green Network as well as the impact upon the character and appearance of the area and it is considered that on balance the development would accord with UDP policy LR5.

As has been set out above, the UDP and Core Strategy policies referred to here can only carry very limited weight in the decision making process because they are out of date in relation to the requirements of the NPPF which does not protect countryside for its own sake. This was the view taken by the Planning Inspector in dealing with the appeal on the neighbouring site and this decision is also a material consideration.

The NPPF applies a presumption in favour of sustainable development as set out in NPPF paragraph 11. In applying the presumption in favour of sustainable development to decision making, paragraphs 11c) and d) state: For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In addition to the most relevant policies in determining the application being considered to be out of date, the Council are unable to demonstrate a five year supply of housing land. As such the tilted balance set out at NPPF paragraph 11dii) is triggered which weighs in favour of the development.

The land is not within the Green Belt, where there are much tighter restrictions on development and is not a defined 'valued landscape'.

In terms of disbenefits, the development would have localised adverse landscape and visual effects in the immediate vicinity of the site for a limited range of receptors. When private residential views are taken out of the equation, as the loss of a private view cannot be a material planning consideration, the number of visual receptors are confined to highway users and limited areas of the adjacent PROW network.

Although the master plans are only indicative they do show the development to be 'softened' by the provision of open space, green corridors and SUDs schemes which run around the periphery and through the site. The development could bring about improved access to the open space and enhancements to the green network.

The economic benefits in favour of the scheme include: - Housing delivery – significant weight is allocated to this benefit in the context of the NPPF requirement to significantly boost the supply of new homes. The creation of employment opportunities, supporting the economy – significant weight is allocated to this benefit. Economic benefits relating to construction value, new homes bonus, council tax income - significant weight is allocated to this benefit. The occupiers of the development would also increase the spending power (expenditure) available in the locality to the benefit of the local economy - moderate weight is allocated to this benefit.

The social benefits in favour of the scheme include: The provision of a range of properties to widen home ownership and meet the needs of present and future generations in a well-designed and safe environment – significant weight is allocated to this benefit in the context of the NPPF requirement to boost the supply of housing.

The provision of a policy compliant level of affordable housing provision (10%) – significant weight is allocated to this benefit in the context of the need for additional affordable housing across the district. The new public open space would support the community's health, social and cultural well-being – moderate weight is allocated to this. The provision of a substantial area of publicly accessible open space (including equipped play space) and links into Fox Glen wood to the south east, will provide recreational benefits – moderate weight is given to this. The development would also

provide benefits via the CIL contribution, the extent of which will be calculated at reserved matters stage.

The environmental benefits in favour of the scheme include: The development achieves an appropriate density and makes the effective use of the land and will reduce the pressure to develop sites in the Green Belt– significant weight is allocated to this benefit in the context of the NPPF requirement to boost the supply of housing. -Landscape and visual impacts will be largely confined to the site itself and its immediate surrounds rather than resulting in harm to the wider area – moderate weight is given to this. Sustainable design and construction techniques are to be used in the development – less weight is given to this. The development can bring about a net gain for bio-diversity – a moderate weight is given to this.

To conclude, in weighing the benefits against the harms, overall, it is acknowledged that the scheme will provide significant benefits in terms of housing delivery within the context of the NPPF requirement to boost the supply of housing and the associated social, economic and environmental benefits that such a development would bring.

It is acknowledged that the proposal will result in the loss of an area of greenfield land located within the countryside and allocated as Open Space Area; however this can only be given limited weight as the relevant policies (CS72, LR5, CS24 and CS33) go beyond the requirements of the NPPF (and in any event, policy LR5 is addressed and there considered to be no conflict).

The Inspectors appeal decision on land to the south east, in the same Open Space Area is a material planning consideration and this should be borne in mind. The Planning Inspector set out that due to the 5 year housing land position and because the most important policies 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 development, on any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In terms of the landscape impact the Inspector felt that the site did not have any marked sense of scenic quality, tranquillity or wildness and is not used for any formal or informal recreation. In his view the site made an important local contribution to the character of this part of the countryside but is heavily influenced by the urban fringe of Deepcar and Stocksbridge. The Inspector concluded that the development would have a moderately adverse effect upon landscape character but the site is in a sufficiently sustainable location for residential use. When weighed in the balance it was concluded that the appeal should be allowed as the adverse impacts identified did not significantly and demonstrably outweigh the benefits of the supply of 85 new homes.

The same conclusion is drawn in the determination of the current proposal. Whilst it is acknowledged that the scheme will result in some harm locally, in terms of the loss of an area of open fields that are held in high regard by the local community, the wider benefits of the scheme outweigh the harm.

## RECOMMENDATION

When assessed against the policies in the NPPF taken as a whole, and in line with NPPF paragraph 11dii) it is recommended that planning permission be granted.

This recommendation is subject to conditions and a legal agreement (S106), the heads of terms are set out below.

## HEADS OF TERMS

- a) The provision of 10% of the overall residential floor space as affordable housing.
- b) To secure the proposed sustainable urban drainage system including on-site and off-site features, its management and maintenance. This could include placing a service charge on future residents and securing a sum of money upfront.
- c) To secure the provision and management and maintenance of the areas of open space, landscaping and children's play area. This could include placing a service charge on future residents and securing a sum of money upfront.



Case Number	22/02303/OUT (Formerly PP-11319150)
Application Type	Outline Planning Application
Proposal	Outline application for erection of up to 92 dwellinghouses and associated vehicular and pedestrian access (all matters reserved except Access)
Location	Land between Hollin Busk Road, Broomfield Grove and Broomfield Lane Sheffield S36 2AQ
Date Received	16/06/2022
Team	North
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally 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) Access, (b) Appearance, (c) Landscaping, (d) Layout and (e) Scale (matters reserved by the permission) shall have been obtained from the Local Planning Authority.

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

2. 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.

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

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

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

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

Drawing D02 Location Plan (showing red line boundary) published 16th June 2022

Drawing SK01 - Master Plan Rev D (showing 92 dwellings) published 16th December 2022

Drawing 100-SK-001 Rev E - General Arrangements published 16th December 2022

Drawing 100-SK-002 Rev E - Engineering Layout published 16th December 2022

Drawing 100-SK-001 - Swept Path Analysis published 16th December 2022

Design and Access Statement April 2022 Issue 3 published 16th June 2022

Landscape and Visual Appraisal 221-3110.101A prepared by Pegasus published 16th June 2022

Archaeological Desk Based Assessment prepared by Orion dated Sept 2022 published 23rd September 2022

Phase 1 Geo-environmental Desk Study and CMRA prepared by RLRE Consulting Engineers published 26th July 2022

Flood Risk Assessment and Drainage Strategy P21-428 2148 RLL XX RP C-002 published 16th June 2022

Landscape Master Plan P21-3110.102 Rev A published 16th June 2022

Travel Plan - Version 1.0 prepared by Fore published 16th June 2022

Ecological Appraisal August 2022 prepared by FPCR published 19th December 2022

Winter Bird Survey April 2022 prepared by FPCR published 19th December 2022

Reason: In order to define the permission.

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

5. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and postinvestigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

6. 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.

7. 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.

8. 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.

9. 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.

10. Prior to the submission of a reserved matters application and any works commencing on site, the intrusive site investigation works described in the Phase 1 Geo-environmental Desk Study and Coal Mining Risk assessment produced by RLRE Consulting Engineers published 26th July 2022 shall have been carried out as recommended and a report of the findings arising from the intrusive site investigations be submitted to and approved by the Local Planning Authority. Where the investigations indicate that remedial works are required, a scheme of remedial works shall be submitted to and approved by the Local Planning Authority before the development commences and thereafter the remedial works shall be carried out in accordance with the approved details.

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.

11. 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.

12. 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.

13. 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.

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

a) been carried out; or

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

Highways Improvements:

- Construction of new priority junction and footways to serve the development site, pedestrian drop-crossings with tactile paving, all broadly in accordance with the submitted drawings.

- Any accommodation works to Statutory Undertaker's equipment, traffic signs, road markings, lighting columns, highway drainage and general street furniture necessary as a consequence of the development.

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

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.

16. 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. For further information on preparing a CEMP please refer to the CEMP directive below.

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

17. Prior to the commencement of development, a Landscape and Biodiversity

Enhancement Master Plan shall be submitted to and approved in writing by the Local Planning Authority. The content of the Plan shall include:

- Aftercare and long-term management and maintenance of ecological features including an appropriate monitoring strategy.
- Biodiversity Net Gain calculations using the DEFRA 3.1 metric, to include 10% biodiversity net gain.
- Retention of existing trees and features of ecological interest e.g. stone walls
- Native species landscaping:
- Wildflower areas
- Hedgerows
- SUDS, swales and ponds, some ideally with ability to hold water permanently and with appropriate marginal planting
- Habitat boxes on all properties and strategically sited throughout the development for maximum benefits:
- Bat boxes
- Swift boxes - swifts are colony nesters, so we would recommend boxes grouped together rather than single installations
- Swallow 'cups'
- Starling boxes
- House sparrow 'terrace' type box
- General purpose 28mm hole bird boxes
- Habitat piles and refugia for reptiles, amphibians and invertebrates
- Suitable gaps in fencing for hedgehogs to move freely through the site
- Wildlife sensitive lighting as per the recommendations at 4.28 of the Ecology Report

Works shall then be carried out in accordance with the revised approved ecological mitigation measures and timetable.

Reason: To ensure the ecological interests of the site are maintained and that the habitat creation on site and subsequent management measures are sufficient to deliver a net gain in biodiversity as required by paragraph 174 of the National Planning Policy Framework.

18. Unless it can be shown not to be feasible or viable no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

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

essential that this condition is complied with before the development commences.

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

19. The development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

20. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

21. Before the development is occupied the detailed lifetime management arrangements for the drainage system shall be submitted to and approved in writing by the Local Planning Authority. These arrangements shall demonstrate that there is in place a legally binding arrangement for the life time management of the drainage system including funding source/s. This shall include operation and maintenance manuals for regular and intermittent activities and as-built drawings.

Reason: To ensure satisfactory drainage arrangements are provided to serve the site in accordance with the National Planning Policy Framework it is essential for this agreement to be in place before the use commences.

22. No development shall commence until details of measures to facilitate the provision of gigabit-capable full fibre broadband within the development, including a timescale for implementation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/timetable thereafter.

Reason: To ensure that all new Major developments provide connectivity to the fastest technically available Broadband network in line with Paragraph 114 of the National Planning Policy Framework.

23. The Developer shall use reasonable endeavours to ensure that any identified end-user of any phase of the development shall, in collaboration with Talent Sheffield, produce a detailed Inclusive Employment and Development Plan,

designed to maximise opportunities for both immediate and on-going employment from the operational phase of development. The plan shall be submitted to and approved in writing by the Local Planning Authority.

The Plan shall include detailed implementation arrangements, with provision to review and report back on progress achieved, via Talent Sheffield, to the Local Planning Authority. Thereafter the Plan shall be implemented in accordance with the approved details.

Reason: In the interests of maximising the economic and social benefits for Sheffield from the operational phase of the proposed development.

24. 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.

25. 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.

26. 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 commenced.

### **Other Compliance Conditions**

27. The submitted Travel Plan shall be operated for the lifetime of the development, unless otherwise varied in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).

28. Notwithstanding the submitted drawings, the indicative layout and parking arrangements are not approved.

Reason: This is an outline planning application with all matters reserved for subsequent approval, except access.

29. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of 4.7 litres per second.

Reason: In order to mitigate against the risk of flooding.

30. 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.

31. Surface water and foul drainage shall drain to separate systems.

Reason: To ensure satisfactory drainage arrangements.

Attention is Drawn to the Following Directives:

1. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6349  
Email: james.burdett@sheffield.gov.uk

2. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677  
Email: highways@sheffield.gov.uk

3. 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.

4. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;
  - Reference to permitted standard hours of working;
  - 0730 to 1800 Monday to Friday
  - 0800 to 1300 Saturday
  - No working on Sundays or Public Holidays
  - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
  - A communications strategy for principal sensitive parties close to the site.
  - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
  - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
  - Vibration.
  - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
  - A consideration of site-suitable piling techniques in terms of off-site impacts,

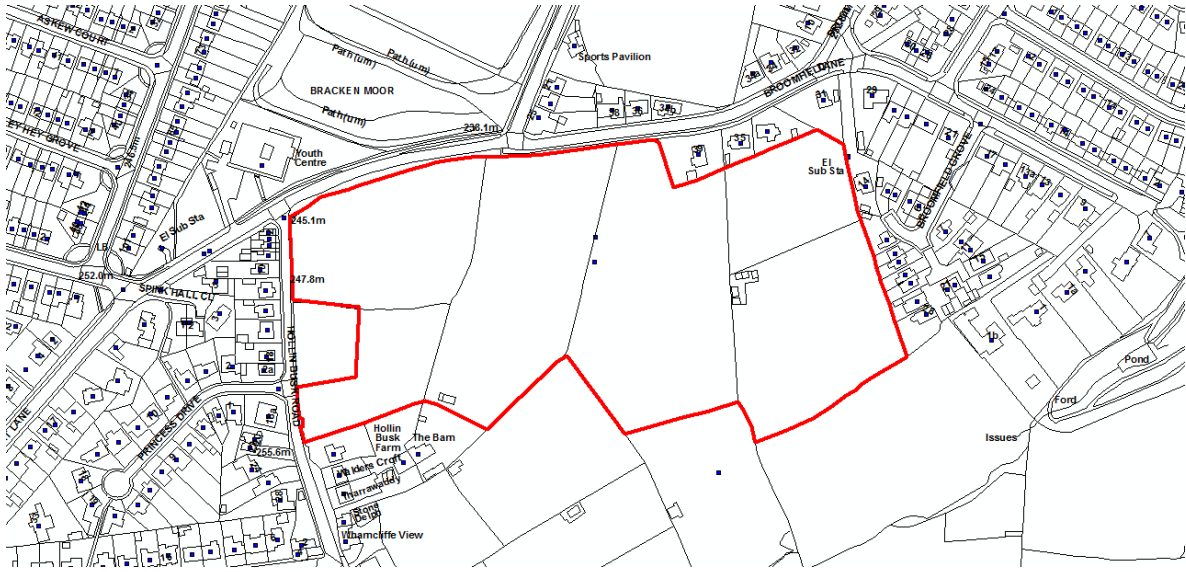
where appropriate.

- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

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

5. 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.
6. Plant and equipment shall be designed to ensure that the total LA<sub>r</sub> plant noise rating level (i.e. total plant noise LA<sub>eq</sub> plus any character correction for tonality, impulsive noise, etc.) does not exceed the LA<sub>90</sub> background sound level at any time when measured at positions on the site boundary adjacent to any noise sensitive use.
7. Applicants seeking to discharge planning conditions relating to the investigation, assessment and remediation/mitigation of potential or confirmed land contamination, including soils contamination and/or ground gases, should refer to the following resources;
  - Land Contamination Risk Management (LCRM; EA 2020) published at; <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>;
  - Sheffield City Council's, Environmental Protection Service; 'Supporting Guidance' issued for persons dealing with land affected by contamination, published at; <https://www.sheffield.gov.uk/content/sheffield/home/pollution-nuisance/contaminated-land-site-investigation.html>.
8. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.

# Site Location



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## LOCATION

The application relates to a series of fields which extends to 4.84ha, located on the south eastern fringe of Stocksbridge. The site runs along Broomfield Lane to the junction with Hollin Busk Lane and is generally open. The fields are separated by low dry stone walls and appear to be used for grazing.

The land is elevated and slopes gently to the south, up from Broomfield Lane. To the north of the site (on the opposite side of Broomfield Lane) is Stocksbridge Cricket Club and additional playing fields. To the east are residential properties on Broomfield Lane and Broomfield Grove and to the south are further fields. Beyond these to the south east is a site which recently received planning permission (at appeal) for the erection of up to 85 houses with associated landscaping, car parking and open space. This is referred to as the 'Hollin Busk' development (planning application reference 17/04673/OUT).

To the west the site is bound by Hollin Busk Road with further residential properties on the opposite side of the lane.

The site is identified on the Sheffield Unitary Development Plan Proposals Map as being within an Open Space Area (OSA). This designation also covers the fields to the south of the site and extends to Fox Glen Wood to the south east of the site which is designated as an Area of Natural History Interest (ANHI) and Local Wildlife Site (LWS).

## PROPOSAL

The application seeks outline planning permission for the construction of up to 92 dwellings on the site. All matters have been reserved except for the access. Plans have been submitted which show the site to be accessed at two points. One would be on Hollin Busk Road and the other on Broomfield Lane. The indicative site layout plans show the Hollin Busk Road access to serve a small number of dwellings with the Broomfield Lane entrance serving the majority of the development. The two accesses would not connect.

Matters of appearance, landscaping, layout and scale are all reserved for subsequent approval. An illustrative masterplan accompanies the application and demonstrates how the proposed development could be accommodated on the site as well as a landscape master plan.

The masterplan shows the proposed residential development located fairly centrally within the site, separated from Broomfield Lane by green space and attenuation pools to be created through a sustainable urban drainage scheme (SUDS). A small children's play area is also shown adjacent to Broomfield Lane. To the south of the site the plans indicate that a large area of land would be retained as a wildflower meadow and additional informal play areas. The two areas of residential development would be separated by a green corridor, running north / south which would provide connection to a footpath network. The plans indicate that dry stone walls would be retained and repaired and additional tree and hedgerow planting undertaken.

The development would incorporate a variety of house types with a mixture of detached, semi-detached and terraced properties (short runs of 3 terraces) as well as apartments. The plans also set out that properties in the south-eastern corner would be single-storey, however, the majority would be two-storey / two and a half storey properties.

With this scheme the net developed area would be 2.42ha, 1.38ha would be open space with the remainder of the site area being given over to the SUDS and swales.

## RELEVANT PLANNING HISTORY

In 1990, outline planning permission was refused for residential development and construction of new roads and sewers on 17.4 hectares of land (which included the current planning application site) at Carr Road, Hollin Busk Lane and Broomfield Lane (application no. 89/3037P).

The reasons for the refusal were: (1) the proposal would result in significant environmental intrusion and damage to the ecology of the area, particularly Fox Glen, thereby representing a serious reduction in the amenities currently enjoyed by a large number of people; and (2) the proposal is contrary to policy 3.2.8 of the adopted Stocksbridge District Plan and it is considered that there are other sites in the locality which are suitable for residential development involving considerably less environmental intrusion and ecological damage.

An appeal against this refusal was dismissed in August 1991. The appeal Inspector concluded that in the context of the statutory plan for the area (the Stocksbridge District Plan) there was no justification for release of the site for housing development at that time, and that the appeal proposal would be severely detrimental to the character of the area and to the quality of the environment of local residents. This appeal decision has very limited weight in the determination of the current planning application given the age of the decision and subsequent change in national and local policy context. Furthermore planning permission has recently been granted for development on the south eastern portion of the site (see below).

To the south east of the site planning permission was granted at appeal in August 2021 for the development of up to 85 dwellings on land at the junction of Carr Road and Hollin Busk Lane (application 17/04673/OUT refers). This application was in outline with all matters except for the access reserved for subsequent approval. The Inspectors decision notice is a material planning consideration in the determination of this current application as it relates to land within the same Open Space Area designation. The appeal reference is APP/J4423/W/21/3267168.

A reserved matters application is currently being considered for the above mentioned site, with the development being for 69 dwellings (reduced from 85) including open space and associated landscaping and car parking spaces (application 22/01978/REM refers).

Running in parallel to the application that is the subject of this report, the applicant has also submitted a scheme for up to 75 dwellings on the site. This again is in outline with all matters reserved except for the access. The red line boundary is the same as for the application being considered by this report; however that proposal does not include the access from Hollin Busk Road (and associated housing, the indicative plan showing the western portion of the site remaining as accessible open space). A single access is proposed, this being the same one as indicated in this application, from Broomfield Lane. Application 22/02302/OUT refers.

## SUMMARY OF REPRESENTATIONS

The application has been publicised by newspaper advert, display of site notices and by

letters of notification to nearby occupiers. As a result 55 representations have been received, all of which object to the development. These include representations from Cllr Lewis Chinchon and Cllr Julie Grocutt, Stocksbridge Town Council, Rotherham and Yorkshire Wildlife Trust, the CPRE, and a petition signed by 177 people.

In summary the petition sets out that the development is contrary to the NPPF and UDP and Core Strategy Policies. It also details that the development will cause unreasonable harm to the established landscape and visual amenity at local and wider levels; the development will be harmful to the character of the area; it undermines the role of the site to separate the established settlements of Deepcar and Stocksbridge; the development will result in the loss of an Open Space Area and this has not been demonstrated to be surplus to requirements; the development will affect the habitat of red listed species; the adverse impacts of the development would demonstrably outweigh any benefits the scheme might deliver; the development totally contravenes the unequivocal safeguards afforded to this site in terms of development on land which is designated as open space; the site is accessed via narrow rural roads with multiple parked vehicles; the existing bus service is to be reduced.

