

- 1 CPRE South Yorkshire welcomes the opportunity to respond to Patrick Properties' consultation on its plan for 350 houses on the abandoned Hepworth's site in Loxley Valley. We participated in the second stakeholder workshop on 9<sup>th</sup> December, and representatives of CPRE also attended the public exhibition in Stannington Community Centre on 11<sup>th</sup> December. Prior to this we have had a series of useful meetings with Patrick Properties through 2018 and 2019 (the inception meeting also being with SCC).
- 2 CPRE South Yorkshire has a long history of engaging with the future of this site and produced a manifesto ('Ten Tests') for it in 2005. Whilst the manifesto was prepared in anticipation of a different scheme, it remains valid in setting out our aspirations for what we consider to be a sustainable scheme and an exceptional outcome that we could support and promote as an exemplar. We used it to test Patrick Properties' previous draft vision document<sup>1</sup> for the site (see our response to PP and SCC of March 2019) and below we use it to test the current proposals.
- 3 In summary, if this development is to anticipate both the revision of Sheffield City Council Local Plan policies to be fit for a rapid trajectory towards zero carbon and the emerging recommendations of the Committee on Climate Change for buildings and transport, it requires substantial additions and amendments. The dilemma for Patrick Properties is that the outline plan has either to limit the quantity of housing to that sufficient to underwrite remediation of the site, or it needs to be accompanied by a guaranteed suite of robust and ambitious sustainability measures, which at present the company appears unwilling to consider.

#### **A. Differences between this and the February 2019 Vision document**

- 4 The main differences between the previous masterplan and the current plan appear to be a change from preparation for a full planning application to that for an outline application, a reduction in the size of the site, and an increase in housing numbers from 312 to 350.
- 5 This current consultation is seeking views on a proposal for submission as an outline planning application. This is a very different situation to that of an emerging masterplan intended to inform a full planning application. According to the exhibition boards the proposal would only cover:
  - Amount of development and open space;
  - Location and type of land use;
  - Access and indicative highways layout, including several bridges;

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<sup>1</sup> Patrick Properties (2019) *Hepworth Loxley: Masterplanning and Placemaking Vision Document - DRAFT*. February 2019, unpublished.

- Design guidelines for future development.
- 6 This would leave the detailed sustainability measures as reserved matters to be negotiated between developer and planning authority. For such a large development with substantial potential to be an exemplar, this is unacceptable. We cannot support it without substantial additions and amendments.
- 7 The Concept Masterplan board at the exhibition refers to the site being 22ha (previously this was given as 30.5ha). This reduction in area appears to be due to a change in the boundary of the site along its northern edge, which now excludes the millpond, the field beside Rowell Lane and the eastern woodland on both sides of the River Loxley.

## B. Overview of the Masterplan

- 8 There are some welcome aspects in the draft concept masterplan, principally the retention of woodland and other open space, the creation of community spaces and an indicative layout that reflects the linear nature of the site, avoiding generic suburban layouts. However there are two major issues that in our view will be difficult to overcome: harm to the openness of the Green Belt, and flood risk.

### *Harm to the openness of the Green Belt*

- 9 The site is washed over by the Green Belt designation where the construction of new buildings is inappropriate<sup>2</sup>. Exceptions to this are the partial or complete redevelopment of previously developed land, which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 10 A development cannot 'preserve' the openness of the Green Belt when it causes harm to openness, regardless of the degree of harm<sup>3</sup>. Notwithstanding the potential improvement to a derelict site, the proposed development would cause substantial harm to, and not preserve, the openness of the Green Belt. The decay of the factory buildings, their dark colour and encroachment by trees and their lack of lighting have substantially reduced the harm of the

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<sup>2</sup> <https://www.gov.uk/guidance/national-planning-policy-framework/13-protecting-green-belt-land>

<sup>3</sup> R (Boot) v Elmbridge Borough Council [2017] EWHC 12 (Admin) interpreting NPPF 2012 para 89 now NPPF 2018 para 145 <https://www.casemine.com/judgement/uk/5a8ff74260d03e7f57eaa7e5>

industrial site on the openness of the Green Belt by increasing their permeability and slowly returning the site to open countryside. By contrast a residential development, with the urban form of development and the multicoloured and shining clutter that would accompany it, the encroachment of the development on previously undeveloped areas of the site, its clearance of trees, and its night-time lighting, would have a dramatic effect on the function of the Green Belt and would likely cause substantial harm to its openness. We do not believe that the degree of harm can be circumvented by the development's proposed contribution to affordable housing.

