

STATEMENT OF COMMON GROUND

APPEAL REFERENCE APP/J4423/W/20/32558555

DATE OF HEARING/INQUIRY 12 January 2021

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT

Land off Moorthorpe Way, Sheffield, S20 6PD

APPELLANT **Avant Homes Central**

LOCAL PLANNING AUTHORITY **Sheffield City Council**

DATE OF AGREEMENT: **22nd December 2020**

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1.0 STATEMENT

- 1.1 This Statement of Common Ground has been agreed between Roland Bolton of DLP Planning Limited on behalf of the Appellant, Avant Homes Central (Avant) and Sarah Hull on behalf of Sheffield City Council (the Council) in respect of an appeal relating to land off Moorthorpe Way, Sheffield.
- 1.2 The purpose of this Statement of Common Ground is to inform the Inspector and other parties about the areas of agreement between the Council and Avant in the appeal against the refusal of an application for the development of 74 dwellings, formation of access road, associated landscape works, open space works and flood storage works (19/03143/FUL). It is noted that the number of units has been reduced to 72 as a result of changes made prior to the submission of evidence.

Signed on behalf of the Appellant	
Name	Roland Bolton MRTPI
Position	Senior Director, DLP Planning Ltd
Date	

Signed on behalf of Sheffield City Council	
Name	<i>Sarah Hull</i>
Position	<i>Principal Planning Officer</i>
Date	

2.0 INTRODUCTION

2.1 Sheffield City Council has refused the application which is the subject of this appeal (19/03143/FUL).

2.2 The application was validated on 6th September 2019 and the original statutory determination date for the application was 6th December 2019. The application was refused by Members of the Planning Committee at a virtual meeting on 2nd June 2020.

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

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

2.4 The application was submitted by DLP Planning Ltd as the agent on behalf of the applicant, Avant.

2.5 The application was listed for consideration by Sheffield City Council Planning Committee on 2nd June 2020. The recommendation by officers was to grant permission conditionally subject to a legal agreement. The application was refused by members of the planning committee on one ground as follows:

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.

2.6 The Secretary of State has directed that this development is not Environmental Impact Assessment (EIA) development.

3.0 THE APPEAL SITE

Site description

- 3.1 The following description of the appeal site is agreed.
- 3.2 The appeal site is located in the Owlthorpe area of Sheffield, approximately 12.5 km to the south-east of Sheffield City Centre in the Mosborough Ward.
- 3.3 The appeal site is also known as ‘Site E’ (see Fig. 1), as identified in the Sheffield City Council’s Planning and Design Brief for the wider Owlthorpe housing sites. The main area of POS and drainage attenuation proposed by the appeal scheme do not fall within Site E but are located adjacent to sites C and D respectively.



Fig. 1 Aerial photograph of the area around the Appeal site (Extract from fig. 3 of the Owlthorpe Planning and Design Brief – Update November 2017)

- 3.4 The main part of the site is bound by woodland surrounding the Ochre Dyke to the north, housing adjacent to Moorthorpe Rise to the south, the Owlthorpe Medical Surgery and open land to the east and further open land to the west. The site is accessed via a roundabout on Moorthorpe Rise adjacent to the Medical Centre, which provides highways connections to the surrounding area.
- 3.5 The appeal site comprises three parcels of land (see fig. 2), which includes a proposed play area and a SUDs drainage area.

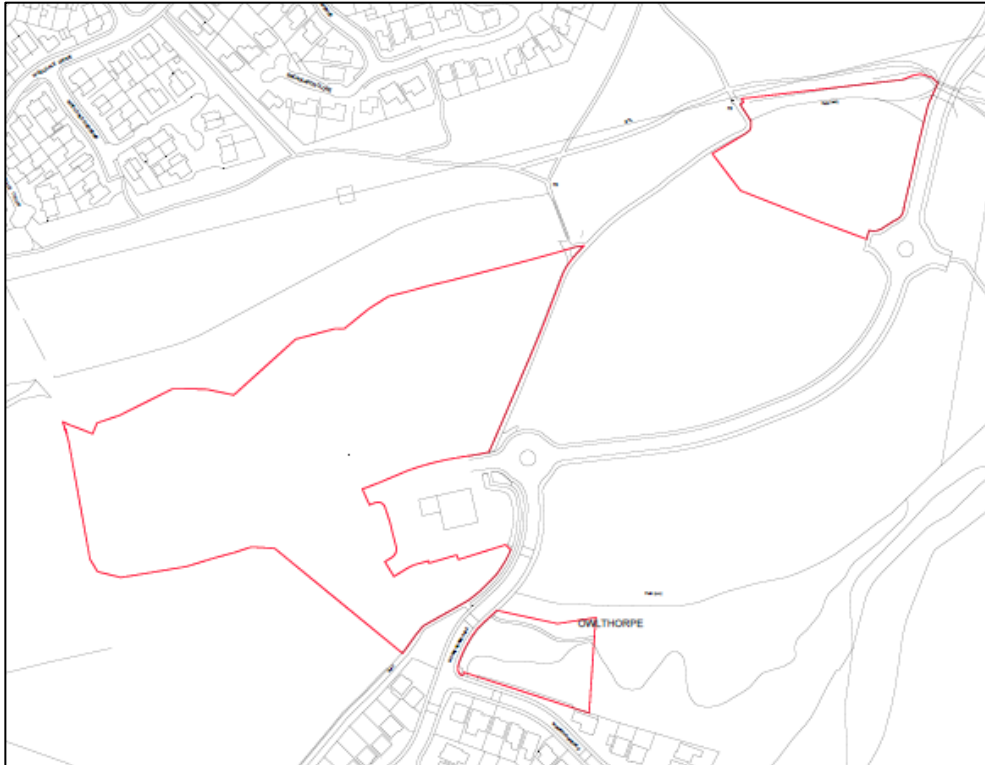


Fig. 2 *Appeal site location plan*

- 3.6 The appeal site is wholly within the ownership of Sheffield City Council and the option to purchase the site held by Avant is subject to obtaining satisfactory planning permission.
- 3.7 The site undulates in topographic terms and generally slopes downwards from south to north-east. The site comprises scrubland and grassland, a number of self-set trees, semi mature trees and a historic hedgerow.
- 3.8 The site is identified on the Environment Agency's Flood Maps within flood zone 1, which places it within the lowest risk category for flooding.
- 3.9 An adopted Public Right of Way follows the eastern boundary of Site E from the boundary with the existing Woodland Heights estate to the south into the woodland adjacent to the Ochre Dyke in the north east corner of the site.
- 3.10 The site adjoins Local Wildlife sites to the north and west (Appendix 3)

Facilities within Owlthorpe/Mosborough

- 3.11 The following matters are agreed.
- 3.12 A wide range of local community facilities will be accessible from the site using various

modes of transport including facilities in Crystal Peaks District centre, ASDA Sheffield Drakehouse Superstore, Rainbow Forge Primary Academy and Owlthorpe Surgery. ^[3]

- 3.13 Public Rights of Ways (PRoW) and informal footpaths are accessible from the site towards Donetsk Way to the north, Moorthorpe Way to the west and Moor Valley to the south (as illustrated in Figure 3 of the Transport Assessment). It is agreed that the footpath network is in need of enhancement in order to facilitate convenient and safe pedestrian movement to and from the development including as the appeal proposal intends to provide a new informal link to the west and enhanced lighting to footpaths to the north which will be delivered through a S106 contribution.

