

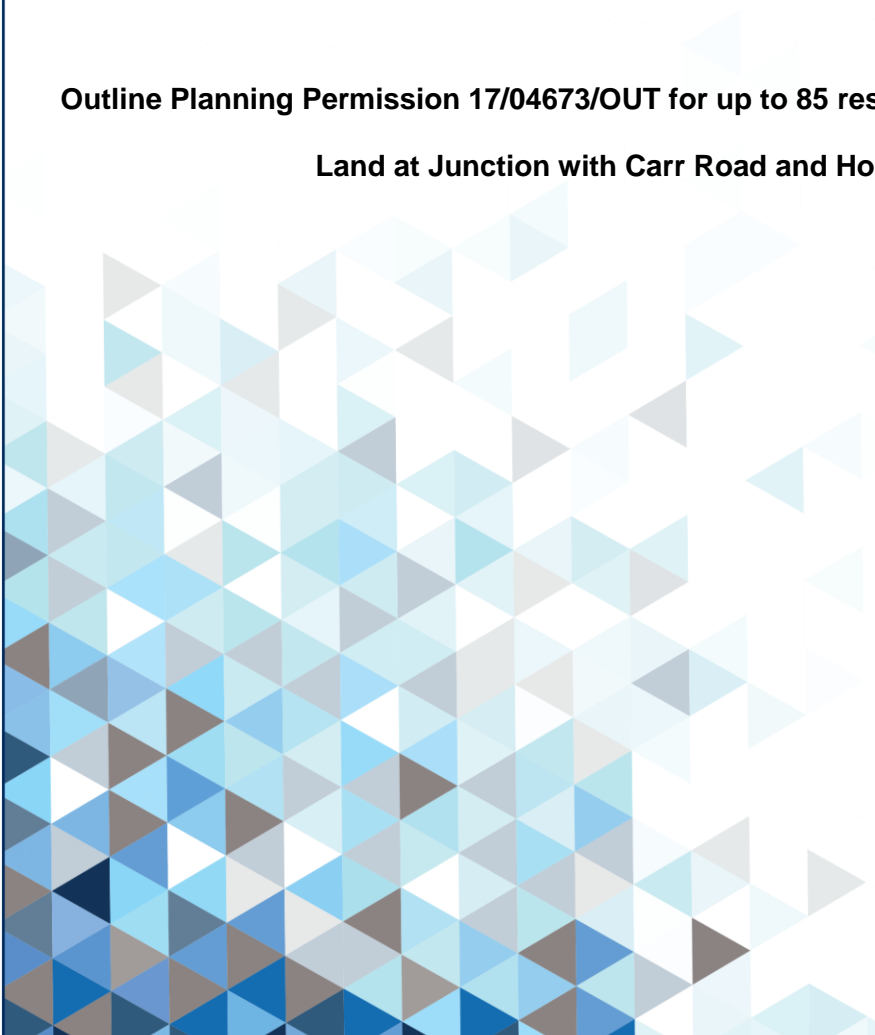
For and on behalf of  
**Hallam Land Management Limited**

Appeal ref: **TBC**  
Draft Statement of Common Ground

**Appeal against the refusal of  
Outline Planning Permission 17/04673/OUT for up to 85 residential dwellings including open  
space (Amended Description) at  
Land at Junction with Carr Road and Hollin Busk Lane, Sheffield S36 1GH**

**Agreed between  
Strategic Planning Research Unit  
DLP Planning Ltd  
Sheffield  
And  
Sheffield City Council**

**January 2021**



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## 1.0 STATEMENT

- 1.1 This Statement of Common Ground has been agreed between Roland Bolton of the Strategic Planning Research Unit of DLP Planning Limited on behalf of the appellant, Hallam Land Management Ltd (“the Appellant”) and XXXXX, XXXX on behalf of Sheffield City Council and Sheffield City Council Highways (“the Council”) in respect of the appeal related to "Land at Junction with Carr Road and Hollin Busk Lane, Sheffield, S36 1GH".
- 1.2 The purpose of this Statement of Common Ground is to inform the Inspector and other parties about the areas of agreement and disagreement between the Appellant and the Council on the appeal submission for the development of up to 85 dwellings. Unless stated otherwise, all of the content of this document is agreed.

<b>Signed on behalf of the Appellant</b>	
<b>Name</b>	Roland Bolton BSc (Hons) MRTPI
<b>Position</b>	Senior Director, SPRU, DLP Planning Ltd
<b>Date</b>	

<b>Signed on behalf of Sheffield City Council</b>	
<b>Name</b>	
<b>Position</b>	
<b>Date</b>	

## 2.0 INTRODUCTION

2.1 The planning application reference 17/04673/OUT (“the Application”) sought outline planning permission with approval of details of points of access to the site (but not within the site), on land described as land to the north of the junction of Carr Road and Hollin Busk Lane in Deepcar, Sheffield.

2.2 The proposal, as first submitted, sought planning permission for the erection of 93 dwellings. On the basis of addressing comments from officers of the Council, the proposal was amended during the course of the application (January 2020) to up to 85 dwellings and the description of the application was amended accordingly. The application was subject to two rounds of comprehensive consultation first the initial public consultation from 18th December 2017 and then the consultation on the reduction to 85 dwellings (as described above) from 21st January 2020. The proposal upon which the Council made its decision was described as follows:

*“Outline application for up to 85 residential dwellings including open space, Land At Junction With Carr Road Hollin Busk Lane Sheffield S36 1GH”(sic)*

2.3 The following plans were submitted to support the Application and are those upon which the Council took its decision, however it is recognised that the masterplan is illustrative only:

- Site Location Plan dated 13.02.17 (CD1.1)
- 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 (CD1.2)
- Illustrative masterplan December 2019 (CD1.3)
- Combined Parameter Plans Rev A Dec2019 CD1.4

2.4 It should be noted that while the Master Plan labels the field to the west of the proposed development as “Species Rich Grassland Managed for Biodiversity and recreation benefit”, it is not proposed to allow access to this field for recreational purposes and so this field is more accurately described as for “Species Rich Grassland Managed for Biodiversity benefit”.

2.5 The application was first placed on the Council Planning Committee (CD1.5) on 4<sup>th</sup> June 2019 (agenda Item 11a). The planning officer at that time considered that there was not a five year supply of housing land and concluded:

*“In the absence of an up to date approved local plan, and the Government’s planning policy guidance seeking to significantly boost the supply of homes, it is considered that substantial weight has to be given to the delivery of housing that the proposed development would achieve.*

*On balance it is considered that the dis-benefits of the loss of open space and harm to the character and views of open countryside would not significantly and demonstrably outweigh the benefits of the proposal to provide open market housing and affordable housing, public open space and the associated economic, social and environmental benefits of the proposal.”*

2.6 The Appellant’s planning consultant reviewed the committee report and contacted the Council suggesting that the officers should update the report in light of the changes in the 2019 NPPF. The committee decided to defer the consideration of the application at the request of the Planning Manager.

2.7 The application was presented to committee for the second time on 14<sup>th</sup> July 2020, this time the Council considered there was a 5.1 year supply of housing land and the Planning Officer concluded (CD1.7) (p97):

*“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 Framework 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 Framework 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 Framework (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 Framework taken as a whole, and in line with Framework paragraph 11dii) planning permission should be granted.”*

- 2.8 This recommendation was not supported by the committee and the Application was refused on 14<sup>th</sup> July 2020, against the recommendation of its officers. The minutes of the meeting (CD1.8) state:

*6a.6 RESOLVED: That Application No. 17/04673/OUT - Outline application for up to 85 residential dwellings including open space (Amended Description) at Land At Junction With Carr Road, Hollin Busk Lane, Sheffield, S36 1GH be REFUSED on the grounds of the significant harmful impact on visual amenity both locally and wider, and the substantial harm to a heritage asset. The decision notice to be formulated and the final wording to be delegated to the Chief Planning Officer in consultation with the Co-Chairs of the Planning and Highways Committee.*

- 2.9 The decision notice (CD1.10) was issued on 20<sup>th</sup> July 2020 and states.

