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Case Number	17/04673/OUT (Formerly PP-06524621)
Application Type	Outline Planning Application
Proposal	Outline application for up to 85 residential dwellings including open space (Amended Description)
Location	Land At Junction With Carr Road Hollin Busk Lane Sheffield S36 1GH
Date Received	14/11/2017
Team	West and North
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally Subject to Legal Agreement

## **Time Limit for Commencement of Development**

1. Application for approval in respect of any matter reserved by this permission must be made not later than the expiration of three years from the date of this decision.

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

2. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (a) appearance, (b) landscaping, (c) layout and (d) scale (matters reserved by this permission) shall have been obtained from the Local Planning Authority.

Reason: Until full particulars and plans of the development (including details of the matters hereby reserved) are submitted to and approved by the Local Planning Authority they cannot agree to the development proceeding.

3. The development shall be begun not later than whichever is the later of the following dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

## Approved/Refused Plan(s)

4. The development must be carried out in complete accordance with the following approved documents:
  - a) Location/Red Line Plan received via email and published on the 5th March 2018.
  - b) Proposed Access Arrangement onto Carr Road (Ref: 3421 SK001 004 Revision B) published on 29 November 2017 and included within the submitted Transport Assessment dated 27 June 2017.

Reason: In order to define the permission.

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

5. No development shall commence until a Landscape and Ecological Management Plan, including short, medium and long term aims and objectives, management responsibilities, maintenance schedules for all distinct areas and timeframes for implementation, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be implemented and maintained as approved.

This Plan shall include:

- a) Details of the mitigation and enhancements described in Section 5.0 and in paragraphs 6.3 and 7.5 of the Ecology: Additional Information Document (rev A) dated October 2018 prepared by FPCR, and Section 6.0 of the Water Framework Directive Assessment dated October 2018 prepared by FPCR.
- b) A plan showing site boundary treatment and details of hedgehog friendly treatment which allows hedgehogs to traverse the site.
- c) External lighting design within the site including a 'dark corridor' adjacent to the Local Wildlife Site.
- d) Details of arrangements for sequentially addressing potential impacts of the proposed drainage outfall from the balancing facility to the Clough Dyke during the construction phase, including details of the timeline between works commencing on site and the establishment of a managed surface water input to Clough Dyke.
- e) Measures to ensure the development achieves biodiversity net gain.
- f) Details and locations for bird and bat boxes.
- g) Willow Tit habitat management within the adjacent woodland and stream bed.
- h) A wildlife underpass in the design of the new road junction with Carr Road.

Reason: In the interests of protecting the biodiversity of the site. It is essential that this condition is complied with before any other works on site commence given that damage to existing habitats is irreversible.

6. No development shall commence until an implementation strategy for the provision of measures to protect the existing trees, shrubs and hedges to be retained, has been submitted to and approved in writing by the Local Planning Authority. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The development shall thereafter be carried out in accordance with the approved implementation strategy.

The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason: In the interests of protecting the identified trees on site. It is essential that this condition is complied with before any other works on site commence given that damage to trees is irreversible.

7. No development shall commence unless the intrusive site investigation works described in the Coal Mining Risk Assessment (Title Stage 1 Geo-Environmental Desk Study Report (Report No. HLT/09r1)) dated June 2016 prepared by ARP Geotechnical Engineers Ltd have been carried out as recommended and a report of the findings arising from the intrusive site investigations is submitted to and approved in writing by the Local Planning Authority. Where the investigations indicate that remedial works are required, a scheme of remedial works shall be submitted to and approved by the Local Planning Authority before the development commences and thereafter the remedial works shall be carried out in accordance with the approved details.

Reason: To ensure the site is safe for the development to proceed and the safety and stability of the proposed development, it is essential that this condition is complied with before the development is commenced.

8. Prior to the submission of any reserved matters application, an archaeological evaluation of the application area shall be undertaken in accordance with a Written Scheme of Investigation that has been submitted to and approved in writing by the Local Planning Authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for preservation in situ and/or further archaeological works shall be approved in writing by the Local Planning Authority before development commences and the development shall be carried out in accordance with the agreed strategy thereafter.

Reason: To ensure that the site is archaeologically evaluated in accordance with an approved written scheme and that sufficient information on any archaeological remains is gathered to help determine any reserved matters applications.

9. No development shall commence until detailed proposals for surface water disposal, including calculations have been submitted to and approved in writing by the Local Planning Authority. Surface water discharge from the completed development site shall be restricted to a maximum flow rate of QBar based on the area of the development. An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

10. No development shall commence until full details of the proposed surface water drainage design, including calculations and appropriate model results, have been submitted to and approved by the Local Planning Authority. This shall include the arrangements and details for surface water infrastructure management for the life time of the development. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. The scheme should be achieved by sustainable drainage methods whereby the management of water quantity and quality are provided. Should the design not include sustainable methods evidence must be provided to show why these methods are not feasible for this site. The surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

Reason: In the interests of sustainable development and given that drainage works are one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences in order to ensure that the proposed drainage system will be fit for purpose.

11. No development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority, identifying how a minimum of 10% of the predicted energy needs of the completed development will be obtained from decentralised and renewable or low carbon energy, or an alternative fabric first approach to offset an equivalent amount of energy. Any agreed renewable or low carbon energy equipment, connection to decentralised or low carbon energy sources, or agreed measures to achieve the alternative fabric first approach, shall have been installed/incorporated before any part of the development is occupied, and a report shall have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed measures have been installed/incorporated prior to occupation. Thereafter the agreed equipment, connection or measures shall be retained in use and maintained for the lifetime of the development.

Reason: In order to ensure that new development makes energy savings in the interests of mitigating the effects of climate change and given that such works could be one of the first elements of site infrastructure that must be installed it is essential that this condition is complied with before the development commences.

12. No development (including demolition, construction, or other enabling, engineering or preparatory works), shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall assist in ensuring that all such activities are planned and managed so as to prevent nuisance to occupiers and/or users of nearby sensitive uses and damage to key assets/infrastructure within and adjacent to the site. It will document the Contractor's plans to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust and light nuisance as well as the proposed means of heritage and infrastructure protection.

As a minimum, the CEMP shall include:

1. Strategies to mitigate any residual effects from noise, vibration, and light that cannot be managed to comply with acceptable levels at source;
2. Details relating to the permitted working hours on site, and include a fugitive dust management plan:

The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the locality and occupiers of adjoining properties, and in the interests of protecting the site's valuable heritage assets.

13. No development (including demolition, construction, or other enabling, engineering or preparatory works) shall take place until a Highway Management Plan (HMP) has been submitted to and approved by the Local Planning Authority.

The HMP shall assist in ensuring that all Contractor highway / vehicle activities are planned and managed so as to prevent nuisance to occupiers and/or users of the surrounding highway environment. The HMP shall include, as a minimum:

- a. Details of the means of ingress and egress for vehicles engaged in all phases of the development.
- b. Details of the equipment to be provided for the effective cleaning of wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway; and
- c. Details of the site compound, contractor car parking, storage, welfare facilities and delivery/service vehicle loading/unloading areas, and temporary security fencing.

The development shall thereafter be carried out in accordance with the approved details.

Reason: To provide for appropriate on-site facilities during construction, in the interests of the amenities of the locality and occupiers of adjoining properties, and the protection of the free and safe flow of traffic on the public highway.

14. Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report prepared by ARP Geotechnical LTD and dated June 2016 shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

15. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with and the site is safe for the development to proceed, it is essential that this condition is complied with before the development is commenced.

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

16. The proposed area of species rich grassland in the western section of the site shall at no time be publically accessible and final details to ensure this is achieved shall be submitted to and approved in writing by the Local Planning Authority within six months of development commences.

These agreed details shall be implemented before any residential unit is occupied and retained in situ thereafter.

Reason: In the interests of biodiversity.

17. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of proposals for the inclusion of public art within the development shall have been

submitted to and approved in writing by the Local Planning Authority. Such details shall then be implemented prior to the occupation of the development.

Reason: In order to satisfy the requirements of Policy BE12 of the Unitary Development Plan and to ensure that the quality of the built environment is enhanced.

18. Details of the provision of car charging points for each dwelling shall be submitted to and approved in writing by the Local Planning Authority within three months of any development commencing. No dwelling shall be occupied unless the approved car charging points related to that dwelling have been provided in accordance with the approved details. Once installed the car charging points shall be maintained and retained for the lifetime of the development.

Reason: In the interests of mitigating the effects of climate change and to ensure sustainable development is achieved.

19. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:

- a) been carried out; or
- b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use and the dwellings shall not be brought into use until the highway improvements listed below have been carried out.

Highways Improvements:

1. Review/promotion of Traffic Regulation Orders in the vicinity of the development site that are deemed necessary as a consequence of the development (waiting/loading restrictions) entailing advertising, making and implementing the Order in accordance with Traffic Signs Regulations & General Directions 2002 (with provision of signs/lines as necessary).

2. Any other accommodation works to traffic signs, road markings, lighting columns, and general street furniture deemed necessary as a consequence of development.

3. The upgrade of the nearest outbound and inbound bus stops to the site on Carr Road to a specification to be confirmed by South Yorkshire Passenger Transport Executive including any raised footway and tactile paving to assist boarding/alighting.

4. Provision of improvements to the management of the Manchester Road/Vaughton Hill/Carr Road junction including provision of additional sensors on Manchester Road and Carr Road and MOVA software to detect

when there is queuing, and upgrade of the MOVA system to provide bus priority on all the approaches to the junction including Carr Road.

5. Footway improvements to Carr Road to tie into the existing network.

6. Improvements to walking routes to join to existing network including provision of a pedestrian crossing point on Carr Road.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway.

20. Prior to the improvement works indicated in the preceding condition being carried out, full details of these improvement works shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the above-mentioned highways to accommodate the increase in traffic, which, in the opinion of the Local Planning Authority, will be generated by the development, and in the interests of protecting the free and safe flow of traffic on the public highway.

21. Any interventions/alterations to the existing dry stone walling within the site shall have received the prior written approval of the Local Planning Authority.

Reason: To ensure an appropriate quality of development.

22. If development has not commenced prior to 01 June 2021 an updated Ecology Assessment shall be submitted to and approved in writing by the Local Planning Authority before any development commences. This assessment shall be carried out in accordance with a methodology which shall also have received the written approval of the Local Planning Authority. The development shall be carried out in accordance with the recommendations of this updated assessment thereafter.

Reason: In the interests of ecology and biodiversity.

23. Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. The development shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.

Reason: In order to ensure that any contamination of the land is properly dealt with.

24. Prior to the occupation of any part of the development, a detailed Travel Plan(s), designed to: reduce the need for and impact of motor vehicles, including fleet operations; increase site accessibility; and to facilitate and encourage alternative travel modes, shall have been submitted to and approved in writing by the Local Planning Authority.

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

1. Clear and unambiguous objectives and modal split targets;
2. An implementation programme, with arrangements to review and report back on progress being achieved to the Local Planning Authority in accordance with the 'Monitoring Schedule' for written approval of actions consequently proposed;
3. Provision for the results and findings of the monitoring to be independently verified/validated to the satisfaction of the Local Planning Authority;
4. Provisions that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets;
5. Arrangements for provision of a scheme to provide a yearly travel pass for each householder of the development for the first year of occupation.

On occupation, the approved Travel Plan(s) shall thereafter be implemented, subject to any variations approved in writing by the Local Planning Authority.

Reason: In the interests of delivering sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield (and/or Core Strategy) Policies.

### **Other Compliance Conditions**

25. All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: In order to ensure that any contamination of the land is properly dealt with.

26. The development shall be carried out in accordance with the Flood Mitigation measures identified in Section 6.25 within the submitted Flood Risk Assessment and Drainage Strategy prepared by ARP Associates (Report 1265/10r1 dated 19/04/2017).

Reason: In the interests of satisfactory and sustainable drainage.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a Bond of Surety required as part of the S278 Agreement.

You should contact the S278 Officer for details of how to progress the S278 Agreement:

Mr J Burdett  
Highways Development Management  
Highways Maintenance Division  
Howden House, 1 Union Street  
Sheffield  
S1 2SH

Tel: (0114) 273 6349  
Email: james.burdett@sheffield.gov.uk

3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

Telephone: 0114 273 6677  
Email: highways@sheffield.gov.uk

They will be able to advise you of any pre-commencement condition surveys, permits, permissions or licences you may require in order to carry out your works.

4. By law, this development requires the allocation of official, registered address(es) by the Council's Street Naming and Numbering Officer. Please refer to the Street Naming and Numbering Guidelines on the Council website here:

<https://www.sheffield.gov.uk/content/sheffield/home/roads-pavements/addressmanagement.html>

The guidance document on the website includes details of how to apply, and what information we require. For further help and advice please ring 0114 2736127 or email [snn@sheffield.gov.uk](mailto:snn@sheffield.gov.uk)

Please be aware that failure to apply for addresses at the commencement of the works will result in the refusal of statutory undertakers to lay/connect services, delays in finding the premises in the event of an emergency and legal difficulties when selling or letting the properties.

5. Before commencement of the development, and upon completion, you will be required to carry out a dilapidation survey of the highways adjoining the site with the Highway Authority. Any deterioration in the condition of the highway attributable to the construction works will need to be rectified.

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

Email: [highways@sheffield.gov.uk](mailto:highways@sheffield.gov.uk)

6. You are advised that any information which is subject to the Environmental Information Regulations and is contained in the ecological reports will be held on the Local Records Centre database, and will be dealt with according to the Environmental Information Regulations (EIR). This will be subject to the removal of economically sensitive data.

Information regarding protected species will be dealt with in compliance with the EIR.

Should you have any queries concerning the above, please contact:

Ecology Unit  
Sheffield City Council

West Wing, Level 3

Moorfoot

Sheffield

S1 4PL

Tel: 0114 2734481/2053618

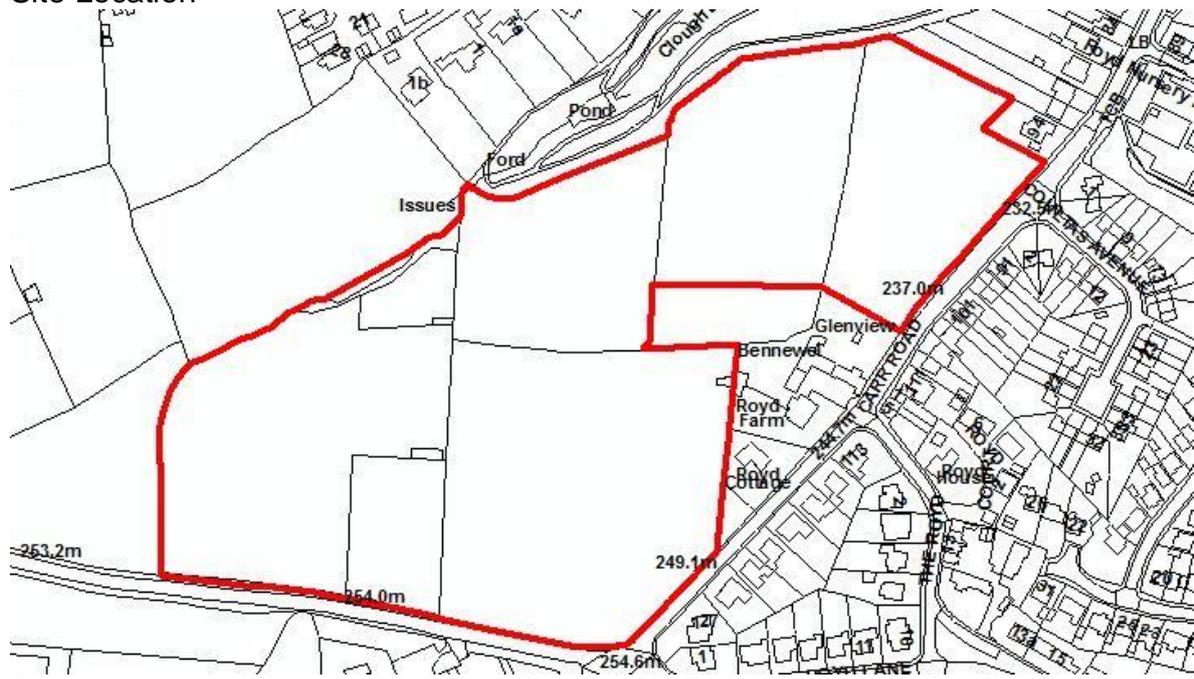
E-mail: [parksandcountryside@sheffield.gov.uk](mailto:parksandcountryside@sheffield.gov.uk)

7. You are advised that this development is liable for the Community Infrastructure Levy (CIL) charge. A liability notice will be sent to you shortly informing you of the CIL charge payable and the next steps in the process.

Please note: You must not start work until you have submitted and had acknowledged a CIL Form 6: Commencement Notice. Failure to do this will result in surcharges and penalties.

8. The applicant is advised that the extent of the green buffer between the site and the adjacent Local Wildlife Site to the north must be maximised as part of any future reserved matters application in the interests of ecology. At present there are several 'pinch points' that should be reviewed.
9. The applicant is advised that any future reserved matters application should seek to maximise the use of green/brown roofs across the site.
10. The applicant is advised that any future reserved matters application should seek to relocate the paths that sit within the canopy of Tree Ref: T33 and interrupt Tree Group Ref: G5.
11. The applicant is advised that the details of reserved matters shall be designed in general accordance with the Design Code and Parameter Plans described in Section 9.0 of the submitted Design and Access Statement Issue 7 dated December 2018 prepared by STEN Architecture. Any future application would be expected to utilise natural stone and slate for new properties that sit adjacent to the listed buildings and a clear planting and maintenance plan along the boundary with this listed building to ensure it is screened from the development should be provided.

Site Location



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## LOCATION

The application site extends to 6.5ha and is located to the north of the junction of Carr Road and Hollin Busk Lane in Deepcar, Sheffield, S36 1GH.

The site comprises several fields, separated by dry stone walls and post and wire fencing. The fields are in private ownership and are currently used for grazing. The site contains a small number of trees with further trees located along parts of its boundaries. The site has a shallow gradient, generally falling from south to north. The site is accessed from Carr Road via an informal field gate.

The site is allocated as an Open Space Area (OSA) on the Sheffield Unitary Development Plan Proposals Map and forms the eastern part of a larger OSA allocation which extends to the west and north west.

The site adjoins:

- The remainder of the Open Space Area allocation is located to the west of the application site and along part of its north western boundary. This land comprises further agricultural fields.
- Fox Glen wood, an Area of Natural History Interest (ANHI) and Local Wildlife Site (LWS), runs along the remainder of the site's north western boundary, and in part overlaps slightly into the ANHI at its southwestern end; this contains Clough Dike. An allocated housing area is beyond.
- The site adjoins a dwelling and the rear gardens of properties within an allocated housing area to the north.
- Carr Road runs along the south eastern site boundary with dwellings located within an allocated housing area beyond.
- A cluster of properties and a small field are also located along the eastern boundary between the site and Carr Road. Some of these properties are Grade II Listed (Royd Farmhouse and a barn and farm buildings).
- The site is bound by Hollin Busk Lane to the south with green belt beyond.
- The south eastern corner of the site adjoins the junction of Hollin Busk Lane, Carr Road, Royd Lane and Cockshot Lane.

## PROPOSAL

The application seeks outline planning permission for the construction of up to 85 dwellings on the site (reduced from 93 previously). Detailed means of access is put forward for approval at this stage.

Matters of appearance, landscaping, layout and scale are all reserved for subsequent approval.

An illustrative masterplan accompanies the application and demonstrates how the proposed development could be accommodated on the site. This masterplan shows the proposed residential development located within the central and eastern part of the site and accessed via a central spine road leading through the site from a main access on Carr Road. The masterplan indicates that a range of different house types can be provided and the scheme will achieve a density of 31.8 dwellings per hectare

(based on the net developable area) and will provide a policy compliant level of affordable housing (10%).

Three public open spaces are shown on the western and southern fringes of the proposed housing, and two additional larger areas of open space are proposed at the northern and western ends of the site. The open space at the northern end of the site would incorporate a sustainable urban drainage basin, whilst the open space at the western end of the site would provide an area of species rich grassland (this provides an ecological benefit and has no public access). An equipped play area is shown in the southern part of the site. The indicative layout includes existing dry stone walls to be retained, along with proposed hedge and tree planting. The indicative landscaping proposals include retained boundary trees and planting around the cluster of properties located along the eastern site boundary.

Vehicular access to the site is proposed from Carr Road via a new junction in its north eastern corner. This is illustrated on the supporting access drawings.

## ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 specifies the type of developments which require an Environmental Impact Assessment (EIA) to be carried out.

In October 2017, the Secretary of State for the Department for Communities and Local Government made a screening direction that the proposed development (which is now the subject of this planning application) is not EIA development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Consequently an Environmental Impact Assessment is not required to accompany this planning application.

## RELEVANT PLANNING HISTORY

In 1990, outline planning permission was refused for the residential development and construction of new roads and sewers on 17.4 hectares of land (which included the current planning application site) at Carr Road, Hollin Busk Lane and Broomfield Lane (application no. 89/3037P).

The reasons for the refusal were: (1) the proposal would result in significant environmental intrusion and damage to the ecology of the area, particularly Fox Glen, thereby representing a serious reduction in the amenities currently enjoyed by a large number of people; and (2) the proposal is contrary to policy 3.2.8 of the adopted Stocksbridge District Plan and it is considered that there are other sites in the locality which are suitable for residential development involving considerably less environmental intrusion and ecological damage.

An appeal against this refusal was dismissed in August 1991. The appeal Inspector concluded that in the context of the statutory plan for the area (the Stocksbridge District Plan) there was no justification for release of the site for housing

development at that time, and that the appeal proposal would be severely detrimental to the character of the area and to the quality of the environment of local residents.

This appeal decision has very limited weight in the determination of the current planning application given the age of the decision and subsequent change in national and local policy context.

