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# Reserved Matters Compliance Report

Land South of New  
Smithy Avenue,  
Thurlstone

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JULY 2021

Q100195

# Contents

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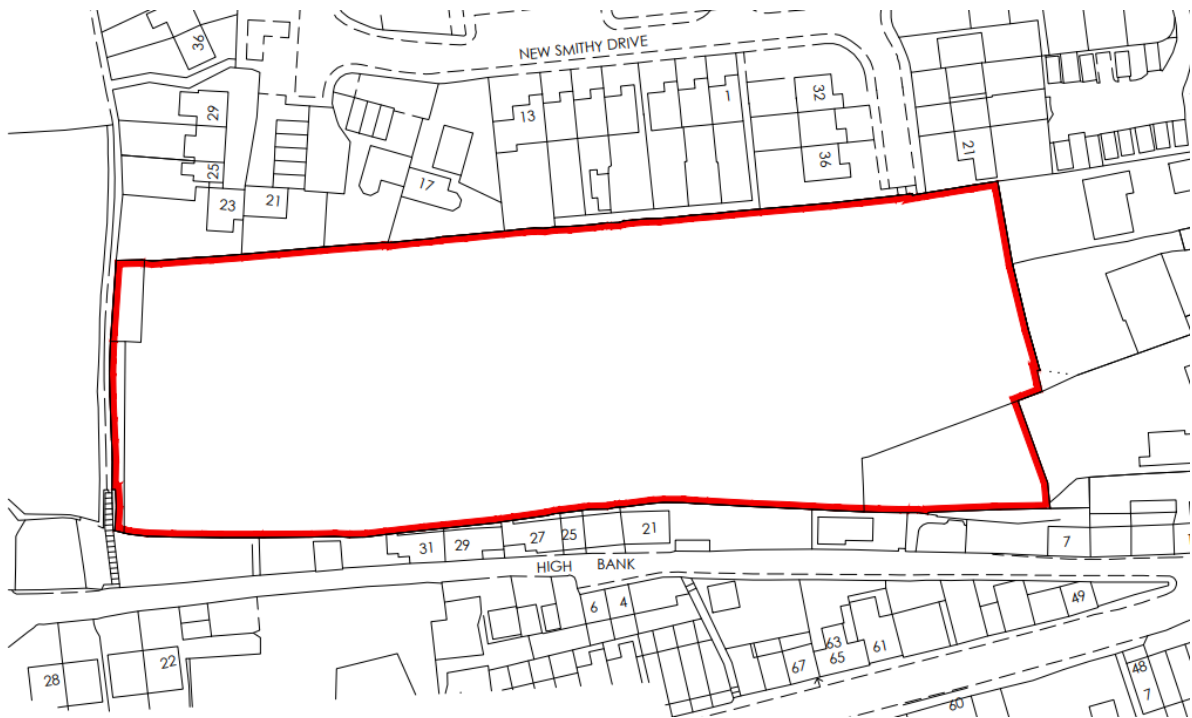
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# 1 Introduction

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1.1 This Reserved Matters Compliance Report is submitted on behalf of Newett Homes (“the Applicant”) and supports the submission of a Reserved Matters Application (“RMA”) for residential development at Land South of New Smithy Avenue, Thurlstone (“the Site”) (**Figure 1.1**).

Figure 1.1 – Location Plan



1.2 The Applicant is a Yorkshire-based and family-run business, which prides itself in delivering high quality development to meet the need of families and individuals.

1.3 The Site benefits from outline planning permission (ref 2017/0088) (“the consent”) which was granted at appeal and which established the principle of residential development on-site for 21 dwellings.

1.4 This RMA is submitted in pursuant to Condition 1 of the consent and the Council’s approval is sought for the following reserved matters:

- Layout;
- Scale;
- Appearance; and
- Landscaping.

1.5 This Report sets out the key issues that are material to the consideration of reserved matters and is structured as follows:

- **Section 2** sets out the planning background, including the Site description and the planning history;
- **Section 3** outlines the planning policy background;
- **Section 4** sets out the reserved matters for which approval is sought, pursuant to the extant outline planning permission;
- **Section 5** demonstrates the RMA's compliance with the consent; and
- **Section 6** concludes the Report.

