

November 2017 | **EGA\_17\_0047\_PS**

**Applicants: Bentsfield Ltd**

In relation to development:

On land adjoining 1 Hunshelf Park, Stockbridge, Sheffield, S36 2BT

Erection of 10 dwellings

## **PLANNING STATEMENT**

**Town & Country Planning Act 1990 (as amended)**

**Planning and Compulsory Purchase Act 2004**

**CROWLEY ASSOCIATES**

**LAND ADJOINING 1 HUNSHELF PARK, STOCKSBRIDGE, SHEFFIELD, S36 2BT**

**Supporting Statement in respect of the Erection of 10 Dwellings**

Prepared on behalf of

**Bentsfield Ltd**

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## 1. INTRODUCTION

1.1. This statement, prepared on behalf of the Applicants, Bentsfield Ltd (the “Applicants”) accompanies the planning application, which seeks permission to erect 10 ‘**customisable**’ **starter homes**<sup>1</sup> on land adjoining 1 Hunshelf Park, Sheffield (the “Site”). Its purpose is to set out the case for the development.

1.2. The Application is fully described on Forms 1APP and the design is presented in a drawing package (reference:PT118-101 through 122, 131-134 and 151 -156), which has been prepared by Paul Testa Architecture. For clarity, the drawing package comprises:

- Location Plan (PT118-101)
- Site Plan (PT118– 103 and PT118-104)
- Proposed Elevations (Detail and Permutations) – specifying proposed customisation (PT118-119 -122)
- Proposed Floor Plan Options – specifying proposed customisation (PT118-111-118)
- Site Sections (PT118-102 – Existing)
- Typical Section (PT118-105 Proposed)
- Acoustic Section (PT118-107)
- Proposed Site Elevations (PT118 -106)
- Visuals (PT118-131-134)
- Long Views (PT118-151-156)

1.3 The Application is also supported by:

- Design and Access Statement (including Sustainability Statement) – Prepared by **Paul Testa Architecture**
- Flood Risk and SuDs – Prepared by **Civic Engineers**

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<sup>1</sup> Housing designed to meet the needs of young first time buyers to be offered at below open market value – maximum value £250,000

- Highways Statement – Prepared by **Fore Consulting**
- Road Safety Audit – Prepared by **AECOM**
- Noise Assessment – Prepared by **Acoustic Design Technology**
- Sewer Survey – Prepared by **Sewer Surveys UK**
- Site Investigation – Prepared by **Ashton Bennett**

## 2. SITE AND SURROUNDING AREA

2.1. The Site (PDL) encloses 0.25ha and comprises land originally occupied by a residential terrace, which was demolished in the late 20<sup>th</sup> Century (sometime between 1980 and 1990) such that all that now remains is a large area of hardstanding, which is used as parking by an existing dwelling west of the Site (1 Hunshelf Park). The remainder of the Site is made up of poor quality scrub and grassland. The land rises from the southwest corner (at 171.35 AOD) up the northern boundary (at 179.15AOD) with a plateau in the middle comprising the levelled area of hardstanding. The site is framed to the north by a belt of maturing trees, which give onto a public footpath running east west and providing access to the wider countryside. The western boundary adjoins a dwelling (built as a public house in the late 19<sup>th</sup> Century), the southern boundary comprises a short but steep, grassed embankment dropping onto Hunshelf Park. A pair of semi-detached dwellings sit adjacent the eastern boundary. The Site has no inherent biodiversity value and contains no landscaping features of note.

2.2. Hunshelf Park comprises an enclave of 21 residential properties with access off Hunshelf Road located north of Stocksbridge Town Centre. The stock dates predominantly from the late 19<sup>th</sup> Century but includes some 20<sup>th</sup> Century infill. The character of the ‘neighbourhood’ is driven by the presence of three rows of terraces; two located on the north side of the access road and one located on the south side. Other properties are slotted in east and west of these terraces. The terraces, all built in stone and sitting under pitched slate roofs present as development of substantial mass, a characteristic which is heightened by the fact that the stone has weathered to black. This mass is further emphasised owing to the fact that one of the terraces is elevated above the access road

sitting behind a brick retaining wall some 2m in height. Open countryside creates an immediate setting for the dwellings on the north side of the access road. All of the dwellings appear to be serviced by gardens of generous proportions, which in the case of the terraces and other dwellings on the north side climb the landscape behind and in the case of the terrace to the south, drop away.

