

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

**STATEMENT OF COMMON GROUND: PLANNING POLICY**

**PINS REFERENCE APP/J4423/W/21/3267168  
PLANNING APPLICATION REF: 17/04673/OUT**

**DATE OF HEARING/INQUIRY: 22nd June 2021**

**SITE ADDRESS: Land at Junction with Carr Road and Hollin Busk Lane,  
Sheffield S36 1GH**


**APPELLANT Hallam Land Management Limited  
LOCAL PLANNING AUTHORITY Sheffield City Council**


**June 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 Adam Chapman on behalf of Sheffield City 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>	7th June 2021

<b>Signed on behalf of Sheffield City Council</b>	
<b>Name</b>	Adam Chapman
<b>Position</b>	Principal Planning Officer, SCC.
<b>Date</b>	8 <sup>th</sup> June 2021

## 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”*

2.3 A number of plans were submitted to support the Application and those upon which the Council took its decision, are as follows:

- Location/Red Line Plan received via email and published on the 5th March 2018. (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)

2.4 The original appeal submission contained two sets of plans which showed how the proposed development could be accommodated on the site. These have been updated and now consist of the Illustrative Master Plan (submitted May 2021) CD1.3 a and the Combined Parameters Plans (submitted May 2021). The inspector has agreed that the appeal will be considered in light of the revised parameter plans and Illustrative Masterplan.

2.5 As a result of ongoing work and a refinement of the potential scheme, in particular to address further the objections to the appeal from various parties and the outcome of further investigation, the Appellant has looked to adjust the illustrative layout to show how more undeveloped (with houses) land can be achieved around the Listed Buildings.

2.6 The revised Illustrative Masterplan remains illustrative (CD1.3a). The parameters plans are intended to be conditioned to provide structure to future reserved matters, in a way that is consistent with the revised illustrative layout.

2.7 Whilst this revised illustrative layout shows 83 dwellings, because it is an evolution of the earlier illustrative scheme and hence shows almost all of the properties retained in their original location, it remains the case that the site can accommodate up to 85, with a different dwelling mix in due course, subject to reserved matters approval.

2.8 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.”*

2.9 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.

2.10 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.”*

2.11 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.*

2.12 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.”*

2.13 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.

### **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 Busk 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 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 (also allocated with the same policy) 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 at the site edges.
- 3.11 The area for development is less than the full extent of the site and is defined in the parameter plans that are intended to guide any future reserved matters.

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

- 3.12 The site is located in the Stocksbridge parish.
- 3.13 Deepcar/Stocksbridge is some 9.9 miles from Sheffield City Centre.
- 3.14 There are a range of shops and facilities within 900m of the site.
- 3.15 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 0.5 miles from the site. Stocksbridge High School is located some 1.6km from the site.
- 3.16 There are a number of bus services with bus stops in the vicinity of 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 are provided within the planning application's Design and Access Statement (CD1.10). Although detailed design is to be addressed at the reserved matters stage the parameters plans (as revised and submitted of 5th May 2021) are intended to be conditioned so as to guide any future reserved matters. These plans are as follows:
- Parameter Plan 1 (Uses)
  - Parameter Plan 2 (Movement)
  - Parameter Plan 3 (Storey Heights)
  - Parameter Plan 4 (Density)
  - Parameter Plan 5 (Landscape)
  - Parameter Plan 6 (Character Areas)
- 4.4 In addition, there is an Illustrative Master Plan (May 2021) that provides an example of how the above parameters might be interpreted at a reserved matters stage.
- 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. 1.62ha of open space, 0.074ha of Locally Equipped Area for Play (LEAP, included within total open space figure), 0.44ha of SUDs, and 1.92ha of restricted access enhanced grassland
- 4.6 The above are secured by way of condition requiring future reserved matters to be guided by the 6 parameter plans listed above.



## 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 against officers advice 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.
- 2) This appeal decision has 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 current appeal is substantially smaller in size, has a different relationship with the existing built up areas, and a materially different effect on the landscape and views.
- 3) 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. It is also the case that site does not require a Habitat Regulation Assessment (HRA).

5.2 Although not on the appeal site two separate applications (refs: 96/1063P and 97/0424P) each for a detached dwelling, were refused on land adjacent to Royd Cottage, which is also adjacent to the appeal site. Sheffield planning and highways committee later resolved to grant planning consent for a detached dwelling under application ref: 99/0765P (CDCD7.18d 99/01313) on the same site. The parties will make submissions as to the relevance and outcome of this appeal.

