2019/0348

Harard Developments
Formation of new entrance/access road

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

Background

The below applications have been submitted on the adjacent site owned by the applicant and outlined in blue on the submitted location plan:-

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

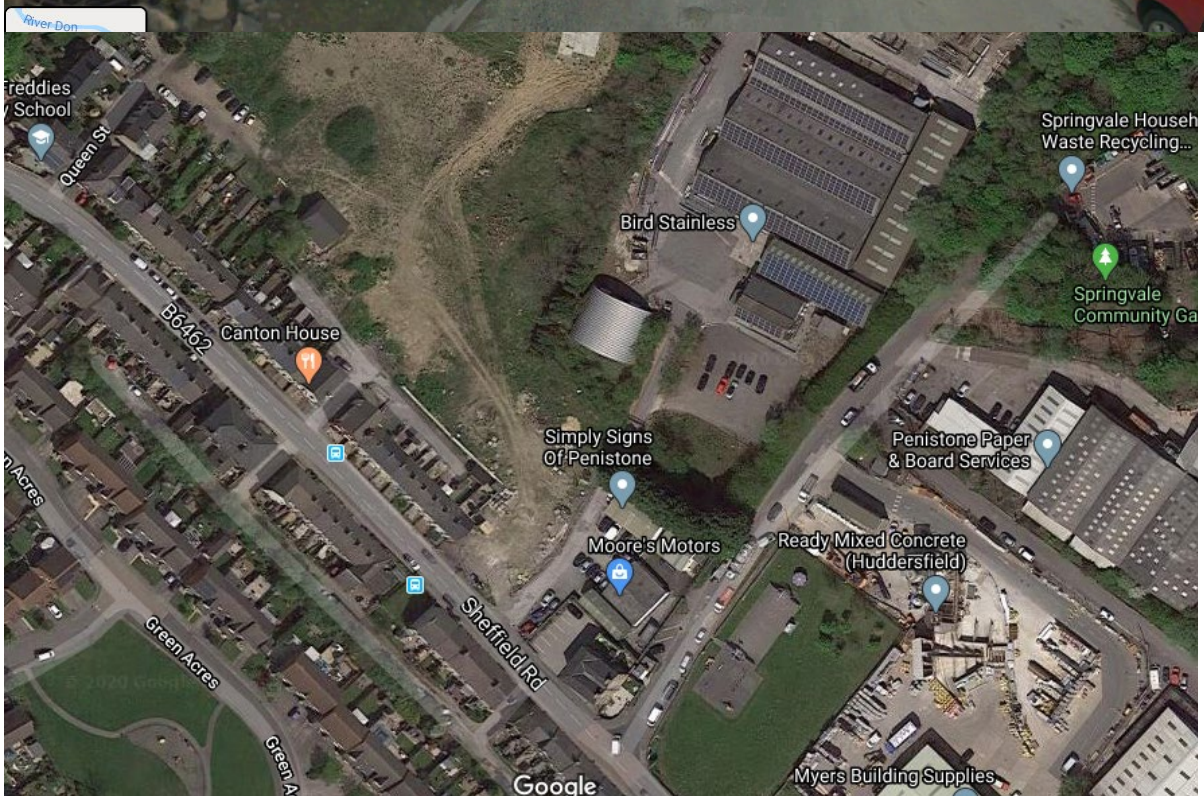
2017/1452 - Variation of condition 2 of app 2013/0813 (Residential development of 30 no. dwellings) to allow the amendment of site layout, landscaping, boundary treatment and drainage – Refused due to the amended layout and impact upon the amenity of some plots in relation to the proximity to the access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

Description

Birds Stainless Steel is situated off Sheffield Road and is currently accessed via Sheffield Road, adjacent to the former Jackie's Fancy Dress site. The site is currently being developed for residential purposes. The applicant who is the developer of the adjacent residential site has offered a new access to Birds Stainless Steel off an unadopted highway to the east of the site. Shown on the plans below. The site to be used is currently vacant and laid to grass. There is a large conifer hedge along the southern boundary and a dry stone wall to the east. The access is used for a number of industrial uses as show on the photographs below.







Proposed Development

The application proposes the formation of a new entrance/access road to Bird Stainless Steel from the adjacent unadopted road to the east of the site. Birds Stainless Steel do not own their current access, however they do have a right of access over the land. The above approved applications for the residential developments showed a shared access to Birds Stainless Steel and the residential development, however due to the conflict between the two uses, it has now been decided that Birds should have their own access, over land owned by the applicant who is the developer of the adjacent residential site. This would reduce any highway safety issues along Sheffield Road with the turning of HGV's into the site and the potential conflict with pedestrians and parked cars.

An application 2019/0225 has also been submitted which shows the removal of the existing access to Birds Stainless Steel which includes an alteration to the approved site layout of the residential development. The two applications are to be linked via 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

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 development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The new Local Plan was adopted at the full Council meeting held 3rd 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).

Local Plan Designation – Urban Fabric

SD1 Presumption in favour of Sustainable Development;
GD1 General Development;
T4 New Development and Transport Safety;
D1 High Quality Design and Place Making;

<u>NPPF</u>

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.

Consultations

Drainage – No objections

Highways – No objections subject to informative

Pollution Control – No objections to proposed access road – comments submitted for corresponding application 2019/0225

Penistone Town Council - No comments received but no objections raised for corresponding application 2019/0225

Ward Councillors – No comments received

Representations

The application has been advertised by site notice and nearby residents have been consulted in writing. No comments have been received

Assessment

Principle of Development

The site is designated in the adopted Local Plan as Urban Fabric. Policy GD1 is the starting point for making decisions on all proposals including those shown as Urban Fabric.

The proposal provides a suitable access through to an existing industrial use and is acceptable in principle subject to visual amenity, residential amenity and highway safety, which have been assessed below.

Visual Amenity

The proposal results in the removal of small trees along the eastern boundary of the site and a small area of stone wall. The conifer tree hedge along the southern boundary is to be reduced back by 3m to allow for adequate visibility. The trees to be removed by the proposal are insignificant and not protected by TPO's. The design of the access is acceptable and should not cause any significant harm to visual amenity. Overall the proposal is considered to be in accordance with Local Plan Policy GD1 and D1 of the Local Plan.

Residential Amenity

If the proposal is completed it would provide a more useable and suitable access to the proposed residential properties on the adjacent housing site and the Pollution Control Officer has no objections to the proposal.

Highways

The application proposes the formation of a new entrance/access road to Bird Stainless Steel from the adjacent unadopted road to the east of the site. Birds Stainless Steel do not own their current access, however they do have a right of access over the land. The above approved applications for the residential developments showed a shared access to Birds Stainless Steel and the residential development, however due to the conflict between the two uses, it has now been decided that Birds should have their own access, over land owned by the applicant who is the developer of the adjacent residential site. As a result of the new dedicated access to Bird's over an existing unadopted industrial road, this would reduce any highway safety issues along Sheffield Road with the turning of HGV's into the site and the potential conflict with pedestrians and parked cars. The Highways Officer has no objections to the proposal and adequate visibility and turning/manoeuvring facilities are provided.

Providing the highway alterations are implemented in full accordance with the plans it is considered that an improvement in highway safety would be achieved in accordance with Local Plan Policy T4.

Recommendation

Approve subject to a legal agreement with planning application 2019/0225 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.'