## 2 Factual Background

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### Site Context

- 2.1 The Site is within the Village of Thurlstone, 2km west of Penistone and 12.8km west of Barnsley. Thurlstone and Penistone are linked by Manchester Road (A628) and by foot and bicycle via the Upper Don Trail.
- 2.2 A range of local services and amenities are located within a 5-10 minute walk, including takeaways, a bakery, park, two churches, and a pet care salon.
- 2.3 A pre-school and Thurlstone Primary school are located within 200m north and Penistone Grammar school is located 1.4km north east.
- 2.4 The Site is well-connected by public transport, with bus stops on Manchester Road providing links to Millhouse Green, Holmfirth, Crow Edge, Oxspring, Stocksbridge, Chapeltown, Thurgoland, Penistone and Barnsley. Penistone Train Station is located 1.9km east and links to Sheffield and Huddersfield.
- 2.5 Penistone Leisure Centre is located c. 825m east, within Penistone there are more services and amenities, including a community centre, Tesco Superstore and general / light industrial employment uses.
- 2.6 Through the Barnsley Local Plan's approach to development growth in Thurlstone, and the Site's recent planning history (see below), Thurlstone is in a suitable and sustainable location for residential development.

### Site Description

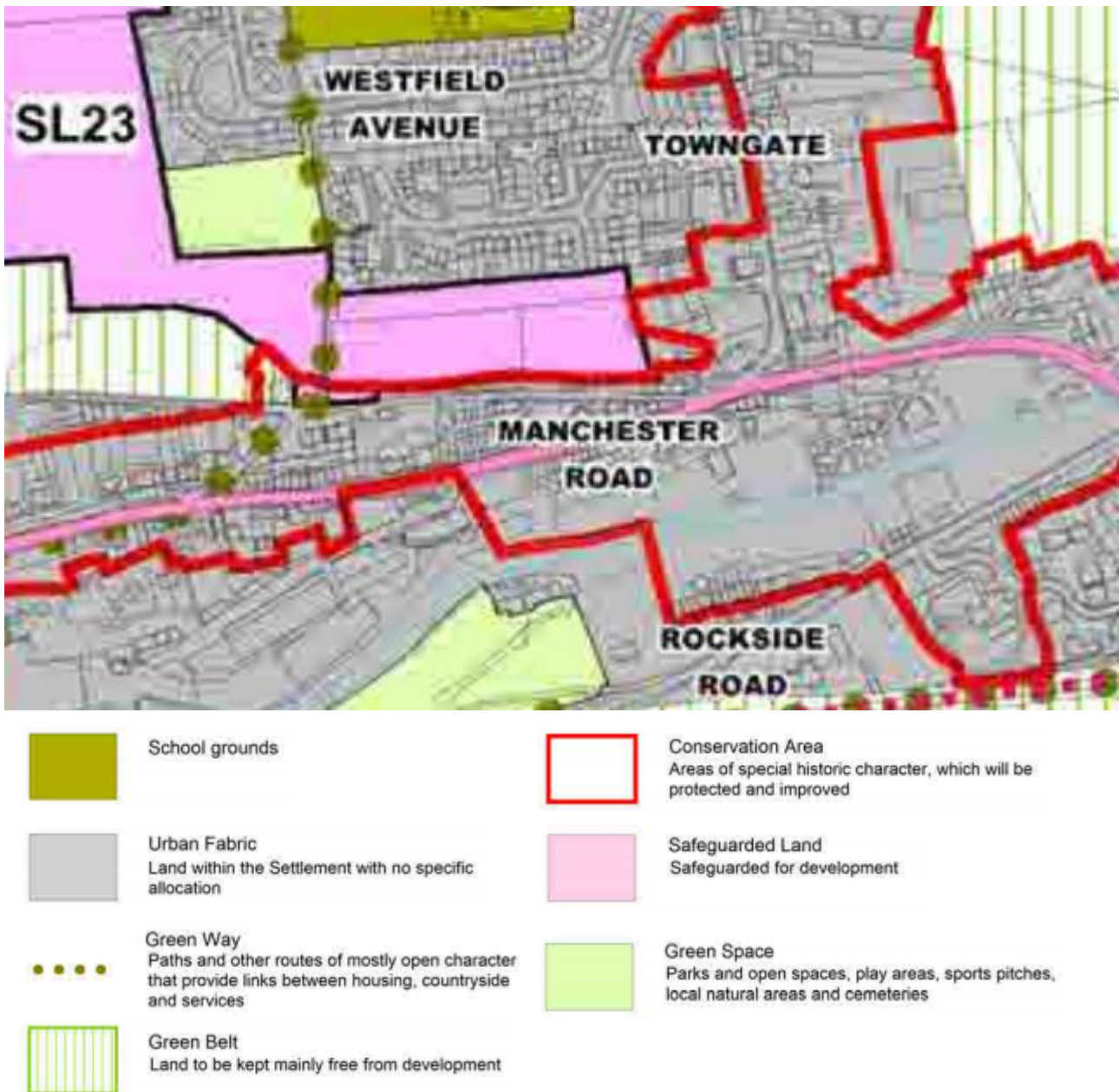
- 2.7 Adjacent to the north, east and south of the Site is residential development, creating a predominately residential character of terraced, semi-detached and detached dwellings and making the Site logical for infill development for residential uses.
- 2.8 The Site is Greenfield, with no active use. It slopes down towards its south-eastern corner. A retaining wall runs along its southern boundary, with residential development south (along High Bank) set circa 4m below the level of the Site.
- 2.9 The Site is boundary by small amounts of vegetation, and a Public Right of Way ("PRoW") runs along the west boundary, linking the settlement to a public open space (c. 100m north west).

