

Case Number	20/03752/OUT (Formerly PP-09197967)
Application Type	Outline Planning Application
Proposal	Outline application (all matters reserved) for the erection of an apartment block comprising up to 10 apartments (Resubmission of application 20/02908/OUT) (Amended Plans)
Location	Daisy Chain Middlewood Villas 95 Langsett Road South Sheffield S35 0GY
Date Received	27/10/2020
Team	West and North
Applicant/Agent	Cero Architecture
Recommendation	Grant Conditionally

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

1. The development shall not be commenced unless and until full particulars and plans thereof shall have been submitted to the Local Planning Authority and planning approval in respect thereof including details of (a) Access, (b) Appearance, (c) Landscaping, (d) Layout and (e) Scale (matters reserved by the permission) shall have been obtained from the Local Planning Authority.

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

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

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

3. The development shall be begun not later than whichever is the later of the following

dates:- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

#### **Approved/Refused Plan(s)**

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

Site Plan dwg ref: 01-520-0S4A (published 23rd November 2020)

Reason: In order to define the permission.

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

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

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

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

until the drainage works approved for that part have been completed.

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

7. No development shall commence until detailed proposals for surface water disposal, including calculations to demonstrate a 30% reduction compared to the existing peak flow based on a 1 in 1 year rainfall event have been submitted to and approved in writing by the Local Planning Authority. This will require the existing discharge arrangements, which are to be utilised, to be proven and alternative more favourable discharge routes, according to the hierarchy, to be discounted. Otherwise greenfield rates (QBar) will apply.

An additional allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided for the minimum 30 year return period storm with the 100 year return period storm plus climate change retained within the site boundary. The development shall thereafter be carried out in accordance with the approved details.

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

8. No development shall commence until the actual or potential land contamination and ground gas contamination at the site shall have been investigated and a Phase 1 Preliminary Risk Assessment Report shall have been submitted to and approved in writing by the Local Planning Authority. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004).

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

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

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

10. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance with

Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

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

11. Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the local planning authority. The CEMP shall assist in ensuring that all site activities are planned and managed so as to prevent nuisance and minimise disamenity at nearby sensitive uses, and will document controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures.

Reason: In the interests of the amenities of the locality and occupiers of adjoining property.

12. No development shall commence until full details of measures to protect the trees immediately adjoining the site which are to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

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

13. No development, including excavation, shall commence until a structural approval in principle document (AIP) has been submitted to and approved in writing by the local planning authority in relation to the permanent support that the below ground walls and floors of the proposed building adjacent Langsett Road South will offer to the public highway, and also in relation to the temporary support offered to the public highway required during excavation.

The AIP shall be carried out in accordance with Highways England guidance document CG300, Technical Approval of Highway Structures, and shall include, but not be limited to, drawings/calculations and a construction method statement, for all temporary and permanent works, explaining how the public footway and carriageway will be supported during these processes and by the new retaining structure and dwelling thereafter.

Demolition and construction works shall only be carried out in accordance with the approved AIP.

Reason: In the interests of highway safety.

14. No demolition and/or construction works shall be carried out unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local Planning Authority before it is installed.

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

15. No development shall commence until details of the site accommodation including an area for delivery/service vehicles to load and unload, for the parking of associated site vehicles and for the storage of materials, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such areas shall be provided to the satisfaction of the Local Planning Authority and retained for the period of construction or until written consent for the removal of the site compound is obtained from the Local Planning Authority.

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

16. No development shall commence until details of measures to facilitate the provision of gigabit-capable full fibre broadband within the development, including a timescale for implementation, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/timetable thereafter.

Reason: To ensure that all new Major developments provide connectivity to the fastest technically available Broadband network in line with Paragraph 112 of the National Planning Policy Framework.

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

17. Unless it is not feasible and/or viable, the development shall incorporate a green/biodiverse roof (vegetated roof surface). Prior to foundation works commencing details of the design, specification and maintenance regime of the green/biodiverse roof shall be submitted to and approved in writing by the Local Planning Authority.

Unless an alternative specification is approved the green/biodiverse roof shall include a substrate growing medium of 80mm minimum depth incorporating 5-20 % organic material.

The green/biodiverse roof(s) shall be installed in accordance with the details approved by the Local Planning Authority prior to the use of the building commencing and thereafter retained. The plant sward shall be maintained for a period of 5 years from the date of implementation and any failures within that period shall be replaced.

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

18. Before any above ground works commence full details of measures to be incorporated into the development to enable charging of plug in or other ultra low emission vehicles shall be submitted and approved in writing by the Local Planning Authority. The charging facilities shall be provided in accordance with the approved details prior to first occupation of the development and thereafter retained.

Reason: In the interest of sustainability and minimising the impacts of the development on air quality.

