



Appeal Decision

Site visit made on 20 March 2025

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/J4423/W/24/3356418

Land to the west of Manchester Road and east of Rookery Vale, Deepcar, Sheffield S36 2RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
- The appeal is made by Richard Roberts Ltd, Ollerenshaw, Malin and Illingworth against the decision of Sheffield City Council.
- The application Ref is 24/00357/OUT.
- The development proposed is described as: *outline planning permission with means of access from Manchester Road, but not within the site, for the erection of up to 22no. dwellings. All other matters reserved.*

Decision

1. The appeal is allowed and planning permission is granted for outline planning permission with means of access from Manchester Road, but not within the site, for the erection of up to 22no. dwellings. All other matters reserved at Land to the west of Manchester Road and east of Rookery Vale, Deepcar, Sheffield S36 2RJ in accordance with the terms of the application, Ref 24/00357/OUT, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by Richard Roberts against Sheffield City Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application is submitted in outline with the details of access provided for consideration. All other matters of appearance, landscaping, layout and scale are reserved for future approval. I have treated all plans, other than those relating to access as illustrative.
4. The appeal stems from the failure of the Council to determine the planning application within the prescribed period. From my analysis of the evidence, the application was deferred after its consideration at the Sheffield City Council Planning and Highways Committee. The Planning and Highways Committee deferred the application to request further information regarding highway safety matters.
5. The information requested included a speed survey, a breakdown of vehicle types which utilise the highway and a curvature and topography survey. The Council contend that this information would provide officers with the evidence to allow them to understand the specific and actual highways context. This would allow for an informed judgement to be made on whether the visibility splays proposed in the

application are appropriate. In addition to the above, a Stage 1 Road Safety Audit was also requested. The appellant notes that this request could be conditioned.

6. The appellant contends that these surveys are not necessary and therefore these surveys were not provided. Subsequently, the appeal was lodged following the failure of the Council to determine the planning application within the prescribed period, in consideration of the evidence initially submitted with the planning application.
7. The application was also deferred for a further reason. This reason was to allow additional information to be provided in relation to the consideration of what weight could be given to draft emerging local plan policies, namely Policy GS1. The Council have noted in this appeal that given the stage of preparation of the draft local plan, it is concluded that only limited weight can be given to it and that the current local plan policies should take priority. As such, from my assessment of the evidence, this matter has been resolved by this conclusion which has been presented by the Council.

Main Issue

8. The main issue is the effect of the proposal on highway safety.

Reasons

9. The appeal site is located off and would be accessed from Manchester Road (A6102) with the settlement of Deepcar a close distance away. Manchester Road is a two-way single carriageway. On approach towards the appeal site and Deepcar from the south, the evidence notes that the A6102 has a 60mph speed limit, before dropping to 40mph approximately 500 metres before the proposed site access and then 30mph approximately 170 metres before the proposed site access. Interested parties have commented that the 40mph section of the A6102 is to be extended. However, in my analysis of the evidence before me, this change would occur a significant distance beyond the appeal site entrance point.
10. A set of traffic lights are located just beyond the proposed access point. These traffic lights provide controls for a new residential development which was under construction during my site visit. These traffic lights were not operational during my site visit. However, a set of temporary lights were being used in a similar location and therefore would present similarities in the flow of traffic along Manchester Road once the new traffic lights are operational.
11. The application was accompanied by a Transport Statement (TS) and notes the potential impacts of the development. The application is for the provision of 22 dwellings. The TS notes that during peak morning hours, there would be 3 arrivals and 8 departures from the site. During the evening peak hours, there would be 7 arrivals to the site and 4 departures. The TS further notes that the development proposal would generate 1 additional vehicle trip on the local highway network every 5 minutes during peak periods. The number of trips generated from the appeal site would not have a notable effect on the surrounding highway network.
12. The proposed site access includes visibility splays of 2.4 metres by 70 metres in both directions when exiting the site onto Manchester Road. In my analysis of this matter, the Council note that the guidance found in Manual for Streets suggests that for vehicle speeds of 30mph, visibility splays of 2.4 metres by 43 metres

should be achieved. Therefore, the proposal would meet these minimum requirements significantly. However, I am cognisant of the change in speed limit from 40mph to 30mph along the A6102. This does occur approximately 170 metres from the access point to the appeal site. In my view, this distance would provide drivers with sufficient time and distance to reduce their speed to 30mph on their approach into Deepcar.

