



**JohnsonMowat**  
Planning & Development Consultants

Prepared for Ptarmigan Land North Ltd

Land north of Hemingfield Road, Hemingfield, Barnsley

*Application for outline planning permission for the demolition of existing structures and the erection of residential dwellings with associated infrastructure and open space. All matters reserved except for means of access to, but not within, the site.*

## **PLANNING STATEMENT**

**INCORPORATING AFFORDABLE HOUSING STATEMENT, CUSTOM AND SELF-BUILD PROVISION STATEMENT, AND PLANNING OBLIGATIONS DRAFT HEADS OF TERMS**



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Land north of Hemingfield Road, Hemingfield, Barnsley

Planning Statement

Date: 08 February 2024

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## **CONTENTS**

### **EXECUTIVE SUMMARY**

#### **1.0 INTRODUCTION**

#### **2.0 LOCATION AND SITE DESCRIPTION**

#### **3.0 PLANNING HISTORY**

#### **4.0 DEVELOPMENT PROPOSALS**

#### **5.0 PLANNING POLICY CONTEXT**

#### **6.0 THE PLANNING CASE**

#### **7.0 SUMMARY AND CONCLUSIONS**

Appendix 1 – Planning Obligations Draft Heads of Terms



## EXECUTIVE SUMMARY

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1. This Planning Statement (“the statement”) has been prepared on behalf of Ptarmigan Land North Ltd to support an application for outline planning permission on land to the north of Hemingfield Road, Hemingfield.
2. The application site (“the site”) is located at the western end of a wider area of land designated as Safeguarded Land (Site Ref: SL6) in the Barnsley Local Plan (BLP).
3. The description of development is as follows: -  
  
“Application for outline planning permission for the demolition of existing structures and the erection of residential dwellings with associated infrastructure and open space. All matters reserved except for means of access to, but not within, the site”.
4. This statement identifies the site location, provides a description of the site, outlines relevant planning history, sets out and has regard for all relevant local and national planning policy and relevant guidance, and sets out the planning case in support of the proposed residential development.
5. The Barnsley Local Plan (BLP) was adopted in January 2019. The document sets a requirement to deliver 21,546 new homes over the plan period from 2014 to 2033, equating to 1,134 new homes per year. In each year since the base date of the plan, the Council has failed to meet its housing requirement. A Five-Year Housing Land Supply Assessment (FYHLSA) accompanies this application. This identifies that from a base date of 2023, the Council could only demonstrate 2.5 years’ supply of deliverable land for housing. This is a chronic and acute shortfall in the delivery of housing.
6. The Council’s most recently published position in 2021 (two monitoring years out of date) identified 5.6 years’ supply. For comparison, the FYHLSA considers the position at 2021 in addition to the up-to-date position, and concludes that the Council could only demonstrate 2.9 years’ supply at that point.
7. The accrued plan period deficit (both market and affordable homes) stands at 3,114 dwellings. In terms of net completions since 2014/15; BMBC has never delivered more than 1,051 dwellings in a monitoring year, on average the Council has only delivered 61% of the annual requirement set out in BLP Policy H1.



8. It is clear that there has been and will continue to be, a chronic and acute failure in housing delivery within Barnsley without intervention. This site is available, suitable and deliverable for residential development now and the release of this Safeguarded Land site is a logical and practicable way of helping to meet market and affordable housing needs. The removal of this site from the Green Belt and designation as Safeguarded Land indicates that the principle of residential development on the site is broadly acceptable, subject to addressing site specific considerations. This planning application demonstrates that technical matters relating to the site can be overcome. The site is located in a sustainable location, within a Principal Town which is expected to deliver significant levels of housing growth, and development at this site therefore accords with the Council's spatial strategy.
9. This statement demonstrates that the tilted balance (having regard of Footnote 7 of the Framework) is now engaged and that the most important policies for determining this application for outline planning permission are either **1)** failing to address identified housing need in a timely manner; **2)** not supporting the economic growth aspirations which underpin the BLP; or, **3)** are out of date.
10. Accordingly, to support this application for outline planning permission the applicant submits a number of plans and technical documents which clearly demonstrate that the outline proposals can be brought forward in accordance with the development plan, national policy, national guidance and also supplementary guidance.
11. Most importantly, this statement also clearly evidences compliance with the three overarching objectives (economic, social and environmental) of sustainable development. This statement concludes that the benefits of developing this site at this time would significantly and demonstrably outweigh any adverse impacts. Accordingly, the proposals should be approved without delay.



## 1.0 INTRODUCTION

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### **Ptarmigan Land**

- 1.1 Ptarmigan Land was founded in 2003 and has grown to become one of the UK's leading strategic land promotion companies. Ptarmigan Land partner with landowners to promote land through the planning system. The business unlocks sites for development by securing planning permission and manages the development process to deliver high-quality residential led schemes. Ptarmigan Land is passionate about design and aim to work collaboratively with stakeholders to ensure that we development communities with a long-lasting legacy.

### **The Proposal**

- 1.2 This statement has been produced to support an application for;
- "outline planning permission for the demolition of existing structures and the erection of residential dwellings with associated infrastructure and open space. All matters reserved except for means of access to, but not within, the site".*
- 1.3 The site is located to the north of Hemingfield Road, Hemingfield. It forms part, and is located at the western end, of a wider area of land designated as Safeguarded Land (Site Ref: SL6) in the BLP.
- 1.4 This proposal delivers a residential development which would create an attractive and inclusive neighbourhood. The design has been landscape led, providing a series of green corridors which makes use of the existing natural features and connects these to the proposed landscaping and green spaces throughout the site.
- 1.5 The illustrative masterplan demonstrates how the proposal will make best use of existing footpath connections and enhance connectivity through new and existing walking routes to ensure permeability both within the scheme and to the existing built form of Hoyland.
- 1.6 In recognising that the application represents part of a wider Safeguarded Land designation, the illustrative masterplan identifies potential vehicular and pedestrian access points into the remaining Safeguarded Land at the eastern boundary. Through the plans and technical reporting supporting this application it is clear that the approval of this planning application would not in any way prejudice the delivery of the remaining area of the Safeguarded Land.
- 1.7 In order to improve the efficiency and effectiveness of any future decision making the applicant has been proactive from the outset and have ensured that the Council, and the local community



(including elected representatives) have been engaged from the outset. Consequently, a pre-application submission was made to the Council, which was followed by a community consultation event held at The Ellis C of E School. A meeting was held with elected representatives representing Hemingfield. Full details of the applicant's consultation strategy are set out in the supporting Statement of Community Involvement (SCI).

- 1.8 BLP Policy GB6 'Safeguarded Land' only allows Safeguarded Land to be allocated following a Local Plan Review (LPR); an LPR was concluded on 24 November 2022 with Barnsley Metropolitan Borough Council (the Council) concluding that each policy in the BLP was written in such a way that it should be capable of enduring the life of the plan.
- 1.9 The Council has not published an assessment of its five-year housing land supply (FYHLS) since December 2021, when they published a report starting at the 2021/22 monitoring year (1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2026).
- 1.10 This application is accompanied by an up-to-date FYHLSA which demonstrates that against the housing requirement set in BLP Policy H1, just 2.5 years' supply of deliverable land for the period 1 April 2023 and 31 March 2028 is identified.
- 1.11 This statement should be read alongside the technical documents which comprise the planning submission. These are as follows:
  - Air Quality Assessment – **Redmore Environmental;**
  - Arboricultural Survey and Tree Constraints Plan – **QUANTS Environmental;**
  - Archaeology and Heritage Desk Based Assessment - **MAP Archaeological Practice Ltd;**
  - Design and Access Statement – **STEN Architecture;**
  - Ecological Appraisal – **Baker Consultants;**
  - Energy and Sustainability Statement- **Brookbanks**
  - Five Year Housing Land Supply Assessment – **Pegasus Group;**
  - Flood Risk and Drainage Assessment – **Weetwood;**
  - Geoenvironmental Preliminary Appraisal Report (Desktop Study) incorporating Coal Mining Risk Assessment and Contaminated Land Assessment - **Sirius Geotechnical Ltd;**
  - Health Impact Assessment – **Pegasus Group;**
  - Landscape and Visual Assessment – **Pegasus Group;**
  - Noise Impact Assessment – **Environmental Noise Solutions Ltd;**
  - Statement of Community Involvement – **Johnson Mowat;**



- Transport Assessment – **Bryan G Hall; and,**
- Travel Plan – **Bryan G Hall.**

- 1.12 Technical reporting is discussed at Chapter 6 and confirms that, in accordance with Footnote 7 of the Framework, there are no policies which protect areas or assets of particular importance (e.g. designations such as Green Belt, Local Green Space, Area of Outstanding Natural Beauty (AONB), designated heritage assets etc (list not exhaustive)) associated with the application site. As such there are no policies which would provide a clear reason for refusing the proposed development. As a consequence of not being able to demonstrate a five year supply of deliverable land the policies (particularly BLP Policy GB6) which are most important for determining this application are out of date and paragraph 11 (d) is engaged. The reporting further demonstrates the proposals are sustainable by thorough assessment of the proposals against the three overarching objectives (economic, social and environmental) of sustainable development.
- 1.13 As a consequence of the strategy and approach set out above this statement will determine that there are no adverse impacts that significantly and demonstrably outweigh the benefits of delivering much need market and affordable housing.
- 1.14 The Affordable Housing Statement Custom and Self-Build Provision Statement, and Planning Obligations – Draft Heads of Terms have been incorporated into this document at Chapter 4 and Appendix 1 respectively
- 1.15 This statement identifies the site location and provides a description of the site forming this outline planning application, outlines relevant planning history, sets out the relevant planning policy and sets out the planning case in support of the proposed residential scheme.