2.3. Hunshelf Park is an unmade private access road (single carriageway). It has a public right of way (PROW in the form of a footpath), which travels east from the junction with Hunshelf Road and then diverts north to run between the two rows of terraces. The footpath thereafter travels steeply upwards through meadow to terminate at the Stocksbridge Bypass (some 150m north of the development site).

2.4. The Site and the wider enclave occupies an elevated position overlooking the Stocksbridge Valley. Travelling west from the junction with Hunshelf Park, there is a general sense of departure from the urban environment as the landscape shifts from hard to soft. Tata Steelworks has a strong presence south/southwest of the Site both visually and in terms of noise. An electricity substation has a strong visual presence west of the Site. The wider townscape is mixed in terms of quality. A wide variety of shops and other services (including community (library, healthcare, education) are located within Stocksbridge Town Centre within walking distance of the Site. Stocksbridge is well connected to Sheffield Centre by public transport.

### **3. PLANNING HISTORY**

3.1. A number of planning applications have been made seeking permission for housing on the Site. Most recently, an application was made seeking outline permission for 10 dwellings (reference 05/03418/OUT).

3.2. When assessing the application, Sheffield City Council (the "LPA") examined matters in the context of existing adopted Development Plan policy noting that policy relevant to the matter in hand precluded (in principle) housing development in the area on the basis that the living conditions for residents would likely be unacceptable (owing to noise and general disturbance). The LPA found that that in the absence of any evidence (particularly

evidence in relation to noise (including mitigation)), which might allow the LPA to depart from adopted policy (on matters of principle), its support for the development could not be extended. The application was refused planning permission on 23 November 2005.

#### 4. THE PROPOSAL

4.1. Matters of scale, appearance, layout, landscaping and access are addressed within the Design and Access Statement (the “DAS”), which accompanies the application. It is therefore merely intended to summarise the detail of the scheme here.

4.2. The Applicants propose to erect a cranked ‘terrace’, organised on an east west axis in two blocks of five dwellings which are connected by a small link building.

4.3. The accommodation (designed to Nationally Described Space Standards (the “NDSS”)) is to be organised over three floors (the third floor is to be accommodated within the roof space) and can be configured to provide 3,4 or 5 bedrooms.

4.4. According to the DAS, the development, is set to create a “*modern interpretation of the local vernacular*”<sup>2</sup> taking some of its cues from the surrounding townscape. In particular the development will:

- Be of a similar scale, in terms of its overall height and width, to its neighbours;
- “*Match the rhythm of the existing streetscape*”<sup>3</sup> – particularly in terms of the fenestration design;
- Be set within a landscape which has been developed to “*ground*”<sup>4</sup> the buildings in their context
- Use a palette of materials which is sympathetic to the local context

4.3 The DAS confirms that the overall appearance of the development has been:

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<sup>2</sup> DAS- S.4, P.12, Para.4.25

<sup>3</sup> DAS – S.4, P. 8, Para. 4.4, Bullet point 1.

<sup>4</sup> DAS – S.4, P.16, Para. 4.39

*“kept deliberately simple and elegant with the main visual interest being provided by the more textured and human scaled porch and bin store structures in the foreground of each dwelling. The rationale (sic) for this is to give prominence to one of the main custom build features of the development [the choice of porch colour from a limited palette]”<sup>5</sup>.*

4.4 The materials palette is described as follows:

- Walls – Marley Eternit Equitone Materia cladding in Grey Mist
- Roofs – Corrugated, coated steel sheets in Anthracite
- Porches – Acoya timber cladding
- Windows – Painted timber

4.5 With reference to the material finish, the DAS states:

*“The primary concept for the material palette is to provide highly durable and long -lasting materials that have a low embodied energy”<sup>6</sup>*

4.6 The intention is to offer a high-quality palette of high performance materials whilst ensuring that the development can be offered for sale at below market value. To that end the Applicants have opted for an *“economical, lightweight, structural strategy”*, which *“minimises the amount of material, groundworks and labour required to construct each dwelling”<sup>7</sup>*.

