

Case Number	23/02734/FUL (Formerly PP-12297306)
Application Type	Full Planning Application
Proposal	Erection of 7 dwellinghouses with associated parking and landscaping
Location	Land at the junction of Scarsdale Road and Derbyshire Lane and land opposite 105 - The Cross Scythes, 145 Derbyshire Lane Sheffield S8 8TF
Date Received	25/08/2023
Team	South
Applicant/Agent	Sustainable Shell Homes Ltd
Recommendation	Grant Conditionally

Time limit for Commencement of Development

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

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

Approved/Refused Plan(s)

2. The development hereby permitted shall be carried out in complete accordance with the following plans, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Drawing no. SSHMb 650A Site plan as existing + topographic survey (insofar as it provides Site Location Plan)

Drawing no. SSHMb 660J Site plan as proposed

Drawing no. SSHMb 670A Plot 1 - Plans + typical sections

Drawing no. SSHMb 671B Plot 1 - Elevations

Drawing no. SSHMb 672A Plot 2 - Plans + typical sections

Drawing no. SSHMb 673B Plot 2 - Elevations

Drawing no. SSHMb 674A Plot 3 - Plans + typical sections

Drawing no. SSHMb 675B Plot 3 - Elevations

Drawing no. SSHMb 676C Plot 4 - Plans + typical sections

Drawing no. Drawing no. SSHMb 677A Plot 4 - Plans + typical sections 2

Drawing no. SSHMb 678B Plot 4 - Elevations

Drawing no. SSHMb 679B Plot 4 - Elevations 2

Drawing no. SSHMb 680D Plot 5 - Plans + typical sections

Drawing no. SSHMb 681B Plot 5 - Plans + typical sections 2

Drawing no. SSHMb 682B Plot 5 - Elevations

Drawing no. SSHMb 683B Plot 5 - Elevations 2

Drawing no. SSHMb 684C Plot 6 - Plans + typical sections
Drawing no. SSHMb 685C Plot 6 - Elevations
Drawing no. SSHMb 686C Plot 7 - Plans + typical sections
Drawing no. SSHMb 687C Plot 7 - Elevations
Drawing no. SSHMb 688E Tree + ecology zoning plan
Drawing no. SSHMb 691A Boundary Conditions
Drawing no. SSHMb 694A Visibility splays + gradients
Drawing no. 577-001 P02 Landscape Plan

all published 13 December 2023

Reason: In order to define the permission.

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

3. No development shall commence until details of the access arrangements for vehicles associated with construction, 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, and wheel cleaning arrangements, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such arrangements and 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.

4. 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.

5. 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.

6. 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.

7. 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.

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

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

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

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

10. Prior to the commencement of the development hereby permitted, the findings of a full site walkover survey, carried out by a suitably qualified person, shall be submitted to the Local Planning Authority for their approval. The walkover will identify whether there is any japanese knotweed present on the site and, if japanese knotweed is identified by this survey, these findings shall include a method statement for how this invasive

species will be suitably removed from the site with a timed programme for implementing this. If knotweed is identified, the approved method statement shall be implemented in full.

Reason: In the interest of avoiding the proliferation of invasive species.

11. 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.

12. No development (including demolition or other enabling, engineering or preparatory works) shall take place until a phasing plan for all works associated with the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing plan.

Reason: In order to define the permission and to assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy.

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

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

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

14. Notwithstanding the approved plans, the timber hit and miss fencing between each plot is not approved. Details of a suitable means of site boundary treatment between each plot, and a programme of works for alterations and repairs to the wall along Derbyshire Lane, shall be submitted to and approved in writing by the Local Planning Authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, and the dwellings shall not be used unless such means of site boundary treatment has been provided in accordance with the approved details and thereafter such means of site enclosure shall be retained.

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

15. The proposed green/biodiverse roof(s) (vegetated roof surface) shall be installed on the roof(s) in the locations shown on the approved plans prior to the use of the buildings commencing. Full details of the green/biodiverse roof construction and specification, together with a maintenance schedule shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site and unless otherwise agreed in writing shall include a substrate growing medium of 80mm minimum depth incorporating 5-20% organic material. The plant sward shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

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

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

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

Windows
Metal cladding detailing
External doors
Rainwater goods
Entrance canopies
External stairs to terraces
Balustrades

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

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

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

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

19. 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.

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

Reason: In the interests of the visual amenities of the locality it is essential for these works to have been carried out before the use commences.

