



# PLANNING STATEMENT

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## MULGRAVE DEVELOPMENTS LTD & REBECCA SCOTT

LAND OFF WATERMILL GARDENS, PENISTONE



An isometric illustration of a cityscape with various buildings, streets, and vehicles, rendered in a teal color scheme. The illustration is used as a background for the entire page.

# PLANNING STATEMENT

**On behalf of:** Mulgrave Developments Ltd & Rebecca Scott

**In respect of:** Land off Watermill Gardens, Penistone

**Date:** September 2023

**Reference:** 4718LE/R001.A

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# Contents

1.0	INTRODUCTION .....	4
2.0	SITE DESCRIPTION AND CONTEXT .....	6
3.0	PLANNING HISTORY .....	7
4.0	THE PROPOSED DEVELOPMENT .....	8
5.0	NATIONAL PLANNING POLICY CONTEXT .....	13
6.0	LOCAL PLANNING POLICY CONTEXT .....	17
7.0	PLANNING ASSESSMENT .....	26
8.0	PLANNING BALANCE.....	39

## List of Tables

Table 1 – Proposed Housing Mix .....	10
Table 2 – Summary of the Scenarios Listed in Table 7.1 of the 2021 SHMA .....	29
Table 3 – Proposed Housing Mix .....	30

## List of Figures

Figure 1 – Aerial Image of Site with approximate Red Line Boundary.....	6
Figure 2 – Housing Allocation HS70.....	7
Figure 3 – Proposed Site Layout .....	9
Figure 4 – Proposed Streetscene.....	10
Figure 5 – Extract of Policies Map showing Site Allocation HS70 .....	17
Figure 6 – Component part of the Site .....	27

## 1.0 Introduction

1.1 This Planning Statement (the 'Statement') has been prepared by DPP on behalf of Mulgrave Developments Ltd & Rebecca Scott (the 'Applicants') to assist Barnsley Council (the 'Council') in their consideration of a full planning application which seeks permission for the erection of 17 dwellings with associated parking, drainage and landscaping (the 'Proposed Development') on land off Watermill Gardens, Penistone (the 'Site').

1.2 The Statement takes the following structure:

- Chapter 2: Site Description and Context
- Chapter 3: Planning History
- Chapter 4: The Proposed Development
- Chapter 5: National Planning Policy Context
- Chapter 6: Local Planning Policy Context
- Chapter 7: Planning Assessment
- Chapter 8: Planning Balance

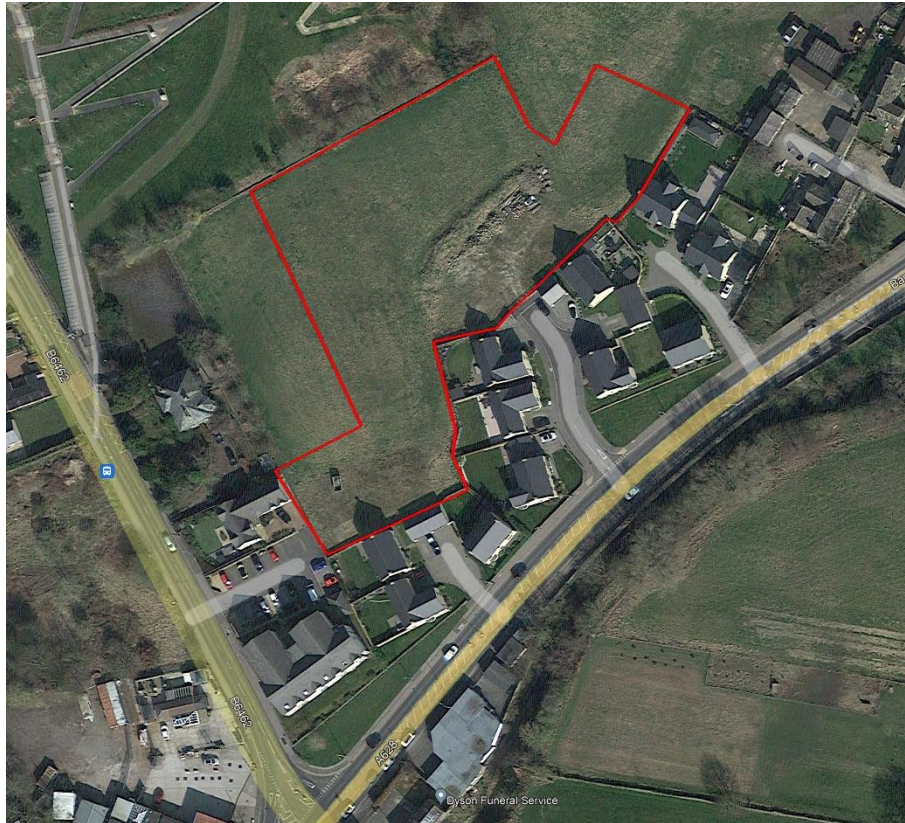
1.3 The Statement should be read alongside the following plans and documents:

Plan / Document	Architect / Author	Reference
Proposed Location Plan	PRA Architecture	1286.01
Proposed Site Layout	PRA Architecture	1286.04 Rev. 0
Proposed Streetscenes	PRA Architecture	1286.06
H4 - Floor Plans	PRA Architecture	1286.10
H4 - Elevations	PRA Architecture	1286.11
Newton - Floor Plans	PRA Architecture	1286.12
Newton - Elevations	PRA Architecture	1286.13
Farnham - Floor Plans	PRA Architecture	1286.14
Farnham - Elevations	PRA Architecture	1286.15
Chatsworth - Floor Plans	PRA Architecture	1286.16
Chatsworth - Elevations	PRA Architecture	1286.17
Brompton - Floor Plans	PRA Architecture	1286.18
Brompton - Elevations	PRA Architecture	1286.19
Kirby - Floor Plans	PRA Architecture	1286.20
Kirby - Elevations	PRA Architecture	1286.21
Single Garage – Floor Plans &	PRA Architecture	1286.30

Plan / Document	Architect / Author	Reference
Elevations		
Double Garage – Floor Plans & Elevations	PRA Architecture	1286.31
Enclosure 01 - 1.2m Metal Railings	PRA Architecture	1286.40
Enclosure 02 - 1.8m Close Boarded Fence	PRA Architecture	1286.41
Enclosure 03 - 1.2m Post and Rail Fence	PRA Architecture	1286.42
Enclosure 03 - 1.8m Stone Wall	PRA Architecture	1286.43
Design & Access Statement	PRA Architecture	
Statement of Community Involvement	DPP	4718LE/R002.A
Detailed Landscape Proposals	Rosetta Landscape Design	4015/1
Preliminary Ecological Appraisal	RDF Ecology	
BNG Metric Version 4.0	RDF Ecology	Rev. A
Flood Risk and Drainage Assessment	Alan Wood & Partners	47480-Rp001-Rev. B
Drainage Technical Note	Alan Wood & Partners	47480-Rp002-Rev. A
Phase I Geo-Environmental Assessment Report	Alan Wood & Partners	47495-Rp-001
Phase II Geo-Environmental Assessment	Alan Wood & Partners	47495-Rp-002 Rev. A
Archaeological geophysical survey	Phase Site Investigations Ltd	ARC/3576/1341
Archaeology and Heritage Desk-Based Assessment	MAP Archaeological Practice	MAP 5.22.23 VC-05.09.23
Written Scheme of Investigation-Archaeological Evaluation by Trial Trenching	MAP Archaeological Practice	MAP 5.22.23 VA-15.08.23
Transport Note	Local Transport Projects Ltd	LTP/23/5316 Issue 1.A
Topographical Survey	LSTC Group	06_220693_01 Rev. A
Combined Arboricultural Impact Assessment	Tree Survey Solutions	22037
Tree Impact Plan	Tree Survey Solutions	22037 002
Financial Viability Assessment – Executive Summary	Cushman & Wakefield	
Financial Viability Assessment	Cushman & Wakefield	August 29 <sup>th</sup> 2023

