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**From:** planningapps@sheffield.gov.uk  
**Subject:** FW: 17/04673/OUT INVALID  
**Attachments:** YK2758 Planning Statement - FINAL combined.pdf

-----Original Message-----

From: Clare Plant []  
Sent: 15 December 2017 16:55  
To: [planningapps@sheffield.gov.uk](mailto:planningapps@sheffield.gov.uk)  
Subject: RE: 17/04673/OUT INVALID

Dear Louise,

Please find attached the additional supporting information for the above application to enable it to be validated.

The EIA direction is included at appendix 1 of the attached Planning Statement. The provision of affordable housing is also addressed within the Statement and at this stage no additional information can be provided as the application is made in outline.

Thanks

Clare

-----Original Message-----

From: [planningapps@sheffield.gov.uk](mailto:planningapps@sheffield.gov.uk) [<mailto:planningapps@sheffield.gov.uk>]  
Sent: 01 December 2017 13:18  
To: Clare Plant < >  
Subject: 17/04673/OUT INVALID

See attached

For and on behalf of  
**Hallam Land Management**

**PLANNING STATEMENT**

**Outline Application for Residential Development at Carr Road and Hollin Busk Lane,  
Deepcar**

Prepared by  
Clare Plant MRTPI  
**DLP Planning Consultants**  
**Sheffield**

December 2017

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December 2017

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## Appendix 1 – EIA Screening Direction decision

## **1.0 Introduction**

- 1.1 This Planning Statement has been prepared by DLP Planning Ltd on behalf of Hallam Land Management in support of an outline planning application for the development of up to 93 dwellings (all matters other than access reserved) on land at Carr Road and Hollin Busk Lane, Deepcar.
- 1.2 Since the adoption of the plan there have been significant changes in planning policy, including the presumption in favour of sustainable development (paragraph 14 of the Framework) and a presumption in favour of housing development (paragraph 49 of the Framework). These changes mean that many of the policies in the Core Strategy are now inconsistent with national policy and by virtue of paragraph 215 of the framework do not carry full weight in the determination of planning applications. One element of the Framework (paragraph 49) is the requirement for the LPA to demonstrate a robust 5 year supply of housing land against an up-to-date housing requirement or Objectively Assessed Need for housing. At present the council is unable to demonstrate such a level of supply and hence there is a “tilted balance” in favour of housing proposals such as this application.
- 1.3 The site comprises 6.5 hectares of grazing land directly adjacent to a residential area of Deepcar. The site is currently allocated as open space within the Sheffield UDP (1998). As the Local Planning Authority (LPA) is unable to demonstrate a five year housing land supply, the policies of the UDP and to an extent the Core Strategy are considered to hold limited weight.
- 1.4 The proposals seek to deliver new housing within the short term, in addition to increasing the level of publically accessible open space provision within the locality. Within this context and based on the additional information set out within this statement, the proposed scheme is considered to consistute a sustainable form of development that should be approved without delay.
- 1.5 An EIA Screening Direction was submitted to Secretary of State under 6(10) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017(S.I. 2017/571) on 31st July 2017 to determine whether or not the proposed development was ‘EIA development’ within the meaning of the 2017 Regulations. The Secretary of State did not consider that the proposal is likely to have significant effects on the environment and accordingly directed that the development is not ‘EIA development’ within the meaning of the 2017 Regulations (Appendix 1).
- 1.6 This Statement provides background information regarding the site and surrounding context, planning application history, as well as details of pre-application discussions, which have taken place with the Local Planning Authority.
- 1.7 The information provided demonstrates how the development proposal accords with the National Planning Policy Framework (the ‘Framework’) and local planning policies contained within the Development Plan.
- 1.8 The following documents have also been prepared in support of the planning application:
  - Design and Access Statement;
  - Indicative layout plan;
  - Statement of Community Involvement;
  - Affordable Housing Statement;
  - Transport Assessment;

- Travel Plan;
- Ecology Report (including extended breeding birds surveys);
- Heritage Assessment;
- Flood Risk Assessment and Drainage Report;
- Landscape and Visual Impact Assessment (including tree survey);
- Geo-environmental Report (including Coal Mining Report); and
- Air Quality Note.

## 2.0 Site Context

- 2.1 The application site is located to the south of Deepcar, approximately 16 km to the north-west of Sheffield City Centre in the Stocksbridge and Upper-Don Ward. The total site area extends to approximately 6.5ha as shown in figure 1.
- 2.2 The site is bound by Hollin Busk Lane to the south, which forms an intersection with Carr Road, Royd Lane and Cockshot lane at the south east corner of the site.



**Figure 1** – Indicative masterplan for application site

- 2.3 Two Grade II Listed Buildings lie immediately to the east of the site (Royd Farmhouse, and a Barn and Farm Buildings which lie c. 15 m north-east of Royd Farmhouse). Royd Farm forms part of a cluster of residential properties, which along with Carr Road, form the eastern boundary of the site.
- 2.4 To the west of the site is open grazing land and to the north is woodland comprising Fox Glen and including Clough Dyke, as well as the rear gardens of residential properties fronting onto Carr Road.
- 2.5 The submitted Landscape Assessment confirms that to the south west of the built up area of Deepcar and Stocksbridge is the nationally designated landscape of the Peak District National Park. Within the context of Deepcar, the boundary of the Peak District is 0.7km to the south of the site at its closest point.
- 2.6 The site itself comprises a series of fields separated by dry stone walls and post and wire fencing and is used for grazing. The existing access into the site is via an informal field gate from Carr Road.
- 2.7 The site gently slopes down from Hollin Busk Lane in a south easterly direction.

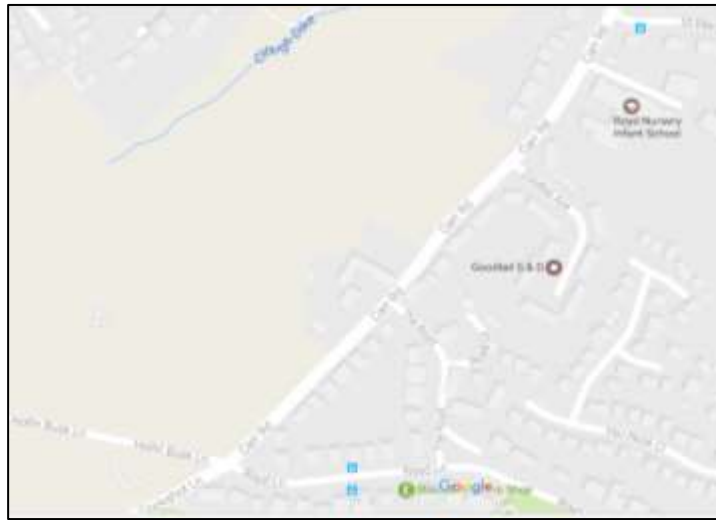
- 2.8 The site is identified on the Environment Agency's Flood Maps within flood zone 1, which places it within the lowest risk category for flooding.
- 2.9 There is no public access to the site and although there are a number of trees to the site boundary, there are only 3 small self-set trees within the site itself.
- 2.10 Within close proximity of the site there are a range of local community services and facilities which are easily accessible on foot. These include:



Facilities & Services	Location
Convenience Store	McColls (1.4km)
Post Office	Stocksbridge Post Office (2.1km)
Doctors Surgery	Deepcar Medical Centre (1.6km)
Nursery/Primary School	Royd Nursery Infant School (0.2km) Deepcar St Johns CE Junior School (0.3km) Stocksbridge Junior School (1.6km)
High School	Stocksbridge High School (1.6km)
Recreation Facilities	Stocksbridge Golf Club (0.3km) Stocksbridge Community Leisure Centre (2.4km)
Supermarket	Lidl (1.8km) Aldi (2.1km)
Community Centre	Stubbin Community Centre (1km) Deepcar Village Hall (0.6km)
Church	Saint John the Evangelist (1.3km) St Ann's Catholic Church (1.3km)
Public House	The Royal Oak (1.1km) King and Miller (1.1km)
Eateries	Sunpo (1km) Flames (1km)
Bank	Natwest (1.8km)

**Figure 3:** Proximity of surrounding available services and facilities

- 2.11 In addition the former Tata Steel works in the centre of Stocksbridge (approx. 1.6km from the application site) has been recently regenerated to form a new retail centre including shops, restaurants, opticians and office facilities.
- 2.12 The application site is also connected to a range of public transport facilities and services as presented in Figure 4. It is within close proximity to three bus stops which provide regular services to Barnsley Town Centre, Stocksbridge and Sheffield.
- 2.13 The nearest bus stops to the proposed development are located on Royd Lane to the south of the site and St Margaret Avenue to the east of the site.



**Figure 4:** Bus stops within close proximity to the site

- 2.14 The Supertram Link service also operates via Carr Road, a short walk from the site and provides connections to the Middlewood Road Tram stop and onwards towards Sheffield city centre.
- 2.15 The nearest railway station is located at Penistone, 9.5km to the north of the site with services running to Sheffield and Huddersfield. Although outside the acceptable walking distance, the station is accessible via a combined bus journey and as such offers the opportunity to travel by sustainable modes.

### **3.0 The Application Proposal**

- 3.1 The proposed development seeks outline planning application for up to 93 dwellings together with the creation of new public open space, served via a new access road from Carr Road. Only matters of access are applied for in detail at this stage.
- 3.2 The developable area of the site extends to 3.1 hectares, equating to a proposed housing density of up to 30 dwellings per hectare.
- 3.3 The remainder of the total site area (3.4 hectares) will be provided as public open space and drainage attenuation areas.
- 3.4 The indicative layout plan demonstrates how the site could be developed for a mix of dwellings, as well as private garden areas, shared amenity spaces, resident parking and associated landscaping. All other matters including appearance, landscaping, layout and scale are reserved at this stage.
- 3.5 The indicative layout plan also indicates how footpath connections could be provided to link the site to public rights of way (PRoW) within Fox Glen.
- 3.6 The developable area of the site has been identified based on the Council's vision for the site including:
- To deliver high quality, sustainable residential development that integrates well and takes advantage of its context;
  - To have attractive sustainable neighbourhoods where people are happy to live, offering everyone a range of facilities and services;
  - To respect the global environment, and prize, protect and enhance its natural environment and distinctive heritage;
  - To promote high quality buildings and spaces.
- 3.7 The application site does not currently benefit from public access. As part of the proposals, a significant area of land will be provided as informal public open space. This area can be actively managed to improve biodiversity in connection with the adjacent Fox Glen and Clough Dyke.
- 3.8 A new access route will be created to serve the proposed development from the eastern boundary on Carr Road and will incorporate pedestrian, cycle and emergency access into the site.
- 3.9 Further detail of the proposed development, including the scale and appearance of the buildings and other associated elements, landscape analysis and the approach to securing access to the scheme are set out within the Design and Access Statement and Transport Assessment, which accompany the application.

## 4.0 Planning History

- 4.1 Historically, the site has been previously considered for housing development. As early as 1983 and it was excluded from the adopted Green Belt plan.
- 4.2 The site was further considered for housing in the Stocksbridge District Plan (1984) and remained unallocated to allow flexibility of housing provision after the plan period.
- 4.3 An outline planning application (LPA ref: 89/03538/OUT) for residential development was submitted in 1989. The application was refused and a subsequent appeal (ref 89/3037P) dismissed on the grounds of detrimental impact on the quality of the environment of the area.
- 4.4 Nevertheless, the site was designated for housing within the draft UDP (1991). However the Inspector in the UDP Examination (1996) ultimately indicated that sufficient land could be allocated elsewhere for housing and the site was subsequently designated as Open Space in the UDP (1998).
- 4.5 This historic context confirms that despite the outcome of an appeal decision, the LPA has regarded this as a long term option for development and has not imposed special protective designations on the site, which has remained excluded from the Green Belt.