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

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

22. The dwellings shall not be used unless the car parking areas of the site are constructed of permeable/porous surfacing. Thereafter the approved permeable/porous surfacing material shall be retained.

Reason: In order to control surface water run off from the site and mitigate against the risk of flooding

23. The development shall not be used unless the dedicated bin storage area as shown on the approved plans has been provided in accordance with those plans. Thereafter the bin storage area shall be retained and used for its intended purpose and bins shall not be stored on the highway at any time (other than on bin collection days).

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

24. The proposed green wall system shall be installed on the walls in the locations shown on the approved plans prior to the use of the buildings commencing. Full details of the green wall construction and specification, together with a maintenance schedule, shall be submitted to and approved in writing by the Local Planning Authority prior to foundation works commencing on site. The green walls shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

Reason: In the interests of biodiversity.

Other Compliance Conditions

25. 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.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) (Amendment) (England) Order 2015, Schedule 2, Part 1 (Classes A to H inclusive), Part 2 (Class A), or any Order revoking or re-enacting that Order, no extensions, porches, garages, ancillary curtilage buildings, swimming pools, enclosures, fences, walls or alterations which materially affect the external appearance of the development shall be constructed without prior planning permission being obtained from the Local Planning Authority.

Reason: In the interests of the landscape and visual impact of the development, the amenities of occupiers of adjoining property, and protected trees, bearing in mind the restricted size of the curtilage and the visibility of the site from the west.

Attention is Drawn to the Following Directives:

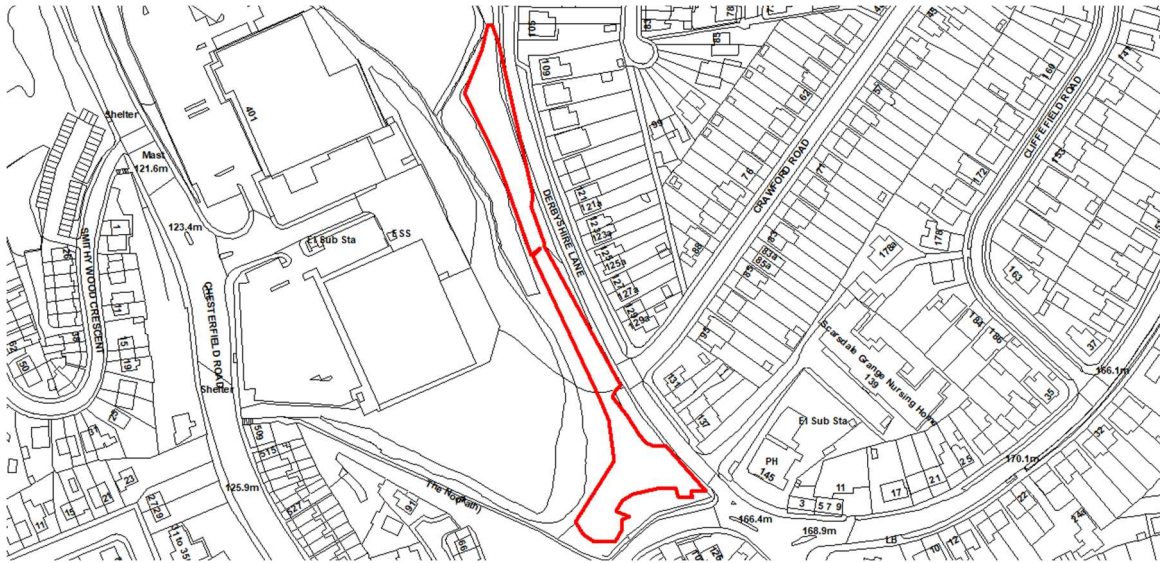
1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from Environmental Protection Service, 5th Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at epsadmin@sheffield.gov.uk.
3. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

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

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

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

Site Location



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The new National Planning Policy Framework (NPPF) was published on the 19th December 2023 with insufficient time for the revisions to the NPPF to be incorporated into this report. The changes are however relatively limited and a decision will be made in due course whether to defer this matter to enable a new report to be provided at a future committee or whether a supplementary report can be prepared for Members and circulated in advance of the January meeting identifying any important changes that would need to be taken into account in determination of the application.

