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**2019/0689 and 2019/0690**

Mr Will Newett

**2019/0689** Erection of 9 dwellings and associated access, landscaping and infrastructure.

**2018/0690** Application for the approval of reserved matters for 21 dwellings pursuant to outline planning permission ref 2017/0088 appearance, layout, scale and landscaping. Land south of New Smithy Avenue, Thurlstone, S36 9QZ

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32 Objections have been received to the applications. A second consultation was undertaken in October 2019 when amended plans were received for application 2019/0689 which involved an amended layout and house types and this resulted in a further 6 letters of comment/objection. Penistone Town Council and Councillor Kitching also object to the applications.

### **Introduction**

This report covers two applications by the same applicant which, together, occupy the same red edge area that was granted outline planning permission at appeal for residential development under planning permission 2017/0088. The outline planning permission was conditioned for 21 dwellings but the applicant is now seeking to increase that number to 30 dwellings on the site. They have chosen to do this by submitting two planning applications, one for reserved matters for 21 dwellings (2018/0690) and the other as a full planning application for 9 dwellings (2019/0689). Given both applications utilise the same access and relate to residential development on the site that was granted outline planning permission, the majority of comments and issues related to both applications are the same. As such it is considered that the assessment of both applications can be dealt with through this one report. However, Members would ultimately need to have two separate votes, one for each application, as each application will need to be determined separately.

### **Site Description**

The application site comprises a rectangular shaped 0.9ha area of land set to the immediate south of New Smithy Avenue and to the north of High Bank / Manchester Road within the village of Thurlstone. The Thulstone Conservation area runs along the eastern boundary of the site. The site previously formed part of a larger agricultural land holding, known as White House Farm.

The site has a gated access directly off New Smithy Avenue and access is provided via a pedestrian gate located in the south-east corner, which serves the adjoining White House Farm. The site is surrounded by residential properties on three sides to the north, east and south and to the west is further agricultural land separated by an existing Public Right of Way which runs between High Bank and Westfield Avenue/Westfield Lane. The site rises from the south-east to the north west.

### **Proposed Development**

An outline application under application reference 2017/0088 for a residential development of 21 properties was refused in 2017 but was later allowed at appeal in August 2018, reference APP/R4408/W/17/3188501. A condition of the outline approval allowed a maximum of 21 properties. The two applications presented within this report are located on this same site area however provide a development of 30 units in total. The applications are submitted by the same applicant and share the same access off New Smithy Drive; however they have been submitted as two separate planning

applications due to the condition on the appeal decision restricting the number of properties allowed to be applied for at the reserved matters stage being 21. The applications consist of a separate full application for the additional 9 units, which is set on the north western portion of the site and a reserved matters application of 21 units following the outline application 2017/0088, for the remainder of the site.

The proposed 21 dwelling scheme 2019/0690 provides a mix of detached and semi-detached dwellings, consisting of the following:-

2 x 2 bedroom, 8 x 3 bedroom, 8 x 4 bedroom, 3 x 5 bedroom.

The proposed 9 dwelling application 2019/0689 provides a mix of detached and semi-detached two storey dwellings, consisting of the following:-

2 x 2 bedroom, 2 x 3 bedroom, 4 x 4 bedroom, 1 x 5 bedroom.

In total, the application proposes 4 x 2 bedroom, 10 x 3 bedroom, 12 x 4 bedroom and 4 x 5 bedroom as a mix of detached and semi detached dwellings. 8 of the dwellings over the whole site are to be affordable.

The properties are 2 storeys, with 4 split level 2/3 storey house towards the south eastern boundary, plot numbers 17- 20. The house designs vary across the site with a total of 10 different house types, some detached and some semi-detached with detached or integral garages. All of the dwellings would be faced with reconstituted stone.

The proposed layout is designed around a linear access road with properties set at either side. An access through to the adjacent safeguarded land is shown as required by the appeal decision. All of the properties have off street parking and private gardens.

### **Site History**

2017/0088 - Residential development of 21 dwellings (Outline including means of access) – Refused but allowed at appeal 13/08/2018.

### **Policy Context**

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

### Local Plan

The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

The site is allocated as Safeguarded Land SL23 within the Local Plan and is set adjacent to the Thurlstone Conservation Area.

The following policies are therefore of relevance:-

SD1 'Presumption in Favour of Sustainable Development'  
GD1 'General Development'  
LG2 'Location of Growth'  
H1 'The number of New Homes to be Built'  
H2 'Distribution of New Homes'  
H6 'Housing Mix and Efficient Use of Land'  
H7 'Affordable Housing'  
T1 'Accessibility Priorities'  
T3 'New Development and Sustainable Travel'  
T4 'New Development and Transport Safety'  
D1 'High Quality Design and Place Making'  
LC1 'Landscape Character'  
HE1 'The Historic Environment'  
HE2 'Heritage Statements and General Application Procedures'  
HE3 'Developments Affecting Historic Buildings'  
HE6 'Archaeology'  
GI1 'Green Infrastructure'  
GB6 'Safeguarded Land'  
BIO 'Biodiversity and Geodiversity'  
CC1 'Climate Change'  
CC2 'Sustainable Design and Construction'  
CC3 'Flood Risk'  
CC4 'Sustainable Drainage Systems (SuDs)'  
RE1 'Low Carbon and Renewable Energy'  
CL1 'Contaminated and Unstable Land'  
Poll1 'Pollution Control and Protection'  
I1 'Infrastructure and Planning Obligations'

#### SPD's

- Design of Housing Development
- Open Space Provision on New Housing Developments
- Planning obligations
- Affordable Housing
- Trees and Hedgerows
- Financial contributions to Schools
- Parking
- Sustainable Travel

#### Penistone Neighbourhood Plan

Penistone Neighbourhood Plan August 2019 – The plan sets out the vision and objectives for the future of Penistone and development proposed in it. A key component of the vision is to '*offer a range of housing that provides for all sectors of the community, as well as attracting new residents to the area's unique blend of town and country.*' In addition, the 10 objectives support development whilst protecting the town's rural and historic character.

