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Case Number	22/00491/OUT (Formerly PP-11008817)
Application Type	Outline Planning Application
Proposal	Outline planning application (all matters reserved except for access) for the partial demolition of the western gable of former farmhouse, retention of 2-storey barn, demolition of single-storey ancillary buildings, erection of up to 41 dwellinghouses, formation of vehicular access point and provision of open space and landscape buffer (Resubmission of application 19/03890/OUT)
Location	9 - 11 Wood Royd Road Sheffield S36 2TA
Date Received	08/02/2022
Team	North
Applicant/Agent	DLP Planning Ltd
Recommendation	Grant Conditionally Subject to Legal Agreement

## **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 (matters reserved by this permission) shall have been obtained from the Local Planning Authority.

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

2. 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.

3. 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.

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

4. The development shall be carried out broadly in accordance with the following documents and plans:-
  - Location Plan (Drawing No. D01)
  - Indicative Layout (Drawing No. 19-004-10 Revision G)
  - Proposed Elevation to Wood Royd Road (Drawing No. 19/004/032 Revision B)
  - Site Plan at Site Entrance (Drawing 19/007/030 Revision A)
  - Site Profiles (Drawing No. 19/004/021 Revision B) published 31/08/2020
  - Heritage Impact Assessment (Reference No. 22-006 - dated January 2022)
  - Flood Risk Assessment and Drainage Strategy - dated 01/11/2019
  - Addendum - Flood Risk Assessment and Drainage Strategy
  - BIA Proposals Map (Reference No. RSE\_3079\_BIA\_2 Rev V1)
  - Preliminary Ecological Appraisal (Reference RSE\_3079\_R2\_V1\_PEAR) - dated November 2021
  - Nocturnal Bat Surveys (Reference RSE\_3079F)
  - Landscape/Townscape Visual Appraisal prepared by FPCR Environmental and Design Ltd - dated February 2022
  - Geophysical Survey Report prepared by Locus Consulting - July 2022

Reason: In order to define the permission.

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

5. Before implementing each phase of development approved by this planning permission, no development shall commence until such time as a scheme to identify and protect Clough Dike Culvert has been submitted to, and approved in writing by, the Local Planning Authority.

A survey to correctly identify the path of the Clough Dike culvert should be undertaken, to ensure that an adequate buffer zone can be maintained between the culvert and the development. This is to ensure no damage is caused to the culvert during construction and that there is no increase in load, both horizontally and vertically, upon the culvert. This will ensure adequate access is maintained should the culvert require repair or replacement.

Reason: To reduce the risk of flooding to the proposed development and its future users

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

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

7. 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 114 of the National Planning Policy Framework.

8. No development shall commence until further intrusive site investigations have been undertaken to establish the exact coal mining legacy issues on the site and a report explaining the findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include the submission of a layout plan which identifies the exact location of mine entry 428398-038, including grid coordinates (if found present within the site), and the calculated zone of influence (no-build zone) around the mine shaft. In the event that site investigations confirm the need for remedial works, details of the remedial works shall also be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be carried out in accordance with the approved details.

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

9. Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any remedial works will have been completed to the satisfaction of the Local Planning Authority prior to full occupation of the development.

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

10. No development shall commence until details of the means of ingress and egress for vehicles engaged in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the arrangements for restricting the vehicles to the approved ingress and egress points. Ingress and egress for such vehicles shall be obtained only at the approved points.

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.

11. 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.

12. 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.

13. 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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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.

14. 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 current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).

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

15. Any remediation works recommended in the Phase II Intrusive Site Investigation Report shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to construction works commencing. The Report shall be prepared in accordance current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020) and Sheffield City Council's supporting guidance issued in relation 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.

16. Prior to the commencement of development, a Landscape and Biodiversity Enhancement Master Plan shall be submitted to and approved in writing by the Local Planning Authority. The content of the Plan shall include:

- An assessment of baseline conditions set out in the Preliminary Ecological Report (RammSanderson November 2021, RSE\_3079\_R2\_V1\_PEAR) and Nocturnal Bat Surveys (RammSanderson -19 July 2022 RSE\_3079F) shall be carried out to establish if there have been any changes in the presence and/or abundance of protected species and identify any likely new ecological impacts.

- Where the survey results indicate that changes have occurred that will result in ecological impacts not previously considered as part of this outline application, the originally approved ecological mitigation measures shall be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

- Aftercare and long-term management and maintenance of ecological features including an appropriate monitoring strategy.

- Biodiversity Net Gain calculations using the DEFRA 2.0 metric.

- Lighting Strategy

- Provision and specification of bird nesting and bat roosts (boxes) opportunities within/adjoining the site.

Works shall then be carried out in accordance with the revised approved ecological mitigation measures and timetable.

Reason: To ensure the ecological interests of the site are maintained and that the habitat creation on site and subsequent management measures are sufficient to deliver a net gain in biodiversity as required by the NPPF paragraph 170.

17. Unless it can be shown not to be feasible or viable 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.

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

18. No above ground works shall commence until the highways improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:
- a) been carried out; or
  - b) details have been submitted to and approved in writing by the Local Planning Authority of arrangements which have been entered into which will secure the highway improvement works in advance of the development being brought into use.

Highways Improvements:

- Construction of new priority junction and footways to serve the development site, broadly in accordance with the submitted drawings.

- Provision of pedestrian dropped kerbs with tactile paving on Wood Royd Road, Armitage Road and the new priority junction.
- Promotion of a Traffic Regulation Order (waiting restrictions) in the vicinity of the development site, subject to the usual procedures, including the provision of any associated lining/signing.
- Any accommodation works to statutory undertaker's equipment, traffic signs, road markings, lighting columns, highway drainage and general street furniture necessary as a consequence of the development.

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

19. Prior to the submission of any reserved matters application, an archaeological evaluation of the application area and archaeological building record of the historic structures at the site will be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority. Drawing upon the results of the field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ shall be submitted to and approved in writing by the Local Planning Authority and then implemented.

Reason: To ensure that a record made of historic structures prior to loss/demolition, and that the site is archaeologically evaluated, in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters.

20. The development shall not be used unless all redundant accesses have been permanently stopped up and reinstated to kerb and footway, and any associated changes to adjacent waiting restrictions that are considered necessary by the Local Highway Authority including any Traffic Regulation Orders are implemented. The means of vehicular access shall be restricted solely to those access points indicated in the approved plans.

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. No building or other obstruction including landscape features shall be located over or within 4 (four) metres either side of the centre line of the public sewer i.e. a protected strip width of 8 (eight) metres that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

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

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

23. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal

24. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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

25. The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Such scheme of works shall:

a) Be based on the findings of a noise report by a qualified noise consultant.

b) Be capable of achieving the following noise levels:

Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Other Habitable Rooms: LAeq (16 hour) - 40dB (0700 to 2300 hours);

Bedrooms:

LAFmax - 45dB (2300 to 0700 hours).

c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.



Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the future occupiers of the dwellinghouses.

26. Before the development is occupied the detailed lifetime management arrangements for the drainage system shall be submitted to and approved in writing by the Local Planning Authority. These arrangements shall demonstrate that there is in place a legally binding arrangement for the life time management of the drainage system including funding source/s. This shall include operation and maintenance manuals for regular and intermittent activities and as-built drawings.

Reason: To ensure satisfactory drainage arrangements are provided to serve the site in accordance with the National Planning Policy Framework it is essential for this agreement to be in place before the use commences.

27. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage

28. Before the dwellinghouses are brought into use, Validation Testing of the sound insulation and/or attenuation works shall have been carried out and the results submitted to and approved by the Local Planning Authority. Such Validation Testing shall:

a) Be carried out in accordance with an approved method statement.

b) Demonstrate that the specified noise levels have been achieved. In the event that the specified noise levels have not been achieved then, notwithstanding the sound insulation and/or attenuation works thus far approved, a further scheme of works capable of achieving the specified noise levels and recommended by an acoustic consultant shall be submitted to and approved by the Local Planning Authority before the use of the development is commenced. Such further scheme of works shall be installed as approved in writing by the Local Planning Authority before the use is commenced and shall thereafter be retained.

Reason: In order to protect the health and safety of future occupiers and users of the site it is essential for these works to have been carried out before the use commences.

### **Other Compliance Conditions**

29. Surface water discharge from the completed development site shall be

restricted to a maximum flow rate of 5.6 litres per second for the site of 2.32 hectares, equivalent to 2.4 litres per second per hectare

Reason: In order to mitigate against the risk of flooding.

30. No buildings/structures shall be erected within 35m of the Clough Dike culvert watercourse.

Reason: To ensure no obstruction and maintenance access.

Attention is Drawn to the Following Directives:

1. The required CEMP should cover all phases of demolition, site clearance, groundworks and above ground level construction. The content of the CEMP should include, as a minimum;
  - Reference to permitted standard hours of working;
  - 0730 to 1800 Monday to Friday
  - 0800 to 1300 Saturday
  - No working on Sundays or Public Holidays
  - Prior consultation procedure (EPS & LPA) for extraordinary working hours arrangements.
  - A communications strategy for principal sensitive parties close to the site.
  - Management and control proposals, including delegation of responsibilities for monitoring and response to issues identified/notified, for;
  - Noise - including welfare provisions and associated generators, in addition to construction/demolition activities.
  - Vibration.
  - Dust - including wheel-washing/highway sweeping; details of water supply arrangements.
  - A consideration of site-suitable piling techniques in terms of off-site impacts, where appropriate.
  - A noise impact assessment - this should identify principal phases of the site preparation and construction works, and propose suitable mitigation measures in relation to noisy processes and/or equipment.
  - Details of site access & egress for construction traffic and deliveries.
  - A consideration of potential lighting impacts for any overnight security lighting.

Further advice in relation to CEMP requirements can be obtained from SCC Environmental Protection Service; Commercial Team, Fifth Floor (North), Howden House, 1 Union Street, Sheffield, S1 2SH: Tel. (0114) 2734651, or by email at [eps.commercial@sheffield.gov.uk](mailto:eps.commercial@sheffield.gov.uk).

2. You are required, as part of this development, to carry out works within the public highway. You must not start any of this work until you have received formal permission under the Highways Act 1980 in the form of an S278 Agreement. Highway Authority and Inspection fees will be payable and a

Bond of Surety required as part of the S278 Agreement.

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

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

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

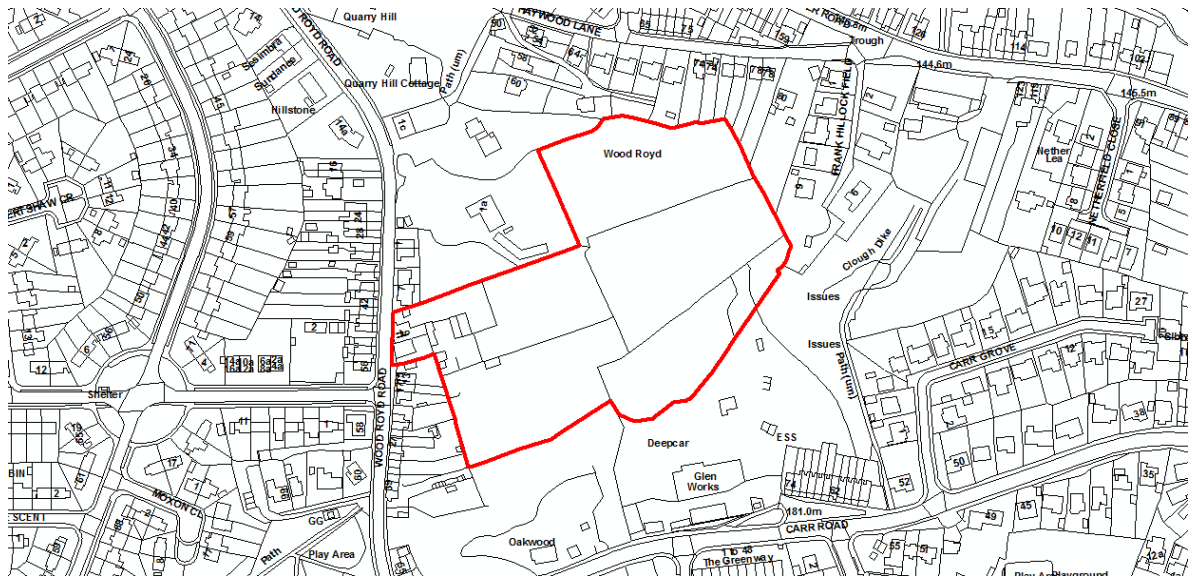
3. As the proposed development abuts the public highway you are advised to contact the Highways Co-ordination Group prior to commencing works:

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

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

4. 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.

