

For and on behalf of
Hallam Land Management

UPDATED PLANNING STATEMENT

**Outline Application (17/04673/OUT) for Residential Development at Carr Road and Hollin
Busk Lane, Deepcar**

Prepared by

**DLP Planning Ltd
Sheffield**

December 2018

Prepared by:



Clare Plant BA (Hons) MSc
MRTPI AssocRICS
Director

Approved by:



Roland Bolton BSc
(Hons) MRTPI
Senior Director

Date:

December 2018

DLP Planning Ltd
Ground Floor
V1 Velocity
Tenter Street
Sheffield
S1 4BY

Tel: 01142 289190

DLP Consulting Group disclaims any responsibility to the client and others in respect of matters outside the scope of this report. This report has been prepared with reasonable skill, care and diligence. This report is confidential to the client and DLP Planning Ltd accepts no responsibility of whatsoever nature to third parties to whom this report or any part thereof is made known. Any such party relies upon the report at their own risk.

Contents	Page
1.0 Introduction	4
2.0 Site Context	6
3.0 The Application Proposal	9
4.0 Planning History	10
5.0 Planning Policy Assessment	12
National Planning Policy Framework (2018)	12
Promoting Healthy and Safe Communities	12
Promoting Sustainable Transport	13
Achieving Well-Designed Places	13
Heritage Assets	13
Implementation	14
Sheffield Core Strategy (2009)	14
Policy CS22: Scale of the Requirement for New Housing	14
Policy CS23: Locations for New Housing	15
Policy CS26: Efficient Use of Housing Land and Accessibility	15
Policy CS40: Affordable Housing	16
Policy CS74: Design Principles	21
Sheffield Unitary Development Plan (1998)	21
Policy LR5: Development in Open Space Areas	22
Policy GE10: Green Networks	23
Policy GE11: Nature Conservation and Development	23
6.0 Assessment of the Proposed Development	27
7.0 Conclusion	44

Appendix 1 – EIA Screening Direction decision

1.0 Introduction

- 1.1 This second Planning Statement has been prepared by DLP Planning Ltd on behalf of Hallam Land Management in support of an outline planning application for the development of up to 93 dwellings (all matters other than access reserved) on land at Carr Road and Hollin Busk Lane, Deepcar. It updates the previous statement in respect of the new (2018) Framework and associated guidance (NPPG).
- 1.2 Since the adoption of the plan there have been significant changes in planning policy, including the presumption in favour of sustainable development (paragraph 11 of the Framework) when plans and policies are out of date, and objectives to significantly boost the supply of housing (paragraph 59 of the Framework). These changes mean that many of the policies in the Core Strategy are now inconsistent with national policy and by virtue of paragraph 213 of the Framework do not carry full weight in the determination of planning applications. One element of the Framework (paragraph 73) is the requirement for the LPA to demonstrate a robust 5 year supply of housing land against an up-to-date housing requirement or Objectively Assessed Need for housing. At present the Council is unable to demonstrate such a level of supply and hence there is a “tilted balance” in favour of housing proposals such as this application.
- 1.3 It should further be noted that as the settlement boundaries and countryside policies in the UDP were set against a different time period and a different housing requirement, they are out of date (Appeals APP/R1038/W/17/3192255 paragraphs 20-23 and 73) and APP/R1038/W/3182428 paragraph 17).
- 1.4 The site comprises 6.5 hectares of grazing land directly adjacent to a residential area of Deepcar. The site is currently allocated as open space within the Sheffield UDP (1998). As the Local Planning Authority (LPA) is unable to demonstrate a five year housing land supply, the policies of the UDP and to an extent the Core Strategy are considered to hold limited weight.
- 1.5 The proposals seek to deliver new housing within the short term, in addition to increasing the level of publically accessible open space provision within the locality. Within this context and based on the additional information set out within this statement, the proposed scheme is considered to constitute a sustainable form of development that should be approved without delay.
- 1.6 An EIA Screening Direction was submitted to Secretary of State under 6 (10) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017(S.I. 2017/571) on 31st July 2017 to determine whether or not the proposed development was ‘EIA development’ within the meaning of the 2017 Regulations. The Secretary of State did not consider that the proposal is likely to have significant effects on the environment and accordingly directed that the development is not ‘EIA development’ within the meaning of the 2017 Regulations (Appendix 1).
- 1.7 This Statement provides background information regarding the site and surrounding context, planning application history, as well as details of pre-application discussions, which have taken place with the Local Planning Authority.
- 1.8 The information provided demonstrates how the development proposal accords with the National Planning Policy Framework 2018 (the ‘Framework’), the National Planning Practice Guidance 2018, and local planning policies contained within the Development Plan.
- 1.9 The following documents have also been prepared in support of the planning application:
 - Design and Access Statement;

- Indicative layout plan;
- Statement of Community Involvement;
- Affordable Housing Statement;
- Transport Assessment;
- Travel Plan;
- Ecology Report (including extended breeding birds surveys);
- Heritage Assessment;
- Flood Risk Assessment and Drainage Report;
- Landscape and Visual Impact Assessment (including tree survey);
- Geo-environmental Report (including Coal Mining Report); and
- Air Quality Note.

2.0 Site Context

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



Figure 1 – Indicative masterplan for application site

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

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

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

Figure 3: Proximity of surrounding available services and facilities

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

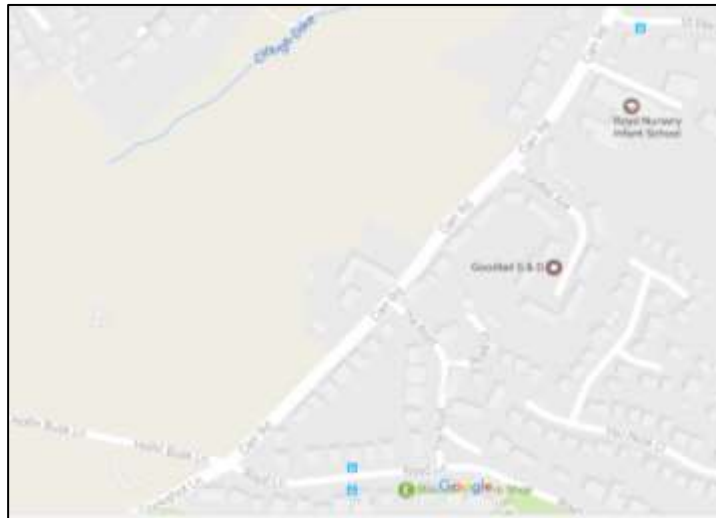


Figure 4: Bus stops within close proximity to the site

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

3.0 The Application Proposal

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

4.0 Planning History

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

Pre-application discussions

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

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

Public Consultation

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

5.0 Planning Policy Assessment

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

National Planning Policy Framework (2018)

5.2 The National Planning Policy Framework (“the Framework”) sets out the Government’s planning policies for England, and how they should be applied (paragraph 1). The Framework was adopted in July 2018.

5.3 At the heart of the Framework is “a *presumption in favour of sustainable development*” (paragraph 10).

5.4 Paragraph 11 of the Framework sets out that the presumption means the following for decision taking:

- *approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Promoting Healthy and Safe Communities

5.5 Paragraph 96 of the Framework sets out that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

5.6 Paragraph 97 of the Framework sets out that existing open space, and sports and recreational buildings (including playing fields), should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

5.7 Paragraph 98 of the Framework sets out that public rights of way and access should be protected and enhanced, including taking opportunities to provide better facilities for users. An example of this is adding links to existing rights of way networks including National Trails.

Promoting Sustainable Transport

- 5.8 Paragraph 108 of the Framework sets out that when assessing sites that may be allocated for development in plans, or specific applications for development, the following should be ensured:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 5.9 Paragraph 111 sets out that all developments that will generate significant amounts of movement should provide a travel plan, and the application should be supported by a transport statement so that likely impacts of the proposal can be assessed.

Achieving Well-Designed Places

- 5.10 Paragraph 124 of the Framework sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

- 5.11 Paragraph 127 of the Framework then sets out that planning policies and decisions should ensure that developments meet the following criteria:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Heritage Assets

- 5.12 Paragraph 184 of the Framework sets out that heritage assets range from sites and buildings of local historic value to those deemed to be of the highest significance such as World Heritage Sites. Paragraph 184 then states the following:

“These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”

- 5.13 Paragraph 189 of the Framework states the following in regard to the significance of heritage assets:

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

- 5.14 Paragraph 196 of the Framework sets out that where the development proposals will lead to less than substantial harm of a designated heritage asset, the harm should be weighed against the public benefits that the proposals will create, including securing its optimum viable use where appropriate.