- 11 Development that is harmful to the Green Belt should not be approved except in 'very special circumstances'. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case, no 'very special circumstances' have been presented to outweigh the harm to the Green Belt or to any other harm resulting from the proposal, including the adverse impacts of increased traffic, light pollution and loss of tranquillity.
- 12 Taking account of the visual impact of a development on the openness of the Green Belt is complex and must be assessed on a case-by-case basis, as demonstrated by case law. Visual harm and/or perception is an 'obviously material' consideration and the perceived effect of a development upon openness could be less than might be expected<sup>4</sup>. Even though a site may be developed completely, provided the visibility from outside the site is limited, it may be acceptable in a visual sense as having no or a limited impact on the openness of the Green Belt.
- 13 On the other hand, the visual impact of a proposed development may itself reduce the openness of the Green Belt. When considering the redevelopment of a garden nursery in Surrey, the Inspector noted that the existing glasshouses were of an agricultural character and the glazed nature of the majority of the buildings also reduced their presence<sup>5</sup>. In dismissing the appeal, the Inspector found that the quantum and amount of the more urban form of residential development proposed, with its markedly taller and solid buildings and the subdivision of the area into individual curtilages, would reduce the openness of

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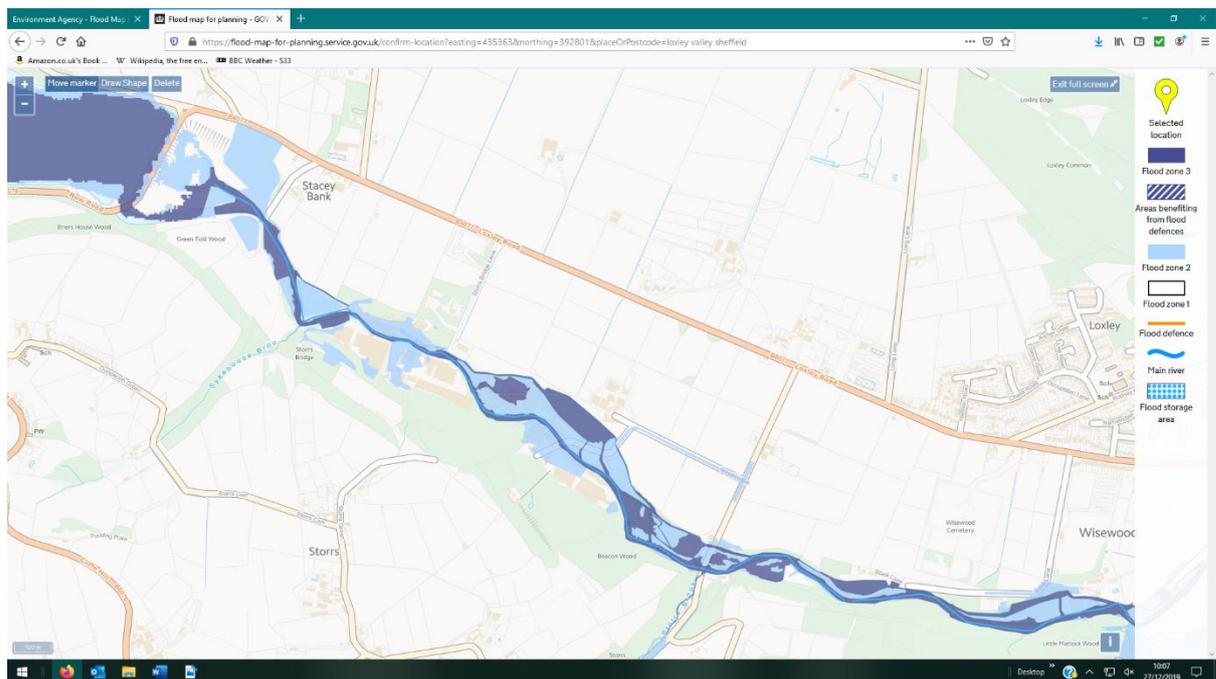
<sup>4</sup> <https://www.casemine.com/judgement/uk/5a8ff7d560d03e7f57eb25fc> Goodman Logistics Developments (UK) Ltd v Secretary of State for Communities and Local Government and another [2017] EWHC 947

