

Representation on the Sheffield Plan Publication (Pre-Submission) Draft

Respondent details

Comment ID number: PDSP.031.001

What is your Name: Mark Aylward

If you are making this representation as a member of an organisation, what is the name of your organisation:

Aylward Town Planning Ltd

If you or your organisation are making a representation on behalf of another person, organisation or group, please tell us who it is and its role:

Derwent Development Management Ltd (DDML)

Document

Which document to you wish to make a representation on:

Part 1: Vision, Spatial Strategy, Sub-Area Policies and Site Allocations

Which section of the document is your representation on:

Policy SA3: Northeast Sheffield

Which paragraph/site/map layer of the document is representation on:

N/A

Representation

Do you consider the Local Plan is legally compliant: Yes

Do you consider the Local Plan is sound: No

Do you consider the Local Plan complies with the duty to co-operate: Yes

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate:

We welcome the designation of the Buzz Bingo part of the Kilner Way Retail Park (access from Halifax Road) for future residential development as site allocation NES19. This is a change from the former designation on the Policies Map as a Retail Park (identified under UDP Policy S9) and is appropriate because it reflects the proposed use. However, the identified yield of 24 does not represent the optimum use of the plot which can support a greater yield.

The suggested yield of 24 homes on the NES19 plot could be achieved straightforwardly by a townhouse-led solution which would deliver family homes. However, by consequence of topography and existing built form it could also accommodate an apartment-led scheme of circa 50 units.

We would therefore suggest that the proposed yield for the NES19 site should be amended to up to 50 dwelling units.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above:

The suggested yield of 24 homes on the NES19 plot should be amended to up to 50 dwelling units in order to maximise contribution towards Plan-led housing requirements.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s):

Yes, I wish to participate in hearing session(s)

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In the event that the Council do not accept our proposed changes, it may assist the Inspector for us to attend the Examination to seek to draw out evidence from the Council to allow the Inspector to reach their view on the matter (i.e. whether the conflic

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Respondent details

Comment ID number: PDSP.031.002

What is your Name: Mark Aylward

If you are making this representation as a member of an organisation, what is the name of your organisation:

Aylward Town Planning Ltd

If you or your organisation are making a representation on behalf of another person, organisation or group, please tell us who it is and its role:

Derwent Development Management Ltd (DDML)

Document

Which document to you wish to make a representation on:

Part 2: Development Management Policies and Implementation

Which section of the document is your representation on:

Policy EC5: Assessment of Proposals for Commercial, Business and Service Uses, Retail Warehouse Clubs and Leisure Development outside Centres

Which paragraph/site/map layer of the document is representation on:

N/A

Representation

Do you consider the Local Plan is legally compliant: Yes

Do you consider the Local Plan is sound: No

Do you consider the Local Plan complies with the duty to co-operate: Yes

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate:

The NPPF provides a clear framework for the application of the sequential approach to site selection at paragraphs 87-89, with guidance in terms of the requirements for impact assessment at paragraph 90. It also provides a summary mechanism at paragraph 91.

The approach laid out at Policy EC5 is inconsistent with the advice provided by the NPPF and it would be better if the policy simply replicated the advice of the NPPF or cross-referred to it. Specifically, the distances and floorspace thresholds identified at criteria e and h are unjustified and those criteria should be deleted.

The NPPF sets out that the default threshold for impact assessment should be 2500 sq m unless a lower locally set standard can be justifiably imposed. Whilst there is commentary within the 2022 Retail Study in connection with these proposed thresholds, this provides no compelling evidence within the 2021 Retail Study or other evidence base material to sustain why this policy approach is necessary and justified.

By way of context, it is worth remembering that the derivation of the 2500m sq m floorspace threshold in the NPPF (which arrived with PPG6) was a response to the growth of larger stores that could genuinely impact shopping patterns. In the context of food shopping, the 2500 sq m threshold triggered the definition of food superstore and in terms of scale these would typically be directed towards higher-tier centres. Put simply, the threshold was not geared to the typical size of the existing units in a centre, but rather to the scale of the retail offer that would be necessary to genuinely impact upon the ongoing vitality of those centres.

