



Appeal Decision

Inquiry Held on 22 -25 June 2021 and 29 June 2021

Site visit made on 23 June 2021

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/J4423/W/21/3267168

Land at Junction with Carr Road and Hollin Busk Lane, Sheffield S36 2SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hallam Land Management against the decision of Sheffield City Council.
 - The application Ref 17/04673/OUT, dated 14 November 2017, was refused by notice dated 20 July 2020.
 - The development proposed is an outline application for residential development of up to 85 residential dwellings including open space (all matters except for access reserved).
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 85 residential dwellings including open space (all matters except for access reserved) at Land at Junction with Carr Road and Hollin Busk Lane, Sheffield S36 2SS in accordance with the terms of the application, Ref 17/04673/OUT, dated 14 November 2017, subject to the conditions set out in the attached schedule in annex C.

Preliminary and procedural matters

2. The application was submitted in outline with all matters reserved for future consideration with the exception of access. Details of one vehicular access to the site are submitted so any other access to, and access within, the site remain a reserved matter. The site access details are shown on the plan 'Proposed Access Arrangement onto Carr Road Ref 3421 SK001 004 Revision B' which along with the 'Site Location Plan Ref 1701:01' are the plans that describe the proposal.
3. An 'Illustrative Masterplan – April 2021' was submitted for illustrative purposes only to demonstrate one way in which the site could be developed. I have had regard to this plan in the determination of this appeal. In addition, several 'Parameter Plans' all dated April 2021 were submitted. These comprise Plan 01 Rev B - Uses; Plan 02 Rev B - Movement; Plan 03 Rev B - Storey Heights; Plan 04 Rev B - Density; Plan 05 Rev B - Landscape and Open Space and Plan 06 Rev C - Character Areas. I have also had regard to these plans in the determination of this appeal.
4. The main parties agreed that the appropriate postcode for the site should be S36 2SS. I have used this agreed postcode in the banner heading above.

5. At the Inquiry, the appellant submitted a draft agreement pursuant to Section 106 of the Town and Country Planning Act 1990, dated 20 May 2021 (S106 Agreement), relating to the appeal development which would take effect should planning permission be granted. This was subsequently signed and dated 1 July 2021 and would take effect should planning permission be granted. Amongst other matters, this provides for 10% of the gross internal floor space (GIA) of the total GIA of all dwellings to be provided as affordable housing. It also provides for the design, management and maintenance arrangements for on-site and off-site drainage, public open space and species rich grassland and for financial contributions towards bus stop upgrades, off-site and on-site sustainable drainage features maintenance and adoption, a MOVA traffic signal and a traffic regulation order.
6. A Community Infrastructure Levy (CIL) Compliance Statement was submitted at the Inquiry by the Council. I have had regard to the provisions of this, and the S106 Agreement, in the consideration of this appeal. I shall return to this later in this decision.
7. The Inquiry was conducted on the basis of topic based round table sessions (RTS) involving discussions in relation to the effect on heritage assets, the effect on the character and appearance of the area and aspects of 5 year housing land supply. Matters relating to the planning issues, aspects of 5 year housing land supply and the planning balance were considered by the formal presentation of evidence.
8. Prior to the opening of the Inquiry, a number of Statements of Common Ground (SoCG) were submitted. These related to Highways and Transportation ('Highways SoCG') signed and dated 17 May and 20 May 2021, Ecology ('Ecology SoCG') signed and dated 20 May 2021, 5 Year Land Supply ('HLS SoCG') signed and dated 21 May 2021, Flood Risk and Drainage ('FRD SoCG') signed and dated 18 May and 19 May 2021, Landscape and Visual ('LV SoCG') signed and dated 24 May 2021, Planning Policy ('Planning SoCG') signed and dated 7 June and 8 June 2021 and Heritage ('Heritage SoCG') signed by the appellant only.
9. On 20 July 2021 the Government published revisions to the National Planning Policy Framework (the Framework). This was after the close of the Inquiry and before the issue of this decision letter. Both main parties were invited to submit any comments on the implications of the revised Framework that may be relevant to the consideration of this appeal.
10. The main parties agree that there are no material changes to the key sections of the revised Framework with regard to the matters for consideration in this appeal. In particular, there are no changes to the sections dealing with the agreed main issues; heritage and landscape. Similarly, there are no substantive changes relevant to the determination of this appeal in relation to the other matters, such as housing, the approach to decision making or the issues raised by third parties and addressed in the evidence to the inquiry (written and verbal); the statements of common ground; and submissions.
11. I concur with the views of the main parties that the revised Framework has no material implications for the consideration of this appeal. However, references to the Framework in this decision relate throughout to the revised Framework published on 20 July 2021 unless otherwise stated.

Main Issues

12. Having taken into account the evidence before me and from what I heard at the Inquiry, the main issues are:

- The effect of the proposed development on the character and appearance of the surrounding area.
- The effect of the proposed development on the special interest of nearby heritage assets.
- The planning balance, including policy considerations, and the benefits of the scheme (including housing land supply).

Reasons

The appeal site and proposed development

13. The appeal site comprises a number of agricultural fields separated in parts by drystone walls and currently in grazing use with no public access. Carr Road and Hollin Busk Lane bound part of the eastern and southern site boundaries. Agricultural fields are located to the west and along part of the north western boundary. Fox Glen, an Area of Natural History Interest and Local Wildlife Site, runs along the remainder of the north western boundary with residential properties beyond.
14. A substantial residential area is located on the eastern side of Carr Road. A small cluster of Grade II Listed Buildings (Royd Farmhouse and barn buildings) are located on the western side of Carr Road and adjoin the eastern boundary of the appeal site. The land to the south of Hollin Busk Lane is allocated as Green Belt.
15. The submitted Transport Assessment¹ and highways and transportation evidence² identifies the public transportation facilities and distances to local services available by walking. The Highways SoCG³ identifies that the main parties agree that the location of the site is sufficiently accessible and sustainable for residential use, and that future residents of the site would benefit from a similar degree of accessibility as those residents of the existing residential areas. I shall return to this matter later in this decision.
16. The submitted parameter plans, amongst other matters, identify the areas for development, open space, landscaping, storey heights and densities. These provide for a substantial area of the western portion of the site to be retained as managed grassland.

Planning Policy Context

17. The development plan comprises the saved policies of the Sheffield Unitary Development Plan adopted in 1998 (UDP) and the Sheffield Development Framework Core Strategy adopted in 2009. The UDP Proposals Map⁴ identifies that the site is allocated as an 'Open Space Area'. However, both main parties

¹ CD 1.23

² Proof of Evidence (PoE) Paul Irwin CD 6.20a

³ CD 6.10 paragraph 2.12

⁴ CD 3.5

agree that the Open Space Allocation in the UDP is not fully compliant with the definition of open space as provided in the Framework⁵.

18. The Council is currently preparing a new draft Sheffield Local Plan. An Issues and Options consultation took place in October 2020. However, this Plan is in the very early stages of preparation and carries no weight in my determination of this appeal.
19. The Planning SoCG sets out the agreed position of both main parties with regard to the most important policies in the development plan that are relevant to the determination of this appeal. Both the UDP and the Core Strategy are of some vintage, both pre-date the initial version of the Framework and were prepared at a time when the housing need was significantly less than it is now. The UDP was designed to meet housing needs only until 2001. Furthermore, the Core Strategy has no map and makes no allocations. There was considerable discussion during the Inquiry regarding the extent to which the most important policies for the determination of this appeal are compliant with the Framework, are overtaken by events and may be 'out of date'.
20. Policy GE4 of the UDP, amongst other things, identifies that development which is conspicuous from the Green Belt should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment. Whilst the appeal site is visible from the Green Belt it does not lie within it. There is no guidance in the Framework which seeks to protect the Green Belt by the control of development located outside of it. In my view, this policy is inconsistent with the Framework and consequently is out of date. I therefore attach little weight to the provisions of this policy.
21. Similarly, Policy CS 72 of the Core Strategy seeks to safeguard land on the edge of built-up areas but not in the Green Belt through protection as open countryside. Whilst the policy refers to land south of Stocksbridge (at Hollin Busk) the specific area to which this relates is not defined on any map. This policy provides absolute protection of the countryside which is inconsistent with the Framework.
22. The Framework requires that planning decisions recognise the intrinsic character and beauty of the countryside. However, this does not suggest that the countryside should be safeguarded from development as Policy CS 72 implies. The Officer report to Planning Committee also identified that Policy CS 72 should be afforded limited weight due to its conflict with the Framework⁶. Accordingly, I also afford little weight to the provisions of this policy.
23. Policy LR5 relates to development in open space areas. As mentioned above, the Council agrees that the site does not comprise open space as defined in Annex 2 of the Framework. The Council's second reason for the refusal of planning permission identifies conflict with parts 'i' and 'j' of the policy. Both of these parts of the policy identify that development will not be permitted if it would cause harm to the character of an area or harm to the rural character of a wedge of open countryside.
24. Notwithstanding the fact that the site is not open space within the context of the Framework, these parts of the policy are essentially countryside protection

⁵ CD 6.7 paragraph 6.85

⁶ CD 1.7.

