



**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
APPEAL BY Avant Homes Central**

An Appeal Against the refusal of
Full Planning Permission for 72 no. dwellings (as amended)
at land off Moorthorpe Way, Sheffield.


**PINS REFERENCE APP/J4423/W/20/32558555
PLANNING APPLICATION REF: 19/03143/FUL**

PROOF OF EVIDENCE

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22nd December 2020

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1.0 EXPERIENCE

- 1.1 My name is Roland George Bolton. I have an Honours Degree in Town and Regional Planning and I am a Member of the Royal Town Planning Institute (MRTPI). I am currently a Senior Director of DLP Planning Ltd (DLP) and Head of the Strategic Planning Research Unit (SPRU) which specialises in undertaking bespoke planning research projects, including Objective Assessments of Housing Need and Five-Year Housing Land Supply assessments. DLP Planning Ltd is a national planning consultancy and I am based in the Sheffield office, working across the whole of England. I have worked in public sector, private practice, and academic roles for over 35 years.
- 1.2 I have a wide range of experience and have held senior positions in both Development management and development plans in local government. I have also represented Councils at both Public Inquiries and Plan Examinations.
- 1.3 As Senior Lecturer in Town Planning at Sheffield Hallam University I provided training for practicing planning professionals including training for Sheffield Staff for the UDP examination. During this time I also acted as a consultant to the current DLP/SPRU practice, providing advice to clients in both the public and private sector on a range of issues including the promotion and delivery of housing at various development plan examinations.
- 1.4 I have been a Director of DLP for over 20 years, setting up the Sheffield office in 1996. During this time, I have advised clients on a wide range of residential developments from the planned expansions of Northampton, Milton Keynes, Luton and York, through to urban projects like Sheffield University Student Village (3,500 student bed spaces) and Commercial projects such as Midway park (40-hectare Strategic Employment Allocation at Junction 16 of the M1).
- 1.5 In 2012, I formed the Strategic Planning Research Unit (SPRU) within DLP to bring together the company's expertise to deliver the strategic planning work for a wide range of clients including local authorities, other public sector bodies, land owners, strategic land promoters as well as national, regional and local housebuilders.
- 1.6 I have had considerable experience of giving evidence as an expert witness at Public Inquiries and attending Local Plan Examinations including inquiries in the City as well as in neighbouring North East Derbyshire and in Chesterfield

1.7 I gave evidence at the Sheffield Core Strategy Examination, made submission to the various consultations on plan making since, I also assisted the council by participating in the Housing Working Group which looked at sites as part of the Strategic Housing Land Availability Assessment which included the assessment of potential Green Belt release.

1.8 The scope of this Proof of Evidence is as follows:

- Introduction – the appeal proposal and progress of the planning application
- Site Description and Surrounding Area
- National Policy Context
- Local Policy Context
- The main issues as identified by the inspector at the Case Management Conference these being:
 - A. Would the proposal unacceptably harm the ecology of the site and the area;
 - B. Does the proposal prejudice the proper planning of the area by not forming part of a comprehensive scheme for the whole of the Owlthorpe development area (Sites C, D and E);
 - C. Does the proposal fail to respond sufficiently to the area's prevailing character, green infrastructure and open space;
 - D. Does the proposal make efficient use of land; and
 - E. Does the proposal fail to appropriately integrate affordable housing into the layout.

In considering these matters I will identify if the relevant policies are the most important policies for the determination of this planning application, the weight to be attached to any conflict with these policies.

- I address additional points raised by Rule 6 Party and other objectors to both the application and the appeal.
- I deal with the planning balance between any conflict with the development plan policies and the potential benefits delivered by the appeal development.

1.9 The evidence I have prepared and provided for this appeal (APP/J4423/W/20/32558555) against the refusal of Full Planning Permission for 72 no. dwellings at land off Moorhorpe Way, Sheffield is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

2.0 INTRODUCTION – THE APPEAL PROPOSAL

2.1 The application sought full planning permission for residential development at land off Moorthorpe Way, Sheffield. The proposal was described as the following:

“Erection of 74 no. dwellings, formation of access road, associated landscaping works, open space works and flood storage works”

2.2 The appeal scheme has undergone some minor modifications which has resulted in the loss of two dwellings and as a result of these changes the Scheme (as described in Section 4 of the SoCG (CD4.2)) now consists of the following:

- a. A total of 72 dwellings
- b. Of which 21% (15 dwellings) will be shared ownership affordable homes
- c. The proposals include the formation of highways access from Moorthorpe Way and landscaping works, including a buffer provided to the woodland
- d. The remainder of the site will be retained as landscape buffer (0.67 hectares), public open space including the proposed LEAP to the south of Moorthorpe Rise (0.14 hectares) and a SuDs attenuation basin, situated to the east of the proposed housing area (0.71 hectares). These areas will be subject to a Management Plan.

2.3 These minor changes occurred as part of preparation of the appeal. The appellants have commissioned additional work, including appointing consultants to peer review the supporting documentation, and as a result there has been the proposal to amend the layout in respect of affordable housing (which was accepted by both the Council and OAG (the Rule 6 party)). This resulted in the substitution of house types to provide for the redistribution of affordable housing and the appellants have sought to provide the Inspector with the consequential changes to the other submitted plans. In this process however new survey information indicated that the original survey had incorrectly plotted the site boundaries and surrounding vegetation.

2.4 As a result, and in an attempt to further reduce the areas of conflict between parties, it was determined to: (i) remove plots 27 and 28 from the development; (ii) change the house types on plots 26 and 28; and (iii) remove the parking associated with two plots that are removed (plot 27 and 28).

2.5 The appeal plans as amended are referred to as “Scheme B” plans.

Scheme B plans

- CD1.1 Site Location Plan Rev D
- CD1.2.B Presentation Layout n1276_009-01A
- CD1.3.B Planning Layout n1276_008-01
- CD1.5 Street Scenes Elevation n1276_010B
- CD1.6.B Site Sections 1 of 2 n1276_201-01A
- CD1.6.B.1 Site Sections 2 of 2 n1276_202-01A
- CD1.7.B Materials Plan n1276_107-01
- CD1.8.B Boundary Treatment Plan n1276_106-01
- CD1.9.B Proposed FFLs n1276_108-01
- CD1.10.B Tree Protection Plan 51371_050_BWB_TPP_8b
- CD1.11 Boundary Timber Knee Rail
- CD1.12 Boundary 1.8m High Brick Wall
- CD1.13 LEAP Plan Rev G
- CD1.14.B Detailed Landscape Proposals - Scheme B (1 of 2) 3573/5
- CD1.15.B Detailed Landscape Proposals - Scheme B (2 of 2) 3573/6
- CD1.16.A Landscape Proposals - Detention Basin 3573/4 Rev E
- CD1.17 Boundary Screen Fence
- CD1.18 Externals 1
- CD1.19 Externals 2
- CD1.20 Externals 3
- CD1.22.B Proposed Drainage Layout (Option B) P2741-01-03 Rev A
- CD1.23 Basin Strategy -Rev G
- CD1.24 Basin Headwall Details
- CD1.25 Drainage MH Flow Control and Standards Details
- CD1.26 Drainage MH Flow Control and Standards Details
- CD1.27 Drainage MH Flow Control and Standards Details
- CD1.29 House Types

2.6 The supporting information has also been updated including:

- CD2.9.B Arboricultural Impact Assessment
- CD2.10.A Arboricultural Survey

- CD2.12.A Tree Constraints Plan 050_BWB_tcp_6_aaa_Rev6
- CD2.12.A.1 Woodland Buffer 15m from LWS
- CD2.12.A.2 Woodland Buffer 15m from Tree Stems
- CD2.12.A.3 Woodland Buffer 15m from Existing Fence

- 2.7 The appeal site is one of three sites that make up a larger UDP allocation which are owned by the Council, the Council acquiring the land as part of the development of Mosborough Townships in the 1960's.
- 2.8 The site was offered for sale by the Council to housebuilders in 2018 (CD4.10.20 Sheffield City Region Inward Investment web site). The original sales brochure for the appeal site (Site E) (CD4.10.21 Section 02) also stated that a short list of expressions of interest for sites C & D will also be drawn up. Section 07 (c) required a detailed scheme layout with house types finished floor levels typical elevations, landscaping as well as proposed house types and a breakdown of market and affordable dwellings.
- 2.9 The Sales Brochure (CD4.10.21 Section 05) also summarised the Planning and Design Brief (CD5.20) for the site that had been approved in July 2014 and then updated in November 2017 (CD5.19). It is of note that this emphasised that the Council would be particularly interested in acquiring the expected level of on site Affordable Housing at 50% of their market value and a further 20% of the completed units at market value.
- 2.10 The appellant was selected by Sheffield City Council as the preferred developer for the appeal site (Site E) after submitting an expression of interest to the Council which included not only a draft layout for the appeal site showing the area proposed for development (CD4.10.49) but also a master plan (CD4.10.50) for the remainder of the Council's land holding (sites C and D).
- 2.11 The application was approved by the City Council for submission and was validated on the 6th September 2019. The application was subject to various amendments and further submissions as the applicant and officers worked proactivity together to ensure that the resulting development would improve the economic, social and environmental conditions of the area.
- 2.12 The Planning Manger's Committee Report (CD2.38 Page 85) stated that in this case the most important policies support housing on the site as they are consistent with the

Government's objective of significantly boosting the supply of homes and meeting the needs of the groups with specific needs. The Report further concluded that the development of the site for housing was supported by the Planning Brief which seeks to deliver housing on the site and that this was a material consideration. It was then concluded overall that there is strong Development Plan and NPPF policy support for development.

2.13 In the more detailed consideration of the scheme the Planning Manager (CD2.38 page 85) notes that:

- a. The scheme is well designed
- b. Open space will meet the needs of residents,
- c. The site is accessible by sustainable means of travel

2.14 In terms of the overall sustainability of the site, the Committee Report (CD2.38 page 53) sets out how the proposal is considered to be sustainable development and accords with paragraph 11 of the NPPF and the 3 dimensions to sustainable development set out in paragraph 8.

2.15 In terms of the economic objective (NPPF paragraph 8 a) the Committee Report states that:

'the provision of sufficient homes in the right location helps to support a competitive economy and the construction of the houses will support employment and economic growth.'

2.16 In addition to this there will also be economic benefits that will be derived from the construction of the site both in respect of direct and indirect jobs generated or protected, training and apprenticeships supported, as well as the impact on the local and regional economy in terms of increase in GVA.

2.17 In summary the appeal site delivers the following against the economic objective of sustainable development:

- Range of family housing to meet an identified need;
- Construction sector employment;
- Additional residents spending in the locality;
- CIL contribution to strategic infrastructure;
- Planning contributions to biodiversity gain, tram stop improvements, a Parks Masterplan, recreational improvements in the LWS, footpath improvements and

lighting; and

- New on-site drainage and open space provision including long term maintenance, also for the benefit of site D.

2.18 In terms of the social objective, the Committee Report (CD2.38 page 53) states that:

'The proposal is consistent with the social dimension as it provides a range of homes including affordable housing and will help to integrate the existing standalone Woodfield Heights Rise housing area into a more sustainable community. The site is within reasonable walking distance of the tram stop which serves Crystal Peaks (1.5 km from the site) where there is a wide range of shops and services. It also adjoins a doctor's surgery and open space and play provision will be convenient to the site. The nearest convenience shop is the Asda supermarket approximately 1.2 km from the site; nursery and primary schools are a similar distance. The site is not well served by buses, the nearest services are on Moothorpe Way approximately 500m from the site but the services are infrequent. There are higher frequency services approximately 1km from the site. The housing scheme is considered to be well designed and the layout has been designed to provide natural surveillance of the public realm and provides safe vehicular and pedestrian access.'

2.19 Although the Committee Report (CD2.38 page 53) highlights the distances to some facilities and states the site is not well served by buses it goes on to state on page 62 that it is considered to be adequately served by public transport. The Committee Report (CD2.38 page 67) further states that the site is within easy walking distance of the Donetsk Way Tram stop and while it would be desirable to improve bus access to the site, its accessibility by tram, would mean it is unreasonable to require the applicant to make a contribution towards subsidising bus services. The Committee Report (CD2.38 page 67) also confirms that the existing road layout does not preclude buses running at least as far as the medical centre should this become viable in the future where they could turn at the medical centre roundabout.

2.20 The Committee Report (CD2.38 page 68) states that the proposal is compliant with the NPPF in that the development is taking appropriate opportunities to promote sustainable travel by being located close to a tram stop, and notes the funding requested by SYPTTE for £50,000 (to split between all 3 sites) in order to facilitate improvements to the tram stop.

2.21 The Committee Report page 62 stated that the residual cumulative impacts on the road network would not be severe (CD2.38).

2.22 Furthermore, the Committee Report page 54 finds that the scheme is considered to be well

designed and the layout has been designed to provide natural surveillance of the public realm and provides safe vehicular and pedestrian access, in line with the social objectives of the NPPF paragraph 9 (b) which establishes that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

2.23 In summary the appeal proposal delivers the following in terms of meeting the social objectives of sustainable development:

- High quality design and range of homes
- Provision of much needed affordable housing
- Integration of the Woodfield Heights estate into a more sustainable community.
- Acceptable walking and cycle distances to retail, education and health facilities
- Acceptable walking distances to bus and tram
- Acceptable frequency and service levels
- Acceptable journey times and destinations.
- Enhanced existing open space within the landscape buffer and incidental open space areas within the site
- Enhanced open space and new children's play provision;

2.24 In terms of the environmental objective (NPPF paragraph 9 c), the Committee Report (CD2.38 page 54) states that:

'whilst there will be a loss of trees and wildlife habitat this is to be compensated for by the replacement habitats to be provided on and off site. It is considered that in the longer term there will be no net loss of biodiversity. The site is not vulnerable to flood risk and will not worsen flooding elsewhere due to the sustainable urban drainage system which takes into account climate change. The applicant has confirmed that the Council's renewable energy policy will be met by a combination of a fabric first approach and solar roof panels. Whilst the site is a Greenfield site it is considered that some Greenfield sites need to be developed to meet the city's housing needs and this is why the site forms part of the 5-year housing land supply.'

2.25 The appeal proposal delivers the following to meet the environmental objectives of sustainable development:

- Sustainable Urban Drainage system, which will also serve part of Site D's drainage requirements;
- In excess of 10% of the development energy requirement from renewable or low carbon sources; and

- Biodiversity net gain delivered by enhancements to local Habitats

2.26 The appeal site is part of a development plan allocation, which is part of the planned Mosborough Townships and delivers across all three sustainability objectives. It is noted that the Committee Report (CD2.38 page 54) reached a similar conclusion stating:

‘Overall the proposal is considered to be sustainable development’

2.27 As such the Planning Manager concludes that the appeal proposal was in accordance with policies CS45, CS74, H14, H16 and paragraphs 96, 127, 163, 165 NPPF and these issues should be given significant weight.

2.28 It is worth noting that in reaching this decision the Committee Report (CD2.38 Page 85) states that the proposal does not fully accord with Policies GE11, GE13 and GE15 of the UDP, which should be given moderate/significant weight.

2.29 It should be noted that the SoCG paragraph 7.4 states that the appeal proposal is in accordance with policies GE11 and GE13 and as explained in Section 6 of this evidence I set out why I consider this to be the case.

2.30 In respect of GE15 it is agreed that an appropriate survey and Arboricultural Impact Assessment was undertaken and that the majority of the trees to be lost were category C (CD4.2 SoCG paragraph 7.68 & 7.69). It is further agreed that on site planting and a contribution to offsite compensation works can be taken into consideration in calculating biodiversity net gain (CD4.2 paragraph 7.70).

2.31 In any event in the Planning Manager’s assessment, the conflict with these policies is limited as the proposal is judged to result in a net gain in biodiversity in the longer term and the impact on trees would be adequately compensated for. In addition, the Planning Manager states that the tree and biodiversity impacts are not so great that they justify resisting the proposal. The Report goes on to state that the site has no special protected status or identified quality in the development plan and that the biodiversity impact assessment shows that the proposal would not cause significant harm and this view is endorsed by the Council’s ecologist.

2.32 Notwithstanding the above, it is now agreed (CD4.2 Statement of Common Ground

paragraph 7.41) that the proposal complies with Policies GE11 and GE13.

- 2.33 In respect of the replacement of trees as required by GE15, paragraphs 7.68 - 7.70 of the Statement of Common Ground (CD4.2) sets out the assessment of the trees that were to be lost (at that time) and agrees onsite planting and off site compensation payment to mitigate this loss.
- 2.34 The Committee Report concluded (CD2.38 page 86) that the appeal scheme was supported by planning policy and the planning benefits significantly outweigh the biodiversity, landscape, amenity and highway impacts. The appeal proposal was considered to deliver sustainable development and it was therefore recommended that permission be granted subject to the listed conditions and the completion of a legal agreement.
- 2.35 The recommendation by officers was to grant permission conditionally subject to a legal agreement. Notwithstanding the positive recommendation in the Committee Report the Application was refused by the Council on 2nd June 2020 for the following reason (CD2.37):

“This standalone proposal relating to the site known as “Owlthorpe site E” is prejudicial to the proper planning of the wider area, contrary to paragraph 3.2.6 of the “Housing Sites (C, D, E), Moorthorpe Way, Owlthorpe Planning and Design Brief” (July 2014; Updated November 2017), which supports a comprehensive scheme for the application site together with neighbouring sites C and D. The proposal does not respond sufficiently to the area’s prevailing character of abundant green infrastructure and open space, contrary to paragraphs 122 and 127 of the National Planning Policy Framework. In addition the proposal fails to make efficient use of land due to the low housing density proposed and fails to adequately integrate the affordable housing into the proposed layout, contrary to paragraphs 8, 122 and 123 of the National Planning Policy Framework, Core Strategy Policies CS26 and CS40 as well as policy GAH5 of the CIL and Planning Obligations Supplementary Planning Document and is not considered to be sustainable development.”

3.0 THE SITE AND SURROUNDING AREA

A) Site Description

- 3.1 The appeal site and its location are described in Section 3 of the SoCG (CD4.2).
- 3.2 To the north and west there is mature woodland and grassland areas which are designated Local Wildlife Sites. The site forms part of a wider Owlthorpe housing development area which is expected to deliver approximately another 160 houses.
- 3.3 The Committee Report (CD2.38) does not identify any unique or distinctive features within the site.
- 3.4 Section 5 of the SOCG (CD4.2) outlines the planning history of the site which sets out how the appeal site has formed part of the Owlthorpe Township development proposal since the 1960's and has been allocated for housing development in the Sheffield Unitary Development Plan (UDP) since its adoption in 1998. The site is an identified location for growth under Policy CS24c of the Core Strategy and contributes towards the Council's current published five year housing land supply.

B) Sale of the site

- 3.5 The site is owned by Sheffield City Council and the Council published the Owlthorpe Planning and Development Brief in 2014 (CD5.20), with a further update in 2017 (CD5.19) to define the planning approach to the development of the sites and the overall master planning of the area to support the sale of the sites.
- 3.6 These sites C, D and E have been identified as a location for development for several decades and an earlier 'phase 1' of the development, comprising the Woodland Heights estate, was delivered approximately 15 years ago accompanied by significant road infrastructure designed to serve the wider area.
- 3.7 Site E (the subject of this appeal) was released to the market for development by the Council in 2018 (CD4.10.21). The Applicant submitted a bid for Site E and submitted an expression of interest for the remaining sites (C and D).
- 3.8 Avant submitted a draft scheme to the Council as part of the bid process (CD4.10.49) which included a masterplan for the whole development (CD4.10.50) to illustrate how Site E could

be developed in a way that would not inhibit the future sale and development of sites C and D.

- 3.9 As part of the tender process the appellants original proposals were considered by both Planning and Urban Design Officers (see note of meeting 14 November 2018 CD4.10.22). This did not raise any issues with regard to potential conflict with the Brief. It is clear that in considering the alternative bids the Council, and in particular the Estates Department, would have taken into account the consequences of the detailed layout submitted as part of the bid (See Section 7 of Sales Brochure CD4.10.21) in terms of whether such a layout would prejudice the development of the remainder of the Council's land holding. The Council's selection of a layout that prevents the development of the other two sites would have been a failure of the Estate Departments in their duty as a competent landowner. That such a decision was made is even more unlikely given that the Sales Brochure for this site also invited expressions of interest for the other two parcels at the same time and from the same bidders as offers for the appeal site (CD4.10.21 Section 2). Furthermore, it is understood that the contract required that the Council approve the application prior to it being submitted.
- 3.10 Site D has also been marketed and offers have been received however this has been paused along with marketing of Site C pending the outcome of this appeal.
- 3.11 It is appropriate to note that the planning application for Site E was referenced in the marketing of Site D, this included the application reference number so that other parties could access and download relevant drawings from Public Access (CD4.10.46) to inform their design for Site D (CD4.10.27). This demonstrates how throughout the bidding and application process, a comprehensive approach to the development of all the phases has been considered both by the appellants and the Council as landowners and Planning Department. This also demonstrates how the current layout of Site E has been taken as the final design to which all other development sites will be designed around.
- 3.12 As part of the sale the Council have secured an affordable housing provision that exceeds the requirement for the area (South East Sheffield 10% of the total floorspace is required the proposal provides 14 of floorspace as affordable housing, which is equivalent to 21% of the total units proposed (CD4.2 paragraph 7.18). The location of the affordable housing units was agreed as part of the original draft 106 which stipulated that "Affordable Housing" were in the locations as shown on plan n1276-008D, which had most of the affordable units

grouped together in the southern part of the site with two others located just to the north of the Health Centre. The plan was later updated to plan n1276-008D (CD1.3), which shows a wider dispersal of units as well as the type of unit that the Council propose to acquire.

- 3.13 As such, the Council as landowners and purchasers of the affordable housing have considered that the layout does not prejudice the development of sites C and D under their ownership and the Housing Department was content with the original grouping of the affordable housing.