<sup>5</sup> <https://cornerstonebarristers.com/cmsAdmin/uploads/appeal-decision-3163050.pdf>  
APP/R3650/W/16/3163050

the green belt despite it having a quarter of the floor space of the existing buildings.

### *Flood Risk*

- 14 The proposal fails to meet the requirements of the NPPF with respect to flood risk which require new development to be steered to Flood Zone 1<sup>6</sup>. Where there are no reasonably available sites in Flood Zone 1, reasonably available sites in Flood Zone 2 can be considered, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required.
- 15 The majority of this development lies in Flood Risk Zones 2 and 3 (screen shot of Flood Risk Zones below). As there are plenty of alternative sites available



within Sheffield City Council area, the use of this site is not essential and it is not listed on the brownfield register<sup>7</sup>. Furthermore as this is a ‘more vulnerable’ development (housing) the Exception Test must be applied, at least

<sup>6</sup> <https://www.gov.uk/guidance/flood-risk-and-coastal-change#sequential-approach>

<sup>7</sup> [http://datasheffieldcc.opendata.arcgis.com/datasets/4b5647fc89894d6aa535657d486cdf82\\_0/data](http://datasheffieldcc.opendata.arcgis.com/datasets/4b5647fc89894d6aa535657d486cdf82_0/data)

to that part of the development in Zone 3<sup>8</sup>. Although the Loxley site may pass two elements (located on brownfield and a flood risk assessment may show it will be safe) of the Exception Test, it fails to pass the third element - that the development demonstrates that it provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared. On site these benefits could include increases in housing density in the area, which - if coupled with improved public transport - would lead to a reduction in transport related emissions; exceedance of statutory minima with regards to energy efficiency; and provision for home working with a study/office area being provided for each dwelling, again potentially reducing transport related emissions. The proposal must also provide sustainability benefits beyond the application site, for the community, for example:

- Provide affordable housing to meet an identified local need;
- Remove pollution;
- Assist in the regeneration of an area;
- Visually enhance a site to the benefit of the character of an area;
- Relocate an existing use closer to public transport thus reducing the amount of traffic on the road.

16 As proposed the development significantly reduces the natural floodplain attenuation. Although the measures proposed would decrease peak flows by 30%, with no increased risk of flooding downstream, the exceptional circumstances to make this development necessary must be made explicit.

17 These and other serious omissions, identified in our manifesto test below, must be addressed in the outline plan, as follows:

- i. Justify the substantial harm to the openness of the Green by demonstrating 'very special circumstances' exist for allowing the development to proceed;
- ii. Justify the use of land in flood risk 2 and 3 by meeting the Exception Test;
- iii. Guarantee new homes are fit for a zero carbon future i.e. be low-carbon, have ultra-high energy and water efficiency, and climate resilience<sup>9</sup>; be heated through low carbon sources with appropriate ventilation, have property-level flood protection in flood risk areas and, where possible, be timber-framed;
- iv. Create a sustainable settlement - Either the number of houses is reduced to avoid the flood plain and to cover the costs of remediation of the existing buildings, or the density of the housing is used to create a truly sustainable settlement with mixed uses, and a substantial reduction in the need to travel especially by private car;

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<sup>8</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/575184/Table\\_3\\_-\\_Flood\\_risk\\_vulnerability\\_and\\_flood\\_zone\\_compatibility\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575184/Table_3_-_Flood_risk_vulnerability_and_flood_zone_compatibility_.pdf)

<sup>9</sup> Fit for the Future? UK Housing, Committee on Climate Change, Feb 2019

- v. Present a comprehensive woodland management plan which formally quantifies biodiversity net gain.