- 4) An application for two dwellings fronting Carr Road (07/02340/OUT) described as the curtilage of Royd Cottage Carr Road Deepcar Sheffield S36 2NR was made and later withdrawn.

5.3 While not on the appeal site an application (08/02296/OUT) was made for the erection of a dwellinghouse in the curtilage of Royd Cottage Carr Road Deepcar which is adjacent to the appeal site and within the same UDP "Open Space Area" policy designation as the appeal site. This application was refused and dismissed on appeal (ref: APP/J4423/A/09/2093075/WF). The parties will make submissions as to the relevance and outcome of this appeal.

## 6.0 MATTERS AGREED – POLICY

### a) 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/Deepcar*

*CS40 – Affordable Housing*

*CS72 – Protecting Countryside not in the Green Belt*

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

6.2 The following 'saved' policies from the 1998 UDP (CD3.2) are also the most relevant for the Appeal:

*GE4 – Development and the Green Belt Environment*

*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*

### c) 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.

### d) Consistency of the most important policies with the NPPF.

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

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

6.6 It is agreed that this is an area of inaccessible land, allocated as an Open Space Area in the 1998 UDP.

6.7 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.

6.8 Policy LR5 states that development within this area will not be permitted except in accordance with a limited set of circumstances (CD3.4).

6.9 The Council consider that parts (e), (i) and (j) of policy LR5 retain consistency with objectives of the Framework.

6.10 The Appellant is of the view that the policy is inconsistent with the framework as it does not meet the criteria of open space or local green space as defined by the NPPF. Furthermore, the policy is considerably more restrictive than those in the NPPF. Lastly the policy has been overtaken by events as it was adopted at a time of a much lower housing requirement and the present and subsequently planning permission for development have been granted in

LR5 designated areas.

- 6.11 The Appellant attaches little weight to any conflict with this policy.
- 6.12 The Council attaches moderate weight to the conflict with this policy

**Policy GE4**

- 6.13 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).
- 6.14 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.
- 6.15 The NPPF (CD4.1) does not control development outside of the Green Belt in the same manner.
- 6.16 The Council argues that this policy is not fully up to date, but does retain a degree of consistency with the objectives of the NPPF.
- 6.17 The Appellant considers this policy to be out of date. It is inconsistent with present Green Belt policy in the NPPF.
- 6.18 The Appellant attaches little weight to any conflict with this policy.
- 6.19 The Council attaches substantial weight to the conflict with this policy.

**Policy BE15**

- 6.20 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).
- 6.21 The Council consider that whilst this policy is not fully up to date with NPPF paragraphs 193 to 202 (CD4.1) which require an assessment of harm and a balance to be taken in respect of the public benefits of the proposal, it does retain consistency with the objectives of the NPPF.
- 6.22 The appellant considers that there are substantive differences between the UDP Policy which requires the refusal of all development that results in any harm and paragraphs 193 to 202 of the NPPF which requires an assessment of harm and a balance is required to be taken in respect of the public benefits of the proposal.
- 6.23 The Appellant attaches little weight to the conflict with this policy.
- 6.24 For avoidance of doubt the Appellant and the Council, in accordance with paragraph 193 of NPPF, places great weight on the impact on the Listed Buildings.
- 6.25 The Council attaches substantial weight to the conflict with this policy.

**Policy BE19**

- 6.26 BE19 addresses development affecting Listed Buildings.
- 6.27 Like BE15 (CD3.3) the Council consider whilst it is not fully up to date with the NPPF's approach to assessing harm, and the need for decision makers to consider any harm against the benefits of the proposal in the balance, it does retain consistency with the objectives of the NPPF.
- 6.28 The Appellant considers that there are substantive differences between the UDP Policy which requires the refusal of all development that results in any harm and paragraphs 193 to 202 of the NPPF which requires an assessment of harm and a balance is required to be taken in respect of the public benefits of the proposal.

6.29 For avoidance of doubt the Appellant and the Council, in accordance with paragraph 193 of NPPF places great weight on the effects on the Listed Buildings.

6.30 The Appellant attaches little weight to the conflict with this policy.

6.31 The Council attach substantial weight to conflict with this policy

**Policy CS22**

6.32 CS22 sets context for the distribution of housing based upon the overall scale of housing and the housing requirement. That requirement has been superseded by the Standard Method. It is out of date.

6.33 The Council considers that except for the statement in CS22 that '*a 5-year supply of deliverable sites will be maintained at all times*' the policy is not fully up to date with the NPPF and carries very limited weight.