C) The Surrounding Area

i) *Local Wildlife Site (LWS)*

- 3.14 Local Wildlife Sites are identified and selected locally, by partnerships of local authorities, nature conservation charities, statutory agencies, ecologists and local nature experts. These sites have no legal protection.
- 3.15 There are two LWS next to the appeal site. To the west of the appeal site is Owlthorpe (LWS 266) and to the north is Ochre Dike (LWS 296).
- 3.16 There is a further LWS to the west of both the appeal site and Site C in the Brief Western Plantation (LWS 273).
- 3.17 The Design and Planning Brief (CD5.19 paragraph 5.5.3 confirms that there are 3 Local Wildlife Site (LWS) near to the appeal site, but none within the development site boundaries. It also refers to their identification in the now withdrawn Draft Local Plan Proposals Map. These LWS are not local nature reserves in pursuance of Section 21 (Establishment of nature reserves by local authorities) of the National Parks and Access to the Countryside Act 1949(8) or is subject to a notification under Section 28 (Areas of Special Scientific Interest) of the Wildlife and Countryside Act 1981 (9). This is relevant to the application of the Hedgerow Regulations as the land in the vicinity of any hedgerows on/near the site is not land of the type that the Regulations apply to. The Council take no issue in terms of granting planning permission for proposals that impact on hedgerows aside from in terms of general green infrastructure impacts and the balance of built development against such green infrastructure as stated in a letter received from the Council on 27th November 2020 (CD4.10.51).

ii) Schools

- 3.18 The proposed development falls within the catchment areas for Rainbow Forge Primary Academy and Westfield Secondary School.
- 3.19 The consultation response from Education and Childcare Commission (CD4.10.35) notes that there is adequate School capacity to serve this development and therefore it complies with Policies CS43 and paragraph 93 of the NPPF.

iii) Public Transport

- 3.20 As detailed within the Transport Statement (CD2.15) the Donetsk Way tram stop is on the Sheffield Blue Route and is located approximately 800m from the site. As set out in Mr Addison's PoE (CD4.12.1), due to COVID - 19, the trams operate at a frequency equal to a frequency of one tram every 15 minutes but that Traveline, the public transport information provider, has confirmed that the service typically operates with a 12-minute headway on weekdays, equal to a frequency of 5 trams per hour in each direction. This is slightly lower than the frequency of every 10 minutes on weekdays, every 12 minutes on Saturday and every 20 minutes on Sunday agreed in the SoCG (CD4.2 paragraphs 3.18).
- 3.21 The nearest bus stop offering to the site is located on Broadlands Avenue offering an hourly service is approximately 711 metres from the centre of the appeal site and a further bus stop is available approximately 1 kilometre from the site on Moss Way/Ochre Dike Lane, offers a more frequent bus service (5-10 minutes). It is noted that the distance to the Broadland Avenue site is shorter than the 750m in the Statement of Common Ground but the other distance and frequencies are as agreed (CD4.2 paragraphs 3.19 and 3.20).
- 3.22 Although, the site is not within 400m distance from a bus stop, noting the 580m mean walk distance identified in the WYG study of NTS data (as agreed within the SoCG (CD4.2)) I also note the evidence of Mr Addison (CD4.12.1) which sets out that the 85th percentile walking distance to a bus stop is 800m.
- 3.23 This is compensated for by the proximity of the tram stop which is a more attractive public transport option compared to the bus both in terms of frequency, coverage and reliability.
- 3.24 I note Mr Addison (CD4.12.1) concludes that he has demonstrated that the appeal site is accessible by public transport with a high-quality walk route to the Donetsk Way Tram Stop, which is located on the Stagecoach Supertram Blue Route and that this route typically

provides high frequency (5 trams per hour in each direction) services between Halfway and Malin Bridge with key employment opportunities and services accessible in Sheffield City Centre in approximately 28 minutes.

iv) *Accessibility by foot and cycle*

- 3.25 Mr Addison's Chapter 5 (CD4.12.1) provides evidence that there are walkable amenities located within two kilometres of the appeal site. He concludes that this distance has been corroborated by WYG in their paper 'How far do people walk?' (2015) based on National Travel Survey (NTS) data.
- 3.26 Figure 7 of Mr Addison's PoE (CD4.12.1) illustrates that there are a number of amenities within this distance including those identified in paragraph 3.10 of the TA including Owlthorpe Surgery (immediately adjacent to the site, Rainbow Forge Primary Academy (approximately 1,000m from the centre of the site), ASDA Sheffield Drakehouse Superstore (1,300m), St John Fisher Catholic Primary School (1,400m), Birley Spa Primary Academy (1,700m) and Crystal Peaks Shopping Mall and Retail Park (1,900m). He concludes that all these facilities are accessible in less than 24 minutes walking travel time (CD4.12.1).
- 3.27 Mr Addison concludes that the location of the appeal site would support healthy lifestyles and are consistent with paragraph 91 of the NPPF.

4.0 THE POLICY CONTEXT FOR PLANNING FOR HOUSING

A) National policy context for planning for housing

- 4.1 There are widespread housing affordability issues facing Britain at present with more than three million households in the UK now spending more than a third of their household income on housing. The unresponsive nature of the planning system and failure of house building to keep up has led to a widening gap between supply and demand.
- 4.2 The consequences of this under provision are well documented in terms of increased issues of affordability that have occurred over the last decade. In the period between 1997 and 2019 the affordability ratio increased on average in the UK from just 3.54 times annual income to 7.83 times annual income despite the impact of recent recessions.
- 4.3 Such housing affordability issues manifest in many ways, such as: increased levels of overcrowding, more young people living with parents for longer, impaired labour mobility meaning it is difficult for businesses to recruit and retain staff, and increased levels of homelessness.
- 4.4 As such, the Conservative Government elected in 2017 pledged to meet the 2015 commitment of delivering 1 million homes by the end of 2020, and the Autumn Budget 2017 set out an ambition to “to put England on track to deliver 300,000 new homes a year” with the aim of addressing these issues of affordability. The ambition of 300,000 a year is most recently restated in the consultation on the Changes to the current planning system” (CD4.10.32 paragraph 6).
- 4.5 In the forward to the White Paper “Planning for the future” (CD4.10.31) the Prime Minister sums up the failures of the present situation as follows:

“Thanks to our planning system, we have nowhere near enough homes in the right places. People cannot afford to move to where their talents can be matched with opportunity. Businesses cannot afford to grow and create jobs. The whole thing is beginning to crumble and the time has come to do what too many have for too long lacked the courage to do – tear it down and start again.”

- 4.6 While the “Planning for the Future” (CD4.10.31) sets out plans to undertake a fundamental reform of the planning system the government consider the situation to be so important that they are also proposing the shorter terms measures in the “Changes to the current planning system” (CD4.10.32). Within this is the proposal to amend the Standard Method to be utilised

prior to the more fundamental changes being enacted (paragraph 5).

- 4.7 Highlighting the problem with the current system the consultation states that against the government's aspirations to create a system that will deliver 300,000 dpa existing adopted Local Plans have only allocated enough land to provide for 187,000 homes a year, which is lower than the actual rate of delivery 241,000. (CD4.10.32 Paragraph 6). The consultation states that:

"However, identifying sufficient land so that the market is not prevented from delivering the homes that are needed is vitally important to prevent the underdelivery of the past from continuing to happen"

- 4.8 These ambitious changes highlight the urgency and importance the Government are placing on increasing the delivery of homes to react to the housing crises.

- 4.9 Shelter's recent Briefing Note (Social Housing & England's Housebuilding Recovery CD4.10.33) states that this emergency has not developed overnight but is the result of four decades of failure to invest properly in the required number of social homes. It highlights the consequences of this failure are clear in that even before the COVID-19 pandemic, the reality of the situation was that:

- a. Just over 280,000 people in England were homeless on any given night in 2019, including over 236,000 people living in temporary accommodation – a statistic that includes more than 125,000 children.
- b. Home ownership is in decline, with the English Housing Survey showing that 64% of households owned their own homes in 2018/19, down from 68% a decade ago. At the same time, the average cost of a home in England has increased to eight times the annual pay packet and the average share of income that a young family spends on housing has trebled over the past 50 years.

- 4.10 Private renters now spend an average of 40% of their household income on rent, with such high costs making the chance to save and move into homeownership a pipe dream for many. In fact, almost two-thirds (63%) of private renters have no savings at all.

- 4.11 The note goes on to report that social housing, unlike private market sale housebuilding, is counter cyclical and the demand for the product does not decrease when times are rough in the economy and that the demand for affordable housing and social housing is extremely

high.

4.12 In respect of meeting this demand Shelter's Briefing Note (Social Housing & England's Housebuilding Recovery) refers to Savills's projection that the supply of new social rented homes in the 2020s will increase to 64,300 but that this is against a need of at least 90,000 social homes per year (CD4.10.33 page 4).

4.13 The note also refers to the loss of 17,000 social homes (net figures) in England last year.

4.14 To address these issues Shelter are recommending accelerating the £12.2 billion Affordable Homes Programme and spending the bulk of this on building new social rented homes, so as to use the recovery as a launchpad towards delivering at least 90,000 social rented homes a year to meet need, through a long-term programme.

4.15 The Prime Minister summed up the "New Deal" he was proposing in his speech in the West Midlands on the 30th June 2020 in which he stated:

"To that end we will build. Build back better, build back greener, build back faster and to do that at the pace that this moment requires."

Source: Prime Minister's Office Press release 30th June 2020 (CD4.10.34)

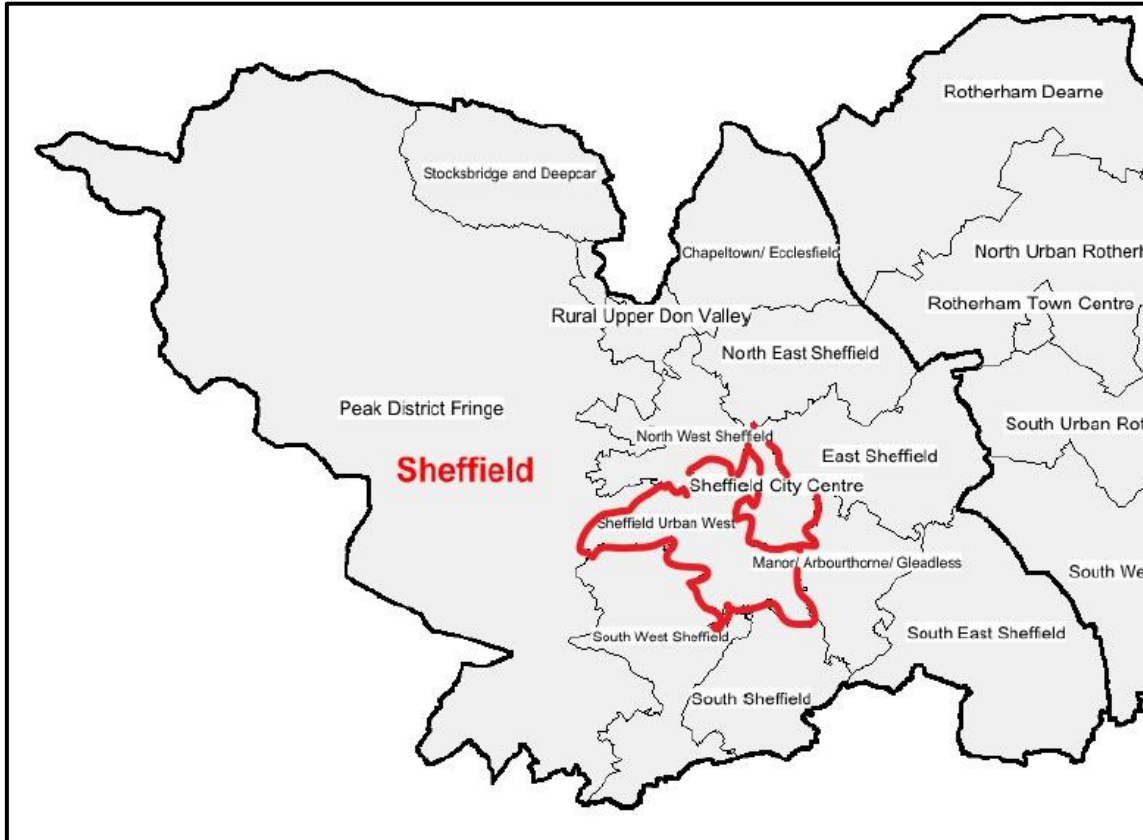
4.16 The appeal site is an allocated site (H14 and CS24c) and is identified as part of the Council's five year land supply and Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise

4.17 Furthermore, the Framework (paragraph 59) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

4.18 In conclusion, the Housing crisis continues and the direction of travel of Government policy is to continue to seek ways to increase the supply of housing land and the delivery of housing to address this crisis.

B) The local position with regard to planning for housing.

- 4.19 A summary of the Council's response to the housing crisis is set out in Appendix 1. The Council have made only a limited policy response to bullet points set out in paragraph 47 of the 2012 Framework (repeated thereafter in subsequent revisions) requiring them to significantly boost the supply of housing. The last development plan was the Core Strategy which was adopted in 2009 and this confirmed the appeal site allocation.
- 4.20 Progress on a Sites and Policies Plan to implement the Core Strategy was abandoned, however the publication of the Brief for Owlthorpe in 2014 and its revision in 2017 to bring forward the appeal site as well as sites C and D is one of the few positive initiatives that the Council have taken to meet the central government's policy to increase housing supply (NPPF 2012 paragraph 47 and NPPF 2019 paragraph 59).
- i) *The Councils Housing Requirement***
- 4.21 The net housing requirement for Sheffield is 2,230 pa (including a 5% buffer).
- 4.22 It is noted that 16 June 2021 onwards Sheffield will have a higher housing requirement as it will be subject to the "Step 4" of the Standard Methodology the cities and urban centres uplift of 35% (PPG Paragraphs: 04 037 Reference ID: 2a-037-20201216).
- i) *The delivery of Housing***
- 4.23 The information in Appendix 1 highlights that in the last 4 years new supply has a predominance of apartments and purpose-built student accommodation, with 'traditional' houses making up between just 23% and 31% of gross completions (Appendix 1 Table 1). In total, over the last four years, nearly three quarters of all dwellings completed were apartments, maisonettes or student cluster flats.
- 4.24 An outcome of this predominance of apartments is that over the 4 years to 2018/19 is that 31% of completions are one bed apartments and 28% are student clusters (Appendix 1 Table 1).
- 4.25 There is also a locational concentration of completions with 65% completions occurring within the SHMA Market Areas of City and City Urban West (Appendix 1 Table 3)



- 4.26 In respect of the nature of existing demand the Councils SHMA 2019 Table 8.1 (CD4.10.24) suggest that the majority of households (80%) are wishing to access houses rather than apartments (20%).
- 4.27 Plotting demand against past supply suggests that the largest shortfall is in the provision of the 3 bedroomed family housing (Appendix 1 Table 5). The SHMA identifies that in Sheffield 61% of demand is for 3 and 4 bedroom properties.
- 4.28 The mismatch of supply and demand is in part demonstrated by the fact that price of city centre apartments (both new and existing) has remained relatively constant despite prices for other accommodation rising steeply (Appendix 1 figure 6).
- 4.29 Having regard to the above, the Planning Brief's insistence on family housing on the appeal site is all the more relevant now than when it was prepared in 2017. In addition, the potential for there to be a 5 year supply of housing is eclipsed by the mismatch between locational and typological needs and supply. Put simply the supply that exists is very largely of the wrong type and in the wrong place.

ii) ***The Councils Affordable Housing Requirement***

4.30 The SHMA 2019 (CD4.10.24 Page iv) identifies an affordable housing requirement for Sheffield of 902 dpa. The SHMA identifies:

- General increases in need amongst existing households.
- Affordability problems caused both by high rents and prices in some submarkets, and low and static household incomes, sometimes in combination.
- Forecast increases in the levels of homelessness.
- Continuing increases in the number of affordable units lost through the Right to Buy.
- A decline in the level of social housing relets.
- As a guideline, 25% of affordable units could potentially be shared ownership, Affordable Rent or other intermediate products. The majority, however, should be homes for social rent.

4.31 Over the last 10 years Council housing stock has fallen by 2,983 dwellings (almost 7%). Other affordable stock provided by Private Registered Providers has only increased by 970 dwellings in the last decade (5.7%), an average of 97 net additions to stock compared to a need of 902 dpa (Appendix 1 table 7). The 97 net additions per year is woefully short of the annual need, and is totally wiped out by the loss from stock which is averaging almost 300 per annum.

4.32 The SHMA table 6.1 (CD4.10.24) indicates that the annual requirement for affordable housing for Sheffield is 902 dpa. Paragraph 6.7 indicates that this is an increase from previous estimates, demonstrating that issues of affordability are worsening. Paragraph 6.7 suggests that the increase in demand is the impact of the lower level of relets.

4.33 The high requirement of 902 affordable homes per year is also a high percentage (42%) of the housing requirement. The fact that in recent years delivery has been significantly below this level of identified need (see below) is another very strong factor in considering the need to secure and deliver affordable housing in locations which are better able, in viability terms, to deliver affordable housing and meet demand.

4.34 Further, it is to be noted that GAH2 - "Required Level of Affordable Housing Provision of Sheffield City Council - CIL and Planning Obligations SPD" - requires no affordable housing on developments in the city centre and only 10% in the City Centre West area. The concentration of completions in these two locations explain the low level of affordable housing provision in recent years. The continued concentration of future development in these two locations will not result in a significant increase in the delivery of affordable housing.

C) The Five Year Land Supply

4.35 In this case the principle of the development is not in dispute as it is an allocation and Section 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development should be granted unless there are other material considerations. As such any additional weight that could be acquired from the "tilted balance" is not determinative for this appeal proposal.

4.36 On the 18th December 2020 the Council published its "5-Year Housing Land Supply Monitoring Report December, 2020" (CD4.10.2.1). This claims to show a 5.4 year housing supply as forecast from the 1st April 2020. However, I don't think it is a relevant or efficient use of Inquiry time to analyse this, as the principle of development is not in issue between the Council and the appellant.

4.37 Even a 5.4 year supply is a marginal supply and as set out above there are serious concerns as to the supply and delivery of affordable housing and the makeup of the supply in terms of location, type and size of market properties. As such I consider substantial weight should be given to the provision of family and affordable housing as part of this appeal, both of which are in much need and demand within the City.

4.38 It is worth however noting how temporary the position set out in the "5-Year Housing Land Supply Monitoring Report December 2020" (CD4.10.2.1) is. The latest land supply is based on a housing requirement utilising the Standard Method of 2,131 plus a 5% buffer resulting in a total requirement of 11,188 dwellings (CD4.10.2.1 Paragraph 2.9). The Council state that the net supply as at 1st April 2020 was 12,131.

4.39 From 16th June 2020 the new Standard Method for determining the requirement figure will apply (PPG Paragraph: 037 Reference ID: 2a-037-20201216). On the basis of the currently claimed supply of 12,131, the Council will not be able to demonstrate an up to date 5 year

supply of housing land, as the new requirement for Sheffield, as calculated in accordance with the PPG will include the 35% uplift on present requirement. This will equate to an annual housing requirement of 2,877 dpa. Together with the 5% buffer, the annual requirement will be 3,021 dpa. This will result in a 5 year requirement of 15,103 dwgs (3,021 x 5) and a shortfall of almost 3,000 dwellings based on the Council's present supply; a supply of 4.0 yrs (12,131/3,021).

4.40 As such the claimed 5 year land supply is marginal and temporary at best.

5.0 LOCAL POLICY CONTEXT

5.1 The development plan consists of the following:

- The saved policies of the Sheffield Unitary Development Plan 1998 (“the UDP”)
- The Sheffield Local Development Framework: Core Strategy 2009-2026 (“the Core Strategy”)

5.2 It is agreed between Sheffield City Council and the appellant that the principle of development on the appeal site is acceptable (CD4.2 paragraphs 6.7 and 6.9).

5.3 Neither of the development plans are up to date in some respects. The UDP has been overtaken by the allocation boundaries in the vicinity of the appeal site being set in a much earlier period, under different national policy regimes. The quantum of land identified in each plan for development is also not up to date. In respect to the appeal site, the detailed boundaries have also been revised in the updated by the Development Brief based on updated evidence as is explained in this section.

5.4 The Unitary Development Plan (UDP) was adopted in 1998, with a plan period of 1991 to 2001 and allocated land for 10,700 dwellings over that 10 years (i.e. **1070 dpa**).

5.5 Policy CS 22 of the Core Strategy (CS) adopted in 2009 states that the housing requirement was 1,025 dpa 2004/05 to 2007/08 (4 years) then 1,425 dpa 2008/09 to 2025/26 (18 years) and an average of **1,353 dpa**. The plan only allocated sufficient land to meet the housing requirement to 2020/21 (CS22) (CD5.10).

5.6 As there is not an up to date plan in relation to housing requirement and in the context of NPPF paragraph 73, the housing requirement is set by the standard method at 2,124 dpa. Although this will increase on the 16th June 2021 to 2,788 dpa as a result of “Step 4” of the Standard Method and for the purposes of the five year land supply calculation a further 5% will be added,

5.7 The Council have failed to publish annual assessments of housing land supply as required by NPPF 2012 (Paragraph 47) and NPPF 2019 (paragraph 73).

A) The policy position on suitability of the appeal site for housing

i) *The Unitary Development Plan – Policy H13*

- 5.8 The UDP was adopted in 1998.
- 5.9 A number of the Unitary Development Plan policies are subject to a Saving Direction (CD5.1) dated 17th September 2007. This states that one of the purposes of the Direction is to ensure its continuance with a plan led system and a continual supply of land for development. This is particularly relevant to the appeal proposal which is bringing forward one of the housing allocations to meet the future housing needs of the City.
- 5.10 It is agreed (SOCG CD4.2 paragraph 6.7) that the Appeal Site lies predominantly within a 'Housing Policy Area' under saved policy H13.
- 5.11 The Committee Report (CD2.38 page 47) confirms that the appeal proposal is in accordance with this policy.
- 5.12 The principle of development of the site is supported by this aspect of the statutory development plan.
- 5.13 The site is identified as a Housing Site at policy H13 of the UDP (1998 (CD5.4, page 159) and at UDP Proposals Map 7 (CD5.8).
- ii) ***The Unitary Development Plan – Policy H13***
- 5.14 There is also a small triangular part of the site that is identified as a local shopping centre under saved Policy S7 (CD5.5). UDP Proposals Map 7 (CD5.8) indicates an area allocated for a Local Shopping Centre within the site.
- 5.15 Policy S7 (CD5.5) does not actually require the appeal site to be developed for a local centre, it is a permissive policy that would allow this part of the site to be developed for retail uses. The policy also identifies housing is an acceptable use. As such the appeal proposal is not contrary to this policy.
- 5.16 This part of allocation on the UDP proposals map (CD5.8) has been superseded by the Core Strategy CS24 part c) (CD5.10), which identifies the appeal site and Sites C and D as greenfield sites at Owlthorpe, to be delivered for housing (see below).
- 5.17 As Housing is an acceptable use in designated Local Shopping Centres under Policy S7 of the UDP there is no conflict with this policy.