- policies and seek to resist any harm to rural character. Paragraphs 130(c) and 174(b) of the Framework require development proposals to recognise the intrinsic value of the countryside and be sympathetic to local character. These aspects of the Framework do not place an outright restriction on development in the countryside. In that sense, the objectives of parts 'i' and 'j' of LR5 are inconsistent with the Framework and in my view are out of date. The Officer report to Planning Committee also identified that Policy LR5 should be afforded limited weight due to its conflict with the Framework. Nonetheless, I recognise the consideration of harm to the character of the countryside retains some degree of alignment with the Framework and therefore I attach moderate weight to these parts of policy LR5.
25. Policy CS 23 of the Core Strategy seeks a spatial approach to the location of housing development. Although it identifies that new housing will be focused on suitable and sustainable sites within or adjoining the urban area of Stocksbridge/Deepcar, it was adopted at a time when the Council's housing requirement was an average of 1,425 dwellings per year over the period 2008/09 to 2025/26, as set out in Policy CS 22. This is no longer reflective of the current housing need in Sheffield. I am therefore of the view that this policy has been overtaken by events and I afford its provisions little weight in the consideration of this appeal. In any event, given the location of the proposed development adjacent to and opposite existing development on Carr Road, I do not find that the proposal would conflict with the locational aspects of this policy.
26. Policy CS 24 of the Core Strategy identifies that priority will be given to the development of previously developed sites with no more than 12% of dwelling completions on greenfield sites within the period 2004/05 to 2025/26. Notwithstanding the fact that the housing requirement is now completely different to that when the Core Strategy was adopted in 2009, the Framework encourages the use of brownfield development which provides some support for brownfield land use in Sheffield. However, it does not advocate a brownfield first approach.
27. In this regard Policy CS 24 of the Core Strategy is both inconsistent with the Framework and overtaken by events. The Officer report to Planning Committee also identified that Policy CS 24 should be afforded limited weight due to its conflict with the Framework. I therefore consider this policy to be out of date and I have afforded limited weight to its provisions. In any event, I have no evidence before me to suggest that the 12% greenfield development limit, as set out in the policy, has been reached.
28. Although not referred to in the Council's reasons for refusal of outline planning permission, reference was made in the Inquiry to Policy CS 33 of the Core Strategy. This policy, amongst other things, identifies that new housing will be limited to previously developed land within the urban area of Stocksbridge/Deepcar. However, for the reasons explained above, this policy is also inconsistent with the Framework and I afford little weight to its provisions.
29. Policies BE15, BE19 and Policy LR5(e) of the UDP, amongst other things, relate to development that may harm the character and appearance of listed buildings and their setting. To some extent the protection objectives of these policies are consistent with the statutory duty to conserve heritage assets. However, they fail to provide any consideration of the balance to be weighed against the

public benefits of a proposal in circumstances where less than substantial harm would be caused to the significance of a designated heritage asset as required by paragraph 202 of the Framework. Consequently, I am of the view that these policies are inconsistent with the Framework and should be afforded little weight. In any event, this view does not undermine the aforementioned statutory duty that is placed on the decision maker.

Planning Policy Context - Conclusion

30. Taking the above into account, I consider that the basket of policies referred to in the Council's reasons for the refusal of planning permission are either inconsistent with the Framework or are now overtaken by events. Given the age of the development plan (UDP and Core Strategy) and the fact it predates the Framework, this is perhaps not unsurprising. However, my findings above relate only to the basket of policies that are most important for the determination of this appeal.
31. This does not undermine the statutory framework set out in section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires me to have regard to other material considerations, one of such is the Framework itself. Furthermore, this does not undermine the statutory duty to have special regard to the desirability of preserving listed buildings and their setting. However, I have found that the most important policies for the determination of this appeal are out of date which diminishes the weight that can be afforded to them.
32. Notwithstanding the need to also consider the 5 year housing land supply position in Sheffield, the effect of the above is that paragraph 11(d) of the Framework is engaged. The consequences of this are explained below following consideration of the 5 year housing supply position.

Housing Supply

33. The Council considers there is a 5.4 year supply of land for housing. This is set out in the "5-Year Housing Land Supply Monitoring Report December 2020". It is based on a local housing need figure utilising the Standard Method of 2,131 plus a 5% buffer resulting in a total requirement of 11,188 dwellings. The Council states that the net supply as at 1st April 2020 was 12,131. This results in a supply of 5.4 years which is contested by the appellant.
34. National Planning Practice Guidance (PPG) sets out a four-step process procedure for calculating local housing need. The fourth step is an "Urban Cities and Urban Uplift" which took effect on 16 June 2021 and applies to the top 20 urban local authorities in the top 20 cities and urban centres which includes Sheffield. The effect of this requires a 35% increase to be applied to the housing need figure. The Council accepts that the application of Step 4 increases the annual housing requirement to 2,923 dwellings per annum (dpa) and that when a 5% buffer is added, this produces a 5 year requirement of 15,345⁷.
35. The Council considers that the current year for the purposes of calculating the housing requirement is 2020/2021, which is aligned with the supply period used. It also considers that until it publishes a revised 5 Year Housing Land Supply Monitoring Report, in which the supply is updated as from 1st April

⁷ CD6.14 paragraph 2.6

2021, it will not be recalculating the housing requirement figure to take into account the 35% urban uplift.

36. Paragraph 2a-037 of the PPG advises that after 16 June 2021 “the new standard method (i.e. with cities and urban centres uplift) will apply for relevant decision-making purposes”. Therefore, I consider that national guidance is quite clear that the requirements of the urban uplift applies from 16 June 2021 and there are no provisions to opt-out of avoiding the effect of the uplift from this date. I have no convincing evidence from the Council to justify why the 35% uplift should not be applied after the 16 June 2021 date.
37. Irrespective of whether there are other deductions from housing supply, which are considered below, the implications of applying the 35% uplift as required by Step 4 of the calculation procedure and applying this to the Council’s last published supply has been considered by the appellant.⁸ This demonstrates that it would result in a deficit in the 5 year requirement of 3,214 dwellings and a supply of 3.95 years. Consequently, on the basis of the required application of the Cities and Urban Centres Uplift alone I find that, for the purposes of this appeal, the Council cannot demonstrate a 5 year housing land supply.
38. A further area of disagreement between the main parties relates to the justification for the inclusion of student accommodation in the calculation of 5 year housing land supply. The PPG (Paragraph 68-034) advises that student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can in principle count towards contributing to an authority’s housing land supply. This is based on the amount of accommodation that new student housing releases in the wider housing market (by allowing existing properties to return to general residential use); and/or the extent to which it allows general market housing to remain in such use, rather than being converted for use as student accommodation.
39. The PPG further advises that this will need to be applied to both communal establishments and to multi bedroom self-contained student flats. Several units of purpose-built student accommodation may be needed to replace a house which may have accommodated several students. Authorities will need to base their calculations on the average number of students living in student only accommodation, using the published census data, and take steps to avoid double-counting. The exception to this approach is studio flats designed for students, graduates or young professionals, which can be counted on a one for one basis.
40. Evidence suggests that 2,763 student units are included in the 5 year supply that are purpose built student accommodation, including cluster flats. In order to meet the requirements of the PPG, analysis is required to calculate how many homes will be returned to general (non-student) use and/or would remain in such uses as they wouldn’t be needed by students.
41. The PPG is clear that, save for the exception of studio flats, the ratio is not one for one. In order to undertake the analysis consideration is also needed of the likely growth in student numbers to compare against supply. In this regard, if the growth is the same as new student accommodation provided then it will be

⁸ CD6.16- Table 2 PoE Roland Bolton

- unlikely that there will be any release of existing housing stock from student use to general market use.
42. No convincing evidence of any analysis undertaken by the Council, including student growth, was provided to demonstrate how much market housing is released and how much realistically should be added to the supply. Without demonstration on the part of the Council that the 2,763 were adding to overall housing supply, and not simply meeting the needs of a growing student population, then they should be discounted. The effect of this view is to further reduce the number of years' worth of supply which the appellant calculates, in addition to the application of the Cities and Urban Areas Uplift, would provide a supply of 3.25 years.⁹ Even if I were to be persuaded that the urban uplift should not be applied, removing the student accommodation would take the supply to below 5 years.
 43. Considerable time was spent in the Inquiry considering whether there is clear evidence that sites that the Council has identified in contributing to housing supply are deliverable. The Framework defines "deliverable" in the Glossary and identifies two categories of sites, Category A and Category B, which require a different approach in evidence, although all sites must be available now.
 44. Category A are sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans). Category B is where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register. It should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
 45. The appellant contends that the Council's claimed supply of 12,131 units as at 1st April 2020 is now incorrect and concludes that only 10,004 are deliverable in the 5 year period thereafter. Without the Cities and Urban Areas Uplift applied, the appellant contends that this assessment reduces the land supply to 4.5 years.
 46. I have found that the Council cannot demonstrate 5 years housing land supply on the basis of the application of the Cities and Urban Centres Uplift. Therefore, it is not necessary for me to go through each of the disputed Category A and B sites in any detail other than to comment that the Council has included some housing within its 2020 Monitoring Report that the most recent evidence shows are no longer deliverable within 5 years. It has included student accommodation that requires evidence to justify its inclusion. Taken together, this would reduce the Council's housing land supply to significantly below the required 5-year supply using the Standard Method irrespective of the application of the Cities and Urban Centres Uplift.
 47. As a consequence of the above, footnote 8 of paragraph 11 of the Framework is applicable. Therefore, the relevant policies for the supply of housing should be considered as out-of-date according to paragraph 11(d) of the Framework.

⁹ ID19 – paragraph 57

The so called 'tilted balance' is therefore not only triggered as a consequence of the 5 year housing land position but also because the most important policies for determining this appeal are out of date. As such, planning permission should be granted unless the application of policies in the Framework 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 Framework taken as a whole.

48. In light of the above, it is necessary for me to consider the extent to which there may be any adverse impacts arising from the proposed development, and the weight to be given to these in the planning balance. Also, notwithstanding the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, whether the policies in the Framework that seek to protect heritage assets would provide clear reasons for dismissing this appeal.

