

Sarah Hull Proof of Evidence

Appeal By: Avant Homes Central

Site At: Land Off Moorthorpe Way, Sheffield, S20 6PD

Appeal Against: Sheffield City Council

LPA Reference: 19/03143/FUL

PINS Reference: APP/J4423/W/20/3258555

Date 22nd December 2020

**Proof of Evidence**

**1.0 Introduction**

1.1 This Proof of Evidence is prepared in respect of the appeal by Avant Homes Central against the decision of Sheffield City Council to refuse planning permission for land off Moorthorpe Way, Sheffield for a proposal described as

*‘Erection of 74no. dwellings, formation of access road, associated landscaping works, open space works and flood storage works’.*

Following amendments made during the course of this appeal, the proposal has now been reduced to 72 dwellings.

1.2 The application was refused by members of the Sheffield City Council Planning Committee for the following reason:

*‘This standalone proposal relating to the site known as “Owlthorpe Site E” is prejudicial to the proper planning of the wider area, contrary to paragraph 3.2. 6 of the” Housing Sites (C, D, E) Moorthorpe Way, Owlthorpe Planning and Design Brief” (July 2014; Updated November 2017), which supports a comprehensive scheme for the application site together with neighbouring sites C and D. The proposal does not respond sufficiently to the area’s prevailing character of abundant green infrastructure and open space, contrary to paragraphs 122 and 127 of the National Planning Policy Framework. In addition the proposal fails to make efficient use of land due to the low housing density proposed and fails to adequately integrate the affordable housing into the proposed layout, contrary to paragraphs 8, 122 and 123 of the National Planning Policy Framework, Core Strategy Policies CS26 and CS40 as well as Policy GAH5 of the CIL and Planning Obligations Supplementary Planning Document and is not considered to be sustainable development’*

1.3 Amended plans were submitted by the appellant on the 11th December, two working days before the proof of evidence was due on the 15th December. The Inspector agreed on the 15th December that he would accept the changes to the scheme and that the exchange of proofs would be extended until the 22nd December to allow consideration of the amendments. Owing to the very short timescales involved and the extent of the changes made I am only able at this stage to offer high level and preliminary comments on the changes relating to trees and landscaping. The amendments require consideration by relevant consultees including in particular landscaping. I have been unable to gather such comments at this stage owing to the short times scales coupled with the Christmas Holidays. As such I intend to offer fuller comments on the effects of the amendments as part of the rebuttal process.

1.4 In relation to the green character and infrastructure of the site, this statement principally comments on the original plans as set out in the case management conference. Provisional comments on the amended plans have also been made in the relevant sections and these will be added to at the rebuttal stage.

**2.0 Qualifications and Experience**

2.1 My name is Sarah Hull; I am a Principal Planning Officer at Sheffield City Council. I have held this position for 18 months, prior to that I was a Planning Officer at Sheffield City Council for 13 years. I have a MSC in Urban and Regional Planning from Sheffield Hallam University.

2.2 I confirm that the evidence I give, which I have prepared and provided for this appeal are my true and professional opinions as to the merits of the appeal application.

**3.0 The Appeal Site**

3.1 The site comprises a 3.86 hectare area of land within the Owlthorpe Area, to the south east of Sheffield City Centre. The site is wholly undeveloped greenfield land characterised by regenerating woodland and scrub to the south side of the Ochre Dyke Valley. Two smaller detached areas of land to the north east and south east are also included and are proposed to form a SuDs basin and play area.

3.2 The site links to other green spaces in the immediate area, forming part of a well valued local network. The site is bounded by similar open regenerating woodland and scrub to the east and a housing estate to the south. The areas to the north and west comprise mature woodland and grassland areas designated as Local Wildlife Sites (LWS).

3.3 The site slopes down from south to north; as a result of this topography it is clearly visible in views from the public highway to the east.

**4.0 Main Issues**

4.1 The main issues to be considered in relation to the appeal are set out in part 4 of the Inspector’s Case Management Conference Summary letter and are whether the development would:

A. Unacceptably harm the ecology of the site and the area;

B. Prejudice the proper planning of the area by not forming part of a comprehensive scheme for the whole of the Owlthorpe development area (Sites C, D and E);

C. Fail to respond sufficiently to the area’s prevailing character, green infrastructure and open space;

D. Make efficient use of land; and

E. Fail to appropriately integrate affordable housing into the layout.

4.2 Housing land supply may also be a main issue and will be dealt with separately in Laura Stephen’s proof of evidence.

4.3 Key Issue A identified above in relation to ecology is not an issue identified in the Council’s reason for refusal and will not be commented on in this proof.

4.4 Key Issues B, C, D and E are identified in the reason for refusal as set out in paragraph 1.2 above.

4.5 This proof will address main issues B – E; it will identify the benefits and disbenefits of the proposal along with the weight of each and assess the planning balance. Consideration will be given to whether the proposal represents a sustainable form of development in compliance with the National Planning Policy Framework (NPPF, 2019).

**5.0 Relevant Planning Policies**

5.1 The Development Plan comprises the Unitary Development Plan (UDP) (1998) and the Core Strategy (2009)

5.2 The relevant saved development plan policies in relation to the appeal are listed below. The most important policies are highlighted in bold text.