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

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

20. The development shall not be used unless details have been submitted to and approved in writing by the Local Planning Authority, showing how surface water will be prevented from spilling onto the public highway. Once agreed, the measures shall be put into place prior to the use of the development commencing, and shall thereafter be retained.

Reason: In the interests of highway safety and the amenities of the locality it is essential for these works to have been carried out before the use commences.

21. Before any above ground works commence, full details of a bin storage area within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the bin store shall be provided and retained in accordance with the approved details.

Reason: In the interests of the amenities of future residents and highway safety.

22. Before any above ground works commence, or within an alternative timeframe to be agreed in writing by the Local Planning Authority, full details of suitable and sufficient cycle and vehicle parking accommodation within the site shall have been submitted to and approved in writing by the Local Planning Authority and the development shall not be used unless such cycle and vehicle parking has been provided in accordance with the approved plans and, thereafter, such cycle and vehicle parking accommodation shall be retained.

Reason: In the interests of delivering suitable and sufficient parking and the promotion of sustainable forms of transport, in accordance with Unitary Development Plan for Sheffield Development Framework Core Strategy.

### **Other Compliance Conditions**

23. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

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

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

25. No part of the development shall be used unless all redundant accesses to that part of the development site have been permanently stopped up and reinstated to kerb and footway and the means of vehicular access shall be restricted solely to those access points indicated in the Reserved Matters application.

Reason: In the interests of highway safety and the amenities of the locality.

Attention is Drawn to the Following Directives:

1. The Local Planning Authority has dealt with the planning application in a positive and proactive manner and sought solutions to problems where necessary in accordance with the requirements of the National Planning Policy Framework.
2. The applicant is advised that noise and vibration from demolition and construction sites can be controlled by Sheffield City Council under Section 60 of the Control of Pollution Act 1974. As a general rule, where residential occupiers are likely to be affected, it is expected that noisy works of demolition and construction will be carried out during normal working hours, i.e. 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays with no working on Sundays or Public Holidays. Further advice, including a copy of the Council's Code of Practice for Minimising Nuisance from Construction and Demolition Sites is available from the Environmental Protection Service, Howden House, Union Street, Sheffield, S1 2SH, tel. 0114 2734651.

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

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

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

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

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

To arrange the dilapidation survey, you should contact:

Highway Co-Ordination

Telephone: 0114 273 6677

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

5. Section 80 (2) of the Building Act 1984 requires that any person carrying out demolition work shall notify the local authority of their intention to do so. This applies if any building or structure is to be demolished in part or whole. (There are some exceptions to this including an internal part of an occupied building, a building with a cubic content of not more than 1750 cubic feet or where a greenhouse, conservatory, shed or pre-fabricated garage forms part of a larger building). Where demolition is proposed in City Centre and /or sensitive areas close to busy pedestrian routes, particular attention is drawn to the need to consult with Environmental Protection Services to agree suitable noise (including appropriate working hours) and dust suppression measures.

Form Dem 1 (Notice of Intention to Demolish) is available from Building Control, Howden House, 1 Union Street, Sheffield S1 2SH. Tel (0114) 2734170

Environmental Protection Services can be contacted at Development Services, Howden House, 1 Union Street, Sheffield, S1 2SH. Tel (0114) 2734651

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

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

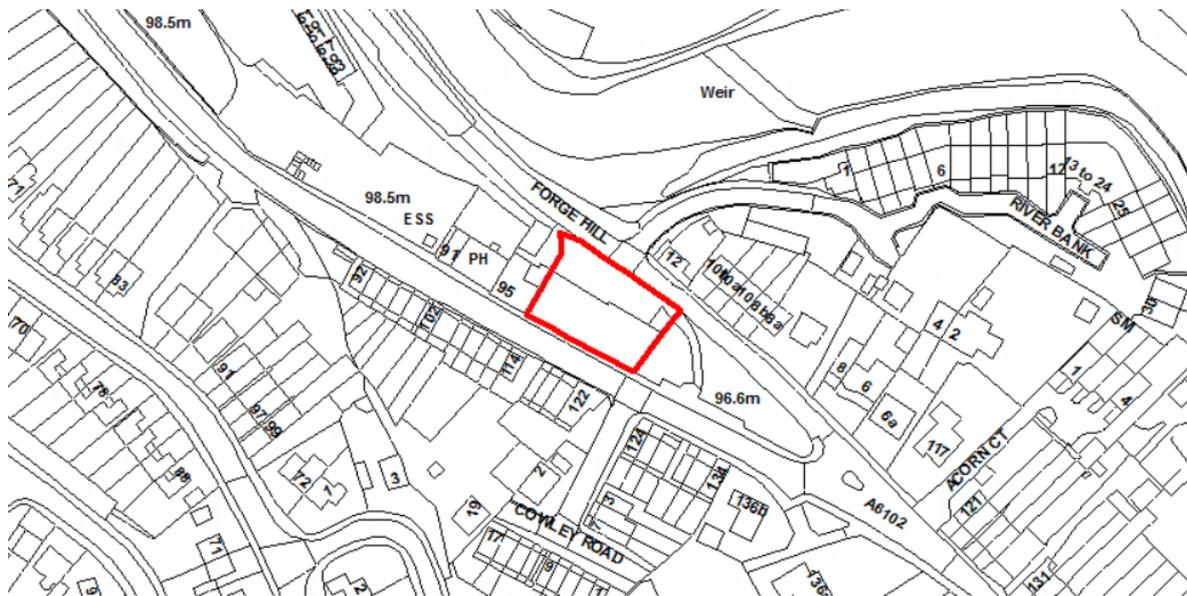
7. The applicant is advised that in order to discharge the above condition relating to gigabit-capable full fibre broadband the following should be provided:

- A contract or invoice for the installation of the physical infrastructure and the connection to gigabit-capable full fibre broadband.
- Confirmation of the speed that will be achieved by the gigabit-capable full fibre broadband infrastructure, from the network operator.
- Relevant plans showing the location/detail of the measures.

For more guidance with respect to addressing this requirement please see the Guidance Note on <https://www.sheffield.gov.uk/content/dam/sheffield/docs/documents-not-in-site-structure/new-build-developer-guidance.pdf> and/or contact [hello@superfastsouthyorkshire.co.uk](mailto:hello@superfastsouthyorkshire.co.uk)

8. The applicant is advised that, where you are required to submit a structural approval in principle document (AIP) for approval, it is essential to include all the information requested. For advice in advance of your submission, please contact: [HMDStructures@sheffield.gov.uk](mailto:HMDStructures@sheffield.gov.uk)

## Site Location



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## LOCATION AND PROPOSAL

This application relates to a small parcel of land between Forge Hill and Langsett Road South in Oughtibridge. The site is currently used by the Daisy Chain nursery.

The site is split east to west by a retaining wall. The higher section, adjacent to Langsett Road South, is enclosed by stone walls and timber fencing and used as the nursery's outside play area. The lower section of the site adjacent to Forge Hill is used as a parking area.

As amended outline planning permission, with all matters reserved (access, appearance, landscaping, layout and scale), is sought for the erection of up to 10 apartments.

The indicative plans (as amended) show the accommodation arranged within a two/three storey building with undercroft parking. Vehicular access is to be taken from Forge Hill.

The Sheffield Unitary Development Plan (UDP) proposals map identifies the site as being in a Housing Area. The locality is primarily residential in character. To the south is a small area of informal open space, to the north and south are existing residential properties. The existing nursery building, located just to the west, is excluded from the red line application site boundary. It does however remain in the applicant's ownership and is shown to be converted to a dwelling, subject to any necessary permissions. Just beyond the nursery is the Traveller's Rest Public House.

## PLANNING HISTORY

02/00476/OUT - An application for residential development was refused in July 2002 on the basis that the proposed development would conflict with the objectives of Planning Policy Guidance 3 (PPG3 - Housing) as it involved the development of a greenfield site without compliance with the sustainability criteria referred to in the guidance.

A subsequent appeal against the council decision was dismissed by the planning inspectorate.

At the time the site was vacant, largely covered by vegetation and considered to be a greenfield site that was read as an extension of the adjoining informal open space. The merits of the scheme were not considered to override the presumption against developing greenfield land. The proposal at that time would have been considered in a very different national planning policy context (PPS 3: Housing). The National Planning Policy Framework, does not preclude the development of greenfield sites in the same way as previous national planning policy.

The site has since been purchased by and used in conjunction with the adjoining nursery. It is now considered to be previously developed land.

Considering the above, the change in national policy context, alongside the age of the appeal decision (19 years), the previous refusal of planning permission on this site is considered to carry little weight in the determination of this application.

20/02908/OUT - Development of residential apartments (Outline Application with all matters reserved) – withdrawn.

## SUMMARY OF REPRESENTATIONS

An initial round of public consultation (letters and site notices) was carried out in November 2020. 46 letters of objection, two neutral comments (including Councillor Julie Grocutt) and two comments in support were received. The issues raised are summarised as follows:

### General Planning Issues

- Insufficient details provided, plans are incomplete and deliberately misleading.
- Loss of a valuable nursery facility.
- Inadequate consultation has been carried out by the Council.
- There are too many apartments in the centre of the village, a better mix of family housing is required.
- There are already a huge number of residential developments taking place in the area.
- Doctors' surgeries and schools are already oversubscribed.
- More cars and traffic would create air quality issues, emissions would also not be able to escape as the road would be enclosed by development.
- No affordable units are proposed.

- The units are unlikely to be affordable for local people.

### Design Issues

- An unacceptably high-density development, that results in the loss of garden land and open aspect of the area.
- Unacceptable visual impact, the building is overbearing and out of scale and character with the existing building in the surrounding area.
- A modern development such as this would be out of keeping with the prevailing character of the area.
- Only a low-level building would be appropriate for this site.
- Lack of bin storage would harm the visual amenities of the locality.