## SUMMARY OF REPRESENTATIONS

The application has been publicised by newspaper advert, display of site notices and by letters of notification to nearby occupiers. The public were initially consulted on 18<sup>th</sup> December 2017 and re-consulted on 21<sup>st</sup> January 2020.

526 representations have been received from third parties. One of these submissions supports the planning application proposals, one is neutral and 524 raise objections.

A petition containing 23 signatures has also been received raising the following objections to the application:

- Significant new housing developments are taking place on brownfield sites at Fox Valley, off Station Road and planned in Oughtibridge, it would appear particularly inappropriate at this time to consider further development on a highly visible and scenic rural green field site;
- Fox Glen would be surrounded by housing not fields, wood contains many species of birds, special project to protect the threatened habitats of an increasingly rare bird the willow tit;
- Entrance to proposed site very close to Royd nursery and infant school, an area already particularly busy with pedestrians and car driving parents at both ends of the school day;
- Hollin Busk is classified as an Open Space to safeguard it from development. This is a further indication of its vital importance as open countryside and a green space between existing built-up areas of Deepcar and Stocksbridge; and
- Recent resulting increase in traffic already creates problems at the Carr Road/Manchester Road junction particularly at peak times, the only alternative route into Sheffield is the narrow winding Morehall Lane or a longer rural route through Bradfield.

The points raised in the third party representations are summarised below.

The representation received in support of the proposal raises the following points:

- Fully support the building of these dwellings.

One neutral representation has been received. This raises the following points:

- As owner of properties under which clough dyke is culverted, concerned if the proposed development water run-off is at a faster rate for which culverts

are not designed, suggest that run off water either needs to be diverted into the sewage system on Carr Road or that some system is put in place on the proposed development to ensure that the rate of run off remains as it is now.

Representations from a number of parties have been received opposing the application. These include submissions from Stocksbridge Community Forum, Bolsterstone Community Group, Deepcar and Stocksbridge Walking Group, Upper Don Action Group and Friends of Hollin Busk.

## FIRST ROUND OF PUBLIC CONSULTATION

The comments raised in the first round of public consultation are summarised below.

### Need

- Whilst there is a national need for more houses open space should not be considered while there are brownfield sites available, this proposal tips the balance the wrong way;
- No shortage of housing, more than enough houses being built in this area, plans to build over 500 properties in local area on brown site land, there are 90+ houses on the Fox Valley development and 400+ to go on the old brickworks site at Deepcar, around 1000 homes including Oughtibridge mill and infill developments, 20 homes at the Peggy Tub site, 159 homes planned on greenfield sites in Stocksbridge and Deepcar that is a significant share;
- There are still sufficient sites on the Sheffield Brownfield Register within the Stocksbridge area to accommodate future development needs (old Stein Brickworks, Steelworks Site A), derelict land opposite the Venue, valley from Oughtibridge to Stocksbridge contains a number of brownfield sites with good access to main routes and local shops;
- Not identified in house building plan for Stocksbridge;
- Too many developments in the area;
- Low level of new house building over last five years in Stocksbridge and Deepcar area are obsolete;
- Numerous attempts over the years to develop this land have been rejected for good reason, previous reasons still stand true;
- Would create a precedent, how long before 93 becomes a few hundred;
- Unnecessary, unwanted;
- Only 10% of houses being affordable will not tackle need;
- Note that in planning committee reports the declared housing land supply figure is currently 5.04 years, as Sheffield has a housing supply of over five years there is no obligation to abandon policy of brownfield development first or allow building on green fields in protected open countryside; and
- Inappropriate for the needs of Stockbridge, more affordable housing, sheltered housing and flats required for the elderly near local services.

### Land Banking

- Land banking has been identified as one of the causes of the housing crisis, the outline planning permission is solely to increase the financial value

of the agricultural land and will at some unknown point in future sell the land, highlighted in 2017 Government housing white paper and in statement to Parliament at launch of NPPF in March 2018 which promised a crackdown on land banking developers; and

- Local planning authorities should not be condoning the activities of land speculators.

## Services

- Impact on services, strain on local schools, medical services, drainage, and infrastructure cannot sustain all current applications, unknown consequences of completed brownfield developments in Fox Valley and on Station Road;

- Existing infrastructure cannot cope, no available spaces at NHS dentists within Stocksbridge and Deepcar, the bank closed in 2018; and

- The development does not have a balance of land uses, residents have to leave the site for employment, shopping, leisure, recreation and other activities, main local shops are a mile away, brings no new amenities to the area.

## Open/Green Space

- Immediate location is rural, would be exact opposite if developed, no amount of screening and sympathetic design will alter this;

- Ignores Government pledges to protect green space, area is a designated open space and should be kept, inappropriate development in a protected rural location;

- Open space is taken to mean all open space of public value;

- Not sustainable to build in areas that should remain green;

- Stocksbridge and Deepcar are mainly below eye level and therefore not seen;

- Ruin rural feel of area, local community place a high value on its current high amenity value, highly values for its rural character;

- Much used for walking along and enjoying the views and rural aspect;

- Proposal would not protect and enhance the character of the existing rural open countryside, ruin beautiful countryside;

- Should remain a green corridor;

- Intrude in natural green division between Deepcar and Stocksbridge, Hollin Busk is an open space between Deepcar and Stocksbridge, a break between the two areas, part of a green corridor, closes off the top of Fox Glen and a green link, the proposed development would sever green finger running up valley sides, would sever the locally designated strategically important Green Link running up Fox Glen/Clough Dyke to open countryside;

- Natural buffer, important boundary land between Deepcar, Stocksbridge and Bolsterstone;

- The site fulfils the purpose of the green belt, site should be granted green belt status;

- The proposal is not rounding off or urban infill, it is entirely urban expansion, will be another case of urban sprawl, housing development would

- not achieve distinctiveness of neighbourhood, unnecessary encroachment on open space;
- Without SUDS the available public open space would be down to 34%;
  - Need more green space not less;
  - Need farm land;
  - Negative effect on green belt, spoil green belt land, land should be re-designated green belt;
  - Any development of 93 dwellings would in effect create a new village at Royd Farm and would have detrimental impact on the Green Belt on the other side of Hollin Busk Lane, the Green Belt is a core feature of the local environment;
  - Object to encroachment towards Bolsterstone one of only two remaining hill top villages in Sheffield;
  - Close to Peak District National Park and would add an additional urban development on the edge of the PDNP, proximity to the PDNP is a defining feature of this location, no positive tangible benefit;
  - Application does not confirm who will be responsible for management of open space; and
  - Open space is limited in size.

## Ecology

- Land always been grazing and a place for wildlife, diverse range of species present in the fields, land is resource for wildlife including species under threat such as lapwings and curlew, many on 'red list', bat colonies, provides shelter for wildlife;
- Loss of wildlife habitat and wildlife corridor, insensitive to wildlife, the wildlife using these fields to forage would be decimated, impact could not be reversed;
- Publicly accessible open space would conflict with dual role as a new habitat for wildlife;
- Fox Glen is a much valued Local Wildlife Site, would have a serious impact on biodiversity of the site and adjoining green spaces including Fox Glen, impact on current project to encourage willow tits in Fox Glen, proposed drainage into Clough Dyke in periods of heavy rainfall would destroy the habitat which is being created in the local wildlife reserve of Fox Glen, local concern that changes to surface and underground water flow into Fox Glen not adequately addressed, adverse influences of noise, flooding, pollution, litter, increased footfall, potential vandalism and disturbance from increased presence of dogs and cats are incompatible with the continued success of the local wildlife reserve;
- Would cause significant harm to the Fox Glen Wildlife site and the project to create a habitat for rare willow tits, would effectively close off access to local wildlife site of Fox Glen;
- Adverse effect on natural environment and recorded bird species;
- Mine investigations will involve intrusive work which will damage wildlife in the area;
- Insufficient assessment of impact on species using the woodland or on effects of lighting and dumping, should be more detail on habitat provision, full ecology survey should be completed; and

- Relying on householders bordering the Glen to look after wildlife does not enhance the natural environment.

## Recreation

- Hollin Busk Lane used recreationally by walkers, ramblers, dog walkers, horse riders, cyclists, school children and others enjoying countryside setting, recreational benefit is already satisfied by walking along Hollin Busk Lane without a housing estate, much valued local amenity;
- Part of one of the ten national best walking neighbourhoods;
- Reduce physical and mental wellbeing of local residents who enjoy living with countryside views;
- No environmental benefits from any increased public access to the site, harm cannot be mitigated by the layout; and
- Fox Glen already has three access points.

## Landscape

- Too near Peak District boundary, the site is visible from the Peak Park, the site is in full view from Salter Hills onwards and remains a view from a further 0.6 km along the boundary of the Peak Park to the west;
- Proposed housing development will be highly visible due to lie of the land, will significantly affect the scenic value of the area;
- Concerns over loss of view and will obscure views from Carr Road;
- Site could be categorised as upland hay meadow which are in fast decline and should be protected;
- Proposals impacts on landscape greater than applicant has stated;
- Would spoil existing contours of the land and destroy existing field patterns;
- Will sever the green link between Stocksbridge, Deepcar and Fox Glen Wood;
- Loss of visual break between Deepcar and Stocksbridge; and
- The site is urban expansion into the open countryside.

## Traffic

- Not easy access to main road network, roads over capacity, only viable route to travel is via Carr Road;
- Increase in traffic at peak times and through the day, Carr Road is already busy without the addition of potentially 200 more cars, blind bend, major increase to traffic onto Carr Road particularly in the mornings when small children will be going to school, entrance to the site too near to school to be safe, access and traffic increasing would have a detrimental effect on road safety and Royd nursery and infant school, danger to pedestrians, young people and their parents;
- Parking is critical in the morning, occasional attendance of traffic wardens to deal with the problem, incidence of coaches parked outside school;
- Parking problems on Royd housing estate where no off road parking options;

- Smell and toxic pollution from vehicles, NIHCE guidelines suggest new homes should be built away from roads to prevent high volumes of airborne pollutions;
- There has been an increase in large articulated HGVs passing the school visiting the nearby forest land;
- Increase traffic flow on Townend Lane;
- HGV construction traffic, construction site will be intolerable at peak times;
- Carr Road/Manchester Road junction already a bottle neck, junction is at capacity, already at saturation levels, road is narrow, 486 cars an hour using Carr Road, create unacceptable additional contribution to congestion at the Carr Road/Manchester Road junction especially at commuting times, drivers exiting Carr Road already dependant on drivers along Manchester Road letting them in, drivers will look for short cuts through the estates causing road safety issues, houses at Fox Valley, Deepcar brickworks, Oughtibridge mill and Hollin Busk will total 944/1000 vehicles accessing Manchester Road, increase of 1500 vehicles, any traffic surveys on Carr Road will not give a true picture of congestion these houses will create;
- Instance of queues of cars extend for a distance up Carr Road, road blocked on both carriageways due to parked cars and queuing traffic, causes vehicles to weave in and out, some cars turn down St John's Road to avoid congestion, entry into Manchester Road relies on good will, Carr Road is a courtesy junction normal occurrence no motorists give way to cars waiting to pull out;
- Topography makes it unlikely there could be any road improvement system, traffic sensors on the road to hold up the traffic will cause problems up Carr Road and along Manchester Road, the problem is road capacity not sequencing of traffic lights;
- The one way bridge at Vaughton Hill slows traffic down;
- The traffic assessment acknowledges that Carr Road/Manchester Road traffic light junction exceeds capacity at peak times, the problem is road capacity not traffic light sequencing;
- The transport assessment conducted over 12 months ago is out of date, significant changes to future traffic movements and controls at the Bloor's site would impact significantly on future traffic flows;
- Traffic speeds reach 40-45mph on Carr Road, 50-60 mph on Hollin Busk, 13 accidents on Carr Road between 2102 and 2017;
- Emergency vehicles will be delayed, when it becomes gridlocked cannot exit Deepcar via route through junction;
- Shops, supermarket, surgeries, dentists, library, post office, restaurants and takeaways are in the valley bottom 1 – 2 km away;
- Acceptable walking distances are on the limit, most are at maximum level or do not meet the criteria, Carr Road gradient is not walked up and down by local people, exasperated in bad weather, schools and shops not within walking distance, a mile from local shops, shoppers would struggle without a car;
- Public transport is poor, site does not promote sustainable travel, topography does not allow for everyday cycling, there are not several bus stops within a 5 minute walk, there is not a regular bus service near it, buses to Penistone three times a day, 600 metre walk from Penistone to station, one bus to Barnsley, bus stop 380 metres away, bus into Sheffield is hourly

but does not stop near to this site, Supertram link bus reduced to one per hour, Wood Royd bus stop for Supertram link bus 600 metres away half as far again as recommended, journey is fragmented and takes time, in morning rush period bus will take 40 minutes to get to Middlewood tram stop, bus route connection with trains useless as a service for commuters, residents rely on cars, little to benefit elderly and disabled residents, no school bus;

- Increase traffic impact further afield at Middlewood and Tankersley; and
- Increase in parking of cars on Carr Road and this contributes to congestion.

## Ground Conditions

- Hollin Busk is an area where there has previously been a coal mine and a ganister mine, undoubtedly underground workings that have not been investigated, land may not be suitable for building on; and
- The location of the land on the boundary suggests it may have been used for unmarked graves.

## Drainage

- The site is regularly waterlogged from surface water drainage and ground water and is the water feed zone at the head of Clough Dyke, the natural regulation of surface water run-off by soaking into the field is important to local flood alleviation downstream, a SUDs scheme would be inadequate to compensate, directing water flow down Clough Dyke not a sensible option, culvert in Fox Glen often overwhelmed after heavy rain;
- Surface water runs down Carr Road at times, local roads often struggle with drainage problems;
- Sewerage system does not cope, Yorkshire Water says may only have limited spare capacity, if any, available;
- Building will reduce water absorption and increase risk of flooding in the valley, already a risk along Manchester Road;
- Potential pollution to stream that runs through Fox Glen;
- Need clear arrangements for maintenance of the SUD system;
- Likely there are underground workings which could affect drainage and stability of land; and
- Will destabilise land at Glen Works.

## Heritage

- Harm historic environment, detract from listed building one of the oldest in the area, close to outer perimeter of the farmhouse, the proposal indicates building within 5 metres of the listed stone pigsties buildings at Royd Farm and encasing listed buildings on three sides, would have a significant adverse effect on their setting, the barn and farm buildings have been converted to dwellings;
- Close to the Walder's Low burial mound; and
- The proposal will encircle a Grade 2 listed building at Royd Farm, the development will harm the character of the property's curtilage.

## Amenity

- Overlooking, indicative design solution shows proposed properties facing over Carr Road, loss of privacy and issues of overshadowing for properties adjacent to the proposed development;
- Increased noise and disturbance, loss of tranquillity; and
- Increases air pollution, exacerbate harm to air quality, housing will generate greenhouse gases.

## Design

- The houses on Carr Road are not two-and-a-half stories, two to two-and-a half storey buildings fronting Carr Road would be grossly prominent; and
- Layout does not respect the density of the local area, not in keeping with spacious plots of the surrounding properties, does not integrate into the neighbourhood.

## Economy

- Construction phase short term benefits for a few, little or none employment generated, support and revitalising economy will be negligible compared to Fox Valley and Station Road; and
- Other areas would bring greater economic, social and environmental benefits to the city.

## Affordable Housing

- A very small proportion of affordable housing would come from this site, local house prices are below average compared to Sheffield generally, a new luxury housing estate of large expensive houses would not fulfil national housing requirements; and
- New build houses building being purchased for buy-to-let increasing demand.

## Other Comments on Submitted Information

- Omits to address all the elements of the 2018 NPPF which are detrimental to the applicant's case;
- The original illustrative plan showed only 72 dwellings;
- Incorrect identification of site boundary on Landscape and Visual Appraisal (Figure 16, viewpoint 13), incorrect location (for Figure 10 viewpoint 2);
- Stubbin and Rookery key character areas in Design and Access Statement are remote from the site;
- Anomalies in Design and Access Statement, some of photographs are very old, misleading statement and photographs;
- The site is farmland;
- Walking catchments and distances inaccurate;

- Traffic survey done during bank holiday, accuracy of speed information as taken during half term, travel plan inaccurate particularly with regard to local public transport facilities, does not mention direction of travel;
- The further statement from the applicants continues to contain factual errors, misrepresentations and inaccuracies about the locality;
- Site does not slope down in a southeast direction; and
- Site is not a flood-free zone.

## Policy

- Not brownfield land;
- Fails to establish a case for sustainability;
- The applicant wrongly continues to dismiss all old policies as time lapsed or not framework compliant and refuses to accept the local planning authority's legal authority and duty to continue to use old policies which still fully conform to 2018 NPPF and which would still carry full statutory weight in decision making;
- The planning grounds for refusal are overwhelming, policies for local area should not be overridden by national guidance, proposal ignores local guidance, UDP and Core Plans and supporting documents are the only existing documents that can guide this decision making;
- This area should not suffer greenfield development just because Sheffield has an out of date housing policy and cannot demonstrate a five year strategy;
- Not in the original housing plan;
- Not in line with 2017 Housing White Paper which directs future housing to brownfield sites and reaffirms strong protection for the countryside and has a key theme of the right homes in the right places;
- Core Strategy policies should be upheld;
- Key core strategy relating to Hollin Busk is CS72 protecting open countryside not in the Green Belt, it is not a generic protection of all open green space it also specifies that no land should be developed for urban land uses in the period to 2026, the spatial area is defined on the Local Plan Pre-Submissions Proposals Map, vital that policy CS72 is followed, one of only four sites in Sheffield protected as open space and should remain so, Core Strategy Policy CS72 provides sufficient grounds to refuse this planning application, NPPF seeks to protect green spaces;
- CS33 limits new housing to previously developed land, open space at Hollin Busk is environmentally important;
- Bearing in mind NPPF is only guidance its first core principle is empowering local people;
- The presumption in favour is heavily qualified and restricted, NPPF paragraph 11(d) describes the exception for not granting permission for such cases as this where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
- The NPPF explains that in the process of building more homes existing local planning controls would still be able to continue to prevent inappropriate developments in inappropriate locations;

- The protection of the countryside has become a higher priority under the NPPF, equally important objectives include the enhanced protection of the natural environment and stronger protection of the Green Belt and equivalent such as the locally designated policy area 'open countryside (non-greenbelt)';
- The application proposal is not in a sustainable location, it is not within the urban area, so does not conform to CS23 policy requirement;
- Does not conform to policy CS24 requirement, Hollin Busk is not sustainably located, there is now a housing land supply of above five years;
- Fails to adhere to 'the right homes are built in the right places';
- Fails to adhere to securing local community support before submitting applications';
- Applicant wrongly dismisses all old policies as time lapsed or not Framework compliant, applicant refuses to accept the local planning authorities can continue to use old policies which still fully conform to NPPF and which would still carry full weight in decision making, policies CS72 and CS73 carry full weight, CS72 is not a blanket protection over open countryside and is not a policy specifically related to housing supply, CS72 is supported by Policy G6A and G2 of the Pre Submissions Local Plan which allows appropriate uses in rural areas and which would not harm the rural character of the area, the proposal does not conform to this, UDP Policy LR4 protects open spaces from development;
- The proposal does not conform to policy CS73 and G2 requirements, the proposal would sever the Fox Glen Green Link from protected open countryside and will cause significant harm to Fox Glen Local Wildlife Site and the project to create beneficial habitat for rare willow tits;
- Contrary to the city's growth strategy 'regeneration not expansion';
- CS72 was created to protect Hollin Busk from inappropriate development, it has not been excluded from the Green Belt because it is not important, previous planning permission on this site have been refused at appeal;
- The NPPF does not provide a presumption in favour of unsustainable developments such as the current application even when the local planning authority is not up to date with its five year housing land supply;
- NPPF states that open space should not be built on, it is not surplus or replaced or for alternative sports and recreation, Policy CS47 would prevent this development;
- Does not meet requirements of NPPF fails to meet core principles, sustainability, fails to give due weight to existing and emerging plans, rights of local communities to shape their surroundings, arguments in favour are weak, the proposal is misleading and should be refused, many of applicant's claims are incorrect and carry no weight;
- Transformation and Sustainability Statement 2013 states Hollin Busk designated as open space outside the green belt worthy of protection for its green character;
- Omitted from Green Belt in error; and
- The underlying situation has not changed since the time of the previous attempts to secure residential planning permission on this site, irrespective of Sheffield housing targets.

## Community Involvement by the Applicant

- Any pre-application interface with community was poorly advertised and too narrowly focused in geographical area, 20 responses to community involvement, no communication with Stocksbridge Town Council.