Implementation

- 5.15 Paragraph 213 of the Framework states the following in regard to the implementation of the Framework policies:

“existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

Sheffield Core Strategy (2009)

- 5.16 The Sheffield Core Strategy provides the overall spatial strategy and vision for the City, including the relationships between the areas within it and how different factors come together in each area for the period to 2026.
- 5.17 It is our view that in the absence of a five year housing land supply, paragraph 11d) Footnote 7 is engaged and therefore the policies relevant to the supply of housing are out of date and the ‘tilted’ balance is applied to the other policies.
- 5.18 Many of the policies are also considered to be out of date because they are now inconsistent with both the general thrust of the Framework and the detail of both the Framework 2018 and the NPPG 2018. The section below sets out the policies in general but the assessment of the relevant policies against the Framework and NPPG are set out in the next section.
- 5.19 In respect of the Core Strategy specifically, this document was produced to form part of the development plan alongside a site allocations document, however a draft version of this document was abandoned in 2014. Therefore the Core Strategy does not form part of a complete Development Plan.

Policy CS22: Scale of the Requirement for New Housing

- 5.20 Policy CS22 states that the requirement for new housing will be as follows:

a. an average of 1,025 net additional dwellings per year over the period 2004/05 to 2007/08 (4 years).

b. an average of 1,425 net additional dwellings per year over the period 2008/09 to 2025/26 (18 years).

Sufficient sites will be allocated to meet the housing requirement to at least 2020/21.

A 5-year supply of deliverable sites will be maintained at all times.

- 5.21 This policy is no longer up to date in terms of paragraph 213 of the Framework, as the housing requirement is based on the RSS figure and not the Local Housing Need as required by the Framework.
- 5.22 It is considered that the Local Housing Need requirement is a minimum of 2,098 dwellings per annum by the Standard Method (using the 2014 household projections and the 2017 affordability data) as per paragraph 73 of the Framework.
- 5.23 The LPA has confirmed that it does not have an identifiable five year supply of housing land. The SHLAA Interim Position Paper 2017 suggests the council have a 4.5 year supply of land (page 13). However, this calculation includes a significant number of sites with outline planning consent, draft allocations in the now withdrawn sites and allocations plan, and other previously developed sites without permission. This assessment fails to provide clear evidence that those sites, excluded from the definition of deliverable in the Framework, will produce completions in the next 5 years. Removing these sites from the calculation would reduce the supply to approximately 5,751, which would represent just a 2.7 years' supply of land.

Policy CS23: Locations for New Housing

- 5.24 CS23 states that new housing development will be concentrated where it will support urban regeneration and make efficient use of land and infrastructure. In the period 2008/09 to 2020/21, the main focus will be on suitable, sustainably located, sites within, or adjoining:
- a. the main urban area of Sheffield (at least 90% of additional dwellings); and*
 - b. the urban area of Stocksbridge/Deepcar.*

- 5.25 This policy confirms that Deepcar is a key focus for housing growth within the City. This policy was set in a different context in terms of the overall level of housing need and cannot be attributed full weight.
- 5.26 Notwithstanding the reduced weight that can be attributed to this policy, the general location of the application site adjoining the urban area of Deepcar is in full compliance with this policy.

Policy CS26: Efficient Use of Housing Land and Accessibility

- 5.27 Policy CS26 states that housing development will be required to make efficient use of land but the density of new development should be in keeping with the character of the area and support the development of sustainable, balanced communities.
- 5.28 Under Policy CS26, the target density for this site would be between 30 and 50 dwellings per hectare, such a policy with strict limitations is contrary to the Framework. Given the developable site area of 3.1ha, the quantum of development proposed will achieve a density of 29 dph. This amount of development is considered to be wholly appropriate taking account of topography, edge of settlement location and access provision.

5.29 This Policy is considered to be contrary to paragraph 122 of the Framework which requires a number of factors to be taken into account, including local market conditions and local character.

Policy CS33: Jobs and Housing in Stocksbridge/Deepcar

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

5.31 This policy was drafted at a time when additional land was not required to meet housing need. This is no longer the case and therefore the policy is afforded limited weight within the context of paragraph 213 of the Framework and the current five year housing land supply position which would render this policy out of date (Framework paragraph 11 d i)).

Policy CS40: Affordable Housing

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

5.33 This is not based upon up to date evidence and as such policy CS40 and following paragraphs can be attributed limited weight. It is acknowledged that the Framework expects at least 10% of housing to be available for affordable ownership.

5.34 The provision of affordable housing will be addressed within the reserved matter application should planning permission be granted. It is the applicant's expectation that this requirement will be met by the proposed development.

Policy CS41: Creating Mixed Communities

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

5.36 Although the application is submitted in outline at this stage, the indicative proposals demonstrate how a mix of dwellings could be provided within the site. The scope of the application is sufficiently broad to enable the mix of accommodation to be tailored to the housing need within the area when a reserved matters application is submitted.

Policy CS46: Quantity of Open Space

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

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

5.38 The application scheme includes the provision of over 3 hectares of open space including publically accessible informal and formal open space within the proposed housing area, which will be linked via footpaths to the wider open space provision within the adjacent at Fox Glen Wood. A wildlife habitat is also proposed in the southern part of the application site, which will maintain openness in this area and provide biodiversity enhancement.

5.39 This approach directly supports the objectives of CS46 and will benefit local residents as well as those residing in the proposed dwellings.

Policy CS47: Safeguarding Open Space

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

- a) *it would result in a quantitative shortage of either informal or formal open space in the local area; or*
- b) *it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value; or*
- c) *people in the local area would be denied easy or safe access to a local park or to smaller informal open space that is valued or well used by people living or working in the local area; or*
- d) *it would cause or increase a break in the city's Green Network.*
Development that would still result in the loss of open space will only be permitted where:
- e) *as soon as practicable, equivalent or better replacement open space would be provided in the local area; or*
- f) *the site is identified as surplus for its current open space function and:*
 - i. *a proposed replacement would, as soon as practicable, remedy a deficiency in another type of open space in the same local area; or*
 - ii. *it could not fulfil other unsatisfied open space needs; or*
- g) *the development would be ancillary to the open space and have a minimal impact on the use or character of the open space.*

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

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

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

- *accessible countryside in urban fringe and rural areas – including woodlands, agricultural land with public rights of way and publicly accessible areas with a right to roam;*
- *civic spaces, including civic and market squares, and other hard surfaced areas designed for pedestrians.*

- 5.43 The Framework post-dates the Core Strategy and defines open space as ‘*all open space of public value [...] which offer important opportunities for sport and recreation and can act as a visual amenity*’. The difference between this definition and CS47 is that the Framework defines open space as being of public value, which offers important opportunities for sport and recreation and can act as a visual amenity. This indicates that visual amenity alone is not sufficient for a site to qualify as open space. A site that does not currently offer important opportunities for sport and recreation cannot be defined as open space. Policy CS47 extends the definition of open space beyond that in the Framework and as a consequence is in direct conflict with the Framework. As such, this element of Policy CS47 can be attributed very little weight.
- 5.44 CS47 equates open space with recreation space in the manner that it seeks to safeguard it for the needs and access of local people. This is not considered to be applicable to the application site, which offers nothing as open space under the definition outlined in the Framework in its current form as private agricultural land. Visual amenity alone is not sufficient based on the wording of the Framework for the site to be defined as open space, nor is the inclusion of private land within such a designation supported by the Framework.
- 5.45 In respect of the value of sites as open space, reference may also be usefully made to the findings of the Secretary of the State in the Bamber Bridge appeal (ref: APP/F2360/A/08/2073625). In that decision, the Inspector found that without a budget to introduce the land as public open space with appropriate improvements, and based on the limited value that unmanaged grassland may have beyond that of varying the urban scene, there was limited weight which could be attributed to such desires to retain the site for this purpose. The Inspector also noted that in cases of high levels of public support for retention of potential public open space, that the developer should not be bound to demonstrate wide support in the local community for the proposal, where the land is private and is simply identified as potential public open space.
- 5.46 This application demonstrates that there has to be a legitimate means of improving open space and when there is genuinely under-used open space with no legitimate means of securing a wider public benefit beyond the visual gap in the built environment it provides, development should not be resisted on this basis.
- 5.47 Based on the above assessment, CS47 and paragraphs 92 and 97 of the Framework are not applicable to the application site. Furthermore CS47 carries no weight in respect of this site within the context of paragraph 213 of the Framework, given its lack of accordance with the Framework definition of open space.
- 5.48 Lastly this policy is impacted by the ‘tilted balance’ in respect of the lack of 5 year housing land supply.

Policy CS51: Transport Priorities

- 5.49 The strategic priorities for transport are:
- a. *promoting choice by developing alternatives to the car*
 - b. *maximising accessibility*
 - c. *containing congestion levels*

- d. improving air quality*
- e. improving road safety*
- f. supporting economic objectives through demand management measures and sustainable travel initiatives.*

5.50 The application site is within walking distance of local bus services providing connections to other parts of Sheffield and South Yorkshire. Therefore, sustainable transport links are available from the application site to the wider area.

