

From: [REDACTED]
To: [REDACTED]
Subject: RE: Representation on behalf of Mr S Lalley and Miss V Knight - Loxley Road, Sheffield
Date: 31 January 2023 11:13:29
Attachments: [Green Belt Removal Map.jpg](#)
[Reg 19 Consultation Form - Parts A and B.pdf](#)
[site plan.pdf](#)
[88ee99ee-764d-4552-a099-2c155b650081.JPG](#)
[Representation.pdf](#)

Dear Sir/Madam,

Please find attached our objection to the Publication Draft Local Plan on behalf of Mr S Lalley and Miss V Knight.

Our submission contains the following documentation:-

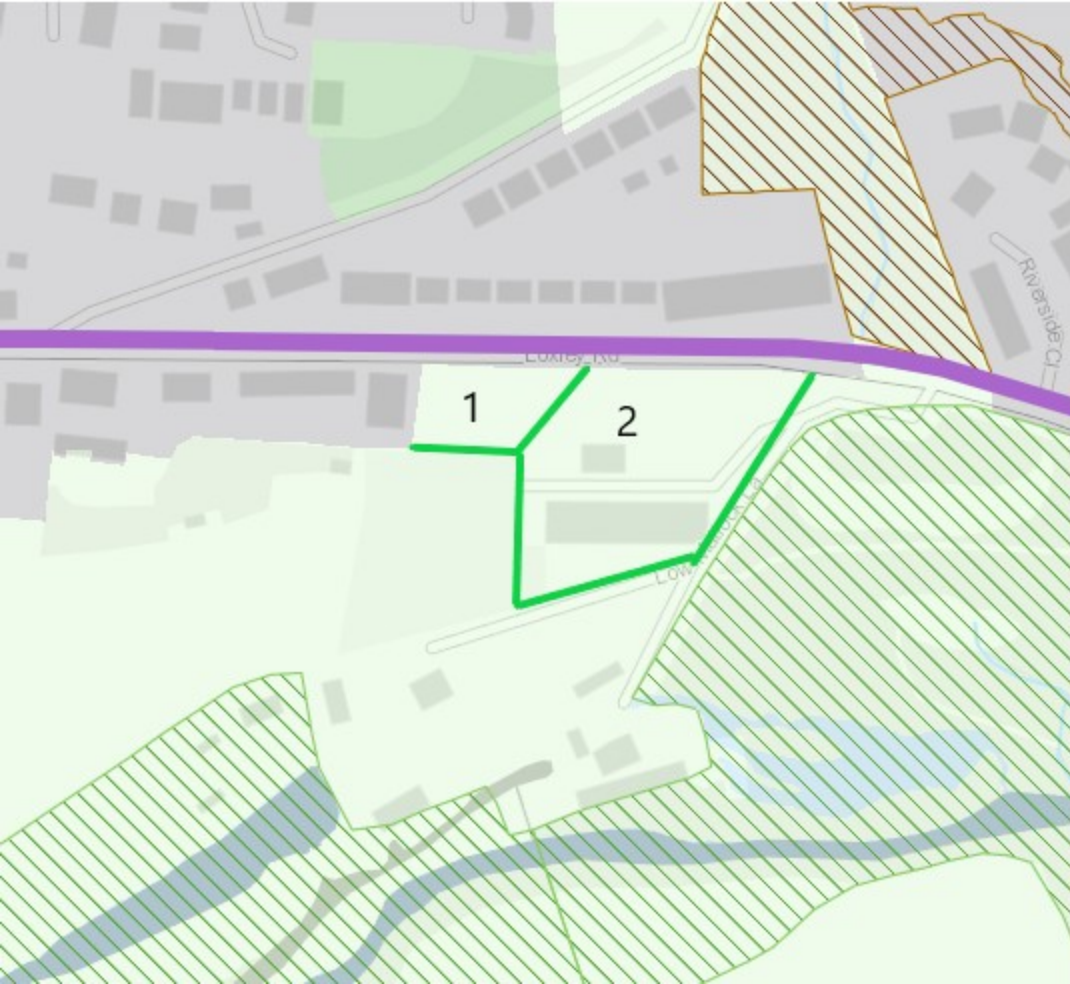
- Completed Local Plan forms;
- Objection letter;
- Site location plans;
- Suggested Green Belt amendment; and
- Image of the site.

