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<b>Application reference number</b>	2023/0898
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<b>Application Type</b>	Full
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<b>Proposal Description:</b>	Erection of 17no. dwellings with associated parking, drainage and landscaping
<b>Location:</b>	Land off Watermill Gardens, Penistone, Sheffield

<b>Applicant</b>	Mulgrave Developments Ltd
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<b>Number of Third Party Reps</b>	31	<b>Parish:</b>	Penistone
		<b>Ward:</b>	Penistone West Ward

### SUMMARY

The proposal seeks full planning permission for the erection of 17 dwellings on land off Watermill Gardens, Penistone. The proposal is considered to be acceptable in policy terms being mainly designated as a Housing Proposal Site within the Local Plan and is therefore considered to be an acceptable and sustainable form of development in line with the Local Plan and the National Planning Policy Framework.

The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to neighbouring properties, the highway network, biodiversity/trees, heritage assets or visual amenity subject to suitably worded conditions.

Recommendation: **GRANT Planning Permission**



## Location Plan

### Introduction

The application proposes the erection of 17 dwellings with associated parking, drainage, landscaping and areas of Public Open Space. The majority of the application site is allocated in the adopted Barnsley Local Plan (2019) as Housing Site HS70 Land to north of Barnsley Road, Penistone, with the proposed Public Open Space areas being allocated as Urban Fabric within the Local Plan

There is an area of the housing allocation located to the west of the site which is not included within the proposed application. The applicant has confirmed that the remaining land is subject to a historic restrictive covenant which prevents the wider allocation coming forward until 2049. Whilst there is an area of the allocation which is not included within this proposal, the scheme has been designed to accommodate access into the remaining land therefore allowing for future development. Amendments to the scheme have been provided to show a 10m protected strip to both ends of the adopted road.

Additional information has also been provided during the course of the assessment to address concerns raised by consultees, particularly in regard to highways layout and affordable housing layout/provision and two separate viability reports have been submitted and assessed during the course of the application by an independent assessor.

The application is being presented to Members due to the application requiring a Section 106 Agreement and concerns raised with regard to a potential footpath link to Penistone Grammar School. A total of 30 representations were received from local residents during the rounds of consultations. The recommendation to grant planning permission is subject to the signing of a S106 Agreement to secure financial contributions/obligations in relation to the following:-

- a) 4 affordable homes as shown on the site layout
- b) £58,500 Affordable shortfall
- c) £31,712.07 Green space Contribution
- d) £112,000 Education Contribution
- e) £17,000 Sustainable Travel Contribution
- f) BEMP and a £19,250 Biodiversity Contribution for off-site mitigation

### Site Description

The site is set to the south of Penistone Grammar School and to the north of Watermill Gardens, a small residential development of larger detached properties which is accessed via Barnsley Road. The site is part of a Housing Allocation within the Local Plan (HS70) and Watermill Gardens consists of 11 stone built dwellings that are within the wider housing allocation.

To the east the boundary comprises partly of residential development and fields which run along the side of the Grammar School, which are set within flood Zones 2 and 3. To the west, the site is bounded by a dwelling and its curtilage and Kings Court which is a large apartment block.

The majority of the site is laid to grass with trees along the northern boundary of the site rising up to the Grammar School. At the entrance to the site are a number of soil mounds which consist of old building materials. There are no buildings on the site.

### Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2015/1367	Demolition of existing buildings and erection of 11no. detached dwellinghouses, access, landscaping, drainage and associated works. This application related to the area immediately south of the site and within allocation HS70	Approved with conditions - The scheme has been built out and completed and included an access through to the remaining land to the north, which is the subject of this application
2015/1427	Demolition of existing buildings and erection of 11no. detached dwellinghouses, access, landscaping, drainage and associated works Listed Building Consent	Approved with conditions - The scheme has been built out and

		completed and included an access through to the remaining land to the north, which is the subject of this application.
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## Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making.

The Local Plan was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027, or earlier, if circumstances require it.

## Local Plan

The site is identified as Housing Site HS70 Land to north of Barnsley Road, Penistone and Urban Fabric (areas of Public Open Space) within the Local Plan and as such the following policies are considered to be relevant to this application:

