

2023/1062

Mr & Mrs Anita & Stuart Kimberley

Erection of new two storey dwelling and associated double garage

Land to rear of 207 - 209 Manchester Road, Thurlstone, Sheffield, S36 9QS

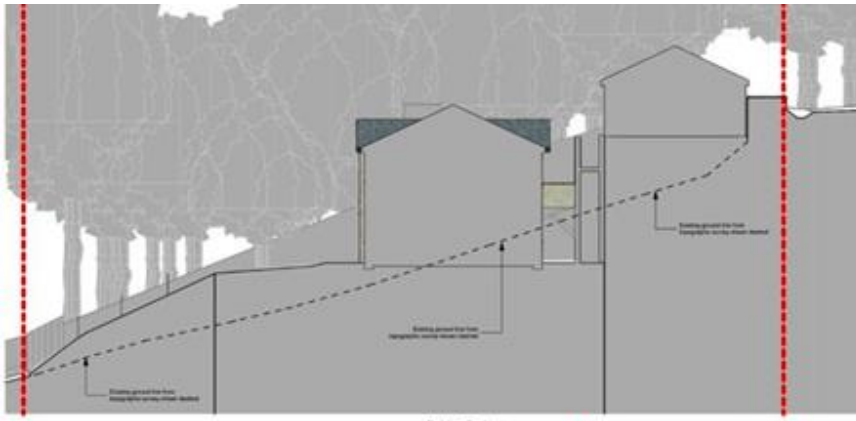
Background

2023/0165 - Erection of new two storey dwelling and associated double garage – refused for the following reasons:-

1.The proposed dwelling due to its scale, design, isolation and elevated nature of the site would appear overbearing in nature and would appear prominent when viewed from the Conservation Area. The proposal would therefore be materially harmful to the character and appearance of the Conservation Area and the setting of the adjacent Listed Buildings. The granting of permission could also set an undesirable precedence for further proposals for backland developments to the rear of Manchester Road which would significantly alter the character of the area and the Conservation Area as a result. The proposal is therefore contrary to paragraphs 199 and 200 of the NPPF, Local Plan Policies D1, HE1 and HE3 and Policy BE2 of the Penistone Neighbourhood Development Plan.

2 The proposed development would result in the intensification in use of High Bank Lane which is a very narrow rural lane with no footways or street lighting and, as such, is unsuitable for intensification of use. The lane does not allow a vehicle to pass a pedestrian or cyclist and provides no opportunities for vehicles to pass. Conflicting vehicles would therefore be required to undertake over long reversing movements. In addition, access for refuse wagons and servicing and delivery vehicles is neither suitable nor established. As a result, the proposal would therefore be detrimental to highway safety contrary to Policy T4 of the Local Plan.

3 Despite requests for additional information the applicant has not submitted sufficient details of all Local Wildlife Sites within the submitted Ecology Report, therefore an adequate assessment cannot be made of the impact of the proposal on Biodiversity contrary to Policy BIO1 of the Local Plan.



NOTE
 Drawing not for construction for only feasibility & Planning drawings are not intended for construction or construction. J Mohoney Architects Ltd cannot accept any responsibility for losses arising due to this.
 All dimensions to be checked on site and any discrepancies to be notified prior to the commencement of work.
 Do not scale from this drawing. It is not an AS.



No	Revised Issue	Date	By
0	Planning Issue	11/03/22	JPM
1	Revised Section B-B	11/11/22	JPM
2	1:100 Section B-B	08/03/23	JPM
3	1:100 Section B-B	08/03/23	JPM

