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**2021/0939**

**Applicant:** Mr Will Newett

**Description:** Reserved matters application for 21 dwellings in connection with outline planning permission 2017/0088 with matters of appearance, layout, scale and landscaping under consideration

**Site Address:** Land south of New Smithy Avenue, Thurlstone, S36 9QZ

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### **Background / Site History**

An outline application under application reference 2017/0088 for a residential development of 21 properties was refused in 2017 but was later allowed at appeal in August 2018, reference APP/R4408/W/17/3188501. A condition of the outline approval limited the number of properties to 21.

Following this, the applicant submitted two applications on the site, a reserved matters application for 21 dwellings, pursuant to outline planning permission ref 2017/0088 appearance, layout, scale and landscaping (2019/0690) but only utilising part of the site and a full application for the erection of 9 dwellings and associated access, landscaping and infrastructure (2019/0689). These were refused by PRB in May 2020. Subsequent appeals (ref: APP/R4408/W/20/3263535 and APP/R4408/W/20/3263538) were dismissed 17th November 2021.

In addition to this application, a full application for 28 dwellings has been submitted under reference 2020/1221.

### **Site Description**

The application site comprises a rectangular shaped 0.9ha area of land set to the immediate south of New Smithy Avenue and to the north of High Bank / Manchester Road within the village of Thurlstone. The Thulstone Conservation area runs along the southern boundary of the site and extend up Towngate to the east. The site previously formed part of a larger agricultural land holding, known as White House Farm.

The site has a gated access directly off New Smithy Avenue and access is provided via a pedestrian gate located in the south-east corner, which serves the adjoining White House Farm. The site is surrounded by residential properties on three sides to the north, east and south and to the west is further agricultural land separated by an existing Public Right of Way which runs between High Bank and Westfield Avenue/Westfield Lane. The site rises from the south-east to the north west.

### **Proposed Development**

Access is from New Smithy Avenue and curves into the site, progressing westwards with the proposed houses laid out along this road and a turning head is provided within the site. At the entrance to the site there are 5 parking spaces for visitors and the rear gardens of plots 1 and 21.

The 21 houses are split into:

3 x three bed properties

11 x four bed properties; and  
1 x five bed  
6 affordable houses of which 4 are three beds and 2 are two beds.

The 2 bed affordable units have open plan living space to the ground floor with an entrance hall and WC. The two bedrooms and bathroom are at first floor. The three bed units have a lounge and separate kitchen diner with 3 bedrooms and bathroom at first floor. All the affordable units are semi detached.

The design of the market houses varies, albeit they are all detached with some larger houses with detached garages and other smaller houses with integral garages. Plots 2 - 4 in the south east of the site are split level, appearing as 1.5 storey houses to the front and falling with the land to appear as 2.5 storey at the rear. The designs vary across the site with a total of 8 different house types with different roof styles, window and door detailing and some double fronted properties at corners.

The layout plan shows a hedgerow along the southern boundary, with High Bank as well as along the other boundaries. In addition, there is area of greenspace behind plots 7 and 8, adjacent existing houses on High Bank which back onto the site. Opposite this space some trees are proposed within the highway verge.

### **Policy Context**

Planning decision 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.

### **Local Plan**

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 new Local Plan was adopted at the full Council meeting held 3rd January 2019. 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 site is allocated as Safeguarded Land SL23 within the Local Plan and is set adjacent to the Thurlstone Conservation Area.