SD1 'Presumption in Favour of Sustainable Development'.  
 GD1 'General Development'  
 LG2 'The Location of Growth'  
 H1 'The Number of New Homes to be Built'  
 H2 'Distribution of New Homes'  
 HE1 'Historic Environment'  
 H4 'Residential Development - Small Non-Allocated Sites'  
 H6 'Housing Mix and Efficient Use of Land'  
 H7 'Affordable Housing'  
 T3 'New Development and Sustainable Travel'.  
 T4 'New Development and Transport Safety'  
 D1 'High Quality Design and Place Making'  
 HE1' The Historic Environment'  
 HE2: 'Heritage Statements and general application procedures'  
 HE3' Developments affecting Historic Buildings  
 HE6 'Archaeology'  
 GS1 'Green Space'  
 GS2 'Green Ways and Public Rights of Way'  
 BIO1 'Biodiversity and Geodiversity'  
 CC1 'Climate Change'  
 CC2 'Sustainable Design and Construction'  
 CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'  
CL1 'Contaminated and Unstable Land'  
Poll1 'Pollution Control and Protection'  
PI1 'Infrastructure and Planning Obligations'

Adopted Supplementary Planning Documents relevant to this application:

- Design of Housing Development
- Parking
- Open Space Provision on New Housing Developments
- Sustainable Travel
- Financial Contributions for Schools
- Trees and Hedgerows
- Affordable Housing
- Biodiversity and Geodiversity
- Planning Obligations

Other

South Yorkshire Residential Design Guide

Penistone Neighbourhood Plan (August 2019)

Policy BE1: Design of the Built Environment sets out that new housing development should be reflective of local architecture and in keeping with the surrounding area.

Policy H1: Appropriate Housing Development indicates that for schemes of 10 or more dwellings, an appropriate mix of bungalows, starter homes and smaller homes should be provided

NPPF (December 2024)

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.

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. NPPF policies of relevance to this application includes:

Paragraph 98 states that to provide social, recreational and cultural facilities, planning decisions should ensure an integrated approach to consider the location of housing, economic uses and community services.

Paragraph 115 states that when assessing sites for allocated developments in plans or specific applications, it should be ensured that sustainable transport modes are prioritised taking account of the type of development and its location; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network or on highway safety can be cost effectively mitigated through a vision-led approach.

Paragraph 116 states that 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, following mitigation, would be severe, taking into account all reasonable future scenarios.

Paragraph 117 states that developments should give priority to pedestrian and cycle movements and facilitate access to high quality public transport with layouts that maximise the catchment area for bus and other public transport services. Developments should create places which are safe, secure and attractive and minimise conflicts between pedestrians, cycles and vehicles.

Paragraph 117 states that all developments that will generate significant amounts of movement should be required to provide a travel plan and the application should be supported by a vision-led transport statement or assessment so that the likely impacts can be assessed and monitored.

Paragraph 131 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 133 states that design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high-quality standard of design.

Paragraph 135 relates to high quality design and states that developments should function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; maintain a strong sense of place whilst optimising the potential of the site and create places which are safe and inclusive and promote well-being.

Paragraph 136 states that trees make a positive contribution to the character, and developments should include tree lined streets. Opportunities should be taken to incorporate trees elsewhere in the development which are compatible with highways standards and different user needs.

Paragraph 170 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

Paragraph 181 states when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Paragraph 187 states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability. Decisions should also minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporate features which support priority or threatened species.

Paragraph 192(b) states that plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Paragraph 195 states that the presumption in favour of sustainable development does not apply where the proposal would have significant effect on a habitats site unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Paragraph 212 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 208 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

### **Relevant Consultations:**

Highways – No objections subject to conditions

Drainage – No objections subject to conditions

Ecology – No objections subject to conditions

Education - 17 houses would generate a pupil yield of 4 primary pupils, and 3 secondary, therefore the following education contribution would be required;

4 pupils @ £16,000 per pupil = £64,000

3 pupils @ £16,000 per pupil = £48,000

Total education contribution = £112,000.

This contribution would be used to enhance educational facilities for schools located within the PRI-PA11 primary planning area.

Historic England – No advice, comments should be sought from Conservation Specialist within the Council

Conservation Officer – No objections subject to conditions

Affordable Housing – No objections to amended layout

Yorkshire Water – No objections subject to conditions

SYAS – No objections subject to conditions

Tree Officer – No objections subject to condition

Pollution Control – No objections subject to conditions

Waste Management – No objections

### **Representations**

A site notice was posted adjacent to the site and neighbouring dwellings have been consulted. The plans have been amended a number of times during the course of the application and residents have been renotified, a number of residents have commented more than once which are included in the total comments below. The following representations have been received as a result of these consultations:-

2 comments of support

- Much needed housing for the area and subjects little if no adverse effect on the existing surroundings.

- Good to see a development with a mix of housing rather than solely detached properties that often are built in the area.
- As a near neighbour to the site, it is good to see this site come forward for what appears to be a good quality housing development.

Penistone Grammar School have commented on the scheme and have requested that a footpath is included within the site to the school. Their main concern is the amount of school children having to cross the road (Huddersfield Road). A pathway could provide pedestrian and cycle access to the school via Water Mill Gardens. The roads around the school are currently unsafe as the footpaths are not wide enough to accommodate the number of pupils. Major housebuilding to the north of the school will exacerbate this issue as more students will walk south from the school before turning left onto Barnsley Road. MP Marie Tidball's office has also raised similar requests regarding looking into having a footpath running through the site.

