



**DETAILED APPLICATION FOR RESIDENTIAL
DEVELOPMENT – 12 NO DWELLINGS
(INCLUDING DEMOLITION
OF INDUSTRIAL BUILDINGS)**

PLANNING SUPPORT STATEMENT

**HOYLE MILL, THURLSTONE,
PENISTONE**

MR J HUTCHINGS

DECEMBER 2009

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1.0 INTRODUCTION

The proposal which forms the subject of this detailed planning application is for the redevelopment for residential purposes of Hoyle Mill, Thurlstone, Penistone, (including the demolition of the existing industrial buildings).

It will be noted that the principle of the redevelopment of this site was established in the Council granting planning permission both in outline and at reserved matters stage – 2005/2142 and 2009/0059 respectively. That proposal, which detailed the development of apartments, is no longer economically viable hence this submission for dwellings.

This statement is submitted to Barnsley Metropolitan Borough Council in support of the application and to provide full information regarding the background to the application. Prior to submission, discussions were held with the Council's planning officer, Mr M Smith. It is considered that this brief will provide full information regarding the proposal to aid the Council in the discharge of its development control function.

The application is supported by the following information:-

- (i) Full plans and details.
- (ii) A Traffic Impact Assessment by Leslie E Lammas. The proposed layout and submitted highways report also demonstrates that the site can be satisfactorily accessed. It is envisaged that the change in the form and nature of the traffic utilising the existing access will benefit highway safety.
- (iii) A Flood Risk / Drainage Assessment by Cromwell Wood Estate Company Surveyors.
- (iv) A Phase I Contamination Risk Assessment by Cromwell Wood Estate Company Surveyors.

- (v) A landscaping scheme by C F Landscape Design.
- (vi) Design & Access Statement.

It is considered that this statement, together with the enclosed documents, demonstrates to the Council that the proposal accords with planning policy and that, when judged against this and all material considerations, it is clearly the case that planning permission should be granted. Additionally, the statement demonstrates that notwithstanding the fact that the site is located in the Green Belt, there exist the “very special circumstances” necessary to warrant the grant of planning permission for the redevelopment of the site for residential purposes. Clearly from the planning history the Council have concurred with this view.

It will be noted that the scheme as now submitted essentially replicates the design and form of the previously approved scheme and raises no new issues or issues of harm.

This statement, which is an amendment to that submitted with the previous outline application, now proceeds to give details of the site and background to the application. The proposals relating to the development of the site are then given in more detail. Relevant Planning Policy and Central Government advice in the form of Planning Policy Guidance Notes and Planning Policy Statements are then discussed. Following which, the issues that the proposal raises (including the development plan context and all material considerations) are examined. Finally, the conclusion is reached that permission should be granted for the proposal to proceed.

2.0 THE SITE, BACKGROUND AND THE PROPOSAL

The subject site extends to some 0.6 hectares or thereabouts and is situated on the edge of the village of Thurlstone. The site is a former mill premises, which has been developed more recently into a number of individual buildings utilised for the manufacture and production of windows, conservatories and doors.

The site is situated in close proximity to residential properties, and is located on a “tongue” of land to the eastern part of the village. To the north of the site are open fields whilst to the south is situated the River Don with Thurlstone Road beyond. To the west is residential development adjacent to the site from which vehicular access is obtained. The site also incorporates the course of a definitive footpath.

The access to the site in terms of its current use is constrained by its narrow nature, which means that it is difficult for use by HGVs.

The site constitutes a well established industrial site but is not suitable for continued use by the present business. The configuration of the buildings on the site means that the materials used in manufacture have to be transported by hand from one building to the next. Furthermore, due to the constraints imposed by the site on the business, the owner is not in a position to expand as he would wish. In the circumstances, the site must be considered to be both unsuitable for its present use and to meet the needs of modern day business.

As set out previously at both outline and reserved matters stages, if planning permission is granted to redevelop the site for residential purposes this will provide sufficient finance for the existing business to be relocated to a suitable site within the Barnsley District. This will not only retain local job opportunities but by operating the business from more suitable premises with room for expansion, it is likely that further job opportunities will be created.

In terms of detail, the scheme essentially replicated the previous proposal in terms of form and scale, but the development is broken down into units to facilitate the use as housing. It

will be noted that the access road is to the front of the building, adjacent to the river. This was the preferred approach of the Planning Officer.

It will also be noted that the landscaped riverside walk has been retained.

