



JohnsonMowat
Planning & Development Consultants

Mr Michael & Mrs Janine Savage
&
Mr Simon & Mrs Kealey Lambert

LAND TO THE REAR OF 241 BURNCROSS ROAD,
CHAPELTOWN, S35 1RZ

Outline Planning Application for residential development with access taken from
Burncross Road

PLANNING CASE REPORT



Mr Michael & Mrs Janine Savage
&
Mr Simon & Mrs Kealey Lambert
Land to the rear of 241 Burncross Road, Chapeltown, S35 1RZ

Planning Case Report

Date: 05 September 2023

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LIMITATIONS

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

All of the comments and opinions contained in this report, including any conclusions, are based on the information obtained by Johnson Mowat Planning Ltd during our investigations.

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- b) the date on which the final report is delivered.

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1.0 INTRODUCTION

1.1 The purpose of the planning system is to positively promote the spatial organisation of land in order to achieve long-term sustainable development. In the Planning Acts, 'sustainable development' means managing the use, development and protection of land, the built environment and natural resources in a way, or at a rate, which enables people and communities to provide their social, economic and cultural wellbeing while sustaining the potential of future generations.

1.2 Planning is a vital means of securing the long-term wellbeing of our communities. It enables the efficient use of resources and infrastructure, with multiple benefits to society, the environment and the economy. England is a geographically small, densely populated nation, with multiple demands on land and built environment.

The Applicant

1.3 This report has produced on behalf of Mr Michael & Mrs Janine Savage and Mr Simon & Mrs Kealey Lambert, hereby referred to as 'the Applicant'.

The Proposal

1.4 This Planning Case Report has been produced in support of an Outline Planning Application for the residential development of land to the rear of 241 Burncross Road, Chapelton, Sheffield, S35 1RZ. All matters are reserved except for the point of access to the site, which is to be taken from Burncross Road.

1.5 The Planning Case Report identifies the site location and provides a description of the site of the site forming this Outline application, outlines relevant planning history, sets out the relevant planning policy and concludes with the planning case in support of the proposed residential scheme.

2.0 SITE LOCATION AND CONTEXT

- 2.1 The application site is located to the rear of 241 Burncross Road, Sheffield, S35 1RZ. The site is bound by a variety of different uses, with residential properties predominantly to the north, south and west, a doctors surgery to the north west and an allotment / garden centre to the immediate east. The site is therefore wholly contained by existing development in a sustainable town centre location.
- 2.2 The Unitary Development Plan (UDP) was adopted in March 1998. The UDP Proposals Map designates the southern half of the site as part of an Area of Open Space (Policy G14). The site is bordered on all boundaries by Housing Policy Area as shown in Figure 1.