Cllr Chinchon, as local City Councillor for Stocksbridge and Upper Don Ward sets out the following:

The fundamental objective of the planning system is to achieve sustainable development. The proposed development is not sustainable due to the irreversible and significant damage it would inflict on an open space, the potential increase in flooding and due to inappropriate access.

Policy CS24 of the Sheffield Core Strategy gives priority to the development of previously developed sites rather than greenfield sites. This policy is consistent with Paragraph 119 of the NPPF which states 'strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land'. Indeed, Policy CS72 of the Core Strategy specifically mentions Hollin Busk as an area to be safeguarded.

Species of birds and bats have also been detected, as has other wildlife on this site. The rich biodiversity in this area means development would conflict with Paragraph 180(a) of the NPPF.

The site is one of the few remaining open green spaces in the local area and provides an important geographical separation between the closely linked but distinct settlements of Stocksbridge and Deepcar. Again, this visual break between Stocksbridge and Deepcar is explicitly referenced in the Core Strategy. Development of this site will merge these two communities.

Being on the side of a valley, development in Stocksbridge and Deepcar often increases flood risk due to the additional surface water run-off created by tarmacking green spaces. These green spaces provide a critical function in absorbing rainfall. Paragraph 167 of the NPPF states that 'local planning authorities should ensure that flood risk is not increased elsewhere'. There is a significant risk that development on this site at this scale could increase flood risk elsewhere due to the topography of the land and the removal of natural permeability.

In accordance with Paragraph 110(b), access should be safe and suitable for all users. There is currently no pavement on the side of the development on Hollin Busk Road.

The plans indicate that pavement will be built on Hollin Busk Road for pedestrians turning right out of the development. However, pavement will not be on the left side. This means pedestrians coming out of the development and travelling up Hollin Busk Road will have to immediately cross the road, without the assistance of a designated crossing point. Many cars travel at speed on this stretch, which will pose additional risk for pedestrians.

This proposed access point is also situated close to another junction with Coal Pit Lane/Broomfield Lane meaning vehicles may appear very quickly without warning. Several new developments in the local area are being built, including a development of over 400 dwellings off Station Road in Deepcar, in addition to other sites recently being given planning permission.

This development will put yet more pressure on local services and will likely exacerbate existing congestion issues in the local area.

The comments made by Cllr Julie Grocutt mirror these and add that the proposal is contrary to Paragraphs 120(c), 174(b) & 99 (a) of the National Planning Policy Framework.

The latter stipulates that 'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space or land to be surplus to requirements'. No such assessment has been undertaken, no such determination has been reached, the open space at Hollin Busk is much loved and used by local people and therefore National Planning Policy states the proposal should not go ahead. This visual amenity is enjoyed by walkers along both Hollin Busk Road and Broomfield Lane.

Cllr Grocutt also raises concerns about the increase in traffic and the effect that this would have upon the local area. Hollin Busk Road is a narrow rural road often with multiple parked cars. The bus service is also due to be reduced which will exacerbate highway concerns.

Stocksbridge Town Council

The Town Council had serious concerns with regard to the previous application at the other end of Hollin Busk Lane and are certain that if allowed to proceed, this development would have the same detrimental effect on the local area.

The site is not considered to be housing land and is not in the right location to fulfil a housing need. The development would damage bio-diversity and have an injurious impact upon the environment. A multitude of nearby species would be disturbed by the development. Consideration should be given to the effect the development will have upon Fox Glen Woods.

The site should be viewed in a similar manner to Green Belt land as it fulfils the fundamental aim of the Green Belt as well as its five purposes as defined in para 80 of the NPPF. The only reason why the site is not defined as Green Belt is due to an error when Green Belt boundaries were first drawn.

Hollin Busk is a key integral component of the overall landscape of Stocksbridge and Deepcar, separating the two settlements. Previous attempts to develop the land have been rejected and the decisions upheld by the Planning Inspector.



The access would be in close proximity to Royd Nursery and Infant School which would pose a danger to young children, particularly when there are lots of stationary vehicles. The development would increase traffic in the area and the site is not well served by public transport.

Surface water flooding already causes significant problems in Fox Glen during periods of heavy rainfall.

The granting of planning permission at appeal on the neighbouring site should not help justify the destruction of another area held dear by local people which contributes so much to a treasured local landscape. In fact the granting of the other application eroding the eastern section of Hollin Busk should have the opposite effect. The role of the surviving parts of Hollin Busk in separating settlements of Deepcar and Stocksbridge is even more crucial.

### CPRE

The representation from the CPRE sets out that the development will result in a harmful loss of a cherished local green space on the edge of the urban area. The planning inspector recognised that some harm was involved [in determining the appeal on the neighbouring site] and these proposals are also harmful to the character and enjoyment of the countryside.

The development will merge adjoining parts of the settlement and reduce the green buffer to open countryside.

The site is not sustainable as the combination of topography and distance make sustainable travel to essential local facilities limited for most potential residents leading to a reliance on the car.

If the planning authority is minded to grant planning permission for the development the density is too low.

### Rotherham and Sheffield Wildlife Trust

The RSWT have set out that this land should not be granted planning permission until Sheffield City Council have completed their assessment of all land for the Local Plan, as the assessment should include areas for Nature Recovery Networks, for example.

A Biodiversity Net Gain assessment should accompany this application - (to comply with the NPPF) and an accompanying 30 year agreement for managing habitats.

If one of the applications is to be granted, the 22/02302/OUT application would be preferable, both in terms of habitat enhancement and potential BNG and also for the potential to mitigate for the loss of bird habitat.

It is recommended that some areas are fenced off from dog walkers in order to prevent disturbance - at least one of the water bodies in particular. In addition integrated bat and bird boxes should be incorporated in the houses, as well as swift bricks and full passage throughout for hedgehogs.

Representations made by local residents cover these points and add the following:  
The first field has old mine works which could affect the development.

The second field contains a natural spring and so the development could be liable to flooding / cause flooding elsewhere.

The loss of the green space would be detrimental to mental health.

The development would adversely affect the habitat of red listed species (curlew, lapwing, owls and large flocks of starlings).

No assessment has been undertaken to clearly show that the open space is surplus to requirements.

Proper and extensive consideration has not been given to the siting of the development on previously developed sites.

The field behind Broomfield Lane has suffered from subsidence.

The submission of two applications at the same time is misleading and it is questioned whether this has been done to reduce the number of objections.

The community consultation exercise carried out by DLP did not involve any engagement with the local community and views expressed have been ignored.

Michael Gove has identified the current process of distant planning inspectors overruling strong local opposition to housing developments as one of the greatest failings of the planning process.

The determination of this application should not rely too heavily on the appeal decision notice. The two sites are not the same.

The cumulative impact of the proposed development and that which has planning permission should be considered. This will result in over two thirds of the open space area being developed.

Local facilities such as doctors and dentists are over subscribed and are struggling to meet current demand.

The Transport Statement is not accurate with Hollin Busk Road being narrower than the 6m that is claimed.

The Housing Minister (Robert Jennerick) has been on television stating that only in exceptional circumstances would development be allowed on greenfield sites – is this exceptional?

How does the development comply with the Greener Sheffield Initiative?  
Issues of noise, disturbance and damage to property during construction works and loss of view were also cited. These are not planning considerations.

## STATUTORY PLANNING POLICY CONTEXT AND OTHER MATERIAL CONSIDERATIONS

The Statutory Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise. The statutory Development Plan for the area comprises the Sheffield Core Strategy (2009) and the saved policies of the Sheffield Unitary Development Plan (UDP) (1998). The Proposals Map forms part of the Sheffield UDP. The National Planning Policy Framework (NPPF or the Framework) is also a material consideration. The most recent version of the NPPF is dated July 2021 and therefore post-dates the preparation and adoption of both the Sheffield UDP and Core Strategy.

Paragraph 12 of the Framework makes it clear that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

The Framework (paragraph 219) also identifies that existing development plan policies should not simply be considered out-of-date because they were adopted or made prior to its publication. Weight should be given to relevant policies, 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:

(d) 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:

- i) 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
- ii) 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 reference to applications involving housing. It states that where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer the policies which are most important for determining the application will automatically be considered to be out of date.

The Council has released its revised 5-Year Housing Land Supply Monitoring Report. This new figure includes the updated Government’s standard methodology which includes a 35% uplift to be applied to the 20 largest cities and urban centres, including Sheffield.

The monitoring report released in August 2021 sets out the position as of 1<sup>st</sup> April 2021 –31<sup>st</sup> March 2026 and concludes that there is evidence of a 4-year supply of deliverable supply of housing land. Therefore, the Council is currently unable to demonstrate a 5-year supply of deliverable housing sites.

Consequently, the most important Local Plan policies for the determination of schemes

which include housing should be considered as out-of-date according to paragraph 11(d) of the NPPF. The so called 'tilted balance' is therefore triggered, and as such, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The relevant policies of the statutory Development Plan are set out below, along with the weight apportioned to the policies at the recent appeal on the neighbouring Open Space Area which is also a material consideration.

Sheffield Unitary Development Plan - UDP (1998)

The site forms the north and western part of a wider Open Space Area (OSA) allocation on the Sheffield UDP Proposals Map (1998).

The relevant policy is saved policy LR5 'Development in Open Space Areas' of the UDP.

Policy LR5 states: Development in Open Space Areas will not be permitted where: (a) it would cause damage to nature conservation sites, Scheduled Ancient Monuments or other archaeological sites; or  
(b) it would cause damage to mature or ancient woodland or result in a significant loss of mature trees; or  
(c) it would significantly detract from the green and open character of the Green Network; or  
(d) it would make an open space ineffective as an environmental buffer; or  
(e) it would harm open space which forms the setting for a Listed Building or other historic building, or is needed to maintain an important view or vista; or  
(f) it would damage the character of a Historic Park or Garden; or (g) it would harm the character or appearance of a Public Space; or  
(h) it would result in the loss of open space which is of such quality that it is of City-wide importance; or  
(i) it would result in over-development or harm the character of an area; or  
(j) it would harm the rural character of a wedge of open countryside; or  
(k) the proposed use would be incompatible with 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 is part of a privately owned area of open countryside. This is used as grazing land and is not accessible to the public. The site's value to the local community is the visual amenity afforded by its open character and appearance from public vantage points located outside the site (including road frontages and users of PROWs) along with views from private residential properties, providing a feeling of being in the rural countryside due to the site's

openness which allows views across it.

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 public vantage points outside the site, falls within the definition of open space in the NPPF annexe.

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

At the appeal on the neighbouring site the Council agreed that the site does not comprise open space as defined in Annex 2 of the Framework.

Notwithstanding the fact that the site is not open space within the context of the Framework, parts (i) and (j) of the policy are essentially countryside protection policies and seek to resist any harm to rural character.

Paragraphs 130(c) and 174(b) of the Framework require development proposals to recognise the intrinsic value of the countryside and be sympathetic to local character.

The Inspector recognised that the consideration of harm to the character of the countryside retains some degree of alignment with the Framework and therefore attached moderate weight to these parts of policy LR5.

Policies BE5 (Building design and siting), GE10 (Green Network), GE11 (Nature Conservation and Development), GE13 (Areas of natural history interest and local nature sites), GE15 (Trees and woodland), GE22 (Pollution), GE23 (Air pollution), GE26 (Water quality of waterways) and H16 (Open space in new housing developments) are also applicable. These policies relate to site specific matters rather than the overall principle of development and generally conform to the requirements of the NPPF so can be given weight in the determination of the application. These policies are addressed within the planning assessment below where relevant.

Sheffield Core Strategy (2009)

Key policy considerations:

The Sheffield Core Strategy contains a countryside policy CS72 'Protecting Countryside not in the Green Belt'. Policy CS72 states: The green, open and rural character of areas on the edge of the built-up areas but not in the Green Belt will be safeguarded through protection as open countryside, including the following locations: a. to the east of Woodhouse b. to the south-west and north of Mosborough Village (at Mosborough Moor and Moor Valley) c. at the former Holbrook Colliery d. south of Stocksbridge (at Hollin Busk).

Whilst the policy refers to land south of Stocksbridge (at Hollin Busk) the specific area to which this relates is not defined on any map. This policy provides absolute protection of the countryside which is inconsistent with the Framework. At the appeal the Inspector

set out that The Framework requires that planning decisions recognise the intrinsic character and beauty of the countryside. However, this does not suggest that the countryside should be safeguarded from development as Policy CS 72 implies. Accordingly, little weight was afforded to the provisions of this policy.

Core Strategy Policy CS47 relates to 'Safeguarding of Open Space'. The Core Strategy does not make land allocations and the application site does not fit in to any of the formal or informal categories of open space as defined in paragraph 9.26 of the Core Strategy. Policy CS47 cannot therefore apply to the application and the scheme cannot be assessed against it (this is consistent with the view taken at the appeal).

Policy CS23 identifies general locations for new housing development albeit the Core Strategy does not make specific site allocations. The policy outlines that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. The policy states that up to 2021, the main focus for housing development will be on suitable, sustainably located sites within, or adjoining, the main urban area of Sheffield (90% of additional dwellings) and the urban area of Stocksbridge / Deepcar. The application site adjoins Deepcar and conforms with the general approach set out in policy CS23.

The Inspector took the view that this policy had generally been overtaken by events but did not find that the proposal would conflict with the locational aspects of this policy.

Policy CS24 relates to maximising the use of previously developed land. The policy gives priority for the development of new housing on previously developed land and states that no more than 12% of dwellings should be constructed on greenfield land in the period up to 2025/26. The policy does allow for development on greenfield sites that includes at part d) in sustainably located larger sites within or adjoining urban areas, if annual monitoring shows there is less than a 5-year supply of deliverable site. Furthermore, the most recent monitoring shows that 95% of dwelling completions were on previously developed land.

As set out previously the Council is unable to demonstrate a 5-year housing land supply and so the development accords with this policy as long as the site is considered to be sustainably located.

Core Strategy Policy CS33 states that within Stocksbridge / Deepcar, new housing will be limited to previously developed land within the urban area.

This policy is also inconsistent with the Framework and so is afforded little weight. Policies CS26 (Efficient use of housing land and accessibility), CS40 (Affordable housing), CS51 (Transport priorities), CS53 (Management of demand for travel), CS64 (Climate change, resources and sustainable design of developments), CS65 (Renewable energy and carbon reduction), CS67 (Flood risk management), CS73 (The strategic green network) and CS74 (Design principles) relate to site specific matters rather than the overall principle of development and generally conform to the requirements of the NPPF. These policies can be given full weight in the determination of the application and are addressed within the planning assessment below where relevant.

National Planning Policy Framework (2021)

The National Planning Policy Framework (NPPF) contains the Government's planning policies for England; it promotes sustainable growth and gives significant weight to

supporting housing delivery through the planning system. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 8 explains that achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the three different objectives).

Paragraph 10 explains that at the heart of the NPPF is a presumption in favour of sustainable development to ensure that sustainable development is pursued in a positive way. This presumption in favour of sustainable development is set out in NPPF paragraph 11 and has already been touched upon above.

The sections of the NPPF that are relevant to the assessment of this application include: - Section 2: Achieving Sustainable Development, Section 5: Delivering a sufficient supply of homes, Section 8: Promoting healthy and safe communities, Section 9: Promoting sustainable transport, Section 11: Making effective use of land, Section 12: Achieving well-designed places, Section 14: Meeting the challenge of climate change, flooding and coastal change and Section 15: Conserving and enhancing the natural environment.

Relevant paragraphs from the NPPF are referred to within the planning assessment below.

### Neighbourhood Plan

A Stocksbridge Neighbourhood Area has been designated under the Government's National Planning (General) Regulations 2012 as amended, however Stocksbridge Town Council have advised that work on the preparation of the Stocksbridge Neighbourhood Plan is not being progressed and as such carries no weight in the assessment of this planning application.

### Other Material Considerations

Guideline GOS1 of the Council's Supplementary Planning Document (SPD) on Community Infrastructure Levy and Planning Obligations (2015) states that for residential developments over four hectares, a relevant proportion (a minimum of 10%) of the site should be laid out as open space, except where provision of recreation space in the local area would continue to exceed the minimum guideline after the development has taken place or it would be more appropriate to provide or enhance recreation space off-site within the local area. The SPD also provides guidance on affordable housing. The proposed development exceeds the 15 or more dwellings threshold and lies within an area where there is a required level of contribution of 10% identified in Guidelines GAH1 and GAH2 of the Planning Obligations document.

## PLANNING ASSESSMENT PRINCIPLE OF DEVELOPMENT

### Development within Open Space Area

As already set out the site forms the eastern part of a wider Open Space Area (OSA) allocation on the Sheffield UDP Proposals Map (1998). The relevant policy is saved

policy LR5 'Development in Open Space Areas' of the UDP. This sets out a range of circumstances where development within open space will not be permitted. Policy LR5 states: Development in Open Space Areas will not be permitted where:

- (a) it would cause damage to nature conservation sites, Scheduled Ancient Monuments or other archaeological sites; or
- (b) it would cause damage to mature or ancient woodland or result in a significant loss of mature trees; or
- (c) it would significantly detract from the green and open character of the Green Network; or
- (d) it would make an open space ineffective as an environmental buffer; or
- (e) it would harm open space which forms the setting for a Listed Building or other historic building, or is needed to maintain an important view or vista; or
- (f) it would damage the character of a Historic Park or Garden; or
- (g) it would harm the character or appearance of a Public Space; or
- (h) it would result in the loss of open space which is of such quality that it is of City-wide importance; or
- (i) it would result in over-development or harm the character of an area; or
- (j) it would harm the rural character of a wedge of open countryside; or
- (k) the proposed use would be incompatible with surrounding land uses.

As identified earlier, Policy LR5 carries little weight, nevertheless, for completeness the application is assessed against the relevant criteria.

In respect of item (a), the development would not cause damage to a nature conservation site, being located 90m (at the closest point) from Fox Glen Wood to the south east. The site does not house any Scheduled Ancient Monuments and the applicant has provided a desk based heritage report to look into the archaeology of the site. The report is adequate at this stage; however, if planning permission is granted further intrusive survey work is required prior to any development commencing.

In respect of item (b), the site does not contain many trees being laid mainly to grass. There are a few trees around the periphery of the site and these can be retained and incorporated into the development.

Looking at item (c), the proposal would not significantly detract from the green and open character of the Green Network. The indicative layout plans show the site to be crossed from north to south and east to west by green corridors which would link into the surrounding footpath network; providing enhanced access. On this basis, although there will be a change to the character of the application site itself, it is considered that the development would not significantly detract from the green and open character of the Green Network.

In respect of item (d), the site itself does not form an environmental buffer between sensitive uses, such as housing, and uses which can cause disturbance, such as heavy industry. On this basis, the development would not make an open space ineffective as an environmental buffer.

In relation to item (e), the proposed development is not located within close proximity to any Listed Buildings or Conservation Areas. On this basis, the proposed development would not harm open space which forms the setting for a Listed Building or other historic building, or is needed to maintain an important view or vista.



In relation to item (f), the application site does not form part of an historic park or garden or its setting and will not therefore damage the character of a Historic Park or Garden.

In relation to item (g), the application site does not form part of a public space (which are defined on the UDP Proposals Map) and will not therefore cause harm to the character or appearance of a Public Space on this basis.

In relation to item (h), the application site is not identified as being of such quality that it is of city-wide importance as open space. The development would not therefore result in the loss of open space which is of such quality that it is of City wide importance.

In relation to criteria (i), the site is located within close proximity to existing urban development with residential areas located adjacent to the site to the east (on Broomfield Lane and Broomfield Grove) as well as to the west on Hollin Busk Road.

Further consideration is given to this matter in the landscape section of the report. However, to summarise, the proposed development is not considered to be out of character with the land use in the surrounding area and in principle would not unacceptably harm the overall character of the area. The scheme achieves an appropriate density of development in relation to the surrounding pattern of development in the area and the indicative design and landscaping of the scheme are appropriate albeit they would be agreed at Reserved Matters stage.

In relation to criteria (j), the applicant has undertaken a Landscape and Visual Impact Assessment (LVIA). Full and detailed consideration is given to this in the landscape section of the report. The development will bring about a high magnitude of change to the land use; however the effects on landscape character would be confined to the site itself due to the containment provided by adjacent residential areas.

In relation to item (k), existing residential development is located to the east and west of the site and the proposed use would not therefore be incompatible with surrounding land uses.

In principle the development accords with UDP Policy LR5 (although as discussed before, this policy carries limited weight).

As set out above in the Planning Policy Context, Core Strategy policy CS72 'Protecting Countryside not in the Green Belt', does not make specific land allocations or contain any assessment criteria beyond providing blanket protection for countryside for its own sake. It in effect places a bar on all development in the countryside which is inconsistent with the NPPF. The NPPF recognises the intrinsic character and appearance of the countryside, albeit within a balanced framework, but does not protect countryside for its own sake (paragraph 174 b). The effect that the development would have upon the character and appearance of the area will be dealt with in more detail below.