### Designations

- 2.10 The Site is located in Flood Zone 1. It is not the subject of any statutory or non-statutory ecological designations, and nor are there any Tree Preservation Orders ("TPO's") at the Site.

2.11 An extract of the Policies Map which supports the Barnsley Local Plan is included at **Figure 1.2**.

Figure 1.2. Policy Map Extract



2.12 The Site is adjacent to the Thurlstone Conservation Area, but due to Site topography and the built development character, there is limited inter-visibility. There are a small number of Listed Buildings within Thurlstone, which are separated from the Site by development and will not be affected by the proposals.

2.13 The Site is identified as Safeguarded Land, comprising a small area (c. 1 ha) of a wider area (4.4ha). The intended purpose of Safeguarded Land relates to its longer-term development prospects.

2.14 Whilst generally treated as Green Belt in planning and policy terms, Safeguarded Land indicates a site's sustainability and general appropriateness for future development.

## Planning History

2.15 The Site benefits from an extant outline planning consent for up to 21 dwellings (ref 2017/0088). The outline consent was granted at appeal (ref APP/R4408/W/17/3188501) and confirms the principle of development on the Site for residential use.

2.16 The outline consent was not developer led, and so was pursued for sale and not laid out so as to ensure feasible delivery.

2.17 A reserved matters application for 21 dwellings (ref 2019/0690) was submitted alongside a full application for 9 dwellings in 2019 (ref 2019/0689).

2.18 These applications were both refused on two similar grounds:

- The breach of Conditions 4 and 12 on the Outline consent.
- The piecemeal approach to development, and failure to take the *“opportunities available for providing a comprehensive and quality layout utilising all the available area”*.

2.19 Prior to this, in January 2020, Officers recommended that the applications were approved by the Planning Committee. Planning Officers', in considering the scheme as a whole, determined that there were no policy or material reasons to refuse the application.

2.20 A full application for 36 dwellings (ref 2020/1221), later reduced to 32 during the course of the application, is pending determination at the Site.

## Summary

2.21 The Site is within a highly sustainable location, adjoining the village of Thurlstone. Development makes logical infill in the context of the surrounding building form.

2.22 Given the Site's recent planning history, the principle of residential development has been established through the granting of outline planning consent.

2.23 There are no statutory or policy designations, or other environmental site constraints that would preclude development from coming forwards.

## 3 Decision-Making Context

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- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 state that planning applications should be determined in accordance with the Development Plan (“DP”) unless material considerations indicate otherwise. The National Planning Policy Framework (“NPPF”) is one such material consideration.

### Adopted Development Plan

- 3.2 The adopted DP for comprises the Barnsley Local Plan (January 2019) (“BLP”), together with the Joint Waste Plan (2012) within which there are no relevant policies.
- 3.3 Despite the Site having outline consent for housing, it remains identified as part of a larger parcel of “Safeguarded Land” (ref: SL23), which includes additional fields to the Site’s west and north-western boundary.
- 3.4 Policy GB6 states that planning permission can be granted on safeguarded sites “*where the development will protect the open nature of the land and not affect the potential for future development of the site*”.
- 3.5 Policy GD1 states proposals will be approved if, they “*will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land*”.
- 3.6 Policy H1 makes provision for a *minimum* of 1,134 dwellings per annum during the period 2014 to 2033.
- 3.7 Policy LG2 identifies villages (including Thurlstone) as an appropriate location for some growth over the Plan Period.
- 3.8 Policy H6 notes that expected housing density in villages is 30 dwellings per hectare (net), the policy seeks justification for lower densities but does not control higher densities than expected.
- 3.9 Policy H7 requires 30% affordable housing provision in Penistone and the Rural West (where the Site is located).
- 3.10 In addition, several development management policies seeks to achieve high quality development, design and appropriate living conditions.