 Unitary Development Plan Policies

* Policy H10 – Development in Housing Areas
* **Policy H13 – Housing Sites**
* **Policy H14 – Conditions on Development in Housing Areas**
* **Policy H15 – Design of New Housing Developments**
* Policy H16 – Open Space in New Housing Developments
* Policy GE11 – Nature Conservation and Development
* Policy GE13 – Natural History Interest and Local Nature Sites
* **Policy GE15 – Trees and Woodland**

Core Strategy Policies

* **Policy CS26 – Efficient use of Housing land and Accessibility**
* **Policy CS40 – Affordable Housing**
* Policy CS41 – Creating Mixed Communities
* Policy CS43 – Schools
* Policy CS44 – Health Centres
* Policy CS45 – Quantity of Open Space
* Policy CS63 – Responses to Climate Change
* **Policy CS74 – Design Principles**

Planning Brief

* **Housing Sites (C, D, E) Moorthorpe Way, Owlthorpe Planning and Design Brief**

5.3 The relevant sections of the National Planning Policy Framework (NPPF) (2019) are set out below, again the most relevant policies are highlighted in bold.

* Section 2 - Achieving Sustainable Development – **paragraph 8**
* Section 3 - Plan-making – paragraph 23
* Section 5 - Delivering a Sufficient Supply of Homes – paragraphs 59, 61, 67, 73 and 74
* Section 8 - Promoting Healthy and Safe Communities – paragraphs 93 and 96
* Section 9 - Promoting Sustainable Transport – paragraphs 103, 108 and 109
* Section 11 - Making Effective Use of Lane – **paragraphs 122 and 123**
* Section 12 - Achieving Well-designed Places **– paragraph 127**
* Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change – paragraphs 163 and 165
* Section 15 - Conserving and Enhancing the Natural Environment paragraphs 170 and 171
* Annex 1 - Implementation of Paragraph 213

**6.0 Assessment**

 **Principle of Development**

6.1 Policy H13 of the UDP allocates the site as a Housing Site, identified as ‘Owlthorpe (five sites: C2, C3, P8, P9, former school site – 18.6 hectares)’. This allocation is supplemented by the publication of the Housing Sites (C, D, E) Moorthorpe Way, Owlthorpe, Planning Brief document, which identifies the site as Site E.

6.2 The site is designated in the UDP as being predominantly within a Housing Area. Policy H10 identifies housing as the preferred use in these areas and the appeal proposal is consistent with this allocation in this respect. It is noted that a small portion of the site is designated as a Local Shopping Centre. However, neither the Core Strategy or the Planning Brief promote a Local Shopping Centre as part of the proposed housing site, and as such the proposal for housing only on this part of the site is considered acceptable in principle.

6.3 In light of the above and as set out in Section 7 of the Statement of Common Ground, the principle of housing development on the site is accepted. However it is the form that this development takes, notably its failure to optimise and integrate the unique green character of the site, the inefficient use of land and lack of integration of affordable housing, together with its potential relationship to the future development of sites D and E through non-compliance with the Planning Brief that is objected to. These issues together culminate to prejudice the comprehensive redevelopment of the site. These issues will be given due consideration in turn below.

 **Policy Context**

6.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. As identified in paragraph 5.1. the Council’s Development Plan comprises the saved policies of the Unitary Development Plan (1998) and the Core Strategy (2009)

6.5 Paragraph 213 of the NPPF states that existing policies in a development plan should not be considered out of date simply because they were adopted or made prior to the publication of the NPPF and that due weight should be given to existing policies in a development plan, according to their degree of consistency with the NPPF.

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

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

This is referred to as the “tilted balance”.

6.7 Each of the main issues identified in section 4.1 will be addressed in turn. The order of assessment will differ form that set out in the inspectors Case Management Conference as I consider it more logical to address Point B relating to comprehensive redevelopment of the site as the final issue. The main issues will be analysed in relation to national and local policies, with the degree of compliance between the two considered and weight attributed to the development plan policies accordingly. The extent to which the appeal proposal complies with the relevant policies will be addressed along with any identified harm. The benefits of the scheme will also be considered and weighed against the harm in assessment of the planning balance.

**Green and Open Character (Main Issue C)**

6.8 The site is greenfield and characterised by regenerating woodland and scrub, set within the wider context of two local wildlife sites. Owing to its sloping topography; the intrinsic green character of the site; and it’s interlinked relationship with adjacent wildlife sites; it is highly visible from public highways and footways surrounding the site. The principal of developing the site for housing is not contested as set out above, and the Council, and I recognise that the residential development of the site will inevitably alter the existing character of the site. However, the design of the development fails to suitably retain and reflect the unique, distinctive, and well valued green character, infrastructure and open space of the site.

6.9 Paragraph 127 of the NPPF is of particular relevance and requires that developments:

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space)

6.10 Unitary Development Plan Policy H14, sets out a number of criteria which development must comply with in order to create successful developments. Of particular relevance to the topic of green character, infrastructure and open space are parts (f) and (g) as set out below:

* (f) it would provide, where appropriate, an environmental buffer to shield sensitive land uses
* (g) It would comply with Policies for the Built and Green Environment, as appropriate

Policy H14 strongly aligns with paragraph 127 of the Framework as it seeks to ensure well designed places, it can therefore be given significant weight.