5.51 Within Deepcar itself there are also a number of services, including local shops, doctors and schools, as detailed in Table 3 of this Statement. Further evidence on this matter is provided within the Transport Assessment submitted with the application.

Policy CS64: Climate Change, Resources and Sustainable Design of Developments

5.52 All new buildings and conversions of existing buildings must be designed to reduce emissions of greenhouse gases and function in a changing climate. All developments will be required to:

- a) achieve a high standard of energy efficiency; and*
- b) make the best use of solar energy, passive heating and cooling, natural light, and natural ventilation; and*
- c) minimise the impact on existing renewable energy installations, and produce renewable energy to compensate for any loss in generation from existing installations as a result of the development.*

All new buildings and conversions of existing buildings must be designed to use resources sustainably. This includes, but is not limited to:

- d) minimising water consumption and maximising water re-cycling;*
- e) re-using existing buildings and vacant floors wherever possible;*
- f) designing buildings flexibly from the outset to allow a wide variety of possible future uses;*
- g) using sustainable materials wherever possible and making the most sustainable use of other materials;*
- h) minimising waste and promoting recycling, during both construction and occupation.*

5.53 This policy extends control considerably beyond the areas suggested in paragraph 149 and 150 of the Framework. Paragraph 150 requires that any local requirements should reflect the Government's policy for national technical standards.

Policy CS65: Renewable energy and carbon reduction

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

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

- 5.55 This policy is contrary to paragraph 150 of the Framework, which requires local policy to reflect the Government's guidance on national technical standards.

Policy CS67: Flood Risk Management

- 5.56 CS67 states that the extent and impact of flooding should be reduced.
- 5.57 The site is located within Flood Zone 1 and the proposed drainage system has been designed to apply SUDs measures to limit and discharge appropriately surface water run off.

Policy CS72: Protecting Countryside not in the Green Belt

- 5.58 CS72 states that '*The green, open and rural character of areas on the edge of the built-up areas but not in the Green Belt will be safeguarded through protection as open countryside, including (d) south of Stocksbridge (at Hollin Busk)*'.
- 5.59 This policy was drafted at a time when there was no OAN requirement and a very different approach to housing provision and distribution was being pursued in the terms of the RSS. This policy context has been removed.
- 5.60 The Framework extends no such blanket protection over open countryside but requires the housing requirement to be met in full where possible and where it cannot be met then the duty to co-operate is engaged. The duty to co-operate has not been engaged in any of the neighbouring Local Plans as demonstrated by the Statements of Common Ground between Sheffield, Rotherham, Barnsley and NEDDC, and the LPA have claimed they can meet their housing need.
- 5.61 It is clear from the wording of the policy that at the time of the policies adoption in 2009, there was considered to be sufficient previously developed land within the urban area so that the site was not required for housing. However, circumstances have changed markedly since this time and the need for land is now sufficiently acute that the LPA have confirmed that a Green Belt Review will be undertaken to support the preparation of the new Local Plan. Additional land is required and as set out at paragraph 6.2 - 6.4 this includes the need for additional housing within Stocksbridge and Deepcar. CS72 is derived from settlement boundaries that reflect out of date housing requirements and should therefore carry limited weight.
- 5.62 Furthermore, Policy CS72 restricts development within locations including Hollin Busk and seeks to carry this approach forward into future local plans. The policy seeks to protect green and open areas on the edge of settlements 'as if safeguarding open countryside', however the site is not designated as countryside within the UDP, nor does CS72 relate to a specific spatial area within the adopted Proposals Map. This 'blanket approach' to landscape protection is not in accordance with the Framework, which outlines a presumption in favour of sustainable development and requires development plan policies to be 'positively prepared', enabling a site by site assessment of benefits and harm resulting from proposals.
- 5.63 The Framework (paragraph 11b) requires that the objective assessed needs for housing should be met unless the policies in the Framework provide a strong reason for restricting the overall scale of development. Policies such as CS72 which are not in conformity with the Framework provide no such reason.
- 5.64 Paragraph 170 of the Framework requires that decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the

countryside, but this is a long way from the blanket position that is exercised by Policy CS72.

- 5.65 CS72 is not considered to be Framework compliant as it does not allow a planning balance to be applied, nor does it enable consideration of mitigation as per paragraph 152. On this basis it is considered that limited weight should be applied to the policy.
- 5.66 As a policy that could be used to determine this application it should be noted that both paragraph 11 and 213 would be engaged, as explained above. The lack of consistency with the Framework would reduce its weight, as would the lack of a five year land supply.

Policy CS74: Design Principles

- 5.67 Policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the City, its districts and neighbourhoods. The policy aims to achieve high quality design which contributes to creating attractive, safe, sustainable and successful neighbourhoods.
- 5.68 High-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods.
- 5.69 The application proposal has been carefully designed in order to protect and enhance the character of the immediate and surrounding locality. This includes providing appropriate stand off distances between the built form and the woodland within Fox Glen, as well as restricting built form to the north eastern part of the site, maintaining an open landscape adjacent to the Green Belt. A degree of separation is also provided to the listed Royd's Farm buildings with enhanced landscaping provided between the new and established built form.
- 5.70 The submitted application provides sufficient detail at this stage to demonstrate how the scheme can be designed to respond to the character of the surrounding built form, as discussed further within the submitted Design and Access Statement.

Sheffield Unitary Development Plan (1998)

- 5.71 The Sheffield Unitary Development Plan was adopted in 1998 and forms part of the development plan, alongside the Core Strategy. However, the UDP is time expired, and in accordance with paragraph 11 and 213 of the Framework only limited weight can be attributed to many of its policies.
- 5.72 The application site is located within an Open Space Policy Area as indicated within the proposals map shown in Figure 5.

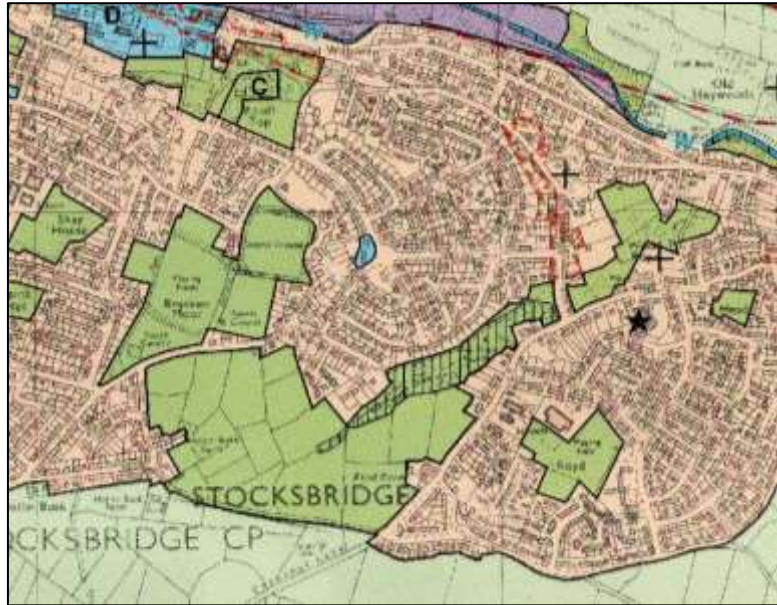


Figure 5: Sheffield Unitary Development Plan Proposals Map extract

Policy LR5: Development in Open Space Areas

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

- (c) it would significantly detract from the green and open character of the Green Network; or*
- (d) it would make an open space ineffective as an environmental buffer; or*
- (e) it would harm open space which forms the setting for a Listed Building or other historic building, or is needed to maintain an important view or vista; or*
- (i) it would result in over-development or harm the character of an area; or*
- (j) it would harm the rural character of a wedge of open countryside; or*

5.74 Firstly, as already established, the application site does not meet the definition of open space in the Framework (2018) and as such it would be incorrect to apply this policy to the site.

5.75 Secondly, the UDP is time expired and LR5 is not considered to be Framework compliant, as the policy requires the rejection of an application that breaches one or more of the criteria, omitting the ability for the breach of this policy to be balanced against the achievement of other policies or objectives. It does not provide for the planning balance to be assessed against the 3 aspects of sustainable development as set out in paragraph 8 and 11 of the Framework.

5.76 Furthermore, paragraph 96 of the Framework requires planning policy to be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities. Policy LR5 is not based on such an assessment and the LPA are not able to provide an up to date assessment.