The following policies are therefore of relevance:-

SD1 'Presumption in Favour of Sustainable Development'  
GD1 'General Development'  
LG2 'Location of Growth'  
H1 'The number of New Homes to be Built'  
H2 'Distribution of New Homes'  
H6 'Housing Mix and Efficient Use of Land'  
H7 'Affordable Housing'  
T1 'Accessibility Priorities'  
T3 'New Development and Sustainable Travel'  
T4 'New Development and Transport Safety'  
D1 'High Quality Design and Place Making'  
LC1 'Landscape Character'  
HE1 'The Historic Environment'

HE2 'Heritage Statements and General Application Procedures'  
HE3 'Developments Affecting Historic Buildings'  
HE6 'Archaeology'  
GI1 'Green Infrastructure'  
GS2 'Green Ways and Public Rights of Way'  
GB6 'Safeguarded Land'  
BIO 'Biodiversity and Geodiversity'  
CC1 'Climate Change'  
CC2 'Sustainable Design and Construction'  
CC3 'Flood Risk'  
CC4 'Sustainable Drainage Systems (SuDs)'  
RE1 'Low Carbon and Renewable Energy'  
CL1 'Contaminated and Unstable Land'  
Poll1 'Pollution Control and Protection'  
I1 'Infrastructure and Planning Obligations'

### SPD's

- Design of Housing Development
- Open Space Provision on New Housing Developments
- Planning obligations
- Affordable Housing
- Trees and Hedgerows
- Financial contributions to Schools
- Parking
- Sustainable Travel

### Penistone Neighbourhood Plan

Penistone Neighbourhood Plan August 2019 – The plan sets out the vision and objectives for the future of Penistone and development proposed in it. A key component of the vision is to 'offer a range of housing that provides for all sectors of the community, as well as attracting new residents to the area's unique blend of town and country.' In addition, the 10 objectives support development whilst protecting the town's rural and historic character.

The following policies of the Neighbourhood plan are of relevance:-

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.

#### 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. The parish is notable as having significant heritage assets, partly protected by Conservation Areas, although these currently have no formal management plans. It is a key concern that protection of the built environment has been neglected and consequently character of the towns and villages has been eroded.

#### H1: Appropriate housing development

Proposals for new housing development of 10 or more units should:

a) Include an appropriate mix of bungalows, starter homes and smaller homes (one and two bedroom) as determined by the most contemporary housing needs and market assessments available.

b) Ensure that affordable housing provided in accordance with the requirements of Policy H7 of the adopted Barnsley Local Plan is 'pepper-potted' through the development site to ensure full integration of communities.

#### 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. Sections and paragraphs of relevance would be:

Section 5 – Delivering a sufficient supply of homes, at the current time the Council has a 5-year housing supply.

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting Sustainable transport

Paragraph 110 - In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 111 - 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.

#### Section 11 – Making effective use of land

#### Section 12 – Achieving well-design places

Paragraph 131 - Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

Paragraph 134 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design<sup>52</sup>, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

#### Section 16 – Conserving and enhancing the historic environment

Paragraph 199 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

### **Consultations**

Air Quality – Requested EVCP are secured by condition.

Affordable Housing – Policy H7 requires 30% affordable housing and seeks a tenure split of 60/40 rented/intermediate. However, the original outline appeal decision confirms acceptance of 25% affordable housing (as per the policy ask at that time).

The reserved matters application includes 6 units, 4 three beds and 2 two beds. 5 will be rented with 1 offered as intermediate housing. This is in accordance with the S106 attached to the outline.

Biodiversity Officer – No comment received, however, a condition applied at outline secures mitigation in accordance with the ecology statement and the relevant adopted policies at that time.

Contaminated Land – No comments received but previously confirmed that the site investigation report has shown there are no elevated levels of contamination on the site. No further information or conditions regarding contamination issues will be required.

