

Town and Country Planning Act 1990 (as amended)
Appeal by: Avant Homes Central

An Appeal Against the refusal of
Full Planning Permission for 74 no. dwellings at land off Moorthorpe Way, Sheffield.

PINS reference APP/J4423/W/20/32558555
Planning Application Reference: 19/03143/FUL

Summary of Proof of Evidence

Client:

Avant Homes (Central)

Project:

n1276 Land off Moorthorpe Way, Owlthorpe, Sheffield

Report Title:

Summary of Proof of Evidence

nineteen47 Reference:

n1276/SoPoE/RW

Date:

December 2020

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1 Qualifications

- 1.1 My name is Richard Walshaw, and I am Director (Design) of nineteen47 Ltd. I am a qualified urban designer and have 15 years of experience working as a built environment professional. The Evidence that I have prepared and provided within this Proof of Evidence is true and I confirm that the opinions expressed are my own professional opinions.

2 Scope of Evidence

- 2.1 This Proof of Evidence is prepared in relation to the appeal (appeal reference APP/J4423/W/20/32558555) against the refusal of full planning permission for the erection of 74 no. dwellings, formation of access road, associated landscaping works, open space works and flood storage works (planning application ref 19/03143/FUL).
- 2.2 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".

- 2.3 In relation to the reason for refusal there is consensus that there are four issues within the single reason for refusal: -

1. Whether the standalone proposals for Site E is prejudicial to the proper planning of the wider area and contrary to paragraph 3.2.6 of the Moorthorpe Way, Owlthorpe Planning and Design Brief which supports a comprehensive scheme for the application site together with Sites C and D.
 2. Whether the proposal responds sufficiently to the area's prevailing character of green infrastructure and open space.
 3. Whether the proposal fails to make efficient use of land due to the housing density proposed; and
 4. Whether the proposal fails to adequately integrate the affordable housing into the proposed layout.
- 2.4 An alternative proposal has been put forward, referred to as Scheme B. This proposal is for 72 dwellings and forms the basis of this appeal.
- 2.5 My evidence will focus on the design related elements of the reasons for refusal.

3 The Site and its Context

Site Description

- 3.1 The site forms part of the Moorthorpe Way, Owlthorpe development area and is known as Site E. The site comprises scrubland and grassland, a number of self-set trees and some remnant hedgerow. To the north there is an area of woodland between the site and the Ochre Dike which is a Local Wildlife Site. There is also a Local Wildlife Site to the west.
- 3.2 The site is situated on the lower end of the hillside, as such there is a general slope downwards from the southern boundary to the woodland and Ochre Dike. A public right of way defines the eastern edge of the site. This is a hard-standing path which runs from the woodland beyond the north east corner of the site to the roundabout and then proceeds southwards, round the Medical Centre, towards the Woodland Heights development.

Site Context

- 3.3 The site, together with nearby areas has been identified for housing development in Sheffield since the 1960s. The full development of the area is yet to be fully realised, with Site E, yet to be completed.
- 3.4 The following elements are considered to be intrinsic to the character of Owlthorpe, as highlighted by Appendices 1-13: -
1. urbanising features exist in the immediate vicinity of the site in the form of a heavily engineered highway designed to serve a larger quantum of development- the future development of this area has been planned and is the subject of considerable (public) expenditure;

2. a visually isolated Medical Centre building designed to form part of a wider pattern of built form;
3. green infrastructure forming a 'green necklace' to large blocks of housing development with no/no notable internal greenspaces breaking up the built form;
4. close relationships between existing belts of woodland and dwellings;
5. a generally poor interface between green space and the edges of the local neighbourhoods with dwellings 'turning their back' on these public spaces;
6. low density family housing as the predominant form of development, below 30 dwellings per hectare;
7. building heights generally limited to 2 storey in height, the exceptions being related to topography rather than having the effect of increasing mix or density;
8. a predominance of detached housing;
9. taller split level housing only used to deal with the steep topography of the area with wider frontages used to mitigate the impact of retaining features within gardens.

