APPENDIX 5- PLANNING POLICY REVIEW

1. Within this section we provide a full review of the National Planning Policy Framework (NPPF) and key local and regional planning policies that are relevant to the consideration of this application.

National Planning Policy Framework (NPPF) (2012)

2. The National Planning Policy Framework (NPPF) was published by the DCLG on the 27th of March 2012, and replaces the existing planning framework - which consisted of Planning Policy Guidance and Statements (PPGs and PPS).

The presumption in favour of sustainable development

3. The framework confirms the government's sustainable growth agenda as set out in the Greg Clark statements detailed in the following section, and makes clear to local authorities that applications that support sustainable economic growth should be positively supported by LPA's.

4. The framework is clear that development that is sustainable should go ahead without delay; a presumption in favour of sustainable development must be the basis for every decision. In addition where relevant policies are out-of-date, LPAs are encouraged to grant permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

5. Paragraph 15 states that 'policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without

delay'. Throughout the document a centre first approach is promoted for retail development, therefore due to the sites in centre and brownfield status, the proposals are entirely in accordance with the NPPF.

6. In addition the NPPF identifies a number of core principles that LPAs must take into consideration for decision making.

Delivering sustainable development

Building a strong, competitive economy

7. Section 1 promotes sustainable economic development, and states that *'planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system' (paragraph 19)*.

8. Paragraph 21 has been summarised and states '*Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing*'.

Ensuring the vitality of town centres

9. Section 2 of the NPPF, relates to retail planning and the NPPF adopts a 'centre first' approach to locating retail developments. The application proposals fully complies with this approach by being located entirely within Cudworth District Centre. Section 2 promotes the vitality of town centres, with paragraph 23 encouraging local planning authorities to promote competitive town centres that provide customer choice, a diverse retail offer and reflect the individuality of town centres. The application site is a brownfield 'in centre' location and will offer a new 'discount retail' offer to the centre, therefore is compliant with the aspirations of the NPPF.

Promoting sustainable transport

10. Section 4 of the NPPF relates to transport policies which reflect previous planning guidance provided in PPG13 'Transport'. The main objective of the NPPF in relation to transport is to "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in location which are or can be made sustainable*" (page 6).

11. Paragraph 37 states that planning policies should aim for "*a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities."*

12. Overall, the NPPF continues PPG13 'Transport' requirement of Transport Statement or Transport Assessment and Travel Plans for all development that generate significant amounts of movement. This will aid sustainable modes of transport.

Requiring good design

13. Section 7 of the NPPF highlights the government objective to attach great importance to the design of the built environment. As a result, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people (Paragraph 56).

14. Under paragraph 58 "*planning policies and decisions should aim to ensure that developments:*

- *Will function and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*

- *Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *Respond to local character and history, and reflect identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *Are visually attractive as a result of good architecture and appropriate landscaping."*

Meeting the challenge of climate change, flooding and coastal change

15. Principle 10 addresses issues surrounding climate change, flooding and coastal change which is considered central to the economic, social and environmental dimensions of sustainable development.

16. Paragraph 95 states that "*to support the move to a low carbon future, local planning authorities should:*

- *Plan for new development in locations and ways which reduce greenhouse gas emissions;*
- *Actively support energy efficiency improvements to existing buildings; and*
- *When setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards."*

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

- *"Comply with adopted Local Plan policies on local requirements for decentralised energy supplies 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*
- *Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption." (Paragraph 96)*

Conserving and enhancing the natural environment

18. Paragraph 123 states that Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and,
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

Ministerial Statement from Greg Clark, 23 March 2011

19. The Ministerial Statement is intended to ensure that local authorities prioritise growth and jobs when making planning decisions. A new presumption in favour of sustainable development underpins the statement ensuring a pro-growth policy stance with councils support growth. Specifically, the Statement states that:

> *'The Secretary of State for Communities and Local Government will take the principles in this statement into account when determining applications that come before him for decision. In particular, he will attach significant weight to the need to secure economic growth and*

employment'.

20. 'The Plan for Growth', which was published alongside the Budget in March 2011, indicates that the Ministerial Statement is intended to be a material consideration in planning decisions (page 43).

21. When deciding whether to grant planning permission, the Ministerial Statement states that local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);
(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date; and,
(v) ensure that they do not impose unnecessary burdens on development.

<u>The Yorkshire and Humber Plan Regional Spatial Strategy to 2026</u>

22. On the 22 February 2013, the Yorkshire and Humber Regional Spatial Strategy was formally revoked by the Secretary of State, therefore is no longer a material consideration in determining planning applications.

Barnsley Unitary Development Plan (2000)

23. The current development plan for Barnsley is the UDP adopted in 2000. A number of the UDP policies have been saved whilst the Local Development Framework is prepared.

24. The Barnsley Unitary Development Plan is spilt in to 2 parts. Firstly 'Volume 1' contains policies which apply borough-wide. Secondly 'Volume 2-13 Community Areas', contains more community specific policies; 'Volume 7' specifically applies to the North East Towns Community Area which Cudworth lies within.