5.77 LR5 extends the definition of 'open space' beyond the Framework, which is confirmed in the glossary as:

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

- 5.78 A site such as the application site, which does not offer important opportunity for sport or recreation, is not open space as defined in Framework. The application of this policy to such sites is in direct conflict with the Framework. To this extent, the policy is out of date in the context of paragraph 11 and 213 of the Framework.
- 5.79 Within this context, the ability to attribute weight to the visual amenity provided cannot be applied as this is expressly dependent on the ability of the site to provide opportunities for sport and recreation.
- 5.80 **LR5(e)** and **LR5(j)** are also considered to extend beyond the definition of open space set out in paragraph 74 of the Framework. Furthermore, the policy does not support consideration of planning balance, nor does it allow for mitigation to be considered in accordance with paragraph 152 of the Framework.
- 5.81 In the case of LR5(e), the heritage impact of the proposals are considered under the heritage assessment in section 6 and are demonstrated to be acceptable in accordance with paragraph 134 and 135 of the Framework.
- 5.82 The boundaries identified in the UDP predate the Framework and cannot be given full weight as they do not make provision for the LHN. The lack of 5 year housing land supply also means the tilted balance is applied, reducing the weight of this policy.

Policy GE10: Green Networks

- 5.83 GE10 relates to a network of green corridors and green links, which will be:
- (a) *Protected from development that would detract from their mainly green and open character or which would cause serious ecological damage;*
 - (b) *Enhanced by encouraging development that increases their value for wildlife and recreation;*
 - (c) *Extended by creating new open space in areas of desired green links.*
- 5.84 Policy GE10 is time expired and does not expressly enable a planning balance to be applied, including consideration of proposed mitigation. Therefore it cannot be deemed to be fully Framework compliant in the context of paragraph 11 and 213, and limited weight should be applied in the planning balance.
- 5.85 The boundaries identified in the UDP predate the Framework and cannot be given full weight as they do not make provision for the LHN. The lack of 5 year housing land supply means the tilted balance is applied, reducing the weight of this policy.

Policy GE11: Nature Conservation and Development

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

Other UDP policies

5.88 As the proposals are submitted in outline at this stage, the detailed design of the scheme and response to other saved UDP policies will be confirmed at the reserved matters stage. Where possible matters are addressed in the submitted Design and Access Statement. These policies include:

- H15: Design of New Housing Developments
- H16: Open space in new housing developments
- BE6: Landscape Design
- BE9: Design for Vehicles
- BE10: Design of Streets, Pedestrian Routes, Cycleways and Public Spaces
- BE22: Archaeological sites and monuments
- GE15: Trees and Woodlands
- GE19: Water resources
- T7: Promoting walking and cycling
- T8: Pedestrian Routes
- T25: Car parking in Residential Areas

5.89 It is noted in respect of BE22, that the Heritage Assessment submitted with the planning application considers the potential for archaeological remains within the site. The report concludes that the site has low potential for archaeological remains from the prehistoric, Roman, Post-Medieval and Modern periods and moderate/low archaeological potential of the site to contain Saxon/Medieval remains.

5.90 It is therefore concluded that the archaeological potential of the site is limited and any additional matters can be accommodated by an appropriately worded planning condition.

Emerging Local Plan

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



Figure 2: Designation of site as a Countryside area

- 2.17 This approach suggests that the site and a wider area of land to the west were not required for open space, nor were they considered worthy of additional policy protection through their inclusion within the Green Belt.
- 2.18 Following the withdrawal of the City Sites and Policies document, the LPA consulted on a Citywide Options for Growth document in 2015, this document did not set out proposed site allocations but sought consultee responses on a number of options relating to the proposed level and distribution of growth to meet the housing requirement.
- 2.19 Notably the document continued to acknowledge the requirement for a Green Belt review in order to meet housing need.
- 2.20 Following the period of consultation document, the LPA indicated that a draft local plan document would be published in December 2016. However this timetable has subsequently been subject to significant slippage and to date a draft local plan has not been published. The LPA has indicated that a draft plan is now anticipated for consultation in 2019.
- 2.21 No weight can be attributed to any element of this withdrawn plan. In terms of any future publication of a draft plan, paragraph 49 of the Framework would suggest that little weight might be given to any of those emerging policies.

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

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

of the affordable housing contribution will encourage social integration as part of this provision.

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

Stocksbridge Neighbourhood Plan

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

6.0 Assessment of the Proposed Development

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

Five Year Land Supply

6.2 The most recent Sheffield SHLAA interim position statement demonstrates that the Council does not have a five year housing land supply. The SHLAA interim position statement estimates that there is a 4.5 year supply of deliverable sites for housing in the city.

6.3 Furthermore since this document was published the Government has now consulted twice on a standardised approach to the calculation of objectively assessed housing need. The baseline figure calculated through this methodology of 2,093 households (using the 2014 household projections) also represents an increase on the Core Strategy target and is significantly above the average level of housing being delivered annually in the City. Therefore the five year housing land supply is further reduced.

6.4 On this basis, paragraph 11 footnote 7 of the Framework is triggered and policies most important for determining the application are considered to be out of date. This in turn triggers the tilted balance in paragraph 11, which is considered further herein.

Principle of Development

6.5 The Development Plan comprises the UDP (1998) and Core Strategy (2009). Paragraph 215 of the Framework indicates that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

6.6 In respect of the location of development, the application is in full accordance with the locational criteria in policy CS22.

6.7 In respect of this site, it has already been demonstrated in the previous section that it does not fall within the definition of “open space” in terms of the Framework, and so these policies cannot be given much weight in reaching a decision.

6.8 It has also been highlighted that the settlement boundaries within the UDP have been set at a time when there was a substantially different approach to the distribution of development as the boundaries were set in the context of the Regional Spatial Strategy – a time before Planning Authorities were required to meet their Local Housing Need. The UDP was first subject to consultation in 1991 and allocated land to meet the housing need in 2001.

6.9 In this context, recent appeals in the neighbouring North East Derbyshire are of relevance in that the inspectors have found in both cases the historic settlement boundaries set in the context of very different and expired housing targets to carry little weight in decision making (see APP/R1098/W/17/3192255 paragraph 20 and APP/R1038/W/17/3182428 paragraph 14 to 17), and as such permission has been granted outside of these limits. It should also be noted that in paragraph 50 of the former appeal decision, the inspector makes the point that demonstrating a 5 year supply does not place a ceiling on further sustainable development.

6.10 Both the UDP and Core Strategy pre-date the Framework and are not considered to be fully Framework compliant for the reasons set out herein. The Framework requires that policies are positively worded (paragraph 16) and should allow for mitigation to be taken into account (paragraph 32) when considering the impact of development.

- 6.11 Within this context, the housing requirement as set out within policy CS22 is out of date, and more importantly the housing requirement that defined the settlement boundaries for the period up to 2001 in the UDP are even more out of date. Furthermore a five year land supply cannot be demonstrated in accordance with the LHN.
- 6.12 Within this context, CS23 confirms that in the period up to 2020/21 the main focus for housing is within or adjoining the main urban area of Sheffield, which is to take at least 90% of additional dwellings and the urban area of Stocksbridge and Deepcar. After 2020/21, and before then as opportunities arise (DLP emphasis), additional housing growth is envisaged in parts of the city where significant changes and regeneration are taking place.
- 6.13 Based on the SHMA and the updated LHN standard methodology, it is clear that circumstances have changed significantly since the adoption of the Core Strategy (2009), including changes in the level of housing need, under delivery on the Core Strategy target and the publication of the Framework (2018).
- 6.14 Nevertheless the proposed development supports the locational aspirations of CS23 in so far as it directs development to the Stocksbridge/Deepcar area (alongside urban Sheffield) in the first instance. It also supports the objectives of the policy by responding to recent regeneration within the locality, namely the regeneration of the former Tata steel site to form the Fox Valley development within the town (see para. 2.11).
- 6.15 CS24 seeks to maximise the use of previously developed land for new housing. The policy seeks to prioritise brownfield sites, with no more than 12% of dwellings to be delivered on greenfield sites during the plan period. However the policy goes on to state that greenfield sites will be developed only in circumstances including at part (d), "*in sustainably located larger sites within or adjoining the urban areas and larger villages if annual monitoring shows that there is less than a 5 year supply of deliverable sites*"
- 6.16 Part (d) is triggered by the current lack of a five year supply and the application site is shown within this Statement to be sustainably located. Furthermore, the Stocksbridge/Deepcar area is intended to be a priority location for housing in CS23.
- 6.17 A brownfield first approach is no longer supported by the Framework, and the LPA recognise that there are no longer sufficient brownfield sites to meet the housing need. Within this context it is considered that the brownfield focus of policy CS23 carries less weight and the application proposals support the policies locational aspirations and are in accordance with CS24(d).
- 6.18 The evidence for a specific housing need in Stocksbridge/Deepcar is confirmed in the LPA's own Housing Market Area Profile (HMAP, 2017). The HMAP for Stocksbridge and Deepcar confirms that less than 1% of the city's new build houses delivered in the last 6 years were developed in Stocksbridge and Deepcar. Most of the 64 completions in 2014/15 were in one development of older people's social rented accommodation at Newton Grange. A total of 12 dwellings were delivered in 2015/16, and this figure is identified as being more typical of recent years and consisting of small developments and conversions. There is one development underway which will deliver 114 new properties in Stocksbridge over the next few years and will be the first large development for sale for several years, however based on the average delivery rate of 3 dwellings per month (HBF average delivery rate, 2017), only 36 additional dwellings per annum will be delivered.
- 6.19 The HMAP confirms that the percentage of households overcrowded in Stocksbridge & Deepcar is higher (at 7%) than the percentage across Sheffield as a whole (3%). Within this context, almost 400 households are identified as being unable to move in

Stocksbridge & Deepcar in the last 5 years. This suggests that the area has some pent up demand which could be realised if barriers to development are removed.

