

Application Reference: 2024/0410

Site Address: Land adjacent St Marys Church, Talbot Road, Penistone, Sheffield, S36 9ED

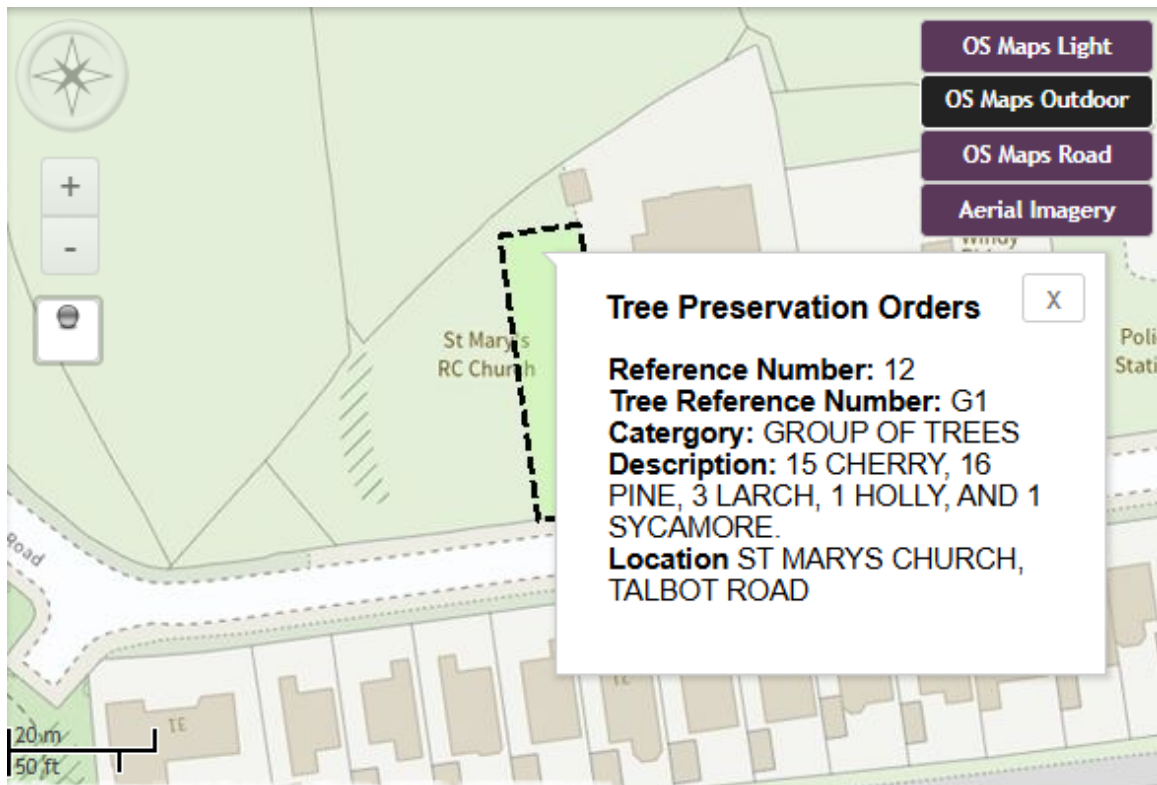
Introduction:

This is an outline application for the proposed erection of 5no. dwellings with access considered at this stage.

Relevant Site Characteristics

Talbot road is predominantly residential to the southern side with detached dwellings facing over the site, with a small police station at the eastern end junction with Bridge Street and Saint Mary’s Catholic Church to the north and paddocks beyond, which stretch to two public houses/restaurant to the south.

The site is mainly laid to grass and slopes down from east to west and is bordered by low dry stone walls. The land is triangular in shape and has a line of Group TPO Trees (which include a mix of Cherry, Pine, Holly, Larch and Sycamore) to the eastern boundary adjacent the church and car park.





Site History

Application Reference	Description	Status (Approved/Refused)
2018/0466 (adjacent housing allocation)	Residential development (Outline including access)	Approved with conditions – now expired
2017/1221	Erection of housing development (up to 6 units) (Outline with all matters reserved apart from access)	Withdrawn