Conservation Officer – Clearly, I can't comment at this point on the proposal for 21 units in 2021/0939 without making some comparison to the much-revised 2020/1221 application. My concern has always been the possible impact and negative intrusion by the southern row of houses in the development onto the Thurlstone Conservation area which immediately abuts the site to the south. Both the 2020 and 2021 layouts raise the prospect of visual intrusion due to new dwellings being erected on the skyline (when looking from the south). Moreover, the landscape and gradient plus the way the developer intends to platform the site to make the access road work means there will be some raising of landform. As a result, I think it is inevitable that the central and eastern part of the site will be quite visible, and this may introduce some visual harm to the setting. However, even though the 2020 (Rev M) application has more units with 13 along the southern edge as opposed to 9 in this latest (2021/0939) application, the 2021 application includes 5 detached garages set closer to the southern boundary. Moreover, the area of public open space shown in Rev M of 2020/1221 is missing in this application being supplanted by a small band of planting. Essentially, although the quantum of development is on paper lower, the layout plus the detached garages that are set further south is to my mind inferior to the layout in 2020/1221 Rev M. This design (Rev M) includes no detached garages which increases the standoff distance from the conservation area to the new dwellings. Furthermore, the substantial public open area improves the visual and physical permeability of the development where it is at its closest point to the conservation area. In my view the POS is key and is a substantial positive that leads me to believe this new application is inferior and does not protect or enhance the setting of the conservation area to the same degree as 2020/1221.

Drainage – No objections raised to the application, subject to conditions applied to the outline.

Education – This development would have a pupil yield of 4 primary pupils for which no contribution would be required. There would be a secondary pupil yield and this would require a contribution due to the level of oversubscription due to ongoing developments in the area. The contribution required will be 3 secondary pupils at £16,000 per pupil totalling £48,000, based on current policy.

Highways – The amended plans are acceptable, subject to conditions. More detail is in the assessment below.

Penistone Town Council – Would like to re-iterate our objection to any housing development until there is provision of a safe highway access to the village of Thurlstone

Public Rights of Way – There is a public footpath running along the western boundary of the site. Safe public access should remain in place throughout development with appropriate fencing in place at all times to protect pedestrians.

Previous applications have shown a connection from the estate road west to join the public footpath, which could potentially provide a useful link. This connection has been removed from the latest plans and therefore the proposals should have no direct impact on the adjacent footpath. If the proposed link was to be reintroduced, it should be built to adoptable standard any included in the Highways adoption agreement for the site and details provided to PROW for further comment.

Any new boundary fencing alongside the footpath should be no higher than the existing 1.8m. NB: all fencing alongside the public footpath will be the landowner's maintenance responsibility in future.

Regulatory Services – No objections, requested conditions of which the noise and dust ones are covered under the CMS condition issued with the appeal. However, working hour restrictions were not added so are applied to the RM.

Tree Officer – No comments received

Urban Design Officer – Despite being a reserved matters application, although it keeps to the same number of dwellings as the outline, the layout and character of the development is quite different to that shown in the outline consent and I don't think it follows through on the three positive design principles shown on the outline consent layout.

- After the initial curve on entry to the site the road of the cul-de-sac is straight and long, giving rise to a rather monotonous and claustrophobic townscape down the road.
- There is minimal tree coverage along the access road- the access road has only two trees on its main stretch (both located on plot 18). A further two trees are set well back from the access road (between plots 9 and 10) and two trees are located on an offshoot, private drive (on plots 19 and 20). There appears to be little room in the layout for further additional trees to be planted along the access road.
- There is no consistent front boundary treatment with hedges. Sometimes the hedges are located at front of plot and sometimes they are set back from the front of plot. The hedges are less continuous in length along plot boundaries. This variation gives a less clear distinction between public and private spaces and lessens the effectiveness of the hedging in softening the visual impact of parking.

Other aspects of concern:

- The garages located towards back of plots 15 & 16 will have an impact on the residential amenity of the neighbouring properties on High Bank Lane.