6.11 Policy H15 of the UDP relates to the design of new housing developments and requires that developments, amongst other things:

* (d) Provide pedestrian access to adjacent countryside where it would link with existing public open space or a footpath

This policy seeks to ensure developments are well designed, function well and provide high levels of amenity for residents. On the whole this is considered to comply with relevant guidance contained in the Framework, including paragraph 127 and so holds significant weight.

6.12 Policy GE15 of the UDP seeks to protect and encourage tree retention and planting and recognises that trees enhance the quality of the countryside, and soften and add to the character of built up areas. The most relevant parts of the policy are below:

* (b) requiring development to retain mature trees, copses and hedgerows, wherever possible, and replace any trees which are lost

Reference to this policy is made in relation to the retention of trees for the purposes of the green character as opposed to their ecological, habitat or biodiversity aspects. In this respect GE15 (b) has links to Policies H14 and H15 and paragraph 127 of the Framework and can be given significant weight.

6.13 Core Strategy Policy CS74 ‘Design Principles’ requires high quality development which would respect and take advantage of the distinctive features of the City, it’s districts and neighbourhoods. In relation to the specifics of the appeal, part (a) of CS74 highlights the importance of enhancing and taking advantage of:

* the topography, landforms, river corridors, Green Network, important habitats, waterways, woodlands, other natural features and open spaces.

CS74 (a) aligns closely with the NPPF which focuses on achieving well designed places and good design. The policy is consistent with paragraph 125 which states, ‘Plans should, at the most appropriate levels, set out a clear design vision and expectations’. In light of this, the policy can be given significant weight.

6.14 The Planning Brief sets out a range of design principles, in relation to the green environment it states that:

G1 - It is essential that the interfaces between the development and open space or the woodland edges are carefully designed to provide value to new residents and to enhance landscape quality.

G2 - The landscape setting must feature significantly in the development of character

G3 - The development must contribute to the success of the green infrastructure in this area to enable more sustainable development and lifestyles.

Weight can be given to the Planning Brief as it expands upon the housing allocations in Policy H13 of the UDP. Further the specifics of the Brief and, in particular, the Green Environment design principles, align with the local and national policies detailed in paragraphs 6.9 to 6.13 and so can be attributed significant weight.

6.15 The site is greenfield land and informal access to it is currently taken by the public. The site and its green infrastructure and open space are well used and valued by the local community as an area for walking, exercising and observing nature and wildlife. This is evidenced by the high volume of local neighbours objecting to the application on this basis. Section 3.7 of the Preliminary Ecological Appraisal states the site was ‘well used for recreation, with numerous dog walkers seen during the survey’. It is demonstrated in the following evidence that the development fails to adequately retain and integrate the well valued green and open character of the site. A more sensitively designed scheme would allow the retention of a range of the well valued aspects and distinctive green features of the site whilst still allowing residential development.

6.16 The site is characterised by a range of trees and hedgerows as identified in the Arboricultural Impact Assessment. Whilst many of these trees are classes as category C trees, the proposals also involve the removal of category B trees adjacent to the north and west boundaries of the site. The trees to be lost to the west of the site are tree groups G11b, G12 and part of G11a, all of which are identified as group B trees. The Arboricultural Impact Assessment identifies trees within these groups as good specimens and important in providing links between the two woodland areas classified as the local wildlife sites. The loss of the group B trees severs an important green link within the site, cutting the physical and visual connection of the landscaping from the adjacent well valued local wildlife sites. The loss of the trees is contrary to UDP Policy GE15 (b) and has a harmful impact on the green character and appearance of the site and the sensitive green edge as identified in Section 6.3 of the Planning Brief.

The development fails to take the opportunities available to incorporate and build upon the individual, distinctive character of the site by failing to incorporate the existing landscape sufficiently into the scheme. In this regard the development is contrary to Guideline G2 of the Planning Brief; Policy CS74(a) and paragraph 127 (c) of the framework.

6.17 It is acknowledged that recommendations for mitigation against the loss of these trees are made by the appellant. This will take the form of compensatory planting in the adjacent local wildlife site, secured through the S106 agreement. This does not overcome the loss to the integral green character of the site itself nor the failure to integrate and retain its special and valued features. The retention of more trees on site would reduce the need for the off-site tree planting and would have benefits in terms of environmental and social sustainability.

6.18 The proposal includes the loss of the hedge to the south of the site; this is detailed as defunct in appendix 2 of the Ecological Appraisal. Nevertheless, the hedge and landscaping along this boundary provides a clear and highly visible green edge to the development site which adds to its green character and infrastructure. This boundary is identified as a sensitive green edge in Section 6.3 of the Planning Brief.