Indicative site plan 2018/0466 – Application site not included



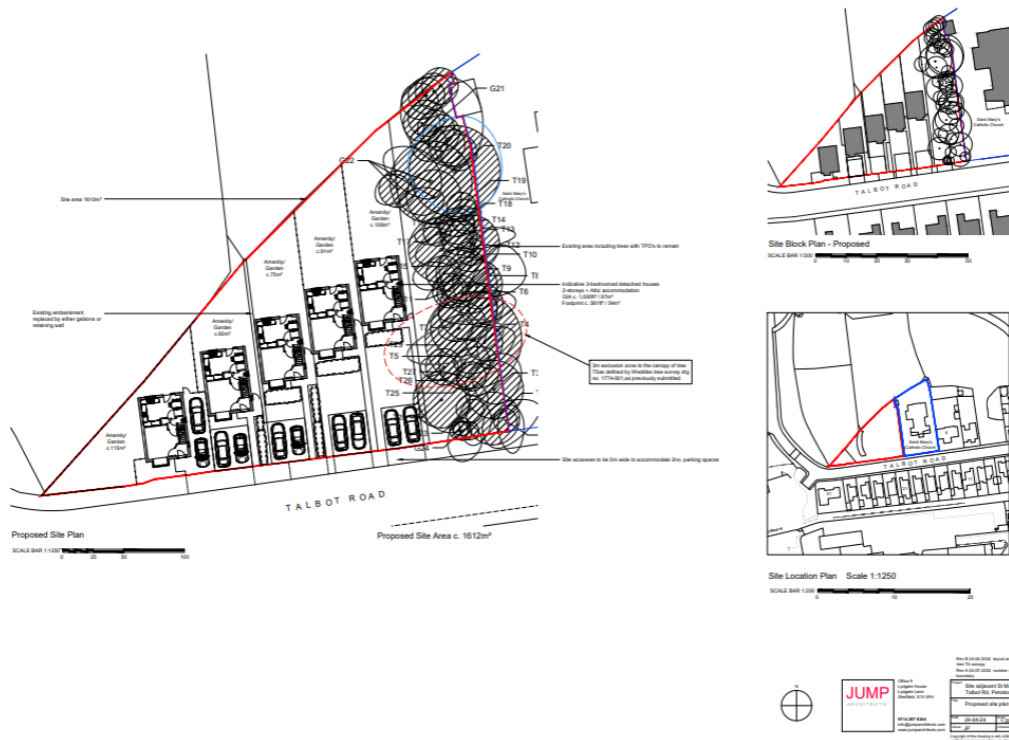
Proposed Works

This is an outline application for 5no. dwellings with access considered at this stage. All other matters, including scale, design, layout and landscaping are reserved for future consideration in the form of a Reserved Matters application. An indicative site plan has been submitted to show 5 detached dwellings arranged on the site, however the siting of the dwellings or internal layout is not being assessed at this stage.

The original description indicated that 6 dwellings was originally proposed however this has been reduced down to 5 units as shown on the submitted site plan. An amended indicative plan has been received to show a 3m clearance from the TPO Trees to the eastern boundary of the site.

The applicant has provided a Design and Access Statement, Tree Survey, Planning Statement, site plan and BNG Assessment and Metric with the submission.

Location Plan and Indicative Site Plan



Relevant policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

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.

Site Allocation

Site is allocated as part of Housing Site HS71 Land at Talbot Road, Penistone Indicative number of dwellings 30

The development will be expected to:

Provide appropriate access; and

Respect the historic setting of the listed buildings at 8-10 Thurlstone Road and the group character of Penistone Conservation Area immediately adjacent and to the east.

Development of site HS71 will require the use of appropriate site layout, sympathetic design that reflects the setting, scaling, massing, details and materials.

Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a 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.

In addition to the above, the following policies are of relevance:-

SD1 'Presumption in Favour of Sustainable Development'.

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.

LG2 'The Location of Growth'

H1 'The Number of New Homes to be Built' sets the target of new homes for the plan period 2014 to 2033 at 21,546

H2 'Distribution of New Homes' states 43% of new homes to be built in Urban Barnsley.

HE1 'Historic Environment'

H4 'Residential Development - Small Non-Allocated Sites'

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure and a density of 40 dwellings per hectare is expected

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: Positively encourage developments that help in the management, conservation and understanding of the historic environment

HE2: 'Heritage Statements and general application procedures'

'HE3' Developments affecting Historic Buildings: Proposals involving historic buildings should conserve and where appropriate enhance, respect historic precedents, and capitalise on opportunities to reveal significance

HE6 'Archaeology'

GS1 'Green Space' requires new development to provide or contribute towards green space in line with the Green Space Strategy.

BIO1 'Biodiversity and Geodiversity' requires development to conserve and enhance 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'

I2 'Educational and Community Facilities'

Relevant Supplementary Planning Documents

- 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

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

Section 2 - Achieving sustainable development

Section 4 - Decision making

Section 6 - Building a strong, competitive economy

Section 12 - Achieving well-designed places

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

Consultations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website. A Site notice has also been posted at the site.