## Site Location



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## INTRODUCTION

This application relates to Wood Royd Farm in Deepcar. An outline application to erect up to 41 dwellinghouses on this site was refused in February 2021 at the Planning and Highways Committee, under reference No. 19/03890/OUT. It was refused for the following three reasons:

- 1) The Local Planning Authority consider that the proposed development would result in substantial harm to the significance of a non-designated heritage asset as a result of its partial demolition and the development of the associated open pastoral fields, which will also harm the visual amenities and character of the wider area. As such the proposed development is considered to be contrary to paragraph 127 (c) of the National Planning Policy Framework and policy LR5 (c, e and i) of the Unitary Development Plan.
- 2) The proposed development would involve the loss of open space which forms part of the Council's Network of Green Links. The Local Planning Authority considers that the development of the site would detract from its green and open character and cause serious ecological damage by failing to contribute to and enhance the natural and local environment through the loss of land that is considered to be of high biodiversity value and recognised for its intrinsic landscape character. As such the proposed development is considered to be contrary to paragraph 170 of the National Planning Policy Framework, Policies GE10 and GE11 of the Unitary Development Plan and Policies CS73 and CS74 of the Core Strategy.
- 3) The Local Planning Authority consider that the additional vehicular traffic generated by the development would be detrimental to the safety of pedestrians and to the free and safe flow of traffic on Wood Royd Road by reason of the prevailing conditions of the existing highway network in terms of traffic flow, the limited width and lack of footway provision along part of Wood Royd Road, and the narrowing of the carriageway from on-street parking along its length. As such the development would be contrary to Unitary Development Plan Policy H14 (d) and government policy contained in the National Planning Policy Framework (NPPF) at Paragraphs 108 and 109.

## SITE LOCATION

Wood Royd Farm is situated to the east of Wood Royd Road and is made up of a former farmstead that dates from the late 18<sup>th</sup> century and the adjoining agricultural fields. The site includes a farmhouse, a two-storey stone barn and associated single storey outbuildings that include two 'nissen' style huts (half-cylindrical with a skin of corrugated iron). To the east of the farmstead are 5 individual fields that are divided up by low drystone walling. The site contains few trees, largely around the perimeter, and the five grassland compartments comprise of poor semi-improved and neutral grassland.

The application site is situated within both a designated Housing Area and an Open Space Area as set out on the Sheffield Unitary Development Plan Proposals Map. The Housing Area occupies the western section of the site towards Wood Royd Road and covers approximately 9,200 square metres (40%) of the total site area, the remaining area of approximately 14,000 square metres being an Open Space Area (60%).

The site also lies within The Coal Authority High Risk Development Area associated with former mining activities.

The site covers an area of approximately 2.35 hectares, the majority of which is open pasture. The land extends back from Wood Royd Road for about 220m. The site's front section to Wood Royd Road, which contains the farm buildings, is relatively level. Beyond this the land falls quite steeply away to the north, east and south. Due to the topography of the site, the lowest section of the site (AOD 172.69) is about 17.5m below the ground levels to Wood Royd Road (AOD 200.5).

Access into the site is taken from Wood Royd Road, to the southern side of the farmhouse.

The site is bounded by residential properties to its north, east and west, including either side of the farmhouse fronting onto Wood Royd Road. Beyond the site's northern field are detached and terraced dwellinghouses, some of which front onto Haywood Lane, and to its north-east is a small group of houses that front onto Haywood Lane and Frank Hillock Field.

A dense woodland belt (Fox Glen Wood Local Wildlife Site) and further residential development lies to the south and south-east of the site, beyond which is an open storage commercial business (Glen Works) and a large detached dwellinghouse that take their access from Carr Road.

## PROPOSAL

Outline planning permission is being sought to erect up to 41 dwellinghouses on this site. All matters are reserved except for access.

This application is largely a resubmission of refused planning application No. 19/03890/OUT, but it is supported by additional information and proposed changes to the site entrance in order to address the previous reasons for refusal.

As before, the proposal includes the demolition of the front section of the farmhouse to Wood Royd Road and the retention of the site's attached stone barn and the demolition of the single storey ancillary buildings.

Any subsequent proposal to alter or change the use of the barn would be subject to separate full planning application at a later date.

## RELEVANT PLANNING HISTORY

19/03890/OUT      Outline planning application (all matters reserved except for

access) for the partial demolition of dwellinghouse, retention of 2-storey stone barn, demolition of single-storey ancillary buildings, erection of up to 41 dwellinghouses, formation of vehicular access point and provision of open space and landscape buffer (Amended description) – Refused 25 February 2021

## SUMMARY OF REPRESENTATIONS

Five site notices were posted within the vicinity of the site. The application was also advertised in the Sheffield Telegraph on the 3 March 2022.

81 letters of objections have been received in response to this application. Some of the representations received have come from the same household, and a number have written in more than once.

Representations have also been received from Stockbridge Town Council and Local Councillors Lewis Chinchin and Julie Grocutt and Sheffield and Rotherham Wildlife Trust (SRWT).

### Highway Issues

- Since the last applications, the completion of infill housing on Haywood Lane has made the junctions of Heywood Lane, Wood Royd and New Street almost impossible to use at certain periods due to parked cars. This problem will only increase with applications for further infill on Heywood Lane.
- The current infill development on Heywood Lane will undoubtedly lead to an increase of parked cars at the bottom of Wood Royd/Haywood Lane. In effect, Wood Royd Road has become a single lane road due to parked cars and a junction into an estate at the proposed location would make the road extremely hazardous, especially considering the limited views up and down the hill to road users and person exiting the estate.
- The main concern is the poor access and the lack of footway along Wood Royd Road.
- When using the junction at Armitage Road to Wood Royd there is a blind spot when looking left due to parked cars and traffic.
- The junction of an access road onto Wood Royd Road would have to be immediately adjacent to a row of cottages (Rock Row) fronting directly on to the road, so any vehicle waiting to join traffic from the access side road would not be able to see traffic approaching along Wood Royd Road from its Carr Road end. Exit from the proposed site would be 'blind'. This problem is compounded by the exit being extremely close to the junction with Armitage Road, which already has significant problems with its narrowness and necessarily on-street parking by Rock Row residents. It's a constant problem for drivers, who regularly have to pause or back up, and is a particularly difficult section of the 57 / S11/SL1a bus route.
- The development would compound congestion in the area. A development off Wood Royd Lane (as with any up the hill served by Carr Road, such as the Hollin Busk proposal) would add still further to congestion on Carr Road,

which is a main bus route for all buses serving Deepcar / Stocksbridge: the 57, SL1, SL1a & 23. At the foot of Carr Road, buses often have to wait minutes to join the main route out to Sheffield (Manchester Road). There is still the impact of congestion and gridlock of Wood Royd, Armitage Road and Carr Road, even more so during peak time. Vulnerable groups will be at a higher risk of being affected on our already congested roads. These include young children who use Fox Glen Park and those in attendance at local schools such as Royd Infant and Deepcar Junior School.

- The proposed crossing, with tactile paving and bollards do not make this part of the road any safer. Pedestrians, drivers and cyclists and will still need to negotiate traffic. Extra vehicles (of future residents) will only exacerbate these problems.
- The site is close to the children's playground and infant / junior school so there will be increased safety issues for children crossing the road as outlined by other resident comments.
- The majority of any new residents from the proposed site would be making car journeys to reach the local shops in Stocksbridge not on sustainable modes of transport. The terrain of the site and existing routes are simply too steep for the average person/family. This would mean a significant increase in traffic up and down Wood Royd Road and also impact on surrounding streets.
- The development relies on land that belongs to No. 15 Wood Royd Road in order to achieve the required visibility splays.
- The new proposal makes a minor amendment to the vehicular exit in an effort to improve visibility, but makes no claims on how it seeks to improve or how it impacts the situation on Wood Royd Road itself or the surrounding areas.
- Concerns are for pedestrian safety on this narrow road with parked cars running down the whole of one side. This makes it difficult for cars in both directions finding space to pull in. The new proposed entrance to the site is not very far from the original one thus still making it dangerous to see what is coming up or down Wood Royd Road both for pedestrians and vehicles.
- Wood Royd Road is already over used, with at least four buses an hour and heavy traffic. The road cannot support more traffic. The development would potentially mean up to another 80 cars per day (2 cars per house), which will increase vehicles traffic to intolerable levels.
- The development now involves proposing dropping some kerbs, making a crossing point and putting posts in near the proposed new junction. This will severely limit residents parking their cars. Dropping the kerb is really not going to help with children's safety.
- The development could restrict access for emergency vehicles with vehicles being parked around the access road.
- Wood Royd Road does not support 2-way traffic at the narrow point when cars are parked up.
- This together with approved plans for 50 houses on Carr Road would cause further traffic hazards.
- Creating a new junction onto Wood Royd Road would be hazardous.
- The upper part of the road has only one footpath and the majority of residents having road parking. It is a blind hill with cars having to reserve up



the road for several hundred yards to allow cars coming up to pass throughout the day.

- Additional pollution from increased traffic.

### Heritage Issues

- Object to the partial demolition of one of the oldest buildings in the area. The Farmhouse is an historical building which will be demolished for the access point and entrance to the estate.
- The development would result in substantial harm to the significance of a non- designated heritage asset.
- The proposed development would result in damage to a traditional linear farmstead and loss of locally characteristic dry-stone walling and field systems; further erosion of Deepcar's heritage of mixed agricultural, mining and early modern industrial land usage.
- Wood Royd green fields are ancient agricultural fields belonging to Wood Royd Farm which is one of the original farms that are situated along the spring lines of the valley sides and that farmed the hillside meadows. This application retains the farmhouse but removes its gable end, to provide road access. This part demolition still constitutes damage to a visible heritage asset. Building houses on its associated green fields causes significant harm to its natural setting. Local heritage should be protected.

### Housing Land Supply

- The new proposal also continues to refer to a lack of a 5 year plan for available land, but the council can provide at least 4 years, thus, there is no immediate pressure to utilise greenfield sites. The committee should take this into account and not rush through developments based on the commercial interests of the applicants.
- The emerging Sheffield local plan identifies that the city is meeting its current supply for housing, therefore this area, which is designated as green space, is not required to meet demand. The plan also calls for the majority of housing to be delivered on brownfield sites, closer to the city.
- There is little or no demand for yet more additional houses within the village. Demand is from city dwellers looking for the substantially lower house prices given the ten-mile commute to Sheffield. This demand should be met by much more building on brownfield sites within Sheffield city itself, of which there is an ample supply. This itself would serve to lower Sheffield house prices by improving the demand-supply equation. This of course also would fit with the need to radically reduce commute distance, reducing the congestion and pollution this causes, through not only less mileage but also increased public transport use, given there is less utility of car ownership in city living.

### Design/Landscape Character

- While the application includes a Landscape Assessment report, this should be questioned over its impartiality. The report seems to ignore one of the most important viewpoints of the general public, the Fox Valley access road.

The report also appears to play down the importance of the pastoral field to the context of the farm buildings and its contribution to breaking up the builtup nature of the area.

- The development would have a considerable impact on the feel, setting and amenity of Deepcar. The farm and its green space is vital to the setting and ambience of Deepcar, and an important historical link to its history as a rural community, dominated by small farming units.
- The application contains no LVIA, however, this scheme will have a major impact on the Deepcar area. At present, this open space maintains the semi-rural character of Deepcar, especially when viewed from Haywood Lane, Manchester Road area. It also forms an important buffer in the urban character of the area when viewed from the Stocksbridge bypass area.
- The loss of open space would result in over-development and harm the character of the local area.
- The impact to the environment will be irreversible. The site is one of the last remaining green spaces in the immediate vicinity.
- This has always been original farming land which has never been built on before apart from one building and is the last green space left in Deepcar.

#### Infrastructure/Services

- Additional pressure on local infrastructure. The schools, GP surgeries and dentists in the area struggle to cope currently. The provision of additional housing on top of houses already approved in the surrounding area including at Hollin Busk will place further strain on services which are already stretched.
- The past few years have seen lots of large housing developments in this area but with no additional public facilities. Schools, Doctors, Dentists etc are already under severe pressure. It is not possible to continue to add to the resident numbers without increases in public facilities.

#### Ecology Issues

- Loss of biodiversity and natural habitats for birds, badgers, foxes and hedgehogs
- Bats have roosts in the outbuildings.
- The development will result in the loss of flora and fauna.
- The land plays an important role in maintaining biodiversity in the area.
- The development would result in the destruction of a vital Green corridor link which currently runs down the hillsides from Bolsterstone through Hollin Busk, Fox Glen and down to Clough Dike. The Wood Royd development would destroy this vital green corridor link forever.

#### Residential Amenity Issues

- The construction of the houses would cause a lot of dust and noise over a long period of time, involving heavy machinery and deliveries entering and exiting the site at the top of Wood Royd Road.
- Overlooking and light glare.

- Increase in noise pollution.
- During Autumn and Winter months, we already suffer from restricted day light as the affected part of Haywood Lane is below the skyline so building elevated houses and proposed planting of more trees to the existing ones will add to this considerably as the sun and light disappears behind the hillside.