4.7 The development is to be accessed off a shared drive (designed with improvements to the junction with Hunshelf Park and which includes on-site turning facilities capable of catering for the needs of service and emergency vehicles) and the dwellings are to be served by a communal parking area (providing 10 parking spaces).

4.8 All of the units will have defensible space to the front and a substantial private garden to the rear. The private domain to each dwelling will be delineated by low dry-stone walls to

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<sup>5</sup> DAS – S.4, P12, Para.4.23

<sup>6</sup> DAS – S. 4 – P.14, Para. 4.36

<sup>7</sup> DAS - S.4 – P.14, Para. 4.36



the front and native planting to the boundary, the separation between plots will be defined (at the front) using a “*small gulley of stone cobbles*”, to the rear, gardens will be separated by timber fencing and the substantial level changes will be managed through the use of gabions and stepped access. The landscape design will incorporate a communal orchard.

## 5. SUPPORTING INFORMATION

### ***Flood Risk, SUDs and sewer survey***

- 5.1. The Flood Risk and SUDs report confirms that Site falls within FRZ1, and hence is at very low risk of flooding (whether surface water, tidal or fluvial). In this context, there is no need for a FR assessment nor is there a requirement to engage with the process of a sequential test.
- 5.2. On the matter of drainage, the report states that based on the findings of the Phase 1 SI and taking into consideration existing site levels, the use of soakaways on site as a form of drainage is unlikely to be feasible.
- 5.3. In addition, the report states that there are no watercourses within the Site boundary or the vicinity of the Site for making a direct connection and there are no surface water sewers nearby. Furthermore, there are no combined sewers within the immediate vicinity of the Site.
- 5.4. By their own analysis, the authors of the report have concluded that existing properties appear to discharge foul and surface water into the existing public sewer networks adjacent to the Site. However, despite the fact that Yorkshire Water appear to have no combined water sewers mapped within the immediate vicinity.
- 5.5. With reference the management of surface water going forward, the report proposes that surface water is best discharged into the existing surface water land drainage system, with run off being attenuated (in below ground attenuation pipes) such that it discharges from the Site at the greenfield run off rate of 5l/s (or thereabouts) thus avoiding any increased risk of surface water flooding on/off Site post development.

- 5.6. The report confirms that foul water will be connected into the existing foul water public sewer located in the access road (subject of course to this having sufficient capacity).

**Highways statement**

- 5.7. The report, commissioned very early on in the design process, examines the effects of the development from a highways and transport perspective. Its findings have helped inform the design of the parking, servicing and access arrangements.
- 5.8. The Site is described as being *“located within easy and convenient walking distance of a wide range of local services and amenities<sup>8</sup>”*. The Site is also considered to be located within an 8km commute by cycle of a range of amenities. Furthermore, the Site is well served by public transport<sup>9</sup>. It is therefore reasonable to assume that the Site can be described as being sustainably located.
- 5.9. In terms of traffic generation, the report has determined that the development would generate a maximum of *“8 two-way vehicle trips during the weekday Am and Pm peak hours<sup>10</sup>”*. The authors consider that the amount by way of an increase is not likely to have a material traffic impact on the highway network (noting that *“a threshold of 30 two-way peak hour vehicle trips is a common point of reference for identifying a potential material impact on the highway network<sup>11</sup>”*).
- 5.10. Noting the need for such, a programme of improvement to the existing private access road located on Hunshelf Park is described within drawing (reference 100 P 001) prepared by Fore Consulting and appended to the report at page 26). The alterations can be made on land within the control of the Applicants and/or within the Public Highway. The improvements are proposed following direct liaison with and the recommendations of the Highways Authority.