6.34 The Appellant considers that this policy is out of date as it does not seek to meet the up to date housing requirement, and that this has a consequential impact on the other policies concerning the location of development and the restriction of development.

6.35 The Appellant attaches little weight to any conflict with this policy.

**Policy CS23**

6.36 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.

6.37 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.

6.38 The Council considers that CS23 is not fully up to date in this regard, but there remains consistency with other objectives of the NPPF.

6.39 The Appellants considers that CS23 is out of date as the strategy cannot meet the present housing requirement.

6.40 The Council agrees that the appeal site adjoins Deepcar and could conform with the general approach set out in policy CS23 (CD3.1 page 57). It is the reference to 'suitable' site in CS23 and the reference to "outside of the urban area" that the council says there could be conflict with.

6.41 The appellants considers that the appeal site adjoining Deepcar conforms with the locational strategy in CS23.

6.42 The Appellant attaches little weight to any conflict with this policy.

6.43 The Council attach moderate weight to conflict with this policy.

**Policy CS24**

6.44 Policy CS24 (CD3.1) prioritises housing development on previously developed land. It includes a prioritisation of brownfield land according to a set proportion.

6.45 The council consider the policy is not fully consistent with the Framework.

6.46 The Appellant considers the policy to be inconsistent with the NPPF and out of date.

6.47 It is agreed that policy CS24 envisaged that greenfield sites could be developed in the

absence of a five year supply of deliverable sites (d). It is agreed that this policy would be complied with if there is judged to be no 5 year land supply. There is no conflict with the 12% greenfield sites proportion.

6.48 The Appellant attaches little weight to any conflict with this policy.

6.49 The Council attach moderate weight to conflict with this policy.

### ***Policy CS33***

6.50 It is agreed that Policy CS33 is not one of the most important policies. Policy CS33 (CD3.1) restricts housing development to previously developed land within the urban area of Stocksbridge / Deepcar.

6.51 The NPPF does not contain a brownfield first approach. As such the Council consider that this policy is to a degree inconsistent but remains compliant with objectives of the NPPF.

6.52 The Appellant considers the policy to be inconsistent with the NPPF as it represents a very restrictive approach to greenfield development and is out of date.

6.53 The Appellant attaches little weight to any conflict with this policy.

6.54 The Council attaches moderate weight to this policy.

### ***Policy CS72***

6.55 The Council consider that Policy CS72 is not fully consistent with the Framework.

6.56 The appellant considers that CS72 is far from consistent with the Framework and is out of date as it is more restrictive than green belt policy, it is unsupported by evidence and the area it relates to is not identified on a plan (NPPF paras 23 and 170). Furthermore, it is considered out of date as it has been overtaken by events.

6.57 The weight attributed to CS72 is a matter of disagreement.

6.58 The Appellant attaches little weight to any conflict with this policy.

6.59 The Council attach moderate weight to conflict with this policy

### ***Conclusion on the consistency of the most important policies***

6.60 The Appellant's position is that all of the most important policies are inconsistent with the NPPF (CD4.1). The Appellant maintains that 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 harms and benefits which is now contained within the NPPF (CD4.1).

6.61 The Appellant's position is that the 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 and proportion 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. The weight to be attributed to any breach of them is set out in the evidence.

6.62 The Appellant's case is that when considered both individually and together as a 'basket of most important development plan policies', the policies are out of date. On this basis, the tilted balance set out at NPPF paragraph 11dii, CD4.1) is triggered and remains applicable, having applied the relevant heritage balance of paragraph 196 of the NPPF.

6.63 The Council's position is that when policies GE4, BE15, BE19, CS23, CS24, CS72 and LR5 are considered as a basket of policies, they are not inconsistent or out of date with the



Framework. The Council argues that in accordance with paragraph 213 of the NPPF weight can be attributed to any conflict with these policies. Some of the policies listed carry more weight than others.