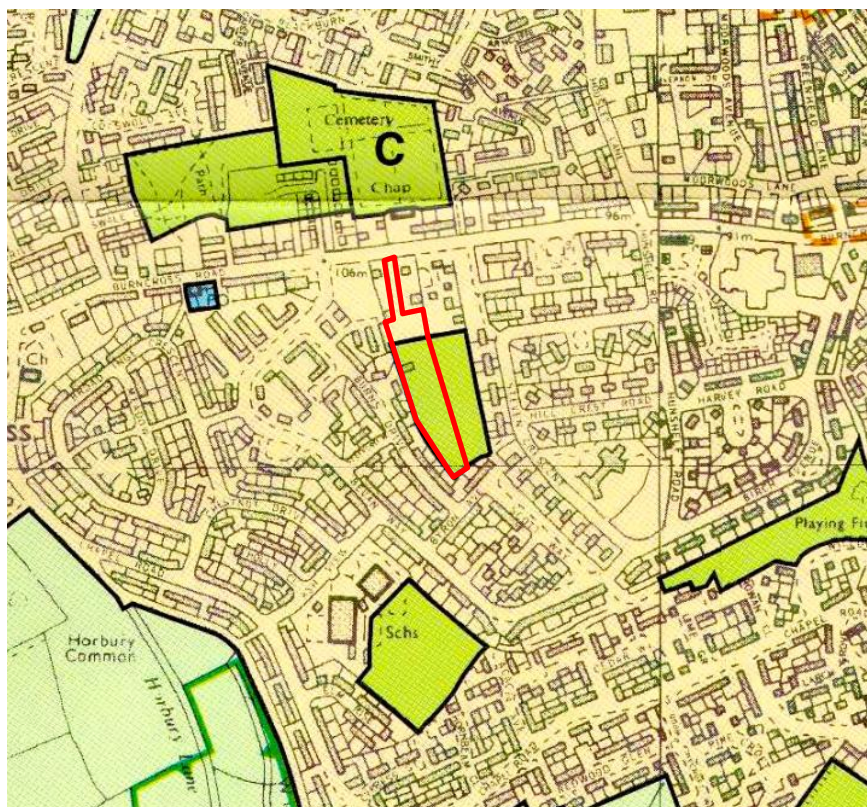


Figure 1: An extract of the UDP Proposals Map

- 2.3 The site is solely located within Flood Zone 1 according to the Environment Agency's (EA) Flood Zone maps for planning. It is therefore at the lowest risk of flooding.
- 2.4 The site is located within a sustainable location in relation to access to services, facilities, employment opportunities and public transport links. The nearest bus stops are along Burncross Road, with services operating every 30 minutes towards Manvers and Lowedges (via Sheffield City Centre).

2.5 The site is within 100 meters of a Convenience Store, GP Surgery, Petrol Station, Garden Centre and Pharmacy. Burncross Road is a main arterial route through the suburb of Chapeltown, and as such boasts several convenience stores, restaurants, bars and shops. A total of 6no, Primary Schools and 2no. Secondary Schools are located within a 1.5 miles (30 minute walk) from the site, with the nearest being Windmill Hill Primary School located 0.4 miles (8 minute walk) from the site.

2.6 The site is within an area which benefits from extensive open space which range between both formal and informal. The table below demonstrate the designated open space within 1,300 metres of the site.

Address	Distance from Application Site	Commentary
Burncross Road Allotments	0 meters	Council owned private allotments.
Burncross Cemetery	20 meters	Football club training sports pitches.
Windmill Hill Primary School	134 meters	School playing fields with a play equipment and football pitches.
Land at Chapeltown Community Centre, Orchard Street	195 meters	Large greenfield space which is publicly accessible and closely relates to the community facility.
Willow Crescent Recreational Area	277 meters	Greenfield area of public open space.
Ferns Park	528 meters	Large area of public open space with a football pitch and playground. Footpaths lead to Foxfield Spring Wood.
Charlton Brook	579 meters	Linear area of open space along the brook and dam, with an equipped area of play, bike track and basketball court
Thornccliffe Cricket Club	633 meters	Cricket pitch.
Colt Primary School	727 meters	School playing fields with play equipment and football pitches.
Lound Junior School	752 meters	School playing fields with play equipment and greenfield open space.
Burncross Road Recreational Ground	744 meters	Greenfield area of public open space with equipped area of play.
Ecclesfield Community Sports Centre	906 meters	Substantial greenspace and sports facilities including synthetic turf pitches, grass pitches, tennis courts, basketball courts, as well as athletics track and field.
Greengate Lane Academy	914 meters	School playing fields with a play equipment and football pitches.
Mortomley Park	1,070 meters	Park/open space with 4no. grass football pitches, a basketball net and equipped play area.
Thornccliffe Health and Leisure Centre	1,180 meters	Large scale sports facilities including cricket pitch, football pitches, tennis courts and bowling green.
Angram Bank Recreation Ground and Cottam Road Open Space	1,240 meters	Park/open space with an equipped area of play and grass football pitch.

Angram Bank Primary School	1,280 meters	School playing fields with play equipment and greenfield open space.
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3.0 PLANNING HISTORY

3.1 There have been no previously submitted planning applications on this site.

4.0 THE PROPOSAL

- 4.1 The planning application to which this Planning Case Report supports, seeks outline planning permission for residential development with only the matter of access to be determined at this stage.
- 4.2 The indicative layout which supports the proposed development (RS72-2023-0110) demonstrates a scheme which could potentially be brought forward, comprising of:-
- The erection of circa 14no. dwellings;
 - Deliver a mix of dwellings ranging in size and houstypes;
 - Access from Burncross Road via the demolition of the existing garage at 241 Burncross Road; and
 - Provision of onsite Public Open Space and landscape planting along the western boundary of the site.
- 4.3 Further details of the proposals and the design rationale are contained within the Design and Access Statement.

5.0 RELEVANT PLANNING POLICY

Introduction

5.1 At the time of writing, the adopted Development Plan comprises the adopted Unitary Development Plan (UDP) (1998) and the Sheffield Development Framework (SDF) Core Strategy document (2009). The Core Strategy provides the overall spatial strategy for the SDF over the period 2009 to 2026.

5.2 This section describes the adopted and emerging Development Plan for the site and considers the relevance and weight that should be attributed to the policies contained within it.

The Development Plan: Weighting

5.3 The whole purpose and intention of the planning system is to enable the development of appropriate sites which are sustainable as defined by the National Planning Policy Framework (the Framework) and as set out at Paragraph 8.