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<sup>8</sup> Highways Statement – Ch. 2, P. 3, Para. 2.2

<sup>9</sup> Highways Statement – Ch. 2, P.4, Table 1 and P. 5 Para. 2.4.2

<sup>10</sup> Highways Statement – Ch. 5, P.16, Para. 5.2

<sup>11</sup> Highways Statement – Ch. 5, P.16, Para 5.2

- 5.11. In relation to parking provision, the proposed arrangements show one parking space (having the dimensions 5m x3m) per dwelling. The report finds that *“this level of provision is commensurate with the scale of the proposed development, the sustainable location of the site in close proximity to Stocksbridge town centre and public transport services and the aspiration for low-impact housing development<sup>12</sup>”*.
- 5.12. The access arrangements are design to accommodate a fire appliance such that it is able to get within 70m of all points of the development and 45m of all entrances to the dwellings.
- 5.13. With reference the matter of refuse collections, a turning facility has been incorporated thus allowing refuse collection vehicles to leave the site in forward gear. Having consulted with Veolia, the authors of the report can confirm that the refuse collectors have no objection to the proposed site access arrangements.

**Noise assessment**

- 5.14. The noise assessment undertaken by Acoustic Design Technology Ltd classifies the Site as being subjected to *“noticeable and intrusive<sup>13</sup>”* noise primarily in the form of breakout from within the Tata Steelworks buildings including from a particularly noisy extract fan. The noise is noticeable for the fact that the levels, whilst not particularly high, have clearly identifiable characteristics which makes the noise more noticeable. Ideally, the noise should be attenuated at source and the assessment has established that the noise emanating from the extract fan could be attenuated by fitting a discharge silencer (reducing emissions by 10dB(A)) to said fan and that the noise breakout from within various buildings could be attenuated (reducing emissions by 10 dB(A)) by fitting acoustic louvers and blanking panels to the openings in the workshops. Said work would of course not only help reduce the noise experienced within the new dwellings but within the external amenity space dedicated to the dwellings.
- 5.15. The authors acknowledge that the Applicants have already agreed the programme of attenuation with Tata.

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<sup>12</sup> Highways Statement – Ch. 4, p.14, Para. 4.4

<sup>13</sup> Noise Assessment – Ch. 1, P. 2, third paragraph

- 5.16. However irrespective of any works which may be undertaken to property within the ownership of Tata, the authors were asked to determine whether without such works of attenuation, noise within the proposed dwellings could be reduced to acceptable levels. The report concludes that: taking into account the proposed construction methods, material finish, high levels of insulation and the use of triple glazing and noting the fact that the dwellings are to be fitted with whole house ventilation, “*external noise intrusion to the proposed dwellings would be low*”<sup>14</sup> measuring between 2dB and 25dB.
- 5.17. Whilst the report notes that the dominant noise source is Tata, it does address other noise sources particularly the nearby A616, which, the authors have concluded will generate road traffic noise at predicted levels of between 45-50dB Laeq during the day time and levels of between 40 and 45 dBLaeq during the night time.

#### ***Phase 1 site investigation***

- 5.18. The report states that:
- “*based on the past uses of the site and its surroundings there is a generally low risk to site ownership and a low risk [of contamination] for residential development*”<sup>15</sup>
  - “*There may be a risk of toxic gases from local shallow mining*”
  - The Site is unlikely to be on the contaminated land register
  - The Site may have unsuitable founding strata at shallow depth
  - There is no known quarrying of rock within the vicinity which is likely to have impacted on it
  - There is no risk of flooding
  - There are no groundwater abstractions within 1km
  - The Site is not in a CMRA
  - The Site is not within or close to a SSSI, National Nature Reserve, WHS, AONB, Environmentally sensitive zone, Ancient Woodland, Local Nature Reserve, or Nitrate Sensitive Area

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<sup>14</sup> Noise Assessment – Ch. 4, P. 12, third paragraph

<sup>15</sup> Phase 1 SI –Executive Summary, P.1

- 5.19. In summary, whilst there is no identifiable risk of contamination, it is recommended that owing to the potential for contamination from past site uses and methane gas and for highly plastic clay and for unsuitable founding strata at shallow depth that a Phase 2 SI be undertaken. The Applicants would expect such work to be conditioned as part of any planning permission granted.