## **2.0 LOCATION AND SITE DESCRIPTION**

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- 2.1 The location of the site is set out on the accompanying location plan (drawing no, 2344.02 Rev C) and a description is provided within the Design and Access Statement (DAS). This section of the statement set outs a summary of the site's location and description.
- 2.2 The settlement of Hemingfield is located approximately 4 miles south east of Barnsley, 5.5 miles north of Rotherham and 10.5 miles west of Doncaster. Neighbouring Hoyland is identified as a Principal Town, however Hemingfield (along with Birdwell, Blacker Hill, Elsecar and Jump) is defined as part of the Hoyland Principal Town. It is therefore a focus for housing, employment, shopping leisure, education, health and cultural activities. Hoyland (including Hemingfield) sits on the second tier of the settlement hierarchy as set out in the BLP spatial strategy (which is set at Policy LG2; the Location of Growth). There is an expectation that its role as an accessible and vibrant place to live is enhanced (paragraph 5.16 of the BLP).
- 2.3 Hemingfield is situated within the Hoyland Milton Ward and has a range of accessible local facilities. The following services and facilities are within a short walking distance from the site:
- The Ellis C E Primary School (410 m);
  - Hemingfield Recreation Ground (Children's Play Area) (460 m);
  - Seashaw's Fish and Chips (Hot Food Takeaway) (560 m);
  - The Albion Inn (Public House) (570 m);
  - Tekniques Hair Salon (600 m);
  - Tearoom (Café) (610 m); and,
  - Hemingfield Village Store (620 m).
- 2.4 Cortonwood Retail Park is located approximately 1 mile east of Hemingfield, where a greater range of shops, restaurants and other facilities are available, including two supermarkets.
- 2.5 The site is located to the western end of a wider area of land designated as Safeguarded Land (Site Ref: SL6), and it adjoins Hemingfield Road. The site comprises a rectangular parcel of land, located at the north of the settlement and measures 6.78 hectares. Hemingfield Road forms much of the western boundary and a large portion of the southern edge. The site comprises two fields which are separated by an existing track and public right of way.



- 2.6 The boundary of the site lies to the north of the rear boundaries of homes along Briery Meadows. The site is bound to the north and north-west by the embankment to the A6195 Dearne Valley Parkway and Hemingfield Road. Part of the western boundary, and the western half of the southern boundary, is formed by a sandstone block retaining wall, up to c. 1.5m high, retaining the footpath to Hemingfield Road from the site.
- 2.7 The eastern half of the southern boundary is partially formed from a newer sandstone block wall, which retains the footpath to Briery Meadows from the site, and a fence and hedge, beyond which lies a public footpath and residential properties on Briery Meadows.
- 2.8 The majority of the site is occupied by a single field and associated agricultural buildings to the south west fronting Hemingfield Road. A former farm shop operated within the existing buildings however, this has long since closed and is no longer operational. The remaining buildings are still used for agricultural purposes. All the existing buildings on-site are proposed for demolition. There are existing bus stops on Hemingfield Road which are adjacent to the site and thus within an accessible walking distance
- 2.9 A farm track transects the site north to south along the eastern boundary of the western field with a public right of way (PRoW) (PRoW 17) on the eastern side of the boundary hedgerow. This track leads to an underpass that provides access to a wider network of PRoWs to the northern side of the Dearne Valley Parkway. PRoW 18 also crosses the site from the south east corner. The route provides a connection between Hemingfield Road, Briery Meadows and Garden Grove. This provides a direct walking route from the site to The Ellis C of E Primary School which will be retained on the present course and enhanced within the site as part of the development proposals.
- 2.10 The site is recorded by the Environment Agency (EA) to be located within Flood Zone 1. This is the lowest risk category within the EA's classification system. The site is shown as lying within an area with limited potential for groundwater flood risk to occur.
- 2.11 The site is not subject to any protective designations. There are a number of trees within and around the site, mostly located on the site boundaries which would be retained.
- 2.12 The closest bus stops to the site are located on Hemingfield Road, with the north bound bus stop located around 260 m walking distance from the centre of the site at the southern site boundary. The south bound bus stop is currently located adjacent to the western site boundary. The bus stops on Hemingfield Road are served by the 72/77a, 662 and 67/67a/67c number bus services. The nearest railway station of Wombwell, a 12 minute walk from the site, with trains operating on an hourly basis towards Leeds, Sheffield, Huddersfield and local destinations.



### **3.0 PLANNING HISTORY**

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3.1 Within the last 10 years there is no recent relevant planning application history associated with the site. It is acknowledged that there are a number of historic applications associated with the site, dating back a number of decades. However, the policy context has significantly changed since that time and the details and considerations of those applications are not deemed to be of any particular significance now.

3.2 The planning history identifies the site to be predominantly in agricultural use with the exception of a farm shop within part of an agricultural building which benefits from planning consent for change of use from agricultural barn to farm shop (application reference 2007/1024). However, this use is considered ancillary to the main agricultural use of the site.

#### **Barnsley Local Plan - Housing Site Assessment (July 2016)**

3.3 The suitability of this site to become a residential allocation was assessed by the Council in the Housing Site Assessment (HSA) (Ref: 629) using a Housing Site Selection Methodology. The site scores well within the assessment in relation to accessibility to transport, it is noted to be within accessible distances of rail and bus connections and the strategic road network. The site is noted to be well connected to the existing urban area because it is bordered by existing housing. It is noted that there are no neighbouring uses that would not be compatible with a residential use. The site is not located within a conservation area nor in proximity to a listed building. The site scored well in relation to technical matters included flood risk and air quality. It is identified that there is no new extensive infrastructure required to facilitate development. The landscape character is identified as having a low sensitivity to change.

3.4 It is not considered that there are any technical matters identified within the HSA that would prevent this site from coming forward for development.

#### **Pre-Application Submission**

3.5 A pre-application submission was made to the Council on 6 November 2023.

3.6 The pre-application submission was validated (reference: 2023\ENQ\00437) on 23 November 2023.

3.7 An initial pre-application meeting was held with BMBC planning officers on 5 December 2023. At the time of writing the applicant is not in receipt of a formal comprehensive pre-application



response from the Council. A further meeting was held with the Council's highways department officers on 13 December 2023.

- 3.8 Full details of the pre-application engagement with the Council are provided in the Statement of Community Involvement (SCI).

#### **Community Consultation**

- 3.9 On the 20 December 2023 a consultation leaflet was distributed within the local community. The leaflet provided details of the proposed development and invited the local community and other interested parties to a public consultation event which was held on 11 January 2024.
- 3.10 A meeting was held with ward councillors on 10 January 2024 to discuss the proposals and to explain how the proposals would be presented to the local community at the public exhibition.
- 3.11 Full details of the pre-application engagement with local community and other interested parties are provided in the SCI.



## 4.0 PROPOSED DEVELOPMENT

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- 4.1 The applicant seeks outline planning permission for the demolition of existing structures and the erection of residential dwellings with associated infrastructure and open space. All matters reserved except for means of access to, but not within, the site.
- 4.2 Depending on the product mix and detailed layout to be considered at reserved matters stage, the site has the capacity to accommodate in the region of 165 no. to 180 no. new homes including affordable housing.
- 4.3 This application for outline planning permission is supported by a Design and Access Statement (DAS). The DAS demonstrates the iterative process which has been taken to establish a development proposal which responds to the context and constraints of the site.
- 4.4 The DAS sets out the design approach to creating a sustainable development. It outlines how the development proposes responds to the existing characteristics of the site and how the design solution is appropriate, how it makes optimal use of the land, and how it can provide a high-quality living environment which delivers a good level of amenity for future occupiers and nearby existing residents. The illustrative masterplan has been informed by a number of key technical documents and reports, which have led to the development of design parameters as shown on the parameter plan (drawing no. 2344.PP.01). Amongst other things the DAS identifies key opportunities and constraints and clearly presents how an appropriate and deliverable design solution has been reached. The design solution is informed by the following considerations: -
- Context;
  - Character;
  - Landscape;
  - Existing Planting;
  - Movement Hierarchy;
  - Density;
  - Appearance; and,
  - Illustrative Sections.



- 4.5 The site would be accessed by way of a new ghost island right turn priority T-junction on Hemingfield Road, at the western site boundary. It has been demonstrated that suitable visibility splays are achievable at the proposed site access junction, in accordance with guidance in Manual for Streets. The existing southbound bus stop is to be relocated from its existing position near the proposed site access junction, to a location just to the west of Mellwood Grove. Two indicative access points are shown at the eastern boundary of the site to demonstrate that the wider area of Safeguarded Land can be accessed in the future and the delivery of the remainder of the site is not prejudiced.
- 4.6 The vision is to create an attractive neighbourhood that is a congruous addition to Hemingfield.
- 4.7 There is a focus on landscaping and green edges. Important natural features, such as trees and boundary hedgerows, are retained wherever possible. This includes the hedgerows which run alongside the public right of way (PRoW) through the centre of the site towards the underpass. New areas of public open space will include new, native species rich planting including trees and hedgerows.
- 4.8 The site is not currently accessible to the public, other than by, and restricted to, the existing PRoW 17 and PRoW 18 and therefore the proposal draws on the significant opportunities to create walking routes and amenity spaces for the benefit of the wider community.
- 4.9 The green space and equipped play area is a significant part of the vision for the entry point of the site. This vision is driven by a desire to create a space and active focal point, not just for the benefit of new residents but the wider community. This location is ideal in that it lies close to the intersection of several walking routes and will also be overlooked by existing and proposed dwellings which provides active surveillance and discourages antisocial behaviour.
- 4.10 A surface water attenuation basin forms part of the flood risk management strategy for the site to ensure that development of the site will not result in flooding to new properties or increase the risk of flooding elsewhere. It will be part of a diverse, habitat rich space, for the benefit of flora and fauna.