Character and appearance – landscape character

49. The appeal site and the local landscape is not covered by any landscape quality designation at either a national or local level. To the south west of the built-up area of Deepcar and Stocksbridge is the nationally designated landscape of the Peak District National Park. The gently rising landform to the south of the site, together with intervening elements of vegetation and the built-up area of Stocksbridge, prevent any material visibility between the site and the Peak District National Park. Both main parties agree that there would be no greater than a negligible effect upon the Peak District National Park¹⁰ and I concur with this view.
50. Landscape character is assessed at a national level by Natural England through the use of National Character Area (NCA) profiles. The assessment provides an understanding and the general characteristics of these substantial landscape areas. The site, and much of the surrounding landscape that includes the settlements of Deepcar and Stocksbridge, lies within NCA 37 Yorkshire Southern Pennine Ridge.
51. Based on the evidence submitted and my own observations, the appeal site has value both in its own right and as part of the wider landscape. In addition, I acknowledge that local residents clearly value the site and the surrounding countryside. However, I agree with the main parties that the site is not a "valued landscape" within the context of paragraph 174 of the Framework. The site is typical of the landscape character of the area. However, its character is not particularly rare.
52. A Landscape and Visual Appraisal (LVA) was submitted as part of the original application and further Landscape and Visual Impact evidence was submitted as part of the appeal. I concur with the views of both main parties that the LVA has been undertaken broadly in line with best practice guidance as set out in the Guidelines for Landscape and Visual Impact Assessment (Third Edition) 2013 (GLVIA3)¹¹. Whilst there is general agreement on the approach adopted in the LVA there is disagreement regarding aspects of some of the baseline views and the magnitude of the landscape and visual effects.

¹⁰ CD 6.8 Landscape SoCG paragraph 5.7

¹¹ CD 6.8 paragraph 5.13

53. The site and surrounding area exhibits some of the key characteristics of NCA37 of land that is subject to predominantly pastoral farming, distinctive patterns of drystone walls and a close conjunction between rural landscapes and the industrial heritage of the urban areas with urban development constrained within valley floors and up the side slopes, with location and layout strongly influenced by the landform.
54. Landscape characterisation has been undertaken at a district level by the Sheffield Preliminary Landscape Character Assessment. This report explains that this is not a completed final report, but merely the first stage in landscape characterisation. The site and the landscape south of Deepcar and Stocksbridge lies within the "*Upland Character Area*", and the sub area of "*UP3-Upland Rolling Slopes and Valleys to the West*".
55. A further layer of landscape characterisation has also been undertaken within the Peak District National Park. The "*Peak District Landscape Character Assessment (2008)*" explores the landscape character of the Peak District and the immediate landscape outside of the designation, which includes the landscape around Deepcar. The Character Area is subdivided into a series of Landscape Types. The site, and the landscape south of Deepcar and Stocksbridge, is located within the large "*Enclosed Gritstone Upland Landscape Type*". This is described as: "*An enclosed upland landscape associated with high, gently undulating uplands and broad ridge summits which radiate from the Dark Peak core, sloping in places up to higher ground. This is a landscape of isolated stone farmsteads, straight roads and regular fields enclosed by drystone walls. Rolling uplands and broad ridge summits with some steeper slopes*".
56. The site comprises six gently sloping agricultural field that are open in their character. Common to the local and wider landscape they are used for grazing. Fields are bound by a combination of gritstone walls of varying condition. The site lies on the north facing valley slopes above the River Don and is oriented towards the wider built-up area of Deepcar and Stocksbridge. It falls steadily from its southern boundary at Hollin Busk Lane to its lowest point near Fox Glen.
57. The site has very little in the way of significant landscape features. Whilst pleasant, it is not considered to be remarkably distinctive such that it is 'out of the ordinary' in landscape terms. It does not, in itself, display any pronounced sense of scenic quality. The character of the site is influenced to some degree by its relationship with the modern residential area of Carr Road and Royd Lane that border and overlook the site. To some extent, the existing development on Carr Road provides a relatively abrupt edge between the local urban and rural landscape.
58. It is clear that local residents enjoy views over the site, particularly in traversing along Hollin Busk Lane. Many of the views of the site from the surrounding area are in the context of the close relationship with the built development to the south east and north. Nonetheless, in traversing along Hollin Busk Lane from Deepcar, the site clearly forms part of the countryside that provides a sense of relief from the urban area. However, in the context of the assessment of landscape effects, I do not consider the site to have any marked sense of scenic quality, tranquillity or wildness and is not used for any formal or informal recreation. In my view, the site does make an important

local contribution to the character of this part of the countryside but is heavily influenced by the urban fringe of Deepcar and Stocksbridge.

59. Both main parties agree that the proposed development would cause some degree of harm to the landscape and visual character of the area. They differ in the degree of that harm which arises from the assessment of landscape effects, the susceptibility to change and the magnitude and significance of landscape effects.
60. Based upon my observations, the intrinsic value of the site arises from its intact, undeveloped and open fields with dry stone walls, albeit of varying quality, sloping gently towards Fox Glen. Views from the site to the north west are of a landscape of similar open fields with the village of Bolsterstone visible on the higher ground. Views looking towards the appeal site from the north west, from Hollin Busk Lane and Cockshot Lane are initially of open fields but are tempered by the urban edge of Deepcar and Stocksbridge which is visible in most of these views. Taking all of the above factors into account, I consider that the landscape has medium value.
61. Susceptibility to change is described in GLVIA3 as the capacity of a landscape receptor to absorb development without undue consequences for the maintenance of the baseline situation. There are differences between the parties in this regard with the appellant citing a medium susceptibility and the Council citing high.
62. In considering the magnitude of the landscape effects the appellant considers that, as a consequence of the overall scale of the Yorkshire Southern Pennine Ridge (NCA), the level of change arising from the proposed development upon this landscape receptor is deemed to be inconsequential and no more than negligible. At a more local level the proposed development would result in an alteration to the characteristics and features upon part of the *Upland Character Area -Upland Rolling Slopes and Valleys to the West*, and part of the *Enclosed Gritstone Uplands Landscape Type*. The appellant considers that the proposed landscaping would introduce new landscape elements such as hedges, trees and drystone walls that would be characteristic of these landscapes.
63. The appellant also considers that, given the comparatively limited visual envelope of the appeal site, much of the identified landscapes above would not be directly affected by the proposed development with impacts judged to be localised in extent with the degree of landscape change on the *Upland Rolling Slopes and Valleys to the West*, and the *Enclosed Gritstone Upland Landscape Type* being medium - low.
64. As a result of the alteration from agricultural use to built development a more pronounced magnitude of change would arise within the landscape context of the site itself. I find that the magnitude of such change would be high-medium.
65. The Council considers that the loss of the open fields would be adverse, permanent and irreversible. As a consequence, it considers the likely magnitude of landscape effects on the site and the surrounding area to be high.
66. Taking into account the evidence provided by the main parties, in this context I find it appropriate to concur with the findings of the LVA that "on the completion of the proposed development the impact on the site would result in a Moderate Adverse landscape effect. In the longer term, the GI (Green

Infrastructure) would be delivering a series of maturing habitats. In conclusion it is assessed that the landscape effects on the site would reduce to moderate - minor adverse"¹². Whilst I accept that there would remain a degree of harm, I consider that the landscape effects would be localised in their extent.

Character and appearance – visual impacts

67. Turning now to my assessment of the visual effects, a focussed list of viewpoints was presented by the main parties including panoramic photographs. In addition to the panoramic viewpoints contained within the LVA, further verified viewpoints were also produced. I have taken these into account as well as basing my reasoning on my own observations from my visit to the site and the wider area.
68. The appeal proposals would clearly result in development where there is currently none. Such changes would permanently affect the character of the landscape in this location and would be visible from certain vantage points in the wider landscape.
69. However, there are a number of factors which would serve to limit that change. Firstly, the appeal site forms a small part of the wider landscape which would retain its general framework. The development would also be well related to Deepcar and would not appear out of place given the existing influence of urban development.
70. While landscape and layout are reserved for future consideration, there would be the potential to create a softer landscape edge, which would also reduce the landscape and visual effects. The parameters plans indicates that a considerable amount of public open space could be accommodated, including leaving a substantial area of the western portion of the site to be retained as managed grassland.
71. The open spaces which could be created within the site would not retain the current landscape character. Instead, they would incorporate balancing ponds, required as part of sustainable urban drainage, as well as play equipment and more formal and managed open spaces, as indicated on the illustrative landscape masterplan. Nonetheless, they would soften the visual and landscape effects of the development and would provide for a transitional area between urban and rural. The density of the development of the residential units would also be consistent with that found elsewhere on Carr Road.
72. Residential properties located on Carr Road, particularly those located at the southern end of the road and around the junction with Royd Lane, would experience a significant adverse change in aspect in views looking towards the appeal site. Whilst I have some sympathy with those residents who currently enjoy an open aspect across the appeal site, there is no right to a view or an open outlook. On the basis of the submitted Parameter Plans and Illustrative Masterplan, I do not consider that the resulting outlook for these residents would be so demonstrably unacceptable and of an extent to dismiss this appeal on those grounds.
73. I observed at my site visit that views of the site are obtainable from the elevated areas of Hunshelf Bank. However, given the intervening distance of such views and the dominant foreground of the existing development of the

¹² CD1.11a paragraph 7.14

valley side, I consider that the proposal would have a minor impact on such views.

74. From the evidence provided in the Inquiry, it is clear that both pedestrian and car users travelling along Hollin Busk Lane are significant receptors. My attention was drawn to the 'level' nature of Hollin Busk Lane and the views obtainable from it which contribute to its value as a local recreational route.
75. There would undoubtedly be full and close-range views of the proposed development site for these receptors which would partially erode some of the rural aspect observed from this road, albeit in parts this would be tempered by the back-drop of existing development in the locality. In addition, there would be some views of the site from the sections of the footpath that runs between Bolsterstone and Hollin Busk, albeit these are partially obscured by landform.
76. Overall, taking into account the submitted evidence, I conclude that the proposal would cause a moderate-minor adverse visual effect, reducing to minor adverse on maturity of the landscaping.