- 6.64 The Council agrees that in terms of policy CS22 – the method for calculating the 5 year supply is not fully up to date (replaced by the Governments standard method). The element of CS22 that remains relevant is the statement that a 5 year supply will be maintained.
- 6.65 The Council's position is that policy CS33 is relevant as is CS63 h – both of which relate to the promotion of previously developed land.
- 6.66 The Councils position is that CS47 part b is relevant as it identifies that the development of open space will not be permitted where it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value.
- 6.67 The Council argues that as the setting of designated heritage assets in the form of the Royds Farmhouse and Barns would be substantially harmed the titled balance is disapplied by virtue of 11 d (i) and footnote 6 of the Framework.
- 6.68 It is nevertheless agreed that this conclusion depends on first determining that either the balance required by paragraph 195 or 196 of NPPF (as appropriate) has been applied and the harm has been weighed against the benefits to determine if there is a clear reason to refuse permission.
- 6.69 The Council argue that the most important policies relevant to the determination of this appeal, when considered as a 'basket of policies', continue to retain weight, align with the Framework and should be considered as a basket not to be out-of-date within the meaning of paragraph 11 of the Framework, and that considering the above alongside the presence of a 5.4-year housing land supply, (as well as passing the housing delivery tests) that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, (when assessed against the policies of the Framework taken as a whole). The titled balance is disapplied by virtue of 11 d i) of the Framework.

**e) Emerging Local Plan,**

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) with the exception of policies (CS68-CS70) in the Core Strategy that will be 'saved' until a new Joint South Yorkshire Waste Management Plan is produced.

- 6.70 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.
- 6.71 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 Plan Issues and Options Document – September 2020

- 6.72 The Issues and Options (CD3.6) consulted on 3 different options to deliver 2,185 dpa, 37,145 over the 17 year period to by 2038.
- 6.73 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 20,000 homes in total over an 18 year period and 2 of the 3 options required Green Belt release.
- 6.74 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 net level of housing to be accommodated to 2,923 homes per year. The Local Plan period will run to 2038 and therefore the net requirement over the period 2021-2038 (17 years) would be approximately 49,691 homes based on the uplifted Local Housing Need figure following the revised standard method.

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

- 6.75 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 to 12 (inclusive)*

*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 – paragraphs 117, 118c) and 123*

*Chapter 12 – Achieving well designed places – paragraph 124 and 127.*

*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, 190, 192, 193, 194, 195, 196, 202*

*Annex 1 – Implementation – paragraphs 213, 215*

*The relevance of Chapter 13 – Protecting the Green Belt – paragraph 133, 143 and 144 is a matter of disagreement between the appellants and the Council.*

**g) Conformity with Development plan policies**

- 6.76 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

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

6.78 It is agreed that (without prejudice to the matters covered in the reason for refusal) the proposal could conform 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

6.79 It is agreed that (without prejudice to the matters covered in the reason for refusal) it has been demonstrated that a scheme could 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).

**h) Conformity with the NPPF**

6.80 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'. The UDP's open space allocation is inconsistent with the NPPF's definition of open space and so 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 fulfils the requirements of paragraph 124 of NPPF, without prejudice to the matters covered in the reason for refusal, which requires the creation of high-quality buildings and places (CD? 85).

**i) Neighbourhood Plan**

6.81 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.

**j) Development within Open Space Area**

6.82 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)

6.83 The Council also refers to Core Strategy Policy CS47, although it is accepted by the Council that policy CS47 was not identified in the reasons for refusal.

6.84 It is agreed that the site is not designated Local Green Space through a local or neighbourhood plan (CD4.1).

6.85 It is agreed that the appeal sites Open Space Area allocation in the UDP (CD3.5) is not fully

up to date with the open space definition in the NPPF (CD3.1).

**k) Development within the Countryside**

6.86 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.

The weight to be applied to this policy and its degree of consistency with the NPPF is a matter of disagreement between the appellants and the Council.

**l) Development on Greenfield Land**

6.87 Policy CS33 and CS24 of the Core Strategy (CD3.1), seek to maximise and prioritise the development of brownfield land.

6.88 Policy CS33 Jobs and Housing in Stocksbridge/Deepcar states that new housing will be limited to previously developed land within the urban area.

6.89 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.

6.90 It is agreed that since 2004 95% of all new homes have been built on brownfield land (CD3.6 Issues and options page 26 and paragraph 4.9 Sheffield Housing and Economic Land Availability Assessment September 2020)

6.91 The council accept that the extent to which Policies CS33 and CS24 prioritise brownfield development is not fully consistent with the NPPF.

6.92 For the reasons given above the Appellant considers CS24 and CS33 to be out of date.

6.93 The Appellant attaches little weight to the conflict with this policy.

6.94 The Council attach moderate weight to the conflict with these policy's because it considers that there is a 5 year supply of housing.

**m) Affordable Housing**

6.95 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.

6.96 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.

6.97 The appellants have agreed that the scheme will provide a policy compliant 10% affordable housing contribution on site and there is no viability test within the S106.

