



Nathaniel Lichfield  
& Partners  
Planning. Design. Economics.

**Planning Statement**

Outline Planning Application for Residential  
Development

Lairds Way, Penistone

The Co-Operative Group

13<sup>th</sup> December 2012

50233

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Registered Office:

14 Regent's Wharf

All Saints Street

London N1 9RL

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## 1.0 Introduction

- 1.1 This planning statement has been prepared by Nathaniel Lichfield & Partners to support an outline planning application by The Co-operative Group (TCG) for residential development on vacant, previously developed land at Laird's Way, off Sheffield Road in Penistone.
- 1.2 The application site has lain vacant and derelict for a considerable period of time and is a wasted resource of previously developed land. TCG are therefore seeking a sustainable and viable new use for the site and are proposing its redevelopment for residential purposes. The application is submitted in outline form, with all detailed matters reserved for future approval. Access to the site is already in place via Laird's Way.
- 1.3 The planning application therefore seeks to establish the principle of the use, rather than the specific number of units. The application is accompanied by indicative plans showing how 44 dwellings could be accommodated on the site as a as a mix of 2, 3 and 4 bedroom houses, taking account of the context of the site and in particular the existing and surrounding site levels, albeit a scheme with a different housing mix could be satisfactorily accommodated.
- 1.4 This statement considers the background to the proposals and provides an assessment of the overriding benefits of the development in line with national planning policy, local policy and other material considerations to assist Barnsley Metropolitan Borough Council (Barnsley MBC) in its consideration of the planning application.

## Application Submission

- 1.5 The planning application comprises the following information:
- 1 Completed Planning Application Form, signed Certificate A and Agricultural Holdings Certificate;
  - 2 Site Location Plan;
  - 3 Indicative Site Layout and Cross Section;
  - 4 Topographical Survey (prepared by Paragon Surveys);
  - 5 Design and Access Statement (prepared by Fish Associates);
  - 6 Planning Statement (this document);
  - 7 Employment Land Assessment (prepared by Carter Towler);
  - 8 Transport Statement (prepared by Curtins Consulting);
  - 9 Extended Phase 1 Habitat Survey and (prepared by Middlemarch Environmental Ltd);
  - 10 Arboricultural Assessment (prepared by Middlemarch Environmental Ltd);

- 11 Noise Impact Assessment (prepared by Environmental Noise Solutions);
- 12 Combined Phase 1 and Phase 2 Ground Investigation Report (prepared by Opus Land); and
- 13 Flood Risk/Drainage Assessment (prepared by Curtins Consulting).

## 2.0 Site Context and History

### Site Location

2.1 The application site is located within the main built area of Penistone, approximately 10 km to the west of Barnsley town centre. The site is situated to the south of Sheffield Road (B6462) approximately 750m from the edge of Penistone District Centre.

2.2 Access to the site is via Laird's Way, off Sheffield Road.

2.3 The site is also highly accessible by public transport. Penistone Railway Station borders the site, with its entrance located approximately 600m from Laird's Way. The site is within 400m of a bus stop on Sheffield Road.

2.4 The location of the site is illustrated in Figure 2.1 below:

Figure 2.1: Site Location



### Site Description

2.5 The application site extends to approximately 1.4ha and forms part of a former industrial site (formerly occupied by the former Cammell Laird Foundry). The site has been cleared of all buildings and comprises a mixture of hard standing and areas of vegetation.

2.6 The site is bounded:

- to the south and west by redundant, former industrial land, beyond which lies the railway line and Penistone Railway Station;

- to the north by Sheffield Road beyond which lies residential development (at Valley View) as well as commercial / industrial premises, including the Penistone Ambulance and Fire Stations; and
- to the east by residential development.

2.7 Surrounding uses in the wider area comprise housing, playing fields and open space. The area is predominantly residential in character.

2.8 The site sits approximately 7m above Sheffield Road, albeit the site itself is mainly level.

2.9 It is not known exactly when use of the Cammell Laird Foundry ceased, or when the site was cleared but the site has been inactive for a considerable period of time, and vacant in excess of at least 18 years.

2.10 The site is currently being marketed and has been the subject of marketing activity undertaken by Carter Towler since January 2009. Despite this the site remains undeveloped and is a wasted resource.

2.11 Access to the site (Laird's Way) was provided in circa 1995 to facilitate development as a condition of development of the adjacent site for residential uses (see paragraph 2.14). The purpose of the creation of the new access was to assist with the delivery of the employment development aspect of the permission, which has subsequently not occurred.

## Site Context

2.12 Penistone provides around 9% of housing within Barnsley<sup>1</sup>. As referred to within the Barnsley Housing Needs, Markets and Affordability Assessment Update: A Strategic Housing Market Assessment (May 2008), Penistone is considered to demonstrate a buoyant housing market and is identified as the area where housing pressure (i.e. where demand is greater than supply) is most acute. There is an identified requirement for a range of dwelling types and sizes in Penistone, with a particular shortage of smaller dwellings.

