



JohnsonMowat
Planning & Development Consultants

ORION HOMES
LAND OFF SAUNDERSON ROAD, PENISTONE

FULL APPLICATION FOR THE ERECTION OF 24 NO. DWELLINGS

PLANNING CASE REPORT



Orion Homes
Land off Saunderson Road, Penistone

Planning Case Report

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1.0 INTRODUCTION

- 1.1 This Planning Case Report has been produced on behalf of Orion Homes in support of a full planning application for the residential development of 24 no. dwellings at land off Saunderson Road, Penistone.
- 1.2 The application site covers an area of approximately 0.92 hectares of land designated 'Safeguarded Land' within the current Barnsley 2000 UDP and is proposed to be allocated as a preferred housing site within the emerging Barnsley Local Plan. The emerging Local Plan has reached an advanced stage, having recently concluded examination.
- 1.3 This report demonstrates the suitability of the site for residential development and considers all material factors relevant to the determination of the application.
- 1.4 This Planning Case Report should be read in conjunction with the following reports which form this planning application submission:-
- Statement of Community Involvement (Johnson Mowat)
 - Viability Appraisal (Johnson Mowat)
 - Design and Access Statement (Johnson Mowat)
 - Transport Statement (Patrick Parsons)
 - Flood Risk Assessment & Drainage Strategy (Patrick Parsons)
 - Phase 1 Geo Environmental Assessment (Patrick Parsons)
 - Ecological Appraisal (Brooks Ecological)
 - Arboricultural Survey (Iain Tavendale)
 - Air Quality Assessment (BWB Consulting)
 - Archaeological Survey (BWB Consulting)
- 1.5 This Planning Case Report identifies the characteristics of the site and its location, the planning history of the site, the planning policy context and the planning case in support of the proposed residential scheme.



2.0 LOCATION AND SITE DESCRIPTION

Location

- 2.1 The site is located toward the northern edge of Penistone, a larger settlement identified as a Principal Town within the settlement hierarchy of both the adopted 2011 Core Strategy and the emerging Barnsley Local Plan. Penistone is located approximately 13 km west of Barnsley Town Centre and approximately 22 km north of Sheffield.
- 2.2 The site extends to approximately 0.92 hectares of greenfield grazing land, the topography of which is relatively level. A more detailed site description and photographs can be found within the Design and Access Statement that accompanies this application.

Access to Local Facilities

- 2.3 The site lies within a highly sustainable location in relation to access to services, facilities, employment opportunities and public transport. The site is accessed from the A628 Thurlstone Road, a main route which leads through the centre of the settlement containing a number of local amenities.
- 2.4 With regard to accessing local facilities, the Transport Statement that supports this application provides a detailed analysis of those facilities and how easily they can be accessed from the site either on foot or by public transport. The key summary points are outlined below:-

Shops & Restaurants

- Market Street is located approximately 500m south east of the site and contains a number of local shops, services, pubs and restaurants.
- A Tesco Superstore is located approximately 600m to the south east.
- The Ti'amo Italian Restaurant and White Heart PH are located approximately 250m and 350m east of the site respectively.

Leisure

- Penistone Leisure Centre is located directly north of the site within comfortable walking distance.
- Penistone Show Ground is located around 600m south of the site and caters for numerous local events.
- Powerplay 5 a side football is located around 800m north of the site at Penistone Grammar School.



Education

- Thurlstone Primary School is located around 1.1k from the site.
- Penistone Grammar School is located around 1.1km from the site.
- St John CoE Primary & Infant School is located around 1.4km from the site.

Health

- Penistone Group Practice is located around 600m from the site.
- Kingswell Surgery is located around 800m from the site.
- Both of the above practices are accepting new patients according to the NHS Choices website.

- 2.5 Bus stops are located directly off Thurlstone Road, including the 20, 21, 21a, 23, 23a and 29 services which provide routes through Penistone, Barnsley Town Centre, Stocksbridge and Chapeltown. Penistone railway station is located approximately 1.3km east and provides frequent rail services to the towns of Barnsley, Sheffield and Huddersfield.
- 2.6 The site is therefore highly sustainably located, with excellent access to local shops, services, transport and infrastructure.

3.0 PLANNING HISTORY

- 3.1 The land is currently designated as 'Safeguarded Land' in the Barnsley Unitary Development Plan (adopted December 2000), however the site is identified within the emerging Barnsley Local Plan as a preferred residential allocation under reference H34. The emerging Local Plan is at an advanced stage, having recently completed examination.
- 3.2 The site has been subject to no previous planning applications however we note that the southern area of the site has been recently subject to an application for 22 new affordable homes under permission 2013/0072, which following the grant of planning permission has now been built out.

Pre-Application Consultation

- 3.3 Prior to the preparation of this application, a pre application enquiry was submitted to the Council on 19th January 2017 to gather feedback on the proposals and where necessary address any comments or concerns.
- 3.4 The response sets out the following considerations for factoring into the detailed scheme:-
- **Principle of Development** – *It is acknowledged that the Council cannot demonstrate a deliverable five year housing land supply and therefore relevant policies for the supply of housing cannot be considered up to date. The site is currently safeguarded land, however is identified as an emerging allocation within the Barnsley Local Plan. In addition, Penistone is identified as a Principal Town within the adopted CS supporting a range of shops, services and amenities.*
 - **Design** – *Layout considered generally acceptable however comments raised regarding landscaping arrangements and other minor alterations.*
 - **Parking** – *Parking should be in accordance with the Council's adopted Parking SPD.*
 - **Public Open Space** – *The Council's adopted SPD requires a minimum of 15% on site open space to be provided. In this instance however, it is accepted that the site offers little opportunity to provide green space of a sufficient size and therefore an offsite contribution is sought in line with the SPD.*



- **Affordable Housing** – 25% affordable housing will be sought on new developments subject to viability. The Council's preferred mix would be 20% intermediate housing and 80% social rented.
- **Highways** – No objections raised to the internal layout, comments regarding parking, drive widths and manoeuvrability raised.
- **Ecology** – The application should be supported by an Ecological Appraisal in compliance with adopted CS Policy CSP36 'Biodiversity and Geodiversity'.
- **Flood Risk & Drainage** – There are no records of any culverted or open water courses crossing the site. The LPA promote the use of SUDs where appropriate.
- **Pollution Control** – Dust Action Plan required setting out practicable measures to control dust generation.
- **Air Quality** – The site is located adjacent to the A628, a road identified within the Barnsley MBC Air Quality and Emissions Good Practice Planning Guide where adjacent development will require an Air Quality Assessment to support the application.
- **Trees** – An Arboricultural Survey should accompany the application.