Discipline: **PLANNING**

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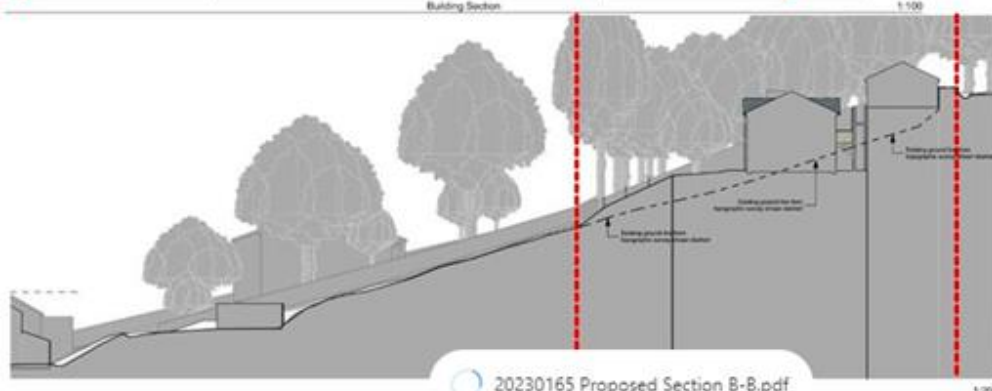
Project: Anna & Stewart Kimberley
 207-209 Manchester Road
 Thurston
 LN11 9JG

Project Name: Proposed Section B-B

Date: April 2022
 Drawn: JPM

Scale: 1:100, 1:250
 Sheet: A2

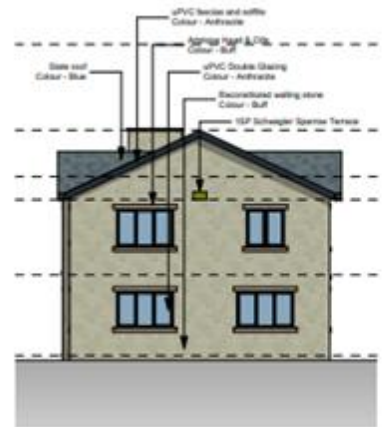
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20230165 Proposed Section B-B.pdf