4 The Design Process

The Design Process for the Appeal Site

4.1 Site E was brought to market by Sheffield City Council as land owner in late 2018. Avant developed an overarching masterplan for the entire allocation which complied with the Development Brief and informed their proposals (see Appendix 14 and 15) and was submitted alongside Avant's bid for Site E and to inform the planning application subsequently made.

4.2 As a result of the emerging technical information the scheme was altered significantly as fully described in the 'Developing the Concept' section of the Design and Access Statement on pages 34-37.

4.3 In terms of relevant feedback relating to the reasons for refusal the following feedback was received: -

Comprehensive Development

4.4 The delivery of the site on a phased basis was accepted throughout the course of the application.

Density

4.5 At an early stage the Council identified that the density target of 40-60 dph (Policy CS26) was unlikely to be met on this site and that lower density was likely to be more acceptable reflecting the aspiration for family housing in the area.

Open Space and the relationship to the Woodland Edge

4.6 From the outset an outward looking edge was proposed to the woodland edge to the north. Officers pushed for a formal and hard edge to the woodland stand off and described the proposed layout as *"too loose"* and with *"a lot of left over green space"*. Officers recommended that at the northern corner *"development (should be) pulled as much forward as it can be"*

4.7 Our view was that a softer edge would be preferable with additional tree planting which would naturally draw the woodland towards the urban edges whilst protecting the existing trees.

4.8 In terms of open space provision, the only requirement made by the Council was in relation to the provision of the equipped play and surface water attenuation areas. No discussion was had on the quantum of open space to be delivered.

Affordable Housing

4.9 Comments during the pre-application stage concerning affordable housing were focused upon the type and mix of housing proposed.

5 Design Related Policy

- 5.1 For a comprehensive assessment of all design related policies please refer to my detailed Proof of Evidence and for the wider development plan policies please refer to the Proof of Evidence prepared by Roland G Bolton of DLP Planning.
- 5.2 The following policies specifically relating to design were considered to be: -
- National Planning Policy Framework – Paragraphs 122, 123, 124 and 127
 - The Sheffield Unitary Development Plan (1998) Policy H14, Policy H15: Design of New Housing Developments and Policy BE5: Building Design and Siting
 - The Sheffield Core Strategy (March 2009) includes Policy CS26: Efficient Use of Housing Land and Accessibility and Policy CS74: Design Principles
 - CIL and Planning Obligations SPD - Policy GAH5 Design of Affordable Housing
 - The Moorthorpe Way, Owlthorpe Planning and Design Brief (Nov 2017)
 - The South Yorkshire Residential Design Guide
 - Building for a Healthy Life as a tool for assessing the quality of development. Reference is made to the Building for a Healthy Life Assessment (see Appendix 19).
- 5.3 With regards to the above-mentioned design policy, I believe that the design proposals achieve the right balance. Reference is made to the Building for a Healthy Life assessment provided at Appendix 19 which is a widely accepted tool for assessing the quality of residential design and its use is advocated within the South Yorkshire Residential Guide. This summarises the overall quality of the design proposals, with the remainder of this summary focusing on the specific reasons for refusal.

6 Design Response to the Reasons for Refusal

- 6.1 The Application was refused by the Council on 2nd June 2020
- 6.2 In relation to the reason for refusal there is consensus that there are four issues within the single reason for refusal: -
1. Whether the proposal for Site E is prejudicial to the proper planning of the wider area and contrary to paragraph 3.2.6 of the Moorthorpe Way, Owlthorpe Planning and Design Brief which supports a comprehensive scheme for the application site together with Sites C and D.
 2. Whether the proposal responds sufficiently to the area's prevailing character of green infrastructure and open space.
 3. Whether the proposal fails to make efficient use of land due to the housing density proposed; and
 4. Whether the proposal fails to adequately integrate the affordable housing into the proposed layout.

