



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2020/0516

To WHP Architecture
18 Heymoor Studio
18 Abbey Road
Shepley
Huddersfield
HD8 8EP

Proposal Outline application for 2 dwellings with access considered at this stage

At Starling House, Birks Lane, Millhouse Green, Sheffield, S36 9NB

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 09/10/2020 and described above.

The reasons for the Council's decision to refuse planning permission are:

1. The majority of the application site is within Flood Zone 2. Local Plan Policy CC3 and paragraph 157 of the NPPF requires all development to apply a sequential, risk-based approach to locating development. As the Council can demonstrate a rolling supply of housing sites at a lower risk of flooding than the proposed, the sequential test is failed, and the application is refused in accordance with Paragraph 158 of the NPPF and Local Plan Policy CC3.
2. In the opinion of the Local Planning Authority, the proposed development would be contrary to Local Plan Policy D1 and H9, in that it would be an undesirable form of tandem development, materially detrimental to the setting of the original dwelling (Starling House).
3. The proposed will result in development within 8m of the River Don, identified as a Green Infrastructure Corridor in the Penistone Neighbourhood Plan, for which there is insufficient information provided with the application to fully assess the biodiversity value of the site, impacts on habitats and how appropriate mitigation and enhancement can be provided in accordance with Local Plan Policy BIO1 and the accompanying Biodiversity/ Geological Conservation SPD and Neighbourhood Plan Policy CG1.

4. In the opinion of the Local Planning Authority, the loss of trees as a result of the proposed development is unacceptable, resulting in an interrupted tree cover along the River Corridor. In addition, the close proximity of the proposed development to trees would be likely to result in damage to and felling of additional trees contrary to Local Plan Policy BIO1 and the accompanying SPD Trees and Hedgerows. The loss these trees, which make a positive contribution to the area, setting of Starling House and the setting Grade II Listed Building, would materially harm the visual amenity of the area contrary to Local Plan Policies BIO1 and D1.

5. The proposed development, by reason of its proximity and visual prominence would be detrimental to the special architectural and/or historic character of the Grade II Listed Starling Bridge and its setting, contrary Local Plan Policy HE3 Developments Affecting Historic Buildings notwithstanding the porosity of supporting information provided to assess the significance of the heritage asset in accordance with Local Plan Policy HE2.

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and*
- up to six months imprisonment on conviction.*

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of the approved development is disposed of via approved methods and that documents are retained to prove this.

Signed

Dated 19/11/2020

A handwritten signature in black ink, appearing to read 'JM Jenkinson', written in a cursive style.

Joe Jenkinson
Head of Planning and Building Control

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate> If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.