Cycle Accessibility

- 3.14 The following matters are agreed.
- 3.15 Local Transport Note 2/08- Cycle Infrastructure design (DfT, October 2008) states that *'many cycle journeys are under three miles (5km), although for commuter journeys, a trip distance of five miles (8km) or more is not uncommon'*.
- 3.16 Figure 4 of the Transport Assessment shows a 5km catchment area centred on the site which demonstrates that there are amenities such as Beighton Community Hospital, Westfield School, Holbrook Industrial Estate and Morrisons within appropriate cycling distance of the site, as well as those that are accessible on foot.

Public transport

- 3.17 The following matters are agreed.
- 3.18 The Donetsk Way tram stop is on the Sheffield Blue Route and is located approximately 800m from the site. The stop is served on average every 10 minutes on weekdays, every 12 minutes on Saturday and every 20 minutes on Sunday. The effect of COVID-19 is that trams are currently operating a reduced service with a headway of four trams per hour in either direction on weekdays, equal to a frequency of one tram every 15 minutes. The services connect the site to amenities in Halfway, Donetsk Way, Sheffield and Malin Bridge. It is agreed that the tram services have adequate capacity to accommodate the passengers generated by the appeal proposals but the tram stop is in need of enhancement such as extending shelters which will be delivered by S106 contributions.

^[3] WYG "How far do people walk? 2015 page 2

- 3.19 The nearest bus stop to the site is located on Broadlands Avenue, approximately 750 metres from the site which is only served by hourly services. A further bus stop is available approximately 1 kilometre from the site on Moss Way/Ochre Dike Lane, which offers a more frequent bus service.
- 3.20 The Moss Way bus stop is served by a bus on average every 5-10 minutes on weekdays, every 10 minutes on Saturday and every 20 minutes on Sunday. These services provide direct services to Sheffield, Crystal Peaks, Halfway, Brierley, Fulwood and Plumley.
- 3.21 The Chartered Institution of Highways and Transportation (CIHT) publication 'Guidelines for Providing for Journeys on Foot' (2000 guidance for walking to public transport) says that 400m has traditionally been regarded as the maximum recommended walking distance to bus stops in residential areas. The site does not provide access to a bus stop within the distances recommended in the CIHT document, although this is compensated for by the proximity of the tram stop.

4.0 THE DEVELOPMENT PROPOSAL

- 4.1 The following matters are agreed.
- 4.2 The appeal proposal seeks full planning permission for 72 dwellings, including 15 shared ownership affordable homes. The affordable units comprise of 4 x two bedroom; 6 x three bedroom; and 5 x four bedroom units. The market houses consist of 22 x three bedroom; 32 x four bedroom; and 3 x five bedroom units. The affordable provision is 5% above the 10% of the floorspace requirement of local policy.
- 4.3 The scheme provides a minimum of 2 parking spaces per dwelling with some larger units having 3 spaces including on-plot parking and parking in courts. There are a total of 177 parking spaces and 10 visitor spaces, which is at the upper end of, but within the Council's parking guidelines.
- 4.4 The proposals include the formation of highways access from Moorthorpe Way and landscaping works, including a stand off buffer to the woodland and Local Wildlife Site beyond the northern boundary of the site, although this includes some regrading and highway works.
- 4.5 A SuDs attenuation basin and new public open space including a LEAP are proposed on land to the east and south of the housing aspect of the appeal site respectively.
- 4.6 The gross site area extends to 3.86 hectares (see figure 1). There is a dispute with regard to density of the proposed development whether it is 28 dph or 30 dph which is explained in section 8 of this statement.
- 4.7 The remaining areas will be retained as landscape buffer and public open space (0.52 and 0.16 ha) the proposed LEAP (0.14 ha) to the south of Moorthorpe Rise and a SuDs attenuation basin, situated to the east of the proposed housing area (0.71 hectares) (Open Space Provision Plan Appendix 4). These areas will be subject to a Management Plan.
- 4.8 The scheme as originally submitted included a Multi-Use Games Area (MUGA) adjacent to the LEAP, however this was removed at the request of the Council's Parks Department and Planning Department.
- 4.9 The proposed vehicular and pedestrian access into the site is taken from the existing roundabout adjacent to the Medical Centre on the eastern boundary of the site.

- 4.10 The existing PRoW and bridleway on the eastern boundary of the site is to be retained to the north of the medical centre towards Ochre Dyke, and diverted to facilitate the development of the site to the south of the medical centre towards the Woodland Heights Estate and proposed POS.
- 4.11 The layout plan also indicates how footpath connections are proposed to enable one to link from the north west corner of the site through to the existing PRoW in the north east corner of the site.
- 4.12 In response to the refusal of the application the appellant has put forward an alternative layout which relocates the affordable housing within the site. The Council have accepted this as a substituted plan and have undertaken a public consultation on this alternative layout between 13 October 2020 and 3 November 2020 . The Council are of the opinion this new distribution of affordable housing does not overcome the reason for refusal on this matter.
- 4.13 The appeal scheme has undergone some further modifications which have been accepted by the inspector and these result in the loss of two dwellings and the associated parking spaces. 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 remainder of the site will be retained as landscape buffer (0.52 hectares), other public open space (0.16 hectares), 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.
- 4.14 These 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) and accommodate changes as a result of further topographical survey information.

4.15 The plans that make up this appeal proposal are as follows:

- 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

5.0 PLANNING HISTORY

- 5.1 The following matters are agreed.
- 5.2 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. The principle of residential development on the site is agreed as being acceptable.
- 5.3 The site is owned by Sheffield City Council and 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. 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.
- 5.4 The area of sites C, D and E has 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. Site E has now been released to the market for development by the Council and is the subject of this appeal. Site D has been marketed and offers have been received however this has been paused along with marketing of site C pending the outcome of this appeal.
- 5.5 The remaining site C and D are expected to deliver approximately another 160 houses once released.