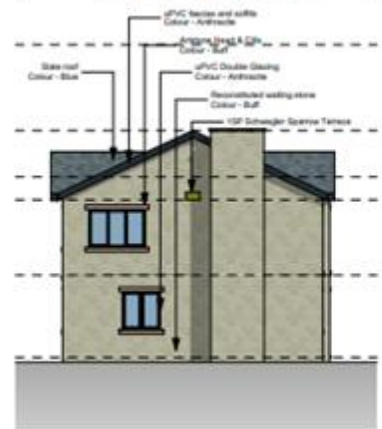
North Elevation Dwelling Only



East Elevation Dwelling Only



North Elevation Dwelling Only



East Elevation Dwelling Only



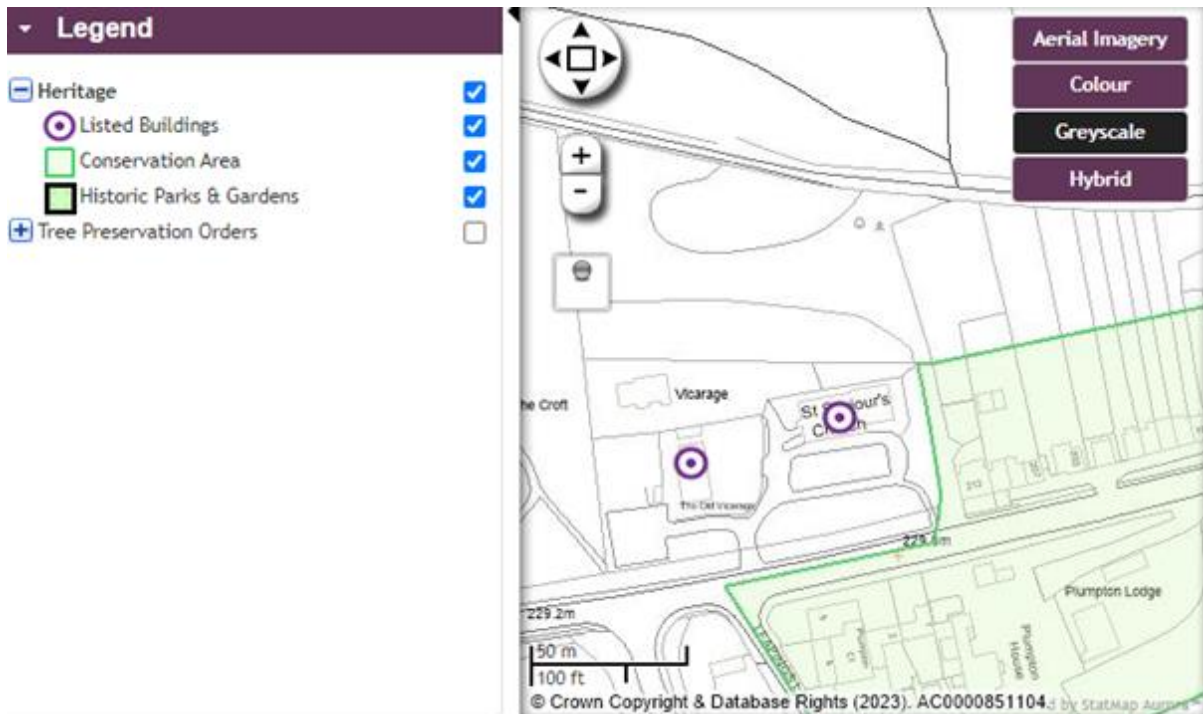
Refused scheme

Site description

The application is in relation to the rear garden area of the existing dwelling, 207 – 209 Manchester Road. The site is accessed via High Bank which is a very narrow rural lane with no footways or street lighting. The site has a significant slope from north to south, with the properties along Manchester Road being set at a significantly lower level. There are some dwellings accessed via High Bank, however these are set some 170m away from the site to the east.

The site is currently grassed with a number of trees/shrubs along the boundaries with a dry stone wall separating the site from the neighbouring gardens. To the immediate south of the site are the garden areas and properties off Manchester Road. To the west is the Grade II Listed St Saviours Church, land and Vicarage.

The site is set adjacent to the Thurlstone Conservation Area as can be seen on the map below:-



Proposed Development

The applicant is seeking approval for the erection of a 3 bed detached dwelling, with a detached garage and associated access and parking areas. The proposed dwelling would be constructed from natural stone with slate roof tiles. The plans have been amended from the previously refused application in that the proposed dwelling has been reduced by removing an entire bay. The proposed fenestration has also been scaled down and now incorporates stone mullions. The applicant has also submitted a Technical Note by TPS Transport Consultants.

The proposed dwelling is sited within the rear garden area of 207-209 Manchester Road and a new access is proposed from High Bank. The proposed dwelling would have its main frontage facing the north. Due to the site levels, the site would be excavated and the dwelling would be built into the site and would have a partly levelled garden area.

Due to the presence of Trees on/adjacent to the site a Tree Survey, AIA and Landscaping Scheme have been submitted with the application. The applicant has also submitted a Preliminary Ecological Assessment with the application.

The proposal requires the removal of two trees & one small group of cherry laurel.

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 and 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.

In reference to this application, the following Local Plan policies are relevant:

GD1: General development – Proposals for general development will be approved providing there is no significant adverse effect on residential amenity, highway safety, the current or future use of nearby land and it upholds good quality design in accordance with local plan policy D1.

SD1: Presumption in favour of sustainable development – The Council will take a positive approach to proposals that reflect the presumption in favour of sustainable development contained in the NPPF.

H4: Residential development on small non-allocated sites – proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan.

H9: Protection of Existing Larger Dwellings – Development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling, and the size of the remaining garden area.

D1: High quality design and place making – This policy sets the overarching design principles for the borough. Development is expected to be of high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of the local area.

T3: New development and sustainable travel – New development is expected to be located and designed to reduce the need for travel, be accessible to public transport and encourage smarter ways to travel rather than unsustainable use of the private car.

T4: New development and highway improvement - New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Poll1: Pollution Control and Protection - Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

HE1: The Historic Environment – The LPA will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley’s Historic environment, especially those areas which are at risk. This will be achieved by:-

- a. Supporting proposals which conserve and enhance the significance and setting of the borough’s heritage assets, paying attention to those elements which contribute most to the borough’s distinctive character and sense of place.

HE2: Heritage statements and general application procedures – Proposals that are likely to affect known heritage assets or sites where it comes to light there is potential for the discovery of unrecorded heritage assets will be expected to include a description of the heritage significance of the site and its setting.