### Amenity Issues

- Residential amenity of nearby properties will be adversely affected by overlooking, loss of privacy, overshadowing, noise and disturbance and loss of light.
- Loss of light would be more significant in the autumn and winter months when the sun is lower in the sky
- Balconies will cause overlooking and should not be included.
- The site would be overdeveloped.
- Air quality in the valley is very poor.

### Highways Issues

- Highway concerns as the site is part of a one-way traffic system.
- The council have identified Bridge Hill, Station Lane, Orchard Street and Low Road as one of the worst junctions for accidents in the city.
- Accidents will increase because of the development.
- The development will increase demand for the already overburdened parking provision in the area.
- The newly opened co-op building is already causing traffic issues.
- Insufficient car parking provided for the residents and their visitors.
- Construction access and servicing (bin lorries, grocery and amazon deliveries) will cause traffic issues.
- It is very difficult to access Forge Hill from Riverbank at busy times, this will be made more difficult by the development.
- Nowhere for people to bring out and leave bins for collection.
- Construction access will need to be carefully considered to avoid highways and related disturbance issues.
- The area is already the subject of high levels of through traffic.
- The public transportation system in the whole valley is unsuitable unless some form of rail system is installed and very significant improvements made to other public transport .

- Driver visibility is very poor in the winter when the sun is low.

#### Non-Material Planning Issues

- A majority of local residents in the area are elderly and have been self-isolating during the pandemic. The development will affect their quality of life and mental health.
- The application was deliberately submitted and advertised at a time when people were isolating in an attempt to reduce the number of objections to the scheme.
- Views across the valley from existing properties would be lost.
- The Nursery is well attended and is a much-needed facility.
- The proposal will de-value property.
- Right to light issues.
- The primary driver for the development is to maximise income .

#### Bradfield Parish Council objected on the following grounds:

- Overlooking and loss of privacy of neighbours.
- Overdevelopment of a small site.
- The building is detrimental to the character of the area.
- Access, egress and parking issues.
- Infrastructure already at capacity.
- Question whether more flats are needed as the local plan stipulates the provision of a range of homes.

#### Councillor Julie Grocutt:

- The number of flats on the land may be a concern for local people.
- Concern that 10 flats might be too much in relation to the size of the site.
- Additional traffic generation.
- A large number of new homes have already been constructed in the Oughtibridge Valley.

#### Neutral comments:

- Quite a large building for the size of the plot, a reduction in height would make it less overwhelming for cottages on the main road.

#### In support:

- The development looks great, the current building is an eyesore and needs major development.

An additional round of public consultation took place in May 2021 following the receipt of amended plans. A further 19 letters of objection were received, with many

of the same issues raised. New issues can be summarised as follows:

#### General Planning Issues

- The site would be located on a roundabout.
- Oughtibridge is already far too developed.
- The impact on the already stretched infrastructure would be significant.

#### Design Issues

- Only a two-storey building with a nice façade would be acceptable.
- The development is out of keeping with the local vernacular, impacting character.
- The flat roofed design is not in keeping with the area.

#### Amenity Issues

- The building is too large.
- Nothing has been done to address issues with loss of light.

#### Highway Issues

- The revised plans do not address highways concerns.
- A pedestrian crossing would be required to safely cross the road.
- Other new development in the area is already creating highways issues.
- Moving the access opposite Riverbank will impact highway safety.
- 10 spaces for 10 flats is not enough.

#### Other Issues

- There are a large number of vacant apartments in Oughtibridge.
- Planning Committee members must visit the site
- The nursery should be brought back into use. There is a need for one and new increasing demand from all the homes being built in the area.

Bradfield Parish Councillor Terry Barrow objects on the following grounds:

- Insufficient parking and majority of on street spaces are already taken up by other flats in the area that only have one space.
- Issues of overdevelopment, access and egress, parking and capacity of local infrastructure have not been addressed by the revised plans.
- There is a reduction in parking from the previous version of the scheme which will aggravate existing issues.
- Access has been moved opposite the road into River View estate causing further highways safety issues in one of the worst accident black spots in the city.

Bradfield Parish Council maintain their objections that:

- The application should be refused.
- Previous comments made remain valid, but councillors would wish to note that parking issues have been made worse by only 10 spaces being provided and no provision for visitors.
- The new entrance will add to safety and congestion issues, especially at peak times.

## PLANNING ASSESSMENT

### Policy Context

All planning applications must be determined under S.38(6) of the Planning and Compulsory Purchase 2004 Act, that is in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF/Framework) is a material consideration in planning decisions.

The key principle of the Framework (paragraph 8) is the pursuit of sustainable development, which is identified as having three overarching objectives (economic, social and environmental) that are independent and should be pursued in mutually supportive ways. This assessment will have due regard to these overarching principles.