5.4 The duty in Section 38(6) of The Planning and Compulsory Purchase Act 2004 enshrines in statute the primacy of the Development Plan.

5.5 Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

5.6 Paragraph 2 of the Framework recognises the provisions of Section 38(6) stating: -

“planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account when preparing the development plan, and is material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements”.

5.7 The correct approach to determining whether a proposal is in compliance with a development plan is uncontroversial: -

- All the relevant policies should be identified;
- An assessment should be made as to whether the proposal complies or not with each of those policies and the weight to be given to these;

- The development plan must be read as a whole;
- It must be recognised that separate policies within the same development plan can pull in different directions; and
- A development can conflict with one individual policy and still comply with the development plan as a whole.

5.8 Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

5.9 The reason for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the principle important controversial issues, disclosing how any issue of law or fact was resolved¹.

5.10 The development plan for this residential development comprises the following local document:-

- Saved Policies of the Sheffield unitary Development Plan (adopted March 1998); and
- Sheffield Development Framework Core Strategy (adopted March 2009)

5.11 National Policy Guidance is provided by “the Framework”. National policy is a factor that is required, as a matter of law, to be taken into account. It is recognised that both Development Plan Documents were adopted prior to the adoption of the Framework and therefore do not have regard for its provisions. The Framework is a significant material consideration.

Sheffield Development Framework (SDF) Core Strategy

5.12 The SDF was adopted in 2009, prior to the publication of the Framework.

5.13 The following SDF policies are relevant to the development of this site.

5.14 The weight to be afforded to these policies is considered further in Section 6.

Policy CS22: Scale of the Requirement for New Housing

5.15 Policy CS22 states that the requirement for new housing will be as follows:

- a) An average of 1,025 net additional dwellings per year over the period 2004/05 to 2007/08 (4 years).*

¹ [2017] EWHC 664 (Admin)

b) An average of 1,425 net additional dwellings per year over the period 2008/09 to 2025/26 (18 years).

Sufficient sites will be allocated to meet the housing requirement to at least 2020/21. A 5-year supply of deliverable sites will be maintained at all times.

- 5.16 The housing target set in the policy is the same as the figure in the now revoked Regional Spatial Strategy (RSS). This took account of the household projections (CLG 2003-based and 2004-based) but assumes part of Sheffield's housing growth will be accommodated in Rotherham.
- 5.17 The LPA has confirmed in the most recent 5-year housing land supply monitoring report (December, 2022) that it is not able to identify a five year land supply of housing land, it is estimated as being 3.65 years. Consequently Paragraph 11 and footnote 7 of the Framework are clear that Policy CS22 is out of date. Other relevant policies for the supply of housing in the SDF do not provide for the key Framework objectives of ensuring choice and competition in the market for land and boosting significantly the supply of housing over the next 5 and 16 year periods. Therefore all policies relating to the supply of housing are considered to be out of date and Paragraph 11 of the Framework is applies.

Policy CS23: Locations for New Housing

- 5.18 Policy CS23 states that new housing development will take place in Chapeltown/High Green within the existing built-up areas where the schemes are proposed are suitably sustainable making the most efficient use of land.
- 5.19 The proposed development is located within centre of Chapeltown and will be commensurate to the size of the existing settlement, whilst being well located in relation to existing services. The sustainable attributes of the site are considered further in Section 6.

Policy CS26: Efficient Use of Housing Land and Accessibility

- 5.20 Policy CS26 states that housing development will be required to make efficient use of land but also the density of new development should be in keeping with the character of the area and support the development of sustainable, balanced communities.

Policy CS40: Affordable Housing

- 5.21 The proposed development includes no provision for affordable housing in accordance with the CIL and Planning Obligations SPD (2015), which requires sites a 0% contribution on schemes below 15 dwellings.

Policy CS41: Creating Mixed Communities

- 5.22 In accordance with the policy aspiration for new development to contribute to the creation of mixed communities, extensive research of the local housing market has been undertaken in preparing the proposed development scheme.

Policy CS47 – Safeguarding Open Space

- 5.23 Policy CS47 states that development of open space will not be permitted where:
- a. it would result in a quantitative shortage of either informal or formal open space in the local area; or
 - b. it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value; or
 - c. people in the local area would be denied easy or safe access to a local park or to smaller informal open space that is valued or well used by people living or working in the local area; or
 - d. it would cause or increase a break in the city's Green Network.

