



JohnsonMowat
Planning & Development Consultants

**AVANT HOMES AND
HOYLAND DEVELOPMENT LTD**

**LAND OFF HOYLAND ROAD/HAWSHAW LANE,
HOYLAND**

**FULL APPLICATION FOR THE CONSTRUCTION OF 100NO. DWELLINGS
INCLUDING ASSOCIATED WORKS (PHASE 1)**

PLANNING CASE REPORT

25th September 2018



Avant Homes and Hoyland Development Ltd
Hawshaw Lane, Hoyland

Planning Case Report

Date: 01 October 2018

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LIMITATIONS

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

All of the comments and opinions contained in this report, including any conclusions, are based on the information obtained by Johnson Mowat Planning Ltd during our investigations.

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1.0 INTRODUCTION

- 1.1 This Planning Case Report has been produced on behalf of Avant Homes and Hoyland Development Ltd in support of a Full Planning Application for the residential development of 100No. dwellings including associated works at land off Hoyland Road/Hawshaw Lane, Hoyland.
- 1.2 An outline planning application (with all matters reserved apart from the means of access) was approved on eastern part of the currently submitted red outline in June 2018. The permission granted consent for approximately 100 dwellings (Ref 2016/1531) with one access point.
- 1.3 Following a period of marketing and further site investigation, a decision has been made to not proceed with the outline approval for the following reasons:-
- The extent of the 1950's opencast coal mining disturbance is more complex than initially considered.
 - They need to avoid areas of deep uncompacted made ground arising from the 1960's opencast has made the remainder of that approval undeliverable for both viability and market reasons.
- 1.4 As such, following dialogue with Avant Homes and a significantly more intensive programme of site investigation, the decision has been made to proceed with a fresh detailed application for 100 dwellings using 2 points of vehicular access and associated works (to be known as Phase 1).
- 1.5 The application site designated as 'Safeguarded Land' within the current Barnsley UDP (adopted in 2000) and is to be allocated as housing within the emerging Barnsley Local Plan, which is at an advanced stage. It should be noted that land within the current red outline which the Council granted permission on the 4th June 2018 was for 100No. dwellings in outline is also 'Safeguarded Land' in the emerging UDP.
- 1.6 This Planning Case Report demonstrates how the above matters have been addressed and should be read in conjunction with the following reports which form this planning application submission:-
- Planning Forms – Johnson Mowat;
 - Planning Case Report – Johnson Mowat;



- Draft S106 Heads of Terms and Affordable Housing Statement – Johnson Mowat;
- Statement of Community Involvement – Johnson Mowat;
- Plans and details – STEN Architecture;
- Design and Access Statement – STEN Architecture;
- Landscaping Plans – Rosetta Landscape Design;
- Energy Statement – FES Group;
- Drainage and Flood Risk Statement – JPG;
- Arboricultural Survey – BWB;
- Arboricultural Method Statement and Tree Protection Plan- BWB;
- Noise Impact Assessment – BWB;
- Preliminary Ecological Appraisal – BWB;
- Travel Plan – BWB;
- Transport Assessment – BWB;
- Air Quality Assessment – BWB and Surface;
- Highways Plans – BWB; and
- Archaeology Statement – BWB.

1.7 This Planning Case Report identifies the characteristics of the site and its location, the planning history of the site, the planning policy context and the planning case in support of the proposed residential scheme.



2.0 LOCATION AND SITE DESCRIPTION

Location

- 2.1 The site is located within on the northern edge of Hoyland, a large settlement identified as a Principal Town within the settlement hierarchy of both adopted 2011 Core Strategy and the emerging Barnsley Local Plan. Hoyland is located approximately 6 km south of Barnsley Town Centre and approximately 13 km north of Sheffield.
- 2.2 The site extends to approximately 11.1 hectares of greenfield grazing land. The site and the adjoining land to the north formed a previous open cast mining areas (1950's and 1990's) which was subsequently backfilled.
- 2.3 A more detailed site description is contained within the Design and Access Statement that accompanies this application.