#### Flooding/Drainage Issues

- To say that the area is of low risk to flooding is inaccurate. The site on the Council's website shows the site as a medium risk.
- There are major drainage works along Wood Royd Road owing to a broken culvert. The road is under continuous threat from flooding.
- Building more houses will only add to further and more extensive flooding only of already established properties.
- The development of the green fields will only add to the flooding issues in the area.
- The issue of flooding is only going to get worse in the future. The development is likely to pose a risk of flooding of the new properties based on the fact that they are situated in the run-off area from the culvert should it overflow again.
- Wood Royd Road has suffered from extreme flooding in the past two years from Fox Glen.
- In heavy rain the fields near Hollin Busk are saturated with rain water and naturally run into Clough Dike, causing flooding.
- The fields provide a soak away for normal rainfall. Building roads and 41 houses on the site would have an impact on potential flooding.
- The applicant proposes to manage flooding by installing SUDS initiatives, ponds and pumps. SUDS initiatives are not designed to capture fast flowing water, especially on a hillside. To be effective, the size of the ponds would have to be considerable to contain the volume of water flowing across 1.5 hectares of hard surfaces. These ponds would present a permanent risk of the ponds being breached or overtopped and spilling onto the dwellings downhill of the proposed development. Forming ponds on steep hillsides would require building large bunds (dams) along the downhill (low) side of the ponds. The proposed pumping station will have to pump both surface water and sewerage up to the drains in Wood Royd Road, a height of around 40 metres.
- The forming of a wider entrance to the proposed development will divert more surface water from Wood Royd Road, Armitage Road and the new Hollin Busk development onto the new development.  
The combination of increased surface water flow from Wood Royd Road, Armitage Road and the new Hollin Busk development plus the new development's roads, roofs, footpaths, driveways, hard landscaping and the slope of the hillside will act as a funnel collecting surface water and directing it towards the dwellings on Haywood Lane and Frank Hillock Field presenting an increased flood risk to those dwellings.

#### Loss of Open Space

- The lack of an up-to-date local plan is not a reason to allow development on designated green space. There has been a considerable amount of housing land brought forward in the Deepcar/Stocksbridge area without the need to allow development on undesignated housing land/green space.
- Open green spaces should be retained.
- The Council has adopted a policy of ‘green corridors’ with inter-connecting green links. One of these links is the subject of this application, which runs up the hillside and separates Deepcar from Stocksbridge. The application seeks to destroy this green separation and continue urban sprawl across the hillside.
- Local people value the green nature of the area with open views across the hillside and access to open countryside for walking and recreation.
- There are many more appropriate brownfield sites that need to be used first.

#### Other/Miscellaneous Issues

- The site has been proven to be not appropriate, and a virtually identical application was refused by the Planning and Highways Committee on 25-02-2021. As the resubmitted application has not adequately addressed the reasons for refusal, and as the application is still for an inappropriate development in an inappropriate location, it would be expected that permission should again be refused. There are more than three valid grounds for refusal, so it would be appreciated if the refusal this time could be made more robust.
- Since this application was last rejected, there have not been any fundamental changes that would allow it to be re-submitted.
- Sheffield City Council should maintain its stance on brownfield development first, and protect its image as the Green City. It should maintain a consistent approach and reject this re-application
- Would be more in favour of the development if the plans included bungalows and disabled friendly properties. None of the recent large applications that have been passed in the North of the city have any low level accommodation included. These kinds of dwellings are needed now more than ever.
- Land stability. The garden to No. 62 Haywood Lane has a small boundary with the development site with a drop of 6m with no retaining wall. Concerned about potential landslides as it appears that the wall is being held in place by the weight of the soil and tree/shrubs.
- The Coal Authority report of March 2022 states that the application site falls within the defined "Development High Risk Area" and highlights the risk of landslip if it is disturbed. The report goes on to mention the presence of shafts in addition to acknowledging that unofficial mining took place.

#### Non-Planning Issues

- Loss of views.

Stocksbridge Town Council objected to the application for the following reasons:

## Highways access

The proposed development site is very close to the junction of Armitage Road with Wood Royd Road. The centreline of the proposed access is around 20m from the edge of Armitage Road, and the application justifies this close proximity by making reference to the junction spacing guidance in section B.3.1.2 of South Yorkshire Residential design guide. This guidance does not however stipulate that the distance should be measured from the centreline of the proposed and existing junctions; indeed, when measured from the edges of the existing and proposed junction the separation is actually around 9 metres.

Visibility at the access point to the proposed development is constrained due to the building lines of adjacent properties. We are informed by local residents that the development site – including work necessary to improve the poor visibility at the site entrance – encroaches onto land owned by adjacent property owners who are not involved in the promotion of the scheme, and indeed would have access to their property impaired should development go ahead. We are highly concerned at what seems to be such a basic error in a key component of the planning application, and are concerned about what implications this may have for the other reports constituting the application.

The transport statement says that cars climbing Wood Royd Road would see slow-moving cars exiting the site and therefore be able to react in time. Stocksbridge Town Council would argue that road safety is the responsibility of everyone, and does not believe that the sole onus of road collision avoidance should be placed on road users who are already negotiating a steep incline on a road with two-way traffic, restricted width due to numerous parked vehicles, and already having to anticipate the busy Armitage Road junction which is also utilised by public transport.

## Flooding

The application site is currently undeveloped except for grazing purposes, and as such allows a certain degree of natural surface water permeation at this critical location between Fox Glen, which is known to flood frequently and severely during bad weather events, and Clough Dyke, which also floods to a considerable degree during such events. The development of this site would inevitably lead to a reduction in the natural permeability of the ground, and indeed an acceleration of the downhill flow of surface water toward Clough Dyke and, ultimately, the B6088 Manchester Road and the Little Don.

## Ecological Considerations

The site is currently home to a plethora of wildlife including birds and bats, which rightly enjoy protection under planning and environmental regulations. No assessment has yet been made of the precise species count at this site, however it is known locally to have a wide variety. This site is also close to the willow tit habitat which was recently restored in an effort to increase the South Yorkshire population of this threatened species. The site is currently divided up into fields by

a number of dry-stone walls, which are known to provide a habitat for a variety of plant and animal species due to their ability to provide a range of temperatures, levels of light and degrees of water saturation in close proximity, as well as helping to provide a conduit along which wildlife can move from one area to another.

### Traffic

Wood Royd Road is already a very busy road in comparison to its width, and feeds onto Carr Road, a major local road which is even busier, particularly at peak times. The applicant's own assessments concede that the development of this site would lead to a considerable increase in vehicle movements to and from the site. It is entirely likely that the majority of these vehicle movements would link to Carr Road in order to connect to the bypass and M1, as this connectivity is suggested as an argument to demonstrate the sustainability of the site by the applicant. This would however exacerbate the problems faced by local people at the congested junction of Carr Road and Manchester Road, near the Vaughton Hill traffic lights, which already cause significant tailbacks in all directions. Unfortunately, the applicant's traffic study was conducted at a time of the day when traffic was at or close to its minimum level.

### Local Infrastructure

Local services such as schools, medical and dental services are full and will struggle to cope with the additional housing which has been built or for which permission has already been granted. The provision of an additional 41 houses will cause further strain on services which are already stretched.

### Built Heritage and Historical Industry

The approval of this planning application would permit the partial demolition of a farmhouse which, although not listed by Historic England, predates an 1851 Ordnance Survey map of the local area, and has therefore been a fixed part of the local built heritage for at least 170 years. Stocksbridge Town Council has deep reservations about such a partial demolition, which would entirely transform the frontage of a building which has formed a point of constancy in the ever-changing streetscene of Stocksbridge. The official guidance for adding buildings to the List, from the Department of Culture, Media and Sport, states that most buildings from 1700-1850 which retain a significant proportion of their original fabric are likely to be considered to hold special interest, and therefore are worthy of consideration for inclusion on the List.

Very careful consideration must also be given to the stability of the application site, given the history of mine workings in this area. This not only potentially weakens the ability of the surface to bear weight, but also significantly complicates the consideration of issues such as underground drainage.

### Conclusion

Stocksbridge Town Council would object strongly to this application on the basis of traffic levels, highways hazards, built heritage, historical industry, biodiversity

considerations, impact on local infrastructure and the increased likelihood and impact of pluvial flooding on-site and fluvial flooding off-site in the local area. We would also request that a decision on this application is made by the Planning and Highways Committee, given the history of the site and the fact that previous applications on the site have been decided by the Committee.

Councillor Lewis Chinchon objects to the development for the following reasons:

As a local City Councillor, I object to the outline planning application for the erection of up to 41 dwellings with access on Wood Royd Road (ref: 22/00491/OUT). A similar outline planning application was received in 2019 and subsequently rejected by the Sheffield Council Planning and Highways Committee. With only minor amendments being made, these new plans still fail to adhere to much of the National Planning Policy Framework ('the Framework').

The Framework supports sustainable development. The proposed development is not sustainable for the following reasons:

#### Access and Highway Safety

The houses on Wood Royd Road opposite the proposed vehicular access point do not have off-street parking. This means they regularly have to park on the road directly opposite the proposed access point. As a result, vehicles turning right out of the new development will be forced to pull out onto the wrong side of the road. With poor visibility and a blind summit nearby, this poses a significant highway safety risk.

Furthermore, Wood Royd Road is already challenging for motorists due to unavoidable on-street parking and its narrowness. Many vehicles have to reverse back to allow oncoming vehicles to pass. A new development with up to 41 dwellings would make this a more regular occurrence and be detrimental to the free and safe flow of traffic.

Vehicles pulling out of Armitage Road often have poor visibility due to parked cars on Wood Royd Road. The development's access point is very close to the Armitage Road/Wood Royd Road junction, which creates further risk for motorists.

I also have strong concerns about pedestrian safety. There is no footpath as you turn right, out of the proposed site. This means pedestrians will have to cross the road which is potentially dangerous given the lack of visibility and that cars may be driving on the wrong side of the road for the reasons outlined above. In addition, pedestrians crossing the other way to return to the development site will have restricted visibility when stepping out due to parked cars on Wood Royd Road. The crossing point, which simply consists of a dropped kerb and tactile paving, is unlikely to be a sufficient measure to mitigate the risk.

Issues around highway safety were a reason for the previous application being rejected. The new plans are broadly the same and the proposed crossing point does little to change the fact that Wood Royd Road is a difficult and narrow road for motorists and pedestrians to navigate. In accordance with Paragraph 111 of the

Framework, the impact on highway safety remains unacceptable.

#### Flood Risk

Wood Royd Road and roads nearby such as Haywood Lane are already at risk of flooding due to their location in relation to Clough Dyke and the natural downhill flow of water. In November 2019, 9 residential properties on Wood Royd Road were flooded.

The flood risk is therefore real and flood pumps are currently (March 2022) in place on Wood Royd Road due to recent heavy rainfall. The proposed development will exacerbate these issues as it will reduce permeability, thereby increasing surface water run-off with potential consequences for roads at the lower end of the hillside, such as Haywood Lane. The topography of the site makes the flood risk even more apparent. The Framework clearly states in Paragraph 159 that developing in areas where there is a flood risk should be avoided and that developments should not increase the flood risk elsewhere. The proposed plans fail this test.

#### Damage to the Natural and Local Environment

The ecological and environmental value of green space in built-up areas should not be understated, particularly as this site adjoins a Local Wildlife Site. Sufficient weight should be afforded to the fact that this is one of the few remaining predominately undeveloped sites in the local area.

Paragraph 174 of the Framework states that planning decisions should contribute to and enhance the natural and local environment. It should be noted that one of the reasons for the rejection of the previous outline planning application was that the development would cause serious ecological damage by failing to contribute to and enhance the natural and local environment. This is still the case with the revised plans.

#### Partial Demolition of a Candidate Non-Designated Heritage Asset

Wood Royd Farm, a candidate non-designated heritage asset, likely dates back to the 18<sup>th</sup> century, which makes it relatively rare. The plans propose partial demolition of the existing farmhouse. I have strong concerns about this. The rejection of the previous outline application listed this asset as one of the reasons for refusal. Developing the open fields will also harm the setting of the remaining part of Wood Royd Farm.

#### Mining History

Paragraph 184 of the Framework refers to land stability issues. There is a mining history in the area - consideration of the plans needs to take account of this.

#### Conclusion

Due to the aforementioned issues relating to highway safety, flooding, the environment and biodiversity, partial demolition of a historic asset and the mining



history, the adverse impacts of granting permission for this site significantly and demonstrably outweigh the benefits. It is not a sustainable development and outline planning permission should be refused.

Councillor Julie Grocutt has objected to the development for the following reasons: I objected to the application in 2019, and this resubmission has done nothing to change my mind about the unsuitability to build houses in this location for a wide variety of reasons set out below.

#### Flood Issues

As the local councillor I spend a great deal of my time dealing with flood issues in this area. The site is currently used by cattle, providing natural surface water permeation at this location between Fox Glen, which floods frequently and severely during bad weather, and Clough Dyke. This is such a problem that we have an agreement with Amey who have to regularly check this area for flooding in bad weather and often have to deploy pumps to ensure the flood water doesn't flood into houses on Wood Royd Road. The development of this site would cause a reduction in the natural permeability of the ground and accelerate the downhill flow of surface water toward Clough Dyke and Manchester Road and the Little Don river.

#### Ecology Issues

A wide variety of wildlife including protected bats and birds are to be found on the land subject to this application. It is concerning that the species on this site have not been assessed. A site for willow tits is also close to this site. The dry-stone walls which mark out the fields on this site provide access for the wildlife which inhabit them and also allow a number of plants to flourish in the walls. This will all be lost should the application be approved.

#### Highways Access

Entry to this proposed development is almost directly across from the junction of Armitage Road with Wood Royd Road. The centreline of the proposed access is roughly 20m from the edge of Armitage Road. The application justifies this proximity by making reference to the junction spacing guidance in section B.3.1.2 of South Yorkshire Residential design guide. This guidance does not however state the distance should be measured from the centreline of the proposed and existing junctions; indeed, when measured from the edges of the existing and proposed junction the separation is actually around 9 metres.