## **6. PRE-APPLICATION ENGAGEMENT**

- 6.1. Prior to preparing the formal application, the Applicants entered into pre-application discussions with the LPA. As part of the Applicants' pre-application enquiry the LPA was furnished with the following documents:

- Drawing package
- Noise assessment
- Flood risk and SUDs report
- Highways statement

- 6.2. During the process of engagement, the Applicants met with LPA representatives including; a development management officer, highways officer, and an environmental protection services officer and corresponded via email and by telephone.

- 6.3. The LPA has extended its support, over a series of two emails (dated 6 July 2017 and 12 September 2017) for development of the Site for ten customisable starter homes, in the configuration proposed on the Site Plan (drawing reference: PT118-103 and 104).

## **7. DEVELOPMENT IN THE CONTEXT OF THE ADOPTED DEVELOPMENT PLAN**

- 7.1. The existing adopted Development Plan for Sheffield comprises the Sheffield Unitary Development Plan (the "UDP", adopted in 1998) and the Core Strategy (adopted 2009). According to the adopted Policies map, the Site is within a General Industrial Area. Land to adjoining the northern boundary is classed as Open Space and further north as Green Belt. The older Building stock within Hunshelf Park belongs to an Area of Special Character (the

development site is excluded from this designation). Stocksbridge Town Centre (to the south) is classed as a District Centre.

7.2. Development Plan policies material in the consideration of the application and considered in more detail in the following paragraphs are policies:

- IB5 – Development in General Industrial Areas
- BE2 – Views and Vistas in the Built-Up Area
- BE5 – Building Design and Siting
- BE6 – Landscape Design
- H15 – Design of New Housing Developments
- CS23 – Locations for New Housing
- CS24 – Maximising the Use of Previously Developed Land for New Housing
- CS26 – Efficient Use of Housing Land and Accessibility
- CS33 – Jobs and Housing in Stocksbridge/Deepear
- CS40 – Affordable Housing
- CS41 – Creating Mixed Communities
- CS53 – Management of Demand for Travel
- CS63 – Responses to Climate Change
- CS64 – Climate Change, Resources and Sustainable Design of Developments
- CS67 – Flood Risk Management
- CS31 – Core Strategy
- CS74 – Core Strategy

7.1. **Policy IB5** of the UDP precludes the development of housing in General Industrial Areas; presumes that sites included within General Industrial Areas are to be retained for industrial employment uses.

7.2. There is no doubt that, on the face of it, development of the Site for housing would be contrary to adopted Development Plan policy IB5. However even if the development is contrary to IB5 it does not immediately follow that the development is contrary to the Development Plan (the test for the purposes of s38 of the Town and Country Planning and Compulsory Purchase Act 2004 (the “Act”)).

- 7.3. Material in determining whether a departure from Policy IB5 is justified in this instance is whether the Site lends itself to a general industrial use owing to its proximity to other existing residential uses; constrained access, topography and limited land area – it does not. Also material is the fact that development of the Site for a non-employment use such as housing, could be delivered without prejudicing the ability of nearby industrial employment uses to continue operating.
- 7.4. Notwithstanding, having analysed the emerging Policies Map, the Applicants note that the existing land use designation is set to alter such that the Site and the area surrounding is seemingly going to be re-allocated as a 'Flexible Use Area' within which, housing development is acceptable, in principle.
- 7.5. Notwithstanding, there is a question mark over the matter of whether or not Policy IB5 should in any event be considered up to date/consistent with the wider objectives of the National Planning Policy Framework (the "NPPF") – a matter addressed later at Section 8.
- 7.6. **Policy BE2** expects development to *"respect the skylines, roofscapes and views that are particularly visible within the City"*.
- 7.7. The Applicants consider the development sits well against the wooded backdrop above Stocksbridge town centre as evidenced in the visuals which accompany the application; preserving the view, respecting the skyline and emulating the existing nearby roofscapes.
- 7.8. In all respects, the development is considered to be BE2 compliant.
- 7.9. **Policy BE5** expects:

*"Good design and the use of good quality materials....in all new.... buildings"*.