#### Affordable Housing

- 4.11 As set out in paragraph 5.1 of the Affordable Housing SPD, full planning applications (this is an outline planning application) which meet or exceed the 15-unit threshold, are expected to be supported by an Affordable Housing Statement (AHS) setting out how the need to provide affordable housing will be addressed before an application is validated. Notwithstanding the fact this is an outline planning application, the applicant (subject to viability) expects 10% of the



dwellings to be affordable, in compliance with Policy H7. The type and tenure of the affordable homes will be informed by the most up to date evidence base (currently the 2021 SHMA) and presented in plans and documents submitted as part of any subsequent reserved matters submission.

Custom and Self Build Provision

- 4.12 There is no custom or self-build policy within the BLP. The supporting text to Policy 9.27 simply states “custom and self-build will be supported where appropriate”. Further there is an expectation (see the Affordable Housing SPD) that custom and self-build housing will be suited to smaller sites which are defined as sites which would accommodate fewer than 15 dwellings.



## 5.0 PLANNING POLICY

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- 5.1 The whole purpose and intention of the planning system is to deliver sustainable development as defined by the National Planning Policy Framework ('the Framework') and in particular, consistent with the objectives as set out at paragraph 8 of the Framework.
- 5.2 The purpose of the planning system is to positively promote the spatial organisation of land in order to achieve long-term sustainable development. As set out in paragraph 7 of the Framework "*sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs*". Specifically with regard to delivering a sufficient supply of homes, the Framework is clear that the Government's objective is to "*significantly boost the supply of homes*" (paragraph 60).
- 5.3 Planning is a vital means of securing the long-term wellbeing of our communities. It enables the efficient use of resources and infrastructure, with multiple benefits to society, the environment and the economy. England is a geographically small, densely populated nation, with multiple demands on land and built environment.

### **Development Plan**

- 5.4 The duty in Section 38(6) of The Planning and Compulsory Purchase Act (2004) ("the Act") enshrines in statute the primacy of the Development Plan.
- 5.5 The Act 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."***
- 5.6 Further Section 70(2) of the Town and Country Planning Act (1990) states that "*in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and any other material considerations*".
- 5.7 The Development Plan comprises the BLP. This plan was adopted by the Council on 3 January 2019. The BLP replaced the Barnsley Core Strategy and Unitary Development Plan. The BLP was reviewed by the Council on 24 November 2022. The outcome of the Council's review was that the BLP should be retained in its current format.



5.8 The correct approach to determining whether a proposal is in compliance with a development plan includes the following:

- All the relevant policies should be identified, including those most important to the determination of the planning application;
- An assessment of whether those policies are consistent with the Framework (including whether or not they are 'out of date' as set out in Footnote 8 of the Framework)
- An assessment should be made as to whether the proposal complies or not with each of those policies and the weight to be given to these and the weight to any conflict with those policies;
- The development plan must be read as a whole;
- It must be recognised that separate policies within the same development plan can pull in different directions<sup>1</sup>; and,
- A development can conflict with one individual policy and still comply with the development plan as a whole.

5.9 In accordance with paragraph 11 (d) of the Framework, where there are no relevant development plan policies, or the policies which are most important to determining the application are out of date, planning permission should be granted unless any clear impacts of doing so would significantly and demonstrably outweigh the benefits. Footnote 8 is clear that where an application relates to the delivery of dwellings, in circumstances where the Council fails to demonstrate the requisite housing land supply, the most important policies for determining the application are considered to be out of date.

5.10 The reasons for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the principal issues, disclosing how any issue of law or fact was resolved<sup>2</sup>.

5.11 Although a development plan has a legal status and legal effects, it is not analogous in its nature or purpose to a statute or a contract. As is often observed development plans are full of broad statements of policy, many of which are mutually irreconcilable, so that in a particular case one must give way to another. In addition, many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment.

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<sup>1</sup> R v Rochdale Metropolitan Borough Council, ex parte Milne [2000] EWHC 650

<sup>2</sup> [2017] EWHC 664 (Admin)



- 5.12 Section 39 of the Planning and Compulsory Purchase Act (2004) requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

**Barnsley Local Plan**

- 5.13 The following BLP policies are material to the determination of this outline planning application. Each will be discussed in more detail in Chapter 6 of this statement.

- **Policy SD1:** Presumption in favour of Sustainable Development;
- **Policy GD1:** General Development;
- **Policy LG2:** The Location of Growth;
- **Policy H1:** The Number of New Homes to be Built;
- **Policy H2:** The Distribution of New Homes;
- **Policy H6:** Housing Mix and Efficient Use of Land;
- **Policy H7:** Affordable Housing;
- **Policy T3:** New Development and Sustainable Travel;
- **Policy T4:** New Development and Transport Safety;
- **Policy D1:** High Quality Design and Place Making;
- **Policy LC1:** Landscape Character;
- **Policy HE1:** The Historic Environment;
- **Policy HE2:** Heritage Statements and General Application Procedures
- **Policy HE6:** Archaeology;
- **Policy GI1:** Green Infrastructure;
- **Policy GS1:** Green Space;
- **Policy GS2:** Green Ways and Public Rights of Way;
- **Policy BIO1:** Biodiversity and Geodiversity;
- **Policy GB6:** Safeguarded Land;
- **Policy CC1:** Climate Change;
- **Policy CC2:** Sustainable Design and Construction;
- **Policy CC3:** Flood Risk;
- **Policy CC4:** Sustainable Drainage Systems (SuDS);
- **Policy CC5:** Water Resource Management;
- **Policy RE1:** Low Carbon and Renewable Energy;
- **Policy POLL1:** Pollution Control and Protection; and,
- **Policy I1:** Infrastructure and Planning Obligations.



5.14 Of particular relevance to this application is Policy GB6: Safeguarded Land which states:

*“We will only grant planning permission on sites allocated as Safeguarded Land for development that is needed for the operation of existing uses, or alternative uses, where the development will protect the open nature of land, and will not affect the potential for future development of the site. The permanent development of safeguarded land will only be permitted following the review of the Local Plan which proposes such development”.*

#### **Supplementary Planning Documents (SPD)**

The following SPDs have been adopted by the Council and are relevant to this proposal.

- Design of Housing Development (July 2023);

5.15 The SPD supplements BLP Policy D1 ‘High Quality Design and Place Making’ and BLP Policy GD1 ‘General Development’ and sets out the design principles that will apply to new housing developments.

- Sustainable Construction and Climate Change Adaptation (July 2023);

5.16 The SPD sets out an approach to planning decisions in respect of sustainable construction and adapting to climate change. It sets out what the requirements for development are based on existing BLP policies (notably BLP policies SD1, CC1, CC2, CC3, CC4, CC5 and RE1), existing planning practice guidance and national requirements.

- Sustainable Travel (July 2022);

5.17 This SPD primarily supplements BLP Policy T1 ‘Accessibility Priorities’, BLP Policy T3 ‘New Development and Sustainable Travel’ and BLP Policy I1 ‘Infrastructure and Planning Obligations and recognises the need for new infrastructure that secures behavioural change to increase public transport usage and active travel.

- Affordable Housing (July 2022);

5.18 This SPD supplements BLP Local Plan policy H7 Affordable Housing which provides advice on when contributions will be sought for affordable housing and how they will be calculated. It also provides guidance a range of other material issues such as the type and tenure of affordable housing, and when off-site provision is appropriate.

- Parking (November 2019);



5.19 Supplements BLP Policy T3 'New Development and Sustainable Travel' by setting out the parking standards that the Council will apply to all new development.

- Trees and Hedgerows (May 2019);

5.20 This SPD supplements BLP Policy BIO1 'Biodiversity and Geodiversity' and sets out how development proposals are expected to conserve and enhance the biodiversity and geological features of the borough.

- Heritage Impact Assessment (May 2019); and,

5.21 This SPD supplements BLP Policy HE2 'Heritage Statements and General Application Procedures' providing details on how to prepare a heritage impact assessment (HIA).

- Open Space Provision on Housing Developments (May 2019).

5.22 This SPD supplements BLP Policy GS1 of the Local Plan, which states that in order to improve the quantity, quality and value of green space provision there is a requirement for new residential developments to provide or contribute towards green space in line with the standards set out in the green space strategy and in accordance with the requirements of BLP Policy I1 'Infrastructure and Planning Obligations'.

### **National Policy**

#### **National Planning Policy Framework (December 2023)**

5.23 The Framework, complemented by the National Planning Practice Guidance (the Guidance), forms the relevant policy at the national level for the determination of planning applications. The Framework is a material consideration which must be taken into account in all planning decisions.

5.24 Paragraph 2 of the advice states: -

*"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions."*

5.25 There are three objectives (Para 8) of sustainable development comprising the **economic**, **social** and **environmental roles**.