- 6.20 The 2013 SHMA asked existing households if they have any people in their household that are likely to move in the next 5 years to form their own household e.g. son/daughter moving out. These are known as newly forming households (237 anticipated). Although the SHMA did not ask where these households expect to move to, we do know that each HMA is a relatively self-contained market and that households are most likely to move within their local area due to the 'place attachment' that they have to the area they live. This is supported by Rightmove data which shows that a quarter of all house searches are within a 1 square mile radius.
- 6.21 The SHMA also confirms that Stocksbridge & Deepcar has a shortfall of 16 affordable homes per annum over the next 5 years, which equates to a need of 80 new properties.
- 6.22 In the absence of up to date housing policies within the development plan, the tilted balance is applied in favour of sustainable development and granting planning permission except where the benefits are 'significantly and demonstrably' outweighed by the adverse impacts or where specific policies in the Framework taken as a whole (paragraph 11).

The Tilted Balance

- 6.23 The Framework (2018) paragraph 11 states that it is the policies which are most important for determining the application that can be considered out of date, either by non-conformance with the Framework or by a lack of 5 year land supply. In this case, both reasons apply. It is noted that this clarification follows on from a lengthy legal challenge in respect of the application of paragraph 49 of the Framework the Supreme Court unanimously held (in the cases of Cheshire East BC v SSCLG and Suffolk DC v SSCLG - handed down 10 May 2017) that previous interpretations of paragraph 49 were wrong and the 'relevant policies for the supply of housing' should be construed narrowly.
- 6.24 It is acknowledged that there is still a planning balance to be applied and within this context there are additional matters to consider in the judgement regarding the degree of weight associated with the five year supply position.
- 6.25 In the case of Lindblom J in the recent case of *Phides Estates (Overseas) Ltd v SOSCLG* [2015] EW HC 827 (Admin) it was further concluded that the size of the shortfall (and other matters connected to it) in the five year supply can also be a material consideration in the overall balance (para. 37). The referenced examples in that case included *the extent of the shortfall, how long the deficit is likely to persist, what steps the authority could readily take to reduce it, and how much of it the development would meet.*
- 6.26 If this point is applied to the application site, it is clear that proposals will deliver a significant quantum and range of market housing in an area of need, which would make a significant contribution towards the overall housing shortfall.
- 6.27 The evidence discussed above confirms that there is a significant five year supply shortfall when compared to the LHN.
- 6.28 A new Local Plan has not yet been published in draft despite the previous City Policies and Sites document having been withdrawn in 2014, and the settlement boundaries being determined in accordance with the 1991-2001 housing need. The LPA has indicated that they now anticipate consultation on a draft plan in 2019, leading to examination and adoption in 2020. This timetable indicates that there is no imminent solution proposed in local plan terms to address the housing supply issue or to update the policies within the development plan. Furthermore, there is no up to date timetable for the progression of the Stocksbridge Neighbourhood Plan.

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

Other Material Considerations

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

Policy LR5 – Development in Open Space areas

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

(dynamic development solutions)SM

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

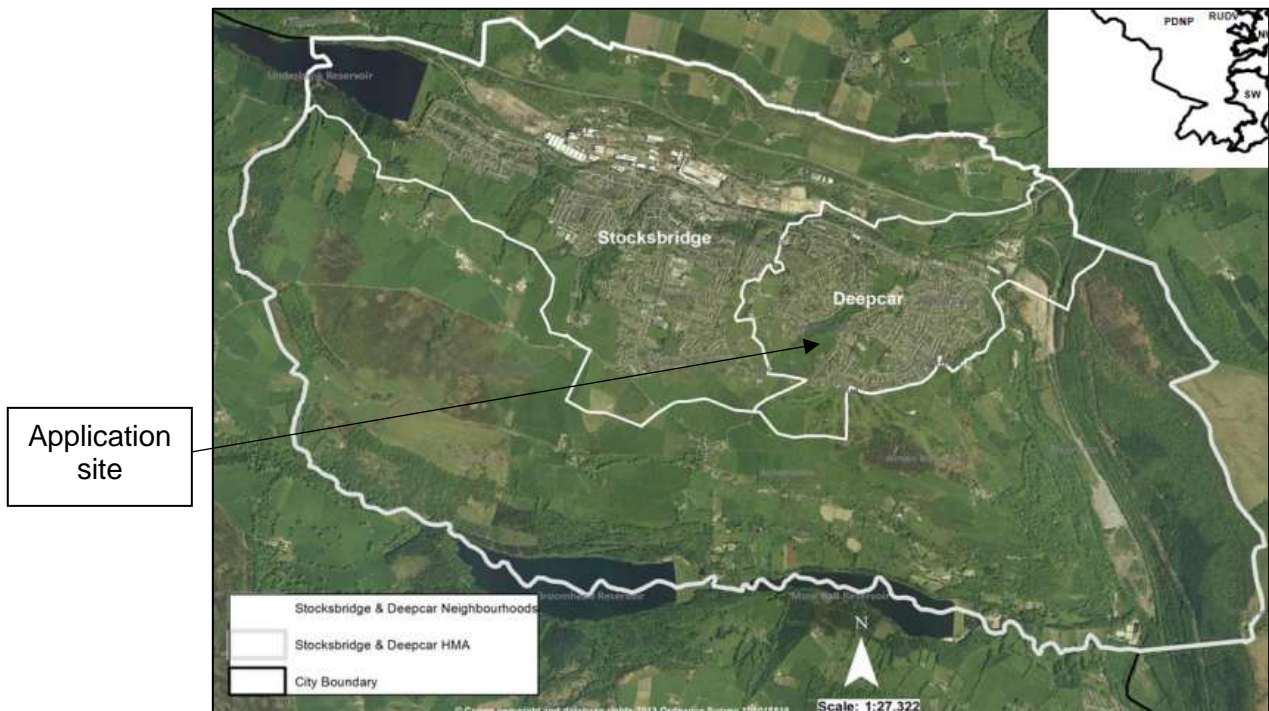


Figure 3 – Extract from HMAP plan for Stocksbridge and Deepcar

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

Policy CS47

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

- 6.52 The LPA's pre-application response acknowledged that with regards **CS47(a)** the most recent Open Space Assessment prepared by the LPA, excludes the application site, and the site was not included in the Council's citywide audit of Open Space, Sport and Recreation Facilities undertaken in 2007. This is considered to confirm the applicant's assessment of the site, i.e. that it does not constitute open space in respect of policy CS47.
- 6.53 **CS47(b)** relates to safeguarding of open space against development where it would 'it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value'.
- 6.54 Aside from the clear evidence above that the site does not constitute open space under CS47, it is not considered to be of a notable high quality, nor is it afforded specific policy protection in this respect. Furthermore, the heritage, landscape and ecology sections below confirm that we do not conflict with the remaining objectives of CS47(b) in terms of the value of the site in those respects.
- 6.55 **CS47(d)** seeks to avoid development where '*it would cause or increase a break in the city's Green Network*'.
- 6.56 The LPA has indicated that there is a visual benefit provided by the site in the form of its openness. However, there are a limited number of existing dwellings that benefit from views across the site and views from the west are framed by the existing settlement. Furthermore, as set out in the definition of open space within the Framework, it is the *important opportunities for sport and recreation and visual amenity* in combination that should be considered, of which there are none in respect of this site.
- 6.57 The supporting text to CS47 (para 9.23) states that:
- "However, there are circumstances where the development on open space would generate benefits for the local community. It may be appropriate that open space is developed where it is proposed to directly replace open space within the local area. Any such replacement should be equivalent to or better than the open space that is lost, in terms of its quantity and quality, as well as being at least as accessible. Similarly, it may be appropriate that part of an open space is developed if it secures improvements to the quality of the remaining open space."*
- (DLP emphasis)
- 6.58 The site is currently inaccessible private land which does not provide any functional benefit as open space for the local community. The proposed development provides new areas of informal public open space together with formal play space within the proposed layout and will contribute to the provision of accessible open space in the locality, which is considered to represent a significant benefit of scheme, in accordance with the objectives of CS47, as set out in the supporting text.