LOCATION AND PROPOSAL

The application site is a strip of land between Derbyshire Lane and the edge of a previously worked quarry face in the Meersbrook/Woodseats area of the city. The strip extends approximately 225m north to south opposite numbers 109 to 137 Derbyshire Lane, and then curves round the quarry edge westwards. A band of unmanaged woodland wraps around the southern end of the site, along Derbyshire Lane to the east and Scarsdale Road to the south. The quarry face to the west is very steep and approximately 30-40m in height. At the foot of the quarry face is a retail park containing three large units, and associated parking and landscaping, which is accessed from Chesterfield Road. The landform results in views of the site on the skyline from Chesterfield Road, as well as long range views from the facing valley side.

The topography of the area around the application site rises from north to south, with the southern end of the site approximately 12.5m higher than the northern end.

There are also localised landform variations which result in the northern end of the site elevated approximately 2m above Derbyshire Lane, and this difference reduces southwards with the southern end of the site being roughly level with Derbyshire Lane.

The site currently has no formal use and does not contain any built development. Prior to the quarrying activity which has resulted in the current landform, the land extended much further westwards and there were two large dwellings and several smaller dwellings on the site. It is understood these were demolished in the 1950s and 1960s. A stone boundary wall with gate posts remains along the Derbyshire Lane boundary of the site, although its condition varies, and a palisade fence defines the west boundary preventing access to the quarry edge beyond. The site contains a patchwork of habitats including unmanaged species poor grassland, tree and scrub cover, bare ground and broadleaf woodland. There are number of individual trees on the site which are subject to Tree Preservation Orders (TPO), and the band of woodland to the south is subject to a group TPO.

It is proposed to erect seven detached dwellinghouses on the site, along with the associated parking and landscaping. Their appearance would be contemporary, and whilst most dwellings would be unique they would share a common architectural language with similar forms and a consistent material palette.

Plots 1 and 2 would sit side by side at the southern end of the site, with plot 3 some 20m north, all sharing an access point and driveway, and facing toward a shared courtyard parking area with amenity space to their rears. Each would be modest in size, contain three bedrooms, and be similar in scale and appearance presenting as three storey from the front elevation facing towards the parking area, with a dual pitch roof sloping to see the rear elevation presenting as two storey. The material palette would comprise mostly light render, with ash cladding and metal cladding as secondary

materials, grey aluminium windows and rear doors, and composite front doors. The roofs would be artificial slate with roof lights and integrated solar panels.

These plots would sit behind the band of woodland which wraps around this end of the site and be largely screened from Derbyshire Lane and Scarsdale Road.

Plots 4, 5, 6 and 7 would be located at generous 10m - 20m intervals along the remainder of the site, each with their own driveway and parking spaces to one side and their amenity space to the other side. Plots 4 and 5 are to contain four bedrooms, and plots 6 and 7 are to contain three bedrooms.

Plot 4 would be one and two storey, with a shallow single pitch roof over the two storey element, the roof slope facing eastwards towards Derbyshire Lane, and a flat roof over the single storey element providing a large terrace. Plot 5 would be one and three storey, again with a shallow single pitch roof over the taller element but with the slope facing northwards, and flat roof providing a terrace over the single storey element. Plots 4 and 5 would have light render as the primary material, with metal cladding, stone, timber cladding and red brick as secondary materials and glazed balustrades on terraces. Plot 6 and 7 would be two storey with shallow dual pitch roofs oriented with the roof slopes facing Derbyshire Lane and the quarry, and be mostly render with red brick, metal cladding and timber cladding as secondary materials. Windows and rear doors on all plots would be grey aluminium and all front doors would be composite. The roofs on all plots would be a combination of green roof and artificial slate with integrated solar panels and roof lights.

The application is supported by a detailed landscaping scheme which shows most TPO trees either being retained or replaced. Block paving is proposed for driveway and access points. The palisade fence along the quarry edge is proposed to be replaced with a 1.5m black vertical bar fence, and hedgerows and fencing are proposed to define each plot's curtilage. The stone boundary wall along the Derbyshire Lane frontage is proposed to be retained except where openings are required for driveways, and any areas which contain gaps or are in poor repair would be replaced with new or repaired stone walling. The gates posts associated with the now demolished large dwellings on the site are to be retained.

Biodiversity enhancement measures are proposed within the site and the woodland to the south including the new hedgerows, bat and bird boxes, and management of the retained habitats. The application also proposes a suite of precautionary and good practice methods to mitigate the impact of the construction process itself of biodiversity value at the site.

RELEVANT PLANNING HISTORY

This application is Phase 2 of a wider scheme. Phase 1 was the erection of 7 dwellinghouses with associated parking and landscaping on land which adjoins the application site to the north, and extends across Meersbrook Avenue, Newsham Road and Woodbank Crescent, which was granted planning permission under reference 21/03006/FUL in September 2021 and is currently under construction; it is understood that one of the dwellings is now occupied (or will be imminently).