13. Nevertheless, some drivers may exceed this speed limit, especially during quiet periods where the lights for the junction for the new residential development nearby would be on green. The Council note that the guidance found in Manual for Streets suggests that for vehicle speeds of 37mph, close to the speed limit of 40mph just before the speed limit transition, visibility splays of 2.4 metres by 59 metres should be achieved. As such, even if drivers along Manchester Road were to exceed the speed limit, the visibility splays provided would meet the requirements as set out in Manual for Streets for this speed and therefore would provide adequate visibility for drivers leaving the appeal site.
14. However, I am mindful that the information presented within Manual for Streets and other documentation such as the Design Manual for Roads and Bridges is guidance. As such, I have undertaken an assessment of the proposed access point during my site visit. During my site visit, I was able to stand at the proposed access point and along Manchester Road itself. I observed the proposed access, the highway characteristics, the manoeuvres which would be carried out and the movement of vehicles along Manchester Road. I am cognisant that this set of observations only provides an analysis of a certain point in time. Nevertheless, the observations made were at a time where traffic was not particularly congested. Due to this absence of traffic, vehicles could travel at speed along Manchester Road if they wanted to achieve speeds in excess of the speed limit.
15. Generally, vehicles travelling along the A6102 during my site visit were travelling at approximately 30mph. I did note a small number of vehicles travelling in excess of 30mph once they had passed the temporary lights when leaving Deepcar in the direction of Wharnccliffe Side. However, these examples were limited. Furthermore, when travelling towards Deepcar, vehicles along the A6102 would drop down a hill which levels out at approximately the 70-metre mark of the visibility splay in that direction. The highway is generally flat along the front of the appeal site boundary, with a slight rise experienced at the junction of the new residential development on the opposite side of Manchester Road. The topography then falls as drivers travel into Deepcar. It was noted that cars were visible along this stretch with little difficulty.
16. As previously noted, a set of traffic lights have been erected along Manchester Road close to the appeal site. Whilst these lights were not operational, a set of temporary lights were being utilised in a similar location and therefore would present similarities in the flow of traffic in this location. These temporary lights stopped vehicles moving at a point just beyond the appeal site.
17. When exiting the appeal site, drivers would be able to view along the A6102 over a considerable distance in both directions when the visibility splays proposed are considered. When turning left, this would allow for drivers to exit the appeal site safely once traffic had passed and would allow for a sufficient distance to accelerate to the speed limit if another vehicle came into view along Manchester Road.

18. When specifically turning right from the appeal site, drivers may have to wait longer in the proposed access point to wait for vehicles to pass. By its nature, this manoeuvre in my view would create the greatest danger to highway safety due to the transition across a lane of traffic from the access point. However, owing to the visibility splays proposed, the transition across one single lane, the speed limit of this location and the traffic lights close to the new nearby residential development, this would create gaps in the flow of traffic which for the most part would be travelling at low speeds to allow vehicles to turn right from the appeal site safely.
19. In my assessment of traffic entering the site, vehicles turning right into the access point may be required to wait on Manchester Road, causing traffic to back up. However, the A6102 is a single carriageway road operating in two directions in this location. As such, vehicles would only be required to navigate one lane of traffic to enter the appeal site. This is not an unusual driving task and would not take an unreasonable amount of time. Turning left into the site would require vehicles to slow down to enter the proposed access point safely. However, due to the 30mph speed limit and at a location where drivers may be preparing to stop as a result of the traffic lights close by, this would not create an unacceptable risk to highway safety. As such, these manoeuvres when considered together would not pose a risk to highway safety.
20. Comments have suggested that increased stopping distances would be required in wet conditions. Taking into account the highway characteristics, the low number of cars which are likely to leave the appeal site, the traffic lights just beyond the access point at which drivers would be preparing to stop and the visibility splays proposed, I am not convinced that wet conditions would cause unacceptable highway safety concerns.
21. The TS also contains Personal Injury Collision data for the local highway network between 2018 to 2022, with a map which shows the locations of these incidents. There were 4 incidents recorded during this period which were measured with an incident severity of slight. I note the locations of these incidents within the study area were a significant distance from the proposed access.
22. Collectively, the evidence discussed in my reasoning and the findings of my on-site assessment indicate that the access point proposed would not pose a risk to highway safety. Therefore, the provision of additional surveys as requested by the Council are not necessary in the assessment of this main issue.
23. Interested parties have commented on further highways matters which I have considered in my assessment of this main issue. It is contended that the proposal and the neighbouring new residential development would add to congestion issues on the surrounding highway network. As noted, the development would generate 1 additional vehicle trip every 5 minutes during peak periods. This itself would not significantly increase congestion on the local highway network. Comments have suggested that access for vehicles through The Rookery estate would be unacceptable. The indicative plans demonstrate that access would be provided from Manchester Road, with a pedestrian access provided to Rookery Vale.
24. Interested parties have also raised concerns that the development would provide inadequate parking. The plans before me are indicative. Nevertheless, these plans show that 2 car parking spaces can be achieved per dwelling, with 5 visitor car parking areas. As this application is made in outline, further details, including that