The following policies of the Neighbourhood plan are of relevance:-

BE1: Design of the built environment

All new housing proposals should adhere to the following principles, where it is appropriate:

a) Where new housing developments are proposed, homes should be reflective of local architecture and in keeping with the surrounding area. In particular, the following design principles should be adhered to:

- To have no houses above two storeys on the perimeter of built up areas where it adjoins open countryside, where they have a greater impact upon the surrounding area in order to preserve and enhance the character of the area, in particular allocation sites HS70, HS71, HS74, HS75 as shown in Barnsley Local Plan.

- New developments should use external building materials that reflect the characteristic of development in the locality.

b) All residential developments will be expected to be designed so as to be sensitive to any existing wildlife habitat and corridor and should be appropriately landscaped and in particular development on the edge of the existing settlements shall incorporate tree planting so as to soften the built-up edge of the settlement as viewed from the countryside. Any residential development of 20 or more units will be expected to make provision for the appropriate amount of open space, in accordance with Barnsley MBC standards.

c) Development proposals should respect and maintain key views as identified on maps 2 and 3, in order to maintain the character and appearance of the town and villages.

#### BE2: Protection and enhancement of local heritage assets

New developments must respect the rural setting of the community by protecting valuable conservation and heritage sites. The parish is notable as having significant heritage assets, partly protected by Conservation Areas, although these currently have no formal management plans. It is a key concern that protection of the built environment has been neglected and consequently character of the towns and villages has been eroded.

#### H1: Appropriate housing development

Proposals for new housing development of 10 or more units should:

a) Include an appropriate mix of bungalows, starter homes and smaller homes (one and two bedroom) as determined by the most contemporary housing needs and market assessments available.

b) Ensure that affordable housing provided in accordance with the requirements of Policy H7 of the adopted Barnsley Local Plan is 'pepper-potted' through the development site to ensure full integration of communities.

#### NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise. Paragraphs of relevance would be:

Para 11 – presumption in favour of sustainable development

Para 59 – important that a sufficient amount and variety of land comes forward meeting the required needs

Para 109 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

Para 190 - Local planning authorities should assess the impact of a proposal on a heritage asset.

## **Consultations**

Affordable Housing – The original outline appeal decision confirms acceptance of 25% affordable housing (as per the policy ask at that time). The new separate full application for 9 units falls beneath the affordable housing threshold of 15 units but cumulatively the scheme delivers 30 units. The affordable housing provision on the 9 unit site should reflect current policy requirements at 30%.

Biodiversity Officer – No comments received but they did not object previously.

Contaminated Land – The site investigation report has shown there are no elevated levels of contamination on the site. No further information or conditions regarding contamination issues will be required.

Conservation Officer – No objections

Drainage – No objections raised to the applications subject to conditions

Education – Secondary places within this area are significantly under pressure (Penistone Grammar) so we would require a contribution of £16,000 (1 secondary pupil) for the 9 unit proposal. There would be no requirement for a primary contribution.

Highways – No objections subject to conditions

Penistone Town Council – 2019/0689 is contrary to the Penistone Neighbourhood Development Plan and the examiners recommendation also further development is unsuitable due to the substandard highway access to the village.

2019/0690 the Parish Council object to the inclusion of 3 storey houses.

Public Rights of Way – The footpath should remain safely open and accessible throughout works. Appropriate steps should be taken to protect pedestrians using the right of way, including appropriate fencing.

Regulatory Services – Due to the site being surrounded by existing residential developments the service would require some conditions to ensure the residents are not adversely affected by noise and dust issues during the development works.

Tree Officer – No objection subject to conditions

Ward Councillors – Cllr Kitching raises the following concerns

- The site is overcrowded
- Parking issues within Thurlstone
- Car parking must be more than statutory minimum
- 3 storey properties on the edge of the Conservation Area which does not comply with the Neighbourhood Plan
- Natural stone should be used
- Concerns regarding soakaway drainage
- Section 106 payments for Public Open Space should be used locally
- An appropriate contribution to Thurlstone Primary School should be sought

- This proposal under-delivers on the expected 30% of affordable housing as required by the Local Plan. This application is for two 2 beds, eight 3 beds, eight 4 beds and three 5 beds. No bungalows, no 1 beds, only two 2 beds. This does not meet the requirements of the NDP.

Yorkshire Water – No objections subject to conditions

## **Representations**

32 Objections have been received to the applications. A second consultation was undertaken in October 2019 when amended plans were received for application 2019/0689 which involved an amended layout and house types and this resulted in a further 6 letters of comment/objection.