Pre-application advice was sought in relation to the wider scheme in early 2021, with the response focussing on phase 1 (21/00416/PREAPP).

Pre-application advice was then sought in relation to phase 2 in early 2023, however owing to an administrative misunderstanding, the registration and allocation process was not completed, and no advice was provided.

REPRESENTATIONS

This planning application was publicised by way of 59 neighbour notification letters and site notices. There were two rounds of consultation as the application site address was changed to improve its accuracy.

At the time of writing this report, a total of 24 representations have been received comprising four support, one neutral, and 18 objections from 15 unique addresses. Most are from local residents however one supportive representation is from Norwich.

Those in support of the application, and the positive aspects of the neutral representation, highlight the following:

- Energy efficient and sustainable building
- Good design: modern, sleek, 'keeping up with the times', smart
- Assessment work addresses concerns about stability
- Layout is considered in terms of ecology and green space
- Use of unsightly brownfield land
- Provision of housing
- Socio-economic benefits for wider area
- Sufficient parking

Those objecting to the application, and the negative aspects of the neutral representation, raise concerns about:

Existing site

- Lack of justification for developing this site
- There are no flytipping issues
- Presence of Japanese knotweed on the site not acknowledged

Socio-economic issues

- Not affordable housing
- NPPF support for self-build relates to affordability, but these houses would not be affordable
- Lack of proof of socio-economic benefits

Proximity to quarry and land stability

- Dangers due to proximity to quarry edge and narrow site
- Alternative boundary fence would be less safe
- Undesirable place to live
- Insufficient geotechnical investigations supporting the application
- Existing land stability issues due to eroding quarry face
- The development worsening land stability due to disturbance and drainage
- Longevity of homes due to land instability

Highways and related matters

- Accessibility of site for construction activities
- Usability of sloping driveways
- Highway safety impact

- Increase in traffic on narrow, busy 'rat run' route, with existing highway safety issues
- Increase in pollution

Landscape, trees and biodiversity

- Impact of wildlife and habitats on site
- Environmental impact not outweighed by small number of houses
- Biodiversity enhancements are inadequate
- Impact of domestic activity on retained habitats
- Loss of trees
- Loss of open green space
- Replacement trees and landscaping will take years to mature
- Landscape impact from west (Chesterfield Road view)

Design and visual impact

- Design does not fit well with surrounding architecture in terms of design and height

Amenity of neighbours

- Loss of privacy for properties across Derbyshire Lane, including from terraces
- Overshadowing properties across Derbyshire Lane
- Impact of headlights from cars on drives
- Wind tunnelling effect and flying debris
- Noise disturbance

Other matters

- Surface water run-off effect
- New openings in boundary wall and removed stone not being utilised on site
- Gate posts being removed and loss of local history [applicant subsequently clarified they were to be retained]
- Lack/adequacy of pre-application consultation
- Lack of consideration of a grave within site

Some matters raised in representations in support and in objection to the application are not material to the planning process, including:

- Impact on existing properties' views
- Applicant's other developments
- Previous landowner and applicants' behaviour
- Amenity and pollution impact of construction phase [controlled by other regimes]
- Changes made to plot 4 during determination indicate lack of thorough preparation prior to submission [changes were to address Yorkshire Water objection]
- Redaction of ecology report [redacted due to references to protected species etc., but was available for relevant consultees]

Some representations raised concerns around the description of the site's location that appeared in early consultation documents, which as above was then addressed by the re-consultation process.

PLANNING ASSESSMENT

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan comprises the Core Strategy, which was adopted in 2009, and the saved policies of the Unitary Development Plan (UDP), which was adopted in 1998. The National Planning Policy Framework (NPPF) is a material consideration.

Paragraph 11 of the NPPF provides that when making decisions, a presumption in favour of sustainable development should be applied, with part d) directing that where the policies that are most important for determining the application are out of date, planning permission should be granted unless:

- The application of policies in the NPPF which relate to protection of certain areas or assets of particular importance provide a clear reason for refusal; or
- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In this case, policies relating to the provision of housing are considered out-of-date because Sheffield cannot currently demonstrate a five year housing land supply, and the development would not impact on any important protected assets or areas, so the second part of paragraph 11d), the so-called 'tilted balance', is engaged and this is a material consideration.