- 5.26 Paragraph 10 sets out that at the heart of the framework is a presumption in favour of sustainable development.
- 5.27 Paragraph 11 of the Framework identifies how this presumption is to be applied in making decisions on individual applications stating: -

*“For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*

*ii. 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.*

*<sup>7</sup> The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.*

*<sup>8</sup> This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.”*



5.28 Beyond Chapter 4 of the Framework there are 13 topic areas (as well as Annex 1 and 2) which form the Framework document; those topic areas considered of relevance to this planning application are set out below: -

- **Chapter 4:** Decision Making;
- **Chapter 5:** Delivering a Sufficient Supply of Homes;
- **Chapter 6:** Building a Strong, Competitive Economy;
- **Chapter 8:** Promoting healthy and safe communities;
- **Chapter 9:** Promoting Sustainable Transport;
- **Chapter 11:** Making Effective Use of Land;
- **Chapter 12:** Achieving Well Designed Places;
- **Chapter 14:** Meeting the Challenge of Climate Change, Flooding and Coastal Change;
- **Chapter 15:** Conserving and Enhancing the Natural Environment; and,
- **Chapter 16:** Conserving and Enhancing the Historic Environment.

#### **National Planning Practice Guidance**

5.29 The Guidance was initially published in March 2014 and has been updated on several occasions over subsequent years. The content of the Guidance provides guidance upon the interpretation of the policy contained in the Framework and is a material consideration for both planning applications and appeals.

#### **Other Material Considerations**

#### **Barnsley Local Plan Monitoring Report - 1 April 2021 to 31 March 2022 (February 2023)**

5.30 Table 4 (see para 84) Barnsley Local Plan Monitoring Report (AMR) shows that only 39 no. affordable homes have been delivered during 2021/22. The Annual Infrastructure Funding Statement (1 April 2021 – 31 March 2022) confirms that 24 no. of these affordable homes were delivered directly by developers through Section 106 Agreements. One unit resulted from a change of use from offices back to residential use. In addition, BMBC added 14 no. units to the affordable stock through acquisitions and conversions during this period.

5.31 The continued failure to meet affordable housing needs also creates additional pressures on the housing market within Barnsley.



**Local Plan Review (November 2022)**

- 5.32 The BLP was reviewed by the Council on 24 November 2022 which determined that the BLP should be retained in its current form.

**Five-Year Deliverable Housing Land Supply Report (December 2021)**

- 5.33 This document represents the Council's most recent assessment of FYHLS within its administrative area. To date, the Council has not identified when it will update its 2021 FYHLS assessment.
- 5.34 The 2021 FYHLS assessment identifies that BMBC considers it has a 5.6-year supply of deliverable housing land for the period 1 April 2021 to 31 March 2026.



## 6.0 THE PLANNING CASE

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6.1 This section of this statement identifies the main planning considerations, provides an assessment of the scheme against the key policy considerations which have been identified above and evaluates the planning merits of the case in support of the proposed development.

6.2 Policy H1 of the BLP identifies that the Council will seek to deliver at least 21,546 net additional homes between 2014 and 2033. The BLP identifies (para 9.1) a target of at least 1,134 dwellings per annum. The policy confirms that the Council will maintain a minimum five-year supply of deliverable housing sites.

### **Five Year Housing Land Supply Assessment (FYHLSA)**

6.3 This application is supported by a FYHLSA undertaken by Pegasus Group. The FYHLSA concludes that there has been an acute and chronic under-delivery of housing within Barnsley over many years.

6.4 The Council has failed to meet its housing targets in every year since the base date of the adopted local plan in 2014. Over the plan period this has led to a shortfall of over 3,100 dwellings, representing nearly 30% of the identified housing need, over the extant plan period to date. The Council has therefore failed to deliver sufficient homes to meet needs.

6.5 The Council has also failed to provide an appropriate monitoring framework for the delivery of housing since the publication of its 2021 report 'Five Year Deliverable Housing Land Supply Report April 2021 – March 2026'. This is despite the clear requirements set out within paragraph 77 of the Framework. There is no indication when this situation will be rectified.

6.6 To fill the clear evidential gap the applicant has commissioned an updated assessment of the current five-year housing land supply position within Barnsley. This analysis includes information from the Council, through a Freedom of Information request, and engagement with the development industry. The assessment clearly demonstrates that the April 2021 – March 2026' was unrealistic and that a defensible five-year housing land supply could not be demonstrated at this report base date. Indeed, the analysis identifies an acute shortage of deliverable housing sites at this time and a housing land supply of just 2.9 years at the 2021 base date.

6.7 The applicant's FYHLS assessment also provides an updated position as at 1 April 2023. This clearly demonstrates that the situation has worsened over the intervening two-years, with a deliverable supply of just 2.5 years. It is, therefore, clear that there has been, and will continue



to be, a chronic and acute failure in housing delivery within Barnsley without intervention. BMBC needs to address this issue as a matter of urgency through the grant of deliverable housing sites which can deliver homes within the next five-years.

- 6.8 The Secretary of State (SoS) has consistently found that where an LPA is unable to demonstrate a 5-year supply of deliverable housing sites, either substantial, very significant or very substantial weight should be given to the delivery of housing by the decision-maker. Indeed, even where authorities have been able to demonstrate a sufficient supply of land for housing, inspectors have apportioned either substantial, very significant or very substantial weight. Given the acute and chronic under-supply of new homes within Barnsley, the supply of new housing should be provided very substantial weight.
- 6.9 Accordingly, the “tilted balance”, or presumption in favour of sustainable development, as contained in paragraph 11(d) of the Framework is engaged which provides that planning permission should be granted where there are no relevant development plan policies, or where the policies which are most important for determining the application are out-of-date. The Court of Appeal confirmed that whether a relevant local policy is out-of-date and, if so, with what consequences, are matters of pure planning judgement, not dependent on issues of legal interpretation<sup>3</sup>.
- 6.10 In the interests of clarity, the most important policies for determining this residential planning application in Barnsley are set out below: -
- **Policy LG2:** The Location of Growth;
  - **Policy H1:** The Number of New Homes to be built;
  - **Policy H2:** The Distribution of New Homes; and,
  - **Policy GB6:** Safeguarded Land.

6.11 Policy LG2 states: -

*“Priority will be given to development in the following locations: -*

*Urban Barnsley;*

*Principal Towns of Cudworth, Wombwell, **Hoyland**, Goldthorpe (which includes Thurnscoe and Bolton on Dearne), Penistone and Royston; and Villages.*

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<sup>3</sup> Peel Investments v Secretary of State for Housing, Communities & Local Government [2020] EWCA Civ 1175



*Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town, and the Principal Towns will be expected to accommodate significantly more growth than the villages, to accord with their place in the settlement hierarchy”*

6.12 As set out in paragraph 2.2 above, Hemingfield, along with Birdwell, Blacker Hill, Elsecar and Jump are considered part of the Principal Town of Hoyland. The site is located within the identified development limits of Hoyland which is identified as a location for growth in the BLP. Paragraph 5.45 of the BLP states:

*“We want Hoyland to grow in housing and employment terms taking advantage of its accessible location and utilising strategic transport links. We will plan for Birdwell, Hemingfield, Jump, Blacker Hill and Elsecar along with Hoyland whilst seeking to protect their unique identities”*

6.13 Having regard to policy H2 of the BLP, the Principal Town of Hoyland is attributed a housing supply distribution of 12% of the total requirement within the plan period, equating to a total delivery of 2,567 dwellings. This distribution is more than any other Principal Town (save for Dearne) and reflects the importance of the role that Hoyland has in contributing towards the borough’s growth aspirations.

6.14 Given this site is identified as Safeguarded Land it is considered that it is intended to help contribute to the long-term housing needs of the Principal Town. It is our case that now is the appropriate time to release this site to help meet the aims of the BLP spatial strategy and to deliver much needed housing in this Principal Town.

6.15 There is an identified delivery shortfall (of both market and affordable homes) standing at -3,114 dwellings.

6.16 In term of affordable housing delivery, the Council’s Authority Monitoring Report (AMR) only considers delivery from the date of adoption of the BLP. The BLP monitoring framework identifies an annual delivery target of 150 no. affordable homes per annum.

6.17 The affordable homes target stands significantly below the net affordable housing need of 292 no. dwellings per annum identified in the 2017 Strategic Housing Market Assessment (SHMA) which informed the BLP examination. A subsequent update to the SHMA was provided in 2021 to inform the LPR. This unexamined report identifies a net annual affordable housing need of 190 no. dwellings per annum (40 no. dwellings per annum above the BLP target).



- 6.18 The main differences between the calculations in the 2017 and 2021 SHMA relate to a reduction in the identified need based upon the extent to which households can afford open market prices or rents tested against lower quartile prices. This is subjective judgement rather than a quantitative reduction in need.
- 6.19 Table 3.2 of the FYHLSA clearly indicates that since the AMR started monitoring affordable housing delivery from the 2019/20 monitoring year the level of delivery has fallen short of the identified need in the SHMA and the Council's own target in all but one year. The continued failure to meet the need for affordable housing creates additional pressure on the housing market within Barnsley. Table 3.2 identifies a significant shortfall (between -80 and -506 affordable homes) against the range of need targets identified above.
- 6.20 The FYHLSA supports the proposition that the sources of supply identified in the BLP are not capable of addressing this shortfall. Appendix 1 of the FYHLSA provides a detailed analysis of the BLP allocations and other sources of supply. This worsening and continued under delivery is clearly evidenced at Appendix 1. The BLP allocations are simply not delivering and are not capable of addressing the identified supply shortfall in the short term.
- 6.21 Policy H1 states: -
- "We will seek to achieve the completion of at least 21,546 net additional homes during the period 2014 to 2033. A minimum five year supply of deliverable sites will be maintained".*
- 6.22 The need for housing arises as a result of migration (i.e. internally for employment etc.), as a result of natural growth or when population growth leads to new households forming (list not exhaustive). Accordingly it is important that housing is delivered in broad accordance with the trajectory. Net completions between the 2014/15 and 2022/23 monitoring years stand at 7,092 dwellings, equating to an average of 689 per year against a requirement of 1,134. Table 3.1 of the FYHLSA presents the data for each year. This demonstrates that there has been no significant improvement in meeting the housing requirement in recent years, and the shortfall has continued to grow.
- 6.23 If people are not able to access suitable housing it can result in overcrowding, younger people living with their parents for longer, and impaired labour mobility among other social issues. This has direct consequences because it makes it harder for businesses to recruit staff. An under-supply of new homes has real implications for residents of the borough.