A letter from Angela Smith (at the time of commenting, MP for Penistone and Stocksbridge constituency) objecting to the proposal has been received:

- The Hollin Busk area is a green, open space with expansive and highly-valued views across the Stocksbridge valley, there is a high likelihood that mines' underground workings have not been fully explored nor their effect upon drainage or land stability investigated;
- Previous attempts to develop Hollin Busk have been turned down, the character of the site is much valued by pedestrians, equestrians and cyclists due to the comparatively level topography;
- This is not and never has been considered as housing land and is not in the right place to fulfil a housing need, the loss of this valued local amenity would not serve the interests of present or future generations, the application would contravene the environmental role of the planning system as it would damage biodiversity and have an injurious impact on the environment;
- This application does not promote sustainable transport, it is not served by any bus route, and closest bus runs infrequently;
- Hollin Busk is a key integral component of the overall landscape of Stocksbridge and Deepcar, separating the two settlements, a multitude of nearby species would be disturbed by development on the land, importance of bird species to NPPF;
- The Draft Proposals Map published alongside the Draft City Policies and Sites document in 2013 shows the Council's thinking on the spatial development of the city at that time, the application site is designated as open space both in the previous adopted Local Plan and in the Draft Proposals Map demonstrates a consistency of approach to this site which should be afforded significant weight, Housing Land Map does not identify the land as an allocation or an identified site, Transformation and Sustainability document 2013 states that Hollin Busk designated as Open Space outside the Green Belt worthy of protection for its green character;
- The adopted Core Strategy rightly identifies areas of countryside around the city that are safeguarded in the spatial strategy as much as the majority of the land that is in the Green Belt and enjoy equally strong protection from development, these are greatly valued for the way in which they contribute to Core Strategy objectives for the natural environment, rural settings and opportunities for peaceful enjoyment of the countryside;
- This site has enjoyed protection from development under the Unitary Development Plan, the Core Strategy as well as the draft Local Plan and the various policies which have accompanied these strategic documents due to the recognition of the importance of the Hollin Busk site, specifically Policy CS72, the monitoring of CS72 goes further by making it explicit that no land should be developed for urban land uses in the period to 2026, Hollin Busk

contributes significantly to the distinctiveness of the area by preventing the spread and merging of Stocksbridge and Deepcar;

- Proposed access virtually opposite Royd nursery and infants school would present an unacceptable highway hazard for very young children, will increase traffic on Carr Road especially near crossroads on Cockshot Lane renowned for poor visibility;
- Would exacerbate surface water flooding problems in Fox Glen should additional water be directed through Clough Dyke, drainage on Carr Road struggles to cope, drains regularly overflow, Hollin Busk would cease its current benefit as a natural soakaway;
- Open green fields are an attraction to many forms of nature, strongly encourage careful consideration of the impact of the development on the biodiversity of the site and Fox Glen;
- The new development would in effect sever green access to Fox Glen;
- Whilst the site is not within the Green Belt itself, it clearly fulfils the key purposes of the Green Belt as defined in the NPPF, Hollin Busk fields should be given greenbelt status as was the original intention; and
- Core planning principles in the NPPF also emphasises the importance of taking account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it.

R. Crowther (at the time of commenting the Councillor for Stocksbridge and Upper Don Ward) objects:

- Economic role: as this is not currently and never has been considered as housing land, it is clearly not in the right place to fulfil a housing need;
- Social role: loss of this valued local amenity would not serve interests of present of future generations;
- Environmental role: would contravene environmental role as it would damage biodiversity and have an injurious impact upon environment;
- Application does not promote sustainable transport as site is not served by any bus route, the closest bus runs infrequently, does not fulfil criteria giving priority to pedestrian and cycle movements;
- The site fulfils the fundamental aim of the Green Belt as well as its five purposes;
- Hollin Busk is a key integral component of the overall landscape of Stocksbridge and Deepcar, separating the two settlements, a multitude of nearby species would be disturbed by the development on this land, particular importance of nearby willow tit habitat;
- The 2013 Draft City Sites and Policies document and Draft Proposals Map shows Council's thinking on spatial development at that time, whilst it could be argued that the Draft Proposals Map has limited weight in planning terms as it has not been subject to public examination, the site's designation as open space in the previous adopted local plan and in the Draft Proposals Map demonstrates a consistency of approach to this site which should be afforded significant weight;
- It is not a proposed allocation or identified site in the Housing Land Map, the Transformation and Sustainability document (July 2013) states that

Hollin Busk designated as Open Space outside Green Belt worthy of protection for its green character;

- The Green Belt enjoys a degree of permanence, however the Core Strategy rightly identifies areas of countryside around the city that are safeguarded in the spatial strategy to the same extent as the majority of land in the Green Belt and enjoy equally strong protection from development, greatly valued for their contribution to Core Strategy objectives for the natural environment, rural settings and opportunities for peaceful enjoyment of the countryside;

- Hollin Busk is a greenfield site in the rural fringe outside of the urban areas of both Stocksbridge and Deepcar, and so it is clearly unsuitable for development with regard to Core Strategy policies CS23 and CS33.

- The application site is specifically identified in Policy CS72 as one such site, making it explicit that the target for compliance with CS72 is that no land should be developed for urban uses in the period to 2026;

- Hollin Busk contributes significantly to the distinctiveness of the area by preventing the spread and merging of Stocksbridge and Deepcar;

- Hollin Busk is a green, open space with wide and highly valued views across the Stocksbridge valley, high likelihood that mines' underground workings have not been fully explored, nor their effect upon drainage or land stability investigated;

- Previous attempts to develop Hollin Busk have all been turned down, the open character of the site is much valued by pedestrians, equestrians and cyclists in part due to its comparatively level topography;

- Proposed access for construction lorries and new residents is virtually opposite the school, this would present an unacceptable highway hazard for very young children particularly around the start and end of the school day when there are high numbers of stationary vehicles, additional housing so far from public transport will increase traffic flows on Carr Road, inappropriate and unwise to further increase traffic flows on Carr Road, especially near crossroads with Cockshot Lane renowned for their poor visibility;

- Surface water already causes significant problems in Fox Glen during periods of heavy rainfall and would be exacerbated should additional water be directed through Clough Dyke, drainage on Carr Road also struggles to cope with high rainfall, drains regularly overflow, plans to develop would cease its current benefit as a natural soakaway and further exacerbate the problem;

- Open green fields are an attraction to many forms of nature, studies have shown breadth and depth of biodiversity at this location;

- Fox Glen Local Wildlife Site is a wooded area of environmental importance gifted to the local community, new development would sever green access to this local wildlife site currently the location of a funded project to support a local population of willow tit involving cultivation of correct habitat and careful control of water drainage through the Glen;

- Consider impact of the development of Hollin Busk on the biodiversity of the application site and the nearby Fox Glen; and

- In conclusion the site has been rightly protected from development under the Unitary Development Plan, Core Strategy and draft Local Plan, whilst the site is not green Belt itself it clearly fulfils the key purposes of the Green belt, Hollin Busk should be given greenbelt status, Core planning policies

emphasise importance of taking account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belt around them, recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it.

#### Sheffield and Rotherham Wildlife Trust Object

- The site is not allocated for housing, it is allocated as open space, site separates Stocksbridge and Deepcar and prevents urban sprawl, large numbers of housing in the upper don valley have already been granted planning permission, previous applications at this site have been turned down including an appeal;
- Wildlife concerns, reports of lapwing, curlew and bats using the site, potential impact on birds needs to be adequately assessed;
- It would mean development on all sides of the Fox Glen local wildlife site isolating it as an island the opposite of trying to achieve ecological networks, reducing green access to the local wildlife site, the Steel Valley Project have been working to make the site more suitable for willow tit birds whose decline have made it a red list species, possible impacts on water levels at Fox Glen;
- Concerns that a development here would sever a 'green finger', disagree that limited weight should be given to policies relating to green networks and nature conservation (GE10, GE11);
- Refer to Policies G1 and G2 in the City Policies and Sites pre-submission document and NPPF policies 174 and 175;
- If outline application is to be recommended for approval, note that the design does incorporate a species rich grassland area, a buffer to Fox Glen LWS, a SUDS and Landscape and Ecological Management Plan are features S&RWT would recommend in a scheme such as this, would like the details included/conditioned of protecting LWS from small road/driveway in the northwest of the development, how the species rich grassland would be created and managed, play area to be a natural play area, native species in landscaping design, additional ecological features bat and bird boxes, avoidance of solid fences or holes for hedgehogs, green roofs; and
- Objections submitted needs considerable weight.

#### The Campaign to Protect Rural England (South Yorkshire) object:

- The proposals are completely at odds with both the spirit and detail of the adopted Core Strategy, and would therefore constitute unsustainable development;
- The landscape impact would be unacceptable;
- Not appropriate to grant planning permission on unallocated Greenfield sites contrary to adopted development plan when there are so many permissions in the pipeline;
- It should be consistent with policies for countryside areas (Core Strategy Policy CS23);
- Application site is Greenfield on periphery of the area therefore not compatible with Policy CS33;

- Policy CS72 specifically identifies Hollin Busk as an area of non-Green Belt countryside where the green, open and rural character on the edge of the built-up area will be safeguarded through protection as open countryside, CS72 is only indirectly about housing supply, do not accept that housing land requirements would reduce weight of CS72 indeed they should increase its weight because if Stocksbridge and Deepcar are to grow sustainably then it is all the more important that their character and distinctiveness and quality of life can be supported, to develop this site would directly undermine the spatial strategy of the statutory development plan;
- From Cockshot Lane and Hollin Busk Lane the development would present as a stand-alone incursion into an otherwise open rural landscape which breaches the established boundaries of built development, from the existing development at Royd Lane not just the immediate visual break with Stocksbridge but any connection to the wider landscapes to the north and west would all but disappear; and
- This is a prominent site and built development there would be a profound change to the local landscape, a decision to do away with this openness would constitute a major landscape change.

## SECOND ROUND OF PUBLIC CONSULTATION

A second round of public consultation was undertaken on 21st January 2020 to publicise the following revisions to the application:

- Ecological Update and Updated Phase 1 Habitat Survey (January 2020);
- Heritage Assessment (January 2020);
- Revised Illustrative Masterplan (December 2019) including:
  - a) Reorienting three of the dwellings so these are now set further back from the listed buildings to the east;
  - b) Pulling back the southern development boundary to retain views to the north from the junction of Carr Road / Cockshot Lane / Hollin Busk Lane;
  - c) Pulling back the northern development boundary and including additional planting; and
  - d) Reducing the overall development density to provide 85 dwellings (reduced from the original 93).

Many of the responses to this consultation repeat issues raised previously so the following section summarises the main additional points. Respondents at this stage included Friends of Hollin Busk, Sheffield and Rotherham Wildlife Trust, CPRE, Miriam Cates MP for Penistone and Stockbridge, Julie Grocutt – Town and City Councillor and members of the public. Many respondents consider the amendments have not addressed their previous objections. The additional points raised are summarised below:

- Note that the 5-year supply figure of 5.04 years previously used to determine applications was rescinded;
- SCC can now demonstrate a 5.1 year housing land supply as of March 2020, therefore arguments relating to a lack of supply no longer carry weight

- The proposed development would cause significant harm to the open character of the area contrary to UDP Policy LR5. Keeping the site undeveloped contributes positively to the objectives of NPPF paras 118(b), 127 and 170(B);
- The proposed new housing would sit at the top of Fox Glen and significantly affect the feed of surface water down Clough Dyke;
- The amendment to 85 rather than 93 residential dwellings does not significantly change anything;
- Large development out of scale with existing village and local services;
- Environment would not be as damaged and views from Hollin Busk would not be too adversely ruined if completely single storey dwellings. The elderly and disabled population in the area would benefit and this would free up more affordable property for the younger generation;
- At the end of last year, houses were flooded on Wood Royd Road due to heavy rain. Taking away the soak away effect of the green fields above the road would only exacerbate the problem. Ongoing flooding issues are frequently experienced on and around Hollin Busk Lane, Carr Road, Fox Glen and Wood Royd Road. To use Fox Glen for surface water run off for the entire development would therefore exacerbate the current situation;
- Object but welcome some of the changes to the "illustrative" plan namely:
  - a) Provision of access to Fox Glen both from the development and from Carr Road
  - b) Designating the field to the West of the development as not to be developed
  - c) Increasing the area of the Play space
- To totally isolate and surround the Grade 2 listed Royd Farm farmhouse with modern housing will destroy its historical setting and will cause major harm to this heritage asset;
- The Ecology Report is mainly a review of earlier documents and provides very little additional information of any substantial value. It does provide an Updated Habitat Survey but this was undertaken in January 2020 and this is not within the required window of April to September. It is therefore of limited value;
- There is an assumption in the heritage report that there is no separation between Stocksbridge and Deepcar (e.g. 1.6 'the two merge...', 1.10 'Stocksbridge and Deepcar merge to form a continuous band...' 3.18 'merged into one') which is absolutely not the case;
- The description in the heritage report of the woodland of Fox Glen as a screen (e.g. 1.9 describes Fox Glen as 'acting as a screen' and 4.64 as 'heavy planted screening') totally misrepresents the valley woodland, its heritage, function and wildlife;
- Section 4.58 of the heritage report mentions the farm being 'no longer related to any agricultural purpose'; while the listed properties are now residential, they are clearly still linked to the fields around which form part of their setting;
- Reference in the heritage report to the farm having an advantageous rectangular buffer space (4.51) is not relevant to the farmhouse; this small field, which would be left as open space, adjoins the north side of the farm buildings;

- No such development should even be considered until at least 2026, or until a future adopted Local Plan specifically proposes residential development on that site;
- The applicant's inclusion of the provision of "new open space" as an alleged valuable sustainability feature is spurious, undefined, inconsistent, and not enforceable. It would be of no public benefit;
- Sheffield LPA has recently published a new "5 Year Housing Land Supply Monitoring Report" dated March 2020. The report concludes that "The 5-year deliverable supply is 5.1 years, therefore, the previous statement by Sheffield LPA that they could not identify a 5-year housing land supply is now null and void;
- The information provided by the applicant is not sufficient to determine the application;
- The application site is part of a privately owned area of open countryside which is not accessible to the public. Its value to the community is the visual amenity afforded by its open character and appearance;
- Significant detrimental harm to the Environment and Ecology;
- Adverse effect on local appreciation of an area given special protection as "open countryside";
- Contrary to Council policy of green networks and links;
- The location will have a significant effect on surface water drainage and flood risk down Clough Dyke and Fox Glen;
- Prominent usage of private cars due to site location, topography, and the distance to local amenities; and
- The loss of a well-loved beauty spot for local residents whose views and habitat has been especially important in recent months due to Covid lockdown restrictions.

#### Sheffield and Rotherham Wildlife Trust Object

- Still object for the reasons set out in our previous submissions;
- Would expect biodiversity net gain to be specifically addressed;
- Cannot see reference to any national or local climate change targets or policies;
- When comparing the new plan with the original plan, it looks as if the northern-most four plots are nearer to Fox Glen than before although note a buffer hedgerow on the illustration. Can the buffer zone and implementation of it (including during construction) be clarified – at least in a condition? The hedgerow should be a native hedgerow;
- If the application is to be granted, then would like the mitigation points in previous submissions to still be considered;
- Note that the ecological mitigation suggested in the Jan 2020 Ecology report includes the creation of species-rich grassland and wetland in the balancing pond, native scrub and tree planting, bird and bat boxes, low level lighting and a long-term ecological management plan. Support these suggestions and would like to see them all as planning conditions;
- Details of integrated bat and bird boxes should be included within an Ecological Design Strategy (EDS) and required as a condition of any planning consent;
- Swift bricks could also be included;

- A condition could be made for an ecologically sensitive lighting plan, to include zero light spill into Fox Glen with the requirement for post-development checks;
- Request a 'hedgehog highway' to be implemented in the scheme, by creating suitable sized holes (13cm/5 inches square) at the bottom of fences, or preferably using hedges instead of fencing to allow hedgehogs to move freely throughout the site; and
- Would like to see at least some of the play features to be 'natural play'.

A letter from Miriam Cates MP for Penistone and Stockbridge objecting to the proposal has been received:

- The Planning Authority should not be considering developments of this scale on protected sites such as Hollin Busk without a Local Plan to ensure a coherent planning strategy. It seems particularly indefensible given that Sheffield seems to be delivering on housing land supply targets, and that the Authority has a policy of developing brownfield sites first.
- The land is an important part of the rural fringe around Stocksbridge, Deepcar and Bolsterstone and this development threatens a well-used local natural resource.
- The area is already experiencing significant housing development and there seems to be no recognition of the impact this additional proposal will have on infrastructure and the sustainability of population growth locally.
- In the absence of a Local Plan, existing policies and protections should be upheld and as the land is still safeguarded under existing provisions, I believe this application should not even be considered.

## SUMMARY OF CONSULTATION RESPONSES

A summary of the main formal consultation responses received in response to the application is provided below.

Stocksbridge Town Council (STC)

Stocksbridge Town Council object for the following reasons:

- The application contravenes the policies in the Core Strategy Policy (2009) and the Local Plan due to be implemented in 2020 in particular with regard to policies CS72 and CS33;
- STC state that from this application first having been received, STC have been contacted by numerous local residents objecting to this development, no one has been in contact to support the application, STC have never received information directly from the developers wishing to engage with us;
- Background: Hollin Busk is an area at the top of Carr Road that historically was mined and then laid to agriculture, it is regularly used by people who enjoy the outdoors, it has wonderful vistas from its elevated position, it is a significant piece of land in the local community in that it separates Deepcar and Stocksbridge allowing each town its own identity, because of this since 1998 the Hollin Busk Fields have been designated as open space/open

countryside not in the green belt, this came about because it was accidentally left out of the Green Belt but it was recognised that the land should be protected, this land is now only one of four sites so designated;

- Regulations: In March 2009 Core Strategy CS72 protecting countryside not in the green belt was adopted, this regulation is still in place, it is as valid now as it was when adopted and as such Hollin Busk must remain as it is to comply with this regulation, the STC and residents have no objection to house building in the area providing it is in the right place, extensive developments underway at Deepcar (Bloors), Fox Valley (Stonebridge Homes) and just outside STC boundary at the Oughtibridge Valley site, Hollin Busk is not the right place to build, a point supported by Policy CS72;
- Transport: traffic generation, vehicle access and road safety;
- STC take issue with the developers statements regarding public transport, the 23 and 23A buses can be caught to Penistone to link with the railway station, this service has only three buses a day, trains from Penistone run only hourly, there is one bus a day to Barnsley, the 57 to Sheffield is hourly the bus stop is quite a walk from this site, the SL1A does not start until after peak times meaning the SL1 would have to be caught extending the journey time to Sheffield, the bus stop is some 600 metres away, 50% more than the recommended walk to a bus stop and would be a significant uphill walk when returning home;
- This indicates that the reality is commuters will choose to drive, already disruption to road traffic from the houses being built by Bloor Homes on Manchester Road Deepcar, a second set of traffic lights is to be added to allow access on/off this development 100 metres from the junction of Manchester Road/Carr Road/Vaughton Hill, currently this junction is at gridlock at peak times, added vehicles travelling down Carr Road to get to Sheffield, the motorway or the bypass will add to the congested area, there is a nursery and infant school on Carr Road opposite the proposed site, due to the hill that it is built on parents drive young children to school rather than walking, causes congestion at top of Carr Road with vehicles parked for the school where the entrance to the development is planned, there is no footpath on the development side of Carr Road, STC are concerned about road safety implications with an additional junction, parked vehicles and additional vehicles from this development;
- Access to Local Amenities: capacity of infrastructure, public drainage system, school places and health provision;
- While Stocksbridge and Deepcar have local shops, library, GP surgeries and public houses, none are realistically in walking distance, especially not on the journey home up a steep hill, in reality car journeys will be used due to the gradient and lack of nearby public transport;
- Environment: impact on nature conservation interests and biodiversity opportunities, particularly with regard to the nearby Fox Glen nature reserve;
- Effect on listed buildings Royd Farm;
- Risk of flooding;
- Landscaping;
- Water has to go somewhere, often run off from the surrounding fields floods down Carr Road and along Hollin Busk into the fields of this site, with additional foundations cutting off natural routes concern about excess water and local drainage system being able to cope with it;

- Fox Glen is a local wood that local schools enjoy as part of the Forest Schools initiative, it has much wildlife that over the years local groups have encouraged to return and seek to protect, STC concerned that local conservation projects will fail with housing built on the site;
- Also note there are significant developments already underway or proposed in the Stocksbridge and Deepcar area; and
- In summary Hollin Busk plays an important role in the area's outdoor city initiative something the Town Council is keen to promote and encourage in the area, a housing estate in this location will detract significantly from that, it would also contravene Policy CS72, STC ask that the planning authority reject this proposal.

#### Sheffield City Council School Organisation Team

A development of 93 dwellings would not meet the criteria for s106 education contributions. It is expected that the approximately 3 additional pupils per year group the development is expected to generate could be accommodated in their catchment school.

This analysis does not take account of the additional 12 school places forecast from the 427 dwelling development 19/00054/FUL. 15 additional pupils per year would mean a forecast shortfall in catchment places in the primary phase in 2 of the next 4 years (2020 and 2021). The situation is somewhat better at the secondary phase with a forecast shortfall in catchment places in 2 of the next 10 years (2019 and 2024).

Current forecasts suggest that if pupils were not able to be offered a place at their catchment school they should be able to be offered a place at the neighbouring Stocksbridge school.

#### South Yorkshire Archaeology Service

- The site is identified as having uncertain archaeological potential – it is a greenfield site that has seen little ground disturbance and has therefore, the potential to contain as yet unidentified archaeological evidence. Field evaluation would be the way to establish with more certainty what the site's archaeological potential is. This is to be secured via a planning condition.

#### Natural England

- No objection – based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites The South Pennine Moors (Phase 1) Special Protection Area (SPA), Dark Peak Site of Special Scientific Interest (SSSI), and the designated landscape Peak District National Park.

#### Sheffield City Council Air Quality, Monitoring and Modelling

- On the basis of the information provided, satisfied the AQA would not be necessary.

- There is a need for measures to be adopted to mitigate the likely dust impact particularly during the construction phase. As a consequence, the developer should be required to produce and implement a Construction Environmental Management Plan (CEMP).

- Mitigation measures should also be adopted, to mitigate the likely impact of traffic during the operational phase of the dwellings. In addition, at every opportunity, the use of low emissions vehicles should be encouraged. Also, one rapid and two fast electric chargers should be installed at the site to facilitate this

#### Sheffield City Council Highway

- The Transport Assessment indicates that junctions have adequate capacity with the exception of Carr Road/Manchester Road, which subsequently feeds into the Manchester Road/Vaughton Hill junction. This is to be expected as, owing to location and topography, this junction offers the most direct access to the wider highway network. The key movement at the junction is the right turn from Carr Road onto Manchester Road, particularly in the AM peak. The Transport Assessment indicates an extra 33 vehicles attempting this manoeuvre in the AM peak.