Set against this context, the following assessment will:

- Assess the proposals compliance against existing development plan policies as this is the starting point for the decision-making process.
- Consider the degree of consistency these policies have with the NPPF and attribute appropriate weight accordingly, while accounting for the most important policies automatically being considered as out of date.
- Apply 'the tilted balance' test, including consideration of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

Principle of the Development

The application site is located within a Housing Area as designated by the Proposals Maps which accompany the UDP, and policy H10 (Development in Housing Areas) offers a preference to housing development in housing areas. Policy CS23 (Locations for New Housing) states that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure, with a focus on the main urban area of the city. Policy CS24 (Maximising the Use of Previously Developed Land for New Housing) prioritises the development of previously developed sites, and provides an upper limit of 12% of completions on greenfield sites provided they meet certain criteria which includes small sites within existing urban areas where it can be justified on sustainability grounds. Policy CS26 (Efficient Use of Housing Land and Accessibility) balances the efficient use of land with character of different areas, and looks to achieve between 30 and 50 dwellings per hectare in urban areas but accepts densities outside these ranges where they achieve good design, reflect the character of an area or protect a sensitive area.

Policy CS23 and CS24 are restrictive policies, however the broad principle is reflected in the thrust Chapter 11 of the NPPF which promotes the effective use of land and supports the use of previously-developed land.

The site is located within a designated Housing Area, is sustainably located and is a small site within an urban area. The site constitutes a greenfield site, given previous built development has been wholly removed and blended back into the landscape, and completions on greenfield sites are at between 6% and 7%, well below the 12% figure within the policy.

Whilst the regeneration of brownfield land is encouraged, and representations made in objection to the application question the lack of justification for developing a greenfield site, there is no policy requirement for a brownfield land first approach or for greenfield sites to be expressly justified, provided the 12% limit is not exceeded.

Representations have opposing views about whether this portion of land is currently unsightly and attracts fly tipping, and during officer site visits there was no obvious sign of fly tipping or other unsightly activities; in any case, there is not a strong policy requirement for development on sites in need of regeneration to be prioritised (although it is encouraged), so this is not considered to be a barrier to developing this site. Concerns are also raised about the loss of open space, however due to a lack of public access for recreation this land would not meet the National Planning Policy Framework (NPPF) definition of open space therefore it does not benefit from the related protections.

For these reasons, the principle of housing development on this land is considered consistent with the aims of policies H10, CS23 and CS24.

The provision of 7 dwellings on this 0.31 hectare site represents a density of 22.4 dwellings per hectare, considerably below the 30-50 sought by policy CS26 in urban areas. Whilst the long rear gardens of the dwellings on the other side of Derbyshire Lane result in a density of around 30 dwellings per hectare, within the street scene the prevailing character of the locality appears more dense with little spacing between pairs of semi-detached dwellings. In this context, the density of the proposal is not considered to be reflective of the character of the area although it is acknowledged that the presence of a number of protected trees on the site, which are well considered in the layout, has an impact on the site's capacity, and the spread of the build form from across the site is acceptable in design terms. Despite these factors, on balance there does remain degree on conflict with policy CS26 and this is a negative aspect of the proposal.

Design, Character and Appearance

Policy CS74 (Design Principles) requires development to enhance distinctive features of the area, which is also reflected in policies H14 (Conditions on Development in Housing Areas) and BE5 (Building and Design Siting) which expect good quality design in keeping with the scale and character of the surrounding area.

These policies are considered to be largely in line with the NPPF, which considers good design a key aspect of sustainable development. Paragraph 134 affords significant weight to outstanding or innovative designs which promote high levels of sustainability.

Whilst the introduction of modern built form onto the application site would undoubtedly change the character of this stretch of Derbyshire Lane, given it is currently undeveloped green space, a benefit of the fairly low density of the proposal is the generous spacing between plots would somewhat limit its impact, and see the verdant character of the site partially retained. The buildings are domestic in their scale and as such are appropriate in this housing area. The contemporary house designs and modern detailing is intrinsically linked with the sustainable construction methods that will be employed, and whilst they are not particularly reflective of the character of locality, the material palette will provide some grounding to the scheme and this has been improved through negotiation during the determination of the application i.e. with the use of more red brick. A positive aspect of the scheme is the retention and repair of the characterful stone walling along the Derbyshire Lane boundary, and the retention of the gate posts which are associated with the large dwellings on the site prior to quarrying, which are welcomed. The inclusion of sufficient space for bin storage within the driveway areas is welcomed and should prevent wheelie bins being left on or near the public highway causing unsightly clutter.