3.0 PLANNING POLICY

By virtue of section 38(6) of the Planning & Compulsory Purchase Order 2004 the planning authority must determine the application in accordance with the statutory Development Plan (insofar as it is material to the application), unless material considerations indicate otherwise. PPS1 also advises of a presumption in favour of development which accords with the Development Plan. The importance of the statutory Development Plan in the decision making process necessitates an examination of the relationship between the policies and proposals of the plan and to Government guidance.

3.1 Central Government Policy Advice

It is considered that the following Central Government Policy Advice in the form of planning policy guidance notes is relevant to the consideration of the proposal:-

3.1.1 Planning Policy Statement 1: Delivering Sustainable Development

The government's objectives for the planning system include at paragraph 4:-

“This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.”

This reinforces the presumption in favour of development which accords with the plan, as outlined in Section 54a of the Town and Country Planning Act.

With regard to 'Key Principles', it states at paragraph 13, subsection (iv):

“Planning policies should promote high quality inclusive design in the layout of

new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development...”

This proposal achieves that aim.

With regard to spatial planning, at paragraph 31 it states:-

“...Decisions have to be taken in accordance with the development plan unless other material considerations indicate otherwise. Only policies in plans which can be implemented through the granting of planning permission can form the framework for decisions under section 39 of the Planning and Compulsory Purchase Act 2004.”

In respect of ‘Design’, at paragraph 33 it states:-

“Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.”

At paragraph 34, it proceeds to state:-

“...Good design should contribute positively to making places better for people...”

At paragraph 35, the advice states:-

“High quality and inclusive design should be the aim of all those involved in the development process. High quality and inclusive design should create well-mixed and integrated developments...”

It is considered that good design has been achieved in this instance.

Essentially this introduces a presumption in favour of proposals which conform with the Plan as outlined above.

3.1.2 Planning Policy Guidance Note 2: Green Belts

Notwithstanding the present industrial use of the site, this falls wholly within the Green Belt as identified on the Unitary Development Plan Notation Map. PPG2 is, therefore, clearly a material consideration and this will be fully addressed in this statement.

At section 1.5 the advice sets out the purposes of including land in Green Belts. It is considered that the redevelopment of this site in the manner proposed would not harm any of these purposes.

Section 3 of the above advice states that there is a presumption against “inappropriate development” and states at paragraph 31:-

“Such development should not be approved except in very special circumstances.” (MJT underlining).

Furthermore, at paragraph 3.2 its states inter alia:-

“Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by material considerations.”

It is contended that “very special circumstances” do indeed exist in respect of this site, as will be demonstrated in the text of this statement. In the circumstances, the proposal conforms with this advice.

At paragraph 3.15 in relation to visual amenity the advice states:-

“The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reasons of their siting, materials or design.”

It is considered that this proposal will enhance the visual amenities of the Green Belt by the removal of the current industrial use at the site, and its redevelopment for a less intrusive use both in terms of its visual impact and the activities that the site generates.

The Council have accepted the case that the proposal is acceptable due to the presence of “very special circumstances” which warrant the grant of planning permission. It is contended that the harm which arises from the current use of the site is far greater than any harm which could arise from the proposed residential development. For completeness this issue is dealt with in detail at section 4.0 below notwithstanding the planning history of the site.

3.1.3 Planning Policy Statement 3: Delivering the Family and Affordable Homes Communities Need

The strategic housing policy objectives of the Government are set out at paragraph 9 which include the aim to create sustainable, inclusive, mixed communities in all areas, both urban and rural.

Paragraph 10 with regard to housing policy objectives states amongst other things the planning system should deliver:-

- (i) high quality housing, that is well designed and built to a high standard; and
- (ii) sufficient quality of housing taking into account need and demand and seeking to improve choice.

With regard to quality of housing, paragraph 12 states that good design is fundamental to the development of high quality new housing which contributes to the creation of sustainable,

mixed communities.

At paragraph 14 the advice sets out that local authorities should develop design policies which include: ***“promoting designs and layouts which make efficient and effective use of land, including encouraging innovative approaches to help deliver high quality homes”.***

With regard to achieving a mix of housing, at paragraph 20 it states:

“Key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people.”

In respect of the effective use of land, paragraph 40 states a key objective is that local planning authorities should continue to make effective use of land, i.e. reusing land that has been previously developed.

With regard to the efficient use of land, at paragraph 45 it states: ***“using land efficiently is a key consideration in planning for housing.”***

In respect of density, at paragraph 50 it states density is a measure of the number of dwellings which can be accommodated on a site or in an area:-

“Density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well imaginative design and layout of new development can lead to a more efficient use of land by compromising the quality of the local environment.”

With reference to determining planning applications, the advice states that local planning authorities should have regard to:-

- (i) Achieving high quality housing.
- (ii) Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- (iii) Suitability of a site for housing, including its environmental sustainability.
- (iv) Using land effectively and efficiently.