It is concluded that the proposal does not conflict with local open space policy. The development offers the potential to boost the supply of housing in the absence of the Council being able to demonstrate a 5 year supply of housing. The site is considered to be in a sustainable location, on the fringe of the existing settlement, within close proximity to local shops and services.

IMPACT UPON LANDSCAPE

Paragraph 12.8 of the Core Strategy's reasoned justification for policy CS72 identifies Hollin Busk as 'a large and integral part of the countryside south of Stocksbridge, prominent in local views and providing an important visual break between the settlements of Stocksbridge and Deepcar. Its rural character is greatly valued locally.'

As such visual amenity is identified as the site's key value. Paragraph 174 of the NPPF seeks to protect and enhance 'valued landscapes' (VL) in a manner commensurate with their statutory status or identified quality in the Local Plan. It also recognises the intrinsic character and beauty of the countryside.

The site is not a designated landscape and is not identified as an Area of High Landscape Value in the UDP. As such the site does not form a 'valued landscape'. It does not have any demonstrable physical attributes taking it beyond mere countryside.

Although the site is not a Valued Landscape, any harm to features that may be relevant to the objective of recognising the intrinsic character and appearance of the countryside are material considerations.

The application is supported by a Landscape and Visual Impact Assessment (LVIA). A baseline study has been undertaken to record the character of the landscape, including any features and aesthetic and perceptual factors which contribute to it.

In terms of the National Landscape Character Assessment the site falls within Area 37, Yorkshire Southern Pennine Fringe. The site is within 800m of the Peak District National Park (PDNP); however views to the site from the PDNP are obscured by the topography.

The Sheffield Preliminary Landscape Assessment places the site within UP2 'Pastoral Hills and Ridges'. The landscape is held to be of moderate quality with its greatest attribute being its openness, comprising of fields enclosed by stone boundary walls. However, the sloping land form and surrounding residential development restricts the visibility of the site.

The proposed change would represent a change to a small part of the wider UP2 character area through the loss of the fields and alterations to the dry stone boundary walls. Given the extent of the area affected and topography the magnitude of change upon the wider UP2 character area is assessed as being low, resulting in a minor adverse effect during construction which would reduce through time as the vegetation that is proposed around and within the site establishes.

In terms of the effect the development would have upon the immediate area, there are existing residential properties to the north and west of the site with street lights running along Hollin Busk Road and Broomfield Lane. Within the eastern fields are a series of small stables and electric fences which have an 'ad hoc' appearance and do detract slightly from the underlying open character. The site is of a nature which is not rare in the local landscape; there being many fields of a similar character and appearance in the vicinity. The landscape value of the site itself is considered to be medium.

It is accepted that the development will have a major adverse impact upon the landscape character in the immediate vicinity, both during construction works and when the development is completed (as the proposal is for development where currently there is largely none); however there are opportunities for mitigation and environmental improvements, through the creation of the SUDs swales, and extensive areas of

accessible open space within the site (the provision and maintenance of which can be secured through a s106 agreement).

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites The South Pennine Moors (Phase 1) Special Protection Area (SPA), Dark Peak Site of Special Scientific Interest (SSSI), and the designated landscape Peak District National Park.

In terms of the landscape impact the Inspector dealing with the appeal on the neighbouring site (in the same Open Space Area) felt that the site did not have any marked sense of scenic quality, tranquillity or wildness and is not used for any formal or informal recreation.

The same conclusions can be drawn for this site. The application relates to open fields with no distinctive features, other than the dry stone walls which are shown on the parameter plans to be retained and incorporated into the development.

It is concluded that the development will result in some harm locally and this needs to be balanced against the wider benefits of the scheme. This balancing exercise will be carried out towards the end of the report.

## DENSITY AND DESIGN

UDP Policy BE5 and Core Strategy Policy CS74 seek good quality design. NPPF, paragraph 126, states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 130 states that, amongst other things, planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The local and national policies are aligned in relation to design and so local policies can be afforded weight.

Core Strategy Policy CS26 states that housing development will be required to make efficient use of land but the density of new developments should be in keeping with the character of the area and support the development of sustainable balanced communities, and gives a density range of 30 to 50 dwellings per hectare for developments in 'remaining parts of the urban area'. The policy states that densities outside these ranges will be allowed where they achieve good design and reflect the character of an area.

Policy CS26 is broadly consistent with government guidance contained in the NPPF where, at paragraph 124, it promotes the efficient use of land subject to the consideration of a variety of factors including housing need, availability of infrastructure and sustainable travel modes, desirability of maintaining the areas prevailing character and setting, promoting regeneration and the importance of securing well designed and attractive places; and where, at paragraph 125 (b) it states that it may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range.

When taken at face value the proposed development of 92 dwellinghouses on this 4.84 hectare site equates to a density of approximately 19 dwellinghouses per hectare, which would fall below the desired density range set out in Policy CS26.

However, as a large proportion of the site would remain undeveloped due to the open space and SUDs schemes, as well as potential physical constraints (posed by the mine entries) it is considered reasonable to expect a lower density better reflecting the character and limitations of the area. Indeed if the density calculation is carried out for the net developable area (2.42 ha) and excludes the areas of open space and SUDs infrastructure, the density would be 38 dwellings per hectare. In light of the above it is considered therefore that the development would not conflict with Policy CS26.

The applicant's Design and Access Statement includes a design code for the layout and appearance of the proposed development which seeks to ensure that the important parameters are delivered in any subsequent reserved matters application.

The principles throughout the design code include ensuring the development responds to the existing landscape and setting to create distinct character relating to the rural edge.

High quality boundary treatments should be provided, dwellings should reflect the local townscape and character, and a green infrastructure network provided so that adverse impacts on landscape are minimised. A key principle for the design stage is to use an appropriate scale, mass and height for new buildings that is comparable to existing buildings.

The design code includes a set of parameter plans for land use (housing, public open space, managed grasslands), movement (spine road and pedestrian routes), storey heights (largely 2 storeys with single-storey properties to the south eastern corner), density (30 -35 dwellings/ha), landscape and open space, boundary treatments, and character areas within the development.

The key difference between this application and 22/02303/OUT is the addition of dwellings towards the western edge of the site. Whilst this will reduce the amount of open space provided within the site and erode the green character to the west, it is considered that these dwellings will link well visually with dwellings to the west of Hollin Busk Road. Furthermore, green space is retained to the south of these dwellings, such that the green infrastructure and character can still be identified.

The submitted plans are only indicative; however, in terms of density and design the development accords with UDP Policy BE5, Core Strategy Policy CS26 and CS74 as well as paragraph 120, 124 and 126 of the revised NPPF. The site is of sufficient size to ensure that the proposal would not overdevelop the site. Conditions can be imposed requiring existing dry stone walls within and around the site to be retained.

## ECOLOGY

The site is crossed in part by a Green Corridor and Green Link as identified in the UDP (Map 4 The Green Network). Although the map is, diagrammatic in form, it does show that the land is important for linking together areas of open space.

UDP Policy GE10 states that a network of Green Corridors and Green Links will be (a) protected from development which would detract from their mainly green and open character or which would cause serious ecological damage, and (b) enhanced by encouraging development which increases their value for wildlife and recreation.

The proposal, which incorporates significant amounts of connected green space will

preserve and could even enhance the value for wildlife and recreation.

Core Strategy Policy CS73 relating to the strategic green network states that within and close to urban areas, a Strategic Green Network will be maintained and where possible enhanced, which will follow the rivers and streams of the main valleys. The valleys and corridors listed in this part of the policy does not include Hollin Busk/Fox Glen/Clough Dyke. However, the policy goes on to say that “These Green Corridors will be complemented by a network of more local Green Links and Desired Green Links.”

UDP Policies GE11 and GE13 seek to protect the natural environment and enhance areas of natural history interest. UDP Policy GE12 states that development which would damage Sites of Special Scientific Interest or Local Nature Reserves will not be permitted.

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, mitigating harm and providing net gains in biodiversity. Paragraph 180 goes on to state that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

It is considered that the local policy aims of protecting and enhancing ecology are compatible with the NPPF and therefore weight can be attributed to the local policies.

The consultants have carried out a suite of appropriate surveys and have made a reasoned and competent assessment of the site.

The site comprises of species poor semi improved grassland, some of which is used for grazing by horses. There are a few areas of scrub which could provide wildlife habitat but this is only of site wide importance and a few trees around the periphery of the site which are of low importance and in any case are indicated for retention. Within the site are a few buildings in the form of timber / corrugated metal stables and dry stone walls which are also shown to be retained.

The Ecological Appraisal that has been submitted also contains bat surveys (Preliminary Roost Assessment (PRA) and transect surveys) and a Wintering Bird Report (April 2022) as well as reference to other breeding bird surveys carried out in 2021 and earlier.

No suitable habitat for roosting bats were found to be within the site. A small number of bats were recorded to be using the site for foraging / commuting. The development will include green corridors / swales and so could potentially improve opportunities for foraging bats.

In terms of birds, the loss of the semi-improved grassland will reduce foraging opportunities for bird species such as starlings, woodpigeon and rooks. However the habitat that would be created through the scheme could bring about greater benefits in terms of trees and hedgerows for nesting as well as improved foraging opportunities (through the provision of landscaping which would be beneficial to insects and plant species rich in seeds and berries).

Assessment is also made for other protected / priority species such as badger and reptiles and these are not judged to be impacted by the proposed development. No badgers were found to be on the site and no reptiles were recorded. Furthermore no

other protected species (such as protected species of butterflies, moths etc) were found to be within the site.

The report concludes that no significant impacts are predicted to statutory sites (SAC / SPA / SSSI).

Natural England have not raised any objections to the scheme in their representation. Impacts to non-statutory sites (e.g. Local Wildlife Sites) are also assessed and are judged to be not significant or negligible.

From the initial landscape masterplan that has been submitted it would appear that proposals could achieve a 'net gain' for biodiversity (although the percentage gain has not been calculated at present) and so would accord with paragraph 174 d) and 180 d) of the NPPF. This sets out that opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for bio diversity or enhance public access to nature where this is appropriate.

It is recommended that a range of biodiversity enhancements are set out in a Biodiversity Enhancements Management Plan (BEMP) or Landscape & Ecological Management Plan (LEMP), providing details on the habitats created and strategies for maintenance and monitoring. This should be assessed through the latest 3.1 metric and ideally with as much of the gain in biodiversity delivered on-site and with minimal need to resort to off-site measures. This can be secured by condition.

The proposal complies with Core Strategy Policy CS73, UDP Policies GE10, GE11, GE12 and GE13, all of which carry weight in the decision making process, and NPPF paragraphs 174 and 180.

## FLOOD RISK AND DRAINAGE

Core Strategy Policy CS67 relating to flood risk management seeks to reduce the extent and impact of flooding.

NPPF paragraph 159 states that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk and NPPF paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

The local and national policies are generally aligned and so weight can be attributed to the local policies.

The application site lies within flood zone 1 where there is a low probability risk of flooding.

The applicant has submitted a Flood Risk Assessment and Drainage Strategy. This sets out that there are no water courses running through the site. The site is not considered to be suitable for a system of infiltration for surface water drainage, the site believed to be on a clay subsoil. A SUD (sustainable urban drainage) is proposed within the site which will comprise of two balancing ponds. These would be capable of attenuating surface water drainage for the development up to a 1 in 100 year storm event (plus 40% to accommodate climate change). The effect that the development would have upon neighbouring sites in terms of surface water drainage would be negligible.

Foul water drainage would connect to the existing sewer network in Broomfield Lane. Yorkshire Water have confirmed that a foul connection for the development could be accommodated.

The Council's Lead Local Flood Authority as local drainage authority has raised no objections to the principle of the proposed surface water drainage arrangements subject to conditions to secure satisfactory details of the sustainable drainage system.

Subject to conditions, the proposal in principle complies with Core Strategy Policy CS67, which carries weight in the decision making process, and the Government's planning policy guidance on flood risk in the paragraphs 167 and 169 of the NPPF.

## HIGHWAY AND TRANSPORTATION ISSUES

Applicable policies 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.

Paragraphs 104 to 113 of the NPPF promote sustainable transport. The NPPF, paragraph 111, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This outline planning application relates to the construction of 92 dwellings served from Broomfield Lane and Hollin Busk Road. The quantum of 75 dwellings served from Broomfield Lane (22/02302/OUT) would be retained exactly as detailed within that submission. The proposal is to effectively consolidate 22/02302/OUT, but to add an additional 17 dwellings served from Hollin Busk Road giving the total of 92 dwellings.

The access from Hollin Busk Road would be a simple give way T-junction situated some 30 metres (measured to the centreline) south of Broomfield Lane/Coal Pit Lane. A footway would be constructed on the development side of Hollin Busk Road leading to Broomfield Lane. The development site frontage heading south along Hollin Busk Road has a grass verge.

There are some existing properties situated opposite the proposed site access on Hollin Busk Road that generate a degree of residential on-street parking. This on-street parking essentially renders Hollin Busk Road to single-file passing traffic whenever the parking happens.

The online highways related representations objecting to this planning application raise the same issues as for 22/02302/OUT, but with particular reference to the proposed access from Hollin Busk Road, the feeling is that Hollin Busk Road is too narrow and busy for a new access to be constructed. It's a rural narrow road with multiple parked cars which is insufficient to allow hundreds of additional car journeys that the application would create, having a serious detrimental effect on local residents (these were the views expressed in a petition). Another commented that residents parking on Hollin Busk Road opposite the proposed access will be displaced, possibly towards Coal Pit Lane, which is a tricky junction with poor visibility.

In response, officers have noted that the supporting Transport Assessment contains traffic survey data from 2021 for Hollin Busk Road which showed during the AM peak, 99 northbound vehicles and 87 southbound vehicles, so 186 two-way. During the PM peak, the flows were 84 northbound vehicles and 118 southbound vehicles, so 202 two-way. The report following this paragraph is identical to the 22/02302/OUT report, so trip rates/generation from the development as a whole (92 dwellings) is discussed in more detail below.

However, the generation from 17 dwellings based on a traffic survey from Coppice Close in Stocksbridge suggests 2 arrivals via Hollin Busk Road during the AM peak and 11 departures, so 13 two-way movements. During the PM peak, arrivals would be 10 vehicles, departures 5 vehicles, so 15 two-way movements. These two-way movements are insignificant when set against background traffic on Hollin Busk Road. The existing peak hour movements manage to negotiate the residential on-street car parking seemingly without any major difficulty. Personal injury accidents are discussed later in the report, but no accidents have been recorded along Hollin Busk Road or at the junction with Coal Pit Lane/Broomfield Lane for the 5-year period from 2015 to 2020. Visibility from the site access is good. The junction arrangement has undergone an independent Stage 1 Road Safety Audit. The only potential issue was some vegetation possibly impeding visibility to the right from Hollin Busk Road into Broomfield Lane, which could be removed at detailed design stage if necessary. A comment was made that because of the grass verge on the development site frontage, anyone walking southbound along Hollin Busk Lane would need to cross a busy road to access the footway on the opposite side. A two-way flow of 202 vehicles during the peak hour equates to 3.3 vehicles per minute, so plenty of gaps to cross the road safely. Lastly, the site access geometry from Hollin Busk Road has been modified such that a 4-axle refuse vehicle can access the site with on-street car parking occurring opposite. As such, highway officers raise no objections to the access arrangements indicated off Hollin Busk Road.

A full transport assessment (TA) and residential travel plan (TP) have been submitted in support of the application, both will be critiqued later.

A planning application for 85 dwellings (17/04673/OUT) by the same developer on nearby land fronting the junction of Hollin Busk Road with Carr Road was relatively recently refused by this Planning Committee but subsequently granted by a Planning Inspector at appeal. Highways matters raised by the Inspector will be considered in the context of the current application.

This application has attracted a sizeable number of online highways related representations, mostly objecting to the development proposal. The issues raised are:

- The proposed access to the site is virtually opposite Royd Nursery & Infant School, creating an unacceptably high hazard for very young children, particularly at the start and end of the school day when there are invariably high numbers of stationary vehicles.
- The provision of additional housing so far from public transport links will increase traffic on Carr Road, especially near the cross-roads of Cockshot Lane with Hollin Busk Lane, which has poor visibility. Visibility is also poor at the junction of Hollin Busk Road with Broomfield Lane.
- Carr Road cannot cope with any more traffic. Neither can Broomfield Lane, Bracken Moor Lane, or the quite narrow Victoria Road.



- Happy with brownfield sites being developed in Deepcar and Stocksbridge, but not building on beautiful fields in unsustainable locations.
- Hollin Busk is a greenfield site in the rural fringe outside the urban areas of Stocksbridge and Deepcar, and so is clearly unsustainable development.
- Despite a 20-mph speed limit on Coal Pit Lane, traffic still races around. If it gets any busier someone will get killed. Hollin Busk Road is too narrow and busy for a new access to be constructed. Existing residents have to park on-street in this location.
- The roads surrounding the site are not suited to take the increased volume of traffic that such a development would bring and there's no scope for any improvements.
- Has cumulative analysis of traffic impact been taken account of, particularly with regard 17/04673/OUT granted by the Planning Inspector?
- Hollin Busk Road where the access is proposed is a narrow rural road with multiple parked cars which is insufficient to allow hundreds of additional car journeys that the application would create, having a serious detrimental effect on local residents.
- Recent restrictions to bus services will exacerbate the problems of developer traffic on the local highway network. Development within existing urban conurbations would be more policy compliant and sustainable.
- The submitted transport assessment suggests 75 houses would generate 39 two-way car journeys during the peak periods. This is unrealistically low and should not be accepted.
- Existing residents parking on Hollin Busk Road opposite the proposed access will be displaced, possibly towards Coal Pit Lane which is a tricky junction with poor visibility.
- The new junction will undoubtedly cause accidents and endanger life. Adding more traffic will make it even more difficult to cross the road for pedestrians and horses.
- The poor public transport links to Sheffield and the local area means the use of vehicles will become a necessity, leading to further congestion in the area.
- This development will put yet more pressure on local services and will likely exacerbate existing congestion issues in the local area, such as the junction of Carr Road with Manchester Road. The negative cumulative impacts conflict with NPPF's presumption in favour of sustainable development.
- Owing to fragmented footways round the perimeter of the site, new residents choosing to walk will be forced to cross busy roads.
- A petition with 177 signatures has been received which concurs with the views expressed above.

Responding to the concerns/objections listed above, officers agree that a projected two-way flow of 39 vehicles seems an underestimate of the trips likely to be generated by the development.

This figure was derived from the TRICS database, where the transport consultant has selected survey details of numerous residential developments from across the country with similar location characteristics to the application site in Deepcar. The trips have then been averaged out to give a trip rate per 100 houses (and then applied to the proposed 75 houses).

From TRICS, the average AM arrival trip rate was 0.132, the departure was 0.388, giving 10 vehicular arrivals and 29 departures during the morning peak (39 two-way).

The average PM arrival trip rate was 0.353, the departure was 0.162, giving 26 vehicular arrivals and 12 departures during the evening peak (38 two-way).

As background research for a residential development off Coppice Close in Stocksbridge, officers undertook some traffic surveys to challenge the TRICS trip rates submitted for that particular application. The morning arrival peak hour trip rate for Coppice Close was 0.12, the departure was 0.64 (0.76 two-way). The evening arrival peak hour trip rate was 0.57, the departure was 0.32 (0.89 two-way). The surveys were undertaken in 2018, pre-covid. Applying these rates to the 75 houses proposed at the Broomfield Road entrance gives 9 vehicular arrivals during the morning peak, 48 departures (57 two-way). The evening peak arrivals are 43 vehicles, 24 departures (67 two-way).

These higher generations were relayed back to the developer, and it was agreed the transport consultant would submit an addendum to their original TA submission, assessing how the local highway network performances when subjected to these higher numbers of development trips.

Reviewing the Transport Assessment/Addendum:

An independent traffic survey company was appointed in November 2021 to undertake classified turning count surveys at the following junctions (pre-agreed with officers):

Junction 1: Broomfield Lane/Site Access 3-arm priority junction.

Junction 2: Broomfield Lane/Broomfield Road 3-arm priority junction.

Junction 3: Broomfield Lane/Bracken Moor Lane 3-arm priority junction.

Junction 4: Broomfield Lane/Coal Pit Lane/Hollin Busk Road 3-arm priority junction.

Junction 5: Carr Road/Cockshot Lane/Hollin Busk Lane/Royd Lane 4-arm priority junction.

Junction 6: A6102 Manchester Road/A6102 Vaughton Hill/B6088 Manchester Road 3-arm signalised junction (including the B6088 Manchester Road/Carr Road 3-arm priority junction).

Junction 7: Bocking Hill/Nanny Hill/Haywood Lane 3-arm priority junction.