- Manchester Road/Vaughton Hill junction has been identified as operating at close to capacity. As a result, a condition of both the Fox Valley scheme, and the Bloor Homes development was that developers would provide a contribution toward the installation of MOVA software at the junction to improve the efficiency of the junction. Design work has been undertaken, and with construction beginning on the Bloor Homes development, installation of MOVA is expected in the spring. The installation of the software usually results in a 10-15% increase in junction capacity. As the software will be in situ, discussions with Traffic Control resulted in the request that a condition should be added to any planning approval for the current planning application that the developer provides MOVA sensors across Carr Road, so that Carr Road can be incorporated into the Manchester Road/Vaughton Hill junction software. The developer has indicated in the Transport Assessment that they are willing to provide this.

- The site access is located on a stretch of Carr Road that is widely used by parents picking up and dropping off at local schools. The frontage of the site is currently grass verge, which means parents often have to remove children from the car, then cross immediately to get to the footway on the opposite side of Carr Road. The provision of a 2m wide footway on the frontage means that children being dropped off on either side of Carr Road will be able to alight onto a footway. That being said, the carriageway at this location is not particularly wide, and often, the flow of traffic along Carr Road is disrupted by vehicles double parking at school times. The addition of a priority junction therefore brings the potential for significant disruption, albeit over short periods of the day.

- In the Travel Plan, the applicant has used guidance from the Chartered Institute of Highways & Transport, which states a preferred maximum walking distance of 2k from the site. A number of amenities are then listed, demonstrating they are within 2km of the site. In reality, the topography of the location means that in many cases,

the return journey to the site is 1.5-2km uphill. As such, it is unlikely that large numbers of residents will walk regularly to the aforementioned amenities.

- Although there are a number of dropped kerbs to facilitate crossing, there is no formal crossing point along Carr Road, with the exception of a crossing warden outside the school. With the intensification brought about by the site access close to the school, this crossing point should be formalised.

- The site is served by a limited number of bus services:

- i. Service 23 Barnsley to Stocksbridge within 300m walking distance;
- ii. Service 57 Sheffield to Stocksbridge within 400m walking distance;
- iii. Supertram Link (SL1) within 800m walking distance.

Whilst it is accepted that services 23 and 57 are within an appropriate walking distance the frequency of the services is likely to be a barrier to encouraging public transport use. In terms of service SL / SL1 the frequency of the service and its link to Supertram is good, however it does have to be born in mind that the walking distance to the stop is beyond that which would be considered to encourage public transport use and also require negotiating a relatively steep incline on Carr Road.

It is worth noting that in the TA details of the modal split taken from the 2011 Census Data (Method of Travel to work) indicate that for this area an 11.3% state bus/coach or minibus as the mode of travel.

Therefore it is considered that given the combination of service frequency and walking distance / topography it is likely to prove difficult to suggest that any future residents of this development would be encouraged to use public transport.

In terms of access to services on foot the site is far from accessibly located. The table below is taken from 'Providing for Journeys on Foot'.

	Town centres (m)	Commuting/School Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

I would suggest that the appropriate distances to be considered are 400, 800 and 1200m.

The TA provides the following information in relation to walking distances to various facilities:

- b. Lidl – 1.8km
- c. Takeaways – 1.9km
- d. Local shops – 1.6km
- e. PFS with convenience store – 1.3km
- f. Public Houses 820m – The Nook remaining 5 between 1.2-1.8km
- g. Leisure – golf club 470m, cricket club 1.3km, multi-use games pitch 1.8km
- h. Medical Centre – 1.2km
- i. Dental Surgery – 190m

From the information provided it can be seen that the only facility that could be considered to be within the desirable walking distance is the dental surgery; acceptable 1 public house and the golf club; preferred maximum the medical centre. I would therefore conclude that the site is not accessible to a range of shops, services and facilities on foot.

Given the comments I would consider that the site is far from ideal in terms of accessibility by modes other than the private car and would indeed suggest that the vast majority of journeys to and from the site for work, leisure and shopping will be car born journeys.

The report does however refer to local shops at Carr Road / Wood Royd Road / Armitage Road and these provide general groceries/off licence, tanning shop, newsagent, hairdressers and a takeaway as being within 900m.

Overall it is not felt the location of the site is particularly sustainable and whilst this can be mitigated to a degree it should be seen as a negative aspect of the overall development.

Sheffield City Council Landscape Architect

The following provides an updated summary of landscape comments from the Council's Landscape Architect following review of the amended Illustrative Masterplan submitted in January 2020 and an email response from the applicant on landscape issues dated 9<sup>th</sup> February 2018.

#### Landscape Impact

In line with GLVIA3 (2013), this section of the appraisal covers the impact of development on the landscape as a resource, informed by existing landscape character assessments. I am in agreement with the majority of the assessment of landscape effects presented in the appraisal report. Broadly, this is that the adverse impact of development on the wider and local landscape would be limited. Some more pronounced adverse effects may be created, but are largely confined to the landscape of the site itself.

However, the following conclusions of the LVA were queried:

Susceptibility of site and immediate landscape to change

The LVA (7.3) states that the site and immediate landscape is of medium susceptibility to change and has the ability to absorb well planned development. I queried this judgment and stated that the openness, regularity and consistency of upland pasture enclosed with stone walls is a key part of this landscape. I suggested that housing development on a large scale is not compatible with maintaining these characteristics. Note that this comment relates to the site area only, not to impact on the wider landscape resource.

#### Magnitude of landscape effects

The LVA (7.7) states that the change from agricultural use to built development within the site would be of a high-medium magnitude. I queried this judgment and suggested that given that the majority of the site would change from open, regular and consistent grazing agriculture to built development, this would be a high magnitude of change. Note that this is a relatively minor difference in judgment on the magnitude of landscape effect between 'high-medium' and 'high', and relates only to the site itself. I am in agreement with the conclusions of the rest of this section that the magnitude of effects on the wider landscape area would be lower, varying between negligible at the scale of the Yorkshire Southern Pennine Ridge National Character Area (7.4), medium-low on the more local landscape character areas within which the site is located (7.5), and low to negligible on neighbouring local character areas (7.6).

#### Landscape effects during construction

The LVA (7.10) states that landscape effects during the construction phase on the site would be major-moderate adverse. I queried this judgment and suggested that given a large part of the open agricultural site would be occupied by built development and construction activity, this would be a major landscape effect. Note that this is a relatively minor difference in judgment on the magnitude of landscape effect between 'major-moderate' and 'major', and relates only to the site itself. Also that this section relates only to landscape impact during the temporary construction phase only.

I am in agreement with the conclusions of the rest of this section that the magnitude of effects on the wider landscape area during construction would be lower, varying between negligible at the scale of the surrounding National Character Area (7.9), and moderate-minor adverse on the more local landscape character areas (7.10).

#### Landscape effects on completion

The LVA (7.14) states that development would result in a moderate adverse landscape effect on the site, reducing to moderate-minor adverse in the longer term. I queried this judgment and suggested that given the majority of the site would be occupied by housing and associated infrastructure and domestic landscape features rather than open pasture, this would be a major adverse landscape effect on completion. Maturing new landscape features may have an effect, but as presented, scattered tree cover and belts of trees are not characteristic of the existing landscape, particularly across contours, and at best the effect may be reduced to major-moderate over time. Note that this is a relatively minor difference in judgment

on the magnitude of landscape effect between 'moderate' reducing to 'moderate-minor' adverse, and 'major' reducing to 'major-moderate' adverse. Also that this comment relates only to the site itself. I am in agreement with the conclusions of the rest of this section that impact on the wider landscape area would be minimal (7.11).

### Significance of Landscape Impact

As stated above, I am in agreement with the conclusions of the LVA that adverse impact on the wider landscape resource would be minimal. I am also in agreement that the majority of landscape impacts would be confined to the site itself, as well as broadly the conclusions about the severity of these impacts on the site.

As explained, in my judgement the susceptibility of the site to change may be slightly greater than as stated in the LVA, the magnitude of landscape effects on the site may be slightly higher, and the landscape effects during construction and completion may be slightly more adverse.

In summary and in line with the conclusions in the LVA, there will be some significant localised adverse landscape impacts on the site itself. However, in the broader context of landscape impact taken as a whole in terms of surrounding landscape character, the impact of development on the wider landscape is likely to be limited. A small number of relatively minor differences in judgement of the severity of some of the localised site impacts are unlikely to affect this overall conclusion.

### Visual Impact

In line with GLVIA3 (2013), this section of the appraisal covers the impact of development on views. Impact is assessed by examining susceptibility to change in views combined with the magnitude of the effect of development on the visual amenity of views.

FPCR responded to initial landscape comments on the LVA in relation to visual impact on 9th February 2018. This response dealt adequately with queries relating to viewpoint selection, selection of the Representative Visual Envelope, and assessment of views from more distant locations.

I am in agreement with the majority of the assessment of visual impact presented in the LVA report. Broadly, this is that the visibility of the site from the surrounding area is limited, and visual impact is largely confined to a limited range of visual receptors in the immediate vicinity of the site. These are principally residents on nearby streets, as well as highway users on adjacent roads and limited views from public rights of way close to the site. I am also broadly in agreement with the conclusions of the LVA regarding the severity of visual impact on this limited range of visual receptors, varying between major-moderate adverse for some residential receptors to minor adverse for some highway and PROW receptors.

However, the following conclusions of the LVA were queried:

Residents on Carr Road and Royd Lane – visual effects

The LVA (8.8) states that visual effects for residential receptors on Carr Road and Royd Lane would be major-moderate adverse on completion, reducing to moderate adverse in the longer term as landscape planting matures. I queried this judgement and suggested that relative to existing open views of upland pasture, the visual effect of development for the limited number of residents located adjacent to and with clear views of the site would be major adverse on completion and is likely to remain major despite growth of new planting. Note that this is a relatively minor difference in judgment on the severity of visual effects between 'major-moderate adverse' reducing to 'moderate adverse', and 'major adverse'. Also that this applies only to a limited number of residential receptors living adjacent to and with existing clear views of the site.

#### Residents on Hollin Busk Lane and Broomfield Lane – visual effects

The LVA (8.9) states that visual effects for residents on Hollin Busk Lane and Broomfield Lane would be moderate adverse, reducing to moderate-minor adverse as landscape planting matures. I queried this judgement that the severity of visual effect would reduce, and suggested that despite the growth of new landscape planting, the site would still appear as residential development in contrast to existing views of open pasture.

Note that this is a relatively minor difference in judgment on the severity of visual effects remaining 'moderate adverse' rather than reducing to 'moderate-minor adverse' in the long term. Also that this applies only to a limited number of residential receptors with views of the site.

#### Rights of Way users in Fox Glen – visual effects

The LVA (8.12) states that views of the site from rights of way in Fox Glen are limited by dense existing vegetation, with the site only visible from a limited number of locations close to the site boundary. The visual effects for rights of way users from these limited locations are judged to be moderate adverse, reducing to minor adverse.

I agree that existing vegetation will afford only limited views of the site from public rights of way within Fox Glen. Also that the visual effect of development on these limited receptors would be moderate adverse. However, I queried the judgement that the severity of visual effect would reduce, given that little new planting was shown on this boundary on the concept masterplan and that the site is likely to still appear as residential development in close range views, in contrast to existing views of open pasture. Note that this is a relatively minor difference in judgment on the severity of visual effects on a limited range of visual receptors remaining 'moderate adverse' rather than reducing to 'minor adverse' in the long term. Also that this comment relates only to rights of way users within Fox Glen. I am in agreement with the conclusions of the rest of this section of the LVA regarding visual impact on users of the limited range of other rights of way with views of the site. These are minor adverse reducing to negligible for the public footpath through Stocksbridge Golf Course (8.13), moderate-minor adverse reducing to minor adverse for the public footpath from Bolsterstone to Hollin Busk (8.14), and minor adverse reducing to negligible for the more distant Barnsley Boundary Walk public right of way at Hunshelf Bank (8.15).

## Highway users – visual effects

The LVA (8.19) states that visual effects for the limited range of highway users with views of the site from adjacent roads would be moderate-minor adverse, reducing to minor adverse. Also that these users are of limited sensitivity due to the transient nature of views.

I agree regarding the limited sensitivity of highway users. However, I queried the severity of impact relative to existing views of open pasture for users passing close to and adjacent to the development site on Carr Road and Hollin Busk Lane. Consequently, I suggested that moderate adverse would be a more accurate assessment of the visual effects for these highway users overall. Note that this is a relatively minor difference in judgment on the severity of visual effects on relatively low sensitivity visual receptors remaining 'moderate adverse' rather than reducing from 'moderate-minor adverse' to 'minor adverse' in the long term. Also that this applies only to a limited number of receptors travelling on roads adjacent to or very close to the site.

## Significance of Visual Impact

As stated above, I am in agreement with the conclusions of the LVA that visibility of the site and the range and quantity of visual receptors is limited, with the main receptors being residents living on streets next to the site, users of public rights of way close to the site boundaries and highway users close to site boundaries. I am also broadly in agreement with conclusions about the severity of visual effects on these receptors.

As explained, in my judgement the severity of visual effects may be slightly greater than as stated in the LVA for some residents and highway users adjacent to the site. Also that the reduction in severity of visual effects in the long term due to landscape planting may be slightly less than as stated for some residents and PROW users adjacent to the site.

In summary and in line with the LVA, there will be some localised adverse visual effects in the immediate vicinity of the site. However, visual impact overall is likely to be minimal due to the limited visibility of the site from visual receptors in the surrounding area. A small number of relatively minor differences in judgement of the severity of some of the localised visual impacts are unlikely to affect this overall conclusion.

## Conclusion

I am in agreement with the majority of the assessment of landscape impact presented in the LVA report. As discussed, this is broadly that some adverse landscape impact may be created, but would largely be limited to the site itself. Landscape impact at the wider and local level would be limited. Similarly, some adverse visual impact may result for a limited range of receptors adjacent to or close to the site. But visual impact overall would be limited by the restricted visibility of the site from the surrounding area.

There are some areas of disagreement in judgement on the severity of impact, but these are relatively minor, and apply only to the relatively limited range of impacts identified.

- In summary, despite outstanding minor differences in judgement, and some significant impacts at the site level, I am in agreement with the conclusion in the LVA that landscape and visual impact overall is considered to be limited.

Environmental Protection Officer

The application site is located in an area with relatively low background noise levels. As part of this application, a Phase 1 Desk Top Study has been carried out by ARP Geotechnical Ltd, which identifies the need for a full phase 2 investigation. No objections to the proposed development subject to conditions to secure site investigations and any necessary remediation.

Sheffield City Council Ecology Unit

Evidence of qualifications and experience for surveyors for each of the species groups and habitats surveyed has been provided and agreed.

Field Survey – Species

"Given the nature of the habitats within and immediately surrounding the site, particular consideration was given to the potential presence of birds, bats, badger, amphibians and reptiles." Some points to note include:

- SCC's Ecologist has confirmed that it is not anticipated that there will be any site level impacts on brown hare.
- No waterbodies suitable for breeding Great Crested Newts were located at or within 500m of the site. Therefore, GCN are not a statutory constraint to proposals.
- No water vole is recorded from Sheffield Biological Records Centre from on or nearby the site.
- There is a low potential for white clawed crayfish to be present in the beck in Fox Glen (Clough Dike)
- Birds are discussed in detail in the wider report/assessment section below.
- The Ecology Unit has confirmed that the bat survey methods are acceptable and there is no objection relating to bats.
- With respect to Invertebrates the species considered were butterflies and moths and no species of high conservation value were mentioned. It was stated that mitigation measures would mean that impacts or "effects" would be avoided.

Potential Effects on the Local Wildlife Site

In relation to potential effects on the Fox Glen ANHI and LWS, the Ecology Unit has confirmed that subject to the inclusion of appropriate buffer zones, ecological mitigation and a commitment to Biodiversity Net Gain, the development would be acceptable in principle.

Planning conditions will therefore be imposed relating to mitigation requirements and Biodiversity Net Gain and a directive will state that a more comprehensive buffer strip will be required adjacent to the woodland as part of any future reserved matters scheme.

## Conclusions

A further consultation response was provided following the submission of an Ecological Update and Review dated 17<sup>th</sup> January 2020. This concludes that, although the updated field survey work has been carried out at a sub-optimal time of year (January 2020), it is accepted that the site is still predominantly low-value poor semi-improved grassland and is 'largely unchanged'.

On this basis, the Ecology Unit has confirmed that it has removed its objection to the application and is accepting of the current survey work, subject to development progressing within 12 months. If this does not occur then a planning condition will be required to secure further survey work before development commences and this should be carried out within the optimal survey period.

## Lead Local Flood Authority

The Lead Local Flood Authority has confirmed that discussions have been held with the Applicant regarding a SUDS basin and sketch layouts have been provided. The LLFA has confirmed that a SUDs basin is acceptable in principle to provide a solution to surface water management for flow control and pollution treatment but more detailed work will be required at the detailed design stage and this will need to be agreed as part of any future Reserved Matters planning application.

## Coal Authority

The Coal Authority concurs with the recommendations of the Stage 1 Geo-Environmental Desk Study Report; that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

## Sheffield City Council Conservation and Design

The following comments were provided in relation to the Heritage Statement submitted in January 2020.

- The statement generally follows the guidance produced by Historic England and covers the appropriate policy.
- Some concerns regarding the significance levels. The historical benefit is medium not low to medium due to the rarity in Deepcar.

- The identified harm is less than substantial and the setting and character of the listed farm is preserved.

The background and policy are covered. The conclusion is:

“It is therefore concluded that there is some intervisibility between the Site and the Heritage Assets of Royd Farm but the design of the development has taken considerable steps to control and minimise the impact of these, the result being that they cause Less than substantial harm, the degree of which is at the lowest end of this categorisation of harm”.

This should be clarified (considerable steps) - some mitigation works i.e. the widening of the open space between the houses and farm, and there should be a planting plan/maintenance plan to maintain the screening to the listed building.

The material for the new houses should be natural stone and slate to further enhance and maintain the setting.

On balance I am happy that the setting of the listed farm complex has been identified and that mitigation has taken place to reduce any harm to these assets.

In relation to Walder’s Low burial mound (a non-designated heritage asset located 450 metres to the south), the Conservation and Design Team conclude that its significance will not be affected by the development and its setting and related views are preserved and the significance can be appreciated. The historic fabric will not be affected. Overall, there will be no impact upon this non-designated heritage asset.

## STATUTORY PLANNING POLICY CONTEXT AND OTHER MATERIAL CONSIDERATIONS

The Statutory Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.

The statutory Development Plan for the area comprises the Sheffield Core Strategy (2009) and the saved policies of the Sheffield Unitary Development Plan (UDP) (1998). The Proposals Map forms part of the Sheffield UDP.

The National Planning Policy Framework (NPPF) is a material consideration. The most recent version of the NPPF is dated February 2019 and therefore post-dates the preparation and adoption of both the Sheffield UDP and Core Strategy.

Paragraph 213 of the NPPF states that ‘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)’.

The relevant policies of the statutory Development Plan are set out below, along with an assessment of their degree of consistency with the policies in NPPF. Conclusions are then drawn as to how much weight can be given to each policy in the decision making process in line with the requirements of NPPF paragraph 213.

#### Sheffield Unitary Development Plan (1998)

The site forms the eastern part of a wider Open Space Area (OSA) allocation on the Sheffield UDP Proposals Map (1998).

The relevant policy is saved policy LR5 'Development in Open Space Areas' of the UDP. This is a key policy which is most important for determining the application in line with NPPF paragraph 11.

Policy LR5 states:

Development in Open Space Areas will not be permitted where:

- (a) it would cause damage to nature conservation sites, Scheduled Ancient Monuments or other archaeological sites; or
- (b) it would cause damage to mature or ancient woodland or result in a significant loss of mature trees; or
- (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
- (f) it would damage the character of a Historic Park or Garden; or
- (g) it would harm the character or appearance of a Public Space; or
- (h) it would result in the loss of open space which is of such quality that it is of City-wide importance; 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
- (k) the proposed use would be incompatible with surrounding land uses.

Open space is defined within the UDP as 'a wide range of public and private areas'. This includes parks, public and private sports grounds, school playing fields, children's playgrounds, woodland, allotments, golf courses, cemeteries and crematoria, nature conservation sites, other informal areas of green space and recreational open space outside the confines of the urban area. On the Proposals Map, areas over 0.4 hectares are normally defined as Open Space Areas or are included in the Green Belt.

The application site is part of a privately owned area of open countryside. This is used as grazing land and is not accessible to the public. The site's value to the local community is the visual amenity afforded by its open character and appearance from public vantage points located outside the site (including road frontages and users of PROWs) along with views from private residential properties, providing a feeling of being in the rural countryside due to the site's openness which allows views across it.

As the site has no public access, the visual amenity afforded by its open character can only relate to views over it from surrounding vantage points.

Turning to consider the consistency of UDP policy LR5 with the NPPF, the key issue to consider is whether an area of inaccessible land, allocated as open space but valued only for its visual amenity from public vantage points outside the site, falls within the definition of open space in the NPPF annex. The second issue leading from this is whether NPPF paragraph 97 applies; this relates to open space.

The NPPF annexe defines open space 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'. The use of the word 'and' indicates that the site has to offer an important opportunity for sport and recreation and if it does, it can also make a contribution to visual amenity i.e. visual amenity itself is not a reason for it being classed as open space. The site has no public access and does not provide any opportunities for sport or recreation.

Visual amenity is not therefore a standalone function of open space as per the NPPF annexe definition and NPPF paragraphs 96 and 97 which relate to open space cannot apply to land valued only for visual amenity.

Furthermore, NPPF paragraph 97 cannot apply to land primarily safeguarded for its visual amenity. This is because open space protected for its visual amenity could never be deemed surplus to requirement (NPPF para 97a) or be replaced by equivalent or better provision (NPPF para 97b). Therefore, the protection of land for visual amenity alone is not consistent with the open space policies of the NPPF.