## Planning History

2.13 As referred to above, the site was formerly occupied by the Cammell Laird Foundry and has lain vacant for a considerable period of time.

2.14 An outline application was approved at the site in 1994 (application reference B/94/1449/PU) for development of a business park (of floorspace circa 30,000 sqft) alongside residential on the adjoining 5 ha of land. Condition 6 of the outline permission required provision of service access to the business

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<sup>1</sup> Barnsley Housing Needs, Markets and Affordability Assessment Update: A Strategic Housing Market Assessment (May 2008).

park before occupation of more than 75 dwelling houses. This access road was subsequently created and remains in place as Laird's Way.

- 2.15 Whilst reserved matters approval was granted, and subsequently implemented, on the adjacent site for development of 127 dwellings (application reference B/98/1015/PU), no further reserved matters applications were received in respect of the proposed business park. No other planning applications of relevance have come forward on the site.
- 2.16 Applications for housing developments to the north of the application site on allocated employment land were granted in 2007 (Valley View) and 2010 (site adjacent to the viaduct). These properties have now been developed and add to the predominantly residential character of the locality.
- 2.17 As discussed in further detail below, the site is allocated for a 'mix of uses' which effectively requires the land to be developed for employment uses as a result of the adjoining residential development (Policy PE1/11). The site has been allocated as such since at least 2000, and is actively marketed by Cater Towler for employment use. Despite this, the site remains undeveloped and continues to be allocated within the saved policies of the UDP.
- 2.18 The site is indicated within the Development Sites and Places Consultation Draft (September 2012) as an Employment Land Option (Policy P1) as an existing but undeveloped UDP allocation. Representations submitted to this document by TCG demonstrate that the site does not comprise a realistic, suitable or viable employment site for continued allocation within Barnsley's Local Development Framework in accordance with the National Planning Policy Framework (NPPF), and that residential development provides a more sustainable, suitable and viable use. No feedback had been received from BMBC in response to these representations at the time of submission of this application.
- 2.19 In terms of the wider planning history context for Barnsley, in January 2012 the Secretary of State recovered an appeal against the refusal of planning permission for residential development at the former North Gawber Colliery in Mapplewell<sup>2</sup>. The SoS endorsed the Inspector's decision who allowed the appeal on the basis that the site provided a suitable location for housing development well related to the exiting settlement; had an acceptable impact on the local highway network; reclamation of the whole site as green space did not provide a viable option; the provision of affordable housing; and use of previously developed land.
- 2.20 Both the Inspector and the SoS recognised that Barnsley's UDP extends only to 2001, and was prepared under different circumstances to the present day. Significantly, the SoS concluded that the Appellant's methodology for calculating Barnsley's five year housing supply be preferred over that of the

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<sup>2</sup> Appeal Reference APP/R4408/A/10/2138041

Council's and that, therefore, that a five year supply of deliverable housing sites is not demonstrated in Barnsley. The application was not deemed to prejudice forthcoming development plan documents, notably the Development Sites and Places DPD.

## 3.0 **Proposed Development**

- 3.1 The application proposes outline residential development with all matters reserved. Access to the site is already in place via Laird's Way.
- 3.2 The planning application therefore seeks to establish the principle of the use, rather than the specific number of units. The layout plan submitted in support of the application is indicative only, and demonstrates how residential development could be accommodated on the site, taking account of the context of the site and in particular the existing and surrounding site levels.
- 3.3 The layout plan illustrates a total of 44 dwellings as a mix of 2, 3 and 4 bedroom houses as a mixture of terraced, semi-detached and detached units, albeit a scheme with a different housing mix could be satisfactorily accommodated. The indicative scheme results in a site density of 32.14 dwellings per hectare
- 3.4 It is anticipated that 25% of the units will be provided as affordable units in accordance with local planning policy (discussed in further detail below).
- 3.5 As referred to above, access to the site will be taken from the existing access (Laird's Way) which will be extended to from the road which the proposed dwellings take their access. Extension to this access road is a matter reserved for detailed stage, as part of a detailed site layout.
- 3.6 It is anticipated that the existing vegetation within the main part of the site will be cleared, whilst existing tree cover and/or structure planting will be retained at the site boundary with Sheffield Road. There is the opportunity for additional structure planting at the south eastern boundary. The site will be appropriately landscaped and is a matter for consideration at the reserved matters stage.
- 3.7 Overall, the application provides a unique opportunity to secure the development of vacant and derelict brownfield land which is currently a wasted resource in a sustainable location in a central area within Penistone. The application will achieve high quality residential development in keeping with the surrounding, predominantly residential, character and will vastly improve and regenerate a currently unsightly and underutilised piece of derelict land.

4.0

## Planning Policy Context

### The National Planning Policy Framework (March 2012)

4.1

The National Planning Policy Framework (NPPF) was published on 27<sup>th</sup> March 2012 and is a material consideration for planning applications now. Whilst much of its policy is relevant in this case, its most pertinent policies relating to the principle of development at the site are set out below.