6.98 The Committee Report (CD1.7), stated that 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'.

6.99 The Appellant attaches substantial weight to this benefit.

6.100 The Council attaches limited weight to this benefit as it is required by policy and the potential contribution (approx. 8/9 dwellings) is very small in the context of overall affordable housing

need

**n) Provision of onsite Open Space**

- 6.101 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.
- 6.102 An area (1.53ha), exceeding the (10%) policy requirement, of publicly accessible open space, and an equipped play space has been proposed as part of the development.
- 6.103 This is to be secured by a condition requiring conformity of reserved matters applications to the parameter plans.
- 6.104 The appellants claims reflect those stated in the Committee Report (CD1.7), that the provision of open space is a benefit.
- 6.105 The Appellant attaches substantial weight to this benefit.
- 6.106 The Council attaches limited weight to this benefit as it is required by policy.

**o) Economic Benefits**

- 6.107 The following economic benefits and their corresponding weight have been agreed to arise from the scheme:
- The creation of employment opportunities that will support the economy – the weight to be attributed to this benefits is not agreed.
  - Economic benefits relating to construction value, new homes bonus, council tax income - the weight to be attributed to these benefits is not agreed.
  - Future occupiers' expenditure in the locality which will benefit the local economy – the weight to be attributed to this benefit is not agreed.
- 6.108 It is agreed that economic benefits are material considerations.
- 6.109 The Appellant attaches substantial weight to these benefits.
- 6.110 The Council argue that the weight to be attributed to these benefits is reduced as there is a land supply that is claimed to exceed 5 years.

**p) Social Benefits**

- 6.111 The following social 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 – the weight to be attributed to this benefit is not agreed. The Council argues the weight to be attributed is reduced as there is a land supply claimed to exceed 5 years. The Appellant attaches substantial weight to this benefit.
  - 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 – the weight to be attributed to this benefits is not agreed. The Council argues the weight to be attributed to this benefit is reduced as there is a land supply claimed to exceed 5 years. The Appellant attaches substantial weight to this benefit as it is a separate benefit to the provision of housing as it meets a specific identified need.
  - The provision of a policy compliant level of affordable housing (10%), in the context of

the need for additional affordable housing across the district The Council applies moderate weight to the provision of affordable housing as it is policy compliant. The Appellant attaches substantial weight to the provision affordable housing as it addresses a significant shortfall in affordable housing provision.

- The location of the site within 900m of local shops providing general groceries / off licence, tanning shop, newsagent, hairdressers, and a takeaway – it is agreed that this attracts limited weight.
- The provision of new open space included equipped local play space which would support the community's health, social, and cultural wellbeing – the weight to be attributed to this benefits is not agreed. The Council argues the weight to be attributed to this benefit should only be limited as it is a policy compliant level of provision. The Appellant attaches substantial weight to this provision which is considerably in excess of the policy requirement.
- Provision of new footways and a pedestrian crossing along Carr Road the weight to be attributed to this benefits is not agreed. The Council argue the weight to be attributed to this benefit is limited as it is required to mitigate the impact of the development. The Appellants argue that this attracts moderate weight as all residents will benefit from the proposed provisions.
- Upgrading of existing bus stops on Carr Road to provide shelters – limited weight.
- CIL contributions these will be finalised at the reserved matters stage. In Sheffield CIL payments may go towards the provision of the following (CD3.8 CIL and Planning Obligations SPD page 33 table 1):
  - Education provision School or any other community/health
  - Community facilities
  - Health facilities
  - Waste and recycling facilities
  - Open space/ public realm projects of city-wide/ area wide catchment
  - Area-wide flood risk management
  - Area-wide air quality management
  - Strategic highways, pedestrian & cycle routes and transport projects

The weight to be attributed to this benefit is not agreed. The Council argues the weight to be attributed to this benefit is reduced as there is a claimed 5.4 years supply and the contribution is necessary to cater for the developments resultant demand on existing infrastructure.

6.112 The Appellant argues that the land supply situation has no bearing on the weight to be attributed to the delivery of some or all of the above benefits which are considered to deliver a benefit to the wider population and as such these should attract moderate weight.

6.113 It is agreed that social benefits are material considerations.

#### **q) Environmental Benefits**

6.114 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 – the weight to be attributed to this benefits is not agreed. The Council argues the weight to be attributed to this benefit is reduced as the Council claim to have a 5.4 years supply of land and it cannot be guaranteed that this site would reduce pressure to develop elsewhere. The Appellants argue that the immediate and long

terms pressure to accommodate Sheffield's housing requirement is acute and that there is an additional unmet demand for family housing therefore making the effective use of land to delivery housing at this density should attract substantial weight notwithstanding the existence or otherwise of a five year land supply.