Character and appearance – whether there would be merging of settlements

77. Stocksbridge and Deepcar are already connected with the northern extent of both settlements running interchangeably into one another along the B6088 (Manchester Road) and Wood Royd Road. I agree with the appellant in this regard that the separation which does occur between the settlements relates to the southern extents and primarily the area between Carr Road in the east and Hollin Busk Road in the west.
78. The proposed development would narrow the current gap between these parts of the settlement. However, there would still be open fields to the north west of the development and Fox Glen would prevent coalescence between the proposed development and the residential properties on Broome Grove and Fox Glen Road to the north.
79. Whilst I recognise the concerns of local residents, I do not consider that the objective of maintaining a visual break between this part of the two settlements would be undermined to an extent to cause visual harm. However, I do appreciate that the size of the gap between the two would be reduced.

Character and appearance - Conclusion

80. To sum up, the development of the site would result in a permanent and obvious loss of an undeveloped part of the countryside. However, due to the topography and landscape character, and when considering the scope for mitigation with any future open space, landscaping and layout, I consider that the landscape and visual harm would be low to moderate, with moderate effects experienced until the landscape planting matured.
81. In arriving at this view, I have also taken into account the previous appeal decision of 1991¹³ for residential development that included the appeal site but related to a far larger area and a substantially different quantum of development. I have also taken into account the 2009 appeal decision for the erection of a dwelling in the garden of Royd Cottage¹⁴. Both of these decisions pre-date the original 2012 version of the Framework.

¹³ CD5.23a

¹⁴ CD5.22

82. In summary, the proposal would have a moderately adverse effect upon the landscape character and appearance of the area. Whilst the development would involve no loss of distinctive features, there would be conflict with the broad thrust of the countryside and character protection aims of saved Policies GE4 and LR5 (i) and (j) of the UDP and policy CS 72 of the Core Strategy. However, for the reasons set out earlier, the weight to be given to these policies is limited.

Effects on heritage assets

83. There are no designated heritage assets within the boundary of the appeal site. However, the curtilage of Royd Farmhouse (Grade II Listed) and a Barn and associated outbuildings (Grade II Listed) are located adjacent to the eastern boundary. These form a group which share the same setting.

84. A further Grade II Listed barn is located approximately 30m to the east of No 15 The Royd and surrounded by residential properties. The Heritage SoCG identifies that both main parties agree that the appeal site is located beyond the setting of this barn¹⁵ and I have no reasons to disagree with this view. Notwithstanding the fact that this SoCG has only been signed by the appellant, during the Inquiry both main parties confirmed their agreement to this view.

85. The Council indicates that the Bolsterstone Conservation Area, with a number of listed buildings located within it, is approximately 700m to the south west of the appeal site. However, views of the appeal site from the Conservation Area are relatively distant beyond open fields and the topography of the landscape means that views to and from the appeal site are relatively screened. Given the intervening distance and the context of these views, I do not consider that the development proposals would be consequential to the heritage value of the Conservation Area. Therefore, I consider that no harm would be caused to the setting of the Conservation Area.

86. Bolsterstone Glassworks scheduled monument and two Grade II listed buildings are also located approximately 900m to the north west and in areas of relatively modern development with no intervisibility between them and the appeal site. Therefore, I do not consider that the appeal proposals would impact on the setting or significance of these heritage assets.

87. The appeal proposals would have no direct effect on the listed buildings comprising Royd Farmhouse and the Barn and associated outbuildings located immediately to the east of the site. However, the issue between the main parties is the effect of the proposed development on the assets' setting and whether any such effects affect their significance.

88. The significance of these heritage assets resides primarily within their vernacular architectural and historic interest as an example of a 17th and 18th century farm being formerly part of a hillside hamlet. I agree with the appellant's heritage witness that the farmhouse and barns no longer have a functional or ownership connection with the appeal site.

89. Royd Farmhouse is a two-storey dwelling set away from the boundary with the appeal site and is surrounded on three sides by garden areas. The farmhouse appears to have been constructed to face Carr Road more than the appeal site. Pigsties are located on the western boundary of the farm. These are orientated

¹⁵ CD 6.9 paragraph 1.29.

- to face into the garden of the farmhouse and have a functional relationship with it.
90. The barn is an 'L' shaped building that has been refurbished as residential units with associated domestic gardens. It was built as a functional agricultural building and appears not to have been built to have views across the appeal site.
91. In my view, the immediate setting of the listed buildings relates predominantly to the courtyard type relationship of the former farm buildings facing Carr Road, their gardens and their relationship with the older buildings of Royd that formed the original hillside settlement. The listed buildings are a significant aspect of each other's significance and the proposed development will have no material effect on this aspect of their setting.
92. There are views of the listed buildings from the wider landscape. They can be seen from most of Hollin Busk Lane. The farmhouse and the western side of the barn become steadily more visible as one travels east along Hollin Busk Lane. These views have a positive contribution to the listed buildings as they form part of their agricultural context. However, owing to the distance of the views, the architectural interest of the buildings is difficult to discern and consequently this contribution is limited. Indeed, the existing residential development on Carr Lane appears to take a more prominent visual role in views from Hollin Busk Lane.
93. Views of the listed buildings are not readily discernible from the higher ground to the south of Cockshot Lane and therefore do not provide an appreciation of their significance. The listed barn can be glimpsed from the pathway and through the trees on the high sides of the south of Fox Glen. Such views are predominantly restricted to the upper parts of the barn and its roof and the architectural detailing is also difficult to discern in these views. I therefore consider that the views from Fox Glen and Cockshot Lane have a neutral contribution to the appreciation of the significance of the listed buildings.
94. In forming a horse-shoe shape to the north west and south west, the appeal site itself forms part of the setting of the heritage assets from where views of the farmhouse and barn can be seen from most of the site. The current agricultural fields have a positive contribution to the significance of the heritage assets as they form part of the agricultural context of the buildings. The proposed development would have a detrimental effect on the contribution that the fields collectively make to the significance of the heritage assets so their loss would be harmful to their setting.
95. The proposed development excludes part of an existing field located immediately to the north west of the barn. An area to the west of the farmhouse is shown on the submitted parameter plans to be retained as open space. The parameter plans also indicate that the proposed blocks of dwellings located nearest to the heritage assets would be limited to 2 storeys in height and provided at a lower density than elsewhere on the site. In addition, planting around the edge of the development with the retained field and open space area is proposed with a simple roofscape for the dwellings that would be located nearest to the heritage assets. Collectively, this package of measures is aimed at mitigating the impact of the proposed development on the significance of the heritage assets.

96. The heritage assets are currently well screened in views from Carr Road due to existing vegetation. There would be some limited glimpses of the appeal proposals and the heritage assets from Carr Road. Whilst there would be some change in this aspect of the setting, I do not consider that this would materially reduce the appreciation of the heritage assets in views from Carr Road.
97. The setting of the heritage assets in views from Hollin Busk Lane from the west would undoubtedly be changed by the proposed development. Direct views of the heritage assets themselves would be predominantly obscured. However, for the reasons explained above, due to a combination of distance and topography, the presence and architectural detail of the assets cannot easily be discerned. Furthermore, views from Hollin Busk Lane are an incidental aspect of relative proximity rather than an intended design view. Consequently, I do not consider that the proposed development would have an adverse effect on the appreciation of the significance of the heritage assets.
98. The proposed development would inevitably result in the loss of the contribution that the agricultural fields make to the significance of the heritage assets, albeit I do not consider that the architectural or historic interest in the buildings will be necessarily reduced. The core of the setting, which is the collection of the former farm buildings and their gardens will be unaffected, as will be their setting to the east.
99. There is no dispute between the main parties that the proposed development would cause harm to the significance of the heritage assets comprising Royd Farmhouse and the adjacent barn and outbuildings. The primary dispute between the two main parties is the level of harm that would occur.
100. Overall, taking into account the mitigation proposed, I consider that the harm to the setting of the heritage assets identified above would be less than substantial. In arriving at this view, I have also taken into account the advice contained within the PPG which advises that substantial harm is 'in general terms, a high test'. In my view, the characterisation of this by the appellant's heritage witness as being 'at the lower end of less than substantial harm' is reasonable.
101. In arriving at this conclusion, I have had full regard to the desirability of preserving the setting of heritage assets and the need to give due weight to any harm in that respect. In particular, I have taken into account the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 199, 200 and 202 of the Framework. Whilst great weight is to be given to the conservation of heritage assets, less than substantial harm is to be weighed against any public benefits of the proposal.
102. In my view, the Parameter Plans and Illustrative Masterplan demonstrate that the proposed development has carefully considered how the impact upon heritage assets would be minimised to an acceptable degree. However, I have found less than substantial harm to the significance of the heritage assets as a consequence of the change to their setting that would be caused by the proposed development.
103. Taken on face value, in finding that less than substantial harm would be caused, the proposed development would be contrary to Saved Policies BE15, BE19 and LR5(e) of the UDP. However, taking into account the position regarding the 5 year housing land supply in Sheffield and the degree to which

these policies are consistent with the Framework, I have identified above that these policies should now be afforded little weight.

104. These policies remain partially reflective of the objectives of the Framework in terms of a protection approach to the consideration of harm to a heritage asset. However, they do not provide for any identification as to the significance of the harm nor for the consideration of the balance to be weighed against the public benefits of a proposal in circumstances where less than substantial harm would be caused to the significance of a designated heritage asset as required by paragraph 202 of the Framework.
105. Given that I have identified above that less than substantial harm to the significance of the heritage assets would be caused, this harm is required to be weighed against the public benefits of the proposal, which I do in a later section of this decision.