*1 “The Local Planning Authority considers that the proposed development would cause substantial harm to the setting of a collection of Grade II Listed Buildings (Royd Farm) that sit to the east of the application site. The development would not result in substantial public benefits that would outweigh such harm to these designated heritage assets. As such the proposed development is considered to be contrary to Paragraphs 194-195 of the National*

*Planning Policy Framework and Policies BE15, BE19 and LR5(e) of Sheffield's adopted Unitary Development Plan.*

*2 The Local Planning Authority considers that the proposed development would result in unreasonable harm to the established landscape and to visual amenity at both local and wider levels, creating unacceptable impacts on the character of the area and the intrinsic character and beauty of the countryside, while also undermining the role of the site in visually separating established settlements. The resulting adverse impacts would significantly and demonstrably outweigh any benefits the scheme delivers. As such the proposal is considered to be contrary to Paragraphs 127(c) & 170(b) of the National Planning Policy Framework, Policies GE4 & LR5(i&j) within the adopted Sheffield Unitary Development Plan and Policies CS23, CS24 & CS72 within the adopted Sheffield Development Framework Core Strategy."*

- 2.10 The Appellant submitted an appeal against the decision of the Council pursuant to section 78 of the Town and Country Planning Act 1990 ("the Appeal") on 18th January 2021. The appeal was validated on [REDACTED].

### **3.0 THE SITE AND THE SURROUNDING AREA**

#### **a) Site Description**

- 3.1 The appeal site is located to the north of the junction with Carr Road and Hollin Buskin Lane, Deepcar, north-west Sheffield. A location plan of the site can be found at CD1.1 ("Site").
- 3.2 The Site covers an area of some 6.5 hectares.
- 3.3 Agricultural fields are located to the west of the application site and along part of the north western boundary. Fox Glen, an Area of Natural History Interest (ANHI) and Local Wildlife Site (LWS) runs along the remainder of the north western boundary, this contains Clough Dike and has a housing area directly beyond.
- 3.4 To the northeast, the site adjoins dwellings and their rear gardens on Carr Road. To the east and south east of the site is a further substantial housing area.
- 3.5 A cluster of properties and a small field are also located along the eastern boundary between the site and Carr Road. These include the Grade II Listed Royd Farmhouse, barn and farm buildings.
- 3.6 To the south of the site is Hollin Busk Lane with green belt beyond. The site itself is not in the green belt. The south eastern corner of the site adjoins the junction of Hollin Busk Lane, Carr Road, Royd Lane and Cockshot Lane.
- 3.7 The site is allocated as an Open Space Area on the Sheffield Unitary Development Plan Proposals Maps dated 1998. The site forms the eastern part of a larger area of land which extends to the west and north west. The area adjacent to the eastern edge of the site is an established housing area. An established housing area also exists beyond the north western edge of the site, beyond Fox Glen.
- 3.8 The site comprises several private fields used for grazing. There is no public access and there are no footpaths across the site.
- 3.9 There is a shallow gradient across the site, and it generally falls from the high point at the south to the north of the site.
- 3.10 There are a small number of trees across the site.

#### **b) Site Location**

- 3.11 The site is located in Stocksbridge parish.
- 3.12 Deepcar/Stocksbridge is some 9.9 miles from Sheffield City Centre,
- 3.13 There are a range of shops and facilities within 900m of the site.
- 3.14 The Site falls within the catchment areas for Royd Nursery and Infant School, Deepcar St John's Church of England Junior School, and Stocksbridge High School. Royd Nursery and Infant School is located adjacent to the Site, some 0.16km away. Deepcar St John's Church of England Junior School is located some 0.3 miles from the site. Stocksbridge High School is located some 1.6km from the site.
- 3.15 There are a number of bus services with bus stops close to the Site.



#### **4.0 THE APPEAL PROPOSAL**

- 4.1 The appeal proposal is an outline planning application for up to 85 dwellings, including open space, with access for approval, to but not within the Site.
- 4.2 The Site would be accessed via a new vehicular access from Carr Road.
- 4.3 Further details of the proposed scheme is provided within the planning application's Design and Access Statement (CD1.10) although detailed design is to be addressed at the reserved matters stage.
- 4.4 Financial contributions are offered towards education and health care provision together with affordable housing; all to be secured by a s106 Agreement.
- 4.5 In summary, the proposal is as follows:
  - a. Development of up to 85 dwellings
  - b. Access from Carr Road via a new priority junction in the site's north eastern corner
  - c. 10% affordable housing contribution
  - d. 1.53ha of open space, 0.074ha of Locally Equipped Area for Play (LEAP), 0.22ha of SUDs, and 1.92ha of restricted access enhanced grassland

## **5.0 PLANNING HISTORY**

5.1 The planning history of the appeal site is as set out below.

- 1) An outline planning application for residential development, new roads and sewers on 17.4 hectares of land, which included the current appeal site was made in [1990]: Ref No: 89/3037P. This was refused planning permission and dismissed at appeal in August 1991. This application and subsequent appeal covered a much larger site including land to the west of the appeal site and Fox Glen. 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 appeal given the age of the decision, changed circumstances, and subsequent change in national and local policy context. Furthermore, the sites are not comparable with the site subject to the current appeal being substantially smaller in size, having a different relationship with the existing built up areas, and a materially different effect on the landscape and views.
- 2) An EIA Screening request was made for the erection of 93 dwelling in 2017, related to the appeal application: Ref. No: 17/00142/EIA. This screening opinion was for the appeal site prior to the reduction in the number of dwellings. It is agreed that the proposed development is not EIA development and therefore, an Environmental Impact Assessment is not required to accompany this planning application.

## 6.0 MATTERS AGREED – POLICY

### c) The Development Plan, Sheffield Core Strategy, 2009

6.1 The most relevant policies contained in the Core Strategy (CD3.1) for the Appeal are as follows:

*CS22 – Scale of the Requirement for New Housing*

*CS23 – Locations for New Housing*

*CS24 – Maximising the Use of Previously Developed Land for New Housing*

*CS33 – Jobs and Housing in Stocksbridge/Deepear*

*CS40 – Affordable Housing*

*CS72 – Protecting Countryside not in the Green Belt*

### d) Saved policies from the Unitary Development Plan, 1998

6.2 The following 'saved' policies from the 1998 UDP are also the most relevant for the Appeal:

*GE4 – Development and the Green Belt Environment CD3.2*

*BE15 – Areas and Buildings of Special Architectural or Historic Interest CD3.3*

*BE19 – Development Affecting Listed Buildings CD3.3*

*LR5 – Development in Open Space Areas CD3.4*

### e) The most important policies for determining application

6.3 The following policies are referenced in the decision (CD2.5) and are the most important policies for determining the appeal:

- UDP Policies: BE15, BE19, LR5 e) i) and j), GE4,
- Core Strategy Policies: CS23, CS24, and CS72

6.4 The Decision Notice also references paragraphs 127 c), 170 b) 194 and 195 of the NPPF.

### f) The datedness of the most important policies

6.5 In reaching the decision on the appeal application, members of the planning committee did not challenge the assessment of datedness of the policies within the committee report. They simply choose to place greater weight on the identified conflict/ less weight on the benefits.

6.6 The following is the agreed assessment of consistency of policies in line with the NPPF paragraph 213 (CD4.1).

#### ***Policy LR5 (e), (i), and (j)***

6.7 It is agreed that this is an area of inaccessible land, allocated as an Open Space Area but its only function relates to its visual amenity from public vantage points outside the site, and as such it falls outside of the definition of open space in the NPPF annex (CD4.1).

6.8 The appeal site is identified on the UDP proposals map (CD3.5) as an Open Space Area, which is different to open space or Local Green Space as defined by the NPPF. It is neither of those. Policy LR5 states that development within this area will not be permitted except in accordance with a limited set of circumstances (CD3.4). Policy LR5 goes beyond the requirements of the NPPF and does not accord with it and the policy can only carry little weight, although it raises issues which are material considerations.

6.9 It is also agreed that the site does not meet the criteria for the designation of Local Green Space set out in paragraph 100 of the NPPF.

***Policy GE4***

- 6.10 This policy seeks that development which is in or conspicuous from the Green Belt should be in keeping and wherever possible conserve and enhance the landscape and natural environment (CD3.2).
- 6.11 The basis for this policy in 1998 was the then national guidance that the visual amenities of the green belt should not be injured by development within or conspicuous from the Green Belt.
- 6.12 There is no such guidance in the NPPF (CD4.1) which seeks to control development outside of the Green Belt in such a manner and as such there is no longer justification for this policy in national guidance.
- 6.13 It is agreed that this policy is out of date and any conflict should carry no weight in the decision on this appeal.

***Policy BE15***

- 6.14 This policy seeks to protect areas and Buildings of Special Architectural or Historic Interest and states that development which would result in any harm should be refused (CD3.3). This policy is not in accordance with the NPPF paragraphs 193 to 202 (CD4.1) which requires an assessment of harm and a balance is required to be taken in respect of the public benefits of the proposal.
- 6.15 There is a substantive difference between the UDP policy and the NPPF and as such BE15 cannot be considered to be up to date and should only attract little weight.