The effects of the Covid-19 pandemic on future traffic flows have not been fully established. However, due to the increase in working from home arrangements and change in travel patterns, it is widely considered that current levels of peak hour traffic are likely to be representative of future travel behavioural patterns.

Trips from the two committed developments below were then added to the base surveys undertaken by the traffic survey company:

- Application 17/04673/OUT granted by the Planning Inspector for 85 homes at the junction of Carr Road with Hollin Busk Lane.
- Application 19/00054/FUL for 428 homes off Manchester Road just south of the Vaughton Hill junction (the Bloor Homes development).

Finally, the higher development trips were assigned to the highway network using a gravity model and data from the 2011 census for Sheffield, enabling a calculation of the different proportions of traffic travelling in different directions.

For each of the junctions numbered 2 to 7 above, a comparison was made of the volume of traffic flowing in and out of them between base conditions for the year 2027

with no added development trips, and base conditions for the year 2027 with development trips added in. 2027 is the anticipated completion date of the development.

Base conditions means the classified turning counts from the traffic survey company but with the two aforementioned committed developments added in, all growthed to the occupation year 2027. With regard growing the traffic, a review of DfT data at a permanent traffic count site on Manchester Road just to the west of Carr Road actually showed no growth in peak hour traffic flows since 2008. However, by adding in the flows from the two committed developments and by using the higher development trip rates at the request of officers, the junction capacity analysis is considered to be as robust as possible.

The threshold for development traffic having a material impact at junctions is when there's an increase in flows of greater than 10%. This is recognised within the Institute of Environmental Management and Assessment Guidelines for the Environmental Assessment of Road Traffic, where it is accepted that daily variations in background traffic flows on roads generally fluctuate by approximately 10%.

Of the junction numbers 2 to 7 above, only junction number 3 surpassed the 10% trigger for suggesting a material increase, coming in at an 11.1% in both the morning and evening peak periods. The other junction increases ranged from 2.3% to 7.2%, other than for junction number 6 (A6102 Manchester Road/A6102 Vaughton Hill/B6088 Manchester Road, including Carr Road/B6088 Manchester Road) which experienced a 1.4% increase during the morning peak and a 1.3% increase during the evening peaks.

Given junction number 3 exceeded the 10% threshold and junction number 6 is strategically important, both were taken forward within the Transport Assessment Addendum for modelling work to consider the impact on capacity and queue lengths. The modelling used the higher trip rates requested by officers. The Addendum considered not just the proposed site access off Broomfield Lane, but also the proposed access off Hollin Busk Road (so covers the full 92 houses when adding in 22/02303/OUT).

Junctions10 is the latest Transport Research Laboratory's software industry-standard package for modelling roundabouts, priority junctions and simple signalised junctions. The software calculates the maximum Ratio of Flow to Capacity (RFC) and average queue length (Q) measured in Passenger Car Units (PCU's), essentially the number of cars waiting on the approaches to junctions. The model breaks the peak out up into 15-minute periods and gives an average queue length over the hour.

The RFC is a key indicator of junction performance. A ration of 0.85 on an approach arm suggests that operational capacity has been reached. Queues and delays start to develop as the RFC exceeds 0.85, and grow disproportionately heading towards 100% saturation.

For the base traffic conditions year 2027 (without development trips) at junction number 3 (Bracken Moor Lane/Broomfield Lane), the worst RFC was 0.14 (14%) in both the AM and PM peak periods, resulting in average queue lengths (PCU's) of 0.2 car lengths. This was on the Broomfield Lane east arm. When adding in development trips, the worst RFC was 0.21 (21% saturated) during the AM peak on the Broomfield Lane eastern arm, which translated to an average PCU of 0.3 car lengths. This is well below the 0.85 RFC threshold and demonstrates no material impact on junction performance when subjected to development trips.

Moving to junction number 6 (Manchester Road/Vaughton Hill and Carr Road/Manchester Road), for base flow traffic conditions year 2027 (without development trips), the worst RFC was a degree of saturation of 78.7% during the PM peak on the Manchester Road A6102 northbound approach from Wharnccliffe, resulting in an average queue length of 8.9 car lengths. When adding in development trips, the worst RFC was a degree of saturation of 81.7% during the PM peak on the Vaughton Hill approach, resulting in an average queue length of 8.1 car lengths.

For the Carr Road approach, the worst RFC with development trips was during the AM peak with a degree of saturation of 74.5 %. Across the hour, the average queue length was 2.3 vehicle lengths. In reality, there are spikes in queue lengths across the peak hour. The Carr Road and Manchester Road approach from Stocksbridge spike queue lengths do exceed the averages over the peak hour, but they dissipate quickly during the hour (hence the low average). From local knowledge, drivers are generally very courteous at this junction, with the Manchester Road flow leaving gaps for Carr Road motorists to join.

The Bloor Homes development has a planning condition attached to change the traffic light operating system at Vaughton Hill from fixed-time operation to MOVA, where detection is used more to monitor queue lengths and vary the signal timings to give more 'green-time' to where the longest queues are. This system will soon be commissioned and can deliver between 6% and 10% improvements in junction efficiency. In recent times, an additional public route has been opened to the Stocksbridge By-Pass via the Fox Valley Retail Park, helping to reduce pressure at Vaughton Hill particularly during the morning peak.

What the modelling for this application has demonstrated is that the 85% degree of saturation threshold hasn't been broken at any of the junctions when adding in development trips. The Carr Road/Manchester Road/Vaughton Hill junction was already a busy junction at peak times, but development trips have had no material impact.

Furthermore, a review of personal injury accidents for a 5-year period from 2015 to 2020 shows no recorded accidents at the junctions surrounding the development site, including the 4-armed junction of Carr Road/Cockshut Lane/Hollin Busk Lane/Royd Lane, and the 3-armed junction of Broomfield Lane/Coal Pit Lane/Hollin Busk Road. Along the length of Carr Road, 2 slight injuries and 1 serious injury have been recorded. At the Carr Road/Manchester Road/Vaughton Hill junctions, 3 slight injuries and 1 serious injury have been recorded.

The crux of the highways related public objections are that the location of the development is not sustainable, and that the local highway network will not be able to safely accommodate any additional traffic from the new housing, the car trips from which will be high owing to poor public transport connections and lack of easily accessible local facilities.

The junction capacity analysis doesn't substantiate this view. Even the Carr Road/Manchester Road/Vaughton Hill junctions have spare reserve capacity during the peak periods. The accident statistics raise no cause for alarm. The numbers are low. There are no clusters of accidents. The junctions highlighted by objectors as being unsafe have no recorded accidents over the 5-year period.

With regard being situated in an unsustainable location (and accepting the hills) in terms

of the pedestrian catchment, the Chartered Institute of Highways & Transportation suggests acceptable walking distances can be split into three categories: 500 metres is considered desirable; 1.0 km is considered acceptable; and 2.0 km is considered the preferred maximum distance.

Within the 1.5 km to 2.0 km walking distance range is a Lidl, Fox Valley Retail Park, a Co-op, Stocksbridge Golf Club, St Ann's Catholic Primary School, Royd Nursery Infant School, Deepcar St John's CE Junior School, Stocksbridge Nursery Infant School, Stocksbridge High School, the Deepcar Medical Centre, the Valley Medical Centre, and Deepcar Dental Care.

Closer to the development site is Majeed Brothers Convenience Store located on Lee Avenue (570 metres away) and in the same row of shops is a newsagent and a hot-food takeaway. A Spar on Pot House Lane is 990 metres away. A hot-food takeaway (Mills) is located on Coal Pit Lane approximately 490 metres away. Five pubs are located between 840 metres and 2 km away.

With regard bus services, unfortunately there have been some recent cutbacks. The Supertram shuttle bus and other local services have been axed. The number 57 service, however, does run hourly and passes close to the development site running along Armitage Road, Lee Avenue, Bracken Moor Lane, with stops just past Hollin Busk Road.

Lastly on sustainability, when the Planning Inspector granted planning permission for 17/04673/OUT (85 houses at Hollin Busk Road/Carr Road) he/she concluded that the site is adjacent to established residential areas and that future residents would benefit from a similar degree of accessibility as those residents of the surrounding existing residential areas. The Inspector considered that the proposed development would be adequately accessible to local facilities by means of walking and that the site was sufficiently sustainable for residential use (even noting gradients). The Inspector felt that there would be no road safety issues caused by the granting of planning permission.

Returning to this current planning application, an independent Road Safety Audit (Stage 1) was undertaken which entailed a site visit. The only potential issue raised was visibility to the right at the Hollin Busk Road/Broomfield Lane junction, caused by some vegetation. The auditor felt that if during detailed design if it was found visibility was being impaired, the vegetation could be removed.

The site access junction geometry has been modified slightly following some swept-path analysis to demonstrate that a 4-axle refuse vehicle can turn into the site with cars parked on-street opposite the junction.

Finally, a residential Travel Plan has been submitted with this application which sets out an aspiration to encourage alternatives to single-occupancy car journeys, identifying a choice of travel options for future residents, maximising walking, cycling, public transport use and car sharing, by publishing information packs that it will be the responsibility of the Travel Plan Co-ordinator to disseminate. Residents will be surveyed to determine the different modes of travel and targets set for shifting towards more sustainable forms of travel.

Highway officers raise no objections to the granting of planning permission subject to the imposition of planning conditions. It is considered that the development would not result in unacceptable highway safety impacts or be of a scale that could be viewed as

having a residual cumulative impact on the road network that could reasonably be considered as severe.

## ARCHAEOLOGY

The applicant has provided a desk based archaeological survey of the site. This concludes that the site has low potential for remains of Pre-historic, Roman, Post-Medieval and Modern time periods.

There is a low / moderate potential for the site to contain Saxon / Medieval remains.

South Yorkshire Archaeology Service have reviewed the report and have concluded that its potential is uncertain but raises no objections to the scheme subject to an archaeological evaluation of the site to establish its archaeological potential being carried out prior to any Reserved Matters Application to allow any archaeological issues to be identified before a final design is progressed.

This can be secured through planning conditions.

## 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 157 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 site is considered to be in a sustainable location, being on the fringe of the existing urban area.

In relation to sustainability, the applicant's Design and Access Statement also states that there are opportunities to incorporate sustainable design and construction techniques, such as using renewable/sustainable sources in construction, use of permeable surfaces as part of a sustainable drainage strategy, potential grey water harvesting, photovoltaic panels and high levels of insulation.

It is therefore considered that a scheme can come forward at the reserved matters stage which complies with the requirements of Core Strategy policies and will be secured through condition.

## AFFORDABLE HOUSING

Core Strategy Policy CS40 states that in all parts of the city, developers of all new housing schemes will be required to contribute towards the provision of affordable housing where this is practicable and financially viable.

The Council's Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (December 2015) includes guidance on affordable housing.

The proposed development exceeds the 15 or more dwellings threshold and lies within an area where there is a required level of contribution of 10% identified in Guidelines GAH1 and GAH2 of the Planning Obligations document.

The applicant has confirmed that it is the intention to meet the policy requirement for the provision of at least 10% of the development for affordable housing and this will be secured as part of a S106 Agreement. This will help meet the ongoing need for affordable housing across the city and is a benefit of the development attracting significant weight. The proposal would, therefore, comply with Core Strategy Policy CS40 which carries weight in the decision making process.

## LAND CONTAMINATION

The applicant has submitted a Stage 1 Geo-Environmental Desk Study and Coal Mining Risk Assessment Report. The site is within an area at high risk from past coal mining activities.

The report finds that there are 5 known mine shafts within or close to the site and 2 mine shafts within the site boundary. 2 coal seams lie beneath the site and both have records of having been worked. It is also possible that unrecorded shallow or surface mine working could have occurred in the past.

NPPF paragraph 183 requires decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land stability. This includes risks arising from former activities such as mining.

Initially the Coal Authority objected to the development, setting out that there were two known mine shafts in close proximity to the site and that the site could be the subject of unrecorded shallow mine workings. The report that was initially submitted (CONM29 Non-Residential Mining Report) did not provide any assessment of the potential risks from past coal mining activities.

The applicant has since provided a Coal Mining Risk Assessment, contained with the Stage 1 Geo-Environmental Desk Study and CMRA Report. This sets out that the development is at high risk from past coal mining activities and sets out a mitigation strategy. This gives general steps that should be followed to further investigate and reduce the risk from mining legacy issues impacting the proposed development.

These include the drilling of bore holes, assessments of ground gas, identification and treatment of the 2 mine shafts, stabilisation of shallow workings beneath road and plot

footprints, maintaining vigilance for unrecorded mine entries and the use of reinforced or semi-raft type foundations to mitigate the risk from future residual settlement. In addition the site layout should be planned around the location of known mine shafts and will require further revision once the shafts are accurately located and a 10m standoff should be allowed for.

The report sets out that the extent and depth of future ground stabilisation works should be reviewed and revised following any intrusive site investigation. A permit to enter or disturb Coal Authority mining interests will be required. The Coal Authority have considered the CMRA and removed their objections subject to conditions on any approval.

The Council's Environmental Protection Services have made no further observations with regard to land contamination and are recommending conditions be attached requiring further intrusive investigations and any necessary remediation to be undertaken.

Subject to conditions the proposal complies with UDP Policies GE22 and GE25, both of which carry weight in the decision making process, as well as NPPF paragraph 183.

## RESIDENTIAL AMENITY

Paragraph 130 (f) of the NPPF, which states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

There are residential properties adjacent to the site on Broomfield Lane, Broomfield Grove and on the opposite side of Hollin Busk Road.

Whilst this is an outline planning application with details of layout, scale, design and landscaping being reserved for subsequent approval, the proposal will involve built development of dwellings and roads and the provision of drainage, open space and landscaping.

The application site is of sufficient size to ensure the proposed development can be accommodated and provide sufficient separation between proposed and existing buildings to ensure there would be no significant overlooking, overbearing or overshadowing of existing and future residents.

The proposal would cause noise and disturbance during the construction phase, and create noise and disturbance from the movements of people and vehicles during the operational phase when the dwellings are occupied, however such impacts would not be so significant as to harm the living conditions of existing residents in the locality.

The impact on air quality would not be significant. The production and implementation of a Construction Environmental Management Plan (CEMP) will be required by condition. It is considered that the proposed development would not significantly harm the living conditions of existing and future residents in the locality.

The proposal would, subject to satisfactory details at the reserved matters stage and the imposition of conditions, comply with UDP Policy BE5 and Core Strategy Policy CS74, both of which carry weight in the decision making process as well as paragraph 130 of the NPPF.



## COMMUNITY INFRASTRUCTURE LEVY

The Community Infrastructure Levy (CIL) is applicable to this development. The site is located within a CIL Charging Zone with a residential levy of £30 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010. The funds generated through CIL will be used in connection with strategic infrastructure needs.

## OTHER CONSIDERATIONS

This development would not be required to make S106 contributions towards local facilities such as health and education because it is not of a large enough scale. In this respect the adopted Supplementary Planning Document entitled Community Infrastructure Levy and Planning Obligations sets the following thresholds: - Education contributions for sites of 500+ dwellings. - Health contributions for sites of 1000+ dwellings.

The site is within the school catchment area of Royd Infant and Deepcar St.John Junior schools (primary) and Stocksbridge High School (secondary).

Based on the yield calculation of 2 pupils per year group from every 100 properties, the expected pupil yield from this development (counting only properties of 2 bed or more) is 19 for the primary phase and 14 for the secondary phase.

In terms of primary schools forecasts for Royd Infant and Deepcar St.John Junior schools suggest that the additional pupil yield from this development could be accommodated in the likely catchment primary school.

Primary schools in this area are currently seeing surplus places in all year groups, as a result of falling birth rates. This is in line with the regional and national picture. Birth rates may pick up again over the next few years which could lead to a shortage of places if all developments are completed and produce the estimated pupil yield.

With regard to secondary schools currently forecasts for Stocksbridge High School suggest that the additional pupil yield from this development could be accommodated in the likely catchment secondary school. However, as stated above the cumulative pupil yield from all developments in the area, may not be accommodated at the school.

The scheme will be required to make a contribution as part of the Community Infrastructure Levy (CIL) and this could be used to improve services in the locality if the local authority determined this as a priority.

## RESPONSE TO REPRESENTATIONS

The majority of the issues raised have already been covered elsewhere within the report.

In relation to third party arguments that there is a brownfield first policy, national policy has changed in this respect since the adoption of the Sheffield UDP and Core Strategy and the NPPF does not advocate a brownfield first approach; albeit the reuse of brownfield land is encouraged and supported.

In response to the question as to why more housing is needed in Stocksbridge, given the number of developments that are currently under construction or have consent, the Council are unable to demonstrate a five-year supply of land for housing and so in line with the Government's objective to significantly boost the supply of homes set out at NPPF paragraph 60, further housing development is encouraged rather than precluded in order to boost housing supply.

The site is not located within the Green Belt and therefore does not fulfil the purpose of Green Belt and the development cannot be assessed against Green Belt policy.

With regard to representations concerning the loss of a well loved area for local residents which has been especially important for mental health and well being, there is no public access to the site and so any potential harm can only relate to visual or landscape impact caused by the development of the site. This point has been addressed in the main landscape and visual impact assessment section of the report. The proposed development will also provide public access through the site and into the woods, thus increasing accessibility for local residents.

An assessment has not been carried out of the existing level of open space within the Stocksbridge area as the site is not laid out as informal or formal open space. It is reiterated, there is no public access to the site and so no recreational function would be lost through its redevelopment, indeed the master plans show that the development would provide a children's play area (for use by the local community) adjacent to Broomfield Lane and accessible areas of informal open space within the development (in total 1.38 hectares of open space would be provided).

In terms of subsidence, as set out by paragraph 184 of the NPPF, responsibility for securing a safe development rests with the developer and / or owner.

## PLANNING OBLIGATIONS

A legal agreement will be required to secure affordable housing and to secure the land drainage scheme including on-site and off-site features, its management and maintenance. A legal agreement is also required to secure the provision and on-going management and maintenance of proposed children's play area and areas of open space.

## SUMMARY AND PLANNING BALANCE

Outline planning permission is sought for the erection of up to 92 dwellings on open fields on the fringe of Stocksbridge. All matters are reserved for subsequent approval apart from the means of access. This is shown to be at two points, one on Broomfield Lane and the other on Hollin Busk Road.

The site is identified on the Unitary Development Plan Proposals Map as being within an Open Space Area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise. In terms of compliance with the Development Plan, the application is accompanied by a range of technical reports which demonstrate that the scheme generally complies with Development Plan policies in

respect of the general location of development, making effective use of land, compatibility with surrounding land uses, conserving and enhancing the historic and natural environments, controlling pollution, protecting residential amenity, addressing flood risk management and drainage, providing appropriate levels of open space and affordable housing, achieving sustainable design, addressing climate change and ensuring a safe highway network.

Turning to the areas of conflict with the Development Plan, the proposed development will not safeguard the application site as open countryside and so the application conflicts with Core Strategy policy CS72. The scheme also conflicts with policy CS33 which restricts housing development to previously developed land within the urban area of Stocksbridge / Deepcar.

The development is in an Open Space Area; however it does not provide formal or informal opportunities for outdoor sport and recreation. The land does not have an open space function beyond views over it from outside the site and this does not comply with the NPPF open space definition. UDP Policy LR5 deals with development in Open Space Areas. The main consideration is the effect the development would have upon the Green Network as well as the impact upon the character and appearance of the area and it is considered that on balance the development would accord with UDP policy LR5.

As has been set out above, the UDP and Core Strategy policies referred to here can only carry very limited weight in the decision making process because they are out of date in relation to the requirements of the NPPF. This was the view taken by the Planning Inspector in dealing with the appeal on the neighbouring site and this decision is also a material consideration.

The NPPF applies a presumption in favour of sustainable development as set out in NPPF paragraph 11. In applying the presumption in favour of sustainable development to decision making, paragraphs 11c) and d) state: For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In addition to the most relevant policies in determining the application being considered to be out of date, the Council are unable to demonstrate a five year supply of housing land. As such the tilted balance set out at NPPF paragraph 11dii) is triggered which weighs in favour of the development.

The land is not within the Green Belt, where there are much tighter restrictions on development and is not a defined 'valued landscape'.

In terms of disbenefits, the development would have localised adverse landscape and visual effects in the immediate vicinity of the site for a limited range of receptors.

When private residential views are taken out of the equation, as the loss of a private view cannot be a material planning consideration, the number of visual receptors are

confined to highway users and limited areas of the adjacent PROW network.

Although the master plans are only indicative they do show the development to be 'softened' by the provision of open space, green corridors and SUDs schemes which run around the periphery and through the site. The development could bring about improved access to the open space and enhancements to the green network.

The economic benefits in favour of the scheme include: Housing delivery – significant weight is allocated to this benefit in the context of the NPPF requirement to significantly boost the supply of new homes. The creation of employment opportunities, supporting the economy – significant weight is allocated to this benefit.