5.18 I note that the Planning Manager reaches the same conclusion (CD2.38 page 48).

iii) **Core Strategy 2009- Policy CS24**

5.19 While this policy seeks to give priority to the development of previously developed land it is agreed (SoCG (CD4.2 para 6.9) that Policy CS24c (CD5.10) identifies the Owlthorpe Townships, of which the appeal site forms a part, as a greenfield site to be developed for housing and that this supports the principle of its development for the uses proposed in this appeal.

5.20 The Housing Background Paper to the Core Strategy (CD4.10.48, paragraph 4.42) sets out that CS24 retained the UDP greenfield allocations at Owlthorpe. Further justification for the retention of these sites (including the appeal site is set out in paragraph 4.94 of the Background Paper which sets out the capacity of the site as being 127 dwellings).

5.21 The allocations at Owlthorpe were re-assessed as individual locations in the SA for the Core Strategy and their inclusion in CS24 was regarded as sound.

5.22 The SA - Appendix 3 part 1 (CD4.10.30) reviews policy SH3 (now CS24) which confirms the allocation of the site within Option A (pages 73 – 75). In brief this states:

- Page 73: 6. Good cultural, leisure and recreation facilities available to all - A – No negative impact provided that adequate alternative public open space is available. **Development at Owlthorpe** has potential recreational benefits as S106 money from the housing development could fund completion of the public open space network.
- Page 74: 7. Land use patterns that minimise the need to travel or which promote the use of sustainable forms of transport - A– Makes more efficient use of urban land – urban sites more likely to be close to local facilities thereby increasing opportunities for walking/ cycling. **Owlthorpe sites** are relatively close to the Supertram network but are more than easy walking distance from local shops. Provision of a local convenience store as part of the development would improve sustainability.
- Page 75: 12 Quality of natural landscapes maintained and enhanced A – Concentration of development on previously developed land with some limited greenfield development within urban areas will have a positive impact on protecting natural landscapes. However, **development at Owlthorpe** would result in visual intrusion into open countryside, although effective landscaping could mitigate this.
- Page 75: 13. Wildlife and important geological sites conserved and enhanced - A - Could have minor negative impact on certain sites but this could be off-set by habitat creation/better management of remaining areas.

- 5.23 The CS Inspectors Report (CD4.10.26 paragraph 2.10) refers to the SA and the Owlthorpe green field sites as being assessed and that this was an independent appraisal at all stages of the SA meeting the requirements of the EU directive (para 2.11).
- 5.24 The principle of development of the appeal site is also supported by this aspect of the statutory development plan and as made clear by paragraph 11 of the NPPF the presumption in favour of development means that approval should be given **without delay**.
- 5.25 It is noted that even some of those objecting to the appeal proposal accept the principle of development on the site (CPRE, Wildlife Trust and Clive Betts MP).
- iv) ***The Sustainability Assessment of the Sites and Policies Plan (including the appeal site) February 2013***
- 5.26 As part of the City Policies and Sites Plan the appeal site P00382 together with the other 2 sites in the brief (P00381 & P00380) were assessed in detail as part of SA (CD4.10.38).
- 5.27 Table 6 of Sites & Policies SA (CD4.10.38 Page 48) "Summary of the Main Sustainability Impacts of Site Allocations" identified key sustainability issues.
- 5.28 One of the key issues in the Mosborough/Woodhouse area was the development of greenfield sites, as this was and remains the main area of the city where significant greenfield development is proposed. Several peripheral greenfield sites that were allocated for housing in the UDP were de-allocated for reasons including the nature conservation value and lack of accessibility of the land. However, some greenfield development was proposed and was considered to be sustainable. Three greenfield sites at Owlthorpe (including the appeal site) were proposed for housing The SA states that the positive impacts resulting from their good accessibility and the completion of the "township" outweighed any potential negative impacts. It notes that these Owlthorpe sites (including the appeal site) had also been confirmed in the Core Strategy. It is therefore clear that the continued allocation of the appeals site was revisited by the Council in Sustainability Assessment work in 2013 (CD4.10.38) and this included weighing its nature conservation value against development. The conclusion was to retain it as an allocation.
- v) ***The Sites and Policies - South East Area Background Paper June 2013***
- 5.29 Following the Core Strategy, the Council proceeded to produce a Sites and Policies Plan. While this plan was withdrawn there are two reports which are pertinent as they considered

the allocation of the appeal site and explain the boundaries selected in the later Brief.

- 5.30 The Sites and Policies - South East Area Background Paper June 2013 considered the inclusion of the appeal site as an allocation in the plan (CD4.10.39 para 2.187 – 2.206)
- 5.31 Paragraph 2.187 outlines the benefits of the allocation. These were identified as further improvements to open space and the local public rights of way network, new recreation provision and an improved green framework beneficial to local people and wildlife.
- 5.32 Paragraph 2.193 states that given the length of time since the Planning Brief was drafted, and to recognise changes in planning policy, environmental initiatives and the physical environment since that time, the new Planning and Design Brief is being prepared. It confirms that the boundaries of the sites have been revised from those shown in the UDP to take into account more recent ecological surveys, guidance on development near overhead power lines and the development of the medical centre. There has also been a significant programme of environmental improvements in the area, much of which has now been implemented, including the creation of the Owlthorpe Heritage and Nature Trail. It states that any housing development must be carefully integrated with the surrounding green framework and network of local footpaths and bridleways.
- 5.33 In Paragraph 2.194 (CD4.10.39) it states that the completion of the loop road is not essential.
- 5.34 In paragraph 3.202 (CD4.10.39) it highlights that the sites were allocated for housing in the UDP and were confirmed as being appropriate for housing in the Core Strategy but identified the only alternative options would be 'Open Space Area or Countryside Area: Non-Green Belt'. This alternative was rejected.
- 5.35 Paragraph 3.205 (CD4.10.39) states that the development of the sites is likely to provide a high proportion of family housing, close to a high frequency public transport route to the City Centre and to Crystal Peaks. It states that the development should ensure the completion of the local green framework to provide a varied range of landscape, ecological and recreational benefits and an improved local pedestrian/cycle network including the Owlthorpe Heritage and Nature Trail.
- 5.36 I note from the Council's consultation web site that there was only one recorded response to the consultation on the Pre Submission Sites and Policies proposed allocation of the appeal

site (P00380) was Yorkshire Water who raised no objection. There was no objection from CPRE or the Wildlife Trust for example.

vi) ***Housing Sites (C, D, E), Moorthorpe Way, Owlthorpe: Planning and Design Brief (2014)***

5.37 The Council published the Owlthorpe Planning and Development Brief (2014, with a further update in 2017) to define the planning approach to the development of the sites and the overall master planning of the area to support the sale of the sites, identified in the Brief as C, D and E for housing development.

5.38 The Brief was subject to 6 weeks public consultation and was formally approved for use by the Planning and Highways Area Committee both originally and when updated.

5.39 The Brief was approved and adopted as a material consideration in determining planning applications for Owlthorpe sites C, D and E by the Planning and Highways Committee on 15 July 2014 (CD4.10.16 paragraph 3.2).

5.40 This Brief (CD5.20) responds to the proposal to sell the sites, identified for housing that are necessary for completing the Owlthorpe Township. The brief particularly aims to:

- Promote high quality and sustainable development that contributes positively to the local neighbourhood;
- Enable a co-ordinated and comprehensive approach to the future uses of the site;
- Enable commercially viable development; and to
- Optimise the value of the setting and site features, such as its distinctive landscape and topography.

5.41 The Brief has been designed to reflect the Core Strategy vision for Sheffield as a city that will:

'have attractive sustainable neighbourhoods where people are happy to live, offering everyone a range of facilities and services' and 'to respect the global environment, and prize, protect and enhance its natural environment and distinctive heritage' whilst promoting 'high quality buildings and spaces.'

5.42 The vision of the Owlthorpe development is to reflect the distinctive green character of the setting and utilise the site's natural assets.

5.43 As agreed in the SoCG (CD4.2 paragraph 7.12-7.15) the Owlthorpe Planning and Design

Brief has been subject to scrutiny akin to an SPD. There are several aspects of the Brief that are agreed to be no longer relevant or up to date and to which no weight can be attached (CD4.2 paragraphs 7.15 & 7.16). These are as follows:

- The requirements for Affordable housing mix (as stated at paragraph 5.1.6)
- The requirements for Public Open Space adjacent to medical centre

5.44 While the SOCG reached the agreement that the woodland to the north of the site was not designated Ancient Woodland this has been overtaken by events and the Brief is correct in defining the area as ancient woodland.

5.45 The SoCG also accepts that there is not a need to provide a link road (CD4.2, paragraph 7.60) or the need to provide an internal loop for the site (CD4.2, paragraph 7.61).

5.46 The reason for refusal only identifies conflict with this Brief in terms of paragraph 3.2.6 (CD5.19), although it is noted that the Council have extended this to parts G1 and G2.

5.47 It is not in dispute that the principle of development is supported by the Development Brief and that the development proposed by this appeal falls within the area identified as suitable for development in the Brief as highlighted in the figure below (CD4.10.34).



Figure 1. Urban Design Masterplan extract (CD5.19, fig 19)



Figure 2. Presentation layout (CD1.2.A)



Figure 3. Presentation layout (CD1.2.B)



Figure 4. Comparison of appeal proposal to area identified for development in the Design Brief Master plan (CD4.10.52)

5.48 As highlighted in Paragraph 4.2.2 of the Design Brief (CD5.19) the Owlthorpe sites C, D and

E were allocated sites for housing in the version of Local Plan City Policies and Sites and Proposals Map (the Pre-Submission drafts) that was the subject of public consultation in summer 2013 (CD4.10.37).

5.49 The Design Brief was also subject to separate consultation a summary of these responses and the Council's response and recommendation are set out in the appendix 1 to the Committee Report (CD4.10.15 Appendix 1 - Public Consultation Comments). In terms of responses, I note:

- There were 69 respondents
- The loss of hedgerows was not identified as an issue
- Impact on wildlife was a concern for 8 respondents and the council recommends – deferring to the ecological assessment required as part of Planning Application
- The impact on woodland was raised by 11 respondents who suggested the area should be set aside as a nature /woodland. The response was that the woodland buffers are standard distances need to avoid harm to trees. It also identifies that recent environmental projects in Owlthorpe have focussed on land outside the development boundaries (which have been established for a number of years) and that a landscape strategy will be developed as part of a planning application. The extent of any off site works has not been agreed and is too detailed for the scope of the Brief.
- The recommended action was to “Identify the opportunity to improve or provide further habitats in the Brief”.

5.50 The Committee Report for the 2014 Design Brief (CD4.10.16) reported the representations and recommended the following changes that were accepted these included:

- The preferred location for play has been removed to leave it more flexible. (Paragraph 5.2)
- Change of affordable housing requirement to 10% (Paragraph 5.4)
- Minor mapping errors were corrected

5.51 The above illustrates that many of the issues that have been raised in the context of this appeal proposal have been raised and considered as part of the Design Brief, have been the subject of wide consultation and have been rejected. The Brief defines the Council view not only of the way the site should be developed but also that it be developed in phases and the whole point of it was to allow development to come forward in parcels that would form part of a comprehensive development.

vii) 5 Year housing land supply monitoring reports

5.52 At the time of deterring this application the published 5 Year Housing Land Supply Monitoring Report (March 2020) (CD4.10.19) which assessed the land supply position as at 1st April 2019 identified a 5.1 years supply of land. This report included the appeal site (S00737 Owlthorpe E) as part of the supply with all 72 units being delivered before 1st April 2024.

viii) Sheffield Housing and Economic Land Availability Assessment, September 2020

5.53 The appeal site has also been assessed in the Sheffield Housing and Economic Land Availability Assessment ('HELAA') (CD4.10.17) was published in September 2020. The appeal site was assessed as part of this under 'Owlthorpe E' (ref: S00737).

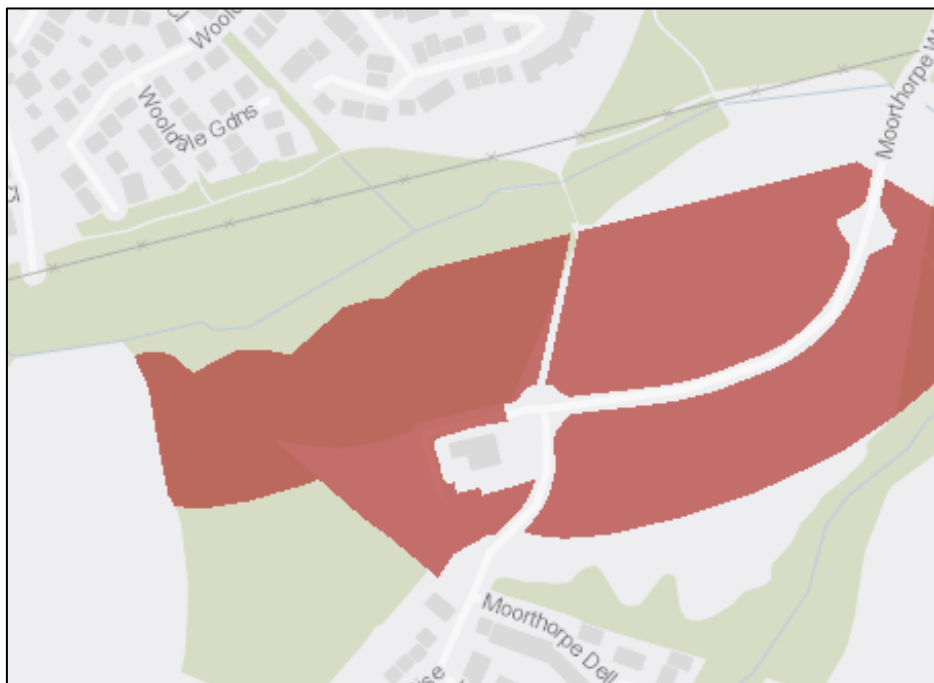


Figure 5. Sheffield 'HELAA' map extract

5.54 The appeal site (along with Sites C and D) has been classed as 'other identified site' within the HELAA site schedule (CD4.10.18 site C - S00736, Site E - S00737, Site D S00738). The HELAA assesses the site as suitable for housing. Table 3 page 18 of the HELAA (CD4.10.17) sets out the definitions of suitability and related assumptions as being:

'Suitable for housing (consistent with current national planning policies on creating sustainable, mixed communities). Sites that could provide a suitable living environment for prospective residents; are sustainably located (in terms of access to public transport and local services) and located where housing development would not have an

unacceptable impact on the environment. No local policy constraints.

Can be included in the 5-year supply of deliverable sites (subject to deliverability tests).

All sites with a current planning permission for housing fall in this category.'

- 5.55 The 5-stage process in assessing sites is set out on page 8 of the SHLAA (CD4.10.17). Stage 1 identifies that sites are assessed firstly by determining which sites may be included in the assessment (paragraphs 3.8 to 3.25).
- 5.56 In this context it is noted that the SHLAA Working Group (CD4.10.17 paragraph 3.20) agreed that it would be undesirable to build housing on land that is either environmentally sensitive, important for outdoor recreation or in areas where the living environment would be unsatisfactory. Such sites would be likely to be regarded as unsuitable for housing when assessed through the development plan process because there would be more suitable alternatives available. It was therefore agreed that, in most instances, a number of different areas would be mapped and excluded from the assessment these included:
- Locally important nature conservation sites including Local Wildlife Sites (LWSs)
 - Mature woodland not covered by nature conservation designations;
- 5.57 Stage 2 considered if a site was suitable and this identified sites without policy constraints (CD4.10.17 Paragraph 3.26 a) and those with policy constraints (CD4.10.17 paragraph 3.26 b).
- 5.58 The appeal site has been identified in the SHLAA Table 3 (CD4.10.17) as suitable for housing without policy constraints taking into account the criteria which excluded sites impacting on LWS and mature woodlands.
- 5.59 In terms of availability, the site has been classed as being available after year 5 in HELAA Site Schedule spreadsheet (CD4.10.18). This is clearly in error. The site is fully available with a willing seller and a willing builder.
- 5.60 The HELAA Site Schedule spreadsheet (CD4.10.18) categorises the 'achievability' of the site as being 'highly likely'. Table 5 of the HELLA (CD4.10.16) defines 'highly likely' as:

'Completion of all or some of the potential units highly likely within the next 5 years (31 March 2025). No major constraints identified which would be likely to prevent development in the next 5 years. Can be included in the 5-year supply of deliverable

sites (subject to deliverability test).'

5.61 In respect of this detail the Assessment, set out in Table 3 of the SHLAA (CD4.10.17), indicates that the sites capacity is 72 dwellings. This compares to the appeal proposal for 72 dwellings and is remarkably similar; a matter relevant to both the Council claim that the density is too low and the somewhat alternate claim that there needs to be more green infrastructure in the appeal scheme.

5.62 The appeal proposal closely resembles the size and density of development that has been considered as suitable and achievable on the site in the HELAA process, taking into account known constraints.

ix) *The Sheffield Plan Issues and Options September 2020 (CD4.10.40)*

5.63 The emerging plan is at a very early stage and of no weight as policy. However, the consultation states that the Council intend to build around 40,000 new homes over the next 20 years to cater for the growing population and that many of these homes will be affordable homes for people on lower incomes and homes for older people.

5.64 The three options (CD4.10.40 page 48) sets out 3 spatial options for delivering 40,000 dwellings (2,000 dpa). It is important to note that 2 of the 3 options require Green Belt release. All three options however require around 20,000 new homes being provided outside the City Centre but within the urban area. The appeal site is within the urban area and has been assessed as being suitable for development in the HELAA – the analysis is referred to on page 49 (CD4.10.40). It is clear that if full use is not made of allocated sites such as the appeal site, the consequence is likely to be Green Belt release or many city centre flats which, as set out above, would be inconsistent with the housing needs.

5.65 The impact of the Standard Method after 16th June 2021 will of course increase the housing requirement to 2,788 dpa or 55,760 for the plan period. This increase of 15,760 dwellings suggests that even if the option 1 was achievable and 40,000 dwellings could be achievable without Green Belt release it is unlikely that the new requirement could be.

x) *Conclusion on the policy position on suitability of the appeal site for housing*

5.66 The appeal site has been allocated for development for a considerable period of time and has been subject to detailed consideration as summarised below:

- 1998 UDP Policy H13 (allocation)
- 2009 CS Policy CS24c (identified as allocation n policy)
- 2013 (February) Sites and Policies Sustainability Assessment
- 2013 (April) Pre Submission Proposals map (including new boundaries for development area)
- 2013 (June) Sites and Policies South East Background Paper
- 2014 Housing Sites (C, D, E), Moorthorpe Way, Owlthorpe: Planning and Design Brief
- 2017 Housing Sites (C, D, E), Moorthorpe Way, Owlthorpe: Planning and Design Brief
- 2020 (March) 5 Year housing land supply monitoring report 2019- 2024 (site as defined in Brief identified in the 5 year supply)
- 2020 (September) Sheffield Housing and Economic Land Availability Assessment, identifies the sites as suitable development
- 2020 (September) The Sheffield Plan Issues and Options (CD4.10.38) all options require further r development in the urban area.

5.67 While allocated in the 1998 UDP for both housing and retail it has now been accepted by the Council that there is no requirement to deliver retail development on the appeal site. In any event there is no policy conflict in not providing retail. Housing was always acceptable within both S7 and H13 in this UDP allocation.

5.68 This allocation was confirmed in the Core Strategy CS24c.

5.69 The development of the site would be in accordance with S7, H13 and CS24.

5.70 The area for development has been refined as part of the process for the Sites and Policy DPD and while that plan was withdrawn this evidence was incorporated into the 2014 Brief and its revision in 2017. The appeal proposal falls with the parameters of the area identified for development as illustrated in fig 19 and 20 of the Brief.

5.71 The site is identified as being suitable in the most recent work undertaken for the emerging Local Plan.

5.72 There is a substantive need for additional dwellings to meet demand in the City. In particular there is a substantial unmet demand for houses (as opposed to apartments or student cluster flats), especially in locations outside of the City Centre and the City Centre West.

5.73 Furthermore, the position with affordable housing is that the net stock has decreased over the last decade and the requirement of 902 dpa has next to no chance of being delivered on the basis of the current policies. There is a massive backlog of affordable housing and no supply remotely capable of meeting it or the ongoing annual need, which as outlined in Section 4 has seen a net decrease in Council stock that offsets the net average increase of just 97 units a year of affordable housing from Registered Private Providers (Appendix 1 Table 7).

B) Other policy documents

5.74 There are two other policy documents which have been referred to in the context of this appeal. These are reviewed briefly below;

i) *Climate Change and Design SPD Adopted March 2011*

5.75 This Supplementary Planning Document (CD5.18) was published in 2011 and provides additional guidance on CS63, CS64, CS65 and CS67 in the Development Plan.

5.76 Neither the guidance nor the policies form part of the Council's case.

5.77 The Rule 6 party claim conflict with CS63 on the basis of a claimed conflict with Guidance CC1 of this SPD which addresses CS63 (CD5.18 paragraph 4.2). The guidance (CC1) requires that where it is compatible to do so then green roofs should be provided within the development.

5.78 This guidance does not carry the statutory status of Development Plan Documents, but maybe material considerations in making planning decisions.

ii) *Community Infrastructure Levy and Planning Obligations SPD December 2015*

5.79 This Supplementary Planning Document (SPD) supplements the Council's Development Plan. It provides guidance supplementing the policies of the Core Strategy (2009) and the 'saved' policies of the Unitary Development Plan (1998). The Council state that it will be used as a material consideration in the planning process to advise applicants and assess planning applications.