Pre-Application Advice

- 5.6 The following matters are agreed.
- 5.7 A pre-application enquiry was initially submitted to Sheffield City Council (LPA) on 11th February 2019 supported by a Feasibility Layout (Appendix 5) and Masterplan scheme (Appendix 6) demonstrating how the proposals could be delivered as part of a wider housing scheme.
- 5.8 A pre-application meeting was held on 22nd March 2019 with planning officers and a

written response was provided on 25th March 2019. The written response addressed a number of planning matters including principle of development, design, highways, landscape, ecology, affordable housing and mix, contamination, air quality, open space, drainage and community consultation. The response confirmed:

- LPA acknowledged that the principle of development was supported by planning policy and that the site will contribute to the Council's five year housing land supply.
- LPA confirmed that subject to satisfactory design detail being achieved, there was a good prospect of a density around 33 dwellings per hectare
- LPA accepted that trees and vegetation will need to be removed to facilitate the development and advised that it should be feasible to retain some trees adjacent to the woodland within the Local Wildlife site to the north
- LPA requested a 15m buffer to the woodland to the north adjoining the Local Wildlife site, which is an Ancient Woodland. It also stated that no development should take place within the 15m buffer zone.
- The proposed proportion of affordable housing within the scheme was provided at the request of the Council's housing officer and is in exceedance of planning policy requirements of 10% of floorspace.
- The Council's Parks Department were to determine the play facilities required from this phase of development and the applicant will be advised thereafter.
- LPA agreed to a SUDS system to appropriately address surface water from the development.

5.9 As the highways officer had not been able to comment in the original pre-application response, their written comments were provided on 12th April 2019, followed by further correspondence on 23rd April 2019, which confirmed:

- A study (2013) concluded that the site could be acceptably served with one point of access plus the provision of an emergency access route, although the Transport Assessment should review these matters. It has now been agreed that whilst an emergency access is not required the Council view this as a negative aspect of the proposal but it's absence is agreed not to have a severe highway impact justifying refusal of planning permission.
- Should the link to Moorthorpe Way to the north] not be provided by this application, the highways officer advised that the alignment of the through

route appears acceptably designed so as not to preclude its provision in the future.

- Existing cycle tracks and definitive footpaths should be upgraded to include street lighting and improved surfacing.
- The existing roundabout on Moorthorpe Way should be tracked for future bus provision.

5.10 A second pre-application request was submitted on 31st May 2019 in order to gain further detailed comments from urban design officers following revisions to the draft proposals. The comments received in response on 11th June 2019 and further on 11th July 2019 confirmed:

- Development has been set back to allow greater separation towards the woodland to the north.
- The example provided of a contemporary house type design that is simply detailed utilising a limited palette of materials and is legible, is supported.
- The layout appears too cramped in the southern corner where the affordable housing is located and where topography is challenging and issues of overlooking may arise [several examples cited].
- LPA request the MUGA be removed from the scheme to address resident's objections and Parks Department concerns.
- LPA accept that the provision of some POS and a LEAP should form part of the proposals for Site E with details to be confirmed as part of the application.

The Appeal Proposal

5.11 Further to the pre-application process, the Applicant commissioned and submitted a number of technical documents and analysis to address the issues raised in the pre-application comments.

5.12 The full application maintained the original site area and also included land to the east and south for the drainage attenuation and POS (including LEAP) respectively.

5.13 As documented in the Officer's Report to committee the technical considerations relating to the application have been agreed and the matters raised by statutory and non-statutory consultees have been duly considered and addressed.

6.0 THE DEVELOPMENT PLAN

6.1 The development plan consists of the following:

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

6.2 The Council has suggested conflict with the following policies within the Reasons for Refusal.

(1) Sheffield Local Development Framework: Core Strategy 2009-2026

- CS26 Efficient Use of Housing Land and Accessibility
- CS40 Affordable Housing

(2) Sheffield City Council - CIL and Planning Obligations SPD (December 2015)

- Guideline GAH5 Design of Affordable Housing

6.3 The SPD provides guidance supplementing the policies of the Core Strategy (2009) and the ‘saved’ 2 policies of the Unitary Development Plan (1998).

(3) National Planning Policy Framework (2019)

6.4 The Council has also suggested conflict with the following paragraphs of the Framework.

- a. Paragraph 8 Achieving Sustainable Development
- b. Paragraph 122 and 123 Achieving Appropriate Densities
- c. Paragraph 127 Achieving Well-Designed Places

(4) Housing Sites (C, D, E), Moorthorpe Way, Owlthorpe Planning and Design Brief" (July 2014; Updated November 2017)

6.5 The Council has suggested conflict with paragraph 3.2.6 of the Brief regarding the comprehensive development of the sites within the Brief. It is agreed that weight can be given to this document as providing further guidance in support of the delivery of housing on the site in furtherance of policy H13 and it is therefore a material consideration.

Other Relevant Policies

Sheffield Unitary Development Plan 1998

- 6.6 The following matters are agreed.
- 6.7 The Appeal Site lies predominantly within a 'Housing Policy Area' under saved policy H13. The UDP Proposals Map shows this designation which also includes part of a new 'Local Shopping Centre' and 'Open Space Areas' within Site E. UDP policy H13 supports the overall principle of its development for housing and says this will be put into practice by providing appropriate advice to developers, which could include supplementary planning guidance or planning briefs.

Sheffield Local Development Framework: Core Strategy 2009 – 2026

- 6.8 The following matters are agreed.
- 6.9 Policy CS24c identifies the Owlthorpe Townships, of which the appeal site forms a part, as a greenfield site to be developed for housing. This also supports the principle of its development for the uses proposed in this appeal.

7.0 MATTERS OF AGREEMENT

7.1 The following matters are agreed:

Relevant Policies

7.2 The development plan policies relevant for the determination of appeal are those listed below:

- Policy H10 of the UDP: Development in Housing Areas
- Policy H13 of the UDP: Housing Sites
- Policy H14 of the UDP: Conditions on Development in Housing Areas
- Policy H15 of the UDP: Design of New Housing Developments
- Policy H16 of the UDP: Open Space in New Housing Developments
- Policy GE11 of the UDP: Nature Conservation and Development
- Policy GE15 of the UDP: Trees and Woodland
- Policy CS24 of the Core Strategy: Maximising the Use of Previously Developed Land for New Housing
- Policy CS26 of the Core Strategy: Efficient Use of Housing Land and Accessibility
- Policy CS40 of the Core Strategy: Affordable Housing
- Policy CS41 of the Core Strategy: Creating Mixed Communities
- Policy CS43 of the Core Strategy: Schools
- Policy CS44 of the Core Strategy: Health Centres
- Policy CS45 of the Core Strategy: Quantity of Open Space
- Policy CS63 of the Core Strategy: Responses to Climate Change
- Policy CS74 of the Core Strategy: Design Principles

7.3 In addition, though not a statutorily adopted Plan, there is the Housing Sites (C, D, E) Moorthorpe Way, Owlthorpe Planning & Design Brief

7.4 It is agreed that the appeal proposal is in accordance with all these policies in the Development Plan, save for the disagreement between the parties as to compliance with policies, CS 26, and CS 40 as set out in the reasons for refusal. The Council also claims conflict with H13. H14. H15. GE15, CS74. The reasons for refusal claim conflict with sections 3.2.6 and design principles G1, G2 and G3 in the Design Brief

7.5 The Appeal Site is within the area predominantly allocated as 'Housing Area' under saved policy H13 as defined by the UDP Proposals Map.