Economic benefits relating to construction value, new homes bonus, council tax income - significant weight is allocated to this benefit. -The occupiers of the development would also increase the spending power (expenditure) available in the locality to the benefit of the local economy - moderate weight is allocated to this benefit.

The social benefits in favour of the scheme include: The provision of a range of properties to widen home ownership and meet the needs of present and future generations in a well-designed and safe environment – significant weight is allocated to this benefit in the context of the NPPF requirement to boost the supply of housing.

The provision of a policy compliant level of affordable housing provision (10%) – significant weight is allocated to this benefit in the context of the need for additional affordable housing across the district. The new public open space would support the community's health, social and cultural well-being – moderate weight is allocated to this. The provision of a substantial area of publicly accessible open space (including equipped play space) and links into Fox Glen wood to the south east, will provide recreational benefits – moderate weight is given to this. The development would also provide benefits via the CIL contribution, the extent of which will be calculated at reserved matters stage.

The environmental benefits in favour of the scheme include: The development achieves an appropriate density and makes the effective use of the land and will reduce the pressure to develop sites in the Green Belt– significant weight is allocated to this benefit in the context of the NPPF requirement to boost the supply of housing. Landscape and visual impacts will be largely confined to the site itself and its immediate surrounds rather than resulting in harm to the wider area – moderate weight is given to this. - Sustainable design and construction techniques are to be used in the development – less weight is given to this. The development can bring about a net gain for biodiversity – a moderate weight is given to this.

To conclude, in weighing the benefits against the harms, overall, it is acknowledged that the scheme will provide significant benefits in terms of housing delivery within the context of the NPPF requirement to boost the supply of housing and the associated social, economic and environmental benefits that such a development would bring.

It is acknowledged that the proposal will result in the loss of an area of greenfield land located within the countryside and allocated as Open Space Area; however this can only be given limited weight as the relevant policies (CS72, LR5, CS24 and CS33) go beyond the requirements of the NPPF (and in any event, policy LR5 is addressed and there considered to be no conflict).

The Inspectors appeal decision on land to the south east, in the same Open Space Area is a material planning consideration and this should be borne in mind.

The Planning Inspector set out that due to the 5 year housing land position and because the most important policies 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 development, on any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In terms of the landscape impact the Inspector felt that the site did not have any marked sense of scenic quality, tranquillity or wildness and is not used for any formal or informal recreation. In his view the site made an important local contribution to the character of this part of the countryside but is heavily influenced by the urban fringe of Deepcar and Stocksbridge. The Inspector concluded that the development would have a moderately adverse effect upon landscape character but the site is in a sufficiently sustainable location for residential use. When weighed in the balance it was concluded that the appeal should be allowed as the adverse impacts identified did not significantly and demonstrably outweigh the benefits of the supply of 85 new homes.

The same conclusion is drawn in the determination of the current proposal. Whilst it is acknowledged that the scheme will result in some harm locally, in terms of the loss of an area of open fields that are held in high regard by the local community, the wider benefits of the scheme outweigh the harm.

## RECOMMENDATION

When assessed against the policies in the NPPF taken as a whole, and in line with NPPF paragraph 11dii) it is recommended that planning permission be granted. This recommendation is subject to conditions and a legal agreement (S106), the heads of terms are set out below.

## HEADS OF TERMS

- a) The provision of 10% of the overall residential floor space as affordable housing.
- b) To secure the proposed sustainable urban drainage system including on-site and off-site features, its management and maintenance. This could include placing a service charge on future residents and securing a sum of money upfront.
- c) To secure the provision and management and maintenance of the areas of open space, landscaping and children's play area. This could include placing a service charge on future residents and securing a sum of money upfront.

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Case Number	22/01910/FUL (Formerly PP-11242115)
Application Type	Full Planning Application
Proposal	Alterations and extension to roof including raising of ridge height, and 2-storey rear extension to dwellinghouse
Location	4 Lees Hall Road Sheffield S8 9JH
Date Received	16/05/2022
Team	South
Applicant/Agent	Mr James Norton
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

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

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

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

2. The development must be carried out in complete accordance with the following approved documents published 20.12.2022:

Site and Site Location Plan - no.4LHR - 01C  
Ground and First Floor Plans as Proposed - no. 4LHR - 20C  
Roof Space & Typical Section as Proposed - no. 4LHR - 21F  
Elevations as Proposed 1 - 4LHR - 24F  
Elevations as Proposed 2 - 4LHR - 25G  
Block Plan and Streetscene as Proposed - 4LHR - 26D  
Block Plan and Streetscene as Proposed - 4LHR - 27A  
Site Sections as Proposed - 4LHR - 30

Reason: In order to define the permission.

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

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

3. The first floor en-suite and bedroom windows on the elevation of the extension facing west (towards the rear of dwellings on Upper Albert Road) shall be fully glazed with obscure glass to a minimum privacy standard of Level 4 Obscurity before the extension is brought into use, and no part of the windows shall at any time be glazed with clear glass.

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

4. Notwithstanding the details indicated on the approved plans the rooflights on the rear facing roof slope shall be positioned such that their cill heights are no lower than 1.7m above the finished floor level of the rooms indicated as bedrooms 4 and 5 before such rooms are brought into use, and shall be retained in that position thereafter.

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

5. The roof materials shall match those of the existing dwelling and the facing render shall be a neutral colour to match the colour of the existing facing material.

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

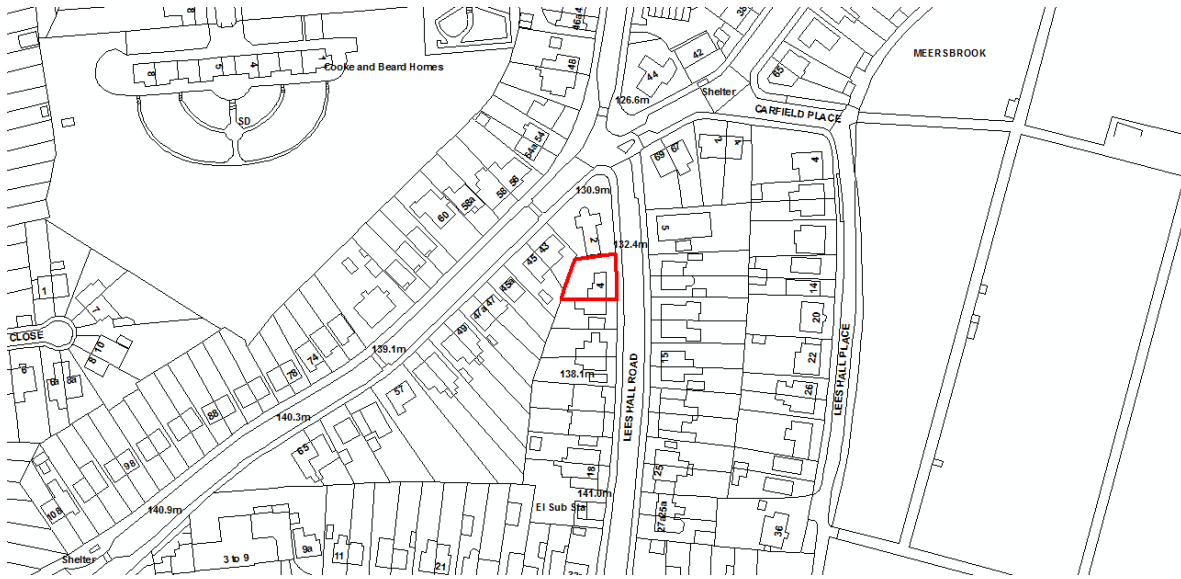
### **Other Compliance Conditions**

Attention is Drawn to the Following Directives:

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



# Site Location



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## LOCATION AND PROPOSAL

The application relates to a two-storey semi-detached dwelling situated close to the junction of Lees Hall Road with Upper Albert Road. The site is in an allocated Housing Area as defined on the Unitary Development Plan proposals map. The area is residential in character with properties which range in style and age. Two storey dwellings are the dominant property type although bungalows are evident to the north / north-east of the site at numbers 2 and 5 Lees Hall Road.

The dwelling the subject of this application is faced in a neutral-coloured render with pebble dash under a slate roof. The site lies on ground sloping downhill from south to north such that the footway of Lees Hall Road is at a significantly lower level than the internal floor level of the dwelling, and the resulting front garden is at a raised level to the highway, with a low stone front boundary wall. There is a drive to the side of the property providing one off-street parking space and the front entrance door is accessed via steps up to the property from the footway.

To the rear of the property, the garden is at a raised land level to the internal floor level of the dwelling. There is a high hedge on the rear boundary and the angled nature of the plot boundary results in the north-western corner of the plot being closer to the rear of the dwelling than the south-western corner.

This planning application seeks consent to make alterations to the roof by raising the ridge height and for the erection of a two-storey rear extension. The description originally included a dormer window to the rear; however, this element has been removed following the receipt of amended drawings replacing this with rooflights and has subsequently been removed from the description.

## RELEVANT PLANNING HISTORY

18/04324/FUL Two-storey rear extension to dwellinghouse. Granted Conditionally 14.01.2019

## SUMMARY OF REPRESENTATIONS

Immediate neighbours were notified of the application by letter. Two representations were received in relation to this application; both representations are from the same neighbour at Number 43 Upper Albert Road to the rear, which is the nearest dwelling affected by the proposals.

A summary of the comments is below:

- The rear gardens are very small - this should be taken into account in the assessment of impacts.
- The proposals suggest encroachment onto neighbouring properties.
- Not clear what will be done to protect privacy of neighbours.
- The rear dormer would overlook gardens and increase visibility into houses (NB – this element has subsequently been removed from the proposals)

These comments are addressed in the following planning assessment.

## PLANNING ASSESSMENT

## Planning Policy Context

Unitary Development Plan Policies BE5 ('Building Design and Siting') and H14 ('Conditions on Development in Housing Areas'), and Core Strategy Policy CS74 ('Design principles'), require good quality design in keeping with the scale and character of the surrounding area. Also relevant is the Council's Supplementary Planning Guidance (SPG) on 'Designing House Extensions' which provides advice on design as well as privacy standards.

These policies are in conformity with the National Planning Policy Framework and in particular Paragraph 130 which states that planning decisions should ensure that developments are visually attractive as a result of good architecture and result in a high standard of amenity. The local policies can therefore be afforded significant weight.

## Design

A two-storey extension is proposed to the rear of the property and will finish in line with the outer most side elevation of the dwelling, effectively in-filling and squaring off the rear elevation, where currently there is a stagger. It will not result in the property being any closer to the neighbouring bungalow (no.2 Lees Hall Road) than it currently is. However, the extension will in effect be a side and rear extension owing to the current staggered rear elevation of the dwelling.

The side elevation will be visible from the highway when approaching along Lees Hall Road from the north owing to a separation between the dwelling and the neighbouring bungalow, but also due to the significant land level differences that result in the property being in an elevated position to the public highway.

The two-storey extension has been designed using materials, features and windows to match the existing property. The existing dwelling has a neutral render with pebble dash finish, and it is proposed to replace this with a neutral through coloured thermal render on both the extension and all elevations of the existing house to ensure that all elements of the dwelling are matching.

It is proposed to raise the ridge by approximately 1.1 metres so that the roof of the property is at the same height as the roof of no 6 (the attached semi). This alteration will result in the loss of the stepped nature of the dwellings that occurs as a result of the very steep incline from north to south on Lees Hall Road. Owing to the raised position of the dwelling, it is not obvious from the highway that the existing roof of the property is stepped. The eaves of the dwelling and the adjoining neighbour line through, along with the windows and front entrance door, therefore when viewed from the highway, the houses already read as two dwellings of similar height, albeit with the applicant's dwelling being accessed via a series of steps.

Velux windows are proposed to the front and rear roof slopes and are not considered to negatively impact on the visual amenity of the locality. Roof lights can often be inserted without planning permission as long as they meet criteria set out in the General Permitted Development Order, however in this instance as the ridge of the roof is being raised, permission is required.

It is considered that the extension proposed is acceptable in scale, design, and materials in relation to the built form of the host dwelling and its neighbours, and no adverse effect on the street-scene or the character of the area is envisaged as a result

of the design of the development proposed.

### Amenity/Living Conditions

UDP Policy H14 states that new development in Housing Areas should not cause harm to the amenities of existing residents, and Core Strategy Policy CS74 requires that development contributes to the creation of successful neighbourhoods. Supplementary Planning Guidance (SPG) 'Designing House Extensions' Guideline 4 also advises that over development of a house plot with extensions that leave little garden space will not be permitted.

These policies are in conformity with Paragraph 130 of the NPPF which requires the creation of places with high standards of amenity.

The proposed extension, whilst taking up some additional space, is considered to maintain minimum levels of outdoor amenity space for use by residents of the property. The extension also provides adequate windows, outlook and daylight for occupiers of the property.

### Impact on neighbouring occupiers

Guideline 4 of the SPG requires that a minimum of 50 square metres of rear amenity space is provided and that a distance to the rear boundary of 10 metres should be maintained. The rear garden provides approximately 130m<sup>2</sup> of space, and the distance to the rear boundary is between 8.5m and 10m from the rear of the dwelling, due to the angled nature of the rear boundary. At its closest, the northern-western corner of the extension will terminate approximately 6.1 metres from the rear boundary. However, the dwelling is at a lower land level than its rear garden; there is a high hedge (currently approximately 3m high) on the rear boundary and the dwellings to the rear, on Upper Albert Road, are at a further raised land level, as well as being positioned at an angle of approximately 45 degrees to the rear elevation of the application dwelling so that respective windows will not directly face each other.

Guideline 5 of the SPG advises that unreasonable overshadowing and over dominance of neighbouring dwellings should be avoided.

Two-storey rear extensions are often at risk of breaking a 45-degree angle with the nearest rear facing ground floor windows of the adjacent dwellings. In this case, the attached neighbour (no. 6), has an existing two storey rear extension, which projects further to the rear than the host dwelling, and forms part of the boundary treatment between the two dwellings. Subsequently, the proposed extension will not result in loss of amenity to this attached neighbour.

The bungalow at number 2 is sufficient distance away, to ensure that the occupiers of this dwelling will not experience unacceptable loss of amenity.

The most affected properties are those to the rear and the rear elevations of these properties (no. 43 and 45 Upper Albert Road) are between 10 metres and 14 metres from the proposed extension; again these neighbours are at a raised land level, and do not directly face the dwelling or the proposed extension.

Guideline 5 of the SPG requires a minimum separation of 12 metres from the nearest ground floor windows of neighbouring properties to a blank wall to ensure no

unacceptable overbearing or over shadowing occurs. However, this relates to situations where properties directly face each other. In this instance, the existing dwelling will already cast shadow into the neighbouring garden due to the property being approximately southeast of the dwellings on Upper Albert Road and despite the marginal increase in height it is considered the rear extension will not increase the level of overbearing and overshadowing significantly.

Guideline 6 of the SPG advises that extensions should protect and maintain minimum levels of privacy.

There are no proposed side-facing windows in the two-storey extension or the rear dormer window; all windows will face toward the rear of the site and the boundary with dwellings on Upper Albert Road, particularly no's 43 and 45.

The existing property has a staggered rear elevation, with two windows at upper level that serve a bathroom and the landing/stairs. The rear boundary is angled, with the nearest distance between the boundary and the proposed extension being approximately 6.7 metres at the most north-western corner of the dwelling and the largest distance being approximately 10.1 metres in the south-western most corner of the plot. As a result, the proposed two storey rear extension will be approximately 6.7 metres from the boundary which clearly does not meet the 10 metre guideline suggested in SPG Guideline 4.

In addition, the windows in the rear elevations of dwellings on Upper Albert Road will be approximately 13 metres away which is significantly below the 21 metres suggested by SPG Guideline 6. It is noted however that the windows are not directly facing each other, as they are at an angle of 45 degrees and, as identified in the SPG, windows at angles to each other may therefore have reduced distances because of reduced opportunity for direct overlooking.

It is recognised that the existing property is already within 10 metres of the boundary and that upper-level windows may be inserted into the rear of the dwelling without planning permission which would be approximately 15 metres from the neighbour's windows with similar views as the proposed rear windows in the extension. It is also noted that it is possible to construct a two-storey rear extension without planning permission as long as it meets criteria set out in the General Permitted Development Order.

The applicant's agent has shown a blue line on the amended drawings, outlining the suggested position of a two-storey extension which could be achieved without planning permission, and which would have a very similar impact to the proposed extension. This has limited weight as a fall-back position in this instance owing to the existing dwelling having a staggered rear extension, which means the permitted development criteria would be difficult to meet without an odd configuration. It is nevertheless accepted that a very small two storey rear extension which does not project from any side elevation could be achieved and would have a similar impact in terms of overlooking as the proposed extension.

The proposed two storey extension brings the dwelling approximately 2.5 metres closer to the garden boundary, and rear facing windows and rooflights are introduced raising privacy concerns, in particular in relation to the rear garden area of no. 43 Upper Albert Road being potentially overlooked more significantly than currently.

One new window at first floor level will serve a bedroom and is a secondary window to provide additional light into the room; and one new first floor window serves a bathroom. Officers have requested that the rear facing first floor windows be obscure glazed to maintain privacy for both the occupiers of the host property, and the neighbours to the rear. In addition, it has been requested that the rooflights be positioned such that their cill heights are no lower than 1.7m above the internal floor level of the rooms that they serve, such that views out of them to adjoining gardens will not generally be possible. These changes have been agreed by the applicant and are reflected in the recommended conditions.

As amended, the proposals are now considered to comply with the aims of Policy H14 of the UDP; the guidelines set out in the SPG and paragraph 130 of the NPPF, in terms of ensuring that satisfactory living conditions are maintained for occupiers of adjoining property and of the host property.

#### SUMMARY AND RECOMMENDATION

In summary, the proposed raising of the roof height and two storey rear extension are considered acceptable in scale and design and no adverse effect on visual amenity or the character of the area is envisaged. Equally the development, as amended, will not result in any significant harm to the amenity of neighbouring residents.

The proposal is considered to accord with the provisions of the UDP, the Core Strategy, adopted SPG and the National Planning Policy Framework, and it is recommended that planning permission be granted subject to the listed conditions.

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Case Number	22/00865/FUL (Formerly PP-11087287)
Application Type	Full Planning Application
Proposal	Erection of a dwellinghouse with integral garage and associated site access
Location	Land adjacent 137 Main Road Wharncliffe Side Sheffield S35 0DP
Date Received	02/03/2022
Team	North
Applicant/Agent	EDGE AD Ltd
Recommendation	Grant Conditionally

## **Time limit for Commencement of Development**

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

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

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

2. The development shall be carried out in accordance with the following plans:-

Drawing No. A-22-10-01 Revision P1 (Site Location Plan)

Drawing No. A-22-10-02 Revision P1 (Proposed Plans, Elevations and Site Plan)

Drawing No. A-22-10-03 Revision P1 (Proposed Visuals)

Drawing No. A-22-10-04 Revision P1 (Site Elevations and Cross Sections)

published on the 13 May 2022

Reason: In order to define the permission

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

3. 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.

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

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

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

5. A Biodiversity Net Gain (BNG) assessment shall be carried out in advance of any work commencing on site and shall include 10% net gain, this shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be carried out using the latest Defra metric (currently 3.1). The findings of the BNG shall be incorporated into and inform the Landscape and Ecological Management Plan.

Reason In the interest of achieving biodiversity enhancements across the site in line with paragraphs 174 and 180 of the National Planning Policy Framework.

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

Reason: In the interests of protecting the biodiversity of the site. It is



essential that this condition is complied with before any other works on site commence given that damage to existing habitats is irreversible.

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

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

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

8. The development hereby approved shall be carried out strictly in accordance with the following Precautionary Working Methodology as set out in the Environmental Impact Assessment (EclA) prepared by Weddle Landscape Design.
  - Site operatives be given a toolbox talk on species which may be encountered before any work commences.
  - Clearance of scrub will be undertaken between October and February to avoid the bird nesting season.
  - Clearance of vegetation will be undertaken as a 'destructive search' preceded by a walkover of the area to be cleared by an Ecological Clerk of Works to check for sheltering individuals.
  - Clearance of vegetation taller than 15cm shall be strimmed from the centre of the site outwards to encourage any animals to naturally vacate the area.
  - Following a resting period of 24 hrs, a further search by an ecologist will be undertaken to ensure that no species are present and then the remaining vegetation will be cut to ground level. This will be undertaken under supervision of an Ecological Clerk of Works.
  - Any deep excavations, left uncovered overnight include a means of escape (sloping board) for any animal. Excavations to be checked prior to works recommencing.

- Any small mammals or common amphibians encountered during site clearance works shall be allowed to move from the area naturally or be safely translocated to the perimeter of the site to reduce risk of killing or injury.
- An Ecological Clerk of Works must be made available throughout the development should they be required.

Reason: To prevent harm to species during the construction phase.

