

## **2023/0076**

Mr David Rogers

Outline application for residential development of 5 dwellings with access and layout considered at this stage

Land at Whams Road, Crow Edge, Hepworth, S36 4HE

### **History**

2003/0115 – (Adjacent site) Residential development of 8 town houses and 4 apartments – Approved with conditions

2005/1066 - Inclusion of 2 additional plots to previously approved site (B/03/0115/PR) - Approved with conditions

2006/1907 - Erection of three dwellings and garages (outline) – refused for the following reasons:-

1 The application site is allocated as Safeguarded Land within the Council's Unitary Development Plan. Within Safeguarded areas development will be restricted to that necessary for the operation of existing uses. The provision of three houses would not be considered necessary development and would represent over-intrusive development detrimental to the character, openness and amenities of the site and its surroundings. As such the proposal would be contrary to Policy GS10 of the development plan

2 The proposal would be contrary to policies WR4 and WR7 of the Western Rural Community Area Plan in that the proposed residential development is not within a designated housing policy area and is out of character with the existing form and layout of the village

2007/1051 - Erection of two detached dwellings and garages (Outline) (Resubmission) – Refused for the same reasons as above and dismissed at appeal

2009/0837 - Erection of 1no. detached bungalow with garage (Outline) – Refused for the same reasons as above and dismissed at appeal

2011/0037 - Erection of 1 no. underground dwelling – Refused for the same reasons as above and dismissed at appeal

2016/0279 - Residential development for 3 dwellings (Outline) - Withdrawn

2019/0312 - Residential Development of 5 dwellings (Outline with all matters reserved apart from access) – Approved with conditions

### **Site Description**

This site and adjacent site formed part of the Former Pratty Flowers Inn, prior to its redevelopment for residential purposes approx. 2005. (See aerial photographs below). The site is currently laid to grass and is accessed via a cul-de-sac off Pennine Edge. The adjacent residential properties consist of split level 2/3 storey terrace and semi detached dwellings and garage blocks.

To the rear of the site is allocated Green Belt land at a higher level with the boundaries defined by scrub, timber fencing and dry stone walls. There are two semi detached properties located adjacent to the proposed access, numbers 12 and 14 Pennine Edge.