## 2.0 Site Description and Context

- 2.1 The Site has an approximate area of 0.74ha. and is located within the market town of Penistone and to north of the A628 Barnsley Road. An outline aerial image of the Site is provided in **Figure 1** below:



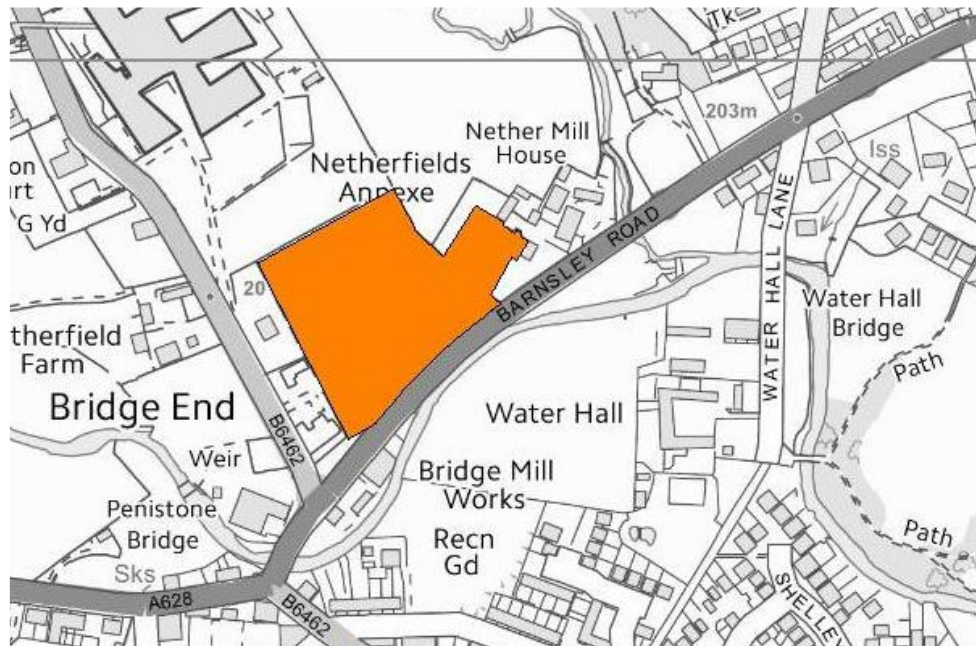
*Figure 1 – Aerial Image of Site with approximate Red Line Boundary*

- 2.2 To the south of the Site lies several cul-de-sacs of modern residential development which includes 11 family dwellings that are within the wider allocation ('HS70') within which the Site lies (discussed below in more detail). To the north of the Site is Penistone Grammar school, whilst to the east the boundary comprises partly of residential development and partly of open countryside. To the west, the Site is bounded by a dwelling and its curtilage.
- 2.3 The nearest bus stop is located on Barnsley Road, approximately 100m from the Site and provides regular services to Barnsley, Dodworth, Silkstone, Denby Dale, Holmfirth, Cawthorne and Sheffield. Penistone Railway station is located approximately 1km southwest of the Site and provides hourly services to Barnsley, Huddersfield, Denby Dale and Sheffield.

## 3.0 Planning History

### HS70

- 3.1 The Site forms part of the HS70 site which is a housing allocation within the Barnsley Local Plan (the 'Local Plan') and is shown below in **Figure 2**.



*Figure 2 – Housing Allocation HS70*

### Application Number 2015/1367

- 3.2 Under planning reference 2015/1637, an application was submitted on the 16<sup>th</sup> of November 2015 for the “*Demolition of existing buildings and erection of 11no. detached dwellinghouses, access, landscaping, drainage and associated works*”. This application related to the area immediately south of the Site and within allocation HS70.
- 3.3 That application was approved on the 27<sup>th</sup> of June 2016 and was also accompanied by an application for listed building consent under reference 2015/1427 which was also approved alongside the abovementioned application. The scheme has since been built out and completed.

## 4.0 The Proposed Development

### Introduction

4.1 This chapter of the Statement should be read alongside the accompanying drawings and Design and Access Statement submitted with the application. We will discuss the Proposed Development under the following headings:

- Overview
- Layout
- Use
- Amount
- House Types
- Scale
- Landscaping
- Appearance
- Access
- Car Parking
- Summary

### Overview

4.2 The proposals consist of the erection of 17 dwellings with associated parking, drainage and landscaping.

### Layout

4.3 As indicated in **Figure 3** below, the Site will be accessed via Watermill Gardens and Kings Court. The Proposed Development will serve as an extension to the developments on both these streets. As such, the proposals do not feature frontage onto the main roads and will follow the principles of the existing estate roads.

4.4 The layout will additionally feature an area of Public Open Space (measuring 790 sqm.) to the east of the Site.



*Figure 3 – Proposed Site Layout*

### Use

- 4.5 The planning application proposes to develop the Site for residential purposes.

### Amount

- 4.6 The Proposed Development seeks a total of 17 dwellings, each of which will have its own designated rear garden and car parking.

### House Types

- 4.7 The proposed Housing Mix is outlined is set out in **Table 1** below.

*Table 1 – Proposed Housing Mix*

House Type	Quantity	Percentage
2-bed	4	23.5%
3-bed	7	41.2%
4-bed	4	23.5%
6-bed	2	11.8%
<b>Total:</b>	<b>17</b>	<b>100%</b>

4.8 There will be six house types in total as set out below:

- H4 – 2-bed semi-detached 2 storey house.
- Newton – 3-bed detached 2 storey house.
- Farnham – 4-bed detached 2 storey house.
- Chatsworth – 4-bed detached 2 storey house.
- Brompton – 3-bed detached 2 storey house.
- Kirby – 6-bed detached 2 storey house.

### Scale

4.9 Consistent in scale with properties within the surrounding area, the Proposed Development comprises 2 storey dwellings, the majority of which are to be detached house types (as indicated by **Figure 4** below).

*Figure 4 – Proposed Streetscene*

### Landscaping

- 4.10 The proposals will incorporate landscaping to enhance the appearance of the Site. The Proposed Development will retain the existing mature tree line (and low stone wall) along the northern boundary of the Site (which borders the grammar school).
- 4.11 The Proposed Development will feature front and rear gardens for all but plots 14-17 which have frontage parking. These areas will help soften the street scene. Every property will, however, have its own private rear garden area. This is considered to reflect the existing housing and built form in the area.

- 4.12 Sensitive landscaping and the careful choice of boundary treatments across the Site will delineate the public from the private realm which will ensure that public and private spaces are clearly defined in order to minimise the possibility of crime and antisocial behaviour going unchallenged.

### Appearance

- 4.13 The Proposed Development will be of a simple and high-quality design which will be in keeping with the surrounding area.
- 4.14 The design approach to the dwellings is to complement the architectural style and detail of the adjacent development immediately to the south and west to achieve visual cohesion. The local vernacular predominantly comprises of light-coloured stone and brick, with occasional render and wood cladding detailing. The proposed external appearance will be treated to match both the local vernacular and the materials utilised within surrounding developments.
- 4.15 Roof finishes are also proposed to reflect the local vernacular. The use of high-quality coloured concrete tiles will be used throughout the development, and this will help to form a visual link between the differing house types and tie the scheme to the neighbouring developments.
- 4.16 Rainwater goods, fascias, soffits, and barge boards will be black, in keeping with the surrounding developments.

### Access

- 4.17 Vehicular access is proposed to be provided for the majority of dwellings via the recent housing development on Watermill Gardens to the south of the Site.
- 4.18 Access to plots 14-17 will be provided via Kings Court (off Huddersfield Road) to the west of the Site.

### Car Parking

- 4.19 The Proposed Development achieves a minimum of two spaces per dwelling and the proposed parking solutions consist of:
- A parking court to serve plots 14-17
  - Driveways with setback and detached garages for the remaining plots.
- 4.20 Parking courts provide a secure solution within residential layouts and ensure that the cars sit in front of or adjacent to the properties they serve, allowing for easy access and having the benefit of high levels of natural surveillance.
- 4.21 Visitor parking can be facilitated within the development through parking on the internal roads, both those private and to be adopted.