6.19 The hedge will be replaced along the southern boundary, adjacent to plots 51 to 58 with a retaining wall which will vary between one and three metres in height (External Levels Drawing). The Boundary Treatment Drawing details that a 1.8 metre high timber fence will be positioned above the retaining structure. The retaining wall plus fence will cover a boundary length of approximately 136 metres and will result in a hard, engineered edge which will detract from the original green character of the site. The landscape drawings further indicate that a 1.8 metre high timber fence will be placed along the west boundary adjacent to plots 34 – 39. Again, introducing a hard engineered boundary instead of enhancing the existing green character of the site and the sensitive green edge. Whilst trees will be retained outside of the site beyond these boundaries, the new boundaries will be clearly visible from the adjacent footpath and highway and will significantly alter the character and appearance of the site. The development fails to take the opportunity to incorporate and enhance the landscaping along the south and west boundary adjacent to the existing green open space and local wildlife site. As such the development is contrary to Guideline G1 of the Planning Brief, Unitary Development Plan Policy GE15(b), Core Strategy Policy CS74(a) and paragraph 127 (b) of the Framework.

6.20 It is proposed to replace the hedgerow throughout the site as indicated in the landscape drawings. The replacement hedges comprise much smaller runs of hedging mainly to the front/side of houses. Whilst these will soften the scheme they do not adequately compensate for the removal of a soft green edge adjacent to an area of open space and a local wildlife site and replacement with a hard suburban boundary. The development completely fails to reflect the prevailing green character of the site in this regard.

6.21 Overall, the loss of the trees and hedgerow will erode the natural green appearance of the site and detract from its landscape value and character. These elements of the green character are clearly visible from outside and inside the site and provide green links between the two Local Wildlife Sites. Failure to protect and enhance the distinctive features of the site and incorporate them into the design is harmful to the local character and landscape setting and contrary to paragraph 127 (c) of the NPPF and part (a) of Core Strategy Policy CS74

6.22 The Local Wildlife Site to the north of the application site comprises mature woodland adjacent to the Ochre Dyke. The Planning Brief sets out a requirement to include a 15 metre buffer zone between these trees and the development in order to protect the value of this area. This requirement is also stipulated at section 2.9 of the Arboricultural Impact Assessment, which describes the woodland to the north of the site as displaying ancient woodland characteristics and therefore a 15 metre standoff is included. The buffer zone is indicated on the Tree Protection Plan drawing. An informal footpath is sited within the buffer zone within the application site. Young mixed broadleaved woodland has developed in the buffer zone; the species mix include alder, hazel, sycamore, oak and willow. This young woodland area forms a natural successional zone next to the mature woodland and is an integral part of the site’s green character.

6. 23 It is proposed to remove part of the successional woodland detailed above, closest to the development. It is also proposed to regrade some of the land within the buffer zone and this will involve the loss of tree group G9a, identified as Category B trees. The development will also involve some small areas of road and parking within the buffer zone. The intrusion of built form and loss of trees within the buffer area is unacceptable and will undermine the value and visual effectiveness of the buffer zone. Failure to provide an adequate buffer to shield the sensitive Local Wildlife Site and mature woodland to the north is contrary to UDP Policy H14 (f).

6.24 The informal footpath link to the north of the site within the buffer zone, is a clear and well used desire line in the local area, photographs are included in appendix A. The development will see the loss of this informal route, with only a small area formalised to the east of the site. The Planning Layout (Rev D) drawing indicates the provision of a new alternative pedestrian link from west to east along the estate’s highways and including the new informal route to the east. The alternative route, through a suburban housing estate leads to the loss of an attractive green link and informal pedestrian access to the Local Wildlife Site, contrary to UDP Policy H15 (d). Further, the loss of this route erodes the green infrastructure in the local area contrary to the creation of sustainable development and lifestyles as noted in Policy G3 of the Planning Brief.

6.25 It is acknowledged that there is an alternative route within the Local Wildlife Site to the north of the site, however the route within the application site is clearly popular and valued by local people as demonstrated by the well used route on the ground. This route is one of the characteristic features of the application site, adding to the area’s green infrastructure and creating an accessible and sustainable route through the site which should be retained. Indeed, the Planning Brief indicates in the ‘Urban Design Framework’ at section 6.3 and in Fig 20. ‘Illustrative Masterplan’ that a pedestrian link should be provided where the informal footpath is.

6.26 As stated previously, the principle of housing development on the site is accepted, however this needs to be well designed and, importantly, reflect the green and open character and infrastructure which is well used and valued by the local community. The site fails to find the appropriate balance between built form and retention of green infrastructure and is contrary to paragraph 127 (e) of the Framework in this regard.

6.27 The site has a particular set of characteristics relating to its green and open character and infrastructure. It is concluded that the development will lead to the loss of these features, notably the loss of trees and hedgerows; the intrusion into the buffer zone; and the failure to maintain the green pedestrian link through the buffer zone. The failure to incorporate the green character in the proposed development is contrary to paragraph 127 of the NPPF which sets out criteria integral to good design. Indeed there is little to differentiate the proposed development from countless other housing developments in more suburban settings across the City, notwithstanding the opportunities offered by this particular site by the prevailing green character of the site and its surrounds, and the guidance offered through the Planning Brief. The scheme is contrary to UDP policies H14 and H15, Core Strategy policy CS74, Guidelines G1, G2 and G3 of the Planning Brief and paragraph 127 of the NPPF.

6.28 The development is contrary to the environmental objective of sustainable development as set out in Paragraph 8 of the Framework as it fails to protect and enhance the natural environment. It is also contrary to the social objective of sustainability as it will cause harm to a well used and valued open space and does not adequately incorporate the distinctive and special features of the site into the new design.