### Pre-application discussions

- 4.6 In relation to the current proposals, a pre-application meeting was held with planning and highways officers in August 2016. A subsequent response was received from the LPA in December 2016 and is presented in detail within the Statement of Community Involvement.
- 4.7 In summary, the salient points were considered to be:
  - LPA understanding of the potential benefits of the scheme to the overall housing land supply. A minimum of 30 dwellings per hectare density is sought.
  - Support for the proposed footpath links, as shown on the indicative layout plan, from the site to neighbouring footpaths and woodland.
  - Acknowledgement of discussions between highways officer and Fore Consulting on behalf of Hallam Land, accepting the Transport Assessment methodology and confirming that a mitigation scheme including junction signalling, bus stop upgrades and TRO contributions was capable of addressing highway constraints.
  - The LPA acknowledged a response from Yorkshire Water to confirm sufficient Foul Water capacity at the Stocksbridge Treatment Works to serve the development.
  - Agreement to on-site SUDS system to appropriately address surface water from the development.
  - In relation to the listed buildings at Royds Farm, subject to special design consideration to new build development in this part of the site it is likely to be possible to address Policy LR5(e) and BE19.
  - The LPA acknowledge that whilst they consider there to be a shortage of informal open space within the locality, the open space assessment excludes the application site, and as the proposals include provision of areas for public open space/play space, which will contribute to the provision of accessible open space in the locality, less weight is attached to the concerns relating to the quantitative shortage of open space under CS47(a).
  - The LPA consider that whilst the site is not publically accessible it is considered to provide indirect environmental and social benefit due to its open character and potential ecological value and that the proposed development would conflict with CS47(b).

- The LPA consider that the proposal would result in significant adverse impact on the open character of the site contrary to UDP Policies LR5(c ) and GE10(a), the views over it to the Green Belt and Peak Park and its function in providing a green wedge between the two settlements of Stocksbridge and Deepcar contrary to Core Strategy Policy CS72(d). Significant weight is given to the policies seeking to safeguard these characteristics.

#### **Public Consultation**

- 4.8 A public consultation exercise was undertaken in January 2017. A letter relating to the proposed development was sent to 97 homes surrounding the site to inform residents that information regarding the draft proposals for the site was available to view and comment upon on a dedicated website. Local Councillors and Stocksbridge Town Council were also notified of the published information.
- 4.9 All parties were invited to share their views on the proposed development via a comments page on the website, or alternatively by post to DLP Planning.
- 4.10 A total of 20 responses were received and the details of these together with information on how these comments have informed the proposals is provided within the submitted Statement of Community Involvement.

## 5.0 Planning Policy Assessment

- 5.1 The planning policies relevant to the determination of this planning application are set out alongside an assessment of the proposed development against them.

### National Planning Policy Framework (2012)

- 5.2 The National Planning Policy Framework (the 'Framework') sets out the Government's planning policies for England and how these are expected to be applied. The Framework was adopted on 27<sup>th</sup> March 2012.

- 5.3 A key thread that runs through the Framework is the presumption in favour of sustainable development. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life (para.9).

- 5.4 Paragraph 12 states that:

*'This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.'*

- 5.5 Where development plan policies are out of date, paragraph 14 directs that planning permission should be granted unless:

*'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework...'*

- 5.6 The 12 Core Principles of planning are set out at paragraph 17 of the Framework which include:

- *be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.*
- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.*
- *Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*
- *Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.*
- *Contribute to conserving and enhancing the natural environment and reducing pollution.*
- *encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.*



#### Promoting Sustainable Transport

- 5.7 Paragraph 30 of the Framework states that local authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.
- 5.8 Paragraph 38 goes on to state that for larger scale residential developments, where practical, key facilities such as primary schools and local shops should be located within walking distance of most properties.
- 5.9 Based on the information provided within sections 2 and 6 of this Statement and in accordance with Paragraph 38 of the National Planning Policy Framework, the site is considered to promote sustainable travel.

#### Delivering a Wide Choice of High Quality Homes

- 5.10 The Framework requires that in order to achieve the Government's objective of significantly boosting the supply of housing land, local planning authorities should, inter alia identify five years' worth of deliverable housing sites against their requirements including a 5% buffer to ensure choice and competition for land in the market (paragraph 47).
- 5.11 In addition to the presumption in favour of sustainable development that is applied in the first sentence of paragraph 49 of the Framework, the consequence of the lack of a five year land position is that the second sentence of paragraph 49 is engaged and policies relevant to the supply of housing should not be considered up to date. The implication of this is that the weight that may be attributed to such policies is diminished although the extent is dependent upon the precise nature of the policy amongst other considerations.
- 5.12 Sheffield City Council cannot currently identify enough housing land to meet their identified housing requirements and therefore their relevant policies for the supply of housing are considered to be out-of-date and should be given limited weight.
- 5.13 At paragraph 50 of the Framework it is stated that local authorities should plan to '*deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities*'.
- 5.14 Although the application is submitted in outline at this stage, the indicative plans demonstrate how the site could provide a range of house types, sizes and tenures based on the needs of the local community. The proposal will contribute to the enhancement of the built environment in the locality and will provide an increase in the population of Deepcar, which will help to support local businesses and achieve economic growth.

#### Requiring Good Design

- 5.15 Paragraph 58 requires that planning policies and decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development*
  - *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks*
  - *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation*

- *are visually attractive as a result of good architecture and appropriate landscaping*
- 5.16 Paragraph 61 states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 5.17 The residential development of the site provides the opportunity to secure connections not only to the neighbouring residential area, but importantly it can provide footpath connections into the adjacent Fox Glen woodland. The proposals will also provide new publically accessible open space to the west of the site maintaining wider views of the surrounding landscape and views into the countryside.
- 5.18 Further detail of the proposed development, including the scale and appearance of the buildings and other associated elements, landscape analysis and the approach to securing access to the scheme are set out within the Design and Access Statement, Landscape Scheme and the Transport Assessment, which accompany the application.
- 5.19 Paragraph 73 states that access to high quality open space and opportunities for sport and recreation can make an important contribution to the health and well-being of a community.
- 5.20 At the present time, the application site is not publically accessible. As part of the proposed scheme, a significant proportion of the site will be provide as open space, including formal and information provision. Together with the connection provided to Fox Glen to the north, this will significantly enhance public access to open space and provide associated social benefits for the wider community.
- 5.21 Paragraph 74 relates to existing open space, sports and recreational buildings and land, including playing fields, and states that these should not be built on unless:
- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
  - *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
  - *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*
- 5.22 This matter is considered further in relation to the wider planning balance in section 6 of this statement.

#### Heritage Assets

- 5.23 Paragraph 128 states that:

*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*

- 5.24 The submitted Heritage Assessment considers the heritage assets within the locality including the listed Royd Farm buildings and determines that the proposed development will not impact on the setting or importance of these buildings.



- 5.25 Paragraph 152 states that “*Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate*”.

#### Determining planning applications

- 5.26 Paragraph 197 confirms that when assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
- 5.27 The application site is directly adjacent to the residential area of Deepcar, is within walking distance of public transport routes and local services and will contribute towards the overall supply of housing in both the local area and the wider context.
- 5.28 Environmentally, the proposals offer the opportunity to enhance biodiversity within the site, through improved habitat management and introduction of additional native landscaping within the site. The development of this site will also contribute to the provision of housing within the city and could reduce the reliance of the emerging Local Plan on Green Belt release in order to meet future housing need.
- 5.29 Socially, the proposals will contribute to the provision of housing within this part of Sheffield, improving choice and housing mix within the area. The wiser site will also deliver significant new provision of publically accessible open space and will enhance footpath connections to Fox Glen.
- 5.30 Economically, the construction phase of development will provide employment within the locality, supported by a training and skills programme. Once completed the site will provide new residents within the locality to support the viability of local services.

#### Implementation

- 5.31 In respect of the weight to be attributed to the earlier policy documents prepared and approved prior to this guidance, paragraph 215 of the Framework states:
- “In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*
- 5.32 The implications of this guidance are considered below in relation to both the UDP and Core Strategy policies. In general, it is noted that these earlier policies are not drafted to reflect the policy of sustainable development as now articulated in the Framework and do not provide for the planning balance to be considered, as advocated by the Framework within the context of sustainable development.

#### **Sheffield Core Strategy (2009)**

- 5.33 The Sheffield Core Strategy provides the overall spatial strategy and vision for the City, including the relationships between the areas within it and how different factors come together in each area for the period to 2026.
- 5.34 It is our view that the policies of the UDP and to an extent the Core Strategy are out of date and in the context of paragraph 215 of the Framework and can only attract limited

weight. Furthermore, in the absence of a five year housing land supply, paragraph 49 is engaged and therefore policies relevant to the supply of housing are out of date and the 'tilted' balance is applied to the other policies.

- 5.35 Many of the policies are out of date because they are now inconsistent with both the general thrust of the Framework and the detail of both the Framework and the NPPG. The section below sets out the policies in general but the assessment of the relevant policies against the Framework and NPPG are set out in the next section.
- 5.36 In respect of the Core strategy specifically, this document was produced to form part of the development plan alongside a site allocations document, however a draft version of this document was abandoned in 2014. Therefore the Core Strategy does not form part of a complete Development Plan.

#### Policy CS22: Scale of the Requirement for New Housing

- 5.37 Policy CS22 states that the requirement for new housing will be as follows:
- a. an average of 1,025 net additional dwellings per year over the period 2004/05 to 2007/08 (4 years).*
  - b. an average of 1,425 net additional dwellings per year over the period 2008/09 to 2025/26 (18 years).*
- Sufficient sites will be allocated to meet the housing requirement to at least 2020/21.*
- A 5-year supply of deliverable sites will be maintained at all times.*
- 5.38 This policy is no longer up to date in terms of paragraph 215 of the Framework, as the housing requirement is based on the RSS figure and not the OAN as required by the Framework.
- 5.39 It is considered that the OAN requirement is now in excess of 2000 dwellings per annum.
- 5.40 The LPA has confirmed that it does not have an identifiable five year supply of housing land. It is estimated as being 3.5 years supply of housing land based on the Sheffield Housing Requirement and Land Supply Monitoring Report (July 2015).
- 5.41 This policy and those that are related to it are out of date. In such circumstances, paragraph 14 of the Framework directs that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework.
- 5.42 The LPA has previously prepared a draft City Policies and Sites document and Proposals Map to be incorporated within the new Local Plan. This document identified the site as a Countryside Area (non-greenbelt). Following concerns raised regarding the level of housing land identified within the plan, this document has been abandoned and a new Local Plan is in the early stages of preparation.
- 5.43 Until the new Local Plan is adopted, development proposals will be assessed against the Framework, the NPPG and where relevant those policies in the Core Strategy (2009) and the Unitary Development Plan (UDP saved policies and Proposals Map 1998) that may be considered up to date in terms of paragraph 215 of the Framework.

#### Policy CS 23: Locations for New Housing

- 5.44 CS23 states that new housing development will be concentrated where it will support urban regeneration and make efficient use of land and infrastructure. In the period

2008/09 to 2020/21, the main focus will be on suitable, sustainably located, sites within, or adjoining:

- a. *the main urban area of Sheffield (at least 90% of additional dwellings); and*
- b. *the urban area of Stocksbridge/Deepcar.*

5.45 This policy confirms that Deepcar is a key focus for housing growth within the City. This policy was set in a different context in terms of the overall level of housing need and cannot be attributed full weight.

5.46 Notwithstanding the reduced weight that can be attributed to this policy, the general location of the application site adjoining the urban area of Deepcar is in full compliance with this policy.