If land valued only for its visual amenity benefited from the protection of NPPF paragraph 97, this would also have consequences for a substantial number of non-Open Space Area sites and would undermine the landscape policies of the NPPF.

Visual amenity is therefore more relevant to landscape and visual assessment rather than open space. The planning assessment set out within the section below therefore proceeds on this basis.

On this basis, it is concluded that UDP Policy LR5 goes beyond the requirements of the NPPF and any element of it relating to the protection of open space for visual amenity alone is not consistent with the NPPF and can only carry limited weight in line with NPPF paragraph 213 (which requires weight to be given according to the degree of consistency with the policies of the NPPF).

The site does not meet the criteria for the designation of Local Green Space set out in paragraph 100 of the NPPF.

As policy LR5 forms part of the statutory Development Plan, the application is still assessed against its criteria below but within the context that this policy can only be given limited weight in the decision making process.

The following saved policies of the Sheffield UDP are also of relevance to the assessment of the application: Policies BE5 (Building design and siting), BE15 (Areas and buildings of special architectural or historic interest), BE19 (Development affecting listed buildings), GE10 (Green Network), GE11 (Nature Conservation and Development), GE12 (Sites of Special Scientific Interest and Local Nature Reserves), GE13 (Areas of natural history interest and local nature sites), GE15 (Trees and woodland), GE17 (Rivers and streams), GE22 (Pollution), GE23 (Air pollution), GE26 (Water quality of waterways) and H16 (Open space in new housing developments). These policies relate to site specific matters rather than the overall principle of development and generally conform to the requirements of the NPPF so can be given weight in the determination of the application but they are not key policies which are most important for determining the application in line with NPPF paragraph 11. These policies are addressed within the planning assessment below where relevant.

#### Sheffield Core Strategy (2009)

The Sheffield Core Strategy contains a countryside policy CS72 'Protecting Countryside not in the Green Belt'. This is a key policy which is most important for determining the application in line with NPPF paragraph 11.

Policy CS72 states:

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 the following locations:

- a. to the east of Woodhouse
- b. to the south-west and north of Mosborough Village (at Mosborough Moor and Moor Valley)
- c. at the former Holbrook Colliery
- d. south of Stocksbridge (at Hollin Busk).

Policy CS72 does not make specific land allocations and protects countryside for its own sake i.e. it is a restrictive policy and in effect places an outright bar on development in the countryside. It was adopted within a national planning policy context of restriction where there was sufficient land for housing within the district and additional housing land did not need to be found.

The policy approach in CS72 is not consistent with the NPPF which does not protect countryside for its own sake (i.e. it does not impose outright restrictions on development in countryside) but instead requires that all decisions recognise the intrinsic character and appearance of the countryside.

On this basis, it is concluded that policy CS72 goes beyond the requirements of the NPPF as it is an in-principle policy of restriction and can only carry limited weight when assessed for consistency with it in line with NPPF paragraph 213.

As policy CS72 forms part of the statutory Development Plan, the application is still assessed against it but within the context that any conflict can only be given limited weight in the decision making process.

Core Strategy Policy CS47 relates to 'Safeguarding of Open Space'. The Core Strategy does not make land allocations and the application site does not fit in to any of the formal or informal categories of open space as defined in paragraph 9.26 of the Core Strategy. Policy CS47 cannot therefore apply to the application and the scheme cannot be assessed against it.

Policy CS22 sets out the scale of the requirement for new housing over the plan period and is therefore a policy which is most important for determining the application. However, Sheffield's housing requirement is now based on the Government's standard methodology for calculating Local Housing Need contained in its planning practice guidance Housing and Economic Needs Assessment (MHCLG Guidance 2015 updated February 2019). It is necessary to calculate local housing need using the standard methodology because SCC's strategic planning policies are more than five years old and have not been reviewed and found to not need updating. Policy CS22 can only carry limited weight in the decision making process on this basis. This is discussed in further detail below.

Policy CS23 identifies general locations for new housing development albeit the Core Strategy does not make specific site allocations; on this basis it is a key policy for determining the application in line with NPPF paragraph 11. The policy outlines that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. The policy states that up to 2021, the main focus for housing development will be on suitable, sustainably located sites within, or adjoining, the main urban area of Sheffield (90% of additional dwellings) and the urban area of Stocksbridge / Deepcar. The policy goes on to reference the countryside policy restrictions as set out in policy CS72 in relation to developments outside the urban areas and larger villages and therefore its weight is diminished for the reasons set out above in relation to policy CS72. However, in any event, the application site adjoins Deepcar and conforms with the general approach set out in policy CS23.

Policy CS24 relates to the distribution of development on brownfield / greenfield land within the authority and Policy CS33 relates to development within the Stocksbridge / Deepcar area, on this basis these are key policies for determining the application in line with NPPF paragraph 11. In relation to previously developed land (PDL), Core Strategy Policy CS33 states that within Stocksbridge / Deepcar, new housing will be limited to PDL within the urban area. However, Policy CS24 envisages greenfield release on sites such as the application site where there is a lack of 5YHLS. Although there is an element of tension between policies CS24 and CS33, compliance with the Development Plan needs to be assessed against the requirements of the Development Plan taken as a whole and a view has to be taken by the decision maker where policies pull in different directions.

However, the NPPF does not advocate a brownfield first approach and therefore CS33 is out of date in any event in line with NPPF paragraph 213. Similarly, Core Strategy Policy CS24 prioritises housing development on previously developed land,

albeit this is not an absolute prioritisation. However, CS24 stipulates a proportionate prioritisation of brownfield land and is therefore also not supported by NPPF although the degree of non-conformity with NPPF is less than CS33.

The following Core Strategy policies are also of relevance to the assessment of the application: Policies CS26 (Efficient use of housing land and accessibility), CS40 (Affordable housing), CS51 (Transport priorities), CS53 (Management of demand for travel), CS63 (Responses to climate change), CS64 (Climate change, resources and sustainable design of developments), CS65 (Renewable energy and carbon reduction), CS67 (Flood risk management), CS73 (The strategic green network) and CS74 (Design principles). Policy CS63 contains a requirement for preference to be given to development of previously developed land where this is sustainably located, this goes beyond the NPPF which does not advocate a brownfield first approach so this element of policy CS63 cannot carry full weight. The remainder of these policies relate to site specific matters rather than the overall principle of development and generally conform to the requirements of the NPPF so can be given full weight in the determination of the application but they are not key policies which are most important for determining the application in line with NPPF paragraph 11. These policies are addressed within the planning assessment below where relevant.

### Current Housing Position

The current housing requirement, housing land supply and delivery position is set out below.

### Local Housing Need

The Government's standard methodology is used to calculate the housing requirement of 2,124 net additional homes per year for Sheffield (2019) as required by NPPF paragraph 73.

This translates to a requirement to provide 10,620 net additional homes over the 5 year period from 1 April 2019 to 31 March 2024 inclusive.

A 5% buffer is applied to this figure to ensure choice and competition in the market for land as required by NPPF paragraph 73. This produces a total net 5 year housing land requirement of 11,151 homes over the period 1 April 2019 to 31 March 2024 inclusive.

NPPF paragraph 73 confirms that this is a minimum figure in line with the Government's objective to significantly boost the supply of homes set out at NPPF paragraph 59.

### Five Year Housing Land Supply Position

The Five Year Housing Land Supply Monitoring Report (published May 2020) sets out the housing land supply position for Sheffield as at 31 March 2019. The five year period runs from 1 April 2019 to 31 March 2024 inclusive.

The report identifies a gross supply of 11,642 new homes over the 5 year period from sites with either full or outline planning permission, development plan allocations, sites with permission in principle and sites identified on the brownfield register. Estimated losses of 250 are deducted from this figure producing a net supply of 11,392 additional homes over the 5 year period compared with a net requirement for 11,151 additional homes.

The Five Year Housing Land Supply Monitoring Report (published May 2020) concludes that the 5 year deliverable supply of housing over the period 1 April 2019 to 31 March 2024 inclusive is 5.1 years.

A five year supply of deliverable housing sites (with the appropriate 5% buffer as determined by the results of the Housing Delivery Test – see below) can therefore be demonstrated in Sheffield against the identified local housing need in line with NPPF paragraph 73.

### Housing Delivery

The 2019 Housing Delivery Test confirms that 112% of Sheffield's housing requirement has been built over the last 3 years (also 112% in 2018). Therefore, there has not been significant under delivery within the District over this period in relation to the 45% threshold set out in the transitional arrangements detailed at NPPF paragraph 215.

This result also indicates that SCC's Development Plan policies will not be considered out of date solely on the basis of past delivery.

### National Planning Policy Framework (2019)

The National Planning Policy Framework (NPPF) contains the Government's planning policies for England; it promotes sustainable growth and gives significant weight to supporting housing delivery through the planning system.

Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 explains that achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the three different objectives). Paragraph 10 explains that at the heart of the NPPF is a presumption in favour of sustainable development to ensure that sustainable development is pursued in a positive way. This presumption in favour of sustainable development is set out in NPPF paragraph 11. Paragraph 11 states:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>7</sup>, granting planning 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 proposed<sup>6</sup>; or
  - ii. 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.

Footnote 6 sets out a list of areas / assets of importance to which paragraph 11d) i) relates. The only items relevant to the determination of this application are designated heritage assets.

Footnote 7 confirms that policies which are most important for determining the application are out of date includes, for applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in paragraph 215 in Annex 1 of the NPPF and confirm that for the purpose of footnote 7, substantially below the housing requirement means where delivery was below a threshold of 45% for 2019.

The sections of the NPPF that are relevant to the assessment of this application include:

- Section 2: Achieving Sustainable Development
- Section 4: Decision-making
- Section 5: Delivering a sufficient supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment

The NPPF is a material consideration in the determination of planning applications and is referred to within the planning assessment below where relevant.

#### Planning Practice Guidance (PPG)

The PPG provides more detailed guidance to support and assist the interpretation and implementation of policies contained within the NPPF. This is referred to where relevant within the planning assessment below.

## Draft Sheffield Plan

Work on the emerging Draft Sheffield Plan is at a very early stage. A call for sites consultation took place from 16th December 2019 to 7th February 2020 and a new Issues and Options consultation is proposed to take place from July to September 2020. Given that the preparation of the Draft Sheffield Plan is at such an early stage, it cannot carry weight in the assessment of this planning application.

## Neighbourhood Plan

A Stocksbridge Neighbourhood Area has been designated under the Government's National Planning (General) Regulations 2012 as amended, however Stocksbridge Town Council have advised that work on the preparation of the Stocksbridge Neighbourhood Plan is not being progressed and as such carries no weight in the assessment of this planning application.

## Other Material Considerations

Guideline GOS1 of the Council's Supplementary Planning Document (SPD) on Community Infrastructure Levy and Planning Obligations (2015) states that for residential developments over four hectares, a relevant proportion (a minimum of 10%) of the site should be laid out as open space, except where provision of recreation space in the local area would continue to exceed the minimum guideline after the development has taken place or it would be more appropriate to provide or enhance recreation space off-site within the local area.

The SPD also provides guidance on affordable housing. The proposed development exceeds the 15 or more dwellings threshold and lies within an area where there is a required level of contribution of 10% identified in Guidelines GAH1 and GAH2 of the Planning Obligations document.

## PLANNING ASSESSMENT

### PRINCIPLE OF DEVELOPMENT

#### Development within Open Space Area

The site forms the eastern part of a wider Open Space Area (OSA) allocation on the Sheffield UDP Proposals Map (1998). The relevant policy is saved policy LR5 'Development in Open Space Areas' of the UDP. This sets out a range of circumstances where development within open space will not be permitted. These are listed within the policy section above.

Policy LR5 states:

Development in Open Space Areas will not be permitted where:

- (a) it would cause damage to nature conservation sites, Scheduled Ancient Monuments or other archaeological sites; or

- (b) it would cause damage to mature or ancient woodland or result in a significant loss of mature trees; or
- (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
- (f) it would damage the character of a Historic Park or Garden; or
- (g) it would harm the character or appearance of a Public Space; or
- (h) it would result in the loss of open space which is of such quality that it is of City-wide importance; 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
- (k) the proposed use would be incompatible with surrounding land uses.

In respect of item (a), UDP policies GE12 and GE13 relate to nature conservation sites which are Sites of Special Scientific Interest, Local Nature Reserves, Areas of Natural History Interest and Local Nature Sites. Alongside the application site is an Area of Natural History Interest and Local Wildlife Site (ANHI and LWS) centred on Fox Glen Wood. The north-western boundary of the application site runs alongside this ANHI, and in part overlaps slightly into the ANHI at its south western end. The application site does not fall within any of these other designations. SCC's Ecology Unit has considered the application and has not raised any objections to the proposal on the basis that harm would be caused to a nature conservation site, subject to the inclusion of appropriate buffer zones, ecological mitigation and a commitment to Biodiversity Net Gain (all of which will be controlled by planning conditions and a directive). The site does not contain any Scheduled Ancient Monuments or archaeological sites and it has been concluded that the scheme would not cause harm to the Walder's Low burial mound (a non-designated heritage asset (archaeology)) or its setting. It is therefore concluded that the proposed development would not cause damage to nature conservation sites, Scheduled Ancient Monuments or other archaeological sites.

In respect of item (b), the Tree Officer has been consulted and has not raised any concerns that the proposal would cause damage to mature or ancient woodland or would result in a significant loss of mature trees.

In respect of item (c), the proposal would not significantly detract from the green and open character of the Green Network. Although the green link may be narrowed, it will not be broken and the key route will remain through Fox Glen Wood to the north linking into the scheme's open space combined with adjacent open countryside to the west. Access to the green network will also be enhanced through the provision of footpath links into Fox Glen Wood from the site. On this basis, although there will be a change to the character of the application site itself, development would not significantly detract from the green and open character of the Green Network.

In respect of item (d), the site itself does not form an environmental buffer between sensitive uses, such as housing, and uses which can cause disturbance, such as heavy industry. On this basis, the development would not make an open space ineffective as an environmental buffer.

In relation to item (e), the proposed development is located within the setting of Royd Farmhouse and Barn and Farm Buildings (Grade II Listed Buildings), Cruck Barn (Grade II Listed Building) and the Bolsterstone Conservation Area. The applicant has submitted a Heritage Statement and the Conservation Officer has been consulted on this and has concluded that the proposed development would not harm the setting of a listed building or other historic building. Important views are defined on the UDP Proposals Map and the site is not identified as being within or close to one and the site does not form a Valued Landscape. On this basis, the proposed development would not 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.

In relation to item (f), the application site does not form part of an historic park or garden or its setting and will not therefore damage the character of a Historic Park or Garden.

In relation to item (g), the application site does not form part of a public space (which are defined on the UDP Proposals Map) and will not therefore cause harm to the character or appearance of a Public Space on this basis.

In relation to item (h), the application site is not identified as being of such quality that it is of city-wide importance as open space. The development would not therefore result in the loss of open space which is of such quality that it is of City-wide importance.

In relation to criteria (i), the site is located within close proximity to existing urban development with residential areas located across Carr Road to the south east, along Carr Road to the north east and beyond Fox Glen Wood to the north; the proposed development is not therefore out of character with the land use in the surrounding area and would not harm the overall character of the area. The scheme achieves an appropriate density of development in relation to the surrounding pattern of development in the area and the indicative design and landscaping of the scheme are appropriate albeit they would be agreed at Reserved Matters stage. The scheme does not therefore result in over development and would not result in an unpleasant environment for people living or working next to the site.

In relation to criteria (j), the applicant has undertaken a Landscape and Visual Impact Assessment (LVIA) which has been reviewed by the Council's Landscape Architect.

As is set out in further detail below, it is concluded that that some adverse landscape impacts may be created, but these would largely be limited to the site itself. However, in the broader context of landscape impact taken as a whole in terms of surrounding landscape character, the impact of development on the wider landscape (at both the wider and local level) would be limited. On this basis, it is concluded that the harm caused therefore relates to the rural character of the site itself rather than harm to the rural character of the wider countryside. It is therefore concluded the proposed development would not harm the rural character of a wedge of open countryside.

In relation to item (k), existing residential development is located across Carr Road to the south east, along Carr Road to the north east and beyond Fox Glen Wood to the north. The proposed use would not therefore be incompatible with surrounding land uses.

The proposed development has been assessed against the criteria of UDP Policy LR5 'Development in Open Space Areas' above and no conflict has been identified, albeit recognising that this policy only carries limited weight in the decision making process as it goes beyond the requirements of the NPPF. On this basis, policy LR5 does not direct that development in this Open Space Area allocation should be restricted.

#### Development within the Countryside

Core Strategy policy CS72 'Protecting Countryside not in the Green Belt' confirms that the green, open and rural character of areas on the edge of built up areas, including south of Stocksbridge at Hollin Busk, will be defined as open countryside and safeguarded.

As is explained fully in the planning policy review above, Policy CS72 does not make specific land allocations or contain any assessment criteria beyond providing blanket protection for countryside for its own sake. It in effect places a bar on all development in the countryside which is inconsistent with the NPPF. The NPPF recognises the intrinsic character and appearance of the countryside, albeit within a balanced framework, but does not protect countryside for its own sake. On this basis, as policy CS72 goes beyond the requirements of the NPPF, it can only carry limited weight when assessed for consistency with it in line with NPPF paragraph 213.

As the proposed development will not safeguard the application site as open countryside, the application therefore conflicts with Core Strategy policy CS72. However, for the reasons set out in the planning policy review above, this policy cannot carry weight in the decision making process because it is out of date in relation to the requirements of the NPPF, which is a material consideration in planning decisions.

#### Maximising the Use of Previously Developed Land for Housing

Core Strategy Policies CS33 and CS24 both seek to prioritise the development of brownfield land and are not consistent with NPPF. Policy CS33 represents a complete prioritisation of brownfield land, limiting new housing to brownfield land within the urban area of Stocksbridge/Deepcar. Policy CS24 similarly prioritises previously developed land over greenfield land although allows for greenfield land release on sites adjoining the urban area, such as the application site, should a 5-year housing land supply not be identified. Policy CS24 is therefore not in conformity with NPPF, but less so than CS33 and may be given some limited weight in the consideration of the application.

As the application proposes the development of an area of greenfield land, the proposal conflicts with Core Strategy Policy CS33 which restricts housing

development to previously developed land within the urban area of Stocksbridge / Deepcar. The development of greenfield land also conflicts with Policy CS24 in this instance as a 5 year supply of deliverable housing sites can currently be demonstrated and the remaining policy criteria does not apply to this location.

However, for the reasons set out in the planning policy review above, policy CS33 cannot carry weight in the decision making process because it is out of date in relation to the requirements of the NPPF, which is a material consideration in planning decisions. Policy CS24 carries reduced weight as it again prioritises brownfield sites and goes beyond the requirements of the NPPF, albeit greenfield development is allowed by this policy in certain circumstances.

## IMPACT UPON LANDSCAPE

As visual amenity is identified as the site's key value, landscape policies are particularly relevant to the assessment of the application.

### Valued Landscape

Paragraph 170 of the NPPF seeks to protect and enhance 'valued landscapes' (VL) in a manner commensurate with their statutory status or identified quality in the Local Plan.

The 2019 NPPF does not require a site to be formally designated as a valued landscape in order to qualify as a valued landscape but it does now require a landscape's quality to be specifically identified in the Local Plan in order for it to constitute a valued landscape. To form a valued landscape, the site would need to have demonstrable physical attributes taking it beyond mere countryside. There is nothing in the Development Plan documents that identifies the site's landscape quality such that it might be considered to be a valued landscape. The UDP contains a High Landscape Value designation which does not apply to the application site. The Core Strategy does not contain a policy that explicitly relates to valued landscapes.

The site is not a designated landscape and is not identified as an Area of High Landscape Value in the UDP. As such the site does not form a 'valued landscape'.

### Landscape and Visual Impact

Although the site is not a Valued Landscape, any harm to features that may be relevant to the objective of recognising the intrinsic character and appearance of the countryside are material considerations. Paragraph 12.8 of the Core Strategy's reasoned justification for policy CS72 identifies Hollin Busk as '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'.

In order to assess any harm that the proposal may cause to features that are relevant to the objective of recognising the intrinsic character and appearance of the countryside, the application is supported by a Landscape and Visual Impact Assessment (LVIA) which draws the following conclusions:

- 1 The immediate landscape is of medium landscape value and is not a VL in the context of the NPPF.
- 2 In terms of landscape effects, the site and immediate landscape is of medium susceptibility to change and has the ability to absorb well-planned development. On completion, the impact on the site would result in a moderate adverse landscape effect reducing to moderate-minor adverse in the longer term once landscape mitigation is established. Whilst there will be a degree of harm, effects will be localised and benefits will be secured through greenspace and habitat creation.
- 3 In terms of visual effects, the number of receptors of high susceptibility that have clear views of the site are limited to:
  - Residential receptors: Carr Road and Royd Lane - major-moderate adverse effects on completion reducing to moderate adverse in the longer term following the establishment of green infrastructure.
  - Residential receptors: Hollin Busk Lane and Broomfield Lane - moderate adverse effects reducing to moderate-minor effects in the longer term.
  - Public Right of Way (PROW) users: Fox Glen (limited in extent to one or two locations) - moderate adverse reducing to minor adverse in the longer term.
  - PROW users: South from Bolsterstone - moderate-minor adverse reducing to minor adverse in the longer term.
  - Highway users: Hollin Busk Lane, Carr Lane, Royd Lane and Cockshot Lane - moderate–minor adverse reducing to minor adverse in the longer term.
- 4 Overall, the Applicant's LVIA concludes that the site's landscape character has the ability to absorb development of the scale and type proposed. Impacts on landscape and visual receptors would be minimised. The proposed development would not result in any unacceptable long term landscape and visual harm on landscape character and amenity.

SCC's Landscape Architect has reviewed the applicant's LVIA and the consultation comments are set out in full detail in the consultation summary section above and the overall conclusions are summarised below.