**C. Performance of the Proposed Masterplan against CPRE's 2005 manifesto**

*1 Be good enough for the National Park: high quality development that meets National Park standards. Create and reflect sense of place and wherever possible retain attractive existing industrial heritage features. New buildings must be of outstanding design appropriate to location.*

In this high quality landscape which provides the setting to the Peak District National Park the development must make an important contribution to maintaining its natural beauty<sup>10</sup>. The essential design elements of an outstanding scheme will be:

- A sense of place;
- Imagination and avoidance of pastiche in aesthetics;
- Zero-carbon and lifetime home standards;
- Ensuring that the public realm and street scene prioritise pedestrians, children and the needs of the older and less able;
- Integration of built form with green infrastructure;
- Transport infrastructure, including roads, bridges, lighting, signing, other street furniture and public transport infrastructure, that is carefully designed and maintained to take full account of the valued local characteristics.

It is crucial that any prospective developer understands and supports these elements which must be made explicit in the outline plan.

*2 Conserve and enhance the appearance of the Green Belt: the impact on the wider landscape must be improved.*

The topography of the site, and the extent of tree cover, could reduce the visual impact and in near views improve visual amenity but, in our view, would not outweigh the harm to openness of the Green Belt described above.

*3 Occupy a much reduced 'footprint': the development must bring about significant 'greening' of the valley.*

The increase in housing numbers from 312 to 350 intensifies use of the site. We were told that the developed footprint would decrease from c.350,000ft<sup>2</sup> (3.25ha) to c.300,000ft<sup>2</sup> (2.78ha). Three hundred and fifty houses on 2.78ha would give a density of 126dw/ha. However, we were told that the housing density would be 55dw/ha, implying that more than twice the existing footprint (i.e. 6ha) would be developed, as in the February 2019 Vision document. Some of the extra housing appears to have been accommodated on land proposed in the February 2019 Vision document as greenspace in the north-western corner of the site.

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<sup>10</sup> <https://www.gov.uk/guidance/natural-environment>

*4 Be developed with full community involvement - full, transparent participation of community groups and local people throughout the master-planning stage. Comments must feed into proposals.*

The original plan was to re-engage with local people through a workshop and further consultation in April 2019 prior to the submission of a full planning application later in the year<sup>11</sup>. Instead the public are now presented with plans for an outline planning application, which would not address concerns expressed at the exhibition including traffic congestion and vehicle-generated pollution, the increase in housing numbers and flood risk, and the impact on recreation and amenity. Unsurprisingly, this has engendered hostility and is most likely to lead to substantial objections if these matters are not rectified in the outline proposal.

*5 Offer a 'mixed use' development: In the light of the plentiful urban brownfield housing land supply in Sheffield, development should give priority to employment creating rural enterprises, offices and community facilities. Any housing can only be of a scale that is financially necessary to improve the site environmentally or is in itself a contribution to such environmental improvement.*

As noted above the increase in housing numbers is unacceptable unless the substantial harm to the openness of the Green Belt is justified and the increase is used to provide an exemplar sustainable settlement, not a residential enclave. The lack of mixed use, apart from a couple of community buildings, within the masterplan will make this impossible to achieve. We understand the need for residential development to finance the remediation and enhancement of the site, but this should not be achieved at the expense of a development that lacks vitality and reasons for non-residents to use it.

*6 Include a significant proportion of affordable and social housing in any residential parts of the development.*

Affordable housing is mentioned on the Concept Masterplan board, but the amount and type is not covered, although we were told it would be 10%. Again, if the aim is to create a sustainable settlement, it is essential that a good cross-section of population can live there, and the outline application must set a figure for this.