### Boundary Treatments

- 4.22 Regarding natural features, the northern boundary consists of a low stone wall and mature tree line, both of which are to be retained alongside a new 1.8m high close-boarded timber fence. The new fence will provide screening and privacy for both the school and future residents. Additional boundary treatments across the Site include 0.6m high artificial stone walls (with 1.8m piers and fence panels) surrounding certain rear gardens, 1.8m high timber fences to internal boundaries, and soft planting to front boundaries. All of these are already present in the area.

### Summary

- 4.23 This chapter of the Statement has been prepared to demonstrate how the Proposed Development has been developed, having regard to the design parameters set by the characteristics of the Site and its surroundings.

## 5.0 National Planning Policy Context

### National Planning Policy Framework (September 2023) (the ‘Framework’)

#### Introduction

- 5.1 The Framework was published in September 2023 and supersedes all previous versions of national planning policy guidance documents. The Framework sets out the government's requirements and objectives for the planning system in England, in order to ensure that decision making is positive, sustainable and provides for necessary development in the right areas.
- 5.2 Paragraph 2 confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. It also confirms that the Framework must be taken into account in preparing the development plans and is a material consideration in planning decisions.

#### The Presumption in Favour of Sustainable Development

- 5.3 The NPPF seeks to ensure that a positive framework for decision making is implemented, with the core principle of the framework being the presumption in favour of development. Sustainable development provides economic benefits to the country (by contributing to a strong responsive and competitive economy), social benefits (through supporting vibrant and healthy communities) and an environmental role (by protecting and enhancing our natural, built and historic environment).

- 5.4 Paragraph 10 of the Framework goes onto state that:

*“So that sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development”.*

- 5.5 As set out at paragraph 11, with regard to decision taking, this means:

*“Approving development proposals that accord with an up-to-date development plan without delay; or*

*Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:*

*i. The application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.”*

## **Maintaining Supply and Delivery of Housing**

- 5.6 Within Section 5 of the Framework, which is entitled ‘delivering a sufficient supply of homes’, Paragraph 60 confirms that:

*“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*

- 5.7 Paragraph 69 indicates that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

- 5.8 Referring to rural housing, Paragraph 79 states that:

*“Housing should be located where it will enhance or maintain the vitality of rural communities.”*

And that:

*“Where there are groups of smaller settlements, development in one village may support services in a village nearby.”*

## **Promoting Sustainable Transport**

- 5.9 Paragraph 110 sets out the criteria for assessing development proposals, prioritising the provision of opportunities for travel by sustainable transport modes, ensuring safe and suitable access for all users, and ensuring there are no significant unmitigated impacts on highways.
- 5.10 Paragraph 111 confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

## **Making Effective Use of Land**

- 5.11 Paragraph 119 states that:

*“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”*

## **Achieving well-designed places**

- 5.12 Paragraph 126 indicates that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 5.13 Paragraph 130 confirms that planning policies and decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

### **Meeting the Challenge of Climate Change, Flooding and Coastal Change**

- 5.14 Paragraph 167 notes that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Paragraph 169 sets out that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

### **Conserving and Enhancing the Natural Environment**

- 5.15 Paragraph 174 states that:

*“Decisions should contribute to and enhance the natural local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

## **Conserving and Enhancing the Historic Environment**

5.16 Paragraph 189 indicates that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected when determining planning applications.

5.17 Paragraph 197 states that:

*“In determining applications, local planning authorities should take account of:*

*(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*(c) the desirability of new development making a positive contribution to local character and distinctiveness.”*

## 6.0 Local Planning Policy Context

### Development Plan – Barnsley Local Plan (the ‘Local Plan’)

- 6.1 The Development Plan for Barnsley currently comprises the Barnsley Local Plan (the ‘Local Plan’), adopted in January 2019, and its associated Policies Map. The plan provides site allocations and development management policies in a comprehensive policy document. It is relatively up-to-date and hence should be afforded significant weight.
- 6.2 The Site forms part of a large parcel of land allocated for housing under **Site HS70** referred to as ‘Land north of Barnsley Road’. The allocation is shown in the extract of the policies map in **Figure 5** below:



*Figure 5 – Extract of Policies Map showing Site Allocation HS70*

- 6.3 **Site HS70** - Part of the HS70 allocation has planning permission for 11 dwellings and the remainder of the allocation has an indicative number of 32 dwellings. The allocation states that any development will be expected to:
- Respect the setting of the listed complex of buildings at Nether Mill 60m to the west by the use of appropriate site layout, sympathetic design that reflects the setting, scaling, massing, details and materials; and
  - Avoid locating built development in parts of the site within flood zone 2 and 3.
  - Be accompanied by an appropriate archaeological assessment (including field evaluation if necessary) that must include the following:
    - Information identifying the likely location and extent of the remains, and the nature of the remains;
    - An assessment of the significance of the remains;

- Consideration of how the remains would be affected by the proposed development.
- 6.4 **Policy SD1: Presumption in favour of Sustainable Development** sets out that decisions will reflect the presumption in favour of sustainable development in line with the Framework and secure development that improved economic, social and environmental conditions within the area.
- 6.5 **Policy GD1: General Development** provides general development management requirements for new development, including avoiding amenity impacts on existing and future neighbouring residents, providing high-quality landscaping, and providing suitable access and transport arrangements, amongst others.
- 6.6 **Policy LG2: The Location of Growth** sets out that priority will be given to development in the following locations: Urban Barnsley; Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (which includes Thurnscoe and Bolton on Dearne), Penistone and Royston; and Villages. The policy indicates that Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town, and the Principal Towns will be expected to accommodate significantly more growth than the villages, to accord with their place in the settlement hierarchy.
- 6.7 **Policy H1: The Number of Homes to be Built** sets out that Council will seek to achieve the completion of at least 21,546 net additional homes during the period 2014 to 2033. A minimum five-year supply of deliverable sites will be maintained.
- 6.8 **Policy H2: The Distribution of New Homes** sets out that the approximate distribution of new homes for the period 2014 to 2033 will be as follows:

Settlement	Number of Homes	Planning Permissions	Total	% of Overall Supply <sup>1</sup>
Urban Barnsley	5812	3258	9070	43
Cudworth	1088	215	1303	6
Dearne	1969	922	2891	14
Hoyland	2263	304	2567	12
Penistone	637	366	1003	5
Royston	886	416	1302	6
Wombwell	1370	699	2069	10
Other	211	590	801	4
<b>Total</b>	<b>14236</b>	<b>6770</b>	<b>21006</b>	<b>100</b>

<sup>1</sup>Includes 4295 dwellings proposed as part of mixed-use sites. A further 200 dwellings in the villages and 566 dwellings across the Borough will be added to the overall total supply as a windfall allowance. The methodology for calculating this allowance is set out in the 5-year supply note.

- 6.9 **Policy H6: Housing Mix and Efficient Use of Land** sets out that housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced

communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs. The policy indicates that a density of 40 dwellings per hectare net will be expected in Urban Barnsley and Principal Towns and 30 dwellings per hectare net in the villages. The policy goes on to indicate that lower densities will be supported where it can be demonstrated that they are necessary for character and appearance, need, viability or sustainable design reasons.

- 6.10 **Policy H7: Affordable Housing** sets out that housing developments of 15 or more dwellings will be expected to provide affordable housing. The policy indicates that 30% affordable housing will be expected in Penistone and Dodworth and Rural West, 20% in Darton and Barugh; 10% in Bolton, Goldthorpe, Thurnscoe, Hoyland, Wombwell, Darfield, North Barnsley and Royston, South Barnsley and Worsbrough and Rural East. The policy indicates that these percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable. The developer must show that arrangements have been put in place to keep the new homes affordable.
- 6.11 **Policy T3: New Development and Sustainable Travel** sets out that new development will be expected to be:
- located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists;
  - Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document;
  - Provide a transport statement or assessment in line with guidance set out in the National Planning Policy Framework and guidance including where appropriate regard for cross boundary local authority impacts; and
  - Provide a travel plan statement or a travel plan in accordance with guidance set out in the National Planning Policy Framework including where appropriate regard for cross boundary local authority impacts. Travel plans will be secured through a planning obligation or a planning condition. Where levels of accessibility through public transport, cycling and walking are unacceptable, we will expect developers to take action or make financial contributions in accordance with policy I1.