Development that would still result in the loss of open space will only be permitted where:

- e. as soon as practicable, equivalent or better replacement open space would be provided in the local area; or
 - f. the site is identified as surplus for its current open space function and:
 - i. a proposed replacement would, as soon as practicable, remedy a deficiency in another type of open space in the same local area; or
 - ii. it could not fulfil other unsatisfied open space needs; or
 - g. the development would be ancillary to the open space and have a minimal impact on the use or character of the open space.
- 5.24 As the application site is currently allocated as open space within the Sheffield UDP, the implications of this policy are considered further in Section 6 of this Statement.

Policy CS51: Transport Priorities

- 5.25 Policy CS51 states that the strategic priorities for transport are: a) Promoting choice by developing alternatives to the car b) Maximising accessibility c) Containing congestion levels

d) Improving air quality e) Improving road safety f) Supporting economic objectives through demand management measures and sustainable travel initiatives.

5.26 The application site is within walking distance of local facilities, a local centre and bus services providing connections to other parts of Sheffield. The site is also in close proximity to informal and formal open space and these connections will encourage use of sustainable modes of transport.

5.27 **Policy CS53: Managing Demand for Travel**

5.28 Part (b) of CS53 promotes the broadening of good quality public transport and routes for walking and cycling and the choice of modes of travel.

5.29 The introduction of new access routes through the site and connections to the surrounding area will support this policy objective and seek to reduce the impact of private vehicles on the surrounding road network.

CS63: Responses to Climate Change

5.30 The proposed development will seek to respond to climate change by directing new residents to sustainable modes of transport and providing an energy efficient layout within the site designed to maximise solar gain where possible. All proposed dwellings will be built to Part L building regulations, or any superseding regulations, as standard.

5.31 There is potential to include sustainable drainage systems as part of reserved matters which will reduce surface water run-off from the site. This approach will also support the objectives of Policy CS64: Climate Change, Resources and Sustainable Design of Developments.

CS65: Renewable energy and Carbon Reduction

5.32 Part (a) of CS65 requires a new development to provide a minimum of 10% of their predicted energy needs from decentralised and renewable or low carbon energy sources.

5.33 The applicant proposes to take a fabric first approach to construction to minimise energy consumption over the lifetime of the building. Having energy efficiency integrated in buildings means occupants are required to do less to operate their building and not have to adjust their habits or learn about new technologies. This can result in less reliance on the end user regarding the buildings energy efficiency.

CS67: Flood Risk Management

5.34 The application site is located within Flood Zone 1 and therefore is an appropriate location for residential development.

CS74: Design Principles

- 5.35 Policy CS74 states that high quality development will be expected, which would respect, take advantage of and enhance features of the City, its districts and neighbourhoods. The policy aims to achieve high quality design which contributes to creating attractive, safe, sustainable and successful neighbourhoods.
- 5.36 The proposed development represents an Outline application, with access only for consideration at this stage. The indicative layout demonstrates how the proposals could be brought forward, this has been carefully designed in order to protect and enhance the character of the immediate and surrounding locality. The area currently has a mix of property styles, types and materials. The indicative scheme would achieve a sensitively designed development which complements the character and appearances of the existing urban form whilst taking into account the landscape features and existing trees.
- 5.37 The scheme has linear green space and has close walking links to surrounding public parks and playing fields. Overall it is considered that the proposed development of this site meets the aims of this policy at this stage.

Sheffield Unitary Development Plan (1998)

- 5.38 The Unitary Development Plan (UDP) was adopted in March 1998. The UDP Proposals Map designates part of the site as part of an Area of Open Space (Policy G14). The site is bordered to the northern, western and southern boundaries by Housing Policy Area, with the remaining Open Space (Burncross Road Allotments) located along the eastern boundary.

Policy H10: Development in Housing Areas

- 5.39 Policy H10 states that in housing areas, Housing (C3) is the preferred use. The application site lies central to a Housing Policy Area, albeit partly designated as Open Space, however this is representative of the sustainability of the site location.

Policy H14: Conditions on Development in Housing Area

- 5.40 Policy H14 refers to the conditions placed on new development to ensure that new buildings or uses do not lead to an unsatisfactory environment for people living in Sheffield. The policy states that new buildings need to be well designed and in scale and character with neighbouring buildings.
- 5.41 Also included in Policy H14 is the recommendation that sites should not be overdeveloped or deprive residents of light, privacy or security, or cause serious loss of existing garden space which would harm the character of the neighbourhood.

5.42 In order to comply with this policy the applicant has carefully considered the indicative layout of the proposed development and the proximity of surrounding existing properties so as not to create potential for overlooking or loss of amenity for existing and future residents. It is reiterated that the proposed are solely in Outline, with no detailed layout or house types being sought approval for at this stage.