Clearly this proposal on brownfield land providing a mix of properties in the area at the appropriate density wholly conforms with this advice.

3.1.4 PPG13: Transport

PPG13 advises that housing developments should wherever possible be located where there is a choice of means of travel to other facilities. The proposal accords with this advice. Local village facilities are within walking distance and there are bus services available on the nearby Thurlstone Road.

3.2 Local Planning Policy - The Unitary Development Plan

The site is located wholly within the Green Belt, and the following policies are, therefore, considered relevant:-

(i) Policy GS7

Policy GS7 states:-

“WITHOUT PREJUDICE AND SUBJECT TO THE APPLICATION OF POLICIES GS8, GS8A, GS8B, GS8C, GS8D, GS8E AND GS9 IN THIS PLAN, DEVELOPMENT WITHIN THE GREEN BELT WILL NOT BE PERMITTED UNLESS IT MAINTAINS THE OPENNESS AND DOES NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND IN THE GREEN BELT.”

It is considered that this proposal will enhance the setting of the Green Belt and that it does not conflict with the purposes of including land within the Green Belt.

(ii) Policy GS8

Policy GS8 states:-

“WITHIN THE GREEN BELT THE CONSTRUCTION OF NEW BUILDINGS WILL NOT BE PERMITTED EXCEPT IN VERY SPECIAL CIRCUMSTANCES, UNLESS IT IS FOR THE FOLLOWING PURPOSES:

A. AGRICULTURE OR FORESTRY;

B. ESSENTIAL FACILITIES...; AND

C. REPLACEMENT OF EXISTING DWELLINGS...”

It is contended that this proposal constitutes ‘very special circumstances’ as outlined in Section 4.1.1 below.

(iii) Policy GS9

Policy GS9 states:-

“DEVELOPMENT WITHIN THE GREEN BELT, OR CONSPICUOUS FROM IT, SHOULD NOT BY REASON OF ITS SITING, MATERIALS OR DESIGN, RESULT IN SIGNIFICANT HARM TO THE VISUAL AMENITY OF THE GREEN BELT.”

This proposed development will offer significant benefits to the visual amenity of the

Green Belt when considered in the context of the buildings at present on site.

(iv) Policy BE6

Policy BE6 relates to design standards. It is considered that the submitted proposals demonstrate that high quality design standards can be achieved.

(v) Policy ES7

Policy ES7 relates to contaminated land. It is contended that the submitted contamination risk assessment demonstrates that the proposal can be developed without giving rise to issues of harm.

4.0 THE ISSUES

4.1 The Development Plan

It is acknowledged that this site is located within the Green Belt and that the proposal must be judged in the context of policies relating to that fact. In terms of Green Belt policy, the Council are invited to accept that whilst the proposal would constitute “inappropriate” development, it is quite clear that “very special circumstances” exist in this case to warrant the grant of planning permission. Therefore, it is considered that the proposal conforms with the development plan. The Council have clearly previously concurred with this conclusion.

4.1.1 Very Special Circumstances

The “very special circumstances” which exist in respect of the proposal include the following issues:-

(a) Residential Amenity

The proposal would result in the removal of an activity which by virtue of its nature creates amenity issues in terms of traffic movements and disturbance for the occupiers of the adjoining residential properties. There is inherent conflict between the interests of the use of the site for industrial purposes and the occupants of those nearby residential properties (specifically with regard to issues of traffic). It is considered that the redevelopment of the site for residential purposes would be in the interests of the residential amenity of the occupants of those nearby properties.

(b) Highways

This site currently generates a large volume of traffic, a large proportion of which are HGVs. It is considered that in terms of both highway safety and highway amenity considerations, it would be beneficial if this site was redeveloped for residential

purposes.

A Traffic Impact Assessment is enclosed which states that, subject to the works proposed being undertaken, the site can accommodate the proposed redevelopment.

(c) The Re-use of Brownfield Land/Sustainability

The re-use of this site for housing purposes will meet with the Council's responsibilities as set out in PPS3 in relation to the redevelopment of brownfield land. It will also assist the Council in meeting its targets in respect of the development of brownfield sites for housing development.

(d) The Fall Back Position

The existing lawful use of the site is clearly "inappropriate" in the Green Belt. The present industrial use does material harm to the Green Belt by its visual intrusion and the activities associated with that use. It is clear, however, that whatever the outcome of this planning application, the site will not revert to a greenfield use or any other use which conforms with its Green Belt status. The result of this application will decide whether the site continues to be used for industrial purposes or be redeveloped for residential purposes. Clearly, the industrial purpose could be used very intensively (including 24 hour working) without recourse to planning.