The following concerns have been raised:-

- Object to the additional dwellings as the appeal decision only allows for 21 properties
- The development should be submitted as one application
- Increase in the number of dwellings by 42%
- Increase in the number of cars on the site
- The development will be cramped
- The proposed layby on New Smithy Avenue is inadequate
- Sec 106 monies should be used for Thurlstone children's play park and for better equipment
- The Planning Statement is inaccurate
- 4 and 5 bed roomed houses is against the character of Thurlstone
- As the Local Plan has been adopted there is more than a 5 year supply of homes so any increase should not be permitted
- Concerns regarding drainage and use of soakaways
- Impact on the sewerage system
- Use of brick adjacent to the Conservation Area
- Access via Towngate and New Smithy Avenue is unsafe
- The pedestrian access is not sufficient or practical
- Increased traffic due to additional dwellings
- Noise impact and pollution from additional traffic
- Poor weather and impact of the development on highway safety
- Impact on highway safety and possible road traffic accidents
- Safety of the site and topography
- Neighbourhood plan states development on the fringes should be no more than 2 storeys
- Lack of trees and green space
- Impact on the Conservation Area
- Three storey houses not acceptable
- No allowance for single storey dwellings
- The properties are not in keeping with the adjacent dwellings
- The local amenities are not sufficient to provide for further families
- Overlooking to adjacent dwellings
- Loss of privacy due to three storey homes
- Loss of light to adjacent dwellings
- Impact of additional car on New Smithy Avenue
- Access for property maintenance & fire escape route to properties on High Bank
- Impact on the retaining wall to High Bank

- Impact on wildlife and ecology
- Concerns regarding the impact of construction works and vehicles on the neighbouring residents including a number of older residents and children
- Impact upon the mental health of existing residents
- Loss of view
- Objections raised with regard to the proposed vehicular access to the site to the west
- Ownership of dry stone wall adjacent to New Smithy Avenue
- Concerns regarding stability of land
- Significant build-up of existing ground level under-build for proposed four 3 storey split-level dwellings
- Finished elevation heights should be given
- Inadequate separation distances to adjacent dwellings

## **Assessment**

### Principle of Development

The site is designated within the Local Plan as Safeguarded Land. In 2017 an outline application reference 2017/0088 was submitted for a residential development of the site for 21 dwellings. The application was refused and the decision was later subject to an appeal hearing. On the 13<sup>th</sup> June 2018 the appeal was allowed. At the time, the Council could not demonstrate a 5 year housing land supply, therefore the principle of the development was considered to be acceptable by the Planning Inspector. Other reasons for refusal such as the impact of the development upon highway safety and parking and the impact on the wider safeguarded land were also dismissed by the Inspector:-

*'The site is in an accessible location and I have found that the proposed development would not have a harmful effect on highway safety or the efficient operation of the highway network. Furthermore it would not prejudice the future development of adjoining safeguarded land.'*

Despite the sites Local Plan allocation as Safeguarded Land, the principle of a residential development of the site has already been accepted by the appeal decision. These submitted applications are proposed increase from 21 to 30 dwellings and the impact of the additional 9 units is therefore been assessed below, along with other material considerations.

### Highway Safety

A number of objections have been received from residents with regard to the impact of additional traffic and activity created from the additional 9 units upon the highway network. Thurlstone is a traditional village which has developed over the years, resulting in narrow roads and a lack of off street parking. The village is accessed from the main Manchester Road which runs to Penistone to the east and Millhouse Green to the west.

The proposed access arrangements to the site were allowed at appeal under planning application 2017/0088 for 21 units, in addition to a proposed parking layby on New Smithy Avenue conditioned within the appeal decision. The Inspector made a detailed highways assessment when assessing the appeal and stated the following::

“I conclude that the proposed development would not have a harmful effect on highway safety and the efficient operation of the highway network”

The applicant has submitted a Highways Supporting Statement which has reviewed the personal injury collision data for the five year period to end 2018 and found very few recorded incidents suggesting no inherent road safety issue. Local network efficiency is to be improved on provision of a parking layby to partially address width restrictions due to on-street parking and lack of forward visibility for drivers travelling westwards. In terms of the additional units, the Council’s Highways Section have assessed the submitted assessment and scheme and commented as follows:

“The submitted Transport Statement reviews the local highway network and conditions and summaries the changes on development illustrating that parking for the development will be contained therein and that a waste collection vehicle can access and egress the development in a forward gear. No safety or efficiency reasons are given to suggest material harm would arise from the development and the additional nine units do not generate significant amounts of traffic. Between five and six vehicles in each peak hour are forecast to arise in addition to the predicted number of about 12 vehicles for the 21 dwellings. This quantity would not be expected to materially affect the existing network operation which is improved in the immediate vicinity by the proposed layby”

Objections have been raised with regard to parking issues within the area, however a total of 40 car parking spaces to serve both applications are to be provided across the entire site which accords with the BMBC Parking SPD at a ratio of one space per two bedroomed unit and two spaces per three and four bedroomed dwellings. Sufficient parking is provided for each of the dwellings along with a visitor space. The proposed garages are of sufficient size to count as parking spaces and storage of bicycles. Where there are no separate garages, covered and secure bicycle storage is proposed.

The site is accessed via a residential cul de sac off New Smithy Avenue where on street parking occurs. As agreed at outline stage and conditioned as part of the appeal, a parking layby for three vehicles is planned at the triangular shaped piece of land between no’s 20 and 30 New Smithy Avenue. This is expected to improve visibility and help with access and passing subject to the submission of details for a separate technical approval and agreement under S278 of the Highways Act 1980 and its eventual installation. The Council’s Highways Section have therefore raised no objections to either application subject to conditions. The proposed developments are therefore considered to be acceptable in terms of highway safety and in accordance Policy T4 of the Local Plan.