9. Before the use hereby permitted commences, a Wildlife-Sensitive Lighting Scheme that seeks to mitigate the potential impact of light from the development on the adjacent woodland and protected species shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

10. The development shall not be used unless turning space for vehicles has been provided within the site, in accordance with details to be submitted to and approved in writing by the Local Planning Authority and thereafter such turning facilities shall be retained.

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

11. The development shall be carried out broadly in accordance with the Landscape Masterplan (Drawing No. 675-006) prepared by Weddle Landscape Design.

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.

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

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

13. Before that part of the development is commenced, full details of the proposed external materials shall have been submitted to and approved in

writing by the Local Planning Authority. Thereafter the approved materials shall be in place before that part of the development is first occupied.

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

14. An acoustic screen fence shall be erected along part of the southern side of the driveway adjacent to Nos. 12-16 Green Lane. The acoustic screen fence shall be of a robust, imperforate construction, with a minimum surface density of 10kg/m<sup>2</sup>, the details of which shall have been submitted to and approved by the Local Planning Authority prior to installation.

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

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

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

### **Other Compliance Conditions**

16. The work should be carried out in accordance with British Standard 3998 Recommendations for tree work.

Reason: To ensure the work is carried out in accordance with good arboricultural practice and to the current British Standards. To ensure that health and safety measures are followed and where pruning is undertaken that the amenity value of the tree is maintained.

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

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

18. The internal ground levels of the dwellinghouse shall be elevated 300mm above existing ground levels.

Reason: In the interests of protecting against flood risk.

19. The construction of the dwellinghouse and all site works shall be implemented in accordance with the following methods:-

- Storage areas for chemicals, fuels will be sited well away from the northern

and eastern boundaries and stored on an impermeable base within an oil-tight bund with no drainage outlet.

- Where possible, silty water shall be disposed of to the foul sewer.
- Grey water from washing vehicles to be carried out in a contained area away from the southern and eastern boundaries to avoid contamination water entering the stream.

Reason: To ensure the adjacent stream (Tinker Brook) is not impacted by the proposed works.

20. Any new fencing should ensure that the site remains permeable to hedgehogs with regular holes, no less than 130mm by 130mm being provided.

Reason: In the interests of the welfare of hedgehogs

Attention is Drawn to the Following Directives:

1. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at [epsadmin@sheffield.gov.uk](mailto:epsadmin@sheffield.gov.uk).
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. 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.
4. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum:
  - Reference to permitted standard hours of working;
  - 0730 to 1800 Monday to Friday

- 0800 to 1300 Saturday
- No working on Sundays or Public Holidays
- Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
- A communications strategy for principal sensitive parties close to the site.
- Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
- Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
- Vibration.
- Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
- A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
- A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
- Details of site access & egress for construction traffic and deliveries.
- A consideration of potential lighting impacts for any overnight security lighting.

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

5. Green/biodiverse roof specifications must include substrate growing medium type and depths (minimum 80mm) and plant schedules. It should be designed to detain at least 60% of the annual average rainfall. A minimum of 2 maintenance visits per year will be required to remove unwanted species (as is the case with normal roofs). Assistance in green roof specification can be gained from The Green Roof Organisation ([www.grouk.org](http://www.grouk.org)) or contact Officers in Environmental Planning email:

[EnvironmentalPlanning@sheffield.gov.uk](mailto:EnvironmentalPlanning@sheffield.gov.uk)

Alternatively see the Local Planning Authorities Green Roof Planning Guidance on the Council web site.

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

Ecology Unit  
Sheffield City Council  
West Wing, Level 3

Moorfoot  
Sheffield  
S1 4PL  
Tel: 0114 2734481/2053618  
E-mail: parksandcountryside@sheffield.gov.uk

7. 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.

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

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

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

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

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

## Site Location



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## LOCATION AND SITE CHARACTERISTICS

The site is currently an unmanaged broadleaved wooded area with ruderal vegetation. The application site covers an area of approximately 0.26 hectares that is characterised by overgrown scrub and a high number of semi-mature and mature trees.

The Tinker Brook, a steeply sided and stony stream extends along the site's northern boundary, beyond which is woodland, part of which is protected by a Tree Preservation Order (TPO). The site is bounded by housing on two sides; to the west is the back gardens of terrace housing (133-137 Main Road) and to its south are the back gardens of two pairs of semi-detached properties and terrace housing (4-16 Green Lane).

Access is taken from The Glen, which runs perpendicular to Green Lane. Its boundary to Main Road is a low stone boundary bridge wall. There is no access to the site from Main Road

## PROPOSAL

Full planning permission is being sought to erect a two-storey 5-bedroomed detached dwellinghouse on this site. Access would be taken from Green Lane/The Glen at the site's south-western corner adjacent to the rear garden boundary of No. 16 Green Lane. The curtilage of the house and access road would account for less than 20% of the total site area with the remaining area being retained as woodland.

## RELEVANT PLANNING HISTORY

An application to erect two dwellinghouses on this site, under application No. 17/00996/FUL was withdrawn in January 2021. It was withdrawn on the advice of officers due to matters being unresolved relating to protected species. Under this previous application, the two houses were shown to occupy approximately 65% of the application site with the remaining part of the site (35%) laid out as public open space, secured by a legal agreement.

## SUMMARY OF REPRESENTATIONS

A total of 61 objections have been received in response to neighbour notification. Letters of objections/concerns have also been received from Miriam Cates MP, Bradfield Parish Council and Sheffield and Rotherham Wildlife Trust (SRWT).

Their comments are summarised below.

### Land Use Planning

Given the large housing development on the former Paper Mill (Main Road), the development of the site is not necessary to meet local housing needs. There are currently two housing sites not 100 yards from the site with over 400 houses being built.



## Ecology

The development will remove vast swathes of the local wildlife and flora. This will undoubtedly change the character of the homes on Green Lane, permanently removing the semi-rural feel that residents currently enjoy.

The woodland site is inhabited by a variety of species of animals including bats, badgers, foxes, owls and numerous birds, which all form an important part of the local eco-system. The proposed development would decimate the habitats and hunting grounds of these creatures.

There are a number of protected and red list species on site, some of whom are indicator species. No biodiversity net gain mitigations are likely to restore the ecologically valuable habitat.

The small piece of woodland is a wildlife haven. The land has remained untouched for so long. To interfere with it and shape it would be a great loss to the local community and the wildlife that relies on it for their homes and food sources.

Granting permission to this proposal allows future developers to evidence this site when referring to the clearance of trees from the parts of woodland that are unprotected by Tree Preservation Orders (TPOs) and sets a dangerous precedent

The development is a small sanctuary for the protected horse shoe bat, which is now very rare. It is also home to the pipistrelle and brown bat. There are lots of trees, owls and nesting birds. The site is also home to hedgehogs with six visible nesting sites. Hedgehogs are vulnerable to extinction and in the last 30 years, 77% of the hedgehog population have been lost. Hedgehogs are now red listed as vulnerable to extinction within a decade. The hedgehogs are a breeding colony with video footage of hedgehogs visiting neighbouring gardens.

The site attracts huge numbers of bats to feed there. The use of artificial light from the house and the felling of trees would seriously impact all the bats that gather there, most especially rarer bats that are averse to artificial light sources.

This is one large house. Is it worth the loss of all that precious wildlife.

Disturbance of vital flora and fauna.

Loss of ancient woodlands

The proposal will reduce the number of mature trees within the planned development area.

Wharncliffe Side has many green spaces and wildlife on the outskirts of Sheffield, which should remain for as long as possible.

There are more suitable sites for development

There is already a large amount of building works being carried out within the immediate area resulting in a high level of disruption that residents are already experiencing.

The development would destroy a hugely important piece of woodland and rural community space.

Badgers have been seen, although it can't be evidenced that they use the site.

The site should be protected and preserved as a sanctuary for wildlife.

Light pollution. There is no artificial lighting within the woodland area, which would be harmed by its introduction.

The area supports an established ecosystem that is deserving of protection

#### Amenity Issues

Overlooking Issues. The proposed dwellinghouse will overlook the rear gardens of properties located along Green Lane.

It will impact on the peace and tranquillity and views that will harm the living conditions of residents of Green Lane.

Disruption to residents during the construction phase.

#### Flooding Issues.

Despite reports and surveys carried out on behalf of the developer, which conclude that the site will not be threatened by flooding, local knowledge and anecdotal evidence submitted previously by residents - some of whom have lived in the area for more than sixty years suggest that under 'typical' wintery conditions the proposed site is prone to excessive runoff and localised flooding. The proposed removal of mature trees would only exacerbate this situation.

Tinker Brook poses a potential flood risk.

The loss of the trees will increase surface water run-off.

#### Highway safety

Access to the site would be along a single track road that is used by local children to walk to primary school and to the park. The proposed access leads to a path and

bridge over Tinker Brook. This would lead to a potential safety aspect given the position of the road, parked cars and the footpath.

Access to the site is difficult, currently suitable for pedestrians, which will severely affect the ability of residents on foot to move freely and safely.

The proposed vehicular access will pose danger to people using the current path through The Glen.

#### Loss of Open space

The current proposal does not offer any replacement of open space. While the land may be private and not open to public access, residents can enjoy the view of the site's green and open space from their gardens and via the footpath that crosses Tinker Brook. Were this site to be developed, residents would be left with a shortage of open space which has been a part of the community for hundreds of years.

Inappropriate to build on this greenfield site that is mature woodland

#### Design

The design of the dwellinghouse is not in-keeping with surrounding houses. The footprint of the building equals to three or four houses along Green Lane.

The proposed building will have a negative impact visually on a considerable number of properties.

#### Other

The footpath that connects Green Lane and surrounding areas via a bridge over the brook – to the other parts of Wharncliffe Side, including the local primary school, is the only safe walking route connecting both parts of the village. Were plans to be approved this route would be practically impassable particularly during the construction phase.

The site's previous landowners were advised that the site had no development potential. Assuming that the current owner used due diligence and enquired into the land's development potential before purchasing the site; they would have been aware of this information.

Sheffield City Council promotes itself as a 'green' council, so why on earth is the application even being considered. SCC are limiting access to the city for cars, building cycle lanes, buying electric cars, but all that is a waste of time if it does not preserve the green areas and natural beauty we already have.

The proposed dwellinghouse would negatively impact on the environment.

There are already enough houses built in the area

There have been many recent developments around the area, which have impacted on access, power to properties and noise.

The proposed plans do not allow for access to the property without major disruption to the surrounding houses.

There would be a considerable amount of disruption from the construction of the development.

Families spend a lot of time at Glen Howe who would be upset to lose any part of the current park and woodland.

A greedy build as this land already came with a property

The development will further increase the immense pressure that local amenities are under due to increased number of people in the area.

The proposal seeks to squeeze and obscenely large house on it with no reasonable street access.

The development would set a precedent to develop green areas. There are numerous other areas in the city and surrounding areas that are in need of development to rejuvenate them.

Given that there are other developments in the immediate area, why is one house specially needed here.

Impact on potential archaeological site needs to be addressed

This is about the third application seeking permission to build on this land, both previous applications have been rejected by Sheffield City Council

Both Wharncliffe Side and Oughtibridge School are at full capacity, leading to some children having to go to Grenoside causing more pollution and traffic.

Should planning permission be granted it will become far easier to get approval for more houses on the site going up School Lane

Miriam Cates MP

A number of constituents have contacted the MP who are concerned that the site of this proposed development is an important habitat for threatened wildlife species, particularly bats and hedgehogs, and she would welcome an assurance that the

applicants will be expected to provide detailed information in the form of a professional ecological survey report on how they propose to ensure that wildlife habitats are not adversely affected by the development.

Bradfield Parish Council

Bradfield Parish Council would recommend refusal of this application for the following reasons:-

- The planning history of the site shows that there is no existing footprint.
- Overlooking/loss of privacy to neighbouring properties.
- Highway Issues. Access/egress and parking issues
- Capacity of infrastructure with specific regard to refuse collection
- Out of keeping with streetscene
- Overdevelopment of the site.
- Loss of mature trees
- Impact on nature conservation and bio-diversity opportunities.
- Loss of protected species
- Impact on a potential archaeological site
- Risk of Flooding

Sheffield and Rotherham Wildlife Trust

As South Yorkshire Bat Group have pointed out in their objection, the site is allocated as open space and is not a residential development site. It would therefore be against policy to allow the development to proceed.

The EIA was only uploaded after our request and after the deadline for comment. South Yorkshire Bat Group submitted their objection prior to the Ecology Report being made available. They raise valid concerns about potential impacts on whiskered and brown-long eared bats. We would like to know whether these have been addressed by the Ecology Report.

The applicant has carried out UKHab habitat assessment, which is the most appropriate for use in a Biodiversity Net gain assessment, yet they have not gone on to carry out a BNG assessment. Due to the habitats that would be affected, SRWT recommend that this is carried out and the results considered.

The map showing the Glen Howe LWS boundary and the development boundary is not very clear. – how close is the development to the LWS boundary?

There were several hedgehogs seen yet the Ecology Report that the site is considered to be of importance at less than local level for hedgehogs and they are scoped out of further assessment. However, they are considered further in the precautionary working methods in Section 5.2. No explanation is given to how this level of importance has been reached.

The bat survey refers to a large elm tree in the middle of the site, but this is not listed of trees within the tree report. This needs to be clarified as it may be a significant tree, especially if it's in the potential development footprint.

## PLANNING ASSESSMENT

### Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan for the site is the Sheffield Local Plan which includes the Sheffield Core Strategy and the saved policies and proposals map of the Sheffield Unitary Development Plan (UDP).

The UDP Proposals Map identifies the site as being within a Housing Area.

The NPPF is a material consideration in planning decisions. The NPPF was published in 2012 and has subsequently been revised in 2018, 2019 and 2021 with consequent changes to some paragraph numbering.

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's revised 5-Year Housing Land Supply Monitoring Report, which was released in August 2021, includes the updated Government's standard methodology and a 35% uplift to be applied to the 20 largest cities and urban centres in the UK, including Sheffield. The monitoring report sets out the position as of 1<sup>st</sup> April 2021 – 31<sup>st</sup> March 2026 and concludes that there is evidence of a 4 year supply of deliverable supply of housing land. Therefore, the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites.

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.

The proposal involves the erection of one dwellinghouse (Use Class C3). In this instance, there are no protected areas or assets of particular importance as described in footnote 7 of paragraph 11 within the boundary of the application site. The NPPF emphasises the importance of the delivery of housing, and that importance is heightened with the tilted balance engaged. The most relevant policies in respect of this application should therefore be viewed as out of date in line with paragraph 11 (d) of the NPPF and, unless adverse impacts would significantly and demonstrably outweigh the benefits of the development, planning permission should be approved. Set against this context, the development proposal is assessed against all relevant policies in the development plan and government policy contained in the NPPF.

Set against this context, the development proposal is assessed against all relevant policies in the development plan and government policy contained in the NPPF.

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

- The Principle of Development – Policy and Land Use
- Highway Issues;
- Design and its effect on the character and appearance of the surrounding area;
- Ecology and Biodiversity Issues;
- Flooding Issues;
- Heritage and archaeology Issues;
- Effect on the residential amenity of neighbouring properties;
- Community Infrastructure Levy;
- Other Issues

Principle of Development – Policy and Land Use

Greenfield Land

The application site is a greenfield site. The application should therefore be assessed against Core Strategy Policy CS24. This policy states that priority will be given to the development of previously developed sites and that no more than 12% of dwelling completions be on greenfield sites between 2004/05 and 2025/26.

The policy is considered to be broadly consistent with the NPPF, which states at paragraph 119 that policies should set out a strategy for meeting need in such a way that 'makes as much use as possible of previously-developed or 'brownfield' land', and at paragraph 120 part d) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes, and at part d) to promote and support the development of under-utilised land and building,

especially if this would help to meet identified needs for housing.

In terms of Policy CS24, the Council's latest figures show that of all housing completions, over 95% of these have been on previously developed sites. The proposal would therefore not conflict with this policy.

### Open Space Assessment

The application site is shown to be within a Housing Area as designated in the adopted Sheffield Unitary Development Plan. The principle of housing is acceptable in line with UDP Policy H10. The site would also be classed as an informal Open Space Area in line with the definition in LR5 of the UDP and so it is also necessary to consider the proposal in relation to Local Open Space policies.

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

UDP Policy LR7 relates to development of recreation space for non-recreational uses. This policy states that development of recreation spaces for non-residential uses will only be permitted in certain instances, and include at part d) where the overall provision of recreation space within the catchment area of the site would not fall below the minimum guideline after development has taken place.

UDP Policy LR8 again relates to the loss of recreation space, and states that new development will not be allowed in instances where it serves a Housing Area and where provision is at or below the minimum guideline, is located in an area where residents do not have easy access to a Community Park or where it provides a well-used or high quality facility for people living or working in the area, or it would not comply with the conditions of Policy LR5.

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.

The application site comprises of privately owned woodland that is not accessible to the public. The site's value to the local community is the visual amenity afforded by its woodland character and appearance from public vantage points located outside the site, along with views from private residential properties that abut the site along its



southern and western boundaries. As the site has no formal public access, the visual amenity afforded by its woodland character can only relate to views from surrounding vantage points.

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 public vantage points outside the site, falls within the definition of open space in the NPPF annex. The second issue leading from this is whether NPPF paragraphs 98 and 99 apply, which relate to open space and recreation. Paragraph 98 says that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Paragraph 99 says that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless a) an assessment has been undertaken which has clearly shown the open space to be surplus to requirements, or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current former use.

The NPPF annex 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.

As described, the site's value to the local community is the visual amenity afforded by its woodland character and appearance from public vantage points located outside the site, along with views from private residential properties. Visual amenity is not a standalone function of open space as per the NPPF annex definition and NPPF paragraphs 98 and 99 which relate to open space cannot apply to land valued only for visual amenity.

Furthermore, NPPF paragraph 98 cannot apply to land primarily safeguarded for its visual amenity because open space protected for its visual amenity could never be deemed surplus to requirement (NPPF paragraph 99a) or be replaced by equivalent or better provision (NPPF paragraph 99b). 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 but within the context that this policy can only be given limited weight in the decision making process. Nevertheless, when assessed against Policy LR5, it is considered that the proposal would not conflict with the broad list of conditions where development in open space areas is not normally permitted. For

instance, while it is acknowledged that some trees (8 in total) would be felled to accommodate the new dwellinghouse (discussed further within the report), the development would not cause damage to mature or ancient woodland or result in a significant loss of mature trees. Also, the proposal would not harm the rural character of a wedge of open countryside, would not be incompatible with the surrounding land uses or result in the loss of open space which is of such quality that it is of city-wide importance.

Core Strategy Policy CS47 seeks to safeguard open space. This policy states that development of open space will not be permitted where it would result in a quantitative shortage of either informal or formal open space in the local area; it would result in the loss of open space that is of high quality, or of heritage, landscape or ecological value, or cause or increase 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), it is considered that this policy is not relevant in respect of this application and should not 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 as in this instance. 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 comprises ecological and environmental attributes, most noted through the high tree cover, it comprises an unmanaged wooded area, which is not publicly accessible and so is not currently being 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 outright protection from development cannot be justified when assessed against government policy in this regard.

Despite it being found that there is a quantitative shortage of informal and formal open space within the catchment area of the site, as the site fails to meet the purposes of open space as defined in the NPPF, there is no requirement to assess the application against its loss in line with UDP Policies LR7 and LR8 and paragraphs 98 and 99 of the NPPF. Both UDP Policies LR7 and LR8 relate to the loss of recreation space, which is not applicable in respect of this application.

The application site is considered to be within a sustainable location. The site is located within the existing village settlement of Wharncliffe Side, which has a small range of shops and services. Main Road, which the site abuts is a main thoroughfare and carries a high frequency bus route between Sheffield and Stocksbridge.

From an open space perspective therefore, it is considered that there are no policy grounds to resist the development of the site to provide a single dwellinghouse within part of the site area.

### Housing Land Supply

Chapter 5 of the NPPF relates to delivering a sufficient supply of homes and states at paragraph 60 that, to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land comes forward where it is needed.

For the purposes of assessment, as the application relates to the erection of housing at a time when the Council is unable to demonstrate a 5-year supply of deliverable housing sites, the relevant policies relating to the delivery of housing should be considered to be out of date in line with paragraph 11 (d) of the NPPF.

In terms of housing delivery, the proposal to erect one dwellinghouse would make a small contribution to the delivery of housing in the city, to which moderate weight should be given in the planning balance.

### Highway Issues

UDP Policy H14 sets out a number of conditions development in Housing Areas are required to meet. At Part (d), it states that new development will be permitted provided that it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

These policies are not fully consistent with government policy contained in the NPPF, which states at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The requirement to provide appropriate off-street parking is not therefore reflected in the NPPF, with government policy suggesting that the shortfall of off-street parking within a scheme should only be refused in instances where this would result in an unacceptable impact on highway safety or lead to severe impacts on the road network.