3.5 This report sets out the schemes compliance with both national and local planning policy together with how the scheme has incorporated feedback received from the pre-application consultation with the Council.

4.0 PROPOSED DEVELOPMENT

- 4.1 The application seeks full planning permission for the erection of 24 No. dwellings. The proposed development would utilise an existing access point from Saunderson Road, forming a continuation of the development previously approved under permission 2013/0072.
- 4.2 The proposed schedule of accommodation and breakdown of dwellings proposed is set out within Table 4.1 below.

Table 4.1 – Proposed Schedule of Accommodation

House Type	No. Bed	Floor Space	No. Proposed	Total Floor Space
Preston	3	873	5	4,365
Chichester	4	1,161	5	5,805
Salisbury	4	1,377	4	5,508
Dunstanburgh	3	1,073	3	3,219
Plymouth	4	1,418	2	2,836
Exeter	4	1,407	2	2,814
Arlington	3	968	3	2,904
Total			24	27,451

- 4.3 The development would provide for a range of plot types, including a mix of detached, semi-detached and terraced 3 & 4 bed properties.
- 4.4 The total level of affordable housing to be provided is subject to viability review and an Economic Viability Assessment (EVA) accompanies the application submission. Further details on the proposals can be found within the accompanying Design & Access Statement.
- 4.5 No specific area of designated open space is provided within the development given the scale of the proposals and limited site area. This is recognised by the Council within their pre-application response. It is however anticipated that an off site contribution toward public open space will be requested by the Authority. A detailed Landscape Masterplan accompanies the application submission and would provide for soft landscaping throughout the scheme in order to contribute to providing for a quality residential environment.

5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.”

5.2 The Council's current Development Plan comprises the saved policies contained within the Unitary Development Plan (UDP) adopted December 2000 together with policies contained within the Barnsley Core Strategy, adopted 8th September 2011.

5.3 The UDP Part 1 together with the Part 2 Sites Allocations was adopted in December 2000 and was only intended to cover the plan period 1986 to 2001. The plan is therefore significantly time expired and although the Council continue to refer to saved policies contained within the UDP where compliant with National Policy, these can only be attributed little weight.

5.4 Similarly, the Core Strategy was adopted in September 2011 and therefore pre-dates the National Planning Policy Framework which was adopted March 2012. Where a Local Development Plan is out of date, limited weight can be attached to the policies within the document where they conflict with more recent Government policy.

5.5 The Council have recently completed examination of the emerging draft Local Plan which will replace both the saved policies of the UDP and the adopted Core Strategy, forming the statutory development plan for the borough up to 2033.

5.6 On 15th August, the Local Plan Inspector wrote to the Council to set out her interim findings further to the Stage 1 and 2 hearings which took place over the Summer. The letter sent to the Council by the Inspector did not cover each and every matter raised through the Stage 1 and 2 hearings, but rather set out the main matters where additional work may be required.

5.7 Two points of principal importance arose from the Inspector's correspondence, those being the need to plan for a higher Objectively Assessed Housing Need ('the OAHN') than the 20,900 dwellings identified by the Council across the Plan period, and the need to more positively plan for the future of the Borough's villages.

5.8 With regards to the OAHN, the comments put forward by the Inspector raised significant concern that the housing need identified by the Council would not align with positive economic growth in the order of an additional 33,000 new jobs through to 2033. The Inspector considered the broad assumptions contained within the Employment Land Review robustly based and noted that the Council's growth strategy and 'jobs-led policy on' scenario are fundamental drivers for the Plan and the assessment of housing need.

5.9 At paragraph 16 of the Inspector's interim findings, the Inspector went on to conclude:-

"Based on the findings of the SHMA and the jobs target set out in the Plan, my view is that the OAHN is a minimum of 1,389 dwellings."

5.10 Following the Inspector's interim findings and conclusions of the Stage 3 Hearings, papers were presented to the Cabinet meeting of 15th November setting out the Council's response. The Council has undertaken further work in respect of the jobs target and concluded that it is no longer realistic to expect 33,000 more jobs to come about during the plan period. Instead, the Council now consider a figure of approximately 28,840 appears more likely.

5.11 The implications of a reduced jobs growth forecast, are that the figure of 1,389 d/pa advocated by the Inspector is no longer considered appropriate. The additional work undertaken by the Council does however now consider a revised OAN of 1,134 d/pa, resulting in a need to accommodate an additional 34 d/pa or 646 dwellings across the Plan period.

5.12 The Council have subsequently sought to identify further allocations to meet the revised plan requirement, including more positive growth to the identified villages. Hearing sessions concluded in April 2018, with the Inspector's final report currently awaited.