Marie Tidball MP has raised her objections to the proposal as follows:-

- The option of creating an access point to PGS should be a condition of the development.
- Concerns regarding road safety around the school. The current pedestrian routes are not safe enough, especially for the large volume of school-aged pedestrians at peak times. Allowing for the access point will ease the situation.
- Concerns regarding active travel – if the development goes ahead as currently planned, the opportunity for this access point is permanently lost. The retention of an option for an access point through the development creates an opportunity to encourage walking to and from school and facilitate links with public transport.

28 further comments/objections have been received.

Other comments include:-

- Disruption to local residents during construction
- More overpriced housing
- Impact on doctors, dentists, school places etc.
- Impact on parking within Penistone
- Proximity of new dwellings to boundaries and homes
- Concerns regarding overlooking side windows reducing amenity and privacy
- Windows contravene planning policy
- Flooding/drainage issues
- Overshadowing impacts
- Use of private drive adjacent to garden, disturbance and impact upon amenity
- Concerns regarding the location of proposed landscaping and trees, overshadowing impacts
- Trees adjacent to driveways would cause a nuisance
- Appropriate pedestrian and vehicular visibility splays should be achieved at the end of the private drives
- Loss of light to existing windows
- Penistone is very congested especially at school times
- Over 400 houses at Wellhouse Lane there is no capacity without substantial infrastructure development
- Impact upon pedestrians and school children
- Access of properties from Kings Court is a concern
- Impact on parking and visibility at Kings Court
- The Public Open Space could be located adjacent to Kings Court

- The gate opening is for agricultural purposes only
- Concerns regarding access and visibility problems which exist at Kings Court
- Location of affordable housing a concern
- Any agreed development should also come with a Planning Condition stating that no development construction or delivery traffic be allowed to use the car park or car park gate access from Huddersfield Road at any time
- Potential negative impact on traffic congestion at the Bridge Street traffic lights
- Increased traffic congestion is not only inconvenient but also poses potential safety hazards
- A higher volume of vehicles in the area can increase the risk of accidents, posing a threat to both pedestrians and drivers.
- Environmental Impact, air pollution
- traffic management solutions should be proposed
- Possible flooding and previous flooding issues
- Disturbance from new dwellings/impact on privacy
- Loss of green area and impact upon tourism
- Too many new properties in the area
- Traffic issues already during school pick up and drop off times
- School parking issues on Watermill Gardens
- Turning HGV's have caused damage to signs/garden walls on Watermill Gardens, will site traffic use the same junction
- Scale of dwellings a concern
- Overlooking from new dwellings
- Impact on bats
- Impact on boundary walls
- The site and Watermill Gardens will become an unofficial pick up/drop off for school

## **Assessment**

The main issues for consideration are as follows:

- The principle of the development
- The impact on residential amenity
- The impact on Geodiversity and Biodiversity
- The impact on Trees
- Visual amenity, layout and housing mix
- Heritage and Archaeology impacts
- The impact on highway safety
- Flooding and Drainage
- Financial contributions

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

## **Principle of development**

The proposed site forms part of a parcel of land allocated for residential development under Housing Site allocation HS70 Land to north of Barnsley Road, Penistone, with the indicative number of dwellings being 32. It is proposed to erect 17 dwellings on the site with part of the remaining allocation to the west of the site being left for future development.

Part of the site has planning permission for 11 dwellings, which have now been completed and are known as Watermill Gardens set to the south of the application site.

The site specific policy states that: 'The development will be expected to:

Respect the setting of the listed complex of buildings at Nether Mill 60m to the West by the use of appropriate site layout, sympathetic design that reflects the setting, scaling, massing, details and materials; and

Avoid locating built development in parts of the site within flood zone 2 and 3.

Archaeological remains are known/expected to be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including field evaluation if necessary) that must include the following:

- Information identifying the likely location and extent of the remains, and the nature of the remains;
- An assessment of the significance of the remains; and
- Consideration of how the remains would be affected by the proposed development.'

Given the sites housing allocation, a residential use would therefore be considered appropriate at this location. There is an area of the allocation located to the west of the site which is not included within the proposed application. The applicant has confirmed that the remaining land is subject to a historic restrictive covenant which prevents the wider allocation coming forward until 2049. Whilst there is an area of the allocation which is not included within this proposal, the scheme has been designed to accommodate access into the remaining land therefore allowing for future development. Amendments to the scheme have been provided to show a 10m protected strip to both ends of the adopted road.