Issue 1 – Comprehensive Development

- 6.3 The structure and method of disposal of the wider allocation site has been determined by Sheffield City Council as landowner, this precluded the site coming forward as a single proposal but instead in three phases, known as Site E, D and C.
- 6.4 Paragraph 3.2.6 of the Moorthorpe Way, Owlthorpe Planning and Design Brief makes clear reference to the phasing of the development, acknowledging that bringing forward the scheme in three parts would not undermine the site being comprehensively developed.
- 6.5 The very purpose of a design brief being prepared is to guide development proposals to ensure that key design principles are identified and can be followed. It is my view that there is absolutely no reason why standalone proposals for Site E would be prejudicial to the proper planning of the wider area.
- 6.6 Sheffield City Council, as landowner, have an interest in ensuring the delivery of Site E should not harm or prejudice future phases and were contractually obliged to sign off the proposed planning application, which they did.
- 6.7 The design proposals for Site E emerged from the basis of a comprehensive masterplan prepared by Avant for Sites C, D and E (Appendix 14). This masterplan is compliant with the Design Brief (see Appendix 15).
- 6.8 The design for Site E benefited from an appreciation of the wider context and was designed as an outward looking phase of the wider development in order to ensure that the scheme would integrate well with later phases of the development ensuring good permeability, appropriately located active frontages and attractive edges.

- 6.9 Since the application for full planning permission on Site E, Site D has been marketed by the Council. Avant have bid for this site. The outcome is not known. The proposals for Site E and Site D from Avant accord with each other, integrate and there is no question of prejudice. A plan demonstrating the relationship between the Planning Layout for Site E and the bid proposal layout for Site D is provided at Appendix 32.
- 6.10 In addition to providing housing on Site E, the proposals also include the provision of an equipped play area and a surface water attenuation area. These elements of green infrastructure within the 'green necklace' as illustrated by the Proposed Park Layout (Appendix 22) prepared by Sheffield City Council are being delivered in advance of additional housing and demonstrate that the comprehensive elements of the masterplan within the development brief are being delivered.
- 6.11 This Proposed Park Layout drawing prepared by Sheffield City Council transposes the Avant appeal proposals as part of the development of Site E on to their own landscape drawing of the wider area. This is without doubt a clear indication that the proposals are considered acceptable and forming part of the comprehensive plan for this site and the green infrastructure.
- 6.12 Based on the above evidence it is my view that in no way is the development of Site E prejudicial to the proper planning of the wider area in design or layout terms and further that the proposals are contributing to the comprehensive development of the site. Other aspects of this refusal topic are explained by Mr Bolton.

Issue 2 – Density

- 6.13 The Council's reason for refusal identifies two issues that are inextricably linked; the claim that the proposal fails to respond to the prevailing character of green infrastructure and open space but that the proposal also fails to make efficient use of land due to the housing density proposed.
- 6.14 It is my view that there is a conflict between these two assertions and I am clear that a 28/30 dwellings to the hectare density is appropriate for this phase of the allocation site for exactly the reason of responding to the prevailing character and site conditions;
- 6.15 Paragraph 123 of NPPF deals with densities of development particularly where there is an existing or anticipated shortage of housing land. It states that low density housing should be avoided, but in part c) that relates to dealing with planning applications, the policy identifies that the pursuit of density should not be at the expense of other policies in the Framework or acceptable living standards. In this regard it is clear that other policies of the Framework seek to achieve the right approach to character as well as density, such as 122c.
- 6.16 In addition, Core Strategy Policy 26 does the same making provision for exceptions to the target density range of 40-60 dph within 800m of a tram stop where: -

- the development achieves good design;
- reflect the character of the area
- protect a sensitive area

Achieving Good Design

- 6.17 Creating the right density for a development is key to good design, and this includes reflecting the character of the area and protecting sensitive areas which I deal with later. Good design also relates to the consideration of site conditions, with the sloping topography of Site E being a key consideration.
- 6.18 Section L-L (CD1.6.B.1) both show the level of retaining structures required to facilitate the development. It is crucial to understand the implications of the levels on the site as this has informed the proposed density in order to achieve good design.
- 6.19 Separation distances have been increased (from the minimum standards) to ensure that suitable private garden space is provided for each plot and mitigates the impact of the retaining structures in the garden. In addition to this, wider frontage properties have been proposed where the topography and levels are most challenging. This is important as it delivers wider private gardens, again lessening the impact of retaining structures. Narrower terraced or semi-detached properties would create narrow private gardens that would be 'hemmed in' and it is my view that the emphasis on wider, detached properties, particularly where the topography is most challenging, is the correct approach.
- 6.20 Based on the above it is clear that to create the most appropriate design solution a lower density of development is justified.