In so far as it relates to the development proposed, the policy applies the following principles:

- (a) *Original architecture will be encouraged but new buildings should complement the scale, form and architectural style of surrounding buildings;*
- (b) *In new developments comprising more than one building there should be a comprehensive and co-ordinated approach to the overall design*
- (d) *... Design should be on a human scale;*
- (f) *Designs should take full advantage of the site's natural and built features*
- (g) *The design, orientation and layout of development should encourage the use conservation of energy and other natural resources".*

7.10. Noting the assessment in the Design and Access Statement and following their own analysis of the design (at S. 4.); the Applicants consider the proposed dwelling to be Policy BE5 compliant in that it:

- Presents a comprehensive and co-ordinated design approach;
- Is of comparable scale with surrounding buildings in terms of its height, width and length;
- Uses a palette of materials which is sympathetic to its context;
- References the traditional form of pitched roofs, the use of gables and the rhythm of the fenestration in surrounding stock;
- Respects an established siting pattern;
- Takes advantage of the established landscaped setting and boundary treatment;
- Incorporates a number of original features;

7.11. **BE6** expects development to integrate good landscaping. The Applicants have provided an overview of the landscape infrastructure for the scheme and the DAS describes a landscape design which is both interesting and will be attractive and which:

- Helps ground the buildings
- Integrates a communal amenity space
- Creates defensible, private amenity space
- Carefully considers the hard treatment to communal areas
- Creates a comfortable balance between the amount of hard and soft landscaping
- Addresses the topography in as sensitive a manner as possible



- Addresses matters of drainage
- 7.12. So, whilst the Applicants may not be specifying the full planting scheme, there is every reason to believe that the concept being presented at this, the planning stage, can be developed to accord with any outstanding BE6 objectives. Such detail can be conditioned. The development is for all intents and purposes Policy BE6 compliant.
- 7.13. **Policy H15** seeks a high quality of design which is accessible, provides adequate private garden space (along with some communal space) and is located within easy access of a PROW network. For reasons already outlined the Applicants consider the development to be Policy H15 compliant.
- 7.14. **Policy CS23** considers locations for new housing and defines the urban area of Stocksbridge as one such location. Indeed, Policy CS74 identifies Stocksbridge as an area targeted for significant regeneration. The development proposal is Policy CS23 compliant.
- 7.15. **Policy CS24** prioritises the development of previously developed sites. **Policy CS33** limits housing development within Stocksbridge to previously developed land. Noting that the Site is classed as PDL, the development proposal must be considered Policy CS24 and CS33 compliant.
- 7.16. **Policy CS26** seeks to ensure that housing development makes efficient use of land and in relation to the Site in question would support development of 40 to 60 dwellings per hectare (dph). The development proposes a development equivalent to 40 dph, and a density which is comparable with adjacent development. In this respect, the development is Policy CS26 compliant.
- 7.17. **Policy CS40** promotes affordable housing and although the development in question does not strictly come within the definition of affordable housing for the purposes of the adopted Development Plan, it will deliver a number of starter homes in accordance with Planning Practice Guidance<sup>16</sup>.

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<sup>16</sup> PPG, Paragraph: 002 Reference ID: 55-002-20150318

- 7.18. **Policy CS41** encourages a greater mix of housing. The Applicants' proposal is flexible in terms of the range of accommodation it can provide and is capable of responding directly to the needs of the local market. The development is considered to be Policy CS41 compliant.
- 7.19. **Policy CS53** seeks to manage the increasing demand for travel within the city and in so far as it relates to the matter in hand it seeks to apply the maximum car parking standards for all new development. At the same time, however, the policy seeks to maximise the use of sustainable forms of travel. Clearly the development will not meet the maximum parking standards in terms of parking provision, however the Applicants consider that this is entirely acceptable given the sustainable nature of the Site's location and taking into consideration the LPA's wider aspiration to encourage sustainable forms of travel and indeed its desire to locate development in areas that are well served by sustainable forms of transport (as per CS63).
- 7.20. In so far as it is relevant to the matter in hand, **Policy CS63** expects development to be sustainably located and designed to increase energy efficiency and reduce energy consumption and carbon emissions. CS63 also expects development to be located in areas that are not at risk of flooding, it expects preference to be given to the development of PDL where such land is sustainably located; it seeks to ensure development adopts sustainable drainage systems and it encourages development that promotes biodiversity. In all respects and for reasons already outlined the development is considered to be Policy CS63 compliant.
- 7.21. In accordance with **Policy CS64** and as described in the DAS, the development will achieve a high standard of energy efficiency; and make the best use of solar energy, passive heating and cooling, natural light and natural ventilation; and use sustainable materials/make use of materials in a sustainable manner; minimise water and waste consumption during construction and occupation. The development is considered to be Policy CS64 compliant.