6.29 It is concluded that the development will cause harm by virtue of the erosion of the green and open character and infrastructure of the site itself. Such green character and infrastructure is highly valued by the local community as evidenced by the strength of local objection and the well used nature of the site, indicated by the creation of well used desire lines across the site. The site could be redesigned to include the retention of the most important green features and a more appropriate balance struck between development and retention of the site’s distinctive characteristics.

**Preliminary Response to Amended Plans Received 11th December**

6.30 The amended Arboricultural Survey and Arboricultural Impact Assessment indicate that following a resurvey of the site, the category B tree groups G11a, G11b and G12 to the west of the site have been found to be outside of the site boundary. The amended information now shows these trees to be retained where previously and as discussed in section 6.16 they were identified for removal. Comments are awaited from landscape consultees regarding the feasibility of retaining these trees, these will be provided within the rebuttal.

6.31 However, my preliminary comments are outlined herein. The amended Site Section Drawing Sheet 1 of 2 clearly indicates some changes to the existing land levels between the retained trees and the proposed development. Consideration must be given to the impact that the proposed reduction in land levels immediately adjacent to the trees will have on the trees. Such consideration does not appear to be included in any of the submitted documents.

 Notwithstanding the above and provided that the trees can be successfully retained this would be an improvement to the original scheme.

6.32 The amended information indicates that the woodland to the north of the site is now classed as Ancient Woodland. The revisions to the drawings indicate a much greater loss of trees within the successional woodland in the buffer zone in tree groups G7a-f and G8a-e, but with the additional retention of some category B trees within group G9a. The arboricultural assessment describes tree groups G7a-G7f, G8a -G8e and G9a-G9b as combining as a whole to provide a screen along the existing footpath. The report recommends that young trees which exhibit good health and form should be retained to maintain this screening value for the footpath and to provide longevity of canopy along the woodland edge. The removal of the category C trees within the buffer is greater than the original plans but it is noted that there is increased retention of category B trees. On balance, the overall loss of trees within the buffer zone appears to be greater than in the original plans, this erodes the successional woodland edge and has implications for the value and visual effectiveness of the buffer. Further comment will be provided on this matter within the rebuttal and will be informed by consultee comments, following receipt of which I will be able to form a comprehensive opinion about the changes.

6.33 A number of plans have been submitted indicating the buffer zone in varied positions, namely commencing from the boundary of the Local Wildlife Site, the tree stems and the existing fence line. Landscape comments are awaited on these drawings and I will provide further comment in the rebuttal.

6.34 The amended plans indicate a reduced incursion of built form into the buffer zone. Without prejudice to further comments following consultation response and additional drawings, I consider the reduction of built form into the buffer zone to be a material improvement on the original plans.

6.35 The landscape plans indicate that an informal footpath will be provided through the buffer zone, broadly following the line of the existing informal route. It is unclear whether as previously proposed there will be any regrading within the area of the footpath and if so, what the implications are for the levels of the route. However, provisionally, I consider the provision of the informal route to be a material improvement to the scheme.

6.36 Despite the changes there are still a number of issues identified in the preceding section, which have not been resolved and are detrimental to the intrinsic green character of the site. These involve the loss of the hedgerow, removing a soft green edge and replacing it with hard engineered boundaries, loss of category B trees in the north of the site and removal of trees within the buffer zone.

6.37 I will reserve my final comments on the amendments until the rebuttal stage. However, at this stage I would state that my preliminary view is that the amendments improve the balance between green infrastructure and built form and so reduce the harm to the character of the area compared to the unamended scheme. However, it is clear that not all points raised in response the original plans have been fully addressed. As such on balance, it is considered that there are further improvements which could be made to the scheme to better incorporate the site’s special and intrinsic green character and the proposal remains harmful to the character of the area, albeit less so than the unamended scheme.

**Density (Main Issue D)**

6.38 Achieving appropriate densities is integral to ensuring the efficient use of land. Paragraph 122 of the NPPF requires planning policies and decisions to support development that makes efficient use of land, taking into account a variety of factors. Of particular relevance to this appeal are points:

 d) the desirability of maintaining an area’s prevailing character and setting

 e) the importance of securing well-designed, attractive and healthy places.

Paragraph 123 requires planning policies to optimise the use of land and include minimum density standards. Part (a) details that these standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate. Part (c) states that applications which fail to make efficient use of land should be refused.

6.39 Core Strategy Policy CS26 seeks to ensure that development makes efficient use of land and sets a range of densities for different types of areas. The policy also seeks to ensure that developments are in keeping with the character of the area and support the development of sustainable, balanced communities. The objectives of CS26 align closely with paragraphs 122 and 123 of the Framework and so can be offered significant weight.

6.40 The appeal application site falls within a suburban area close to Supertram stops and should therefore achieve a density of between 40 to 60 dwellings per hectare in line with CS26. This is not disputed and is a matter of agreement in the Statement of Common Ground.

6.41 The density of the amended scheme as set out in paragraph 7.22 of the Statement of Common Ground is held to be 28 dwellings per hectare by the Council and 30 dwellings per hectare by the appellant. The Council ascertain that the regraded part of the buffer zone which should be included within the developable area of the site. The amendments to the scheme result in a more inefficient use of land than the original plans.