It would be much appreciated if you could confirm receipt of this email and any questions please do not hesitate to contact me.

Regards

Patrick Townsend





Option 1 -
Removal of
Representation Site
only (1)

Option 2 -
Removal of
Representation Site
and Loxley Mill (1
and 2)

Sheffield Plan Consultation Representation Form January – February 2023

Please use this form to provide representations on the Sheffield Local Plan. Sheffield City Council must receive representations by **5pm on 20th February 2023**. Only those representations received by that time have the statutory right to be considered by the inspector at the subsequent examination.

Responses can be submitted via

- the electronic version of the comment form which can be found on the Council's web site at: <https://haveyoursaysheffield.uk.engagementhq.com/draft-local-plan>
- an e-mail attachment: sheffieldplan@sheffield.gov.uk
- post to: **Strategic Planning Team, Planning Service, 4th Floor, Howden House, Sheffield S1 2SH**

Please note:

- Representations must only be made on the basis of the legal compliance, compliance with the Duty to Co-operate and/or soundness of the Plan.

Please read the guidance note, attached or available on the Council's webpage###, before you make your representations. The Local Plan and the proposed submission documents, and the evidence base are also available to view and download from the Council's Local Plan webpage:

Data Protection Notice:

Under the General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA) Sheffield City Council is a Data Controller for the information it holds about you. The lawful basis under which the Council uses personal data for this purpose is consent.

All representations are required to be made public and will be published on the Council's website following this consultation. Your representations and name/name of your organisation will be published, but other personal information will remain confidential. Your data and comments will be shared with other relevant agencies involved in the preparation of the local plan, including the Planning Inspectorate. Anonymous responses will not be considered. Your personal data will be held and processed in accordance with the Council's Privacy Notice which can be viewed at: <https://www.sheffield.gov.uk/utilities/footer-links/privacy-notice>

Due to the Data Protection Act 2018, Sheffield City Council now needs your consent to hold your personal data for use as part of the Sheffield Plan process. If you would like the Council to keep you informed about the Sheffield Plan, we need to hold your data on file. Please tick the box below to confirm if you would like to 'opt in' to receive information about the Sheffield Plan. Note that choosing to 'opt in' will mean that the Council will hold your information for 2 years from the 'opt in' date. At this time we will contact you to review if you wish to 'opt in' again. You can opt-out at any time by emailing sheffieldplan@sheffield.gov.uk or by calling 0114 2735897.

Please tick/ delete as appropriate:

Please confirm you have read and understood the terms and conditions relating to GDPR.

Yes

No

Please tick as appropriate to confirm your consent for Sheffield City Council to publish and share your name/ organisation and comments regarding the Sheffield Plan.

I confirm my consent for Sheffield City Council to share my name/ organisation and comments regarding the Sheffield Plan including with the Planning Inspectorate.

Yes

No

Please tick as appropriate below if you wish to 'opt in' and receive updates and information about the Sheffield Plan.

I would like to opt in to receive information about the Sheffield Plan.

Yes

No

Printed Name: Patrick Townsend

Signature: P Townsend

Date: 25/01/2023

This form has two parts:

Part A - Personal details – need only to complete once.

Part B - Your representation(s) - Please fill in a separate sheet for each representation you wish to make.

Part A- Personal Details

1. Personal Details

Name: Mr S Lalley and Miss V Knight

Organisation (if applicable):

Address: C/O Agent

Postcode:

Tel:

Fax:

Email:

2. Agent Details (if applicable)

Agent: Mr Patrick Townsend

Organisation (if applicable): Townsend Planning Consultants

Address: PO Box 788, Wakefield

Postcode: WF1 9UX

Tel: [REDACTED]

Fax: N/A

Email: [REDACTED]

Part B - Your representation

Please use a separate sheet for each representation and return along with a single completed Part A.