In terms of the site specific policy and density requirements, the allocation HS70 provides an indicative capacity of 32 dwellings plus the 11 already built out, resulting in a total capacity of 43 dwellings over an approximate area of 1.47 hectares. The indicative density of the allocation stands at approximately 29 dwellings per hectare. Policy H6 of the Local Plan indicates that regard should be had to the efficient use of land and states that a density of 40 dwellings per hectare will be expected in Urban Barnsley and Principal Towns (Penistone). As such, the proposed density is less than that expected by the Local Plan however Policy H6 does support lower densities of development provided that proposals can demonstrate that this is necessary for character and appearance, need, viability or sustainable design needs.

The agent states that the lower yield is due to the constraints present on and in the vicinity of the site, which include topography, drainage, flood risk, access, and the listed Nether Mill buildings to the east. The site is further constrained to the western part of the allocation due to its awkward shape and the need to safeguard access (for future development), to the adjacent part of the allocation and the need to not compromise the amenity of future and existing residents. The proposal is for 17 dwellings on a 0.7-hectare site. The Planning statement states that when discounting the area proposed as Public Open Space, this results in a developable area of 0.621 hectares and thus a density of 27.4 dwellings per hectare.

Given the above site constraints, it is therefore considered that the proposal will achieve an acceptable density, which follows the pattern of development on the Watermill Gardens site, in line with allocation HS70 and Policy H6 of the Local Plan.

The application has been accompanied by a Heritage Desk-Based Assessment. This has been reviewed and accepted by South Yorkshire Archaeology Service (SYAS). Given the site has archaeological implications, SYAS have requested that 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. In this aspect the second requirement of policy HS70 is met.

The areas of flood zones 2 and 3 are located on land to be used for public open space and therefore there will be no housing development on these areas of land, the drainage and flood risk impacts will be explored further within this report.

The site is also set close to the listed complex of buildings at Nether Mill to the West of the site. The site specific policy states that by the use of appropriate site layout, sympathetic design that reflects the setting, scaling, massing, details and materials, the proposal should respect the setting of the listed complex. The Conservation Officer has been consulted and has no objections to the proposals. As above, these design and visual impacts will be further explored within the report.

In terms of the principle of the proposal, the development is set on an allocated housing site and the scheme complies with the requirements of Local Plan Policy HS70 other than in terms of the housing numbers, the reduction in which is accepted as being necessary given the site constraints and remaining land to be developed, in which the access to has been safeguarded by the proposed layout. The proposed development of the adjoining Urban Fabric for use as Public Open Space is considered to be acceptable and supports the housing element of the proposal and allows for an improved number of dwellings and layout, in accordance with Local plan Policy GD1, General Development. Other material considerations are assessed below.

### Residential Amenity

There are existing dwellings which face onto the site from Watermill Gardens and also to the east and west. The plans show the required separation distances of 21m between habitable room windows and 12m from neighbouring habitable room windows to side elevations have been met or exceeded, in accordance with SPD 'Design of Housing Development', therefore the proposal should not cause any excessive overshadowing, loss of privacy or overlooking impact. In terms of the amenities of the future occupants, the room sizes meet the requirements of the South Yorkshire Residential Design Guide. In terms of area of garden space, they all provide at least 60 sqm of garden area per 3+ bed unit and at least 50sqm per 2 bed unit.

Concerns have been raised with regard to overlooking and overbearing impacts, however the proposals maintain the required separation distanced outlined above from habitable room windows and should not cause any significant impact upon privacy, loss of outlook or overshadowing. An objection has been received with regard to the impact of plot 14 (Kirby House Type) by way of overlooking, overbearing/overshadowing upon the adjacent properties on Watermill Gardens. In addition, a private drive runs along the boundary of number 5 Watermill Gardens and would access plot 14. The driveway to this dwelling would not cause significant disturbance and is set approximately 7m from the side elevation of this dwelling, in addition, the proposed dwelling is set over 14m away from the rear elevations of number 5, which is in excess of the 12m recommended within the SPD, therefore should not cause any significant loss of outlook or overshadowing. There are small secondary side windows of this plot to the upper floor bedroom and these should be obscurely glazed in order to protect the amenity of the adjacent dwellings and shall be conditioned as such.

As this is an allocated housing site, the use of the site for residential purposes is acceptable and once constructed, should not cause any significant disturbance or loss of amenity to the adjacent existing dwellings. The proposal is therefore acceptable in terms of residential amenity standards in accordance with policies GD1 and the SPD Design of Housing Development.

#### Impact on Geodiversity and Biodiversity

The submitted Ecology Report found that there will be no impact upon designated sites and that the existing habitats on the site currently consist of improved agricultural grassland and vegetation; the loss of which will have negligible ecological effects. No buildings are present on site and there were no trees considered large enough for bat roosting. No evidence of any other species were present on the site and therefore no further survey work is required. The Ecology Officer is satisfied with the Ecology Report and recommends approval subject to conditions.