Access to local facilities

- 2.4 The site lies within a highly sustainable location in relation to access to services, facilities, employment opportunities and public transport. The site proposes 2no access points from the A6195 Hoyland Road/Hawshaw Lane (one of which was a previously approved access point Ref 2016/1531) a main route through the centre of the settlement containing a number of local amenities. It should be noted that the principle of the 2no access points was generally agreed at pre-application meeting held in July 2018.
- 2.5 With regard to accessing local facilities, they can be accessed from the site either on foot or by public transport and include:-

Shops

- Hoyland District Centre contains a high level of retail provision and is within 2km of the site.
- The co-op store is within 300m of the site
- Further supermarkets and large convenience stores can be found within 1.4km
- A petrol filling station is located within 500m.

Leisure

- Public houses are located along Hoyland Road, the nearest within 300m
- A children's equipped play space is located within 900m of the site.



Education

- West Meadows Primary School is located 400m from the site.
- The Kirkbalk Academy Secondary School is located 600m from the site.

Health

- The Walderdale Surgery is within 1.5 km of the site.
- Hoyland Road Pharmacy is located within 800m of the site.
- Hoyland Family Dental Practice is located within 1.4 km of the site.

2.6 The site is within 250m of a bus stop with a high frequency service to the centre of Hoyland and further to Barnsley Town Centre which offer a high level of employment and services.



3.0 PLANNING HISTORY

- 3.1 The land is designated as 'Safeguarded Land' in the Barnsley Unitary Development Plan (adopted 2000). An outline planning application (with all matters reserved apart from the means of access) was approved on the eastern part of the currently submitted red outline in June 2018. The permission granted consent for approximately 100 dwellings (Ref 2016/1531) with one access point.
- 3.2 The site has been the subject of previous coal mining activity, both below the surface in the form of deep mining and at the surface in the form of opencast coal extraction. It is the opencast extraction that has had the most significant effect on the local landscape by amending many of the historic field boundaries through a series of mining activities in the 1950's and 1990's.

Pre-Application

- 3.3 Prior to the submission of this application, a pre-application submission was made to Barnsley Council on 27th June 2018 on behalf of Avant Homes and Hoyland Development Ltd. The pre-application was undertaken on a larger site than the outline consent (ref 2016/1531) and the current proposal. The submission sought advice in relation to 167no. homes and likely S106 requirements with the intention of submitting a full application on the larger site in the near future.
- 3.4 It should be noted that although the larger site is a larger size than the outline planning approval 100no dwellings (ref 2016/1531), it was explained in the covering letter large areas of that site have recently been discounted from immediate development due to uncertain ground conditions arising from the 1950's opencast which would have to be further investigated.
- 3.5 This larger site (167no dwellings) pre-application meeting was held at Barnsley Council's Offices on the 31st July 2018. Attendees from the Council included the Head of Planning, a Planning Officer, Conservation Officer, Design Officer, Highways Officer, Housing Officer and Ecology Officer. Attendees on behalf of the applicants included representatives of Johnson Mowat, Avant Homes and the landowners.



- 3.6 At the meeting, the Council expressed their desire not to be determine additional areas of development (over and above the original 100 dwellings) until master planning process on the whole proposed allocation was completed, consulted with the general public and approved by Cabinet. Tentative timeframes were given for the end of 2018 for adoption for the Local Plan and an indicative date of March 2019 for adopting a site specific Framework Plan.
- 3.7 At that meeting, it was generally agreed an application could be pursued on the basis of up to 100 dwellings.
- 3.8 The rest of the meeting was pursued on the basis of the submitted pre-application scheme for 100no dwellings and included the following:-
- Highways:-
 - The current network could accommodate up to 250no. dwellings before significant upgrades;
 - The detail of a second access point was acceptable in principal.
 - Heritage (ground heritage) – no features of significance due to extensive 1950's/1990's extensive opencast workings. Updated Desk Top Report for Phase 2 required.
 - Affordable Housing:-
 - 10% provision in line with requirements in the Emerging Local Plan.
 - 2/3 bed properties acceptable.
 - Greater distribution of affordable homes on site.
 - Design- Amendments to the draft layout as sought by the Council's Design Officer.