The dwellinghouse would be provided with provision within the curtilage of the site for the parking of at least three vehicles (one within the garage). Access would be taken from School Lane/The Glen from a driveway that would extend along the site's southern edge.

From a highway perspective, the proposal is considered to be generally acceptable and would not lead to any significant demand for on-street parking that would

prejudice highway safety or lead to severe impacts on the road network. The proposal would require an extension of the adopted road, which would require the applicant to enter into a separate Section 278 agreement. Conditions should be secured relating to refuse collection and details of the parking area, turning facilities and driveway.

## Design Issues

Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings, the use of special architectural treatment be given to corner sites and that designs should take advantage of the site's natural features.

UDP Policy H15 relates to design of new housing developments and states at part a) that the development should provide easy access to homes and circulation around the site for people with disabilities or with prams and at part b) have adequate private gardens or communal open space to ensure that basic standards of daylight, privacy, security and outlook are met for all residents.

Core Strategy Policy CS74 sets out the design principles that would be expected in all new developments. It details that high quality development respect and take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods. At Part (c) it includes the townscape character of neighbourhoods with their associated scale, layout and built form, building styles and materials.

These policies are considered to be broadly consistent with government policy contained in the NPPF, although no reference is made in the NPPF to the requirement that the scale and character of the proposed development having to reflect that of neighbouring buildings. Government policy is contained in Chapter 12 of the NPPF (Achieving well-designed places) and states that good design is a key aspect of sustainable development, which creates better places in which to live and work.

Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to say that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that, amongst other things, planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The application proposes to erect a 'contemporary styled' detached dwellinghouse on this site. It would be erected relatively centrally on site and take its access from Green Lane. The dwellinghouse would have 5-bedrooms, built over two floors and constructed with a traditional dual pitched roof. It would be rectangular in appearance, measuring 21.4m by 8.4m (external footprint) with an eaves height of 6m and ridge height of 8.6m. The front and rear elevations would be orientated to face south and

north respectively. Features of the property include fixed and bi-folding glazed frames, large glazed ground and first floor windows with feature glazed rooflight (rear elevation), first floor rear balcony with glazed screen, and flat roofed garage along its front elevation with green roof. The dwellinghouse would be constructed with natural stone walling with standing seam zinc split gable features and standing seam zinc roof. Windows would be aluminium with timber composite doors for both the garage and its main entrance. The proposed integral garage would be finished in an off-white render.

It is considered that the dwellinghouse is of high design quality that would sit reasonably comfortably within the context of the site. The overall mass of the building has been successfully broken up by changes in plane and application of facing materials. There is a wide-ranging variety of house types within the vicinity of the site, ranging from traditional stone cottages along Main Road to inter-war housing along Green Lane. The dwellinghouse would add a contemporary addition to the variety of house types and would not appear at significant odds with the existing urban grain of the area. It is considered that it is of appropriate scale and massing, architecturally sound in terms of its form, and proportions, and would use natural materials (natural stone and zinc) that would respond positively to the surrounding area and its woodland setting.

Subject to the full suite of facing materials being submitted for approval, it is considered that the development represents an appropriate response to its site context. The reduction of the number of dwellinghouses from what was previously submitted by the applicant in 2017 results in a more measured response to the site's sensitive location adjacent to Tinker Brook and its woodland setting.

UDP Policy H14 (a) and BE5, and Core Strategy Policy CS74 are considered to be met.

#### Ecology and Biodiversity Issues

The proposal should be assessed against UDP Policies GE11, GE15 and BE6 and Core Strategy Policy CS74. Policy GE11 seeks to protect and enhance the natural environment and promote nature conservation, Policy GE15 seeks the retention of mature trees, copses and hedgerows, wherever possible, and replace any trees which are lost.

Policy BE6 requires new development to provide a suitable landscape scheme with regards to new planting and/or hard landscaping and details of existing vegetation that is to be removed or retained. Core Strategy Policy CS74 expects high-quality development to respect and enhance the distinctive features of the city including its Green Networks, important habitats, waterways, woodlands, and other natural features.

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, mitigating harm and providing net gains in biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. At paragraph 175 it states at part c that development

resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

It is considered that the local policy aims of protecting and enhancing ecology are compatible with the NPPF and therefore retain substantial weight.

The application site is currently a wooded area, which together with Tinker Brook form part of a habitat corridor of woodland connecting Wharncliffe Woods to the east with Glen Howe Park to the west. The site comprises dense bramble, bracken and nettle scrub and a large number of trees.

Within the site boundary, the supporting tree survey identified a total of 51 trees (T1 to T52) and two tree groups (G4 and G22). The vast majority of the trees are sycamore (30 in total) with the remaining trees including Lawson Cypress, Crack Willow, Common Hawthorn, Norway Spruce and European Ash. With exception to one tree (T20 – Norway Spruce), which is Category B (Medium), all the site's trees have been categorised as being either Category C (Low) or Category U. An overlay of the proposed house on the tree survey, shows that a total of eight trees would need to be felled to accommodate the house and its curtilage. These include four sycamore (T34-T36 and T48), two Crack Willows, one Common Hawthorn and one European Ash. The tree survey does not identify an Elm, although this is identified on the submitted bat survey.

The proposed landscaping details are set out on a Landscape Masterplan prepared by Weddle Landscape Design. This Masterplan shows a comprehensive array of hard and soft landscaping proposals for the site, which includes extensive new tree planting (Semi-mature tree planting) along the south-western corner of the site either side of the proposed driveway, along the southern and eastern edge of the site that would help to bolster the existing tree canopy and additional planting to the northern side of the dwellinghouse. In addition to this, the landscape plan shows new hedgerow planting around the perimeter of the curtilage, as well as native shrub planting, wildflower grassland parking along the abandoned footpath to the east of No. 4 Green Lane and the construction of a permeable gravel access driveway. The site's existing trees would be retained and form a woodland buffer to the adjacent Local Wildlife site.

In addition to the tree survey and Landscape Masterplan, the application was accompanied by an Ecological Impact Assessment (EclA) also prepared by Weddle Landscape Design and a Bat Transect Survey (dated 15 December 2021) prepared by Whitcher Wildlife Ltd.

The EclA details that various ecological surveys were undertaken for the site between 2017 and 2020 that supported the previous application. This included a Phase 1 Habitat Survey and Preliminary Ecological Appraisal (PEA). Bat Activity Survey and Botanical Survey. During the course of the earlier application, a nearby bat roost was identified by South Yorkshire Bat Group, and to account for this as a potential ecological constraint, further survey work to monitor the bat roost and the use of the site by bats was undertaken throughout 2021. In addition to this, an additional botanical survey of the site was undertaken in spring 2021 as an addendum to the

previous submitted Botanical Survey Report, and a further walkover of the site was undertaken in March 2022 to establish the habitat baseline of the site in accordance with the UKHabitat Classification.

The aim of the EclA is to inform the following:

- Compile all survey information to establish the baseline ecological condition of the site.
- Identify any likely significant effects of the proposed scheme in the absence of mitigation.
- Propose any ecological mitigation measures to avoid any likely significant effects and identify residual impacts.
- Identify any compensation measures required to offset residual impacts
- Propose potential ecological enhancement measures that could be provided by the development
- Confirm how proposed mitigation, compensation and enhancement measures will be secured.
- Confirm whether the proposed scheme complies with nature conservation legislation and policy, allowing conditions to be imposed by the LPA.

The EclA details that the Glen Howe Park Local Wildlife Site (LWS) follows the Tinker Brook and passes through the woodland. The LWS is designated as a Semi-natural deciduous woodland and riparian corridor with the trees to the south of Tinker Brook (the application site) being predominately Ash and Sycamore. It reports that no direct impacts are predicted to the LWS but the development of the site could directly impact the LWS through runoff. The woodland is not considered to have a particularly diverse composition due to the direct adverse effects of bramble with the woodland assessed to be of poor condition. No unusual or rare plant species were identified on the site and as a result notable flora has been scoped out of further assessment. In terms of protected species, no badger setts or other field signs were identified on site. The woodland and scrub have been identified as providing a foraging resource for bats with the trees providing good commuting structure for bat species in the local area. The transect surveys showed that common pipistrelles are by far the most dominant species within the survey area, myotis species were found to be continuously present, but in much smaller numbers, with both Soprana Pipistrelle and Noctules making up a small percentage of the total figures.

In terms of likely significant effects, the EclA states that in the absence of mitigation, there would be direct impacts on the Tinker Brook and Glen Howe Park LWS. To mitigate this impact and avoid any recreation pressure, the residential curtilage will be defined by a post and wire fence and planted hedgerow to clearly define the site from the adjacent and retained woodland.

In terms of the trees, in the absence of mitigation, retained trees and woodland will be vulnerable to damage during the construction phase, and a significant adverse effect is predicted at the local level. To mitigate against this, the EIA recommends that trees should be protected through tree protection measures to avoid damage to Root Protection Areas (RPAs) during the construction phase. New tree planting should incorporate native species and strengthen and fill any gaps. Management and maintenance of retained and proposed planting will be detailed within a Landscape

and Ecological Management Plan (LEMP). Through the implementation of the above measures, the EclA anticipates that there should be no residual effects on the site's retained trees.

In terms of bats, the EclA details that the majority of the trees and vegetation, which form part of the commuting and foraging features for bats will be avoided and retained, particularly to the western end of the site. The development will however involve the removal of a small number of trees in addition to the removal of a small amount of scrub to allow for the construction of the access road, which could result in habitat fragmentation. As the site is currently unlit, new artificial lighting used during construction and upon completion could lead to disturbance impacts on bats. It goes on to say that both habitat fragmentation and lighting disturbance could impact on the integrity of the nearby roost. In the absence of avoidance and mitigation measures, the proposal could result in a significant adverse effect on bats is predicted at County Level. To mitigate against the harm, the EclA advises that the protection of retained trees include tree protection measures (detailed above) and no external lighting to be used during the construction phase. Further mitigation measures would include extensive tree planting around the development plot to ensure a continuous vegetative corridor. The access road would not be illuminated to ensure the western end of the site remains dark. Lighting around the building will be designed to ensure that lights are angled downwards and low level only, which should be subject to a detailed lighting scheme utilising low level downward facing bollards. The EclA states by implementing the above mitigation measures, no residual effects are anticipated.

The EclA details that the trees within the development site area were checked for potential to support roosting bats, but all were considered to fall within the low or negligible risk categories of supporting bats.

To further assess the impact of the development on bats, as described, the application includes a Bat Transect Survey Report (dated 15<sup>th</sup> December 2021) prepared by Whitcher Wildlife Ltd. This report details that surveys of the site were carried out in 2020, firstly in July and then again in September, with further surveys carried out in 2021. The report outlines the findings of the 2021 surveys. The primary focus of the surveys was to establish the use of the site by bats roosting in a neighbouring property at Green Lane, which contains both Whiskered and Brown Long Eared bats, and to better understand their commuting pathways to the stream and wider habitat.

These surveys collected over the course of the year found that Common Pipistrelles are by far the most dominant species within the survey area with Myotis species being present as well as Soprano Pipistrelle and Noctules. The surveys also indicate the likely presence of Brown Long Eared bats, particularly as it is known and described above that a neighbouring property contains a roost that contains both Whiskered and Brown Long Eared Bats.

The site was assessed as offering a good habitat for foraging and commuting bats, but there is no evidence to indicate that any species use the site exclusively close to dusk or dawn. During the transect surveys, the report details that a large portion of the activity was along the watercourse within the survey area, which offers an ideal, sheltered corridor without the interruption of artificial lighting. The report concludes



that provided that the watercourse and trees on the adjacent banks and a significant area of habitat is retained and left undisturbed by the development, there is no reason to believe that there will be a significant impact on bats. The report offers a number of recommendations, including that the existing tree canopy should be retained and no trees being removed in conjunction with the access road. Other recommendations include no illumination of the access road during hours of darkness, extensive screen planting being carried out particularly within the western end of the site and to the rear of the building adjacent to the watercourse, and that the scheme include a sensitive lighting scheme to ensure there is minimal light infringement.

In terms of birds, in the absence of mitigation, construction activities could result in injury or killing of individual birds, damage to nests and eggs. To mitigate against this, the EclA advises no vegetation clearance or removal of trees during the breeding season (March-August).

In terms of hedgehogs, the EclA identifies that the scrub provides a good habitat and a number of incidental sightings were made during the 2021 bat surveys. The site is considered to be of importance at less than local level and were scoped out of further assessment, although as set out in the precautionary working methods of the report, it details that the proposed site fencing will be permeable to hedgehogs allowing them to pass freely in and out of the site with regular holes (130mm by 130mm) provided along its length.

In terms of other species, the EclA details that the site's woodland and scrub, together with the surrounding dry stone walls provide good shelter and foraging opportunities for common amphibians. The site inspection revealed no evidence of the presence of reptiles, and due to the lack of mosaic habitats preferred by reptiles, the EclA considers that it is unlikely that reptiles are present on site.

The EclA suggests several conditions that would include a Precautionary Working Methodology (PWM). Amongst other things, this PWM recommends that clearance of scrub should be undertaken between October and February to avoid the bird nesting season, clearance of vegetation taller than 15cm should be trimmed from the centre of the site outwards to encourage any animals to naturally vacate the site, any deep excavations should include a means of escape (sloping board) for any animal and that an Ecological Clerk of Works should be available throughout the development process.

In terms of ecological enhancements, to ensure measurable gains for habitat and species diversity, the EclA recommends that a number of ecological enhancements should be incorporated into the development proposals, which will be further developed as part of the Landscape and Ecological Management Plan. These shall include but not limited to, shrub and tree planting that includes a diverse mix of native species, management of the wider woodland through removal of invasive species and improving age diversity, long term habitat monitoring and management, provision of 5 bat boxes (one within the fabric of the building) and the rest in the wider woodland, provision of 5 bird boxes that target a range of species and creation of log pikes.

The EclA concludes that before mitigation, the proposed development would result in several adverse effects at up to county level and that there would be a risk of legal

infringement under nature conservation legislation in respect of the following receptors: Local Wildlife Site, Trees, bats and birds. However, with the implementation of the avoidance, mitigation and enhancement measures, the proposed scheme is considered to have no residual significant effects and would adhere to all relevant nature conservation legislation. These measures could be reasonably secured with a Landscape and Ecological Management Plan, in addition to conditions to secure precautionary working methods for vegetation clearance, boundary permeability and watercourse protection and a lighting strategy.

SCC Ecology Section have commented that all their previous concerns relating to the development of this site are still relevant in that the proposal has the potential to negatively impact a Local Wildlife Site (LWS) as well as result in the potential loss of Section 41 priority habitat and impact on protected species.

SCC Ecology do however acknowledge that this application, unlike the previous scheme is limited to a single residential dwelling, the curtilage of which is now set back some distance from the water-course (and LWS) which would be more acceptable in principle. The applicant's consultant ecologists have carried out an Ecological Impact Assessment (EclA) which identifies the key ecology receptors as Local Wildlife Site, trees, bats and birds which is considered to be a reasoned and sound approach. If the mitigation measures proposed were all implemented, then the likely significant effects are certainly minimised/removed. SCC Ecology also support the consultants proposed measures for a non-illuminated access road and sensitive external lighting that maintains an intrinsically dark habitat.

SCC Ecology comment that the biodiversity enhancements proposed in the EclA and the recommendations made in the 2021 Bat survey are acceptable in principle and should inform both a Landscape & Ecology Management Plan (LEMP) and planning conditions that should be attached to any grant of planning permission.

An area where the application is however lacking is its approach to Biodiversity Net Gain (BNG). There is no requirement for the development to currently achieve a mandatory minimum 10% BNG as this has not come into force through the Environment Act 2021, but regardless of this, there should be a strong focus on net gain and development should adhere to the principles of avoid, mitigate, compensate and demonstrate compliance with the NPPF (paras 174 and 180). Despite the EclA providing a list of potential biodiversity enhancements that will demonstrate 'measurable' gains (Section 6), no BNG assessment has been carried out. SCC Ecology note that this is a sensitive site due to its location, species present and conservation designations and it would be necessary that a net gain assessment be carried out using the latest Defra metric (currently 3.1). Only then would a more quantified assessment of biodiversity losses be known and how these can be adequately compensated for at site level and, if necessary, off-site.

It is therefore recommended that if approved, conditions should be attached to any grant of planning that includes a Landscape & Ecology Management Plan (LEMP), the undertaking of a BNG assessment as well as all the biodiversity enhancements proposed in the EclA.

SCC Ecology also suggest that it might be advisable to attach Tree Protection Orders

(TPOs) on the retained woodland that would help preserve the wooded nature of the site and prevent further tree loss in the future. In officer's opinion, seeking a TPO on the remaining trees is not considered to be necessary at this time, as the trees not shown to be removed are not considered to be at any unnecessary risk of being felled owing to them being outside the residential curtilage of the building.

From an ecology perspective, it is considered that with appropriate mitigation measures being secured in line with the recommendations set out in the EclA, there should not be any significant harm to the ecology receptors. It is also noted that the positioning of the dwellinghouse away from the roost within a neighbouring property, which contains both Whiskered and Brown Long Eared bats should ensure that the connectivity from this roost to the watercourse and woodland to the further north is not unduly impeded by the proposed development.

### Flooding Issues

UDP Policy GE17 relates to rivers and streams. This policy states that as part of the development of the Green Network, all rivers and streams will be protected and enhanced for the benefit of wildlife, and, where appropriate, for public access and recreation. This includes not permitting the culverting of any river or stream unless absolutely necessary, and setting back new development to an appropriate distance from the banks of rivers and streams to allow for landscaping. The UDP defines an appropriate distance as being 8m in the case of major rivers and streams.

Core Strategy Policy CS67 lists how the extent and impact of flooding will be reduced. These include requiring that all developments significantly limit surface water run-off, requiring the use of SUDs, and ensuring any highly vulnerable uses are not located in areas at risk of flooding.

Government guidance is contained in National Planning Policy Framework (NPPF). Paragraph 155 says that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

The application was accompanied by the same Flood Risk Assessment (FRA) that was submitted as part of the original application in 2017. Although this is five years old, it is considered that its findings remain applicable in respect of this scheme, where housing is again proposed, although on a reduced level.

The FRA details that the ground levels are at a level between 90.540mOD adjacent to the brook upstream of Main Road bridge and up to 99.41mOD at the south west corner of the site adjacent to the site. The Tinker Brook, which passes west to east through the site is very steep and reasonably sized. At the downstream end of the site the brook enters a single masonry culvert under Main Road, at which point, the brook is approximately 4.5m below normal ground level within the site. The Environment Agency surface water flood maps indicate that the extreme flooding remains within the main channel of the stream and would not flood the site.

The FRA says that the proposed development would be a safe area during extreme flood events but recommends that the internal ground floor levels are elevated at least 300mm above the existing ground levels.

The Environment Agency make no comment on the application owing to the application site falling outside Flood Zone 2 and 3. It is considered reasonable to require the internal ground levels of the of the dwellinghouse to be elevated 300mm above existing ground levels as recommended in the FRA. This can be secured by planning condition.

In order to ensure that any requirement to undertake works to the river are not impeded by the development and to provide an ecological buffer to Tinker Brook, a generous standoff distance between the back edge of the property's rear boundary and the river embankment. This distance should allow any maintenance of the river and its embankment to be carried out safely without having to rely on the future occupants of the dwellinghouses for access as well as provide an appropriate and continuation of the wildlife corridor between the back edge of the site and Tinker Brook.

#### Effect on the residential amenity of neighbouring properties

UDP Policy H14 states that planning permission will be granted only if the living conditions would be satisfactory for residents. This is reflected in paragraph 130 (f) of the NPPF, which states that development should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The application site abuts up against the residential gardens of properties to its south (133-137 Main Road) and to its west (4-16 Green Lane). Apart from these dwellinghouses, all other properties are considered to be adequately distanced from the site to prevent any impact that would be harmful to their residential amenity.

In terms of No. 133-137 Main Road, these three terrace properties face towards the application site and have main windows within their respective rear elevations. The separation distance between the nearest of these houses (No. 137) and the end gable would be some 25m. This distance is considered to be adequate to prevent any significant loss of privacy or lead to the building having an overbearing appearance. These properties also enjoy good sized rear gardens and would be effectively screening from the house by the trees that would be retained on site.

In terms of No. 4-16 Green Lane, these properties are orientated towards the site and all have main windows within their respective rear elevations. These properties benefit from good sized rear gardens (in excess of 16m) that extend back to the southern edge of the site. Of these eight properties, four of them (Nos. 4 and 12-16) are sited to the east and west of the proposed house and would face either towards the eastern side garden of the house or the proposed driveway and retained woodland. Any impact on these four properties' residential amenity as result of the proposal is therefore considered to be minimal. In terms of the other four houses Nos. (6-10), a separation distance of approximately 30m would be maintained between the nearest of these properties (No. 10) and the proposed house. This separation distance should prevent these neighbouring properties' being adversely affected by the proposal.