#### Public Rights of Way

There is a public footpath running alongside the western boundary of this site. It is proposed to link the residential development to this PROW to allow for improved pedestrian access. Details of the link, including boundary treatment and its adoption, can be secured via condition.

#### Residential Amenity

Objections have been raised with regard to the impact of the proposal upon the residential amenity of the adjacent dwellings. Residential amenity considerations are a sensitive issue with the applications given existing dwellings surround the site on three sides. The site plan to application 2019/0689 has been amended during the course of the application to allow for greater separation distances to the surrounding dwellings

and meets the required standards set within the SPD. Section plans have been submitted due to the difference in levels between the existing and proposed dwellings. These show that, due to the difference in land levels, the properties on the southern section of the site will only look onto the roofs and above the roofs of properties on High Bank Lane. The relationships between existing and new properties shown on the site plan and sections are satisfactory in relation to the spacing standards required by the Designing New Housing Development SPD. As a result, the proposal does not give rise to any unacceptable overshadowing or overlooking impacts in relation to the residential amenity of existing residents.

With regard to the proposed residents, the internal room dimensions and external amenity spaces provided by the proposed house types and plots meets the standards as set out in the SYRDG. The proposed is acceptable in residential amenity terms and complies with Local Plan Policy D1 and the Designing Residential Housing SPD.

In terms of any impact during construction, due to the site being surrounded by existing residential developments, conditions would be required to ensure the residents are not adversely affected by noise and dust issues during the development works in accordance with Policy Poll1 Pollution Control and Protection.

Concerns raised by residents of High Bank regarding the future maintenance of their property in view of its position adjoining the appeal site and concerns have been raised with regard to the ownership of a boundary wall. Unfortunately these are private legal interests which are not material considerations as noted by the Planning Inspector's appeal decision.

#### Visual Amenity

The site layout shows a linear development with a main access road and properties set at each side. There are a mixture of detached and semi detached properties, which reflects the pattern of development within the Thurlstone Village. The additional units do not create a cramped appearance when viewed against the existing developments surrounding the site. The overall layout of both applications together allows for sufficient space between each property, sufficient garden and landscaped areas and off street parking. Soft landscaping is also proposed to the front which will soften the appearance along the street and break up the parking areas.

The properties are modern but have traditional elements, such as stone heads and cills to the front elevation and are to be constructed in facing stonework, in order to complement the adjacent Conservation Area. The Conservation Officer has no objections to the scheme subject to the submission of material samples and it is felt that the scheme would preserve and enhance the appearance of the adjacent Conservation Area in accordance with policy HE1 of the Local Plan and Policy BE2 of the Penistone Neighbourhood Plan.

In terms of the house types proposed, objections have been received in relation to the split level properties proposed to plots 17-20 to the southern end of the site, adjacent to high bank. These properties are proposed due to the sloping nature of the site. Policy BE1 of the Penistone Neighbourhood Plan states that in order to protect visual amenity that 'To have no houses above two storeys on the perimeter of built up areas where it adjoins open countryside, where they have a greater impact upon the surrounding area in order to preserve and enhance the character of the area, in particular allocation sites HS70, HS71, HS74, HS75 as shown in Barnsley Local Plan.' These split level properties are two storeys to the front and three storeys to the rear due to the sloping nature of the site. Due to the linear nature of the development all properties on the site

would be set on the edge of the development. These plots do not adjoin open countryside. There are other three storey properties within the area due to the topography of Thurlstone and previous developments taking advantage of the sloping hillside. It is felt that these properties are appropriate as they will appear as two storeys from the front and would not have any significant overbearing or overlooking impact due to the slope of the land.

The design of the scheme is such that it will fit within the surrounding residential area, the scale of houses is appropriate. There are no objections to the scheme from a visual amenity perspective in accordance with policy D1 of the Local Plan.

### Density and Mix of Housing

Policy H6 of the Local Plan, Housing Mix and Efficient Use of Land states that a density of 30 dwellings per hectare would be expected within the villages. The proposed increase in dwellings will result in a more efficient use of land. The proposals would result in 30 dwellings being delivered on an area of approximately 0.99ha, which equates to approximately 30 dwellings per hectare.

In terms of housing mix, Policy H1 of the Penistone Neighbourhood Plan states that proposals for new housing development of 10 or more units should:

- a) Include an appropriate mix of bungalows, starter homes and smaller homes (one and two bedroom) as determined by the most contemporary housing needs and market assessments available.
- b) Ensure that affordable housing provided in accordance with the requirements of Policy H7 of the adopted Barnsley Local Plan is 'pepper-potted' through the development site to ensure full integration of communities.

The site has a good mix of 10 different house types, ranging from 2 to 5 bedroom dwellings, detached and semi-detached of 2 storeys with 4 split level 2/3 storey dwellings. There are no other one storey properties within the area therefore it is felt that the mix of dwellings is appropriate for the character of the area and would comply with policy H1 of the Neighbourhood Plan.

With regard to the design and layout of the affordable units, the units are grouped in a row, however this is a relatively small scheme with limited options for disbursement. The run is broken up by having the three beds located centrally in between the two bed units. Both the 2 and 3 bed houses exceed the South Yorkshire Residential Design Guide standards.