Community Consultation

- 3.9 An information letter and copy of the masterplan will be provided to the local residents adjoining the site to inform residents of the reasons behind the shift in location of development for up to 100 dwellings and the likely timeframe for subsequent phases upon adoption of the Local Plan.



4.0 PROPOSED DEVELOPMENT

- 4.1 The application seeks full planning permission for the erection of 100 dwellings within the revised red outline. The proposed development would utilise 2no vehicular access points from Hoyland Road/Hawshaw Lane (which was confirmed acceptable at pre-application). The proposed accommodation schedule is detailed on the supporting plans and Design and Access Statement.
- 4.2 The development will comprise areas of greenspace and water attenuation to the north of the site. The formal open space is proposed within the wider masterplan allocation.
- 4.3 A landscaping and planting scheme accompany the application which seeks to create a visually pleasing environment with biodiversity benefits.



5.0 PLANNING POLICY

Introduction

- 5.1 At the time of writing the current development plan comprises solely of the saved policies of the Unitary Development Plan (adopted 2000, saved polices by the Secretary of State 2007) and the Core Strategy (adopted 2011).
- 5.2 The Council have prepared a new Local Plan which includes the allocation of sites for housing. The Barnsley Local Plan was submitted to the Secretary of State on 23rd December 2016. The plan has gone through various stages of examination and a number of modifications. The Council anticipate adoption of the Local Plan by the end of 2018.
- 5.3 The UDP Part 1 together with the Part 2 Sites Allocations was adopted in December 2000 and was only intended to cover the plan period 1986 to 2001. The plan is therefore significantly time expired and although the Council continue to refer to saved policies contained within the UDP where compliant with national policy, weight to each policy will be considered on a case by case basis.
- 5.4 Similarly, the Core Strategy was adopted in September 2011 and therefore pre dates the National Planning Policy Framework which was adopted March 2018. Where a Local Development Plan is out of date, limited weight can be attached to the policies within the document where they conflict with more recent Government policy.
- 5.5 The section below has been undertaken in light of both the current and emerging policy on the basis that the new Local Plan may be adopted upon determination of the new Local Plan.

The Development Plan: Weighting

- 5.6 Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 places a statutory duty on local planning authorities to determine planning applications in accordance with the development plan unless material planning considerations indicate otherwise. Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.



National Policy

National Planning Policy Framework

5.7 The Government's National Planning Policy Framework (the Framework) now forms the relevant policy guidance at the national level for the determination of all planning applications; this is especially so where the local development plan is either silent, absent or out of date. The Framework is a material consideration which must be taken into account in all planning decisions.

5.8 Para 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.”

5.9 There are three objectives (Para 8) to sustainable development comprising economic, social and environmental roles.

5.10 Para 10 sets out that the heart of the framework is a presumption in favour of sustainable development.

5.11 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Para 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-date¹, granting permission unless:***

¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. Transitional arrangements for the Housing Delivery Test are set out in Annex 1.



- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; 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”. (JM underlining).*

5.12 It is noted that the application may be determined at a time at which the new Local Plan is adopted, which will constitute an up to date development plan or may be determined against the Unitary Development Plan, an out of date plan. It is considered that for the reasons set out in this statement the proposal complies with both plans.

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

Section 4: Decision Making

5.14 In determining applications, Para 38 states:-

“Local Planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

5.15 Para 47 requires that:-

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

² 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 176) 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 63); and areas at risk of flooding or coastal change.



5.16 Para 48 goes on to state that:-

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);***
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and***
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)²².”***

5.17 Para 49 goes on to state that:-

“However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and***
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”***

5.18 It is considered that no circumstances exist where the proposal could be considered premature particularly in light of its previous planning consent and its non-restrictive policy allocation. The absence of a 5 year land supply also weighs in favour of the proposal.

Section 5: Delivering a Sufficient Supply of Homes

5.19 Para 59 reiterates the Government’s objective of significantly boosting the supply of home, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.



- 5.20 Para 73-76 (inclusive) require local planning authorities to maintain a five year supply of land for housing and for a suitable buffer to be included within this supply (based on previous delivery). Para 75 places a requirement on local planning authorities to produce an Action Plan where delivery falls below 95% of requirement over a three year period.