***Policy BE19***

- 6.16 This policy addresses development affecting Listed Buildings. Like BE15 (CD3.3) it does not reflect the approach in the NPPF. The NPPF requires an assessment of harm and decision makers are required to consider the benefits of the proposal in the balance.
- 6.17 There is a substantive difference between the UDP policy and the NPPF and as such BE19 cannot be considered to be up to date and should only attract little weight.

***Policy CS23***

- 6.18 This policy identifies general locations for development, stating that the main focus for housing development up to 2021 will be sites located within, or adjoining, the main urban area of Sheffield and the urban area of Stocksbridge / Deepcar (CD3.1). 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 below in relation to policy CS72.
- 6.19 Policy CS23 is related to CS22 which sets context of the distribution based upon the overall scale of housing and the housing requirement, which has been superseded by the Standard Method. CS23 is out of date and attracts little weight.
- 6.20 In any event, the appeal site adjoins Deepcar and conforms with the general approach set out in policy CS23 (CD3.1 page 57)

***Policy CS24***

- 6.21 Policy CS24 (CD3.1) prioritises housing development on previously developed land and stipulates a prioritisation of brownfield land according to a set proportion and is therefore not in conformity with NPPF (CD4.1) and is out of date and of little weight.
- 6.22 In any event it is of note that policy CS24 envisaged that greenfield sites would be developed in the absence of a five year supply of deliverable sites (d).

**Policy CS33**

- 6.23 Policy CS33 (CD3.1) which restricts housing development to previously developed land within the urban area of Stocksbridge / Deepcar, is agreed to be of little weight in the decision making process because it is inconsistent with the NPPF and thus out of date (CD4.1). The NPPF does not contain a brownfield first approach.

**Policy CS72**

- 6.24 The policy approach in CS72 (CD3.1) is not consistent with the NPPF (CD4.1) which does not protect countryside for its own sake (i.e. it does not impose outright restrictions on development in countryside).
- 6.25 It is agreed that policy CS72 goes beyond the requirements of the NPPF as it is an in-principle policy of restriction and any conflict with it should attract little weight when assessed for consistency with NPPF paragraph 213.

**Conclusion on the datedness of the most important policies**

- 6.26 It is agreed that all of the most important policies are to a greater or lesser degree inconsistent with the NPPF (CD4.1). The saved UDP policies LR5 (CD3.4) and GE4 (CD3.2) which relate to the site's Open Space Area allocation and impact on Green Belt are substantially out of date while BE15 and BE19 (CD3.3) fail to reflect the more balanced approach to assessing impact and benefits which is now contained within the NPPF (CD4.1).
- 6.27 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 (which relates to development within the Stocksbridge / Deepcar area) are all considered to be out-of-date for the reasons set out above.
- 6.28 In conclusion when considered both individually and together as a 'basket of most important development plan policies', the policies are out of date and on this basis, the tilted balance set out at NPPF paragraph 11dii, CD4.1) is triggered.

**g) Emerging Local Plan,**

- 6.29 Sheffield City Council is currently preparing a new draft Sheffield Local Plan which once adopted, will replace the Sheffield Core Strategy (2009) and the Unitary Development Plan (1998).
- 6.30 The emerging Local Plan is in the very early stages of development thereby carrying no weight as a policy document; the Issues and Options consultation took place from September to October 2020.
- 6.31 As part of the emerging Local Plan, the following documents have been published:
- Sheffield Central Area Strategy Capacity Report – July 2020
  - Sheffield Employment Land Review – March 2020
  - Sheffield Housing and Economic Land Availability Assessment Report – September 2020
  - Green Belt Review – September 2020
  - Site Selection Technical Note – September 2020
  - Social Infrastructure Technical Note – September 2020
  - Transport Infrastructure Technical Note – September 2020
  - Employment Land Need and Land Supply Technical Note – September 2020

- Housing Technical Report – September 2020
- Sheffield Issues and Options Document – September 2020

- 6.32 The Issues and Options (CD3.6) consulted on 3 different options to deliver 2,000 dpa (40,000 dwellings by 2038).
- 6.33 Of the 3 options considered in the Issues and Option all of the options suggested that the urban area outside of the city centre would deliver 1,000 dwellings a year (20,000 in total) and 2 of the 3 options required a degree of green belt release.
- 6.34 The introduction of the new standard method for calculating the housing requirement will be required to be addressed by the emerging plan. This will increase the level of housing to be accommodated in the emerging plan from 40,000 to 57,540 (2,877 x 20).
- 6.35 Whilst there is no weight to be afforded to the emerging local plan, it does demonstrate the direction of travel whereby there is limited choice of housing allocation and with the increased standard method requirement, development within the green belt is more likely.

**h) National Planning Policy Framework (2019) Relevant Paragraphs:**

- 6.36 The following paragraphs in the National Planning Policy Framework (2019) (CD4.1) are relevant for the determination of the Appeal:

*Chapter 2 – Achieving sustainable development – paragraphs 7, 8, 10, 11*

*Chapter 5 – Delivering a sufficient supply of homes – paragraphs 59, 73*

*Chapter 8 – Promoting healthy and safe communities – paragraphs 96, 97, 100*

*Chapter 9 – Promoting sustainable transport – paragraphs 102, 109, 111*

*Chapter 11 – Making effective use of land – paragraph 123*

*Chapter 12 – Achieving well designed places – paragraph 124*

*Chapter 14 – Meeting the challenge of climate change, flooding and coastal change - paragraphs 155, 165*

*Chapter 15 – Conserving and enhancing the natural environment - paragraphs 170, 175 178*

*Chapter 16 – Conserving and enhancing the historic environment – paragraphs 184 194, 195, 196, 202*

*Annex 1 – Implementation – paragraphs 213, 215*

**i) Conformity with Development plan policies**

- 6.37 It is agreed that the proposal is in conformity with the following UDP policies (CD3.2)
- GE10,
  - GE11,
  - GE12,
  - GE13,
  - GE15,
  - GE17,
  - GE22,
  - GE25,

- GE26,
- MW9

6.38 It is further agreed that the above policies carry weight in the decision making process.

6.39 It is agreed that the proposal is in conformity with the following Core Strategy Policies (CD3.1)

- CS26 Efficient use of housing land and accessibility
- CS40 Affordable Housing
- CS74 Good quality design
- CS67 Flood risk management
- CS73 The strategic green network

6.40 It is agreed that it has been demonstrated that a scheme can come forward at the reserved matters stage which complies with the requirements of the following Core Strategy policies (CD3.1)

- CS63 Responses to climate change
- CS64 Climate change, resources and sustainable design of developments
- CS65 Renewable energy and carbon reduction).

**j) Conformity with the NPPF**

6.41 It is agreed that the appeal proposal does not conflict with following paragraphs of the NPPF (CD4.1):

- Paragraph 97 relates to open space and 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'. NPPF paragraphs 96 and 97 which relate to open space cannot apply to the appeal site which is valued for no more than visual amenity.
- It is agreed that the site does not meet the criteria for the designation of Local Green Space set out in paragraph 100 of the NPPF.
- It is agreed that the design code is acceptable and meets the requirements of paragraph 124, which requires the creation of high quality buildings and places (CD? 85).

**k) Neighbourhood Plan**

6.42 A Stocksbridge Neighbourhood Plan Area was designated, however, Stocksbridge Town Council have advised that work on the preparation of the Neighbourhood Plan is not being progressed (CD1.7). As such, there is no Neighbourhood Plan that covers the appeal site and no weight can be placed on the designation in the assessment of the appeal.

**l) Five Year Housing Land Supply**

- 6.43 At the time of the submission of this appeal the Council claims a 5.4 year supply of land. This is set out in the “5-Year Housing Land Supply Monitoring Report December, 2020”. This is based on a housing requirement utilising the Standard Method of 2,131 plus a 5% buffer resulting in a total requirement of 11,188 dwellings (CD3.7 Paragraph 2.9).
- 6.44 The Council states that the net supply as at 1<sup>st</sup> April 2020 was 12,131. (This is not agreed by the Appellant see section 9)
- 6.45 This results in a claimed supply of 5.4 years (CD3.7 Table 4).
- 6.46 The new standard method figure for Sheffield, as calculated by the NPPG including the 35% uplift in PPG is 2,877 dpa.
- 6.47 Taking into account the requirement for a 5% buffer this would result in a 5 year requirement of 15,104 dwgs (2877 x 5 x 1.05).
- 6.48 This will be utilised in the calculation of the housing requirement from 16 June 2021 onwards (PPG Paragraph: 037 Reference ID: 2a-037-20201216, CD4.2),
- 6.49 If by the 16<sup>th</sup> June 2021 the Council has not updated the supply then on the present identified supply of 12,131 there would be a supply of 4.0 yrs (12,131/15104 x 5). This is a potential shortfall of 2,973 dwellings.