A local resident informs me that to deal with the poor visibility when entering/exiting the site the plans encroach onto his property, impairing access to his and other properties. There has been no consultation with this land owner and it is extremely worrying that the developer is submitting an application, using land they do not appear to have authority to use.

Road safety is the responsibility of all road users. This location is complicated by the pumps (as described above) that are often in Wood Royd Road just past the

junction with Armitage Road towards Carr Road, when needed to pump out the excessive flood water. There are barriers around the pumps. There is only a footpath on the playground side of the road. The shallow raised area on the opposite side of the road, I am told is the property of the houses and is not a footpath. It is too narrow to walk on safely and certainly not wide enough for a pram or wheelchair. Vehicles (including those belonging to the houses) regularly park with their wheels on this strip of land. These issues mean pedestrians frequently have to walk in the road. It is worth noting that this is the way children are walked from the nearby housing estate to the local schools and of course to use the playground.

The transport statement states that cars climbing Wood Royd Road would see slow-moving cars exiting the site and therefore be able to react in time. As someone who knows and use this road frequently, I can state this would not be the case due to the number of parked cars regularly on this road which add to the difficulty of driving on this road and obstruct the view. Add public transport into this mix, the gradient of the road, the developers acknowledgement that this development will lead to an increase in vehicular movements and this is indeed concerning road safety. Further we already have issues with congestion at Vaughn Hill, Manchester Road, Carr Road Junction, which will be exacerbated with the 400+ homes that are currently being built on this junction, we will have a real issue with transport movements.

#### Heritage Issues

This application seeks to demolish part of a farmhouse which predates 1851 and forms an important part of the local history of the area. Partial demolition would completely alter the look of this building altering the street scene which has been as is for 150 years.

Sheffield and Rotherham Wildlife Trust have made the following comments to the application:

- 1) Part of the site is allocated as open space. As this has not changed (it may do with the forthcoming Local Plan, either one way or the other) then my previous objection still stands on this basis.
- 2) Bat concerns – While initially objecting to the application due to lack of bat surveys, these surveys have now been carried out, which did not identify a roost within the buildings. While some concerns are still raised, SRWT do not have sufficient evidence to object to the scheme on this basis.

The other comments/recommendations (for conditions etc) previously highlighted still stand unless any of them have been addressed by the applicant. Comments are raised about whether the loss of grassland would be compensated for (BNG). A BNG assessment was subsequently carried out which does show a 10%+ gain, although there is a small loss of grassland and scrubland (0.37 units), which needs to be assessed by SCC Ecology.

Other risks include construction impacts on areas of grass that would be retained and enhanced potentially not being factored in, and the potential condition of the

habitats may still be overestimated. A good Biodiversity Management and Monitoring plan is really key for achieving what they say they are going to do. This can be conditioned.

## PLANNING ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The Council's development plan comprises the Core Strategy (CS) which was adopted in 2009, and the saved policies of the Unitary Development Plan (UDP) which was adopted in 1998. The National Planning Policy Framework published in 2018 and revised in February 2019 (the NPPF) is also a material consideration.

Assessment of a development proposal needs to be considered in light of Paragraph 11 of the NPPF, which provides that when making decisions, a presumption in favour of sustainable development should be applied, and that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out of date (e.g. because they are inconsistent with the NPPF), this means that planning permission should be granted unless:

- i) The application of policies in the NPPF which relate to protection of certain areas or assets of particular importance which are identified in the NPPF as such (for example SSSIs, Green Belt, certain heritage assets and areas at risk of flooding) provide a clear reason for refusal; or
- ii) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF makes it clear that a presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making. Paragraph 12 continues that where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

Paragraph 219 of the NPPF states that policies should not be considered as out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. Therefore, the closer a policy in the development plan is to the policies in the Framework, the greater the weight that may be given.

In addition to the potential for a policy to be out of date by virtue of inconsistency with the NPPF, paragraph 11 of the NPPF makes specific provision in relation to applications involving the provision of housing and provides that where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, the policies which are most important for

determining the application will automatically be considered to be out of date.

The Council's revised 5-Year Housing Land Supply Monitoring Report was released in August 2021. It includes the updated Government's standard methodology and a 35% uplift that should be applied to the 20 largest cities and urban centres in the UK, including Sheffield. The monitoring report sets out the position as of 1<sup>st</sup> April 2021 – 31<sup>st</sup> March 2026 and concludes that there is evidence of a 4 year supply of deliverable housing land. Therefore, the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites.

Consequently, the most important development plan policies for the determination of schemes which include housing should be considered out-of-date, according to paragraph 11(d) of the NPPF. In this instance, the so called 'tilted balance' is triggered, and planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance (that include Conservation Areas, listed buildings and the Green Belt) provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The proposal involves the erection of up to 41 dwellinghouses (Use Class C3). In this instance, there are no protected areas or assets of particular importance as described in footnote 7 of paragraph 11, (such as Conservations Areas, listed buildings or Green Belt) within the boundary of the application site. The NPPF does, however, emphasise the importance of the delivery of housing, and that importance is heightened with the tilted balance engaged in the delivery of housing. As such, Members are advised that the most relevant policies in respect of this application should be viewed to be out of date in line with paragraph 11 (d) of the NPPF, and unless there are adverse impacts that would significantly and demonstrably outweigh the benefits of the development, planning permission should be approved.

Set against this context, the development proposal is assessed against all relevant policies in the development plan and government policy contained in the NPPF.

It is considered that the main issues relevant to this application are:

- The Principle of Development – Policy and Land Use
- Highway Issues
- Design
- Landscape Character and Ecology and Biodiversity Issues
- Heritage and Archaeology Issues
- Flooding/Drainage Issues
- Effect on the Residential Amenity of Neighbouring Properties
- Ground Conditions and Coal Mining Legacy
- Affordable Housing
- Sustainability Issues
- Community Infrastructure Levy (CIL)
- Other Issues

## The Principle of Development – Policy and Land Use

The application site covers two land use designations, the upper western section of the site (approximately 40%) is situated within a Housing Area and the lower eastern section (approximately 60%) is situated within an Open Space Area as set out on the UDP Proposals Maps.

The application site would not fall within the definition of previously developed land and would be classed as a greenfield site as the definition of previously developed land in the glossary to the NPPF excludes land that is or was last occupied by agricultural buildings.

### The Housing Area

In Housing Areas, housing (Use Class C3) is listed as the preferred use of land under UDP Policy H10. The supporting text to this policy states that housing is preferred in existing Housing Areas because these areas generally provide adequate living conditions, and as new housing needs a large amount of land, the release of sites in Housing Areas would reduce demand for building on greenfield sites and open spaces in the built-up area.

UDP Policy H14 sets out conditions that developments in Housing Areas are expected to meet. These include at part a), that new buildings are well designed and would be in scale and character with neighbouring buildings, at part c) the site would not be over-developed or deprive residents of light or privacy, and at part d), it would provide safe access to the highway network and appropriate off-street parking and not endanger pedestrians.

UDP Policy H15 relates to the design of new housing developments. This policy amongst other things states that new housing will be expected to provide easy access to homes and circulation around the site for people with disabilities, provide adequate private gardens or communal open space to ensure that basic standards of daylight, privacy and outlook are met for all residents.

The application should also be assessed against Core Strategy Policies CS23, CS24, CS26 and CS33.

Policy CS23 sets out locations for new housing and says that new housing development will be concentrated where it would support urban regeneration and make efficient use of land and infrastructure. In the period between 2008/09 to 2020/21, the main focus will be on suitable, sustainably located sites within, or adjoining the main urban areas of Sheffield and the urban area of Stocksbridge/Deepcar.

Notwithstanding the site's Open Space designation in the UDP, the application site is located within the urban area of Deepcar and use of the designated Housing Area for housing would comply with Policy CS23.

Policy CS24 states that priority will be given to the development of previously

developed sites and that no more than 12% of dwelling completions will be on greenfield sites between 2004/05 and 2025/26.

Policies CS23 and CS24 are considered to be broadly consistent with government policy contained in the NPPF, where it states in paragraph 119 that policies should set out a strategy for meeting need in such a way that 'makes as much use as possible of previously-developed or brownfield land.' However, while the NPPF actively promotes the reuse of brownfield land, it does not specifically advocate a 'brownfield first' approach. The NPPF details at paragraph 120 that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. Also relevant is paragraph 73 of the NPPF, which states that supply of large number of new homes can often be best achieved through significant extensions to existing villages and towns, provided that they are well located and designed, and supported by the necessary infrastructure and facilities.

The Council's latest figures show that of all housing completions, over 95% have been on previously developed sites. The proposal to erect 41 dwellinghouses across the site would therefore comply with this policy.

Policy CS26 seeks the efficient use of housing land and sets out density ranges that new housing developments should achieve. The density ranges are based on a range of factors but primarily based on the site's proximity to services and public transport. The policy does allow development outside the specified ranges set out within the policy, but only where they achieve good design, reflect the character of an area or protect a sensitive site. The site is located in an area where a density in the order of 30 to 50 dwellinghouses per hectare should be achieved.

Policy CS26 is broadly consistent with government guidance contained in the NPPF where, at paragraph 124, it promotes the efficient use of land subject to the consideration of a variety of factors including housing need, availability of infrastructure and sustainable travel modes, desirability of maintaining the areas prevailing character and setting, promoting regeneration and the importance of securing well designed and attractive places; and where, at paragraph 125 (b) it states that it may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range.

The proposed development of 41 dwellinghouses on this 2.35 hectare site equates to a density of approximately 17.4 dwellinghouses per hectare, which would fall below the desired density range set out in Policy CS26. However, as a large proportion of the site would remain undeveloped due to the physical constraints and sloping topography of the site, as well as the requirement to provide a 15m wide buffer between the development and the adjoining Local Wildlife Site (LWS), it is considered reasonable to expect a lower density better reflecting the character and limitations of the area. It is considered therefore that the development would not conflict with Policy CS26.

Policy CS33 relates to jobs and housing in Stocksbridge/Deepcar. It states that new housing in these areas will be limited to previously developed land within the

urban area. The development of this greenfield site for housing would therefore be contrary to this policy. However, like CS24, this policy is only broadly consistent with the NPPF and is arguably too restrictive in its aims. While the NPPF actively promotes the reuse of brownfield land, it does not specifically advocate a 'brownfield first' approach and it does not exclude the development of greenfield sites. In this regard Policy CS33 has to be given less weight.

In relation to the part of the development site that is located entirely within the Housing Area therefore, it is considered that there are no substantive policy objections against the erection of new housing. As previously stated, the Council is currently achieving over 95% of all housing completions on previously developed sites, and so the proposal would not conflict with Core Strategy Policy CS24. It is considered that the proposed density range does not conflict with Policy CS26, given local circumstances, and it is also considered that, while the development conflicts with Policy CS33 in relation to new housing being limited to previously developed land within the urban area, CS33 carries reduced weight in the planning balance as described above.

As such, the principle of developing the western part of the site for housing is considered to be acceptable. -

#### The Open Space Area

The majority of the application site (approximately 60%) is situated on land that is designated an Open Space Area. The land is currently in agricultural use and is primarily used for grazing.

The relevant development plan policies are UDP Policies GE7, LR5, and LR8, and Core Strategy Policies CS47 and CS72.

UDP Policy GE7 is concerned with the protection of the rural economy and agriculture. The permanent loss of the best and most versatile agricultural land should not be permitted, and neither should development that seriously harms agricultural activities or the viability of a farm. More up to date policy in the NPPF (paragraph 174) requires the wider benefits of natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land – to be recognised.

Footnote 58 of the NPPF clarifies that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The best and most versatile agricultural land lies in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The weight attributed to Policy GE7 is reduced as a result of the much more flexible approach advocated by the NPPF.

The vast majority of the site is pastoral fields for the grazing of sheep. While the development would remove the land from agricultural use, given the location of the site, which is surrounded by development on three sides, it is not considered that the retention of the land for agricultural use can be justified. The applicant has confirmed that the land no longer forms part of any operational agricultural unit and

has not been commercially farmed from the site and existing buildings for at least two generations. The outbuildings on site are not in agricultural use and the barn is being used for domestic storage purposes only. The land is occasionally used by a friend of the applicant to graze sheep, not for financial gain or remuneration, but as a favour and to maintain the appearance of the site. The economic impact of the loss of the site is therefore low and to an extent counterbalanced by the economic benefits derived from the proposed development. Furthermore, as the land is grade 4 (poor quality) in accordance with the ACL, the development would not result in the loss of the best and most versatile agricultural land that the NPPF seeks to protect.

UDP Policy LR5 relates to development in Open Space Areas and lists a number of criteria where development will not be permitted. These include, where the development would:

- cause damage to mature or ancient woodland or result in a significant loss of mature trees;
- significantly detract from the green and open character of the Green Network;
- make an open space ineffective as an environmental buffer;
- result in over-development or harm the character of an area;
- harm the rural character of a wedge of open countryside;
- the proposed use would be incompatible with the surrounding land uses.

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

The application site comprises of privately owned grassed fields that have been historically linked to the adjoining farmstead. It is used as grazing land and is not accessible to the public. The site’s value to the local community is the visual amenity afforded by its open character and appearance from public vantage points located outside the site, along with views from private residential properties. As the site has no public access, the visual amenity afforded by its open character can only relate to views over it from surrounding vantage points.