5.43 Policy H14 requires provision of safe access to the highway network and appropriate off-street parking so as not to endanger pedestrians. The connection to the existing highways network is fully addressed within the Design and Access Statement. Layout remains a Reserved Matter, as such design elements such as parking provision are not for consideration at this stage.

Policy H16: Open Space in New Housing Development

5.44 For new housing development, developers will be required to ensure that provision is made for well-designed informal open space, appropriate children's play facilities and outdoor sport to meet the local needs of people living there.

5.45 For sites over 1ha, a proportion of the site should be laid out as open space, except where:

(d) provision of recreation space in the catchment area of the site would continue to exceed the minimum guideline after the development had taken place; and

(e) the developer makes an appropriate contribution, if needed to the improvement of existing recreation space in the catchment area of the site.

5.46 The indicative layout includes areas of informal public open space, this space will benefit from natural surveillance provided by the surrounding dwellings and will provide an attractive feature at the entrance to the application site. As layout and landscaping do not form a consideration as part of this proposed application, the open space provision is not for consideration at this time.

Policy LR5: Development in Open Space Areas

5.47 Development in Open Space Areas will not be permitted where:

a) it would cause damage to nature conservation sites, Scheduled Ancient Monuments or other archaeological sites; or

b) it would cause damage to mature or ancient woodland or result in a significant loss of mature trees; or

c) it would significantly detract from the green and open character of the Green Network; or

- d) it would make an open space ineffective as an environmental buffer; or
- e) it would harm open space which forms the setting for a Listed Building or other historic building, or is needed to maintain an important view or vista; or
- f) it would damage the character of a Historic Park or Garden; or
- g) it would harm the character or appearance of a Public Space; or
- h) it would result in the loss of open space which is of such quality that it is of Citywide importance; or
- i) it would result in over-development or harm the character of an area; or
- j) it would harm the rural character of a wedge of open countryside; or
- k) the proposed use would be incompatible with surrounding land uses.

5.48 The development of the application is not considered to conflict with any of the above criteria, as is demonstrated in the supporting Open Space Assessment, and is therefore in accordance with this policy.

Policy BE5: Building Design and Siting

5.49 Policy BE5 states that ‘good design and the use of good quality materials will be expected in all new and refurbished buildings and extensions.’

5.50 The policy aims to achieve new buildings which will complement the scale, form and architectural style of the surrounding buildings, with appropriate materials and layout.

5.51 The indicative proposal is considered to comply with policy BE5 of the UDP by providing a range of dwelling types and styles which remain in keeping in terms of design and layout of the surrounding locality.

Other UDP policies

5.52 The proposed development scheme is also considered to be in accordance with the following UDP policies, which are addressed in further details in the Design and Access Statement supporting the application:

- H15: Design of New Housing Developments
- BE6: Landscape Design
- BE9: Design for Vehicles

- BE10: Design of Streets, Pedestrian Routes, Cycleways and Public Spaces
- GE10: Green Networks
- GE11: Nature Conservation and Development
- GE15: Trees and Woodland
- T8: Pedestrian Routes
- T25: Car parking in Residential Areas

Climate Change and Design SPD

National Policy

National Planning Policy Framework (July 2021)

5.53 The Government’s National Planning Policy Framework (the Framework) now forms the relevant policy guidance at the national level for the determination of all planning applications; this is especially so where the local development plan is either silent, absent or out of date. The Framework is a material consideration which must be taken into account in all planning decisions.

5.54 Paragraph 2 of the advice states:-

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.”

5.55 There are three objectives (Paragraph 8) to sustainable development comprising economic, social and environmental roles.

5.56 Paragraph 10 sets out that the heart of the framework is a presumption in favour of sustainable development.

5.57 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 of the Framework identifies how this presumption is to be applied in making decisions on individual applications stating:-

“For decision-taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay;”*

5.58 Beyond Chapter 4 of the Framework there are 13 topic areas (as well as Annex 1 and 2) which form the Framework document and those topic areas considered of relevance to this planning application are set out below.