**m) Development within Open Space Area**

- 6.50 The site forms the eastern part of a Wider Open Space Area (OSA) as allocated by the 1998 UDP Proposals Map (CD3.5). The policy that relates to development in Open Space Areas is UDP Policy LR5 (CD3.4).
- 6.51 It is agreed (Committee report page 32, CD1.7) that Open Space Area allocations in the UDP (CD3.5) do not equate to Local Green Space as set out in at paragraph 100 of the NPPF (CD4.1).
- 6.52 It is also agreed that Open Space Area allocations in the UDP (CD3.5) do not equate to open space as defined by the NPPF due to the lack of qualitative assessment of the designation in the Core strategy (CD3.1).
- 6.53 It is agreed that policy LR5 carries little weight in the decision process due to conflict with the NPPF.

**n) Development within the Countryside**

- 6.54 Policy CS72 (Protecting Countryside not in the Green Belt), of the Core Strategy (CD3.1) states that green, open and rural character of areas on the edge of the built-up areas including the area to the south of Stocksbridge (at Hollin Busk) but not in the Green Belt will be safeguarded through protection as open countryside.
- 6.55 As this policy does not make specific land allocations and provides a blanket protection of development in the countryside, it is agreed that this policy is inconsistent with the NPPF paragraph 173 (CD4.1). Therefore, it is agreed policy CS72 carries little weight in the decision making process as it is out of date in relation to the requirements of the NPPF.

**o) Development on Greenfield Land**

- 6.56 Policy CS33 and CS24 of the Core Strategy (CD3.1), seek to prioritise the development of brownfield land.
- 6.57 Policy CS33 Jobs and Housing in Stocksbridge/Deepcar states that new housing will be limited to previously developed land within the urban area.
- 6.58 It is agreed, that policy CS33 carries little weight in the decision making process, is out of



date, being inconsistent with the NPPF (CD4.1), which is a material consideration in planning decisions.

- 6.59 Policy CS24 Maximising the Use of Previously Developed Land for New Housing, states that priority will be given to the development of previously developed sites, and housing on greenfield sites will be developed only where (a) the site is in a Housing Market Renewal Area, (b) on small sites within the existing urban areas and larger villages where it can be justified on sustainability grounds, (c) in the Owlthorpe township, and (d) in sustainably located larger sites within or adjoining the urban areas and larger villages, if there is less a 5-year supply of deliverable sites.
- 6.60 It is agreed that in the last 15 years 95% of all new homes have been built on brownfield land (CD3.6 Issues and options page 26)
- 6.61 It is agreed Policy CS24 carries little weight as it prioritises brownfield sites and goes beyond the requirements of the NPPF.

**p) Affordable Housing**

- 6.62 Core Strategy policy CS40 (CD3.1) requires housing developments in all parts of the city to contribute towards the provision of affordable housing where this is practicable and financially viable.
- 6.63 In accordance with the Council's Community Infrastructure Levy and Planning Obligation Supplementary Planning Document (2015) (CD3.8) the site lies within an area where 10% affordable housing contribution is required as defined by the GAH1 and GAH2 guidelines.
- 6.64 The scheme will provide a policy compliant 10% affordable housing contribution.
- 6.65 As stated in the Committee Report (CD1.7), this will help to meet the ongoing need for affordable housing across the city and is a benefit of the development that attracts 'significant weight'.

**q) Provision of onsite Open Space**

- 6.66 The Council's Community Infrastructure Levy and Planning Obligation Supplementary Planning Document (2015) (CD3.8) states that for developments over four hectares, a relevant proportion (10%) should be laid out as open space except where provision of recreation space in the local development would continue to exceed the minimum guidelines after the development has been taken place, or it would be more appropriate to provide or enhance recreational space off-site within the local area.
- 6.67 A substantial area (1.53ha), exceeding the policy requirement, of publicly accessible open space, and an equipped play space has been proposed as part of the development.
- 6.68 As stated in the Committee Report (CD1.7), the provision of open space is a benefit that attracts 'substantial weight'

**r) Economic Benefits**

- 6.69 The following economic benefits and their corresponding weight have been agreed to arise from the scheme:
- Housing delivery in the context of the NPPF's requirement to significantly boost the supply of new housing – Substantial weight.
  - The creation of employment opportunities that will support the economy – Substantial weight.
  - Economic benefits relating to construction value, new homes bonus, council tax income - Substantial weight.
  - Future occupiers' expenditure in the locality which will benefit the local economy –

Moderate weight

6.70 It is agreed these economic benefits are material considerations.

**s) Social Benefits**

6.71 The following social benefits and their corresponding weight have been agreed to arise from the scheme:

- The provision of a range of family houses that will widen home ownership and help meet the needs of present and future generations in a well-designed and safe environment, in the context of the NPPF's requirement to significantly boost the supply of housing – substantial weight.
- The provision of a policy compliant level of affordable housing (10%), in the context of the need for additional affordable housing across the district – substantial weight
- The location of the site within 900m of local shops providing general groceries / off licence, tanning shop, newsagent, hairdressers, and a takeaway – limited weight.
- The provision of new open space included equipped local play space which would support the community's health, social, and cultural wellbeing – substantial weight.
- The provision of a substantial area of publicly accessible open space (including equipped play space), and links to Fox Glen woods, which will provide recreational benefits. This level of provision exceeds the policy requirement – substantial weight.
- Provision of new footways and a pedestrian crossing along Carr Road – moderate weight.
- Upgrading of existing bus stops on Carr Road to provide shelters – limited weight.
- Provision of pedestrian links through the site and into Fox Glen wood to the north, thereby increasing connectivity – substantial weight.
- CIL contributions, to be finalised at the reserved matters stage – moderate weight.

6.72 It is agreed these social benefits are material considerations.

**t) Environmental Benefits**

6.73 The following environmental benefits and their corresponding weight have been agreed to arise from the scheme:

- The development of appropriate density housing that makes effective use of the land and reduces the pressure of green belt sites, in the context of the NPPF's requirement to boost housing – substantial weight.
- Sustainable design and construction techniques to be used in the development – moderate weight.
- Creation of species rich grassland for biodiversity benefits (no public access) which will secure Biodiversity Net Gain - substantial weight.

6.74 It is agreed these environmental benefits are material considerations and contribute to the overall sustainability of the site.