### Impact on Future Development

The site forms a small part of a much larger area of Safeguarded Land which is set to the west of the site. The plans show an access through to the remaining safeguarded land, therefore there should not be any access issues through to the adjacent land in compliance with policy GB6 of the Local Plan.

### Drainage/Flood Risk

Yorkshire Water and the Council's Drainage Officer have not raised any concerns at this stage subject to the imposition of conditions. The proposal is considered as being acceptable with regards to flood risk and drainage impacts.

### Contamination

The levels of contamination encountered are below threshold levels, so there will be no requirement to undertake any remediation.

### Biodiversity/Trees

The Ecological Report demonstrates that most of the site is of low ecological value. The appraisal recommends the retention of hedgerows on the western boundary, bird and bat boxes, hedges as opposed to walls separating plots and hedge planting. No objections are raised on biodiversity grounds subject to conditions requiring the recommendations within the Ecological Report to be followed, together with locations necessary bird and bat boxes to be submitted and a landscaping scheme.

In terms of landscaping and trees, the proposal requires the removal of a section of hedgerow as well as the remaining trees on the site; however the trees to be removed are not noteworthy specimens. There are off site trees which will require protecting during the development and as such an arboricultural method statement will be required which can be conditioned.

Given that trees will require removal along with a section of lapsed hedgerow/group of Hawthorns, significant replacement tree and hedgerow planting will be required as part of a landscaping scheme for the development. The proposal is therefore considered acceptable when measured against policy BIO1 of the Local Plan.

### Archaeology

The Archaeology Assessment states that there is low potential for evidence from the Prehistoric, Romano-British and post medieval periods, however confirmed a moderate potential for archaeological evidence from medieval periods. A archaeology condition will be required in accordance with policy HE6 of the Local Plan.

### S106 – Affordable housing, public open space, education, sustainable travel

Policy I1 Infrastructure and Planning Obligations of the Local Plan states that 'Development must be supported by appropriate physical, social, economic and communications infrastructure, including provision for broadband.

Development must contribute as necessary to meet all on and off site infrastructure requirements to enable development to take place satisfactorily.

Where the necessary provision is not made directly by the developer, contributions will be secured through planning obligations.'

The two applications propose 30 dwellings in total and there is a requirement for the developer to provide contributions towards, additional school places, affordable housing and green space. As the previous outline application was allowed at appeal on the basis of the old Core Strategy and SPD requirements and were agreed via a section 106 agreement, these figures must be used for the reserved matters application for 21 units. The 9 unit application has been assessed on the basis of the current Local Plan and SPD requirements and would need to be secured by way of a separate section 106 agreement, the following figures are therefore of relevance:-

Affordable Housing – Policy H7 Affordable Housing states that housing developments of 15 or more dwellings will be expected to provide affordable housing. 30% affordable housing will be expected in Penistone and Rural West.'

The original outline appeal decision for 21 units confirms acceptance of 25% affordable housing, as per the policy ask at that time. The new separate full application for 9 units falls beneath the affordable housing threshold of 15 units but cumulatively the scheme delivers 30 units.

The previous policy requirements of 25% affordable housing (5.2 units) are required for the 21 units allowed at outline and the current policy requirements of 30% affordable housing (2.7 units) are required for the 9 unit scheme.

The applicant is proposing to provide 6 affordable units on site for the 21 dwelling reserved matters scheme and 2 affordable units on site for the 9 dwelling scheme, and a financial contribution is proposed to “top up” the provision to a policy-compliant level, as providing an additional affordable unit on-site as part of the development would be equivalent to 33.3% provision. This is considered to be acceptable and would result in the equivalent of 30% provision/contribution across the site as a whole.

The proposal allows for 4 x 2 bed houses and 4 x 3 bed houses. The data suggests greatest demand for two and three beds in this area.

In terms of the tenure split and taking into the new Affordable Housing SPD, the ask should remain 67% affordable rent and 33% affordable home ownership. Therefore in this case the following would be required:-

- 67% affordable rent – 3 x 2 bed houses and 3 x 3 bed houses
- 33% affordable home ownership – 1 x 2 bed and 1 x 3 bed houses

It should be noted that the affordable housing provision on the reserved matters part of the site is reflective of the appeal decision and not the current 30% affordable housing requirements and would not set a precedent for other developments.

Education – The SPD ‘Financial contributions towards schools’ states that a financial contribution will be needed for planning applications for housing developments where;

- The scheme provides 10 or more homes; and
- There is insufficient capacity in schools; or
- There is a need for contributions to ensure schools are in an appropriate condition

The outline application for 21 dwellings would have generated the need for an additional 3 secondary school places. At the time of the appeal, there were sufficient primary school places in the local area but there was a shortage of secondary places. A S106 contribution based on the previous PAN guidance was required for the 3 additional secondary pupils generated by the development at £14,102 per pupil, which equates to a total contribution of £42,306.

The additional 9 dwellings has been considered based on the current Financial Contributions to schools SPD. Secondary places within this area are still significantly under pressure (Penistone Grammar) so a contribution of £16,000 (1 secondary pupil) is required. There are currently sufficient primary school places therefore there would be no requirement for a primary contribution.

The total Education Contribution for the whole site (cumulatively for both applications) is £58,306.