5.80 It is agreed (SoCG CD4.2 paragraph 7.18) that the proposals exceed the affordable housing requirement for South East Sheffield of 10% of the total floorspace, as set out in Policy CS40 of the Core Strategy and guideline GAH2 of the CIL and Planning Obligations SPD. The

appeal scheme will provide 19% of floorspace as affordable housing, which is equivalent to 21% of the total units proposed. I shall return to other aspects of this document later. It is not part of the Development Plan and any suggestion that because the Core Strategy refers to future SPDs somehow makes it a part of the Development Plan is clearly wrong.

6.0 MAIN ISSUE A: WOULD THE APPEAL PROPOSAL UNACCEPTABLY HARM THE ECOLOGY OF THE SITE AND THE AREA?

A) The policy starting point for any assessment

- 6.1 In assessing the harm to the ecology of the site it is important to acknowledge that the site has been identified as a development site for a number of years including in UDP H13 and CS24 and the developable area has recently identified in detail in the Brief (2017 CD5.19) has been subjected to assessment as part of the CS SA (CD4.10.29) as well as the SA for the abandoned Sites and Policies Plan (CD4.10.38). It has also been reappraised in the September 2020 HELAA (CD4.10.17).
- 6.2 As such the acceptability or unacceptability of effects to the site's ecology cannot be determined without considering the benefits of implementing the housing allocation (H13 and CS24). In principle that balance has already been undertaken in a succession of planning documents, so we are really only looking at the fine-grained detail of the matters raised by this particular layout. The Appeal is to all intents and purposes as though it were a reserved matters appeal.
- 6.3 It is also noted that the impact on the ecology of the site or the area did not form a reason for refusal, nor was it an area of dispute in the SoCG (CD4.2, paragraphs 7.33-7.47).
- 6.4 The issue of ecological harm is however an element of Owlthorpe Fields Action Group (OAG) objection; as OAG, while accepting the compliance of the appeal proposal with UDP H10 and H13 (CD4.4 paragraph 5.3) alleges inconsistency with GE11 and GE13 (CD4.4 paragraph 5.3).
- 6.5 As this is not a reason for refusal no policies have been identified in the decision notice however OAG's Rule 6 Statement of Case (CD4.4 para 3.2) highlights UDP Policies GE11, GE13, and Core Strategy Policies CS63 and CS73, as well as NPPF paras 170, 174, 175 and 177.
- 6.6 I note OAG SoC (CD4.4 paragraph 5.6) argue that Policy H13 should carry reduced weight due to the evolution of national policy on Biodiversification.
- 6.7 Before considering the policy context I will briefly review the evidence on the ecological value of the site and the impact of the development.

B) The impact of the appeal proposal on the ecology of the site and the area

i) *The impact of development on the site and mitigation*

- 6.8 Mr Baker in his evidence has reassessed the evidence (CD4.8.1) and states that the site supports habitats which have colonised, over a period of 20 years on former farmland which was previously managed as arable and pasture. As such these habitats are neither rare, nor uncommon. Given these conclusions Mr Baker's opinion is that the ecological loss resulting from the development can be mitigated and compensated, and he has a high level of confidence that the proposed mitigation and compensation will be successful.
- 6.9 I further note Mr Baker's conclusions (CD4.8.1) that the impact of the development on Bats, Birds, Badgers Amphibians, Reptiles, Hedgehogs Badger, Deer and Fox was either negligible or capable of mitigation.
- 6.10 The approach to mitigation recommended by Mr Baker includes a wide range of measures (CD4.8.1) including an updated BNG Management Brief and a financial contribution to the Council will secure 'Biodiversity Net Gain' by funding offsite habitat creation and management in the vicinity of the development (CD4.8.1 and BNG Management Brief CD4.8.1.5).
- 6.11 Mr Baker also concludes (CD4.8.1) that the appeal site does not support any species protected under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 or the Wildlife and Countryside Act 1981 (as amended) which require translocation, habitat creation or other mitigation/compensation measures
- 6.12 I note the Committee Report (CD2.38 page 84) states the officer's view on the earlier scheme, that while the re-grading and development in part of the on-site buffer zone along with the loss of the species rich hedge is regrettable the Council's landscape and ecology officers are of the view that the impact on trees and biodiversity is not so great that it should prevent development of the site. The scheme now has less impact both in the area of the buffer and does not remove any species rich hedgerow. The Council's ecologist was also of the view that the on-site landscaping and mitigation and the off-site compensation will together result in a net gain in biodiversity in the longer term. This is confirmed in the SoCG (CD4.2.1 paragraph 7.45)

ii) *The loss of hedgerows*

- 6.13 Mr Baker considers the loss of the hedgerow within the site (H1) as well as the impact of development on the Hedgerow on the western edge of the site H2 (CD4.8.1), and he concludes that the Hedgerows Regulations 1997 do not apply to either hedgerow.
- 6.14 Mr Baker states that in ecological terms the loss of hedgerow H1 is considered to be a site level effect only and its loss will be compensated by off-site habitat creation.
- 6.15 In respect of Hedgerow H2 along the site's western boundary Mr Baker notes it is almost indistinct from the surrounding scrub/woodland which has colonised this area this will be protected and retained in situ (CD4.8.1).

iii) *Impact of loss of tree on site*

- 6.16 I note that as a result of the revised Topographical Survey (CD2.40) there will be only a very small number of category C trees lost along the Western boundary than originally anticipated.
- 6.17 Mr Topping's (Surface) evidence (CD4.9.1) states that all trees within the older woodland along the northern boundary will to be retained as part of the Development.
- 6.18 Mr Topping identifies that the main loss of trees on site will be category C trees and groups of category C trees.
- 6.19 He does however note that there would be the loss of part of one group of category B trees but explains that while the group as a whole has been categorised as B the individual trees within the group would be defined as category C due to their poor form, compact growth and density of planting. He recognised that while there is a desire to retain category B trees if their removal is required by development then this should be mitigated. Mr Topping's evidence is that the proposed onsite planting will result in an improvement of category B trees with an additional area of almost half a hectare of such planting.
- 6.20 Mr Topping states that the onsite mitigation proposed and the offsite contributions as part of the Section 106, taking into account the proposed funding for tree planting and other biodiversity net gain contributions, would result in a significant contribution to local landscape character and green infrastructure.
- 6.21 I further note that the S106 identifies that the "Tree Compensation Works Contribution" is to

be expended by the Council towards the provision of tree planting on the adjoining “Tree Planting Land”.

iv) *Impact on the wider area*

6.22 I note that in assessing the impact on the area of woodland to the north both Mr Topping and Mr Baker highlight the effects of the previous agricultural use of the site (CD4.8.1) and conclude that the proposed buffer will protect the retained woodland against any deterioration from all potential sources, including hydrological impacts (CD4.8.1)

6.23 Mr Baker highlights (CD4.8.1) that in considering the impact of recreational pressure on the Ochre Dike LWS, Owlthorpe LWS and other sites around the area, it is clear that these sites are already very well used by the general public.

6.24 Mr Baker considers the marginal increase in recreational use arising from the scheme would not make any significant difference to the ecology of the area and that funding provided by the development provides the opportunity for improved recreational management of the open space within the LWSs including restricting public access to some areas.

6.25 Mr Baker (CD4.8.1) concludes that the buffer being proposed between the development and the Ochre Dike LWS is sufficient to protect the LWS (CD4.8.1).

6.26 Mr Topping (CD4.9.1) considers the impact on the ancient woodland to the north of appeal site (G15). Mr Topping undertakes a detailed review of the appeal proposals and concludes that the development will avoid and development within the RPA’s of all trees, including any that are ancient or veteran trees and maintain a sufficient buffer from the edge of the ancient woodland.

6.27 Mr Topping (CD4.9.1) reviews the level of development within: (i) a 15m buffer zone, as originally defined by the Council; (ii) 15m from tree stems; and (iii) 15m from the boundary fence.

6.28 Mr Topping (CD4.9.1) concludes that the proposal there will not result in loss or deterioration of the existing trees or woodland.

v) *Conclusion of impact on ecology*

6.29 Mr Baker concludes that the site supports habitats which have colonised, over a period of 20

years on former farmland which was previously managed as arable and pasture and as such these habitats are neither rare, nor uncommon.

- 6.30 The evidence of Andrew Baker (CD4.8.1) and Mark Topping (CD4.9.1) have investigated the likely impact of the proposal and have developed how suitable mitigation might be delivered by the Council on the adjoining land.
- 6.31 Furthermore, they conclude that the development will result in no loss or deterioration of the Veteran, Ancient or Notable trees.
- 6.32 It is worth noting that the resurveying of the site, and in particular the northern and western boundaries now means that, unlike the original assessment of the scheme by the Council which assumed the loss of all of class B trees on the western boundary, now all category B trees and the hedgerow in this area are to be retained.
- 6.33 In respect of the additional recreational pressure on the adjacent Local Wildlife Sites as a result of the development, this will be suitably mitigated through the measures agreed including footpath improvements fencing, signage and refuse provision. It has been agreed with the Council that there is no reason related to harm from recreational pressure on the LWS that would warrant refusal of permission (CD4.2 paragraph 7.48).
- 6.34 The original mitigation measures recommended in the EclA including those to address increased recreation use were agreed by the Council's Ecology Officer and as part of the SoCG CD4.2. paragraph 7.42 and 7.43).
- 6.35 It is also agreed in the SoCG, biodiversity compensation and enhancement is achieved through the development based on the landscape proposals within the site including within the buffer zone, POS and drainage areas, as well as an off-site contribution to deliver the ecological management and improvements to the surrounding LWS's (CD4.2 Paragraph 7.45).
- 6.36 I will now consider the ecological impact in terms of the development plan policies.

C) Policy H13

- 6.37 As highlighted in the previous section there is an ongoing unmet need for housing in the City and this site forms part of the immediate supply. Policy H13 is consistent with the Framework

as it simply allocates sites for housing including the appeal site.

- 6.38 The appeal site forms part of the Owlthorpe Township development proposal since the 1960's and has been allocated for housing development in the Sheffield Unitary Development Plan (UDP) since its adoption in 1998.
- 6.39 The site and the boundaries for development have been reviewed and assessed on a number of occasions since its allocation in the 1998 UDP and each time the Council have confirmed its suitability for development having weighted the ecological impact against the benefits of housing development.

D) Policy CS24c

- 6.40 As highlighted in the previous section the appeal site is an identified location for growth under Policy CS24c of the Core Strategy (CD.5.10, page 64). The CS Housing Background Paper (CD4.10.48 paragraph 4.42) states this appeal site was one of the greenfield allocations specifically included in CS24 part (c) (CD.5.10, page 64).
- 6.41 This was subject to an individual assessment as part of the Core Strategy SA (Appendix 3 Part 1 CD4.10.29) and it was subject to a further assessment in the SA which was undertaken for the Site and Policies Local Plan which defined the development boundaries in the Brief (CD5.19).
- 6.42 The site forms part of the Council's five year housing land supply (2019 – 2024) and is expected to deliver 72 dwellings between 2019 and 2024 (CD4.10.19). It is required to meet Sheffield's housing need in the period to 2025/26, in accordance with paragraph 73 the Framework.
- 6.43 The site has further been assessed and identified as suitable with no policy constraints in the HELAA 2020 (CD4.10.18 site no. S00737).
- 6.44 The site is identified as a location for growth in CS24c (CD5.10 page 65) and has been subject to assessment not only as part of that process but also on subsequent occasions.
- 6.45 I note that OAG do not suggest in their SoC (CD4.4) that CS24c is out of date or should be attributed less weight.
- 6.46 I consider that the identification of the location for housing development in CS24c continues

to carry full weight and that the appeal proposal is in conformity with this policy.

vi) Policy GE11

6.47 Policy GE11 (CD5.2 page 99) requires that 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.

6.48 In the case of the appeal site, which is the development of a housing allocation in H13 and CS24c, the requirement of the policy is to respect conservation and to develop the site so as to reduce any potential harmful effects on natural features.

6.49 I do not consider Policy GE11 to be in conflict with the Framework and the second sentence makes it clear that the siting of development will include measures to reduce harmful effects and this was considered both at the time of the original allocation (H13) and again in the identification of the site in the Core Strategy (CS24c) and most recently in the Brief (CD2.19 and CD2.20).

6.50 The suggestion that H13 is in conflict with GE11 as suggested by OAG would suggest a level of internal conflict with the UDP which I do not consider exists. The site specific allocation accepts that the site is developable for housing and the effect of GE11 is to seek a scheme that reduces potentially harmful effects. The scheme does that and mitigates and compensates.

vii) Policy GE13

6.51 I note that the Committee Report stated that (CD2.38, page 57).

'The proposal does not fully accord with Policy GE13 in that it will impact on the Local Wildlife Sites by reducing connectivity and increasing disturbance. However, it does compensate for the impacts within the local area.'

6.52 I consider this conclusion that the appeal proposal does not fully accord with the policy is a misreading of the policy.

6.53 Policy GE13 (CD5.2) applies to two designations Areas of Natural History Interest and Local Nature Sites which are identified on the UDP proposal map. UDP Map 7 (CD5.8) identifies the area surround the appeal site to be Open space and not subject to either to these designations.

- 6.54 The nearest area of Natural History Interest is to the west of Site C and as such is some distance from the appeal site.
- 6.55 While the definition of Areas of Natural History Interest states they can be designated by the City Council in consultation with local nature history groups this cannot be undertaken post adoption of the plan as it would avoid the proper scrutiny and elevate an internal process of the Council's site identification process to Development Plan status.
- 6.56 In any event it is important to note that the second part of the policy (CD5.2 page. 102) accepts that development may cause a decrease in the conversation a value of an Area of Natural History Interest but requires that this must be kept to a minimum and compensated for by the creation or enhancement of wildlife habitats elsewhere within the site or the local area. Given the distance between the appeal site and the ANHI it is considered that there is no adverse impact.
- 6.57 The appeal site is located adjacent to two Local Wildlife Sites; however, these cannot be conflated with either Areas of Natural History Interest and Local Nature Sites which are identified on the UDP proposal map and hence have policy protection under GE13.
- 6.58 The appeal development does not directly or indirectly damage the Areas of Natural History Interest as identified on the UDP proposal map.
- 6.59 The LWS to the north and west of the appeal site have no policy protection under GE13.
- 6.60 There can be no policy conflict with GE13 given the location of ANHI.
- 6.61 In considering the impact on the LWS's Mr Baker proposes an extensive list of mitigation (CD4.8.1) the principle of such mitigation has been accepted by the council (CD4.2 paragraph 7.46).

viii) Core Strategy Policies CS63

- 6.62 It is common ground between the Appellant and the Council that the proposals adopt the preferred approach to Sustainable Urban Drainage systems (SuDS) based on land conditions is in accordance with Policy CS63 and paragraph 165 of the Framework (CD4.2 paragraph 7.7).
- 6.63 In respect of CD63(j) which encourages environments that promote biodiversity, including

the city's Green Network the proposed mitigation (CD4.8.1) delivered through an updated Ecological Management Plan will ensure that the objectives of this policy is met and that the proposal will provide a biodiversity net gain as agreed in the SoCG (CD4.2 paragraph 7.45).

6.64 As the appeal site is identified as a suitable location for development in CS24c all the locational aspects of this policy have been assessed as part of the Local Plan process.

ix) Core Strategy Policies CS73

6.65 Ochre Dike is identified in part (j) of this policy (CD5.14 page 130). The policy states that the Strategic Green Network will be maintained and where possible enhanced. These networks follow the rivers and streams of the main valleys. Ochre Dike LWS and Owlthorpe LWS both form part of Green Network. Paragraph 12.12 (CD5.14) states that the Network will be secured by preserving open space through development control, enhancing existing open space, creating new open space as part of new development and through developer contributions.

6.66 In the case of this housing allocation, it is not an area of open space in the terms of the Core Strategy.

6.67 I note that list of proposed mitigation in Mr Bakers evidence including on and off site habitat creation (CD4.8.1) and the proposed improved recreational management of the LWS.

6.68 The appeal proposal is therefore not contrary to this policy.

x) NPPF paras 59, 73 and 170, 174, 175 and 177.

6.69 The identification of the appeal site as a housing site is needed to support the objective of significantly boosting housing supply, as set out at paragraph 59 of the Framework, this means that paragraph 11 c of the Framework should apply. In addition, the contribution of the site to the housing supply and the five year land supply (Paragraph 73) should be given substantial weight.

6.70 The OAG in their letter of the 23rd November 2020 (CD4.10.42) state that the proposal is contrary to part (d) of paragraph 170 which requires the minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. As highlighted above, the mitigation and compensation proposals do seek to minimise the impact of the development and deliver net

gains. Mr Bakers PoE (CD4.8.1) highlights the positive benefits of the active management of the adjacent LWS woodland or the neutral grassland habitats compared to the present level of intervention. These include the essential mowing of grasslands to remove the build-up of thatch and prevent encouraging scrub to increase flora density and enhance conditions for invertebrate. It is also proposed to remove non-native species from woodlands together with thinning, coppicing or control of access to specific areas to improve the ground layer vegetation of Ochre Dike is presently patchy with extensive areas of bare ground, and this could be improved by selective thinning to increase light levels (CD4.8.1 and CD4.8.1.5 AB appendix 4)

- 6.71 Paragraph 174 of the NPPF refers to plan making rather than decision making and is therefore not relevant to the determination of this appeal.
- 6.72 OAG's letter (CD4.10.42) confirms that there are just to parts of Paragraph 175 which it considered relevant to the consideration of this appeal these are parts a) and c).
- 6.73 Paragraph 175 a) only requires the refusal of an application if there is significant harm which cannot be avoided, mitigated or compensated. Not only must significant harm be demonstrated it must also be incapable of being avoided mitigated or compensated. The SoCG (CD4.2 paragraph 7.40) describes the impact as "negligible" and concludes (paragraph 7.46) that there is no reason related to harm to ecology or wildlife that would warrant the refusal of permission,
- 6.74 The SoCG (CD4.2 paragraph 7.40) states that the appeal proposal will avoid, mitigate and then compensate and that the retained habitats within and adjacent to the appeal site will be enhanced.
- 6.75 As Mr Baker concludes (CD4.8.1) that the ecological loss which the development will cause can be mitigated and compensated for.
- 6.76 Mr Topping (CD4.9.1) also concludes that the loss of trees on site can be mitigated by on and off site planting.
- 6.77 The appeal proposal does not cause significant harm to biodiversity, this is avoided through the design and layout of the scheme, mitigation and compensation. As the appeal site is an allocated housing site within the UDP, to avoid significant harm cannot mean to relocate

development on to a different site as an allocation can only be relocated (or deleted) via the development plan process. This allocation was reviewed as part of the CS process subject to SA and retained.

6.78 Paragraph 175 c) requires that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

6.79 Mr Topping's evidence (CD4.9.1) also confirms that while the area to the north of the site is ancient woodland, there will be no loss or deterioration of this woodland or the ancient and veteran trees within this area.

6.80 The appeal proposal does not have any effect on a habitats site as set out in paragraph 177 of the NPPF. Habitat sites are defined in the NPPF (annex 2) as:

'Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.'

6.81 The above definition does not apply to the appeal site.

7.0 MAIN ISSUE B: DOES THE APPEAL PROPOSAL PREJUDICE THE PROPER PLANNING OF THE AREA BY NOT FORMING PART OF A COMPREHENSIVE SCHEME FOR THE WHOLE OF THE OWLTHORPE DEVELOPMENT AREA (SITES C, D AND E)?

- 7.1 To avoid harm to comprehensive development of an area, it is necessary to determine if an individual proposal prejudices or undermines the development of that wider area. I have considered how all aspects of this particular proposal could cause such prejudice and conclude that the scheme will in fact join together easily with the development of the remaining areas of land. It does not require that all parts of a scheme to be delivered at the same time nor does it require that the scheme or plan be delivered by the same actors. A comprehensive scheme simply illustrates how the various elements may come together to deliver the scheme as a whole.
- 7.2 The purpose of the Brief for this site is clearly to enable a co-ordinated and comprehensive approach to the future uses of the site (CD4.2 paragraph 1.2). Its purpose is to allow a means to achieve comprehensive development by phased development. As long as its terms are adequately met, or where not met this does not prejudice the development of the balance of the area, there can be no harm or basis for refusal. In its terms, the Brief explicitly acknowledges that different parts of the site may be phased in their delivery (CD5.19, paragraph 3.2.6). It sets out the 3 areas to be developed for housing and the areas to remain open in the Opportunities and Constraints plan (CD5.19, Fig 19) as well as providing a framework as to how the comprehensive scheme is to be delivered.
- 7.3 In this context the Brief should be regarded as setting out a comprehensive scheme for the proper planning of the area, within which each area can come forward without harm to the other.
- 7.4 To prejudice the proper planning of the area or the fulfilment of the planned scheme then the development of one element of the scheme must render it impossible or at least considerably more difficult to deliver the remainder of the scheme. There is simply no evidence that this is the case.
- 7.5 In the case of the appeal site, it delivers residential development in the location envisaged by the Brief within the constraints identified in the brief and in broad accordance with the

Urban Design Framework (CD5.19 pages 31 and 32). The appeal proposal also retains the areas of open space in accordance with the parameters of the Brief.