### National Planning Policy Framework

- 3.11 The NPPF was published in February 2019, and alongside Planning Practice Guidance (“PPG”), is a principle material consideration in the determination of applications.
- 3.12 Central to national policy is the “*presumption in favour of sustainable development*”. Which means, pursuing economic, social and environmental benefits in mutually supportive ways

(Paragraph 8), and approving development proposals that accord with an up-to-date development plan without delay (Paragraph 11).

- 3.13 The NPPF also seeks to “*significantly*” boost the supply of homes to meet identified needs, and achieve the Government’s target of delivering 300,000 homes per year (Paragraph 59).
- 3.14 On design, Paragraph 123 recognises that planning policies and decisions should “*avoid homes being built at low densities*” to ensure “*developments make optimum use of the potential of each site*”, and highlights good design as “*a key aspect of sustainable development*” (Paragraph 124).
- 3.15 In this respect, Paragraph 130 notes that design is not a valid reason for refusal where proposals accord with local policy expectations.

### Other Considerations

- 3.16 The Penistone Neighbourhood Development Plan (“PNDP”) was adopted in August 2019.
- 3.17 The PNDP reflects local and national policy’s objectives to deliver sustainable development of “good design” that offers diverse choice to local communities and benefits their wellbeing. PNDP Policy BE1 aims to achieve integrative and reflective building designs.
- 3.18 The South Yorkshire Residential Design Guide (“SYRDG”) published December 2010 and the Design of Housing Development Supplementary Planning Document (“DHD SPD”) adopted May 2019 set out detailed design standards to support local design policies and provide internal and external spacing standards that developments are expected to achieve.