An area of land has been selected for off-site mitigation to address the applicants Biodiversity Net Gain requirement and is located relatively close by to the site. The BNG metric indicates that a gain of 0.21 habitat units (14.03%) and 0.66 hedgerow units can be achieved, based on proposed on and off-site habitat creation and enhancement measures. The Ecology Officer has stated that they are satisfied that the application can be approved as the applicant has met the BNG requirement with habitat creation/enhancement measures proposed on and off-site.

Planning conditions requiring a Construction Environmental Management Plan - Biodiversity (CEMP-B) and a Biodiversity Enhancement Management Plan (BEMP) are required prior to works commencing on site. A BEMP will also be a requirement of the Section 106 which will be necessary to secure the off-site mitigation area proposed to achieve a net gain in biodiversity. Without the off-site mitigation, the proposals cause a loss of 0.79 habitat units. If the off-site mitigation area cannot be secured, the Section 106 can set out payment of the council's biodiversity tariff to ensure no net loss is still achieved (0.79 units x £25,000 = £19,750).

Subject to the above conditions and potential commuted sum to BNG, the proposal complies with policy BIO1 of the Local Plan.

#### Impact on Trees

A tree survey has been submitted with the application and the Tree Officer has been consulted as part of the proposal. There is a belt of trees set along the northern boundary of the site with Penistone Grammar School, however there are no significant trees set within the site itself. The submitted report states that the layout has been designed to avoid any tree removals and so none are required to implement the proposed scheme. The Tree Officer has noted that only one tree requires removal for arboricultural reasons with all the others located just outside the boundaries to be retained. As noted in the Impact Assessment, the existing boundaries are sufficient to act as protection for the retained trees and as such the Tree Officer has confirmed no objections to the proposals from an arboricultural perspective.

Landscaping details have been provided for this scheme which are acceptable. The proposal is considered to be acceptable in terms of impact upon Trees in accordance with policy BIO1 of the Local Plan.

#### Visual amenity, layout and housing mix

The proposal involves the erection of two and two and a half storey dwellings of 6 different house types. The site is set adjacent to developments of Watermill Gardens and Kings Court apartment block and housing, which are modern stone built residential developments and Penistone Grammar School situated to the north. All of these developments have stone as the main construction material, with cladding also present on Penistone Grammar. Traditional stone-built buildings can be found at 22 Huddersfield Road and the Listed Nether Mill to the west and east.

The principal design of the dwellings seeks to continue that established by Watermill Gardens and Watermill Court to the south, with the main access point provided by Watermill Gardens and a secondary access via Kings Court. These dwellings therefore set a precedent for scale, materials, plot size and layout. The application proposes the erection of two storey detached and semi-detached dwellings, with one house type being 2.5 storeys in height with rooms in the roofspace. The dwellings are designed with pitched roofs and full gable ends built in artificial stone and with grey roof tiles. Other design features include chimneys, stone sills, and bay windows which add interest. The Council's Conservation Officer is satisfied with the scheme, materials and design, and it is therefore considered acceptable in terms of visual amenity and design.

In terms of layout, the site is fairly constrained given its size, shape and requirement to provide access through the remaining housing allocation. The layout includes a main access road from Watermill Gardens, a single private drive, with further accesses (with the potential to be adopted in the future) leading to the land to the east and west. Three dwellings are also accessed via Kings Court. There are a mix of parking solutions proposed, including side of dwelling parking with garages and frontage parking. The SPD states that 'the maximum number of front of dwelling parking spaces acceptable in a row is four. These should be used sparingly in a development and be separated from other parking spaces by a considerable width of soft landscaping, i.e. more than the width of a parking space.' The proposal complies with the above. The plots also have pedestrian access to their rear gardens which allows bins and recycling containers to be stored to the rear of the properties and away from public vantage points.

In terms of housing mix, Local Plan Policy H6 also states Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. The plans submitted as part of this application propose a varied mix of 2, 3, 4 and 6 bed dwellings. The proposed dwellings are a mix of detached and semi-detached dwellings with accommodation over 2 to 2.5 storeys. Bungalows have not been proposed on this site due to previously mentioned density, design and site constraints. The proposal was initially submitted without affordable housing provision and a viability assessment provided; however, this has now been amended in response to the independent viability assessment carried out which stated that the scheme could provide 4 units and S106 contributions. The proposal now includes 4no. 2 bed homes, which are dispersed through the site. The Affordable Housing Team have been consulted and have raised no objections to the proposal for 4 units given the viability report and are content with the 50/50 split affordable rent and First Homes as this aligns with the SHMA. As such, it is considered to provide a good mix of house size and type, given this is a constrained site, in line with policy H6.