With regards to the consistency of policy LR5 with the NPPF, the key issue to consider is whether an area of inaccessible land, allocated as open space but valued only for its visual amenity from public vantage points outside the site, falls within the definition of open space in the NPPF annexe. The second issue leading from this is whether NPPF paragraphs 98 and 99 apply, which relate to open space and recreation.

The NPPF annexe defines open space as: ‘All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act



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

The site's value to the local community is the visual amenity afforded by its open character and appearance from public vantage points located outside the site, along with views from private residential properties. Visual amenity is not a standalone function of open space as per the NPPF annexe definition and NPPF paragraphs 98 and 99 which relate to open space cannot apply to land valued only for visual amenity.

Furthermore, NPPF paragraph 98 cannot apply to land primarily safeguarded for its visual amenity because open space protected for its visual amenity could never be deemed surplus to requirement (NPPF paragraph 99a) or be replaced by equivalent or better provision (NPPF paragraph 99b). Therefore, the protection of land for visual amenity alone is not consistent with the open space policies of the NPPF.

On this basis, it is considered that UDP Policy LR5 goes beyond the requirements of the NPPF and any element of it relating to the protection of open space for visual amenity alone is not consistent with the NPPF and can only carry limited weight.

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

While the proposal involves the loss of open fields, it is not considered that it would conflict with the broad list of conditions in Policy LR5 which restricts development in open space areas. The development would not cause damage to mature or ancient woodland or result in a significant loss of mature trees across the site. The development would not cause damage to a nature conservation site, with the indicative plan incorporating a buffer (minimum distance of 15m) between the site and the adjacent local wildlife site. The site is not of such quality that it is of city-wide importance and it would not be overdeveloped, as the built form including gardens and roads represents about 60% of the total site area, with the remaining area laid as a central open green space, wooded margin and buffer zone. Moreover, owing to its location within the built-up area of Deepcar, the development would not harm the rural character of a wedge of open countryside.

UDP Policy LR8 relates to development in local open spaces and details that development will not be permitted, where it would involve the loss of recreation space which: i) serves a Housing Area and where provision is at or below the minimum guidelines; ii) is in an area where residents do not have easy access to a Community park; or iii) provides a well-used or high quality facility for people living or working in the area.

Policy LR8 is not considered to be applicable with respect to this application since

this policy relates to the loss of recreation space. The site is not used for recreational or leisure purposes, but instead is in use for the grazing of animals for agriculture.

Core Strategy Policy CS47 seeks to safeguard open space by restricting development in instances where there would: a) be a quantitative shortage of either informal or formal open space in the local area; b) it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value; c) it would deny people in the local area easy or safe access to a local park or to small informal open space that is valued or well used by people living or working in the local area; or d) it would cause a break in the city's Green Network.

As Policy CS47 relates to specifically to the 'Safeguarding of Open Space', and the application site does not fit into any of the formal or informal categories of open space defined in paragraph 9.26 of the Core Strategy (outdoor sports facilities, parks, accessible green spaces and countryside and areas for informal recreation etc), Policy CS47 cannot therefore apply to the application and the scheme cannot be assessed against it.

Core Strategy Policy CS72 relates to protecting countryside not in the Green Belt. It says that the green, open and rural character of areas on the edge of the built-up areas but not in the Green Belt will be safeguarded through protection as open countryside, including at part d), south of Stocksbridge (at Hollin Busk).

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

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

On this basis, it is concluded that policy CS72 goes beyond the requirements of the NPPF and can only carry limited weight.

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

Policy CS72 relates to countryside situated on the edge of built-up areas. Unlike land at Hollin Busk, the application site is contained by built development on three sides and is not open countryside or land that is situated on the edge of the built-up area.

Officers acknowledge that the application site is highly valued by local residents and recognise the general ecological and environment benefits of open spaces within built up areas. As set out within the supporting text to UDP Policy LR4,

Sheffield is a relatively green city, reflecting both its topography and historical development. It goes on to say that open spaces are an important part of the character of Sheffield and enhance the quality of urban life.

The UDP also recognises that because these areas are not built on, they are subject to many pressures from development, particularly those which are in private ownership. Many open spaces contain valuable wildlife, geological and archaeological sites, or are part of the Green Network, with the most valued including long established parks, sites that contain mature or ancient woodland and those that provide an important contribution to the setting of a listed building.

Whilst the application site provides some ecological and environmental benefits, discussed below, it comprises of low quality agricultural land (grade 4) which is not publicly accessible and so cannot be used for either recreation or sport by people living or working in the area. The site therefore fails to meet the purposes of open space areas as defined in the NPPF and the categories of open space defined in paragraph 9.26 of the Core Strategy, and its protection cannot be justified when assessed against government policy in this regard.

However, the development of the site for housing would, as proposed, include provision of an enhanced and publicly available open space area (approximately 2,750 square metres), a wooded margin of 5,500 square metres and would be adequately set back from the LWS to prevent any adverse effects on this established woodland and its ecological and environmental value. The overall built up area, including private gardens, would amount to approximately 60% of the site area, with the remaining land laid out as formal and informal open space.

### Housing Land Supply

Chapter 5 of the NPPF relates to delivering a sufficient supply of homes and states at paragraph 60 that, to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land comes forward where it is needed.

Paragraph 74 of the NPPF expects local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing.

At the time of the earlier application in 2021, the Council was able to demonstrate a 5.4 year supply of deliverable housing sites. This position has now changed. The Council's revised 5-Year Housing Land Supply Monitoring Report (August 2021), which includes the 35% urban uplift, sets out the position as of 1<sup>st</sup> April 2021 – 31<sup>st</sup> March 2026 and concludes that there is evidence of a 4 year supply of deliverable housing land.

In terms of housing delivery, the proposal to erect up to 41 houses on this site would make a valuable contribution to the delivery of housing in the city, to which it is considered significant weight should be given in the planning balance.

### Highway Issues

One of the three reasons for refusal of the previous application was highway related (reason 3). To reiterate, it was considered that the additional vehicular traffic generated by the development would be detrimental to the safety of pedestrians and to the free and safe flow of traffic on Wood Royd Road by reason of the prevailing conditions of the existing highway network in terms of traffic flow, the limited width and lack of footway provision along part of Wood Royd Road, and the narrowing of the carriageway from on-street parking along its length.

As before, the application should be assessed against UDP Policies H14 and H15. UDP Policy H14 part (d) requires development to not endanger pedestrians, provide safe access to the highways network and appropriate off-street parking. Policy H15 (Design of New Housing Developments) identifies that easy access to homes and circulation around the site for people with disabilities or with prams should be provided.

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

These local plan policies are generally considered to align with government policy contained in the NPPF (paragraphs 104 to 113), which promotes sustainable transport. Paragraph 111 makes it clear 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.

Wood Royd Road is a single carriageway road subject to a 30mph speed limit. The existing access to the site comprises of a narrow farm track set between two stone pillars located to the south of Nos. 9-11 Wood Royd Road. In the vicinity of the site, several residential properties on both sides of the carriageway have direct driveway access and in many cases residents have to reverse out into the carriageway due to the lack of on-site turning. There are no parking restrictions along Wood Royd Road in the vicinity of the site and many residents park on-street, in particular along the western edge of the carriageway where there is a continuous footway. On the eastern side of the carriageway there is a long gap in footpath provision to the north of the site access.

The proposed access arrangements would remain similar to the scheme that was previously refused. The proposed site access would measure 5.5m in width, which will allow two cars to pass and refuse vehicles to enter and leave the site in a forward gear, with 1.8m wide footways provided on either side. The footway would tie into the existing provision to the south of the site, and then be extended along the site frontage to the north.

The change to the junction arrangement proposed by the applicant is the

introduction of dropped kerbs with tactile paving to help pedestrians and wheelchair users cross Wood Royd Road, with the crossing located almost mid-point between the site access and Armitage Road. Reflective bollards were shown on the submitted plans at three metre centres along the site frontage (front of footway) to discourage on-street parking and enhance visibility of the site access. However, vehicular access to the neighbouring property would be impeded by the proposed bollards. An alternative solution, to which the applicant has agreed, is to introduce double yellow lines to keep the pedestrian crossing free from on-street parking. Waiting restrictions would need to be advertised in accordance with the usual procedures.

The centreline of the proposed access would be positioned 20m to the north of the Wood Royd Road and Armitage Road junction. This would be in accordance with Section B.3.1 of the South Yorkshire Residential Design Guide, on streets with design speeds over 20mph, where the minimum junction spacing is 40m for same side junctions and 20m for opposite side junctions.

By demolishing the front section of the farmhouse, as proposed, the proposed vehicular access would achieve a visibility splay to the north of 2.4m by 41m, 1.3 metres off-set from the channel, and 2.4m by 43m to the south. The brow of the hill on Wood Royd Road is considered by highway officers to be sufficiently far north to have no bearing on the available visibility from the site access. Also, once the highway has been crossed, the footway is not fragmented like it is on the eastern side of Wood Royd Road.

The location of the proposed access to the development site has not moved any closer to Armitage Road under the current application. The key change is the provision of dropped kerbs and tactile paving to help pedestrians cross Wood Royd Road, thereby avoiding the fragmented footway on the eastern side. The additional introduction of double yellow lines would prevent the proposed pedestrian crossing from being obstructed by parked cars and stop cars from parking too close to the junction. Some of the safety issues raised by residents (about on-street parking obstructing sightlines) might also be eased, though it should be noted that no personal injury accidents have been recorded over the past 5-year period at the Armitage Road junction, nor along the length of Wood Royd Road (other than one slight injury accident at the junction with Carr Road).

The supporting Transport Assessment confirms that the proposed junction geometry for the site access and visibility splays would accord with national standards and that stopping sight distances are appropriate for the measured speeds of vehicles travelling along Wood Royd Road. Existing on-street parking to the north of the proposed site access is all on the western side of Wood Royd Road, so it would not mask oncoming traffic for drivers looking to the right upon leaving the development site. To the south of the proposed access, the existing on-street parking transfers mainly to the eastern side of Wood Royd Road. Residents leaving the development site looking to the left would edge towards the centreline of Wood Royd Road, before gaining a clear view and pulling out fully.

The submitted Transport Assessment reviewed the sustainability of the development site's location, which is situated within the established residential

conurbation of Deepcar. The document titled 'Providing for journeys on foot' published in the year 2000 by The Institute of Highways and Transportation quotes 'acceptable' and 'maximum' walking distances to different types of destination. For schools, the distances are 1000 and 2000 metres respectively (acceptable and maximum). Stocksbridge High School is 1700 metres away. Deepcar St John's School 500 metres. Deepcar Medical Centre is 450 metres, the same distance for groceries and a newsagent. There are bus stops within easy walking distances for service numbers 23/23a, 57 and SL1/SL1a. It is therefore considered that the refusal of this planning application on the grounds of its unsustainable location would not withstand scrutiny.

Trip generation from the development (based on 41 houses) was derived from TRICS, which predicted 21 two-way vehicular trips during the weekday morning and evening peak hour periods. The transport assessment commissioned an Automated Traffic Count (ATC) on Wood Royd Road which indicated 134 two-way vehicle movements during the morning peak, and 140 two-way movements during the evening peak. 140 movements equate to 2.3 vehicles per minute. The 21 two-way development trips would add a further 0.4 vehicles per minute to the immediate highway network during the peak periods. The ATC obtained data over a 7-day period (24 hours) between Tuesday 2<sup>nd</sup> November to Monday 8<sup>th</sup> November 2021 (outside half term). The data was then used to calculate the 85<sup>th</sup> percentile approach speeds and weekday average flows.

In order to gain an indication of the multi-modal trip generation from the development, the 2011 census was reviewed for the "method of travel to work" for Deepcar, which revealed 74% of trips were by driving a car/van, 8% by bus, 6% by foot, 5% car passenger, 7% other. Applying the 6% by foot to the development proposal would give 2 pedestrian movements. Dropped kerbs and tactile paving are proposed to help pedestrians cross Wood Royd Road and Armitage Road, with double yellow lines to prevent cars from obstructing the crossing.

Finally, the occupant of a neighbouring dwellinghouse asserts that the boundary of their property (No.15) would be breached in order to deliver the proposed site access, and that the proposed junction layout of the site access would prevent vehicular access to their drive and garage - their Land Registry Title Plan shows the front boundary or freehold of the property running concurrently with the channel-line of Wood Royd Road. However, Council records indicate that the footway forms part of the adopted public highway, with just a small strip of private forecourt in front of No.15 and the neighbouring cottages. In many instances, property deeds show land ownership up to the centre of the roads they abut, and in most cases the roads and footways are adopted public highways. Where this occurs, it is the subsoil that is, in most cases, within the ownership of the property owner.

Adopted carriageways and footways are maintained by the Local Authority. They are regularly and openly travelled by the general public, which has been the case in respect of the land in front of No. 15 for a period of at least 25 years. Officers are therefore satisfied that the boundary of this property has not been breached in order to achieve the necessary visibility, or that the proposed access road would prevent safe vehicular access to and from the driveway and garage.