The policy goes on to indicate that if it is not possible or appropriate for the minimum amount of parking for cycles, motorbikes, scooters and mopeds to be met on site, the developer must provide, or contribute towards, off-site parking, or improve or provide other forms of travel.

- 6.12 **Policy T4: New development and Transport Safety** sets out the expectation of new development ensuring to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.
- 6.13 **Policy T5: Reducing the Impact of Road Travel** sets out that the impact of road travel will be reduced by; developing and implementing robust, evidence based air quality action plans to improve air quality; working with our sub regional partners, fleet and freight operators to

improve the efficiency of vehicles and goods delivery, and reduce exhaust emissions; and Implementing measures to ensure the current road system is used efficiently.

- 6.14 **Policy D1** indicates that development is expected to be of high-quality design and respect, whilst taking advantage of and reinforce the distinctive local character and features of Barnsley.
- 6.15 **Policy LC1** refers directly to Landscape Character Areas, setting out that development will be expected to retain and enhance the character and distinctiveness of the individuals landscape character area in which it is located, as set out in the Landscape Character Assessment of Barnsley Borough 2002.
- 6.16 **Policy HE1** sets out that development will be encouraged where they will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment, especially for those assets that are at risk. This will be achieved by:
- a) Supporting proposals which conserve and enhance the significance and setting of the borough's heritage assets, paying particular attention to those elements which contribute most to the borough's distinctive character and sense of place.
  - b) By ensuring that proposals affecting a designated heritage asset (or an archaeological site of national importance such as a Scheduled Ancient Monument) conserve those elements which contribute to its significance. Harm to such elements will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a designated heritage asset (or an archaeological site of national importance) will be permitted only in exceptional circumstances where there is a clearly defined public benefit.
  - c) By supporting proposals that would preserve or enhance the character or appearance of a conservation area. There are 18 conservation areas in the borough and each is designated for its particular built and historic significance. This significance is derived from the group value of its constituent buildings, locally prevalent styles of architecture, historic street layouts and its individual setting which frequently includes views and vistas both into and out of the area. Particular attention will be given to those elements which have been identified in a Conservation Area Appraisal as making a positive contribution to its significance.
  - d) By ensuring that proposals affecting an archaeological site of less than national importance or sites with no statutory protection conserve those elements which contribute to its significance in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution.
  - e) By supporting proposals which conserve Barnsley's non-designated heritage assets. We will ensure that developments which would harm or undermine the significance of such assets, or their contribution to the character of a place will only be permitted where the benefits of the development would outweigh the harm.
  - f) By supporting proposals which will help to secure a sustainable future for Barnsley's heritage assets, especially those identified as being at greatest risk of loss or decay.

- 6.17 **Policy HE2: Heritage Statements and general application procedures** sets out that proposals that are likely to affect known heritage assets or sites where it comes to light there is potential for the discovery of unrecorded heritage assets will be expected to include a description of the heritage significance of the site and its setting. The policy goes onto indicates that this description will need to include an appropriate but proportionate level of detail that allows an understanding of the significance of the asset but no more than is necessary to understand the impact of the proposal. The policy indicates that for sites with significant archaeological potential, a desk based assessment may be required in line with the provisions of Policy HE6.
- 6.18 **Policy HE3: Developments affecting Historic Buildings** sets out that proposals involving additions or alterations to listed buildings or buildings of evident historic significance such as locally listed buildings (or their setting) should seek to conserve and where appropriate enhance that building's significance. In such circumstances the policy indicates that proposals will be expected to respect historic precedents of scale, form, massing, architectural detail and the use of appropriate materials that contribute to the special interest of a building and capitalise on opportunities to better reveal the significance of a building where elements exist that detract from its special interest.
- 6.19 **Policy HE6: Archaeology** sets out that applications for development on sites where archaeological remains may be present must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following: information identifying the likely location and extent of the remains, and the nature of the remains; an assessment of the significance of the remains; and consideration of how the remains would be affected by the proposed development.
- 6.20 **Policy GI1: Green Infrastructure** sets out that the Council will seek to protect, maintain, enhance and create an integrated network of connected and multi functional Green Infrastructure assets that: provides attractive environments where people want to live, work, learn, play, visit and invest; meets the environmental, social and economic needs of communities across the borough and the wider City Regions; enhances the quality of life for present and future residents and visitors; helps to meet the challenge of climate change; enhances biodiversity and landscape character; Improves opportunities for recreation and tourism; respects local distinctiveness and historical and cultural heritage; maximises potential economic and social benefits; and secures and improves linkages between green and blue spaces.
- 6.21 **Policy GS1: Green Space** indicates that the Council will work with partners to improve existing green space to meet the standards in our Green Space Strategy. The policy goes onto indicate that Green Spaces are green open areas which are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments, woodlands, recreation grounds, sports pitches and parks. The policy indicates that in cases where it is deemed unsuitable to make provision for open space within or adjacent to a development site, suitable off-site open space facilities may be acceptable either as new facilities or improvements to those existing. Where appropriate new green space should secure access to adjacent areas of countryside.

6.22 **Policy BIO1: Biodiversity and Geodiversity** relates to the expectation of development to both conserve and enhance the biodiversity and geological features of the borough through the following:

- Maximising biodiversity and geodiversity opportunities in and around new development;
- Conserving and enhancing the form, local character and distinctiveness of the boroughs natural assets.
- Proposals will be expected to have followed the national mitigation hierarchy (avoid, mitigate, compensate) which is used to evaluate the impacts of a development on biodiversity.

6.23 **Policy CC1: Climate Change** provides general support for interventions which would reduce the impacts of climate change, and **Policy CC2: Sustainable Design and Construction** indicates that all development will be expected to minimise resource and energy consumption through the inclusion of sustainable design and construction features, where this is technically feasible and viable.

6.24 **Policy CC3: Flood Risk** sets out that the extent and impact of flooding will be reduced by:

Not permitting new development where it would be at an unacceptable risk of flooding from any sources of flooding, or would give rise to flooding elsewhere;

*“Ensuring that in the Functional Floodplain (Flood Zone 3b), only water compatible development or essential infrastructure (subject to the flood risk exception test) will be allowed.*

*In either case it must be demonstrated that there would not be a harmful effect on the ability of this land to store floodwater;*

*Requiring developers with proposals in Flood Zones 2 and 3 to provide evidence of the sequential test and exception test where appropriate;*

*Requiring site-specific Flood Risk Assessments (FRAs) for proposals over 1 hectare in Flood Zone 1 and all proposals in Flood Zones 2 and 3;*

*Expecting proposals over 1000 m<sup>2</sup> floor space or 0.4 hectares in Flood Zone 1 to demonstrate how the proposal will make a positive contribution to reducing or managing flood risk;*

*and Expecting all development proposals on brownfield sites to reduce surface water run-off by at least 30% and development on greenfield sites to maintain or reduce existing run-off rates requiring development proposals to use Sustainable Drainage Systems (SuDS) in accordance with policy CC4; and*

*Using flood resilient design in areas of high flood risk.”*

6.25 **Policy CC4: Sustainable Drainage Systems (SuDS)** sets out that all major developments will be expected to use Sustainable Drainage Systems (SuDS) to manage surface water drainage, unless it can be demonstrated that all types of SuDS are inappropriate.

- 6.26 **Policy RE1: Low Carbon and Renewable Energy** sets out that all development will be expected to seek to incorporate initially appropriate design measures and therefore decentralised, renewable or low carbon energy sources in order to reduce carbon dioxide emissions. The policy indicates that in addition, schemes should at least achieve the appropriate carbon compliance targets as defined in the Building Regulations.
- 6.27 **Policy CL1: Contaminated and Unstable Land** indicates that where contamination or stability issues would impact upon a proposed development, satisfactory investigation should be undertaken to identify any issues and identify measures to remove, treat or otherwise mitigate any contamination or stability issues. It confirms that measures such as remediation can be controlled by planning condition.
- 6.28 **Policy Poll1: Pollution Control and Protection** sets out that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. The policy confirms that the Council will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against. The policy indicates that developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.
- 6.29 **Policy I1: Infrastructure** sets out that development must be supported by appropriate physical, social, economic and communications infrastructure, including provision for broadband. The policy indicates that development must contribute as necessary to meet all on and off site infrastructure requirements to enable development to take place satisfactorily but where the necessary provision is not made directly by the developer, contributions will be secured through planning obligations.

