Land at Bleachcroft Way, Barnsley

Outline planning application

Planning Statement

Applicant: U and I Group PLC

May 2017

FINAL

savills

Contents

1.0 Introduction **3**
2.0 Background information **6**
3.0 Planning history **10**
4.0 The Development Proposals **14**
5.0 Planning Policy – The Barnsley Development Plan **16**
6.0 Material considerations **23**
7.0 Planning Appraisal **33**
8.0 Conclusions and Planning Balance **38**

Appendices

Appendix 1 – Site Location Plan
Appendix 2 – BMBC EIA Screening Opionion dated 8th September 2016
Appendix 3 - Appeal Decision Notice (Ref: B/2009/0779/BA) dated 31st March 2010

1.0 Introduction

1.1 This Planning Statement has been prepared on behalf of U and I Group Plc ("the Applicant") in support of an Outline Planning Application for the erection of up to 230 residential dwellings (Use Class C3) on 10.3 hectares (ha) of vacant land off Bleachcroft Way, Barnsley, S70 3PA ("the site"). A Site Location Plan is enclosed in **Appendix 1**.

1.2 This application is made in outline with all matters reserved except for means of access. Appearance, landscaping, layout and scale are reserved for future determination (the reserved matters).

1.3 The proposed access will utilise the existing Bleachcroft Way and Stairfoot Way access roads. No further means of vehicular access is proposed as part of this development.

1.4 The site is vacant scrubland, and the development site provides the opportunity to regenerate the Stairfoot area in the short-term providing new and enhanced pedestrian/cycle links to Stairfoot Local Centre and existing residential development at Hunningley Lane and the wider Kendray area of Barnsley.

Ownership and background on U and I

1.5 U and I Group Plc (U and i) purchased the site along with Blackmores and Wilsons Carpets and the two further commercial units located off Stairfoot Way from the previous owners in May 2016.

1.6 U and i has the track record for regenerating urban sites and is well placed to deliver a high quality residential led scheme at Bleachcroft Way to provide the much needed family housing for this area of Barnsley.

Environmental Impact Assessment

1.7 The development has been assessed in the context of Part 10b of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended) ("the EIA Regulations").

1.8 The Council issued its Screening Opinion on 7th September 2016 confirming that the proposed development does not constitute EIA development. A copy of this notice is enclosed in **Appendix 2**.

Section 106 Heads of Terms (Planning Obligations)

1.9 The Applicant will seek to negotiate any Section 106 Agreement (S.106) during the determination of the application.

1.10 In doing so, the Applicant will take into account published local and national guidance on planning obligations as well as Regulation 122 of the Community Infrastructure Levy Regulations 2014. The National Planning Policy Framework confirms that planning obligations should only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;

- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

1.11 In this respect the Council must be satisfied in reaching a decision on this application that the planning obligations meet the above tests.

1.12 It is considered that the following matters could form the basis of discussion between the applicant and BMBC:

a. Affordable Housing at 15% in accordance with Policy CSP15 of the Core Strategy;

b. Education contribution in accordance with PAN33 (subject to compliance with the CIL Regs);

c. Open space contribution in accordance with policies CSP35 and the SPD Open Space Provision on New Housing Developments (subject to compliance with the CIL Regs); and

d. Management of on-site public open space in accordance with the SPD Open Space Provision on New Housing Developments.

Community Consultation

1.13 The Applicant has undertaken a comprehensive programme of consultation with representatives from the Council, local ward Councillors and the local community, including a Public Exhibition on 15th November 2016.

1.14 A Statement of Community Involvement report is submitted with the application which provides an overview of the consultation undertaken and details how the feedback received has influenced the proposal submitted for consideration

Application Documents

1.15 The following documents and plans have been submitted as part of this application package:

- Duly completed application form (Savills);
- Planning Statement (including Section 106 Heads of Terms and Affordable Housing Statement) (Savills) [this document];
- Employment Land Report (Savills);
- Health and Wellbeing Impact Assessment (Savills);
- Statement of Community Involvement (Savills);
- Design and Access Statement (QAD Architecture);
- Air Quality Assessment (WYG);
- Arboricultural report (JCA);
- Archaeological Desk Based Assessment (FAS Heritage);
- Flood Risk Assessment and Drainage Report (Dudleys);
- Landscape Appraisal (Re-form);
- Phase 1 Geo-Environmental Desktop Report (Ramboll Environ);
- Preliminary Ecological Appraisal (Peake Ecology);

- Transport Assessment (Bryan G Hall);
- Framework Travel Plan (Bryan G Hall);
- Utilities Statement (EDCM Consulting); and
- Sound Assessment Report (S & D Garritt Ltd)

Plans for approval

- Site Location Plan (Drawing No. PL01) (QAD Architecture);
- Indicative Masterplan Layout (Drawing No. PL02) (QAD Architecture);

1.16 The scope and nature of the application submission has been prepared in line with national and local planning application validation requirements and was agreed with officers at pre-application stage.