Policy CS72

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

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

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

- 6.62 In relation to CS72, the LPA suggested in their pre-application response that the site forms part of a ‘valued landscape’. This assessment suggests that paragraph 109 of the 2012 Framework is engaged, requiring a starting point of protection and enhancement, rather than planning balance in the determination of applications. The case of *Stroud District Council v Secretary of State for Communities and Local Government* [2015] considered the definition of ‘valued landscapes’ and determined that the application of this phrase must reflect particular landscape features that are ‘out of the ordinary’ rather than simply a designation, or due to perceived local value/popularity [DLP emphasis]. The high court upheld this view in ruling that valued landscapes must have intrinsic value i.e. special features.
- 6.63 “Valued Landscapes” are not a reason to reject development to meet objectively assessed need (Framework paragraph 11 b i)), although they are a consideration in terms of protection and enhancement under paragraph 170 of the Framework.
- 6.64 The Landscape and Visual Impact Assessment submitted alongside the planning application confirms, at paragraph 5.39, that the site is not considered to be of high landscape value, nor is it judged to be a ‘valued landscape’ within the context of the Framework. The detailed assessment undertaken does not identify any particular landscape features, characteristics or elements that demonstrate that the appeal site is in [landscape assessment] terms representative of the wider landscape i.e. a particularly important example which takes this site beyond representing anything more than countryside in general.
- 6.65 The site is bound to the north and east by residential development and by woodland to the west. The proposed area of built form is indented within the settlement and is not considered to contribute to any perceivable separation between Stocksbridge and Deepcar. An open aspect will be retained in the southern part of the site and the woodland will continue to provide a green network through the area.
- 6.66 The spatial area relevant to CS72(d) is not identified in the local plan proposals map and has no defined boundary, therefore it cannot be formally confirmed that the site falls within the referenced area ‘to the south of Stocksbridge’. Furthermore, the policy indicates a blanket ban on development, which is contrary to the objectives of the Framework, and should therefore be afforded very limited weight.
- 6.67 The context within which policy CS72 was originally prepared has changed significantly following the introduction of the Framework, the availability of updated evidence on objectively assessed housing need and the lack of a five year land supply. As a result the policies relating to the supply of housing are out of date and additional land is required to meet housing need.

Policy CS74

- 6.68 The pre-application response from the LPA makes reference to CS74 – Design Principles, which states that *'high-quality development will be expected, which would respect, take advantage of and enhance the distinctive features of the city, its districts and neighbourhoods, including'*:
- a) *The topography, landforms, river corridors, Green Network, important habitats, waterways, woodlands, other natural features and open spaces;*
 - b) *Views and vistas to landmarks and skylines into and out of the City Centre and across the city to the surrounding countryside;*
- 6.69 This is a design-led policy, which within the context of the Framework cannot be applied in a draconian, protectionist manner, but should be used to encourage a positive design responses.
- 6.70 The indicative layout of the proposed development reflects a clear response to the characteristics of the site including limiting built form to the northern part of the site and indicating how this area offers the capacity to meet the policy objectives under a reserved matters application. The area of proposed development is limited to the lower part of the site and this enables sustainable urban drainage methods to be employed, which in turn encourages enhanced biodiversity within the site. The site layout maintains views across the accessible open space to the wider open countryside.
- 6.71 The submitted Design and Access Statement provides additional information on the evolving design code for the site, which is intended to inform the reserved matters application. It is considered that the proposed development is in accordance with CS74 in so far as it can be afforded weight in the planning balance.

Heritage

- 6.72 Paragraph 11d(i) of the Framework indicates that *'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶;*
- 6.73 Footnote 6 to this policy confirms that *'assets of particular importance'* include those in relation to designated heritage assets.
- 6.74 The key test in this respect is set out in paragraph 193-196 of the Framework, which questions whether a proposed development will result in substantial harm or less than substantial harm. Paragraph 18a-017 of the NPPG provides additional guidance on substantial harm. It states:

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

of harm to the asset's significance rather than the scale of the development that is to be assessed."

- 6.75 Paragraph 195 of the Framework outlines that where a proposed development results in less than substantial harm to the significance of a heritage asset, the harm arising should be weighed against the public benefits accruing from the proposed development. Paragraph 18a-020 of the NPPG outlines what is meant by public benefits:

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits."

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

- 6.84 Whilst **UDP policies LR5(e)** and **BE19** are considered to be out of date for the reasons set out elsewhere in this statement, there is a statutory duty to have special regard to the preservation of the setting of listed buildings and it is considered that the proposed development accords with this.
- 6.85 The proposed development is assessed as having a minor additional effect on the contribution that the wider setting provides to the significance of the building, in limited views to and from it. The core of the building's significance (i.e. its form and fabric) are assessed to be unaffected. This represents less than substantial harm and in light of the wider public benefits of the development as set out within this Statement, the applications is considered to accord with the Framework.

Landscape

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

Policy GE10

- 6.90 GE10 of the UDP relates to a network of green corridors and green links, which the policy states will be:
- a) *Protected from development that would detract from their mainly green and open character or which would cause serious ecological damage;*
 - b) *Enhanced by encouraging development that increases their value for wildlife and recreation;*
 - c) *Extended by creating new open space in areas of desired green links.*
- 6.91 The written policy of GE10 does not expressly identify the location of 'green corridors' and 'green links'. The supporting text to the policy references a 'Green Network' as shown in Map 4. The map does provide very broad locations comprising green linkages, however there is no reference to Map 4 within the written policies, nor are these networks shown on the UDP Proposals Map. As such, the site at best can only be regarded as being in the general location of such a corridor.
- 6.92 GE10(a) relates to the green and open nature of the site and its ecological function. The ecological aspect of the site is addressed under the relevant sub-heading below and is found to be enhanced by the proposed development. As the principle function of the policy appears to be with regard to the ecology then this finding should be given weight in determining general conformity with this policy.
- 6.93 In terms of whether the proposals detract from the green and open nature of the site, this is a lesser test than that set out in LR5(c) (significantly detract). Furthermore it is questionable, as above, whether the site is formally classified as part of such a green network in policy terms.

- 6.94 In any case, Green Corridors are defined in the supporting text to the policy as providing ‘an attractive urban environment in which to live and work’. This does not therefore suggest that an element of built form within a site will necessarily conflict with the objectives of identifying an area as such. A large area of green space is retained as part of the proposals and this is considered to represent a benefit of the scheme when weighed in the wider planning balance.
- 6.95 The LPA response concentrated wholly on the perceived conflict with part (a) of the GE10. However, as demonstrated by the ecological assessment the proposal is likely to result in an ecological benefit rather than harm, so the objectives are met. Also, it is considered that parts (b) and (c) of the policy represent the elements of the policy that could be considered to provide a greater degree of consistency with the Framework, due to being positively worded.
- 6.96 In respect of **GE10(b)** it is clear from the supporting reports provided with the application that the ecological function of the site could be enhanced by the proposed development. In addition, the recreational value of the site will be significantly enhanced by providing a wildlife habitat as well as accessible informal and formal spaces for the local community.
- 6.97 In respect of **GE10(C)** the proposal for new publically accessible open space within a desirable green link area is strongly supported by the proposals and whilst the weight to be afforded to the policy is limited, it is considered that the proposals are in accordance with the relevant parts of the policy.

Policy GE11

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

habitat. The woodland edge along the sites northern boundary will be buffered within the sites public open space.

- 6.104 The network of residential gardens and green infrastructure associated with residential development plus additional enhancements such as creation of balancing facilities with associated wetland habitat, tree and shrub planting is expected to increase the ecological value of the site which is currently formed predominantly by habitats of low ecological value. The proposed development therefore protects and enhances the natural environmental in respect of ecology.
- 6.105 It is considered that the design and mitigation approaches adopted by the proposed development, through its masterplanning approach would minimise impacts on landscape and visual receptors. Therefore in respect of the limited weight afforded to GE11, the proposals are found to be in compliance with the objectives of the policy.