Material Considerations

5.13 There are a number of other relevant policies and documents which are material to the determination of this proposal. These are set out and considered as follows:-

- National Planning Policy Framework (March 2012)
- National Planning Practice Guidance (March 2014)
- Barnsley UDP Saved Policies (December 2000)
- Barnsley Core Strategy (September 2011)

- Emerging Barnsley Local Plan

National Policy

National Planning Policy Framework (March 2012)

- 5.14 The Government's National Planning Policy Framework (the Framework) now forms the relevant policy guidance at the national level for the determination of all planning applications; this is especially so where the local development plan is either silent, absent or out of date (paragraph 14) (underlining our emphasis).
- 5.15 The Framework is based around the core principle of creating sustainable development. The Framework states at paragraph 6 that all of the policies in paragraphs 18-219 of the Framework, "taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system." There are three dimensions to sustainable development comprising economic, social and environmental roles. These are to be considered as mutually dependent and should not be considered in isolation (paragraph 8). At the heart of the planning system is a new presumption in favour of sustainable development. Paragraph 14 of the Framework identifies how this presumption is to be applied in making decisions on individual applications. This means:-
- "Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent silent or relevant policies are out of date, granting permission unless:
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted."
- 5.16 The presumption follows the content of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (see paragraph 2 of the Framework) and states that "*planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.*"
- 5.17 A set of 12 core land use principles are to underpin plan making and decision taking; these are stated at paragraph 17 of the Framework.



- 5.18 There are 13 topic areas which form the Framework document and those topic areas considered of relevance to this planning application are set out below.

Section 1: Building a strong, competitive economy

- 5.19 Paragraph 19 makes it clear that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Planning policies should “recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing” (paragraph 21). The provision of housing is therefore identified as an essential component of economic growth and necessary to job creation and retention.

Section 4: Promoting sustainable transport

- 5.20 Provisions for the promotion of sustainable transport are set out in Paragraphs 29 to 41. At Paragraph 32 it is made clear that all developments that generate a significant amount of movement need to be supported by a Transport Statement or Transport Assessment.

Section 6: Delivering a wide choice of high quality homes

- 5.21 Paragraphs 47 to 55 provide the policy guidance for plan making and decision taking under the overall aim of significantly boosting the housing supply. Paragraph 47 states that local planning authorities should:
- “Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period; and
 - Identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward for later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of

achieving the planned supply and to ensure choice and competition in the market for land;

- 5.22 Paragraph 49 states that housing applications are to be considered in the context of the presumption in favour of sustainable development and relevant policies regarding housing supply should not be considered up to date if a five year supply of deliverable sites cannot be demonstrated.

Section 7: Requiring good design

- 5.23 This section of the Framework initially identifies, at paragraph 56, that the Government attaches great importance to the design of the built environment and that it also considers that design is a key aspect of sustainable development. In addition, it also recognises that design is indivisible from good planning and should positively contribute to making places better for people.
- 5.24 Paragraph 57 states “it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes”.

Section 11: Conserving and enhancing the natural environment

- 5.25 Paragraph 109 refers to the contribution and enhancement of the natural and local environment including minimising impacts on biodiversity. At the point of determining an application paragraph 118 of the Framework identifies that local authorities should aim to conserve and enhance biodiversity by applying such principles as “development proposals where the primary objective is to conserve or enhance biodiversity should be permitted; and opportunities to incorporate biodiversity in and around developments should be encouraged”.

Decision Taking

- 5.26 In relation to the decision taking section of the Framework, paragraph 187 notes that local planning authorities should “look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.” This includes working proactively with applicants to “secure developments that improve the economic, social and environmental conditions of the area.”
- 5.27 In determining applications, paragraph 196 requires that “applications for planning permission must be determined in accordance with the development plan, unless material



considerations indicate otherwise” in line with the established plan-led planning system. Paragraph 197 confirms that in assessing and determining development proposals, “local planning authorities should apply the presumption in favour of sustainable development”.

Local Policy

Saved Policies of the Barnsley UDP (December 2000)

- 5.28 The Barnsley UDP was adopted **18 years ago**. The UDP looked forward to a notional end date of 2001. The LP is clearly time expired. Indeed a revision to this LP has been awaited for (at least) 17 years.
- 5.29 Saved policies of the LP were adopted prior to guidance set out in the Framework coming into the decision making process. Contrary to the provisions of Framework Paragraph 213, the LPA has not yet adopted an up to date replacement plan to deliver the housing allocations required to meet the Council’s planned target.
- 5.30 The site is designated as ‘Safeguarded Land’ within the 2000 UDP Proposals Map for Penistone. The site was reserved for longer term development beyond the plan period, that being beyond 2001 when housing land supply was below the 5 year requirement.
- 5.31 Settlement limits identified by the UDP Proposals Map are therefore out of date. As such, weight to be applied to the development limits set out under the Barnsley UDP are reduced.

Core Strategy (September 2011)

- 5.32 The Barnsley Core Strategy (CS) was adopted in 2011, prior to guidance set out in the Framework coming into the decision making process. The CS covers the period up to 2026.
- 5.33 The CS was prepared to conform to those policies set out within the Yorkshire & Humber Regional Spatial Strategy (May 2008) which was revoked in 2013 by Central Government, a matter acknowledged by the spatial strategy of the CS:-

“The Core Strategy has been prepared to be in conformity with the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (RSS). Whilst the RSS has now been revoked our proposed spatial strategy remains the optimum strategy for Barnsley”

5.34 The adopted CS is therefore based upon a dated evidence base, with no up to date adopted plan in place. The adopted CS is therefore contrary to the provisions of para 47 of the Framework.

5.35 The Settlement Hierarchy of the adopted CS identifies Penistone as a Principal Town. The CS states at para 7.77 and 7.78:-

The Core Strategy policy CSP8 identifies the Principal Towns such as Penistone as a priority for development and the main local focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities. Development in Penistone will be restricted to that which will facilitate Penistone's renaissance as a market town.