Other Matters raised by Interested Parties

Highway Safety

106. There is local concern that the appeal proposal would be harmful to highway safety. The Highways SoCG has been signed by the Council's Highways Services and confirms that the submitted Transport Assessment¹⁶ is 'robust and comprehensive and its content and conclusions are agreed'¹⁷.
107. The Highways SoCG identifies that the proposed access siting and design is considered to represent an appropriate solution in highway design terms (including visibility) and safety for all users. It also identifies that there are no safety concerns in terms of the interaction of the proposed access with the operation of the school, including parking and drop off.
108. The proposed access would displace a small number of on-street car parking opportunities on Carr Road, particularly at school opening and closing times. Having observed the highway conditions during school closing times, I agree with the written evidence of the appellant's highway witness¹⁸ and the Highways SoCG that any displaced vehicles can be safely accommodated in the vicinity elsewhere without unacceptably increasing congestion of Carr Road or nearby streets.
109. The impact of the potential additional traffic that would be generated by the proposed development on the local highway network and highway junction capacity was also undertaken. The submitted technical evidence identifies that, with the exception of the Manchester Road/Vaughton Hill/Carr Road junctions, all other junctions are predicted to operate within capacity.
110. The Transport Assessment indicates that the additional development traffic at the Manchester Road/Vaughton Hill/Carr Road junction approximates to one new vehicle approaching this junction every 2 minutes during the busiest peak hours. The Highways SoCG identifies that such increase will be barely distinguishable from daily variations in baseline traffic flows and thus any impact will be insignificant and cannot be considered to be severe.

¹⁶ CD1.23

¹⁷ CD6.10 - Highways SoCG

¹⁸ CD6.20a - PoE Paul Irwin

111. The submitted S106 Agreement provides for a contribution for the installation of additional MOVA (Microprocessor Optimised Vehicle Actuation) sensors across Manchester Road and Carr Road so that Carr Road can be incorporated into the junction software. The Highways SoCG identifies that these improvements gained through a new signal control strategy will more than offset the impact of development traffic through this junction.
112. I have carefully reviewed the submitted evidence relevant to highway safety matters. I recognise local residents' concerns in this matter. However, I do not consider that there is any compelling evidence before me to suggest that the proposed development would be detrimental to highway safety of an extent to justify the dismissal of this appeal on those grounds. Furthermore, I do not consider that the residual cumulative impacts on the road network would be severe. Consequently, there would be no conflict with the guidance provided in paragraph 111 of the Framework.

Sustainable location

113. Concern was expressed by many residents that the appeal site is positioned in an unsustainable location that would place reliance on the use of the car to access local services.
114. The site is located adjacent to established residential areas that are immediately to the east, north west and north. Future residents would benefit from a similar degree of accessibility as those residents of the surrounding existing residential areas.
115. The Highways SoCG, the submitted Transport Assessment¹⁹ and the evidence of the appellant's transport witness²⁰ provide walking distances (measured from an indicative position in the centre of the site) to various retail, leisure, healthcare and education facilities that are located within 2.0km of the site.
116. There is no prescriptive and definitive national or local planning policy regarding acceptable walking distances to services and facilities as these will obviously vary between individuals and circumstances. However, the Chartered Institution of Highways & Transportation (CIHT) 'Guidelines for Providing for Journeys on Foot'²¹ (CIHT Guidelines) attempt to set out some parameters for appropriate walking distances. These have been used by the appellant in the assessment of the walking distances to facilities and I have no contrary evidence from the Council to suggest that the use of these guidelines is inappropriate.
117. The CIHT Guidelines suggest that the preferred maximum walking distance for commuting/schools is 2.0km with 1.0km being acceptable and 500m being preferred. The preferred maximum distance to walk to town centres and journeys elsewhere is 1200m respectively.
118. The submitted evidence demonstrates that the site is located within 2.0km of a number of facilities and services. In particular, the Deepcar Medical Centre and Pharmacy is identified as being 1,200m from the site, Deepcar Dental Care 1,400m, Royd Nursery Infant School 310m, Deepcar St John's Church of

¹⁹ CD1.23

²⁰ PoE Paul Irwin - CD6.20a

²¹ CD7.15

England School 550m, Stocksbridge Junior School 1,600m and Stocksbridge High School 1,700m. The nearest convenience store (Majeed Stores) and Newsagent (Barkers News) are located 1,000m away.

119. I accept that localised gradients in this area influence the degree and distance that persons may walk and place an increased reliance on the use of the car. However, there are a range of local facilities and services that lie within the preferred maximum walking distance as set out in the CIHT Guidance. Residents of existing nearby development would predominantly use the same routes to facilities as those walking from the appeal site.
120. Taking the above factors into account, I consider that the proposed development would be adequately accessible to local facilities by means of walking. Consequently, I agree with the Highways SoCG that the site is sufficiently sustainable for residential use.
121. Turning now to public transport, the closest bus stops to the site are located on either side of Royd Lane, 290m of the site (as measured from an indicative central point). The bus stops provide access to the Number 23 and 23a bus services which provides a limited service to Barnsley and Penistone. The bus stops would be accessible to future residents of the site via the proposed new section of footway along the western side of Carr Road and the footways on both the northern and southern side of Royd Lane.
122. Further provision is also located on both the northern and southern side of St. Margaret Avenue to the north of the site, both of which are accessible within approximately 380m walking distance of the site. The bus stops provide access to the Number 57 service which the evidence in the Highways SoCG suggests provides a hourly service to Sheffield City Centre.
123. None of the existing bus stops have shelters and the S106 Agreement provides a contribution towards upgrading the bus stops to improve the facilities for public transport users. Whilst I recognise that there may be limitations to the frequency of services, I consider that residents of the proposed development would have reasonable walking access to the public transport network in the locality.
124. No substantive evidence was provided by the Council to suggest that the proposal constituted unsustainable development or was any more unsustainable than the adjoining developments immediately to the east, north west and north.
125. Taking the above factors into account, I consider that the proposal would be located on an accessible site and that prospective residents would have the opportunity to undertake walk, cycle and public transport trips. Whilst I accept that local topography is likely to cause an increase in car use, there is no basis to support the assertion that there is inadequate accessibility by non-car modes of transport and that the site is unsustainably located of an extent to dismiss this appeal on those grounds.

Access to local services

126. Concerns were expressed that some local services such as schools and healthcare have insufficient capacity to cater for the additional demands that would arise as a consequence of the occupation of the proposed development.

127. With regard to school capacity, the Officer's Report to Planning Committee²² does not identify any material deficiency in school places and concludes that current forecasts suggests that if pupils were not able to be offered a place at their catchment school they should be offered at place at the neighbouring Stocksbridge School. On this basis, there is no evidence before me of a material deficiency in school places.
128. Turning now to healthcare provision, the evidence of the appellant's planning witness²³ identifies that there are 6 Dentists within 6 miles of the site. Five of which accept NHS patients and all accept private patients. There are 6 GPs within 5 miles which NHS data suggest that 5 out of the 6 practices have a better than average GP:Patient ratio in England of 0.58. I have no other contrary evidence to suggest that the appellant's healthcare evidence may be incorrect. Therefore, on the basis of the evidence submitted, I have no reason to suggest that healthcare provision in the area is insufficient to cope with the additional patients that would arise from the proposed development.

Ecology

129. It is common ground between the main parties that the level of ecological survey work submitted in support of the planning application and in respect of an additional Phase 1 Habitat Survey completed in August 2020 (CD1.31) is comprehensive and up to date. The Ecology SoCG identifies that the submitted work provides all relevant ecological information relating to material ecological considerations to allow determination of the appeal²⁴.
130. Natural England identified that the proposed development will not have significant adverse impacts on the designated sites comprising the South Pennine Moors Phase 1 Special Protection Area (SPA), the South Pennine Moors Special Area of Conservation (SAC) and the Dark Peak Site of Special Scientific Interest.
131. No non-designated sites of nature conservation interest are present within the appeal site. The Fox Glen Local Wildlife Site (LWS) is situated adjacent to the northern boundary of the appeal site which would be buffered by proposed landscaping. No direct access from the appeal site to the LWS is proposed.
132. The dominant habitat present within the appeal site is a species poor semi-improved grassland which the submitted evidence suggests has low ecological value. Two veteran trees present in the north west of the site would be retained with no works proposed within the root protection area.
133. On the basis of the information submitted, the responses from statutory and technical consultees, and subject to the imposition of suitable planning conditions, I am satisfied that the proposed development would have no significant impact on matters of ecology. Furthermore, the submitted parameter plans and ecological evidence suggests that there would be a net gain to biodiversity as a consequence of the proposed development.

²² [CD1.7](#)

²³ CD6.15a - PoE Roland Bolton pages 102-104

²⁴ CD6.11

Flood Risk and Drainage

134. The site is located within Flood Zone 1 and is thus at a low risk of flooding. The Council's Flood and Water Management Services, in their capacity as Lead Local Flood Authority (LLFA), and Yorkshire Water have raised no objections to the principle of the proposed surface water drainage arrangements subject to the imposition of a number of relevant planning conditions.
135. The submitted Flood Risk and Drainage Assessment²⁵ identifies that the drainage strategy incorporates a sustainable urban drainage system with any overflow being discharged to Clough Dyke within Fox Glen. The LLFA and the Council's Ecological Unit consider that the proposed drainage arrangements would not materially harm the integrity or the ecological value of the LWS. I have no other compelling evidence to disagree with these views.
136. Whilst concerns were expressed that localised flooding already occurs on public highways in the vicinity of the site, the proposed development should not result in additional surface water runoff to the existing public highway. On the basis of the submitted evidence and taking into account the FRD SoCG²⁶ I am satisfied that the proposed development would cause no material harm to flood or drainage related matters.

Living conditions of local residents

137. A number of concerns were raised in respect of privacy, noise and disturbance. In my view, the appeal site is of sufficient size to ensure that development can be accommodated to provide sufficient separation between proposed and existing development. In any event, given the outline nature of the proposals, such matters would be considered as part of any reserved matters application.
138. The proposal would likely cause noise and disturbance during the construction phase. However, such matters can be controlled through the submission of, and adherence to, a Construction and Environmental Management Plan which could be subject to an appropriately worded planning condition.