*7 Minimise additional traffic: development must be accompanied by a holistic 'green travel plan' taking into account the wider catchment. There must be no additional adverse traffic impact on the 'pinch point' at Malin Bridge.*

A travel plan is essential to encourage behavioural change to achieve a reduction in the need to travel, and to change public attitudes away from car usage and towards public transport, walking and cycling. Wider traffic impact is a primary concern for many people in the local community. New residential development

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<sup>11</sup> <http://urbed.coop/projects/former-hepworth-refractory-loxley-sheffield>

generates on average between 5 and 7 additional vehicle movements per dwelling per day, so 350 dwellings would create around 1,750 to 2,450 new trips per day. Most developer-led travel plans do not adequately address this because they tend to focus mainly on peak-time commuting trips. We would wish to see a plan that breaks down trips by type (e.g. commuting, school run, leisure) and analyses how each type can be addressed modally. Additionally, because it is our view that the site should be a destination - for the mixed use elements and to give vitality to the new settlement - then the travel plan would also need to deal with those trips. However, it is entirely possible that mixed uses would make enhanced public transport more viable, and therefore give a significant benefit in terms of modal shift.

#### *8 Encompass biodiversity gains: habitat management and creation.*

Ensuring long-term stewardship of the habitats and green spaces will be absolutely central to meeting net gain in biodiversity and the community's support for the scheme. The masterplan's intentions for ecological benefit appear vague. The entire site, apart from the existing built footprint, is priority habitat deciduous woodland<sup>12</sup> or ancient and seminatural woodland. The latter, Beacon Wood<sup>13</sup>, stands at the eastern end and extends beyond the eastern boundary. Nearby development can have both an indirect and direct impact on ancient woodland or ancient and veteran trees and the species they support<sup>14</sup>. These can include breaking up or destroying connections between woodlands and ancient trees, and increasing the amount of pollution, of disturbance to wildlife and of damaging activities like fly-tipping and the impact of domestic pets. These impacts must be addressed in the planning application. Measures to manage the priority habitats of ancient woodland, of deciduous woodland, and of the river and the standing water, must be included. Biodiversity net gain must be shown to be significant and must be quantified properly.

#### *9 Involve the best possible environmental practices: reflecting current best practice in renewable energy generation, energy efficiency and waste reduction.*

The marginal cost of building zero-carbon/Passivhaus homes compared to Building Regs standard is reducing all the time - recent figures show that it is now down to around £4,000 per dwelling. This cost should be easily passed on to the buyer/occupant due to reduced energy bills. Therefore, in our view, a commitment to

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<sup>12</sup> A spatial dataset that describes the geographic extent and location of Natural Environment and Rural Communities Act (2006) Section 41 habitats of principal importance

<sup>13</sup><https://magic.defra.gov.uk/MagicMap.aspx?chosenLayers=ancwoodIndex,bapdeclIndex,orchardIndex,bapwoodIndex,backdropDIndex,backdropIndex,europelIndex,vmlBWIndex,25kBWIndex,50kBWIndex,250kBWIndex,miniscaleBWIndex,baseIndex&box=207763:417195:576753:592195&useDefaultbackgroundMapping=false>

<sup>14</sup> <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

zero-carbon should be non-negotiable in all new development. This should include on-site low carbon technologies such as heat pumps, solar, hydro power.

*10 Improve access to and understanding of high quality countryside: protect existing Public Rights of Ways and enhance access and amenity for all countryside users.*

Harnessing the development as a way to enhance access to, and enjoyment of, the woodland and open spaces of the site for the wider community is essential, but more detail must be supplied.

#### **D. Site Analysis and Neighbourhood Assessment**

- 1 We tested the development against the Transport for New Homes checklist<sup>15</sup>, which showed very poor scores for sustainable transport. The good practice walking distance to public transport and day-to-day amenities is 400m (5 minutes), with 800m (10 minutes) as the maximum. Obviously, this must be along good walking routes. The isochrones for walking distance (Key Considerations board<sup>16</sup>) show that although much of the estate would be within 10 mins walk of the bus stop, a significant number of houses would be further away. The bus stop is the only facility in close proximity to the site. For example, from the main site entrance Google Maps finds that:
  - Stannington Post Office is 6 minutes by car, 20-30 minutes by public transport, 20 minutes by bike and 38 minutes on foot, with a 120m ascent that involves dangerous blind bends on a steep narrow road with no pavement and no street lighting;
  - Loxley Primary School is 3 minutes by car, between 7 and 26 minutes by bus depending on the timetable, 9 minutes by bike and 26 minutes on foot.
- 2 In this context, it is conceivable that cycling would be a viable modal option for journeys to Loxley. Bus uptake would really depend on significantly increasing the frequency of services. Other than journeys to Loxley, which has only one small convenience store, it is inevitable that people would use cars for the vast majority of journeys to and from the site, unless the bus services were transformed.
- 3 The site is an 11 minute walk end to end. This is a little further than from Sheffield station to the City Hall (the Heart of the City route), or the full length of the Kelham Island neighbourhood from Cornish Works to Corporation Street. Both of those comparable walks have a wide range of building types and uses,