of parking provision and site layout would be provided through a reserved matters application. Concern has also been raised to suggest that the location of the appeal site would promote a reliance on the private vehicle and that bus services are limited. As noted by the Council, the appeal site lies within the existing urban area of Deepcar. The development is close to several amenities and services.

25. Sustrans have commented that an opportunity has been missed to connect the development to the TransPennine Trail through the widening of the footpath on Manchester Road. I note that in the suggested conditions presented by the Council, works to improve the highway and its pedestrian access are suggested in a condition. I return to this matter later in my decision.
26. This application stems from the failure of the Council to determine the planning application within the prescribed period, after a request for a specific list of surveys was requested to be undertaken by the appellant. Stocksbridge Town Council have commented that they would provide the funding for certain surveys to be undertaken. The town council note however that this was restricted during the time of the appeal due to the deadline for submissions to be made and the temporary lights which are located close to the appeal site and the neighbouring residential development. Nevertheless, this evidence has not been forthcoming and therefore it is my understanding that this survey has not been undertaken.
27. To conclude, the development would not have an unacceptable impact on highway safety. As such, there would be no conflict with Policy H14 of the UDP. Part (d) of Policy H14 requires new development to provide safe access to the highway network.

Other Matters

28. The appeal is accompanied by a signed Unilateral Undertaking (UU) which has been submitted by the appellant. The UU requires the development to make a contribution towards affordable housing and a financial contribution to fund the supply and installation of a bus shelter. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and Paragraph 58 of the Framework sets out three tests that planning obligations must meet. First, they must be necessary to make the development acceptable in planning terms, secondly, they must be directly related to the development and thirdly, they must be fairly and reasonably related in scale and kind to the development. The contributions are not contested.
29. In this case, the provision of a contribution towards affordable housing is necessary to provide an appropriate level of affordable housing as per the requirements of the Community Infrastructure Levy and Planning Obligations Supplementary Planning Document (December 2015). It would be directly related to the development due to the creation of additional dwellings and would be reasonably related to the scale of the development proposed as a contribution.
30. A bus shelter is necessary to promote the use of sustainable transport within and around the city of Sheffield. It would be directly related to the development due to the creation of additional trips from the appeal site. The total sum of the contribution is fairly and reasonably related to the scale of the proposed development. I therefore conclude that the contributions proposed would meet the three tests as set out in Regulation 122(2) and Paragraph 58 of the Framework.

31. Interested parties have provided comment on several matters which do not relate to highway safety. I address these comments in following the relevant subheadings below.

Design

32. The application is made in outline, with the access proposed for consideration. Comments have raised concern on the design of the proposal. The design of the scheme is a reserved matter which would be dealt with through a subsequent reserved matters application. The assessment of whether a design is suitable for the character of the area is reserved for future consideration and does not form a part of the considerations of this appeal.

