
2019/0225

Harard Developments (Penistone) Ltd

Variation of Condition 2 of application 2015/0380 (Residential development of 30 no. 2, 3 and 4-bed dwellings (Reserved Matters to application 2013/0813)

Land off Sheffield Road, Penistone, Sheffield, S36 6HH

Background

2013/0813 - Residential development (Outline) (Resubmission of planning application 2012/0801) – Approved with conditions at PRB including conditions which related to the provision of affordable housing and public open space to be submitted with the reserved matters application.

2015/0380 - Residential development of 30 no. 2, 3 and 4 bed dwellings (Reserved Matters of Outline Approval 2013/0813) – Approved subject to conditions and a Section 106 Agreement

2017/0530 – Discharge of conditions 4, 5, 9, and 10 of app 2015/0380 - Residential development of 30 no. 2, 3 and 4-bed dwellings – Conditions discharged

2017/1452 - Variation of condition 2 of app 2013/0813 (Residential development of 30 no. dwellings) to allow the amendment of site layout, landscaping, boundary treatment and drainage – Refused due to the amended layout and impact upon the amenity of some plots in relation to the proximity to the access to Birds Stainless Steel and due to insufficient information being provided.

Description

There are two elements to the application site, that of the former Jackie's Fancy Dress premises which is now demolished and an adjoining large area of grass land to the rear of Sheffield Road. The immediate locality supports a mixture of industrial, commercial and residential developments. Bird Stainless Steel is set to the north east of the site and is accessed through part of the current development site, adjacent to the former Britannia Public House, which is now used as a nursery.

The former Jackie's Fancy Dress premises occupied a single storey building which is now demolished and was located along the frontage of Sheffield Road. It shared the access from the highway with several small business units as well as Bird Stainless Steel works to the north east. The application site also includes a large area of grass/scrub land which is situated to the north west of the premises and to the rear of terraced properties (nos 25 to 81) Sheffield Road. The River Don runs across the northern boundary with site levels falling gently to its riverbank.

The site can also be accessed from Queen Street, a narrow steep road between houses which also serves Penistone Cricket and Sports Club located to the north of the site. The terraced dwellings used part of grass/scrub land for informal parking accessed via Queens Street. It is also understood that the land was informally used for the parking of vehicles to the adjacent cricket pitch.

The land has been fenced off for some years now and works commenced on site in 2017 with one bungalow almost fully constructed and foundations have been laid for a further property to the north eastern corner of the site as can be seen on the aerial photograph below.



Proposed Development

This application proposes a variation of condition 2 of app 2013/0813 (Residential development of 30 no. dwellings) to allow the amendment of the site layout.

The application previously proposed 30 dwellings consisting of the following single and two storey properties:-

House Type A - 6no. 2 bed bungalows
House Type B - 2no. 1 bed bungalows
House Type C - 6no. 3 bed bungalows
House Type D - 2no. 3 bed bungalows
House Type E – 4no. 3 bed two storey semi detached houses
House Type F – 5no. 4 bed two and a half storey detached
House Type G – 5no. 4 bed two and a half storey detached

The application now proposes:-

House Type A - 7no. 2 bedroom bungalows
House Type B - 3no. 1 bedroom bungalows
House Type C - 6no. 3 bed detached bungalows
House Type D - 2no. 3 bed bungalows
House Type E – 2no. 3 bed two storey semi detached houses
House Type F – 5no. 4 bed two and a half storey detached
House Type G – 5no. 4 bed two and a half storey detached

The proposal also included an 18 space parking area accessed from Queen Street, it was proposed that this would be offered for use by the Cricket Club and residents of Sheffield Road. This was to be located to the rear of plot number 12. The new application proposes a smaller car parking area with 16 spaces in order for the revised siting of the foul drainage pumping station which will be located below ground.

The alterations also include the repositioning of the access road and alterations to the layout to show plots 1, 2, 3, 4, and 16 on the opposite side of the access road and closer to the south eastern boundary of the site. The plans also do not include the access through to Birds Stainless Steel which was previously proposed on the approved site plan, and allowance was made for this with the road layout approved. Part of the existing access to Bird Stainless would be used as part of the garden areas to plots 1-4 which is within the applicant's land ownership.