Reflecting the Character of the Area

- 6.21 Core Strategy Policy CS26 also states that a lower density would be appropriate if it reflects the character of the local area. Paragraph 5.1.2 of the Design Brief identifies that family housing is likely to be the most dominant form of housing on the site due to the local demand and need and this would lead to a lowering of density.
- 6.22 This is reflected in the character of the surrounding area with predominantly lower density, 2 storey, detached family housing surrounding the site with a density ranging from 21 dph and 29 dph, as described within Section 2 of this document and Appendices 2-13.
- 6.23 The type and form of development that would be required to achieve a density of 40-60 dph would include a high proportion of townhouses and 3 storey apartment blocks and would not be a minor intensification of the prevailing pattern of development in the area but a significant change in density and building height which would be out of character with the area.

Protecting Sensitive Areas

- 6.24 The position of Site E within the wider allocation area is such that careful consideration has been given to the interface with the woodland to the north and local wildlife site to the west.
- 6.25 The proposed approach to the interface with the woodland to the north is to create a lower density frontage which is created by the use of wide frontage dwellings and a less formal and amorphous building line. The increased back to back distances as a response to the topography also has the impact of reducing built form and therefore density.
- 6.26 The drawing at Appendix 23 illustrates that the density along the northern edge of the scheme is much lower than the main body of the site.
- 6.27 It is my view that the variation in density across Site E is entirely justified with design principle D1 of the Design Brief intimating that higher density fronting Moorthorpe Way and near to the tram stop may be more appropriate with these areas falling within Sites C and D.

Issue 3 – Responding to the Prevailing Character of the Area

- 6.28 Within the single reason for refusal the Council contend that: -
- “the proposal does not respond sufficiently to the area's prevailing character of abundant green infrastructure and open space”

The Prevailing Character

- 6.29 Section 3 of this document describes the prevailing character of the local area with supporting plans and information found at Appendices 1-13 respectively. Paragraph 3.4 identified the prevailing characteristics of the area.
- 6.30 It is my view that the prevailing character of the area clearly does include swathes of green space and woodland but importantly also includes large blocks of housing development encircled by connected green spaces and with very little green space permeating these estates.
- 6.31 As such the vision articulated by pages 31-35 of the Design Brief replicates the prevailing character of the area with very limited internal green spaces and a strong ‘green necklace’ of open space around the edges.
- 6.32 The prevailing characteristics of the built environment within the local area have been clearly demonstrated, namely a dominance of detached, two storey family housing at a relatively lower density, just below 30 dph.
- 6.33 The proposals for Site E fully respond to this character in terms of building types, heights and the overall pattern and grain of development. The proposals represent a slight increase in density compared to the surrounding area, whilst responding to the sloping topography and sensitive edges to the scheme.

6.34 It is my view that the proposals will have a significantly better relationship with the surrounding green infrastructure than is found within the surrounding estates. This scheme will respond to the prevailing character of the area and enhance the interface between development and green space.

Open Space Provision

6.35 Policy H16 of the Sheffield UDP sets the policy basis for the provision of open space in new developments with the appeal site far exceeding the requirements both for equipped play and informal open space. Double the amount of informal open space required by policy is provided (see Appendix 18)

6.36 A qualitative assessment of the provision also shows that through the delivery of the play area and the surface water attenuation area the Council's vision for the open space within the wider allocation is being realised through the proposals for Site E as shown on the Proposed Park Layout (Appendix 22) prepared by Sheffield City Council.