- 7.6 A comprehensive scheme for development will ensure that all of the scheme can be delivered such that each element or phase will meet its fair share of the costs of any infrastructure upgrade that is needed for the whole wider site to be developed and will not absorb existing infrastructure capacity resulting in placing disproportionate infrastructure costs on remaining elements of the scheme to the effect that the remaining parts of the scheme become incapable of being developed.
- 7.7 An example is the provision of the children's play which is required to be delivered early in the development (CD5.19 paragraph 5.4.2). This is delivered in its entirety by the appeal proposal relieving this obligation on the other phases of development and avoiding delivery in a piecemeal fashion. As such the appeal proposal is facilitating the delivery of the scheme as a whole as identified by the Brief.
- 7.8 A further example in the brief is the requirement for SUDS (CD5.19, paragraph 5.8.1) which the illustrative master plan highlights could be delivered to the north of site D. Again, the appeal proposal delivers the SUDS basin in this location which has a capacity not only for the appeal site but also the runoff from site D (CD4.10.43 email Nowell Roger SCC).
- 7.9 In respect of Highway Infrastructure Mr Addison's PoE (CD4.12) considered the comprehensive development of the wider site from a transport perspective. This highlights that there is no highway reason for refusal in this regard or anything disputed in the SoCG with SCC and that his review has been undertaken for completeness. In response to the consideration of the cumulative traffic impacts associated with Housing Sites C & D, he highlights that the TA (CD2.15) has accounted for the traffic impacts of these sites in the modelling assessments at opening year. Mr Addison goes on to state that the modelling assessments presented in the TA demonstrate that the cumulative traffic of all three sites coming forward can be accommodated on the local highway network without the need for mitigation.
- 7.10 The Committee Report (CD2.38) identifies no response from statutory undertakers suggesting that the appeal proposal would prevent the development of the other two sites in the Brief.

- 7.11 A comprehensive scheme does **not** require a single planning application for the whole site nor does it require contemporaneous development.
- 7.12 As is the case with the appeal site and the neighbouring sites (phases C and D) comprehensive schemes in the context of planning are usually achieved by a policy document covering the whole area such as a master plan or in this case a Brief. The purpose being to guide development so that the whole site maybe delivered, which does not require complete adherence providing that any divergence does not prevent the delivery of the overall scheme. That is exactly what is proposed by the appeal scheme.
- i) **UDP H13 and CS24c**
- 7.13 While the Decision Notice (CD2.37) only refers to conflict with the Brief in this part of the reason for refusal, the Council's Statement of Case also includes reference to UDP policy H13 in this context, as it refers to the allocation of the appeal site.
- 7.14 However, Core Strategy policy CS24c is also relevant as this is the most recent development plan policy which identifies the site for development.
- 7.15 There is no conflict with H13, CS24c or the Framework as none of these policies address any aspect of comprehensive development of this area or areas in general.
- 7.16 Policy H13 is a "saved" policy however the commentary to policy H13 is not saved as part of the saving order.
- 7.17 UDP Policy H13 simply states that the list of sites in the policy (including the appeal site) are suitable for housing. There is no requirement in the policy for comprehensive development.
- 7.18 The supporting paragraphs to H13 (CD5.4 page 161) state that the policy will be put into practice by deciding planning applications and providing appropriate advice to developers, which could include supplementary planning guidance or planning briefs. This paragraph has not been saved and as such carries no weight.
- 7.19 Furthermore, the production of development briefs and compliance with briefs was never a condition of policy H13. The Council have indicated that they will argue that a Brief prepared after the Plan gains the weight of the Statutory Development Plan because the Plan contemplates such a document. This is not correct. The Brief is not part of the Development

Plan. In any event there is nothing in the Brief that would suggest this development is prejudicial to comprehensive development.

7.20 The site is also identified for development in CS24c. Appendix 1 of the Core Strategy (CD5.21) highlights the mechanism for delivering this policy may be the SHLAA, Site Allocation or Masterplans (especially for Market Renewal Areas). The same point applies. The reference to master plans in the supporting text does not elevate such plans (or briefs) when they are produced to development plan status. Any such subsidiary plans will carry less weight than a development plan as they have not been subject to the same level of consultation and scrutiny.

ii) ***Planning and Design Brief***

7.21 The role of the Brief is to enable comprehensive development as set out in paragraph 1.2 (CD5.19) which confirms that one of the key aims of the brief is to enable a co-ordinated and comprehensive approach to the uses of the sites, necessary for the completion of the Owlthorpe Township.

7.22 Any alleged conflict with the Brief cannot be elevated up as a conflict with either of the development plan policies identified above.

7.23 The reason for refusal (CD2.37) identifies paragraph 3.2.6 as the source of the conflict with the Brief. This is expanded in the Councils Statement of Case (CD4.5) to include paragraphs G1, G2 and G3.

7.24 In paragraph 5.6 and 5.8 of the SoC (CD4.5) the Council state that they will argue that the development fails sufficiently to respect and retain the intrinsic green and open character of the site in accordance with paragraphs G1 and G2 of the design brief. I deal with this under Matter C below and it is not a comprehensive development point. In any case the relationship between the appeal site and the surrounding open space does not impinge upon or restrict the other elements of the brief being delivered in respect of phases C and D.

7.25 In paragraph 5.9 of their Statement of Case (CD4.5) the Council argue that the replacement of the informal footpath along the north of the site that provides an east west link with a link along the footpaths of the estate roads is contrary to paragraph G3. Again, this is not a point that goes to the comprehensive nature of the development as it is fully contained within the appeal site and not required by the Brief to deliver the other elements of the development

scheme (phases C and D).

7.26 Paragraph 3.2.6 of the Brief (CD5.19) is at the end of the Site description section and in my reading sets out the context of what the remainder of the Brief is seeking to achieve. It is not a statement of policy.

7.27 The final sentence of 3.2.6 provides clarification as to the nature of the infrastructure issues that need to be considered as part of the comprehensive development of the area. At no point within the Council's Statement of Case do they suggest any concerns with these topics nevertheless I will briefly deal with these below:

- Provision of utilities – there have been no issues identified with delivering utilities to this site or the wider appeal site.
- Provision of play facilities – the provision of LEAP as part of the appeal proposal to the south east of the Medical Centre integrates fully with the Owlthorpe Master Plan – Proposed Park Layout (plan for consultation CD4.10.25) and will service sites C and D as well.
- Provision of drainage – the provision of the SUDS to the north east of site E links to the additional SUDS shown on the Owlthorpe Master Plan – Proposed Park Layout (plan for consultation CD4.10.25). The email from the SUDS Advisory body of the Lead Local Flood Authority (CD4.10.43) confirms no objection and that the proposed design can cater for both sites E and D.

7.28 As highlighted above the provision of the LEAP and SUDS basin early in the development of the area actually assists the delivery of phases C and D.

7.29 Rather than being an inhibitor to the delivery of the wider brief it is noted that the Council have inserted the Avant layout into the consultation plan for the Owlthorpe Master Plan – Proposed Park Layout (CD4.10.25). This suggest that the Council regard the layout as compatible with the delivery of their wider objectives of housing and open space within the area covered by the Brief.

iii) OAG objections on Comprehensive Development CS39 and NPPF 91

7.30 While OAG cite policy CS39 and NPPF para 91 in the context of the need for comprehensive development (CD4.4 paragraph 5.8) neither in fact require comprehensive development.

7.31 CS39 encourages new local shops and community facilities to serve the everyday needs of the community which will be encouraged in Neighbourhood Centres (CD5.10 page 82). CS24c of the Core Strategy seeks residential development at Owlthorpe not retail (CD5.10

page 64).

7.32 NPPF 91 promotes mixed use communities through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages. The appeal proposal will easily integrate with the Heath Centre, the existing residential area and any new residential areas should Sites C and D be developed.

8.0 MAIN ISSUE C: DOES THE APPEAL PROPOSAL FAIL TO RESPOND SUFFICIENTLY TO THE AREA'S PREVAILING CHARACTER, GREEN INFRASTRUCTURE AND OPEN SPACE?

8.1 This issue within the reason for refusal alleges that the proposals do not respond sufficiently to the area's prevailing character of green infrastructure and open space contrary to paragraphs 122 and 127 of the Framework. No development plan policy was relied on in this aspect of the refusal.

8.2 The Council's Statement of Case highlights that their objection is based upon the urbanising effect that the appeal development will have on the site and that the development of the site fails to sufficiently respect and retain the intrinsic green and open character of the site (CD4.5 paragraph 5.6).

A) The approach to the design of the appeal proposal

8.3 Mr Walshaw evidence describes the approach that was taken to the development of the design of the appeal proposal. In section 3 (CD4.11.1) of his evidence, he describes the prevailing character of the area with large parcels of housing set within a framework of green corridors around the edges of each estate, generally following landscape features such as watercourses and woodland. Mr Walshaw then sets out the prevailing characteristics of the area.

8.4 Mr Walshaw states that the vision articulated by the urban design framework and illustrative masterplan on pages 31-35 of the Moothorpe Way, Owlthorpe Planning and Design Brief (CD5.19) replicates the prevailing character of the area by providing another urban block of housing with very limited internal green spaces and a rim of green space around the edges.

8.5 Mr Walshaw confirms that the orientation of the dwellings towards areas of public open space such as the woodland to the north the site will have a much better relationship with the surrounding green infrastructure than is found within the surrounding estates. In this way Mr Walshaw states that the scheme will respond to the prevailing character of the area and enhance the interface between development and green space.

8.6 Mr Walshaw also highlights that in many instances the separation between the woodland edge and new development is double the 15m aspiration in the Design Brief, with a maximum

of 36m depth along this edge. He also states that the additional green areas created by the informal building line equate to almost double the area lost to development.

B) Consideration of the policies relating to character

8.7 At a basic level, no residential development of the site can be delivered if the green and open character of the site is to be retained. It is notable that the Brief's site description does not highlight the sites intrinsic green and open character (CD5.19, Section 3). Furthermore, the planning requirements of the Brief (CD5.19, Section 5) do not identify the necessity to retain the intrinsic green and open character of the site. Keeping the site's open character is not identified as a key challenge in 6.2 and clearly delivering development while keeping the sites open character is inconsistent. Fig 19 and Fig 20 (CD5.19) provide no assistance at all in how development may be secured on the site while maintaining its openness. They promote the opposite; its development and without any apparent sign of material green space in the development, only appropriate attention paid to its edges.

8.8 The Council's Statement of Case expands this objection to include UDP H14 and CS74a as well as paragraphs G1, G2 and G3 of the Design Brief. Paragraph 5.8 further expands this to include UDP Policy H15 part d (SCC SoC Paragraph 5.6 CD4.5 and SCC letter 9th November 2020 CD4.10.44).

i) *The Planning and Design Brief 2017*

8.9 The Design Brief itself and in particular the Constraints and Opportunities Plan, the Design Framework and the Illustrative Masterplan and (CD5.19 fig 19 and 20) are the product of assessing how development might be integrated into the area while respecting and maintaining the wider green character of the land beyond the site. This is demonstrated in a summary of the approach below:

- Paragraph 1.2 of the Brief specifically states that a key aim of the brief is to optimise the value of the setting and site features, such as its distinctive landscape and topography.
- Paragraph 2.2 describes the vision of the site as new development at Owlthorpe should reflect the distinctive green character of the setting and utilise the site's natural assets.
- Paragraph 4.2.4 – this refers to the City Policies and Sites plan which defined the boundaries of the development areas in the brief as protecting the green framework of the area beyond the site, including areas of nature conservation and protect features of nature conservation identified in the ecological surveys.

- Paragraph 4.2.5 – this acknowledges the greenfield nature of the site and sets out the justification the development including that development would help improve the quality and use of the adjacent open space as well as conserve and enhance local landscape.
- Paragraph 5.1.2 – this makes it clear that the landscape and topography of the site should be taken into account meaning that the resulting density is likely to be lower than the policy range, with the illustrative master plan indicating a density across all there site s of 30 – 40 dph.
- Paragraph 5.5.1 – highlights the importance of retaining mature trees and hedgerows wherever possible and replace those that area lost with the potential to improve or create wildlife habitats around the identified sites.
- Paragraph 5.5.2 identifies that the environmental work has been undertaken around the sites but not within the development sites.
- Paragraph 5.5.3 makes it clear that the site boundaries for the development have been defined not to include the nearby local wildlife sites.
- Paragraphs 5.5.8 to 5.5.11 – are clear that in promoting the appeal site (site E) for development there are likely to be environmental impacts that will need to be addressed and mitigated.
- Paragraph 6.2 – this sets out the key challenges and opportunities and in the resulting Opportunities and Constraints on page (Page 31) the council illustrate how they judge this balance between the protection and enhancement of the ecological and landscape features whilst optimising commercial return from development can be suitably addressed. This plan and the following plans also illustrate the balance the Council consider is appropriate between development and optimising the greenfield character, topography and landscape value of the sites.

8.10 The above demonstrates how keenly the issues of green infrastructure was assessed in the development of the Brief and the resulting plans illustrate the extent of development considered appropriate to balance the councils competing objectives for the development of these sites.

8.11 The appeal proposal follows the Brief and therefore follows the balance already made between areas for development and areas not for development. The only issues that could remain relate to the fine-grained detail of the interface between the edges of the site and the development; matters addressed by Mr Topping and in some respect by Mr Baker and Mr Walshaw.

ii) ***H14 parts a, b, c, f and g***

8.12 The proposal is in line with part (a) of policy H14 as the appeal site has been designed to a high quality taking into account the scale and character of the neighbouring buildings. This

is acknowledged within the Committee Report (CD2.38, page 71), which states that the development would help to visually link the isolated Owlthorpe Surgery and Woodland Heights housing development back to the existing housing areas to the north. In this context given the green infrastructure within the site and density of the housing scheme it is considered that it will sit comfortably in its wider context it is.

8.13 The proposal is in line with part (b) of policy H14 (CD5.4 page 161) as the appeal site has been well laid out in highway terms and the new dwellings will be served from adoptable roads.

8.14 The proposal is in line with part (c) of policy H14 (CD5.4 page 161) as the site would not be over-developed or deprive residents of light, privacy or security, or cause serious loss of existing garden space. This was acknowledged within the Committee Report (CD2.38 page 72) which states:

'The housing layout has been designed to create a sense of place with houses sited to respond the roads and footpaths around and within the site. The same is also achieved by positioning houses to overlook the play area and open space and by creating a node point adjacent to the doctor's surgery which is defined by 3 storey units and a small open space area. The overlooking of roads, footpaths, parking courts and open space will all help to promote a safe and secure environment. The varied building line and varied width of properties helps to create an interesting streetscape. The layout creates a clear hierarchy of routes with development adjoining the main spine route having a more urban character. The 3 storey units are concentrated along this route and at the key focal points.'

8.15 The proposal is in line with part (f) of policy H14 (CD5.4 page 162) as an appropriate stand-off distance to the woodland is included in the scheme design, as explained in both Mr Baker and Mr Topping's evidence.

8.16 I also note Mr Baker's evidence that this area was previously in agricultural use and as such the buffer would provide sufficient protection to the woodland (CD4.8.1).

8.17 Part (g) of policy H14 (CD5.4 page 162) is a catch all policy which requires compliance with all other Built and Green Environment Policies, and I will address these where they have been specifically identified.

8.18 My conclusion that the proposal is in accordance with Policy H14. I note that the Planning manager also reached this conclusion (CD2.38 page 72).

8.19 I consider that this policy is in general conformity with the Framework.

iii) H15 part d

8.20 Part d of H15 (CD5.4 page 163) requires the provision pedestrian access to adjacent countryside where it would link with existing public open space or a footpath.

8.21 The Appeal layout looks out onto the footpath to the east which provides access to the LWS to the north of the appeal site.

8.22 I note that the Council's SoC (CD4.5) criticises the layout of the scheme because the footpath link through the site from east to west runs along estate roads and fails to reflect the character of the existing green linkages through the site. There is presently an informal path that runs east west across the site.

8.23 The Appeal Proposal retains the informal east west path on its original alignment, which is outside of the site, as it starts in the eastern side of the site in then enters into the site and continues on its original alignment, although there will potentially be some limited change in its vertical and horizontal alignment towards the western edge of the site. This link will be completely within the landscape area to the north of the site and there will be new planting along its length. While the development will still be a new visual element along the path this scheme would appear be address at least in part the councils concerns with regard to this route.

8.24 The appeal proposal meets the requirement of policy H15 in terms of providing access to the adjacent open space including the northern east west route which will retain the character of the original informal path.

iv) CS74a

8.25 Part a of this policy (CD5.14 page 132) requires development to respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including the topography, landforms, river corridors, Green Network, important habitats, waterways, woodlands, other natural features and open space. These criteria were considered in the identification of the appeal site in policy CS24a (CD5.10 page 64).

8.26 As stated within the overall Planning Balance section of the Committee Report (CD2.38 page 85):

'The scheme is well designed, meets the open space needs of residents, is accessible by sustainable means of travel all of which means that this is supported by the local policies (CS45, CS74, H14, H16) and NPPF (paragraphs 96, 127, 163, 165) as referred to above and these issues should be given significant weight.'

- 8.27 In respect of how this policy is to be interpreted on the appeal site, the Brief's illustrative master plans provide an illustration of how the site should be developed. I note that the appeal proposal takes a similar approach in having properties facing outwards towards the woodland to the north.
- 8.28 I also note that the appeal proposal also fronts out onto the footpath to the east, similar to the illustrative master plan.
- 8.29 Also, like the illustrative master plan (CD5.19, Fig 20) the appeal proposal provides links into the LWS to the north on both the north eastern and western corners.
- 8.30 While the appeal proposal does not include properties facing out westwards as per the illustrative master plan, this is because the changes in levels across the site require a different solution to this boundary which retains planting along that boundary and addresses levels.
- 8.31 As explained above Mr Walshaw's evidence (CD4.11.1) explains how the design and layout of the site has been evolved in consultation with the Council Officers to result in a scheme which the Planning Manager considered met the requirements of Policy CS47.
- v) *NPPF paragraphs 122***
- 8.32 Paragraph 122 requires that efficient use be made of land. It is a policy related to density rather than character per se. However, there is a clear statement that density/efficient use of land should take into account the character and setting of an area. I shall return to this in relation to the topic of density as it is clear that there is more than a little tension in the Council's case of wanting more green areas yet also more houses.
- 8.33 Insofar as paragraph 122 refers to the areas prevailing character, part d) refers to the desirability of maintaining an area's prevailing character and setting. Interpreted in the context of setting an appropriate density for built development this policy requires the decision maker to consider the character and density of the neighbouring residential development.

- 8.34 I note the analysis undertaken by Mr Walshaw that the density that will be achieved on this site falls within the range of densities in the area and that it is higher than that of its most immediate neighbour Moorthorpe Rise which has a density of 23 dph
- 8.35 I further note Mr Walshaw's evidence regarding the wider character of this part of the city being areas of residential development separated by informal open space was clearly a consideration in the drafting of the Brief and follows the apparent approach of the development of the whole area over a period of decades.
- 8.36 In this context the density being promoted on the appeal site would appear to be appropriate as it maintains the residential character of the area.
- vi) ***NPPF paragraph 127 a, b, c and e.***
- 8.37 In respect of this part of the Council's objection they have confirmed that they are not raising issues with individual house types but rather the layout in relation to the green infrastructure and character.
- 8.38 Part (a) of NPPF 127 requires the development to function well and add to the quality of the area the proposed mitigation will add to the green infrastructure that is planned to be retained as part of the development.
- 8.39 Paragraph 127 part (b) requires that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The appeal layout and landscaping has been developed specifically to address the retained green infrastructure. Stepping development back and appropriately fronting onto the Woodland to the north. This is further explained in Mr Walshaw's evidence (CD4.11.1).
- 8.40 Mr Baker (CD4.9.1) states that the buffer provided will provide sufficient protection to the woodland to ensure that there are no significant changes to hydrology that could cause deterioration of the woodland.
- 8.41 The landscaping proposed on site is both appropriate and effective as described by Mr Topping (CD4.9.1) The selection of plants and trees in the planting regime have been carefully considered in terms of their appropriateness for their chosen location and function.
- 8.42 In considering character, paragraph 127(c) of the Framework, encourages development

sympathetic to local character, but does not 'prevent or discourage ... change'. The application of this is a matter of judgement and that the proposals represents an appropriate response to the character of the area, particularly within the context of the Council's objective to achieve a higher density of development within the Appeal site.

vii) *Planning and Design Brief paragraphs G1, G2 and G3*

8.43 The Council consider that the failure to respond to the open character and green infrastructure of the area leads to a conflict with the Brief paragraphs G1, G2, G3.

8.44 G1 states that it is essential that the interfaces between the development and open space or the woodland edges are carefully designed to provide value to new residents and to enhance landscape quality. This is not a requirement to retain the intrinsic open character of site as the Council state in their SoC (CD4.5 par 5.11).

8.45 The appeal proposal replicates the basic approach in the Urban Design Framework (CD5.19 Fig 19) and the Illustrative Master Plan (CD5.19 Fig 20) of the Brief in that it faces outwards on its eastern and northern edges and as such it would conform to G1. I accept that the appeal proposal has different relationship the western side of the site which is onto open space. The illustrative master plan has a road running along this boundary and the flanks of dwellings facing west, the appeal proposal has a run of domestic curtilages along this boundary with the rear elevations of the dwellings looking out towards the open space. This, however, is considered appropriate as it allows for boundary planting to be retained, address levels and as there is no formal or informal access along this boundary this relationship is as valid as that proposed in the illustrative master plan (CD5.19 Fig 20)

8.46 Paragraph G2 (CD5.19 page 33) requires the landscape setting to feature significantly in the development of character. This paragraph refers to the landscape setting of the site to feature in the development of the character of the area of the Brief. The Brief covers both the 3 development sites but also the surrounding open space, which forms the landscape setting to the area identified by the brief for development. This paragraph does not require the present openness of the appeal site to be retained as the brief identifies it as a location for development. The appeal development sits within the development parameters defined in the Brief and the landscaping setting (i.e. the retained open space around the site as defined by the brief will be enhanced. In this way criteria G2 is met by the appeal proposal.

8.47 Paragraph G3 (CD5.19 page 33) states that the development must contribute to the success of the green infrastructure in this area to enable more sustainable development and lifestyles. As with the above policies, this must be achievable by development contained within the area identified for development. The appeal proposal does not exceed the development boundaries identified by the Brief.

8.48 The illustrative master Plan Fig 20 (CD5.19) shows two locations for green links, these are to the eastern side of site C and to the north of the appeal site. These are unaffected by the appeal proposal.

8.49 Not only will the appeal development provide a wider green link than that shown in the master plan, but mitigation is also proposed for additional planting which will enhance the green infrastructure.

viii) Conclusion on issue C

8.50 The evidence of Mr Walshaw (CD4.11.1), Mr Baker (CD4.8.1) and Mr Topping (CD4.9.1) demonstrate that the proposals have been developed with a clear understanding of both the physical and policy context and achieve the appropriate balance between the development of the site for housing, as set out in the Development Plan and respect for the character of the area, as well as wider policy objectives regarding density and the efficient use of land.