- This description will need to include an appropriate but proportionate level of detail that allows an understanding of the significance of the asset but no more than is necessary to understand the impact of the proposal.
- For sites with significant archaeological potential, a desk-based assessment may be required in line with the provisions of Policy HE6.

BIO1 – Biodiversity and Geodiversity

SPDs:

- Design of new housing development
- Parking
- Trees and Hedgerows

Other:

South Yorkshire Residential Design Guide

NPPF:

The NPPF 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 particular relevance to this application include:

Para 115 - 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 200 – In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the

proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation

Neighbourhood plan

Penistone NDP was adopted by Barnsley Council on 27th August 2019 and has now been made a part of the Development plan of the Borough. This plan aims to guide all areas of development in Penistone and the surrounding areas of the borough including Thurlstone, The following policies are particularly relevant to this development:

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.

Consultations

Penistone Town Council – No comments received

Yorkshire Water – No comments received

Pollution Control – No objection subject to condition

Highways DC – Refuse

Tree Officer – No comments received

Conservation Officer – Approve subject to conditions

Biodiversity Officer – Approve subject to conditions

Drainage – Details to be checked by Building Control

Ward Councillors – No formal comments made

Representations

Neighbour notification letters were sent to surrounding residents and a site notice placed nearby, 3 objections have been received which raise the following concerns:-

- Potential flooding
- Concerns regarding proposed works for retaining walls
- Previous comments remain
- High Bank is in a poor state of repair
- Highway safety issues, narrow lane and impact upon pedestrians
- There is no street lighting on High Bank
- Impact on refuse collections
- No proposed levels on plan
- Proposed garage would not fit on the site
- Trees would need to be removed
- Construction Traffic would struggle to access the site due to parked cars, overhanging trees

- Have any boreholes been carried out to determine ground conditions / levels of potential intact rock under development area
- The proposal is out of character, spoiling the view of the countryside
- Overlooking of home and garden/loss of privacy
- Overbearing impact
- Precedent for other development along High Bank
- Accessibility of High Bank and the potential limited access to the property during adverse weather conditions
- Impact upon Conservation Area
- Highly prominent building
- Loss of a wall that provides habitat to bats and species of birds and other wildlife
- removal of a number of trees which currently provide visual amenity to the adjacent Conservation Area
- Detrimental impact upon the street scene and character of this street.

Assessment

Principle of development

The site is allocated as Urban Fabric, i.e. land within the settlement with no specific allocation, therefore the principle of a residential development on this site is acceptable subject to other local and national policies being complied with.

The site is also set adjacent to the Thurlstone Conservation Area and Listed Buildings, therefore the proposal must conserve/enhance these heritage assets, details of which have been assessed below.

In terms of the Council Policy with regard to the protection of existing larger dwellings, the existing dwelling set off Manchester Road would not be considered a larger home for the purposes of Policy H9.

Design, Visual Amenity and Conservation

The site is located immediately adjacent to Conservation Area of Thurlstone and close to existing Listed Buildings, therefore the design needs to be both sympathetic of its location, in accordance with Local Plan policy HE1 and general design principles in both Local Plan Policy D1 and SPD Design of Housing Development.

The main issue to be considered from a heritage perspective in the determination of this Planning Permission application is: -

- Whether or not the proposal would preserve or enhance the character or appearance of the conservation area
- Whether or not the proposal would harm the heritage significance or impact on the setting of a designated asset or other asset of demonstrable heritage significance

The Conservation Officer has been consulted on the amended proposal and states: 'the application is essentially a re-submission of 2023/0860 where I had a number of concerns over the degree of the possible negative intrusion into the setting of the conservation area and the setting listed building adjacent (St Saviour's Church). I also cited concerns over similar intrusion into the setting of the former Methodist Chapel on Manchester Road and its potential to be considered a NDHA. The HIA by 1 Voyage makes great play of the suitability of this building to be considered a NDHA to which I disagree with. However, I do concede it has had no formal assessment or ratification as a NDHA or a locally listed building. I would however maintain it is a fair candidate and outside of the PNDP is still worthy of consideration as a

locally listed building under the South Yorkshire Local Heritage Listing process. It also irrefutably a building of group value and historic interest in the conservation area. This matter aside I advised I had concerns of negative setting impacts resulting from the elevated location and the unsuitability of the design. This was something I previously mentioned in relation to pre-app (2022/ENQ/00236) for a radically different design where I advised that despite screening, I was concerned that the elevated plot and steepness of the slope at the location proposed for development will render the building quite visible. However, I further qualified this by saying that the degree of visibility is in itself not an issue, but this coupled with the proposed design is a cause for concern.