The driveways to access the properties are fairly steep with a gradient of up to 1:15. Whilst this is slightly less than ideal, as this is a constrained and narrow site which is working with the existing topography, and there are no obvious solutions to overcome this, this is still acceptable in planning terms.

Six of the seven dwellings would be visible from Chesterfield Road and in long range views to the west, and the light coloured, contemporary form would be a quite prominent feature along the quarry edge; this is evident from the visibility of the houses being built out in phase 1. Whilst this would be a change in character from the currently undeveloped strip of land, given the retail units in the foreground of these views, and the urban setting of the site, built form along this bank is not considered to be an inappropriate addition.

Overall, the design and appearance of the development, and its impact on local character, is compliant with relevant policies, with further support from the NPPF's position on sustainable design. Conditions can be imposed to seek approval of details to ensure the scheme is well executed and high quality.

Residential Amenity

Policy H14 requires that new development in housing areas should not cause harm to the amenities of existing residents, and this is supported by Supplementary Planning Guidance 'Designing House Extensions' which, whilst not strictly relevant to new houses, is instructive in terms of good practice guidelines and principles for new build structures and their relationship to existing houses. The NPPF at paragraph 130 requires a high standard of amenity for existing and future users. The adopted policy is therefore considered to align with the requirement of paragraph 130 so should be given significant weight.

Prospective Occupiers

All seven dwellings would provide a good standard of living for prospective occupiers, with adequate indoor space, natural light, ventilation, and outlook; plots 4 and 5 in particular would be generously sized. Due to separation distances, landscaping and considered window siting, there are no privacy concerns arising from the relationships

between each plot.

Each plot would benefit from good sized private amenity space, and due to considered window siting on the side elevations of the neighbouring dwellings, and with appropriate landscaping, the side gardens of plots 4 – 7 would not be unduly overlooked and offer an acceptable level of privacy. Whilst the site layout does mean that the rear garden of plot 2 would be shaded for most of the day by the protected trees to the south and west, and occupants would not benefit from the same attractive views to the west that the other plots would have, the dwelling would nonetheless provide acceptable living conditions in its proposed form and position.

Concerns have been raised about the appropriateness of siting residential dwellings close to a quarry edge, however officers consider that living close the quarry edge is a choice for potential future occupants to make, and the proximity of the steep slope should not sterilise the land from development. It is also a consideration that the introduction of dwellings along this stretch of land would limit public access and provide natural surveillance to the edge of the quarry, potentially offering betterment in terms of public safety given that access to the site is currently uncontrolled due to a lack of boundary treatment on the Derbyshire Lane side.

Neighbouring Occupiers

Due to the domestic scale of the proposed dwellings, the width of Derbyshire Lane, and taking account of how set back the dwellings on the other side are from the highway, there would be no concerns about overshadowing or overbearing with separation distances in excess of 20m between the facing front elevations.

Given this is a residential area already, the number of new dwellings would be low and they would be well spread out, there are no concerns about the noise disturbance associated with the occupation of the development. Similarly, the impact of headlights from prospective occupants reversing onto their driveways is not a concern given the intervening distance and public highway between the driveways and facing dwellings, and the likelihood that any disturbance would occur infrequently and for a very short period.

Concerns have been raised about the loss of privacy for neighbouring occupiers, particularly due to the introduction of terraces, and second and third storey windows, however given the intervening space is public highway the front windows and gardens of Derbyshire Lane dwellings are not afforded the same level of protection as their rear windows and gardens, and the relationship between the facing dwellings would not be unusual for an urban area.

Although concerns around loss of views for neighbouring occupiers is not a material planning consideration, impact on outlook is relevant and it is considered that the introduction of new built form more than 20m away from windows would not have an unacceptable impact on outlook.

For these reasons, the proposal is considered compliant with policies which protect residential amenity.

Landscape and Trees

Policy GE15 (Trees and Woodlands) states that trees and woodlands will be encouraged and protected, and policy BE6 (Landscape Design) expects good quality design in new developments in order to provide interesting and attractive environments, integrate existing landscape features, and enhance nature conservation. CS74 requires high-quality development that will respect, take advantage of and enhance natural features of the City's neighbourhoods.

These policies are considered to align with the NPPF and therefore be relevant to this assessment on the basis that paragraph 130 expects appropriate and effective landscaping.