Through revisions to national policy and changes in shopping offer, it has been noted that in some instances that retail units that would fall below that 2500 sq m threshold could genuinely impact shopping patterns especially if the centre demonstrated signs of vulnerability. However, these locally based thresholds must be properly justified.

By way of summary, the impact thresholds that have been arrived at essentially rely upon the premise that there is an inherent vulnerability in terms of centre vitality which justifies the use of lower thresholds. The thresholds which have been arrived at appears to be aligned to the average size of shop units in the smaller centres.

We fundamentally disagree with the intellectual basis for arriving at these thresholds. The thread of the Council's argument is that health checks clarify that most units in the lower order centres are relatively small and that by consequence of the mantra of "like competes with like" then it would be reasonable to impose controls such that any proposals for units which could "compete" should be required to provide retail impact assessments. This is completely absent of the logic which is that floorspace thresholds are needed to consistently apply a requirement for analysis where a development proposal could support a format that provides a shopping offer that could genuinely impact shopping patterns.

We do not seek to argue that there is no case for a lower locally set threshold and can see that popular formats including the food discounters (such as LIDL and Aldi) can provide a compelling food shopping offer in units which fall below the NPPF threshold. As such, evidence could be compiled to underpin a locally set threshold but it would need to be aligned to a consideration of a format that would genuinely impact vitality. Regarding convenience retailing, it does not appear realistic that a unit of 301m² (which would fail to accommodate a Tesco Express format) would create a material extent of impact to a district centre which would typically have a food retail offer anchored by a food superstore and/or a food discounter.

Certainly in that context, there is no reasonable basis to impose the proposed thresholds for proposals for retail development outside defined centres. It could be the case that an argument can be created to identify a locally imposed threshold but at this point there is no credible evidence-based argument to do so. It is not for the Representor to demonstrate what should be an alternative threshold, but rather it is the duty of the LPA and if unable to do so then the Plan should revert to the thresholds set out within the NPPF.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above:

The approach laid out at Policy EC5 is inconsistent with the advice provided by the NPPF and it would be better if the policy simply replicated the advice of the NPPF or cross-referred to it. Specifically, the distances and floorspace thresholds identified at criteria e and h are unjustified and those criteria should be deleted.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s):

Yes, I wish to participate in hearing session(s)

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

In the event that the Council do not accept our proposed changes, it may assist the Inspector for us to attend the Examination to seek to draw out evidence from the Council to allow the Inspector to reach their view on the matter (i.e. whether the conflic

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Respondent details

Comment ID number: PDSP.031.003

What is your Name: Mark Aylward

If you are making this representation as a member of an organisation, what is the name of your organisation:

Aylward Town Planning Ltd

If you or your organisation are making a representation on behalf of another person, organisation or group, please tell us who it is and its role:

Derwent Development Management Ltd (DDML)

Document

Which document to you wish to make a representation on:

Annex A: Site Allocations

Which section of the document is your representation on:

Policy SA3: Northeast Sheffield

Which paragraph/site/map layer of the document is representation on:

NES19

Representation

Do you consider the Local Plan is legally compliant: Yes

Do you consider the Local Plan is sound: No

Do you consider the Local Plan complies with the duty to co-operate: Yes

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate:

We fully support the allocation of this site for residential use. However, we conclude that there is an opportunity to secure an improved yield (as compared to the proposed 24 units) which would equate to 40 units / hectare.

Given the highly accessible urban environment and by virtue of helpful topographic characteristics, the site can accommodate an apartment led development that could achieve towards the upper end of the 40-80 homes per hectare identified as being appropriate in this type of location. We would therefore suggest that a yield of up to 48 units should be identified. This would equate to 80 units / hectare.

This would provide a more substantive contribution to the Council's housing requirements, recognising the challenge imposed by the Government's ambition to secure the 35% uplift.

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified above:

We fully support the allocation of this site for residential use but recommend that the identified yield be revised upwards to 48 units which would equate to 80 units / hectare.

If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s):

Yes, I wish to participate in hearing session(s)

If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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