Name or Organisation: Townsend Planning Consultants

3. To which part of the Sheffield Plan does your representation relate?

Policy Number: Whole Plan Process and Green Belt Review (see supporting statement)

Paragraph Number:

Policies Map:

4. Do you consider the Sheffield Plan is:

Tick all that apply, please refer to the guidance note for an explanation of these terms.

4.(1) **Legally Compliant** Yes

No

4.(2) **Sound** Yes

No

4.(3) **Complies with the Duty to Cooperate** Yes

No

5. Please give details of why you consider the Sheffield Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Sheffield Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Please see supporting statement.

Continue on a separate sheet if necessary

6. Please set out the modification(s) you consider necessary to make the Sheffield Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified in Question 5 above.

(Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Sheffield Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see supporting statement.

Continue on a separate sheet if necessary

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues they identify for examination.

7. 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)

Yes

No, I do not wish to participate in hearing session(s)

No

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

Please note that the inspector will make the final decision as to who is necessary to participate in hearing sessions, and to which hearing session(s) they should attend, and they will determine the most appropriate procedure to adopt to hear those who wish to participate at the examination hearings.

FAO Local Plan Inspector
and Sheffield City Council
(Sent Via Email to sheffieldplan@sheffield.gov.uk)



31st January 2023

Dear Sir/Madam,

**SHEFFIELD CITY COUNCIL LOCAL PLAN – PUBLICATION DRAFT LOCAL PLAN
CONSULTATION (2023)
REPRESENTATION ON BEHALF OF MR S LALLEY AND MISS V KNIGHT
LAND ADJACENT TO FORMER LOXLEY CHAPEL, LOXLEY ROAD, SHEFFIELD, S6 6RP**

(i) Introduction

This letter together with the supporting plan constitute an objection to the Publication Draft Local Plan submitted on behalf of Mr S Lalley and Miss V Knight, in respect to land adjacent to the former Loxley Chapel, Loxley Road, Sheffield. The objection site is identified as remaining in the Green Belt in the Publication Draft Local Plan Consultation. It is considered that the site either by itself or alongside with the land to south (containing the Loxley Works development) should be removed from the Green Belt as part of a minor amendment to the Green Belt, for the reasons set out in this objection.

In terms of its policy allocation, the site is located in the Green Belt but is directly adjacent to the Development Limits and the defined Housing Area on its western and northern boundaries as shown on the Sheffield Unitary Development Plan Proposals Map (1998). The Publication Draft Local Plan Consultation (2023) does not amend the Green Belt boundary in this location.

The aim of submitting this objection is to seek demonstrate to the Council and Local Plan Inspector that the subject site does not merit inclusion within the Green Belt for the reasons set out in this statement (either as a standalone amendment to the Green Belt or together with Loxley Works). It is considered that its removal from the Green Belt is appropriate and would not conflict with the purposes of including land within the Green Belt (as set out in the National Planning Policy Framework). The changes should take place as part of a reassessment of the Council's Green Belt Review and the site should be reassessed as part of its minor amendments to the Green Belt.

It is considered that the redrawing of the Green boundary around this site and either with or without Loxley Works would strengthen the Green Belt boundary in the long term (as per the two options on the supporting plan). This is clearly the appropriate time to review the Green Belt boundary.

It is also considered that the Council have failed to fully and sufficiently consult on the Local Plan process prior submitting the Local Plan to the Secretary of State at this stage. The Council have only consulted on a single draft version of the Local Plan (the Publication Draft) the current consultation. In taking this approach it is not sufficient to provide a single consultation on a draft local plan as it does not allow sufficient scrutiny of the plan including policies and chosen allocations. The Council in its approach in short cutting the plan process and failing to give all stakeholders sufficient opportunity to fully consult on the proposals. In taking this approach it is considered that the plan is fundamentally flawed.

(ii) The Site

The subject site is located adjacent to the former Loxley Chapel, Loxley Road, Sheffield. The site formed part of the former Loxley Works (which is located to the south east of the site), which were redeveloped for residential purposes around 2014. Whilst the former buildings on the objection site no longer are in place it still contains two chimneys which previously formed part of previous works (as shown on the submitted images).