While the previous highway reason for refusal is a material consideration that carries weight in the determination of this application, it is considered that the revisions to the junction arrangement, with the introduction of dropped kerbs and tactile paving to help pedestrians and wheelchair users cross Wood Royd Road together with double yellow lines to discourage on-street parking and enhance visibility, addresses a large part of the highway reason for refusal, which must also be taken into consideration in the planning balance, as discussed below.

## Design

The proposed layout and number of units have not changed from the previous scheme, and it was not one of the three reasons for refusal. As such, this section of the report remains unchanged from that reported to the committee in 2021.

Chapter 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development, which creates better places in which to live and work. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to say that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that, amongst other things, planning policies and decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

The relevant policies of the development plan in respect of design and layout of new housing development are UDP Policies BE5, H14, and H15 and Core Strategy Policy CS74.

Policy BE5 seeks to ensure good design and the use of good quality materials in all new and refurbished buildings and extensions. The principles that should be followed include encouraging original architecture where this does not detract from the scale, form and style of surrounding buildings and that designs should take advantage of the site's natural features.

UDP Policy H14 relates to conditions in Housing Areas, and at part (a), states that new buildings should be well designed and in scale and character with neighbouring buildings.

UDP Policy H15 relates to the design of new housing developments and amongst other things states that ease of access to homes and circulation around the site for people with disabilities and prams will be expected, as would adequate private gardens to ensure basic standards of daylight, privacy and outlook for all residents.

Core Strategy Policy CS74 (Design Principles) expects high-quality development that respects, takes advantage of and enhance the distinctive features of the city, its districts and neighbourhoods including, at part (c), the townscape character of

neighbourhoods with their associated scale, layout and built form, building styles and materials.

These policies are considered to be broadly consistent with government policy contained in the NPPF.

Within the vicinity of the site entrance, the character of the area is one of traditional two-storey stone housing. Although there is some variation across the wider area, the predominant material is coursed local gritstone that in most instances has darkened as a result of years of pollution.

The application has been submitted in outline, with all matters reserved except for access. Matters of appearance, siting and design will therefore be subject to a separate Reserved Matters application. Nevertheless, as part of this outline application, the applicant has submitted a Design Guide and indicative layout drawings that would provide a clear steer of how the site could be developed.

The site would be accessed from Wood Royd Road to the southern side of the retained farmhouse. The site's existing single storey farm buildings would be demolished.

The main access road would extend in an eastwardly direction through the central part of the site, following the upper edge of the adjacent woodland then arching in a northerly direction towards the north-eastern edges of the site. From the main access road, two secondary access roads would branch off to form two smaller cul-de-sacs, the first in a southward's direction serving eleven dwellinghouses (Plots 31-41) and the second in a northerly direction serving fifteen dwellinghouses (Plots 07-21). The layout also includes a green corridor running north-south, the purpose of which is to help manage the layout given the sloping topography of the site whilst creating an attractive setting for the new homes. The layout plan shows the central green corridor would cover an area of 2,750 square metres, the wooded margin some 5,500 square metres, and the 15m buffer zone some 1,390 square metres.

As set out in the Design Guide, the proposed layout seeks to respect and positively respond to the site's existing landscape, particularly the heavily wooded boundaries that provide an attractive woodland fringe to the east and south. To protect the woodland, the houses along the southern boundary would be positioned not less than 15m from the woodland edge and further planting is proposed along the site's northern and eastern boundaries.

The proposal includes a mixture of detached and terraced housing. The house types are envisaged to be traditional in form, principally 2-storey in height with pitched roofs not less than 30 degrees.

In terms of materials the Design Guide states that the secondary access roads would be surfaced in permeable block paving. The houses would be constructed largely using local coursed stone, with stone heads and cills, factory finished timber windows and doors and be roofed with natural blue slate. Boundary walls would be natural stone to match the houses. It is envisaged that stone salvaged



from the removal of the natural stone field boundaries would be reused as boundary walls and landscaped features within the public realm.

The front section of the existing farmhouse (approximately 4m) would be demolished, in order to achieve improved sight-lines to Wood Royd Road, and the materials used to be extended to its eastern side. Works to the farmhouse and adjoining barn would be subject to a full planning application as they fall outside the scope of this outline application.

It is considered that the site can reasonably accommodate up to 41 dwellinghouses with a range of house types that would sit comfortably within the context of the site and not unduly harm the character of the surrounding area.

The use of natural stone and slate is welcomed as is the careful treatment of the site's boundaries and incorporation of an open space area and landscaped buffer to provide a soft edge to the adjoining woodland.

It is considered therefore that development would therefore comply with Policies BE5, H14 (a) and H15, and Core Strategy Policy CS74.

#### Landscape Character and Ecology and Biodiversity Issues

One of the three reasons for refusal of the previous application related to the loss of open space, which forms part of the Council's Network of Green Links. As set out in the second reason for refusal, it was stated that the development of the site would detract from its green and open character and cause serious ecological damage by failing to contribute to and enhance the natural and local environment through the loss of land that is considered to be of high biodiversity value and recognised for its intrinsic landscape character.

As before, the proposal should be assessed against UDP Policies GE11 and BE6 and Core Strategy Policy CS74. Policy GE11 seeks to protect and enhance the natural environment and promote nature conservation and Policy BE6 requires new development to provide a suitable landscape scheme with regards to new planting and/or hard landscaping and details of existing vegetation that is to be removed or retained. Core Strategy Policy CS74 expects high-quality development to respect and enhance the distinctive features of the city including its Green Networks, important habitats, waterways, woodlands, and other natural features.

Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment, mitigating harm and providing net gains in biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

It is considered that the local policy aims of protecting and enhancing ecology are compatible with the NPPF and therefore retain substantial weight.

The previous application included a Preliminary Ecological Appraisal Report

(PEAR) which identified that the site comprises largely of poor semi-improved grassland. This report was updated following an additional field survey carried out in November 2021. While this a sub-optimal time of year to carry out an ecological survey, this is not considered to be a major constraint as there have been no significant changes to the habitats present on site since the initial survey.

The survey found that the existing trees on site had negligible potential for roosting bats and of the ten buildings on site, including the farmhouse and barn, three were classified as having moderate bat roosting habitat potential, five low and two negligible. The updated report also found that buildings possessed varying potential to support roosting bats. The applicant therefore commissioned further nocturnal emergence surveys on buildings B2a, B2c, B2d, B2e and B3, which is recorded within the supporting Nocturnal Bat Surveys prepared by Ramm Sanderson Ecology Ltd. These nocturnal surveys were carried out in June/July 2022. These surveys found no bat roosts on site, and as such bat roosts are considered to be absent from the site's buildings, and therefore the demolition and/or renovation of these buildings will not require a Protected Species Licence (PSL). While no bat roosts were identified within any of the buildings, the report details that the absence of bats can never be completely ruled out, particularly given the suitability of the features observed on the site buildings for roosting bats, any demolition and/or renovation works should be conducted under a Precautionary Method of Works. The report recommends a sensitive lighting strategy should be implemented across the development site to prevent indirect impacts to any bat species that may utilise the site for foraging and commuting. The report also recommends the development include the incorporation of bat and bird nest boxes and hedgehog boxes.

In terms of other species, no reptiles were recorded, and there were no badger setts or field signs observed during the first and second surveys.

SCC Ecologists have confirmed that they are satisfied with the supporting ecology reports and appraisals and that the application does not raise any specific constraints from habitat values in respect of the proposed development. With appropriate mitigation measures, it is considered that any effect on protected species and habitats as a result of the development would not be significant. The standard suite of ecological conditions should be attached to cover the recommendations set out in the ecological and bat reports.

The PEAR identifies the importance of Fox Glen Woods LWS, which is designated for its ancient woodland, and notes that nearby south and south-east facing gardens risk introduced species encroaching into the ancient woodland. As before, the report recommends that a 15m buffer be maintained between the LWS and the proposed development in line with Natural England guidance (2019), which is shown on the indicative site layout plan.

As described, the previous application was refused as it was considered that the development would detract from its green and open character and cause serious ecological damage by failing to contribute to and enhance the natural and local environment. The reason sets out that the site is considered to be of high biodiversity value and is recognised for its intrinsic landscape character. To

address this reason for refusal, the applicant commissioned a Landscape/Townscape and Visual Appraisal (LTVA), prepared by FPCR Environment and Design (February 2022). The purpose of the study was to provide an independent assessment of the likely landscape and visual effects of the proposed development.

The LTVA details that the site and the local townscape/landscape is not covered by any townscape/landscape quality designation at either a national or local level. The report details that the topography of the site's context is dominated by the combination of valley and ridgeline landforms. The site occupies part of a general roll in the wider valley slopes created by a small subsidiary valley. As a result, the site has a general aspect towards the east and north east, with the land generally falling from its western side alongside Wood Royd Road in an easterly and north easterly direction. It is considered to be a well-defined and contained sloping parcel of land surrounded by existing built development within the settlement area.

In terms of landscape value, the report details that the site does not include any statutorily designated nature conservation sites and that there are no known ecological matters of significance in relation to the site. The condition of the landscape within the site has been assessed as poor to moderate. Urban influences dominate within the immediate context, which includes housing, industrial areas on the lower lying land and nearby roads.

The report comments that the level of landscape/ townscape effect arising from the proposed development would amount to a 'minor adverse' effect at a localised scale, and at a broader level, which would encompass the wider settlement area and its landscape context, the effect would be 'negligible'. These quantified effects are stated in the report as being down to the presence and dominance of existing residential and built development within the site's wider context. In visual terms, the report states that the most notable visual effects arising from the proposed development will be confined to a relatively limited number of existing dwellings immediately adjoining or close to the boundary of the site. The visual effect of the proposed development on these neighbouring properties has been assessed as being up to 'moderate adverse'.

Other views towards the proposed development will be limited and largely confined to more distant positions and receptors, including some Public Rights of Way and a small number of farming or other properties situated on the rising valley slopes to the north of the existing settlement area. These also include passing views from the A616 (Stocksbridge Bypass) and the slip road to the Fox Valley Shopping Park. Within these views the proposed development has been assessed as forming only a minor or very minor part of the wider settlement area and any visual effect upon these receptors will be 'negligible' or at most 'minor adverse'.

The report concludes that in landscape/ townscape and visual terms, the proposed development provides an appropriate and characteristic design response to the site and will result in no more than limited or localised landscape/townscape visual effects.

In relation to biodiversity net gain (BNG), as set out in the Preliminary Ecological Appraisal (PEA), it has been found that the development of the site offers opportunity to enhance the site's biodiversity. Any loss of trees on site would be off-set through replacement tree planting, the introduction of species rich hedgerows and that the grassland within the south and the centre of the site should be retained and enhanced through the creation of wildflower meadows. It is reported that there is potential for significant gains of up to 22% in habitat units and 100% in hedgerow units, which would exceed the minimum requirement of Biodiversity Net Gain by 11%. Further opportunities for bio-diversity net gain could also be achieved through the provision of attenuation basins as part of the site's surface water drainage.

It is acknowledged that the development would diminish the open character of the site. However, views of the site are limited and the vast majority is made up of pastoral fields, which is categorised as Grade 4 (poor quality) in accordance with the ACL. It is therefore considered that the biodiversity value of the site is low to moderate and not of high value as set out in the reason for refusal.

Officers' consider that the Landscape/Townscape and Visual Appraisal (LTVA) to be a robust and comprehensive assessment of the landscape and townscape characteristics of the site. The appraisal finds that the proposed development would have no more than limited or localised landscape/townscape visual effects. It should also be noted that, in order to be defined as a valued landscape, land must inhibit particular landscape features that are 'out of the ordinary' rather than a designation or perceived value; a view that was upheld in the high court (Decision ref [2015] EWHC 488 between Stroud District Council v Secretary of State for Communities and Local Government) that ruled that valued landscapes must have distinctive, intrinsic value (i.e. special features) and had to show some demonstrable physical attribute rather than just popularity. While the site is open and provides some visual amenity value, it does not possess features of any significant value that would justify its unconditional protection from development.

Also, as previously set out in the report, the site's value to the local community is the visual amenity afforded by its open character and appearance from a small number of public vantage points located outside the site and from views from private residential properties. Where a parcel of open space serves no recreational or leisure purpose, and is only valued for its visual qualities, which is the case in this instance, the land in question would fail to meet the specific requirements of open space definition as set out in the annexe to the NPPF.

The indicative layout plan shows that a landscape buffer would be provided along the full length of the southern boundary between the nearest houses and the adjacent LWS. This would ensure that there is no adverse impact on the adjacent wildlife corridor, which forms part of the Council's Green Network. Generous tree planting is also proposed along the eastern fringes of the built area that would provide an attractive feature that would increase the site's biodiversity and be of benefit to wildlife.

These benefits, in addition to the updated Preliminary Ecological Appraisal Report, Nocturnal Bat Surveys and conclusions of the LTVA, must be taken into

consideration in the planning balance.

## Heritage and Archaeological Issues

UDP Policy BE20 encourages the retention of historic buildings of local importance and policy BE22 sets out that sites of archaeological interest will be preserved, protected and enhanced. Policy BE22 goes on to say that development will not normally be allowed which would damage or destroy significant archaeology sites and their settings. Where disturbance of an archaeological site is unavoidable, the development will be permitted only if a) an adequate archaeological record of the site is made and b) where the site is found to be significant, the remains are preserved in their original position.