National Planning Policy Framework

7.6 The following sections of the Framework (2019) are relevant to this appeal and it is only in relation to paragraphs 8, 11, 122, 123, and 127 that there is any dispute as to compliance:

- Section 2: Achieving sustainable development – paragraphs 8 and
- Section 3: Plan-making – paragraph 23
- Section 5: Delivering a sufficient supply of homes – paragraphs 59, 61, 67, 73 and 74
- Section 8: Promoting healthy and safe communities – paragraphs 93 and 96
- Section 9: Promoting sustainable transport - Paragraph 103, 108 and 109
- Section 11: Making effective use of land – Paragraphs 122 and 123
- Section 12: Achieving well-designed places – Paragraph 127
- Section 14: Meeting the challenge of climate change, flooding and coastal change – Paragraphs 163 and 165
- Section 15: Conserving and enhancing the natural environment – Paragraph 170 and 171
- Annex 1: Implementation Paragraph 213

Additional areas of Agreement

Land Use and Principle of Development

7.7 The following matters are agreed.

7.8 The site forms part of the Owlthorpe Township and is identified as a Housing Site at policy H13 of the UDP (1998) and at UDP Proposals Map 7. The allocation was proposed to be carried forward in the 2013 withdrawn City Policies and Sites document. The site is also identified for housing in the Housing Sites (C, D, E), Moorthorpe Way, Owlthorpe - Planning and Design Brief of 2014 (updated in 2017) and forms site E of the Housing Area. The principle of housing development on the appeal site is accepted.

7.9 The development of greenfield land in this location, referred to as the Owlthorpe Township, is expressly supported by Policy CS24c of the Core Strategy in the period up to 2025/26 as part of a wider strategy for prioritising previously developed land for housing.

7.10 The UDP Proposals Map indicates an area allocated for a Local Shopping Centre within the site. The site is not required to provide a Local Centre and neither the Core

Strategy (2009) nor the Planning Brief (2017) promote a local Centre as part of the housing site. Housing is in any event an acceptable use in designated Local Shopping Centres under Policy S7 of the UDP.

- 7.11 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. It is required to meet Sheffield's housing need in the period to 2025/26, in accordance with paragraph 73 the Framework. The site is needed to support the objective of significantly boosting housing supply as set out at paragraph 59 of the Framework and the contribution of the site to the housing supply should be given significant weight.
- 7.12 The principle of the proposed residential development is agreed to be acceptable on the appeal site.

Owlthorpe Planning and Design Brief

- 7.13 The following matters are agreed.
- 7.14 The Owlthorpe Planning and Design Brief has been subject to scrutiny akin to an SPD.
- 7.15 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. These comprise of the requirements for:
- Affordable housing mix (as stated at paragraph 5.1.6)
 - Public Open Space adjacent to medical centre
- 7.16 It is agreed that the woodland to the north of the site is not Ancient Woodland and it is erroneously described as such within the Brief.

Affordable Housing

- 7.17 The following matters are agreed.
- 7.18 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 15.3% of floorspace as affordable housing, which is equivalent to 21% of the total units proposed.
- 7.19 The affordable housing units are not discernible from the market housing units in respect of:

- Access to services
- Timing of delivery

7.20 The affordable housing mix and shared ownership tenure responds to the current housing need, as confirmed by the Council's housing officer.

Density

7.21 The following matters are agreed.

7.22 The net density of the proposals is either 28 dwellings per hectare based on a developable area of 2.5718 ha which includes the regraded landscaped part of the open space or 30 dpa based on a developable area of 2.42 ha which excludes the regarded part of the open space (see plans in appendix 4) .

7.23 A net density figure based on the developable area is an appropriate means by which to assess density given the requirement for the proposed landscape buffer and separate areas of public open space and drainage attenuation.

7.24 Policy CS26 seeks to achieve a balance between the efficient use of land and protection of the character of an area. Policy CS26(c) sets out a starting point for the consideration of density of 40 – 60 dph where sites are near to Supertram stops. 'Near to' is defined in the supporting text (para. 8.20) as within 800m of a Supertram stop. The site meets that definition. The policy goes on to allow a departure from this range in order to achieve good design, reflect the character of an area and protect a sensitive site.

7.25 The five density categories and associated range recommendations in policy CS26 reflect a sliding scale of density assumptions and anticipate that sites near Supertram stops will be of increased density compared to 'other urban areas' where the density range is 30-50 dph.

7.26 Paragraph 8.19 of the Core Strategy indicates that the terms of the policy will be achieved through guidance in other documents, including planning briefs and planning decisions.

Mixed Communities

7.27 The following matters are agreed.

- 7.28 The proposed housing mix including 2, 3, 4 and 5 bedroom market and shared ownership houses is acceptable and addresses a specific need as identified by the Council's housing officer. The proposals are in accordance with CS41 and paragraphs 8 and 61 of the Framework in this respect.

Open Space

- 7.29 The following matters are agreed.
- 7.30 The development exceeds the minimum open space requirement for new developments of 10% of the site area, as set out in Policy H16.
- 7.31 The location of the children's play provision is appropriate, avoids encroachment into site C and does not result in a detrimental impact on the amenity of existing residents of the Woodland Heights Estate
- 7.32 The appeal scheme will increase the quantum of children's play provision within the Owlthorpe Housing Area in response to the need identified at paragraph 5.4.2 of the Planning Brief and this will benefit residents of the existing Woodland Heights estate and future residents of sites C, D and E. This provision accords with PolicyCS45..

Ecology

- 7.33 The following matters are agreed.
- 7.34 Appropriate Ecological Assessment and survey effort has been undertaken to determine the impacts of the development. The scope of work and methodology applied was agreed with the Council's ecology officer, follows best practice published by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2017) and the British Standards Institution (BSI, 2013) and has regard to the relevant legislation relating to species and habitats and national and local planning policy.
- 7.35 A Preliminary Ecological Appraisal, including an extended Phase 1 Habitats Survey was satisfactorily completed in February 2019. It considered all potential habitats and protected/notable fauna within and immediately adjacent to the site. Comprehensive surveys of sites C and D are not required and will form part of future application requirements for the development of those sites.
- 7.36 The Appraisal confirmed that there are no internationally designated sites within 10km of the development site and no statutory designated sites (SPA, SAC, SSSI etc.) within

2km of the development site. Owlthorpe Local Wildlife Site (LWS) is immediately adjacent to the north and west boundaries of the site and connects to Westfield Plantation LWS, approximately 550m east. Neither LWS contains Ancient Woodland. The site does not contain any ancient woodland or veteran trees. .