There are a number of trees on the site subject to individual and group TPOs, and a full survey has been conducted and submitted. The layout of the scheme has been informed by the siting and health of the trees on site. The applicant has liaised directly with SCC's Landscape Architect during the determination of the application to further develop the landscaping scheme which sees high value and healthy TPO trees retained, and unhealthy specimens (e.g. with ash dieback) replaced with suitable alternatives. The use of extra heavy standard specimens will ensure that time to maturation is as short as possible without compromising the future health of the trees. The landscape plan was amended slightly to satisfactorily address concerns from Yorkshire Water about the proximity of planting to a public sewer.

The proposed hedgerow planting between plots, and other boundary treatments, are well considered, and the hard surfacing within the site for driveways and patios is suitable and restrained to ensure the site does not appear overengineered. Green roofs are a welcome addition in landscape terms, especially given the effect they can have of softening long range views, as well as offering biodiversity and blue infrastructure benefits.

With conditions to refine the details of the hard and soft elements of the landscaping scheme (including the boundary treatments), review and approve the methods that will be used to protect retained trees, and ensure the landscaping is delivered in full in a timely fashion, the proposal is considered compliant with policies relating to landscaping and trees.

Biodiversity

Policy GE11 (Nature Conservation and Development) requires the design, siting and landscaping of development to respect and promote nature consideration and mitigate harmful effects of the development on nature, which aligns fairly well with the NPPF although the Framework focuses on securing net gains.

The application is supported by a good standard of ecological assessment work which clarifies that there are no ecological constraints which would prevent development coming forward on the site. SCC's ecologist has highlighted the ecological benefits of the well-spaced layout of the built form in this case. The applicant proposes a range of ecological enhancement measures within the application site and on the adjacent land under their control, including bat and bird boxes, green roofs, the management of existing habitats, and well considered new planting within the landscaping scheme. Despite officer requests, the applicant has been reluctant to use the DEFRA Metric to measure biodiversity net gain at the site and has provided their own methodology to demonstrate the scheme would result in an enhancement to biodiversity on site. This is

not ideal given the DEFRA metric is considered best practice and the legal requirement to use it is forthcoming, and it allows a consistent approach to development of similar scales - in this case the small sites metric would be relevant as the development is for between 1 and 10 dwellings.

On balance, and following engagement with the Council's Ecologist, it is considered likely that the net gain can be delivered on site, and therefore the development would be compliant with the relevant policies. A condition will be required to approve the details of the ecological enhancement measures, secure their implementation, and ensure best practice methods are followed.

Some representations raise concerns about the presence of Japanese knotweed on the site, but this was not identified in any of the submitted assessment work. A precautionary condition can be imposed to require a walkover survey of the site and, if necessary, a management plan to be approved and implemented. Representations also raise concerns about the impact of the prospective occupants on the retained and enhanced habitats, however given this is already an urban area this is not a concern.

Sustainability

Policy CS64 (Climate Change, Resources and Sustainable Design of Development) requires all developments to reduce emissions and function in a changing climate, with policy CS65 (Renewable Energy and Carbon Reduction) requiring all significant developments (more than five dwellings) to incorporate decentralised, renewable or low carbon energy, and minimise energy demand. These policies reflect the importance placed on sustainability in the NPPF.

This site is sustainable located within the main urban area and accessible by the public transport network. The application sets out how the construction of the dwellings would employ a fabric first development to ensure the dwellings are materially and thermal efficient, and solar panels would be installed on all dwellings. Relevant conditions can be imposed to ensure that these features are provided and the specific policy requirements are met. Overall, it is considered that the proposal meets the local policy requirements and the NPPF.

Land Quality and Stability

The NPPF sets out its position on ground conditions and pollution at paragraphs 183 and 184. It requires planning decisions to ensure a site is suitable for its proposed use, requires the submission of adequate site investigation information, and clarifies that the responsibility rests on the developer and/or landowner to secure a safe development.

A number of representations raise concerns about land stability and the suitability of this site for housing. This application is supported by a Land Stability Assessment Report and subsequent addendum which sets out how the plot locations have been informed by these investigations and the suitably qualified authors conclude that they are satisfied about long term stability. Whilst it is undoubtedly an unusual housing site in terms of the proximity of the quarry edge, based on the submitted assessment work this is not a barrier to the development coming forward in planning terms.

Some information was submitted in relation to the contamination potential of the site, however owing to the age of the assessment work EPS officers consider it prudent to

impose the full suite of contamination conditions to ensure modern standards on ground conditions are met.

Highways, Access and Parking

Whilst there would be some increase in vehicular activity associated with seven new dwellings, in the context of an established residential areas this would not be material and does not necessitate any additional assessment work in terms of highway impact or pollution.