CSP10 anticipates 1100 new homes for Penistone over the plan period. In order to support the town's economic regeneration CSP10 provides for 1100 new homes at Penistone over the plan period. A large proportion of these homes already have planning permission and are waiting to be built. Additional land will need to be allocated in the town to accommodate the remaining dwelling requirement. This will be greenfield and previously developed sites that are within the built up area with possibly limited peripheral greenfield sites

5.36 In the interests of clarity all relevant CS Policies are considered below.

CSP8 – The Location of Growth

5.37 This policy states that priority for growth will be given to Urban Barnsley together with Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (Dearne Towns), Penistone and Royston.

CSP9 – The Number of New Homes to be Built

5.38 This policy commits the Council to delivering a minimum of 21,500 homes across the plan period 2008 to 2026. The housing requirement set out in the CS is based upon the now revoked RSS and therefore does not represent an up to date Objectively Assessed Housing Need (OAN) for the district.



CSP10 – The Distribution of New Homes

- 5.39 This spatial policy provides the distribution of the minimum 21,500 homes targeted to be delivered across the CS period, with Penistone accommodating 1,100 dwellings and therefore representing 5% of the overall CS requirement.

CSP14 – Housing Mix and Efficient Use of Land

- 5.40 This policy affirms that housing proposals will be expected to include a mix of house size, types and tenures to create mixed and balanced communities. The policy confirms that priority will be given to the development of previously developed land and that a minimum density of 40 dwellings per hectare will be expected to be achieved.

CSP15 – Affordable Housing

- 5.41 This policy sets an affordable housing threshold of 25% on site units applicable to Penistone subject to the viability of the site.

National Planning Practice Guidance (March 2014)

- 5.42 The Planning Practice Guidance was published as a live 'working' document on 6th March 2014. It extends to over 600 pages and is intended to replace over 7,000 pages of now revoked guidance.

Emerging Local Plan

- 5.43 The Council are currently consulting on a draft Local Plan which will replace both the saved policies of the UDP and the policies contained within the adopted CS. The emerging Local Plan will provide allocations to deliver the minimum requirement of 20,900 dwellings by 2033. Under the Settlement Hierarchy, Penistone is retained as a principal town, and under Policy LG2 'Location of Growth' remains a priority area for development.
- 5.44 Policy H2 of the submission draft Local Plan proposes a minimum 1,026 dwellings to Penistone across the plan period 2014 to 2033, accounting for 5% of the minimum target of 20,900 dwellings. Policy H2 identifies existing planning permissions totalling 373 dwellings within Penistone and therefore leaving a residual requirement of 653 dwellings (minimum) to be identified.

5.45 The emerging Local Plan proposes the site as a preferred residential allocation under reference H34. The site is identified as having capacity for 29 dwellings. The latest Main Modifications¹ to the allocation text supporting Site H34 states the following:-

“The development will be expected to:

- retain the heathland in the southern half plus provide a buffer strip of vegetation to the cemetery at the south*
- respect the historic setting of the listed buildings at 8-10 Thurlstone Road and the group character of Penistone Conservation Area 200m to the east. Development of site H30 will require the use of appropriate site layout, sympathetic design that reflects the setting, scaling, massing, details and materials.*

Archaeological remains may be present on this site therefore proposals must 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”*

5.46 With respect to the above, we do not consider the text supporting the allocation to be sound and refer to our representation of 17th August 2016 (Appendix 3).

5.47 Firstly, the allocation text references a buffer strip of vegetation to be provided to the cemetery to the south. This is clearly unjustified as it does not reflect the fact that a recent affordable housing development has been constructed to the south of the application site bordering the existing cemetery, and therefore screening it from any new development. A buffer strip as suggested would therefore serve no purpose.

5.48 Secondly, the allocation text references the setting of both 8-10 Thurlstone Road (Grade II Listed Buildings) and Penistone Conservation Area, which is stated as being located 200m

¹ V1.5, March 2018



to the east. The stated distance of the Conservation Area would appear substantially incorrect, as a review of the Conservation Area boundary confirms the far eastern edge of the site is located some 300m away. There is little to no intervisibility between the application site and the Conservation Area due to screening from existing buildings to the east of the site. Similarly, the presence of existing built form along Thurlstone Road screens the development from any views associated with 8-10 Thurlstone Road.

- 5.49 The above points were raised within our representation of 17th August 2016, however these were subsequently not taken forward by the Council in either the submission draft plan or any subsequent modifications.
- 5.50 General policies contained within the emerging plan that are relevant to the proposal are considered below.

Policy SD1 – Presumption in Favour of Sustainable Development

- 5.51 In line with the objectives of the NPPF, this policy details the presumption in favour of sustainable development and the Council's positive approach toward working with applicants to find solutions to delivering development proposals that improves the economic, social and environmental conditions of the area.

Policy GD1 – General Development

- 5.52 This policy details a series of criteria of which development meeting each of the requirements will be approved without delay. Such considerations include impacts on amenities of existing and future occupiers, compatibility with neighbouring uses and environmental impacts.

Policy LG2 The Location of Growth

- 5.53 The policy states that priority will be given to development in urban Barnsley together with the Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (Dearne Towns), Penistone and Royston.



Policy H1 The Number of New Homes to be Built

- 5.54 The submission draft Local Plan identified a total of at least 20,900 net additional homes to be provided across the plan period. The policy commits the Council to maintaining a rolling deliverable five year supply of housing land.

Policy H2 The Distribution of New Homes

- 5.55 Policy H2 then sets the broad distribution of dwellings across the spatial hierarchy, with Penistone to accommodate a minimum of 1,026 homes, equivalent to 5% of the plan requirement.

Policy H7 – Housing Mix and Efficient Use of Land

- 5.56 This policy aligns with Policy CSP14 of the adopted Core Strategy and seeks an appropriate mix of house type, size and tenure together with a target density of 40 dwellings per hectare.