- 6.24 There is clearly an issue with meeting the identified need across the borough in line with Policy H2, which should be addressed in the shorter term. As a result, the aims of the policies most important to the determination of this planning application, including H1 and H2, are not being met.
- 6.25 The application site forms part of an identified safeguarded land site (site ref: SL6). The relevant policy, Policy GB6 states:
- “We will only grant planning permission on sites allocated [sic] as safeguarded land for development that is needed for the operation of existing uses, or alternative uses where the development will protect the open nature of the land, and will not affect the potential for future development of the site. The permanent development of safeguarded land will only be permitted following review of the Local Plan which proposes such development”.*
- 6.26 As established above, at paragraph 6.12, there is a sizeable shortfall of housing delivery since the start of the plan period. A lack of delivering of the sites allocated for housing in the BLP to meet the need and deliver the locational strategy is resulting in the Council's being unable to meet its housing requirement. The FYHLS assessment supporting this application identifies that there is a significant shortfall of identified housing land supply.
- 6.27 To ensure that the Framework's objective to significantly boost the supply of housing is met, this site should be released to deliver much needed new market and affordable homes. While the site was identified as safeguarded land to meet long term development needs *“well beyond the plan period”* (BLP para 18.21), it is clear that current housing needs are not being met. The removal of this land from the Green Belt and designation as Safeguarded Land indicates that the principle of residential development on the site is broadly acceptable.
- 6.28 While it is recognised that the development of this site would result in some conflict with policy GB6, the release of this site would not cause any harm because it is located in an identified area for growth, as part of a Principal Town. It is located in a sustainable location and the supporting technical reports have not concluded that there are any reasons why permission should not be permitted.
- 6.29 To not release this site in the context of the Council's lack of housing delivery would further exacerbate the lack of supply, which leads to harm to residents who are unable to access housing. While the release of the site would not accord with the timing of Policy GB6 (insofar as Safeguarded Land should be released through a plan review) this has been overtaken by the circumstances and context of a lack of deliverable supply. The conflict with GB6 should



therefore be attributed very limited weight and significant weight should be attached to the delivery of new market and affordable homes.

### **The Presumption in Favour of Sustainable Development**

- 6.30 The Framework (paragraph 8) and BLP Policy SD1 make it clear that the purpose of the planning system is to contribute to the achievement of sustainable development. The three over-arching and interdependent objective are identified as being economic, social and environmental sustainability.
- 6.31 Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.32 While the starting point for decision making is the development plan, the presumption in favour of sustainable development always applies and feeds in to the planning balance. Consequently, it is necessary to consider the proposals against the three dimensions of sustainable development.

### **The Economic Objective**

- 6.33 The economic objective of sustainable construction contributes to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and also by identifying and coordinating development requirements including the provisions of infrastructure.
- 6.34 Construction is a major source of national employment, with construction supporting more jobs compared with investment in many other sectors of the economy. This can improve the long-term competitiveness of the UK economy, including through its significant network of supply chains and contracting relationships.
- 6.35 The construction industry provides a crucial labour market entry point for young, lower skilled workers and those moving out of unemployment. The construction industry offers a range of opportunities across different trades and skill sets from bricklaying and carpentry through to plumbing and maintenance. Apprenticeship opportunities are particularly prevalent, and have been increasing over the last few years.
- 6.36 The economic benefits associated with new development is significant. The construction sector has been one of the biggest contributors to growth in Great Britain in recent years. The direct benefits of new development include direct (on-site) and in-direct (supply chain) job creation



during the construction phase. For a site of this scale, c.50 jobs would typically be supported during the construction period. Additionally, the delivery of new homes provides a revenue boost to the local authority through the New Homes Bonus and Council Tax Revenues.

- 6.37 Delivering housing increases the local population which generates additional spend in the local economy. This spend supports jobs in local shops and services close to the development site, and first occupation expenditure is also a significant contributor to the local economy in areas where new housing is being delivered.
- 6.38 At a local level the BLP is clear that the Council is seeking to deliver sustainable economic growth (see para. 8.10). Accordingly, to ensure Barnsley is positioned to provide a strong economic offer to both inward investors and indigenous companies seeking to expand, there needs to be a robust interrelationship between economic and housing policy.
- 6.39 Delivering new homes also provides suitable accommodation to ensure that the labour force can live close to their places of work. In this case BLP Policy E1 is seeking to provide “a choice of sites in accessible locations to meet the needs of businesses and their workforce and provide local communities with access to job opportunities”, whilst BLP Policy H1 seeks to ensure sufficient homes are delivered to support economic growth ambitions. New job opportunities are sought in the Principal Towns and importantly 110.9 hectares of employment land has been identified in Hoyland. Hoyland is therefore due to accommodate the greatest increase in employment land in the borough, by delivering 37% of the borough’s new employment land in this plan period.
- 6.40 The site is clearly located in an area identified for growth and therefore proposals will contribute to building a strong, responsive and competitive economy by providing development of the right type in the right place and at the right time to support growth. In the context of the chronic and acute shortfall in the delivery of housing it is argued that the delivery of this site will assist in providing much needed market and affordable homes for workers alongside a number of associated benefits.
- Investment in the local area through first occupation expenditure (monies spent in furnishing and making the new house homely) and through local expenditure in Hemingfield and the wider Hoyland area.
- 6.41 The economic benefits associated with the creation of employment, supporting existing businesses and generating funds to support existing services and facilitate the creation of new community infrastructure would be significant. As a result, the proposals would satisfy the



economic objective of sustainable development which weighs significantly in the proposals favour.

### **The Social Objective**

- 6.42 The Framework summarises the social objective of sustainable development as supporting strong, vibrant and healthy communities by providing the residential accommodation required to meet the needs of present and future generations and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 6.43 From a social perspective planning is a vital means of securing the long-term wellbeing of our communities. It enables the efficient use of resources and infrastructure, with multiple benefits to society. England is a geographically small, densely populated nation, with multiple demands on land and built environment. People should be able to expect homes that they want to live in. The moral case for action is manifold. Radical action to build houses and increase home ownership is needed once more.
- 6.44 The United Kingdom's housing costs are now among the highest on earth, the economic and social impacts severe. Since 1970, the average price of a house has risen four and a half fold after inflation. No other Organisation for Economic Co-operation and Development (OECD) country has experienced a price increase on this magnitude over this period. People often avoid moving to work in productive sectors because nearby housing is too expensive. A lack of supply is one of the key drivers behind high house prices this can be resolved through an increase in the availability of major sites which will be attractive to a range of developers to speed up the building of new homes and support the government's wider ambition to increase competition in the house building market.
- 6.45 Some of the problems face at a national level are bulleted below: -
- There are currently 131,000 children in temporary accommodation;
  - There is shortage of 4.3 million homes; and even with a plan to build 300,000 homes a year, it would take 50 years to meet the current deficit;
  - A significant portion of the housing stock is outdated, with 39% of private sector dwellings built before 1945.
  - Of all the OECD members England has the lowest rate of available properties compared to its population;



- 15% of existing homes in England fail to meet the Decent Homes Standard – in fact, the country’s housing stock is in the worst condition of all European countries; and,
- England is the most difficult place in the developed world to find a home, with the rate of available properties per member of the population at less than 1%, the lowest rate of all OECD countries.

6.46 At a borough level the FYHLSA evidences a significant accrued plan deficit of 3,114 dwellings. Since 2019/20, affordable housing delivery has fallen short of the identified need targets in all but one year. Further the FYHLSA identifies that over 9,000 people, or circa. 4% of the population, are currently on the Barnsley social housing waiting list. The under-delivery of housing clearly has a significant detrimental social impact.

6.47 In the context of the above, the delivery of much needed market and affordable homes will help to support strong, vibrant and healthy communities particularly in the context of the Council’s chronic and acute lack of housing land supply. This would result in a boost to supply and an enhanced choice of new housing (of a varying mix and tenure) in a local market that has been starved of meaningful supply in recent years. Further the new homes will be delivered in a Principal Town that is well integrated with the existing settlements and the supporting shops and services. Accordingly, the delivery of affordable homes should be afforded very significant weight in the planning balance.

6.48 The proposals will provide improved pedestrian linkages to the wider countryside and will provide a pleasant environment (notably the onsite habitat enhancements and well considered areas of communal space) improving opportunities for social cohesion and tangible interaction.

6.49 Overall, the proposed development will deliver a strong, vibrant and healthy community to assist in meeting the needs of the present and future generations in a well-designed and, integrated and accessible environment. In this context the proposed development would satisfy the social objective of sustainable development, which should be given very significant weight.