Given the above, the proposed development would maintain the visual amenity of the existing area in accordance with Local Plan Policy D1, SPD 'Design of Housing Development' and the NPPF.

### Heritage and Archaeology

The site is not set within a Conservation Area, however the site is set adjacent to Listed Buildings at Nether Mill. The Conservation Officer has been consulted and has provided the following observations.

The site in question is in the setting of three grade II listed buildings; Nether Mill House, Nether Mill Cottage/ Farmhouse and the Barn east of Nether Mill House. The building most likely to be affected by the proposal will be Nether Mill house which dates from 1636 with late C18 and C20 alterations. The building is two storeys, rendered and has a stone slate roof.

The bulk of the development would be largely screened from view by existing buildings. As such, intervisibility is unlikely between the development site and that of the setting of the Listed Buildings and it is considered that there would be no impact on the listed buildings or the other historic buildings in their curtilage (Nether Mill House). The area of Public Open Space to the east also helps to provide a buffer to the edge of the site and help protect the setting of the listed buildings. The Conservation Officer considers that there have been appropriate mitigation techniques implemented within this development to reduce the impact on the setting of the listed buildings, and the design and materials are acceptable and complimentary to the setting of the heritage assets and the wider area.

In terms of archaeology, the South Yorkshire Archaeology Service have stated they have no objection to the proposal subject to a planning condition.

#### Highway Safety

Highways have been consulted as part of the proposal and have no objections subject to conditions. The layout includes a main access road from Watermill Gardens, a single private drive, with further accesses (with the potential to be adopted in the future) leading to the land to the east and west. Three dwellings are also accessed via Kings Court. Concerns have been raised with regard to the access off Kings Court, highway safety and impact upon adjacent dwellings, however Highways have no objections to the proposed accesses and given that there are only three dwellings accessed at this point, there should not be any significant impact.

As stated previously, there is an area of the allocation located to the west of the site which is not included within the proposed application. The applicant has confirmed that the remaining land is subject to a historic restrictive covenant which prevents the wider allocation coming forward until 2049. Whilst there is an area of the allocation which is not included within this proposal, the scheme has been designed to accommodate access into the remaining land therefore allowing for future development. Amendments to the scheme have been provided to show a 10m protected strip to both ends of the adopted road to secure this access.

The Highways Officer has stated that it would be preferable to ensure that the connectivity to the remaining allocation is protected by extending the length of adopted carriageway to the boundary of the site, rather than the proposal to safeguard the land for future improvement, however this would not be considered a reason to refuse the application on this basis and the Legal Officer has confirmed that this could not be the subject of a Legal Agreement. The Highways Officer has no objections to the scheme from a highway safety point of view and the agent has indicated that the site can be accessed in the future and land ownership will be retained to allow a link through the to remaining land. Concerns have been raised with regard to the impact of the proposal upon the highway network from additional traffic and parking, however the proposal has been provided with sufficient parking spaces and the accesses are considered to be acceptable. The Highways Officer has confirmed that they have no objections to the application subject to the conditions and informatives.

#### *Possible public Footpath link to school*

As stated previously, Penistone Grammar School have commented on the scheme and have requested that a footpath is included within the site to the school. Their main concern is the amount of school children having to cross the road (Huddersfield Road). A pathway could provide pedestrian and cycle access to the school via Water Mill Gardens. The roads around the school are currently unsafe as the footpaths are not wide enough to accommodate the number of pupils. Major housebuilding to the north of the school will exacerbate this issue as more students will walk south from the school before turning left onto Barnsley Road.

The agent has been consulted with regard to the above request. They have stated that they are concerned about the safety and security issues that could arise from a link that largely has no surveillance and is used by school children, both to the children themselves but also to anti-social behaviour. Concerns have also been raised with regard to school children and parents/carers using this side street to drop students off to bypass the provisions nearer the school entrance and the disturbance this would cause. In addition, whilst the gain would be greatest for those living in the proposed houses, there would only be an approximate 60-80m benefit (equivalent of about a 1 minute walking time) for those walking along Barnsley Road in a westerly direction. Finally, they consider that an access would detrimentally impact on the proposed layout, reducing separation distances and garden sizes. Barnsley's guidance states that new footpaths should be 2 metres wide which is quite significant in context. Concerns have also been raised to whether the necessary gradients could be achieved, given the change in levels to the school.

The Highways Section have acknowledged that there is the potential that parking behaviour will change with the introduction of a new footpath access and the potential impact on the new and existing residents, and the free flow of traffic especially along Barnsley Road. The land gradients may also mean that an accessible footpath may not be provided. Whilst it is feasible to create a pedestrian route that could connect to the school, given that the school-owned land adjoins the development site, it must be carefully assessed whether such a link would be acceptable from a highways safety perspective.