Policy CS26: Efficient Use of Housing Land and Accessibility

5.47 Policy CS26 states that housing development will be required to make efficient use of land but the density of new development should be in keeping with the character of the area and support the development of sustainable, balanced communities.

5.48 Under Policy CS26, the target density for this site would be between 30 and 50 dwellings per hectare, such a policy with strict limitations is contrary to the Framework. Given the developable site area of 3.1ha, the quantum of development proposed will achieve a density of 29 dph. This amount of development is considered to be wholly appropriate taking account of topography, edge of settlement location and access provision.

Policy CS33: Jobs and Housing in Stocksbridge/Deepcar

5.49 CS33 envisages that in Stocksbridge and Deepcar '*new housing will be limited to previously developed land within the urban area*'.

5.50 This policy was drafted at a time when additional land was not required to meet housing need. This is no longer the case and therefore the policy is afforded limited weight within the context of paragraph 215 of the Framework and revised OAN based on the new approach to defining the housing requirement and the current five year housing land supply position.

Policy CS40: Affordable Housing

5.51 In all parts of the city, developers of all new housing, developments will be required to contribute towards the provision of affordable housing where this is practicable and financially viable. The Core Strategy and the CIL and Planning Obligations SPD (2015), requires sites in the Stocksbridge and Deepcar area to provide a 10% on-site contribution to affordable housing.

5.52 The provision of affordable housing will be addressed within the reserved matter application should planning permission be granted. It is the applicant's expectation that this requirement will be met by the proposed development. This is not based upon up to date evidence and as such policy CS40 and following paragraphs can be attributed limited weight.

Policy CS41: Creating Mixed Communities

5.53 Mixed communities will be prompted by encouraging development of housing to meet a range of housing needs including a mix of prices, sizes, types and tenures. The tilted balance will apply to the interpretation of this policy

5.54 Although the application is submitted in outline at this stage, the indicative proposals demonstrate how a mix of dwellings could be provided within the site. The scope of the

application is sufficiently broad to enable the mix of accommodation to be tailored to the housing need within the area when a reserved matters application is submitted.

Policy CS 46: Quantity of Open Space

5.55 CS46 states that, *'As opportunities arise, new open space will be created:*

- a. where a quantitative shortage of open space per head of population is identified in the local area;*
- b. where it is required for extending the City's Green Network.*

5.56 The application scheme includes the provision of over 3 hectares of new public open space including informal open space within the south western part of the site and formal provision within the proposed housing area. This directly supports the objectives of CS46 and will benefit local residents as well as those residing in the proposed dwellings.

Policy CS47: Safeguarding Open Space

5.57 CS47 states that development of open space will not be permitted where:

- a) it would result in a quantitative shortage of either informal or formal open space in the local area; or*
- b) it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value; or*
- c) people in the local area would be denied easy or safe access to a local park or to smaller informal open space that is valued or well used by people living or working in the local area; or*
- d) it would cause or increase a break in the city's Green Network.*

*Development that would still result in the loss of open space will only be permitted where:*

- e) as soon as practicable, equivalent or better replacement open space would be provided in the local area; or*
- f) the site is identified as surplus for its current open space function and:*
  - i. a proposed replacement would, as soon as practicable, remedy a deficiency in another type of open space in the same local area; or*
  - ii. it could not fulfil other unsatisfied open space needs; or*
- g) the development would be ancillary to the open space and have a minimal impact on the use or character of the open space.*

5.58 Policy CS47 relates to safeguarding open space, however the Core Strategy does not expressly allocate land by reference to a proposals map, rather it sets out a general framework intended to guide the production of an allocations plan. There is no direct link between CS47 and land within the UDP Proposals Map that is identified as Open Space, nor does CS47 reference policy LR5 of the UDP regarding development in open space areas. Indeed the tests set out in CS47 and LR5 are notably different and go to different objectives that could be considered to be set out more broadly in the Framework.

5.59 The Core Strategy defines open space as *'a wide range of public and private areas that are predominantly open in character and provides, or have the potential to provide direct or indirect environmental, social and/or economic benefits to communities'*. The Core Strategy states that such open space comprises informal and formal open space, however under these sub-headings there is no reference to the inclusion of private land.

There is no reference under the formal open space definition and the informal definition includes the following, with no mention of private open space:

- *parks - including urban parks, country parks and formal gardens (these may also consist of elements of formal provision);*
- *natural and semi-natural urban open spaces – including accessible natural green space, woodlands, urban forestry, scrub, grasslands (e.g. downlands, commons and meadows), wetlands, open and running water, wastelands and derelict open land and rock areas;*
- *river and canal banks, cycleways, and rights of way;*
- *small green or landscaped areas (public or private) which provide a setting for built development and which may offer opportunities for informal recreation close to home or work;*
- *allotments, community gardens, and city (urban) farms;*
- *churchyards, cemeteries and gardens of rest (associated with crematoria);*
- *accessible countryside in urban fringe and rural areas – including woodlands, agricultural land with public rights of way and publicly accessible areas with a right to roam;*
- *civic spaces, including civic and market squares, and other hard surfaced areas designed for pedestrians.*

- 5.60 The Framework post-dates the Core Strategy and defines open space as ‘*all open space of public value [...] which offer important opportunities for sport and recreation and can act as a visual amenity*’. The difference between this definition and CS47 is that the Framework defines open space as being of public value, which offers important opportunities for sport and recreation and can act as a visual amenity. This indicates that visual amenity alone is not sufficient and a site that does not currently offer important opportunities for sport and recreation cannot be defined as open space. The policy therefore extends the definition of open space beyond that in the Framework and as a consequence is in direct conflict and this element of the policy can be attributed very little weight.
- 5.61 CS47 equates open space with recreation space in the manner that it seeks to safeguard it for the needs and access of local people. This is not considered to be applicable to the application site, which offers nothing as open space under the definition outlined in the Framework in its current form as private agricultural land. Visual amenity alone is not sufficient based on the wording of the Framework for the site to form open space, nor is the inclusion of private land within such a designation supported by the Framework.
- 5.62 In respect of the value of sites as open space, reference may also be usefully made to the findings of the Secretary of the State in the Bamber Bridge appeal (ref: APP/F2360/A/08/2073625). In that decision, the Inspector found that without a budget to introduce the land as public open space with appropriate improvements, and based on the limited value that unmanaged grassland may have beyond that of varying the urban scene, there was limited weight which could be attributed to such desires to retain the site for this purpose. The Inspector also noted that in cases of high levels of public support for retention of potential public open space, that the developer should not be bound to demonstrate wide support in the local community for the proposal, where the land is private and is simply identified as potential public open space.
- 5.63 This appeal demonstrates that there has to be a legitimate means of improving open space and when there is genuinely under-used open space with no legitimate means of



securing a wider public benefit beyond the visual gap in the built environment it provides, development should not be resisted on this basis.

- 5.64 It is also noted that the City Policies and Sites document removed the open space designation from the site and instead proposed a designation of non-greenbelt countryside area. This indicated that the site was not considered to make any contribution to provision of open space under the terms of CS47.
- 5.65 Based on the above assessment, CS47 and paragraphs 73 and 74 of the Framework are not applicable to the application site. Furthermore CS47 carries very limited weight within the context of paragraph 215 of the Framework, given its lack of accordance with paragraph 74.
- 5.66 Lastly this policy is impacted by the 'tilted balance' in respect of the lack of 5 year housing land supply.

Policy CS51: Transport Priorities

- 5.67 The strategic priorities for transport are:
- a. promoting choice by developing alternatives to the car*
  - b. maximising accessibility*
  - c. containing congestion levels*
  - d. improving air quality*
  - e. improving road safety*
  - f. supporting economic objectives through demand management measures and sustainable travel initiatives.*
- 5.68 The application site is within walking distance of local bus services providing connections to other parts of Sheffield and South Yorkshire. Therefore, sustainable transport links are available from the application site to the wider area.
- 5.69 Within Deepcar itself there are also a number of services, including local shops, doctors and schools, as detailed in Table 3 of this Statement.

Policy CS 64: Climate Change, Resources and Sustainable Design of Developments

- 5.70 All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and function in a changing climate. All developments will be required to:
- a) achieve a high standard of energy efficiency; and*
  - b) make the best use of solar energy, passive heating and cooling, natural light, and natural ventilation; and*
  - c) minimise the impact on existing renewable energy installations, and produce renewable energy to compensate for any loss in generation from existing installations as a result of the development.*
- All new buildings and conversions of existing buildings must be designed to use resources sustainably. This includes, but is not limited to:*
- d) minimising water consumption and maximising water re-cycling;*
  - e) re-using existing buildings and vacant floors wherever possible;*

*f) designing buildings flexibly from the outset to allow a wide variety of possible future uses;*

*g) using sustainable materials wherever possible and making the most sustainable*

*use of other materials;*

*h) minimising waste and promoting recycling, during both construction and occupation.*

- 5.71 This policy is contrary to paragraph 95 of the Framework, which requires consistency with the Government's guidance on zero carbon buildings policy and nationally described standards, rather than local ones.

Policy CS65: Renewable energy and carbon reduction

- 5.72 CS65 commits all significant developments to the following measure, unless this can be shown not to be feasible and viable, to:

*a. provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy; and*

- 5.73 This policy is contrary to paragraph 95 of the Framework, which requires consistency with the Government's guidance on zero carbon buildings policy and nationally described standards, rather than local ones.

Policy CS67: Flood Risk Management

- 5.74 CS67 states that the extent and impact of flooding will be reduced by:

*a. requiring that all developments significantly limit surface water run-off;*

*b. requiring the use of Sustainable Drainage Systems or sustainable drainage techniques on all sites where feasible and practicable;*

*c. promoting sustainable drainage management, particularly in rural areas;*

*d. not culverting and not building over watercourses wherever practicable;*

*e. encouraging the removal of existing culverting;*

*f. not increasing and, where possible, reducing the building footprint in areas of developed functional floodplain;*

*g. not locating or subdividing properties that would be used for more vulnerable uses in areas of developed functional floodplain;*

*h. developing only water-compatible uses in the functional floodplain;*

*i. designating areas of the city with high probability of flooding for open space uses where there is no overriding case for development;*

*j. developing areas with high probability of flooding only for water-compatible uses unless an overriding case can be made and adequate mitigation measures are proposed;*

*k. ensuring any highly vulnerable uses are not located in areas at risk of flooding;*

*l. ensuring safe access to and from an area with a low probability of flooding.*

- 5.75 The site is located within flood zone 1 and the proposed drainage system has been designed to apply SUDs measures to limit and discharge appropriately surface water run off.

Policy CS72: Protecting Countryside not in the Green Belt

- 5.76 CS72 states that *'The green, open and rural character of areas on the edge of the built-up areas but not in the Green Belt will be safeguarded through protection as open countryside, including (d) south of Stocksbridge (at Hollin Busk).'*
- 5.77 This policy was drafted at a time when there was no OAN requirement and a very different approach to housing provision and distribution was being pursued in the terms of the RSS. This policy context has been removed. The Framework extends no such blanket protection over open countryside but requires the housing requirement to be met in full where possible and where it cannot be met then the duty to co-operate is engaged. The duty to co-operate has not been engaged and the LPA have claimed they can meet their housing need in this respect the policy is out of date in terms of paragraph 215.
- 5.78 Furthermore, the policy directly relates to the provision of housing and as such the tilted balance generated by the lack of 5 year land supply, lessens the weight to be attributed to this policy so far as it applies to open countryside outside of the Green Belt.
- 5.79 CS72 is not considered to be Framework compliant as it does not allow a planning balance to be applied, nor does it enable consideration of mitigation as per paragraph 152. On this basis it is considered that limited weight should be applied to the policy.
- 5.80 It is clear from the wording of the policy that at the time of the policies adoption in 2009, there was considered to be sufficient previously developed land within the urban area so that the site was not required for housing. However, circumstances have changed markedly since this time and the need for land is now sufficiently acute that the LPA have confirmed that a Green Belt Review will be undertaken to support the preparation of the new Local Plan. Additional land is required and as set out at paragraph 6.2-6.4 this includes the need for additional housing within Stocksbridge and Deepcar. CS72 is derived from settlement boundaries that reflect out of date housing requirements and should therefore carry limited weight.
- 5.81 Furthermore, Policy CS72 restricts development within locations including Hollin Busk and seeks to carry this approach forward into future local plans. The policy seeks to protect green and open areas on the edge of settlements 'as if safeguarding open countryside', however the site is not designated as countryside within the UDP, nor does CS72 relate to a specific spatial area within the adopted Proposals Map. This 'blanket approach' to landscape protection is not in accordance with the Framework, which outlines a presumption in favour of sustainable development and requires development plan policies to be 'positively prepared', enabling a site by site assessment of benefits and harm resulting from proposals.

