

**2024/0020**

Executors Margaret Berry Deceased

Outline application for 2no. dwellings with access considered at this stage

Paddock on west side of Castle Lane, Cubley, Penistone, Sheffield

### **Planning History**

No planning history

### **Site Description**

The site is located to the west of Castle Lane, to the south of the junction of Castle Lane and Callis Lane. The site is set within the Urban Fabric as allocated within the Local Plan.

Dwellings are located to the north and south of the site, with Callis Gate to the north and Bright Cottage and Inglenook to the south. The site area is 0.24ha and is currently a grassed open paddock. The site slopes gently down from north to south.

There are two existing access gates into the site from Castle Lane, one in the north east corner and the other in the south east corner. To the north of the site, opposite Castle Lane is a working farm yard, known as Siddons and Sons Farm.



## Proposed Development

The application is outline with some matters reserved and proposes the erection of up to 2 dwellings on the site. The access point is to be agreed at this stage (but not within the site), with other matters such as the layout, scale, design and external appearance and landscaping reserved matters for future consideration. The proposal requires the removal of a single tree within the highway verge adjacent to the proposed means of access. The proposal is accompanied by an Indicative Site Layout demonstrating how 2 detached dwellings could be developed on the site, however the layout and scale is not to be agreed at this stage.





## Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now 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 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.

The site is set within Urban Fabric as shown on the Local Plan Maps, therefore the following polices are of relevance:-

GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

H4 Residential Development on Small Non-allocated Sites, proposals will be supported where they are located on previously or part developed land, are within a village, are accessible and have good access to a range of shops and services.

T3 'New Development and Sustainable Travel'

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

Poll1 'Pollution Control and Protection'

BIO1 'Biodiversity and Geodiversity'

## SPD's

-Design of Housing Development

-Parking

## Other

### South Yorkshire Residential Design Guide

## 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.

### Penistone Neighbourhood Plan – Adopted August 2019

#### BE1: Design of the built environment

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

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

- To have no houses above two storeys on the perimeter of built up areas where it adjoins open countryside, where they have a greater impact upon the surrounding area in order to preserve and enhance the character of the area, in particular allocation sites HS70, HS71, HS74, HS75 as shown in Barnsley Local Plan.
- New developments should use external building materials that reflect the characteristic of development in the locality. b) All residential developments will be expected to be designed so as to be sensitive to any existing wildlife habitat and corridor and should be appropriately landscaped and in particular development on the edge of the existing settlements shall incorporate tree planting so as to soften the built-up edge of the settlement as viewed from the countryside. Any residential development of 20 or more units will be expected to make provision for the appropriate amount of open space, in accordance with Barnsley MBC standards. c) Development proposals should respect and maintain key views as identified on maps 2 and 3, in order to maintain the character and appearance of the town and villages.

#### **Consultations**

Penistone Town Council – No comments received

Ward Councillors – No comments received

Highways – No objection subject to conditions

Yorkshire Water – No comments received

Drainage – Approve subject to conditions

Pollution Control – No objections subject to condition

Coal Authority - No objection subject to condition

Ecology – No objections subject to conditions/informative

Tree Officer – No comments received

## Representations

Neighbour notification letters have been sent to neighbouring properties and a site notice posted. The following comments have been received