## 7.0 MATTERS AGREED – IMPACT OF APPEAL PROPOSAL

### a) Landscape

- 7.1 The Appellant submitted a Landscape and Visual Assessment dated November 2017 (CD1.11a) to address the scheme's impact in relation to landscape matters. It is agreed that the content of the document is comprehensive and up to date.
- 7.2 The following documents are apposite to the determination of the appeal:
- Landscape Visual Impact Assessment (CD1.11a)
  - National Character Area profile 37 Southern Pennine Fringe (CD6.1)
  - Sheffield Preliminary Landscape Character Assessment (CD6.2)
  - National Planning Policy Framework (CD4.1)
  - Sheffield Unitary Development Plan (CD3.2 – 3.5)
- 7.3 Landscape character is assessed at a national level by Natural England through the use of National Character Area (NCA) profiles. The site, and much of the surrounding landscape that includes the settlements of Deepcar and Stocksbridge, lies within the extensive NCA 37 Yorkshire Southern Pennine Fringe (CD6.1). This covers some 58,510 ha of the landscape.
- 7.4 Landscape characterisation has been undertaken at a district level by the Sheffield Preliminary Landscape Character Assessment (CD6.2). It is agreed that although the report explains that this is not a completed final report but the first stage in landscape characterisation, the site and the landscape south of Deepcar and Stocksbridge lies within the Upland Character Area, and the sub area of UP2 – Pastoral Hills and Ridges, within this emerging characterisation document.
- 7.5 The site covers around 2.67 ha of agricultural land. It is located on the southern edge of the built-up area. Built development lies to the east, north and west of the site. The site comprises six gently sloping agricultural fields that are open in their character. Common to the local and wider landscape they are used for grazing. Fields are bound by a combination of gritstone walls of varying condition. Fox Glen contains a watercourse (Clough Dike), a number of small ponds and a Public Footpath. Beyond the woodland is residential development that includes housing at Bloomfield Grove and Broomfield Lane. The majority of the wider urban area lies to the north. The site's western boundary is defined by a drystone wall and some intermittent mature trees. To the west the landscape comprises grazing fields and housing at Broomfield Lane. Broomfield Lane connects with the built-up area of Hollin Busk and East Whitwell at Hollin Busk Road and Hollin Busk Lane. The site's southern boundary is defined by a low stone wall and the adjacent footway and carriageway of Hollin Busk Lane. To the south, beyond gently rising agricultural land and Cockshot Hill, is the village of Bolsterstone, around 0.6km from the site. The site's eastern boundary is defined by low stone walls and the properties of Royd Farm and Royd Cottage. Lying adjacent is the residential area of Royd with Royd Lane and Carr Road characterised by relatively modern buildings.
- 7.6 The landform character of the landscape is illustrated by the Topography Plan (Figure 7, CD1.11b) set out within the submitted LVA. Stocksbridge and Deepcar lie within the upland valley of the River Don and the Little Don River, which are framed and enclosed by the prominent escarpments of Don Hill-Hunshelf Bank to the north, and Wharncliffe Crags, Wharncliffe Moor and Wharncliffe Chase to the east. As a consequence of the higher land around them the urban area is comparatively well contained within the wider landscape. The site lies on the north facing valley slopes above the River Don and is oriented towards the wider built-up area. It falls steadily from its southern boundary at Hollin Busk Lane to its lowest point near Fox Glen. To the south the valley slopes continue to gently rise reaching at Cockshot Lane, Walders Low, Round Hill and Allman Well Hill. These small rounded hills

form part of ridge of higher land that runs from the west at Salter Hills to Hollin Edge Height in the east, via the village of Bolsterstone. South of Bolsterstone the landscape descends into the steeply sided valley of the River Ewden.

- 7.7 The gently rising landform to the south of the site, together with intervening elements of vegetation and the built-up area, prevent any material visibility between the site and the Peak District and in particular the Peak District National Park.
- 7.8 The site contains no significant or unusual landscape features and is subject to agricultural management in the form of grazing land. Whilst the gritstone walls are of some local landscape and conservation value they are in varied condition.
- 7.9 The site forms part of an open agricultural landscape of grazing fields within the context of the settlement edge. It is influenced to some degree by its relationship with the modern residential area of Carr Road and Royd Lane that border and overlook the site.
- 7.10 The site and the local landscape is not covered by any designation relating to landscape quality at either a national or local level. To the south west of the built up area is the nationally designated landscape of the Peak District National Park. The boundary of the Peak District is defined by Heads Lane near the village of Bolsterstone around 0.7km to the south of the site at its closest point. Covering parts of Derbyshire, Yorkshire, Staffordshire and Cheshire, the Peak District extends over some 1,438 km<sup>2</sup> of the landscape. At a local level, the Sheffield UDP (CD3.2) has landscape designations that are defined as: "Areas of High Landscape Value". These are recorded by the UDP (CD3.2) as being: "areas of the countryside which are very attractive and which have a special character. It is agreed that the site is not identified as one of the areas that are very attractive or have a special character.
- 7.11 The site does not have any marked sense of scenic quality, tranquillity or wildness and is not used for any formal or informal recreation.
- 7.12 It is agreed that the site and its immediate surroundings are not of High Landscape Value and that the immediate landscape and that of the site is of medium landscape value. Though considered of value to people in the area, it is agreed that the site is therefore not a "valued landscape" in the context of the NPPF (CD4.1).
- 7.13 It is agreed that the Landscape and Visual Assessment submitted with the application (CD1.11a) has been undertaken to best practice guidance (GLVIA 3) and that the assessment has identified the main landscape, character and visual effects that would result as a consequence of the development. The level and nature of effects as set out in the LVA are also agreed.
- 7.14 It is agreed that, as assessed and set out in the LVA (CD1.11), that the visual envelope of the site is relatively limited in its extent and that the number of receptors of high susceptibility (i.e., residents and right of way users) that have clear views of the site are comparatively limited.
- 7.15 It is agreed that the receptors that would have clear views, as set out and assessed in the LVA, are judged to be:
- i. Residential receptors that are opposite the site on Carr Lane and Royd Lane, and those nearby at Hollin Busk Lane, Broomfield Lane and Broomfield Grove;
  - ii. Right of Way users on the Footpath in Fox Glen – albeit views are limited in extent to one or two locations - and those on the Footpath heading south from Bolsterstone; and
  - iii. Highway users travelling past the site or in close proximity to it on Hollin Busk Lane, Carr Lane, Royd Lane and Cockshot Lane. It is agreed that the frequency and level

of effect from these receptor locations is as set out in the LVA.

**b) Heritage**

- 7.16 The Appellant submitted a Heritage Statement dated January 2020 (CD1.12) to address the scheme's impact in relation to heritage matters. It is agreed that the content of the document is comprehensive and up to date.
- 7.17 In addition, the following documents are apposite to the determination of the appeal:
- Good Practice Advice in Planning - The Setting of Heritage Assets (Historic England Advice Note 3) (CD6.3)
  - Statements of Heritage Significance: Analysing Significance in Heritage Assets (Historic England Advice Note 12) (CD6.4)
  - National Planning Policy Framework (CD4.1)
  - Sheffield Unitary Development Plan (CD3.2 – 3.5)
- 7.18 There are several heritage assets in the area around the site, related to both the agricultural and industrial history of the area. Their values have been considered in accordance with the appropriate National and Local Legislation, policy and Historic England Guidelines (CD4.1, CD6.3, CD6.4). As the artistic, architectural and historic values of these heritage assets are not impacted by the proposals, their significance is not harmed. The potential impact upon their significance by development in their setting is considered individually. The heritage assets are as follows:
- In close proximity
- Royd Farmhouse - List UID: 1286318, Grade II
  - The Barn and Farm Buildings - List UID: 1314585, Grade II
- In the wider area to the northwest:
- Bolderstone Glass House - List UID: 1004803, Scheduled Monument
  - Farm Building at Pot House Farm Adjoining Farmhouse to North - List UID: 1132805, Grade II
  - Barn at No. 17 - List UID: 1132799, Grade II
- In the wider area to the east:
- Barn approximately 30 meters to the east of Number 15 - List UID: 1193193, Grade II
- In the wider area to the southwest:
- Bolderstone Conservation Area, includes 6 Grade II Listed Buildings
  - Walders Low - Non-designed local Heritage Asset
- 7.19 There will be no impact on the Bolsterstone Glass House scheduled monument and two associated Grade 2 Listed cottages which are located approximately 900 metres to the north west of the application site, due to the distance from and absence of any relationship to the development site.
- 7.20 To the north of the application site is the Barn at Number 17, Listed Grade II. Its architectural and historic values are not harmed by development in its setting due to distance, current residential use and the structure being enclosed within later development.
- 7.21 There will be no harm caused to the significance of the Bolsterstone Conservation Area, together with the designated and non-designated heritage assets within it, nor to its significance by development in its setting as a result of the distance from and absence of relationship to the site.

- 7.22 There is no impact on Walder's Low burial mound, a non-designated Heritage Asset, approximately 450 metres to the south of the site.
- 7.23 Royd Farmhouse is described in the listing as 17th and 18th century, possibly earlier, core of coursed stone with stone slate roof. Royd Farmhouse is a two storey dwelling set to the east of the site, away from the boundary with the application site. It is surrounded on three sides by residential garden areas and is seen mainly in context with the adjoining listed former barn and farm buildings which form a courtyard type group.
- 7.24 To the rear of Royd Farm is a small barn/outbuilding which is also Grade II Listed. 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. This is located adjacent to the boundary with the proposed development. The former barn and associated buildings 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 form a significant gap between the listed buildings and the development.
- 7.25 As the application site is likely to have been connected in the past for agricultural purpose with Royd Farmhouse and Barn, there is potential for its historical value to be harmed by development in its setting. This historical value has been eroded by the heritage asset and site no longer having any functional connection. There is existing screening separating them which will be augmented, a significant buffer zone is provided, and the development will respect local materials and scale.
- 7.26 The South Yorkshire Archaeology Service has raised 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 (CD1.13). It is agreed that this can be required through a planning condition.