8.51 It is the Appellant's case that the principle of change to the character of the area has been accepted by the Council in allocating the site for housing. Furthermore, in preparing the Planning Brief, the Council has clearly articulated the form of development anticipated for the housing sites to strike the appropriate balance between competing planning considerations.

8.52 The proposals are appropriately consistent with the Planning Brief and represent a balanced response to all considerations including ecology, trees, landscape and open space, as well as density, as agreed by officers.

8.53 The reason for refusal highlights that it is not objecting to the change in character that is brought about by the delivery of the Council's allocation but that the response to the surrounding area is insufficient. The reason for refusal fails to articulate the harm that results from this insufficient response.

8.54 I have demonstrated that the appeal proposals are consistent with the principles set out in

the Planning Brief and Development Plan. Whilst there may be minor departures from the Development Plan and Brief, the overall balance of green infrastructure envisaged to be retained is achieved and in places is more extensively retained than the Brief envisaged.

- 8.55 There is no harm arising from the proposals in respect of green infrastructure and character that would warrant refusal and that the Council does not identify the proposals as being contrary to any Development Plan policies in this regard.

9.0 MAIN ISSUE D: DOES THE APPEAL PROPOSAL MAKE EFFICIENT USE OF LAND?

- 9.1 As explained in the Design Process section 5 Mr Walshaw's PoE (CD4.11.1) the Appellant's approach to density within the appeal scheme was informed by a thorough analysis of the site, Development Plan policies, the Council's Planning Brief and discussions with the planning officers.
- 9.2 Mr Walshaw highlights the tension between the Council position of seeking a higher density and the increased urbanisation of the site which they state does not accord with green or built form character and runs counter to the notion that the proposal does not respond sufficiently to these features.
- 9.3 I concur with Mr Walshaw that the difference between 28 dwellings per hectare and 30 dwellings per hectare is a very minor difference.
- 9.4 Mr Walshaw explains how the pursuit of good design including having plots fronting the woodland edge and managing the change of levels across the site have discounted the use of house types with narrower plots.
- 9.5 I agree with his conclusion that to create the most appropriate design solution a lower density of development is justified.
- 9.6 Mr Walshaw also undertakes a review of the character of the surrounding residential areas predominantly lower density, 2 storey, detached family housing surrounding the site with a density ranging from 21 dph and 29 dph (CD4.11.1),
- 9.7 The reason for refusal alleges inefficient use of land as a result of the low housing density proposed, contrary to paragraph 122 of the Framework and Policy CS26.
- 9.8 CS26 (CD5.10 page 67) seeks the efficient use of housing land and sets densities for housing sites of 30 to 50 dph in the urban area but 40 to 60 dph if the development is within 800m of super tram stop.
- 9.9 I consider that policy CS26 is broadly consistent with paragraph 122 of the Framework and an important element of the policy which ensures constancy with the Framework (paragraph 122 d) and e) is the exception in the last sentence of policy CS26 that allows densities outside

these ranges where they achieve good design, reflect the character of an area or protect a sensitive area (CD5.10 page 67). As set out in the Committee Report, the planning officer also agreed fully with this CD2.38, page 48 – 49).

- 9.10 Paragraph 8.19 of the Core Strategy (CD5.10) indicates that the terms of the policy will be achieved through guidance in other documents, including planning briefs and planning decisions.
- 9.11 As highlighted by Mr Walshaw's evidence (CD4.12.1) the lower density is reflective of the character of the surrounding areas which is typically low density 2 storey family housing. Furthermore, the green setting of the area means that higher densities will appear out of character. The proposed density has also taken into account the sloping nature of the site which has resulted in the need for retaining wall features which are necessary to provide level gardens and access roads. This would be accentuated if the density were increased which would impact negatively on the design of the development.
- 9.12 The Planning Brief (CD5.19 paragraph 5.1.2) states that given the need for family housing and the existing landscape and topographical constraints on the site, then final total number of dwellings across the three sites is likely to be at the lower end of this range (257 – 385 dwellings) but could even be lower than 257 dwellings. The Brief goes onto state that illustrative masterplan (CD5.19 Fig. 20) shows densities of 30 – 40 dwellings per hectare a range that is below the CS26 target for the reasons explained above.
- 9.13 It seems that rather than being contrary to the Brief, the approach taken by the appellant is entirely in keeping with the approach set out by the Brief. The proposal is within the site boundaries set by the Brief and provides the appropriate set back from retained trees as well as providing for much need family housing.
- 9.14 In this context whether the density is 28 dph or 30 dph is not material. As Mr Walshaw explains, addressing the northern edge of the site requires a lower density of development as set out in his evidence. The further reduction which is consequential to increasing the buffer to the north of the site is again not material and in full accordance with policy CS26 as the resulting density is a design response to the sensitive area to the north and to the character of the area.
- 9.15 The HELAA (CD4.10.17) assesses the capacity of the site as being 72 dwellings. This is the

same as the appeal scheme (as amended) and therefore represents a similar density. This does highlight that the scale of housing proposed by the appeal is very much within the parameters of that which the Council's SHLAA considers is suitable.

9.16 This conclusion is shared with the Planning Manager (CD2.38) who states on page 83:

'It is consistent with CS26 'Efficient Use of Housing Land and Accessibility' as although the site is below the density guidance this is appropriate given the prevailing character, the green setting, the need for family housing and to accommodate level changes.'

9.17 The above demonstrates that the density of the appeal proposal is appropriate and in accordance with CS26 in that it achieves an appropriate balance within the context of other planning considerations as it is necessary to '*achieve good design, reflect the character of the area or protect a sensitive area*'. The approach to density anticipated in CS26 is in accordance with paragraphs 122 of the Framework, and Paragraph 123 when taken together.

9.18 The density is consistent with both Policy CS26 and the Planning Brief and any increase in density would result in a worse outcome with reference to design and the character of the area.

9.19 This policy is up to date and the proposals compliance with it should be given substantial weight.

10.0 MAIN ISSUE E: DOES THE APPEAL PROPOSAL FAIL TO APPROPRIATELY INTEGRATE AFFORDABLE HOUSING INTO THE LAYOUT?

- 10.1 Notwithstanding the Appellant's position that there is no harm arising from the affordable housing provision and no conflict with the Development Plan, the Appellant has undertaken further discussions with the Council regarding the position of the affordable housing within the site and an amended plan has been submitted (CD1.2) that adjusts the position of the affordable provision to respond to Committee Members concerns regarding the integration of affordable housing within the site and we have sought to agree this adjustment to narrow issues of dispute as a matter of expediency.
- 10.2 The Appellant sought the Council's co-operation in undertaking further consultation on the amendments to obtain the views of interested parties. Based on the anticipated amendments, it is not considered that these will be prejudicial to any parties to the appeal. The changes are limited and do not go to the heart of the proposals. They have now been accepted as the scheme to be assessed at the Inquiry at the CMC.
- 10.3 The Council's objection as set out in their SoC (CD4.5 paragraph 5.16) is that the development fails to provide an acceptable and suitable standard of affordable housing because it is said that the affordable housing is easily distinguishable from the market housing on the site for a number of reasons including its design, scale, siting, form and parking.
- 10.4 The Council contend that this makes the appeal proposal contrary to CS40 and Policy GAH5 of the CIL and Planning Obligations Supplementary Planning Document and paragraph 8 of the NPPF.
- 10.5 The level of affordable housing provision within the Appeal Site exceeds the requirement set out in GAH2 of the Planning Obligations and CIL SPD (19% of proposed floorspace against a policy requirement of 10% of floorspace) (CD5.16, page 55). This results in 21% of the units on site being affordable compared to the NPPF requirement of just 10%.
- 10.6 Given the shortfall of affordable housing in past and future supply, substantial weight, should be attributed to this scale of provision.

A) CS40

- 10.7 Policy CS40 is partly consistent with the Framework in that paragraph 61 states that the requirement for affordable housing should be assessed and paragraph 62 which states that where a need for affordable housing has been identified, then planning policies should specify the type of affordable housing required and be expected to be met on-site unless certain criteria apply. Policy CS40 is not fully consistent with the Framework as it does not specify the level or type of affordable housing that is required (as per paragraph 62) nor does it contain the minimum requirement set out in paragraph 64 of 10% affordable housing.
- 10.8 However, on balance, Policy 40 seeks a level of affordable housing taking into account issues of where such provision is practical and viable as such it is up to date and should be given substantial weight.
- 10.9 Neither Policy CS40 nor the supporting text requires the “pepper potting” of affordable housing across a development. Nor does it require integration in any other way.
- 10.10 While paragraph 9.3 (CD5.11) does highlight the potential for a Supplementary Planning Document to provide separate targets for provision of social rented and intermediate affordable housing and the types likely to be needed in particular locations. It does not however suggest that the SPD would contain locational or other requirements. In addition, the SPD that may follow is not itself the Development Plan and does not attain that status just because the Development Plan refers to a subsequent SPD that may come into existence. It is also well established law that an SPD cannot itself create such policy.
- 10.11 I have reviewed the appeal proposals and they are entirely in accordance with Policy CS40 in respect of the requirement to provide affordable housing within new housing sites.
- 10.12 Any suggestion that any alleged conflict with a SPD can be escalated into a conflict with a development plan is incorrect.

B) Community Infrastructure Levy and Planning Obligations Supplementary Planning Document December 2015

- 10.13 This Supplementary Planning Document (SPD) supplements the Council’s Local Plan, and provides guidance to the policies of the Core Strategy (2009) and the ‘saved’ policies of the Unitary Development Plan (1998). The Council state that it will be used as a material consideration in the planning process to advise applicants and assess planning applications

(CD5.16).

10.14 It is worth highlighting that not only does the appeal proposal meet policies GAH1 to 4 but the provision of 19% affordable housing on site is 50% more than the requirement for this area as set by GAH2 (CD5.16 page 55) Required Level of Affordable Housing Provision which only requires 10%. This is equivalent to 21% of the units on site (SoCG CD4.2, paragraph 7.18). This is a material consideration in its own right that weighs heavily in favour of the appeal. Not only that but the location of the majority of the affordable housing near the medical centre means in practical terms that it will be delivered early in the project. Furthermore, the extra affordable housing naturally makes its dispersal across the site more difficult or put another way a merely policy compliant provision of fewer units would inevitably be more easily meet the Councils main point as it would be more naturally intermingled. Finally, the arrangements and dispersal of affordable housing will ultimately be set in the context of provision on Sites C and D that will achieve a wide dispersal of affordable housing overall.

10.15 The reason for refusal (CD2.37) states that the appeal proposal is contrary to GAH5 Design of Affordable Housing (CD5.16 page 59) because it fails to integrate affordable housing into the site. I note that the discussion at committee on this matter tended to focus on the type of affordable housing being acquired by the council and the need for it to be “pepper potted” across the site. What the SPD policy actually requires:

‘Affordable Housing should not be able to be differentiated by design, quality, specification, location within the site, timing of the development or by significant difference in access to services and amenities.’

10.16 The SPD states that this guidance will be put into practice by:

- *Promoting consultation between the developer and Registered Provider regarding the required specification of the dwellings.*
- *Ensuring that Affordable Housing units are integrated into the scheme.*
- *Ensuring that the specification of Affordable Housing units is equivalent to that of the market units unless otherwise agreed by the Council and the purchasing Registered Provider.*

10.17 In this case it is the Council who will be acquiring the affordable housing and the Council, as operators of the affordable housing, did not seek to amend the distribution of affordable housing and the original s106 made reference to n1276008D (CD4.10.55) which grouped

the majority of the affordable housing to west and south of the Heath Centre. The Council has also determined the size of units to meet the needs.

- 10.18 The type, size and tenure of both the affordable and market dwellings to be purchased by the Council were agreed with the Council and incorporated into the Draft 106 which also confirmed their original location to the south and north of the Health Centre. The resultant layout reflects the Appellant's overarching design approach to the location of higher density house types (market and affordable housing) closer to the centre of the housing area, around the existing medical centre, whilst locating lower density housing adjacent to the outer boundaries of the site. The agreed affordable housing house types and sizes are therefore naturally more centrally located.
- 10.19 It is noted that the Urban Design and Conservation Officer raised no issues with the proposed affordable housing (CD4.10.45)
- 10.20 The appellant has received no indication from the Council as potential operators of the affordable housing that the location of these prescribed units within the site is inappropriate.
- 10.21 The location of the affordable housing provision within the site enables the early delivery of affordable dwellings within the construction period to meet current and pressing affordable housing needs.
- 10.22 It is important to also consider the affordable housing provision in the context of Sites C, D and E of the Housing Area overall. Within this context, the provision of affordable housing within each site will lead to significant dispersal and positive integration of provision throughout the wider area.
- 10.23 I note Mr Walshaw's PoE on the approach that has been taken to the design and location of affordable housing on the site (CD4.11.1). He states that the material used are identical and that there is no differential in terms of design or quality, scale and parking in front of the property. He explains the basis for the courtyard approach to parking was proposed for design reasons responding to the irregular shape of the site created by the positioning of the medical centre.
- 10.24 Mr Walshaw explains the distribution of affordable housing across the site and the advantages of the courtyard location for some of the affordable houses.

10.25 While Mr Walshaw has considered the example of recently approves scheme by Miller Homes in Westfied/Mosborough, I have also reviewed recent examples of affordable housing provision that have been or are being delivered on other housing sites. These are briefly summarised in the table below:

Application	Location	Developer	No affordable units	No of clusters	Type	Unique house type for affordable	Parking or Garage
18/01894/REM	Carter Knowle Road	Barratt	16	2	Semi / terrace	Yes	Parking
16/00437/FUL	Furnis Avenue	Bellway	6	1	flats	Yes	Parking
17/01561/FUL	Beighton Road	Persimmon	9	1	Semi / terrace	Yes	Parking

Table 1. Summary of affordable housing provision on recent sites

10.26 The plans for these developments showing the location of affordable housing are in Appendix 2. The above examples have a more clustered arrangement of affordable dwellings than that proposed in the appeal scheme and yet have been found to be acceptable to the Council. All of the recent examples I am aware of have unique designs for affordable housing that are different (albeit like the appeal proposal only marginally) from the equivalent market dwelling. The differences are the size and type of the dwelling, the number of bedrooms and the car parking arrangements. Often, they are the only unit of that size and type on site. All the examples cluster the provision of affordable housing. All of the examples have off street parking but no garages. To this extent a discerning observer may be able to surmise which of the dwellings within the development are affordable, but these relatively subtle differences and on site observations (as illustrated in appendix 2) show how the use of similar materials and design actually makes what appear to be very different units on plan appear as part of the integrated development as a whole. In line with this, the approach proposed in the appeal scheme not only unites the approach of common design themes and material but also provides for a physical dispersal as well.

10.27 I consider that the small differences between the affordable housing proposed on the appeal scheme and other house do not result in the scheme to being contrary to the SPD.

C) Conclusion on Main Issue E

10.28 The level of affordable housing provision within the Appeal Site exceeds the requirement set out in GAH2 of the Planning Obligations and CIL SPD (19% of proposed floorspace against

a policy requirement of 10% of floorspace) (CD5.16, page 55). This benefit should be attributed substantial weight, particularly within the context of evidence of very limited affordable housing provision in recent years and a significant need for affordable housing in the City.

10.29 In my view that the approach Mr Walshaw has taken to the design and location of the affordable housing accords with all of the criteria set out in GAH5 of the SPD.

11.0 OBJECTIONS RAISED BY THE OWLTHORPE FIELDS ACTION GROUP (OAG) RULE 6 PARTY.

11.1 Owlthorpe Action Group (OAG) was granted Rule 6 status for this Public Inquiry on 22nd October 2020. The Rule 6 Statement of Case (CD4.4), sets out a number of policies which the OAG consider the appeal scheme conflicts with. This section considers the level of adherence or conflict with these policies.

11.2 The following section addresses points raised by OAG that have not already been dealt with as part of this Evidence.

A) Core Strategy (2009)

i) Policy CS47

11.3 The OAG's SoC specifically refers to the site being contrary to CS47 due to the proposed provisions for public open space, children's play and the drainage attenuation basin being harmful to the character of the area (CD4.4 paragraph 3.5).

11.4 Policy CS47 is concerned with safeguarding existing open space but establishes standards for the provision of open space. As set out in the Committee Report (CD2.38, page 51):

'In this case with the development completed the provision of informal open space will exceed the guideline in the policy but there will be a shortage of formal open space. The planning brief which covers the whole of the allocated Owlthorpe housing sites says that due to poor local facilities the provision of children's play is required as part of the development. It also says that the development must contribute to the success of the green infrastructure in this area to enable more sustainable development and lifestyles.

Approximately 15% of the housing site will be laid out as informal open space primarily along the northern boundary to create a buffer with the Local Wildlife Site.'

11.5 The Planning Brief (2017) states that the provision of a children's play area is required, preferably at an early stage of development (CD5.19, paragraph 5.4.2). The design of the proposed LEAP has evolved through discussions with the Council and Parks.

11.6 In terms of the drainage basin, as detailed within the Detention Basin plan (CD1.16A), biodiverse planting has been introduced within the water storage area which can also be

used for recreational use.

11.7 The appeal site is identified for housing development in CS24 and does not result in the loss of open space and is not contrary to CS47.

ii) **CS65**

11.8 While OAG have raised noncompliance with CS65 in their objections to the appeal proposal it does not form part of the case as set out in their SoC (CD4.4 section 4 page 5).

11.9 Core Strategy Policy CS65 part a) requires 10% of the development's predicted energy needs to be met from decentralised and renewable or low carbon energy. Part b) requires further renewable/low carbon energy or to incorporate design measures sufficient to reduce the development's overall predicted carbon dioxide emissions by 20%. This would include the decentralised renewable or low carbon energy required to satisfy a) (CD5.13, page 117).

11.10 The Climate Change SPD (CD5.18 paragraph 5.1 and 5.2) states that the implications of the Part L Building Regs, from October 2010, which average a 25% reduction in carbon emissions would make imposing a further 20% unviable and as such compliance with part (b) of Policy CS65 will, therefore, not be required for the duration of this Supplementary Planning Document.

11.11 The SPD (CD5.18 paragraph 5.3) goes on to state that where it is not feasible to achieve part (a) of the policy then this may be met by additional carbon reductions. The amount of energy that would be needed to satisfy part (a) if it was feasible to do so will need to be converted into carbon emissions, to show how the Building Regulations requirement has been exceeded.

11.12 In light of the above Guideline CC2 of the SPD (CD5.18 page 9) requires that where it is not feasible to achieve the requirements of part (a) of Core Strategy policy CS65, and a contribution towards an off-site carbon reduction scheme would not be possible, an equivalent reduction in carbon emissions should be achieved by improving on the requirements of the Building Regulations Part L (Conservation of Fuel and Power), unless it is not viable to do so.

11.13 An Energy Report was submitted as part of the application (CD2.30). The report in particular considers and evaluates the measures incorporated into the design of the development to

reduce the predicted CO₂ consumption of the site over and above the 2013 building regulations under SAP2012.

- 11.14 The Energy Report (CD2.30 table 4 page 17) sets the baseline emissions for the development as being 149,068.86 kg/year and an energy requirement of 637,269.61 kWh/year.
- 11.15 The building fabric and service enhancements that are proposed (CD2.30 Table 5 page 18) exceed the building regulation requirements (CD2.30 Table 6 page 20) and are expected to result in a reduced energy requirement of 602,969.25 kWh/year and an associated emission rate of 143,295.89 kg/year. These are respectively a 5.38% in the energy requirement and 3.87% reduction in the carbon emissions over the baseline.
- 11.16 The report states that to achieve the equivalent of a minimum of 20% on-site emissions reduction then the scheme must off set a total 29,813.77 kg/year (20% of the baseline emissions). Taking into account the reduction of 5,772.97 kg/year achieved by improvements above the baseline position a further reduction of 24,040.08 kg/year would be required (CD2.30 page 21).
- 11.17 To achieve this the report recommends the installation of photovoltaic panels (CD2.30 page 22)
- 11.18 The Photovoltaic Report (CD2.31 page 3) sets out the houses which will have photovoltaic arrays installed and calculate the energy generated. The proposed photovoltaic panels are predicted to provide 46,320.00kWh which is above the 46,320kWh target (CD2.31 page 3) and is a 7.2% reduction in the developments predicted energy needs of 637,269.61 kWh (CD2.30 table 4).
- 11.19 These enhancements in combination (5.38% Fabric, 7.2% Photovoltaic, Total 12.58%) will exceed 10% of the developments predicted energy needs and therefore are in excess of the policy requirement in policy CS65 a) in accordance with CC2 of the Climate Change SPD (CD5.8 page 9).
- 11.20 In terms of carbon emissions the reduction of **5,772.97kg/year** (Fabric) and **24,040.80 kg/year** (Photovoltaic) represents a total reduction of **29,813.77 kg/year** which is a total reduction of **20% of carbon emissions for against the benchmark of 149,068kg/year**.