Section 8: Promoting healthy and safe communities

- 5.21 Para 91 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Section 9: Promoting Sustainable Transport

- 5.22 Para 103 sets out that:-

“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

- 5.23 Para 110 sets out development should:-

“a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”



5.24 Para 111 sets out that:-

“all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

Section 11: Making Effective Use of Land

5.25 The Government remains committed to encouraging high density development and the most efficient use of land. Para 118 sets out planning policies and decisions should:-

(d) “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”.

5.26 Although the use of minimum density policies is encouraged the Framework does not advocate any national standards for such minimum densities. Para 122 also specifically refers to the need to reflect the type of dwellings needed in an area and respect for the character of that area.

Section 12: Achieving Well Designed Places

5.27 Para 124 stresses the Government’s commitment to achieving good design, high quality buildings and places.

5.28 Para 127 sets out planning policies and decisions should:-

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;***
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;***
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);***
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;***



- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

Section 14: Meeting the challenge of climate change, flooding and costal change

5.29 Para 150 sets out that new development should be planned to:-

- “a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.”*

5.30 Further at Para 153 it sets out that:-

“In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”*

Section 15: Conserving and enhancing the natural environment

5.31 Para 170 sets out the requirement to contribute to and enhance the natural environment in policies and decisions by:-



- “d) minimising the impacts on and providing net gains for biodiversity....**
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and**
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”**

Annex 1: Implementation

5.32 Para 212 with regard to decision taking:-

“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”

5.33 The proposals constitute sustainable economic development and under the circumstances, it is clear that significant weight should be attached to this. The proposals wholly conform to the advice in the Framework and it is considered that the applicants are entitled to anticipate presumption inherent being weighed in their favour.

Local Policy

Saved Policies of the Barnsley UDP (December 2000)

5.34 The Barnsley UDP was adopted **18 years ago**. The UDP looked forward to a notional end date of 2001. The LP is clearly time expired. Indeed a revision to this LP has been awaited for (at least) 16 years.

5.35 Saved policies of the LP were adopted prior to guidance set out in the Framework coming into the decision making process. Contrary to the provisions of Framework Paragraph 212, the LPA has not yet adopted an up to date replacement plan to deliver the housing allocations required to meet the Council’s planned target.

5.36 The site is designated as ‘Safeguarded Land’ within the 2000 UDP Proposals Map for Hoyland. The site was reserved for longer term development beyond the plan period, that being beyond 2001 when housing land supply was below the 5 year requirement.



5.37 The 2000 UDP Proposals Map is an out of date document. As such, weight to be applied to the development limits in that plan are reduced. The purpose of Safeguarded Land is to act as a pool of reserve land capable of housing development when needed. As such, the development of this site accords with the general aims on the 2000 UDP.

Core Strategy (September 2011)

5.38 The Barnsley Core Strategy (CS) was adopted in 2011, prior to guidance set out in the Framework coming into the decision making process. The CS covers the period up to 2026.

5.39 The CS was prepared to conform to those policies set out within the Yorkshire & Humber Regional Spatial Strategy (May 2008) which was revoked in 2013 by Central Government, a matter acknowledged by the spatial strategy of the CS:-

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

5.40 The adopted CS is therefore based upon a dated evidence base, with no up to date adopted plan in place.

5.41 The Settlement Hierarchy of the adopted CS identifies Hoyland as a Principal Town. The CS states at para 7.64:-

“We want Hoyland to grow in housing and employment terms taking advantage of its accessible location

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

CSP3 Sustainable Urban Drainage Systems

5.43 The policy sets out that development should use SuDS except in exceptional circumstances where all types of SuDS are impractical. The application is supported by a Drainage Report detailing the unsuitability of SUDS.



CSP4 Flood Risk

- 5.44 This policy relates to flood risk and aims to steer development to areas of low flood risk. The proposal is in flood zone 1 and is supported by a Flood Risk Assessment assessing the flood risk as to be low.

CSP8 – The Location of Growth

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

- 5.46 Hoyland is identified as a location for growth.

CSP9 – The Number of New Homes to be Built

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

CSP10 – The Distribution of New Homes

- 5.48 This spatial policy provides the distribution of the minimum 21,500 homes targeted to be delivered across the CS period, with Hoyland accommodating 1,800 dwellings and therefore representing 8% of the overall CS requirement.