### Presumption in Favour of Sustainable Development

4.2

The cornerstone of the NPPF is to proactively deliver sustainable development to support the Government's economic growth objectives and deliver the development which the country needs. This is particularly pertinent now as we strive to recover from a deep economic recession.

4.3

Paragraph 15 of the NPPF is unequivocal:

***“...development which is sustainable should be approved without delay.”*** (NLP emphasis)

4.4

Paragraph 14 of the NPPF states:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **decision making** 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 impacts 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.”*

4.5

In this context, as referred to above, the Barnsley UDP was adopted **12 years** ago in 2000, with the policies formulated during the 1990s. The plan-period of the UDP ended in 2001 and whilst some have been saved, its policies were only ever intended to control development within that timeframe, not now. Indeed, as referred to above both the Inspector and the SoS concluded that the plan was prepared under different circumstances to the present day within the North Gawber Colliery appeal decision. It is therefore concluded that the policies of the UDP are indeed out-of-date for the purposes of considering these applications.

## Driving Sustainable Economic Growth

4.6 The NPPF makes clear that economic development is a core component of delivering sustainable development and growth. Paragraph 9 states that sustainable development involves:

***“Positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including, inter alia:***

- Making it ***easier for jobs to be created;***
- ***Replacing poor design with better design;***
- ***Improving the conditions in which people live, work, travel and take leisure;***
- ***Widening the choice of high quality homes.”***

4.7 A Core Planning Principle of the NPPF at Paragraph 17 states that the planning system should:

***“Proactively drive and support sustainable economic development to deliver the homes, businesses, industrial units, infrastructure and thriving local places that the country needs.”***

4.8 Paragraph 19 states:

***“The Government is committed to securing economic growth in order to create jobs and prosperity...”***

4.9 Paragraph 19 goes on to state:

***“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.”***

4.10 On 23 March 2011 the Minister of State for Decentralisation Greg Clarke MP published a Ministerial Statement entitled ‘Planning for Growth’. The Ministerial Statement is a material consideration in determining planning applications **now**<sup>3</sup>. The Government’s policy objective is clear:

***“that the answer to development and growth should wherever possible be ‘yes’...”*** (NLP emphasis)

4.11 In deciding whether to grant planning permission, LPAs are required to:

***“...support enterprise and facilitate housing, economic and other forms of sustainable development.”*** (NLP emphasis)

## Increasing the Supply of Housing

4.12 Increasing housing supply is a key objective of the Government, with Grant Shapps MP, Minister for Housing and Local Government stating:

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<sup>3</sup> Paragraph 2.9, ‘The Plan for Growth’ HM Treasury, March 2011

**“... we must build more homes. The ‘demographic imperative’ demands it.”<sup>4</sup>**  
(NLP emphasis)

4.13 The NPPF reiterates this, and the overriding housing objective of the NPPF as stated at paragraph 47 is:

**“To boost significantly the supply of housing.”**

4.14 In doing so, Local Authorities are required by the NPPF to:

*“Identify and update annually a supply of specific **deliverable sites** sufficient to provide five years worth of housing against their requirements with an additional buffer of 5%...Where there has been a **record of persistent under delivery of housing, local authorities should increase the buffer to 20%.**”*

4.15 Paragraph 49 of the NPPF states:

**“Housing applications should be considered within the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.”**

4.16 The key housing objectives stated in the NPPF for significantly increasing the supply of housing are:

- 1 Increase the supply of housing
- 2 Deliver a wide choice of high quality homes that people want and need
- 3 Widening opportunities for home ownership
- 4 Creating sustainable, inclusive communities, including through the regeneration and renewal of areas of poor housing.

4.17 On 6<sup>th</sup> September 2012 the Secretary of State for Communities and Local Government, Rt Hon Eric Pickles MP, issued a Ministerial Statement on Housing and Growth setting out, inter alia, that:

- The Government’s number one priority is to get the economy growing;
- The need for new homes is acute, and supply remains constrained; and
- Economically unviable Section 106 Agreements result in no development, no regeneration and no community benefit at all.

4.18 It is noted that Penistone is identified as a Principal Town and the focus for housing within the Barnsley Core Strategy (Policy CSP8).

## **Prioritising Previously Developed Land and Buildings**

4.19 Paragraph 111 of the NPPF states:

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<sup>4</sup> *Speech at the Housing Market Intelligence Conference 2010, 25 November 2010*

Planning policies and **decisions should encourage the effective use of land by re-using land that has been previously developed** (brownfield land), provided that it is not of high environmental value.

## Re-using Unneeded Employment Land

4.20 Paragraph 22 of the NPPF states that:

*“Planning policies should **avoid** the long term protection of sites allocated for employment use where there is **no reasonable prospect of a site being used for that purpose**. Land allocations should be regularly reviewed. **Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits** having regard to market signals and the relative need for different land uses to support sustainable local communities.”*

4.21 It is therefore a national planning policy requirement to consider alternative uses, such as housing, for employment land where there is no realistic prospect of it being taken up for its allocated use.