#### **The Environmental Objective**

6.50 The Framework explains that the environmental objective of sustainable development is to contribute to protecting and enhancing the natural, built and historic environment, including making effective use of land, helping improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving towards a low carbon economy.



### **Air Quality**

- 6.51 An Air Quality Assessment (AQA) has been prepared by Redmore Environmental. As with all construction operations, the proposals have the potential to cause air quality impacts as a result of fugitive dust emissions during construction and road traffic exhaust emissions during operation.
- 6.52 The AQA was undertaken to determine baseline conditions and assess potential effects as a result of the development. Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of demolition, earthworks, construction and trackout activities.
- 6.53 It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level. Potential impacts during the operational phase of the proposals may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. Dispersion modelling was used to predict pollutant concentrations at sensitive locations as a result of emissions from the highway network both with and without the development in place.
- 6.54 Results were subsequently verified using local monitoring data. Review of the dispersion modelling results indicated that predicted air quality impacts as a result of traffic generated by the development were not significant at any sensitive location in the vicinity of the site. A number of mitigation measures were identified within the Barnsley Air Quality and Emissions Good Practice Guidance in order to reduce vehicle exhaust emissions associated with the proposals. It is considered these are appropriate for a development of this scale and nature and will further control impacts during the operational phase.
- 6.55 Based on the assessment results, air quality factors are not considered to be a barrier to development. Consequently, the proposals comply with BLP Policy Poll1 which seeks to minimise risk of damage to the environment and manage nuisance and Chapter 15 of the Framework. It is therefore concluded that there are no justifiable air quality related reasons why the proposed development should not be granted planning permission.

### **Arboriculture**

- 6.56 An Arboricultural Survey (AS) and Tree Constraints Plan (TCP) has been prepared by QUANTS Environmental.
- 6.57 The Illustrative Masterplan shows existing hedgerows and the majority of trees currently located within the application site boundary to be retained. There will be minor tree loss to enable the



formation of the site access, but these are of low quality and amenity value. Their loss can be mitigated.

- 6.58 The Illustrative Landscape Masterplan shows how significant additional tree planting can be introduced as part of any future reserved matter submission. The proposals will provide opportunities to enhance and maximise biodiversity features across the site and therefore comply with provisions set out in BLP Policy BIO1 which seeks “to conserve and enhance biodiversity and geological features within the borough”.
- 6.59 Further the Illustrative Masterplan provides a robust starting point from which the provisions of BLP Policy BIO1, Paragraph 186 (which seeks to improve biodiversity in and around developments) and can be further developed as part of a reserved matters submission. It is therefore concluded that there are no justifiable arboricultural related reasons why the proposed development should not be granted planning permission.

#### **Archaeology and Heritage**

- 6.60 An Archaeology and Heritage Desk Based Assessment (AHDBA) has been prepared by MAP Archaeological Practice. The AHDBA evaluates the archaeological and historical background, to assess the potential construction impacts of the development.
- 6.61 Late prehistoric and Romano-British activity and settlement is well documented within the vicinity of the site, particularly around Wombwell Woods, to the north of the site, but also within the settlement of Hemingfield. Given the prevalence of recorded late prehistoric and Romano-British activity, and the positioning of the site within a wider landscape, the archaeological potential of the site is currently considered to be moderate and of local to regional significance.
- 6.62 The AHDBA recommends a geophysical survey and trial trenching are undertaken to determine the potential survival of archaeological features or deposits. These can be secured through the imposition of suitably worded planning conditions. Some historic mining within the north-eastern corner of the site is recorded, and it is possible that the working may have significantly impacted any archaeological activity which may have been present.
- 6.63 Seven Designated Heritage Assets are located within 1km of the site boundary, including five Grade II and one Grade II\* Listed Buildings, and one Scheduled Monument. Due to the location of the site, all designated assets are screened in their entirety by intervening built form, predominantly modern residential development at Briery Meadows, Garden Grove and Beech House Road. Grade II listed buildings at Lundhill Farm, which are the closest assets to the site, are further screened by mature vegetation and dwellings on Lundhill Farm Mews. Overall, it is



considered that any development within the site would have a negligible impact on the setting and significance of all known nearby heritage assets.

- 6.64 The proposals therefore comply with BLP Policies HE1, HE2 and HE6, which cumulatively aim to 1) manage and conserving the historic environment and its assets and 2) protecting local character and a sense of place by recognising the social, cultural, and economic contribution made by the historic environment. The proposals also comply with the provisions set out in Chapter 16 of the Framework and the Heritage Impact Assessment SPD. It is therefore concluded that there are no justifiable archaeological or heritage related reasons why the proposed development should not be granted planning permission.

### **Ecology**

- 6.65 An Ecological Appraisal (EA) has been prepared by Baker Consultants. The EA provides an ecological appraisal of the site and assesses features of ecological value found to be present at the site. It also provides advice to help minimise any adverse ecological impacts, thereby enabling the development to comply with current nature conservation policy and legislation.
- 6.66 The EA identifies the following ecological receptors (bulleted below) and found a low level of nature conservation interest within the application site boundary.
- Buildings which are used by nesting swallows;
  - 3 no. species-rich hedgerows which provide foraging and commuting habitat for bats and nesting habitat for birds; and,
- 6.67 The following features are located outside of the site boundary:
- Wombwell Wood Local Wildlife Site (LWS) located 100m to the west of the site;
  - A woodland pond which is situated 218m to the north of the site.
- 6.68 The proposed development would deliver an on-site biodiversity net gain (BNG) of 2.31 habitat units (14.85%) and 7.11 hedgerow units (122.08%), through the creation and enhancement of high-quality habitats.
- 6.69 Ecological impacts on features of interest will be avoided, and / or appropriate mitigation will be put in place to reduce the effects of development. Consequently, the EA concludes that there will be no significant constraints to the development that cannot be addressed through appropriate mitigation measures or the imposition of suitably worded planning conditions.



6.70 The proposals therefore comply with BLP Policy GI1 which aims to 1) use Green Infrastructure to promote sustainable growth, improve health and well-being and adapt to and mitigate climate change and maximise biodiversity 2) conserve biodiversity / geological features and mitigate any impacts on them and 3) maximising biodiversity opportunities in and around new developments through the adoption of good design. The proposals also comply with provisions set out in Chapter 15 of the Framework. It is therefore concluded that there are no justifiable ecology related reasons why the proposed development should not be granted planning permission.

#### **Energy and Sustainability Statement**

6.71 An Energy and Sustainability Statement (ESS) has been prepared by Brookbanks. Even at this outline planning application stage it is important to demonstrate how a considered sustainability strategy can accord with provisions set out in the Framework and emerging building regulation requirements, namely the Future Homes Standard (FHS), whilst adding value to the local area.

6.72 As this stage the applicant is only seeking an outline planning permission. No detail on house types and subsequent methods for energy efficiency as this will be dependent on the end product type and mix. All developers are currently obligated to adhere to the latest building regulations. An uplift to Part I building regulations in June 2022 now requires all new homes to produce 31% less carbon emissions than what was previously considered acceptable. Further the Future Homes Standard (FHS) requires compliance with the energy hierarchy there will be a requirement for new dwelling to comply with the energy hierarchy in order to achieve a 75 % reduction in energy demand.

6.73 Other tangible measures to reduce overall climate and environmental impacts include a commitment to deliver biodiversity net gain, sustainable transport initiatives and carbon sequestering.

6.74 Accordingly, the proposals comply with the FHS. The proposals also comply with BLP Policies CC1, CC2, CC4, T3 and RE1, by 1) accepting that climate change is a long term challenge, 2) accepting that climate change is the main challenge to delivery of sustainable development and 3) by introducing a raft of tangible measures to reduce energy demand and any additional impact on existing resources. Further the proposals meet the provisions set out in Chapters 9 and 14 of the Framework and the Sustainable Construction and Climate Change Adaption SPD. It is therefore concluded that there are no justifiable sustainability / energy related reasons why the proposed development should not be granted planning permission.



### **Flood Risk and Drainage**

- 6.75 A Flood Risk and Drainage Assessment (FRDA) has been prepared by Weetwood. The Environment Agency Flood Map for Planning locates the site in flood zone 1. An assessment of flood risk from all identified potential sources of flooding has been undertaken using the best available information. Accordingly the site is at a low risk of flooding from all identified sources and the proposals satisfy the requirements of the Sequential Test.
- 6.76 Based on the assessment of flood risk, it is concluded that no specific measures need be implemented to mitigate flood risk, although finished floor levels will need to be set at least 0.15m above adjacent ground levels with ground levels sloping down from the dwellings, in accordance with best practice. Surface water will be directed to an infiltration basin (see Appendix F of the FRDA titled 'Illustrative Drainage Layout'). Further Yorkshire Water (YW) has advised that there is existing capacity in the local foul sewerage network to receive and treat domestic foul water from the proposed development and that foul water can discharge without restriction into the 300 mm diameter combined sewer that crosses the site. Consequently, the proposed development will not have an adverse impact on flood risk elsewhere.
- 6.77 The assessment presents a preliminary scheme for the management of surface water from the proposed development. The assessment has been undertaken in accordance with the requirements of national and local planning policy. A summary of the principal findings and proposals is provided below: -
- The disposal of surface water via infiltration is assessed to be feasible based on the results of soakaway testing;
  - Attenuation storage could be accommodated within an infiltration basin located towards the north-east corner of the site. The proposed infiltration basin will be dry. Due to the infiltration rates of the ground material, the basin is not expected to hold water for any significant period, e.g. following a 1 in 100 year plus climate change rainfall event (the heaviest event we assess) the basin would be empty in around 61 minutes.
  - Additional Sustainable Urban Drainage (SuDS) features such as house soakaways, permeable paving, rain gardens/bioretention areas, filter drains and swales, would be investigated further at the detailed design stage; and,
  - The pipe network within the surface water drainage system may be adopted by YW. SuDS elements within the curtilage of dwellings would be the responsibility of the owner



of the property, whilst SuDS in open spaces may be maintained by a management company.