In terms of the existing school situation for children crossing the road, a highways scheme was previously implemented along Huddersfield Road in conjunction with the planning approval for the extension of Penistone Grammar School. This scheme involved extending the existing single yellow lines along the eastern side of Huddersfield Road, as well as introducing school-awareness LED signs to improve safety for those travelling to and from the school and these measures have already been implemented.

At present, there are no significant collision statistics along Huddersfield Road, either within the school vicinity or in its immediate surrounding area, to suggest any existing safety concerns. It is recognised that Penistone Grammar School is a particularly busy institution, and there are valid concerns regarding the volume of students entering and exiting the school site, particularly at pick up and drop off times.

Currently, Barnsley Road and the junction with Watermill Gardens do not experience significant safety issues. However, the introduction of a pedestrian route could influence where pick up and drop off's are carried out, leading to potential indiscriminate parking or an increase in on-street parking in the surrounding area for those choosing to use the pedestrian route through to the school. This could result in vehicles waiting for children to leave school, causing congestion and potentially affecting both the residents of the new development and the wider area. In the worst-case scenario, it could lead to parking on Barnsley Road itself, exacerbating the issue.

Whilst it is acknowledged that there would be some benefits to having a footpath route through the site from the school to Barnsley Road, the agent and highways officer have identified a

number of issues that are material planning considerations, such as impact upon residents, parking issues, layout issues, land gradients and highway safety. The site is allocated for housing within the local plan and the allocation (HS70) does not stipulate that the inclusion of a footpath access to the school is required. Given the above issues it is felt that the proposed footpath, whilst it may be beneficial, the further issues caused by the introduction of the footpath within this scheme would outweigh these benefits.

As a result of the above, the proposed plans meet the relevant technical design standards and is considered acceptable in highways terms in accordance with Local Plan Policies T1, T3 and T4.

### Drainage and Flood Risk

In terms of drainage and flood risk, the Drainage Officer and Yorkshire Water raise no objections to this application subject to conditions. The proposed dwellings are set within Flood Zone 1, which has a low probability of flooding, with only areas of open space being set within Flood Zone 2 which is acceptable in accordance with Local Plan Policy POLL1.

### **Planning Obligations**

Paragraph 55 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 57 states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

These are the statutory tests as set out in the Community Infrastructure Levy Regulations 2010.

A S106 agreement is required with this application for the contributions listed below.

### Affordable Housing

The proposal provides 4 affordable homes. Housing developments of 15 or more dwellings will be expected to provide affordable housing. 30% affordable housing will be expected in Penistone. These percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable. A recent viability assessment has been submitted to support the scheme, which previously did not provide any affordable units on site. The revised scheme has been subject to a further recent independent viability assessment which found that the scheme could support 4 onsite affordable units (23.53%) plus S106 payments, including a payment of £58,500 which would also be required for the affordable shortfall of 1 unit. The proposal has been amended to include 4no. 2 bed homes which are dispersed through the site. The Affordable Housing Team have been consulted and have raised no objections to the proposal for 4 units and are content with the 50/50 split affordable rent and First Homes as this aligns with the SHMA. The affordable rent in the heart of the larger parcel and first homes on the separately accessed parcel off Kings Court which is acceptable.

### Education

The Education have confirmed that there is a requirement for 4 Primary School Pupils and 3 Secondary School Pupils at £16,000 per place. The total amount required for Education provision is £112,000. This contribution would be used to enhance educational facilities for schools located within the PRI-PA11 primary planning area.

### Greenspace

Whilst the proposal is under the threshold of 20 units, the proposal is part of a larger site allocation and therefore should provide full Green Space contributions in order for the proposal to be acceptable and in compliance with the SPD Open Space Provision on New Housing Developments. The SPD states that 'where sites are developed incrementally or by separate developers the policy requirement will be applied to the total site area to be developed or that which is available for housing development.' The following contribution would therefore be required based on the number of homes and bedrooms:- £31,712.07

### Sustainable Travel

Local Plan Policy T3 requires financial contributions towards improvements to sustainable travel, where levels of accessibility through public transport, cycling and walking are unacceptable. Contributions will be sought on developments of 10 dwellings or more. In accordance with the adopted Sustainable Travel SPD, there is a requirement for the applicant to provide a contribution towards sustainable transport and active travel measures. The formula within the SPD has been used to calculate the contribution and given the site is outside of the AIZ (Accessibility Improvement Zone) then £17,000 will be required.

EV charging points will be required through Building Control and cycle storage shall be provided.