## Development Plan

4.22 The adopted development plan currently comprises of the Barnsley Local Development Framework Core Strategy, the remaining saved policies of the Barnsley Unitary Development Plan (UDP), and the Regional Spatial Strategy.

## Regional Spatial Strategy (RSS)

4.23 Whilst the Yorkshire and Humber Regional Strategy (RSS) is in the process of being revoked, at this stage this has not yet occurred and as such it remains part of the development plan.

4.24 The RSS states provision and distribution of housing stock within the region should improve and increase housing under Policy H1. Consideration should also be given to the increasing economic growth in South Yorkshire and delivery of the average annual net additions to the dwelling stock should be met by each Local Authority. Barnsley’s annual average net addition to dwelling between 2004 -2026 should be 21,630. Therefore between, 2004-2012, 7,420 dwellings should have been built in line with Policy H1.

4.25 The RSS also identifies Penistone as a Principal Town which should be the main focus for housing; employment; shopping; leisure; education; health and cultural activities and facilities under Policy YH5.

## Barnsley LDF Core Strategy

4.26 The Core Strategy was adopted in September 2011 and has replaced a number of policies from the Barnsley UDP. Core Strategy policies relevant to the determination of this application are listed below, whilst Section 5.0 sets out how the proposal accords with their requirements.

- CSP 2 Sustainable Construction;
- CSP 4 Flood Risk;
- CSP 8 The Location of Growth;
- CSP 9 The Number of New Homes to be Built;
- CSP 10 The Distribution of New Homes;
- CSP 11 Providing Strategic Employment Locations;
- CSP 13 The Release of Allocated Housing Land;
- CSP 14 Housing Mix and Efficient Use of Land
- CSP 15 Affordable Housing;
- CSP 19 Protecting Existing Employment Land;
- CSP 25 New Development and Sustainable Travel;
- CSP 29 Design;
- CSP 36 Biodiversity and Geodiversity;
- CSP 39 Contaminated and Unstable Land;
- CSP 40 Pollution Control and Protection; and
- CSP 42 Infrastructure and Planning Obligations

## **Barnsley UDP**

4.27 The Barnsley UDP was adopted in 2000 and was only intended to cover the period 1986-2001. Notwithstanding this, a number of policies were saved in 2007 and until further progress is made with the LDF, remain part of the development plan.

4.28 The application site is identified in the saved policies Barnsley UDP (RUDP) as part of a wider area allocated for mixed use development under Policies PE1/11 and PE3/3. The supporting text to Policy PE1/11 advises that the priority is to achieve redevelopment of the site for employment uses, but in order to achieve this, a mixed use scheme comprising an element of residential uses will be acceptable. The policy therefore caps residential development to a maximum of 5 hectares, or 125 dwellings, and will be dependent upon the provision of economic development on the remainder of the site, to be controlled by planning condition or legal agreement.

## **Emerging Policy**

### **LDF Development Sites and Places DPD**

4.29 As referred to above, the application site is indicated within the Development Sites and Places Consultation Draft (September 2012) as an Employment Land Option under Policy P1. The site was automatically rolled forward as an existing employment allocation.

- 4.30 Representations submitted to the Sites and Places DPD by TCG demonstrate that the site does not comprise a realistic, suitable or viable employment site for continued allocation within Barnsley's Local Development Framework in accordance with the National Planning Policy Framework (NPPF).
- 4.31 The Development Sites and Places DPD is at an early stage in its development, and has not yet been subject to consultation on preferred options and policies or an independent examination. Given that the document is at such an early stage, alongside consideration of the objection raised against the proposed allocation, extremely limited weight can be afforded to this policy, or other policies within the document, in the determination of this application.
- 4.32 Significantly, residential development proposed at North Gawber Colliery was not considered by the Inspector or SoS to prejudice the forthcoming Sites and Places DPD.

## **Supplementary Planning Documents**

### **Designing New Housing Developments**

- 4.33 This Document primarily supplements policy CSP 29 of the LDF Core Strategy and sets out the principles that will apply to the consideration of planning applications for new housing development, including infill and backland development.

5.0

## Planning Assessment

5.1

In light of the above review of both planning policy and the wider planning history context, it is considered that the key planning considerations in the determination of this application are as follows:

- 1 Is Sustainable Development Proposed?
- 2 Housing land supply
- 3 Adopted and Emerging Site Allocations
- 4 Employment Land requirements
- 5 Housing layout, mix and density
- 6 Affordable Housing provision
- 7 Environmental and Technical Considerations

### Is Sustainable Development Proposed?

5.2

As explained at Section 4.0, at the heart of the NPPF is a ***“presumption in favour of sustainable development which should be seen as a golden thread running through plan making and decision taking”***. The planning system is expected to do all it can to facilitate economic growth. On this basis, before considering the proposal against the relevant development plan policies and other material considerations, it is appropriate to firstly consider the proposal in this context.