- 11.21 These enhancements in combination (3.87% Fabric, 16.13% Photovoltaic (Total 20.00%) will exceed 20% of the developments predicted emissions and therefore are in excess of the policy requirement in policy CS65 a) and is in accordance with CC2 of the Climate Change SPD (CD5.8 page 9).
- 11.22 The above approach was accepted by the Council, as illustrated within the Committee Report (CD2.38 page 54) which states:

Core Strategy Policy CS 65 requires 10% of the development's predicted energy needs to be met from renewable or low carbon energy. The applicant has submitted an energy report to show how this policy will be met. It says that building fabric and service enhancements will be adopted which will exceed the building regulation requirements and are expected to result in a 5.4% reduction in the building's energy requirements. In addition photovoltaic panels will be provided which are predicted to be capable of providing approximately 7% of the developments predicted energy needs. These enhancements in combination will exceed 10% of the developments predicted energy needs and therefore are in excess of the policy requirement

B) Sheffield Climate Change & Design SPD

- 11.23 OAG's letter dated 23.11.20 states that the issue of green roofs is the reason for their reference to the Sheffield Climate Change & Design SPD 2011 (CD4.10.42 page 1).
- 11.24 Sheffield Climate Change & Design SPD 2011 (CD5.18) links the provision of green roofs to the policies within the Core Strategy but this does not equate the failure to provide green roofs as resulting as a conflict with any of these policies.
- 11.25 Guideline CC1 (CD5.18, page 5) suggests that providing they are compatible with other design and conservation considerations, and are viable, green roofs will be required on all larger developments (a definition that includes developments of 10 dwellings or more). This is a suburban area where there is a significant demand for family housing and flat green roofs would not be a suitable design response to the character of the area.
- 11.26 This conclusion is shared by the Planning officer as the Committee Report (CD2.38 page 81) states:

'The Climate Change and Design Supplementary Planning Document and Practice Guide promotes green roofs on larger housing developments of 10 dwellings or more, where compatible with other design and conservation considerations. This is normally viable on larger residential blocks in the City Centre where the large footprint flat roofed buildings provide an opportunity for green roofs which are maintained by the building's management. It is not considered to be a priority or reasonable to insist on this on this

prominent site where pitched roof houses are sympathetic to the local character; all houses have gardens; and green roofs would have to be maintained by individual householders.'

11.27 As such, there is no requirement for green roofs to be provided as part of this development proposal.

C) National Planning Policy Framework (2019)

i) Paragraph 8

11.28 In their SoC (CD4.4 page 3) OAG suggest that the harm resulting for the appeal scheme significantly outweigh the benefits and as such the appeal proposal is contrary to paragraph 8 of the NPPF. Paragraph 9 of the NPPF states explicitly that these objectives are not criteria against which every decision can or should be judged.

11.29 The is very high level and unspecific criticism of the scheme.

11.30 The correct approach to determining applications is set out in paragraph 11 of the NPPF, with the starting point being conformity or otherwise with the development plan. This is the approach I have adopted in my evidence and I set out my conclusion on this basis at the end of this evidence.

ii) Paragraph 91

11.31 Again, this is a high level point and is unspecific ignoring the fact the site has been identified as suitable for development in the development plan.

11.32 The OAG's Statement of Case (cd4.4, paragraph 3.3 and 5.7) refers to the appeal site being in conflict with Paragraph 91 of the NPPF on the basis that site is not situated in close proximity to walkable local amenities and will therefore increasing car dependence. In part they argue this is due to the "removal" of local shops from the scheme.

11.33 UDP Policy S7 (CD5.5) allowed for retail provision to be provided within the UDP allocation but also allowed housing instead. It was not a requirement that any retail provision should be provided.

11.34 CS24c identified the site for housing development only (CD5.10).

11.35 As such there is no policy requirement for the provision of retail provision.

- 11.36 There is no longer a requirement for retail provision to be made within the Brief as there is no location identified in the Urban Design Framework or the illustrative master plan and is not identified in section 6 as a key design principle that the development should address (CD5.19 pages 32 and 35).
- 11.37 The area identified for local shopping area in the UDP is irregular and small and would only accommodate a very limited footprint of retail store. Even with the development of the appeal scheme the catchment area for any retail provision would be exceedingly limited (just the appeal site and the neighbouring Moorthorpe Rise development) which would be insufficient to support a viable retail business.
- 11.38 As evidenced in the Highways POE (CD4.12.1), the proposed development is accessible by public transport as the majority of the site is within 800m of the Donetsk Way tram stop, which provides frequent services to Sheffield City Centre and local amenities providing an alternative mode of transport other than the private car.
- iii) **Paragraph 110**
- 11.39 The OAG's Statement of Case refers to the appeal site being in conflict with Paragraph 110 of the NPPF on the basis that the appeal scheme proposes that only 30% of homes on the development will have electric vehicle charging points.
- 11.40 Part e) of NPPF paragraph 110 states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations
- 11.41 As set out in the Air Quality Assessment (CD2.25, table 6.3) sets out the proposed mitigation as including 20% of dwellings having Electric Vehicle charging installation, with a further 30% of dwellings having the correct infrastructure installed to allow for charging points to be fitted at a later date. In addition to providing a financial contribution to bus passes and other sustainable transport options to encourage the use of public or active transport over cars.
- 11.42 Condition 12 in SoCG (CD4.2 page 37), confirms the proposed approach to mitigation and requires 20% of the houses with on plot parking to be provided with electric charging points and a further 30% of the houses with on plot parking to be provided with infrastructure to allow the home owner to install an appropriate electric vehicle charging point.

iv) Paragraph 130 -131

11.43 OAG SoC paragraph 3.4 suggests that the appeal proposal is contrary to paragraph 130 and 131 because the design fails to respond to the areas prevailing character of green infrastructure and open space. It does not develop and specific detailed criticism of the design.

11.44 As explained in the previous section the Council have determined the balance of residential development to green infrastructure as part of the development of the Brief which confirmed that the appeal area is suitable for development. NPPF Paragraph 130 states that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. In the appeal case the compliance of the scheme with the Brief which clearly considered the issue of the balance of green areas to development would suggest that further objections regarding design should not be entertained.

11.45 Paragraph 131 of the NPPF suggest substantial weight be given to outstanding or innovative designs which promote high levels of sustainability it does not as suggest by OAG provide a basis for the refusal of an application.

11.46 In his Evidence, Mr Richard Walshaw explains how the design and layout of the site is of high standards and has been evolved in consultation with the Council Officers to result in a scheme accepted by the Council.

v) Paragraph 150 &153

11.47 Paragraph 6.7 of OAG's SoC (CD4.4) states that the appeal scheme fails to take into account the role of the site characteristics or the proposed development in responding to climate change and is hence contrary to Paragraph 150 and 153. These paragraphs deal with plan making and not decision taking and are therefore not relevant to this appeal.

vi) Environmental Impact Assessment

11.48 The OAG SoC and subsequent correspondence raised the issue of that the appeal proposal should be subject to an Environmental Impact assessment (EIA). This matter has now been considered by PINS Major Casework Directorate. Their letter of 10 December 2020 (CD4.10.28) confirms that in the opinion of the Secretary of State the proposal would not be likely to have significant effect on the environment for the following reasons:

- 11.49 Although located within the impact risk zones of three designated sites, the Moss Valley Site of Special Scientific Interest (SSSI), Moss Valley Meadows SSSI and Moss Valley Woods SSSI, it is unlikely that there will be significant impacts on these SSSI in terms of noise, waste, contamination, transport, flooding, landscape, or complex construction. Given the nature, scale and location of the Proposed Development, the impacts which could include biodiversity, arboriculture and archaeology are unlikely to be significant. Consequently, while there may be some impact on the surrounding area and nearby designated sensitive areas as a result of this development, it would not be of a scale and nature likely to result in significant environmental impact. An EIA process / production of an ES is therefore not required.
- 11.50 The appellants evidence on the localised impact on trees and ecology have been assessed by Mr Topping (CD4.9.1) and Mr Baker (CD4.8.1) and I have reviewed their findings as part of my evidence and bring their conclusions into my final planning balance.

12.0 ISSUES RAISED BY THE OBJECTORS

12.1 A significant number of representations were received during the two consultation exercises undertaken by the Council during the application process. In this section I simply refer to issues not already addressed within my evidence and I set out the objection the Council's reasoning for rejecting the objections to the application, as set out in the Committee Report (CD2.38 page 80-82), together with my own response where necessary.

A) Sustainability Standards for new housing

12.2 A number of representations have said that the housing should be designed to higher sustainability standards. The Government's Housing Standards Review produced in 2015 (CD4.10.47) reduced the different technical standards that could be applied by Local Authorities. In the absence of an up to date Local Plan the technical standards for sustainable housing design are now taken forward through the building regulations. Whilst more sustainable housing design can be encouraged Sheffield cannot require higher design standards than the building regulations.

B) Premature to the emerging local plan

12.3 It has been argued that the application should be delayed until a new Local Plan is produced as it may no longer be necessary to develop this Greenfield Site. This is unreasonable, as the site is in the UDP as an allocated housing site which is consistent with the NPPF and it is also in the Council's current housing supply figures. In addition, the delivery of sufficient housing sites is challenging as the Local Plan is looking forward to 2038. It will also be some time in the future before the Local Plan process would confirm any changes to allocated sites. In addition, this site will help to finish the partly completed Owlthorpe Township; is a sustainable site; is close to a high frequency tram service; and is one of the few opportunities for housing of this scale in the area. The point is effectively an argument about prematurity, but the tests for that are clearly set out in paragraph 49 of NPPF and are not met here. The development is not so substantial as to undermine plan making and the emerging plan is inchoate, and certainly not at an advanced stage.

C) The invertebrate survey

12.4 A number of representations refer to the need for an invertebrate survey. I note the position that Mr Baker takes on this issue within his Evidence and finds that the necessity for such surveys is a matter of judgement and that the key principle is one of proportionality. I note

Mr Baker has reviewed the evidence and states that the value of the development site for invertebrates has been sufficiently examined.

- 12.5 Based on the original assessment, and data from the Sheffield Biological Centre and Derbyshire Wildlife Trust, the Council's Ecologist concluded that an invertebrate survey is not necessary. Ecology Comments (CD4.10.41) illustrate how the planning officer agreed that the need for site wide invertebrate survey would not be proportionate and the wide range of habitats to be created by the detailed proposals would support the invertebrate species present on and outside the site.

D) Impact of development on water quality

- 12.6 Water quality discharge concerns are raised. However, the water storage area will incorporate wetland vegetation filtration areas and swales that clean the water so that clean water enters Ochre Dike. The design will conform to the risk based guidance for achieving this. The pond will not be fenced and it will be designed as an informal recreation area. The permanent water will occupy approximately a third of the area and be up to 600mm deep; the gradients of the sides will be shallow to facilitate easy exit. The Council will be responsible for the long term management of the area funded by a charge on the new housing it serves, which has been designed to incorporate funding for repairs and replacement of valves.

E) Prescriptive rights of way

- 12.7 In respect of any claimed prescriptive rights of way, these are matters outside the planning process and are not relevant to this appeal. If any claims are made, they will be considered as part of a separate legal process and it is not necessary to delay the determination of this planning application.

F) The use of the Warwickshire Biodiversity Calculator

- 12.8 The use of the Warwickshire Biodiversity Calculator, over the Defra 2.0 metric tool was questioned by some objectors. This is addressed in the evidence of Mr Baker, who has a tailored scheme of compensation costed and agreed with the Council, corroborated by consideration of the DEFRA Metric (Beta version 2), but noting the shortcomings of that Metric. The financial contribution has been costed with reference to the actual works proposed.

13.0 THE PLANNING BALANCE

- 13.1 The principle of residential development on the appeal site is agreed between the Council and the Appellant (CD4.2 paragraph 7.2).
- 13.2 The majority of the area was allocated for development under UDP H13, this was reassessed and confirmed again as a suitable site for residential development in the 2009 Core Strategy (CS24c) which expressly supports the development of the site in the period up to 2025/26 (CD4.2 Paragraph 7.9).
- 13.3 The site was reconsidered as part of the sites and policies DPD an assessment which changed the boundaries of the development site in 2013. While this DPD did not proceed the updated assessment of the allocation with the updated boundaries was included into the Planning and Design Brief 2014.
- 13.4 The site was further reviewed prior to the publication of the revision of the Brief in 2017.
- 13.5 It is agreed that the site forms part of the Councils 5 year and supply and is required to meet Sheffield's housing needs in the period to 2025/26 (CD4.2 paragraph 7.11).
- 13.6 The most recent assessment HELAA 2020 (CD4.10.18) still identifies the site as suitable for residential.
- 13.7 The starting point for the assessment of the appeal site is that it is in broad conformity with the development plan in that it has been identified for residential development and is being brought forward for that use. In these circumstances Framework Paragraph 11 c) applies requiring that decision makers should approve development proposals that accord with an up-to-date development plan without delay.
- 13.8 In terms of policy compliance, the appeal proposal falls within the area identified for development in the Brief and are subject to the same policies the differential between the schemes will be the degree to which each one mitigates its impact.
- 13.9 The amendment to the appeal scheme, to that which was refused, is limited to the localised impacts of the scheme. The effect of the amendment is to increase the distance of residential properties to the woodland to the north. This provides for:

- A larger area of planting between the built environment and the buffer (CD4.8.1).
- A greater number of trees that can be planted along the northern boundary (CD1.14.A and CD1.14.B)
- A greater distance between development and the LWS
- The retention/reprovision of the whole length of informal footpath along the northern boundary of the site close to its original alignment
- The reduction in the total level of housing to 72 dwellings

13.10 In the context of this appeal, I have reached the conclusion that the most important policies for determination of this appeal are up to date and the appeal is in accordance with these policies:

- **H13** - While up to date in principle as there remains a requirement for housing the detail boundaries of the allocation have been amended by the Council based on more recent assessment of the site in CS24c and then in the Brief 2014 and 2017
- **GE11** – This is a policy which seeks to protect and enhance the natural environment by requiring the design siting and landscaping of development to promote nature conservation and include measures to reduce any potential harmful effects. The original allocation H13 has been made in the context of this policy which does not seek to prevent development just to mitigate the effects. The appeal scheme has been designed to mitigate the effects on the natural environment and as such there is no conflict with this policy.
- **GE15** – This policy protects trees and woodlands requiring the retention of mature trees corpses and hedgerows wherever possible but where not possible the replacement of any trees that are lost. The scheme would not result in the loss of veteran or ancient trees and proposes both on and off site mitigation in the form of additional tree planting and is therefore fully compliant with this policy.
- **CS24c** - It is agreed that this policy supports the development of the appeal site CD4.2 paragraph 7.9)
- **CS26** - It is agreed that this policy allows a departure from the densities specified to achieve good design, reflect the character of an area, or protect a sensitive area (CD4.2 paragraph 7.24). The lower density on the appeal site is justified by the design approach as set out in Mr Walshaw's evidence responding to the character and topography of the site
- **CS40** – This policy simply requires that affordable housing be negotiated on where this is practicable and financially viable. The s106 secures affordable housing on this site. The appeal is in full accordance with this policy.

13.11 I have set out why I consider **GE13** is not an important policy for the determination of this appeal because: (i) it does not offer protection to LWS; and (ii) the UDP proposals map identifies the land surrounding the appeal site as open space, and not as either a Local

Nature Reserve or an Area of Natural History Interest (which are to two designations covered by that policy).

13.12 It is agreed that the principle of the residential development of the site is enshrined in CS24c; therefore, there will be a presumption in favour of granting permission unless there are material considerations indicate otherwise.

13.13 The reason for refusal and other objections sets out 5 elements

A) Main Issue A: Would the appeal proposal unacceptably harm the ecology of the site and the area?

13.14 In assessing the harm to the ecology of the site it is important to acknowledge that the site has been identified as a development site for a number of years and that the impact on the ecology of the site or the area did not form a reason for refusal, nor was it an area of dispute in the SoCG (CD4.2, paragraphs 7.33-7.47)

13.15 Mr Baker in his evidence has reassessed the application evidence (CD4.8.1) and states that the site supports habitats which have colonised, over a period of 20 years on former farmland which was previously managed as arable and pasture. As such these habitats are neither rare, nor uncommon. Given these conclusions Mr Baker's opinion is that the ecological loss resulting from the development can be mitigated and compensated, and he has a high level of confidence that the proposed mitigation and compensation will be successful.

13.16 I further note Mr Baker's conclusions (CD4.8.1) that the impact of the development on Bats, Birds, Badgers Amphibians, Reptiles, Hedgehogs Badger, Deer and Fox was either negligible or capable of mitigation.

13.17 The approach to mitigation recommended by Mr Baker includes a wide range of measures including an updated Ecological Management Plan and, while not a policy requirement, a financial contribution to the Council will secure 'Biodiversity Net Gain' by funding offsite habitat creation and management in the vicinity of the development (CD4.8.1)

13.18 I note that in assessing the impact on the area of woodland to the north Mr Baker highlights the effects of the previous agricultural use of the site and concludes that the proposed buffer will protect the retained woodland against any hydrological impacts (CD4.8.1)

13.19 Mr Baker highlights (CD4.8.1) that in considering the impact of recreational pressure on the

Ochre Dyke LWS, Owlthorpe LWS account needs to be taken of the fact that the sites are already very well used by the general public and the marginal increase in recreational use arising from the scheme would not make any significant difference to the ecology of the area. Mr Baker highlights the opportunity for improved recreational management of the open space within the LWSs including restricting public access to some areas.

- 13.20 It is agreed that the recreational pressure on the LWS can be mitigated (CD4.2, paragraph 7.42).
- 13.21 Mr Baker concludes that the Hedgerows Regulations 1997 do not apply to hedgerows within the site or the hedgerow on the western edge of the site. Mr Baker states that in ecological terms the loss of the hedgerow within the site can be mitigated.
- 13.22 Mr Topping's (Surface) evidence (CD4.9.1) accepts that contrary to the original SoCG (CD4.2 paragraph 7.12) that the woodland to the north is now to be regarded as ancient woodland and he advances an approach to mitigation that can be delivered (as previously) on the adjacent Council owned land. In summary this consists of a substantial level of tree planting which will be delivered alongside other initiatives in the BNG Management Brief.
- 13.23 I further note that the S106 identifies that the "Tree Compensation Works Contribution" is to be expended by the Council towards the provision of tree planting on the adjoining "Tree Planting Land".
- 13.24 It is agreed with the Council that biodiversity compensation and enhancement is achieved through the development, based on the landscape proposals within the site including within the buffer zone, POS and drainage areas, as well as an off-site contribution to deliver the ecological management and improvements to the surrounding LWS's (CD4.2 Paragraph 7.45).
- 13.25 Mr Baker's proposed Management Plan (CD4.8.1.5 AB appendix 4) identifies 8 habitats close to the appeal site assessing each one in turn and proposing an appropriate management plan for each habitat. This includes new planting as well as ongoing management such as the clearance dense scrub and the control of brambles.
- 13.26 The habitats to be managed and improved are Broadleaved Woodland, Orchard, Parkland, Hedgerow as well as Unimproved and Modified Grasslands.

B) Main Issue B: Does the appeal proposal prejudice the proper planning of the area by not forming part of a comprehensive scheme for the whole of the Owlthorpe development area (Sites C, D and E)?

13.27 The purpose of the Brief for this site is clearly to enable a co-ordinated and comprehensive approach to the future uses of the site (CD4.2 paragraph 1.2). The Brief explicitly acknowledges that different parts of the site may be phased in their delivery (CD4.2, paragraph 3.2.6). It sets out the 3 areas to be developed for housing and the areas to remain open in the Opportunities and Constraints plan Fig 19 as well as providing a framework as to how the comprehensive scheme is to be delivered.

13.28 The appeal proposal assists the comprehensive development of the wider area by:

- The provision of the **children's play** which is required to be delivered early in the development (CD5.19 paragraph 5.4.2) relieving this obligation on the other phases of development and avoiding delivery in a piecemeal fashion.
- The delivery of the **SUDS basin** (CD5.19 paragraph 5.8.1) in the appropriate location which has a capacity not only for the appeal site but also the runoff from site D (CD4.10.43).
- The scheme does not impede the delivery of the other sites from a **Highway Infrastructure** perspective as set out in Mr Addison's PoE (CD4.12).

13.29 The Committee Report (CD2.38) identifies no response from statutory undertakers suggesting that the appeal proposal would prevent the development of the other two sites in the Brief.

13.30 A comprehensive scheme does not require a single planning application for the whole site nor does it require contemporaneous development.

13.31 Comprehensive schemes in the context of planning are usually achieved by a policy document covering the whole area such as a master plan or in this case a Brief. The purpose being to guide development so that the whole site maybe delivered, which does not require complete adherence providing that any divergence does not prevent the delivery of the overall scheme. That is exactly what is proposed by the appeal scheme.

C) Main Issue C: Does the appeal proposal fail to respond sufficiently to the area's prevailing character, green infrastructure and open space?

13.32 The reason for refusal alleges that the proposals do not respond sufficiently to the area's prevailing character of green infrastructure and open space.

- 13.33 The Council's Statement of Case highlights that their objection is based upon the urbanising effect that the appeal development will have on the site and that the development of the site fails to sufficiently respect and retain the intrinsic green and open character of the site (CD4.5 paragraph 5.6).
- 13.34 Mr Walshaw's evidence describes the approach that was taken to the development of the design of the appeal proposal (CD4.11.1). He describes the prevailing character of the area with large parcels of housing set within a framework of green corridors around the edges of each estate, generally following landscape features such as watercourses and woodland.
- 13.35 Mr Walshaw states in respect of this matter that the vision articulated by the urban design framework and illustrative masterplan on pages 31-35 of the Moorthorpe Way, Owlthorpe Planning and Design Brief (CD5.19) replicates the prevailing character of the area by providing another urban block of housing with limited internal green spaces and a rim of green space around the edges.
- 13.36 Mr Walshaw confirms that the orientation of the dwellings towards areas of public open space such as the woodland to the north the site will have a much better relationship with the surrounding green infrastructure than is found within the surrounding estates. In this way Mr Walshaw claims that the scheme will respond to the prevailing character of the area and enhance the interface between development and green space.
- 13.37 Mr Walshaw in his evidence (CD4.11.1) explains how the design and layout of the site has been evolved in consultation with the Council officers to result in a scheme which the Planning Manager considered met the requirements of Policy CS47.
- 13.38 The evidence of Mr Walshaw, Mr Baker and Mr Topping demonstrate that the proposals have been developed with a clear understanding of both the physical and policy context and achieve the appropriate balance between the development of the site for housing, as set out in the Development Plan and respect for the character of the area, as well as wider policy objectives regarding density and the efficient use of land.
- 13.39 At a basic level, no residential development of the site can be delivered if the green and open character of the site is to be retained. It is notable that the Brief's site description does not highlight the sites intrinsic green and open character (CD5.19 section 3). Furthermore, the planning requirements of the Brief (CD5.19 section 5) do not identify the necessity to retain

the intrinsic green and open character of the site. Keeping the site's open character is not identified as a key challenge in 6.2 and clearly delivering development while keeping the sites open character is inconsistent. Fig 19 and Fig 20 (CD5.19) provide no assistance at all in how development may be secured on the site while maintaining its openness. They promote the opposite; its development and without any apparent sign of material green space in the development, only appropriate attention paid to its edges.