- 6.78 The FRDA demonstrates that the proposals comply with BLP Policies CC1, CC3, CC4 and CC5 in addressing flood risk and ensuring the development 1) meets the challenge of climate change and 2) adopts a proactive strategy to mitigate and adapt to climate change. The proposals also comply with provisions set out in Chapter 14 of the Framework. It is therefore concluded that there are no justifiable flood risk or drainage related reasons why the proposed development should not be granted planning permission.

### **Geoenvironmental Appraisal**

- 6.79 A Geoenvironmental Appraisal (GA) has been prepared by Sirius Geotechnical Ltd.
- 6.80 Historical maps indicate that the predominant use of this site has been for agriculture. Buildings associated with the existing farm (followed by additional buildings) are first shown in the south-western part of the site on maps dated from the 1970s. Accordingly localised made ground is likely to be present associated with the developed area in the southwestern part of the site.
- 6.81 The Coal Authority (CA) records former shallow mine workings in the north-east of the site, furthermore coal could underlie the whole site at shallow depth. Accordingly, any risk to surface stability from recorded and unrecorded shallow coal mine or indeed deep mine workings will need to be addressed through the imposition of suitably worded planning conditions. Historical maps have not revealed any evidence of quarrying beneath the site.
- 6.82 Based on the anticipated ground conditions across much of the site, the use of soakaways was identified as being potentially suitable. Soakaway infiltration has been undertaken at the site which has confirmed that soakaway drainage solutions are suitable on this site, and the FRDA presents a preliminary scheme for the management of surface water.
- 6.83 The PAR advises a Phase 2 (intrusive) geo-environmental investigation would be undertaken to confirm the presence or otherwise of contaminants sources (including hazardous gases) and determine the risks to identified receptors. Chapter 6 of the PAR provides a comprehensive list of intrusive ground investigation works needed to inform any future development. Again, it is common practice to secure these works through the imposition of suitably worded planning condition attached to any future outline planning permission.
- 6.84 Consequently, the proposals comply with BLP Policy Poll1 which seeks to minimise risk of damage to the environment and manage nuisance and Chapter 15 of the Framework. It is



therefore concluded that there are no justifiable geo-environmental related reasons why the proposed development should not be granted planning permission.

### **Health Impact Assessment**

- 6.85 A Health Impact Assessment (HIA) has been prepared by Pegasus Group which comprises of a summary note, and which provides an overview of the baseline healthcare and education provision within the local area of the site, and a full HIA using the Council's template
- 6.86 There are currently five GP surgeries within 4-miles of the site that are within the catchment area and four GP surgeries located outside of the catchment area but are currently accepting out-of-area registrations. The closest GP to the site is Wombwell Medical Centre located 0.9 miles away and currently has 10,102 patients and 3.5 full-time equivalent (FTE) GPs. This gives a patient-to-GP ratio of 2,897. The average patient-to-GP ratio within 4-miles of the Site is 1,552 for surgeries within the catchment area and 1,712 for GPs outside of the catchment area. Within 4-miles there is also 16 dental practices, 32 pharmacies and 12 opticians. The closest hospital to the site with an accident and emergency department (A&E) is Barnsley Hospital located 5-miles away.
- 6.87 The capacity of primary schools has been assessed within the South East and South West Primary Planning Areas as primary schools around the site fall within both of these areas. The capacity of secondary schools have been assessed within the Central and South West Secondary Planning Areas as similar to primary schools, the secondary schools within the area around the site fall into both planning areas.
- 6.88 Forecasts from the Department for Education show that by 2026/27 the surplus capacity within the South East Primary Planning Area will have increased to 402 and the surplus capacity within the South West Primary Planning Area will have increased to 924. This gives the total surplus capacity in 2026/27 across both planning areas as 1,326.

Forecasts on the future capacity of secondary schools show that by 2028/29 there will be a surplus capacity of 325 secondary school places within the Central Secondary Planning Area and 452 surplus capacity places within the South West Secondary Planning Area. This gives a total surplus capacity across both planning areas in 2028/29 of 777 secondary school places.

### **Landscape and Visual**

- 6.89 A Landscape and Visual Appraisal (LVA) has been prepared by Pegasus Group. The LVA considers the effects of the proposals on the landscape features within the site, on the character of the surrounding landscape and on the visual amenity perceived by receptors likely to be



present in the surrounding area. The LVA provides a summary of effects in Chapter 8 (see paragraphs 8.3 to 8.20) and makes the following conclusions.

- 6.90 During the construction and completion of the proposed development, there would inevitably be some localised effects on landscape features, character, and visual amenity, however due to the scale and nature of the proposals, the existing context of the site, its relatively low-lying position in the landscape, and screening in the wider gently undulating and well-vegetated landscape, these effects would be limited and restricted in extent.
- 6.91 Overall, it is concluded that the landscape has the capacity to accommodate development of the type and scale proposed. From a landscape and visual perspective, the proposed development is located on land which minimises visual intrusion within the wider landscape. The proposals are appropriate to the setting and landscape character of the Site and has the potential to offer suitable landscape mitigation measures in terms of visual amenity.
- 6.92 Consequently, the proposals comply with BLP Policy LC1 which seeks to retain and enhance the character and distinctiveness of individual landscape character areas (LCA) which in this case is E4 Hoyland Settled Wooded Farmland and Chapter 15 of the Framework. It is therefore concluded that there are no justifiable landscape related reasons why the proposed development should not be granted planning permission.

#### **Noise Impact Assessment**

- 6.93 A Noise Impact Assessment (NIA) has been prepared by Environmental Noise Solutions Ltd.
- 6.94 A noise survey was undertaken at the site on 7 November 2023 and the early hours of 8 November 2023. Additional monitoring was undertaken on 17 November 2023 to further quantify noise from the A6195.
- 6.95 Section 4 of this report sets out proposals for a scheme of sound insulation which is considered to achieve a suitable level of residential amenity for the proposed dwellings. Recommendations are also made for mitigating noise as far as practicably possible in external amenity areas.
- 6.96 Consequently, the proposals comply with BLP Policy Poll1 which seeks to minimise risk of damage to the environment and manage nuisance and Chapter 15 of the Framework. It is therefore concluded that there are no justifiable noise related reasons why the proposed development should not be granted planning permission.



### **Transport Assessment**

- 6.97 A Transport Assessment (TA) has been prepared by Bryan G Hall. Traffic surveys were undertaken on 27 June 2023 at the Hemingfield Road Roundabout and the Briery Meadows/Hemingfield Road and Cemetery Road/School Street priority T-junctions to ascertain current traffic flows. Traffic surveys were undertaken between the hours of 7:00am – 10:00am and 2:00pm - 7:00pm, these time periods were chosen to ensure that the weekday morning and evening peak hours were fully captured for consideration in the TA. Two 7 day Automatic Traffic Counters (ATCs) were also put in place on Hemingfield Road in the vicinity of the proposed site access to collect traffic and speed data.
- 6.98 The existing weekday morning and evening peak hours have been determined for the surveyed network, and the operation of the Hemingfield Road Roundabout has been assessed, which shows that the junction currently operates well within capacity.
- 6.99 It has been demonstrated that the traffic impact of the development at the other two surveyed junctions (Briery Meadows/Hemingfield Road and Cemetery Road/School Street) is well below 30 two-way trips and so operational assessment to assess the impact of development traffic was not required at these junctions.
- 6.100 A review of personal injury collision data for the most recent 5 year period available indicates that there are no existing road safety issues which would be exacerbated by the proposed development.
- 6.101 It has been demonstrated that the site is accessible using sustainable modes of transport, such as walking, cycling and public transport. The site is well located to promote trips on foot to local amenities, including The Ellis C of E Primary School which is located 410m from the centre of the site. There are a number of nearby secondary schools which are accessible from the site by bus.
- 6.102 Regular bus services are provided from bus stops within a short walking distance from the centre of the site, providing services to key leisure, employment and transport hubs, such as Barnsley Interchange and Cortonwood Retail Park. Wombwell Railway Station is located within an approximate 4 minute cycle ride or 850 metre walk from the site, and the station offers a range of local rail services, and an opportunity to connect to national services.
- 6.103 Details of the proposed site access arrangements have been provided in the TA (see Appendix 11). The site will be accessed by way of a new ghost island right turn priority T-junction on Hemingfield Road, at the western site boundary. The visibility requirement at the site access



junction has been calculated based on 85th percentile vehicle speeds determined from the ATC surveys. It has been demonstrated that suitable visibility splays of 2.4 metres x 53 metres to the north and 2.4 metres x 43 metres to the south are achievable at the proposed site access junction, in accordance with guidance in Manual for Streets.