### Biodiversity

A BEMP will be a requirement of the Section 106 which will be necessary to secure the off-site mitigation area proposed to achieve a net gain in biodiversity. Without the off-site mitigation, the proposals cause a loss of 0.79 habitat units. If the off-site mitigation area cannot be secured, the Section 106 should set out payment of the council's biodiversity tariff to ensure no net loss is still achieved (0.77 units x £25,000 = £19,250).

Concerns have been raised by residents in terms of impact upon local infrastructure, however subject to these S106 obligations and conditions, the proposal is compliant with the requirements of Policy I1 Infrastructure and Planning Obligations which states that development must contribute as necessary to meet all onsite and off-site infrastructure requirements to enable development to take place satisfactorily.

## **PLANNING BALANCE & CONCLUSION**

The proposal is considered to be acceptable in policy terms being mainly designated as a Housing Proposal Site within the Local Plan. The proposal is located within a sustainable location on a site suitable for residential development and this weighs considerably in favour of the application in accordance with the National Planning Policy Framework.

The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to neighbouring properties, the highway network, biodiversity/trees or the character of the area subject to suitably worded conditions.

An independent viability assessment has shown that the site can provide 4 affordable homes along with the additional S.106 requirements.

There is an area of the allocation located to the west of the site which is not included within the proposed application. The applicant has confirmed that the remaining land is subject to a historic restrictive covenant which prevents the wider allocation coming forward until 2049. Whilst there is an area of the allocation which is not included within this proposal, the scheme has been designed to accommodate access into the remaining land therefore allowing for future development.

Whilst it is acknowledged that there would be some benefits to having a footpath route through the site from the school to Barnsley Road, the agent and highways officer have identified a number of issues that are material planning considerations, such as impact upon residents, parking issues, layout issues, land gradients and highway safety. The site is allocated for housing within the local plan and the allocation (HS70) does not stipulate that the inclusion of a footpath access to the school is required. Given the above issues it is felt that the proposed footpath, whilst it may be beneficial, the further issues caused by the introduction of the footpath within this scheme would outweigh these benefits.

Having balanced all material planning considerations, whilst a number of objections have been received in respect to the proposal they have been suitably addressed. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations.

The proposal is therefore, on balance, recommended for approval subject to a Section 106 Agreement and the proposed heads of terms are outlined below.

## **RECOMMENDATION**

**MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO CONDITIONS AND FOLLOWING THE COMPLETION OF AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 IN RELATION TO THE FOLLOWING MATTERS AND THE HEAD OF PLANNING BE AUTHORISED TO ISSUE THE PLANNING PERMISSION UPON COMPLETION OF THE LEGAL AGREEMENT:**

- a) 4 affordable homes as shown on the site layout
- b) £58,500 Affordable shortfall
- c) £31,712.07 Green space Contribution
- d) £112,000 Education Contribution
- e) £17,000 Sustainable Travel Contribution
- f) BEMP and a £19,250 Biodiversity Contribution for off-site mitigation

# Appendix 1 – Site Layout:

## Land off Watermill Gardens, Penistone, South Yorkshire



Proposed Site Layout

**Schedule of Accommodation**

House Type	Count	Area (sqm)	Area (sqft)
HD	2	2,250	24,134
Newtown	3	2,250	24,134
Fairham	4	2,250	24,134
Chabworth	4	2,250	24,134
Stratton	3	2,250	24,134
Kirby	8	2,250	24,134
<b>Site Total</b>	<b>17</b>	<b>38,250</b>	<b>412,134</b>

Gross Site Area = 0.74 Ha (1.82 Acres)  
 Net Site Area = 0.66 Ha (1.63 Acres)  
 13,574 sqft Per Acre  
 25 FD DPH

Rev	By	Date	Description
H	JL	16.11.24	10m protected strip notation added
G	JL	15.05.24	Affordable distribution amended
F	JL	20.03.24	Affordable drawings illustrated
E	JL	21.03.24	Landscape design initiated
D	JL	12.01.24	POS area and allocation amended
C	JL	14.11.23	Boundary adjacent plot 1 amended
B	JL	07.11.23	Proposed roof to be amended (Sheds added to plots 14, 17, 18 and parking added to shared garage drives) Plot 11 & 12 parking amended; Plot 13 garage moved forward
A	JL	25.10.23	Proposed allocation added

Status	Planning
Search	Planning
Formal	Formal
Submission	Submission
in Book	in Book

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PROJECT Land off Watermill Gardens, Penistone, S Yorkshire

TITLE Proposed Site Layout

CLIENT Mgrave Developments Ltd

DATE 28.09.23 SCALE 1:500@A2

DRAWING 1/06/24 PROJECT NO. P

DRAWN JD CHECKED JD

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