I cannot cover every aspect of the HIA and its responses to my comments previously (including the extent and contribution of the setting of St Saviours) as the document is extensive and very detailed. However, I do on balance concede that the case is made for the (most recently revised) plans being more suitable for this location. I am glad the applicants have sought to answer my concerns over the potential for a development that has an 'overbearing nature and scale of the south facing elevation, its glazing, and the degree of visibility and the relative isolation of the development when viewed from the south'. The design has been substantially amended, in scale, massing and design and this is to be welcomed. From the HIA and looking at the plans I agree that:

'The proposed dwelling has been considerably reduced in both scale and mass by removing an entire bay. The proposed fenestration has also been scaled down to better reflect the local character and to minimise reflectivity in long views. The proposed fenestration now incorporates stone mullions, taking inspiration from the weavers' windows found elsewhere within the settlement and highlighted in the PHCA. This will reinforce the local distinctiveness of Thurlstone in a contemporary way. The proposed dwelling is considered to be more modest and visually quiet than both the three storey 'Old Vicarage' that has been approved within the immediate setting of the listed church and its former vicarage (Figs 14, 15 and 57) and contemporary dwellings found within, or within the setting of, the Conservation Area

Given the original designs we were presented with at pre-app stage, I'd suggest the most recent revision is vastly superior and should on balance provide a minor positive development within the setting of the conservation area. I understand there are others matters of concern (including Highways) but from a design and conservation perspective I see no reason to object further and feel the proposal reasonably accords with policy. If the application is approved, I'd be happy to suggest appropriate conditions in relation to materials of samples etc.'

The proposal is therefore on balance in compliance with paragraphs 199 and 200 of the NPPF, Local Plan Policies D1, HE1 and HE3 and Policy BE2 of the Penistone Neighbourhood Development Plan.