Aerial Photograph 2002 – Former Pratty Flowers Public House



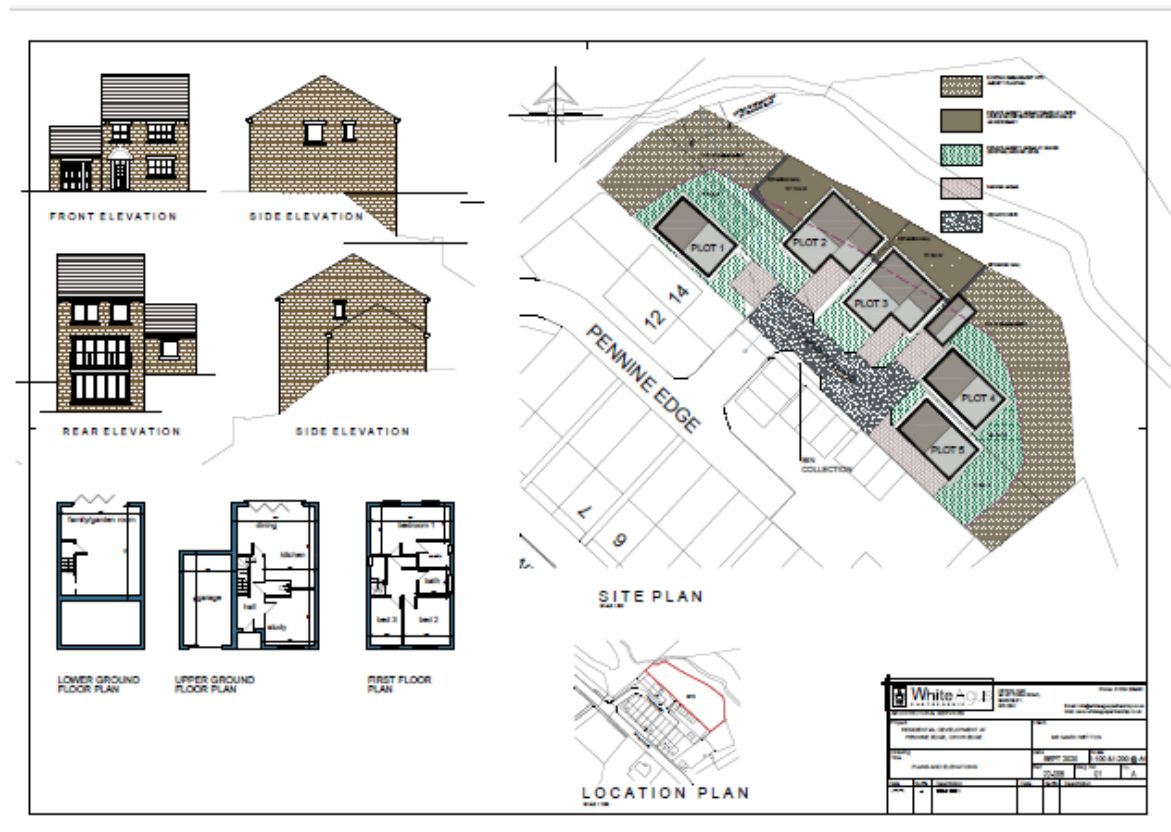
2020 Aerial Photograph of the site

### **Proposed Development**

The application is in outline form and proposes a development of 5 dwellings. All matters of detail are reserved apart from means of access which is proposed via Pennine Edge off Whams Road and the site layout which is submitted for approval.

The application is accompanied by a site layout plan showing 5 detached dwellings. The properties are arranged around a single cul-de-sac road with private driveways/parking. The indicative elevation and floorplans show split level two storey properties (rooms at lower ground level) with 3 bedrooms, some with attached garages and all with private rear gardens.

Indicative house type and site plan (layout 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 an area of Urban Fabric as allocated within the Adopted Local Plan.

The following policies are of relevance:-

GD1 General Development  
H1 The Number of New Homes to be Built  
H4 Residential Development on Small Non-allocated Sites  
LG2 The Location of Growth  
T3 New Development and Sustainable Travel  
T4 New development and Transport Safety  
SD1 Presumption in Favour of Sustainable Development  
CC1 Climate Change  
CC4 Sustainable Drainage Systems (SuDS)  
RE1 Low Carbon and Renewable Energy  
D1 High Quality Design and Place Making  
Poll1 Pollution Control and Protection  
BIO1 Biodiversity and Geodiversity

### SPDs

The proposals have been considered in relation to the following SPD's:-

- Design of housing development
- Parking
- Trees and Hedgerows

### Other Guidance

South Yorkshire Residential Design Guidance

### NPPF

The National Planning Policy Framework sets out the Governments 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**

Dunford Parish Council – No comments received

Biodiversity Officer – No objections subject to conditions

Contaminated Land – No comments received

SYMAS – Standing advice informative required

Coal Authority – Standing advice informative required

Drainage – No objection subject to condition

Pollution Control/Contaminated Land – No comments received

Ward Councillors – No comments received

Yorkshire Water – No objections subject to conditions

## **Representations**

6 objections have been received from residents raising the following concerns:-

- Previous land allocation and previous planning refusals should be considered
- No details in terms of landscape impact/landscaping
- No details of trees on adjacent land
- Concerns raised with regard to future maintenance of roads etc and rights of way
- No details of sewage/drainage
- Flooding outside adjacent garages
- Impact on the character of an area, availability of infrastructure, proximity density, over development, layout, design, and external appearance of buildings and landscaping.
- Noise and smell when building works begins.
- Loss of privacy and overlooking
- Overshadowing/loss of light
- Impact on utilities
- Parking issues at present
- Impact on access for emergency vehicles and other residents
- Visibility, car parking on the junction with Whams Road
- Impact on Pedestrians
- Contaminated land impact
- Impact on ecology/wildlife
- Increase in vacant properties
- Movement of vermin from the site
- Increased pollution
- Impact on quality of life of residents
- Increased pressure on schools/services
- Loss of view
- Impact of the development upon the structural integrity of neighbouring properties
- Possible Japanese Knotweed on site

## **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 Pennine Edge is predominantly residential and as such the use of this previously developed site for residential uses would be in keeping with the locality. The principle of residential development of the site has been accepted previously with Outline application 2019/0312 and remains acceptable in principle, subject to other material considerations discussed below.