6.37 The Council agrees that the amount of open space provided is appropriate in paragraph 7.30 to 7.32 of the Statement of Common Ground.

Treatment of the Woodland Edge

6.38 The creation of an outward looking edge to the woodland is advocated in the Design Brief through principle G1 which states: -

"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".

The Design Approach to the Woodland Edge

6.39 The proposed development creates a high-quality woodland edge with houses benefitting from a direct relationship to the trees ensuring this sylvan setting becomes an intrinsic part of the character of the development.

6.40 This is achieved through a sensitive, low density edge with detached, wide frontage houses following an informal building line along the northern boundary. The informal building line creates pockets of green space which will enhance landscape quality through managed tree planting, allowing the woodland to permeate the built form. The overall relationship to trees is a matter that Mark Topping deals with.

6.41 The approach described above clearly responds to principle G2 of the Development Brief which states that "the landscape setting must feature significantly in the development of character". In addition to the treatment of the woodland edge it is noted that these native species also permeate through to the plot landscaping within the scheme, reinforcing this character.

- 6.42 The landscape proposals enhance and strengthen the existing woodland by creating layers of native vegetation from low level shrubs close to the proposed houses stepping up to large woodland planting close to the site margins. This grading of vegetation allows the trees to mature successfully, in a managed way. The landscape proposals clearly therefore contribute to principle G3 of the Development Brief.
- 6.43 The landscape proposals also includes the retention of the desire line path along the northern boundary.
- 6.44 Appendix 25 illustrates the composition of the layout which is based on a perimeter block structure which balances the various design priorities to create a high-quality scheme. The Illustrative Masterplan within the Design Brief indicates the necessary link road route between two fixed access points. These fixed highway points determine the location of the primary street through the site. The public right of way on the eastern boundary dictates the positioning of another frontage. The completion of these perimeter blocks guides the positioning of the frontage to the woodland, as shown at Appendix 25.
- 6.45 A more detailed explanation is provided in the full text of the Proof of Evidence but based on the above description and the plan at Appendix 25 it is clear that the relationship between the woodland edge and the exact position of the outward looking houses is complex. The frontage to the woodland is positioned where it is as part of a design process that balances the urban design priorities across Site E.
- 6.46 The alternative to this would be to not provide a frontage to the woodland edge and instead 'back on', leaving this row of development along the woodland out and repeating the mistakes evidenced locally (see Appendix 6). This approach would be contrary to national and local design policy and the design principles within the Design Brief. The woodland edge would lack natural surveillance and the stewardship that new houses would bring. The appearance of an array of rear boundaries of properties would also create a much poorer aesthetic than the attractive front elevations of new houses and the scheme would lose its relationship with the woodland.
- 6.47 The relationship to the woodland has been developed carefully and with no harm to the woodland as explained by Mr Topping in his evidence.
- 6.48 To demonstrate the interface between the houses and the woodland edge a series of illustrative 3D views have been prepared at Appendix 27.

External Works

- 6.49 Given the topography of the site, external works have been carefully designed. The approach to the levels is to get down to grade as soon as possible, avoid extensive retaining structures but also limit the amount of regrading.
- 6.50 The proposed engineering solution is the most sensitive option, meeting the aspiration to create a soft and natural edge through a gradual transition of levels with the need for hard structures minimised and screened by new vegetation.

6.51 The evidence of my colleague Mark Topping explains this in more detail and demonstrates no harm to the woodland from either scheme.

Treatment of the Western Boundary

6.52 The proposed development backs onto the western boundary which forms the edge of the Owlthorpe Local Wildlife Site. As per the Tree Protection Plan (CD1.10.A.1 and CD1.10.B.1) all category B trees will be retained and most category C trees. The hedgerow is retained as part of this grouping.

6.53 The 1.8m close boarded fence along the western boundary serves to protect the Local Wildlife Site from any disturbance from abutting residential properties. Over time the existing trees will also mature and strengthen this boundary.

Issue 4 – Affordable Housing

6.54 The proposals for Site E deliver a total amount of affordable housing in excess of policy requirements and in three locations across the site as highlighted by the red asterisks on the planning layout (CD1.3.B).