- 7.37 The preliminary appraisal identified the habitats within the site as unmanaged and of generally poor species diversity. The Appraisal recommended further survey work which was undertaken during the appropriate survey periods and comprised:
- A botanical survey in June 2019.
 - Bat surveys in Spring, Summer and Autumn 2019.
 - Three bird breeding surveys in April and May 2019.
 - A reptile survey during April and May 2019
- 7.38 An Ecological Impact Assessment (EclA) and EclA addendum was prepared following CIEEM (CIEEM, 2019) guidelines in September 2019 and October 2019 respectively.
- 7.39 The impact of the development, including any cumulative effects, on the Local Nature Sites (Owlthorpe and Westfield Plantation LWS), woodland, bats, breeding birds, common toad, badger and hedgehog was subject to appropriate detailed assessment and the survey outcomes are agreed. A detailed assessment of grassland habitat, , reptiles and invertebrates is agreed not to be necessary.
- 7.40 Based on the mitigation measures recommended in the EclA and agreed by the Council's ecology officer, the development will suitably avoid, mitigate and then compensate for the negligible impacts on nature conservation value from the proposed development. The retained habitats within and adjacent to the site will be enhanced.
- 7.41 Policy GE11 of the UDP, which suggests blanket protection of the natural environment, is not fully in accordance with paragraph 170 and 175 of the Framework and should be afforded moderate weight. Its terms are in any event complied with. It is not part of the councils case that GE13 is an applicable policy and it is agreed that the terms are in any event complied with.
- 7.42 Any additional recreational pressure on the adjacent Local Wildlife Sites as a result of the development will be suitably mitigated through the measures agreed including footpath improvements fencing, signage and refuse provision. There is no reason related to harm from recreational pressure on the LWS that would warrant refusal of permission.

- 7.43 An indicative Ecological Management Plan has been prepared and discussed with the Council's Ecology Officer. Such plan would ensure the protection, management and long term maintenance of habitats within the site. However, if the development were to proceed, it would ultimately be for the Council to draft and implement the site's Ecological Management Plan'
- 7.44 The biodiversity impact of the development has been appropriately assessed. A tailored package of compensation and enhancement has been agreed to be carried out on land near the site, owned by the Council, at a total cost of £230,400. The details of this are set out in the attached document. Subject to the payment of this sum of money, the Council agrees that the effects of the development can be full compensated for by this package of works on land that the Council controls. These works will introduce an appropriate net enhancement. The suitability of the sum of money has been corroborated by assessing the outcome of the DEFRA Metric and applying the sum of £11,000 per unit. This produces a figure that includes an amount for land costs, that is not relevant here. Consequently, the sum to be paid for this bespoke package is fully corroborated by comparing it to the DEFRA Metric. It will not only compensate for biodiversity losses but produce a gain of at least 10%. A biodiversity net gain 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 of £230,400 to enhance the adjacent LWS.
- 7.45 There is no reason related to harm to ecology or wildlife, that would warrant refusal of permission.
- 7.46 The location, design and functionality of proposed infrastructure comprising the SUDs basin and /children's play area is agreed. This infrastructure will support the delivery of sites C and D through shared access to children's play space and capacity for some drainage infrastructure for site D.

Sustainability

- 7.47 The following matters are agreed:
- 7.48 Paragraph 11 of the NPPF says that there is a presumption in favour of sustainable development. In economic terms the development provides:
- 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, footpath improvements and lighting; and
- New on-site drainage and open space provision including long term maintenance, also for the benefit of site D.

7.49 In social terms the development provides:

- Provision of affordable housing (albeit the design/integration into the scheme is not agreed)
- Integration of the Woodfield Heights estate into a more sustainable community.
- Acceptable walking and cycle distances to education and health facilities
- Acceptable walking distances to tram
- Acceptable journey times and destinations by tram.
- new children's play provision;

7.50 In environmental terms the development provides:

- 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
- 10% biodiversity net gain

Design

7.51 The proposed house design reflects detailed discussions with the Council's urban design officer and is agreed be appropriate in the following respects:

- Appearance of dwellings
- Residential amenity
- Overlooking of shared spaces for safe and secure environment
- Road layout –road hierarchy, safety, alignment, highway and footpath widths, visibility, turning spaces

Highways and Access

7.52 The following matters are agreed.

7.53 The site is sufficiently served by public transport being located within 800m of a high frequency Supertram stop and 750m and 1km of bus stops on Broadlands Avenue and Moss Way respectively. The appeal scheme promotes the use of sustainable modes of travel through the Travel Plan and proposed funding to improvements of the tram stop.

- 7.54 As confirmed at paragraph 3.16 of this document, the site is within cycling and walking distance of a number of local amenities and residents will be encouraged to use sustainable means of travel through improvements proposed to existing local footpaths and cycleways.
- 7.55 The highways impact of the development has been appropriately assessed based on a scope of works and methodology agreed in advance with highways officers and implemented through traffic surveys and the Transport Assessment.
- 7.56 The Transport Assessment and Highways Impact Assessment has adopted a worst case scenario based on 83 new dwellings (rather than 72) and models the additional impact of traffic from the development of Site C and D as well, assuming the quantum of development anticipated in the Planning Brief.
- 7.57 The outcomes of the Transport Assessment demonstrate that junctions around the site can operate within capacity and accommodate the traffic from all three sites now and in the future, allowing for background traffic growth, committed development and proposed development traffic.
- 7.58 The development will not result in an unacceptable impact on highway safety, or a residual cumulative impact on the road network that could be classified as severe in the context of paragraph 109 of the Framework. The proposal is compliant with the highway aspects of Policy H14.
- 7.59 In respect of accessibility, the link road is not required in highways capacity terms . A link road may divert traffic from other routes to the detriment of residential amenity and highways capacity elsewhere on the network. It would have a negative impact on ecology and trees within the LWS and require third party land. The submitted housing layout does allow for the potential construction of the link road in the future if desired.
- 7.60 A second access for emergencies is not essential for the development of site E but the internal site layout of the appeal scheme does allow for a loop to be completed as part of the development of Site D, if feasible. The provision of a second access for emergencies is desirable but not essential for highway safety reasons and therefore planning permission could not be resisted on this basis.
- 7.61 It is unreasonable to require a contribution towards subsidising bus services due to the proximity of the site to high frequency tram services and existing bus connections. The existing road infrastructure is agreed to be capable of taking buses as far as the

medical centre and allows for turning at the roundabout next to the medical centre, should this be viable for bus operators when sites C and D are delivered.