5.3

When assessed against the core principles of what constitutes sustainable development, as set out in paragraphs 7 and 9 of the NPPF it is concluded that the application proposes:

- 1 **Economic Benefits** – Residential development on this site will help contribute to a strong and competitive economy. This is particularly important in the context of the unviable nature of the site for employment purposes in the foreseeable future. The delivery of in the order of 44 dwellings will generate important funds for the Local Authority both in terms of the New Homes Bonus, as well as increased Council Tax receipts, which could be utilised to support local services. The creation of employment as part of the construction of the dwellings would also contribute to local growth.
- 2 **Social Benefits** – The development would provide an opportunity to provide high quality modern family housing and affordable housing to meet local needs and therefore provides the opportunity for residents to live in a decent and affordable home. It would also allow an opportunity to provide an appropriate housing mix to reflect local need and demand thereby promoting strong, inclusive and secure communities.

3 **Environmental Benefits** – The development would provide for efficient and effective reuse of previously developed and contaminated land within the built-up area which has lain vacant and derelict for a considerable period of time. The proposed housing would be in a sustainable location close to public transport, local facilities and services thereby reducing the need to travel by private car.

5.4 In light of the above and the information provided in this Statement, it is demonstrated that the application does indeed propose sustainable development and as a result **the presumption in favour of granting such development in the NPPF should therefore be applied and that permission should be granted without delay.**

5.5 In this context, the following paragraphs assess the proposal against all relevant policies and other material considerations.

## Housing Land Supply

5.6 The Barnsley MBC Core Strategy identifies an overall requirement for 21,500 net additional new dwellings to be built during the plan period to 2026. Penistone is identified by Policy CSP8 as a Principal Town and as such is identified as an appropriate location for housing and economic growth, with Policy CSP10, which deals with the distribution of the overall housing requirement, identifying that 1,100 new dwellings need to be accommodated in Penistone.

5.7 Against this wider context, it is important to recognise that paragraph 49 of the NPPF states that *“relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.”*

5.8 As highlighted in the wider review of planning history at Section 2.0 of this statement, the current position on housing land supply was recently (January 2012) considered by the Secretary of State in the determination of the appeal against Barnsley MBC’s refusal to grant planning permission for residential development on land at the former Gawber Colliery and Coswo Sports Pitch in Mapplewell. In this case, the Secretary of State agreed with his Inspector that Barnsley does not have a five year supply of deliverable sites and was critical of the formula and approach adopted by the Council in seeking to demonstrate such a supply.

5.9 Subsequent to the publication of this appeal decision earlier this year, we are not aware of any new evidence prepared by the Local Authority (taking account the Secretary of State’s comments of the methodology for assessing supply) which demonstrates that a 5 year supply can be achieved. On the basis of the latest evidence, it is therefore concluded that **Barnsley does not have a 5 year supply of deliverable housing sites.**

5.10 In light of the advice contained at paragraph 49 of the NPPF, development plan policies relating to the supply of housing land in Barnsley cannot be considered

to be up to date and therefore it follows that housing proposal should therefore be considered in the context of the presumption in favour of sustainable development.

- 5.11 On this basis, Laird's Way represents a sustainable and deliverable previously developed site, in single ownership, that would be immediately available and attractive to housing developers. Accordingly the use of this site for housing could make an immediate contribution to Barnsley's five year housing land supply, whilst also contributing to the requirement to identify land for 1,100 houses in the Penistone area over the plan period.
- 5.12 It is further noted that in seeking to meet the housing requirement, draft housing allocations proposed within the consultation draft Local Development Framework Development Sites and Policies DPD are estimated to provide in the region of 532-609 new dwellings<sup>5</sup>, with the balance of Penistone's housing requirement expected to come from sites already with planning permission and other windfall sites. With regard to the draft allocations, with the exception of one part brownfield site (PEN5), all other proposed housing allocations comprise Greenfield, including a proposed allocation on Green Belt land (PEN10), none of which are within walking distance of the town centre, or of the core public transport network. **By allowing residential development on the Laird's Way site it would also reduce the pressure to rely on green field and indeed Green Belt land to meet future housing land requirements in the Penistone area, as is presently the case.**
- 5.13 In conclusion on this matter, Barnsley cannot demonstrate a 5 year supply of deliverable sites and therefore the policies relating to the supply of housing cannot be considered to be up to date and therefore the presumption in favour of sustainable development should take precedence. The Laird's Way site is a sustainable location for housing development, which is deliverable in the short term and could therefore play an important role in meeting the Council's housing land supply requirements. In doing so, it will reduce the need to allocate land on less sustainable Greenfield locations.

## Adopted and Emerging Site Allocations

- 5.14 As highlighted in the review of Planning Policy, the site has been allocated for mixed use development since 2000 (with the policy being initially drafted in the 1990s), when the site formed part of a wider 7 hectare allocation (covered by saved UDP Policies PE1/11 and PE3/3), across the former Cammell Laird Foundry site. Whilst the allocation allows for a mixture of employment and residential uses, it seeks to cap the residential element at a maximum of 5 hectares / 125 dwellings, all of which have been delivered within the wider site allocation, as part of an outline planning permission granted in 1995. In light of this previous development, a view could be taken that the allocation as it

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<sup>5</sup> Barnsley MDC SHLAA Update 2009

stands is therefore only permissive of employment uses across the balance of the site, including all of the land covered by this planning application.