Yorkshire Water – No observation comments to make on this reserved matters application. Foul and surface water drainage proposals can be dealt with via a future discharge of conditions planning consultation linked to Condition 5 (a), (b), (c) from

the granted appeal decision notice dated 4th July 2018 from the 2017 outline application

Ward Councillors – No comments received, however, Councillor Kitchen has objected to the full application and confirmed that a number of the points made are relevant to this scheme:

- This permission was granted in part due to the borough not yet meeting its 5-year housing supply. As the Local Plan has now been adopted this supply has now been both met and exceeded. There is absolutely no reason therefore to build any additional dwellings on this site.
- There is no capacity in the village, particularly on New Smithy Ave, New Smithy Drive or Towngate, for overspill car parking from this development, as many of the older houses in the village have little or no off-road parking.
- there are four 3-storey properties proposed for the south east corner of the site. This would be inappropriate in terms of these dwellings towering over and blocking High Bank residents, and is inappropriate on the edge of a conservation area. Contrary to NP BE1.
- As this development is on the very edge of a conservation in a historic village I would expect that natural stone building material would be used. This is echoed in the NDP, p16, BE1
- Concerns about the proposed soakaway drainage - this is inadequate.
- As this is an application for 20+ residential dwellings, as per p16 BE1 b states that there should be a provision for the appropriate amount of open space. There is no open space on this plan
- I would expect the appropriate contribution to be made to Thurlstone Primary School.
- I also have concerns about the mixture of dwellings proposed. The NDP (p68, H1 a) states that developments of 10+ units should "include an appropriate mixture of bungalows, starter homes and smaller homes (1 and 2 bedroom).
- My main objection to this site, however, is the Highways access. This was discussed at length at the original planning application stage and remains a huge concern.
- Towngate does not have a continuous footway along both sides of the carriageway, just on the eastern side.
- Point 2.3.4. is also misleading, describing the junction of Towngate and Manchester Road as a "simple priority T junction". This is in fact an awkward T junction, with Towngate leaving Manchester Road at a sharp angle and on a steep incline.
- Towngate is frequently congested with parked cars and traffic movements, as is New Smithy Avenue. An increase through the village of 200+ vehicular movements a day from a 21 house development would be tortuous

## Representations

The application has been consulted on through a press advert, site notice and neighbour letters. 23 Objections have been received to the applications.

The following concerns have been raised:-

- The local plan has now been adopted and there is a 5 year supply, whys isn't this application being refused;
- The access is unsuitable;
- The route through Towngate is very busy and the only access for a lot of residents.
- Parking is already an issue on the estate and along Towngate;
- Cars cross the white centre lines when turning left out of Towngate which is dangerous;
- The roads can't accommodate the extra traffic, its is already very busy;
- The road into the site and through New Smithy Avenue is heavily parked service and emergency vehicles can't get through;
- Towngate and other roads in Thurstone are unsuitable for low loaders so deliveries to the site would have to be on rigid vehicles which are smaller. This means more trips;
- Swept path analysis should have been provided to prove larger vehicles can get through;
- There are already flooding issues from the land;
- The site layout and OS base doesn't show extensions;
- Loss of privacy and overlooking from the new houses;
- Three storey houses are not acceptable in such a small village and in this location, at the top of the hill;
- The proposed houses are mostly large luxury 4 bed dwellings which are out of character with the village;
- No trees or greenspace on the site;
- Impact on biodiversity, there are bats and hedgehogs on the site along with protected plants;
- The new houses will be higher up, increasing overlooking and overshadowing;
- Noise disturbance and dust and vibrations from the development;
- Thurstone is an historic village and the Council are required to protect it;
- The site is not allocated and should not be built on;
- Loss of greenspace / open land;
- Soakaway drainage will cause problems for people on High Bank;
- The stone wall backing onto High Bank already bulges in places, the proposed could destabilise it;
- Concerns that the development will damage neighboring properties, particularly on High Bank;
- The services in the village and school are overstretched already;
- There is a need to be able to escape from existing houses on High Bank by accessing the site, the hedge and fence will block this as well as access to maintain properties;
- The houses will be overbearing and increase a loss of privacy, especially the three storey properties backing onto High Bank;
- Red brick and concrete tiles will be very out of place;
- The transport statement includes bus timetable information that is no longer accurate;

- Children walking to the secondary school are already at risk, especially using Old Anna Lane which is single track, more houses and traffic means more children using this route;

## **Assessment**

### Principle of development

The site is designated within the Local Plan as Safeguarded Land. In 2017 an outline application reference 2017/0088 was submitted for a residential development of the site for 21 dwellings. The application was refused and the decision was later subject to an appeal hearing. On the 13<sup>th</sup> June 2018 the appeal was allowed. At the time, the Council could not demonstrate a 5 year housing land supply, therefore the principle of the development was considered to be acceptable by the Planning Inspector.