CSP14 – Housing Mix and Efficient Use of Land

- 5.49 This policy affirms that housing proposals will be expected to include a mix of house size, types and tenures to create mixed and balanced communities. The policy confirms that priority will be given to the development of previously developed land and that a minimum density of 40 dwellings per hectare will be expected to be achieved. This requirement is a net developable area requirement and would not have regard to the circumstance of unstable ground in this application.



CSP15 – Affordable Housing

- 5.50 This policy sets an affordable housing threshold of 15% on site units applicable to Hoyland subject to the viability of the site. The requirements of this policy will eventually be superseded by Policy H8 of the emerging Local Plan which sets a new threshold of 10% affordable units to be provided on site. The emerging 10% requirement flows from a more up to date evidence base on housing need and is therefore the appropriate target in this application.

CSP26- New Development and Highway Improvement

- 5.51 The policy relates to a safe, secure and convenient access to be incorporated into new development. Matters were agreed at pre-application that the proposals including the access were acceptable in principle.

CSP29 – Design

- 5.52 This policy sets out the design principles for the district to ensure there is high quality development. The policy is essentially a checklist for development and it is considered that the proposal does not conflict with this policy.

CSP36 – Biodiversity and Geodiversity

- 5.53 The policy sets out the requirement to conserve and enhance the biodiversity and geological features of the borough. It is considered that the proposal does not conflict with this.

CSP39 – Contaminated and Unstable Land

- 5.54 Where there are contamination or stability issues the policy requires that a report is produced along the lines of the guidance.

CSP40 – Pollution Control and Protection

- 5.55 The policy ensures developments do not result in adverse effects on adjoining occupiers.



National Planning Practice Guidance (July 2018)

- 5.56 The Planning Practice Guidance was published as a live 'working' document on 6th March 2014 and since update in July 2018. It extends to over 600 pages and is intended to replace over 7,000 pages of now revoked guidance.

Barnsley Five Year 'Deliverable' Housing Land Supply Report April 2017 – March 2022 (August 2017)

- 5.57 The Council have recently published an updated position paper on the deliverable five year housing land supply for the district. The paper provides an assessment of deliverable supply for the period 1st April 2017 to 31st March 2022.
- 5.58 The paper informs that if the Council do not adopt the Local Plan over the next 5 year period 8,056 dwellings can be delivered against a target of 10,050 net dwellings equating to 4.01 years supply.
- 5.59 The paper also informs that upon adoption of the Local Plan the Council will have a housing land supply in excess of 5 years (albeit this was on the basis that the Local Plan was adopted at the time of writing this Planning Case Report).

Emerging Local Plan

- 5.60 The Local Plan was submitted to the Secretary of State on the 23rd December. The Plan has been through various hearings and proposed amendments. The proposed main modifications to the Publication Draft consultation closed on the 28th August 2018.
- 5.61 Once adopted the Local Plan which will replace both the saved policies of the UDP and the policies contained within the adopted CS. The Local Plan (as per the proposed Main Modifications Consultations) will provide allocations to deliver the minimum requirement of 21,546 dwellings by 2033. Under the Settlement Hierarchy, Hoyland is retained as a principal town, and under Policy LG2 'Location of Growth' remains a priority area for development.
- 5.62 Policy H2 of the Local Plan (Modifications Consultation) proposes a minimum 2,567 dwellings to Hoyland across the plan period 2014 to 2033, accounting for 12% of the minimum target of 21,006 dwellings. Policy H2 identifies existing planning permissions



totalling 304 dwellings within Hoyland and therefore leaving a residual requirement of over 2,263 dwellings to be identified.

5.63 The Local Plan proposes the land as residential (Ref H16) being part of a much larger allocation of housing in three parcels as follows:-

- H16 Site North of Hoyland Road for 615 dwellings
- H77 Land West of Upper Hoyland Road for 70 dwellings, reduced in capacity to have regard to Hoyland Lowe Stand
- AC29 Land off Shortwood Roundabout for 80 dwellings

5.64 Hoyland Developments Ltd are working closely with the Council regarding the wider Masterplanning of the above three sites.