5.15 This allocation and the weight to be applied to it should, however, be considered in the context of the NPPF, which advises at paragraph 22 that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

5.16 Whilst directed at Plan making, the principle of NPPF paragraph 22 also applies to Development Management decisions and states:

*“Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits.”*

5.17 The NPPF therefore establishes a clear policy requirement to consider alternative uses where there is no reasonable prospect of an employment allocation being taking forward for that use.

5.18 Given this position, it is considered that **no weight should be attached to this policy as an existing employment allocation**. The policy does, however, provide acknowledgement that the site is a suitable location for new housing development and the limit upon dwelling yield was based upon a housing requirement for the Borough which has long since expired. This is particularly important given the absence of a 5 year housing land supply. Accordingly, **if any weight should be attached to the site allocation, it should only be on the basis of it being a suitable location for new housing development**.

5.19 Turning to emerging policy, it is recognised that Barnsley MBC has identified the site as a potential future employment allocation within the consultation draft of the Local Development Framework Development Sites and Places DPD. However in accordance with the advice contained at paragraph 216 of the NPPF, it is considered that this should also be given **no weight** in the consideration of this planning application on the grounds that:

- The document is at only the initial stage of preparation. It has not yet been the subject of an independent examination.
- There remains an unresolved objection to the draft allocation by The Co-operative Group, as site owner.
- The allocation of the site for employment purposes is contrary to the guidance contained at Paragraph 22 of the NPPF, insofar as there is no reasonable prospect of it being developed for employment purposes. This matter is discussed in greater detail below in the context of Core Strategy Policy CSP19.

## Protection of an ‘existing’ Employment Site

5.20 Notwithstanding the position regarding the weight to be applied to the existing site allocation, as the site which was last used for employment purposes

(albeit not for a considerable period of time), it therefore falls to be considered against Core Strategy CSP19. This states that the redevelopment of employment land and buildings for non-employment uses will only take place if:

- Redevelopment would not result in a loss of **existing jobs** or employment potential; and
- There will be an adequate supply of employment land in the locality

5.21 It then goes on to say that if these criteria can be satisfied, then redevelopment will be allowed where it can be demonstrated that:

- The buildings or land cannot satisfactorily support **continued** employment use. (NLP emphasis)

5.22 The supporting justification for the policy states that, historically, employment land in the Borough has been lost to a range of uses, with the issue being most acute in the loss of such land to housing. It goes on to state that current evidence indicates that the authority has sufficient land to accommodate their future housing requirements and therefore there should be no further losses of employment land to housing unless credible supporting evidence is provided to demonstrate accordance with the above policy.

5.23 As has already been discussed earlier in this section, it is no longer the case that Barnsley has sufficient available and deliverable housing land to meet its requirements in the short term. Accordingly, in the context of the advice contained in paragraph 22 of the NPPF discussed above, it is considered that Barnsley should therefore be seeking to be supportive of appropriate proposals to boost their housing land supply, through the redevelopment of redundant and surplus employment land.

5.24 In assessing the proposal against CSP19, advice has been sought from Carter Towler, who has been instructed by TCG since 2009 to firstly market the site on their behalf and to provide specialist advice on the prospects of the site being developed for employment purposes, taking account of market interest and development viability factors. This work is contained in an Employment Land Report submitted as part of this application which also provides an assessment of the availability and relative attractiveness of alternative locations in both Penistone and the wider area.

*Criteria 1 - Redevelopment would not result in a loss of existing jobs or employment potential; and*

5.25 Firstly the site has lain vacant for a considerable period of time and well in advance of the period in which the site has been in the ownership of The Co-operative Group. The site has therefore not supported any jobs in its recent history and **its redevelopment for housing will not result in the loss of any existing jobs**. Furthermore, Carter Towler conclude in the Employment Land Assessment that the likely land remediation and build costs associated with any new employment development on the site, render any such development unviable, given the rental levels that could be achieved in the current and foreseeable market conditions. The fact that the site has remained vacant for

so long is testament to this, despite the fact that that a new access into the site (Laird's Way) was provided as a condition of the adjoining residential development in the mid 1990s.

- 5.26 Given that the proposal would not result in the loss of any existing jobs and the fact that the redevelopment of the site for employment purposes is not a viable proposition in the foreseeable future, it can be safely concluded that Criterion 1 is satisfied.

*Criteria 2 - There will be an adequate supply of employment land in the locality*

- 5.27 Carter Towler's Employment Land Assessment demonstrates that this site is not required to meet future employment land requirements in both the Penistone locality and the wider area. It demonstrates that there are plenty of alternative sites available, whether considering Barnsley as a whole, West Barnsley or the Penistone locality. The designation of the Barnsley Growth Corridor and the immediate and high profile availability of sites at Capitol Park (J37) and Gladman Park (J36) mean that no employment opportunity on a district or local basis would be jeopardised by the removal of Laird's Way from designated employment land. Indeed at the immediate local level, the Employment Land Assessment highlights that further west along Sheffield Road, Marrtree Business Park, which was developed around 2008/2009 as part of a wider residential development, is still only half occupied, with modern units of a range of sizes on the market at rental levels well below what would be required to make development at Lairds Way viable.