Landscape

- 7.62 The following matters are agreed.
- 7.63 The urbanising effect of significant housing development within this Housing Area is accepted in principle. The site has been identified for development as part of the Owlthorpe Township for over 40 years, is allocated for housing in the Development Plan and a Planning Brief has been prepared by the Council for the purpose of supporting the delivery of housing on the site.
- 7.64 The proposal will be viewed within the context of the existing Owlthorpe Surgery and Woodland Heights housing development, which are positioned at a similar or higher level. In principle development will help to visually link to the existing housing area to the north and make use of the substantial road infrastructure intended as part of the longstanding Owlthorpe Township plans.
- 7.65 The proposed development will not have an impact on the openness of the Green Belt and will not have a material impact on the visual amenity of the Green Belt.
- 7.66 A new footpath is proposed through the housing site to connect the LWS areas to the west with the PRoW to the east and will provide a safe route for pedestrians through the area. .
- 7.67 An appropriate Tree survey and Arboriculture Impact Assessment has been undertaken and the proposals do not result in the loss of ancient woodland or veteran trees. There are no category A (high quality) trees proposed for removal.
- 7.68 The majority of the trees that will be lost are young self-seeded trees (category C). In order to facilitate levels on Site to accommodate the Development part of the category B trees in group G9a will also be lost. In total 57% of the southern portion of G9a would be removed. .
- 7.69 The site provides the opportunity for some replacement tree planting on-site, which has been taken into consideration in calculating the biodiversity net gain figure. The Helliwell tree valuation system has then been applied to calculate the remaining compensation payable to mitigate the loss of trees and a planning contribution of £22,935.91 is agreed for off-site tree compensation works.

Flooding

- 7.70 The following matters are agreed.
- 7.71 The appeal site is located in flood zone 1, where residential development is an acceptable land use. The development does not increase flood risk elsewhere and is in accordance with Policy CS67 and paragraph 165 of the Framework.

Drainage

- 7.72 The following matters are agreed.
- 7.73 The proposed Sustainable Urban Drainage system has been designed through discussions with the Council's drainage officer. Appropriate consideration has been given to the visual appearance (subject to further discussions as to whether the retaining walls can be designed as more naturalistic rock features), safety, ecological characteristics, outflow impacts and hydrological features of the basin and the proposals are acceptable in these respects.
- 7.74 In accordance with the drainage hierarchy, surface water will be discharged to the Ochre Dyke to the north at greenfield run off rates. This is controlled through the proposed SuDs basin, which has been designed to also accommodate a proportion of the surface water runoff from site D as part of the wider Owlthorpe housing development area. The foul water from the development can be accommodated within the existing foul sewerage system.
- 7.75 The outflow into the Ochre Dyke and proposed landscaping to the drainage basin will contribute positively to the biodiversity of the area and the future maintenance of the SuDS is secured by the proposed Heads of Terms of the S106 agreement.
- 7.76 The proposals adopt the preferred approach to Sustainable Urban Drainage systems (SuDS) based on land conditions in accordance with Policy CS63 and paragraph 165 of the Framework.

Education and GP Services

- 7.77 The following matters are agreed.
- 7.78 The educational requirements arising from the development are addressed within the existing capacity of catchment primary and secondary schools. The proposals are in

compliance with Policy CS43 and paragraph 94 of the Framework.

- 7.79 The health requirements arising from the development are addressed within the capacity of health facilities. NHS Sheffield Clinical Commissioning Group has advised that the Owlthorpe GP practice adjacent to the site has adequate capacity to accommodate the new development. The proposals are consistent with Policy CS44 and paragraph 34 of the Framework.

Air Quality

- 7.80 The following matters are agreed.
- 7.81 An appropriate air quality assessment has been undertaken and there are no existing air quality constraints to housing development on the site.
- 7.82 Dust impacts during construction will be controlled by a Construction Environment Management Plan. The impact of pollutants generated by the development will be mitigated by an air quality contribution which will be applied to travel plan measures and the provision of electric vehicle charging points. The scheme is considered to be in compliance with Policy CS66 'Air Quality' and paragraph 170 of the NPPF.

Noise

- 7.83 The following matters are agreed.
- 7.84 An appropriate Noise Assessment has been undertaken and appropriate noise levels can be achieved through design to meet the Council's standard planning noise criteria and provide an acceptable environment for future residents. The proposal is consistent with the noise element of Policy H14 and paragraph 180 of the NPPF.

Ground Conditions

- 7.85 The following matters are agreed.
- 7.86 An appropriate Coal Mining Risk Assessment and Land Contamination Assessment have been undertaken the site can be safely developed. The proposal is compliant with paragraph 178 of the NPPF in this respect.

Heritage

- 7.87 The following matters are agreed.

- 7.88 The risk of encountering below ground heritage assets is assessed as low and a suitably worded planning condition will ensure that appropriate further investigations are undertaken. There are no above ground heritage assets that could warrant refusal of permission. The proposal is consistent with Policy BE22 of the UDP and the heritage sections of the NPPF.

Planning obligations and CIL

- 7.89 The following matters are agreed.
- 7.90 The Heads of Terms set out in appendix 2 provide the planning obligations necessary to ensure compliance with the Development Plan and the CIL and Planning Obligations SPD (2015).
- 7.91 The site is situated within CIL Zone 3 and a charge of £30 (plus indexation since the introduction of the CIL in 2015) is expected per square metre.

8.0 MATTERS OF DISAGREEMENT

8.1 The issues of disagreement between the parties are as follows:

Issue 1 – Whether the proposal is contrary to the planning brief by not forming part of a comprehensive scheme for the whole of the Owlthorpe development area and whether this prejudices the proper planning of the area and if so whether this alleged conflict with the development brief can be construed as also being a conflict with Policy H13 of the development plan to the extent it should be refused permission.

Issue 2 - Whether the proposal fails to respond sufficiently to the area's prevailing character, green infrastructure and open space and is contrary to development plan policies H14 (a, b, c, f and g) H15 (part d), GE15 and CS74 and paragraphs 122, and 127 (parts a, b, c and e) of the NPPF, such that it should be refused permission.

Issue 3 - Whether the proposal makes efficient use of land having regard to NPPF Paragraph 8, 122, 123 and CS26 and if not whether it should be refused permission as a consequence.

Issue 4 – Whether the proposal fails to integrate affordable housing into the layout having regard to CS 40 and GAH 5 of the CIL and Planning Obligations SPG, the weight to be placed on that document and whether the alleged failure to comply with the SPG can also be construed as a conflict with policy CS 40 and if so whether it should be refused permission as a consequence.