Living conditions

33. Properties are located behind the appeal site on The Rookery and Rookery Vale. Properties here are sited in an elevated position above the appeal site. I note the separation distances between these properties and those of the appeal proposal. This is a significant distance and as such, I do not find that overlooking, or a loss of privacy would occur between these buildings.
34. A footpath is proposed between the appeal site and Rookery Vale. Comments suggest that this would result in the loss of privacy from footpath users having access to the estate through this footpath. During my site visit, I noted that tall boundary fences surrounded the amenity spaces of the two properties between the path which would be most affected by this aspect of the proposal. As such, this would assist in ensuring that privacy is not lost.
35. Anti-social behaviour concerns have been raised because of the proposed provision of this footpath. The fear of crime can be a material consideration. However, there must be a reasonable and evidential basis for that fear. There is no convincing evidence before me to suggest that this would occur or be to the detriment of neighbouring occupiers as a result of this footpath.
36. There are concerns that the orientation of the proposed dwellings would cause overshadowing to private amenity spaces which would also suffer from the effects of the proposal having an overbearing effect on its future occupants due to its proposed layout. The plans under consideration in this appeal are indicative and the layout in particular is reserved for later consideration. As such, this layout is subject to change.
37. Residents to the rear on Rookery Vale and The Rookery have suggested that due to the topography of the site, vehicles entering the site and accessing the indicative driveway positions of the proposed dwellings would create a negative effect to their living conditions. This is due to the brightness from vehicle headlights facing their windows. However, owing to the distance between these properties and the appeal site and the indicative position of the proposal, I do not consider that this would create a harmful effect to the living conditions of these properties.
38. Interested parties note that the development would emit noise during the construction process and through the removal of possible earth movements. This is an inevitable consequence of building works. Nevertheless, a suitably worded planning condition which requires the submission of and adherence to the contents

of a Construction Environmental Management Plan could be imposed. This would require the developer to explain how the effects of construction, including noise, will be minimised. Therefore, whilst noise would be experienced, this could be mitigated. I return to this matter later in my decision.

Environmental

39. Parties have noted that the site is allocated as an Urban Greenspace Zone within the draft local plan and that the site is greenfield. As noted, the Council have concluded that only limited weight can be given to this draft local plan at this time.
40. Additional concern has suggested that the land could be unstable due to the development site within a coal mining referral area, and this would be increased due to the earth movements required from the site. A Phase 1 Desk Study Report prepared by Abbeydale Building Environmental Consultants Ltd identifies previous coal mining activity. The Council note that within the report, appropriate recommendations are included for investigations to identify any remedial measures. Subject to the provision of appropriately worded planning conditions to require the submission of a scheme of investigation works and remediation work, I find no reason to disagree with the reasoning by the Council on this matter.
41. Structural considerations regarding the longevity of the retaining wall system have been raised. These are matters which would be dealt with under Building Regulations.
42. Interested parties have raised concern with regard to the drainage of the appeal site post development, including the suggestion that the proposal would lead to flooding and sewage issues. The appeal is made in outline, with only access submitted for consideration. All other matters of appearance, landscaping, layout and scale are reserved for future approval and would be subject to a reserved matters application. As such, the matter of drainage details would be required in a reserved matters application to overcome the matter of drainage from the appeal site.
43. Additionally, the indicative plans show that aspects of the proposed development would be located within the Root Protection Area of trees in the appeal site. A number of these trees are protected by a Tree Protection Order. The application is made in outline with an indicative layout to demonstrate that 22 dwellings could be located on this site. The final layout has not been applied for. Any future reserved matters application would be required to submit a final layout which would need to take the surrounding trees into account.
44. Interested parties have alleged that no air pollution assessment has been undertaken. However, in my assessment of the evidence before me, an Air Quality Assessment prepared by Redmore environmental (prepared 2nd October 2023) has been undertaken. This assessment concludes that there is a potential for air quality effects as a result of dust emissions from the site during construction and the generation of road traffic exhaust emissions once operational. However, these matters were predicted to be not significant. Subject to a suitably worded condition, the effects of dust and other effects during construction could be mitigated.
45. The effect of the development on biodiversity, wildlife and bats is commented on by numerous parties. A Biodiversity Net Gain Report has been prepared by

Estrada Ecology (dated 19th January 2024). This report indicates that the development would exceed the mandatory 10% biodiversity net gain requirement. With regard to the effect on bat populations, the Council consider the site to have a limited potential for bats. As such, I have no reason or convincing evidence before me to conclude otherwise than in accordance with the assessment made by the Council.