- 5.28 Given this level of supply, Criterion 2 is therefore satisfied.

*Criteria 3 - The buildings or land cannot satisfactorily support continued employment use.*

- 5.29 As already highlighted, the site is not in current employment use and is not viable for redevelopment in the foreseeable future. Criterion 3 is therefore satisfied.

- 5.30 On the basis that all criteria are satisfied, it is concluded that **the proposal fully accords with Policy CSP19 and therefore can come forward for a non-employment use.**

- 5.31 Having demonstrated that the overall principle of the loss of the site to employment uses is acceptable and that the proposal represents a sustainable development, it therefore follows that in accordance with the advice contained at paragraph 14 of the NPPF, there should be a presumption in favour of development. The remainder of this section therefore goes on to consider the more site specific matters relating to the development.

## **Housing Layout, Dwelling Mix and Density**

- 5.32 The planning application is submitted in outline form, with all matters reserved. As such, issues relating to the layout of the site, dwelling mix and density are not relevant matters in the consideration of this application.

- 5.33 Nonetheless, an indicative layout and cross section through the site has been submitted to demonstrate how a scheme of 44 dwellings could be accommodated on the site in a way that would provide for an appropriate residential setting in accordance with all relevant housing design policies, including CSP29 the 'Designing New Housing Development' SPD. This is discussed in greater detail in the accompanying Design and Access Statement, prepared by Fish Associates.
- 5.34 More widely, the neighbouring uses are all fully compatible with residential development on the site. Whilst an element of vacant land outside of TCG's ownership would remain, this application would in no way prevent the site coming forward for a variety of uses. Indeed it would continue to benefit from its own access off Laird's Way, whilst the indicative layout demonstrates that a significant separation distance can be achieved between the new dwellings and that site, should it ever prove viable for employment/industrial use in the future.
- 5.35 The indicative proposal also provides for a broad mix of dwelling types, from 2 bedroom properties, to 4 bedroom detached properties. In doing so, it would maximise the opportunity to promote a mixed and balanced community, as well as a dwelling mix that responds to local need, as evidenced by the 2008 Barnsley Housing Needs, Markets and Affordability Assessment Update. In this regard the indicative proposal demonstrates that it is possible to comply with the first part of CSP14 which states that new housing development are expected to provide for a broad mix of housing type, size and tenure
- 5.36 Policy CSP14 also deals with the density of development, requiring a minimum density of 40 dph, rising to 45dph in areas well served by public transport. Whilst the this planning application only seeks to establish the principle of residential development, rather than specific numbers, it is however acknowledged that the indicative scheme results in a density of 32 dph and therefore lower than the desired minimum requirement of Policy CSP14. This is however a result of the unusual shape of the site and the need to retain the existing road and access into the adjoining land. Whilst the density level could be increased through the provision of a greater number of smaller properties, this would be at the expense of larger properties, for which there is a strong market demand and which would contribute to the diverse community as discussed above. In this regard, it is noted that Policy CSP14 does allow for lower densities, in certain circumstances, including as a result of local design considerations, or to meet a certain need.

## **Affordable Housing Provision**

- 5.37 It is proposed that a total of 25% of the total dwellings delivered on the site would be affordable dwellings, in accordance with Core Strategy policy CSP15. The mechanism for the delivery of these units and the tenure are proposed to be discussed in further detail with Barnsley MBC during the course of the determination of the application.

- 5.38 The provision of affordable homes at the site to meet local needs is, however, an important material consideration in favour of the application.

## **Environmental and Technical Considerations**

- 5.39 The planning application is accompanied by a full range of technical studies which assess in detail the impact of the proposed development on the environment. Reference should be made to those documents specifically, however a summary is provided in the paragraphs below.

### **Transportation**

- 5.40 The Transport Statement undertaken by Curtins Consulting provides details of the existing site and a description of the local highway network, all relevant policy, details of the proposed scheme, a review of sustainable modes access and details of the estimated traffic generation.
- 5.41 The Transport Statement demonstrates that there will be a negligible impact on the local highway network, or any impact on the safe operation of the neighbouring Fire and Ambulance Station on the opposite side of Sheffield Road. The Transport Statement also demonstrates that the site is highly accessible by public transport, and that walking and cycling represent realistic modes of travel given the proximity of the site to employment, education, retail and other local services and facilities in accordance with Policy CSP25.

### **Flood Risk / Drainage**

- 5.42 Curtins Consulting has also undertaken a Flood Risk assessment in accordance with the guidance contained in the NPPF and Policy CSP4. This assessment demonstrates that the site is located in Flood Zone 1 and therefore at a very low risk of flooding.
- 5.43 The assessment focuses on the management of surface water runoff and concludes that the proposal will not increase the probability of flood risk to other properties within the local catchment area.