Concerns raised by objectors with regard to the previous land allocation cannot be taken into account as the Local Plan was adopted in 2019 and supersedes any previous plans and land allocations.

### Visual amenity

The application is in outline form with all matters of detail reserved for a future application, with the exception of the proposed means of access to the development and the site layout. The site is mainly laid to grass and does not contain any significant trees or shrubs. The Pratty Flowers Inn site was redeveloped in approx. 2005 for residential purposes, however this portion of the site was left undeveloped. The site is currently laid to grass and is accessed via a cul-de-sac off Pennine Edge, adjacent to number 12 and 14 and a garage block. The adjacent residential properties consist of split level 2/3 storey terrace and semi detached dwellings and garage blocks.

The application is in outline at this stage with the access and layout to be considered. The amended site layout plan shows 5 detached dwellings arranged around a cul-de-sac road with private driveways. The indicative elevation and floorplans show split level properties (rooms at lower ground level, with 3 bedrooms, lower ground lounge, some plots with garages and all with private rear gardens) The dwellings have been designed in order to reflect the style of properties adjacent and would be constructed of matching materials. Whilst the final design of the dwellings is a reserved matter and the elevations are only indicative at this stage, the plans show that any future proposals could be designed to follow the pattern of the existing dwellings on the remainder of the site.

The site would be screened from the remainder of the Green Belt land due to the existing topography and the development of the site would result in a 'rounding off' of the existing residential development, therefore there would not be any significant impact upon the visual amenity of the Green Belt.

Overall the proposal would have a limited impact on visual amenity and the design and subject to detailed plans being submitted at Reserved Matters stage, the proposals can be designed so that they would comply with Local Plan Policy D1 and the SPD Designing New Housing Developments.

### Residential Amenity

The Supplementary Planning Document 'Design of Housing Development' provides guidance in terms of separation distances and other amenity requirements, in order to ensure that any new development does not cause significant impact by way of overlooking, overbearing and overshadowing of existing dwellings and their private gardens.

Objections have been received with regard to a loss of light, overbearing impact, loss of outlook and a loss of privacy of homes and gardens. The submitted layout plan shows the dwellings set adjacent to the garage blocks and the five new dwellings have been sited comfortably on this plot and meet the minimum separation distances required within the SPD in order to prevent significant overlooking or overshadowing impact of adjacent properties and the proposed dwellings. The indicative floorplans show that 5 dwellings can be sited on the site that would meet the requirements of the Supplementary Planning Document Design of Housing Development and the South Yorkshire Residential Design Guide, in terms of internal and external amenity standards for any future occupiers.

Concerns have been raised with regard to the construction and impact on the adjacent dwellings, whilst this is not a material consideration, this can be controlled by restrictions on working times to ensure the residents are not adversely affected by noise during the development works in accordance with Local Plan Policy Poll1 Pollution Control and Protection.



Overall the proposal is considered to be acceptable 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.

### Highway Safety

Objections have been received with regard to the poor visibility of the access at Pennine Edge, however the Highways Officer has not raised any concerns with regard to the existing access. The Highways Officer has no objections to the proposed layout and each dwelling has been provided with sufficient parking spaces of 2 per unit in line with the SPD.

Concerns have also been raised with regard to the potential restriction of access to the existing garage blocks, however the Highways Officer has not raised any concerns with regard to the impact upon the highway network and sufficient parking spaces can be provided in order to contain any additional vehicles within the site.