**c) Ecology**

- 7.27 The Appellant submitted an Ecological Appraisal and Protected Species Report dated November 2017 (CD1.14) to address the scheme's impact in relation to ecological matters. It is agreed that the content of the document is comprehensive, up to date, and the conclusions are agreed.
- 7.28 In addition, the following documents are apposite to the determination of the appeal:
- National Planning Policy Framework (CD4.1)
  - Natural England's Comments (CD1.15, and CD1.16)

**Overview**

- 7.29 Further to the submission of the planning application the appellant has worked with the Local Planning Authority (LPA) to address matters relating to Ecology and Nature Conservation. This has resulted in several formal submissions to the LPA, complementing the original submission referenced 'Land off Carr Road, Deepcar. Ecological Appraisal & Protected Species Report. FPCR November 2017' (CD1.14). These further submissions include:
- Land off Carr Road, Deepcar. Ecology: Additional Information Document. October 2018 (CD1.17)
  - Land off Carr Road, Deepcar (Planning Reference Number: 17/04673). Ecological Update & Review. Letter Dated 17<sup>th</sup> January 2020 (CD1.18)
- 7.30 During the determination period the LPA agreed that the completed survey work is in accordance with standard methodologies. This remains agreed. The Appellant also

completed all relevant additional surveys / assessment work as requested by the LPA. It is agreed that the scope, content and conclusions of the documentation is comprehensive and robust providing the necessary information on all material ecological considerations to determine the application.

***Statutory Designated Sites and Habitat Regulation Assessment (HRA)***

- 7.31 No statutory designated sites of nature conservation interest are present within the Site. Statutory designated sites for nature conservation are situated in the wider environment beyond the Site. The only designated site which required further consideration during determination of the application, and is therefore relevant to this Appeal, is the South Pennine Moors Phase 1 Special Protection Area (SPA) which includes the Dark Peak SSSI. This designate site is situated 3.6km to the west of the Site.
- 7.32 It is agreed that adequate assessment has occurred by the Council pursuant to The Conservation of Habitats and Species Regulations 2017 (as amended by the EU Exit Regulations 2019). The proposals will not have any likely significant effect on the habitats within the SAC or SSSI designations and the proposals are unlikely to result in increased recreational pressure on the statutory designated sites.
- 7.33 The South Pennine Moors (Phase 1) SPA is designated for breeding bird assemblage. Neither the on-site survey nor the records provided from the Sheffield Biological Records Centre (SBRC) or the Sheffield Bird Study Group (SBSG) have identified any of the qualifying species listed in the designation criterion for the SPA within the site or in the grid squares surrounding the site.
- 7.34 Two species of interest listed on the SPA designation lapwing / curlew have been recorded over the surveys. A maximum of up to two breeding pairs of lapwing, were recorded using the site. The Site does not provide an important resource for the overall population which records demonstrate is widely distributed on other suitable farmland in the 2km search area west of the Site. During the surveys, Curlew were only seen flying over the Site and consultees provided no records of Curlew using the Site. The Site does not form an important supporting habitat for Curlew. The data also demonstrates the Site does not represent 'Functionally Linked Land' (FLL) for species associated with the SPA.
- 7.35 Whilst some species listed on the designation criterion for the Dark Peak SSSI were recorded using the Appeal Site, the Site is situated outside the 'Impact Risk Zone' (IRZ)<sup>1</sup> for residential development. Consequently, use of the Site by these species is unlikely to affect the conservation status of this designated site.
- 7.36 Natural England's (NE's) consultation response for the application, dated 30 January 2018, confirmed a position of 'no objection' to the proposals (CD1.15). NE considers that the proposed development will not have likely significant effect/adverse impacts on the designated sites. The consultation response advised that the LPA, as the Competent Authority (CA), had a duty under the Habitat Regulations to complete the screening part of the overall HRA process. However, it was NE's opinion that 'likely significant effects' on species listed on the SPA designation could be ruled out using the bird survey information submitted with the application. This correspondence also confirmed that it was NE's opinion that 'likely significant effects' from increased recreation pressure could also be discounted.
- 7.37 The LPA have completed the HRA screening assessment (Committee report, page 72 (CD1.7)). 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 (and or any other recreational pressure), domestic pets, local and construction traffic, air quality, and on supporting habitat on functionally linked land, and in

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<sup>1</sup> Source: <https://magic.defra.gov.uk/MagicMap.aspx>

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.

- 7.38 The LPA's HRA screening exercise was issued to Natural England (NE) over the determination period as part of the consultation exercise. NE's consultation response dated 29 March 2018 (CD1.16) confirmed they had no further comments to make but referred to the LPA to their position on 'no objection' provided on 30 January 2018. This position remains agreed.

#### ***Non-statutory Designated Site in proximity to the Site***

- 7.39 No non-statutory designated sites of nature conservation interest are present within the Site. Several non-statutory designated sites for nature conservation are situated in the wider environment beyond the Site. The only non-statutory designated site which required further consideration during determination of the application, and is therefore relevant to this Appeal, is the Fox Glen Local Wildlife Site ("LWS") which is situated adjacent to the northern boundary of the Site.
- 7.40 This LWS is buffered from the proposals by proposed landscaping. Subject to detailed design, the landscaping would provide new woodland edge planting, native species scrub / hedgerow planting and the creation of species rich grassland, which will provide net biodiversity gain and minimise any potential effects to species usage in the woodland. Established Public Rights of Way (PRoW) are present throughout the woodland. These footpaths are well established and maintained by Sheffield City's Parks Department. Consequently, these footpaths with use of other local resources are adequate to absorb additional recreational use. Through the implementation of measures within the Site, the existing infrastructure in Fox Glen and other local recreational resources any material effects to the conservation value of the woodland can be avoided.
- 7.41 A new drainage channel will be created through the Fox Glen from the attenuation facility to Clough Dike. The implementation of this drainage channel will result in some minor losses in the LWS but the majority of these are short term disturbance during the work and with the implementation of mitigation agreed with the LA and the Sheffield City Council's Park Department no material residual effects have been identified. Furthermore, the submitted Water Framework Assessment Screening confirms no material effects to the Clough Dike.

#### ***On site ecology***

- 7.42 The dominant habitat present within the Site is species poor semi-improved grassland. This habitat is of low ecological value. Other habitats present within the Site are limited to a single hedgerow and small areas of scrub / tall ruderal habitats. The proposals will affect the species poor semi-improved grassland and the scrub / tall ruderal habitats, but the hedgerow is retained. Mitigation for these minor losses comprise the enhancement / long term management of the retained grassland to the west of the Site. Further mitigation includes:
- the creation of wetland in the balancing facility;
  - the provision of new hedgerows and trees; and
  - the creation of further areas of species rich grassland across the Sites open space. (Note that on the indicative masterplan (CD1.3) this is marked as 'species rich grassland managed for biodiversity and recreational benefit' however this will be species rich grassland managed for biodiversity net gain).
- 7.43 On establishment of these provisions no residual effects to biodiversity have been identified and the proposals present would deliver a net gain to biodiversity.



- 7.44 Other than the woodland edge associated with Fox Glen, the only mature trees on site comprise a small group boarding the south west corner of the Site. No Veteran trees are present in the area of the proposed development, but a single Veteran tree is present to the south of the Fox Glen situated on the western periphery of the Site. This Veteran tree and the Fox Glen are buffered with the appropriate standoff and would not be affected.
- 7.45 The detailed species survey work completed at the Site confirms no existence of any statutory ecological constraints from any species, including badger, great crested newts, water vole, white clawed crayfish or reptiles.
- 7.46 The breeding and winter bird survey only recorded species assemblages being classified as local level importance, which from an assemblage perspective is not material consideration in determination of the Appeal. Several species listed of the Red / Amber Bird of Concern List and listed as priority species in S41 of the NERC Act 2006 were identified. Again, the recorded number of these species were low and as such from a population level use of the site is not significant.
- 7.47 The proposals provide adequate mitigation and will be beneficial for a wide range of other species. This mitigation and enhancement would be provided in retained land to the west of the site and within the GI situated in the across the site. The mitigation and enhancement includes: the implementation of a wader scrape, the creation of species rich grassland, the implementation of native species scrub planting / hedgerows, the creation of wetland in the attenuation facility and the implementation of a range of bird boxes in the built environment. This package has been agreed with the LPA and no material residual effects to breeding or over wintering bird species have be concluded by both parties, rather enhancements would be delivered.
- 7.48 Bat survey work completed across the Site has not identified any potential roost Site which will be affected by the proposals. The activity survey and static detector surveys only identified common and widespread species using the site and the highest level of activity was associated with the edge of the Fox Glen which is unaffected and buffered by the proposals. The implementation of the proposed enhancements and the implementation of a sensitive lighting scheme adequately mitigates for the loss of any foraging habitats and ensure the conservation status of this species is maintained.
- 7.49 In summary, the proposals will not result in any 'likely significant effects' to the North Pennine Moors SAC / SPA or the Dark Peak SSSI, the minor short-term effects to the Fox Glen are fully mitigated and the proposals would fully mitigate any effects and provide net gain to the habitats and species recorded within the Site. Consequently, the proposals comply with the requirements of the Conservation of Habitats & Species Regulations 2017 (as amended), the NPPF and all local planning policies. There are no ecological based reasons which would result in a reason to withhold planning permission. Rather, the development would lead to biodiversity net gain.