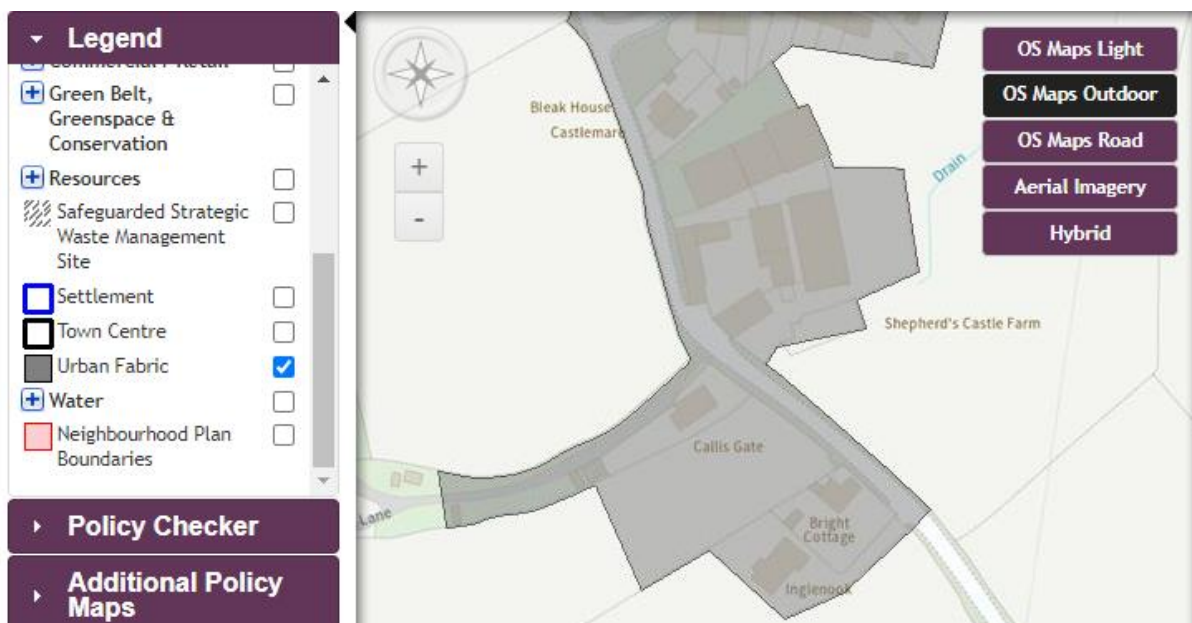
6 objections/comments

- It appears that the only way access could be made to this area would be over my land, which I will not give permission for
- Impact on agricultural activities, horse riders, walkers etc
- Impact on wildlife
- Not suitable for development in rural area
- The site is Green Belt
- The two dwellings would overwhelm the area and are too large
- Noise and disturbance from occupiers
- Light pollution
- Impact on drainage – soakaways not adequate
- Overshadowing/overbearing impact
- Impact upon adjacent farm and working practices

## Assessment

### Principle of development

The site is located within an area of Urban Fabric where Local Plan Policies GD1 'General Development' and H4 'Residential Development on Small Non-allocated Sites' apply. These require that development should be compatible with its surroundings, in this case the site is an infill plot between other residential properties, therefore the proposal is acceptable in principle subject to the detailed assessment below.



## Visual Amenity

Local Plan Policy D1 High Quality Design and Place Making, sets out the principles that will apply to the consideration of planning applications for new housing development, including conversions, infill and backland development. Developments on infill sites should, in accordance with the guidance contained in the SPD contribute to the character and appearance of an area. In particular, new buildings should follow existing building lines and respect the existing pattern of development.

The immediate street scene is fairly rural in nature and consists of stone built single and two storey traditional dwellings, with agricultural buildings and a farm yard adjacent to the north. Whilst it is regrettable that there will be a loss of this open green paddock, the site is set within allocated Urban Fabric and not within the Green Belt. The site is also an 'infill' plot, therefore is set on the outskirts of the Town of Penistone, between other residential developments and would not extend further into the countryside.

The application is in outline with siting, layout, landscaping and external appearance to be reserved matters. The indicative plan shows that two detached dwellings could be sited on the plot comfortably, side by side in a tandem development and sharing the same access. This layout follows the existing building line as Bright Cottage and Inglenook which are set in a similar manner.

Policy BE1 of the Penistone Neighbourhood Plan states that there should be 'no houses above two storeys on the perimeter of built up areas where it adjoins open countryside where they have a greater impact upon the surrounding area in order to preserve and enhance the character of the area.' In addition, 'new developments should use external building materials that reflect the characteristic of development in the locality. b) All residential developments will be expected to be designed so as to be sensitive to any existing wildlife habitat and corridor and should be appropriately landscaped and in particular development on the edge of the existing settlements shall incorporate tree planting so as to soften the built-up edge of the settlement as viewed from the countryside.' Subject to the sensitive design and scale of the dwellings, the properties could be designed to meet the requirements of the Neighbourhood Plan and could preserve the character of the area accordingly.

The layout, siting, scale and design of the property are reserved matters; however it is felt that the dwellings could be designed so that they would fit in comfortably within the existing street scene. The proposal is considered to be acceptable when measured against Local Plan Policies GD1 and D1 and policy BE1 of the Penistone Neighbourhood Development Plan.

## Residential Amenity

As this is an infill plot, one of the main considerations would be the impact of the proposal upon the residential amenity of the surrounding residential properties, in particular Callis Gate, which has windows overlooking the site to the north and Bright Cottage and Inglenook to the south. Objections have been received from neighbouring residents with regard to the impact of the proposal upon residential amenity by way of overshadowing, overbearing and overlooking impact. The SPD Designing New Housing Development states that 'in order to ensure adequate levels of privacy are provided/maintained, to ensure residential development does not result in unacceptable levels of overshadowing or loss of outlook and in order to provide adequate amenity space, development will usually be expected to comply with the external spacing standards.'