#### Landscape Impact

In relation to Landscape Impact, the Landscape Architect agrees with the majority of the assessment of landscape effects presented in the appraisal report. Broadly, this is that the adverse impact of development on the wider and local landscape resource would be limited. There will be some significant localised adverse landscape impacts on the site itself. However, in the broader context of landscape impact taken as a whole in terms of surrounding landscape character, the impact of development on

the wider landscape is likely to be limited. A small number of relatively minor differences in judgement of the severity of some of the localised site impacts are unlikely to affect this overall conclusion.

## Visual Impact

In relation to visual impact, the Landscape Architect agrees with the majority of the assessment of visual impact presented in the LVA report. Broadly, this is that visibility of the site from the surrounding area and the range and quantity of visual receptors is limited. The main receptors are residents living on streets next to the site, users of public rights of way close to the site boundaries and highway users close to site boundaries. Visual impact is therefore largely confirmed to a limited range of receptors in the immediate vicinity of the site.

The Landscape Architect also broadly agrees with the conclusions of the LVA regarding the severity of visual impact on this limited range of visual receptors, varying between major-moderate adverse for some residential receptors to minor adverse for some highway and PROW receptors. The Landscape Architect concludes that the severity of visual effects may be slightly greater than stated in the LVA for some residents and highway users adjacent to the site. Also that the reduction in severity of visual effects in the long term due to landscape planting may be slightly less than as stated for some residents and PROW users adjacent to the site. However, a small number of relatively minor differences in judgement of the severity of some of the localised visual impacts are unlikely to affect this overall conclusion.

In summary and in line with the LVA, the Landscape Architect concludes that there will be some localised adverse visual effects in the immediate vicinity of the site for a limited range of receptors. However, visual impact overall is likely to be minimal due to the limited visibility of the site from visual receptors in the surrounding area.

Overall, the Landscape Architect concludes that, despite outstanding minor differences in judgement, and some significant impacts at the site level, there is agreement with the conclusion in the LVA that landscape and visual impact overall is considered to be limited.

On the basis of the above, it can be concluded that landscape and visual impacts will largely be confined to the site itself and its immediate surrounds rather than resulting in any harm to the wider area.

Landscape and visual impact on the wider area will be very minimal given the low visibility of the site and low number of receptors. When private residential views are taken out of the equation (as the loss of a private view cannot not be a material planning consideration), the number of visual receptors are very low.

The visual and landscape harm does not go beyond the fact that the site itself changes from undeveloped to developed land. This change from undeveloped to developed land will be substantial, however this does not go beyond that which would occur with the development of any greenfield site.

On this basis, the proposal complies with UDP Policy LR5 (albeit this carries reduced weight in the decision making process as it goes beyond the requirements of the NPPF) and also NPPF paragraph 170.

## TREES AND ECOLOGY

The site is crossed in part by a Green Corridor and Green Link as identified in the UDP (Map 4 The Green Network). Although the map is, diagrammatic in form, it does show that the land is important for linking together areas of open space. UDP Policy GE10 states that a network of Green Corridors and Green Links will be (a) protected from development which would detract from their mainly green and open character or which would cause serious ecological damage, and (b) enhanced by encouraging development which increases their value for wildlife and recreation. The proposal, which incorporates open space, will reduce the effectiveness of the green link but will not result in a break in it.

Core Strategy Policy CS73 relating to the strategic green network states that within and close to urban areas, a Strategic Green Network will be maintained and where possible enhanced, which will follow the rivers and streams of the main valleys. The valleys and corridors listed in this part of the policy does not include Hollin Busk/Fox Glen/Clough Dyke. However, the policy goes on to say that “These Green Corridors will be complemented by a network of more local Green Links and Desired Green Links.”

UDP Policies GE11 and GE13 seek to protect the natural environment and enhance areas of natural history interest. UDP Policy GE12 states that development which would damage Sites of Special Scientific Interest or Local Nature Reserves will not be permitted. UDP Policy GE15 seeks to encourage and protect trees and woodland, and UDP Policies GE17 and GE26 seek to protect and enhance streams and rivers and water quality.

NPPF paragraph 170 states that decisions should contribute to and enhance the natural and local environment by a) protecting and enhancing sites of biodiversity value, b) recognising the wider benefits from trees and woodland and d) minimising impacts on and providing net gains for biodiversity.

NPPF paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists, and (d) opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Habitats and species are also subject to other legislation including the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

Section 41 of the Natural Environment and Rural Communities Act 2006 lists species which are of principle importance for the conservation of biodiversity in England; the non-statutory Red and Amber lists of Birds of Conservation.

In respect of those areas or assets of particular importance identified in the NPPF, the application site is not a Special Protection Area (SPA) or a potential SPA, is not a Special Area of Conservation (SAC) or a possible SAC, is not a listed or proposed Ramsar site, and is not identified as or required as compensatory measures for adverse effects on such habitats. The application site is not a Site of Special Scientific Interest. It is not an irreplaceable habitat as defined in the NPPF.

Alongside the application site is an Area of Natural History Interest and Local Wildlife Site (ANHI and LWS) centred on Fox Glen Wood. The north-western boundary of the application site runs alongside this ANHI, and in part overlaps slightly into the ANHI at its southwestern end.

Whilst the site is open in character, there are trees sporadically located mainly along the field boundaries within and on the edge of the site. Alongside the eastern boundary of the site there is a group of mixed deciduous trees in the gardens of the houses at and close to Royd Farm which are the subject of a Tree Preservation Order. A watercourse runs through Fox Glen wood.

The applicant's Arboricultural Assessment noted that there are few trees of merit within the field parcels and the boundary trees provided the highest quality specimens including some veteran trees. The northern boundary trees and the highest category trees on Carr Road are to be retained. Most other trees are also proposed to be retained, except for, two low quality trees (T28, T29 as identified on the applicant's tree survey) on the Carr Road frontage which would be removed in order to accommodate the proposed site access, and three further low quality trees within the site (T37, T38, T41). The proposed surface water drainage route to Clough Dyke will impact on some trees with the removal of a group of young hawthorn/sycamore and holly trees (G1) and impact on the root protection area of four further trees. Replacement tree planting and new tree planting is proposed.

Three ecological submissions have been made to the Council. The information contained in the first submission with the original application documents was a Standard Ecological Appraisal and Protected Species Survey Report which included details of the Phase 1 Habitat Survey and species specific survey work. Following extended discussions with the Council, supplementary ecological information was then submitted in October 2018. This submission provided clarification on a number of matters raised by the Council over the determination period, including:

- The qualifications / experience of the surveyors;
- Clarification of the location and results of hedgerow surveys; and
- Additional clarification relating to species specific surveys.

In addition to these matters of clarification, this document also considered the potential ecological effects arising from the construction of surface water discharge through the Fox Glen Local Wildlife Site (LWS) to the Clough Dyke.

A Winter Bird Survey (WBS) and two Spring breeding bird surveys were carried out in 2017. The Spring surveys did identify a number of species of which 17 and eight respectively were on the Amber and Red list. 7 were considered possible breeders on the site. The assessment concluded that the site did not support a significant population or provide a significant resource for species in the SPA and SSSI designations

The WBS recorded a number of species of which 11 were on the Red and Amber listed but it was confirmed that all the species were common and abundant in South Yorkshire and no significant populations were registered. The site was considered to be of local value during winter for the notable species.

The Reports note the impacts arising from the proposed development are habitat loss and change and disturbance during construction and operation, and states that the retention of existing vegetation and new areas of tree planting, drainage balancing facilities, open space and new residential gardens will provide adequate compensation for the loss of suitable winter habitats for many of the recorded species. The WBS Report states that there would be a minor negative residual impact on redwing (new shrub planting would provide alternative foraging) and meadow pipit (a common amber list species) will be lost from the site. The report identifies the opportunity to retain and improve the hedgerows, and provide new planting and nesting boxes.

The applicant's Ecology Assessment concludes that the potential impact to the nature conservation status of the South Pennine Moors SAC/SPA are likely to be neutral, no impacts on the conservation value of Fox Glen Wood LWS are anticipated, that the habitats are of no more than local nature conservation value for birds, that low levels of bat activity from common and widespread species were recorded, and that any areas of grassland lost can be mitigated for within a landscape scheme to create more species diverse grassland.

The City Council's Ecology Unit has assessed the surveys and the findings and advised that these are acceptable and has confirmed that the residual concerns for the two bird species of conservation concern, i.e. Lapwing and Meadow Pipit have been further considered but set against the regional populations and assessing the quality of habitat meant that the development would not have a significant impact on these populations.

The proposals involve a surface water rock outfall within Fox Glen wood that would require the loss of a small area of Willow Tit habitat. To mitigate this and compensate for the loss, complimentary Willow Tit habitat management for the woodland and stream bed is recommended and will be conditioned.

An adequate buffer zone needs to be provided to the Fox Glen Area of Natural History Interest and Local Wildlife Site (ANHI and LWS) to ensure that it will not become isolated by the new development.

In relation to potential effects on the Fox Glen ANHI and LWS, the Ecology Unit has confirmed that subject to the inclusion of appropriate buffer zones, ecological mitigation and a commitment to Biodiversity Net Gain, the development would be acceptable in principle. The applicant has also indicated the possibility of new woodland planting to overlap with the southern end of the ANHI.

Planning conditions will therefore be imposed relating to mitigation requirements and Biodiversity Net Gain and a directive will state that a more comprehensive buffer strip will be required adjacent to the woodland as part of any future reserved matters scheme.

The applicant has stated that additional detailed mitigation strategies can be provided to the local planning authority at the detailed design stage, including managing the retained land for lapwing and meadow pipit.

An updated Phase 1 Habitat Survey was completed by the Applicant's ecology consultant on 7<sup>th</sup> January 2020 and comprised a walkover of the site, mapping and broadly describing the principal habitat types and identifying the dominant plant species present within each habitat type. The survey records that since completion of the original survey work in May and June 2016, no significant changes were recorded to either the habitats or the management of habitat within the site.

The single mature tree on the edge of the Fox Glen Woodland adjacent to the northern boundary of the site identified with the potential to support a bat roost in 2016 was still present. The roost potential offered by this tree has not increased or decreased.

The updated Phase 1 Habitat Survey concludes that as the habitat within the site has not changed since the previous surveys, the results of the previous species specific survey work remain valid and the minor revisions to the Masterplan do not require any further ecological surveys or alter the overall assessment or conclusions of the ecological submissions over the determination period.

The document also provides clarification on a number of other matters which have been raised in relation to ecology during the consideration of the planning application. These are set out in more detail in the consultation response summary section above.

A further consultation response has been provided by the Ecology Unit following the submission of this information. This concludes that, although the updated field survey work has been carried out at a sub-optimal time of year (January 2020), it is accepted that the site is still predominantly low-value poor semi-improved grassland and is 'largely unchanged'.

On this basis, the Ecology Unit has confirmed that it has removed its objection to the application and is accepting of the current survey work, subject to development progressing within 12 months. If this does not occur then a planning condition will be required to secure further survey work before development commences and this should be carried out within the optimal survey period.

The proposed development would have no significant impact on matters of ecology and tree loss. Should planning permission be granted, conditions are recommended to secure appropriate ecological improvements and management and biodiversity net gain. These requirements can be secured by condition with details to be agreed as part of the detailed design of the scheme at reserved matters stage. These measures could include the provision of bird and bat boxes, habitat for target species within the SUDS areas, retention of existing dry stone walls with measures to ensure connectivity for wildlife and a long term ecological management plan. A directive will also be added to any outline planning permission encouraging green roofs to be considered at reserved matters stage if possible and requiring the inclusion of a more comprehensive buffer strip adjacent to the Fox Glen ANHI and LWS.

The proposal complies with Core Strategy Policy CS73, UDP Policies GE10, GE11, GE12, GE13, GE15, GE17 and GE26, all of which carry weight in the decision making process, and NPPF paragraph 175.

## HABITAT REGULATIONS ASSESSMENT

Under the Conservation of Habitats and Species Regulations 2017 the Council must establish whether or not the proposed development will have any likely significant effects on any European site that might require further assessment. Permission for the development can only be granted if the development will not adversely affect the integrity of any European site. A Habitats Regulations Assessment (HRA) starts with a screening stage followed by an appropriate assessment stage if necessary.

The Council's Ecology Unit has carried out an HRA screening assessment for the proposed development.

The relevant conservation designations are the European Sites designations at South Pennine Moors Special Area of Conservation and the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area, and the Dark Peak SSSI, Canyon Hills SSSI, Wharnccliffe Crags SSSI.

The development proposal is not directly connected with or necessary to the management of the European site. The HRA screening exercise considers the potential impacts of the proposal on the designated sites conservation objectives and their significance, including increase in population, visitor pressure, domestic pets, local and construction traffic, air quality, and on supporting habitat on functionally linked land, and in combination.

Following assessment of the likely significant effects of the proposed development on any European site, the HRA concludes that the proposal is unlikely to have a significant effect on any European site/SSSI and can therefore be screened out from any requirement for further assessment.

Natural England and the Peak District National Park Authority have been consulted.

Natural England has no objection to the proposed development. Natural England considers that the proposed development will not have significant adverse impacts

on designated sites The South Pennine Moors (Phase 1) Special Protection Area (SPA), Dark Peak Site of Special Scientific Interest (SSSI), and the designated landscape Peak District National Park. Natural England advised the local planning authority under the Habitats Regulations to have regard for any potential impacts that a plan or project may have.

The Peak District National Park Authority has stated that they have no objections to the development as they consider it would not impact adversely upon the setting of the Peak District National Park.

## HIGHWAY AND TRANSPORTATION ISSUES

Core Strategy Policy CS51 relating to the strategic priorities for transport include maximising accessibility, containing congestion levels and improving air quality and road safety. Core Strategy Policy CS53 relating to the management of demand for travel includes implementing travel plans for new developments to maximise the use of sustainable forms of travel and mitigate negative impacts of transport, particularly congestion and vehicle emissions.

Paragraphs 102 to 111 of the NPPF promote sustainable transport. The NPPF, paragraph 109, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application site has frontages to Carr Road and Hollin Busk Lane both subject to 30 mph speed limits. Carr Road is a classified road (C324) and runs up the hillside through Deepcar from Manchester Road to its junctions with Hollin Busk Lane where the gradients are less steep.

Just to the north of the site on Carr Road there is an uncontrolled pedestrian crossing point with 'school keep clear' road markings and kerb buildouts close to the Royd Nursery Infant School.

There is currently no footpath on most of the application site's frontage onto Carr Road. A footpath runs alongside the Hollin Busk Lane frontage. There are no public rights of way on the application site.

There have been no recorded road traffic accidents within 100 metres of the proposed site access within the last five years. 1 slight injury accident was recorded at 50 metres south of the Cockshot Lane/Hollin Busk Lane/Carr Road/ Royd Lane junction, and three slight injury accidents at the Manchester Road/Vaughton Hill junction mainly due to driver error.

The proposed vehicular access to this development would be off Carr Road between the properties at Glenview and no. 94 Carr Road. The application site's frontage between these properties is approximately 107 metres with the proposed access to be sited approximately 35 metres north of the property at Glenview. The proposed access would have a 6 metre carriageway width, 2 metre wide footpaths, and visibility splays of 2.4 metres by 52 metres (north) and 44 metres (south). The Council's Highway Services have no objection to the site access design.

The applicant's Transport Assessment states that new footways would be provided from the site access northwards to tie in with the existing footway and southwards for a short distance with a new uncontrolled pedestrian crossing (i.e. dropped kerbs and tactile paving) providing a connection to the existing footway on the eastern side of Carr Road.

The indicative layout plan shows two additional proposed pedestrian accesses to the site off Carr Road.

The applicant's Transport Assessment has assessed the likely travel characteristics of the site with regards to accessibility by public transport and the configuration of the local highway network with a baseline mode share of trips of 69.8% by car, 11.3% by bus, 9% on foot for journey's to work.

For the proposed development, this modal split has journeys by car as the dominant mode of travel.

The applicant's submitted Travel Plan has aims to reduce the number of vehicle trips.

The Travel Plan and the local provision of public transport will influence whether journeys by car can be reduced, and journeys other means can be promoted.

In the vicinity of the site there are bus stops on Royd Lane (approximately 66 metres from the southeast corner of the application site), St Margaret Avenue (approximately 210 metres from the proposed access to the application site) and Wood Royd Road (approximately 430 metres from the proposed access), and on Carr Road north of its junction with Wood Royd Road (approximately 460 metres from the proposed access).

None of these bus stops have shelters.

These distances are to the proposed access on the application site frontage. There is approximately a further 180 metres from the proposed access position to the central part of the application site.

Guidelines for walking distances to bus stops and services have been published in a range of documents. A summary of these documents is listed below:

The Institute of Highways and Transportation (IHT) 'Guidelines for Public Transport in Developments (1999)' states that the maximum walking distance to a bus stop should not exceed 400 metres and preferably no more than 300 metres, that direct and simple bus routes are more important than walking distances a little more than 400 metres for a few passengers and destinations.

'Guidelines for Providing Journeys On Foot (2000)' published by the Institute for Highways and Transportation suggests, for planning and evaluation purposes, desirable walking distances to some common facilities of 500 metres for commuting/school (1000 metres acceptable with 200m being the preferred

maximum), and 400 metres elsewhere (800 metres acceptable with a preferred maximum of 1200m). The IHT guidelines also note that the quality of the route is also a factor in encouraging walking.

'Buses in Urban Developments' (Jan 2018) notes that custom and practice for many years suggest a maximum walking distance of 400 metres from a bus stop however various factors demand a more rigorous approach. For single high-frequency routes (every 12 minutes or better) the document recommends a maximum walking distance of 400 metres and 300 metres for less frequent routes.

The Department of Transport's Manual for Streets (2007) advises that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800 m) walking distance but this is not an upper limit and walking can replace short car trips, particularly under 2km.

The South Yorkshire Residential Design Guide (SYRDG) (2011), designated as best practice guide in Sheffield, sets out design guidelines for levels of accessibility for smaller towns as a 5 minute walk to local services, 5-10 minute walk to bus/tram stops depending on destination, and a 20 minute walk/30 minute journey to primary health/education. The SYRDG suggests as a general rule of thumb a 5 minute walk equates to a distance of 400 metres for non-disabled people and account must be taken of topography.

The Core Strategy in relation to the efficient use of housing land and accessibility (Policy CS26) defines 'near to' as within easy walking distance, being 400 metres to a high frequency bus route or 800 metres to a Supertram stop taking into account barriers.

The Royd Lane and St Margaret Avenue bus stops would be within the 400/500 metres easy walking distance of the centre of the application site, whilst the Wood Royd Road and Carr Road bus stops are beyond 400/500 metres but within the 800 metres distance.

The walk to the bus stops on Royd Lane, and from the bus stops on St Margaret Avenue, to the application site along Carr Road are up slight but not significant inclines. The walk from Wood Royd Road includes walking up a steeper part of Carr Road to the application site which would reduce its attractiveness

Locally, bus route SL1/SL1a provides the most frequent service. The service runs between the Middlewood tram terminus and Stocksbridge and passes along Carr Road and Wood Royd Road past Deepcar centre and close to the schools providing mainly three buses an hour on Mondays to Saturdays and two buses an hour on Sundays in one direction, and two buses an hour (Monday to Saturdays) and one bus an hour (Sundays) in the other direction.

It is also timetabled to run a very limited service onto St Margaret Avenue providing three late evening in-bound buses on Mondays to Fridays, and an hourly inbound and outbound service on Sundays.

Bus route 57 on St Margaret Avenue/Wood Royd Lane is timetabled to provide an hourly service (Monday to Saturdays) from early morning till evening to and from Stocksbridge town centre, and on to the Hillsborough and the city centre interchanges.

Bus route 23/23a on Royd Lane/Wood Royd Road provides a two-hourly service in the morning and early afternoon (two buses in-bound, four out-bound over this period) and two buses in-bound and one out-bound in the late afternoon/early evening (Mondays to Saturdays). This limited service runs between Stocksbridge and Penistone/Barnsley passing through Stocksbridge town centre and Deepcar.

The overall provision of bus services (SL1/SL1a and 57) is therefore generally 3 to 4 buses an hour mostly using the Wood Royd Road bus stop, and whilst this bus stop is within 800 metres the walk from Wood Royd Road up to the application site includes walking up a steeper part of Carr Road.

Whilst it is accepted that services 23 and 57 are within an appropriate walking distance the frequency of the services is likely to represent a barrier to encouraging public transport use. In terms of service SL / SL1 the frequency of the service and its link to Supertram is good, however it does have to be born in mind that the walking distance to the stop is beyond that which would be considered to encourage public transport use and also require negotiating a relatively steep incline on Carr Road.

Therefore it is considered that given the combination of service frequency and walking distance / topography it is unlikely that many future residents of this development would be encouraged to use public transport.

In terms of access to local services on foot the site is far from accessibly located. The Guidance on Providing for Journeys on Foot document notes appropriate distances to be considered are 400 (desirable), 800 (acceptable) and 1200m (preferred maximum).

The TA provides the following information in relation to walking distances to various facilities:

- e. Lidl – 1.8km
- f. Takeaways – 1.9km
- g. Local shops – 1.6km
- h. PFS with convenience store – 1.3km
- i. Public Houses 820m – The Nook remaining 5 between 1.2-1.8km
- j. Leisure – golf club 470m, cricket club 1.3km, multi-use games pitch 1.8km
- k. Medical Centre – 1.2km
- l. Dental Surgery – 190m

From the information provided it can be seen that the only facility that could be considered to be within the desirable walking distance is the dental surgery; acceptable 1 public house and the golf club; preferred maximum the medical centre. There are however some local shops at Carr Road / Wood Royd Road / Armitage

Road within 900 metres and these provide general groceries/off licence, tanning shop, newsagent, hairdressers and a takeaway.