Policy H14 looks for sufficient off-street parking for new residential development, and the Car Parking Guidelines suggest 2 spaces per 3 bed dwelling, 2-3 spaces per 4 or 5 bed dwelling, and 1 visitor space per 4 dwellings. The NPPF focuses on promoting the use of active and public transport, with paragraph 111 directing that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

All dwellings would be provided with adequate off street parking with ample driveways for plots 4-7 and provision for specific residents spaces and a visitor space for plots 1-3. Drawings have been provided which demonstrating that the gradients of driveways are suitable and that adequate site lines can be achieved for a 30mph road, and tracking shows that the shared driveway for plots 1-3 and plot 4's spaces which are parallel with the road can be accessed and egressed in a forward gear. The provision and retention of these parking spaces can be secured by condition. Plans show that cycle storage could be accommodated near to each dwelling, and whilst this is not particularly generous it is considered sufficient, and details of its siting and appearance can be secured by conditions.

Representations raised concerns about the highway impact on construction traffic, which is a valid concern given the residential setting and lack of an obvious location for stopping and unloading, particularly as the LPA cannot insist that the phase 1 development's existing construction facilities are shared. Conditions can be imposed to seek details on site accommodation and construction access and unloading arrangements to ensure these are acceptable and implemented.

On that basis, the development is considered acceptable in highways terms.

Flood Risk and Drainage

Policy CS67 (Flood Risk Management) looks to reduce the extent and impact of flooding by ensuring all developments significantly limit surface water run-off, and the NPPF at paragraph 167 requires decision makers to ensure developments do not lead to an increase in flood risk. The site is not located in an area at risk of flooding. SCC's Land Drainage team have reviewed the submission and are satisfied that the site is suitable for sustainable urban drainage and that details can be secured by condition. The development would therefore comply with this policy.

Community Infrastructure Levy (CIL)

CIL applies to all new floor space and places a levy on all new development. The money raised will be put towards essential infrastructure needed across the city as a result of new development which could provide transport movements, school places,

open space etc. In this instance the proposal falls within CIL Charging Zone 4. Within this zone there is a CIL charge of £50 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 applicant is seeking the option of individual dwellings within this development to come forward as individual self-build plots which means those dwellings would be exempt from CIL. The CIL self-build exemption can be claimed by anybody who is building or commissioning the construction of their own home provided they meet certain restrictions. A condition can be imposed to facilitate this.

Response to Representations

The majority of comments have either been addressed directly or indirectly within the above sections of planning assessment.

Concerns were raised about affordability, however at 7 dwellings (a total of 14 across phase 1 and 2) the scheme is below the policy threshold of 15 dwellings for affordable housing therefore the affordability of the dwellings is not relevant.

Concerns were raised about the impact the development would have on wind given its location on the exposed top of a south westerly facing quarry face. It is very unusual to consider wind on planning applications unless they are for tall buildings, and in this case owing to the spacing between the dwellings and their low profile scale, wind funnelling is not considered to be a concern. Other regulatory regimes (i.e. Building Control) would ensure the construction methods are suitable in an exposed location.

A small number of representations refer to a grave located on the site, however there is no evidence this land has ever been used for burials, and given it was previously developed for housing it is highly unlikely that there is any archaeological interest on the site. As such, no further assessment work is required.

Some representations question whether sufficient pre-application consultation was carried out, and whether this was accurately presented in the planning application submission. Whilst pre-application consultation is welcomed and encouraged, it is not a policy requirement and the applicant's account of carrying it out has not weighed in favour or against the scheme.

CONCLUSION AND RECOMMENDATION

The proposed development is largely compliant with relevant development plan policies; there is some conflict relating to the low density of the scheme, however the landscape and biodiversity benefits of the generous spacing within the development outweigh this.

In the context of Sheffield's lack of housing land supply, and in the absence of any unacceptable impact on protected assets or areas, the NPPF's paragraph 11 is a weighty material consideration which directs that the development should be granted planning permission unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

The development would deliver a number of benefits including the delivery of housing, with seven dwellings making a limited but nonetheless welcome contribution to meeting

the current shortfall, and economic benefits through expenditure in construction, in the supply chain, and in local spending from residents. It would deliver a small net gain in biodiversity and incorporates a number of welcome sustainability measures which exceed policy requirements. There would be some marginal adverse impacts relating to the low density of the scheme not making best use of land, and the potentiality of the prominence of the housing in medium and some long range views, however, the benefits would far exceed the adverse effects.

It is therefore recommended that planning permission is granted subject to conditions.

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