**d) Flood Risk and Drainage**

- 7.50 The Appellant submitted a Flood Risk Assessment April 2017 (CD1.19) to address the scheme's impact in relation to flood risk and drainage matters. It is agreed that the content of the document is comprehensive, up to date, and the conclusions are agreed.
- 7.51 In addition, the following documents are apposite to the determination of the appeal:
- Lead local flood authority comments (CD1.20)
  - Committee report (CD1.7)
  - Core Strategy (CD3.1)
  - The NPPF (CD4.1)

- Coal Authority comments (CD1.21)
- Yorkshire water comments (CD1.22)

7.52 With regard to flood risk and drainage, there have been a number of consultee and third-party comments received during the consultation process which have been addressed by the applicant.

7.53 Many of these cover similar topics and for the purposes of the Statement of Common Ground these have been grouped as such to avoid repetition. The following matters are all agreed.

#### Flood Risk

7.54 A Flood Risk Assessment (FRA) (CD1.19) report which complies with the requirements of NPPF (CD4.1) was submitted in support of the Outline Planning Application.

7.55 Published fluvial flood mapping identifies that the site is located wholly within Flood Zone 1, being the lowest risk. The FRA considers the risk of flooding from all sources and proposes appropriate mitigation to deal with all identified risks.

7.56 A flow control device will be provided at the outfall from the proposed surface water drainage network. This will ensure that the rate of runoff from the site, post development, does not exceed that which would be generated by the greenfield site and as such would not lead to an increase in flood risk elsewhere. There will be no flooding or drainage harm to Clough Dike or elsewhere as a consequence.

7.57 Within the same surface water network, a detention basin is proposed which will attenuate the additional flows generated by the proposed development site and temporarily store this additional volume on site (taking account of climate change over the lifetime of the development) such that it can be released in a controlled manner into Clough Dike at a rate not exceeding that of the current greenfield site.

7.58 The Lead Local Flood Authority has confirmed that the proposed SuDS scheme is acceptable and would manage surface water runoff from the proposed development to an acceptable rate, so as not to increase flood risk elsewhere (CD1.20). This is also agreed by the Council (CD1.7).

7.59 Yorkshire Water has confirmed that the Flood Risk Assessment submitted in support of the Outline Planning Application is acceptable (CD1.22).

7.60 The case officer confirmed within the committee report that the proposals comply with Core Strategy CS67 (CD3.1) and NPPF Section 14 (paragraphs 155 and 165) (CD4.1). This is agreed to be the case.

7.61 It has therefore been demonstrated and agreed with all relevant consultees and the Council that Flood Risk is not an issue at the site and is therefore not something which would warrant refusal of the appeal.

#### Drainage

7.62 A SuDS detention basin is proposed within the surface water drainage network which will be designed to nationally recognised standards and will provide sufficient water quality treatment to mitigate the potential pollutants associated with a residential development.

7.63 A flow control device will be provided at the outfall from the proposed surface water drainage network. This will ensure that the rate of runoff from the site post development does not exceed that which would be generated by the greenfield site and as such would not lead to an increase in flood risk elsewhere.

7.64 The outfall from the site is proposed to discharge via a rock cascade, which will help to still the flow and reduce the velocity of the discharge to ensure that it does not cause

destabilisation or any other harms to the Fox Glen.

- 7.65 The development of the site will not affect the drainage of the nearby public highways. In any event, their drainage is a matter for the Highway Authority. Any existing flooding issues relating to existing public highway drainage are the responsibility of the Highway Authority to address and do not form any basis for refusal of planning permission.
- 7.66 The proposed development would not result in additional surface water runoff on the existing public highway and therefore this issue is not relevant to the determination of the appeal.
- 7.67 The existing public sewer network in the area is owned and maintained by Yorkshire Water. It is the responsibility of Yorkshire Water to ensure that the sewer network has adequate capacity.
- 7.68 Consultation has been undertaken with Yorkshire Water and it has been confirmed that the existing public sewer network has sufficient capacity to accommodate the domestic foul flows which would be generated by the proposed development (CD1.22).
- 7.69 The surface water drainage system will be offered for adoption to Yorkshire Water, with the detention basin to be adopted by Sheffield City Council. Sheffield City Council has already confirmed that it will adopt the SuDS components.
- 7.70 Following completion of the development, Yorkshire Water will be responsible for the maintenance of the pipe network and Sheffield City Council would be responsible for the maintenance of the SuDS components.
- 7.71 Whilst surface water runoff does enter the site from third party land, the Flood Risk Assessment (CD1.19) proposes that a route will be provided for any overland runoff from third party land in the form of boundary cut-off drains to direct the runoff to the existing watercourse on the northern boundary (the natural outfall for this runoff). This is normal practice when dealing with overland flow from adjacent land and provides acceptable mitigation.
- 7.72 It is not uncommon for residential development to take place on sites where former mine workings are present.
- 7.73 The Standard approach (which would have been captured by the proposed planning conditions in the committee report (CD1.7)) is to undertake intrusive site investigation works to investigate and determine the need for any remedial works.
- 7.74 A remediation strategy would then be prepared which may recommend remedial measures such as drilling and grouting which would ensure the site is stable for ongoing development.
- 7.75 It is usual for this work to be undertaken post Outline Approval.
- 7.76 The Coal Authority has no objections to the proposed development and concurred that any Outline Approval should be conditioned such that intrusive site investigation and any resultant remedial works deemed necessary should be undertaken prior to development (CD1.21).
- 7.77 As the proposed development would be positively drained to a new surface water drainage network, with the outfall being to Clough Dike, any remedial works required would not impact upon the proposed drainage of the site.
- 7.78 The ARP Flood Risk Assessment report (reference 1265/10r1 dated April 2017, CD1.19) appropriately assessed permissible Greenfield runoff rates for the proposed development site, as set out within the body of the report.
- 7.79 The Lead Local Flood Authority (Sheffield City Council) was consulted on these matters and agreed that the proposed rate of discharged coupled with a SuDS detention basin and rock cascade outfall provided an appropriate and acceptable surface water drainage solution

(CD1.20).

- 7.80 It should also be noted that the scheme proposals are capable of addressing current best practice and climate change requirements, the detailed proposals for which would be submitted to the LLFA for approval pursuant to condition.
- 7.81 The Lead Local Flood Authority has confirmed that the proposed SuDS scheme is acceptable and will manage surface water runoff to an acceptable rate (so as not to increase flood risk elsewhere) as well as providing an appropriate levels of pollution treatment prior to discharge to Clough Dike (CD1.20).
- 7.82 Yorkshire Water has confirmed that the Flood Risk Assessment and Drainage Strategy submitted in support of the Outline Application is acceptable, and has further confirmed that capacity exists within the public sewer network to receive foul floes from the proposed site (CD1.22).
- 7.83 The case officer confirmed within the committee report that the proposals comply with the NPPF Section 14 (paragraph 165) (CD4.1).
- 7.84 It has therefore been demonstrated and agreed with relevant consultees and the Council that Drainage is not an issue at the site and is therefore not something which would warrant refusal of the appeal.

**e) Services**

- 7.85 The walking distances to the following facilities is set out in the Transport Assessment (CD1.23) as follows:
- Lidl – 1.8km
  - Takeaways – 1.9km
  - Local shops – 1.6km
  - PFS with convenience store – 1.3km
  - Public Houses 820m – The Nook (a further 5 are between 1.2-1.8km)
  - Leisure – golf club 470m, cricket club 1.3km, multi-use games pitch 1.8km
  - Medical Centre – 1.2km
  - Dental Surgery – 190m
  - Nursery, Infant, and, Junior school – 0.2km
  - Secondary School – 1.6km

**f) Recreation**

- 7.86 The appeal proposal conforms to Guideline GOS1 of the Council's Supplementary Planning Document (SPD) on Community Infrastructure Levy and Planning Obligations (2015) (CD3.8) which 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.