6.42 Despite the disagreement between the density calculation, it is clear that whichever figure is taken, the density is significantly less than identified in CS26. Consequently, it is ascertained that the development fails to make efficient use of land.

6.43 Policy CS26 allows for exceptions to density where this would reflect the character of the area. It is set out in the preceding section that the development does not do this as it fails to fully reflect the green and open character and infrastructure of the site. As such the design of the scheme cannot be used to justify the low density. In fact, the low density, sprawling, suburban nature of the development, where detached family housing dominates, only serves to compound the issues in relation to the green character. An increased density could be achieved by introducing a more compact and efficient scheme, with varied size and type of housing, whilst also reducing the developable area of the site to allow for the retention of the green features and character identified previously. Such development would ensure the more efficient use of the land whist also retaining its prevailing character and setting in accordance with paragraph 122 (d) and (e).

6.44 It is highlighted that the retained buffer zone and areas of open space indicated in the Open Space Provision Drawing 9 (excluding the regraded areas in the case of the Council’s calculation) are not included in the developable site area and so do not have an impact on the density calculation.

6.45 It is acknowledged that the adjacent Woodland Heights estate is low density, at less than 30 dwellings per hectare. However, this is not justification for providing similar low density development at the appeal site. Indeed, it is clear in paragraph 123 (a) of the Framework that an uplift in residential density is expected. Certainly, the low density of the Woodlands Height estate should not be used to justify a low density development.

6.46 The Planning Brief states at paragraph 5.1.2 that, owing to the requirement for family housing and the landscape constraints, the density is likely to be at the lower end of the density requirement or possibly below. However, it also highlights that exceptions to the density requirement will only be acceptable where the development achieves good design or protects a sensitive area. The development fails to meet either of these exceptions. The low density design of the scheme does not arise as a result of these points and therefore the development fails to meet either of these exceptions.

6.47 It is held that an alternative design which alters the type and sizes of dwellings and garden areas on the site could increase density. Although it is acknowledged that the Planning Brief identifies a need for family housing, this is not the only type of housing required in the area. The Housing Market Area Profile 2019 for the South East Area (appendix B) identifies a shortage of smaller properties and downsizing opportunities (chapter 2). It then goes on to state in chapter 4 that there is an undersupply of 0/1 bedroom homes in the area and that this will limit the options available for those wishing to buy or rent a starter home or downsize into a smaller property.

 6.48 The low density of the scheme coupled with the failure to fully integrate the green and open characteristics of the site are contrary to paragraph 127 (f) of the Framework which seeks to optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space).

6.49 It is concluded that the development fails to make efficient use of land and there are no material considerations to justify an exception on the grounds of character, setting or design as set out in paragraph 122 (d) and (e). Paragraph 123 (c) of the Framework is clear that developments which fail to make efficient use of land should be refused.

6.50 The inefficient use of land is contrary to the environmental objective of sustainable development at the heart of the planning system. The benefits of the scheme in terms of providing housing and contributing to the 5 year housing land supply are acknowledged. However, this does not outweigh the disbenefits in terms of an inefficient use of land and the associated harmful impact to environmental sustainability.

**Affordable Housing (Main issue E)**

6.51 Paragraph 34 of the NPPF details that development plans should set out the expected contributions from development, including the levels and types of affordable housing**.**

6.52 Core Strategy Policy CS40 sets out the requirement for all new housing development to contribute towards the provision of affordable housing. The supporting text of CS40 details that the policy will be delivered through a Supplementary Planning Document (SPD) which will set out detail in relation to thresholds and how such housing should be delivered. The Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (SPD) provides detailed guidance for implementation of CS40.

6.53 The SPD provides guidance on the types of developments which should contribute to affordable housing, the level of expected provision, the design of affordable housing and the occupation of units.

6.54 It is held that CS40 and the SPD document aforementioned when viewed as a whole, strongly align with Paragraph 34 of the NPPF which requires plans to set out expected contributions, including the levels and types of affordable housing.

6.55 It is a matter of common ground (Section 7.18 of the SoCG) that the site falls within the South East Affordable Housing Zone, where the affordable housing requirement is 10% of total floor space. The appeal proposal will provide 15.3% of floor space as affordable housing and so is in excess of the guidance.

 6.56 The drawing entitled Alternative Option 2 (110 A) illustrates the general arrangement of the affordable housing within the site. It is held that the affordable housing is contrary to guideline GAH5 of the SPD as it is differentiated from the market housing by virtue of its design, quality, specification and location within the site.

6.57 The Alternative Option 2 drawing illustrates that the 15 affordable homes comprise of four sets of terraced dwellings (13 properties) and one pair of semi-detached dwellings. It is highlighted that there are no other terraced properties within the rest of the site which comprises predominantly of detached dwellings (80% of units). This clearly differentiates the affordable units from the rest of the dwellings by virtue of their design.

6.58 This differentiation in design is further compounded by the fact that 10 of the 15 affordable units are grouped together to the south west of the doctor’s surgery where the layout is markedly different to the rest of the site. These dwellings are served by a parking court and this is the only parking court within the site, again setting these properties apart as different. This leads to a reduced level of amenity as a result of a poorer outlook to the front of these houses and increased overlooking due to the access arrangements which will involve neighbours passing directly to the front of the houses.