Housing need and affordable housing contributions

46. Residents have suggested that there is no need for further housing, whilst other residents have suggested that the provision of 22 dwellings would not make a significant contribution to the housing shortage. The Council note that it cannot demonstrate an appropriate housing land supply which suggests that further housing is indeed needed. In addition, the provision of 22 dwellings would make a positive contribution towards the shortage of homes in Sheffield.
47. Interested parties have questioned if the proposed affordable housing contribution made in this appeal will be provided. The Council note that a 10% provision must be provided as per the relevant planning policy requirements. The appellant has submitted a signed Unilateral Undertaking which states that the affordable housing provision shall consist of no less than 10% of the total number of dwellings.

Other

48. Interested parties have criticised the advertisement of the application during the consultation process. The Council note that those properties which share a boundary with the appeal site were notified, in addition to several site notices as per the Council's Statement of Community involvement. I have no concern with this approach.
49. The effect of the development on the property market and the loss of a private view is not a material planning consideration.

Conditions

50. The Council did indicate which conditions it wanted to be considered if the appeal was allowed. In my assessment of these conditions, I have undertaken minor changes to meet the six tests against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision. The Council and the appellant were provided with the opportunity to comment on the conditions in the attached schedule. The appellant confirmed that they had no objection to these conditions.
51. In the interests of certainty and clarity, I have imposed the standard conditions relating to the approval of reserved matters [1], the timescale for the submission of the reserved matters [2], the commencement of development [3] as well as the approved plans [4]. In the interests of highway safety, I have included a condition [5] which requires the provision of the access from Manchester Road be provided before development takes place. This condition also requires the approved visibility splays to be maintained throughout the development's lifetime.
52. A set of conditions have been imposed which require a Phase 2 Ground Investigation to be undertaken with a risk assessment submitted [6] and the submission of a remediation scheme [7]. An additional condition has been included which requires action to be undertaken where unexpected contamination is

discovered [8]. These conditions are necessary to ensure that contamination is appropriately dealt with and is safe.

53. A condition requiring the submission of a detailed surface water drainage scheme [9] has been included. In my assessment of the conditions suggested by the Council, two additional conditions which related to drainage were suggested. As such, elements of these conditions have been incorporated into condition 9. I have further included a condition which restricts the proximity of development, tree planting and landscape features to the existing sewer network [10]. These conditions are necessary to maintain the public sewer network and ensure that the drainage of the site is fit for purpose.
54. A condition relating to the submission of a Habitat Management and Monitoring Plan [11] and a Landscape and Ecological Management Plan [12] is necessary to secure biodiversity net gains as part of the development and to ensure that the appropriate landscaping of the site is carried out. The submission and approval of a scheme for the protection of retained trees [15] is necessary to ensure that nearby trees which are to be retained are protected from harm during the course of the development of the scheme.
55. The Council suggested several conditions which relate to the management of construction work and construction traffic. In my consideration of this suggestion, I have imposed a condition which requires the submission and approval of a Construction Method Statement [13]. As such, I have incorporated the elements of management suggested by the Council into one condition. This condition is necessary to ensure to understand how the construction process will be managed by site operatives. The provision of a Construction Environmental Management Plan [14] is necessary to avoid risk of contamination to the site and manage the effects of development upon the wider locality.
56. A condition has been included which requires an investigation to be carried out to establish the risk posed by past coal mining activity [16]. This condition has combined several conditions which were suggested by the Council. However, in one of the suggested conditions, the Council required a signed declaration to be made by a suitably competent person. This declaration would confirm that the site has been made safe and stable for the development. Another suggested condition required for this information to also be submitted to and approved in writing by the Council. I have therefore imposed a condition to require the submission of any remediation works to the Council which they shall approve in writing. This shall provide the Council with control over the suggested remediation works before they are carried out.
57. The submission and approval of streetlighting design and location details [17] is necessary to protect the living conditions of the future occupiers of the development and the neighbouring occupants of surrounding properties. The full details of bin storage areas [18] and cycle parking accommodation [19] is required to promote sustainable forms of transport and to protect the amenities of the future occupants of the development.
58. A condition which requires the carrying out of highway improvement works related to the development or the submission and approval of relevant details [20] are necessary to provide an appropriate vehicle and pedestrian access to and from the development. The details of the proposed car parking provision is required to be

submitted to and approved in writing [21]. This is necessary to ensure that the parking provision would be constructed to a satisfactory level.