**g) Highways and Transportation**

- 7.87 The Appellant submitted a Transport Assessment June 2017 (CD1.23) to address the scheme's impact in relation to Highway and Transportation matters. It is agreed that the content of the document is comprehensive, up to date, and the conclusions are agreed.
- 7.88 In addition, the following documents are apposite to the determination of the appeal:

- Travel Plan (CD1.24)
  - Committee report (CD1.7)
  - Core Strategy (CD3.1)
  - The NPPF (CD4.1)
  - Stage 1 Geo-Environmental Desk Study Report (CD1.26)
- 7.89 The application site has frontages to Carr Road and Hollin Busk Lane which are both subject to 30 mph speed limits within the vicinity of the site. Carr Road is a classified road (C324) and runs up the hillside from Manchester Road to its junction with Hollin Busk Lane where the gradients are reduced.
- 7.90 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.
- 7.91 There is currently no footway provision along the majority of the application site's frontage onto Carr Road, however the proposed access that has been agreed provides a new section of footway in the vicinity the site access to connect into the existing provision. A short stretch of footway is present along the western side of Carr Road which primarily serves a cluster of residential properties situated to the immediate east of the site. The footway resumes on approach to Royd Nursery Infant school and continues for the full extent of the road.
- 7.92 A footway is present along the northern side of Hollin Busk Lane, connecting to further footway provision on the western side of Hollin Busk Road and the northern side of Broomfield Lane. There are no public rights of way on the application site.
- 7.93 There have been no recorded road traffic accidents within the vicinity of the proposed site access within the latest five year period assessed in the Transport Assessment. One slight accident was recorded at the Carr Road / Cockshot lane / Royd Lane / Hollin Busk Lane Junction. The accident occurred between a pedestrian and a vehicle travelling northbound on Cockshot Lane, approximately 50m to the south of the junction. Three accidents were recorded at the A6102 Manchester Road / A6102 Vaughton Hill / B6088 Manchester Road Junction. All three of the accidents were classed as slight. Overall, the number of accidents occurring within the study highway network (which is agreed to be comprehensive) within the latest five-year period assessed as part of the Transport Assessment is considered to be low and the proposed development is unlikely to have a detrimental impact on the accident rate on the network.
- 7.94 Approval is sought for access to (but not within) the Site, which would be accessed via a new vehicular access (priority junction) from Carr Road between the properties at Glenview and no. 94 Carr Road. The proposed access would have a 6.0 metre carriageway width, 2.0 metre wide footways (which will connect to the existing provision along Carr Road), and appropriate visibility splays of 2.4 metres by 52 metres (north) and 44 metres (south). The submitted Transport Assessment (CD1.23) shows the proposed arrangement and the officer's report concludes that the siting and design of the proposed site access is acceptable in principle, and there are no safety concerns in terms of the interaction of the proposed access with the school. This position remains agreed.
- 7.95 A Traffic Regulation Order will be sought to provide parking restrictions in the form of double yellow lines at the site frontage along the required extent of the visibility splays.
- 7.96 The Council's Highway Services have no objection to the proposed site access, and it is agreed that the siting and design of the proposed site access is acceptable (CD1.25). The access design is considered to represent an appropriate solution in highway design terms (including visibility) and safety for all users. There is no basis to refuse permission associated with the access to the site for all users in terms of safety and/or capacity.

### ***Bus Services***

- 7.97 In considering the availability of sustainable travel modes, it is agreed that the site is located adjacent to the established residential areas that are immediately east of the site. It is acknowledged that there are some relatively steep gradients associated with the existing roads, and the distances to some services are greater than would ideally be required. Notwithstanding this it is agreed that the location of the site is sufficiently accessible and sustainable for residential use, and that the future residents of the site would benefit from a similar degree of accessibility as those residents of the surrounding existing residential areas.
- 7.98 There are bus stops on Royd Lane, St Margaret Avenue and Wood Royd Road which are located within reasonable walking distance of the site. Services 23, 57, 57a and SL1 can all be accessed from these stops and will be accessible to future residents of the site. The development will fund upgrades of the bus stops. The bus services are sufficient to provide an attractive alternative to the private car.

### ***Traffic Impacts***

- 7.99 The assessment of the local highway network, as set out in the Transport Assessment (CD1.23), was undertaken in a manner agreed with the local highway authority, following a detailed scoping discussion prior to the application being submitted. The various Transport Assessment input parameters including scope of assessment, base traffic count data, traffic generation, trip distribution, committed developments and the junction assessment models are all agreed to be acceptable. The method and detail of assessment is acceptable and it is agreed that the outcomes are reliable and sufficiently up to date for the purposes of this appeal.
- 7.100 The Transport Assessment correctly concludes that, with the exception of the Manchester Road/ Vaughton Hill / Carr Road junction, all other junctions are predicted to operate within capacity.
- 7.101 The Transport Assessment acknowledges that there are some existing capacity constraints at the Manchester Road / Vaughton Hill / Carr Road junction during peak periods. However, the Transport Assessment demonstrates that the additional development traffic at this junction approximates to one new vehicle approaching the junction every 2 minutes during the busiest peak hours. It is agreed that such increases will be barely distinguishable from daily variations in baseline traffic flows and thus any impact will be insignificant and certainly cannot be judged as severe.
- 7.102 The submitted assessment was based on a development of 93 dwellings, which has since been reduced to 85 dwellings. Consequently, the total traffic approaching the junction from the development is overstated in the submitted Transport Assessment, meaning any impacts would be less than that assessed.
- 7.103 The developer will fund the installation of additional MOVA sensors at the Manchester Road/Vaughton Hill signalised junction as follows:
- The provision of additional detectors on Manchester Road and Carr Road to detect when there is a queuing on Manchester Road and queuing on Carr Road. Essentially, this allows queue lengths along Carr Road to be detected as part of the recognised queues along the B6088 Manchester Road arm, which in turn re-optimises the green time given to this arm as part of the signal control.
  - Additional inputs to be configured into the MOVA system to provide bus priority for buses on all approaches to the junction including Carr Road.
- 7.104 It is agreed that the improvements gained through the new signal control strategy will more than offset the impact of the development traffic through this junction.

7.105 It is agreed that the delivery of the appeal development will not result in unacceptable highway safety impacts or result in a severe impact within the context of Paragraph 109 of the NPPF (CD4.1) and there is no basis for refusing the appeal related to highways, access, accessibility to public transport or other facilities.

**h) Ground Conditions**

7.106 The applicant's Stage 1 Geo-Environmental Desk Study Report (CD1.26) 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 report recommends a ground investigation is implemented.

7.107 The Council's Environmental Protection Services has no objections to the proposed development subject to conditions to secure site investigations and any necessary remediation (CD1.27).

7.108 The proposal complies with UDP Policies GE22 and GE25 (CD3.2), both of which carry weight in the decision making process, and NPPF paragraph 178 (CD4.1).

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

7.110 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.

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

7.112 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. There is no impediment in terms of ground conditions to the appeal being allowed.

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

**i) Amenity**

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

7.115 It is considered that the proposed development would have negligible impacts on the living conditions of existing and future residents in the locality.

**j) Air Quality**

7.116 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 (CD1.28).

7.117 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.

7.118 The proposal complies with UDP Policies GE22 and GE23, both of which carry weight in the decision making process.

**k) Design**

7.119 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 (CD1.7 Committee Report).

7.120 The appellant's Design and Access Statement (CD1.10) 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.

7.121 The Design Code states that 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 complies with Core Strategy Policy CS26.

7.122 It is considered that the design code is acceptable and would be secured by condition. 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.

**8.0 PLANNING OBLIGATIONS**

8.1 The appeal will be accompanied by a s106 which will include the following 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.*

**9.0 MATTERS ON WHICH THE PARTIES HAVE NOT AGREED**

9.1 The matters upon which the parties have not been able to agree are as follows:

9.2 In considering the benefits arising from the proposed development, whether it would lead to significant and demonstrable adverse effects arising from the development's impact on; the setting of listed buildings at Royd Farm, and landscape and visual harm to the site, including any contribution it makes to visually separating settlements sufficient to justify the dismissal of this appeal and the refusal of planning permission.

9.3 Whether the council can demonstrate a five year housing land supply.

**10.0 CONDITIONS**

10.1 The parties will seek to agree a schedule of suggested conditions which will generally follow, although will not necessarily be limited to, the draft conditions that appeared in the Committee Report (CD1.7).



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