The Section 106 Agreement is unchanged, however should this application be approved then a deed of variation is required in order to allow for any new application number and decision notice to be referenced. Contributions for affordable housing required an off site commuted sum of £660,000. The agreement would state:- *'To pay to the Council 50% of the Affordable Housing Contribution prior to or upon Occupation of the first 10 Dwellings within the Development. To pay to the Council the remaining 50% of the Affordable Housing Contribution prior to or upon Occupation of 20 Dwellings within the Development.'*

In addition an off site contribution of £50,742.60, to enhance existing Public Open Space was required upon commencement of development. As one of the dwellings has been constructed, then the following is proposed:- *'To pay to the Council the Public Open Space Contribution prior to the Occupation of more than 50% of the Dwellings or prior to the 30th of December 2020 whichever occurs first and not to cause permit*

or allow the Occupation of more than 50% of the Dwellings unless and until the Public Open Space Contribution has been paid to the Council.'

An application 2019/0348 has also been submitted which shows a proposed new access to Birds Stainless Steel which enables the alteration to the site layout and closing of the existing access to Birds Stainless Steel. It is also proposed to link the new access road application at Bird's Stainless Steel to this via application with a legal agreement to secure the following:-

'The Existing Access Road shall be retained and kept open to use by Traffic and until the New Access Road is constructed and ready to be used by Traffic in accordance with the New Road Planning Permission

The New Access Road shall be constructed prior to the Occupation of any Dwellings and no Dwellings shall be Occupied until the New Access Road has been constructed and the Council in response to a written request from the Owner has confirmed that the New Access Road has been constructed in full accordance with the New Road Planning Permission, such confirmation not to be unreasonably withheld or delayed.'

Policy Context

Local Plan

The new Local Plan was adopted at the full Council meeting held 3th 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 part Green Space part Urban Fabric within the Local Plan.

The following policies are 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'

T3 'New Development and Sustainable Travel'

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

GS1 'Green Space'

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'

Poll1 'Pollution Control and Protection'

I1 'Infrastructure and Planning Obligations'

SPD's

- Design of Housing Development
- Parking
- Open Space Provision on New Housing Developments
- Planning obligations
- Affordable Housing
- Financial contributions to Schools

Penistone Neighbourhood Plan

This 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.

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.

Consultations

Penistone Town Council – No objections

Yorkshire Water Services Limited – No observations

Highways DC – No objection subject to the finalisation of details for the proposed new entrance for Birds Stainless under planning application ref: 2019/0348.

Drainage – No objections subject to conditions

Regulatory Services – No objections to proposed access road or amendment to layout including underground pumping station

Tree Officer - No objection to the changes subject to the tree and landscaping conditions of the previous approval being applied to this one.

Ward Councillors – No comments received

Representations

4 letters of objection have been received which raise the following concerns:-

- Impact on highway network and highway safety

- Disruption from building works
- The site is a mess and insecure
- Access to the cricket club is not shown on the plans
- Access to Bird's unsuitable
- Sheffield Road is dangerous due to no where to park
- The width of the lane to the rear of 51 Sheffield Road should be widened
- Penistone does not have the infrastructure to accommodate 30 new houses
- Impact on schools and local businesses

Assessment

Principle of Development

The site is allocated as part Green Space part Urban Fabric within the Local Plan, however the principle of a residential development has been established with the earlier reserved matters planning approval 2015/0380 subject to the conditions set out in the decision notice and the Section 106 Agreement. 2015/0380 is an extant permission as the development has commenced. This application seeks vary the approved plans in order to allow the amendment of the internal site layout. These changes are assessed below.

Residential Amenity

The Supplementary Planning Document Design of Housing Development states that 'The layout and design of new housing development must ensure that high standards of privacy, light and outlook are provided for existing and proposed residents. The changes to the layout to plots 5 to 11 and 21 and 25, are relatively minor and the submitted overall layout achieves the separation distances set out in the SPD to proposed and existing dwellings. The garden areas for the 2 bed properties exceed 50m² and the 3 beds plus properties achieve at least 60m², in accordance with the SPD.