#### **Penistone Neighbourhood Plan (August 2019) (the 'Neighbourhood Plan')**

- 6.30 The Neighbourhood Plan was adopted in August 2019 and the following policies are considered relevant to the Proposed Development:
- 6.31 **Policy BE1: Design of the Built Environment** sets out that new housing development should be reflective of local architecture and in keeping with the surrounding area.
- 6.32 **Policy H1: Appropriate Housing Development** indicates that for schemes of 10 or more dwellings, an appropriate mix of bungalows, starter homes and smaller homes should be provided.

## Relevant Supplementary Planning Documents (SPDs)

### Design of Housing Development (2019)

- 6.33 This SPD was adopted in May 2019 and provides advice to developers surrounding the design of residential proposals upon which primarily supplements Local Plan policy D1 (High Quality Design and Place Making).

### Trees and Hedgerows (2019)

- 6.34 This SPD sets out guidance for how developers should deal with Trees and Hedgerows in proposals. In relation to the layout of development, it sets out that Tree Surveys information should inform the layout and design of the development and should ensure that, in particular, the higher retention category trees and hedgerows are retained, both in the short and long term. The SPD goes on to indicate that plans which show the retention of high value trees or hedgerows which are too close to buildings, roads, or drainage systems or will be affected by alterations in ground level will not be approved. The SPD indicates that generally, no buildings or works will be allowed within the RPA of any tree which it is proposed to retain because works within the key rooting area of the tree could lead to lasting damage being caused and the laying of impervious surfaces to areas previously covered with grass or gravel within or in close proximity to the RPA can lead to lack of water for trees. The SPD also indicates that intervening distances must be adequate to ensure that future residents will not feel unduly threatened in high winds and to ensure that falling branches are not likely to cause damage to property or danger to residents.

### Open Space Provision on new Housing Developments (2019)

- 6.35 Adopted in May 2019, this SPD provides thresholds for open space provision expected on housing developments. The SPD supplements policy I1 of the Local Plan and indicates that a minimum of 15% of the gross site area of new housing developments of 20 dwellings or more must be open space of a type appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses.

### Financial Contributions for Schools (2019)

- 6.36 Adopted in May 2019, this SPD advises on the requirements for financial contributions towards the provision of school places. It also seeks contributions towards improving the condition of schools where appropriate.

### Affordable Housing (2022)

- 6.37 Adopted in July 2022, this SPD supplements Local Plan policy H7 and sets out that housing developments of 15 or more dwellings will be expected to provide affordable housing. In Penistone, 30% affordable housing will be expected. These percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable.

### **Heritage Impact Statements (2019)**

- 6.38 Adopted in May 2019, this SPD offers guidance to landowners, architects, agents and builders on how to produce a heritage impact assessment or HIA. HIA's are commonly required in support of any application affecting a heritage asset such as a listed building, conservation area, scheduled monument or significant archaeology. The SPD supplements policy HE2 of the Local Plan and provides further information as to what is necessary within the Heritage Impact Statement to accompany the planning submission.

### **Biodiversity and Geodiversity (2019)**

- 6.39 Adopted in May 2019, this SPD sets out how Local Plan policy BIO1 and GI1 on green infrastructure will be applied. It also provides further specific detail about the Dearne Valley Nature Improvement Area.

### **Planning Obligations (2019)**

- 6.40 This SPD was adopted in November 2019 and supplements Policy I1 of the Local Plan which sets out that where the necessary provision is not made directly by the developer, contributions will be secured through planning obligations. The SPD indicates that where appropriate, pooled contributions will be used to facilitate delivery of the necessary infrastructure.

### **Sustainable Travel (2022)**

- 6.41 Adopted in July 2022, this SPD primarily supplements Local Plan policies T1 Accessibility Priorities, T3 New Development and Sustainable Travel and I1 Infrastructure and Planning Obligations. The objective of this SPD is to ensure that the accessibility of new development via public transport, walking and cycling is acceptable in order to promote sustainable transport and active travel and where possible enhance the safety, efficiency and sustainability of the transport network to meet the Council's economic, health and air quality aspirations. This document also supports the Council's 'Zero to 40' Climate Change strategy.

### **Parking (2019)**

- 6.42 Adopted in November 2019, this SPD sets out the parking thresholds for all development. For residential development, 1 space per dwellings with 1 or 2 bedrooms is required, and 2 spaces per dwelling with 3 or more bedrooms is required.

## **Guidance**

### **South Yorkshire Residential Design Guide (2011)**

- 6.43 Adopted in January 2011, this design guide provides guidance for residential developers for residential development in South Yorkshire. The Guide is underpinned by the principles in Building for Life (BfL), which apply to developments of 10 or more dwellings.

## 7.0 Planning Assessment

7.1 In this Chapter we will consider the merits of the Proposed Development in the context of the NPPF and relevant policies of the Development Plan. This section is structured as follows:

- Weight to be Given to the Development Plan
- Principle of Development
- Site-specific Issues
- Other Technical Considerations
  - Housing Density
  - Housing Mix
  - Affordable Homes
  - Design and Character
  - Amenity
  - Heritage
  - Ecology and Trees
  - Highways/Access
  - Flood Risk and Drainage
- Presumption in Favour of Sustainable Development

### Weight to be Given to the Development Plan

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

7.3 The revised Framework was published in July 2021 and therefore is more recent than the Local Plan which was adopted in January 2019. Paragraph 33 of the Framework states that policies in local plans should be reviewed to assess whether they need updating at least once every five years, with reviews completed no later than five years from the adoption date of a plan.

7.4 With this in mind, Council commissioned POS Enterprises Ltd to conduct a review of the Local Plan and this was published in July 2022. The review concluded that the Local Plan was up to date and therefore no amendments were required. This was subsequently reviewed by officers and in November 2022, Cabinet Members resolved to endorse the recommendations.

7.5 we agree that the Local Plan can be given full weight in any planning decision.

### Principle of Development

7.6 The Site constitutes a part of the designated residential allocation referenced as HS70, with a small section on the northern boundary outside of this allocation in order to provide an area of Public Open Space. The Site exclude the area which had planning permission at the time of the Local Plan adoption and is now built out (planning application reference 2015/1367). The Site

which is the subject of the Proposed Development also excludes a rectangular parcel of land that forms part of the allocation and lies to the west of the Site as this land is subject to various restrictive covenants benefitting third parties. Access is shown to connect into this part of the allocation, but it will remain undeveloped at this stage.

- 7.7 **Figure 6** below shows the allocation and the relationship between the Proposed Development and the other parcels of land within and adjoining it.



*Figure 6 – Component part of the Site*

- 7.8 Figure 6 shows the Site (land edged in red and shaded red) which includes the open space (shaded green) within the context of the allocation HS70 (orange line), the area built out (shaded yellow) and the area remaining part of the allocation (shaded purple).
- 7.9 Local Plan Policy H3 states that land shown as housing sites on the Policies Map will be developed for residential purpose and therefore, given that the land on which housing development is proposed lies with the residential allocation known as HS70, it is clear that the principle of the Proposed Development is acceptable.