The Council's Development Plan (UDP and Core Strategy) substantially predate the Framework. Paragraph 12 however makes it clear that the Framework's presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making.

The policies of the Development Plan should not simply be considered out-of-date because they were adopted (as is the case in Sheffield) or made prior to the publication of the Framework (paragraph 213). Weight should be given to the relevant Development Plan Policies, according to their degree of consistency with the Framework. The closer a policy in the Development Plan is to the policies in the Framework, the greater the weight it may be given.

### Planning Balance

The assessment of this development also needs to be considered in light of paragraph 11 of the Framework, which states that for the purposes of decision making where there are no relevant development plan policies, or those policies most important for determining the application are out of date, planning permission should be granted unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development, or

- ii. any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

In addition to the potential for a policy to be out of date by virtue of inconsistency with the Framework, paragraph 11 states that where the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites with the appropriate buffer (which for SCC is 5%, pursuant to para 73 of the Framework) the policies which are most important for determining the application will automatically be considered to be out of date.

This is referred to as the “tilted balance”

On 16 December 2020 the Government published an update to planning practice guidance ‘Housing and economic needs assessment’ which changed the standard method for calculating the Councils local housing need figure. The most recent publication now includes the ‘cities and urban centres uplift’, requiring a 35% uplift to be applied to the local housing need figure for Sheffield and 19 of the other largest cities and urban centres. The urban centres uplift increases Sheffield’s local housing need figure for 2021 to 2,923 new homes per annum.

The Council’s most recently published position in relation to the deliverable 5-year housing land supply situation is set out in the ‘5 Year Housing Land Supply Monitoring Report’, December 2020. The monitoring report sets out the position as of 1 April 2020, with respect to the period 2020/21 to 2024/25 and provides evidence of a 5.4-year deliverable supply of housing land.

Until an update is produced with a base date of 1 April 2021, the monitoring report remains the Council’s stated position and as the Council has a 5.4-year housing land supply the ‘tilted balance’ is not automatically engaged.

### Housing Policy Issues

The site is in a UDP Housing Policy Area. Within such areas, housing (use class C3) is the preferred use of land. The principle of the development is therefore acceptable, subject to consideration of all other relevant policy and material planning matters.

The government attaches significant weight to boosting the supply of new homes. The development of small windfall sites, such as this, are specifically supported by the Framework (Paragraph 68) given the important contribution they can make to meeting the city’s housing requirements and the relative speed with which they can be delivered. This is an underutilised site, located within an existing settlement and its redevelopment for houses is afforded great weight by Framework Paragraph 68 c).

Up to 10 apartments would make a positive, albeit small contribution to boosting the supply of housing in the City. It would also help to diversify the local housing stock. These are clear benefits of the scheme that should be afforded great weight in the consideration of this application in accordance with the guidance in the Framework.

The weight housing delivery is afforded is however tempered by the fact that the city already has a 5.4-year supply exists. This is not to deny it is a benefit, but simply to register the scale of the contribution made in the context of the existing supply position.

### Previously Developed Land

The application site is previously developed land (PDL) or brownfield land in accordance with the Framework's definition. The value of redeveloping PDL for homes is afforded substantial weight by paragraph 118 c) of the Framework. The Framework does not however strictly advocate a brownfield first approach or specifically prioritise the redevelopment of PDL in the same way that Core Strategy Policy CS24 does. For these reasons CS24 is not fully consistent with the Framework. It does however still retain moderate weight considering paragraph 118 c). Irrespective, the development is considered to comply with the objectives of the relevant local development plan policies and the Framework.

### Density

Core Strategy Policy CS26 encourages making efficient use of land to deliver new homes. This should however be achieved at a density appropriate to the sites location taking account of the sites relative accessibility and the character of the area. CS26 is broadly consistent with paragraph 122 of the Framework which promotes the efficient use of land. However as paragraph 122 identifies a wider variety of factors that should be considered when assessing density, including housing need, the availability of infrastructure/sustainable travel modes, the desirability of maintaining the areas prevailing character and setting, promoting regeneration, and the importance of securing well designed and attractive places, CS26 only retains moderate weight.

The application is approximately 0.08 hectares in area and the development of up to 10 apartments represents a density of 125 dwellings per hectare. This will increase the density of development on the site and within the local area. However, considering the importance the Framework and local policy place on making efficient use of sustainably located sites, the need to boost the supply of homes and the fact that the development will not harm the character of the area or amenities of existing and future residents (explained in more detail later in this report) the density of the development is considered to be acceptable.