13.40 It is the Appellant's case that the principle of change to the character of the area has been accepted by the Council in allocating the site for housing. Furthermore, in preparing the Planning Brief, the Council has clearly articulated the form of development anticipated for the housing sites to strike the appropriate balance between competing planning considerations.

13.41 The proposals are appropriately consistent with the Planning Brief and represent a balanced response to all considerations including ecology, trees, landscape and open space, as well as density, as agreed by officers.

D) Main Issue D: Does the appeal proposal make efficient use of land?

13.42 As explained in the Design Process in Mr Walshaw's PoE (CD4.11.1) the approach to density within the appeal scheme was informed by thorough analysis of the site, Development Plan policies, the Council's Planning Brief, and discussions with the planning officers.

13.43 Mr Walshaw highlights the tension between the Council position of seeking a higher density and the increased urbanisation of the site which he states does not accord with green or built character and runs counter to the notion that the proposal does not respond sufficiently to these features.

13.44 Mr Walshaw explains how the pursuit of good design including having plots fronting the woodland edge and managing the change of levels across the site have discounted the use of house types with narrower plots.

13.45 I agree with his conclusion that to create the most appropriate design solution a lower density of development is justified.

13.46 Mr Walshaw also undertakes a review of the character of the surrounding residential areas predominantly lower density, 2 storey, detached family housing surrounding the site with a density ranging from 21 dph and 29 dph (CD4.11.1),

13.47 I concur with Mr Walshaw that the difference between 28 dwellings per hectare and 30 dwellings per hectare is a very minor difference and is acceptable as it is a reasonable response to the character of the area and the claimed sensitivity of the northern boundary of the site.

13.48 In respect of policy CS26 cited in the reason for refusal this is consistent with paragraph 122 of the Framework because of the exception in the last sentence of policy CS26 that allows densities outside these ranges where they achieve good design, reflect the character of an area, or protect a sensitive area (CD5.10 page 67). This is exactly what Mr Walshaw has done in the development of the design for the appeal scheme and as set out in the Committee Report, the planning officer also agreed fully with this (CD2.38, page 48 – 49).

E) Main Issue E: Does the appeal proposal fail to appropriately integrate affordable housing into the layout?

13.49 This amended plan (CD1.2.B) that adjusts the position of the affordable provision to respond to Committee Members concerns regarding the integration of affordable housing within the site.

13.50 The level of affordable housing provision within the Appeal Site exceeds the requirement set out in GAH2 of the Planning Obligations and CIL SPD (19% of proposed floorspace against a policy requirement of 10% of floorspace) (CD5.16, page 55). This results in 21% of the units on site being affordable compared to the NPPF requirement of just 10%.

13.51 The Council's objection as set out in their SoC (CD4.5 paragraph 5.16) is that the development fails to provide an acceptable and suitable standard of affordable housing because it is said that the affordable housing is easily distinguishable from the market housing on the site for a number of reasons including its design, scale, siting, form and parking.

13.52 In this case it is the Council who will be acquiring the affordable housing and the Council, as operators of the affordable housing, did not seek to amend the distribution of affordable housing and the original s106 made reference to n1276008D (CD1.3) which grouped the majority of the affordable housing to west and south of the Heath Centre. The Council has also agreed the size of units to meet the needs.

13.53 It is noted that the Urban Design and Conservation Officer raised no issues with the proposed

affordable housing (CD4.10.45)

- 13.54 The location of the affordable housing provision within the site enables the early delivery of affordable dwellings within the construction period to meet current and pressing affordable housing needs.
- 13.55 It is important to also consider the affordable housing provision in the context of Sites C, D and E of the Housing Area overall. Within this context, the provision of affordable housing within each site will lead to significant dispersal and positive integration of provision throughout the wider area.
- 13.56 Mr Walshaw's PoE explains the approach that has been taken to the design and location of affordable housing on the site (CD4.11.1). He states that the materials used are identical and that there is no differential in terms of design or quality, scale, and parking in front of the property. He explains the basis for the courtyard approach to parking was proposed for design reasons responding to the irregular shape of the site created by the positioning of the medical centre.
- 13.57 I have also reviewed recent examples of affordable housing provision that have been or are being delivered on other housing sites and I do not consider the approach to the affordable housing on the appeal scheme to be contrary to the SPD given these other examples.
- 13.58 In my view that the approach Mr Walshaw has taken to the design and location of the affordable housing accords with all of the criteria set out in GAH5 of the SPD.

F) Other Material Considerations

i) *The 5 year land supply position*

- 13.59 In this case the principle of the development is not in dispute as it is an allocation and Section 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development should be granted unless there are other material considerations. As such any additional weight that could be acquired from the "tilted balance" is not determinative for this appeal proposal.
- 13.60 On the 18th December 2020 the Council published its "5-Year Housing Land Supply Monitoring Report December 2020" (CD4.10.2.1). This claims to show a 5.4 year housing supply as forecast from the 1st April 2020. However, I don't think it is a relevant or efficient use of Inquiry time to analyse this, as the principle of development is not in issue between

the Council and the appellant.

13.61 Even a 5.4 year supply is a marginal supply and as set out above there are serious concerns as to the supply and delivery of affordable housing and the makeup of the supply in terms of location, type and size of market properties. As such I consider substantial weight should be given to the provision of family and affordable housing as part of this appeal, both of which are in much need and demand within the City.

13.62 I note how temporary the five year land supply position set out in the “5-Year Housing Land Supply Monitoring Report December 2020” (CD4.10.2.1) is given the 35% increase in the requirement from 16th June 2020 when the new Standard Method is applied (PPG Paragraph: 037 Reference ID: 2a-037-20201216). On the basis of the currently claimed supply of 12,131, the Council will only be able to demonstrate a supply of 4.0 yrs (12,131/3,021).

13.63 As such the claimed 5 year land supply is marginal and temporary at best.

ii) *The need for family and affordable housing*

13.64 There are a host of underlying housing problems in terms of the provision of housing and the supply being of very largely the wrong type and in the wrong place.

13.65 My evidence has highlighted that the recent high levels of completions have been concentrated in just two housing market areas within the City (City Centre and City West) and that a substantial proportion of these completions have been either apartments or student clusters. As well as being location focused the type of provision has predominantly been 1 and 2 bed dwellings.

13.66 I have highlighted the results of the SHMA 2019 (CD4.10.24) which indicate that demand is for 3 and 4 bed houses and I conclude that at present there is a mismatch between the nature of the supply and demand within the city. As such the provision of 3 and 4 bed family housing should be given substantial weight in determining this appeal.

13.67 The council agree that the provision of housing should be given significant weight (CD4.2 paragraph 7.11)

iii) *The need for affordable housing*

13.68 The requirement for affordable housing is 902 dpa. In recent years the level of Council housing stock has fallen by 2,893 dwellings in the decade to 2019 and this has not been compensated by the level of completions of other providers who have experienced a net increase in stock of just 970 dwellings.

13.69 The concentration of delivery with the City Centre and City Centre West (which have an affordable housing policy requirement of 0% and 10%) is one factor that will have contributed to the low level of new affordable housing.

13.70 As only 24% of the future 5 year supply is in the form of houses it is likely that the Council will continue to seriously under supply affordable housing.

13.71 In light of the above the provision of affordable housing should be given substantial weight in the determination of this appeal.

iv) *Conclusion*

13.72 My case is that the development is on a site specifically identified for residential development in the development plan (H13 and CS24c) and as such the proposal accords with the terms of the development plan. I do not accept that there is any material conflict with the most important policies for the determination of this appeal and accordingly permission should be granted without delay as made clear by paragraph 11 c) of the Framework.

13.73 If it was concluded that there was any conflict with any policies, then it is necessary to determine whether that amounts to conflict with the development plan overall. I do not consider this to be the case.

13.74 Having reviewed the evidence of Mr Walshaw (Urban Design), Mr Baker (Ecology), Mr Topping (Arboriculture) and Mr Addison (Highways) I can make the following observations on the potential policy conflicts highlighted by the council and the objectors.

13.75 I conclude the appeal site is identified for housing development in both H13, and CS24c.

13.76 As a green field allocation, I note the development of the appeal site will have an effect on the ecology of the area however the evidence of Mr Baker and Mr Topping together with the correct reading of these policies suggest that there is not a conflict. The policies do not

require that all harm should be avoided but that they correctly acknowledge some effects can occur but that these are required to be mitigated and compensated for. It is my view that the mitigation and compensation proposed is sufficient to fulfil the policy criteria. I conclude that the appeal proposal is in accordance with GE11, GE13 and GE15.

13.77 In terms of design, I refer to Mr Walshaw's evidence in terms of the development of the design and layout of the appeal site and conclude that the proposal is in accordance with H14, H15, CS26 and CS74.

13.78 I have specifically considered policy CS26 in the reason for refusal and Mr Walshaw's evidence explaining the design choices that have led to the density of the appeal proposal and I find his approach in full conformity with this policy which specifically accepts lower densities in order to achieve good design, reflect the character of an area or protect a sensitive area. It is by seeking to address these issues that have resulted in the density and as such there is no conflict with this policy.

13.79 I have also considered policy CS40 cited in the reason for refusal in respect of the integration of affordable housing my analysis of policy finds no such policy requirement and as such I concluded that the appeal proposal is not contrary to CS40. I further note the explanation of Mr Walshaw in terms of planning for affordable housing within the layout and consider this approach to be in accordance with the SPD.

13.80 There are in my opinion clear benefits that derive from the appeal proposals which weight strongly in favour of upholding this appeal. These material considerations include:

- Provision of much needed family housing
- Provision of much needed affordable housing
- The ongoing benefits of BNG Management Brief securing improvements to surrounding Habitats including the LWS
- High quality design and range of homes
- Integration of the Woodfield Heights estate into a more sustainable community.
- Enhanced existing open space within the landscape buffer and incidental open space areas within the site
- Enhanced open space and new children's play provision (which will facilitate the delivery of the other sites).
- New on-site SUD including long term maintenance, also for the benefit of Site D

- Construction sector employment.
- Creation/retention of jobs for the ongoing management of the wider habitats
- Additional residents spending in the locality.
- CIL contribution to strategic infrastructure.
- Planning s106 contributions to:
 - Tram stop improvements,
 - Parks Masterplan,
 - Footpath improvements and

13.81 In conclusion I do not regard the claimed conflict with one or more of the development plan policies would necessarily justify the dismissal of this appeal as any such conflict must still be balanced against the elements of the development plan which support the proposal. In these circumstances the substantial weight that should be attributed to the provision of housing and affordable housing as well as the proposed benefits that could be derived from the BNG Management Brief. Other benefits also attract moderate weight, and all must be taken into the balance.

13.82 In light of the above I respectfully request that this appeal be upheld.

APPENDIX 1 THE SUPPLY AND DELIVERY OF HOUSING IN SHEFFIELD

A) The nature of housing delivery in Sheffield

A1.1 Table 1 below illustrates the levels of recorded gross dwelling completions in Sheffield in the last 4 years as set out in SCC Housing Completions Report (August 2019) and Fact and Figures Documents.

A1.2 Over the last 4 years 73% of all dwellings delivered in the city were apartments or student clusters only 23% of the supply were traditional houses.

	Apartments and maisonettes	Student cluster flats	Apartments, maisonettes, student cluster flats total		Houses and bungalows		Total
	Gross completions	Gross completions	Gross completions	%	Gross completions	%	Gross completions
2015/16	1,229	24	1,253	77%	368	23%	1,621
2016/17	1,102	723	1,825	74%	633	26%	2,458
2017/18	925	802	1,727	72%	659	28%	2,386
2018/19	557	831	1,388	69%	612	31%	2,000
Total	3,813	2,380	6,193	73%	2,272	27%	8,465

Table 1. Gross Completions in Sheffield by Housing Type (2015-2019)

A1.3 Over the last 4 years only 11% of all dwellings delivered where 3 bed houses and just 8% of all completions were 4+ bed houses.

	Gross Completions											
	Apartment & Maisonettes					Houses & Bungalows					Student Cluster	Student Bed spaces
	1 bed/studio	2 bed	3 bed	4+ beds	Total	1 bed	2 bed	3 bed	4+ bed	Total		
2015/16	935	260	32	2	1,229	13	123	154	78	368	24	
2016/17	759	317	26	0	1,102	8	169	240	216	633	723	968
2017/18	595	311	18	1	925	2	150	273	234	659	802	1,062
2018/19	333	216	8	0	557	1	136	296	179	612	831	1,505
Average	656	276	21	1	953	6	145	241	177	568	595	1,178

	Apartment & Maisonettes					Houses & Bungalows					Student Cluster	Total
	1 bed/studio	2 bed	3 bed	4+ beds	Total	1 bed	2 bed	3 bed	4+ bed	Total		
2015/16	58%	16%	2%	0%	76%	1%	8%	10%	5%	23%	1%	100%
2016/17	31%	13%	1%	0%	45%	0%	7%	10%	9%	26%	29%	100%
2017/18	25%	13%	1%	0%	39%	0%	6%	11%	10%	28%	34%	100%
2018/19	17%	11%	0%	0%	28%	0%	7%	15%	9%	31%	42%	100%
Average	31%	13%	1%	0%	45%	0%	7%	11%	8%	27%	28%	100%

Table 2. Gross Completions by Housing Type and Bed spaces

A1.4 The past rates of completions and the type of dwellings being delivered both in terms of size, type and tenure are a function of the very limited development opportunities in many locations across the city.

B) Location of delivery

A1.5 The SHMA 2019 (CD4.10.24) undertakes an analysis of demand in different sectors of the city (as shown on the Fig on the next page).

A1.6 The table below shows that not only are completions dominated by apartments and student cluster flats but that completions are also locational concentrated in just two locations City Centre and City Centre West.

HMA	House	Apartment	Student Cluster
	2015-2019		
Chapelton/Ecclesfield	0%	0%	0%
City Centre	2%	23%	17%
City Centre West	2%	14%	11%
East	1%	1%	0%
Manor/Arbourthorne/ Gleadless	6%	1%	0%
North East	5%	1%	0%
North West	1%	1%	0%
Peak District National Park*	1%	0%	0%
Rural upper Don Valley	0%	0%	0%
South	1%	1%	0%
South East	4%	2%	0%
South West	2%	1%	0%
Stocksbridge and Deepcar	2%	0%	0%
Total	26.83%	45.06%	28.12%

Table 3. Location of completions



SHMA 2019 Housing Market Areas

A1.7 In respect of the nature of existing demand the councils SHMA 2019 Table 8.1 (CD4.10.24) suggest that the majority of households (80%) are wishing to access houses rather than apartments (20%) as shown in the table below.

	Sheffield	Dwellings
Overall Housing requirement		2200
Dwelling Size		
One bed	12%	264
Two bed	27%	594
Three bed	45%	990
Four + bed	16%	352
Dwelling type		
Flats / apartments	20%	440
Terraced	18%	396
Semi- detached	35%	770
Detached	31%	682
Tenure		
Owner occupation	67%	1474
Social rented / affordable rent	18%	396
Private rented / other rent	15%	330

Table 4. Demand for dwellings by size, type and tenure

A1.8 Comparing the past delivery of dwellings with the demand for dwelling by size and type in the SHMA 2019 suggests that there has been an oversupply of apartments and a under supply of dwellings.

A1.9 It further suggests that there is unmet demand for 3 bed houses and an oversupply of 1 person dwellings (these will predominantly mean apartments).

	1	2	3	4+	Flat	House
Demand in SCC	12%	27%	45%	16%	20%	80%
Completions						
2015/16	59%	24%	12%	5%	77%	23%
2016/17	44%	28%	15%	12%	64%	36%
2017/18	38%	29%	18%	15%	58%	42%
2018/19	29%	30%	26%	15%	48%	52%
Delivery compared with demand						
2015/16	47%	-3%	-33%	-11%	57%	-57%
2016/17	32%	1%	-30%	-4%	44%	-44%
2017/18	26%	2%	-27%	-1%	38%	-38%
2018/19	17%	3%	-19%	-1%	28%	-28%

Table 5. Comparison of past completions against demand from Existing and Emerging Households

A1.10 The impact of the concentration of delivery both locationally within City Centre and in terms of dwelling type i.e. apartments is illustrated by the relatively consistent price of both new and existing apartments in the City ward as shown in the table below.

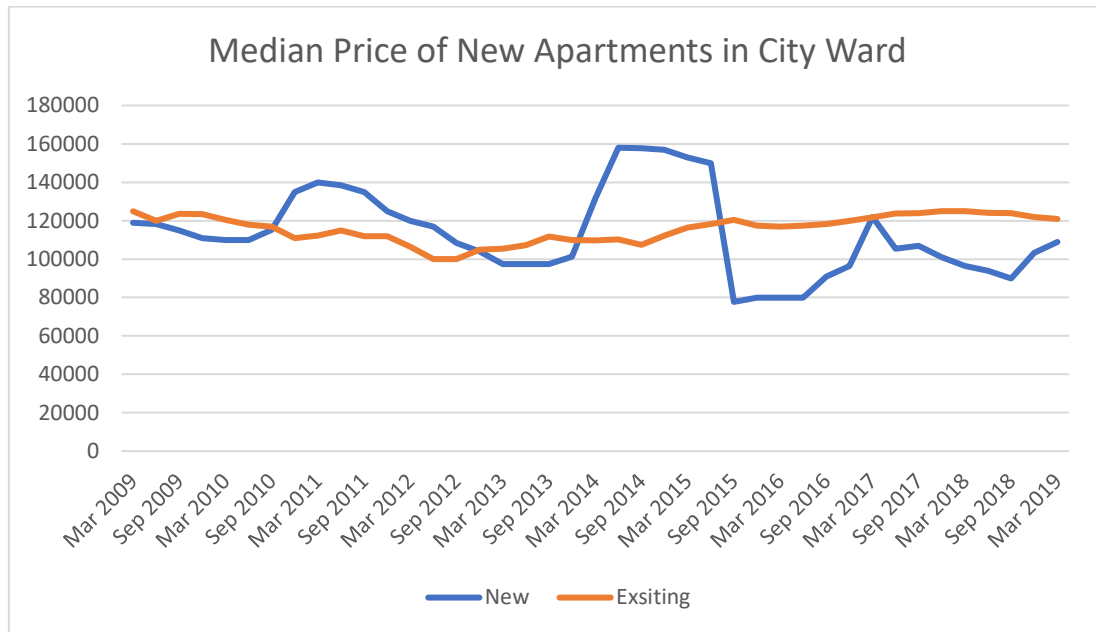


Figure 6. Price of new and existing apartments in City Ward

A1.11 The future supply over the next five years also demonstrates similar characteristics to the recent past supply with only 27% of the projected supply being housing as opposed to apartments and student cluster flats as shown on in the table below.

	2015-2019	%	2019-2024	%
Apartments / maisonettes	3,813	45%	5,658	52%
Student cluster flats	2,380	28%	2,650	24%
Houses and bungalows	2,272	27%	2,642	24%
Total	8,465	100%	10,950	100%

Table 6. Nature of future Five Year Supply

C) The delivery of Affordable Housing

A1.12 The SHMA 2018 table 6.1 indicates that the annual requirement for affordable housing for Sheffield is 902 dpa.

A1.13 Paragraph 6.7 indicates that this is an increase from previous estimates indicating that issues of affordability are worsening and suggests that the increase in demand is the impact of the lower level of relets.

A1.14 The table below illustrates that over the last decade council owned housing stock in Sheffield decreased by some 2,893 (6.9%). This loss of affordable stock has not been replaced by an increase in Private Registered Providers who have only added 970 dwellings in the decade.

	Lower and Single Tier Authority Data	Local Authority (incl. owned by other LAs)	Private Registered Provider	Other public sector	Private sector (P)1	Total (P)1
2009	Sheffield	42,153	16,927	155	175,211	234,446
2010	Sheffield	41,802	16,880	155	177,290	236,127
2011	Sheffield	41,652	16,978	155	178,026	236,811
2012	Sheffield	41,366	16,867	155	178,856	237,244
2013	Sheffield	41,059	17,188	98	179,660	238,005
2014	Sheffield	40,733	17,235	94	180,860	238,922
2015	Sheffield	40,383	17,568	78	182,658	240,687
2016	Sheffield	40,195	17,637	75	184,369	242,276
2017	Sheffield	39,930	17,763	75	186,756	244,524
2018	Sheffield	39,559	17,854	71	189,344	246,828
2019	Sheffield	39,260	17,897	63	191,584	248,804
		-2,893	970	-92	16,373	14,358
		-6.9%	5.7%	-59.4%	9.3%	6.1%

Table 7. Changes to total stock by tenure

D) Conclusion on the delivery and Supply of housing in Sheffield

- A1.15 As highlighted in the main body of the evidence there is at best a marginal supply of housing in terms of the minimum 5 year requirement.
- A1.16 About 73% of the future supply is apartments and student accommodation which mirrors recent past supply at 72%.
- A1.17 The main location for these developments has been (and will continue to be) focused in just two Market Areas of the SHMA City Centre and City Urban West awards.
- A1.18 The demand identified by the SHMA (CD4.10.24) is that 80% of households would prefer houses while only 20% prefer apartments. This suggest that there a mismatch in terms of dwelling type. Similarly, there would appear to be a mismatch in terms of dwelling size with the largest potential under provision being for 3 bed family houses.
- A1.19 In addition to the low level of supply of family housing these is also a very low level of affordable housing provision (again linked to the concertation of new build in areas with no affordable or low levels of affordable housing requirement (due to limited viability)).
- A1.20 Against a recent requirement of 902 affordable dwellings a year the council have experienced a net loss of affordable housing stock year on year for the last decade. These losses have not been made up by the limited level of additional supply from the Private Registered Providers (these have average 97 dpa).
- A1.21 In these circumstances the provision of family housing especially 3 and 4 bed accommodation should be given substantial weight.
- A1.22 The high need for affordable housing and the very low levels of provision by comparison also require substantial weight to be placed on the delivery of affordable housing.

APPENDIX 2 PLANS FOR RECENT DEVELOPMENTS WITH AFFORDABLE HOUSING

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