Paragraph 194 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It goes on to say that when weighing up proposals that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

## Archaeology

As there was a risk of encountering significant archaeological remains that might preclude or restrict development, the applicant agreed to commission an archaeological consultant (Pre-Construct Geophysics) to carry out a geophysical survey of the site. The survey found that there is potential for buried archaeological remains likely to be associated with 18<sup>th</sup> and 19<sup>th</sup> century mining and farming activities.

South Yorkshire Archaeology Service (SYAS) consider that it is likely that buried remains would have no more than regional importance, but that the development would result in the partial loss or even destruction of their heritage significance. Where development resulting in the loss of archaeological sites is permitted, UDP Policy BE22 and the NPPF at paragraph 205 require that provision be made to secure a record of heritage assets in advance of their loss.

As such, in the event that outline planning permission is granted, SYAS has recommended that a condition be attached that requires an archaeological evaluation of the application area and archaeological building record of the historic structures at the site to be undertaken in accordance with a written scheme of investigation.

## Effect of Development on a Non-Designated Heritage Asset

The supporting Heritage Statement (HS) states that the site does not include any designated heritage assets and does not lie within a designated area or within the setting of any designated heritage assets.

Wood Royd Farm is a linear farmstead that dates from the late 18<sup>th</sup> century. The HS says that the main range has retained its overall structural form but has undergone considerable repair and extension over its lifetime. The outbuildings are deemed to be of limited interest.

The HS concludes that the development will result in the partial loss of the linear farmstead and associated outbuildings, which would amount to a minor degree of harm to the architectural and historical interest of Wood Royd Farm. The report also states that there would be a moderate to high degree of harm to the ability to experience the architectural and historic interest of Wood Royd Farm through the development of the open pastoral fields.

As described, paragraph 203 of the NPPF states that the effect of a scheme on non-designated heritage assets should be taken into account in determining the application. The level of weight afforded should be proportionate to the scale of harm and the significance of the asset.

The proposal includes the demolition of all outbuildings, plus the northern extensions and western gable of the farmhouse. It will also involve the loss of the historic yard area and development of the adjoining land. Noting these impacts, SYAS has nevertheless stated that in their view, any harm to the site's heritage significance would be less than substantial and should be weighed against the merits of the proposal (the planning balance).

An assessment of the amended proposal has also been carried out by the Council's Conservation Officer, who agrees with the established position that the building is a non-designated heritage asset and that the adjoining pastoral fields comprise part of its wider rural setting, but that the heritage interest and significance of the site is at the lower end of the spectrum of non-designated heritage assets. He considers the main interest of the site to be the relatively early age of the building and to a lesser extent its historic interest, as it demonstrates the nature and use of such farmsteads and their development over time but notes, as described in the heritage statement, that farm buildings of this type and form are not rare within the area.

The building's architectural interest, whilst still legible, is not considered to be of high value and has to an extent been detrimentally affected by less desirable changes over the years and the landscape value of the fields is likely greater than any heritage value linked to Wood Royd Farm. The farm buildings are unlikely to meet the relevant criteria for Local Listing, but as a non-designated heritage asset, as espoused by paragraph 203 of the NPPF, there is a need to take a balanced judgement having regard to the scale of any harm or loss and the degree of significance of the heritage asset being affected.

The previous reason for refusal, relating to the impact of the development on the significance of a non-designated heritage asset, is a material consideration and it is considered that the partial demolition of the farmhouse and outbuildings, and the loss of the associated pastoral fields would cause harm to the significance of a non-designated heritage asset. However, having regard to the scale of the harm and the significance of the heritage asset, and bearing in mind the conclusions of the LTVA, which finds that the proposed development would have no more than limited or localised landscape and townscape visual effects, it is now considered that there would be limited harm to the visual amenities and character of the wider area.

It is considered that the amended Heritage Statement takes a predominantly balanced view of the proposals and largely makes a fair assessment of the proposals and potential impacts. There is clearly some harm to the non-designated asset as a result of proposals to demolish part of the former farmhouse, which would diminish its historic interest. As would the loss of the pastoral fields through the development of the site for housing, which together with roads and associated infrastructure would extend across a large part of the application site. The legibility of the buildings historic form and to some extent the uses and activities on the site will be partially lost. The proposal to retain the most part of the former farmhouse and the barn is nevertheless positive in that original fabric and an element of authenticity will be retained. Also positive in officers' opinion, is the proposal to retain the area below the housing site as informal open space, and the proposed landscape buffer zone between the site and the adjacent woodland edge, both of which would help to mitigate to some degree the loss of the open fields.

This level of harm should also be weighed against the wider benefits of the scheme as set out in the NPPF, including the proposal to retain the most part of the former farmhouse and the barn, in light of the Council's inability to demonstrate a five year supply of deliverable housing sites, which triggers the tilted balance in line with paragraph 11 of the NPPF (as set out below).

#### Flooding/Drainage Issues

UDP Policy GE17 relates to rivers and streams. It states that as part of the development of the Green Network, all rivers and streams will be protected and enhanced for the benefit of wildlife and, where appropriate, for public access and recreation. This includes not permitting the culverting of any river or stream unless necessary and setting back new development to an appropriate distance from the banks of rivers and streams to allow for landscaping. The UDP defines an appropriate distance as being 8 metres in the case of major rivers and streams.

Core Strategy Policy CS67 (Flood Risk Management) seeks to reduce the extent and impact of flooding by requiring all developments to significantly limit surface water run-off, to use Sustainable Drainage Systems (SuDS) or sustainable drainage techniques, and to ensure that any highly vulnerable uses are not located in areas at risk of flooding.

These development plan policies are broadly consistent with government policy contained in NPPF which states, at paragraph 159, that inappropriate

development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

The application was accompanied by a Flood Risk Assessment (FRA), which states that the application site is in Flood Zone 1 (at low risk of flooding from fluvial and tidal sources) and there are no open watercourses located within the site area.

Clough Dike, a main river, flows adjacent to the site's south-eastern site boundary and flows underground in two culverted sections. This culvert is a masonry structure with a stone slab soffit which is approximately 5m below ground at the upstream-end and 20m below ground at the downstream-end.

The FRA shows that the site is generally unaffected by surface water flooding. However, there is an overland flow path originating from an off-site area along Armitage Road, to the west of the site boundary, which crosses the site in a north-easterly direction. The LLFA have also commented that incidents of flooding in the area caused by the exceedance of Clough Dyke confirm that overland flow routes do impact on the site.

The FRA states that based on the underlying geology, hydrogeology and soils, it is anticipated that the site has limited potential for infiltration, although this would need to be ascertained through testing. In addition to the soil composition, owing to the steep fall in levels across the site, the use of infiltration features such as soakaways is likely to be limited.

An attenuation-led drainage strategy is therefore proposed by the applicant, with SuDS features to capture, contain and convey surface water run-off to an appropriate and available discharge receptor. The FRA details that the proposed layout would allow the conveyance of surface water across and from the site, that the surface water drainage strategy for the proposed development would include measures for the management of impacts on the surface water run-off regime, and that the drainage strategy could also be used to help manage the surface water flood risk.

The proposed surface water drainage strategy adheres to the sustainable drainage hierarchy and also incorporates sustainable drainage systems (SuDS). Although not established at the moment, if a surface water drainage connection from the site to Clough Dike could be achieved, then a discharge into this watercourse at an attenuated rate is suggested. If this is not possible, the FRA suggests a drainage connection from the site to one of the surface water sewers in the area. The FRA also recommends that the finished floor levels of buildings should be elevated above surrounding ground levels by at least 150mm.

The FRA states that, with the incorporation of a sustainable surface water drainage strategy, the proposed development can manage the quantity and quality of surface water runoff.

The Environment Agency has stated that they have no objection to the proposed development subject to conditions being attached. These include a condition to identify and protect Cough Dike Culvert, and a survey that correctly identifies the



path of the culvert to ensure that an adequate buffer zone can be maintained between the culvert and the development site.

Yorkshire Water have recommended that if granted, conditions be imposed that include no piped discharge of surface water from the development prior to the completion of surface water drainage works.

The LLFA has confirmed that the proposed range of SuDS techniques are acceptable, subject to arrangements for the management of all surface water infrastructure.

While the development would lead to the hard surfacing of a large proportion of the site, a detailed drainage scheme should ensure that there are no significant harmful impacts from surface water run-off. The proposal is therefore acceptable in principle from a drainage perspective.

#### Effect on the Residential Amenity of Neighbouring Properties

UDP Policy H14 (c) expects sites not be overdeveloped or development to deprive residents of light, privacy or security and, at part (k), to not lead to air pollution, noise, smell, excessive traffic levels or other nuisance for people living nearby. This is reflected in paragraph 130 (f) of the NPPF, which states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

As the application has been submitted in outline with all matters reserved except for access, the applicant has only submitted an indicative plan of how the site could be developed to accommodate 41 dwellinghouses.

The properties likely to be most affected by the development include a small group of dwellinghouses that are situated to the north and south of the existing farmhouse. However, the indicative plan shows that appropriate garden sizes and privacy distances can be achieved that would comfortably accord with the guidance contained in the SPG Designing House Extension. A more detailed assessment of amenity issues would be carried out at reserved matters stage when the proposed layout, scale and external appearance of development is known.

No. 15 Wood Royd Road lies to the southern side of the proposed access road and has ground and first floor windows within its side elevation facing the access road. The residents of this property would experience some increased noise disturbance resulting from the increased use of the reconfigured access road, however it is considered that the impact would not be so significant as to warrant a refusal on amenity grounds. A distance of approximately 7m would be maintained between the side elevation of no.15 and the nearest part of the vehicular access, which together with appropriate acoustic boundary treatment and/or planting should prevent any significant noise disturbance over and above that already experienced from traffic on Wood Royd Road.

Based on the above, it is considered that the development would not significantly impact on the residential amenity and living conditions of neighbouring properties. This view was accepted by Members, with the effect on neighbouring properties' residential amenity not included within the three reasons for refusal.

#### Ground Conditions and Coal Mining Legacy

UDP Policy GE25 relates to contaminated land and states that where contamination is identified, development will not be permitted on, or next to, the affected land unless the contamination problems can be effectively treated so as to remove any threats to human health or the environment.

This policy aligns with paragraph 183 of the NPPF, which requires a site to be suitable for its intended use taking account of ground conditions, land instability, contamination, natural hazards and/or previous activities such as mining.

The application site is situated within a Development High Risk Area for former coal mining activities, meaning that an assessment needs to be undertaken to establish whether there are coal mining features and hazards which may impact on the proposed development.

The application was accompanied by a Coal Mining Risk Assessment (CMRA) which explains that the risks to the proposed development would stem from coal seams being worked at shallow depth and the presence of a recorded mine entry. The report recommends that intrusive investigations be carried out in the form of trial pit/rotary boreholes in order to establish the depth and conditions of any coal seams, as well investigate the exact location and condition of the on-site mine entry.

The Coal Authority has stated that they agree with the recommendations of the report in that there is a potential risk to the development from former coal mining activity as well as from mine gas. The Coal Authority has stated that they have no objection subject to the imposition of conditions that require intrusive site investigations to be carried out, and if necessary remedial/mitigatory measures to ensure that the site is, or can be, made safe and stable for the proposed development.

The Council's Environmental Protection Service (EPS) confirmed that the application site shares a boundary with adjacent land that has been identified as potentially contaminated due to a former use as a quarry and brick works. The site is also in close proximity to other areas identified as potentially contaminated due to its former use as a quarry (presumed infilled) and historic landfill sites. Additionally, as the site falls within an area known for former coal mining activities, there is potential for the presence of contaminants and/or ground gases which could impact upon human health and/or the environment.

It is therefore considered necessary for the full suite of land contamination conditions to be attached in the interests of remediating any known or found contamination on site.

## Affordable Housing

Core Strategy Policy CS40 expects developers of housing developments in all parts of the city to contribute to the provision of affordable housing from all new housing developments where practicable and financially viable. Guideline GAH3 of the CIL and Planning Obligations Supplementary Planning Document (December 2015) sets out the circumstances where the Council may accept a commuted sum in lieu of an on-site contribution, for instance, where significantly more affordable housing of a high quality could be provided in the local area through off-site provision.

In the Stocksbridge/Deepcar Affordable Housing Market Area it has been shown that 10% affordable housing is viable on the majority of sites and is therefore the expected developer contribution for this part of the city. In accordance with Core Strategy Policy CS40, the trigger for developers to contribute to the provision of affordable housing is 15 units. As the development includes up to 41 dwellings, the trigger is met.

The definition of affordable housing is set out in Annex 2 of the NPPF and states that affordable housing is housing for sale or rent, for those whose needs are not met by the market, and which complies with one or more of the following (affordable housing for rent, starter homes, discounted market sales housing and other routes to home ownership). Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

The application was accompanied by an Affordable Housing Statement which details that the applicant is agreeable to the provision of affordable housing in accordance with development plan policy and within the definition of Annex 2 of the NPPF subject to an independent viability assessment when details are confirmed.

The mechanism for securing the provision of affordable housing cannot be done by planning condition, and instead must be secured by legal agreement. The applicant has therefore agreed to enter into a legal agreement with the LPA in order to secure the delivery of 10% affordable housing provision and has provided officers with a draft agreement.