Objections have been received with regard to the impact of additional traffic, parking and activity created from the additional 5 units upon the highway network. The Highways Section have been consulted and have no objections to the application. Whilst there would be an increase in vehicular movements from the site, paragraph 111 of the NPPF state that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” It is clear that the residual cumulative impact of the proposal could not be classed as severe. Consequently, there are no objections to the proposed development in a highway context, subject to conditions. The proposal is considered acceptable in terms of Highway Safety in accordance with the SPD and Local Plan Policy T4.

### Drainage/Flood Risk

Concerns have been raised with regard to potential flooding. The site is located outside of flood zones 2 and 3 and therefore the part of policy CC4 and national policy requiring developments to be steered towards areas of low flood risk is complied with. Yorkshire Water and the Council's Drainage Officer have no objections to the proposal subject to conditions. Overall therefore the proposal is regarded as being acceptable with regards to flood risk and drainage considerations in accordance with policy CC3 of the Local Plan.

### Contaminated Land

Concerns have been raised with regard to potential contamination of the site. The Contaminated Land Officer and the Pollution Control Officer have been consulted and have not commented or raised any objections to the proposals. The Phase 2 Geotechnical Report states in terms of ground contamination that:-

‘The soil contamination assessment for human health has identified isolated elevations in copper and sulphide and sporadic low level concentrations in polyaromatic hydrocarbon compounds within the Made Ground that were slightly in excess of relevant screening assessment criteria. An isolated occurrence of amosite (brown) asbestos fibres has also been identified and quantified to the minimum level.

Contamination risk to the water environment (surface and groundwater) has been completed based upon the results from testing on water samples from Sledbrook Dike and testing for leachable PAHs and copper in soil from the relevant samples elevated in these substances. The results indicate that the risk to Sledbrook Dike and groundwater within the Secondary A bedrock aquifer from the proposed development is low.’

The report provides details of contamination remediation recommendations which will need to be followed as part of the development. The report shall be conditioned as part of the approved plans in accordance with Policy POLL1 of the Local Plan.

### Biodiversity

An Ecology Survey has been submitted and the Council's Biodiversity Officer has no objection to the proposal. No significant ecological constraints have been identified on site. The updated ecology report is satisfactory in that it now includes detail that records of priority bird species are located away from the site and due to the disturbed nature of the site as it currently is, the proposals are unlikely to adversely impact priority bird species. The report also includes results of an updated eDNA survey to assess the presence/absence of great crested newts within two ponds located within 250m of the site. The survey indicates the likely absence of great crested newts from the ponds and therefore no adverse impact upon this protected species is anticipated as a result of the proposals.

The following condition has been recommended by the Biodiversity Officer and should be included within any grant of planning permission:- No development shall take place (including vegetation/site clearance) until a Biodiversity Mitigation Scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full according unless otherwise agreed in writing by the local planning authority. The scheme shall include, but not limited to, the following details:

- Details of native landscaping to be incorporated on site, particularly to the northern boundary to provide a buffer to the adjacent Whitley Edge LWS;
- Appropriate management of the proposed landscaping, including a timetable of works;
- Precautionary measures to be adopted during construction works in the interest of nesting birds, amphibians and hedgehogs;
- Protection of retained trees on site during construction works;
- Incorporation of integral bat and bird boxes on proposed dwellings, including detail on the type and location of boxes to be installed; and,
- Incorporation of hedgehog access points on site to allow continued access for this species.

The proposal is therefore acceptable when measured against policy BIO1 and the Biodiversity/ Geological Conservation SPD, subject to the mitigation measures and enhancements suggested within the report which should be conditioned.

### Other Matters

Concerns have been raised with regard to the proposals impact upon school places and local services, however this is a small development of only 5 units and there is no requirement for the developer to provide financial contributions to local services.

### Conclusion

In summary the proposals are considered acceptable. The site is located within an area of Urban Fabric where residential developments are acceptable in line with Local Plan Policies GD1 'General Development' and Local Plan Policy H4 'Residential Development on Small Non-allocated Sites.'

The application is in outline with all matters reserved except access and layout. It is felt that an acceptable residential scheme can be achieved which complies with the Local Plan policies



and the relevant Supplementary Planning Documents. As such it is recommended that the application be approved subject to conditions.

**Recommendation**

Grant subject to conditions