The Council dispute the provision of affordable housing on the basis that it is distinguishable from the market housing in terms of design, scale, siting, form and parking.

- Design - the external appearance and materials used by Avant for both affordable and market housing is identical.
- Scale - the affordable houses are reflective of the height and proportion of the similar sized market dwellings and sized to meet the need they are required to meet.
- Parking - parking arrangements mirror the exact same provision for market housing across the site.
- Siting - the affordable housing is proposed to be delivered in three - different locations with those within the courtyard considered to be a beneficial position within the site as it provides direct access to the hard surfaced public footpath which leads to the tram/bus stops and other facilities in the local area and they are located adjacent to the children's play area as well as the medical centre.
- Form - The affordable houses are proposed to be delivered as semi-detached and terraced units. Market housing of a similar size are delivered as semi-detached units. This is a minor difference and given the similarities in design, parking solutions and scale in isolation this will not make them distinguishable from market houses.

6.55 For a full assessment of the all the policy references in the CIL and Planning Obligations SPD please refer to Mr Roland Bolton's Proof of Evidence.

7 Conclusion

- 7.1 The proposed scheme represents a well-designed and high-quality residential development for Site E, both of which respond to a true and balanced understanding of the prevailing character of the local area and the site conditions.
- 7.2 The scheme creates a new residential development with a contemporary appearance that is a significant improvement on any of the housing estates in the surrounding area, including recent new builds. The proposals have a legible heart through the use of taller built form and lower density edges. As a result of the treatment of the woodland edge, and the space created for new tree planting, the woodland becomes an intrinsic part of the character of the scheme, permeating the built form.
- 7.3 It has been demonstrated that both the proposals for Site E are based on a strong understanding of the context and character of the local area. These characteristics include significant urbanising features within the immediate vicinity of the site which need integrating, low density, predominantly detached family housing in the surrounding area, a close but often poor relationship between housing and existing trees and woodland, sloping topography and the need for retaining structures which require a space around buildings.
- 7.4 The Development Brief is the mechanism for ensuring that comprehensive development is achieved. It has been demonstrated that the scheme accords with the development brief.
- 7.5 The proposals for Site E will integrate easily with future phases and clearly demonstrate that the wider infrastructure for the site such as equipped play is being delivered comprehensively and in advance of all the housing. As landowner, the Council approved the proposals for Site E which is a clear indication that they do not consider the proposals in any way prejudicial to the comprehensive development of the wider site, which they own.
- 7.6 The density of the proposed development is appropriate for the site. It achieves good design which responds to the topography providing more space around buildings, protecting amenity and providing suitable private garden space. The density also reflects the character of the surroundings as a family housing area in an edge of settlement location and protects a sensitive area by reducing the density at the site margins close to the woodland.
- 7.7 The proposals respond positively to the prevailing character of the area by creating a significantly better, outward looking relationship with local green infrastructure in the form of the woodland to the north. The proposals extend the woodland into the scheme in a careful and managed way which will allow it to mature and become an intrinsic part of the character of the area in accordance with principles G1, G2 and G3 of the Moorthorpe Way, Owlthorpe Planning and Design Brief.

- 7.8 The scheme significantly exceeds the amount of open space prescribed by local policy, ensuring that space is created to extend and enhance the woodland area and that new, high quality elements of green infrastructure are provided.
- 7.9 The scheme also integrates the urbanising features of the local area, with the Medical Centre reading as part of a more comprehensive whole with the existing highway and footway network integrated into the proposals and provides betterment by retaining and improving the desire line path along the northern boundary.
- 7.10 The affordable housing provision meets the requirements of Policy GAH5 of the CIL and Planning Obligations SPD. The housing is spread across three locations on the site. The appearance of the dwellings is the same as the similar sized market housing proposed and the parking arrangements for market and affordable houses are the same.
- 7.11 Overall, it is my view that the proposed development will deliver a well-designed and high-quality development with a sense of place that responds to the landscape setting.