59. The Council did suggest a condition which requires the submission of details to demonstrate how the development will provide a minimum of its predicted energy requirements. I have amended this condition in my decision to make it concise [22].
60. The Council did suggest several conditions which I have not included in this decision. Firstly, two conditions were suggested which required the submission of information which relates to sound insulation works and subsequent validation testing of the works to be carried out, with the results provided. These properties would be located close to the settlement of Deepcar and would be next to other residential properties. I therefore do not consider this condition and its requirements necessary. A condition also specified the driveway dimensions. The layout of the scheme, including that of the design of driveways, would be devised during the reserved matters stage. At that time, regard would be required to be had to ensure that the development would comply with the Council's parking standards.
61. A condition was suggested which states that no tree, shrub or hedge shall be removed or pruned without the written approval of the Council. Several trees at the rear of the site away from Manchester Road are protected by a Tree Preservation Order. Therefore, these trees are offered a level of protection under this mechanism. With regard to trees which are not covered by a Tree Preservation Order, these are largely located towards the front of the site next to Manchester Road. This suggested condition would not permit general pruning to be undertaken which may be required for visibility splay reasons, as required by condition 5. This would be unnecessarily restrictive in my view.

Conclusion

62. In view of the above and taking all other matters into account, the appeal should be allowed.

J Smith

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, scale and layout, ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) The application for the approval of the reserved matters shall be made to the local planning authority no later than three years from the date of this permission.
- 3) The development hereby permitted shall commence no later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The application hereby permitted shall be carried out in accordance with drawing numbers:
 - 2342.02 REV C (Location Plan)
 - AMA/21372/SK006 (Proposed Site Access)
- 5) No development shall take place until the proposed access from Manchester Road, including the visibility splays, as shown on drawing number AMA/21372/SK006, have been provided. The approved access shall be provided in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained with the visibility splays kept free of obstructions exceeding 0.6m above the level of the maintained highway.
- 6) Prior to the commencement of development, the intrusive Phase 2 Ground Investigations shall be undertaken as recommended in the approved Phase 1 Desk Study Report: 631050-DS (prepared by Abbeydale Building Environment Consultants). These investigations shall inform a risk assessment of any contamination found. This information shall be submitted to and approved in writing by the local planning authority. The report shall be prepared in accordance with current Land Contamination Risk Management guidance (LCRM; Environment Agency 2020).
- 7) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred options, the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be

submitted to and approved in writing by the local planning authority before the development is occupied.

- 8) Any contamination that is found during construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development, or relevant phase of development, shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 9) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.
 - a. The submitted details shall:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater or surface waters;
 - ii. provide details of the position of the water table, details of stability of any excavation and retaining structures and the effect these structures would have upon the flow of ground water;
 - iii. include details for the storage for a period of a minimum of 30 years, including an additional allowance which take into account the effect of climate change for the lifetime of the development;
 - iv. include a timetable for its implementation, including its phasing; and,
 - v. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 10) No building, tree planting or landscape feature shall be located over or within 3.5 metres either side of the centre line of any public combined sewer which crosses the site. No development shall commence until works for the protection of this public sewerage infrastructure have been provided on the site, in accordance with details that have first been submitted to and approved in writing by the local planning authority. The details shall include the means of ensuring access to the sewer for repair and maintenance purposes. If the required protection measures are to be achieved by diversion or sewer closure, the

developer shall submit evidence to the local planning authority that the diversion of this closure has been agreed with the relevant statutory undertaker.