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<sup>15</sup> <https://www.transportfornewhomes.org.uk/the-project/checklist-for-new-housing-developments/>

<sup>16</sup> <https://newhomesinloxley.co.uk/>

and are award-winning place-making schemes. Whilst it would be unrealistic to expect the diversity of uses seen in an inner urban setting, it is this diversity of *reasons to be there* that generates pedestrian traffic and gives vitality to the place. The only existing amenities that are within a 10 or 11 minute walk of the site entrance points are Langland's Garden Centre, and Nursery, and the Nags Head public house.

- 4 The only realistic way to generate pedestrian movement within the site is to provide a greater range of amenities within the site that will serve as pedestrian destinations. Furthermore, the site is very unlikely to mature into a 'settlement' if it lacks amenities which non-residents would use. Rather, it will remain an isolated enclave. Whilst the 'community workspace', the cycle hire, the tennis court and a children's play area are steps in the right direction, the development needs to provide more amenities that are attractive to a wider catchment. For example,
  - A series of small business units/workshops;
  - Use of the site as a gateway to recreation activities in the woodland / river valley;
  - Additional recreation activities on-site, e.g. new sports facilities, café.
- 5 These facilities would all generate vehicular traffic and require parking spaces, but they would also transform the vitality of the site, and if the parking and the facilities were not immediately adjacent to each other then there would be much more potential for pedestrian traffic. If the site itself became a destination, then it is also much more likely to generate cycle traffic through the site and make a bus connection into the site commercially viable.
- 6 The potential of walking and cycling as a viable mode of transport will depend on linear routes both along the main Loxley Road, and along the river to Malin Bridge. Links towards Stannington and Dungworth are secondary because they are on steep hills with no pedestrian infrastructure and significant safety hazard and will therefore be less likely to produce a shift in travel behaviour. However the pedestrian/cycle links shown on the Concept Masterplan board do not make connections along the river valley itself, where there is already a public right of way (currently a footpath), not shown on the masterplan, that was upgraded some years ago.
- 7 The proposal must also look west to where a network of quiet and leafy lanes provides tranquil access to National Park landscapes. The Authority's policies seek sustainable access for quiet enjoyment using modal shift away from car use with good connectivity between modes, demand management and low carbon initiatives.

- 8 In this context, to effect real change in travel behaviour, the scheme must deal in a pro-active and imaginative way with cars and the space they occupy. Cars should be the servant of development, not the master, and the masterplan needs to explore how this can be achieved. It is vital that cars do not dominate or clutter the street scene. With this in mind we would suggest, for example, a series of clustered parking facilities (in green-roofed areas with communal/play-spaces above) between or behind housing blocks, such that most cars can be within 50m (0.5 minute walk) of home. Electric vehicle charging at these clusters, but not at each home, would provide a simple incentive to make this the default choice for residents, and the regular provision of safe play-spaces should easily offset any concerns residents might have about not having their cars within the curtilage of their own home. Demand management of private car use must be coupled with positive reinforcement of alternatives.
  
- 9 On the Concept Masterplan board Storrs Bridge Lane is shown as the primary access whilst Rowell Lane would provide agricultural and emergency access. Whilst this is understandable as an attempt to reduce car movements within the site, how this would be enforced is not explained. Unless gated, residents from the eastern end of the site are likely to rat run through Rowell Lane. However, a through bus only lane could make alternatives to the car more attractive with a service connecting with the Malin Bridge tramstop.

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