### Design Issues

Chapter 12 of the Framework (Achieving well-designed places) identifies good design is a key aspect of sustainable development. Paragraph 127 seeks to ensure that developments function well and add to the overall quality of the area such that they:

- are visually attractive as a result of good architecture, layout and landscaping;
- are sympathetic to local character, including the surrounding built environment (while not preventing appropriate innovation or change);

- maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; and
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

Policies CS74 of the CS and UDP policies BE5, H14 and H15 all seek to secure high quality developments which are of an appropriate scale and which enhance the character and appearance of the area. These local plan policies are considered to align with the Framework in relation to design matters and continue to carry substantial weight.

This outline application has been submitted to establish the principle of residential development as the detailed matters of access, appearance, landscaping, layout and scale are reserved for subsequent approval. As amended, a set of indicative plans have been submitted to illustrate how the development could be accommodated on site and these forms the basis for the following assessment.

#### Layout

The application site is rectangular in shape as is the footprint of the proposed building. The building is shown to occupy a large majority of the site. It is however positioned closer to the adjacent informal open space on the corner of Forge Hill and Langsett Road South, than the existing nursery.

The building is laid out so that the accommodation will face the adjoining public highways. Parking is shown to be accommodated inside the proposed building at ground floor level.

The layout is considered to be logical, taking account of the site's location between two public highways and the level changes across the site.

#### Scale

Given the significant change in levels across the site, the indicative plans (as amended) show the proposed apartment block to be two storeys to Langsett Road South and three storeys to Forge Hill. The overall height of the building has been reduced by adopting a more contemporary flat roofed design.

The uppermost storey of the building is set substantially back from Forge Hill to reflect the prevailing scale of two storey properties in the street. To Langsett Road South, as amended, the building is a similar height to the eaves of existing properties on the opposite side of the road.

This is not an overly prominent site and the mature trees and landscaping to the east and existing built form to the west will provide the site with some screening when approaching the site on the adjoining highways.

The scale of development is acceptable and will not appear out of character when considered in the context of the scale of the built form in the locality and the change in levels across the site.

### Appearance

The external appearance and materials used in the construction of the building are not specified at this outline planning stage. The buildings opposite the site are attractive traditional stone built terraced properties. There is however a diverse mix of building styles that utilise different materials in the locality. It is considered that a more contemporary development with a flat roof could be readily accommodated on this site without harming to the character of the area or the appearance of the street scene.

### Landscape

Framework paragraph 127 a) requires developments to add to the overall quality of the area (short and long term), b) to be visually attractive by using appropriate and effective landscaping and c) sympathetic to local character including a sites landscape setting. Paragraph 170 a) and b) recognise the economic and other benefits of trees and woodland.

At a local level good quality landscape design in all new development is expected (UDP policy BE6). The protection of trees and woodland and retention of mature trees and hedgerows (where possible), as well the replacement of trees that are lost to accommodate development is required by GE15. Core Strategy policy CS74 requires development to respect the areas landscape character.

The aims of policies GE15, BE6 and CS74 are considered to align with the Framework and continue to carry substantial weight.

The site largely comprises of hardstanding. There is a small area of soft landscaping with the site, however it has no public amenity and none of the existing on-site landscaping is worthy of retention or protection.

A small group of immature trees are located close to the eastern boundary of the site and what could be the side elevation of the proposed building. These trees, although not significant, do contribute to the visual amenities of the area, especially when considered alongside the more mature trees in the adjacent informal open further to the west.

The long-term health of these trees is unlikely to be effected by the redevelopment as they are separated from the application site by an existing retaining wall. The trees can also be protected from construction activity by a suitably worded planning

condition.

The flat roofed designed could allow a green roof to be provided subject to viability. This will be a matter for more detailed consideration at reserved matters stage.

From a landscaping proposal the development is acceptable.

### Residential Amenity Issues

Paragraph 127(f) of The Framework identifies that development should create places with a high standard of amenity for existing and future users. Development should also be appropriate for its location taking account of the effects of pollution on health and living conditions, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (paragraph 180).

Policies H14 (Conditions on Development in Housing Areas), H15 (Design of New Housing Developments) and H5 (Flats, Bed Sitters and Shared Housing) are considered to align with the Framework as they expect that new housing developments provides good quality living accommodation to ensure that basic standards of daylight, privacy, security and outlook are met for existing and future residents. These local policies are therefore afforded weight.

Properties to the south, on the opposite side of Langsett Road South will be located approximately 11 metres from the front elevation of the building, across a public highway. This is a common relationship in a traditional street and is not considered to result in any unacceptable overbearing or significant loss of privacy, even if balconies are provided within in the street facing elevation of the building.

Furthermore, the site is located north of the properties on the opposite side of Langsett Road South, and so no significant overshadowing or loss of light will occur as a result of the development.

On Forge Hill only one property is located directly opposite the application site and that property has no windows or other openings in the elevation facing the site. The remainder of the site frontage faces the junction of Riverbank and mature trees further to the west. The proposal to substantially set back the top floor of the building will mitigate any harmful overlooking, overbearing, or overshadowing of properties on Forge Hill.