Ecology

- 6.106 During the preparation of the planning application, extensive ecological investigations were undertaken by FPCR on behalf of Hallam Land Management. This included consultation with the local Environmental Records Centre and an extended Phase 1 Habitat Survey with additional reptile, bird and bat surveys completed over the appropriate survey periods in 2016 / 2017.
- 6.107 Further information has subsequently been provided to the LPA within FPCR's Ecology: Additional Information Document (October 2018)
- 6.108 As confirmed at Appendix 1, an EIA Screening Direction was submitted by the applicant, and also by a local resident, to the Secretary of State following the receipt of a negative screening response from the LPA. In the decision notice, dated 5th October 2017, it is confirmed that the proposals are not considered to constitute EIA development within the means of the 2017 regulations.
- 6.109 The submitted Ecology Report confirms that the site comprises a series of poor semi-improved grassland fields, used for pasture and bound by stone walls. Other habitats present are identified as tall ruderal, scrub, hedgerow and trees.
- 6.110 The site is located 3.6km from the South Pennine Moors SAC / SPA, however it is concluded that the potential effects to the conservation value of the South Pennine Moors (Phase 1) SAC / SPA or species listed within the designation criteria for the site will be neutral. This conclusion was also reached by Natural England when consulted by the Secretary of State when screening the application for an EIA.
- 6.111 The constituent SSSI designations associated with the SAC / SPA are over 2 km from the site and the site is outside the impact risk zones surrounding the SSSI's for residential development. Consequently, no significant impacts to the conservation status of the SSSI or species listed within the designation criteria for the SSSI's have been assessed as negligible.
- 6.112 Additionally, Fox Glen Wood LWS is immediately adjacent to the sites northern boundary however with the application of appropriate mitigation and no impacts to the conservation value of this site are anticipated from the proposed development.
- 6.113 The report confirmed that no protected species have been previously recorded from within the site. The site was surveyed for badger and no evidence of this species was recorded. There are no suitable breeding habitats for great crested newt (GCN) present within the site and no waterbodies suitable for this species were identified within 500m of the site.

Surveys found no evidence of reptiles and the site was assessed as being of no more than Local nature conservation value for birds.

- 6.114 Low level activity from common and widespread bat species was recorded across the site however the adjacent woodland provided more significant foraging and commuting habitat for bats than the rest of the site and contained a single tree with moderate roosting potential. It is therefore proposed that the woodland edge will be buffered by areas of public open space with appropriate lighting to ensure it remains suitable habitat for foraging and commuting bats.
- 6.115 The site is assessed as having a low biodiversity value. Within this context the report identifies opportunities for enhancement through the creation of species rich grassland, wetland areas, and native tree and shrub planting throughout the site including within areas of open space and as part of the dedicated wildlife habitat area in the southern part of the site. The indicative site layout confirms that such features can be provided within the site alongside the proposed quantum of housing.
- 6.116 In summary the report concluded that the current habitats forming the site are generally of low ecological value with most of the site formed by species-poor grassland. Any areas of grassland that will be lost can be mitigated for within the landscaping scheme to create more species-diverse grassland. The woodland edge along the sites northern boundary will be buffered within the sites public open space.
- 6.117 The network of residential gardens and green infrastructure associated with residential development plus additional enhancements such as creation of balancing facilities with associated wetland habitat, tree and shrub planting is expected to increase the ecological value of the site. The proposals are therefore found to be in accordance with the Framework and the development plan, in so far as the limited weight that can be afforded to the local policies in the planning balance.

Access

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

- *Additional detectors on Manchester Road and Carr Road to detect when there is a queuing on Manchester Road and queuing on Carr Road. This allows queue lengths along Carr Road to be detected as part of the recognised queues along the B6088 Manchester Road arm, which in turn reoptimises the green time given to this arm as part of the signal control.*
- *Additional inputs into the MOVA system to provide bus priority for buses on all approaches to the junction including Carr Road.*

6.123 Through discussion with SCC Highways and Traffic Signal Team, the measures outlined above are considered to be in scale and context with the proposed development's impact at the signalised junction and it is envisaged that a suitable planning condition would be attached to any approval in order to ensure that the above mitigation measures are implemented as part of the development proposals.

6.124 Based on the evidence provided, the development is identified as being unlikely to materially influence the road safety record on the study highway network.

6.125 The residual cumulative impacts of the proposed development are not considered to be severe within the context of Paragraph 32 of the Framework. It is therefore concluded that, in terms of highways, the development proposals are acceptable.

6.126 The assessment also confirms that the development offers the opportunity to travel to and from the site by modes of transport other than private vehicle. It is demonstrated that the development lies within the preferred maximum walking and cycling catchment distances to a number of residential areas as well as a range of local attractors. It has also been demonstrated that the site offers the opportunity to travel to the development using the bus stops and services along Royd Road, St. Margaret Avenue and Wood Royd Road.

6.127 A Travel Plan has been prepared as a separate document to this Transport Assessment, aimed at further encouraging sustainable travel to the site and reducing the number of single occupancy car trips.

6.128 Within this context, the development proposal accords with the Framework and CS51 and CS53.

Air Quality

6.129 The pre-application response provided in respect of the application confirmed that an Air Quality Statement will be required if the development generates 60+ vehicle movements in any hour.

6.130 The Air Quality Statement submitted with the planning application makes reference to DMRB Volume 11, Section 3 Part 1 HA 207/07 on Air Quality, which sets out the following highways criteria whereby a development is said to impact on air quality. The document states that "affected roads are those that meet any of the following criteria:

- *Road alignment will change by 5m or more.*
- *Daily traffic flows will change by 1,000 AADT or more.*
- *Heavy duty vehicle flows will change by 200 AADT or more.*
- *Daily average speed will change by 10km/hr or more.*
- *Peak hour speed will change by 20km/hr or more.*

- 6.131 The development is predicted to generate a total of 59 and 49 two-way vehicle trips during the identified Weekday AM and PM peak hours. This level of vehicular trip generations is below the required threshold for an Air Quality Statement.
- 6.132 The predicted AADT vehicular trip generations are below the 1,000 AADT highways criteria threshold set out in DMRB Volume 11, Section 3 Part 1 HA 207/07 Air Quality. Furthermore, the proposed development will not trigger any of the other criteria identified in paragraph 6.43 of this document.
- 6.133 Therefore, the development is not anticipated to have a detrimental impact on air quality in accordance with paragraph 109 and 124 of the Framework.

Sustainable Development

- 6.134 Within the context of out of date policies relating to settlement boundaries, the housing requirement and the lack of 5 year housing land supply, then the balance of weight to be afforded to other material considerations, including the overarching sustainable merits of the proposed development should be considered to outweigh those elements of the adopted plan that would be most important in justifying a refusal of the application.

Environmental

- 6.135 The LPA in their pre-application response directed the applicant to several Core Strategy and UDP policies relating to the environmental dimensions of the development plan. Our response to these policies is set out above and confirms that a number of these policies are not found to be consistent with the environmental dimension of sustainable development in the Framework.
- 6.136 The appeal site is not protected by any specific national or local landscape designation. Whilst local residents may consider that the site plays a role in sustaining the setting of Deepcar, the site is not considered to form part of a 'valued landscape' based on the clarified definition provided by the Inspector in the Stroud decision (para. 6.70). Therefore limited weight is placed on perceived harm in this respect. This conclusion is reinforced by the separation that will continue to be provided by Fox Glen and the proposed habitat area to the south of the site, as well as the fact that views across the site are already compromised by the positioning of Royd Farm and adjacent buildings, which provide a built frontage along the central part of Carr Road.
- 6.137 The indicative site plan has been sensitively prepared taking account of advice from the applicant's professional landscape consultant and also in response to pre-application feedback from the Council Officers. In particular, this includes the omission of approximately one third of the total site area from the developed area, resulting in a significant sections of the site frontage being left undeveloped, retaining some of the site's open character.
- 6.138 Based on the illustrative site plan, even those dwellings fronting towards Carr Road are set back from the highway behind the existing boundary wall and additional proposed soft landscaping. As a result of this, the sloping topography of the site downwards towards Fox Glen, and the limited number of existing properties that directly overlook the site (dwellings on the eastern side of Carr Road, excluding those where views are obscured by Royd's Farmhouse), the development will not be unduly prominent in public views.
- 6.139 Nonetheless, as with any greenfield site, it is accepted that there may be limited localised harm arising from the development. The impact on the wider landscape will be limited due to the site's containment. Whilst this weighs against the proposal in terms of the balancing

exercise to be undertaken, this harm must be considered alongside the environmental benefits arising from increased public access to the site.

- 6.140 The LPA acknowledge that for the purposes of Policy CS47, the site is not included within the current open space assessment, and more importantly the site does not fall within the definition of open space within the Framework.
- 6.141 The provision of new public open space within the development would go some way to addressing any perceived deficit in Deepcar for such facilities. In addition, a footpath link could be provided to enhance direct access to neighbouring Fox Glen. The scheme also offers the potential to enhance the biodiversity of the area through specific landscaping features, which will provide an improvement when compared to the limited value of the existing unmanaged grasslands. The collective environmental benefits are considered to weigh in favour of the scheme.
- 6.142 In the determination of recent planning applications, the LPA has accepted that there is a need to release greenfield sites for development, some which will inevitably be located outside existing settlement boundaries. Overall, it is accepted that the proposed development will have a degree of visual impact compared to the current circumstances of the site. However, this harm can be mitigated by the layout of the scheme and by the wider public benefits it would deliver.