In general, the Courts have held that in judging the proposals for development, decision makers are obliged to consider the "fall back position", i.e. what will happen to the site if planning permission is not granted. It is considered, therefore, that issues relating to the "fall back position" are a material consideration.

A full detailed case in respect of this issue was set out with the previous outline application. In granting planning permission the Council clearly have accepted that very special circumstances arise. Under the circumstances, it is not considered

necessary to repeat the detailed case here. However if the Council require further information on this a copy of the previously submitted statement can be provided.

(e) Impact on the Green Belt

It is clearly the case that the removal of the existing use and its replacement with residential development will be of benefit the visual amenity and character of the Green Belt in this location. The current use of the site is intrusive in the Green Belt, containing as it does a large conglomeration of unsightly and unattractive buildings, together with extensive outside storage and parking areas.

This proposal will greatly reduce the impact of the site on the Green Belt. The opportunity can be taken to “soften” further the impact of the development through extensive perimeter and riverside planting (see landscaping scheme). It is considered that this will be of major benefit to the Green Belt in this location.

The amendments to the previously approved scheme does not give rise to issues of harm.

4.2 Other Material Considerations

The following are other issues to which the proposal gives rise, and it is considered that an examination of such issues also points to the granting of planning permission.

4.2.1 Job Opportunities

The relocation of this business to premises designed to serve the modern day requirements of that business will allow not only the continuation of the business, but also its expansion with the creation of job opportunities. As outlined in the enclosed correspondence, the business will be relocated within the District to safeguard existing jobs.

4.2.2 Highways

It is considered that the replacement of the traffic generated by the industrial use of the site by traffic generated by its residential development will be beneficial in terms of issues of highway safety. It is also considered that the amendment to the scheme to incorporate dwellings rather than apartments does not give rise to issues of harm in such terms.

4.2.3 Flood Risk

The flood risk assessment which accompanies this submission demonstrates that the proposal will not give rise to harm in such terms. It is considered that the site can be suitably safeguarded and drained.

4.2.4 Contamination

The application is submitted with a Phase I Contamination Risk Assessment which demonstrates that in the context of the historical use of this site there are no issues present in respect of contamination which would preclude the residential development of this site.

4.2.5 Landscaping

The submitted landscaping scheme demonstrates that the character and visual amenity of the site can be greatly improved – not only through the replacement of the existing unsightly industrial buildings but also through a comprehensive landscaping scheme. Incorporated in the proposals is a wooded and landscaped riverside walk, which it is considered will be a major amenity feature for the area. Furthermore, within the client's land ownership but outside the industrial site, a belt of tree planting can be undertaken to enhance both the setting and character of the site and the area in general. It is considered that the benefits of the landscaping of the site should not be underestimated.

4.2.6 Footpath

It is acknowledged that a definitive public footpath runs through the site. It is proposed that following the grant of planning permission, a formal application be submitted for the diversion of this footpath, which will be rerouted along the landscaped riverside walk. It is considered that this will be of major benefit to walkers, who currently have to pass between existing industrial buildings within the loading and unloading areas of the site which is a hazardous activity. The landscaped river walk will be of considerable benefit to all walkers.

4.2.7 Archaeology

A detailed archaeological report is appended as submitted with the original outline application.

5.0 CONCLUSION

The industrial use of this site is an existing and long established nonconforming use within the Green Belt. The buildings at the site are no longer suitable to cater for the needs of the business operating at the site. There is a need for the business to be relocated to more modern premises suitable for the production process and to allow for expansion. The previous scheme for apartments at the site was granted permission both in outline and at reserved matters stage by the Council. Unfortunately, owing to a change in market conditions, that scheme is not economically viable - hence the new scheme. The granting of planning permission will allow the site to be sold and raise sufficient capital to allow the business to relocate to modern up-to-date premises in the District.

It is acknowledged that the site is located within the Green Belt. The Council are, however, invited to accept that whilst the redevelopment of this site would constitute “inappropriate development”, there are clearly and demonstrably “very special circumstances” existing which warrant the redevelopment of this site in the manner proposed. The proposal would be wholly beneficial to the setting and character of the Green Belt in this location by removing an unsightly and unattractive development which is detrimental to the character and visual amenity of the Green Belt.

The Council have already granted permission for the residential redevelopment of this site. This proposal does not raise any issues of harm or detrimental impact and, therefore, it is considered that planning permission should be forthcoming.

The applicant remains willing to discuss all aspects of the proposal. Should you require any further information or clarification on any point, please do not hesitate to contact me.