- Sustainable design and construction techniques to be used in the development – the weight to be attributed to this benefit is not agreed. The Council argues the weight to this benefit is reduced as it is policy compliant. The Appellant argues that policy compliance does not impact on the benefits that are derived and that these benefits should attract moderate weight.
- Creation of species rich grassland for biodiversity benefits (no public access) which will secure Biodiversity Net Gain - the weight to be attributed to this benefits is not agreed. The Council argues the weight to be attributed to this benefit is reduced as it is required to mitigate the loss of grass land across the remainder of the scheme. The Appellant argues that the creation of species rich grassland and the Biodiversity Net Gain delivers benefits significantly above that of simple mitigation and should attract substantial weight.

6.115 It is agreed that environmental benefits are material considerations.

#### 6.116 **Services**

6.117 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

6.118 It is agreed that there are no capacity issues with regard to schools or health services (Doctors and Dentists).

#### r) **Recreation**

6.119 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.

6.120 In the case of the appeal site the parameter plans illustrate that provision will be made for the following

- 1.62ha of open space,
- 0.074ha of Locally Equipped Area for Play (LEAP), and
- 0.44ha of SUDs,



6.121 The above provision will be secured by way of condition requiring future reserved matters to be guided by the 6 parameter plans.

**s) Ground Conditions**

6.122 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.

6.123 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).

6.124 In this respect 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).

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

6.126 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.

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

6.128 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.

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

**t) Amenity**

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

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

**u) Air Quality**

6.132 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).

6.133 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.

6.134 In this respect the proposal complies with UDP Policies GE22 and GE23, both of which carry

weight in the decision making process.

#### **v) Design**

- 6.135 Matters of external appearance, layout, scale, landscaping and access within the site are reserved for subsequent approval.
- 6.136 The appellant's supporting submission include a set of Parameter plans and a Design and Access Statement (CD1.10) which contain a design code which seek to ensure that a high quality the scheme is delivered in any subsequent reserved matters application.
- 6.137 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), in this respect it accords with Core Strategy Policy CS26.
- 6.138 The design code fulfils the requirements of paragraph 126 of the NPPF. A condition would be required to ensure that the existing dry stone walls within the site are retained.

### **7.0 FURTHER SUBJECT BASED STATEMENTS OF COMMON GROUND**

- 7.1 There have been subject based SoCG agreed between the council and the Appellant these are to cover the following:
- Landscape
  - Heritage
  - Ecology
  - Flood Risk and Drainage
  - Highways and transportation
  - 5 year housing land supply

### **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.*
- c) Contribution towards procuring the upgrade of a bus stop within the vicinity of the site – amount of the contribution and location of the bus stop £27k*
- d) Contribution towards procuring the provision of microprocessor optimised vehicle actuation (MOVA) sensors across Carr Road and additional sensors across Manchester Road in the vicinity of its junction with Carr Road in order to incorporate Carr Road into the MOVA software in relation to the Manchester Road / Vaughton Hill junction, together with future maintenance – amount of the contribution 17k*
- f) Provision and future maintenance/management of (1) species rich grassland; (2) on-site POS; and (3) a LEAP*
- On and off site SudS scheme:*
- On-Site Sustainable Drainage Features Adoption Sum – £5,000.00*
- Off-Site Sustainable Drainage Features Maintenance Sum - £10,000.00*



*On-Site Sustainable Drainage Features Maintenance Sum - £6,000.00*

## **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 The weight to be applied to local development plan policy and the extent to which the scheme complies/conflicts with these policies and those of the NPPF.
- 9.3 The impact on the setting of designed heritage assets.
- 9.4 The impact of the development on the landscape and visual amenities of the site, wider area and the green belt, including any contribution the appeal site makes to visually separating the settlements of Stocksbridge and Deepcar.
- 9.5 Whether the Council can demonstrate a five-year housing land supply.
- 9.6 The weight to be attributed to the most important policies relating to the determination of the appeal proposal.
- 9.7 The weight attributed to the reported benefits and the extent to which they are considered benefits of the scheme.

## **10.0 CONDITIONS**

- 10.1 The parties will seek to agree a schedule of suggested conditions.
- 10.2 Note – these are being agreed and will be added.

Statement of Common Ground  
Appeal against the refusal of Outline Planning Permission  
17/04673/OUT for up to 85 dwellings at  
Land at Junction with Carr Road and Hollin Busk