Residential Amenity of adjacent dwellings and proposed dwelling

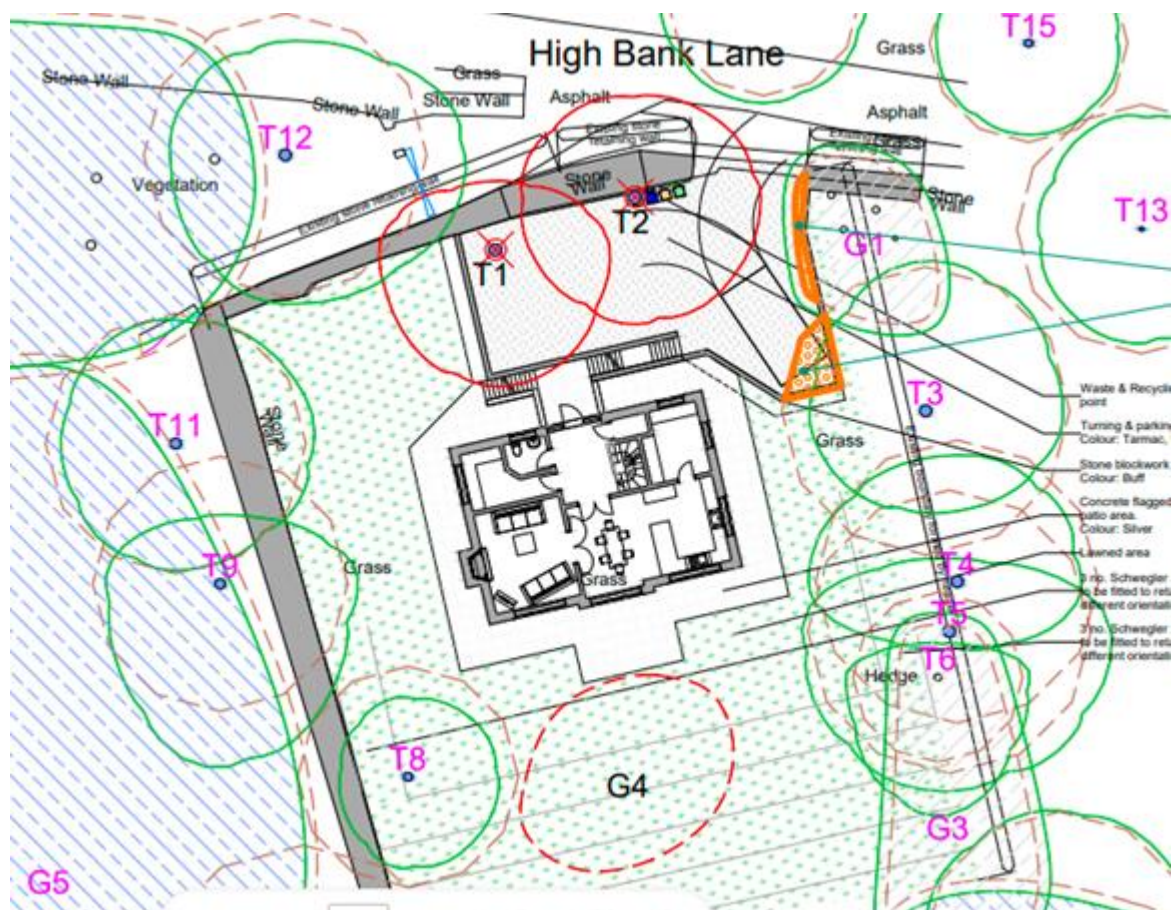
Objections have been received with regard to the impact of the proposal upon the adjacent dwellings. The proposed dwelling has been reduced in size from the previous refusal and it is situated at a reasonable distance from nearby properties. The relationship between the proposed and existing dwellings would meet the standards and separation distances set within the SPD, Design of Housing Development and in order to prevent any significant overlooking, overshadowing or overbearing impact.

Despite the slope of the site, the property itself would have a sufficient rear amenity area and the room sizes meet the requirements of the South Yorkshire Residential Design Guide.

Conditions could be applied to any approval to limit construction hours and a construction method statement could be submitted to limit any disturbance to neighbouring properties.

Impact on trees

The tree survey has been submitted which indicates that the proposal requires the removal of two trees (Cat B) and one small group of cherry laurel (Cat C). Whilst the loss of the Trees is regrettable, they are not protected nor are they set within the Conservation Area. The trees along the boundaries are to be protected and retained as part of the proposal and subject to the submission of Tree Protection Measures, there are no objections to the proposal. There are no objections to the proposed development subject to the submission of an arboricultural method statement and Tree Protection Plan and landscaping scheme being complied with in accordance with Local Plan Policy BIO1 and the SPD Trees and Hedgerows.



Location of proposed tree removals

Ecology

The Ecology officer has been consulted and has no objection to the proposal. The Ecology Officer has stated that the development shall be completed in line with the recommendations in section 4 of the Preliminary Ecological Appraisal Report, dated 21st December 2022 and the proposed site layout plan (including the provision of 6. No bat boxes on retained trees). The development shall also be carried out in accordance with the following additional biodiversity mitigation and enhancement measures. The measures listed below shall be implemented in full, prior to first occupation of the site.

- At least 1 no. integrated bat roosting box, 1 no. integrated swift box and 1 no. sparrow terrace to be installed in suitable locations within the new dwelling;
- Brush piles to be located within the garden of the new dwelling to provide refuge habitat for small mammals

- An area of lawned garden should be seeded with a wildflower mix and managed less intensively to increase the biodiversity value of the site and provide foraging and refuge habitat for a variety of species.

The proposal is therefore considered acceptable in terms of Biodiversity impacts, in accordance with Policy BIO1 of the Local Plan.

Drainage

The drainage officer has no objections to the proposal. Concerns have been raised in terms of flooding, however the site is not set within an area at risk of flooding, therefore the proposal is acceptable in terms of drainage and flood risk.