Barnsley Five Year ‘Deliverable’ Housing Land Supply Report (August 2017)

- 5.57 The Council have recently published an updated position paper on the deliverable five year housing land supply for the District. The paper provides an assessment of deliverable supply for the period 1st April 2017 to 31st March 2022 and considers both a current five year supply position based upon the CS target and an emerging position based upon the adoption of the emerging Barnsley Local Plan.
- 5.58 For the present position, the Paper informs of a deliverable supply of 8,056 dwellings against an adjusted five year requirement of 10,050 dwellings inclusive of a 5% buffer. The Council consider a housing land supply of broadly 4 years, some 2,000 dwellings short of the quantum of supply deemed to be required by the Council across the five year period.
- 5.59 Therefore in the context of the paragraph 49 of the Framework, relevant policies for the supply of housing cannot currently be considered up to date and the tilted balance is engaged as set out at Section 6.
- 5.60 A five year supply position is also set out within the same paper based upon the emerging Local Plan target, and a readjusted base date for assessing the shortfall of 1st April 2014. In this respect, the Council consider that when incorporating emerging Local Plan

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allocations which can contribute to the forward supply against an OAN of 1,100 d/pa as set out in the submission draft Local Plan, a five year supply of broadly 6.5 years can be demonstrated.

- 5.61 The above is however based on a previous OAN scenario, with the Council's latest position seeking to increase the OAN to 1,134 d/pa. Accordingly, both the base requirement and shortfall would increase.
- 5.62 The Inspector has yet to conclude on the suitability of the emerging allocations, many of which are currently subject to Green Belt constraints and through the Hearing sessions which have taken place, the Council have acknowledged that the capacities and delivery assumptions on some of the identified allocations will reduce.
- 5.63 In addition to the above, we note the following concerns with the Council's position:-
- Figure 1 details net completions since the start of the CS period, however the undersupply recorded for the 2008/09 monitoring year does not appear to match with net completions. This should be increased to -354 dwellings, giving a total undersupply for the 2008/09 to 2016/17 period of 3,950.
 - We do not consider a 5% buffer in any way appropriate. The CS target has not been met in each of the 9 years since the start of the Plan period. Even substituting the CS requirement for the Council's latest OAN figure of 1,134 d/pa would see a significant shortfall of over 3,000 dwellings against assessed housing need. The backlog is currently equivalent to over 3 years housing requirement and there can be no doubt the Council are a 20% buffer authority.
 - At paragraph 3.14, the draft proposals under the Housing White Paper (February 2017) are cited as justification for a 5% buffer, given that the White Paper advocates a 20% buffer from November 2017 where delivery has been less than 85% of the requirement. The Council have sought to use the 2014 base household projections of 797 d/pa rather than the emerging Plan target, currently at 1,134 d/pa. Once the Local Plan is adopted there would be no doubt the Council are a 20% authority given delivery across the last three monitoring years is little over half the current OAHN.
 - Whilst we have not undertaken a full review of the Council's housing trajectory, using either five year supply scenario, the Council place heavy reliance upon sites



without planning permission, with over 50% of the quantum of forward supply falling into such category.

- 5.64 Importantly, within the latest Housing Trajectory submitted to the Local Plan examination, the application site (reference H34) is detailed as contributing to the immediate five year supply, with the Council projecting delivery of the entire site capacity by year 2020/21. The Council's reliance on demonstrating a five year supply upon adoption of the Plan is therefore based on a scenario which includes a contribution to the forward supply from this particular site.

6.0 THE PLANNING CASE

- 6.1 This section of the report identifies the main planning considerations and provides an assessment of the planning merits of the case in support of the proposed development.

Principle of Development

- 6.2 The application site is presently identified as safeguarded land within the Council's UDP, however the site is identified as an emerging allocation under reference H34 of the Barnsley Local Plan. The UDP is now a time expired document, the development limits of which are significantly out of date and the Council are moving toward the adoption of a new Development Plan to meet the District's future housing needs.
- 6.3 The emerging Barnsley Local Plan has reached an advanced stage, with Stage 4 Hearings having concluded in April 2018. Following the conclusion of Stage 3 Hearings in December 2017, the Council undertook further work to identify additional sites in order to meet an emerging housing requirement in excess of that put forward within the submission draft Local Plan. The final Inspector's Report is anticipated in due course.
- 6.4 The Council are currently unable to demonstrate a deliverable five year housing land supply, and will not be able to do so until such time that the Local Plan can be adopted. With reference to the Council's last published five year housing land supply position², the Council considered two supply scenarios, those being:-
- i. Pre-adoption of the Local Plan figure of broadly 4 years supply; or
 - ii. Post-adoption of the Local Plan figure of around 6.5 years supply.
- 6.5 The weight to be given to the emerging plan is a matter for the decision taker. With reference however to the recent Secretary of State ('the SoS') recovered appeal decision at Southminster Road, Burnham-on-Crouch³ it is noted that the SoS afforded 'limited weight' to an emerging plan that had been subject to examination but without any firm conclusions having been reached by an Inspector.
- 6.6 Notwithstanding the above, it is anticipated there is a reasonable probability that the Council will be in receipt of the Inspector's Report at some point during the determination

² August 2017

³ Appeal Reference APP/X1545/W/15/3009772 dated 20th April 2017



of this application. In order to therefore assist the Council's Development Control function, the following two propositions are put forward:-

Either;

- i. The emerging Local Plan is to be given limited weight and the Council are unable to demonstrate a deliverable five year housing land supply. The Council's existing Development Plan is time expired and paragraph 14 of the Framework is engaged. Accordingly, permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits; or
- ii. The emerging Local Plan is found sound and is to be given full or substantial weight. The site forms a preferred housing allocation within the emerging plan and therefore its suitability in principle for residential development cannot be in question. The development would be in full compliance with the emerging Local Plan and therefore in accordance with the Framework⁴ permission should be approved 'without delay'.

6.7 The site itself forms an entirely logical infill extension to the north western edge of the village, bordered on all sides by existing buildings including a newly constructed affordable housing led scheme immediately south. The site is not located within the Green Belt and now serves little function as a piece of safeguarded land.