CS74: Design Principles

- 5.82 Policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the City, its districts and neighbourhoods. The policy aims to achieve high quality design which contributes to creating attractive, safe, sustainable and successful neighbourhoods.
- 5.83 High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including:



- a) *The topography, landforms, river corridors, Green Network, important habitats, waterways, woodlands, other natural features and open spaces;*
- b) *Views and vistas to landmarks and skylines into and out of the City Centre and across the city to the surrounding countryside;*

*Development should also:*

- *Contribute to place-making, be of a high quality, that contributes to a health, safe and sustainable environment, that promotes the city's transformation;*
- *Enable all people to gain access safely and conveniently, providing, in particular, for the needs of families and children, and of disabled people and older people;*
- *Contribute towards creating attractive, sustainable and successful neighbourhoods.*

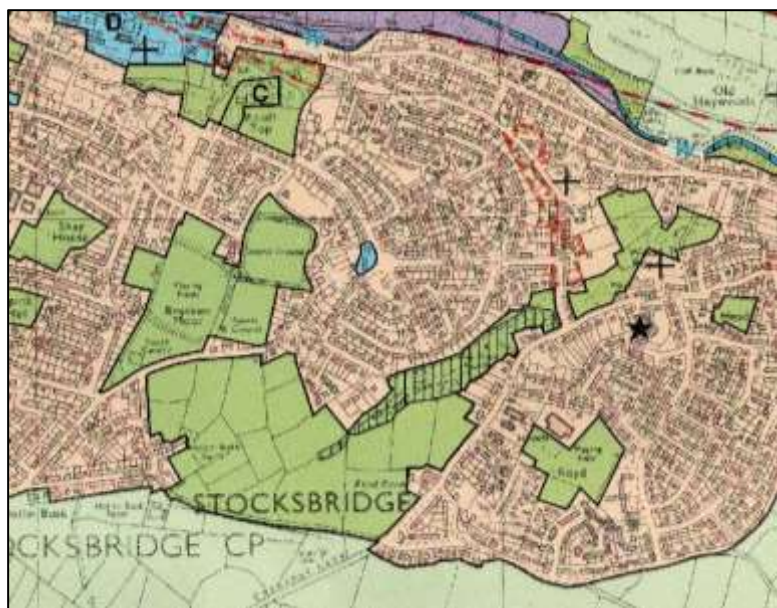
5.84 The application proposal has been carefully designed in order to protect and enhance the character of the immediate and surrounding locality. This includes providing appropriate stand off distances between the built form and the woodland within Fox Glen, as well as restricting built form to the north eastern part of the site, maintaining an open landscape adjacent to the Green Belt. A degree of separation is also provided to the listed Royd's Farm buildings with enhanced landscaping provided between the new and established built form.

5.85 The submitted application provides sufficient detail at this stage to demonstrate how the scheme can be designed to respond to the character of the surrounding built form, as discussed further within the submitted Design and Access Statement.

#### **Sheffield Unitary Development Plan (1998)**

5.86 The Sheffield Unitary Development Plan was adopted in 1998 and forms part of the development plan, alongside the Core Strategy. However the UDP is time expired and in accordance with paragraph 14 of the Framework only limited weight can be attributed to the following policies.

5.87 The application site is located within a Open Space Policy Area as indicated within the proposals map shown in Figure 5.



**Figure 5:** Sheffield Unitary Development Plan Proposals Map extract

Policy LR5: Development in Open Space Areas

5.88 Policy LR5 states that development in Open Space Areas will not be permitted where:

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

5.89 The UDP is time expired and LR5 is not considered to be Framework compliant, as the policy requires the rejection of an application that breaches one or more of the criteria, omitting the ability for the breach of this policy to be balanced against the achievement of other policies or objectives. It does not provide for the planning balance to be assessed

against the 3 aspects of sustainable development as set out in paragraph 7 of the Framework, nor does it support consideration of mitigation measures (para 152).

5.90 Furthermore, paragraph 73 of the Framework requires planning policy to be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities. Policy LR5 is not based on such an assessment and the LPA are not able to provide an up to date assessment.

5.91 LR5 extends the definition of ‘open space’ beyond paragraph 74 of the Framework, which is confirmed in the glossary as:

*“All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.” (DLP emphasis)*

5.92 A site such as the application site, which does not offer important opportunity for sport or recreation, is not open space as defined in Framework. The application of this policy to such sites is in direct conflict with the Framework. To this extent, the policy is out of date in the context of paragraph 215 of the Framework.

5.93 Within this context, the ability to attribute weight to the visual amenity provided cannot be applied as this is expressly dependent on the ability of the site to provide opportunities for sport and recreation.

5.94 **LR5(e)** and **LR5(j)** are also considered to extend beyond the definition of open space set out in paragraph 74 of the Framework. Furthermore, the policy does not support consideration of planning balance, nor does it allow for mitigation to be considered in accordance with paragraph 152 of the Framework.

5.95 In the case of LR5(e), the heritage impact of the proposals are considered under the heritage assessment in section 6 and are demonstrated to be acceptable in accordance with paragraph 134 and 135 of the Framework.

5.96 The boundaries identified in the UDP predate the Framework and cannot be given full weight as they do not make provision for the OAN. The lack of 5 year housing land supply means the tilted balance is applied, reducing the weight of this policy.

#### Policy GE10: Green Networks

5.97 GE10 relates to a network of green corridors and green links, which will be:

(a) *Protected from development that would detract from their mainly green and open character or which would cause serious ecological damage;*

(b) *Enhanced by encouraging development that increases their value for wildlife and recreation;*

(c) *Extended by creating new open space in areas of desired green links.*

5.98 Policy GE11 is time expired and does not expressly enable a planning balance to be applied, including consideration of proposed mitigation. Therefore it cannot be deemed to be fully Framework compliant in the context of paragraph 215 and limited weight should be applied in the planning balance.

5.99 The boundaries identified in the UDP predate the Framework and cannot be given full weight as they do not make provision for the OAN. The lack of 5 year housing land supply means the tilted balance is applied, reducing the weight of this policy.

Policy GE11: Nature Conservation and Development

- 5.100 GE11 states that *“the natural environment will be protected and enhanced. The design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value”*.
- 5.101 Policy GE11 is time expired and does not expressly enable a planning balance to be applied, including consideration of proposed mitigation. Therefore it cannot be deemed to be fully Framework compliant and limited weight should be applied in the planning balance.

Other UDP policies

- 5.102 As the proposals are submitted in outline at this stage, the detailed design of the scheme and response to other saved UDP policies will be confirmed at the reserved matters stage. Where possible matters are addressed in the submitted Design and Access Statement. These policies include:
- H15: Design of New Housing Developments
  - H16: Open space in new housing developments
  - BE6: Landscape Design
  - BE9: Design for Vehicles
  - BE10: Design of Streets, Pedestrian Routes, Cycleways and Public Spaces
  - BE22: Archaeological sites and monuments
  - GE15: Trees and Woodlands
  - GE19: Water resources
  - T7: Promoting walking and cycling
  - T8: Pedestrian Routes
  - T25: Car parking in Residential Areas
- 5.103 It is noted in respect of BE22, that the Heritage Assessment submitted with the planning application considers the potential for archaeological remains within the site. The report concludes that the site has low potential for archaeological remains from the prehistoric, Roman, Post-Medieval and Modern periods and moderate/low archaeological potential of the site to contain Saxon/Medieval remains.
- 5.104 It is therefore concluded that the archaeological potential of the site is limited and any additional matters can be accommodated by an appropriately worded planning condition.

**Emerging Local Plan**

- 2.16 Although withdrawn in 2014, it is notable that the previously emerging City Policies and Sites Pre-Submission DPD removed the open space designation and identified the site as a Countryside Area (non-greenbelt) as shown in Figure 2.





**Figure 2:** Designation of site as a Countryside area

- 2.17 This approach suggests that the site and a wider area of land to the west were not required for open space, nor were they considered worthy of additional policy protection through their inclusion within the Green Belt.
- 2.18 Following the withdrawal of the City Sites and Policies document, the LPA consulted on a Citywide Options for Growth document in 2015, this document did not set out proposed site allocations but sought consultee responses on a number of options relating to the proposed level and distribution of growth to meet the housing requirement.
- 2.19 Notably the document continued to acknowledge the requirement for a Green Belt review in order to meet housing need.
- 2.20 Following the period of consultation document, the LPA indicated that a draft local plan document would be published in December 2016. However this timetable has subsequently been subject to significant slippage and to date a draft local plan has not been published. The LPA has indicated that a draft plan is now anticipated for consultation in 2018.
- 2.21 No weight can be attributed to any element of this withdrawn plan.

#### **Community Infrastructure Levy and Affordable Housing Supplementary Planning Document (SPD)**

- 5.105 This SPD was published in December 2015 and replaces a number of previous SPD's and Interim Planning Guidance relating to the provision of planning obligations including Affordable Housing.
- 5.106 The SPD confirms that the scheme includes a 10% on-site contribution to affordable housing, in accordance with the policy requirement. The mix of dwellings provided as part of the affordable housing contribution will encourage social integration as part of this provision.

- 5.107 The application site is located within CIL Zone 3 where a contribution of £30 psm is applicable (excluding social housing which is exempt). The funds generated through CIL will be used in connection with strategic infrastructure needs.

**Stocksbridge Neighbourhood Plan**

- 5.108 The site falls within the Stocksbridge Neighbourhood Plan area. However, a Neighbourhood Plan is at the early stages of preparation and has not been sufficiently progressed at this stage to be afforded any weight in the decision making process.

## 6.0 Assessment of the Proposed Development

- 6.1 This section will consider the main matters relating to the assessment of the planning application within the planning policy context outlined in Section 5.

### Five Year Land Supply

- 6.2 The most recent Sheffield SHLAA demonstrates that the Council does not have a five year housing land supply. The SHLAA estimates that there is a 4.7 year supply of deliverable sites for housing in the city. The more recently completed Joint Sheffield-Rotherham Strategic Housing Market Assessment, provides updated evidence on housing requirements and draws on demographic projects and evidence from Household Surveys. The SHMA concludes that the Sheffield housing requirement is in the range of 1,975 to 2,475 per annum. This is significantly higher than the current target of 1,451 dwellings per annum and will require an increased amount of land sites to come forward in order to meet need.
- 6.3 Furthermore since this document was published the Government has consulted on a standardised approach to the calculation of objectively assessed housing need. The baseline figure calculated through this methodology of 2,093 households also represents an increase on the Core Strategy target and is significantly above the level of housing being delivered annually in the City. Therefore the five year housing land supply is further reduced.
- 6.4 On this basis, paragraph 49 of the Framework is triggered and policies relevant to the supply of housing are considered to be out of date. This in turn triggers the weighted balance in paragraph 14, which is considered further herein.