18 objections/comments received which raise the following:-

- The plan includes part of the Church's property which includes a grotto dedicated to Our Lady (St. Mary), which was blessed by the Bishop of Hallam, and is therefore Sacred Land.
- Can any housing built there be social/affordable housing.
- Can conditions be set for one such house be a Presbytery for the Priest
- Solar Panels should be placed on St. Mary's Church as well as any future houses
- Site encroaches onto church car park
- Increased congregation
- Impact on Trees
- Loss of view
- Impact on well shaft and drainage
- Possible flooding
- Not enough space for the houses
- Parking issues
- Highway safety issues
- Can there be an adoption of the road down Talbot Road South to Thurlstone Road
- Traffic calming measures should be used
- Impact on wildlife
- Talbot Road is busy from nearby businesses expanding
- The beginning sections of the access road to Talbot Rd in both directions is in a state of disrepair
- The road is mainly a steep hill with already dual sided housing up to St Marys Church from the police station up, and parking for existing residents often results in 'double parking' along the entirety of the road already
- Already enough houses in Penistone
- Impact on services/infrastructure
- Impact on mental wellbeing
- This type of housing would not be housing that is needed to provide homes for lower income families.
- Talbot Road is poorly maintained by Barnsley Council already and some of the road is private and this is in an even worse state. An increase in traffic along Talbot Road would cause additional disruption to the existing residents.
- Increased pollution
- Loss of privacy to windows
- Loss of sun to front garden
- Loss of memorial benches
- Parking will be difficult as Saint Marys church accommodates meetings for the Women's Institute, Alcohol Anonymous, and other social gathering which are vital to the community
- Tree Survey does not make reference to TPO

Consultee responses

- Highways – No objections subject to conditions
- Pollution Control – No objections subject to condition
- Ward Cllrs – No comments received
- Ecology – No objection subject to conditions
- Drainage – No objections subject to condition
- Yorkshire Water – No objections subject to conditions
- Tree Officer – No objections subject to conditions
- Conservation Officer – No objections subject to further detail at reserved matters stage

Planning Assessment

Principle

The proposed site forms part of a parcel of land allocated for residential development under Housing Site allocation HS71 Land at Talbot Road, Penistone Indicative number of dwellings 30

The development will be expected to:

- Provide appropriate access; and
- Respect the historic setting of the listed buildings at 8-10 Thurlstone Road and the group character of Penistone Conservation Area immediately adjacent and to the east. Development of site HS71 will require the use of appropriate site layout, sympathetic design that reflects the setting, scaling, massing, details and materials.
- Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a 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.

The site is a small section of the Housing site and is in separate ownership. It was not included in the proposals for the wider site and is being brought forward for development separately. The site is allocated for housing and the Council's view is that allocated sites should normally be brought forward as a single development so that the aims of the Local Plan can be achieved and to avoid piecemeal approach to development and housing design. This is to ensure accordance with the site-specific policy as well as other policies in the wider plan, including but not limited to: D1 (Design) and GD1 (General Development). The indicative site layout shows that the development would be linear and staggered in nature and could be designed alongside the wider housing site. It does not rely on the larger site for access. In terms of potential piecemeal development, the site can be accessed separately to the wider housing site and 2018/0466 and it can be determined that the development of the site is not intended as piecemeal development and would not significantly impact the development of the larger area of land, subject to the usual standards being met in terms of separation distances. In this instance it would not be reasonable to request the usual contributions as the proposal would not be considered to be piecemeal development.

Objections have been raised with regard to the loss of the 'garden/memorial' area for the Church. In terms of Local Plan Policy I2 and the potential loss of the community facility, the garden area appears to be not part of the current curtilage of the church when viewed on aerial photographs and on inspection on site. The site is separated by a line of trees and does not appear to be well used. The Church retains its existing grounds/parking areas and as such the loss of this area of land is not considered to be significant in order to warrant a refusal of planning permission.

The proposal for residential development is therefore acceptable in principle, given the housing allocation and subject to the site specific policy and material considerations assessed below.

Conservation/Design

The Conservation Officer has been consulted and states that 'the site constitutes a very small part of the wider allocation HS71 which encompasses the majority of the open land bound by Talbot Road, Bridge Street and the historic development along the edge of Thurlstone Road at its north end. It is an elevated part of the plot, but I feel the outline suggests very little harm in itself being the furthest part of the site away from the conservation area or the listed buildings on Thurlstone Road. Moreover, the pattern of proposed development is very similar to the one that already exists across Talbot Road to the south.