The development could be designed to allow for the conversion of the existing nursery to a dwelling, without detriment to the amenity of potential future occupants

There will be a minor increase in vehicle movements associated with the development. However, considering the limited scale of the scheme, vehicle movements are not considered to generate any significant noise and disturbance issues over and above existing traffic.

The design of the development is also not considered to create air quality issues that would adversely affect the amenities, health, or well-being of existing or future residents.

The building would be located between two public highways, however as this is an established residential area it is clear that acceptable living conditions can be provided for future occupants.

The proposal is acceptable from an amenity perspective.

### Highway Issues

Paragraph 109 of the revised NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Core Strategy Policy CS53 'Management of Demand for Travel' sets out a variety of ways in which the increased demand for travel will be managed across the city including applying maximum parking standards to all new developments to manage the provision of private parking spaces.

Policy H14 part d) expects new development to provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

It is considered that the aims and objectives of these local plan policies reflect those of the Framework and can be considered to have substantial weight in this context.

The site is in an established residential area which benefits from a frequent bus services that provides access to Deepcar/Stocksbridge, Hillsborough and the City Centre. There are stops within 15 and 110 metres of the application site. Local shopping facilities are located approximately 300 metres to the west and 160 metres to the east of the site. There is a public house next door but one to the site and a public park (with play facilities) within 400 metres. The development is therefore considered to be sustainably located.

As described above, the Framework is clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe (paragraph 109).

Residents have reported that the highways surrounding the site are very congested, and there are known accident 'blackspots'. Police accident records for the past 5-year period have been examined on Forge Hill in the vicinity of River Bank and the nursery car park, where vehicles currently enter and leave the site. Two separate accidents have occurred in the last 5 years, resulting in two slight injuries.

The first of the two accidents occurred in September 2017 involved a motorbike that collided with a parked vehicle when it attempted to overtake a vehicle and avoid a bus turning right into Langsett Road South. A second accident occurred in September 2018, when a vehicle turning left joining Forge Hill from River Bank collided with cyclist cycling the wrong way on the one-way system. There have been other accidents on the one-way system, but these were too remote from the development site to have a bearing. There have been no injury accidents recorded over the past 5 years associated with movements in or out of the Daisy Chain Nursery car park.

The existing junction at the bottom of Bridge Hill is under investigation by the Council and a scheme is due to be implemented in the near future aimed at improving highway safety and reducing accidents. The Bridge Hill junction is complex as it brings together 5 roads and incorporates crossing facilities and a bus stop. One of the key accident causations is traffic entering the junction from Bridge Hill when it isn't safe to do so. One option being considered is to restrict this particular movement. The Bridge Hill Junction is some distance from the application site and its operation is not considered to be materially impacted by the development.

All accidents are regrettable, however the causation factors of the two that have occurred nearby the site are not related to highway layout. Highway officers are of the view that given the existing use of the site, the type and scale of the proposed development and the review of injury accidents over the past 5 years, highway safety would not be compromised by the granting of planning permission.

The site is currently accessed from two different positions on Forge Hill. Langsett Road and Forge Hill are one way streets with speed restrictions of 30 mph. It is intended to continue to access the site from Forge Hill, however the exact position of the access is not fixed at this outline planning stage and could be arranged to create a stagger rather than a cross roads with River Bank. If planning permission is granted, the two existing site accesses would be closed and a single point of access constructed (broadly in the location of the existing ingress) to serve the under-croft car parking. Being located on a one-way section of highway, drivers leaving the proposed car park would only need to look to the left for a gap in the traffic before joining the road, a much simpler arrangement than at the bottom of Bridge Hill. Regardless there is good visibility to the east and west and turning movements into and out of the site are unlikely to cause any conflict with vehicles using the adjoining highway.

The traffic generated by the development is unlikely to be materially greater than the current use of the site as a nursery. Arguably there could be less movements, particularly in the peak hours when children would be dropped off and picked up

from nursery.

Indicatively 10 parking spaces are shown at the lower ground floor level, accessed from Forge Hill. No dedicated cycle parking is shown however this could be secured by condition. The level of parking proposed is acceptable considering the site's sustainable location within the centre of Oughtibridge. There is a significant amount of dedicated on street parking available on Langsett Road South that could cater for any visitor or overspill parking associated with the development.

Refuse bins will need to be brought to the back edge of the pavement for collection or alternative arrangements provided by the site owner or appointed management company. There is room within the site to cater for the development needs in this regard without detriment to highway safety.

Taking account of paragraphs 108 and 109 of the Framework and relevant local policies, the development is considered to be acceptable from a highways perspective as it does not give rise to any safety or operational concerns that would warrant the refusal of planning permission.

### Sustainability

Framework Paragraph 153 confirms new development should comply with any development plan policies or local requirements for decentralised energy supply unless this is demonstrated to be not feasible or viable. Landform, layout, building orientation, massing and landscaping should also be considered to minimise energy consumption.

