

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,

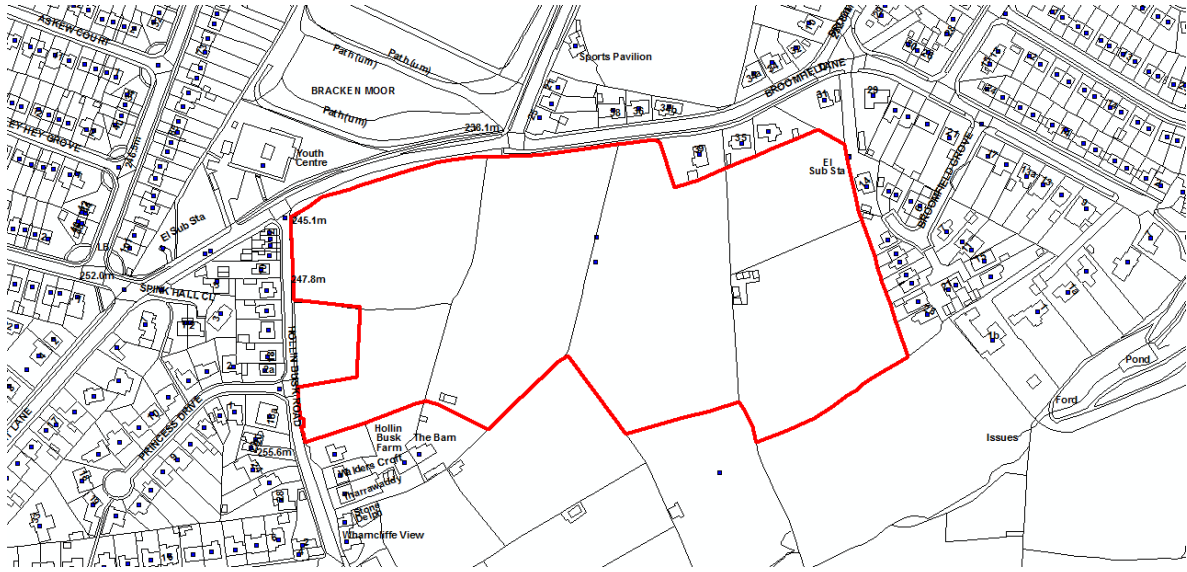
where appropriate.

- 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.

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_r plant noise rating level (i.e. total plant noise LA_{eq} 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 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 1st April 2021 –31st 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 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.

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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