25. The site is allocated as a Principal Shopping/ Commercial Centre (Policy NE16) within Cudworth District Centre.

26. Policy S1 'Shopping/ Commercial Centres' directs all new retail development to identified centres, as defined on the proposal map. The application site is located within the boundaries of Cudworth district centre, as defined on the UDP Proposal Map (2000), therefore is in compliance with local and national governments 'centre first' approach to locating retail development. Within these locations, proposals for new retail development will be assessed on their merits having particular regard to their relationship and compatibility with the existing retail uses located therein. New retail developments that extend and enhance the range of goods, consumer choice will be encouraged under this policy.

27. Policy S2 'Shopping/ Commercial Centres' states that the Council wishes to encourage, co-ordinate and implement improvements in the general environment, the management of traffic, highways and pedestrian facilities and measures to assist and promote public transport usage. New retail developments will be assessed on these aims, which are addressed as part of this application package.

28. Policy BE5 'Improving Existing Areas of Poorer Quality Built Environment' seeks to enhance the environmental quality of existing housing, commercial and industrial areas.

29. In accordance with policy S1, Policy NE16 'Principal Shopping/ Commercial Centres' identifies Cudworth as a district centre on the UDP proposal map (2000).

Barnsley Core Strategy (September 2011)

30. Adopted in September 2011, the Barnsley Core Strategy provides a spatial strategy for the future development of Barnsley up to the year 2026. The Core Strategy identifies Cudworth as a 'Principal Town' within the settlement hierarchy, which should be the main local focus for shopping facilities. Policy CSP 31 'Town Centres' identifies Cudworth as a 'district centre', where retail development will be directed, in order to serve the localised catchment. All retail and town centre developments are expected to be appropriate to the scale, role, function and character of the centres in which they are proposed. The Council's requirement of a sequential assessment is outlined in this policy, however as the site is located within Cudworth district centre, as such an assessment will not be required in this instance in line with the NPPF.

31. Other key policies for the determination of this application include:

32. Policy CSP 1 'Climate Change' requires development to reduce and mitigate the impact of growth on the environment and carbon emissions. Developments must increase the efficient use of resources through sustainable construction techniques and use renewable energy.

33. Policy CSP 2 'Sustainable Construction' requires all non-residential development to achieve at least BREEAM standard of 'very good' or equivalent.

34. Policy CSP 3 ‘Sustainable Drainage Systems (SuDS)’ requires all developments to use Sustainable drainage systems (SuDS).

35. Policy CSP 5 ‘Including Renewable Energy in Developments’ expects all developments of over 1000sqm of non residential floorspace to incorporate decentralised, renewable or low carbon energy sources and other appropriate design measures sufficient to reduce the development's carbon dioxide emissions by at least 15% for applications submitted up to 2015.

36. Policy CSP 7 ‘City Regions’ seeks to maximise the opportunities and benefits of Barnsley's favourable location in the region and the unique economic position of sitting within two City Regions. Policy CSP 7 also outlines the Council’s growth point programme, which identifies Cudworth as an area for new housing.

37. Policy CSP 8 ‘The Location of Growth’ priorities development to principal towns, which includes Cudworth.

38. Policy CSP 25 ‘New Development and Sustainable Travel’ supports new development which is located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists. Developments must also provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people, and should not provide more than the maximum number of car parking spaces set out in a Supplementary Planning Document. Applications are also required to provide a transport statement or assessment and travel plan.

39. Policy CSP 26 ‘New Development and Highway Improvement’; supports new development which provides safe, secure and convenient access for all road users.

40. Policy CSP 29 'Design' expects high quality development respects, takes advantage of and enhances the surrounding areas. Development should:

- contribute to place making and be of a high quality, that contributes to a healthy, safe and sustainable environment;
- help to transform the character of physical environments that have become run down and are lacking in distinctiveness
- enable all people to gain access safely and conveniently, providing, in particular, for the needs of families and children, and of disabled people and older people contribute towards creating attractive, sustainable and successful neighbourhoods.

41. Policy CSP 40 'Pollution Control and Protection' requires developments to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

Evidence Base

Smaller Centre Study Report (2010)

42. The Study provides the most up to date health checks of centres, including in centre surveys of visitors and population and expenditure figures. Cudworth is identified as a district centre within the study and a health check was undertaken by the Council. The health check identifies that at the time of survey vacant units represent 11% of units within the centre (in line with the national average) and identifies 5 convenience retailers in the centre which included Co-op, Fulton Foods and 3 independent retailers. This represented 14% of all units, which is above the national average of 9%. The application site is identified as a 'Development Opportunity' within the Report.

43. Within this study the application site is identified as a 'Development Opportunity' site and revised district centre boundaries are proposed which extend the centre to take in the Cudworth Centre and offices along Syndale Road.

Emerging Local Development Framework Documents

Development Sites and Places (forthcoming)

44. This document is currently being produced by Barnsley MBC and will replace saved policies of the UDP. Consultation of the Draft Development Sites and Places DPD and Proposal Map was held between the 23rd July 2012 and 28th September 2012. Publication consultation on the document in May/ June 2013. As this document is yet to be adopted, it will not be a material consideration in the determination of this application.