The proposed house would be served by a vehicular driveway that would run close to the rear gardens of Nos. 12-16 Green Lane. To limit any noise disturbance and light glare from headlights from vehicles ingressing and egressing the site, it is recommended that appropriate acoustic screen fencing be erected along part of the site's southern boundary.

## Heritage and Archaeological Issues

UDP Policy BE22 sets out that sites of archaeological interest will be preserved, protected and enhanced. It goes on to say that development will not normally be allowed which would damage or destroy significant archaeology sites and their settings. Where disturbance of an archaeological site is unavoidable, the development will be permitted only if a) an adequate archaeological record of the site is made and b) where the site is found to be significant, the remains are preserved in their original position.

This policy broadly aligns with government policy contained in the NPPF, which states at paragraph 194 that in determining applications, local authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It goes on to say that where heritage assets also have archaeological interests, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant commissioned The Jessop Consultancy to undertake a Heritage Assessment in connection with the earlier application. The scope of the document describes the archaeological and historical context of the site, analyses the heritage significance of the site and its contribution to the significance of other heritage assets, including their settings, and presents an assessment of the impact of the proposed development.

The Heritage Assessment (Dated July 2019) details that the site was historically used for arable farming, woodland plantation and market gardens. The report details that the site's previous land use has left its mark in relation to the modification of Tinker Brook including revetment walls and a weir.

The report details that these features are of local heritage significance but would not be affected by the proposals. The report also details that 137 Main Street and its attached lean-to workshop, which was previously understood to have been used as a file manufacture would not be affected by the proposal.

A review of local records of archaeological sites in the area, in conjunction with a survey undertaken of the site to inform this assessment, has assessed the archaeological potential of the site to be very low. As a consequence, the report concludes that no further archaeological work is required to support the application. If required, any residual risk could be offset through a process of archaeological monitoring during groundworks.

South Yorkshire Archaeology Service (SYAS) who inspected the Heritage Assessment at the time of the earlier application considered it to be acceptable for the

purposes of assessment. The requirements of Paragraph 194 of the NPPF are considered to be met.

### Community Infrastructure Levy

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development.

The site falls within CIL Charging Zone 3 and a CIL charge of £30 per square metre applies. There is an additional charge associated with the national All-in Tender Price Index for the calendar year in which the relevant planning permission is granted (£39.33 per square metres with indexation). All charges accord with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

In this instance the proposal is liable for CIL charges owing to the development relating to the erection of housing.

### Other Issues

Environmental Protection Service (EPS) has stated that the site is located within a residential area with low background noise. The predominate noise source is from road traffic from Main Road. Standard thermal double glazing with standard frame trickle vents and adherence to Part E of the Building Regulations should provide an adequate internal noise environment to satisfy the requirements of SCC standards.

In terms of contaminated land, EPS have reviewed their records and raise no concerns, and do not consider it necessary to attach the usual suite of land quality conditions to any planning permission.

EPS do not suggest any conditions but if approved have recommended that directives be attached relating to external lighting, construction noise and plant equipment.

### Titled Balance

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision making, this means:

- approving development proposals that accord with an up-to-date development plan without delay, or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless either the two points are not met:
  - i) the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework taken as a whole.

Footnote 8 to paragraph 11 states that development plan policies that involve the provision of housing should be viewed as out-of-date in instances where the local planning authority is unable to demonstrate a five year supply of deliverable housing sites.

In terms of the application of policies within the Framework that protect areas or assets of particular importance, these are set out at footnote 7 to paragraph 11 and include development proposals on land designated as Green Belt, Areas of Outstanding Natural Beauty, and designated heritage assets such as Listed buildings and Conservation Areas.

As described above, the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites with the revised 5-Year Housing Land Supply Monitoring Report concluding that there is evidence of only a 4 year supply of deliverable supply of housing land. Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered as out-of-date in accordance with paragraph 11(d) of the NPPF. The so called 'tilted balance' is therefore triggered, and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In this instance, the application site area is not within a protected area or contains any assets of particular importance. The NPPF emphasises the importance of delivery of housing, and that importance is heightened with the tilted balance engaged in this case, such that recommendation to support the proposed development is strengthened, and should only be refused in instances where any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.

The application site is currently a densely wooded area, which comprises dense bramble, bracken and nettle scrub and a large number of mature and semi-mature trees. It is acknowledged by officers that the development of the site would involve the removal of several trees and require the partial clearance of scrubland to accommodate the dwellinghouse, its residential curtilage and access road. This weighs against the development, and without appropriate mitigation measures the proposal is considered to have a significant adverse effect on the site's natural habitats and upon the adjacent LWS.

Similarly as set out in the Ecological Impact Assessment, the proposal without any mitigation would have a harmful impact on the sites ecology. However, as detailed in the EclA, with the implementation of the avoidance, mitigation and enhancement measures, the proposed scheme is not expected to have any significant residual effects and would adhere to all relevant nature conservation legislation. The loss of trees and existing habitat on site would be compensated through the addition of further tree planting across the site as well as measures to improve and enhance natural habitats across the site as well as long term woodland management in the interests of biodiversity. Amongst others, conditions are recommended that would

include a biodiversity net gain assessment and a Landscape and Ecology Management Plan (LEMP), both of which informed by the EclA. Conditions are also recommended to secure precautionary working methods for vegetation clearance, boundary permeability and watercourse protection and a lighting strategy during the construction phase and upon occupation.

The proposed siting of the dwellinghouse away from the western side of the site, the bolstering up of the existing woodland along the western and northern side of the site should ensure that the development would not lead to any significant effect on protected bat species that use the site for foraging and commuting.

The dwellinghouse is considered to be of acceptable design quality that would not harm the character or appearance of the area.

The proposal raises no significant highway concerns and would not lead to any significant demand for on-street parking that would prejudice highway safety or lead to severe impacts on the road network.

The distance of the dwellinghouse from houses along both Main Road and Green Lane should prevent any loss of privacy, outlook or overshadowing that would be harmful to their residential amenity.

The scheme will provide a very small contribution to the housing land supply in the form of one unit in an existing settlement. The provision of a dwelling will have minor economic benefits during the construction phase and beyond.

The benefits and disbenefits of the proposed scheme are finely balanced in this instance, however with the proposed mitigation measures in relation to biodiversity and landscaping serving to reduce any adverse impacts, and in the absence of a 5 year housing supply, the balance tips slightly in favour of approving this application. The provision of one dwellinghouse, while modest, will nevertheless contribute to meeting the current shortfall of housing in this sustainable location, to which weight should be given.

## SUMMARY AND RECOMMENDATION

The application relates to land that is situated to the rear and side of 133-137 Main Road and 4-16 Green Lane in Wharncliffe Side. The application site is currently a wooded area, which comprises dense bramble, bracken and nettle scrub and a large number of trees.

Full planning permission is being sought to erect a 5-bedroomed detached dwellinghouse with integral garage within the application site boundary.

For the reasons set out within the report and having regard all other matters, it is considered that, on balance, the application is acceptable and would not conflict with UDP Policies LR5, LR7, LR8, H5, BE22 and GE17, Core Strategy Policies CS67 and CS74 and government policy contained in the National Planning Policy Framework (NPPF).



It is therefore recommended that the application be approved.

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## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** The Head of Planning

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**Date:** 10 January 2023

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**Subject:** RECORD OF PLANNING APPEALS  
SUBMISSIONS & DECISIONS

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**Author of Report:** Abby Hartley

**Summary:**

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

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**Reasons for Recommendations**

**Recommendations:**

To Note

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**Background Papers:**

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**Category of Report:** OPEN

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1.0 RECORD OF PLANNING APPEALS SUBMISSIONS AND  
DECISIONS

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

## 2.0 NEW APPEALS RECEIVED

(i) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the demolition of front porch and rear lean-to, erection of two-storey front extension, two/single-storey rear extension and re-rendering of the dwellinghouse at 20 Smalldale Road, Sheffield, S12 4YB (Case No: 22/02678/FUL).

(ii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of 15m monopole with associated cabinets and associated ancillary works (Application for determination if approval required for siting and appearance) at land at junction with Gleadless Common and Glade Lea, Sheffield, S12 2UN (Case No: 22/01703/TEL).

(iii) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the provision of a first-floor rear roof terrace with steel/glass balustrade (Retrospective Application) at 3 Linnet Way, Sheffield, S6 6GE (Case No: 22/01595/FUL).

(iv) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the demolition of outbuilding, erection of two flats with associated parking at adjacent 214 Barnsley Road, Sheffield, S4 7AF (Case No: 22/01402/FUL).

(v) An appeal has been submitted to the Secretary of State against the delegated decision of the City Council to refuse planning permission for the erection of a two-storey side extension and single-storey front extension and alteration of garden to form off-street parking to dwellinghouse at 41 Cherry Walk, Sheffield, S35 1QR (Case No: 22/00618/FUL).

## 3.0 APPEALS DECISIONS – DISMISSED

(i) To report that an appeal against the delegated decision of the Council to

refuse planning permission for the construction of new vehicular access including formation of dropped kerb at 67 Sothall Green, Sheffield, S20 1FG (Case No: 22/01597/FUL) has been dismissed.

Officer Comments:-

The Inspector identified the main issue as being the effect of the development on pedestrian safety.

He noted the property was a mid-terraced dwelling with a small front garden and grass verge and footway between it and the carriageway of Sothall Green.

The area in front of the dwelling intended for parking would be 4.4m x 4.1m and the Inspector noted the Council's guidance was for parking space of 5m x 3.2m where pedestrian access is required to the dwelling as was the case here. Officer's concern was that the limited dimensions would lead to vehicles overhanging the footway, which would affect pedestrian safety.

The Inspector agreed with this concern in addition to necessary reversing manoeuvres which would add to the potential risks and dismissed the appeal concluding there was conflict with policy H14(d) of the UDP and paras 110, 111, and 130 of the NPPF.

(ii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of two-storey side and rear extension, and extension of rear decking at 156 Bevan Way, Sheffield, S35 1RJ (Case No: 22/01436/FUL) has been dismissed.

Officer Comments:-

The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the host dwelling and the street scene.

They noted that the existing houses have a very uniform appearance, with gable end roofs and brick walls, with no evidence of render on external walls or hipped roof arrangements.

The house is in a prominent corner location and the style and size of the extension would not be subordinate to the main house, instead appearing incongruous and out of keeping with the design of the main house. The symmetrical design of the pair of semis would also be lost. It was concluded that the combined side and rear extension would appear overly large and disproportionate. The addition of render would make the house even more obtrusive.

In conclusion the proposal was considered contrary to Core Strategy Policy CS74 UDP Policies BE5 and H14; the Supplementary Planning Guidance on Designing House Extensions and Paragraph 130 of the NPPF.

(iii) To report that an appeal against the delegated decision of the Council to refuse planning permission for the conversion and alterations to farmhouse to form 4no. apartments (Use Class C3) including erection of single-storey rear extension, reconstruction and raising the roof ridge height, rear dormer window, Juliet balconies to side and rear, additional first floor side window, formation of associated parking and landscaping works at Park View Farm, 33 Hemsworth Road, Sheffield, S8 8LJ (Case No: 22/00891/FUL) has been dismissed.

Officer Comments:-

The Inspector identified the main issue as being the effect of the development on the character and appearance of the host building and the area.

She noted the host building was a former farmhouse angled towards the junction of Hemsworth Road and Park View Mews, with the traditional farmhouse integrated into but contrasting with an adjacent new housing development and having prominence in the street scene.

The Inspector noted the prominence of the elevations to be amended and in terms of scale, eaves heights, bulk and window alignment considered they had a poor relationship with the existing building. The location of parking and bin storage areas would prevent any meaningful filtering of views through landscaping.

She agreed with officers that all these factors led to a more visually dominant building and a loss of the simple form of the original building to the detriment of its appearance and conflict with policies BE5 and H14 of the UDP, CS74 of the Core Strategy, and the NPPF.

She acknowledged the lack of 5 year housing supply and in applying the planning balance required by paragraph 11 of the NPPF considered the provision of 4 flats would contribute to supply and would provide economic and social benefits but these would be limited but that the adverse impacts upon the character and appearance of the area would significantly and demonstrably outweigh those benefits and dismissed the appeal.

(iv) To report that an appeal against the delegated decision of the Council to refuse planning permission for the erection of two/single-storey side extension with hip to gable roof and integral garden store (Re-Submission of planning application number 21/00008/FUL) at 42 Westfield Crescent, Sheffield, S20 5AQ (Case No: 21/03453/FUL) has been dismissed.

Officer Comment:-

The Inspector identified the main issue as being the effect of the development on the character and appearance of the area.

He noted the property was a semi-detached dwelling with a hipped roof in an

area of similar properties though some with gable roofs, and that the property had a generous side garden to Ash Street with an absence of built form typical of the character of the area.

He agreed with officers that despite the use of a hipped roof form the extension would significantly and unacceptably erode the character of the area by building on the entire side garden, in conflict with UDP policy H14, supplementary planning guidance for house extensions and paragraph 130 of the NPPF.

(v) To report that two appeals against the delegated decisions of the Council to refuse planning permission for:

Appeal A: Removal of telephone kiosk and erection of street hub (Case No: 21/03290/FULTEL); and

Appeal B: Digital LCD display screen to Street Hub unit (Case No: 21/03291/HOARD)

at pavement at front of Hallam University, Arundel Gate, Sheffield, S1 2PN have both been dismissed.

Officer Comments:-

The Inspector considered the main issue to be the effect of the proposal on public safety, especially the safe operation of the highway.

They noted that the site is adjacent to an intersection for pedestrians and cyclists travelling along Arundel Gate or across from the direction of Sheffield Hallam University to the city centre.

Whilst it was noted that the existing telephone kiosk to be removed was tucked away, this proposal would be sited further into the footway and cause conflict between pedestrians and cyclists as a result, as well as reducing visibility, making collisions more likely.

As a result, it was concluded that the proposal would harm public safety, be contrary to UDP Policy BE10, Core Strategy Policy CS60 and the NPPF which seeks to create safe places.

(vi) To report that an appeal against the delegated decision of the Council to refuse planning permission for an application for Lawful Development Certificate for the erection of a conservatory/greenhouse to be used in connection with the adjoining dwellinghouse (Application under Section 192) at Moor View Farm, Ecclesall Road South, Sheffield, S11 9QE (Case No: 21/03178/LD2), and an application for costs have been dismissed.

Officer Comments:-

Substantive Decision

The Inspector identified the main issue as being whether the Council's decision to refuse the Lawful Development Certificate (LDC) was well founded.

Outbuildings such as the conservatory/greenhouse applied for can be built within the curtilage of a dwelling (subject to criteria including dimensions) without planning permission. The LDC sought confirmation that one such building met the criteria. Officers refused the application because they considered the land subject of the application did not form part of the curtilage of the dwelling (Moor View Farm) as is required to be the case.

The appellant relied upon the grant of a previous LDC in 2018 for use of (the) land as 'domestic curtilage to Moor View Farm', however the Inspector noted (and agreed with officers) that curtilage 'is a concept in law rather than a use of land' and whilst the LDC had confirmed the use of the land for residential purposes it had not confirmed it was curtilage.

What is 'curtilage' is a matter of fact and degree, as established by caselaw and a matter for the decision maker on a case-by-case basis. She identified the need in this case to establish first whether the intended outbuilding was on land within the dwelling's curtilage. She noted the dwelling was situated off an access road with its garden and an area of hardstanding within a well-defined stone walled boundary, beyond which is a V shaped area of land containing a pond and the site of the proposed outbuilding.

She noted a definite separation of the land and distinctly different characteristics with planted beds, decking, flagging and garden furniture surrounding the house and the grassland appearance of a paddock in the other. She drew on caselaw to confirm that to be curtilage the land must be intimately associated with the building and did not feel the V shaped land had this relationship.

She concluded that the land was not curtilage and that the Council's decision to refuse the LDC on this basis was well founded.

#### Costs Decision

The appellant claimed costs on the basis the previous LDC issued in 2018 had described the land as curtilage and that this must enable the LDC to be granted to allow the building of the outbuilding. They cite the Council's refusal to accept the LDC as unreasonable behaviour which are grounds for a costs award.

As the 2018 LDC cannot establish curtilage it was instead limited to establishing residential use. The appellant questioned why the Council had not rescinded the LDC under s97 of the Act and paid compensation (for a misleading description of the LDC when issued) but the Inspector identified that an LDC cannot be rescinded in this way, only if misleading or false statements have been submitted as evidence by applicants under s193(7).



Whilst the appellants frustration was noted by the Inspector she stated a mistake made by the Council in describing the LDC is not grounds for unreasonable behaviour, and the Council had sought to remedy it by resisting the proposal contained in the LDC and although apparently in conflict with an earlier decision was entirely rational.

She concluded there had been no unreasonable behaviour by the Council and dismissed the appeal.

(vii) To report that two appeals against the delegated decisions of the Council to refuse planning permission for:

Appeal A: Removal of 2no. kiosks and erection of 1no. Street Hub (Case No: 21/02482/FULTEL); and

Appeal B: Two digital LCD display screens to Street Hub unit (Case No: 21/02483/HOARD)

at pavement outside Copthorne Hotel, Bramall Lane, Highfield, Sheffield, S2 4QZ have both been dismissed.

Officer Comments:-

The Inspector considered the main issue to be the effect of the street hub and advertisement on public safety with particular regard to the safe and efficient operation of the highway.

He noted the location on the footway adjacent to the Bramall Lane football ground and turnstiles, and the entrance to the Copthorne Hotel, and that the footways are relatively clear of street furniture and clutter. Nonetheless he considered the footway was relatively narrow and the structure would impinge considerably on available pedestrian space and the adjacent private forecourt whilst used freely at present could not be relied upon to remain.

He considered this would present pedestrian safety concerns at busy times on matchdays such that it would be harmful to public safety in conflict with UDP policy BE10, MU11, Core Strategy policy CS74, and para 112 of the NPPF and that the benefits of improved connectivity associated with the structure would not outweigh this harm.

#### 4.0 APPEALS DECISIONS – ALLOWED

(i) To report that an appeal against the delegated decision of the Council to refuse planning permission erection of 17.5 metre monopole with 6 no. antennas, 1 no. GPS module, 2 no. equipment cabinets, and 1 no. meter cabinet (Application for determination if approval required for siting and appearance) at land at junction with Carter Knowle Road, Carter Knowle Avenue and Montrose Road, Sheffield, S7 2EF (Case No: 21/04733/TEL) has

been allowed.

Officer Comment:-

The Inspector identified the main issues as the effect of the siting and appearance of the proposed mast and equipment on the character and appearance of the area and, whether any harm is outweighed by the need, taking into account any suitable alternatives.

They noted the largely residential (and partly commercial) character of the area and the notable street furniture already present in the immediate vicinity including lighting columns and two other telecommunications installations which the Inspector felt would avoid the proposed installation introducing an alien form of development. They also felt that in many views mature trees would provide a screening effect.

The Inspector acknowledged that the mast is taller than other structures and that at close quarters the mast would be dominant and the 3 cabinets would add to existing street based clutter alongside other existing equipment, concluding there would be moderately adverse visual effects on the character of the area.

In regard to the justification for the site selected, the Inspector concluded sufficient evidence had been provided of need and lack of alternatives. Given therefore the benefits of improved telecommunication they considered this outweighed the moderate harm, and the appeal was allowed.

(ii) To report that two appeals against the delegated decisions of the Council to refuse planning permission for:

Appeal A: Removal of telephone kiosk and erection of 1x Street Hub (Case No: 21/03284/FULTEL); and

Appeal B: Digital LCD display screen to Street Hub unit (Case No: 21/03285/HOARD)

at pavement outside 45-47 Fargate, Sheffield, S1 2HD have both been allowed.

Officer Comment:-

The Inspector considered the main issue to be the effect of the proposal on the visual amenity of the area, character and appearance of the conservation area and the setting of the nearby listed building.

They noted that the proposal would be similar in size to the telephone kiosk it would replace, albeit more prominent, but in the context of other commercial adverts and street furniture, concluded that it would not be incongruous in the setting and would have a neutral impact on the Conservation Area. He was not persuaded by the Council's argument that Fargate is about to

undergo significant change in the form of a planned public realm enhancement, as part of the Future High Streets Fund, and that this proposal would be at odds with the aims of reducing clutter and making substantial environmental improvements.

He therefore concluded that the proposals were acceptable and in conformity with the Local Plan and the National Planning Policy Framework.

#### 5.0 CIL APPEALS DECISIONS

Nothing to report.

#### 6.0 NEW ENFORCEMENT APPEALS

Nothing to report.

#### 7.0 ENFORCEMENT APPEALS DISMISSED

Nothing to report.

#### 8.0 ENFORCEMENT APPEALS ALLOWED

Nothing to report.

#### 9.0 RECOMMENDATIONS

That the report be noted.

*Michael Johnson*  
Head of Planning

*10 January 2023*

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