Issue 5 – Whether policies H13, H14, H15, GE15 and CS74 although not expressly written in the reason for refusal can be considered as implicitly implied owing to their alleged conformity and linked relationship with paragraphs 8, 122, 123 and 127 of the NPPF, local policies CS26 and CS40 and the Moorthorpe Planning Brief.

8.2 On the 18th December 2020 the Council published its “5-Year Housing Land Supply Monitoring Report December 2020” (CD4.10.2.1). This indicates a 5.4 year supply as forecast from the 1st April 2020. As the principle of development is not an issue between the Council and the Appellant it is not considered to be efficient use of Inquiry time to undertake a detailed analysis of this recently published projected supply.

8.3

APPENDIX 1: DRAFT CONDITIONS

Planning Conditions

Time limit for Commencement of Development

1. The development shall be begun not later than the expiration of three years from the date of this decision.

Reason: In order to comply with the requirements of the Town and Country Planning Act.

Approved/Refused Plan(s)

2. The development must be carried out in complete accordance with the following approved documents:

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
4.12	ETN/002 Rev C - Easton Elevations
	ETN/001 Rev A - Easton Floor Plans
	HTN/002 Rev C - Haddington Elevations
	HTN/001 Rev A - Haddington Floor Plans
	STN/009 Rev A - Seaton Elevations
	STN/001 Rev A - Seaton Floor Plans
	PTN/002 Rev C - Paignton Elevations
	PTN/001 Rev B - Paignton Floor Plans
	LBY/002 Rev C - Lathbury Elevations
	LBY/001 Rev A - Lathbury Floor Plans
	HBY/002 Rev D - Napsbury Elevations Plots 17-18, 23, 57-58
	HBY/002 Rev D - Napsbury Elevations Plots 3, 47-48
	HBY/001 Rev D - Napsbury Floor Plans
	SBY/002 Rev C - Sudbury Elevations
	SBY/001 Rev B - Sudbury Floor Plans
	RBY/002 Rev C - Ransbury Elevations
	RBY/001 Rev A - Ransbury Floor Plans
	CHM/002 Rev C - Chesham Elevations
	CHM/001 Rev A - Chesham Floor Plans

DBY/012 Rev A - Denbury Elevations
DBY/001 Rev B - Denbury Floor Plans
FBY/009/ Rev A - Finsbury Elevations
FBY/001/ Rev B - Finsbury Floor Plans
KTN/009 Rev C - Kinnerton Elevations
KTN/001 Rev B - Kinnerton Floor Plans
HEL/001 Rev A - Helmsdale Elevations/Plans
NIT/001 Rev A - Nithsdale Elevations/Plans
WEY/001 Rev A - Weydale Elevations/Plans
n1276 110 Rev A - Alternative Option layout (Wheatcroft)

Reason: In order to define the permission.

Pre Commencement Condition(s) – ('true conditions precedent' – see notes for definition)

3. No development shall commence, including any works of demolition or site preparation, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimize disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures. The CEMP shall include strategies to mitigate any residual environmental or amenity impacts that cannot be adequately controlled at source.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property it is essential that this condition is complied with before the development is commenced.

4. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.

- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and postinvestigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated. It is essential that this condition is complied with before any other works on site commence given that damage to archaeological remains is irreversible.

5. No development shall commence, including vegetation clearance, soil stripping or earth moving until the tree protection fence shown on the tree protection plan Rev 5 dated April 2020 has been put in place. Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In order to protect the trees to be retained during construction in the interests of the amenities of the locality it is essential that this condition is complied with before the development is commenced.

6. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

Reason: In the interests of protecting the free and safe flow of traffic on the public highway it is essential that this condition is complied with before any works on site commence.

Other Pre-Commencement, Pre-Occupancy and other Stage of Development Condition(s)

7. Before that part of the development commences full details of the proposed external materials including the design and materials of the retaining walls and gabion walls shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality.

8. Prior to the commencement of the construction of any houses, a scheme for creation of hedgehog

highways shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the relevant houses are occupied.

Reason: In the interests of mitigation the ecological impact of the development in accordance with paragraph 175 of the National Planning Policy Framework

9. Prior to occupation of any of the dwellings, a scheme for incorporating the following bird and bat boxes together with a timescale for their implementation shall be submitted to and approved by the Local Planning Authority:

- Minimum of 6x habitat integrated bat boxes;
- Minimum of 4x integrated house sparrow boxes;
- Minimum of 4x integrated starling boxes;
- Minimum of 4x integrated swift/house martin boxes;
- Minimum of 6x open-fronted bird boxes, attached to retained trees//bushes at the perimeters; and
- Minimum of 6x hole-entrance boxes, attached to retained trees/bushes at the perimeters.

The development shall be carried out in accordance with the approved scheme and time scale.

Reason: In the interests of mitigation the ecological impact of the development in accordance with paragraph 175 of the National Planning Policy Framework

10. The lighting scheme for the construction period and the permanent lighting for the highways and footpaths shall be designed to follow current best practice guidelines (Bats and Artificial Lighting in the U.K. 2018). Prior to the permanent lighting scheme being implemented a report assessing the scheme against the above guidelines shall be submitted to and approved by the Local Planning Authority. Thereafter the approved scheme shall be implemented.

Reason: In the interests of mitigation the ecological impact of the development in accordance with paragraph 175 of the National Planning Policy Framework.

11. Prior to the occupation of any part of the development, a detailed Travel Plan(s), designed to:

- reduce the need for and impact of motor vehicles, including fleet operations;
- increase site accessibility; and
- facilitate and encourage alternative travel modes

shall have been submitted to and approved in writing by the Local Planning Authority.

Detailed Travel Plan(s) shall be developed in accordance with a previously approved Framework Travel Plan for the proposed development, where that exists.

The Travel Plan(s) shall include:

1. Clear and unambiguous objectives and modal split targets;
2. An implementation programme (which shall include the provision of discounted public transport tickets to be provided to new residents), with arrangements to review and report back on progress being achieved to the Local Planning Authority in accordance with the 'Monitoring Schedule' for written approval of actions consequently proposed;
3. Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the Local Planning Authority;
4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets. On occupation, the approved Travel Plan(s) shall thereafter be implemented, subject to any variations approved in writing by the Local Planning Authority.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Core Strategy Policy CS 53.

12. 20% of the houses with on plot parking shall be provided with electric charging points and a further 30% of the houses with on plot parking shall be provided with infrastructure to allow the home owner to install an appropriate electric vehicle charging point. Details of the charging infrastructure and plots to be provided with the electric charging infrastructure shall be submitted to and approved by the Local Planning Authority before construction of the housing commences. The approved details shall be implemented before the relevant houses are occupied. Reason: In the interests of encouraging sustainable travel and mitigating the air quality impact of the development.