- 7.22. In accordance with Policy CS67 (in so far as it is relevant) and for reasons already outlined, the drainage system for the development will be designed to significantly limit surface water run-off. In so far as it is possible, the development is Policy CS67 compliant.
- 7.23. **Policy CS74** addresses matters of design principle and seeks to ensure that planning permission is granted for high-quality development. In so far as it is relevant to the matter in hand, Policy CS74 expects development to *“respect, take advantage of and enhance:*
- “(b) views and vistas to ..... skylines .....across the city to the surrounding countryside*  
*(c) the townscape and landscape character of the city’s districts, neighbourhoods and quarters, with their associated scale, layout and built form, building styles and materials;*
- 7.24. CS74 also expects development to:
- “(f) help to transform the character of physical environments that have become run down and are lacking in distinctiveness”; and*  
*“(h) contribute towards creating attractive, sustainable and successful neighbourhoods”*
- 7.25. For the reasons already outlined in the paragraphs above and in earlier sections of this statement, the development is considered to be Policy CS74 compliant.
- 7.26. In all respects, the development is considered to be Development Plan Policy compliant.
- 7.27. Even if the Local Authority disagrees with the Applicants’ assessment of the development in the context of Development Plan policy, the Applicants consider that the adopted Development Plan is out of date and inconsistent with the wider objectives of the NPPF as it relates to the matter in hand and it is the Applicants’ view that the development should be judged and a decision made in the context of the NPPF.

## **8. DEVELOPMENT AND THE NATIONAL PLANNING POLICY FRAMEWORK**

- 8.1. The NPPF states, at Paragraph 14, that there is a *“presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”* and it advises that development proposals which accord with the

development plan should be approved without delay. The Applicants have already set out their position that the development is development plan compliant in the preceding section.

- 8.2. Paragraph 14 goes on; *“where the development plan is absent, silent or relevant policies are out-of-date”*, 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 this Framework taken as a whole”*.
- 8.3. The NPPF makes clear at Paragraph 47 the expectation that local authorities will deliver a wide choice of high quality homes requiring them to maintain an adequate (5 year) supply of deliverable housing sites capable of meeting their objectively assessed housing needs. Where local authorities fail to maintain an adequate five-year supply of housing sites, then according to Paragraph 49, policies relevant for the supply of housing cannot be considered up to date and development should be determined in accordance with Paragraph 14. The LPA does not have a five-year supply of housing. The development therefore needs to be judged in the context of Paragraph 14 of the NPPF.
- 8.4. Paragraph 6 of the NPPF clarifies that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 describes sustainable development as having three dimensions: economic, social and environmental and makes it clear that the planning system has a responsibility to: contribute towards building a strong, responsive and competitive economy; to support strong, vibrant and healthy communities; to deliver a sufficient amount of housing; to create a high quality built environment; and to contribute to protecting and enhancing our natural, built and historic environment.
- 8.5. The three limbs are mutually dependent and the courts (*Fordent Holdings Ltd v SCLG* [2013] EWHC 2844 (Admin), HHJ Pelling QC) have decided that a decision taker should not focus on one of the requirements of sustainable development at the expense of another. The question is, when considering whether the development is sustainable, it can be described as such taking all three limbs into consideration.