### **Trees**

- 5.44 A Tree Survey including a desk top and tree quality survey has been undertaken by Middlemarch Environmental Ltd. The desk study identifies that no trees within the study site are subject to Tree Preservation Orders (TPO) and that the site is not situated within a Conservation Area.
- 5.45 The assessment further concludes that the majority of the trees on the site are of low quality and value, with no trees identified as being of high quality or value, which need to be retained. The more mature trees of moderate value are located to the north of the site at its boundary with Sheffield Road. The site layout has been designed to allow retention of as many of these trees as possible.

## Ecology

- 5.46 Middlemarch Environmental Ltd has also undertaken an Ecological Desk Study and Extended Phase I Habitat Survey, including an Initial Bat Survey. The desk study provided records for a number of protected species (including bats), as well as the presence of other habitats and species.
- 5.47 The Extended Phase I Habitat Survey identifies no nature conservation sites within a 1km radius of the site. The application site currently comprises poor semi-improved grassland with scattered trees and scrub, and a strip of plantation woodland along the northern boundary. Nesting birds may be using the woodland and scrub habitats during the nesting season, and the grassland and scrub could provide suitable habitats for reptiles. Otherwise, none of the habitats identified on site are considered to be notable.
- 5.48 The trees on site were assessed for their potential to support roosting bats and it was determined that there were no trees which would provide suitable features for use by roosting bats. Two walls were located on site, one of which is considered to provide potential for use by bats, although survey works confirmed that there was no evidence of bat use of the structure.
- 5.49 Overall, therefore, subject to a number of recommended mitigation measures which could be introduced as part of any detailed development, it concludes that residential development would comply with all relevant wildlife legislation. Indeed, improved landscaping and structure planting proposed as part of the application provide the opportunity to further enhance habitat potential at the site. The proposals are therefore in accordance with Policy CSP36 of the Core strategy, which requires developments to conserve and enhance the biodiversity and geological features within the Borough.

## Ground Conditions

- 5.50 Given the historic use of the site as a Foundry, a detailed ground investigation has been undertaken in accordance with Policy CSP39. Whilst the report identifies a number of contaminants, it proposes a number of mitigation measures which, if followed, would allow the site to come forward for residential development, in the same way as the adjoining site has done.

## Building for Life

- 5.51 Policy CSP29, relating to design matters requires developments of 10 or more dwellings to achieve a Building For Life assessment rating of 'good' or equivalent as a minimum. Whilst the application is supported only by an indicative layout, a basic Building For Life assessment has been undertaken. The site scores an overall total of 15.50 out of the 20, which is classed as 'good' and therefore in accordance with the policy requirement.

## Noise

5.52

The Noise Impact Assessment (NIA) prepared by Environmental Noise Solutions (ENS) concludes that subject to a number of sound attenuation measures to be incorporated into a detailed design, the existing ambient noise climate is not considered to represent a constraint to the proposed residential development of the application site, in accordance with the advice contained in at paragraph 123 of the NPPF and Policy CSP40 of the LDF Core Strategy.

6.0

## Conclusions

6.1

In this final section the key points pertaining to the planning assessment of the application are summarised as follows:

- a The application represents **sustainable housing development** and therefore in accordance with NPPF should be approved without delay.
- b **Barnsley cannot currently demonstrate a deliverable five year housing land supply.** In accordance with paragraph 49 of the NPPF, development plan policies relating to the supply of housing land in Barnsley are out of date, and the application should be considered in the context of the presumption in favour of sustainable development.
- c In the context of paragraph 47 of NPPF, the site represents a **deliverable** housing site; it is available, suitable and achievable to provide housing in the next five years.
- d The site will regenerate **vacant and derelict previously developed land within the existing built up area** of Penistone. The housing redevelopment of the site should therefore be prioritised in accordance with the NPPF, and ahead of Greenfield windfall sites in the open country side.
- e **There is no reasonable prospect of the site being redeveloped for employment use.** Therefore in accordance with the NPPF paragraph 22, alternative uses should be considered to safeguard its future. The development will not result in a loss of existing jobs or future employment potential, and an adequate supply of employment land remains in the locality.
- f **Increasing housing supply is a key Government objective.** In accordance with the NPPF the application will deliver new homes to meet a local housing need in Penistone where housing pressures are identified as most acute.
- g The **housing mix proposed aims to help address local imbalances** in accordance with NPPF (paragraph 50) on creating sustainable communities and widening range and choice.
- h In accordance with NPPF paragraph 50, the application will make a **contribution to affordable housing** to help meet local needs.
- i The application will bring about **clean up and regeneration of a derelict and contaminated site**, and allow it to be brought back into positive future use in accordance with NPPF paragraph 109.

6.2

In light of the information provided in this Statement and the application submission, and in accordance with the requirements of the NPPF, it is respectfully requested that outline planning permission be granted at the earliest possible opportunity.



**Nathaniel Lichfield  
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