Public open space – There is no green space provision on site. It is considered that the site affords little opportunity to accommodate a green space of sufficient size; therefore

an off-site contribution is sought in entirety. The SPD 'Open Space provision on new housing developments' states that an open space contribution is required on all new housing developments of 20 or more dwellings including flats. Appendix 2 'contributions per dwelling for off-site provision of green space' outlines the contribution per unit based on the number of bedrooms.

The 21 unit reserved matters scheme proposes 2 x 2 bed, 8 x 3 bed and 11 x 4+ bed, therefore based on the previous SPD a total of £38,807.27 is required in line with the Section 106 Agreement. The obligation provides a financial contribution towards off-site public open space improvements with two kilometres of the boundaries of the Site.

The 9 unit scheme consists of 2 x 2 bed, 2 x 3 bed, 5 x 4+ bed, therefore based on the current SPD, a total of £17,384.55 is required.

The total Public Open Space requirement for the whole site (cumulatively for both applications) is £56,191.82

Sustainable Travel – The SPD 'Sustainable Travel' states that 'contributions will be sought on developments of 10 dwellings or more.' Whilst a contribution cannot be requested for the 21 unit scheme, a contribution should be requested for the 9 unit scheme. Based on the formula set within the SPD a total of £9,000 would be required.

## **Conclusion**

In summary the proposals are considered acceptable. The principle of a residential development of the site is already established by the appeal allowed in 2018. These applications in total propose an increase in the number of dwellings by 9 from 21 to 30.

The proposed development complies with the design standards and the spacing standards in the Designing New Housing Development SPD. The Highways section have no objection to the additional 9 units as it is felt that the number of additional vehicle movements would not be significant and as the site allows for sufficient parking and turning within the site.

As the proposals meet the standards set out within planning policy and in particular that there are no objections raised in terms of highway safety or residential amenity, it is felt that the additional 9 units proposed and the two schemes as a whole would be acceptable when measured against the previously approved 21 unit scheme. The officer recommendation is to approve subject to conditions for each application and a Section 106 agreement.

## **Recommendation**

Approve applications 2019/0689 and 2019/0690 subject to the following conditions and Section 106 Agreement.

### **2019/0689**

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**

- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos P001, P002 Rev G, P003 Rev C, P004 Rev B, P005, P007 Rev A, P006 Rev A, P101 Rev B, P103 Rev A, P104 Rev D, P105 Rev A, P106 Rev A, AMA/20366/SK001, 1986/001, Ecological Appraisal by Brooks Ecological Ltd dated May 2019, Tree Survey and Arboricultural Impact Assessment by Brooks Ecological Ltd dated September 2019, Desk Based Assessment by Ls Archaeology dated December 2016, Desktop geotechnical and geo-environmental site investigation by Eastwood and Partners, Drainage Statement by Eastwood and Partners, Design and Access Statement by Edward Architecture, Planning Statement by QUOD, Highways Supporting Statement by Andrew Moseley Associates) and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.**
- 3 Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**
- 4 Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason: In interests of providing appropriate infrastructure in accord with Policy I1 of the Local Plan.**
- 5 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
**Reason: To conserve and enhance biodiversity in accordance with Local Plan policy BIO1 'Biodiversity and Geodiversity'.**
- 6 Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**
- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.

- Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**
- 8 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**
- 9 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:  
- Tree protective barrier details  
- Tree protection plan  
- Arboricultural method statement  
**Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Local Plan Policy BIO1.**
- 10 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**
- 11 Prior to any construction being undertaken the applicant shall submit to the LPA, for approval, a dust management plan which details how dust will be controlled during the construction stage of the site. Once approved the applicant shall strictly adhere to the dust management plan. Prior to work commencing the applicant shall ensure that there is an adequate supply of water at the site and shall provide the LPA of details of this.  
**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**
- 12 Prior to first occupation of the development hereby permitted, details for the provision of electric vehicle charging points shall be submitted to and approved in writing by the LPA. These EVCP's shall be installed in accordance with the approved details prior to first occupation of the development and retained thereafter available for that specific use. Reason: In interests of promoting sustainable travel opportunities.  
**Reason: In interests of promoting sustainable travel opportunities in accord with Policy I1 of the Local Plan.**

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
  - Means of access for construction traffic
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
  - Measures to control the emission of dust and dirt during construction
  - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.**
- 14 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
- Reason: In interests of retaining highway efficiency and safety in accordance with Local Plan Policy T4.**
- 15 No development shall be commenced until full engineering, drainage and street lighting and constructional details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing with the LPA.
- Reason: In interests of highway safety in accordance with Local Plan Policy T4.**
- 16 Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at New Smithy Avenue in accordance with details of a completion plan to be submitted and approved in writing by the LPA in consultation with the LHA.
- Reason: In interests of highway safety in accordance with Local Plan Policy T4.**
- 17 Prior to the first occupation of the development the proposed driveway and associated crossings, car and cycle parking, servicing, turning shall be laid out, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- Reason: To ensure the permanent availability of areas for accessing the dwelling units, parking and manoeuvring areas, in the interest of highway safety in accordance with Local Plan Policy T4.**