***Achieving sustainable development, the economic dimension***

8.6. One of the core principles of the NPPF is that planning should “*proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs*”. The NPPF states a commitment (at paragraph 18) to “*securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths*”. Paragraph 19 of the NPPF states that the planning system should do:

*“everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system”*

8.7. At paragraph 21, the NPPF states that:

*“local planning authorities should set out a clear economic vision and strategy for their area, which positively and proactively encourages sustainable economic growth”*.

8.8. The local area exhibits low levels of expenditure retention; an imbalanced employment profile (high percentage of low pay and a high percentage of part-time employment); a falling working age population and housing affordability is becoming a challenge.

8.9. In terms of knock on economic impact, the development will provide direct and indirect economic benefits within the local economy short term during the construction period (direct employment and associated expenditure) and long term through increased spending and demand for goods and services locally. Such matters weigh in favour of the development.

***Achieving sustainable development, the social and environmental dimension***

8.10. The development will deliver additional housing; amounting to ten, customisable, starter homes and this is a material consideration which weighs very heavily in favour of the grant of planning permission as per Paragraph 47 of the NPPF.

- 8.11. On the matter of location, one of the core principles of the NPPF is to *“actively manage patterns of growth to make the fullest use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable”* (Paragraph 17). As already evidenced, the Site is judged to be a highly sustainable location where future residents of the scheme can take advantage of good public transport services and a good network of walking and cycling routes in order to go about their daily business. The Site’s sustainable location is something that weighs heavily in favour of the grant of planning permission.
- 8.12. The NPPF places great emphasis on achieving good design, stating at Paragraph 56 that *“good design is a key aspect of sustainable development”*. Paragraph 57 states that we should *“plan positively for the achievement of high quality inclusive design for all development”*.
- 8.13. In accordance with Paragraph 58 of the NPPF, development should:
- Function well and add to the overall quality of the area
  - Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks
  - Create safe and accessible environments
  - Be visually attractive
- 8.14. Paragraph 60 states that *“planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles”*, although it is considered *“proper to seek to promote or reinforce local distinctiveness”*.
- 8.15. The scale, appearance, layout, and siting of the development has been informed by its context but is also driven by a strong desire to deliver environmentally conscious architecture. The approach is contemporary, with the architects seeking to reinterpret the more traditional building styles and material finish. The end result is a development that is

in line with preferred sustainability indicators; is undoubtedly distinctive; and will make a positive addition to the townscape. These are matters that weigh heavily in favour of the grant of planning permission.

8.16. The quality of the living accommodation being proposed is undeniably high and the development will have no adverse impact on the current living conditions of adjoining residents. These too are matters that weigh in favour of the grant of planning permission.

8.17. Relying on the findings of the various investigations undertaken in support of the application, the Applicants considers the Site can be developed:

- Without exposing future users/occupants to any risk of contamination
- Without having a detrimental impact on the free and safe flow of traffic within the surrounding area
- Offering future users/occupants a safe, accessible environment
- In a manner which provides a quality of accommodation commensurate with wider policy objectives as they relate to noise; and
- Without increasing the risk of surface water or indeed sewer flooding in the locality.

8.18. All of these matters weigh in favour of the development.

## **9. CONCLUSION**

9.1. Having regard to the statutory test<sup>17</sup> the Applicants consider the development complies with the provisions of existing adopted Development Plan policy and comprises sustainable development for the purposes of Paragraph 14 of the NPPF (first bullet point).

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<sup>17</sup> As per s38 of the Town and Country Planning and Compulsory Purchase Act 2004, to the extent that development plan policies are material to an application for planning permission a decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

9.2. Even if the Local Authority does not agree, the Applicants consider the adopted Development Plan, in so far as it relates to the matter in hand is:

- Not up to date in the context of Paragraph 49 of the NPPF
- Out of date
- Inconsistent with the objectives of the NPPF

9.3. Reverting once more to Paragraph 14 of the NPPF (invoking bullet point 2, and noting that there are no specific NPPF policies which indicate that the development should be restricted) and having taken all material considerations into account, to the effect that there are any adverse impacts associated with the development, the Applicants consider that these do not significantly and demonstrably outweigh the benefits of granting planning permission. Planning permission should therefore be granted without delay.



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