## Site-specific Issues

- 7.10 The housing allocation known as HS70 sets out a list of expectations for development and these are as follows:
1. Respect the setting of the listed complex of buildings at Nether Mill by the use of an appropriate site layout, sympathetic design that reflects the setting, scaling, massing, details and materials,
  2. Avoid locating built development in parts of the site within Flood Zones 2 and 3, and
  3. Provide an appropriate archaeological assessment.
- 7.11 These matters will be discussed further in the subsequent sub sections of this Statement, with criterion 1 being addressed through the submitted Design and Access Statement ('DAS') and plans and which is summarised in Chapter 4.0 of this Statement, criterion 2 being addressed via the submitted Flood Risk Assessment which is summarised below, and criterion 3 addressed via the submitted Archaeology and Heritage Desk Based Assessment and the Archaeological Geophysical Survey which is again summarised below.
- 7.12 For the sake of completeness, we will have shown that the Proposed Development either is consistent with the above criteria or that the necessary information has been provided and that the site-specific issues relating to HS70 have been addressed.

## Other Material Considerations

### Housing Density

- 7.13 As already discussed, the allocation HS70 provides an indicative capacity of 32 dwellings plus the 11 already built out, resulting in a total capacity of 43 dwellings over an approximate area of 1.47 hectares. Given these figures, the indicative density of the allocation stands at approximately 29 dwellings per hectare. From a more general perspective, Policy H6 of the Local Plan indicates that regard should be had to the efficient use of land and states that a density of 40 dwellings per hectare will be expected in Urban Barnsley and Principal Towns; the latter of which includes Penistone. As such, the indicative density is less than that expected by the Local Plan however Policy H6 does support lower densities of development provided that proposals can demonstrate that this is necessary for character and appearance, need, viability or sustainable design needs. We assume that the lower yield expected from the Site is due to the constraints present on and in the vicinity of the Site. These include topography, drainage, flood risk, access, and the listed Nether Mill buildings to the east.
- 7.14 The Proposed Development is further constrained to the western part of the allocation due to its awkward shape and the need to safeguard access (for future development), to the adjacent part of the allocation a and the need to not compromise the amenity of future and existing residents who back onto the Site. The submitted DAS details how these constraints have been overcome through design, and results in a proposal for 17 dwellings on a 0.7-hectare site. When discounting

the area proposed as Public Open Space, this results in a developable area of 0.621 hectares and thus a density of 27.4 dwellings per hectare.

- 7.15 It is therefore considered that the Proposed Development will achieve an appropriate density in line with allocation HS70 and Policy H6 of the Local Plan.

### Housing Mix

- 7.16 Policy H6 also states that housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. The explanatory text beneath this policy sets out that proposals should be informed by the most relevant evidence taking into account the Strategic Housing Market Assessment ('SHMA') in order to meet the present and future needs of all members of the community.
- 7.17 With the above in mind, the most recent SHMA was published in 2021 and sets out the existing housing stock in terms of types and tenure. For the Penistone and Dodworth area, the primary house type is semi-detached (31.4%) followed by detached (29.8%), whilst the most common size is 3-bed (42.4%) followed by 2-bed (25.7%). Overall tenures are 72.6% owner-occupied, 10.2% private rent, and 17.2% affordable.
- 7.18 In addition to the above statistics, the 2021 SHMA provides scenarios on the future housing needs for Barnsley over the next five years including a demographic scenario (where relationships between households and dwellings remains the same), an aspirational scenario (which considers the aspirations of households), and an expectation scenario (which considers what types of units households expect to move in to). For houses, these scenarios are summarised in **Table 2** below:

*Table 2 – Summary of the Scenarios Listed in Table 7.1 of the 2021 SHMA*

Dwelling Size	Current Stock (%)	Demographic Scenario (%)	Aspiration Scenario (%)	Expectation Scenario (%)
1 and 2-bedroom house	19.3	19.9	4.1	18.7
3-bedroom house	40.6	41.7	27.0	33.2
4 or more bedroom house	15.2	15.5	27.1	15.0
<b>Total</b>	<b>75.1</b>	<b>77.1</b>	<b>58.2</b>	<b>66.9</b>
Desire for other dwelling types	24.9	22.9	41.8	33.1

- 7.19 As can be seen from **Table 2**, the majority of Barnsley residents expect and aspire to move to or continue to be in houses over the five years to 2026, with a significant proportion aspiring to be in 4-bed houses, almost double the existing stock. Paragraph 8.4 of the SHMA goes on to state that there is a general need for all types and sizes of dwellings with a strongest need for 3-bedroom houses and a continued need for smaller 2-bed houses.
- 7.20 The housing mix for the Proposed Development is summarised in **Table 3** below:

Table 3 – Proposed Housing Mix

House Size	No. Proposed	%
2-bedroom house	4	24%
3-bedroom house	7	40%
4-bedroom house	4	24%
6-bedroom house	2	12%
<b>Total</b>	<b>17</b>	<b>100%</b>

- 7.21 Given the outcome of the SHMA and scenarios alongside the proposed housing mix, the Proposed Development can therefore be seen to meet the identified need for 3-bed houses across the Borough, as well as meeting the aspirations of those wishing to move into 4-bed+ houses.
- 7.22 As such, the Proposed Development is considered compliant with Policy H6 of the Local Plan in terms of housing mix.

### **Affordable Homes**

- 7.23 Regarding affordable housing, a Financial Viability Assessment ('FVA') has been prepared by Cushman & Wakefield and submitted as part of this application in order to assess whether a policy compliant level of affordable housing can be provided as part of the Proposed Development. The FVA should be read in full but a summary, alongside the relevant planning policies, is provided below.
- 7.24 Policy H7 of the Local Plan states that affordable housing will be expected on developments of 15 or more dwellings. The percentage required varies across the Borough however it is stated as 30% for Penistone, Dodworth and the Rural West and, as such, the Proposed Development is expected to provide 30% affordable housing on the Site; this equates to 5.1 dwellings.

- 7.25 However, the FVA demonstrates that the policy compliant affordable housing requirement cannot be met when considering all costs, including other financial contributions, and sales values for the area. The FVA shows that only a 0% contribution will return a reasonable level of profitability. As such, no affordable units are proposed.
- 7.26 Policy H7 allows for no affordable contributions when any contributions would jeopardise the viability of the development and therefore the Proposed Development is policy compliant.

### Design and Character

- 7.27 Paragraph 126 of the NPPF indicates that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and goes on to indicate that good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities. This is reflected in Policy D1 of the Local Plan which sets out the design principles for new development, including that it is of a high quality, takes advantage of and reinforce local character, and respects the local scale, layout, building styles and materials. The Design of Housing Development SPD also sets out design requirements for new developments.
- 7.28 A DAS has been prepared by PRA Architecture to provide context and design rationale for the Proposed Development. The DAS should be read in full prior to determination of the application however a summary and policy review is provided below.
- 7.29 Penistone is a market town with an extensive past, dating back to the Domesday Book but ultimately seeing expansion in the late 19<sup>th</sup> Century following the coming of the railways. The majority of the town sits 500m to the south of the Site across the A628, but additional development is located to the north and west. The 19<sup>th</sup> Century housing stock consists of stone buildings either as terraces or standalone farmhouses and barns. 20<sup>th</sup> Century housing followed with its typical use of red brick, although some stone elements are also present, with 21<sup>st</sup> Century housing predominantly utilising stone materials once more.
- 7.30 In context, the Site is seen alongside the modern developments of Watermill Gardens and Kings Court, which are residential developments built in the last 15 years, and Penistone Grammar School situated to the north. All of these developments have stone as the main construction material, with cladding also present on Penistone Grammar. Slightly further afield are the more traditional stone-built buildings of 22 Huddersfield Road and Nether Mill to the west and east respectively. Section 1.5 of the DAS provides further information.
- 7.31 The principal design and layout of the Proposed Development seeks to continue that established by Watermill Gardens and Watermill Court to the south, with the main access point provided by Watermill Gardens and a secondary access via Kings Court. These dwellings were completed in 2017/18 and represent the most recent development in the immediate area. They therefore set a precedent for scale, materials, plot size and layout for the Proposed Development. The dwellings are all 2-storeys with pitched roofs and full gable ends built in artificial stone and with grey roof tiles. Other design features include chimneys, stone sills, and bay windows.