Section 4: Decision Making

5.59 In determining applications, Paragraph 38 states:-

“Local Planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

5.60 Paragraph 47 requires that:-

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

Section 5: Delivering a Sufficient Supply of Homes

5.61 Paragraph 60 reiterates the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Section 8: Promoting healthy and safe communities

5.62 Paragraph 92 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Section 9: Promoting Sustainable Transport

5.63 Paragraph 105 sets out that:-

“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport

solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

5.64 Paragraph 112 sets out development should:-

“a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

5.65 Paragraph 113 sets out that:-

“all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

Section 12: Achieving Well Designed Places

5.66 Paragraph 126 stresses the Government’s commitment to achieving good design, high quality buildings and places.

5.67 Paragraph 130 sets out planning policies and decisions should:-

“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Section 14: Meeting the challenge of climate change, flooding and coastal change

5.68 Paragraph 154 sets out that new development should be planned to:-

- “a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.”*

5.69 Further at Paragraph 157 it sets out that:-

“In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”*

Section 15: Conserving and enhancing the natural environment

5.70 Paragraph 174 sets out the requirement to contribute to and enhance the natural environment in policies and decisions by:-

- “d) minimising the impacts on and providing net gains for biodiversity....*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

Annex 1: Implementation

5.71 Paragraph 218 with regard to decision taking:-

“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”

5.72 The proposals constitute sustainable economic development and under the circumstances, it is clear that significant weight should be attached to this. The proposals wholly conform to the advice in the Framework, and it is considered that the applicants are entitled to anticipate presumption being weighed in their favour.

6.0 THE PLANNING CASE

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 ('the PCPA'), states that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 At the heart of the Framework is the presumption in favour of sustainable development, which should be at the heart of the plan-making and decision taking. This is the overarching consideration laid out in Government policy.

6.3 The Framework confirms the presumption in favour of sustainable development applies when determining development proposals, including housing applications.

6.4 Paragraph 11 of the National Planning Policy Framework is clear that a presumption in favour of sustainable development should apply for plan making and decision taking. For decision making this means:-

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

6.5 It is also our position that the proposals constitute sustainable development.

6.6 This section of the report identifies the main planning considerations and provides an assessment of the planning merits of the case in support of the proposed development.

Principle of Development

6.7 The Framework is clear that where proposals accord with the Development Plan, permission should be approved without delay.

6.8 The UDP Proposals Map designates the site as part of an Area of Open Space (Policy G14). The site is bordered to the northern, western and southern boundaries by Housing Policy Area.

6.9 Policy LR5 of the UDP sets out how development in open space areas will be managed within the district. The development of the site in the manner proposed does not conflict with the parameters of this policy.

6.10 Policy CS47 of the Core Strategy seeks to safeguard open space and sets out the parameters in which development of such designated land would not be permitted. The policy sets out as follows:-

- “a. it would result in a quantitative shortage of either informal or formal open space in the local area; or***
- b. it would result in the loss of open space that is of high quality or of heritage, landscape or ecological value; or***
- c. people in the local area would be denied easy or safe access to a local park or to smaller informal open space that is valued or well used by people living or working in the local area; or***
- d. it would cause or increase a break in the city’s Green Network.***

Development that would still result in the loss of open space will only be permitted where:

- e. as soon as practicable, equivalent or better replacement open space would be provided in the local area; or***
- f. the site is identified as surplus for its current open space function and:***
 - i. a proposed replacement would, as soon as practicable, remedy a deficiency in another type of open space in the same local area; or***
 - ii. it could not fulfil other unsatisfied open space needs; or***
- g. the development would be ancillary to the open space and have a minimal impact on the use or character of the open space.”***

6.11 In relation to subsection (a) the proposal would not result in a quantitative shortage of informal or formal open space in the local area. Located within the proposals map there are 17no. open space sites within 1300 meters of the site. 5 of the open space facilities are located within 300 meters of the site. Clearly there is extensive open space within the locality, this is evidenced further in the supporting Open Space Assessment.

6.12 In relation to subsection (b) the site has no quality as open space, given it is not publicly accessible and consists of poor quality trees and scrubland. Whilst it is agreed that the eastern half of the open space allocation serves a function as an allotment (outside of the application boundary), the application site itself is effectively back land which serves no purpose as open space.

- 6.13 In relation to subsection (c) there is no record that this land has ever been publicly accessible, it is in private ownership with defined site boundaries and fencing to prevent trespassing. There is also clear extensive open spaces as set out above.
- 6.14 In relation to subsection (d) the proposal would not cause or increase a break in the City's Green Network. The surrounding area is urban in nature, severing any green network. The application site is not linked to a wider greenspace network.
- 6.15 Subsection (f) requires that in order to permit new development, an assessment should demonstrate whether i) a proposed replacement is required to remedy a deficiency in another type of open space in the same local area; or ii) whether it could fulfil other unsatisfied open space needs. It is considered that this part of the policy is in conflict with the requirements of the Framework. It is noted that the Core Strategy predates the revised Framework and its predecessor and does not reflect guidance set out in the Framework in relation to open space.
- 6.16 Paragraph 98 sets out that:-
- “Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.” (JM underlining)***
- 6.17 Paragraph 99 goes on to state:-
- “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:***
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or***
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or***
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”***
- 6.18 It is considered that on the basis that the site forms no public use, and there is a surplus within the local area, the proposal complies with Paragraph 99 of the Framework. Given the conflict,

Policy CS47 is considered to be out of date and no weight should be given to provisions of e-g.