The Council's Strategic Housing Section previously confirmed that the 10% contribution rate would equate to four affordable units, and recommends on-site provision of one 2-bed, two 3-bed and one 4-bed units for Affordable Rent (the tenure which the current transfer rate is based on). This view has not changed under this resubmitted application.

## Sustainability Issues

Core Strategy Policies CS63, CS64 and CS65 of the Core Strategy, as well as the

Climate Change and Design Supplementary Planning Document (SPD), set out the Council's approach to securing sustainable development.

Policy CS63 gives priority to developments that are well served by sustainable forms of transport, that increase energy efficiency, reduce energy consumption, carbon emissions and that generate renewable energy.

Policy CS64 sets out a series of actions to reduce the city's impact on climate change. Policy CS65 relates to renewable energy and carbon reduction, and states that all significant developments will be required, unless this can be shown not to be feasible and viable to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy. An equivalent 10% reduction in a development's energy needs from a fabric first is also acceptable (although not referenced in the policy).

These policies are considered to be consistent with government policy contained in the NPPF and should be afforded significant weight. Paragraph 157 confirms new development should comply with development plan policies for decentralised energy supply unless it is not feasible or viable having regard to the type and design of development proposed. Landform, layout, building orientation, massing and landscaping should also be taken into account to minimise energy consumption.

The Sustainability Statement submitted with the application states that it is not possible to identify detailed measures to ensure how the 10% requirement would be delivered, although it does say that this is expected to be achieved through the use of solar panels/photovoltaics cells. The requirements of Core Strategy Policy CS65 can be secured by planning condition.

The application site is situated in a sustainable location with a range of shops and services within walking distance. A regular bus service runs along Carr Road.

#### Community Infrastructure Levy

The Council has adopted a Community Infrastructure Levy (CIL) to provide infrastructure to support new development.

The site falls within CIL Charging Zone 3 and a CIL charge of £30 per square metre applies. There is an additional charge associated with the national All-in Tender Price Index for the calendar year in which the relevant planning permission is granted (£39.33 per square metres with indexation). All charges accord with Schedule 1 of The Community Infrastructure Levy Regulations 2010.

In this instance the proposal is liable for CIL charges owing to the development relating to the erection of housing.

#### Other Issues

The Environmental Protection Service (EPS) advises that the development is of a scale that would warrant a Construction Environmental Management Plan (CEMP)

to manage and minimise local impacts on amenity and other environmental impacts. The content of the CEMP, which is secured by condition, would place a restriction on working hours (0730 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturday) as well as controls over noise and dust emissions.

EPS also advise that good acoustic design should be informed by an Initial Site Noise Risk Assessment, as per the best practice guidance contained in PPG: Planning & Noise (May 2017). These matters can also be secured by planning condition.

#### Titled Balance

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision making, this means:

- approving development proposals that accord with an up-to-date development plan without delay, or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless either the two points are not met:
  - i) the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework taken as a whole.

Footnote 8 to paragraph 11 states that development plan policies that involve the provision of housing should be viewed as out-of-date in instances where the local planning authority is unable to demonstrate a five year supply of deliverable housing sites.

In terms of the application of policies within the Framework that protect areas or assets of particular importance, these are set out at footnote 7 to paragraph 11 and include development proposals on land designated as Green Belt, Areas of Outstanding Natural Beauty, and designated heritage assets such as Listed buildings and Conservation Areas.

Members are advised that at the time of the previous application, the Council had a 5 year supply of deliverable housing sites, and as such, when assessing the planning merits of the application, development plan policies that related to the supply of housing were not automatically out of date. However, and as described above, the Council is no longer able to demonstrate a 5 year supply of deliverable housing sites, with the revised 5-Year Housing Land Supply Monitoring Report concluding that there is evidence of only a 4 year supply of deliverable housing land. Consequently, the most important Local Plan policies for the determination of schemes which include housing should be considered out-of-date, according to

Paragraph 11(d) of the NPPF. The so called 'tilted balance' is therefore triggered, and as such, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The application includes no protected areas or assets of particular importance as described in footnote 7 of paragraph 11, (such as conservations areas, listed buildings or green belt) within the boundary of the application site.

Unlike the last application, in this instance the NPPF is clear in its position that unless there are adverse impacts of doing so, which would both significantly and demonstrably outweigh the benefits, planning permission should be approved.

The balancing exercise is set out below, weighted in favour of sustainable development, to reach an overall conclusion on the acceptability of the scheme. The application of the planning balance is a matter of judgement for the decision maker.

To reiterate, the previous scheme was refused for three reasons, with the previous decision of the Council forming a significant material consideration in respect of this resubmitted application.

To address the three reasons for refusal, the applicant has submitted a number of additional documents in addition to submitting revised proposals that seek to improve visibility at the site entrance, additional landscape corridors as well as commissioning a landscape/townscape visual appraisal and archaeological field evaluation of the site in order to establish the likely effects on landscape character and archaeological implications of the proposal. Amongst others, these include a Landscape/Townscape and Visual Appraisal (LTVA), a geophysical survey of the site, updated Heritage and Transport Statements, a Preliminary Ecological Appraisal (PEA) and nocturnal survey reports.

As part of the balancing exercise, officers have set out below the negative and positive aspects of the revised scheme, and the weight that should be given to each.

#### Negative Aspects:

- Demolition of part of the farmhouse and loss of pastoral fields that would result in some harm to the significance of a non-designated heritage asset. The harm however is considered to be less than substantial and should carry moderate weight.
- The loss of an area of land that is designated an Open Space Area. This should only be given limited weight as the land does not have an open space function beyond its visual amenity and would not therefore comply with the NPPF open space definition.
- Narrowing of the area's green network allocation. This should be only given limited weight as a minimum 15m wide landscape buffer would be provided between the built form and the Fox Glen Local Wildlife Site (LWS) in line with Natural England's standing advice, thus limiting any impact on the

green network. The amended scheme also includes 2 further green corridors over and above that previously submitted.

- Increased vehicle movements along Wood Royd Road that could lead to increased congestion and loss of on-street parking, and increased conflict between vehicles entering onto Wood Royd Road and the free flow of pedestrians along the highway. However, it is considered that any harm to the highway network would be low as the likely increase in vehicular movements resulting from the development would not be significant.
- Potential risk of flooding through the partial loss of open grassland. However, the Environment Agency and the LLFA have raised no objection to the development from a flood risk perspective, subject to the attachment of conditions that includes the submission of a drainage strategy, and while the proposal would include large areas of hardstanding across part of the site, it is not considered that the proposal would exacerbate flooding in the area and would amount to little or no harm.
- Increased noise disturbance from vehicles egressing and ingressing the site that could lead to some disamenity to neighbouring properties, in particularly No. 15 Wood Royd Road. However, as described in the report, a distance of approximately 7m would be maintained between the side elevation of no.15 and the nearest part of the vehicular access, which together with appropriate acoustic boundary treatment and/or planting should prevent any significant noise disturbance over and above that already experienced from traffic on Wood Royd Road. Any harm on neighbouring properties' residential amenity is considered to be low and therefore carries very limited weight in the planning balance.

#### Positive Aspects:

- The provision of up to 41 dwellinghouses. Significant weight should be given to this benefit in the context of the NPPF requirement to significantly boost the supply of new homes, particularly at a time when the Council is only able to demonstrate a 4-year supply of deliverable housing sites.
- The creation of employment opportunities through the construction process, to which some weight should be given.
- The benefits to the local economy as a result of increased spending by future residents of the dwellinghouses, to which some weight should be given.
- The provision of a policy compliant level of affordable housing (10%), which is given moderate to significant weight.
- Commitment to good design and use of materials which are characteristic of the local area. Good design is a key aspect of sustainable development and should be given moderate to significant weight.
- Retention of most of the farmhouse and barn, which will continue to contribute towards the streetscene on Wood Royd Road, to which some weight should be given.
- The provision of a policy compliant level of predicted energy needs from decentralised and renewable or low carbon energy (10%), which is given moderate to significant weight.
- Remediation of the site from previous coal mining activities, to which some weight should be given.

- Improved sight lines at the site entrance and an improved pedestrian crossing facility on Wood Royd Road that seeks to address in part the third reason for refusal, to which some weight should be given.
- The development of the site offers opportunity to enhance the site's biodiversity by up to 22% in habitat units and 100% in hedgerow units, which would exceed the minimum requirement of Biodiversity Net Gain by 11%. Improvement to the site's ecology and biodiversity across the site should be given moderate to significant weight.
- The updated Bat Survey report found that no bats were found to be roosting in Buildings B2 (a-e) and B3. The development does not therefore impact negatively on protected species or habitats, but does offer opportunities for enhancement, which should be given moderate to significant weight.

As described, the application site is situated partly within a Housing Area where housing is the preferred use under UDP Policy H10, and an Open Space Area, where development should only be permitted upon meeting the number of criteria set out in UDP Policy LR5. While the part demolition of the farmhouse and the loss of the pastoral fields weighs against the development, it is not considered that this in itself provides sufficient grounds to refuse the application. As set out within the report, the supporting Heritage Statement details that such farm buildings of this type and form are not in themselves rare within the area, and that given the pastoral nature of the farming, the setting is not of particularly high heritage value.

As described, the loss of open fields that are used neither for leisure or recreational purposes have limited protection when assessed against policies in the Core Strategy and would fail to meet the definition of open space as set out in the NPPF. The application site is used as grazing land and is not accessible to the public. The site's value to the local community is therefore limited to visual amenity afforded by its open character and appearance. As the land does not meet the required function of open space as set out in the NPPF, the level of protection that the site can be afforded from development is significantly lower from that being afforded to designated open space sites that provides a recreation and/or leisure function.

In relation to the erection housing within the designated Open Space Area, it has been found that the development would not conflict with UDP Policy LR5, and that LR5 can only be given limited weight as the elements of it relating to the protection of open space for visual amenity alone are not consistent with the NPPF.

Policies LR8 and CS47 are not considered to be applicable with respect to this application since LR8 relates to the loss of recreation space, the site is used for grazing, and application site does not fit into any of the formal or informal categories of open space defined in the Core Strategy.

Policy CS72 relating to countryside situated on the edge of built-up areas goes beyond the requirements of the NPPF and can only carry limited weight, but in any case the proposal does not conflict with it because the application site is contained by built development on three sides and is not open countryside or land that is situated on the edge of the built-up area.

In relation to biodiversity, the updated Preliminary Ecological Appraisal Report



confirmed that the site comprises largely of poor semi-improved grassland and found no evidence of protected species. The additional Nocturnal Bat Surveys found no bat roosts on site. While the second reason for refusal refers to the site as being of high biodiversity value, this is not evidenced by the ecology consultants assessment of the site.

On the Green Network and biodiversity, the proposal includes an indicative layout plan that shows the retention of greenspace around the south and east of the site, and an enhanced 'buffer zone' to the adjacent Fox Glen LWS. The application also includes additional green corridors over and above that previously submitted by the applicant as part of their initial submission. The edge of the built development would include a 15m buffer from the edge of the LWS, which would accord with the Natural England Standing Advice.

As evidenced within the highway section of the report, it is considered that the proposal would not result in unacceptable impacts on highway safety and that the residual cumulative impacts on the road network would not be severe.

The recent appeal decision at Hollin Busk, which was allowed in August 2021, under planning reference No. 17/04673/OUT (Appeal reference No. APP/J4423/W/21/3267168) is also material to the assessment of this planning application. The weight given to it is limited due to the different site circumstances, however both cases relate to the development of housing on agricultural fields (designated as open space) as well as having direct effects on a heritage asset. In allowing the appeal, the planning inspector considered that the proposal would only have a moderately adverse effect upon the landscape character and appearance of the area. He also concluded that, with regards to effects on an adjacent heritage asset, in this instance a Grade II listed farmhouse and associated barns and outbuildings (para 83 to 105 of the appeal decision), the development would inevitably result in the loss of the contribution that the agricultural fields make to the significance of the heritage assets, but the architectural or historic interest in the buildings will not be necessarily reduced, and any harm to the setting of the heritage assets would be less than substantial.

Members should also be mindful of the recent decision of the Council (February 2022) to select Option 3 as part of its overall spatial options for meeting future development needs in Sheffield through the emerging Sheffield (Local) Plan. Members will be aware that Option 3 supports the provision of new housing on UDP allocated Housing Policy Areas and on underused open spaces as the preferred spatial option in the period up to 2039. The application site is part located within a Housing Area and part within an Open Space Area, adding weight to its release for housing as proposed, particularly as the functional requirement of this designated open space, as set out in the NPPF definition of open space, is not met.

Though finely balanced, it is considered that the balance is in favour of granting this application for outline consent, with all matters reserved except for access. Whilst acknowledging the previous reasons for refusal and the high number of objections received against the application, it is considered that the identified harm resulting from the development would not significantly or demonstrably outweigh

the benefits of the development. The provision of up to 41 dwellinghouses will make a positive contribution in meeting the current shortfall of housing in this sustainable location, to which significant weight should be given in line with paragraph 11 of the NPPF.

#### HEAD OF TERMS

The applicant will enter into an agreement with the Council to secure the delivery of affordable housing equivalent to 10% of gross floor space of total number of units.

#### RECOMMENDATION

It is recommended that outline planning permission is granted conditionally and subject to a legal agreement to secure the delivery of on-site affordable housing.