The alterations also include the repositioning of the access road and alterations to the layout to show plots 1, 2, 3, 4, and 16 on the opposite side of the access road and closer to the south eastern boundary of the site. The plans also do not include the access through to Birds Stainless Steel which was previously proposed on the approved site plan. Bird Stainless Steel has a right of across the land which runs along the boundary with these plots, in particular plots 1-4. The previous variation of condition application was refused as this was the only access to Birds Stainless Steel and these properties would have been set directly adjacent to this right of access which has deliveries by HGV's and other traffic. The change to the access is shown on the corresponding access application 2019/0348 which shows a new access to Birds Stainless Steel away from the residential development and therefore there would be no significant impact upon the amended plots and the remainder of the development would benefit from the removal of this access to HGV's.

Concerns has been previously raised with regard to the proposed pumping station shown on the plans as sufficient details had not been provided. The pumping station is to be located underground and the land above landscaped/grassed with a hard surfaced access area. The Pollution Control Officer has been consulted and has no objection to the proposed pumping station. There should not be any significant impact upon residential amenity by way of noise and disturbance in accordance with policy POLL1 of the Local Plan.

In terms of the existing dwellings surrounding the site, the separation distances exceed the recommended distances to the adjacent dwellings and there should not be any significant impact upon residential amenity as a result of these amendments in compliance with the SPD. Issues raised with regard to impacts during construction are unfortunately not material planning considerations.

Highway Safety

An application 2019/0348 has also been submitted which shows a proposed new access to Birds Stainless Steel which enables the alteration to the site layout and closing of the existing access to Birds Stainless Steel. It is also proposed to link the new access road application at Bird's Stainless Steel to this via application with a legal agreement to ensure that the new access road shall be constructed prior to the occupation of any dwellings. The Highways Section have been consulted and they raise no objections to the amended proposal. The Highways Officer states that: 'the proposed layout is acceptable, providing additional plots with suitable on-plot parking and other details, such as an on-street parking bay and adjustments to the position and length of footway. It overcomes previous concerns with forward visibility on the initial bend of the proposed estate road and is beneficial to users on the separation of residential from the commercial traffic.'

Concerns have been raised previously due to the loss of parking on the site which was used informally by the adjacent cricket club and residents, however the majority of the site has been fenced off with the exception of a small area which has been offered to the residents as a goodwill gesture from the applicant. Whilst this proposal reduces the size of the proposed car park off Queens Street by 2 spaces due to the location of the pumping station, this is not felt to be significant as the adjacent cricket club has an extant approval for the formation of a car park under application ref 2018/0005 which once built, should alleviate parking issues felt by the residents. The proposal is acceptable subject to conditions in accordance with policy T4 of the Local Plan.

Visual Amenity

The changes to the layout would not have any significant impact upon visual amenity and the house types are as previously approved. Overall the appearance of the development is considered to be acceptable subject to a revised landscaping scheme being submitted via condition in accordance with policy D1 of the Local Plan.

Planning Obligations

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.'

At the time the reserved matters application was decided, the developer was required to provide towards public open space provisions and affordable housing. There was a requirement for 25% of the overall housing provision to be affordable housing. An off site commuted sum was proposed of £660,000 and an off site contribution of £50,742.60 was proposed to enhance existing POS..

As the development has already commenced and can be built out as approved, changes are not proposed to the affordable housing or POS contributions as part of

this proposal and further contributions in line with the current adopted SPD's cannot be requested. The agreed Section 106 Agreement is as above, however should this application be approved then a deed of variation would be required in order to allow for any new application number and decision notice to be referenced.

Conclusion

In summary the proposals are considered acceptable. The principle of a residential development of the site is already established by reserved matters approval 2015/0380. This application proposes an amendment to the layout. The proposed development complies with the design standards and the spacing standards set in the SPD. The Highways section have no objection to alteration to the access and Pollution Control are satisfied with the proposal. As such the recommendation is to approve subject to conditions and a Section 106 agreement which ensures the obligations of the original permission are carried forward and that this application is linked to the access road application 2019/0348 so that Bird's Stainless Steel has a suitable access provided in replacement.

Recommendation

Approve with conditions subject to a legal agreement