The representation site extends to 0.11 hectares or thereabouts. The site bounds the former Loxley Chapel to the west, which has been converted to apartments. To the north is Loxley Road with residential properties located along it. To the south are allotments and to the east is an open land associated with the Loxley Works. The site alongside the Loxley Works to the south have both physical characteristics including existing boundaries and physical features which are well defined and the land clearly forms part of the settlement rather than the open Green Belt.

The site is located within the Green Belt but is directly adjacent to the settlement Development Limits and the defined Housing Area on its western and northern boundaries as shown on the Sheffield Unitary Development Plan Proposals Map (1998) and the Publication Draft Local Plan Consultation (2023).

It is considered that in form and appearance, the site clearly forms a coherent part of the existing settlement. It is considered that the current Green Belt boundary (existing and proposed) by the Council do not reflect the nature of the site which both weakens the concept of Green Belt. The land

clearly has no Green Belt function. It is contended that the Green Belt boundary should therefore be redrawn to exclude the site in this location either with or without the Loxley Works to the south.

(iii) National Planning Policy Guidance – NPPF

In drafting up the Local Plan Sheffield City Council must take account of national planning policy and guidelines. The national policy context for the preparation of the Local Plan is provided by government guidance in the form, principally of the NPPF and a number of retained policy statements and guidance. The following guidance in the NPPF is considered to be relevant to the consideration of the Council's approach to plan making and to the objection site:

The advice sets out a presumption in favour of sustainable development.

Para 35 requires:-

“Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are ‘sound’ if they are:-

- a) Positively prepared....*
- b) Justified....*
- c) Effective....*
- d) Consistent with national policy....”*

It is considered that the Council have failed to meet the set the tests set out by paragraph 35, as they are shortcutting due procedure which is expected to be undertaken in adopting a new Local Plan.

Para 137 sets out :-

“The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

Para 138 sets out :-

“Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*

e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

It is considered that by the removal of this site with or without Loxley Works (to the south) from the Green Belt will not conflict with the purposes of the Green Belt and indeed the land has no role to play in the function of the Green Belt.

Para 140 sets out that:-

“Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans....”

Clearly the review of the plan is the time to consider to amendments to the Green Belt boundaries and rectify this anomaly in the Green Belt.

Indeed Para 143 goes on to state that amongst other points when defining Green Belt boundaries that it should:-

- “b) not include land which it is unnecessary to keep permanently open;*
- e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and*
- f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.”*

Clearly the site and the Loxley Works are far closer in nature to the adjoining settlement and is distinct from the wider open Green Belt land to the south west. The site with or without Loxley Works (to the south of the representation site) it can and should be incorporated into the settlement to form a new well defined and determinable Green Belt Boundary as defined on the supporting maps. This can be undertaken as part of a minor amendment to the Green Belt.

(iv) Sheffield City Council – Publication Draft Local Plan Consultation (2023)

The objection statement seeks to remove the site from the Green Belt, the following comments are made in relation to the Publication Draft Local Plan Consultation and its supporting documents (2023).

The representation does not respond to all of the Publication Draft Local Plan Consultation and supporting documents and we reserve the right to make further comments on other questions and topic areas as part of a future Local Plan consultation/examination.

a) Local Plan Process/Stages of the Local Plan

We seek to object to the lack of consultation stages undertaken by the Council in drafting up the Local Plan. In seeking to adopt a new Local Plan, the Council has undertaken a consultation on the “Citywide Options for Growth” in 2015 and “Issues and Options” consultation in 2020 before the current consultation on a Publication Draft Local Plan Consultation. The Publication Draft Local Plan will be submitted to the Secretary of State alongside any modifications (following further consideration by the Council).

It is not sufficient to provide a single consultation on a draft local plan from the previous issues and options stage as it does not allow sufficient scrutiny of the plan including policies and chosen allocations. It devalues the plan making process if stakeholders are not given sufficient opportunity to be involved in the process. Other Council’s such as nearby Wakefield, Barnsley, Kirklees and Leeds have also had multiple consultations on various draft versions of their emerging Local Plan’s prior to forwarding the plan for formal examination. These consultations resulted in changes at each stage in the consultation process, resulting in a robust plan presented for examination.