Highway Safety

Concerns have been raised with regard to the impact of the proposal upon highway safety. The application proposes to provide a detached 3-bedroom dwelling to the rear of the site with access being gained from High Bank Lane which is a very narrow rural lane with no footways or street lighting and, as such, is unsuitable for intensification of use. The lane does not allow a vehicle to pass a pedestrian or cyclist and provides no opportunities for vehicles to pass. Conflicting vehicles would therefore be required to undertake over long reversing movements which is detrimental to highway safety and the Highways Officer has raised an objection to the scheme on highway safety grounds.

This proposal was provided with pre-application advice in 2022 (2022/ENQ/00236) and concerns regarding highway safety and site sustainability were raised at this stage. Further to this, an application for a three-bedroomed dwelling was refused (2023/0165) with one of the reasons for refusal being highway safety. In order to address the highway concerns, a Technical Note has been submitted by TPS Transport Consultants. Whilst this document is welcomed, Highways would raise some issue with the assertions made within. These are as follows:

- It is anticipated that the development would create only one additional vehicle movement per peak hour and six vehicle movements per day and it is therefore suggested that this does not create a significant impact on highway safety. Although it is accepted that traffic generation would be low, it is still an increase on a highway that is vastly substandard when assessed by modern criteria.
- Whilst the findings of the Trip Generation assessment are not disputed, it does not account for the difficulty visitors and delivery drivers would face accessing and egressing the site.
- It is acknowledged that the route is not well trafficked during the week; this reflects the nature of the highway, with drivers likely to only use the route if there is specific need to. The fact there were no vehicles travelling in conflicting directions recorded on the days of the survey is pleasing, but it doesn't mean it doesn't happen, and this proposed development would only raise the chances of vehicles meeting. HDC would still not wish for the likelihood of these conflicts to increase due to this development being approved.
- The site is approximately 170m from the nearest property serviced by High Bank Lane, so it is not on or near an existing refuse collection route and is not in a sustainable location.
- The suggestion that pedestrian and cycle conflicts cannot be considered as they can use other routes is not practicable, and HDC would not want to see High Bank Lane become less appealing to those wishing to safely use sustainable transport methods. The Technical Note states that there is limited scope to provide a footway or improved

cycle facilities, so any intensification of vehicular use will be to the detriment of those walking, cycling, or riding a horse.

- It is noted that half of the weekly trips were associated with visitors to Thurlstone Football Club. The football club is likely to generate significant spikes in vehicle movement, but it is fortunate that these are most likely to be in convoy and all in the same direction, with players and spectators all arriving for a specific kick-off time and leaving when the match is finished almost two hours later. Should the residents of the proposed dwelling wish to leave the property at the time these vehicles are arriving, we would lose the fortuitous arrangement where, even though the single-track road is busy, few conflicts are generated.
- The swept path analysis of a small refuse vehicle does not leave the required 0.5m gap to the edge of the highway. In fact, the path traverses the verge and does not leave any space either side of the dwelling entrance. It is also unlikely that a council refuse vehicle would use a private drive to make a turn even if there was a way to ensure the area is kept free from obstruction. A refuse vehicle would be required to turn as High Bank Lane is not an adopted through route to Spicer House Lane and becomes practically impassable by car, let alone a wagon.
- No visibility splays from the proposed access have been provided, and this lack of information means an assessment cannot be undertaken as to whether the proposed driveway is safe either in terms of vehicular or pedestrian intervisibility.

Given the above, Highways officers remain of the opinion that the scheme is not acceptable from the perspective of highway safety and would wish to raise objection to the scheme on these grounds.

The proposed development would result in the intensification in use of High Bank Lane which is a very narrow rural lane with no footways or street lighting and, as such, is unsuitable for intensification of use. The lane does not allow a vehicle to pass a pedestrian or cyclist and provides no opportunities for vehicles to pass. Conflicting vehicles would therefore be required to undertake over long reversing movements. In addition, access for refuse wagons and servicing and delivery vehicles is neither suitable nor established. As a result, the proposal would therefore be detrimental to highway safety contrary to Policy T4 of the Local Plan.

Recommendation

Refuse