- 18 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.  
**Reason: To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety in accordance with Local Plan Policy T4.**
- 19 The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such. Reason: To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.  
**Reason: In interests of highway safety in accordance with Local Plan Policy T4.**
- 20 Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking shall not be used other than for the parking of private motor vehicles belonging to the occupants and visitors to the development hereby approved.  
**Reason: To ensure that adequate parking provision is retained on site, in the interests of highway safety in accordance with Local Plan Policy T4.**
- 21 Access arrangements including shared private drives should conform to Approved Document B Volume 1 Part B5 Sect. 13. They should be constructed to withstand a minimum carrying capacity of 26 Tonnes without deflection.  
**Reason: In interests of highway safety in accordance with Local Plan Policy T4.**
- 22 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
  - The requirement to seek preservation in situ of identified features of importance.
  - The programme for post-investigation assessment.
  - The provision to be made for analysis and reporting.
  - The provision to be made for publication and dissemination of the results.
  - The provision to be made for deposition of the archive created.
  - Nomination of a competent person/persons or organisation to undertake the works.
  - The timetable for completion of all site investigation and post-investigation works.
- Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.  
**Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.**

23 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to maintain surface water run off at current greenfield run off rates, or less, and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.

**Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**

24 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

**Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**

25 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

**Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990 and the associated outline app 2017/0088.**
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos P001, P002 Rev G, P003 Rev C, P004 Rev B, P005, P006 Rev A, P101 Rev B, P102 Rev B, P103, P104, P105, P106, P107, P108 Rev D, P109, AMA/20366/SK001, 1986/001, Ecological Appraisal by Brooks Ecological Ltd dated May 2019, Tree Survey and Arboricultural Impact Assessment by Brooks Ecological Ltd dated September 2019, Desk Based Assessment by Ls Archaeology dated December 2016, Desktop geotechnical and geo-environmental site investigation by Eastwood and Partners, Drainage Statement by Eastwood and Partners, Design and Access Statement by Edward Architecture, Planning Statement by QUOD, Highways Supporting Statement by Andrew Moseley Associates) and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**
- 3 Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**
- 4 Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason: In interests of providing appropriate infrastructure in accord with Policy I1 of the Local Plan.**  
  
Reason: In order to ensure compliance with Local Plan Policy I1.
- 5 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
**Reason: To conserve and enhance biodiversity in accordance with Local Plan policy BIO1 'Biodiversity and Geodiversity'.**
- 6 Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**

- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**
- 8 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:  
  
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- 12 No development shall be commenced until full engineering, drainage and street lighting and constructional details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing with the LPA.  
**Reason: In interests of highway safety in accordance with Local Plan Policy T4.**

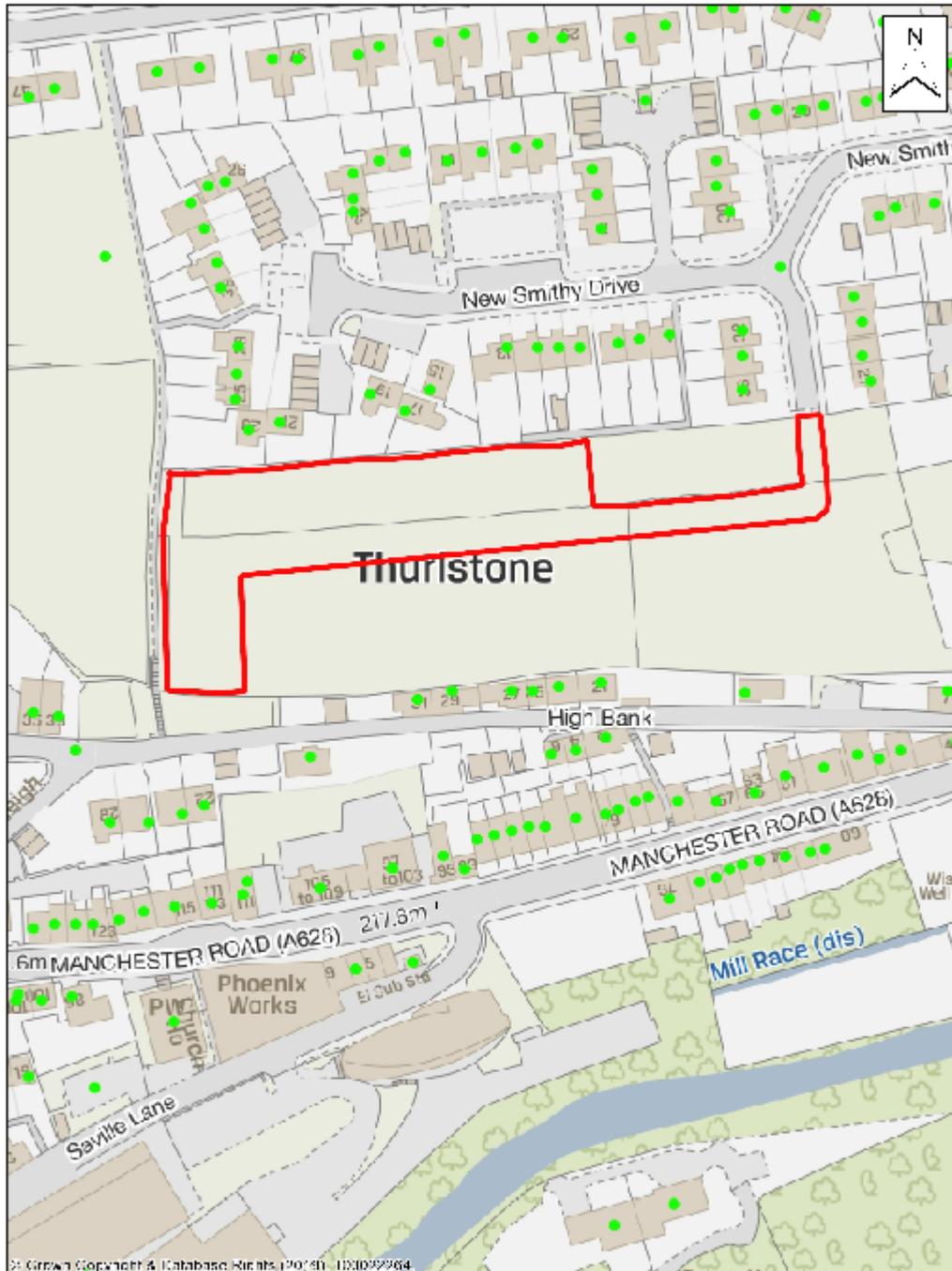
- 13 Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at New Smithy Avenue in accordance with details of a completion plan to be submitted and approved in writing by the LPA in consultation with the LHA.  
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  - The programme for post-investigation assessment.
  - The provision to be made for analysis and reporting.
  - The provision to be made for publication and dissemination of the results.

- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

**Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.**

- 20 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage , for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
- Reason:To ensure that the site is properly drained and in order to prevent overloading , surface water is not discharged to the foul sewer network in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**
- 21 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**



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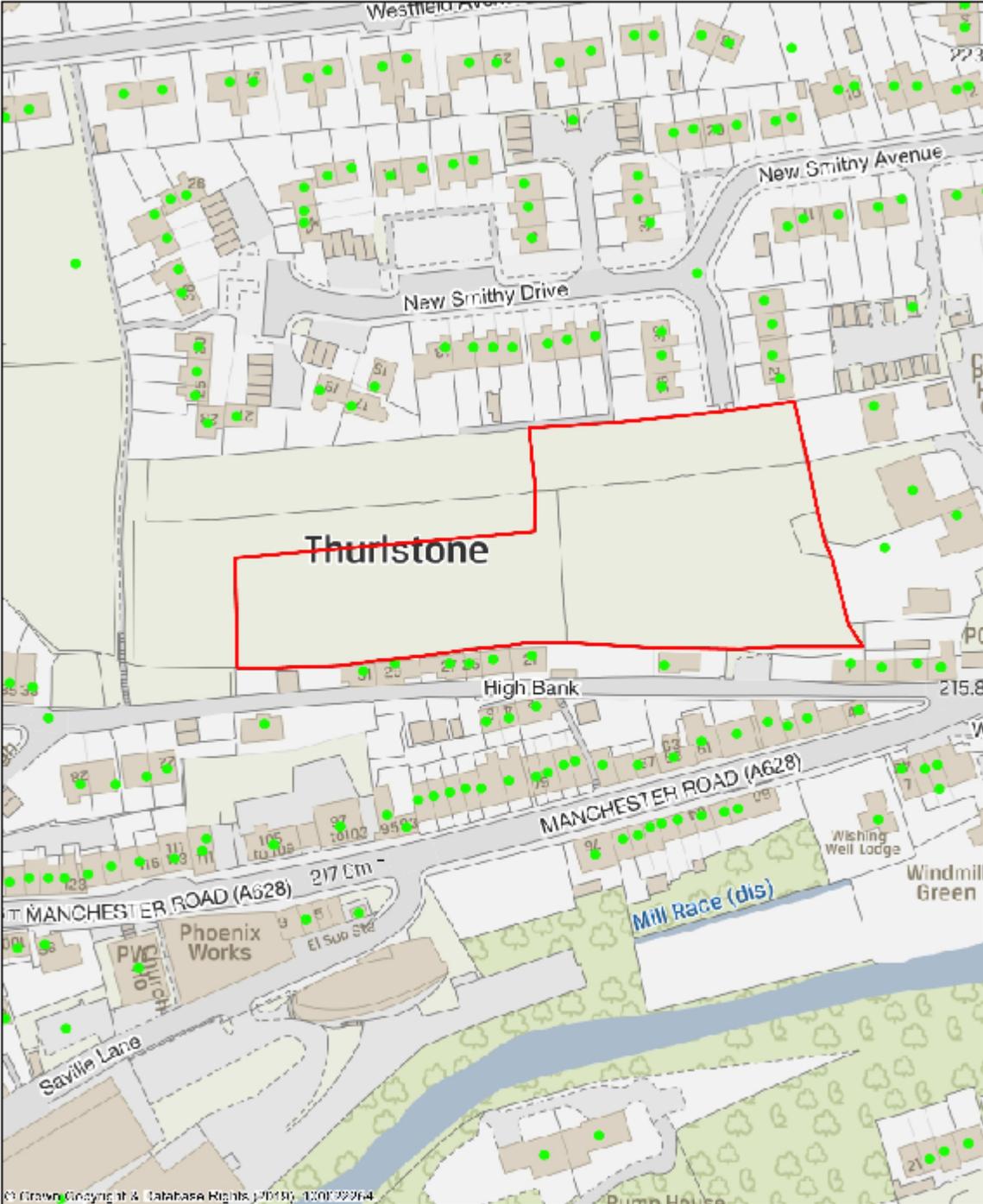
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 Date: 10 January 2020  
 Drawing No: 20190289  
 Scale: 1:1250

Title: 6 Lines Maximum!



PA Reference:-

2019/0690



**BARNSELY MBC - Regeneration & Property**



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