6.59 The density is significantly greater for the affordable units than the remainder of the site. A density calculation for the affordable units at plots 61-70 has been carried out. The density is 52 dwellings per hectare based on an area of 1922 square metres which includes the houses, gardens, landscaping, footpaths, parking spaces and access roads as indicated in the drawing in appendix C. This density is significantly greater than the average density for the site taken as a whole and illustrates that the design of the affordable housing is not comparable to the design of the market housing.

6.60 The affordable units are located close to the retaining structure to the south of the site. This impacts upon the amenity of residents; gardens at plots 64-68 will have a high retaining wall plus fencing which will result in a less attractive and less useable outside space, this is compounded by the small size of the gardens. Furthermore, plots 68-70 will have a retaining wall to the front (Site Sections drawing, section F-F) resulting in set down entrances and a public footpath to the front raised above ground levels. This will create a poorer entrance and outlook from these properties which is not evident elsewhere on the estate.

6.61 The above demonstrates that the design, quality, specification and location of the affordable dwellings differ from the market housing. The impact of these differences is two fold; firstly, the quality and level of amenity provided by the affordable units is lower than the market dwellings. Future occupiers will benefit from poorer outlook, privacy, less defensible space, gardens overshadowed by boundary treatments and a more dense living environment. Living conditions will therefore be poorer for these residents. Secondly, the affordable accommodation is clearly distinguishable from the market dwellings; this is harmful to social integration and the creation of a balanced and diverse community. This element of the scheme is contrary to social objective of sustainable development set out in paragraph 8 of the Framework.

6.62 It is concluded that harm is caused by virtue of the failure to successfully integrate the affordable units into the development by way of their design, quality and siting; they are clearly distinguishable from other units. The affordable housing as presented offers a lower quality of living accommodation to future residents. It is concluded that the design of the affordable housing fails to support the creation of a strong, vibrant and equal community. Such disregard for adequate integration of affordable housing is contrary to social sustainability.

**Comprehensive Redevelopment (Main Issue B)**

6.63 The application site is identified as a housing site in UDP Policy H13. The policy states that it will be put into practice by providing appropriate advice to developers through Supplementary Planning Guidance or Planning Briefs.

6.64The Planning Brief **‘**Housing Sites (C,D,E), Moorthorpe Way, Owlthorpe’ supports the aims of developing the site for housing purposes in accordance with UDP Policy H13. Paragraph 3.2.6 of the Planning Brief states that ‘The sites need to be considered as a whole to ensure comprehensive redevelopment. Due to their total size, it is likely that development will be phased. Careful consideration is required regarding the delivery of infrastructure such as utilities, play facilities and drainage’.

6.65 Compliance with the Planning Brief is the mechanism by which the comprehensive redevelopment of sites C, D and E (which are intrinsically linked by their location and shared characteristics) can be secured. It is accepted that the sites can and will come forward as separate applications but provided that the Planning Brief is complied with, the three sites when considered as a whole will represent a sustainable and appropriate form of development.

6.66 The appeal application however has such disregard for various aspects of the Planning Brief and relevant planning policies as set out in in the preceding sections that it fails to comply with the Planning Brief when taken as a whole. Notably, the development does not adequately retain or integrate the green character of the site, nor does it represent the efficient use of land or adequately integrate affordable housing. Such harm could have been avoided if the development complied with the Planning Brief and associated relevant planning policies.

6.67 The departure from the Planning Brief is severely detrimental to the comprehensive redevelopment of the three sites together. Failure to protect and incorporate the green and open character of site E will erode the green character and infrastructure of the sites viewed in combination. This will have detrimental implications on the ability to create a well designed scheme (for the three sites viewed together) which reflects the distinctive green character and features of the sites themselves whilst also making efficient use of land. The green character and density issues are intrinsically linked and both need to be suitably addressed to ensure that the appeal site itself and Sites C and D are appropriately and comprehensively developed.

 6.68 Failure to adequately integrate affordable housing into the development is harmful to the creation of a strong and sustainable, socially cohesive community. As all sites when developed will function as a single large community this has implications for the development of the adjacent sites and social integration within the newly formed community.

6.69 The development will set a benchmark for the redevelopment of sites C and D, failure to provide a well designed scheme that reflects the character of the area at an appropriate density and with sufficient integration of affordable housing will set an unwelcome tone. This will further prejudice the comprehensive redevelopment of the site.

6.70 The failure to comply with the Planning Brief is contrary to Policy H13 and prejudices the ability to comprehensive redevelopment Owlthorpe Site C, D and E.

**7.0 Benefits and Weight**

7.1 The scheme has a number of benefits which are considered in turn in this section and weight attributed accordingly. The site is located within a Housing Area and will provide housing development which is the preferred use within these areas in accordance with UDP Policy H14. Further, the site is identified in H13 as an allocated site, albeit that the policy states development should comply with the Planning Brief and the scheme falls short in this regard. The site is also within an area identified for growth in CS24(c). It has been repeatedly noted that the principle of development is not disputed, however the form this development takes causes material harm.

7.2 The proposal will provide housing delivery on an allocated site; this is a positive aspect of the scheme. However, the Council benefits from an up to date 5 year housing land supply and such supply is not dependent upon the development of this site. The principle of housing is accepted but the form is unacceptable as it stands. Alterations to the proposal could overcome the reason for refusal and provide a well designed, sustainable development which would also contribute to housing supply. Therefore, less weight is given to housing supply in this instance.