The proposal is in outline with siting to be agreed at reserved matters stage, however the agent has provided an indicative site plan which shows that two dwellings could be sited comfortably on the site without causing any significant overshadowing, overbearing or overlooking impact. The SPD states that there should be a minimum of 12m between a blank gable and habitable room windows and 21m between habitable room windows of the proposed dwelling and of adjacent dwellings. The submitted indicative layout plan shows that the proposal could be designed to meet the required separation distances set within the SPD.

The SPD and South Yorkshire Residential Design Guide also provides guidance in relation to amenity areas and states that 'rear gardens of proposed dwellings should be at least 50sqm in the case of two bedroom houses/bungalows and 60sqm for houses/bungalows with three or more bedrooms.' The garden areas and dwellings would be of a sufficient size in order to comply with the SYRDG and SPD in relation to amenity standards. Details of landscaping and boundary treatments shall be provided at reserved matters stage.

In terms of noise and disturbance, the plot is large and allows for sufficient separation from the adjacent properties. The proposal would be able to provide separate parking areas and garden areas, and once constructed should not cause significant harm in terms of noise and disturbance. As such the proposal complies with Policies GD1 and the Council's Supplementary Planning Document 'Designing New Housing Development' and The South Yorkshire Residential Design Guide.

Concerns have been raised with regard to the impact upon the amenity of future occupants due to the working farm to the north, at the opposite side of of the road. In response to this, there are other dwellings closer to the farm and any buyers would be aware, given the position of the site, that there are and would be agricultural activities taking place, often outside normal working hours close by. The Pollution Control Officer has been consulted and has raised no concern in this regard, therefore it is not felt that the working farm should have a significant impact upon the amenity of the new residents, in order to warrant a refusal of permission on this basis.

Concerns have been raised with regard to a loss of view, ownership of land, and the previous owners wishes to keep the site free from development, however these are unfortunately not material planning considerations which would warrant a refusal of planning permission. Any impact during construction works can be controlled by a condition as suggested by the Pollution Control Officer.

### Highway Safety

The Highways Officer has been consulted and has no objection to the scheme. The Highways Officer has commented that "Castle Lane is lit with access to public rights of way connecting to the wider village, in close proximity to the application site. Castle Lane is also subject to a 30mph posted speed limited. The Highways Officer requested amended plans to show the proposed access widened to a minimum of 4.5m for a distance of 5m into the site to ensure two vehicles can pass the proposal which has now been received. On this basis the Highways Officer has concluded that the proposal "does not raise road safety concerns, and the cumulative impact of the development cannot be considered severe.'

Given the above, the proposal is considered to be acceptable in terms of highway safety and sufficient parking can be provided within the site in line with the SPD Parking and in accordance with policy T4 of the Local Plan.

### Impact on trees

The Tree Officer has been consulted and has not objected to the proposal. The submitted Tree survey identified 6 trees and/or groups. Only those trees within influencing distance were included in the survey. Tree T1 is in reasonable condition and it is of medium value – it has therefore been allocated a category B. Tree T2 has visible signs of significant defects, this is likely to be a hazardous tree and it should be removed for safety reasons. This tree has been allocated a category U. Other trees were of fairly low value, or in poor condition.

The development proposals will potentially necessitate the removal of T1 and T2, whilst this is regrettable, they are not subject to TPO's nor are they of significant amenity value in order to warrant retention. As part of the reserved matters stage, a landscaping scheme shall be provided which is expected to provide some replacement planting for any trees lost. The proposal is therefore acceptable in terms of the impact upon trees at the site.

#### Impact on wildlife

A Preliminary Ecological Appraisal has been submitted with the application. The site is located within a SSSI Impact Risk Zone. However, the development does not fall into any categories where consultation with Natural England is required. The Ecology Officer has assessed the submitted report and has no objection to the proposal.

The development shall be completed in line with the recommendations in the Preliminary Ecological Appraisal Report (reference 230830/1/Rev1), specifically the installation of integrated bat and bird boxes within each dwelling and the provision of hedgehog highways in garden fences. However, there is no requirement for a BNG assessment as the application was submitted prior to BNG becoming mandatory for small sites. All the recommendations within the report shall be implemented in full according to the timescales laid out and thereafter permanently maintained for the stated purposes of biodiversity conservation.

The proposal is therefore acceptable when measured against policy BIO1.

#### **Recommendation**

**Grant** subject to conditions