13. Pruning works to minimise damage to the retained trees G7a-d, G7f, G8a, G8d-e and G9a shall be carried out by qualified landscape contractors in accordance with the details in the Ecological Management Plan Rev 3 dated May 2020 prior to any vegetation clearance, regrading works or development taking place adjacent to the retained trees G7a-d, G7f, G8a, G8d-e and G9a. Prior to these pruning works being undertaken the tree pruning work schedule specified in paragraph 3.24 of the Ecological Management Plan shall be submitted to and approved by the Local Planning Authority.

Reason: In order to protect the trees which are being retained in the interests of the amenities of the locality and mitigating the biodiversity impact.

14. Prior to the construction of the water storage pond shown on plan P2741-01-02-Rev G commencing, details of the design of the retaining walls including the material finishes and structural design shall be submitted to and approved by the Local Planning Authority. Thereafter the water storage area shall be constructed in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality.

15. The approved renewable and low carbon energy equipment and measures to achieve the alternative fabric first approach, as set out in the Energy Report Ref 007780 dated Dec 2019 and the Eco2Solar quotation dated 24.4.2020, shall have been installed/incorporated before the relevant properties are occupied, and a report shall have been submitted to and approved in writing by the

Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to the substantial completion of the last dwelling.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change.

16. The on site landscaping and retained habitat shall be managed and maintained in accordance with the details set out in the Ecological Management Plan Rev 3 dated May 2020.

Reason: In the interests of compensating and mitigating the ecological impact of the proposal.

17. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:

a) Be based on the findings of an approved noise survey (ref: LDP2266, rev: 2, dated: 11/03/19, prepared by: BWB).

b) Be capable of achieving the following noise levels:

Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);

Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms. Reason: In the interests of the amenities of the future occupiers of the building.

18. The play area shown on plan 3573/1 Rev F shall be constructed and available for use prior to the occupation of 50% of the houses comprising of Plots 68-74.

Reason: In the interests of meeting the recreation needs of future residents.

19. The approved landscape works, as shown on plans 3573/2 Rev C, 3573/3 Rev C and 3573/4 Rev B shall be implemented prior to the substantial completion of the last dwelling or within an alternative timescale to be first approved by the Local Planning

Authority Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that five year period shall be replaced unless otherwise approved by the Local Planning Authority.

Reason: In the interests of the amenities of the locality and compensating for the impact of the development on biodiversity and tree loss.

20. No services shall be located in the buffer zone or within the tree root protection zone unless the construction methodology has been submitted to and approved by the Local Planning Authority. Thereafter any services provided within the buffer zone shall be implemented in accordance with

the approved details.

Reason: In order to protect the trees which are being retained in the interests of amenities of the locality and mitigating the biodiversity impact.

21. Mitigation against the impact of falling leaves as set out in paragraphs 2.33 and 2.34 of the Tree Impact Assessment shall be implemented before the properties located close to retained trees G11a and G13d are occupied and before the properties identified in paragraph 2.34 are occupied.

Reason: In order to protect the trees which are being retained in the interests of amenities of the locality and the amenities of future occupiers of the site.

22. The water storage area and connecting pipework shall be implemented before the first house is occupied.

Reason: In the interests of ensuring that the site is properly drained and in order to minimise the risk of flooding.

23. The permitted regrading and construction works to take place in the buffer zone shown on the Tree Protection Plan shall be carried out in strict accordance with the relevant details and working methods as specified in the Ecological Management Plan Rev 3 dated May 2020.

Reason: In the interests of protecting the trees to be retained in the Local Wildlife Site.

24. The air quality mitigation measures as set out in table 6.3 of the Air Quality Assessment and the Travel Plan and shall be implemented in accordance with the details set out in Travel Plan, the detailed Travel Plan and the planning conditions.

Reason: In the interests of mitigating the air quality impact of the development.

Other Compliance Conditions

25. The drives shall not be used unless 2.0 metres x 2.0 metres vehicle/pedestrian intervisibility splays have been provided on both sides of the means of access such that there is no obstruction to visibility greater than 600 mm above the level of the adjacent footway and such splays shall thereafter be retained.

Reason: In the interests of the safety of road users.

26. The gradient of shared pedestrian/vehicular access shall not exceed 1:12.

Reason: In the interests of the safety of road users.

27. Where access driveways give both vehicular and pedestrian access to a dwelling, the driveway shall be at least 3.2 metres in width.

Reason: In the interests of the safety of road users.

28. The drives/vehicular access points shall be designed to be hard surfaced and shall not be surfaced in loose gravel or chippings which have the potential of being carried onto the footway

or carriageway.

Reason: In the interests of the visual amenities of the locality and pedestrian safety.

29. There shall be no obstructions at the eastern end of the shared drive that serves plots 7-10 which will prevent access or egress by emergency vehicles from the eastern end of the drive.

Reason: In order to not preclude the potential of creating an emergency vehicle only link between plots E and D to provide a second point of access for emergency vehicles in the interests of public safety.

APPENDIX 2 – HEADS OF TERMS

1. An annual sum per household for maintenance and management of the Sustainable Drainage System (SUDS) including a one off SUDS adoption fee of £6,500 and a one off SUDS establishment contribution of £10,000.
2. An annual sum per household for the maintenance and management of the Owlthorpe Park and the landscaping within the housing site.
3. A contribution of £16,666 to be used for improvements to the Donetsk Way Tram Stop
4. Arrangements to ensure the 15 affordable units (shown on plan reference n1276 008D) are provided and remain affordable in the long term.
5. A contribution of £21,485 towards the provision of street lighting to the route identified on plan reference: footpaths 1
6. A contribution of £5,477 to be used for preparation of the Owlthorpe Park Masterplan
7. A contribution of £230,400 for the delivery of the off-site biodiversity compensation and £22,935.91 for off-site tree compensation works. The scheme to include a Landscape and Ecological Management Plan, incorporating short, medium and long term aims and objectives; management responsibilities; and maintenance schedules for all compensation works.
8. A contribution of £5,000 for the delivery of an unlit stoned footpath connection between the west end of the estate road adjoining plot 34 to the right of way ECK/171 to the West of the site.
9. Funding for a scheme for the provision of additional litter bins, dog waste bins and signs on the approach to the Local Wildlife Site (LWS) and fencing to secure part of the LWS from encroachment to compensate from the increased pressure from encroachment that will result from the development of housing on the site.

APPENDIX 3: LOCATION OF LOCAL WILDLIFE SITES

APPENDIX 4: OPEN SPACE PROVISION PLAN

APPENDIX 5: FEASIBILITY LAYOUT

APPENDIX 6: MASTERPLAN SCHEME