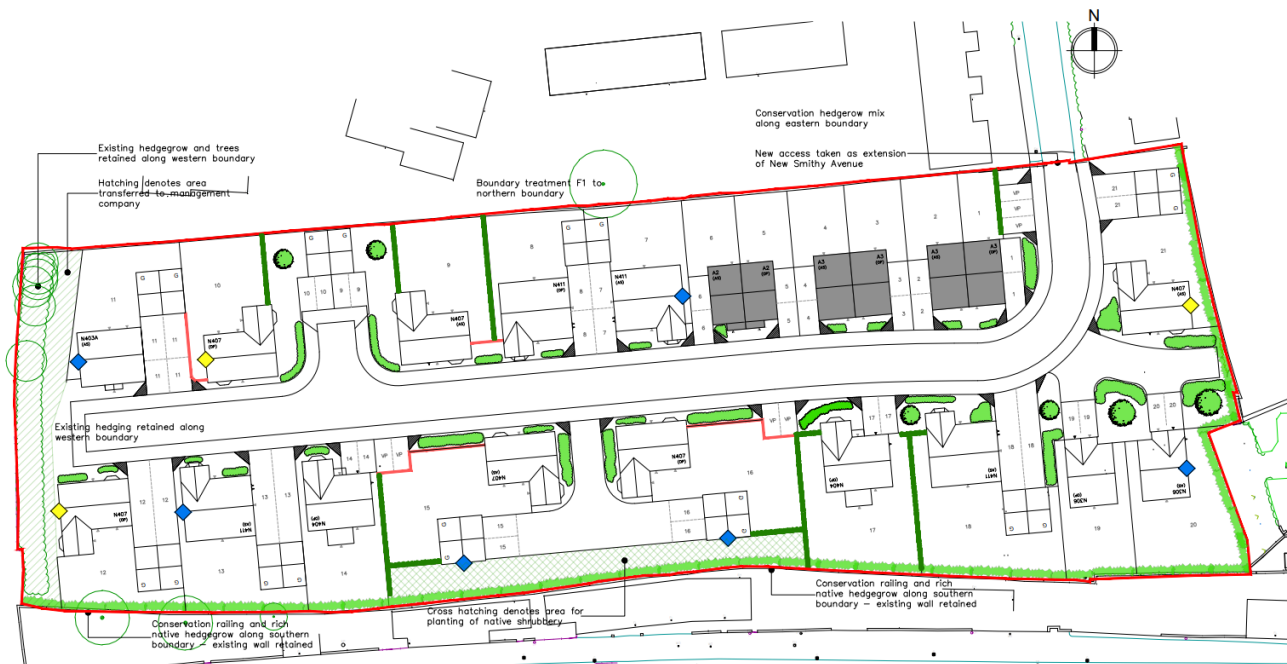
### Summary

- 3.19 The Site is within Thurlstone, a sustainable location suitable for residential growth.
- 3.20 Through the granting of an extant outline planning permission for residential development, the Site has been identified as appropriate to meet development needs within the Plan Period. The wider safeguarded land is retained to meet development needs beyond the Plan Period.
- 3.21 Local and national policies address the importance of achieving sustainable development and delivering development to meeting modern housing needs.
- 3.22 Policy emphasis is also placed on achieving “*good design*” and making appropriately efficient use of land.

# 4 Proposed Development

4.1 As identified in **Section 1**, this RMA seeks approval for residential development pursuant to the extant outline planning consent granted for the Site (**Figure 4.1**).

Figure 4.1 – Site Layout



4.2 In accordance with condition 12 of the consent, a total of 21 dwellings are proposed on site, all of which fully comply with Nationally Described Space Standards.

4.3 The proposals comprise a mix of 3 bed and 4 bed market dwellings, alongside 2 and 3 bed affordable units. The proposed mix is set out at **Table 4.1**.

Table 4.1 – Proposed Housing Mix

No of Bedrooms	Amount	Proportion
2 bed (affordable)	2	10%
3 bed (affordable)	4	19%
3 bed (market)	2	10%
4 bed (market)	13	61%

4.4 The environmental effects of a 21 unit scheme on the Site have previously been assessed through various technical reports and accepted through the granting of outline planning permission.

4.5 A Transport Statement and Tree Survey and Arboricultural Impact Assessment have been submitted as part of this RMA which confirms that the development sits within the parameters of the outline consent.

## 5 Reserved Matters Compliance

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5.1 The consent specifies several planning conditions which must be adhered to as part of any reserved matters submission:

- **Condition 1** – *“Details of the appearance, landscaping, layout, and scale, (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.”*
- **Condition 2** – *“Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.”*
- **Condition 7** – *“No development shall commence on the construction of the dwellings until a scheme to include a parking lay-by accommodating three parking spaces on New Smithy Avenue has been carried out in accordance with details that have previously been submitted to and approved in writing with the local planning authority. The scheme shall be based on the details shown on Paragon Highways drawing no. 1216 04 dated May 2017, submitted as part of the planning application.”*
- **Condition 10** - *“Any application for reserved matters shall include the recommendations and ecological enhancements suggested in sections 39-42 of the Preliminary Ecological Appraisal Brooks Ecological, October 2016). Thereafter the development shall proceed in accordance with the approved details”*
- **Condition 11** - *“The layout details submitted pursuant to Condition 1 shall make provision for an access road to the wider safeguarded land to the West (site -SAF21)”*
- **Condition 12** - *“The site shall be developed for a maximum of 21 dwellings”*
- **Condition 13** – *“Detailed Plans including the following information shall accompany the reserved matters submission and shall be approved in writing by the local planning authority: i) a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings; ii) full details of the proposed finished floor levels of all buildings and hard landscaped surfaces”*
- **Condition 16** - *“Pedestrian inter-visibility splays, having dimensions 2m x 2m shall be safeguarded at the drive entrance/exit”*

5.2 The reserved matters for which this RMA is concerned with relate to appearance, landscaping, layout and scale. Each of these reserved matters is discussed in turn below and demonstrates that the scheme accords with the principles established by the outline consents and embodied in the conditions above.

### Appearance

5.3 The scheme proposes 5 different house types ranging 2 bed semi-detached to 4 bed detached homes. The variation of housing sizes and types will add valuable interest in the street scene and provide an element of choice for future residents.