- 11) No development shall take place until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the local planning authority.
 - a. The submitted details shall:
 - i. provide on-site enhancement measures which achieve a minimum of a 10% net gain in biodiversity, unless a lower percentage is agreed where it is supplemented with off-site biodiversity units;
 - ii. include management responsibilities, maintenance schedules, objectives and a methodology to ensure the submission of monitoring reports over a 30-year period following the completion of the development as required under Schedule 7A of the Town and Country Planning Act 1990.
 - b. The development shall thereafter be undertaken in accordance with the approved HMMP.
- 12) No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include the short, medium and long term aims and objectives, management responsibilities and maintenance schedules. The development shall thereafter be undertaken in accordance with the approved LEMP.
- 13) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the ingress and egress points for construction vehicles;
 - v. wheel and body washing facilities for vehicles leaving the site;
 - vi. the details of any temporary traffic management; and,
 - vii. delivery and construction working hours
- 14) Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP should include controls and procedures designed to ensure compliance with relevant best practice and guidance in relation to noise, vibration, dust, air quality and pollution control measures. The approved CEMP shall be adhered to throughout the construction phase of the developed.
- 15) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or if

an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved and not removed until completion of the development.

16) No development shall commence until:

- a. a scheme of intrusive investigations has been carried out onsite to establish the risks posed to the development by past coal mining activity; and,
- b. any remediation works or mitigation measures required to address land instability arising from a legacy of coal mining shall be signed by a suitably competent individual and submitted to and approved in writing by the local planning authority. Thereafter, these works shall be implemented on site in full to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with Coal Authority guidance.

17) Details of any streetlighting design and location shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details.

18) No dwelling shall be occupied until full details of dedicated bin storage areas for each dwelling has been submitted to and approved in writing by the local planning authority. These storage areas shall be provided and retained for their intended purpose in accordance with the approved details before the dwellings are occupied.

19) No dwelling shall be occupied until full details of suitable and sufficient cycle parking accommodation within the site shall be submitted to and approved in writing by the local planning authority. This cycle parking provision shall be provided in accordance with the approved details and retained thereafter for the lifetime of the development.

20) No above ground works shall commence until the highway's improvements listed below have either been carried out or details have been submitted to and approved in writing by the local planning authority which will secure that such improvement works will be carried out before the new dwellings are occupied. The dwellings shall not be occupied until the highway improvements listed below have been completed.

- a. construction of a new junction to serve the development site broadly in accordance with approved drawing number AMA/21372/SK006, including the provision of pedestrian dropped kerbs with tactile paving, drainage, review/provision of street lighting and visibility splays of 2.4 metres x 70 metres;
- b. construction of a footway (minimum width of 3-metres) including to the northern radius of the new junction, running along the western side of Manchester Road connecting with the Bloor Homes signalised junction (for shared pedestrian/cycle use);

- c. the construction of the pedestrian and vehicular access into the site shall be undertaken and not exceed a 1:12 gradient;
 - d. any other accommodation works to statutory undertaker's equipment, traffic signs, road markings, lighting columns and general street furniture necessary as a consequence of the development; and,
 - e. accessible pavement works including raised kerbs, tactile paving, and bus stop clearway marking.
- 21) Before the commencement of any above ground works, details of the proposed surfacing, layout and marking out of the car parking provision shall be submitted to and approved in writing by the local planning authority. The dwellings shall not be occupied until this cycle parking provision is provided in accordance with the approved details and retained thereafter for the lifetime of the development.
- 22) No development above ground level shall take place until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before its occupation and thereafter retained in operation.

End of Schedule



Costs Decision

Site visit made on 20 March 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Costs application in relation to Appeal Ref: APP/J4423/W/24/3356418 Land to the west of Manchester Road and east of Rookery Vale, Deepcar, Sheffield S36 2RJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Richard Roberts for a full award of costs against Sheffield City Council.
- The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for outline planning permission with means of access from Manchester Road, but not within the site, for the erection of up to 22no. dwellings. All other matters reserved.