- 7.32 As such, a uniform and restrictive palette of materials is proposed, with artificial stone, grey roof tiles and white render on some limited elevations. These are considered to be typical of the immediate locality.
- 7.33 In terms of design features, it is proposed to have regular, traditional window proportions, feature gables to key frontages, window head and sill detailing, porch canopy on the front door, and chimneys. In addition, a square bay window is proposed to feature elevations. All soffits, fascia's, windows, and rainwater goods are proposed to be black uPVC.
- 7.34 Regarding natural features, the northern boundary consists of a low stone wall and mature tree line, both of which are to be retained alongside a new 1.8m tall close-boarded timber fence. The new fence will provide screening and privacy for both the school and future residents. Additional boundary treatments across the Site include 0.6m high artificial stone walls (with 1.8m piers and fence panels) surrounding certain rear gardens, 1.8m timber fences to internal boundaries, and soft planting to front boundaries. All of these are already present in the area.
- 7.35 As a result of the above, it is considered that the Proposed Development is compliant with paragraph 126 of the NPPF, Policy D1 of the Local Plan, and the Design of Housing Developments SPD in that it is a high-quality design which reinforces local character and matches the scale, materials, layout and design of the adjacent built form.

### Amenity

- 7.36 Paragraph 139 of the NPPF confirms that planning policies and decisions should create places that are safe, inclusive and accessible, and which promote health and wellbeing, with a high standard of amenity for existing and future users. At a local level, Local Plan Policy GD1 indicates that proposals for development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents, whilst Policy Poll1 indicates that new development will not be allowed if it results in an increase in any forms of pollution or where there are already high levels of pollution. In addition to these policies, the Design of Housing Development SPD is also relevant.
- 7.37 In support of the Proposed Development, a Phase 1 Geo-Environmental Assessment was prepared by Alan Wood & Partners and followed up by a subsequent Phase 2 Geo-Environmental Assessment. Both of these should be read in full prior to determination of this application however a summary is provided below.
- 7.38 The Phase 1 report found that the Site is considered to have a low potential for contaminants given the history of the Site, underlying geology, and receptors in the area. However, in order to establish site-specific data and completely minimise the risk to end users, a Phase 2 intrusive investigation was recommended.
- 7.39 The Phase 2 investigation saw nine trial pits established on the Site and eleven soil samples being analysed for a suite of contaminants consist with the relevant BRE guidelines. Four of these soil samples indicated that there are elevated concentrations of potential contaminants that exceed

the recommended levels and therefore remediation of the Site is required, the details of which can be secured via an appropriately worded condition on any approved development.

- 7.40 Regarding other forms of pollution, there are no known noise or air quality constraints in the area. The Site is considered to be sufficiently screened from the A628 by intervening development whilst the school grounds to the north are used for access and limited external play only as the main sports areas, which are typically the main source of noise in schools, are located to the north on the other side of Huddersfield Road.
- 7.41 Regarding the amenity levels for the proposed dwellings, the Design of Housing Development SPD sets out specific guidance for various distances to prevent overlooking and protect outlook from dwellings. These can be summarised below:
- A minimum of 12 metres between front facing elevations,
  - A minimum of 21 metres between rear facing elevations,
  - A minimum of 10 metres between first floor windows and boundaries,
  - A minimum of 12 metres between windows and blank elevations,
  - A minimum of 50sqm for 2-bed dwellings and 60sqm for 3-bed dwellings or larger,
  - Internal space standards should comply with the guidance contained within the South Yorkshire Residential Design Guide.
- 7.42 As can be seen from the submitted layout plan, all of the above guidelines have been accounted for. All gardens are at least 10 metres in length, with seven units meeting this and 10 units in excess of it. All gardens are also in excess of the minimum requirements, with the 2-bed dwellings having approximately 59sqm of garden space as a minimum, and the other dwellings being in excess of 82sqm. In addition to this, the internal roads have been designed to an adoptable standard or with the capacity to be adopted to this level. As such, the smallest principal elevation distance is 17.5sqm for plots 2 and 11, whilst the smallest rear to rear distance is approximately 36.2 metres between plot 7 and 1 Watermill Gardens. The Proposed Development is therefore wholly compliant with the requirements of the Design of Housing Development SPD.
- 7.43 In addition to the above, the Open Space Provision SPD states that a minimum of 15% of the gross site area of new housing sites must be open space of a type appropriate to the character, location and layout of the Site. However, this policy only applies to developments of 20 dwellings or more and, given that the existing development immediately to the south that forms part of allocation HS70 was built prior to the adoption of the Open Space Provision SPD, the Proposed Development and Site should be viewed in isolation. The requirement is therefore not applicable.
- 7.44 However, notwithstanding this, the Proposed Development includes an area of public open space which totals approximately 790sqm in size, representing 10.7% of the Site area. It is proposed that this is informal space for the use of both existing and future residents.
- 7.45 Given the above, it is clear that there are no amenity or pollution issues which would preclude development of the Site and that the Proposed Development is compliant with paragraph 139 of

the NPPF, Policy GD1 and Policy Poll1 of the Local Plan, the Design of Housing Development SPD and the Open Space Provision on New Housing Developments SPD.

## Heritage

- 7.46 Paragraph 194 of the NPPF requires that proposals for development should describe the significance of any heritage assets located on or near to sites, and that this should be proportionate to the importance of the asset. Similarly, Policy HE2 of the Local Plan indicates that heritage appraisals will be required for proposals that are likely to affect known heritage assets or those with high potential for archaeology, with the detail provided proportionate to the importance of the asset. In addition, Policy HE1 of the Local Plan indicates that Barnsley's historic environment will be protected and that proposals should provide an enhancement where possible. Finally, Policy HE6 indicates that applications on sites where archaeological remains may be present must be accompanied by an appropriate archaeological assessment and recommendations.
- 7.47 With the above in mind, and with the knowledge that the Nether Mill buildings to the east are listed as well as the requirement for an archaeological assessment within allocation HS70, an Archaeological Geophysical Survey ('AGS') was carried out by Phase Site Investigations and used to inform an Archaeology and Heritage Desk Based Assessment ('AHDBA') prepared by MAP Archaeological Practice. These documents and their findings are summarised below but should be read in full prior to the determination of the Proposed Development.
- 7.48 Firstly, the AGS was carried out in June 2023 and consisted of a magnetic gradient survey of the Site to establish the presence, absence, extent, character, relationships and date of archaeological features. Data was collected on profiles spaced 0.5 metres apart with readings taken at between 0.1 and 0.15 metre intervals. The AGS indicates that majority of the anomalies identified by the survey related to modern objects, agricultural activity and possible natural variations. However, the AGS report indicates that there a number of anomalies with uncertain origin and which do not form clear patterns or obvious relationships. It is considered that these relate to agricultural, drainage or modern features however an archaeological origin cannot be completely ruled out. The eastern and southern survey areas are dominated by strong magnetic disturbance which is suggestive of made ground or high concentrations of modern materials.
- 7.49 Following the AGS, the AHDBA was carried out to evaluate the archaeological and historical background of the Site and to assess any potential impacts of development. Other than a leat which ran across the southeastern part of the Site and fed Nether Mill, the report indicates that the Site has historically been undeveloped. Given this, and the AGS results, there was no suggestion of archaeological features of any significance.
- 7.50 In addition to this, the AHDBA assessed the impact of the Proposed Development on the Nether Mill listed buildings and found that there would be no impact due to intervening development and location away from the main public viewpoints. It was also concluded that the development was in keeping with the listed buildings and reflected their character.

- 7.51 Given the above, it is considered that the Proposed Development will not have a detrimental impact on any heritage assets and is therefore compliant with paragraph 194 of the NPPF and policies HE1, HE2, and HE6 of the Local Plan.