Taking into account the information provided in the Transport Assessment, it is concluded that the constraints around frequency of public transport, in combination with the challenging topography of the area and walking distances, result in the development not being located such that future residents will be encouraged to choose public transport as a mode of travel. Indeed it is highly likely that the predominant mode will be the private car.

Similarly the site provides poor access to goods, services and facilities for pedestrians. As such it is therefore concluded that the site could not be considered to be accessible for pedestrians and again will result in the main mode of travel being the private car.

The applicant has taken steps to mitigate this impact and this includes the provision of bus shelters, a Travel Plan that includes implementing a range of sustainable travel measures, including providing new residents with information on sustainable travel opportunities to the site and subsidised travel passes for the first year, and electric vehicle charging points for each dwelling.

These mitigation measures would improve matters including the attractiveness of using bus services, however it is considered unlikely, given the previous constraints identified, that such provision would significantly alter mode choice and this would not directly ease the uphill walk back from bus stops to the application site.

The applicant's Transport Assessment states that the proposal would generate a total of 59 and 49 two-way vehicle trips during the weekday morning and evening peak hours respectively. The vehicle trip distribution predicts the majority of trips (approximately 88%) to be to destinations using routes north of Carr Road. The existing (2017) traffic flows on Carr Road are 201 vehicles in the AM peak and 191 in the PM peak.

The Transport Assessment has considered the capacity of the proposed access junction, and existing junctions including the Manchester Road/Vaughton Hill/Carr Road junction. The assessment included modelling of the junctions using software packages for priority junctions and traffic signals.

The proposed site access is predicted to operate well within the junction's operational capacity. The nearby junctions along Carr Road are also predicted to operate within capacity with minimal queues during peak periods.

The Manchester Road/Vaughton Hill/Carr Road junction includes the signalised junction of Manchester Road/Vaughton Hill and the priority junction of Manchester Road with Carr Road. The priority arrangement is such that vehicles turning right from Carr Road do so either during gaps in queues along Manchester Road or through courtesy gaps. The signalised junction currently operates vehicle-actuated control. The Transport Assessment identifies that all three arms of the signalised junction are operating close to 90% degree of saturation during the weekday PM peak hour.

The modelling has included accounting for the traffic flows associated with the committed Bloor Homes and Fox Valley developments. With future growth in background traffic and the traffic flows associated with the committed developments all arms of the junction are predicted to be approaching the 90% degree of saturation during the weekday AM peak hour and above 100% degree of saturation during the weekday PM peak hour.

The Transport Assessment states that when accounting for the proposed development traffic the operation of the junction is further intensified. It highlights that the proposed development generates a smaller proportion of the traffic growth compared to the committed developments.

In mitigation, the Transport Assessment notes that the operation of the traffic signals is to be updated (already secured) (under a microprocessor optimised vehicle actuation package - MOVA) which is likely to improve the operational capacity of the junction by 10% to 15%. This is accepted by the Highway Authority, the increase in traffic as a result of the development, when taken on its own and cumulatively with other developments, is expected to be less than the expected increase in capacity at the junction and so is considered acceptable. The Transport Assessment proposes further mitigation measures through provision of additional detectors on Manchester Road and Carr Road to detect when there is queuing to enable re-optimising the green time given to this arm of the signal control, and upgrade the MOVA system to provide bus priority on the approaches to the junction including Carr Road. This would be secured through a planning condition.

The Council's Highway Services has advised that the proposed site access is located on a stretch of Carr Road that is widely used by parents dropping off and picking up children at the two local schools. The proposed addition of a priority junction (i.e. the proposed site access) has the potential for significant disruption, from increased vehicle movements and displacement of on-street parking, further affecting the flow of traffic at school times albeit over short periods of the day as a result of the loss of parking due to the formation of the access. The site itself is not considered to generate additional traffic from school trips due to the proximity of the school so the potential is solely from the displaced parking as a result of the siting of the access. There is however the potential for parents to use the new access road for parking during pick up and drop off. However, it is not considered that this would significantly worsen the free and safe flow of traffic on Carr Road and no objections are raised to this aspect. The proposed provision of the extended footway on the site frontage instead of the current grass verge will enable children being dropped off to alight onto a footway improving pedestrian safety.

It is considered that the siting and design of the proposed site access is acceptable in principle.

The potential impact on air quality is discussed below.

It is considered that one of the key vehicle movements arising from the proposed development is, for cars travelling north on Carr Road, the right turn from Carr Road onto Manchester Road. The Transport Assessment indicates an extra 33 vehicles

attempting to make this manoeuvre in the AM peak. Design work on the MOVA software package for the Manchester Road/Vaughton Hill junction has been undertaken (following developer contributions from other schemes) and its installation usually results in a 10 to 15% increase in junction capacity.

It is considered that the increase in traffic movements can be accommodated on this part of the highway network subject to improvements being carried out to the management of the Manchester Road/Vaughton Hill/Carr Road junction. Conditions would be required to secure the improvements to the management of the Manchester Road/Vaughton Hill/Carr Road junction. The residual cumulative impacts on the road network are not considered to be severe.

Officers consider that, even with mitigation accounted for, the identified issues with respect to walking distances, topography, and frequency of public transport will result in additional pressure on surrounding highway capacity, as residents will be likely to use their private motor vehicle as the preferred travel mode. Whilst difficult to truly quantify, there will be negative resulting impacts.

This aspect of the proposal is therefore in conflict with Core Strategy Policies CS51 and CS53, both of which carry weight in the decision making process, and the Government's planning policy guidance on promoting sustainable transport contained in the NPPF.

Whilst fully acknowledged as an issue, officers do not consider this negative impact falls outside of the acceptability thresholds as set out in the NPPF, as it would not result in unacceptable highway safety impacts or be of a scale that could be viewed as having a residual cumulative impact on the road network that could reasonably be considered as severe.

## FLOOD RISK AND DRAINAGE

Core Strategy Policy CS67 relating to flood risk management seeks to reduce the extent and impact of flooding.

NPPF paragraph 155 states that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk and NPPF paragraph 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

The application site lies within flood zone 1 where there is a low probability risk of flooding. Clough Dyke lies to the northwest of the site and is in a deeply incised channel running through Royd Wood.

The applicant's Flood Risk Assessment and Drainage Strategy incorporates a sustainable urban drainage system (SUDs). Surface water from the site would drain to a SUDs balancing facility, essentially a shallow hollow, at the northern end of the site, with any overflow being discharged by pipe to the western boundary and by cascade into the Clough Dyke within Fox Glen Wood.

Foul water drainage would discharge to the public foul sewer in Carr Road.

Yorkshire Water Services Ltd has raised no objections to the proposed development and requested conditions to ensure the development is carried out in accordance with the submitted flood risk assessment and drainage strategy. Yorkshire Water has stated that the submitted Flood Risk Assessment and Drainage Strategy is acceptable.

The Council's Flood and Water Management Service as local drainage authority has raised no objections to the principle of the proposed surface water drainage arrangements subject to conditions to secure satisfactory details of the sustainable drainage system.

Third parties have raised concerns about the rate of surface water discharge into Clough Dyke and suggest that this should either divert into the foul system in Carr Road or the rate of run off into Clough Dyke should remain as it is now. As set out above, a SUDS system is proposed with surface water draining into a balancing facility and only overflow discharging into the Dyke. Details of the SUDS system will need to be submitted to SCC and agreed but no objections are raised in principle to this by Yorkshire Water or SCC as the local drainage authority.

Third parties have also raised concerns about problems with existing surface water flooding and the impact of further development upon this. As is set out above, the development will provide a sustainable urban drainage system, the details of which will need to be agreed by SCC to ensure that the development does not cause surface water flooding on the site itself or the surrounding area. Yorkshire Water and SCC are both supportive of this approach to surface water drainage.

The applicant's Flood Risk Assessment and Drainage Strategy includes a screening assessment of the impact of the drainage proposals on the ecological status of the water environment (Water Framework Directive Assessment). The WFDA concludes that the proposals are, with mitigation measures, compliant with the water framework directive and no further assessment is required.

The Council's Ecology Unit has advised that the Water Framework Directive Assessment document submitted by the applicant is thorough and well set out. Whilst the use of a sustainable drainage system (SUDs) is essential and this would contribute significantly to the mitigation of impacts through flow attenuation and reduction of suspended solids, information is required about the construction phase and how potential impacts would be sequentially dealt with along with details of the timeline between works commencing on site and the establishment of a managed surface water input to Clough Dyke. These can be secured by condition should permission be granted and maintenance can be secured through a s106 Agreement.

The drainage proposals, as indicated in the application, are considered to be an appropriate solution to dealing with the foul and surface water run-off from the site in a sustainable manner. These should not lead to surface water being directed onto the adjoining highway. Any overflow to Clough Dyke is not considered to be sufficient to cause any drainage or ecological problems in the woodland.

The proposal complies with Core Strategy Policy CS67, which carries weight in the decision making process, and the Government's planning policy guidance on flood risk in the paragraphs 155 and 165 of the NPPF.

## HERITAGE

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires decisions on development affecting a listed building or its setting to be taken with special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Further, in the exercise of planning functions with respect to any buildings or other land in a conservation area, Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

The Planning (Listed Building and Conservation Areas) Act 1990 makes no provision for the protection of the setting of a conservation area and therefore this does not constitute a statutory duty. However, it remains a material consideration under the NPPF which states that setting of a designated asset can contribute to its significance and therefore any harm or loss should require clear and convincing justification.

Section 16 of the NPPF and policies BE15 and BE19 of the Sheffield UDP all seek to ensure that heritage assets are appropriately protected.

In relation to this matter, paragraph 18a-018 of the PPG states:

'Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 194-196) apply'.

'Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated'.

The eastern boundary of the application site adjoins a cluster of properties, some of which are Grade II Listed Buildings (Royd Farmhouse and a barn and farm buildings). Another Grade II Listed Building (a Cruck Barn) lies 200m to the south east of the site. The Bolsterstone Conservation Area is located approximately 700m to the south west of the site and this contains further Listed Buildings.

Bolsterstone Glassworks scheduled monument and two grade 2 listed buildings are located approximately 900 metres to the north west of the site. It is considered that these heritage assets are such a distance from the development that there will be no impact upon them.

The Walder's Low burial mound is approximately 450 metres to the south of the site; this is not a scheduled monument but is a non-designated heritage asset.

The applicant's Heritage Assessment considers that the archaeological potential of the site is limited. South Yorkshire Archaeology Service has concluded that its potential is uncertain but raises no objections to the scheme subject to an archaeological evaluation of the site to establish its archaeological potential being carried out prior to any Reserved Matters Application to allow any archaeological issues to be identified before a final design is progressed. This can be required through a planning condition.

Royd Farmhouse is described in the listing as 17th and 18th century, possibly earlier, core of coursed stone with stone slate roof. The description on the listing was done at the time when the Barn and farm buildings were undergoing conversion to three dwellings and states it is dated 1790 on a lintel, constructed of coursed gritstone, stone slate roof with 20th century elements. Royd Farmhouse is a two storey dwelling set almost centrally on the site, away from the boundary with the application site. It is surrounded on three sides by garden areas and is seen mainly in context with the adjoining listed former barn and farm buildings which form a courtyard type group.

To the rear of Royd Farm is a small barn/outbuilding which is also part of the listing. This is located adjacent to the boundary with the proposed development.

The former barns and associated building next to Royd Farm form an "L" shaped two storey courtyard type arrangement, again with the main views of it being from Carr Road. These buildings are separated from the application site boundary by the garden areas and a substantial open area will a significant gap between the listed buildings and the development. Hedging and tree planting is also proposed to the site boundary near the listed buildings to provide a natural edge to the development and further soften the appearance near the listed buildings.

As a number of heritage assets have been identified, the outline planning application is accompanied by a Heritage Statement (January 2020). This reaches the following conclusions in relation to any harm that would be caused to the identified designated heritage assets or their setting:

- Royd Farmhouse and Barn and Farm Buildings – no harm will be caused to the significance of these heritage assets themselves and less than substantial harm would be caused to their setting due to the location of development within it.
- Cruck Barn – no harm will be caused to this heritage asset or its setting due to its distance from the site and its enclosure within a recent residential scheme.
- Bolsterstone Conservation Area – no harm will be caused to the significance of the Conservation Area as a heritage asset or to its setting given the distance from the site.

The Heritage Statement concludes that the scheme will result in less than substantial harm to the setting of the Farmhouse, Barn and Farm Buildings and no harm to any other Heritage Assets.

The proposed development does not affect the retention of the listed buildings which are located outside the application site. The applicant's illustrative layout provides space between the listed building and the proposed buildings and this has been widened following the submission of a revised layout. The main consideration therefore is the impact on the setting of the listed buildings at Royd Farm and the Barn and Farm buildings, now converted to dwellings as set out in the applicant's Heritage Statement.

SCC's Conservation and Design Team has reviewed the Heritage Statement and disagrees with the low to medium significance level allocated to the historic value of Royd Farmhouse and judge this to be medium due to the rarity of this in Deepcar. However, the Conservation and Design Team concludes that on balance, the setting of the listed Farmhouse, Barn and Farm Buildings has been identified and that mitigation has taken place to reduce any harm to these assets. On this basis, no objections are raised to the scheme subject to a planting / maintenance plan to maintain the screening to the Listed Buildings and the use of natural stone and slate materials to further enhance and maintain their setting. The detailed design of the proposed development, including its final layout, scale, appearance and landscaping will be further considered in relation to these heritage assets at the reserved matters stage.

The Walder's Low burial mound is approximately 450 metres to the south of the site; this is not a scheduled monument. It is a non-designated heritage asset however, but is not of such archaeological interest that it is of demonstrably equivalent significance to a scheduled monument in line with NPPF paragraph 194b).

SCC's Conservation and Design Team has concluded that the key view to this mound is from Bolsterstone (o/s Castle Farm). This view is of high significance but this will not be affected by the proposed development. The views from the Cairn are to countryside to the west, south and east over to Bolsterstone. The view to the north east is over the application site which has already been compromised by housing and is of low significance. The mound is not visible from Cockshot Lane until Bolsterstone is reached. The burial mound is the main heritage asset and its significance will not be affected by this development. Its setting and related views are preserved and the significance can be appreciated. It will not affect the historic fabric. Therefore it is concluded that there is no impact upon this non-designated heritage asset.

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires decisions on development affecting a listed building or its setting to be taken with special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The approach required has been clarified in case law<sup>1</sup> which makes it clear that the section 66 duty is more than a duty to give careful consideration; having special regard or paying special attention involves more than merely giving it weight in the planning balance and it should be given considerable importance and weight. Paragraph 196 of the

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<sup>1</sup> Barnwell Manor Wind Energy Limited v Secretary of State [2014] EWCA Civ 137 (2014). R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin) 2014. Jones v Mordue and another [2015] EWCA Civ 1243; [2015] PLSCS 346. R.(Irving) v Mid-Sussex District Council [2016] EWHC 1529 (Admin).

NPPF also applies. This all requires the identified less than substantial harm to be weighed against the public benefits and advantages of the application proposals. Within this balancing exercise, 'special regard' / 'special attention' and 'considerable weight and attention' must be given to preserving or enhancing designated heritage assets and their setting in relation to listed buildings (Section 66(1) and NPPF paragraph 196).

In line with these requirements, significant weight is therefore ascribed to the less than substantial harm that has been identified to the setting of the adjacent listed buildings in this balancing exercise consistent with the Planning (Listed Building and Conservation Areas) Act 1990 provisions and NPPF Para 196.

Turning to the public benefits of the scheme, the proposed residential development of this site will deliver social, economic and environmental benefits.

The economic benefits relate to the provision of land to support the need to boost housing supply, plus the benefit of creating construction jobs supporting the economy. The occupiers of the development would also increase the spending power available in the locality to the benefit of the local economy.

The social benefits include the provision of a range of homes, including affordable housing to meet the needs of future generations in a well-designed environment. It is noted however that the site is not ideally located from a sustainably perspective in relation to services and facilities. The proximity to new public open space would support the community's health, social and cultural well-being. The development would also provide benefits via the CIL contribution.

The environmental objective is supported by the development being an effective use of land. It will reduce the pressure to develop sites in the Green Belt. Sustainable design and construction techniques are to be used in the development such as using renewable/sustainable sources in construction, use of permeable surfaces as part of a sustainable drainage strategy, potential grey water harvesting, photovoltaic panels and high levels of insulation. These measures can be secured at reserved matter stage through planning conditions.

Therefore, even when considerable importance and weight is given to the less than substantial harm identified to the aforementioned designated heritage assets, it is considered that this harm is outweighed by the public benefits that this proposal will deliver.

The proposal therefore complies with UDP Policies BE15 and BE19, both of which carry weight in the decision making process, and NPPF paragraphs 184 to 202. The relevant statutory provisions in the Planning (Listed Building and Conservation Areas) Act 1990 are satisfied by the special regard and attention which has been paid to preserving designated heritage assets and their setting, including preserving the setting of listed buildings and preserving or enhancing the character or appearance of conservation areas.

DESIGN

UDP Policy BE5 and Core Strategy Policy CS74 seek good quality design.

Core Strategy Policy CS26 states that housing development will be required to make efficient use of land but the density of new developments should be in keeping with the character of the area and support the development of sustainable balanced communities, and gives a density range of 30 to 50 dwellings per hectare for developments in 'remaining parts of the urban area'. The policy states that densities outside these ranges will be allowed where they achieve good design and reflect the character of an area.

NPPF, paragraph 124, states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

The applicant's Design and Access Statement includes a design code for the layout and appearance of the proposed development which seeks to ensure that the important parameters are delivered in any subsequent reserved matters application.

The principles throughout the design code include ensuring the development responds to the existing landscape and setting to create distinct character relating to the rural edge, Royd Farm buildings and a central street within the site. High quality boundary treatments should be provided, dwellings should reflect the local townscape and character, and a green infrastructure network provided so that adverse impacts on landscape are minimised. A key principle for the design stage is to use an appropriate scale, mass and height for new buildings that is comparable to existing buildings. The design code includes a set of parameter plans for land use (housing, public open space, managed grasslands), movement (spine road and pedestrian routes), storey heights (2 to 2.5 storeys), density (25-30 dwellings/ha on the perimeters and 35-40 dwellings/ha along the spine road), landscape and open space, boundary treatments, and character areas within the development. The illustrative masterplan indicates that the scheme will achieve a density of 31.8 dwellings per hectare (based on the net developable area), this is at the lower end of the acceptable range of 30-50 dwellings/ha but does comply with Core Strategy Policy CS26.

It is considered that the design code is acceptable. The site is of sufficient size to ensure that the proposal would not overdevelop the site. A condition would be required to ensure that the existing dry stone walls within the site are retained.

SCC's Access Officer, Landscape Architect and South Yorkshire Police have also provided advice on the design of the scheme which can be taken into account at the reserved matters stage.

An updated Illustrative Masterplan submitted in January 2020 provides a number of scheme enhancements to address previous comments, including:

- Reorienting three of the dwellings so these are now set further back from the listed buildings to the east;
- Pulling back the southern development boundary to retain views to the north from the junction of Carr Road / Cockshot Lane / Hollin Busk Lane;

- Pulling back the northern development boundary and including additional planting; and
- Reducing the overall development density to provide 85 dwellings (reduced from the original 93)

The proposal complies with Core Strategy Policies CS26 and CS74 and UDP Policy BE5, all of which carry weight in the decision making process and paragraphs 123 and 124 of the NPPF.

In relation to sustainability, the applicant's Design and Access Statement also states that there are opportunities to incorporate sustainable design and construction techniques, such as using renewable/sustainable sources in construction, use of permeable surfaces as part of a sustainable drainage strategy, potential grey water harvesting, photovoltaic panels and high levels of insulation. It is therefore considered that a scheme can come forward at the reserved matters stage which complies with the requirements of Core Strategy policies CS63 (responses to climate change), CS64 (climate change, resources and sustainable design of developments) and CS65 (renewable energy and carbon reduction). All of these policies, with the exception of the element of CS63 which requires a brownfield first approach, carry weight in the decision making process.

#### AFFORDABLE HOUSING

Core Strategy Policy CS40 states that in all parts of the city, developers of all new housing schemes will be required to contribute towards the provision of affordable housing where this is practicable and financially viable.

The Council's Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (December 2015) includes guidance on affordable housing.

The proposed development exceeds the 15 or more dwellings threshold and lies within an area where there is a required level of contribution of 10% identified in Guidelines GAH1 and GAH2 of the Planning Obligations document.

The applicant has confirmed that it is the intention to meet the policy requirement for the provision of at least 10% of the development for affordable housing and this will be secured as part of a S106 Agreement. This will help meet the ongoing need for affordable housing across the city and is a benefit of the development attracting significant weight.

The proposal would, therefore, comply with Core Strategy Policy CS40 which carries weight in the decision making process.

#### LAND CONTAMINATION

The applicant's Stage 1 Geo-Environmental Desk Study Report has identified potential contamination sources as possible (unlikely) made ground, possible asbestos within existing small farm sheds on the west of the site, landfills 135 metres to the southwest and 180 metres to the northeast, and shallow coal. The existence of

the possible contamination is not known. The report recommends a ground investigation is implemented.

The Council's Environmental Protection Services has no objections to the proposed development subject to conditions to secure site investigations and any necessary remediation.

The proposal complies with UDP Policies GE22 and GE25, both of which carry weight in the decision making process, and NPPF paragraph 178.

#### COAL MINING LEGACY

NPPF paragraph 178 requires decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land stability. This includes risks arising from former activities such as mining.

The site lies within a Development High Risk Area as defined by the Coal Authority.

The Coal Authority has advised that having reviewed the submitted documentation there is a potential risk posed to the development by past coal mining activity. The Coal Authority concurs with the recommendations of the Stage 1 Geo-Environmental Desk Study Report that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. In the event that remedial works are needed, the Coal Authority has requested a condition be imposed to secure the remedial works.