- 6.104 The existing southbound bus stop is to be relocated from its existing position near the proposed site access junction, to a location just to the west of Mellwood Grove. The exact location of the bus stop is to be agreed with the Council and the local public transport operators.
- 6.105 Swept path analysis of the proposed site access has been undertaken, which demonstrates that it can be used comfortably by a refuse vehicle.
- 6.106 Pedestrian access to the site will be provided via 2 metre wide footways to both sides of the proposed vehicular site access junction with Hemingfield Road. Pedestrian access to the site will also be provided from Hemingfield Road and through the retention of the existing PRow connections from Briery Meadows at the southern site boundary and Garden Grove which provides a direct walking route to The Ellis C of E Primary School. The PRow routes which pass through the site will be retained along the current alignment, with suitable crossing points to be provided where the retained north/south PRow crosses the vehicular access roads within the site. The surface treatment and width of the retained PRow through the site are to be agreed with the Council, and will be dependent on whether they will cater for just pedestrians or cyclists as well.
- 6.107 Parking for cars and cycle parking will be provided in line with the standards set out within the 'Parking' SPD adopted by the Council.
- 6.108 The TRICS database has been used to establish the trip generation associated with the development proposals. The proposed development is anticipated to generate around 89 two-way trips during the morning peak hour and 84 two-way trips during the evening peak hour. The development generated trips have been distributed onto the local highway network based on 2011 Census data.
- 6.109 An estimate of the multi-modal trip generation for the site has been provided, based on the modal split percentages determined from the 2011 Census data. These are also referred to in the accompanying Travel Plan, to set initial modal split targets for a reduction in single occupancy car journeys.
- 6.110 To account for background traffic growth on the network, the relevant growth factors have been obtained using TEMPro. These factors have been applied to the 2023 surveyed traffic flows, to



project them to a future year of 2029. Committed development traffic has also been added at the Hemingfield Road Roundabout, for the approved Wombwell School site. The proposed development generated flows have then been added to the 2029 base flows, which is considered to be robust.

- 6.111 It is predicted that 31 two-way trips could be generated by the proposed development site to or from the west on the A6195 Dearne Valley Parkway. This is just one vehicle over the 30 two-way trip threshold which is used to determine whether or not operational assessment of a junction should be undertaken. It has been demonstrated that the percentage impact of these development generated trips on the A6195 Dearne Valley Parkway to the west of the Hemingfield Road Roundabout is minimal.
- 6.112 Operational assessment of the Hemingfield Road Roundabout has been undertaken for the 2029 future year. This shows that the junction is predicted to continue operating within capacity, both with and without the proposed development trip generation. It has also been demonstrated that the proposed site access junction will operate within capacity. Therefore, the proposed development generated trips will have no impact on the operation of junctions on the local highway network in the vicinity of the site.
- 6.113 A sensitivity test has also been undertaken, which demonstrates that the proposed site access junction would have sufficient capacity to accommodate future development. This sensitivity test was undertaken assuming c.400 no. dwellings on the safeguarded land as a whole, including the development proposed as part of this application for outline planning permission.
- 6.114 The TA has demonstrated that the proposed development accords with the BLP Policies SD1, GD1, T3, T4 and GS2, Chapter 9 of the Framework and relevant SPDs. It is therefore concluded that there are no justifiable highways or transport related reasons why the proposed development should not be granted planning permission.

### **Travel Plan**

- 6.115 A Travel Plan (TP) has been prepared by Bryan G Hall. The primary objective of this TP is to achieve a reduction in dependence on private car journeys (particularly single occupancy journeys by petrol or diesel powered cars) to the site. In order to determine the impact of the TP, challenging but realistic targets must be established. These targets will be set and monitored using resident travel surveys and the results of an initial multi-modal travel survey.
- 6.116 It is an important principle that the implementation of the TP can establish a pattern of travel behaviour, favouring sustainable modes of travel from the inception of the development.



- 6.117 Several measures have been selected to make existing sustainable modes of travel to the site more attractive. These measures are clearly set out in Chapter 5 of the TP and include site specific travel guidance, public transport taster tickets and a periodic travel newsletter.
- 6.118 As is required by BLP Policy T3, the submitted TP accords with 1) the guidance set out in the Framework (Chapter 9) and 2) relevant SPDs. Further and most importantly the TP seeks to positively influencing travel behaviour and encouraging a greater take up of walking, cycling and public transport.
- 6.119 The TP is not a static document and will be subject to change in light of progression and completion of the development and will remain responsive to change in line with the findings from future travel surveys and the on-site multi-modal traffic counts.

### **The Planning Balance**

- 6.120 It is demonstrated that the tilted balance at paragraph 11(d) is engaged and the planning balance should be undertaken on this basis. This statement and the supporting documentation has identified no specific footnote 7 policies engaged which would provide a clear reason for refusing the planning application.
- 6.121 In the above assessment a limited conflict with the development plan has been identified. In bringing forward part of this safeguarded land site, outside of a Local Plan Review process, it is acknowledged that there is conflict with GB6. However, the practical planning harm that arises from this is limited.
- 6.122 As a safeguarded land site is acknowledged that the site is acceptable for housing to meet long term need, the principle of development is not doubted. The release of the site now would not result in remote or isolated development. It is well related to the existing urban area, and would secure a sustainable form of development. In the context of no identifiable five year housing land supply the policy is considered out of date under paragraph 11d of the Framework. The acknowledged conflict with Policy GB6 should be attributed very limited weight in the planning balance.
- 6.123 In the overall planning balance, the identified policy conflict relating to the site's status as safeguarded land and limited adverse harms would not significantly and demonstrably outweigh the benefits of the proposal. The planning balance falls firmly in favour of grant of planning permission. The proposal in addition to delivering much needed new market and affordable homes will deliver substantial economic and social benefits, including biodiversity enhancements and public open space for the wider community.



6.124 This statement has identified a range of important benefits associated with the proposals. Chief among these, is the delivery of new homes. Very significant weight should be afforded to the delivery of new market housing in the context of an ever growing historic shortfall within the borough since the start of the plan period. Furthermore, the provision of new market housing would contribute to addressing the shortfall in in five-year housing land supply. Likewise, the delivery of affordable housing in the context of the Council's housing shortfall should be afforded very significant weight.



## 7.0 SUMMARY AND CONCLUSIONS

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- 7.1 In accordance with Section 38(6) of the 2004 Act, this application has to be determined in accordance with the development plan, unless material considerations (which include the Framework), indicate otherwise.
- 7.2 The documents submitted to support this outline planning application raise the following conclusions.
- 7.3 The application seeks the residential development of this site which is designated safeguarded land in the BLP. Safeguarded land is intended to help meet the Borough's long term housing need; it is expected that Safeguarded land sites would be brought forward as part of a Local Plan Review. However, an acute and chronic shortfall of housing in the Borough has been identified. The Council has failed to meet the identified BLP housing requirement since the start of the plan period and consequently a 3,144 dwelling shortfall is identified. Whilst the development of this site would represent a conflict with policy GB6; Safeguarded Land, to restrict sustainable development in light of this context would not serve the objectives and purpose of the Framework to significantly boost the supply of housing.
- 7.4 Furthermore, accompanying this application is FYHLSA. The FYHLSA has identified a chronic and acute lack of deliverable land for housing. It is clear that for the current five year period, base date 1 April 2023 – 31 March 2028, the Council has a deliverable supply of just 2.5 years. Consequently, the "tilted balance", or presumption in favour of sustainable development, as contained in paragraph 11(d) of the Framework is engaged; the most important policies for determining the application are considered to be out of date and planning permission should be granted unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits.
- 7.5 This statement has evidenced a wide range of social, economic and environmental benefits arising from the delivery of this site. Further this statement sets out how any perceived or identified harm can be addressed through considered mitigation or future management. Of particular importance is the delivery of much need market and affordable homes to address the chronic and acute failure in housing delivery. Each of these benefits weighs heavily in the planning balance. When considered in line with the other identified benefits; economic benefits, provision of public open space and connectivity to the PRoW network and, significant delivery of biodiversity net gains as part of the scheme, the benefits package is considered to far outweigh and identified harms.



7.6 Consequently, it is indisputable that the application proposals represent sustainable development and planning permission should be granted.



## **APPENDIX 1**

## DRAFT HEADS OF TERMS

### **APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING STRUCTURES AND THE ERECTION OF RESIDENTIAL DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AND OPEN SPACE. ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS TO, BUT NOT WITHIN, THE SITE.**

#### **LAND NORTH OF HEMINGFIELD ROAD, HEMINGFIELD, BARNSELY**

This note sets out the scope of the Heads of Terms (HoTs) placed before the Council. These HoTs are provided at the point of submission of the application and are likely to be subject to discussion with the Council during the application process. These contributions would be finalised within a S106 agreement which would be prepared and issued by the application prior to determination.

#### **Heads of Terms for S106 Agreement**

The proposed S106 agreement would be based on the following Heads of Terms:

- Delivery of 10% affordable housing units on site in accordance with Policy H7 of the Local Plan and the Affordable Housing SPD.
  - 25% of affordable units to be delivered as First Homes.
  - Remaining affordable units to be delivered as affordable rented / affordable home ownership to a tenure split to be agreed with reference to the latest evidence of need.
- Delivery of on-site public open space and maintenance and management requirements in accordance with the Open Space Provision on New Housing Development SPD or successor document(s).
- Financial contribution towards education if necessary to be negotiated in accordance with the Financial Contributions for Schools SPD or successor document(s).
- Financial contribution towards sustainable transport and transport infrastructure to be negotiated in accordance with the Sustainable Transport SPD or successor document(s).
- Delivery of Biodiversity Net Gain (BNG) and maintenance and management requirements of identified BNG for 30-year period.