Policy CS63 identifies a series of actions to reduce the city's impact on climate change. Policy CS64 specifically requires new buildings to be energy efficient and use resources sustainably and developments of 5 dwellings or more to provide 10% of their predicted energy needs from a decentralised and renewable or low carbon energy source. An equivalent 10% reduction in a development's energy needs from a fabric first is also acceptable.

As this is an outline application details of how the requirements of CS64 will be satisfied have not been confirmed, but will be secured by condition. Solar or photovoltaic panels could be roofed mounted or a reduction in the building's energy demands secured by enhancement to the building fabric.

The building has a flat roof and subject to feasibility and viability it would be desirable to install a green roof, details of which will be secured by condition. Green roofs can help to deliver biodiversity net gains and reduce surface water run-off. Facilities to enable charging of plug-in and other ultra-low emission vehicles will also be secured by condition in accordance with Framework paragraph 110 (e).

As noted above the development makes efficient use of a previously developed site in an established residential area that has access to public transport and local shopping facilities. In general terms the proposal is a sustainable form of development.

### Drainage

The Framework seeks to ensure that development does not increase flood risks elsewhere and that the most vulnerable development is located in areas at the lowest risk of flooding. Paragraph 165 requires major development to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. In doing so the systems used should take account of the advice of the Lead Local Flood Authority.

The site is not affected by surface or fluvial flood risk. The developer has identified that site conditions are unsuitable to allow surface water to infiltrate to the ground. A detailed surface water drainage scheme, including mechanisms for reducing the discharged from the site will be submitted at reserved matters stage.

### Land Contamination

The Framework (paragraph 178) identifies that a site should be suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or previous activities such as mining.

The Council's Environmental Protection Services have advised that the site could potentially contain areas of localised contamination associated with its historical use that could affect human health and the local environment. These matters can be resolved by planning conditions requiring ground conditions to be assessed and the site to be remediated, if necessary.

### Affordable Housing

Schemes of less than 15 dwellings are not required to provide on site or make any financial contributions towards the provision of affordable housing.

### Infrastructure Related Issues

Local residents raised concerns regarding the ability for local services, including schools and medical practices, to cope with the additional demand generated by the development.

The proposed development falls well below the threshold of 1000 dwellings in the CIL and Planning Obligations SPD, where contributions towards health related infrastructure will be required.

It is unlikely that apartments would generate a considerable burden on school places and, as with the health related contributions, the development falls well below the thresholds (500+ dwellings for primary and 1000+ for secondary) set out in the CIL and Planning Obligations SPD where section 106 education contributions are required.

Any additional education or health related provision will be funded through CIL.

Community Infrastructure levy (CIL)

The site falls within CIL Charging Zone 3. Within this zone there is a CIL charge of £30 per square metre, plus an additional charge associated with the national All-in Tender Price Index for the calendar year in which planning permission is granted, in accordance with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

## RESPONSE TO REPRESENTATIONS

Rights to a view across another person's land are not protected by planning legislation.

Rights to light are private matters, as are property values.

Infrastructure related concerns can be addressed by the payment of the Community Infrastructure Levy.

The temporary inconveniences of construction are not a planning matter, though site management and associated access can be controlled by condition.

All other issues are covered in the main body of the report.

## SUMMARY AND CONCLUSION

This application proposes the clearance of the site and erection of up to 10 apartments in a 2/3 storey block with associated parking and access.

The site layout, landscaping, means of access, scale and external appearance of the development are reserved for subsequent approved. This is not a prominent site and the indicative plans (as amended) illustrate that a contemporary flat roofed development would not detract from the character of the area, the visual amenities of

the locality or harm the amenities of existing and future residents.

There are no structures or landscaping of value on this previously developed sustainably located site in the centre of Oughtibridge. The site is within easy reach of public transport services and local shopping facilities.

The density of development is acceptable, taking account of the sustainable location of the site and the character of the area, which contains a variety of housing types including apartments.

The adjoining highways can accommodate the development traffic without detriment to highway safety or the efficient operation of the network.

The scheme will deliver clear benefits by adding to the range of homes and boosting the overall supply of new homes, enabling the Council to meet its obligations of maintaining a 5-year supply of deliverable housing sites.

There will be employment benefits, albeit short term during the construction phase, and increases in local spending associated with the new residents which will contribute to the local economy.

Other more minor benefits include, making use of previously developed land and sustainability enhancements.

It is considered that the most important local policies in the determination of this application, which in this case revolve around housing land supply, highway related impacts, design, amenity and landscape impacts, do, when considered as a collection, align with the Framework. As such section d) of paragraph 11 'the titled balance' is not applied in this instance.

The proposal complies with the relevant local planning policies and those of the Framework. For the reasons identified above the development does not give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the development.

It is recommended that outline planning permission is granted conditionally.