### Principle of Development

- 6.5 The Development Plan comprises the UDP (1998) and Core Strategy (2009). Paragraph 215 of the Framework indicates that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 6.6 In respect of the location of development, the application is in full accordance with the locational criteria in policy CS22.
- 6.7 Both the UDP and Core Strategy pre-date the Framework and are not considered to be fully Framework compliant for the reasons set out herein. The Framework requires that policies are positively worded (para. 182) and should allow for mitigation to be taken into account (para. 152) when considering the impact of development.
- 6.8 Within this context, paragraphs 6.2 – 6.4 confirm that the housing requirement as set out within policy CS22 is out of date. Furthermore a five year land supply cannot be demonstrated in accordance with either the out of date requirement or the updated calculation of objectively assessed need.
- 6.9 Within this context, CS23 confirms that in the period up to 2020/21 the main focus for housing is within or adjoining the main urban area of Sheffield, which is to take at least 90% of additional dwellings and the urban area of Stocksbridge and Deepcar. After 2020/21, and before then as opportunities arise (DLP emphasis), additional housing growth is envisaged in parts of the city where significant changes and regeneration are taking place.
- 6.10 Based on the SHMA and the updated OAN methodology, it is clear that circumstances have changed significantly since the adoption of the plan (2009), including changes in the

level of housing need, under delivery on the Core Strategy target and the publication of the Framework.

- 6.11 Nevertheless the proposed development supports the locational aspirations of CS23 in so far as it directs development to the Stocksbridge/Deepcar area (alongside urban Sheffield) in the first instance. It also supports the objectives of the policy by responding to recent regeneration within the locality, namely the regeneration of the former Tata steel site to form the Fox Valley development within the town (see para. 2.11).
- 6.12 CS24 seeks to maximise the use of previously developed land for new housing. The policy seeks to prioritise brownfield sites, with no more than 12% of dwellings to be delivered on greenfield sites during the plan period. However the policy goes on to state that greenfield sites will be developed only in circumstances including at part (d), *“in sustainably located larger sites within or adjoining the urban areas and larger villages if annual monitoring shows that there is less than a 5 year supply of deliverable sites”*
- 6.13 Part (d) is triggered by the current lack of a five year supply and the application site is shown within this Statement to be sustainably located. Furthermore, the Stocksbridge/Deepcar area is intended to be a priority location for housing in CS23.
- 6.14 Whilst a brownfield first approach continues to be supported in accordance with the Framework, the LPA recognise that there are no longer sufficient brownfield sites to meet the housing need. Within this context it is considered that the brownfield focus of policy CS23 carries less weight and the application proposals support the policies locational aspirations and are in accordance with CS24(d).
- 6.15 The evidence for a specific housing need in Stocksbridge/Deepcar is confirmed in the LPA’s own Housing Market Area Profile (HMAP, 2017). The HMAP for Stocksbridge and Deepcar confirms that less than 1% of the city’s new build houses delivered in the last 6 years were developed in Stocksbridge & Deepcar. Most of the 64 completions in 2014/15 were in one development of older people’s social rented accommodation at Newton Grange. A total of 12 dwellings were delivered in 2015/16 and is identified as being more typical of recent years and consisting of small developments and conversions. There is one development underway which will deliver 114 new properties in Stocksbridge over the next few years and will be the first large development for sale for several years, however based on the average delivery rate of 3 dwellings per month (HBF average delivery rate, 2017), only 36 additional dwellings per annum will be delivered.
- 6.16 The HMAP confirms that the percentage of households overcrowded in Stocksbridge & Deepcar is higher (at 7%) than the percentage across Sheffield as a whole (3%). Within this context, almost 400 households are identified as being unable to move in Stocksbridge & Deepcar in the last 5 years. This suggests that the area has some pent up demand which could be realised if barriers to development are removed.
- 6.17 The 2013 SHMA asked existing households if they have any people in their household that are likely to move in the next 5 years to form their own household e.g. son/daughter moving out. These are known as newly forming households (237 anticipated). Although the SHMA did not ask where these households expect to move to, we do know that each HMA is a relatively self-contained market and that households are most likely to move within their local area due to the 'place attachment' that they have to the area they live. This is supported by Right move data which shows that a quarter of all house searches are within a 1 square mile radius.
- 6.18 The SHMA also confirms that Stocksbridge & Deepcar has a shortfall of 16 affordable homes per annum over the next 5 years, which equates to a need of 80 new properties.



- 6.19 In the absence of up to date housing policies within the development plan, the tilted balance is applied in favour of sustainable development and granting planning permission except where the benefits are ‘significantly and demonstrably’ outweighed by the adverse impacts or where specific policies in the Framework indicate otherwise.

#### **The Tilted Balance**

- 6.20 Following a lengthy legal challenge in respect of the application of paragraph 49 of the Framework the Supreme Court unanimously held (in the cases of *Cheshire East BC v SSCLG* and *Suffolk DC v SSCLG* - handed down 10 May 2017) that previous interpretations of paragraph 49 were wrong and the ‘relevant policies for the supply of housing’ should be construed narrowly.
- 6.21 Therefore ‘policies for the supply of housing’ deemed out of date as a result of a local planning authority’s lack of a 5 year housing land supply are those dealing with the ‘numbers and distribution of housing’ and not the counterpart policies as well that restrict the location of development generally, including for housing, such as AONB, green belt, open countryside and ‘green gaps’, which affect the supply of housing.
- 6.22 However, the court did clarify that whilst these counterpart policies cannot now be considered out of date solely on account of the lack of a 5 year housing land supply, it would generally be reasonable to give the counterpart policies reduced weight to reflect that they are derived from settlement boundaries that in turn reflect the out of date housing policies. Additionally, the Court also held that whether the adverse impacts of granting planning permission outweigh the benefits, needs to be assessed against not only the policies of the Framework, but also the development plan policies.
- 6.23 In the case of the current application, the LPA cannot demonstrate a five year supply of deliverable housing, and it is considered that those Local Plan policies directly relating to the supply of housing must be deemed as out of date and thus hold very limited weight. In accordance with paragraph 49 of the Framework, paragraph 14 of the Framework in respect of a presumption in favour of sustainable development is therefore still engaged.
- 6.24 It is acknowledged that there is still a planning balance to be applied and within this context there are additional matters to consider in the judgement regarding the degree of weight associated with the five year supply position.
- 6.25 In the case of *Lindblom J* in the recent case of *Phides Estates (Overseas) Ltd v SOSCLG* [2015] EW HC 827 (Admin) it was further concluded that the size of the shortfall (and other matters connected to it) in the five year supply can also be a material consideration in the overall balance (para. 37). The referenced examples in that case included *the extent of the shortfall, how long the deficit is likely to persist, what steps the authority could readily take to reduce it, and how much of it the development would meet*.
- 6.26 If this point is applied to the application site, it is clear that proposals will deliver a significant quantum and range of market housing in an area of need, which would make a significant contribution towards the overall housing shortfall.
- 6.27 The evidence discussed in paragraphs 6.2-6.4 confirms that there is a significant five year supply shortfall when compared to both the Core Strategy target and the reports assessment of the up to date objectively assessed need.
- 6.28 The LPA’s Housing Requirement and Land Supply Monitoring Report 2015/2016 recognises that there has been a persistent undersupply of housing since 2008.
- 6.29 A new Local Plan has not yet been published in draft despite the previous City Policies and Sites document having been withdrawn in 2014. The LPA has indicated that they

anticipate consultation on a draft plan in 2018, leading to examination and adoption in 2020. This timetable indicates that there is no imminent solution proposed in local plan terms to address the housing supply issue or to update the policies within the development plan. Furthermore, there is no up to date timetable for the progression of the Stocksbridge Neighbourhood Plan.

- 6.30 In the light of the above, it is considered that the provision of the proposed market housing should be afforded very significant weight in the planning balance. The scheme would also provide affordable housing, which should be given further significant weight.

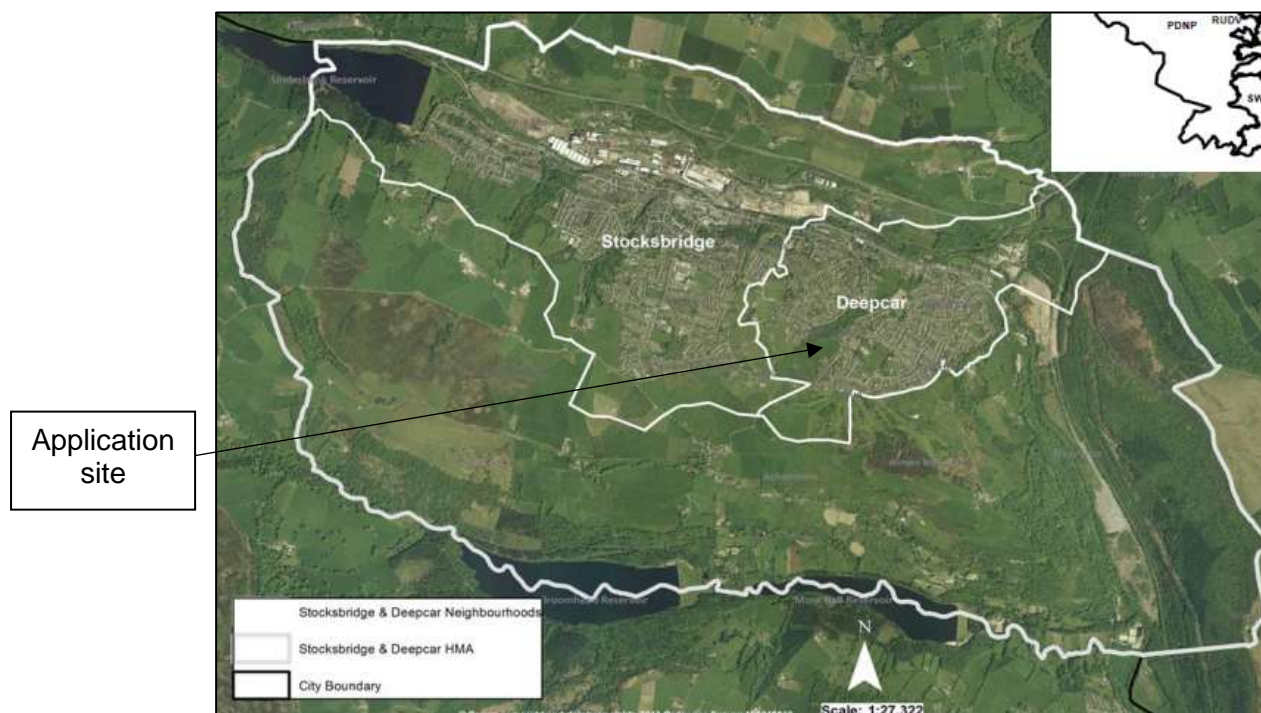
#### **Other Material Considerations**

- 6.31 In respect of relevant development plan policies, the accordance of the policies with the Framework will be considered before going on in the subsequent subsections to consider the amount of weight to be applied to the policies.