5.65 Policies contained within the emerging plan relevant to the proposal are considered below.

Policy SD1 – Presumption in Favour of Sustainable Development

5.66 In line with the objectives of the NPPF (the 2012 version), this policy details the presumption in favour of sustainable development and the Council's positive approach toward working with applicants to find solutions to delivering development proposals that improves the economic, social and environmental conditions of the area.

Policy GD1 – General Development

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

Policy H6 – Residential Development on Large Non-Allocated Sites

5.68 This policy sets out the Council's considerations for large scale residential development (10 dwellings or more) on those sites not identified as preferred housing allocations through the emerging Local Plan. The policy in full states:-



“Proposals for residential development on sites above 0.4 hectares which are not shown as housing sites on the Policies Maps will be supported where they are:

- Are located on previously or part previously developed land;*
- Are located within Urban Barnsley, the Principal Towns and Villages;*
- Are accessible by public transport; and*
- Have good access to a range of shops and service.*

Policy H7 – Housing Mix and Efficient Use of Land

5.69 This policy aligns with Policy CSP14 of the adopted Core Strategy and seeks an appropriate mix of house type, size and tenure together with a target density of 40 dwellings per hectare in Urban Barnsley and Principal Towns.

Policy H8 – Affordable Housing

5.70 This policy will supersede Policy CSP15 of the adopted Core Strategy and sets an onsite affordable housing requirement of 10% in Hoyland subject to the viability of the site.

Policy T3 – New Development and Sustainable Travel

5.71 The policy expects new development to:-

- “Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists;
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document;
- Provide a transport statement or assessment in line with guidance set out in the National Planning Policy Framework and guidance including where appropriate having regard for cross boundary local authority liaison; and
- Provide a travel plan statement or a travel plan in accordance with guidance set out in the National Planning Policy Framework including where appropriate having regard for cross boundary local authority liaison. Travel plans will be secured through a planning obligation or a planning condition.”



Policy T4 – New Development and Transport Safety

5.72 This policy relates to safe and secure access for all road users.

Policy D1 – High Quality Design and Place Making

5.73 This policy sets out the design principals for the district.



6.0 THE PLANNING CASE

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

Principle of Development

6.2 The application site is presently identified as safeguarded land in the 2000 UDP. The 2000 is now a time expired document, the development limits are out of date.

6.3 The weight to be attached to the policies of the 2000 UDP are further diminished through the absence of a 5 year land supply.

6.4 The fact that the application site is safeguarded for longer term development post 2001 when land supply is short is point which allows the application to accord with those policies of the UDP which can be attributed any weight. The proposals are therefore consistent with the UDP.

6.5 The proposed application is consistent with the 2011 Core Strategy in that Policy CSP8 Seeks to direct new housing growth towards the main and principal towns, one of which is Hoyland.

6.6 While there is a slight policy tension in that the proposal offers 10% affordable housing and not the 15% sought by CSP15, the evidence base that supports CSP15 has since been superseded. The 10% on offer is in accordance with the latest evidence base on housing need that supports the Council's emerging Local Plan.

6.7 The emerging Local Plan proposes a district wide plan target of 20,900 dwellings over the period 2014 to 2033.

6.8 In that Plan, Hoyland receives 11% of the total requirement with a target of 2,361 dwellings. To date, only a fraction of that amount has the benefit of a planning consent. Hoyland is proposed as a location for considerable housing growth and the Council currently intends to include the application site within the Allocation H16.

6.9 The pressing need for residential development, in both Hoyland and across the district is further highlighted by the Council's August 2017 position paper on five year supply. The shortfall is significant.



6.10 It should be noted that an outline planning application (with all matters reserved apart from the means of access) was approved on eastern part of the currently submitted red outline in June 2018. The permission granted consent for approximately 100 dwellings (Ref 2016/1531) with one access point. The Council therefore agreed to the acceptability of the proposal in advance of the adoption of the Local Plan.

6.11 In relation to the policies of the emerging Local Plan the site is proposed as a housing allocation, there is clearly no conflict between the application proposals and the policies in the emerging Plan given the document seeks to allocate the site for residential development.