Social

- 6.143 The application proposal will deliver up to 93 homes including market and affordable housing provision in an area of identified need.
- 6.144 The provision of new housing should be attributed substantial weight in the determination of this application.
- 6.145 The development will deliver wider benefits to the community of Deepcar through access to significant areas of new public formal and informal open space.
- 6.146 Contributions to local infrastructure will also be forthcoming through 106 payments as well as the Community Infrastructure Levy mechanism, responding to local concerns that the proposal will put added pressure on existing local services. As such, it is considered that the proposals will have a positive social benefit.

Economic

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

7.0 Conclusion

- 7.1 This Planning Statement has been prepared by DLP Planning Ltd on behalf of Hallam Land Management in support of the planning application for the development of 93 dwellings at the greenfield site former off Carr Road.
- 7.2 This Statement updates that of a year ago (December 2017) and takes into account the changes to the Framework and the Planning Practice Guidance. In general, all of the changes have highlighted the importance in situations such as the one the Council find themselves in for planning permission not to be withheld based on out of date policies, drafted at a time when the Council was not required to meet its housing need. The very little level of conflict with the extant policies highlight that planning permission should be granted as soon as possible on this site.
- 7.3 This Statement has demonstrated that the local plan is out of date and therefore the policies most important for determining this application which include CS22, CS23 and CS24 are out of date and should only attract limited weight. Furthermore, in accordance with the second part of paragraph 11, wider policies that are based on outdated settlement boundaries are afforded limited weight, given the Council's inability to demonstrate a 5-year supply of deliverable housing sites. Thus, the default position identified in the Framework prevails and if the development constitutes sustainable development there is a presumption in favour of the application unless other material circumstances dictate otherwise.
- 7.4 The scheme will make a significant contribution towards the Council's housing supply in terms of both affordable and market provision. These benefits are indisputable and considerable and would be consistent with the social dimension of sustainable development. It is considered that significant weight should be attached to this aspect of the scheme, particularly in view of the Council's housing land supply position and the aims of the Framework to significantly boost the supply of housing.
- 7.5 The development would also support the economic role through the creation of construction jobs, the purchase of materials and services in connection with construction of the dwellings, an increase in local household expenditure as well as revenues to the LPA from the New Homes Bonus. These benefits should also weigh in favour of the scheme.
- 7.6 In environmental terms, the scheme would incur partial loss of a currently open area of land. However, the site has no special designation, views of the development would be limited in the wider landscape and the Council accept that greenfield sites in the City would have to be forfeit in the future to meet its housing targets. It is considered that harm arising from the proposed development could be mitigated by the potential site layout, which would secure a significant net gain in green infrastructure and areas of public open space particularly in the western part of the site closest to the Green Belt.
- 7.7 The site also occupies a sustainable location in one of the largest independent suburbs of Sheffield, where residents could walk, cycle and use public transport to access services and facilities. Consequently, whilst the proposal will have an impact on the character and appearance of the area this harm is not assessed to be substantial, and this harm is offset by other benefits such that the overall level of environmental harm would be moderate.
- 7.8 When considered in the round, the proposed development would contribute significantly to the economic and social dimensions of sustainability. There would be moderate harm in terms of the environmental dimension. However, relative to the scale of the benefits arising, it is considered that this harm would not significantly and demonstrably out-weigh

the benefits, when assessed against the Framework. It is considered that there are significant material consideration sufficient to outweigh any development plan conflict.

- 7.9 Against the limited harm, the significant benefits of the scheme set out within this report including the significant contribution that the scheme would provide to the supply of market and affordable housing, within the context of the shortfall of 5 year housing land supply, are considered to outweigh the harm associated with the proposals. The application scheme represents sustainable development and it is therefore considered that it should be approved without delay.

APPENDIX 1

EIA Screening direction decision

BEDFORD - BRISTOL - CARDIFF - LONDON - SHEFFIELD

BEDFORD

4 Abbey Court
Fraser Road
Priory Business Park
Bedford
MK44 3WH

Tel: 01234 832 740
Fax: 01234 831 266

BRISTOL

2A High Street
Thornbury
Bristol
BS35 2AQ

Tel: 01454 410 380
Fax: 01454 410 389

CARDIFF

13 Cathedral Road
Cardiff
CF11 9HA

Tel: 029 2064 6810
Fax: 029 2064 6819

LONDON

1st Floor Holborn Gate
330 High Holborn
London
WC1V 7QT

Tel: 020 7849 6979
Fax: 020 7203 6701

SHEFFIELD

11 Paradise Square
Sheffield
S1 2DE

Tel: 0114 228 9190
Fax: 0114 272 1947

Town & Country Planning (EIA) Regulations 2017
Secretary of State Screening Direction – Written Statement

Application name:	DLP (Planning) Ltd – Land at Carr Rd, Deepcar, Sheffield
SoS case reference:	PCU/EIASCRCR/U4420/77923
Schedule and category of development:	Schedule 2, 10(b)

Full statement of reasons as required by 4(5)(a) of amended EIA Regulations including conclusions on likelihood of significant environmental effects.

The proposal is for up to a maximum of 93 dwellings, with associated infrastructure. The site currently comprises a series of five open grassland fields used as pasture, divided by stone walls and the site is currently undeveloped. The site is allocated on the Sheffield UDP as being within an Open Space Area and is also identified as a Green Corridor in the UDP.

To the north and east of the site are properties fronting Carr Road, including a Grade II listed Royd Farm. To the south, the site is bounded by Hollin Busk Lane and Cockshot Hill (locally designated wildlife site) which is 400m south of the site. To the west is Fox Glen Wood (a locally designated wildlife site) which surrounds Clough Dike. The housing areas to the east and west form part of the settlements of Deepcar and Stocksbridge.

The total site area of this site is 6.3ha and as such falls within the indicative threshold of schedule 3. However, the applicant considers that the proposal only exceeds the 5ha mandatory screening threshold (10b) to a limited extent as only 4.7ha of the site is proposed for residential development and associated drainage measures. The remainder of the site would remain as open grass land for informal recreation. The regulations are clear that a screening opinion applies to total site area (i.e. red line boundary). Therefore, the total site area of 6.3ha has been considered.

The Secretary of State considers the development falls within the description at paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended. This proposal has been screened under the above description, and the direction takes into account the criteria set out in Schedule 3 of the 2011 Regulations in so far as these are relevant to the development.

In preparing this screening direction, the Secretary of State has also had regard to Planning Practice Guidance (PPG). In relation to the indicative criteria and threshold, it advises Environmental Impact Assessment (EIA) is more likely to be required if the area of the scheme is more than 5 hectares, or the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings). This advises key issues to consider include the physical scale of such developments, potential increase in traffic, emissions and noise.

The Secretary of State has had regard to paragraphs 024 and 025 of Planning Practice Guidance in terms of establishing whether other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development and whether it should be considered in isolation or considered as part of the other approved housing developments in the area. On the basis of the information provided, the Secretary of State considers that the proposed development should be considered in isolation.

The development site does not fall within a sensitive area as defined by the regulations. It has no National or European designations, and is not in, nor is it partly within, an SSSI or SPA. However, the site is also near the Wharnccliffe Crag SSSI (1.6km to the east). The Canyon Hills SSSI is approximately 3.1km from the site. The site is also within 3.6 km of The Dark Peak SSSI, South Pennine Moors SAC and the Peak District Moors (South Pennine Moors Phase 1) SPA.

Each case should be considered on its own merits and the Secretary of State has carefully considered the evidence provided by all parties in this case. He notes the site is not located within a sensitive area as defined by the Regulations.

However, in view of its proximity to sensitive areas, Natural England (NE) has been consulted. NE has advised "*Having reviewed the EIA screening opinion from the LPA, Natural England agrees that the proposal is located sufficiently close to the Peak District Moors (South Pennine Moors Phase 1) that it could potentially impact on the site's interest features. However, having reviewed the applicant's EIA Screening Direction Report, bird survey results indicate that the site is not used by significant numbers of SPA birds. On that basis, we consider that an EIA is not required*".

The Secretary of State notes that the proposal falls well below the indicative size threshold, being a proposal for up to 93 dwellings, and in his opinion is not a development with unusually complex and potentially hazardous environmental effects. The Secretary of State has also considered potential cumulative effects with other existing or approved developments in the area, particularly in relation to traffic, noise and air quality impacts, and does not believe there are any likely significant effects in these respects.

However, he has carefully considered the site's location and characteristics and the nature and scale of the development proposed and agrees with the clear advice of Natural England that the site is not used by significant numbers of SPA birds and that EIA treatment is not required for matters within its remit. Therefore, having considered all of the information provided, the Secretary of State concludes that EIA is not required for this proposal.

Is an Environmental Statement required?	No
---	----

Name	John Oakes
Date	5 October 2017