#### Policy LR5 – Development in Open Space areas

- 6.32 It has been highlighted in section 5 that this policy is not compliant with the Framework and as such will not attract the full weight of a development plan policy. Furthermore, the site is not considered to constitute open space as defined by the Framework.
- 6.33 The application contains limited existing, younger tree species within the site and additional species to the boundaries. The Arboricultural Assessment indicates how these trees can be retained as part of the proposals. The indicative layout plan for the site confirms the provision of a buffer to the existing woodland at Fox Glen and in combination this information confirms that compliance with LR5(b) can be achieved.
- 6.34 In respect of LR5(a), the submitted Heritage Statement confirms that the archaeological potential of the site is limited and the proposed development would not conflict with this part of the policy.
- 6.35 If the policy criteria are considered in any case, LR5(c) indicates that development will not be permitted where *“it would significantly detract from the green and open character of the Green Network”*.
- 6.36 There is a degree of overlap between this and policy GE10(a), as considered elsewhere within this section. The policy suggests that a judgement is required as to whether development would significantly detract from the green network. Setting aside our assertion that there is no direct evidence of the site forming part of a green network in policy terms, based on the evidence set out within this statement the on balance impact on green and open character of the green network, is very limited.
- 6.37 The area to the south of the site, which is the only part of the site directly adjacent to open countryside retains its openness as part of the proposed development. This area links into a clear green network provided by Fox Glen along the western boundary of the site. There are limited views from the north, across the site towards the countryside beyond, rather most views across the site are set against a backdrop of residential or woodland areas, both of which would continue to form the setting of the site once the proposals are delivered.
- 6.38 In respect of part (d), the application site forms part of a much larger area on the edge of Stocksbridge and Deepcar, the function of which will not be detrimentally impacted by the proposed development due to the retained areas of open space adjacent to the Green Belt.
- 6.39 The proposed development will not conflict with the aspirations of parts (f) or (g) of LR5.

- 6.40 The description of development associated with this outline application deliberately specifies a maximum number of dwellings that may be delivered should permission be granted. The associated indicative layout plan goes further to demonstrate how the built form may be laid out within the site, at a density in accordance with the local plan, and in a form that will avoid harm to the character of the area. This will ensure accordance with LR5(i).
- 6.41 Finally in respect of part (k), the development is clearly compatible with the adjacent residential area of Deepcar to the north and east of the site and retains a large area of open space to the west which reflects the locations of the adjacent woodland and Green Belt boundary.
- 6.42 Criteria **LR5(e)** and **LR5(j)** are considered to extend beyond the definition of open space set out in paragraph 74 of the Framework.
- 6.43 In any case under LR5(e), the heritage impact of the proposals are considered below under the heritage assessment sub-heading and are demonstrated to be acceptable in accordance with paragraph 134 and 135 of the Framework.
- 6.44 In respect of '*maintaining important views and vistas*', the site is not afforded specific policy protection in either the UDP or Core Strategy as an important landscape or key view/vista, despite this designation being available to the LPA. Therefore it is not considered that the proposals conflict with LR5(e) and in any case the proposed design retains a significant area of open land and incorporates built form set against the backdrop of Fox Glen and the residential area beyond.
- 6.45 In respect of LR5(j) regarding harm to the rural character of a wedge of open countryside, the part of the application site proposed to contain built form is currently viewed against a backdrop of residential development and woodland when viewed from the highways surrounding the site. The area of proposed open space occupies a more open aspect adjacent to the countryside and will remain undeveloped.
- 6.46 It is not considered that the site provides separation between the settlements of Deepcar and Stocksbridge. The Housing Market Area Profile for Stocksbridge and Deepcar includes the map shown in figure 3, which confirms the LPA's own view on the extent of the two areas. As shown the site and adjacent woodland does not form part of the gap between Stocksbridge and Deepcar, rather this gap is located further to the west. It would therefore be unreasonable to suggest that the site prevents the coalescence of the two settlements or forms part of an important green wedge in this respect.



**Figure 3** – Extract from HMAP plan for Stocksbridge and Deepcar

- 6.47 The proposed built form will read as a rounding off of the existing settlement with a green connection retained by Fox Glen and the linkages to the open space area to the south of the woodland. In this respect the character of the green connection provided by Fox Glen will be retained.
- 6.48 It is noted that the Inspector in a very recent appeal decision regarding an outline application for residential development in an area covered by green gap policy (PINS ref: APP/N1730/W/17/3167135) found that the limited scale of development, the lack of coalescence and a commitment to retaining an open gap in the most open part of the site all supported the approval of the scheme.
- 6.49 The decision also confirmed that a 'blanket approach' to landscape protection does not accord with the Framework and the tilted balance was triggered in relation to the green gap policy as this was based on settlement boundaries derived from an out of date housing requirement.
- 6.50 The submitted LVIA confirms that the application sites landscape character has the ability to absorb development of the scale and type proposed. The development will be carefully designed to create new dwellings disbursed with areas of open space and connections through to the adjacent green space. This approach will minimise impacts on landscape and visual receptors.
- 6.51 In this case it is considered that the limited impact of the proposals as confirmed in the submitted LVIA is outweighed by the provision of 93 new dwellings.

Policy CS47

- 6.52 It has been highlighted in section 5 of this Statement that this policy is not compliant with the Framework and as such will not attract the full weight of an up to date development plan policy.



- 6.53 The LPA's pre-application response acknowledged that with regards **CS47(a)** the most recent Open Space Assessment prepared by the LPA, excludes the application site, and the site was not included in the Council's citywide audit of Open Space, Sport and Recreation Facilities undertaken in 2007. This is considered to confirm the applicant's assessment of the site, i.e. that it does not constitute open space in respect of policy CS47.
- 6.54 **CS47(b)** relates to safeguarding of open space against development where it would 'it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value'.
- 6.55 Aside from the clear evidence above that the site does not constitute open space under CS47, it is not considered to be of a notable high quality, nor is it afforded specific policy protection in this respect. Furthermore, the heritage, landscape and ecology sections below confirm that we do not conflict with the remaining objectives of CS47(b) in terms of the value of the site in those respects.
- 6.56 **CS47(d)** seeks to avoid development where '*it would cause or increase a break in the city's Green Network*'.
- 6.57 The LPA has indicated that there is a visual benefit provided by the site in the form of its openness. However, there are a limited number of existing dwellings that benefit from views across the site and views from the west are framed by the existing settlement. Furthermore, as set out within paragraph 74 of the Framework (within the context of the definition of open space) it is the *important opportunities for sport and recreation and visual amenity*' in combination that should be considered.
- 6.58 The supporting text to CS47 (para 9.23) states that:  
*"However, there are circumstances where the development on open space would generate benefits for the local community. It may be appropriate that open space is developed where it is proposed to directly replace open space within the local area. Any such replacement should be equivalent to or better than the open space that is lost, in terms of its quantity and quality, as well as being at least as accessible. Similarly, it may be appropriate that part of an open space is developed if it secures improvements to the quality of the remaining open space."*  
(DLP emphasis)
- 6.59 The site is currently inaccessible private land which does not provide any functional benefit as open space for the local community. The proposed development provides new areas of informal public open space together with formal play space within the proposed layout and will contribute to the provision of accessible open space in the locality, which is considered to represent a significant benefit of scheme, in accordance with the objectives of CS47, as set out in the supporting text.

#### Policy CS72

- 6.60 As explained in section 5 of this Statement, this is not a Framework compliant policy.
- 6.61 The LPA accepts in the pre-application response that CS72 relating to protecting the green, open and rural character of areas not in the Green Belt including (d) south of Stocksbridge (at Hollin Busk) is considered to have diminished weight given the lack of a five-year supply of deliverable sites for housing in the city.
- 6.62 The spatial area referenced in CS72(d) is not specifically identified on a plan. The supporting text to the policy describes the land at Hollin Busk as:

*“The land at Hollin Busk is a large and integral part of the countryside south of Stocksbridge, prominent in local views and providing an important visual break between the settlements of Stocksbridge and Deepcar. Its rural character is greatly valued locally and there is no need to develop it as new housing can be provided on previously developed land within the urban area. Indeed, protection of the area makes a significant contribution to the character and distinctiveness of Stocksbridge.*

*Protection of these areas will be achieved through designation as open countryside in the City Sites document and on the SDF Proposals Map, and the consideration of any applications for permission to develop” (Para. 12.8-12.9)*

- 6.63 In relations to CS72, the LPA suggested in their pre-application response that the site forms part of a ‘valued landscape’. This assessment suggests that paragraph 109 of the Framework is engaged, requiring a starting point of protection and enhancement, rather than planning balance in the determination of applications. The case of *Stroud District Council v Secretary of State for Communities and Local Government* [2015] considered the definition of ‘valued landscapes’ and determined that the application of this phrase must reflect particular landscape features that are ‘out of the ordinary’ rather than simply a designation, or due to perceived local value/popularity [DLP emphasis]. The high court upheld this view in ruling that valued landscapes must have intrinsic value i.e. special features.
- 6.64 The Landscape and Visual Impact Assessment submitted alongside the planning application confirms, at paragraph 5.39, that the site is not considered to be of high landscape value, nor is it judged to be a ‘valued landscape’ within the context of the Framework. The detailed assessment undertaken does not identify any particular landscape features, characteristics or elements that demonstrate that the appeal site is in [landscape assessment] terms representative of the wider landscape i.e. a particularly important example which takes this site beyond representing anything more than countryside in general.
- 6.65 The site is bound to the north and east by residential development and by woodland to the west. The proposed area of built form is indented within the settlement and is not considered to contribute to any perceivable separation between Stocksbridge and Deepcar. An open aspect will be retained in the southern part of the site and the woodland will continue to provide a green network through the area.
- 6.66 The spatial area relevant to CS72(d) is not identified in the local plan proposals map and has no defined boundary, therefore it cannot be formally confirmed that the site falls within the referenced area ‘to the south of Stocksbridge’. Furthermore, the policy indicates a blanket ban on development, which is contrary to the objectives of the Framework, and should therefore be afforded very limited weight.
- 6.67 The context within which policy CS72 was originally prepared has changed significantly following the introduction of the Framework, the availability of updated evidence on objectively assessed housing need and the lack of a five year land supply. As a result the policies relating to the supply of housing are out of date and additional land is required to meet housing need.

#### Policy CS74

- 6.68 The pre-application response from the LPA makes reference to CS74 – Design Principles, which states that ‘*high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including*’:

- a) *The topography, landforms, river corridors, Green Network, important habitats, waterways, woodlands, other natural features and open spaces;*
- b) *Views and vistas to landmarks and skylines into and out of the City Centre and across the city to the surrounding countryside;*

- 6.69 This is a design-led policy, which within the context of the Framework cannot be applied in a draconian, protectionist manner, but should be used to encourage a positive design responses.
- 6.70 The indicative layout of the proposed development reflects a clear response to the characteristics of the site including limiting built form to the northern part of the site and indicating how this area offers the capacity to meet the policy objectives under a reserved matters application. The area of proposed development is limited to the lower part of the site and this enables sustainable urban drainage methods to be employed, which in turn encourages enhanced biodiversity within the site. The site layout maintains views across the accessible open space to the wider open countryside.
- 6.71 The submitted Design and Access Statement provides additional information on the evolving design code for the site, which is intended to inform the reserved matters application. It is considered that the proposed development is in accordance with CS74 in so far as it can be afforded weight in the planning balance.