### Ecology and Trees

- 7.52 Chapter 15 of the NPPF seeks to ensure that the planning system contributes and enhances the natural environment. It places emphasis on protecting and minimising the impacts of development on biodiversity. At a local level, policies BIO1, GI1 and GS1 all collectively repeat this rhetoric by indicating that development will be expected to conserve and enhance biodiversity and geodiversity, protect green infrastructure, and improve green space for residents. In addition to this the Council have adopted the Biodiversity and Geodiversity SPD and Trees and Hedgerows SPD to provide further guidance on each of the policy requirements.
- 7.53 In order to establish the baseline ecological conditions of the Site, a Preliminary Ecological Appraisal ('PEA') has been prepared by RDF Ecology following a survey in July 2023. The PEA details the results of the survey however a brief summary will now be provided.
- 7.54 The PEA found that there will no impact upon designated sites and that the existing habitats on the Site have no intrinsic botanical value, consisting of improved agricultural grassland and ruderal and ephemeral vegetation; the loss of which will have negligible ecological effects. No buildings are present on site and there were no trees considered large enough for bat roosting. No evidence of any other species were present on the Site and therefore no further survey work is required.
- 7.55 Due to the provision of off-site habitat creation measures through the Proposed Development, no compensation or mitigation measures are proposed, and the overall development delivers a net gain in habitats of 11.45% units and hedgerows of 100% units.
- 7.56 Regarding trees, a tree survey was carried out in May 2023 and used to inform a constraints plan to understand the limitations of the Site and what impacts any development would have. These documents are presented together with the Combined Report prepared by Tree Survey Solutions. In total nine tree were identified on the Site, including four individual trees and five groups. Of these, five were considered to be Category B, three Category C and one Category U tree. The Category U tree, a common elder located on the northern boundary, is the only one to be removed as part of the Proposed Development and this is only due to arboricultural reasons as the tree is largely dead. As a result, no trees will be removed to facilitate the development.
- 7.57 From the above, it is clear that the Proposed Development will not impact on any existing habitats or protected species and will retain and accommodate all healthy trees on the Site. As such, the Proposed Development is compliant with Chapter 15 of the NPPF, policies BIO1, GI1 and GS1 of the Local Plan, as well as the guidance within the Biodiversity and Geodiversity SPD and Trees and Hedgerows SPD.

## Highways and Access

- 7.58 Paragraph 111 of the NPPF indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Local Plan Policy T3 indicates that new development will be expected to reduce the need to travel, provide at least the minimum levels of parking, and provide a transport statement and travel plan where required. Policy T4 indicates that new development will be expected to be designed to ensure safety for all road users. In addition to this, the Sustainable Travel SPD sets out further guidance on these policies including the requirements for developer contributions and electric vehicle charging points. Similarly, the Parking SPD sets out the expected level of vehicle and cycle parking for new developments.
- 7.59 In support of this application, a Transport Note ('TN') has been prepared by Local Transport Projects ('LTP') to set out the background to the Site, provide a baseline assessment of the existing road network, and assess the impact of the Proposed Development. This document should be read in full, but a summary is provided in the paragraphs below.
- 7.60 The Proposed Development seeks two forms of combined vehicle and pedestrian access. The first is off Watermill Gardens, utilising the established road network and 'T'-junction onto Barnsley Road. It is proposed that this access will see the continuation of an adopted road before becoming private shared driveways; this access will serve 13 dwellings in total. The second access is off Kings Court, joining the adopted road network at the junction with Huddersfield Road. This access will serve four dwellings via a shared surface. The above results in a 'T'-shaped layout in the main with two private driveways to serve plots 13-17 in the southwest corner of the Site. The ends of the head of the 'T' also terminate in private drives however space has been made so that they can be upgraded to an adopted standard should future development come forward on the adjacent sites to the east and west.
- 7.61 The submitted TN demonstrates that the above layout is suitable for both refuse and fire appliances allowing them to enter, turn, and exit in a forward gear onto Barnsley Road.
- 7.62 Ample parking has also been provided, with all but five dwellings having three car parking spaces. Visitor parking can be accommodated on the estate roads.
- 7.63 Regarding the location of the Site, Penistone and the facilities within it is located within a 2km walking distance and footways are provided for this entire length, along with appropriate pedestrian crossings at key junctions. Further afield, neighbouring villages, including Stocksbridge, Silkstone, Cawthorne and Denby Dale are located within a 25-minute cycle ride. Public transport options from the area are also good, with the nearest bus stops being 260m and 400m away and providing access to central Barnsley. The nearest rail station is located approximately 900m away and also provides access to Barnsley.
- 7.64 In terms of road safety, a total of eight personal injury collisions occurred within the wider area over the last five years however there was found to be no underlying cause or issues in the road

network. Therefore, given the small scale of development, the Proposed Development would not have a detrimental impact on road safety or the operation of the highway network.

- 7.65 As a result of the above, it is clear that the Proposed Development is compliant with paragraph 111 of the NPPF and policies T3 and T4 of the Local Plan, as well as the two SPDs.

### **Flood Risk and Drainage**

- 7.66 Paragraph 159 of the NPPF requires that development is avoided in areas where flood risk is highest, whilst paragraph 165 encourages the use of Sustainable Drainage Systems ('SuDS') on new developments. Local Plan Policy CC1 indicates that the Council will seek to reduce the causes of and adapt to climate change, including reducing flood risk and promoting the use of SuDS. Policy CC3 then goes on to specifically relate to flood risk, stating that developments should not be located in areas at risk of flooding and that surface water run-off should be minimised.
- 7.67 In support of the Proposed Development, a Flood Risk and Drainage Assessment ('FRDA') and a Drainage Technical Note ('DTN') have been prepared by Alan Wood & Partners and should be read in full prior to determining the Proposed Development. The findings of the FRDA are summarised below.
- 7.68 The FRDA confirms that all of the proposed dwellings are located within Flood Zone 1 and therefore are not at risk of flooding from fluvial sources. Only the area of public open space will be located in Flood Zone 2 however this is considered to be flood compatible and therefore no flood mitigation measures are required. The FRDA also concludes that there is no risk of flooding from any other sources and therefore the risk to the Proposed Development is considered acceptable.
- 7.69 Regarding drainage, the FRDA demonstrates that the Site can be suitably drained, accounting for exceedances, with a network that meets the required local and national standards. The ground conditions on the Site are unsuitable for soakaways and therefore the surface water run-off from the Proposed Development will be discharged to the public sewer network adjacent to the Site. Foul water will also discharge to the public sewer network located in Watermill Gardens, for which a formal agreement will be required. It has also been assumed that the foul water sewer network will be offered for adoption to Yorkshire Water under a Section 104 Agreement.
- 7.70 The Drainage Technical Note ('DTN') describes how the existing Yorkshire Water system has been modelled through the information within development technical drawings and Yorkshire Water sewerage records. Based on the produced models, it was assessed that a restricted connection into the existing system with no further work would result in a detriment to the system. Two models were subsequently produced to determine the extent of works required to mitigate the detriment to the existing system.
- 7.71 Firstly, a model incorporating 5.4m<sup>3</sup> of additional storage within the system resulted in a reduction in flooding volume. Therefore, this approach is a possible solution to mitigate system detriment.

- 7.72 Secondly, a model with an amended HydroBrake flow control was produced with an increased design flow of 16.5l/s, an increase of 2.5l/s, resulting in a reduced flooding volume to the existing system. Therefore, this approach is a possible solution to mitigate system detriment.
- 7.73 It is the Applicants' preference to adopt the latter solution, replacing the HydroBrake unit to accommodate the increased discharge rate. As noted within the Yorkshire Water consultation within the appendices of the DTN, this work can be undertaken as part of a major S185 application.
- 7.74 As a result of the above and the findings of the FRDA and DTN, it has been demonstrated that the Proposed Development is not at risk of flooding, nor will it increase the risk of flooding elsewhere, and it can also be suitably drained. Therefore, the Proposed Development is compliant with paragraph 159 of the NPPF and policies CC1 and CC3 of the Local Plan.

## 8.0 Planning Balance

- 8.1 This Statement has been prepared on behalf of Mulgrave Developments Ltd and Rebecca Scott by DPP, to assist the Council in their consideration of a full planning application which seeks permission for the erection of 17 dwellings with associated parking, drainage and landscaping at land off Watermill Gardens, Penistone.
- 8.2 We have shown that the Proposed Development accords with both the NPPF and the Local Plan and the various SPDs and guidance.
- 8.3 The Proposed Development therefore accords with national and local policy and in accordance with paragraph 11 of the Framework we request that planning permission be granted without delay.