- 5.4 The homes are of a traditional design and will be built in a mix of traditional brickwork and roof tiles. They will incorporate attractive features such as bay windows, pitched roofs and front porches.
- 5.5 Surrounding built form comprises a combination of different types of housing. The proposed mixture of house types seeks to reflect the townscape of the wider local area, offering further choice for future residents of Thurlstone.
- 5.6 There will be no difference in terms of the techniques of construction or appearance between the open market units and the affordable units. The different types of unit will be externally indistinguishable from one another.
- 5.7 The proposals accord with BLP Policies D1.

### Layout and Scale

- 5.8 The proposed site layout has been informed by the illustrative plan which accompanied the outline application for the Site.
- 5.9 Dwellings will front onto the main internal estate road which will ensure a good level of natural surveillance throughout the scheme, contributing to a safe environment. Dwellings located on corner plots will be dual fronted, presenting animated features on two sides.
- 5.10 The scheme will deliver 21 homes across the entirety of the Site, achieving a density of 21 per hectare. This is a lower density than that set out within Policy H6 of the BLP for villages. The density is, however, appropriate to the character and surrounding area of the village. This density also accords with the cap on development as set out at Condition 10 of the outline permission.
- 5.11 The dwellings are generally two stories, except in the south-eastern corner of the Site (which have split levels due to the topography).
- 5.12 Pedestrian inter-visibility splays, having dimensions 2m x 2m, are provided at the drive entrance/exit, in accordance with Condition 16.
- 5.13 Plots provide rear gardens which allow for a minimum of 10m – 17m separation distances between new homes and existing dwellings on High Bank. The DHD SPD provides a starting point for back to back separation distances (21m) and allows for flexibility on a case by case basis. It is not realistic to achieve the 21m back to back separation distance in every case due to the shape of the site and its topography.
- 5.14 As established by the outline consent, the Sites have limited heritage sensitivity. It was the view of both the Council and Inspector that the proposed development would not affect the setting of the Conservation Area (Paragraph 44 of the Appeal decision).
- 5.15 Provision has been made for an access road to the parcel of safeguarded land to the west of the Site to be provided in the future, in accordance with Condition 11.

5.16 A parking layby accommodating three parking spaces on New Smithy Avenue will be provided in accordance with Condition 7.

## Landscape

5.17 As set out in the Appeal Decision (Paragraph 41), the Site would not afford the opportunity to accommodate a central public green space of sufficient size and has not therefore been provided. However, a financial contribution towards off-site open space is secured via the Section 106 Agreement which was completed at the time of the outline consent.

5.18 The existing hedgerow and trees along the western boundary of the Site are retained and new mixed hedgerows are proposed along the southern and eastern boundaries which enhances the Site's boundary treatments towards the Conservation Area and properties along High Bank.

5.19 Hedges are also proposed in front of new dwellings as well as between some plots to form boundary treatments.

5.20 These soft landscaping features are in accordance with the recommendations set in the Preliminary Ecological Appraisal (Condition 10 of the consent).

5.21 These landscaping features add aesthetic value to the street scene and make a positive contribution to the character of the area. Each dwelling is also afforded with private outdoor amenity space in the form of generous rear gardens.

5.22 The proposals are therefore in accordance with BLP Policies D1 and LC1 and the terms of the outline planning permission.

## Summary

5.23 The Applicant proposes a high-quality scheme which functions well and adds to the overall quality of the area, not just for the short term but for the lifetime of the development.

5.24 The design of the development has been the subject of a design refinement and has had regard to the principles (and conditions) fixed by the outline consent, as well as the character, appearance and amenity of the surrounding area.

5.25 A variety of house types and sizes are proposed which will be attractive to first time buyers and families, creating a mixed and balanced communities.

## 6 Conclusions

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- 6.1 This RMA has been made on behalf of Newett Homes in respect of proposed development of 21 dwellings at Land South of New Smithy Avenue, Thurlstone
- 6.2 The principle of residential development on the Site is established by way of the extant outline consent. The Site is included within the Council's 5 year housing supply and they are therefore reliant on it coming forward to meet housing need.
- 6.3 This Report has demonstrated that the scheme accords with the principles established by the outline consent and embodied in the conditions.
- 6.4 The development has had regard to the surrounding character of the area, which has resulted in a high-quality scheme which will integrate with the existing built form of Thurlstone.
- 6.5 The proposed development has significant planning merit and meets the three limbs of sustainable development as set out in Paragraph 7 of the NPPF.
- 6.6 The proposals accord with the relevant policies of the Development Plan and should therefore be approved without delay.



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