### **Heritage**

- 6.72 Paragraph 14 of the Framework indicates that *‘where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless specific policies in this Framework indicate development should be restricted’*. Footnote 9 to this policy confirms that ‘specific policies’ include those in relation to designated heritage assets.
- 6.73 The key test in this respect is set out in paragraphs 132-134 of the Framework and questions whether a proposed development will result in substantial harm or less than substantial harm. Paragraph 18a-017 of the NPPG provides additional guidance on substantial harm. It states:

*“What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset’s physical presence, but also from its setting. Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed.”*

- 6.74 Paragraph 134 of the Framework outlines that where a proposed development results in less than substantial harm to the significance of a heritage asset, the harm arising should be weighed against the public benefits accruing from the proposed development. Paragraph 18a-020 of the NPPG outlines what is meant by public benefits:

*“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the Framework (Paragraph 7). Public benefits should flow from the proposed*

*development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.”*

- 6.75 A Heritage Assessment has been prepared by Orion Heritage to assess the significance of heritage/archaeological assets on and close to the site. This assessment includes detailed analysis of the setting of the listed buildings and the potential impact of the proposed development.
- 6.76 The Assessment confirms the location of two Grade II Listed Buildings immediately to the east of the site (Royd Farmhouse, and a Barn and Farm Buildings which lie c. 15 m north-east of Royd Farmhouse). In addition another Grade II Listed Building (a Cruck Barn) lies c. 200 m to the south-east of the site.
- 6.77 The Cruck Barn is confirmed as lying in an area of modern development, with no intervisibility between it and the site. Therefore, it is considered that the proposed development will not impact on its setting or significance.
- 6.78 The assessment identifies that the significance of the farmhouse buildings, which have been subdivided into 3 separate dwellings, lies in their historic and architectural form and fabric (para 4.18). However, the introduction of modern farm buildings into part of its original core setting, together with the modern development to the south and east, compromise the wider setting of the farmhouse.
- 6.79 On this basis, the proposed development is assessed as having a minor additional effect on the contribution that the wider setting provides to the significance of the building, in limited views to and from it. The core of the building's significance (i.e. its form and fabric) are assessed to be unaffected.
- 6.80 The submitted proposals indicate a setting back of development from the listed buildings and their immediate setting. Additionally views to and from both Listed Buildings in the direction of the site are already screened by mature trees and modern farm buildings, and further sensitive landscaping is proposed to ensure that their settings and significance are not impacted upon by the development proposals.
- 6.81 The LPA's pre-application response regarding the proposed development accepted the principles of the proposed approach as assisting in the preservation of the setting of the listed buildings.
- 6.82 The parameters of development in respect of the heritage asset can be secured as part of the outline application to ensure that the reserved matters application responds appropriately in accordance with the Framework.
- 6.83 Whilst **UDP policies LR5(e)** and **BE19** are considered to be out of date for the reasons set out elsewhere in this statement, there is a statutory duty to have special regard to the preservation of the setting of listed buildings and it is considered that the proposed development accords with this.
- 6.84 The proposed development is assessed as having a minor additional effect on the contribution that the wider setting provides to the significance of the building, in limited views to and from it. The core of the building's significance (i.e. its form and fabric) are assessed to be unaffected. This represents less than substantial harm and in light of the wider public benefits of the development as set out within this Statement, the applications is considered to accord with the Framework.



## **Landscape**

- 6.85 A Landscape and Visual Impact Assessment (LVIA) has been prepared by FPCR. The LVIA provides a detailed assessment of the landscape character of the site and the surrounding area.
- 6.86 Paragraph 4.3 of the LVIA identifies that at a local level, the Sheffield UDP has landscape designations that are defined as: “Areas of High Landscape Value”. These are recorded by the UDP as being: “areas of the countryside which are very attractive and which have a special character”. The site does not fall within one of these designations.
- 6.87 In addition to this, the UDP also includes an ‘important views’ designation, which is not applied in relation to the site.
- 6.88 It is within this context that GE10 and GE11 are considered in so far as the limited weight that might be applied to the policies, as confirmed in section 5.

## **Policy GE10**

- 6.89 GE10 of the UDP relates to a network of green corridors and green links, which the policy states will be:
- a) *Protected from development that would detract from their mainly green and open character or which would cause serious ecological damage;*
  - b) *Enhanced by encouraging development that increases their value for wildlife and recreation;*
  - c) *Extended by creating new open space in areas of desired green links.*
- 6.90 The written policy of GE10 does not expressly identify the location of ‘green corridors’ and ‘green links’. The supporting text to the policy references a ‘Green Network’ as shown in Map 4. The map does provide very broad locations comprising green linkages, however there is no reference to Map 4 within the written policies, nor are these networks shown on the UDP Proposals Map.
- 6.91 Furthermore although offered in paragraph 76 of the Framework, the site has not been designated as a Local Green Space through a local or neighbourhood plan, whereby additional protection would be afforded to the site.
- 6.92 The draft Sites and Policies document, although now withdrawn, indicated the LPA’s direction of travel regarding policy designations. This document identified the site as a Countryside Area (outside of the Green Belt), whilst Fox Glen was identified as Open Space, presumably reflecting its public access. Therefore the site was not identified as part of the Green Network.
- 6.93 GE10(a) relates to the green and open nature of the site and its ecological function. The ecological aspect of the site is addressed under the relevant sub-heading below and is found to be enhanced by the proposed development.
- 6.94 In terms of whether the proposals detract from the green and open nature of the site, this is a lesser test than that set out in LR5(c) (significantly detract). Furthermore it is questionable, as above, whether the site is formally classified as part of such a green network in policy terms.
- 6.95 In any case, Green Corridors are defined in the supporting text to the policy as providing ‘an attractive urban environment in which to live and work’. This does not therefore suggest that an element of built form within a site will necessarily conflict with the objectives of identifying an area as such. A large area of green space is retained and

access enhanced as part of the proposals and this is considered to represent a benefit of the scheme when weighed in the wider planning balance.

- 6.96 The LPA response concentrated wholly on the perceived conflict with part (a) of the GE10. However it is considered that parts (b) and (c) of the policy represent the elements of the policy that could be considered to provide a greater degree of consistency with the Framework, due to being positively worded.
- 6.97 In respect of **GE10(b)** it is clear from the supporting reports provided with the application that the ecological function of the site could be enhanced by the proposed development. In addition, the recreational value of the site will be significantly enhanced by providing accessible informal and formal spaces for the local community.
- 6.98 In respect of **GE10(C)** the proposal for new publically accessible open space within a desirable green link area is strongly supported by the proposals and whilst the weight to be afforded to the policy is limited, it is considered that the proposals are in accordance with the relevant parts of the policy.

#### Policy GE11

- 6.99 GE11 states that *“the natural environment will be protected and enhanced. The design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value”*.
- 6.100 The applicant has carefully considered the overarching layout of the proposed development and its potential environmental impacts to ensure that the development is acceptable in landscape terms.
- 6.101 The LVIA submitted with the application concludes that the site’s landscape character has the ability in which to absorb development of the scale and type proposed, as presented by the indicative layout plan. The proposed development of well-designed locally distinct new homes, attractive streets and varied open space and new planting is considered to be an appropriate design approach within this landscape context.
- 6.102 The submitted ecology report considers the impact of the proposed development on the natural environment. The proposed development is located 3.6km from a site of international importance, however it is concluded that the potential impact to the nature conservation status of the site are likely to be neutral. This conclusion was also reached by Natural England when consulted by the Secretary of State when screening the application for an EclA.
- 6.103 Fox Glen Wood LWS is immediately adjacent to the sites northern boundary however no impacts upon the conservation value of this site are anticipated from the proposed development.
- 6.104 The current habitats forming the site are generally of low ecological value with most of the site formed by species-poor grassland. Any areas of grassland that will be lost can be mitigated for within the landscaping scheme to create more species-diverse grassland. The woodland edge along the sites northern boundary will be buffered within the sites public open space.
- 6.105 The network of residential gardens and green infrastructure associated with residential development plus additional enhancements such as creation of balancing facilities with associated wetland habitat, tree and shrub planting is expected to increase the ecological value of the site which is currently formed predominantly by habitats of low ecological

value. The proposed development therefore protects and enhances the natural environmental in respect of ecology.

- 6.106 It is considered that the design and mitigation approaches adopted by the proposed development, through its masterplanning approach would minimise impacts on landscape and visual receptors. Therefore in respect of the limited weight afforded to GE11, the proposals are found to be in compliance with the objectives of the policy.

### **Ecology**

- 6.107 During the preparation of the planning application, extensive ecological investigations were undertaken by FPCR on behalf of Hallam Land Management. This included consultation with the local Environmental Records Centre and an extended Phase 1 Habitat Survey with additional reptile, bird and bat surveys completed over the appropriate survey periods in 2016 / 2017.
- 6.108 As confirmed at Appendix 1, an EIA Screening Direction was submitted by the applicant, and also by a local resident, to the Secretary of State following the receipt of a negative screening response from the LPA. In the decision notice, dated 5th October 2017, it is confirmed that the proposals are not considered to constitute EIA development within the means of the 2017 regulations.
- 6.109 The submitted Ecology Report confirms that the site comprises a series of poor semi-improved grassland fields, used for pasture and bound by stone walls. Other habitats present are identified as tall ruderal, scrub, hedgerow and trees.
- 6.110 The site is located 3.6km from the South Pennine Moors SAC / SPA, however it is concluded that the potential effects to the conservation value of the South Pennine Moors (Phase 1) SAC / SPA or species listed within the designation criteria for the site will be neutral. This conclusion was also reached by Natural England when consulted by the Secretary of State when screening the application for an EIA.
- 6.111 The constituent SSSI designations associated with the SAC / SPA are over 2 km from the site and the site is outside the impact risk zones surrounding the SSSI's for residential development. Consequently, no significant impacts to the conservation status of the SSSI or species listed within the designation criteria for the SSSI's have been assessed as negligible.
- 6.112 Additionally, Fox Glen Wood LWS is immediately adjacent to the sites northern boundary however with the application of appropriate mitigation and no impacts to the conservation value of this site are anticipated from the proposed development.
- 6.113 The report confirmed that no protected species have been previously recorded from within the site. The site was surveyed for badger and no evidence of this species was recorded. There are no suitable breeding habitats for great crested newt (GCN) present within the site and no waterbodies suitable for this species were identified within 500m of the site. Surveys found no evidence of reptiles and the site was assessed as being of no more than Local nature conservation value for birds.
- 6.114 Low level activity from common and widespread bat species was recorded across the site however the adjacent woodland provided more significant foraging and commuting habitat for bats than the rest of the site and contained a single tree with moderate roosting potential. It is therefore proposed that the woodland edge will be buffered by areas of public open space with appropriate lighting to ensure it remains suitable habitat for foraging and commuting bats.

- 6.115 The site is assessed as having a low biodiversity value. Within this context the report identifies opportunities for enhancement through the creation of species rich grassland, wetland areas, and native tree and shrub planting throughout the site within areas of open space. The indicative site layout confirms that such features can be provided within the site alongside the proposed quantum of housing.
- 6.116 In summary the report concluded that the current habitats forming the site are generally of low ecological value with most of the site formed by species-poor grassland. Any areas of grassland that will be lost can be mitigated for within the landscaping scheme to create more species-diverse grassland. The woodland edge along the sites northern boundary will be buffered within the sites public open space.
- 6.117 The network of residential gardens and green infrastructure associated with residential development plus additional enhancements such as creation of balancing facilities with associated wetland habitat, tree and shrub planting is expected to increase the ecological value of the site. The proposals are therefore found to be in accordance with the Framework and the development plan, in so far as the limited weight that can be afforded to the local policies in the planning balance.