6.8 The site is located within the Principle Town of Penistone and is in a highly sustainable location with regards to access to shops, services, schools, transport and infrastructure. Within the emerging Plan, Penistone receives 5% of the total requirement with a target in excess of 1,000 dwellings. Indeed this position is entirely consistent with Policy CSP 10 of the adopted Core Strategy.

6.9 At the time of submission of the Barnsley Local Plan, only 373 dwellings held the benefit of planning permission, leaving a residual balance in excess of 600 dwellings. Accordingly, the development of the site is entirely consistent with the spatial strategy and distribution of housing supply across the District.

⁴ Paragraph 14



Prematurity

6.10 The National Planning Practice Guidance states that in the context of the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional cases, where it is clear that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Such grounds may include:-

- i. The development would be so substantial, or its cumulative effect would be so significant that to grant planning permission would undermine the plan making process.
- ii. The emerging plan is at an advanced stage but not yet part of the development plan for the area.

6.11 In this instance the development proposed would comprise 24 dwellings, which would represent 0.1% of the total plan target of 20,900 dwellings. The site is therefore not at all significant in scale to prejudice the emerging plan.

6.12 The site is located within the principal town of Penistone and would form a highly sustainable and suitable site which can contribute to meeting the minimum plan target of 20,900 dwellings together with addressing the current significant shortfall in five year supply. Given that the site forms a preferred residential allocation within the emerging plan, the development of the site would clearly support the delivery of the plan.

Other Material Considerations

6.13 Having regard to the sites suitability in principle for residential development, other material considerations are summarised in detail below. For clarity, further detail can be found within each of the supporting technical reports which accompany the planning application submission.

Design & Sustainability

6.14 The development would form a logical infill site on the north western edge of Penistone and is bordered by existing residential properties to the north, south, west and east. The accompanying Design and Access Statement informs how the design of the proposed residential development has been considered.

- 6.15 The scheme would propose a mix of detached, semi-detached and terraced properties that would deliver choice and meet local needs within Penistone.
- 6.16 Consideration has also been given to CABI Building for Life 12 (2012) and the Design & Access Statement supporting the application.
- 6.17 With respect to the amenities of future occupiers, the South Yorkshire Residential Design Guide (2011) has been adopted by the Council as a best practice guide for appraising the quality of new housing proposals. The guide is intended to compliment the Building for Life Scoring criteria and amongst other design principles, sets out recommended minimal internal space standards and rear garden spaces for new build residential accommodation. An extract from the technical guidance is detailed within Tables 6.1 and 6.2 below:-

Table 6.1 – Recommended Minimum Internal Space Standards (South Yorkshire Residential Design Guide)

Dwelling Size	Recommended Internal Floor Space (Minimum)
2 Bed / 3 Person Dwelling	62m ²
3 Bed / 4 Person Dwelling	77m ²
4 Bed / 5 Person Dwelling or More	93m ²

Table 6.2 – Recommended Minimum Amenity Space Standards for Rear Garden Areas (South Yorkshire Residential Design Guide)

Dwelling Size	Recommended Amenity Space (Minimum)
2 Bed Dwelling	50m ²
3 Bed Dwelling or More	60m ²

- 6.18 As detailed earlier in this document and in the supporting Transport Statement, the site is highly sustainable given its location on the edge of a principal town.
- 6.19 The site has excellent links with nearby shops & services including food stores. The site is located within adequate walking distance of local amenities and is well served by both primary and secondary schools. GP and other healthcare facilities are also located within 800m of the site, with the centre of Penistone within ample walking distance.

Highways

- 6.20 The Highways Statement undertaken by Patrick Parsons demonstrates that the proposed development would generate an extremely low number of vehicle trips in AM and PM peak hours and therefore will have an insignificant effect on the local highway.

- 6.21 The report further considers that the junction with Thurlstone Road would perform very well with no predicted queues or delays in either peak hour and can easily accommodate the proposed flows.

Ecology

- 6.22 An Ecological Appraisal has been prepared by Brooks Ecological in support of the application. The report considers that the site would only support a limited range of common, species-poor habitats of low ecological value. The report considers that there would be no significant constraints to the site's development
- 6.23 The report makes recommendations for bat and bird boxes to be incorporated into the development together with the incorporation of native trees, shrubs and flowers.

Trees

- 6.24 An Arboricultural Survey has been prepared by Iain Tavendale in support of the application. The survey identifies a grouping of Goat Willow and Ash tree located adjacent the access to Bent Street, and identified as Cat C. The majority of trees within the periphery of the site are further identified as Cat C, with an area of trees along the eastern boundary identified as Cat B.

Ground Conditions

- 6.25 A Geo-Environmental Investigation report has been prepared by Patrick Parsons. The report finds the site to be of low risk to contamination.
- 6.26 The report notes that superficial deposits beneath the site are shown to comprise river terrace sand and gravel above glacial till or rock. On this basis it is therefore considered soakaway drainage would be unsuitable.

Flood Risk & Drainage

- 6.27 The site is located within Flood Zone 1 of the Environment Agency mapping, meaning that it is very unlikely to flood and the sequential test is satisfied.



- 6.28 A Flood Risk Appraisal has been produced by Patrick Parsons which concludes that no mitigation measures are considered necessary in order to mitigate for the risk of flood.
- 6.29 The Patrick Parsons report considers discharge to the existing 150mm public sewer located east of the site as the most appropriate method of surface water management. Discharge surface water flows are to be restricted to 3.5 l/s as agreed with Yorkshire Water.

Air Quality

- 6.30 At the request of the Local Authority, an Air Quality Assessment was instructed to be prepared by BWB Consulting. The Assessment demonstrates construction impacts together with overall impacts on traffic flows are deemed to be of negligible significance.