- 6.19 Policy CS47 should also be seen in the context of it being a policy most important for determining the application and due to the Council's failure to demonstrate a five-year housing supply it is considered to be out of date (Paragraph 11 and footnote 8 of the Framework).
- 6.20 In relation to the principal of development, the NPPF and Local Plan support the use of sustainable sites. The site is not, and has not been, accessible to the public. The provision of dwellings on the site would make a contribution to Sheffield City Council meeting its housing target.
- 6.21 Judgments have concluded that where there is no five year supply (outside supply specific policies), it is a matter of judgement as to the weigh policies are given² (see also Crane³, Phides⁴ and Woodcock Holdings⁵).
- 6.22 The weight attributed to all policies most important for determining the application is a matter for consideration as set out by recent judgements. It should be noted that these judgements were made in the context of the previous version of the Framework (2012), it considered that the revised Framework (2021) does not change the context of this approach (Paragraph 11 and footnote 8).
- 6.23 In this case CS47 holds limited weight. The development is in accordance with the presumption in favour of sustainable development as set out in Paragraph 11 and footnote 8 of the Framework.

The Presumption in Favour of Sustainable Development

- 6.24 The Framework identifies the overarching objectives of sustainable development, which constitute the Government's view of what sustainable development means.
- 6.25 There are three dimensions to sustainable development: economic, social and environmental⁶. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.26 The consideration of whether a development proposal represents sustainable development is a question unaffected by whether it accords with policies in an up-to-date Development Plan.

² [2016] EWCA Civ 168 - §47

³ [2015] EWHC 425 (Admin) - §70 to §75

⁴ [2015] EWHC 827 (Admin) - §71 & §74

⁵ [2015] EWHC 1173 (Admin) - §87, §105, §108 & §115

⁶ Framework - §8

The determination of whether a proposal represents sustainable development is a planning judgment based upon the criteria set in the Framework.

- 6.27 In making the planning balance the Framework does not indicate that any one element should represent a trump card⁷. However equally that does not mean that a proposal has to pass all three of the sustainability tests to be acceptable and that any of the three roles can act as a trump card against the development. The Framework is clear, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 6.28 It is rare for any development to have no adverse impacts and on balance many fail one of the roles. For the Framework's sustainability test to have meaning then, all of the competing considerations have to be assessed together and an overall balanced conclusion reached.
- 6.29 Whilst the starting point for decision making is the development plan, the presumption in favour of sustainable development always applies and feeds in to the planning balance. Consequently, it is necessary to consider the proposals against the three dimensions of sustainable development, which has been undertaken below.

Economic

- 6.30 The site is not within public use and the development of the site would bring the land back into beneficial use.
- 6.31 The economic role of sustainable development contributes to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and also by identifying and coordinating development requirements including the provisions of infrastructure. Government policy is to encourage the effective use of land by reusing land that has been previously developed.
- 6.32 It is useful to identify the economic contribution of house building in terms of both direct impacts (through house builders themselves and their contractors) and well as indirect and induced impacts (from other sectors and firms that rely on house building and its supply chains and spending). The benefits are broadly categorised (all are relevant) as:-
- Capital Investment and Expenditure Benefits
 - Construction Benefits
 - Direct Employment Benefits
 - Indirect and Induced Employment Benefits
 - Resident Expenditure Benefits

⁷ Appeal Ref: APP/N1350/A/14/2217552 – Land off Sadberge Road, Middleton St George, Darlington - §70

- Public Finances
- Local Authority Revenue Benefits (New Homes Bonus and Council Tax)
- Local Community Benefits (Section 106, CIL Contributions & Affordable Housing); and,
- Other “Softer” Benefits

Housing as a Driver of Economic Growth

- 6.33 Improving the long term competitiveness of the UK economy, including through its significant network of supply chains and contracting relationships, where domestic spin-off benefits from house building activity are far greater than for many other economic sectors.

Delivering “Real” Jobs and Economic Value

- 6.34 House building is a major source of national employment, with construction supporting more jobs compared with investment in many other sectors of the economy. The house building industry (and construction more widely) provides a crucial labour market entry point for young, lower skilled workers and those moving out of unemployment.

Supporting Labour Market Mobility

- 6.35 A healthy, well-functioning labour market requires a good supply of housing. A dysfunctional housing market can inhibit market mobility, in turn stifling economic growth.