7.3 The development proposes 15 affordable units, this is a clear benefit. Nevertheless, the design of the affordable units is of poorer quality than the market units and they are clearly distinguishable. Consequently, the affordable units provide poorer living conditions for residents than the market housing and fail to provide a socially inclusive and sustainable development. The scheme could be redesigned to overcome these concerns and provide a more appropriate form of affordable housing. As such less weight is given to the affordable housing in this instance.

7.4 The development will provide children’s play facilities which will be of benefit to the appeal site, the existing adjacent housing estate and sites C and D should they be developed in the future. This is a benefit of the scheme; however, such facilities could still be provided as part of a development that overcomes the reason for refusal. Therefore, less weight is given to the provision of the play facilities.

7.5 The development will provide a welcome link with the existing Woodland Heights development, integrating this isolated estate into a more sustainable community. The proposed development will strengthen the local community and will contribute towards the economy. Again, these benefits could be provided as part of a more appropriate development that overcame the identified harm. As such less weight is given to these benefits.

7.6 The harm caused by the development has been identified in the preceding section and includes the failure to adequately integrate the distinctive green and open character and infrastructure integral to the site. This is compounded by the loss of trees and hedges, the removal of trees within the buffer zone and failure to provide sensitive green edges to the development. It is noted that revised plans have been submitted which have implications for the green character and infrastructure of the site. However, as set out above, whilst my preliminary view is that the amendments are an improvement, they do not remove the harm to the character of the area.

7.7 The scheme provides low density housing which fails to make efficient use of land, this is a clear disbenefit. There are no material considerations such as design or integration of landscape which would overcome the low density as the scheme is also unacceptable in these aspects.

7.8 Harm is also identified as a result of the failure to adequately integrate the affordable housing into the scheme. This causes harm by virtue of a lower standard of living accommodation for residents of the affordable units and failure to provide a socially integrated and sustainable development.

7.9 These issues compound to result in a development which has such disregard for relevant policies that it cannot be successfully comprehensively developed in association with sites C and D as is required by the Planning Brief.

**8.0 Conclusions**

8.1 Section 38(6) of the Town and Country Planning Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 My evidence demonstrates that the identified planning policies are up to date and compliant with the Framework. As such full weight can be given to the policies within the Development Plan for this appeal. That includes the basket of policies that I consider are most important for the determination of this application and given the existence of a five year housing land supply the tilted balance in paragraph 11 (d) is not engaged.

8.3 The evidence demonstrates that the development does not accord with the development plan as a whole by virtue of conflict with a number of policies. The development fails to full incorporate the distinctive and intrinsic green and open character and infrastructure of the site. Amended plans have been submitted which have implications for this issue. Final comment is reserved for the rebuttal stage. However, it is provisionally held that the changes offer a number of improvements in relation to the green character. Nevertheless, it is clear that the development does not fully integrate or enhance all of the site’s intrinsic and characteristic green character. This causes harm by creating a development which has little regard to the site’s intrinsic character and is harmful to the site itself and the wider area. The site is well regarded by local residents and the proposed development will erode it’s valued features. The scheme is contrary to Paragraph 127 (b), (c) and (e) of the NPPF, development plan policies H14 (f), GE15 (b), CS74 (a) and Guidelines G1, G2 and G3 of the Planning Brief.

8.4 The development does not provide the efficient use of land, creating a low-density development. There are no material considerations to justify such a low density. In this regard the scheme is contrary to contrary to Paragraphs 122 and 123 of the Framework and development plan policy CS26.

8.5 The appeal scheme does not adequately integrate affordable housing into the design, contrary to paragraph 34 of the Framework, Core Strategy Policy CS40 and GAH5 of the CIL and Planning Obligations Supplementary Planning Document. This causes harm to social integration and the ability to create an equal and sustainable community. Furthermore, the appeal proposal prejudices the ability to comprehensively redevelop sites C, D and E owing to the conflicts with relevant planning policies highlighted above and is contrary to Policy H13 and Paragraph 3.2.6 of the Planning Brief.

8.6 It is held that the conflict with planning policies detailed above and resulting harm compound such that the development cannot be held to be sustainable development. This conclusion is made with regards to the social and environmental objectives of sustainability set out in paragraph 8 of the Framework. The failure to retain trees, hedgerows and the general green character of the site, coupled with the inefficient use of the land by virtue of its low density are contrary to the aims of environmental sustainability. Similarly, the failure to incorporate the green character, coupled with the inadequate integration and poorer quality of design of the affordable housing is contrary to social sustainability.

8.7 The benefits and disbenefits of the scheme have been clearly outlined and weight attributed accordingly. It is highlighted that any benefits associated with the scheme could be provided through an amended proposal which adequately addresses the reason for refusal given that the principle of developing the site is accepted. The harm caused by the scheme is not outweighed by the benefits. The scheme is clearly in breach of relevant development plan policies which attract full weight and therefore create a strong presumption against the development. The benefits do not justify a departure from the plan. As such in accordance with section 38(6) it is concluded that the development should be refused, and the appeal upheld.