Air Quality

139. The site is located within the Sheffield city-wide Air Quality Management Area for exceedances of nitrogen dioxide and particulate matter. For local air quality assessment of whether there are likely to be significant impacts associated with particular routes or corridors, the criteria contained in the Council's guidance and Highways England guidance (Design Manual for Roads and Bridges), includes whether there would be more than 60 two-way vehicle trips in any hour within 200m of an area exceeding Air Quality Limitation Values, and whether the daily traffic flows will change by 1000 average annual daily trips threshold or more.
140. The submitted Technical Note on Air Quality²⁷ uses data from the Transport Assessment²⁸ and the TRICS database. These identify that the proposed development is predicted to generate 59 two-way vehicle trips in the AM peak,

²⁵ CD1.19

²⁶ CD6.12

²⁷ CD1.21

²⁸ CD1.23

and 583 two-way daily vehicle trips, which are below the relevant guidance thresholds for assessing whether there would be significant impacts.

141. The Council's Air Quality Officer has considered the submitted documents and advised that the proposal is not likely to have a significant effect on local air quality. Taking into account the submitted evidence and the views of the Council's Air Quality Officer, I am not persuaded that the proposed development would have a material detrimental effect on air quality.

Brownfield first development

142. A number of interested parties raised concerns that the proposed development would be contrary to the Council's strategy of prioritising housing development on previously developed land. This is reflected in Policies CS 24 and CS 33 of the Core Strategy. Notwithstanding the weight that I attach to the policies contained within the Core Strategy as consequence of my consideration of the policy context and my findings on housing land supply identified earlier in this decision, these policies are no longer consistent with the Framework.

143. Paragraph 120 of the Framework requires that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Whilst this provides some support for brownfield land use, the Framework does not advocate a brownfield first approach. In this regard Policies CS 24 and CS 33 of the Core Strategy are inconsistent with the Framework and in my view are out of date. Consequently, I attach no weight to the contention that all brownfield sites should be developed first before any greenfield sites are considered for development purposes.

Potential future land use allocation

144. In the Inquiry residents drew my attention to the fact that the appeal site may have the potential to be allocated as Green Belt in the emerging Sheffield Local Plan. This matter was considered by the Council's North Area Panel in 2007²⁹. However, the fact remains that the site is not allocated as Green Belt in the development plan. Notwithstanding the weight that I attach to the emerging Plan, as set out earlier in this decision, I have no compelling evidence to suggest that the Council has a clear intention to allocate the site as Green Belt as part of any future review of Green Belt boundaries.
145. Whilst I appreciate the resident's concerns in this matter, given the current position of the emerging Plan, I do not attach any weight to the fact that the land use allocation of the site may change at some time in the future.

Other matters raised by interested persons

146. Many other matters were raised by interested parties in the Inquiry. Although these matters have been carefully considered, they do not alter the main issues which have been identified as the basis for the determination of this appeal, particularly in circumstances where the Council has not objected to the appeal scheme for these other reasons.

²⁹ ID9 and ID10

Benefits of the development

147. The proposal would deliver a number of benefits. The Framework emphasises the importance of delivery of housing and the provision of up to 85 new homes will contribute to meeting the current shortfall that I have identified above. This requires me to attach substantial weight to the provision of market housing. Of those new homes, at least 10% GIA of the total GIA of all dwellings would be affordable housing, for which there is an undisputed need both locally and nationally. Such benefit would be consistent with the social dimension of sustainable development and is also a substantial benefit to be weighed in the planning balance.
148. In addition, the appellant suggests in the last 5 years, new housing supply in Sheffield has a predominance (74%) of apartments and purpose-built student accommodation with 'traditional' houses making up 26% of gross completions³⁰. This is against a demand for 80% housing and 20% apartments³¹. This evidence, to some extent, suggests that there has been a mismatch between supply and demand. The proposed development would deliver 85 'traditional' houses and I attach moderate weight to this benefit.
149. Economic benefits would arise from expenditure on construction in the local supply chain. There would be employment benefits in terms of the provision of jobs during the construction phase. In the longer term there would be an increase in local household spending in local shops and facilities. The development would also provide New Homes Bonus and Council tax revenue. These benefits would be of moderate weight.
150. The proposal would provide for open space which would exceed the 10% policy requirement³² and provides for a Local Equipped Area for Play. However, in my view, the open space would primarily serve the residents of the proposed new houses and would be of limited benefit to the existing residents of Deepcar. Consequently, such benefits are afforded limited weight.
151. There would be proposed enhancements to biodiversity including the creation of a species rich grassland. A net biodiversity gain in both habitat and hedgerow units would be achieved³³. Some of these benefits are proposed to mitigate the environmental impact of the development and, collectively, I consider that they should be afforded limited weight.

Planning Obligation

152. A completed agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (S106 Agreement) has been provided³⁴. In considering whether the agreement is appropriate I have taken into account the provisions of the Community Infrastructure Levy (CIL) Compliance Statement provided by the Council³⁵.
153. The S106 Agreement would secure affordable housing on the site comprising of at least 10% GIA of the total GIA of all dwellings on the basis of 70% as

³⁰ CD6.15b – Table 2

³¹ CD6.15b – paragraph A1.9 and table 5

³² CD3.8 – Policy GOS1 Sheffield City Council Community Infrastructure and Levy and Planning Obligation Supplementary Planning Document (2015)

³³ CD6.21 Appendix 2 Annex K

³⁴ ID21

³⁵ CD6.13

affordable rented dwellings and/or social rented dwellings and 30% as shared ownership dwellings. It also provides for the design, management and maintenance arrangements for on-site and off-site drainage, public open space and species rich grassland and for financial contributions towards bus stop upgrades, off-site and on-site sustainable drainage features maintenance and adoption, a MOVA traffic signal and a traffic regulation order.

154. Having regard to the above, and based on the evidence before me, I am satisfied that all of the provisions set out in the agreement are necessary to make the development acceptable in planning terms, are directly related to the development and fairly and reasonably related in scale to the development. Therefore, they all meet the tests as set out within paragraph 57 of the Framework and CIL Regulations 122 and 123. I am satisfied with the form, drafting and content of the agreement and therefore I have attached weight to the provisions contained therein in this decision.

Planning Balance

155. Notwithstanding the weight that I have found that should be attached to the cited policies in the development plan, I have found that the Council is currently unable to demonstrate a five year supply of deliverable housing sites. Consequently, the relevant policies for the supply of housing should be considered as out-of-date according to paragraph 11(d) of the Framework. The so called 'tilted balance' is therefore triggered, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

156. The proposal would deliver a number of benefits. The Framework emphasises the importance of delivery of housing. The provision of 85 new homes will contribute to meeting the current shortfall. This requires me to attach significant weight to provision of market housing. Of those new homes, at least 10% GIA of the total GIA of all dwellings would be affordable housing, for which there is an undisputed need both locally and nationally, and this is also a significant benefit to be weighed in the planning balance.

157. Taking into account the identified mismatch between the typological needs of housing and supply, I have attached moderate weight to the fact that the proposal would deliver traditional housing.

158. Economic benefits would arise from expenditure on construction, in the supply chain, and in local spending from residents. The scheme would also deliver open space provision in excess of minimum policy requirements. These benefits would be of moderate weight. The proposed biodiversity net gain is also a benefit which attracts limited weight in the balance.

159. The provision of management and maintenance arrangements for on-site and off-site drainage, public open space and species rich grassland and for financial contributions towards bus stop upgrades, off-site and on-site sustainable drainage features maintenance and adoption, a MOVA traffic signal and a traffic regulation order are all required to mitigate the effects of the development. Accordingly, these matters attract neutral weight.

160. On the other hand, the proposal would also result in harm. It would result in the loss of an agricultural greenfield site which would be replaced by housing.

It would also adversely affect the experience of using the public highway network in the area.

161. There would undoubtedly be a change to the character and appearance of the appeal site with the proposed housing in place as a result of a change in the land use from an agricultural one to a predominantly residential one. The appeal site is not protected for its landscape character or quality.
162. I do not consider that the site in its current form makes such a significant positive contribution to the localised or wider landscape setting to the extent that there would be serious harm to the character and appearance of the surrounding local area as a consequence of the proposed development. There has been a meaningful attempt by the appellant to mitigate such harm as demonstrated by the Parameter Plans. In this regard there is a recognition of the need to be sympathetic to local character as set out in paragraph 130 of the Framework. However, a moderate degree of harm would still exist, albeit over time the proposed landscaping will contribute to the local green infrastructure and mitigate some of the visual effects of the development.
163. Nonetheless, I have found that the location of the proposal would have a moderate-minor adverse effect on the character and appearance of the surrounding area. Accordingly, the proposal would have a limited conflict with saved Policies GE4 and LR5 (i) and (j) of the UDP and Policy CS 72 of the Core Strategy. However, as set out earlier, only moderate and limited weight can be given to these policies as a consequence of their lack of consistency with the Framework.
164. I have also found that there would be less than substantial harm to the setting of heritage assets. In accordance with the relevant provisions of the Framework I am required to weigh this less than substantial harm against any public benefits of the proposal.
165. I have set out above the public benefits of providing up to 85 houses which include affordable housing to meet a demonstrable housing need. I have attached significant weight to these benefits. In addition, there are other social and economic benefits associated with the construction and occupation of the dwellings and I have also identified the appropriate weight that should be attached to these benefits. The significance of these public benefits outweighs the less than substantial harm that would be caused to the setting of the heritage assets identified.
166. Drawing the above together, in particular applying the significant weight to the provision housing in this circumstance where the Council cannot demonstrate a five year supply of housing, I consider that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
167. On balance, the appeal proposal does comprise sustainable development as there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development. Taking into account the tilted balance set out in paragraph 11(d) of the Framework, I conclude overall that the appeal should be allowed because the adverse impacts identified do not significantly and demonstrably outweigh the benefits comprising the supply of

85 new homes, when assessed against the policies in the Framework taken as a whole.

168. In reaching the above view I have taken account of all other matters that have been raised, including letters from local residents and other appeal decisions, but I have found nothing that alters my conclusion that the appeal should succeed.

Conditions

169. I have considered the planning conditions, including a number of pre-commencement conditions, that were provided and agreed between the Council and the appellant and discussed at the Inquiry. I have considered these against the advice given in paragraph 56 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the PPG. Where necessary I have amended them in the interests of clarity, precision, conciseness or enforceability.