The appeal decision also did not uphold the highways reasons for refusal in relation to the impact on the junction of Towngate and Manchester Road or the wider issues associated with on street parking in the area. However, conditions were added including one requiring the provision of a parking layby on New Smithy Avenue and conditions to specify the number of dwellings, provide on-site parking, manoeuvring and visibility spays. All these were stated to be required in the interests of highway safety.

Following this appeal decision, a reserved matters application for 21 dwellings (2019/0690) was submitted to the Council on part of the site with a corresponding full planning application for a further 9 dwellings (2019/0689). These were refused by the Council and the subsequent appeals were dismissed. The grounds for refusal related to the fact that the reserved matters application was not consistent with the outline and the effect of the proposed development on the character and appearance of the area. The Inspector refers to the lack of open space and landscaping within the site and paragraphs 134 (design) and 131 (street trees) of the NPPF specifically. In addition, the approach of submitting a reserved matters and full application on the site, is stated to be:

*'a convoluted effort to circumvent the conditions placed upon the outline planning permission and to in effect seek to depart significantly from the outline planning permission granted in respect of the site'*

This application is a revised reserved matters application. The principle of residential development on this site remains set by the outline approval issued under 2017/0088. The proposed scheme is on the same area of land as identified on Location Plan Ref 17/227-01 as required by condition 4 and is for 21 dwellings as required by condition 12. The following assessment includes reference to other conditions or requirements as relevant as well as material considerations set by current policy and the previous planning history.

Members are advised that the layby for three parking spaces on New Smithy Avenue is secured by a pre-commencement condition. No further details are required to be submitted at this stage.

### Impact on future development of Safeguarded Land

The site forms a small part of a much larger area of Safeguarded Land which is set to the west of the site. The plans do not show the access connecting to the boundary with the remaining safeguarded land, however, there is an area of open space and existing

hedgerow retained between the proposed road and this boundary. Future access across this land can be therefore be secured through a condition or separate S106. On this basis the proposed complies with Policy GB6 of the Local Plan and condition 11 of the outline.

### Design, Layout and Visual Amenity

Policy D1 'High Quality Design and Place Making' of the Local Plan states that development is expected to be of high quality design and that through its layout and design, development should contribute to place making and be of high quality. Policy HE3 seeks to conserve and where appropriate enhance the setting of historic buildings. Development should respect historic precedents of scale, form, massing, architectural detail and the use of appropriate materials. Policies BE1 and BE2 of the NP are also applicable and referenced as appropriate in the assessment below.

An illustrative layout was submitted with the outline which demonstrated how 21 dwellings could fit within the site. This layout utilised a curved road arrangement which helped to break up the street scene, minimise the impact of parking and increased standoff distances in some locations. The Design and Access Statement also referred specifically to the use of natural stone and slates to ensure that the final residential scheme would complement the built form of the Conservation Area, which is characterised by tiered development, set in the hillside and largely constructed of natural materials.

In assessing the design of the scheme submitted with the reserved matters application, the Conservation and Design Officer and Urban Design officer have both raised concerns. This is in relation to the original design approach detailed in the outline, the impact on the conservation area and current design policy. Reference is made to the full application as well and design changes secured in that scheme. In particular, areas of concern are:

- the straight access road, creating a rather monotonous and claustrophobic townscape down the road;
- minimal tree coverage along the road and across the site;
- a lack of consistency in the front boundary hedge treatment which gives less clear distinction between private and public space;
- garages set back in plots along the southern edge of the site, increasing the impact on the conservation area and houses along High Bank;
- the lack of greenspace in the centre of the site, limited instead to a buffer strip of planting.

