



**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**

SUMMARY PROOF OF EVIDENCE

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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) which 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 including giving evidence at the Sheffield Core Strategy Examination and participating in the Housing Working Group which looked at sites as part of the Strategic Housing Land Availability Assessment.

1.3 The scope of my 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.

- 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.

2.0 INTRODUCTION – THE APPEAL PROPOSAL

2.1 The appeal site and its location are described in section 3 of the SoCG (CD4.2)

2.2 The application sought full planning permission for 72 dwellings including 15 (21%) affordable dwellings, a SUDS scheme and a LEAP (CD4.2 Section 4 of the SoCG)

2.3 The appeal site is one of three sites that make up a larger UDP allocation which are owned by the Council, the Council acquired the land as part of the development of Mosborough Townships in the 1960's.

- 2.4 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 Councils land holding (sites C and D).
- 2.5 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.
- 2.6 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.
- 2.7 Notwithstanding the positive recommendation in the Committee Report the Application was refused by the Council on 2nd June 2020 for the reason set out in the decision Notice (CD2.37).
- 2.8 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 total of 72 dwellings
 - Of which 21% (15 dwellings) will be shared ownership affordable homes
 - The proposals include the formation of highways access from Moorthorpe Way and landscaping works, including a buffer provided to the woodland
 - 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.
- 2.9 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.

- 2.10 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).

3.0 THE LOCAL POLICY CONTEXT

- 3.1 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 development in the urban area.

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

4.0 CONSIDERATION OF THE MAIN ISSUES

- 4.1 The principle of residential development on the appeal site is agreed between the Council and the Appellant (CD4.2 paragraph 7.2).
- 4.2 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).
- 4.3 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.
- 4.4 The site was further reviewed prior to the publication of the revision of the Brief in 2017.
- 4.5 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).
- 4.6 The most recent assessment HELAA 2020 (CD4.10.18) still identifies the site as suitable for residential.
- 4.7 The starting point for the assessment of the appeal site is that it is in 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.
- 4.8 In terms of policy compliance, the appeal proposals fall 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.
- 4.9 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

4.10 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.

4.11 I have set out why I consider **GE13** is not an important policy for the determination of this appeal because it does not offer protection to LWS and the UDP proposals map identifies the land surrounding the appeal site as open space not either a Local Nature Reserve or

Area of Natural History Interest which are to two designations covered by that policy.

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

4.13 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?

4.14 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)

4.15 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.

4.16 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.

4.17 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)

4.18 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)

4.19 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.

- 4.20 It is agreed that the recreational pressure on the LWS can be mitigated (CD7.42).
- 4.21 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.
- 4.22 Mr Topping's (Surface) evidence (CD4.9.1) confirms in accordance with the 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.
- 4.23 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".
- 4.24 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).
- 4.25 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.
- 4.26 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)?

4.27 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.

4.28 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 email Nowell Roger SCC).
- The scheme does not impede the delivery of the other sites from a **Highway Infrastructure** perspective as set out in Mr Adison's PoE (CD4.12 paragraph 6.9).

4.29 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.

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

4.31 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?

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

4.33 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).

- 4.34 Mr Walshaw's 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.
- 4.35 Mr Walshaw states in respect of this matter (Issue 3 section 6) that the vision articulated by the urban design framework and illustrative masterplan on pages 31-35 of the Moorhorpe Way, Owlthorpe Planning and Design Brief 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.
- 4.36 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.
- 4.37 As explained above 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.
- 4.38 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.
- 4.39 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 Briefs 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 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.

4.40 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.

4.41 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?

4.42 As explained in the Design Process section 5 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.

4.43 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.

4.44 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.

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

4.46 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 Section 2 and paragraph 6.38),

4.47 I concur with Mr Walshaw that the difference between 28 dwellings per hectare and 30 dwellings per hectare is a very minor difference. The further reduction that would result from Scheme B is also acceptable as it is a reasonable response to the character of the area and the claimed sensitivity of the northern boundary of the site.

4.48 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?

4.49 The Appellant, the Council and the Rule 6 party have agreed to accept an alternative layout for affordable housing which I refer to as scheme A (CD4,2 paragraph 4.12).

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

4.51 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%.

4.52 The Council's objection as set out in their SoC (CD4.4 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.

4.53 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.

- 4.54 It is noted that the Urban Design and Conservation Officer raised no issues with the proposed affordable housing (CD4.10.45)
- 4.55 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.
- 4.56 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.
- 4.57 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 Issue 4). 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.
- 4.58 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.
- 4.59 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*

- 4.60 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.
- 4.61 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.

4.62 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.

4.63 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).

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

ii) *The need for family and affordable housing*

4.65 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.

4.66 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.

4.67 I have highlighted the results of the SHMA 2019 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 significant weight in determining this appeal.

4.68 The council agree that the provision of housing should be given significant weight (CD4.2

7.11)

iii) ***The need for affordable housing***

4.69 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.

4.70 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.

4.71 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.

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

5.0 CONCLUSION

5.1 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.

5.2 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.

5.3 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.

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

5.5 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.

5.6 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.

5.7 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.

5.8 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.

5.9 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 significant weight that should be attributed to the provision of housing and affordable housing must also be taken into the balance.

5.10 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

5.11 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.

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

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