170. I have attached conditions limiting the life of the planning permission and setting out the requirements for the submission of reserved matters (condition Nos. 1-4). I have imposed a condition (No. 5) relating to the approved plans in the interests of certainty.

171. As part of the submission of reserved matters a condition is necessary to set out the parameters relating to uses on the site, pedestrian, vehicle and cycle movement, dwelling storey heights, density, landscape and open space and character areas (condition No 6).

172. In the interests of protecting the ecology of the area, and in the interests of protecting the character and appearance of the area, conditions requiring the submission and implementation of a Landscape and Ecological Management Plan (condition 8), protection of existing trees (condition No 9), provision of the species rich grassland (condition No 18), interventions to dry stone walls (condition No 25), and the submission and implementation of a scheme of landscaping (conditions Nos 28 and 29) and details of proposed site levels and finished floor levels (condition No 7). However, I have amended suggested conditions Nos 9, 25, 28 and 29 to reflect the phasing of development, where appropriate, and provide an implementation mechanism.

173. Conditions requiring a site investigation of the nature and extent of any coal mining risks and contamination affecting the site, along with any requisite remediation, are necessary to ensure that the development can be safely undertaken and to safeguard the health and well-being of future occupiers (conditions Nos. 10, 16, 17, 26 and 30). However, I have amended suggested condition No 17 to ensure its implementation.

174. A condition requiring an investigation and the recording of the potential archaeological interest on the site is necessary in order to ensure that any archaeological interest is recorded or safeguarded (condition No 11). To promote sustainable modes of transport and reduce the need for travel by car, conditions are necessary to secure the submission and implementation of a Travel Plan and the implementation of electric vehicle charging points (conditions Nos 22 and 27). In order to assist in reducing the need for travel and to provide adequate access to full fibre broadband a condition requiring the provision of broadband infrastructure is necessary (condition No 20).

175. In the interests of highway safety and the free flow of traffic, conditions are necessary requiring the implementation of the necessary highways and access works (conditions No 23 and 24). In order to ensure that the surface water arising from the proposed development can be appropriately drained and does not either cause off-site or on-site flood risk, conditions are necessary requiring the submission of details of the proposed drainage scheme and to ensure that the development is undertaken in accordance with the Flood Risk Assessment and Drainage Strategy (conditions Nos 12 and 31). However, I have amended suggested condition No 12 in the interests of precision.
176. A condition is necessary in order to promote the use of renewable or low carbon energy in the development and in the interest of sustainable development (condition No 13). The submission and approval of a Construction Environmental Management Plan and Construction Method Statement is necessary to safeguard the living conditions of local residents and in the interests of highway safety (conditions Nos 14 and 15). However, I have amended the suggested condition No 15 in respect of the minimisation of the deposition of material on the public highway.
177. In the interests of maximising the economic and social benefits of the proposed development, a condition is necessary requiring the submission and implementation of an Employment and Development Plan (condition No 19). However, I have amended the suggested condition in the interests of precision. In order to ensure the phased implementation of on-site open space and equipped play space, a condition is necessary in the interests of the living conditions of the future occupiers of the development (condition No 21).

Conclusion

178. For the above reasons, based on the evidence before me and having regard to all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

ANNEX A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Guy Williams	of Counsel instructed by Sheffield City Council
He called	
Laura Stephens MA	Planning Officer, Sheffield City Council
Adam Chapman BA(Hons), Dip TP	Principal Planning Officer, Sheffield City Council
For the Council (Round Table Sessions)	
Ruth Masood BA(Hons), MSc, Dip URP, MRTPI, IHBC	Senior Development Officer, Sheffield City Council
Ricardo Ares BEng(Hons), Dip LA, CMLI	Ares Landscape Architects Limited

FOR THE APPELLANT

Richard Sagar	instructed by Hallam Land Management
He called	
Roland Bolton BSc(Hons), MRTPI	Senior Director, DLP Planning Ltd
For the Appellant (Round Table Sessions)	
Rob Bourn BA, MA, MCIfA	Managing Director, Orion Heritage Ltd
Brian Denney BA(Hons), DipLA, FLI CENV, MIEMA	Landscape and Environmental Director, Pegasus Planning Group Ltd
James Stacey BA(Hons), Dip TP, MRTPI	Director, Tetlow King Planning Ltd

INTERESTED PARTIES

Miriam Cates MP	Member of Parliament, Penistone and Stocksbridge
Andy Tickle	Head of Campaigns, CPRE Peak District and South Yorkshire.
Peter Morgan	Friends of Hollin Busk
Ruth Morgan	Friends of Hollin Busk
Jeanette Mills	Local Resident

Elaine Smith

Councillor Richard Crowther

Councillor Francyne Johnson

Dennis Pindar

Friends of Hollin Busk

Mayor Stocksbridge Town Council

Sheffield City Councillor

Chair Stocksbridge and Deepcar
Historical Society

ANNEX B: LIST OF DOCUMENTS SUBMITTED DURING THE INQUIRY

- ID1 Appellant's opening statement
- ID2 Council's opening statement
- ID3 Transcript of Statement read by Andy Tickle
- ID4 Agreed Plans List submitted by appellant dated 22 June 2021
- ID5 Email from Jeanette Mills to Planning Inspectorate dated 18 June 2021
- ID6 Transcript of Statement read by Jeanette Mills
- ID7 Extract from PPG Paragraph: 042 Reference ID: 3-042-20180913 Revision date: 13 09 2018 - How should authorities count student housing completions?
- ID8 Revised Figures 6.1 and 6.2 Mr Stacey's Proof of Evidence
- ID9 Report of Sheffield City Council Development Services to North Area Panel dated 20 March 2007 regarding the Development of Planning Policy for the Hollin Busk Site
- ID10 Minutes of Sheffield City Council North Area Panel dated 20 March 2007
- ID11 Summary of Provisions of Schedule 2 of S106 Agreement provided by the appellant
- ID12 Agreed revisions to proposed planning conditions Nos 8 and 23
- ID13 Transcript of Statement read by Councillor Francyne Johnson
- ID14 Transcript of Statement read by Councillor Richard Crowther
- ID15 Transcript of Statement read by Elaine Smith
- ID16 Transcript of Statement read by Peter Morgan
- ID17 Transcript of Statement read by Dennis Pindar
- ID18 Closing submissions of behalf of Council
- ID19 Closing Submissions on behalf of appellant
- ID20 Approved Judgement Wavendon Properties Ltd v. Secretary of State for Housing, Communities and Local Government v Milton Keynes Council [2019] EWHC 1524 (Admin)
- ID21 Completed Agreement pursuant to Section 106 of the Town & Country Planning Act 1990 dated 1 July 2021 submitted by the appellant

ANNEX C: SCHEDULE OF CONDITIONS

Standard time limit

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 2) Details of the (a) appearance, (b) landscaping, (c) layout, and (d) scale (matters reserved by this permission) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) The development approved under the first application for approval of reserved matters shall commence not later than 2 years from the date of approval of the last of the reserved matters to be approved under the first application.
- 4) Each subsequent application for approval of reserved matters for any phase of the development shall commence not later than 2 years from the date of the approval of the last of the reserved matters to be approved for that phase.

Details and drawings subject to the permission

- 5) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - a) Location/Red Line Plan received via email and published on the 5th March 2018.
 - b) Proposed Access Arrangement onto Carr Road (Ref: 3421 SK001 004 Revision B) published on 29 November 2017 and included within the submitted Transport Assessment dated 27 June 2017.
- 6) Any reserved matter application shall be designed in general accordance with the following plans and documents:
 - Parameter Plan 01 rev B – Uses
 - Parameter Plan 02 rev B – Movement
 - Parameter Plan 03 rev B – Storey Heights
 - Parameter Plan 04 rev B – Density
 - Parameter Plan 05 rev B – Landscape and Open Space
 - Parameter Plan 06 rev C – Character Areas
 - Design and Access statement

Pre-commencement conditions

- 7) No development shall take place until details of the existing site levels, proposed site levels, and proposed finished floor levels have been submitted to and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved levels.
- 8) No development shall commence until a Landscape and Ecological Management Plan (LEMP), including short, medium and long term aims and objectives, management responsibilities, maintenance schedules for all distinct areas and timeframes for implementation, has been submitted

to and approved in writing by the local planning authority. The LEMP shall thereafter be implemented and maintained as approved.

The LEMP shall include:

- a) Details of mitigation and enhancements in relation to:
 - i. Woodland and hedgerow planting within the site on the western boundary, including adjacent to Fox Glen.
 - ii. Boundary treatment to prevent public access to the western field within the site and to prevent pedestrian access from the site to Fox Glen, to which there shall be no pedestrian access provided.
 - iii. External lighting design within the site including a 'dark corridor' adjacent to the Fox Glen Local Wildlife Site (LWS).
 - iv. Details of home information leaflets on the ecological importance of Fox Glen and appropriate routes to and from the site using existing public rights of way.
 - v. The provision of species rich grassland and a grazing regime for the western field.
 - vi. The provision of a wader scrape to the north western part of the site.
 - vii. Details of arrangements for sequentially addressing impacts of the proposed drainage outfall from the balancing facility to Clough Dyke during the construction phase, including details of the timeline between works commencing on site and the establishment of a managed surface water input to Clough Dyke.
 - viii. Measures to provide for the mitigation referred to in the Water Framework Directive Screening Assessment as set out indicatively on the Green Infrastructure Proposals drawing (7301-L-02) and in Section 5.0 and in paragraphs 6.3 and 7.5 of the Ecology: Additional Information Document (rev A) dated October 2018 prepared by FPCR (CD1.17a), and Section 6.0 of the Water Framework Directive Assessment dated October 2018 prepared by FPCR (CD1.17c) and in paragraph 5.28 of the Ecological Impact Assessment (EcIA) dated May 2021 prepared by FPCR (CD6.21).
 - b) A plan showing hedgehog highways and hedgehog friendly boundary treatment.
 - c) Measures to secure an overall biodiversity net gain above the baseline value of the site.
 - d) Locations and specifications of a minimum of 10 integrated bird and 10 integrated bat boxes to be provided on the new dwellings
 - e) A wildlife crossing point comprising the implementation of dropped kerbs at the junction of Carr Road.
 - f) A schedule identifying when the measures agreed above will be implemented.
- 9) No development shall commence until full details of measures to protect the existing trees, shrubs, and hedges (within and adjoining the site boundary) to be retained, have been submitted to and approved in writing by the local planning authority and the approved measures have

thereafter been implemented. These measures shall include a construction methodology statement, any phased implementation and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2012 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The local planning authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the relevant phase of development.