The scheme has been amended following the recent appeal decision to better reflect the principles of the outline scheme and discussions regarding the design of the full application (2020/1221). The layout included a native hedgerow along the southern and eastern boundaries with the conservation area and houses along the southern edge are detached with space around them and landscaping to soften the appearance of the rear elevations and retaining walls in rear gardens. The latter being a result of how the site slopes with detailed the levels provided confirming that there will be new retaining structures to the rear of houses backing on to High Bank. These retaining walls vary in height but will be largely between 1 – 2m with a section up to 3m. The internal road has been amended to include a bend which breaks up the elevations and impact of frontage parking as well as provides an opportunity for some street trees in accordance with paragraph 131 of the NPPF. Plot 1 has been reorientated to face into the development, framing the access road. Finally, garages to the rear of plots 7 and

8 have been relocated to reduce the impact on houses on Towngate and the overall impact of garages located along the southern boundary. As a result, concerns raised by Design Officers have been largely addressed and although there hasn't been time to formally reconsult them both have confirmed that the scheme as amended is an improvement.

The development includes 3 split level houses which are 1.5 storeys at the front and 2.5 storeys to the rear, where ground levels will fall / slope down. Given the elevated position of the site and the change in levels created by the development, the rear elevations of all the houses, garages and retaining walls in gardens will be visible when viewed from the south, both within the immediate surrounds and from distant views across the valley. Therefore, the 2.5 storey houses are likely to be more prominent. Policy BE1 of the Neighbourhood Plan restricts 3 storey houses but only where they are at the edge of developments that adjoin open countryside. The proposed site is located within the settlement of Thurlstone and the taller houses are not adjacent open countryside. Further, there are 3 storey buildings in the wider area, including set on the hillside. On balance, accepting the development will be visible, the proposed 2.5 storey units are not themselves out of character with the wider area.

The proposed materials are stated to be traditional brickwork and roof tiles, this is not acceptable and does not comply with the design and access submitted with the outline application. However, a condition can be added requiring the use of stone and slates.

Overall, the design and layout of the proposed is in accordance with the principles of the outline. As amended, the increased opportunity for landscaping provides some street trees which along with the hedgerows across the site, softens the appearance of the houses, garages, retaining walls and parking areas as well as providing some habitat. Therefore, on balance the design is accepted as in accordance with design policies D1 and HE3 in the Local Plan, BE1 and BE2 in the Neighbourhood Plan and paragraphs 131 and 134, as well as the National Design Guide.

### Residential Amenity

Objections have been raised about the impact of the proposal upon the residential amenity of the adjacent dwellings. There are a residential property backing on to the site from 3 sides, off Towngate, New Smithy Avenue and High Bank.

Where the proposed new houses are orientated directly back to back with existing houses on new Smithy Avenue, there is circa 26m when measured elevation to elevation, this is well in excess of the 21m required by policy. There is a closer relationship adjacent plots 12 and 13. There is just over 20m between the rear of plot 13 and No. 17 and 19 New Smithy Avenue, albeit they are set at an angle so do not face directly onto plot 13 mitigating the slight reduction in space standards. No.17 has a conservatory, not shown on the OS which will be overlooked by the rear of plot 14, however, the orientation is not directly back-to-back and the impact will be mitigated by the boundary treatment. Finally, plot 13 has a two-story projecting gable to the rear, however, the applicant has sought to mitigate this by orientating windows in the side and not rear. Plot 12 is circa 14m from the rear of houses on New Smithy Avenue but has been orientated side on to address any overlooking issues. As such it exceeds the minimum standoff distances. Overall, the relationship between the existing and proposed is judged to be better in this location than on the full scheme.