Decision

1. The application for an award of costs against Sheffield City Council is allowed in full.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG provides examples of unreasonable behaviour by local planning authorities. This includes procedural matters, such as providing information that is shown to be manifestly untrue or inaccurate, or deliberately concealing relevant evidence. It also includes substantive matters, such as preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, or failure to provide evidence to substantiate the reasons for refusal.
4. The application for costs relates to the allegation that the Council delayed its determination of a policy compliant proposal on the request of additional unnecessary survey requirements. The appeal stems from the failure of the Council to determine the planning application within the prescribed period. This was after it was deferred by the Sheffield City Council Planning and Highways Committee to attain the submission of several highway related surveys from the appellant. The recommendation of the Planning Officer was that to approve the proposal.
5. The Council note the importance of planning committees in the decision-making process. This is not questioned. Planning committees play an important role in the decision-making process and can have regard to material considerations as they are presented during that process. The decisive material consideration the committee made from my analysis of the evidence was that vehicles travelling along Manchester Road travel in excess of the 30mph speed limit.

6. Planning committees are entitled to reach a different conclusion to its officers. Nevertheless, the Planning Officer and Highway Officer opinion was that this scheme was policy compliant in relation to highway matters. The development was shown to meet the technical requirements for visibility splays as discussed in Manual for Streets. This includes for roads with a speed limit of up to 40mph. This leads me to conclude that even if vehicles were to travel beyond the speed limit, the proposed access and associated visibility splays accounted for this increased speed. As such, whilst material considerations can be explored by a committee, in this case, the proposal had accounted for speeding beyond the 30mph limit.
7. However, just because a scheme is compliant on technical matters, does not automatically mean that it should be granted planning permission if material considerations weigh heavily in the opposite direction. The Council contend that after the planning committee meeting, the Highways Officer considered the questions from members and confirmed that speed checks could be carried out. This would allow the true speeds of vehicles travelling along Manchester Road to be known. Nonetheless, the view that vehicles speed along Manchester Road is not substantiated by data and is committee opinion. Whilst such a survey would clarify this assertion, there are other methods of data collection such as collision data which could have been utilised by the committee if such an issue of speeding and issues around highway safety did exist.
8. It follows that the evidence, including that of both Planning Officer and Highway Officer opinion during the initial assessment of the application, suggests that the proposal was policy compliant and would create no harm in relation to highway safety. There was no substantiated reason before me to suggest that speeding does indeed occur along Manchester Road to such an extent that the development itself would have implications for highway safety. Therefore, in my mind, the surveys requested by the committee were not necessary and a decision should have been made without delay.
9. In deferring the application, the committee also wished to be provided with further information on the draft local plan. In my analysis of the evidence, the Officer Report notes that the draft local plan was awaiting examination and at that time, the policies were to be given no significant weight in decision making. Despite this, the Council suggest that members required additional information to establish if more weight could be applied to draft local plan policy GS1. Draft policy GS1 is concerned with development in urban green space. The evidence suggests that in the draft local plan, the appeal site would be allocated under this policy designation.
10. The committee meeting report notes that officers advised that the weight that could be given to the proposed Local Plan designation would depend on the public feedback which had been made on this proposed policy. A deferral of this scheme would allow this information to be gathered. In following the timeline of the application, this update was not provided and appeared to remain unresolved until the appeal was lodged.
11. I am mindful of the committee and their desire to provide a full assessment of the scheme with regard to this particular draft policy. However, in knowing that the draft local plan was to be given no significant weight in decision making at the time of the committee, this would suggest that its adoption, or any significant weight to be given to its draft policies, was a significant period away. When considered in isolation of the highways related matter, the delaying of an application on this basis,

despite being informed of the weight to be given to the draft local plan has resulted in unnecessary delay. As such, I consider this behaviour to be unreasonable.

12. I therefore find that the Council has demonstrated unreasonable behaviour in their deferral of the application based on a request for further highway surveys and information on a draft local plan. This has resulted in unnecessary and wasted expense on the part of the applicant.

Costs Order

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Sheffield City Council shall pay to Richard Roberts, the costs of the appeal proceedings described in the heading of this decision.
14. The applicant is now invited to submit to Sheffield City Council, who have also been sent a copy of this decision, details of those costs with a view to reaching agreement as to the amount. If the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Office is enclosed.

J Smith

INSPECTOR