Archaeology

- 6.31 An Archaeological Desk Based Assessment has been prepared by BWB Consulting in support of the application in accordance with the emerging Local Plan requirement under site reference H34.
- 6.32 The report assesses the potential for archaeological remains on site and concludes that there is limited potential for archaeological remains to be present within the site, with no finds or remains within the study area. Given the lack of known archaeology within the site and the wider area no further works are recommended.

Affordable Housing

- 6.33 Policy H8 of the emerging Barnsley Local Plan sets an expectation of 30% on-site affordable housing to be provided on developments of 15 dwellings or more within Penistone. The policy is subject to the provision that a reduced quantum of affordable housing will be sought were the required level of affordable housing would negatively impact the viability of the scheme.
- 6.34 An Economic Viability Appraisal accompanies the application and through a detailed financial appraisal demonstrates that the development is unable to support the requirement of 30% affordable housing without prejudicing the delivery of the scheme.



Planning Balance

- 6.35 The site is located in the northern western edge of the principal town of Penistone, an area of land allocated for long term development in the now time expired 2000 UDP. The Council are moving toward the adoption of a new Local Plan, with examination having recently closed and the Inspector's final report due imminently. Within the emerging plan, the site is identified as a preferred residential allocation and is to contribute to the Council's current shortfall in housing land supply.
- 6.36 The site is within a highly sustainable location, with excellent access to social and physical infrastructure locally present in Penistone. The development would be fully compliant with both existing policies contained within the adopted Core Strategy and policies within the emerging Local Plan.
- 6.37 The development can contribute toward the planned growth and residual requirement for Penistone and is therefore fully aligned with the spatial strategy's approach for development to be focussed within the Principal Towns.
- 6.38 The site is subject to no significant environmental constraints and the various technical reports produced to accompany this application submission demonstrate that there will be no adverse impacts as a result of granting planning permission.
- 6.39 The site is not of high environmental quality and there are no technical reasons for refusal. In accordance with policies SD1 'Presumption in Favour of Sustainable Development' and GD1 'General Development' contained within the emerging Local Plan, together with provisions of the Framework, permission should therefore be approved without delay.
- 6.40 The proposed development will be in keeping with the local characteristics and proposes a mix of property types without detriment to neighbouring amenities. The settlement characteristics and the site's opportunities and constraints have been assessed in the supporting Design and Access Statement.
- 6.41 There are a number of significant benefits that can be delivered through the development of these housing proposals. The site would provide a deliverable supply of much needed land for housing in a district where the identified housing land supply is significantly short of five years.
- 6.42 Other benefits include:-

Orion Homes

Land off Saunderson Road, Penistone



- The provision of a range of new house types to provide increased housing choice.
- The generation of further investment to the area in terms of the construction value (circa £2.4m) and associated spend during the construction period.
- Full-time direct on-site jobs during the construction phase
- Indirect “spin-off” jobs in services and other business from the wage spending of construction workers and supplier sourcing and additional resident expenditure as a result of new homes in the town.

6.43 Having regard to all of the above, it is clear that there is a significant presumption in favour of the development. The proposal is fully policy compliant and has demonstrated there to be no technical issues which would prevent the grant of planning permission.

7.0 SUMMARY AND CONCLUSIONS

- 7.1 The National Planning Policy Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development which should be seen as the golden thread through both plan-making and decision-taking.
- 7.2 The Council are presently unable to demonstrate a deliverable five year housing land supply and will be unable to do so until such time they are in a position to adopt the emerging Local Plan.
- 7.3 The site forms a preferred residential allocation within the emerging plan and can therefore make an immediate contribution towards overcoming the district shortfall in housing delivery and boost the five year housing land supply. The development would further bring a number of economic and social benefits.
- 7.4 The site would form a logical and suitable infill site on the north western edge of the Principal Town of Penistone. The site is sustainably located and would accord with the spatial distribution of both the adopted Core Strategy and the emerging Local Plan.
- 7.5 The site would make for a compatible use and the technical reports accompanying the application detail how the development will not give rise to any adverse impact upon matters of transport, drainage, trees or ecology or the amenities of present and future occupiers. The development would therefore comply with the Core Principles of the NPPF as detailed within paragraph 17 of the Framework.
- 7.6 Therefore taking account of the all of the above factors including all merits of the scheme taken as a whole, this report has demonstrated that when assessed against the requirements of the Framework, there are no adverse impacts that would arise from a residential development of the site. In accordance with paragraph 14 of the Framework, permission should therefore be approved without delay.