Properties along High Bank to the south are set at a lower level with a high retaining wall directly behind them. The site sits above this wall with new houses orientated back to back with the existing houses. The issues along here are associated more

with overshadowing than overlooking, with the impact coming from the houses, retaining structures in the rear gardens and the boundary treatment. The majority of houses on High Bank are two storey with just the roof line extending above the existing boundary wall, albeit there are houses which extend up to 3 storeys and are therefore above the wall line. In both cases, there are some windows in the rear elevations and therefore a potential to create an overshadowing impact. This is mitigated to a degree through stepping in the boundary and planting a hedgerow which offers some privacy whilst reducing the overbearing impact. In addition, the greenspace to the rear of plots 7 and 8 increases the space available to the rear of the 3 storey properties on High Bank, where the potential impact is greatest.

To the east of the site, properties off Towngate back onto the development, however, the separation distances here are exceeded and there is a strong boundary treatment with existing trees. As such the impact is acceptable.

Internal room dimensions and external amenity spaces provided by the proposed house types and plots meets the standards as set out in the SYRDG.

In terms of any impact during construction, due to the site being surrounded by existing residential developments, conditions would be required to ensure the residents are not adversely affected by noise and dust issues during the development works in accordance with Policy Poll1 Pollution Control and Protection.

Overall, the proposed design and layout as amended has an acceptable impact on residential amenity and is therefore in accordance with Local Plan Policy D1 and the accompanying guidance the Design of Housing SPD.

Concerns raised by residents of High Bank regarding the future maintenance of their property in view of its position adjoining the appeal site. Unfortunately, these are private legal interests which are not material considerations as noted by the Planning Inspector's appeal decision.

### Density and Mix of Housing

Policy H6 of the Local Plan, Housing Mix and Efficient Use of Land states that a density of 30 dwellings per hectare would be expected within the villages. The proposals would result in 21 dwellings being delivered on an area of approximately 0.99ha, which equates to approximately 21 dwellings per hectare. As this number was set at outline, the reduction in density has been accepted.

In terms of housing mix, Policy H6 in the Local Plan required a broad mix of house size, type and tenure, whilst H1 of the Penistone Neighbourhood Plan similarly seeks an appropriate mix of bungalows, starter homes and smaller homes (one and two bedroom) as determined by the most contemporary housing needs and market assessments available, on housing sites of more than 10 units.

The site has a mix of 8 different house types which are mostly 4 bedroom detached dwellings. There are three detached 3 bed houses which are split level and 4 three bed and 2 two bed semi-detached houses which are all affordable units. No bungalows or level access dwellings are proposed.

Both Policy H1 of the NP and H7 of the Local Plan (and the accompanying SPD) require affordable housing to be pepper potted or spread across the site rather than located in one area. As with the full application, the units are grouped in a row

adjacent the site entrance. Both the 2 and 3 bed houses exceed the South Yorkshire Residential Design Guide standards.

Overall, it is accepted that although not fully in accordance with all the requirements the proposed is a relatively small scheme with limited options for variations. Therefore, the conflict with Policies H6 and H7 of the Local Plan as well as Policy H1 of the NP is assessed in the wider planning balance.

### Highway Safety

This is a reserved matters application following approval of the access at outline. The original application (2017/0088) was refused by the Council, but later allowed at appeal (APP/R4408/W/17/3188501). The appeal decision examined the impact on highway safety in detail, with particular regard to the efficient operation of the highway network in the vicinity of the appeal site. Approval was granted by the Inspectorate, subject to conditions including requiring the provision of a parking layby on New Smithy Avenue and conditions to specify the number of dwellings, provide on-site parking, manoeuvring and visibility spays. These are all stated as required in the interests of highway safety by the Inspectorate.

The layout has been amended, follow comments by the Highway Officer to address concerns about manoeuvring larger vehicles (inc waste collection) and to ensure parking standards are met on the site. The amendments to layout and swept path provisions have been accepted by the Highway Officer. However, it is noted that whilst the detached garages at plots 7, 8, 13 and 14 will technically be provided to a size by which they can be counted as parking space, the arrangement of these plots could easily be amended without impacting overall layout to provide suitable driveway parking and thus improve the overall quality of development.