- 10) No development shall commence unless the intrusive site investigation works described in the Coal Mining Risk Assessment (Stage 1 Geo-Environmental Desk Study Report - Report No. HLT/09r1) dated June 2016 prepared by ARP Geotechnical Engineers Ltd have been carried out as recommended and a report of the findings arising from the intrusive site investigations has been submitted to and approved in writing by the local planning authority. Where the investigations indicate that remedial works are required, a scheme of remedial works shall be submitted to and approved in writing by the local planning authority before the development commences and thereafter the remedial works shall be carried out in accordance with the approved details.
- 11) Prior to the submission of any reserved matters application, an archaeological evaluation of the application site shall be undertaken in accordance with a Written Scheme of Investigation (WSI) that has first been submitted to and approved in writing by the local planning authority. The WSI shall set out a strategy for archaeological investigation and shall include:
 - i. The programme and method of site investigation and recording.
 - ii. The requirement to seek preservation in situ of identified features of importance.
 - iii. The programme for post-investigation assessment.
 - iv. The provision to be made for analysis and reporting.
 - v. The provision to be made for publication and dissemination of the results.
 - vi. The provision to be made for deposition of the archive created.
 - vii. Nomination of a competent person/persons or organisation to undertake the works.
 - viii. The timetable for completion of all site investigation and post investigation works.

Development shall only take place in accordance with the approved WSI and the development shall not be occupied until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled.

- 12) No development shall commence until full details of the proposed surface water drainage scheme, including a phasing plan, calculations, and appropriate model results, have been submitted to and approved in writing by the local planning authority. This shall include:

- a) Calculations to demonstrate that 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 with an allowance for up to 10% urban creep subject to development density. 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.
- b) The arrangements and details for surface water infrastructure management for the lifetime of the development.
- c) Details of the connection and discharge of surface water to Clough Dike.
- d) Details of phasing of drainage provision, where appropriate.

The scheme shall include source controls whereby the management of water quantity and quality are provided prior to discharging into Clough Dyke. The approved surface water drainage scheme and its management shall be implemented in accordance with the approved details. No part of a phase shall be brought into use until the drainage works approved for that part have been completed.

- 13) 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.
- 14) No development (including demolition, construction, or other enabling, engineering or preparatory works), shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall assist in ensuring that all such activities are planned and managed so as to prevent nuisance to occupiers and/or users of nearby sensitive uses and damage to key assets/infrastructure within and adjacent to the site. It will document the Contractor's plans to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust and light nuisance as well as the proposed means of heritage and infrastructure protection.

As a minimum, the CEMP shall include:
 - a) Strategies to mitigate any residual effects from noise, vibration, and light that cannot be managed to comply with acceptable levels at source.

- b) Details relating to the permitted working hours on site.
- c) A fugitive dust management plan.

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

- 15) No development (including demolition, construction, or other enabling, engineering or preparatory works) shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to through the construction period and provide for the following matters in respect of the development of that phase:
- a) The parking of vehicles of site operatives/contractors and visitors.
 - b) Means of access for construction traffic.
 - c) Loading and unloading of plant and materials.
 - d) Storage of plant and materials used in constructing the phase of development.
 - e) The erection and maintenance of security hoarding.
 - f) Measures to prevent mud or other deleterious material from being deposited on the public highway.
 - g) Measures to control the emission of dust and dirt during construction.
 - h) A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - i) Site compound and welfare facilities.

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

- 16) Any intrusive investigation recommended in the Phase I Preliminary Risk Assessment Report prepared by ARP Geotechnical Ltd and dated June 2016 shall be carried out and be the subject of a Phase II Intrusive Site Investigation Report which shall have been submitted to and approved in writing by the local planning authority prior to construction works commencing. The Report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).
- 17) 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 the commencement of the development. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and local planning authority policies relating to validation of capping measures and validation of gas protection measures. The development shall thereafter be undertaken in accordance with the approved Remediation Strategy Report.
- 18) No development shall commence until details of an area (minimum of 1.92 hectares) of species rich grass land, to be provided within the application site, has been submitted to and approved in writing by the local planning authority. Details to include the exact location of the area, planting schedules, mechanisms to secure the areas ongoing

maintenance, the exclusion of public access (other than for maintenance purposes) and a timetable for implementation. The species rich grassland shall be implemented before any residential unit is occupied, retained in-situ and maintained thereafter in accordance with the approved details.

- 19) Prior to the commencement of the development, a detailed Inclusive Employment and Development Plan, designed to maximise opportunities for employment and training from the construction phase of the development, shall have been developed collaboratively with Talent Sheffield and submitted to and approved in writing by the local planning authority.

The Plan shall include a detailed Implementation Schedule, with provision to review and report back on progress achieved, via Talent Sheffield, to the local planning authority. Thereafter the development shall be undertaken in accordance with the approved Plan.

- 20) No development shall commence until details of measures to facilitate the provision of a gigabit capable full fibre broadband within the site have been submitted to and approved in writing by the local planning authority. The details shall include:
- a) Plans showing the location and specifications of the broadband infrastructure within the site.
 - b) Full details of a connection point at or adjacent to the site boundary to enable the site to be connected to existing or future planned gigabit broadband infrastructure in the locality.
 - c) A timescale for the implementation of the above.

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

- 21) No development shall commence until a phased implementation plan providing full details of the on-site open space and equipped play space has been submitted to an approved in writing by the local planning authority. The details shall include:
- a) The delineation and siting of the open space.
 - b) Type and nature of the equipment to be provided in the play space.
 - c) Hard and soft landscaping, surfacing and any required boundary treatment and signage.
 - d) Phasing and timescales for the implementation of the specified areas.
 - e) Arrangements for the long-term management and maintenance of the play and open spaces.

Thereafter the development shall proceed in accordance with the approved details specified in this condition and the open space shall be provided in each relevant phase before the occupation of any dwellings within that phase.

Specific stage conditions

- 22) Prior to the occupation of any dwelling, details of a scheme to provide 20% of the dwellings hereby permitted with on-plot electric vehicle charging points and a further 30% of the dwellings with infrastructure to facilitate on-plot electric vehicle charging points shall be submitted to

- and approved in writing by the local planning authority. Such scheme shall identify the dwellings to which the requirements of this condition relates and no dwelling identified in the approved scheme shall be occupied unless and until the relevant provision has been provided in accordance with the approved details. The measures secured pursuant to this condition shall be retained thereafter.
- 23) No above ground works shall commence until the highway's improvements (which expression shall include traffic control, pedestrian and cycle safety measures) listed below have either:
- a) been carried out; or
 - b) details have been submitted to and approved in writing by the local planning authority of arrangements which have been entered into which will secure that such improvement works will be carried out before the development is brought into use and the dwellings shall not be occupied until the highway improvements generally in accordance and as shown on the site access plan (Ref: 3421 SK001 004 Revision B) published on 29 November 2017 and included within the submitted Transport Assessment dated 27 June 2017 have been carried out;
 - c) any necessary Traffic Regulation Order (TRO) is made in respect of part b) to this condition. 'Made' means that the TRO has been approved and can be implemented. No dwellings shall be occupied until the Traffic Regulation Order referred to above is implemented and brought into force.
- 24) Prior to the improvement works indicated in condition 23 being carried out, full details of these improvement works shall have been submitted to and approved in writing by the local planning authority.
- 25) Details of any interventions/alterations to the existing dry-stone walling within the site not approved as part of the reserved matters application shall have received the prior written approval of the local planning authority. Any such interventions/alterations shall be undertaken only in accordance with the approved details.
- 26) Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy Report, as required by virtue of condition No 17, a Validation Report shall be submitted to the local planning authority. No dwelling shall be occupied until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Sheffield City Council policies relating to validation of capping measures and validation of gas protection measures.
- 27) No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include, but is not confined to:
- a) Clear objectives and modal split targets.
 - b) A timetable for implementation (which shall include the provision of discounted public transport tickets to be provided to new residents) with arrangements to review and report back on progress being achieved to the local planning authority.

- c) Provision for the results and findings to be independently verified/validated.
- d) Provisions to ensure that the verified/validated results will be used to further define targets and inform actions proposed to achieve the approved objectives and modal split targets.
- e) The air quality mitigation measures as set out in the Air Quality Assessment.

The Travel Plan shall be implemented as approved.

- 28) A detailed hard and soft landscape scheme shall be submitted to and approved in writing by the local planning authority before any above ground works commence, or within an alternative timeframe to be agreed in writing by the local planning authority. Such scheme shall include a phasing and implementation plan.
- 29) The approved landscape works as identified in the scheme submitted pursuant to the requirements of condition No 28 for the relevant phase shall be implemented prior to the occupation of any dwelling within such phase or within an alternative timescale to be first approved by the local planning authority. Thereafter the landscaped areas shall be retained, and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that 5 year period shall be replaced.

Compliance conditions

- 30) All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the local planning authority and Environmental Protection Service (tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the local planning authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
- 31) The development shall be carried out in accordance with the Flood Mitigation measures identified in Section 6.25 within the submitted Flood Risk Assessment and Drainage Strategy prepared by ARP Associates (Report 1265/10r1 dated 19/04/2017).