It is considered that the Council’s approach is not sound as the Local Plan has not been “positively prepared, justified or consistent with national policy” as by not fully considering comments and scrutinising the draft plan and chosen allocations the Council have not sufficiently engaged to ensure a sound and a robust plan by essentially subverting the Local Plan process.

b) Local Plan Part 1: Vision, Spatial Strategy, Sub-Area Policies and Site Allocations
Policy SP1 – Overall Growth Plan

The policy relates to the overall growth plan for Sheffield. Part h seeks:-

“Protection for existing Green Belt boundaries around existing built-up areas”.

It is considered that the redrawing of the Green Belt to exclude the representation site either with or without the Loxley Works in the location will strengthen the Green Belt boundary. The site and Loxley Works do not fulfil the functions of Green Belt.

c) Green Belt Review – September 2020

The document is the Green Belt Review (2020) is a background document which sits behind the proposed Local Plan consultation

At Para 1.5 the review sets out that:-

“The review also includes consideration of land where development has taken place within the Green Belt since the Unitary Development Plan (1998) confirmed the boundary. Where the review shows that the land no longer performs Green Belt purposes, we note that there is potential for land to be removed from the Green Belt. The review also includes details of minor amendments to the Green Belt boundary to correct untenable anomalies.”

The review clearly has not taken into account the Loxley Works site which was redeveloped in 2014. It has also failed to recognise that the subject site has no role in the play in the purposes of Green Belt. This anomaly should have been identified.

The representation site should be removed as part of a minor amendment to the green belt as it neither it or the Loxley Works fulfil the purposes of Green Belt.

Para 7.18 of the review sets out the sets other potential deletions of smaller green belt parcels. The representation site and the Loxley Works only form a small part of a Green Belt Parcel and should not be considered as part of the whole. When the Council consider the nature of these two sites then they should be removed from the Green Belt.

Within the Green Belt Review the representation site and Loxley Mill form a small part of Green Belt Review site ST3. The parcel ST3 is one of the lowest Green Belt parcels scoring both 1 for the purposes of protecting unrestricted sprawl and for preventing neighbouring towns from merging and scores an overall total of 11 out of 20 for meeting the purposes of Green Belt.

Indeed the representation site and Loxley Mill are further analysed as part of a smaller Green Belt parcel ST-3-d, albeit due to the scale of the parcel they only form a small of the overall part of the overall assessed parcel. Likewise the parcel scores 11 out of 20 for meeting the purposes of Green Belt.

It is considered that site alongside the adjacent Loxley Mill should be reconsidered as part of a minor amendment to the Green Belt rather than a larger parcel. Clearly by virtue of the overall parcel's scoring and comparison with other parcels the site forms low in terms of Green Belt purposes. The Council's own review therefore identifies the objection case that the site does not fulfil a Green Belt purpose that the Council examined the smaller parcel than a wider access of land it would have recognised this.

(v) Summary

The Council in preparing their new Local Plan are required to examine the current allocations as contained on the current proposals map, this is the appropriate time to examine the Green Belt. The have undertaken a minor amendments review of the Green Belt in its Green Belt Review. It is considered that the Council have failed to fully consider the objection site which clearly in form and nature do not fulfil a Green Belt purpose or function. In doing so should be removed from the Green Belt either with our without the adjacent Loxley Mill. Indeed exceptional circumstances exist to remove the whole of the site from the Green Belt and the Council have chosen to amend the Green Belt in other locations including addressing anomalies.

More broadly, in our opinion the Council have failed to fully and sufficiently consult on the Local Plan process prior submitting the Local Plan to the Secretary of State, the Council will have only consulted on a single draft version of the Local Plan (the Publication Draft) the current consultation. In taking this approach it is clearly not sufficient to provide one consultation of a draft local plan as it does not allow sufficient scrutiny of the plan including policies and chosen allocations. The robustness or soundness of the plan making approach by the Council is seriously questionable.

It is considered in accordance with the tests set out by paragraph 35 of the NPPF, it is considered that the Local Plan is not sound as it is not positively prepared, justified or consistent with national policy for the reasons set out. The Council should reassess their approach to the objection site.

Yours faithfully,

Patrick Townsend
BA (Hons) PG Dip MRTPI
Director