APPENDIX 1 – PROPOSED LAYOUT

SITE | LAYOUT PLAN



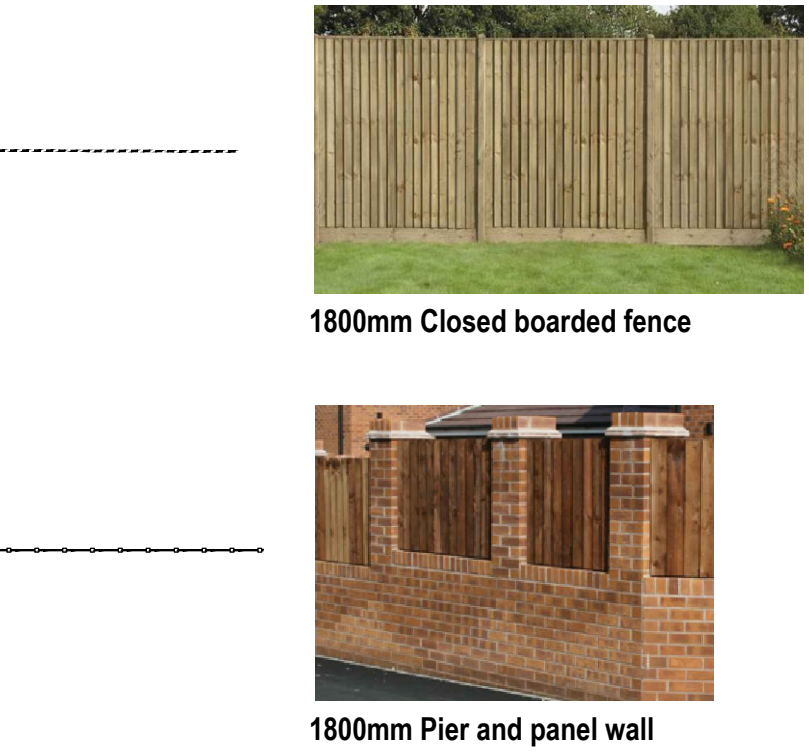
Saunderson Road, Penistone
Orion Homes

Housetype	number	sqft	total
Preston	5	873	4365
Chichester	5	1161	5805
Salisbury	4	1377	5508
Dunstanburgh	3	1073	3219
Plymouth	2	1418	2836
Exeter	2	1407	2814
Arlington	3	968	2904

Site Total	24	27451
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Orion site area 0.92Ha 2.28 Acres
Density 26dph
coverage 12,040 sqft per acre

Boundary Treatment Key:



Revision notes:		
Rev:	Date:	Notes:
A	14.02.17	Private drive amended in front of plots 5 - 12, drives widen, visitor parking added & plot 13 amended to avoid using Bent Street.
B	27.02.17	Accommodation schedule added.
C	06.04.17	85msq Sewer Easement added to Site - FS/GC
D	13.11.17	Amended to suit comments from urban design and TL - CD
E	08.01.18	Plots 2, 3, 15 to 19, 22 & 23 amended - CD
F	04.06.18	Aerial image added - CD

Revision notes:		
Rev:	Date:	Notes:
..	..	..

Revision notes:		
Rev:	Date:	Notes:
..	..	..

Date:	13.02.17
Project:	Saunderson Road, Penistone
Scale @ A1:	1:500
Drawn By:	CD
Drawing Number:	9295-100
Revision:	F



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Unit 5, Benton Office Park, Bennett Avenue,
Horbury, Wakefield, WF4 5RA, Tel: 01924 831030



APPENDIX 2 – EMERGING LOCAL PLAN EXTRACT

9 . Housing

Site H34 Land east of Saunderson Avenue, Penistone Indicative number of dwellings 29

The development will be expected to:

- retain the heathland in the southern half plus provide a buffer strip of vegetation to the cemetery at the south
- archaeological remains may be present on this site therefore proposals 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
 - Consideration of how the remains would be affected by the proposed development.
- respect the historic setting of the listed buildings at 8-10 Thursltone Road and the group character of Penistone Conservation Area 200m to the east. Development of site H30 will require the use of appropriate site layout, sympathetic design that reflects the setting, scaling, massing, details and materials.

Site H47 Land South East of Schole Hill Lane, Penistone

The site has planning permission for 139 dwellings



**APPENDIX 3 –LOCAL PLAN REPRESENTATION H34
(17TH AUGUST 2016)**



JohnsonMowat
Planning & Development Consultants

Planning Policy
Development
Barnsley MBC
PO Box 634
Barnsley
S70 9GG

17 August 2016

Dear Sir/Madam

RE: H34 LAND EAST OF SAUNDERSON AVENUE, PENISTONE

I write on behalf of our client Orion Homes in connection with the above site. We wish to support the inclusion of the site as a residential allocation within the emerging Barnsley Local Plan.

The land is presently allocated 'Urban Land to Remain Undeveloped' within the existing UDP, Orion Homes have recently taken control of the site and are currently preparing a full planning application to be submitted in due course. Enclosed with our representation is a working draft layout comprising 23 No. dwellings.

The site is available now and can deliver within the five year period, contributing toward meeting the annual requirement and any shortfall in housing land supply.

With regards to the wording of the draft allocation H34, we wish to note the following.

- i. Reference is made toward the need to provide a buffer strip of vegetation to the cemetery to the south. This would appear to be an error, the application site is bordered on all boundaries by existing development. The land immediately south of the site has recently been developed for 22 No. affordable units under application reference 2013/0072, the cemetery referred to within the draft allocation text lies beyond that site. We therefore consider there to be no merit in providing a buffer vegetation strip to the southern boundary, we note however that the detailed scheme put forward by Orion Homes will be subject to appropriate boundary screening to existing properties.

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- ii. The draft allocation makes reference to archaeological remains. An Archaeological Survey is to be commissioned and will accompany the full application submission.
- iii. Finally, with regards to the potential impact upon the historic environment, the Grade II Listed Building 8 and 10 Thurlstone Road is located approximately 185m to the east of the development site, beyond the existing residential development bordering the site to the north. The site is not considered to be within the setting of the Listed Building given the absence of intervisibility or significant historic or functional relationship.
- iv. With respect to the setting of Penistone Conservation area, the draft wording within the allocation would appear incorrect as the northern extent of the Conservation Area is located approximately 360m from the eastern edge of the application site and not 200m as suggested. The site would form a logical extension to the existing urban form and it is our opinion that given the substantial separation distance and existing infrastructure, it is unlikely a proposed residential development would upon impact any significant longer distance views available from or towards the area.

We trust these comments will be taken into consideration and should you have any queries please contact us.

Yours Sincerely



Luke Herring, MRTPI

Senior Planner

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0 10 20 30 40 50 [m]

ACCOMODATION SCHEDULE				
FREE SALE				
NAME	Beds	SQ FT	TOTAL	TOTAL SQ FT
T34	3	841	4	3364
T32	3	968	3	2904
Dunstanburgh	3	1073	5	5365
Ennerdale	4	1115	3	3345
Langdale	4	1319	3	3957
T42	4	1407	2	2814
T43	4	1418	3	4254
GRAND TOTAL			23	26003