Overall, there is no objection to the proposed-on highway safety grounds and it accords with the requirements of the Appeal Decision and to Local Plan Policies T4, Highway Safety and T3, Sustainable Travel.

### Public Rights of Way

There is a public footpath running along the western boundary of the site, separated by an existing hedgerow. Safe public access along this route should be retained throughout the development, with appropriate fencing in place at all times to protect pedestrians.

A link to the PROW is proposed. Any new pedestrian link should abut the existing footpath, be built to adoptable standard and be included in the Highways adoption agreement. Any gap in the fencing should be 2m wide to match the footway.

Boundary fencing alongside the footpath should be no higher than 1.8m, as shown in the plans. Ideally the fencing would be reduced in height where it runs parallel to the end of the estate road to improve visibility, the plans don't show any boundary treatment here so this will need to be conditioned.

Appropriate conditions and informatives will be added to the decision to secure the above. As such Local Plan Policy GS2

### Drainage/Flood Risk

Yorkshire Water and the Council's Drainage Officer have not raised any concerns at this stage subject to the imposition of conditions already attached to the outline.

### Biodiversity/Trees

The Ecological Report submitted at outline demonstrated that most of the site is of low ecological value. The appraisal recommended the retention of hedgerows on the western boundary, bird and bat boxes, hedges as opposed to walls separating plots and hedge planting. Details in accordance with these recommendations are required by condition to be submitted with the reserved matters application.

The layout provided meets these requirements with hedgerows around the south, east and western boundary, hedges are also located between plots 12 and 13 and along the frontage of all the plots maximising connectivity. Bird and bat boxes are not shown on the current layout as amended but can be conditioned to be located on houses close to existing or proposed soft landscaping.

The proposed is therefore considered acceptable when measured against the requirements of the outline planning permission. It does not fully comply with Local Plan Policy BIO1 or the accompanying SPD which requires no net loss, however, as this policy was adopted after the outline planning approval was secured.

### S106 – Affordable housing, public open space, education, sustainable travel

The previous outline application was allowed at appeal on the basis of the old Core Strategy and SPD requirements and were agreed via a section 106 agreement, these figures must be used for the reserved matters application for 21 units. The agreement secures the following:

Affordable Housing – 6 units in total, 4 three bed and 2 two bed houses. 5 of the units shall be affordable rented with 1 intermediate house. These units are shown on the layout plan provided.

Education – the outline application for 21 dwellings was assessed to generate the need for an additional 3 secondary school places. At the time of the appeal, there were sufficient primary school places in the local area but there was a shortage of secondary places. A S106 contribution based on the previous PAN guidance was required for the 3 additional secondary pupils generated by the development at £14,102 per pupil, which equates to a total contribution of £42,306.

Public open space – The 21-unit reserved matters scheme proposes 2 x 2 bed, 6 x 3 bed and 13 x 4 beds, therefore based on the previous SPD a total of £39,386.29 is required in line with the Section 106 Agreement. The obligation provides a financial contribution towards off-site public open space improvements with two kilometres of the boundaries of the Site.

Sustainable Travel – The SPD 'Sustainable Travel' was adopted after the outline planning permission was granted and as such cannot be applied to this scheme.

### Conclusion

The principle of a residential development of the site and the access has already been accepted by the appeal decision. The proposed scheme complies with that appeal decision, delivering 21 dwellings which are located on the same site as shown on the redline location plan and utilising the approved access.

The design of the scheme is also consistent with the outline application and largely complies with the requirements of National and Local Planning Policies including those in the Neighbourhood Plan. The design approach, as amended, has been supported by the Design Officer and Conservation and Design Officer. Therefore, the development is accepted to be in accordance with the development plan and recommended for approval.

### **Recommendation**

Approval is recommended – subject to conditions.