The Coal Authority has no objections to the proposed development subject to the imposition of an appropriate condition(s).

Several third parties have questioned the stability of the land. A scheme of intrusive site investigation will need to be undertaken prior to the commencement of development on the site which will assess the ground conditions and the potential risks posed to the development by past coal mining activity. A report setting out the findings of the intrusive site investigations will need to be submitted to the LPA for approval along with details of any necessary remedial works and their implementation. These works will be required by condition and will ensure the stability of the site.

The proposal complies with UDP Policy MW9, which carries weight in the decision making process, and NPPF paragraph 178.

#### AIR QUALITY

UDP policies include Policies GE22 and GE23 relating to pollution and air pollution which seek to ensure development is sited so as to prevent or minimise the effect of pollution on neighbouring land uses or the quality of the environment and people's appreciation of it.

NPPF paragraph 170 also seeks to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of air pollution (amongst other matters).

The site is located within the Sheffield city-wide Air Quality Management Area for exceedances of nitrogen dioxide and particulate matter.

For local air quality assessment of whether there are likely to be significant impacts associated with particular routes or corridors, the criteria, contained in the Council's guidance and Highways England guidance (Design Manual for Roads and Bridges), includes whether there would be more than 60 two-way vehicle trips in any hour within 200m of an area exceeding Air Quality Limitation Values, and whether the daily traffic flows will change by 1000 average annual daily trips threshold or more.

The applicant's Technical Note on Air Quality using data from the Transport Assessment and the TRICS database states that the proposed development is predicted to generate 59 two-way vehicle trips in the AM peak, and 583 two-way daily vehicle trips, which are below the relevant guidance thresholds for assessing whether there would be significant impacts. The site is also not within 200m of an area exceeding the limitation values.

The Council's Air Quality officer has considered the submitted documents and has advised that the proposal is not likely to have a significant effect on local air quality. Condition(s) to secure a construction environmental management plan to mitigate the impact of dust during construction and measures to mitigate the impact of traffic including installation of electric vehicle charging points are recommended.

The proposal complies with UDP Policies GE22 and GE23, both of which carry weight in the decision making process, and the Government's planning policy guidance on air pollution contained in the NPPF.

## RESIDENTIAL AMENITY

UDP Policy BE5 and Core Strategy Policy CS74 seek good quality design.

There are residential properties adjacent and opposite the site on Carr Road, and in the immediate surrounding area.

Whilst this is an outline planning application with details of layout, scale, design and landscaping being reserved for subsequent approval, the proposal will involve built development of dwellings and roads and the provision of drainage, open space and landscaping.

The application site is of sufficient size to ensure the proposed development can be accommodated and provide sufficient separation between proposed and existing buildings to ensure there would be no significant overlooking, overbearing or overshadowing of existing and future residents.

The proposal would cause noise and disturbance during the construction phase, and create noise and disturbance from the movements of people and vehicles during the

operational phase when the dwellings are occupied, however such impacts would not be so significant as to harm the living conditions of existing residents in the locality. The impact on air quality would not be significant. The production and implementation of a Construction Environmental Management Plan (CEMP) will be required by condition.

It is considered that the proposed development would not significantly harm the living conditions of existing and future residents in the locality.

The proposal would, subject to satisfactory details at the reserved matters stage and the imposition of conditions, comply with UDP Policy BE5 and Core Strategy Policy CS74, both of which carry weight in the decision making process.

## OTHER MATTERS

In relation to third party arguments that there is a brownfield first policy, national policy has changed in this respect since the adoption of the Sheffield UDP and Core Strategy and the NPPF does not advocate a brownfield first approach; albeit the reuse of brownfield land is encouraged and supported.

In relation to the point raised by third parties that further residential development is not required, SCC has identified a 5.1 year supply of deliverable housing sites and has passed the 2019 Housing Delivery Test. However, NPPF paragraph 73 confirms that this is a minimum figure in line with the Government's objective to significantly boost the supply of homes set out at NPPF paragraph 59. On this basis, further housing development is encouraged rather than precluded in order to boost housing supply.

The site is not located within the Green Belt and therefore does not fulfil the purpose of Green Belt.

In relation to a point raised in the third party submissions, there is no right to a private view and as such, the loss of a view from a private residential property cannot be a material planning consideration in the assessment of the application.

In relation to a point raised in the third party submissions concerning the loss of a well loved beauty spot for local residents whose views and habitat has been especially important in recent months due to Covid lockdown restrictions. Given that there is no public access to the site, any potential harm can only relate to visual or landscape impact caused by the development of the site. This point has been addressed in the main landscape and visual impact assessment section above. The proposed development will also provide public access through the site and into the woods, thus increasing accessibility for local residents. Ecological matters have also been addressed above and no overall objections are raised by the Ecology Unit.

Concerns that part of the land may have been used for unmarked graves are not evidenced and in any event would be identified as part of the necessary ground and archaeological investigations.

The DEFRA agricultural land classification maps confirm that part of the site falls within the Grade 4 (low quality) classification and the remainder is classified as urban area.

Therefore the site is not best and most versatile agricultural land (land in grades 1, 2 and 3a) and does not need to be protected as such.

One of the third party representations suggests that the proposals do not comply with Policy G6A and G2 of the Pre-submissions Local Plan. No weight can be attached to an abandoned draft Local Plan in the decision making process.

It is also suggested that UDP Policy LR4 protects open spaces from development. This policy was however superseded by the Core Strategy and is no longer a 'saved' policy. On this basis, it cannot carry weight in determining planning applications.

A representation has been made that the site is close to the Peak District National Park and would add an additional urban development on the edge of the PDNP. Proximity to the PDNP is a defining feature of this location and there is no positive tangible benefit. The landscape and visual impact of the proposed development has been assessed by the Landscape Architect who has raised no overall objections to the scheme. Broadly, the Landscape Architect concludes that landscape and visual amenity impacts will be localised and will not extend to the wider landscape which includes both the Peak District National Plan and the Green Belt.

Representations have also been made regarding the impact of the development on Local Facilities. This development would not be required to make S106 contributions towards local facilities such as health and education because it is not of a large enough scale. In this respect the adopted Supplementary Planning Document entitled Community Infrastructure Levy and Planning Obligations sets the following thresholds:

- Education contributions for sites of 500+ dwellings.
- Health contributions for sites of 1000+ dwellings.

As detailed elsewhere in this assessment, the scheme will be required to make a contribution as part of the Community Infrastructure Levy (CIL) and this could be used to improve services in the locality if the local authority determined this as a priority.'

## COMMUNITY INFRASTRUCTURE LEVY

The Community Infrastructure Levy (CIL) is applicable to this development.

The site is located within a CIL Charging Zone with a residential levy of £30 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010. The funds generated through CIL will be used in connection with strategic infrastructure needs.

## PLANNING OBLIGATIONS

A legal agreement will be required to secure affordable housing and to secure the land drainage scheme including on-site and off-site features, its management and maintenance.

## PUBLIC SECTOR EQUALITY DUTY

Section 149 of the Equality Act 2010 requires public authorities, when carrying out their functions, to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other prohibited conduct;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a protected characteristic and persons who do not share it.

Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

In this context for example, due regard must be had to factors such as the site location, accessibility, walking distances, pedestrian and vehicular safety and the loss of part of an allocated open space area.

Officers have had due regard to such factors and advise that it can be concluded that the proposed development would not have implications for persons with any particular protected characteristic to an extent that would impact on equality of opportunity between such persons and persons without that particular protected characteristic.

## ACHIEVING SUSTAINABLE DEVELOPMENT

The NPPF is a material consideration in the determination of planning applications.

Paragraph 7 sets out that the planning system should contribute to the achievement of sustainable development. Paragraph 8 explains that achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental, these are interdependent and need to be pursued in mutually supportive ways.

The specific sustainability considerations relating to the site in social, environmental and economic terms are set out in further detail below:

- The development would result in the loss of a Greenfield resource, with impacts upon landscape and visual amenity.
- The application site is located alongside existing housing areas and related infrastructure.

- There are local shops and a community centre at Lee Avenue/Knowles Avenue approximately 900 metres away (via Carr Road/Wood Royd Road/Armitage Road).
- Even with mitigation, walking distances to local facilities, the topography and frequency of public transport seems likely to result in future residents using private motor vehicle as their preferred travel mode, leading to additional pressure on the capacity of the surrounding highway network albeit overall this is not to an extent that is considered severe.
- The applicant's Design and Access Statement states that there are opportunities to incorporate sustainable design and construction techniques, such as using renewable/sustainable sources in construction, use of permeable surfaces as part of a sustainable drainage strategy, potential grey water harvesting, photovoltaic panels and high levels of insulation.
- The proposed development would deliver employment for a temporary period during construction, affordable housing and contribute to the locality via the Community Infrastructure Levy. The new households would add to the total of household expenditure spent locally. The proposal would include new publicly accessible open space for future and existing residents and ecological enhancements.

Conditions would be required to secure the provision of sustainable measures within the development but overall, the proposal is considered to fall within the definition of sustainable development for which there is a presumption in favour of the grant of permission.

## PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT AND SUMMARY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.

In terms of compliance with the Development Plan, the application is accompanied by a range of technical reports which demonstrate that the scheme generally complies with Development Plan policies in respect of the general location of development, making effective use of land, compatibility with surrounding land uses, location of development in an Open Space Area allocation, conserving and enhancing the historic and natural environments, controlling pollution, protecting residential amenity, addressing flood risk management and drainage, providing appropriate levels of open space and affordable housing, achieving sustainable design, addressing climate change and ensuring a safe highway network.

Turning to conflict with the Development Plan, as the proposed development will not safeguard the application site as open countryside, the application conflicts with Core Strategy policy CS72. However, as has been set out above, this policy can only carry limited weight in the decision making process because it is out of date in relation to the requirements of the NPPF which does not protect countryside for its own sake. Officers also consider that, even with mitigation accounted for, the identified issues with respect to walking distances, topography, and frequency of public transport are likely to result in additional pressure on surrounding highway capacity, as residents will be likely to use their private motor vehicle as the preferred

travel mode. Whilst difficult to truly quantify, there will be negative resulting impacts. This aspect of the proposal is therefore in conflict with Core Strategy Policies CS51 and CS53, both of which carry weight in the decision making process.

In addition to the above, some conflict with Policy CS24 exists in that the release of land for residential development adjoining the urban area, on sites such as the application site, is not supported where a 5-year housing land supply can be demonstrated. However, this policy fails to accord with NPPF to the extent that it at least in the main, seeks to secure a brownfield land first approach to development management. Only limited weight may be applied to CS24 for this reason.

The scheme also conflicts with Policy CS33 which restricts housing development to previously developed land within the urban area of Stocksbridge / Deepcar. However, this policy cannot carry weight in the decision making process because it is out of date in relation to the requirements of the NPPF, which is a material consideration in planning decisions, and which does not contain a brownfield first approach.

On this basis, although there is compliance with the technical elements of the Development Plan which largely relate to site specific design matters and the location of the development within the Open Space Area allocation, there is also conflict with a key policy for determining the application and which relates to the principle of the development (CS72 development within the countryside) (recognising the reduced levels of weight assigned to this policy), policies relating to the site's accessibility by sustainable transport modes (CS51 and CS53) and to a limited extent, policies seeking to prioritise brownfield land (CS24 and CS33). Therefore, when considered together, it cannot be concluded that the proposal complies with the Development Plan when taken as a whole.

However, the NPPF is also a material consideration in the determination of planning applications and could still support a decision to grant planning permission. This post-dates the adoption of the UDP and the Core Strategy.

The NPPF applies a presumption in favour of sustainable development, this is set out in NPPF paragraph 11. In applying the presumption in favour of sustainable development to decision making, paragraphs 11c) and d) state:

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>7</sup>, granting planning 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 proposed<sup>6</sup>; or

- ii. 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.

NPPF paragraph 11c) relates to circumstances where an up to date Development Plan is in place and development proposals comply with it. This is not the case in this instance and paragraph 11c) is not therefore relevant.

Paragraph 11d) relates to circumstances where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 7 confirms that policies which are most important for determining the application are out of date includes, for applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1 and confirm a threshold of 45% for 2019.

In this instance, the key policies which are most important for determining the application and which are out-of-date are the Open Space Area designation and associated UDP policy LR5, Core Strategy policy CS72 which relates to the protection of the countryside, policy CS22 which sets out the scale of the housing requirement and which is now replaced by the standard methodology, policy CS23 which relates to the location of new housing development, policy CS24 which relates to the distribution of development on brownfield / greenfield land and policy CS33 relates to development within the Stocksbridge / Deepcar area. A five year housing land supply can however be demonstrated and the housing delivery test is passed. Therefore, when taken together as a 'basket of policies', it cannot be concluded in this instance, that the development plan policies which are most important for determining the application are in date, given that the site's existing allocation and associated policy can only be given limited weight on the basis that they do not comply with the NPPF. In this instance, it is therefore concluded that NPPF paragraph 11d) is triggered.

Paragraph 11d) goes on to state that in such circumstances, planning permission should be granted 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 proposed<sup>6</sup>; or
- ii. 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.

Footnote 6 sets out a list of areas / assets of importance to which paragraph 11d)i relates. The only items relevant to the determination of this application are designated heritage assets.

It has been demonstrated above that although less than substantial harm is identified to adjacent heritage assets, even when considerable importance and weight is given to this less than substantial harm, this is outweighed by the public benefits that this proposal will deliver and the heritage requirements of the NPPF are satisfied. There are therefore no policies of restriction within the NPPF which set out a clear reason for refusing consent and NPPF paragraph 11di) is not therefore triggered by the application proposals.

On this basis, the tilted balance set out at NPPF paragraph 11dii) is triggered by the most important policies relevant to the determination of the application (i.e. saved UDP policy LR5 which relates to the site's Open Space Area allocation, Core Strategy policy CS72 which relates to the protection of the countryside, policy CS22 which sets out the scale of the housing requirement and which is now replaced by the standard methodology, policy CS23 which relates to the location of new housing development, policy CS24 which relates to the distribution of development on brownfield / greenfield land and policy CS33 relates to development within the Stocksbridge / Deepcar area) being out-of-date when considered both individually and together as a 'basket of policies' with other development plan policies, including the housing supply and delivery requirements.

On this basis, a balancing exercise needs to be undertaken to establish whether the adverse impacts of the proposal significantly and demonstrably outweigh its benefits. This exercise is set out below.

## BALANCING EXERCISE

In line with NPPF paragraph 11 d ii), a balancing exercise is set out below, weighted in favour of sustainable development, to reach an overall conclusion on the acceptability of the scheme. The application of the planning balance is a matter of judgement for the decision maker.

The identified harm includes:

- Conflict with Core Strategy policy CS72, which can only be given limited weight due to its conflict with the NPPF (see the planning policy context section above). This matter is therefore ascribed limited weight in the planning balance exercise.
- The loss of an area of land within an Open Space Area allocation. This land does not have an open space function beyond views over it from outside the site and this does not comply with the NPPF open space definition. Policy LR5 is also addressed and does not indicate that development should be restricted. On this basis, this matter is given limited weight in the planning balance exercise.
- The loss of a small area of countryside. This is given limited weight in the planning balance exercise given that this land is not green belt and is not a valued landscape.
- Localised adverse landscape and visual effects in the immediate vicinity of the site for a limited range of receptors. However, when private residential views are taken out of the equation, as the loss of a private view cannot be a

material planning consideration, the number of visual receptors are very low and are confined to highway users and limited areas of the adjacent PROW. This matter is ascribed significant weight in the planning balance exercise.

- Less than significant harm to the setting of the heritage assets directly to the south east. However, this has been weighed against the public benefits of the scheme and given considerable importance and weight in the planning balance in line with the relevant case law.
- Narrowing of a link in the area's green network, albeit a link will still remain through Fox Glen Wood. This matter is therefore given limited weight in the planning balance exercise.
- The loss of an area of greenfield land and associated conflict with policies CS24 and CS33 of the Core Strategy. However, policy CS33 cannot carry weight in the determination of the application and policy CS24 can only be given limited weight due to their conflict with the NPPF which does not advocate a brownfield first approach (see the planning policy context section above). This matter is therefore ascribed limited weight in the planning balance exercise.
- Conflict with Core Strategy Policies CS51 and CS53, both of which carry weight in the decision making process, and the Government's planning policy guidance on promoting sustainable transport contained in the NPPF. Even with mitigation accounted for, the identified issues with respect to walking distances, topography, and frequency of public transport will result in additional pressure on surrounding highway capacity, as residents will be likely to use their private motor vehicle as the preferred travel mode. Whilst difficult to truly quantify, there will be other negative resulting impacts. Whilst fully acknowledged as an issue, officers do not consider this negative impact falls outside of the acceptability thresholds as set out in the NPPF, as it would not result in unacceptable highway safety impacts or be of a scale that could be viewed as having a residual cumulative impact on the road network that could reasonably be considered as severe (NPPF paragraph 109). This matter is therefore given moderate weight in the planning balance exercise.

The economic benefits in favour of the scheme include:

- Housing delivery – significant weight is allocated to this benefit in the context of the NPPF requirement to significantly boost the supply of new homes.
- The creation of employment opportunities, supporting the economy – significant weight is allocated to this benefit.
- Economic benefits relating to construction value, new homes bonus, council tax income - significant weight is allocated to this benefit.
- The occupiers of the development would also increase the spending power (expenditure) available in the locality to the benefit of the local economy - moderate weight is allocated to this benefit.

The social benefits in favour of the scheme include:

- The provision of a range of properties to widen home ownership and meet the needs of present and future generations in a well-designed and safe environment – significant weight is allocated to this benefit in the context of the NPPF requirement to boost the supply of housing.

- The provision of a policy compliant level of affordable housing provision (10%) – significant weight is allocated to this benefit in the context of the need for additional affordable housing across the district.
- The site is located within 900 metres of local shops providing general groceries/off licence, tanning shop, newsagent, hairdressers and a takeaway. Limited weight is allocated to this benefit in the planning balance.
- The new public open space would support the community’s health, social and cultural well-being – moderate weight is allocated to this.
- The provision of a substantial area of publicly accessible open space (including equipped play space) and links into Fox Glen wood, will provide recreational benefits. This provision exceeds the policy requirement – significant weight is allocated to this benefit.
- Provision of new footways and an uncontrolled pedestrian crossing along Carr Road – moderate weight is allocated to this benefit.
- Upgrading of existing bus stops on Carr Road (service SL1) to provide shelters – limited weight is allocated to this benefit.
- Provision of pedestrian links through the site and into Fox Glen wood to the north, increasing connectivity – significant weight is allocated to this benefit.
- The development would also provide benefits via the CIL contribution, the extent of which will be calculated at reserved matters stage – moderate weight is allocated to this benefit.

The environmental benefits in favour of the scheme include:

- The development achieves an appropriate density and makes the effective use of the land and will reduce the pressure to develop sites in the Green Belt– significant weight is allocated to this benefit in the context of the NPPF requirement to boost the supply of housing.
- Landscape and visual impacts on the local and wider area will be minimal given the low visibility of the site and low number of receptors. Landscape and visual impacts will be largely confined to the site itself and its immediate surrounds rather than resulting in harm to the wider area. Moderate weight is attached to this matter within the context of the NPPF requirement to boost the supply of housing and requirement for greenfield land to be developed to achieve this.
- Sustainable design and construction techniques are to be used in the development – limited weight is allocated to this benefit.
- The creation of species rich grassland for biodiversity benefits (with no public access). As this is mitigation for the loss of grassland across the remainder of the site, limited weight is allocated to this benefit.

It has been concluded above that the proposals comprise sustainable development for which there is a presumption in favour of the grant of permission.

In weighing the benefits against the harms, overall, it is acknowledged that the scheme will provide significant benefits in terms of housing delivery within the context of the NPPF requirement to boost the supply of housing and the associated social, economic and environmental benefits that such a development would bring; these benefits are set out above. Although SCC can demonstrate a 5 year supply of deliverable housing sites at the present time and has passed the housing delivery

test for two consecutive years, the NPPF makes clear that this is a minimum requirement and the overall focus is housing delivery. On this basis, the benefits are significant.

In contrast, it is acknowledged that the proposal will result in the loss of a small area of greenfield land located within the countryside and allocated as Open Space Area; however this can only be given limited weight as the relevant policies (CS72, LR5, CS24 and CS33) go beyond the requirements of the NPPF (and in any event, policy LR5 is addressed and there is no conflict). It is also acknowledged that the scheme will result in adverse landscape and visual effects in the immediate vicinity of the site; however these are localised and beyond private residential views, are limited to highway users and limited areas of the adjacent PROW. The site is not located in the green belt, it is not a Valued Landscape and landscape and visual impact on the wider area will be very minimal. A link in the green network will be narrowed but will still remain and the Ecology Unit has raised not overall objections to the scheme subject to conditions. Less than significant harm will be caused to the setting of the heritage assets directly to the south east but this is outweighed by the public benefits of the scheme. It is also acknowledged that the site's location will require future residents to use private motor vehicle as their preferred travel mode, albeit sustainable travel options are available. However this does not fall outside of the acceptability thresholds as set out in the NPPF, as it would not result in unacceptable highway safety impacts or be of a scale that could be viewed as having a residual cumulative impact on the road network that could reasonably be considered as severe.

In reaching a decision on the planning balance exercise, it is concluded that the adverse impacts identified above would not significantly and demonstrably outweigh the delivery of housing and the associated benefits that this would bring in the context of the need to significantly boost the supply of homes.

On this basis, it is concluded that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the NPPF taken as a whole, and in line with NPPF paragraph 11dii) planning permission should be granted.

## RECOMMENDATION

Grant conditionally subject to conditions and legal agreement.

## HEADS OF TERMS

- a) The provision of 10% of the overall residential floor space as affordable housing.
- b) To secure the proposed sustainable urban drainage system including on-site and off-site features, its management and maintenance. This could include placing a service charge on future residents and securing a sum of money upfront.