Prematurity

6.12 The National Planning Practice Guidance states that in the context of the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than in limited circumstances where:-

- i. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
- ii. The emerging plan is at an advanced stage but not yet part of the development plan for the area.

6.13 Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

6.14 In this instance the development proposed would comprise circa 100 dwellings is part of a proposed allocation, it is therefore not at all significant in scale to prejudice the emerging plan.

6.15 The site adjoins the main urban area of the principal town of Hoyland and would form a highly sustainable and suitable site which can contribute to meeting the minimum plan target together with addressing the current significant shortfall in supply.



Other Material Considerations

- 6.16 Having regard to the sites suitability in principle for residential development, other material considerations are contained in the supporting reports technical documents which support the application. A list of the documents is contained above at para 1.6.

Planning Balance

- 6.17 The site is located in the northern edge of the principal town of Hoyland, an area of land allocated for long term development in the now time expired 2000 UDP.
- 6.18 The site is within a highly sustainable location, with excellent access to social and physical infrastructure locally present in Hoyland. The development would be fully compliant with both existing policies contained with the adopted Core Strategy and policies within the emerging Local Plan.
- 6.19 The development can contribute toward the planned growth and residual requirement for Hoyland and is therefore fully aligned with the spatial strategy's approach for development to be focussed in principal towns.
- 6.20 The site is an area of land free of any statutory designations.
- 6.21 The site is subject to no significant environmental constraints and the various technical reports produced to accompany this application submission demonstrate that there will be no adverse impacts as a result of granting planning permission.
- 6.22 The site is not of high environmental quality and there are no technical reasons for refusal. In accordance with policies SD1 'Presumption in Favour of Sustainable Development', GD1 'General Development' and H6 'Residential Development on Large Non-Allocated Sites' contained within the emerging Local Plan, together with provisions of the Framework, permission should therefore be approved without delay.
- 6.23 The proposed development will be in keeping with the local characteristics and proposes a mix of property types without detriment to neighbouring amenities. The settlement characteristics and the site's opportunities and constraints have been assessed in the supporting Design and Access Statement.



6.24 There are a number of significant benefits that can be delivered through the development of these housing proposals. The site would provide a deliverable supply of much needed land for housing in a district where the identified housing land supply is significantly short of five years. Unless the authority take action now to approve suitable & deliverable sites, the shortfall in housing land supply will likely continue until such time the Council are in a position to adopt the Local Plan. Whilst the site should be looked upon favourably even were a five year supply of housing to be demonstrated, this benefit should carry further significant weight in favour of the development.

6.25 Other benefits include:-

- the provision of a range of new house types to provide increased housing choice.
- the development would generate a significant amount of investment to the area in terms of the construction value (circa £10m) and associated spend during the construction period.
- Circa 40 full-time direct on-site jobs during the construction phase
- Indirect “spin-off” jobs in services and other business from the wage spending of construction workers and supplier sourcing and additional resident expenditure as a result of new homes in the town.

6.26 Having regard to all of the above, it is clear that there is a significant presumption in favour of the development. The proposal is fully policy compliant and has demonstrated there to be technical issues which would prevent the grant of planning permission.



7.0 SUMMARY AND CONCLUSIONS

- 7.1 The National Planning Policy Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development which should be seen as the golden thread through both plan-making and decision-taking.
- 7.2 The development proposed constitutes sustainable development having access to a wide range of local facilities. The site can make an immediate contribution towards overcoming the district shortfall in housing delivery and can contribute toward boosting the five year housing land supply together with a significant number of economic and social benefits. The site benefits from an existing planning permission and is an allocation in the emerging local plan.
- 7.3 The site would make for a compatible use and the technical reports accompanying the application detail how the development will not give rise to any adverse impact upon matters of transport, drainage, trees or ecology or the amenities of present and future occupiers.
- 7.4 Therefore taking account of the all of the above factors including all merits of the scheme taken as a whole, this report has demonstrated that when assessed against the requirements of the Framework, there are no adverse impacts that would arise from a residential development of the site. In accordance with paragraph 11 of the Framework, permission should therefore be approved without delay.