Sector Skills and Employability

- 6.36 The house building industry offers a range of opportunities across different trades and skill sets from bricklaying and carpentry through to plumbing and maintenance. Apprenticeship opportunities are particularly prevalent, and have been increasing over the last few years.

Enhancing Place Competitiveness and Local Economic Development

- 6.37 A well-functioning housing market is considered important for an area to remain competitive and attractive to business and economic activity, which in turn will drive the economic growth the country needs.

Social

- 6.38 The social role of sustainable development supports strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. It also involves creating a high quality built environment, with accessible local services that reflect the community’s needs and support health, social and cultural well-being. The application proposals will result in a range of social benefits.

- 6.39 The Council currently cannot demonstrate a five year housing land supply. At the time of writing the emerging Local Plan is still at an early stage with an initial Draft Local Plan “Regulation 19 Stage” being consulted on in February 2023. The Council anticipate submission to the Secretary of State later this year (2023) with anticipated adoption in 2025. It is therefore considered that the Council may be some years away from being in the position to demonstrate a five year housing land supply and the development provides a significant benefit in contributing additional dwellings to help meet the Council’s under supply of market housing.
- 6.40 The proposed development will contribute towards the creation of a socially balanced, inclusive and sustainable community in the District.
- 6.41 The site is currently in private ownership and does not make provision to the general public. The proposal will make provision for onsite open space which will be available for the general public.
- 6.42 Open spaces provided through housing developments generate opportunities for local residents to undertake recreational activities, contributing to improved physical health, mental health and wellbeing. A high-quality environment also provides opportunities for social interaction between people of different communities, fostering social inclusion and community development.
- 6.43 There are, therefore, significant social benefits that will be delivered, in accordance with the social dimension of sustainable development.

Environmental Role

- 6.44 The environmental dimension is concerned with protecting and enhancing our natural, built and historic environment.
- 6.45 This planning application is submitted in Outline, with access for consideration only, however it is considered that any adverse impacts which may arise can be easily mitigated for through the imposition of suitably worded conditions. Any adverse impacts would not significantly and demonstrably outweigh the benefits.

Planning Balance Summary

- 6.46 The Framework requires the local planning authority to undertake a simple planning balance exercise to establish whether the adverse impacts of the development significantly and demonstrably outweigh the benefits.
- 6.47 The development provides a range of social, environmental and economic benefits.

- 6.48 The consultants reports submitted in conjunction are clear that the adverse impacts of the development are on the whole negligible and where there is an impact suitable mitigation measures can be conditioned in all cases.
- 6.49 The development of this site, which is not used by the public, will provide much needed homes in a district where there is current a significant shortfall.
- 6.50 There are a number of significant benefits that can be delivered through the development of this housing proposal. The site would provide a deliverable supply of much needed land for housing in a district where the identified housing land supply is significantly short of five years. Unless the authority take action now to approve suitable & deliverable sites, the shortfall in housing land supply will likely continue until such time the Council are in a position to adopt the Local Plan and site allocations. Whilst the site should be looked upon favourably even were a five year supply of housing to be demonstrated, this benefit should carry further significant weight in favour of the development.
- 6.51 It is clear therefore that the benefits of the development significantly and demonstrably outweigh the adverse impacts of development in this case.

7.0 SUMMARY AND CONCLUSIONS

- 7.1 This planning application seeks the residential development of land which does not fulfil its current role as designated open space. From the analysis above there is extensive open space in the immediate area with 17no sites within 1,300 meters of the site. The site is surplus to open space requirements and therefore can be developed in accordance with the framework and Policy CS47.
- 7.2 The Council is not able to demonstrate a five-year supply of deliverable housing sites and with the emerging Local Plan a number of years from likely adoption, the size of the shortfall significantly enhances the contribution this site makes to the housing supply.
- 7.3 Where the Council is not able to demonstrate a five year supply the provisions of Paragraph 11 applies. In this context policies relevant to the supply of housing including CS47 and LR5 are out of date and having regard for our position that the development complies with the provisions therefore d) **ii of the Framework applies and therefore the local planning authority should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.**
- 7.4 The site would therefore make for a compatible use with its surrounds and the other technical reports accompanying the application detail how the development will not give rise to any adverse impacts that cannot be addressed through the imposition of suitably worded conditions.
- 7.5 Therefore taking account of all of the above factors including merits of the scheme taken as a whole, the report has demonstrated that when assessed against the requirements of the Framework, there are no adverse impacts that would arise from a residential development of the site. In accordance with Paragraph 11 of the Framework, permission should therefore be approved without delay.