The site policy is clear that:

The development will be expected to:

- Respect the historic setting of the listed buildings at 8-10 Thurlstone Road and the group character of Penistone Conservation Area immediately adjacent and to the east. Development of site HS71 will require the use of appropriate site layout, sympathetic design that reflects the setting, scaling, massing, details and materials.

And

Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a 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.

Consequently, at reserved matters stage we will expect a design and materials that accord with the first bullet above and satisfies the further archaeology policy.'

In terms of Archaeology, the wider site was assessed for potential during the processing of Planning Application 2018/0466. The Officer Report states that:- 'With regards to the archaeology requirement, the scoping review for the Local Plan did raise some potential, but colleagues at SYAS have confirmed that the likelihood of encountering important archaeological remains within the site is negligible and therefore no archaeological investigation is warranted. However, care should be taken to ensure St Mary's Well and trough

are not harmed and this will need to be covered in a detailed heritage assessment that should accompany any Reserved Matters application.'

As is highlighted in the site specific policy there should be a detailed assessment of the historic significance of the historic assets, the intervisibility between the site and impacts on the setting of the assets as a result of the proposed development. This has not been provided with this planning application, however, at this stage the layout, scale or design of the development is not under considerations so it is difficult to fully assess the impact until these factors are confirmed. It is therefore accepted that a detailed heritage and archaeological assessment can be secured through a condition along with suitable mitigation as part of the detailed design process. This is in accordance with the site specific policy HS71 and Local Plan policies HE1, HE2 and HE3.

In terms of design and layout, the proposal is in outline therefore no formal details are submitted at this stage. At this stage appearance is a reserved matter, however it is felt that the dwellings could be designed as such that they would fit in with the adjacent dwellings. The indicative proposed layout plan shows that proposed dwellings can be sited comfortably on the site and adequate space between each dwelling. As is stated above by the Conservation Officer, it is expected that new buildings should follow existing building lines and respect the existing pattern of development. The immediate area consists of mainly detached more modern dwellings and the proposals could be designed so that they reflect the adjacent development in terms of scale, layout and materials in accordance with Local Plan Policy D1.

Impact on residential amenity

As the site is set adjacent to other dwellings, one of the main considerations would be the impact of the proposal upon the residential amenity of the surrounding residential properties. 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 site plan shows that the indicative layout can be designed to meet the separation distances set within the SPD in terms of distances from habitable room windows which would reduce any impact in terms of overlooking/loss of privacy or overbearing/overshadowing/loss of light impact in accordance with the SPD.

Turning to the dwellings themselves and the amenity standards set within the SYRDG, the site and the indicative size of the plots would be able to accommodate dwellings and garden areas which would be able to meet the size standards set with the SYRDG.

Overall the proposal is considered to be acceptable on balance when measured against the guidelines set within the SPD Design of Housing Development in terms of residential amenity and the proposal complies with Local Plan Policy GD1 of the Local Plan.

Other impacts such as loss of view and disturbance/noise/dust during construction are not a material consideration, but construction impacts can be mitigated against via the planning conditions set on the outline permission.

Impact on Ecology

In terms of the impact of the proposal upon Ecology, the site is mainly grassed with TPO Trees along the eastern boundary. The BNG summary assessment submitted with the application and states that:-

'It is considered that the development if granted, would be subject to the biodiversity gain condition. The pre-development biodiversity value of the onsite habitats is as follows: • 1.0820 Habitat Units. No irreplaceable habitats are present on the application site. No degradation activities have taken place which has altered the pre-development biodiversity value.

Based on the Statutory Defra Biodiversity Metric calculations, the proposed development will result in an overall deficit in Habitat Units to -38.43% (-0.4158 Habitat units). In order to achieve the 10% net gain target required by the Environment Act (2021), this will need to be provided post-planning by the applicant either;

- On other land within the applicants ownership;
- As an agreed contribution with the LPA to implement on a scheme elsewhere;
- Through a habitat bank;
- Or as a last resort through DEFRA's Statutory Biodiversity Credit system.

This can be secured via the pre-commencement 'Biodiversity Gain Condition'.

All subsequent landscape plans / strategies submitted for approval must have due regard to habitat prescriptions provided within the user comments section of BNG metric to ensure that the targeted habitat and conditions will be achieved.'

The Ecology Officer is content with the summary of findings and subject to the standard Biodiversity Gain condition and mitigation measures/Biodiversity enhancements such as bat roosting boxes and Hedgehog Highways, the proposal is therefore acceptable when measured against policy BIO1 of the Local Plan.