#### **Access**

- 6.118 The submitted Transport Assessment has been prepared following detailed discussions and subsequent pre-application feedback between the LPA's highways officer and Fore Consulting, on behalf of the applicant. This included agreement to the scope of works on which the transport assessment is based.
- 6.119 The assessment confirms that the development can provide a suitable access arrangement onto Carr Road. The access arrangement has been discussed in detail and agreed with SCC Highways as part of the pre-application discussions and is the only matter specified for formal agreement as part of the outline application for the site.
- 6.120 With the exception of the B6088 Manchester Road / A6102 Manchester Road / A6102 Vaughton Hill signalised junction, it has been demonstrated that all other junctions considered as part of the study highway network will continue to operate within capacity both with and without the development in place.
- 6.121 It has been demonstrated that the B6088 Manchester Road / A6102 Manchester Road / A6102 Vaughton Hill signalised junction is currently operating close to operational capacity and that the junction is predicted to exceed capacity for a future year 2022, without the proposed development in place. This is based on development already committed without account taken of the proposed development.
- 6.122 Fore Consulting has discussed with SCC Highways and Traffic Signal Teams, the suitable mitigation measures at this junction which could be brought forward as part of the proposed development. These are confirmed as:
- *Additional detectors on Manchester Road and Carr Road to detect when there is a queuing on Manchester Road and queuing on Carr Road. This allows queue lengths along Carr Road to be detected as part of the recognised queues along the B6088 Manchester Road arm, which in turn reoptimises the green time given to this arm as part of the signal control.*
  - *Additional inputs into the MOVA system to provide bus priority for buses on all approaches to the junction including Carr Road.*

- 6.123 Through discussion with SCC Highways and Traffic Signal Team, the measures outlined above are considered to be in scale and context with the proposed development's impact at the signalised junction and it is envisaged that a suitable planning condition would be attached to any approval in order to ensure that the above mitigation measures are implemented as part of the development proposals.
- 6.124 Based on the evidence provided, the development is identified as being unlikely to materially influence the road safety record on the study highway network.
- 6.125 The residual cumulative impacts of the proposed development are not considered to be severe within the context of Paragraph 32 of the Framework. It is therefore concluded that, in terms of highways, the development proposals are acceptable.
- 6.126 The assessment also confirms that the development offers the opportunity to travel to and from the site by modes of transport other than private vehicle. It is demonstrated that the development lies within the preferred maximum walking and cycling catchment distances to a number of residential areas as well as a range of local attractors. It has also been demonstrated that the site offers the opportunity to travel to the development using the bus stops and services along Royd Road, St. Margaret Avenue and Wood Royd Road.
- 6.127 A Travel Plan has been prepared as a separate document to this Transport Assessment, aimed at further encouraging sustainable travel to the site and reducing the number of single occupancy car trips.
- 6.128 Within this context, the development proposal accords with the Framework and CS51 and CS53.

#### **Air Quality**

- 6.129 The pre-application response provided in respect of the application confirmed that an Air Quality Statement will be required if the development generates 60+ vehicle movements in any hour.
- 6.130 The Air Quality Statement submitted with the planning application makes reference to DMRB Volume 11, Section 3 Part 1 HA 207/07 on Air Quality, which sets out the following highways criteria whereby a development is said to impact on air quality. The document states that "affected roads are those that meet any of the following criteria:
- *Road alignment will change by 5m or more.*
  - *Daily traffic flows will change by 1,000 AADT or more.*
  - *Heavy duty vehicle flows will change by 200 AADT or more.*
  - *Daily average speed will change by 10km/hr or more.*
  - *Peak hour speed will change by 20km/hr or more.*
- 6.131 The development is predicted to generate a total of 59 and 49 two-way vehicle trips during the identified Weekday AM and PM peak hours. This level of vehicular trip generations is below the required threshold for an Air Quality Statement.
- 6.132 The predicted AADT vehicular trip generations are below the 1,000 AADT highways criteria threshold set out in DMRB Volume 11, Section 3 Part 1 HA 207/07 Air Quality. Furthermore, the proposed development will not trigger any of the other criteria identified in paragraph 6.43 of this document.



- 6.133 Therefore, the development is not anticipated to have a detrimental impact on air quality in accordance with paragraph 109 and 124 of the Framework.

#### **Sustainable Development**

- 6.134 Within the context of a lack of five year land supply, out of date policies relating to the housing requirement and the balance of weight to be afforded to other material considerations, the overarching sustainable merits of the proposed development should be considered.

#### Environmental

- 6.135 The LPA in their pre-application response directed the applicant to several Core Strategy and UDP policies relating to the environmental dimensions of the development plan. Our response to these policies is set out above and confirms that a number of these policies are not found to be consistent with the environmental dimension of sustainable development in the Framework.
- 6.136 The appeal site is not protected by any specific national or local landscape designation. Whilst local residents may consider that the site plays a role in sustaining the setting of Deepcar, the site is not considered to form part of a 'valued landscape' based on the clarified definition provided by the Inspector in the Stroud decision (para. 6.70). Therefore limited weight is placed on perceived harm in this respect. This conclusion is reinforced by the separation that will continue to be provided by Fox Glen and the proposed open space to the west of the site, as well as the fact that views across the site are already compromised by the positioning of Royd Farm and adjacent buildings, which provide a built frontage along the central part of Carr Road.
- 6.137 The indicative site plan has been carefully considered taking account of advice from the applicant's professional landscape consultant and also in response to pre-application feedback from the Council Officers. In particular, this includes the omission of approximately one third of the total site area from the developed area, resulting in a significant sections of the site frontage being left undeveloped, retaining some of the site's open character.
- 6.138 Based on the illustrative site plan, even those dwellings fronting towards Carr Road are set back from the highway behind the existing boundary wall and addition proposed soft landscaping. As a result of this, the sloping topography of the site downwards towards Fox Glen, and the limited number of existing properties that directly overlook the site (dwellings on the eastern side of Carr Road, excluding those where views are obscured by Royd's Farmhouse), the development will not be unduly prominent in public views.
- 6.139 Nonetheless, as with any greenfield site, it is accepted that there may be limited localised harm arising from the development. The impact on the wider landscape will be limited due to the site's containment. Whilst this weighs against the proposal in terms of the balancing exercise to be undertaken, this harm must be considered alongside the environmental benefits arising from increased public access to the site.
- 6.140 The LPA acknowledge that for the purposes of Policy CS47, the site is not included within the current open space assessment. The provision of 3.4 ha of new public open space (52% of the total site area) would go some way to addressing the current deficit in Deepcar for such facilities. In addition, a footpath link could be provided to enhance direct access to neighbouring Fox Glen. The scheme also offers the potential to enhance the biodiversity of the area through specific landscaping features, which will provide an improvement when compared to the limited value of the existing unmanaged grasslands. The collective environmental benefits are considered to weigh in favour of the scheme.



- 6.141 In the determination of recent planning applications, the LPA has accepted that there is a need to release greenfield sites for development, some which will inevitably be located outside existing settlement boundaries. Overall, it is accepted that the proposed development will have a degree of visual impact compared to the current circumstances of the site. However, this harm can be mitigated by the layout of the scheme and by the wider public benefits it would deliver.

#### Social

- 6.142 The appeal proposal will deliver up to 93 homes including market and affordable housing provision in an area of identified need. The development will deliver wider benefits to the community of Deepcar through access to significant areas of new public formal and informal open space.
- 6.143 Contributions to local infrastructure will also be forthcoming through the Community Infrastructure Levy mechanism, responding to local concerns that the proposal will put added pressure on existing local services. As such, it is considered that the proposals will have a positive social benefit.

#### Economic

- 6.144 The Framework confirms that part of the role of the planning system is to support growth. In relation to this application, employment, albeit temporary, will be generated from the construction works, as well as new household expenditure supporting local facilities and services.
- 6.145 The LPA has an established apprenticeship programme providing links to local schools and colleges to ensure that opportunities to provide direct experience/employment to trainee trades people, who are local to the site, are secured from the development.
- 6.146 The proposal would also trigger a new Homes Bonus payment to the Council, and the local community can be consulted about how the money can be spent within the locality. These economic benefits are considered to carry significant weight in favour of the proposal.

## **7.0 Conclusion**

- 7.1 This Planning Statement has been prepared by DLP Planning Ltd on behalf of Hallam Land Management in support of the planning application for the development of 93 dwellings at the greenfield site former off Carr Road.
- 7.2 This Statement has demonstrated that the local plan is out of date and therefore the policies directly relevant for the supply of housing, which includes CS22, CS23 and CS24, are out of date. Furthermore, in accordance with the second part of paragraph 49, wider policies that are based on outdated settlement boundaries are afforded limited weight, given the Council's inability to demonstrate a 5-year supply of deliverable housing sites. Thus, the default position identified in the Framework prevails and if the development constitutes sustainable development there is a presumption in favour of the appeal scheme unless other material circumstances dictate otherwise.
- 7.3 The scheme will make a significant contribution towards the Council's housing supply in terms of both affordable and market provision. These benefits are indisputable and considerable and would be consistent with the social dimension of sustainable development. It is considered that significant weight should be attached to this aspect of the scheme, particularly in view of the Council's housing land supply position and the aims of the Framework to significantly boost the supply of housing.
- 7.4 The development would also support the economic role through the creation of construction jobs, the purchase of materials and services in connection with construction of the dwellings, an increase in local household expenditure as well as revenues to the LPA from the New Homes Bonus. These benefits should also weigh in favour of the scheme.
- 7.5 In environmental terms, the scheme would incur loss of an open parcel of land. However, the site has no special designation, views of the development would be limited in the wider landscape and the Council accept that greenfield sites in the City would have to be forfeit in the future to meet its housing targets. It is considered that harm arising from the proposed development could be mitigated by the potential site layout, which would secure a significant net gain in green infrastructure and areas of public open space particularly in the western part of the site closest to the Green Belt.
- 7.6 The site also occupies a sustainable location in one of the largest independent suburbs of Sheffield, where residents could walk, cycle and use public transport to access services and facilities. Consequently, whilst the proposal will have an impact on the character and appearance of the area this harm is not assessed to be substantial, and this harm is offset by other benefits such that the overall level of environmental harm would be moderate.
- 7.7 When considered in the round, the proposed development would contribute significantly to the economic and social dimensions of sustainability. There would be moderate harm in terms of the environmental dimension. However, relative to the scale of the benefits arising, it is considered that this harm would not significantly and demonstrably out-weigh the benefits, when assessed against the Framework. It is considered that there are significant material consideration sufficient to outweigh any development plan conflict.
- 7.8 Against the limited harm, the significant benefits of the scheme set out within this report including the significant contribution that the scheme would provide to the supply of market and affordable housing, within the context of the shortfall of 5 year housing land supply, are considered to outweigh the harm associated with the proposals. The application scheme represents sustainable development and it is therefore considered that it should be approved without delay.

## **APPENDIX 1**

### **EIA Screening direction decision**



## Department for Communities and Local Government

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**Your ref:**  
**Our ref:** PCU/EIASCR/U4420/77923  
**Date:** 5 October 2017

Dear Ms Dalton

### **Request for a Screening Direction Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

#### **Proposal for a residential development on land at Carr Road, Deepcar, Sheffield**

I refer to your client's request dated 31 July 2017, made under 6(10) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017(S.I. 2017/571) ("the 2017 Regulations") for the Secretary of State's screening direction the matter of whether or not the above development is 'EIA development' within the meaning of the 2017 Regulations.

The above development falls within the description at paragraph 10(b) of Schedule 2 to the 2017 Regulations. Therefore, the Secretary of State considers the proposal to be 'Schedule 2 development' within the meaning of the 2017 Regulations.

However, having taken into account the selection criteria in Schedule 3 to the 2017 Regulations the Secretary of State does not consider that the proposal is likely to have significant effects on the environment, see the attached written statement which gives the reasons for direction as required by 5(6) of the EIA Regulations.

Accordingly, in exercise of the powers conferred on him by regulation 7(5) of the 2017 Regulations the Secretary of State hereby directs that the proposed development described in your client's request and the documents submitted with it, **is not 'EIA development'** within the meaning of the 2017 Regulations.

Any permitted development rights which your client's proposal may enjoy under the Town and Country Planning (General Permitted Development) Order 2015 (SI 596) as amended are therefore unaffected.

You will bear in mind that the Secretary of State's opinion on the likelihood of the development having significant environmental effects is reached only for the purposes of this direction.

I am sending a copy of this letter and the written statement to Sheffield City Council and Mr P Morgan.

Yours sincerely

*John Oakes*

John Oakes  
Senior Planning Manager  
(With the authority of the Secretary of State)

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