Impact on Trees

The land is triangular in shape and has a line of Group TPO Trees (which include a mix of Cherry, Pine, Holly, Larch and Sycamore) to the eastern boundary adjacent the church and car park.

The indicative plans have been amended to show a 3m clearance from the TPO Trees to the eastern boundary. The Tree Officer has been consulted and states the following:- 'It has now been demonstrated that the proximity issues for the trees can be resolved, and suitable clearances be provided from the protected trees utilising the accesses proposed and as such I have no objection to the proposal.

The trees will need to be protected during any works and as such details of protective barriers and a tree protection plan will be required along with an arboricultural method statement to deal with the encroachment into the rooting areas by the access/parking etc. Sycamore T30 will require removal to facilitate the scheme and as such suitable mitigation planting will be required as part of a landscaping scheme for the site.' The proposal is therefore acceptable when measured against policy BIO1 of the Local Plan.

Drainage

The Drainage Officer and Yorkshire Water have been consulted and have no objections to the proposal and drainage details are conditioned to be submitted prior to commencement. The entire site is located in Flood Zone 1 as defined by the Environmental Agency and is therefore at a low risk of flooding

Pollution Control

Pollution Control have no objection to the proposal and a standard condition is recommended which restricts the times of construction works in accordance with Local Plan Policy POLL1.

Highways

The main concerns from residents relate to highway safety and parking issues. The Highways Officer has been consulted and states the following:-

'The site forms part of the much larger HS71 site which is allocated for housing within the Barnsley Local Plan, this small site sits within the south-west corner of the HS71 allocation and makes up less than 10% of the overall site. A revised site plan has been submitted which now indicates the intention for 5no. dwellings to be erected on the site. This is an outline application with access being the only matter put forward for consideration at this time.

The development would be served by Talbot Road which runs along both the southern and western boundaries of the HS71 site and is only partially adopted; however, this site benefits from forming a boundary with the section of Talbot Road that does form part of the public highway.

Within the vicinity of the site the road slopes downhill from east to west; along the site frontage the horizontal alignment is straight. The carriageway has a width of approx. 5.7m and there are footways of ample width to both sides of the road along with street lighting and drainage.

It is proposed for all 5 dwellings to take direct frontage access from Talbot Road, and, given the 2m+ footway width along the site frontage, adequate visibility (2.4m x site frontage) can potentially be achieved from the proposed vehicular access points. It should be noted that the opposite side of Talbot Road is occupied by a row of detached dwellings each with individual vehicular access points, the proposals are therefore very similar in this regard.

The existing footway provision does not extend along the entirety of the site frontage and instead reverts to grass verge for approx. 20m at the south-western corner of the site, a continuous footway will need to be provided along the full site frontage so as to enable the aforementioned visibility to be achieved, and to improve pedestrian safety and accessibility.

There are 16no. dwellings already served by this adopted section of Talbot Road along with Penistone Police Station and St. Mary's Catholic Church, as such, Talbot Road is well used in terms of vehicular traffic, particularly by the Church which is known to generate considerable vehicular movements on a weekly basis.

A review of personal injury accident data for the last five years shows that there have been no personal injury accidents recorded on Talbot Road or the B6462 Bridge Street within 100m+ of the priority junction.

The site, being situated within the market town and civil parish of Penistone, is considered to be in a sustainable location with good access to local amenities and sustainable means of travel.

In terms of the assessment of these proposals, due consideration must be given to the National Planning Policy Framework which 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 would be severe." With this in mind, and taking into account all of the above, it is considered that the proposed development would

not have a significant impact upon the highway and the proposals are therefore acceptable from a highways development control perspective subject to conditions and informatives.'

The indicative layout shows that the properties could be provided with parking provision in accordance with the Parking SPD. Objections have been raised in terms of the loss of parking on Talbot Road, however there are no parking restrictions and sufficient parking spaces are provided on site and will remain at the Church. There are no objections to the proposal from a highway safety perspective in accordance with Policy T4 of the Local Plan.

Conclusion

The application is an outline application with only access being considered at this stage. The site is an allocated site for Housing as shown in the adopted Local Plan and Highways have made a full assessment of the access into the site and are satisfied that, subject to suitable conditions, it meets the necessary standards. Details of scale, layout, landscaping and design, are reserved at this stage and these would need to be further assessed if any subsequent reserved matters application was submitted.

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be an acceptable and justified form of development.

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

Amendment to BNG Summary to include qualifications

Amendment to site layout to provide 3m buffer to protected trees

Recommendation:- Approve with conditions