Structure of Statement

1.17 The Statement is structured as follows:

- Section 2: background information;
- Section 3: planning history;
- Section 4: the development proposals;
- Section 5: planning policy;
- Section 6: other material considerations;
- Section 7: planning appraisal;
- Section 8: development management considerations;
- Section 9: conclusions and planning balance.

2.0 Background information

Site description

2.1 The application site boundary totals 10.38 hectares (ha) (25.64 acres).

2.2 The existing site comprises a former canal (located along the eastern boundary of the site) which is overgrown with vegetation. The majority of the southern portion of the site is occupied by vegetated areas comprising a mosaic of grassland, scrub, marshy grassland, ephemeral vegetation and tall ruderal vegetation, with small areas of woodland present along the eastern site boundary. Areas of soft cover occupy approximately 75% of the total site area. The Dob Sike (a small watercourse) flows along the south-eastern site boundary.

2.3 The topography of the site is falls is a west to east direction dropping 20m from 74m Above Ordnance Datum (AOD) from the railway embankment to 54m AOD with some embanked areas throughout the site (generally adjacent to roads).

2.4 Access to the site is taken from the existing Bleachcroft Way and Stairfoot Way stub ends. Bleachcroft Way is a cul de sac off Wombwell Lane, with a one-way system on exit linking with the Stairfoot Gyratory

2.5 There are existing established pedestrian links that connect the application site to the surrounding residential development on Field Lane/Hunningley Lane and the commercial areas of Stairfoot, including the Local Centre (Tesco supermarket).

2.6 The west of the site is bordered by the Sheffield- Barnsley railway lane, whilst agricultural land forms the south eastern boundary beyond a mature hedgerow, which forms the natural boundary to the site.

Site Location and surrounding land uses

2.7 The site is 2.3m south-east of Barnsley Town Centre, 4 miles east of Junction 37 of the M1, 5 miles north-west of Junction 36 of the M1 and 10 miles west of the A1(M).

2.8 Further commercial development (outside of the Applicant's ownership) to the south of Stairfoot Way is currently part let as offices (Use Class B1a).

2.9 To the west of Bleachcroft Way is large retail warehouse and car park which was previously occupied by B & Q. This unit is now vacant and leased to Sainsbury's Supermarkets Limited, who have confirmed that they will not occupy the unit.

Public transport

2.10 The site benefits from high frequency bus services with corridors along both Wombwell Lane and Doncaster Road also offering 15-minute frequency to Barnsley, Rotherham and Doncaster. The nearest bus stops are located on Bleachcroft Way, Wombwell Lane and Doncaster Road approximately 120

metres north of the site

Statutory Designations

The Saved Policies of the Barnsley Unitary Development Plan (UDP) (2000).

2.11 The Barnsley Unitary Development Plan (UDP) was adopted in December 2000, covering the period 1986-2001.

2.12 Those remaining Saved Policies in the UDP are therefore well out of date adopted some 16 years ago and only covering the Development Plan period up to 2001.

2.13 The application site is allocated in the UDP as an '*Employment Policy Area'* (BA5) and as an *'Employment Proposal'* (BA4) and within the Urban Barnsley sub-area of the Borough.

2.14 Policy BA4/10 specifically identifies the land to the south of Bleachcroft Way Industrial Estate as a proposed area for development of employment uses, stating:

> *"Two areas zoned industrial on the Barnsley Urban Area Local Plan remain available. The southern area is mostly well contained by existing warehousing development to the north and the embankments of a disused railway and canal to the west and east respectively. The land has a more open aspect to the south where Dob Syke is also the boundary with the Green Belt.*
>
> *Landscape screening to this boundary and to the footpath along the former canal will be necessary. Some special drainage measures may also be necessary in terms of pumped foul drainage and surface water storage but this would not prevent development. There is a further northern area accessed from Bleachcroft Way. The site stands above the Stairfoot roundabout, a major focus of routes into the east side of the town. As such, any development visible beyond the site boundaries would need to be of a particularly high standard."*

2.15 Policy BA5/10 identifies the existing commercial units as an area to be developed in accordance with Policy ED7, stating:

> *"Three firms have premises here within a much larger area of employment land. Currently their premises are used for storage, wholesale warehousing and clothing manufacture and distribution."*

2.16 Policy ED7: Existing Employment Areas states that areas defined within an Employment Policy Area will remain in employment use and development will only normally be permitted for business, industry, storage and distribution. The aim of the policy is to protect the Borough's stock of employment land in that: *"only exceptionally will it be appropriate for an Employment Area to be redeveloped for a use other than those set out in Policy ED7 in order to achieve overall environmental benefits which outweigh the loss of jobs from the site."* (Paragraph 2.41).

2.17 The Metropolitan Green Belt is immediately to the south of the site (outside of the application boundary). Saved UDP Policy GS6 confirms the extent of Green Belt land within the Borough. Its boundaries are

defined on the proposals maps.

Emerging Barnsley Development Plan (Barnsley Local Plan Publication Draft)

2.18 The application site is proposed to be reallocated as an Employment site under Policy E3 (plan reference UB16- Bleachcroft Way Industrial Estate 9.3 ha. The site specific policy says:

2.19 The development will be expected to:

consider the impact on the amenity of the surrounding residential, educational, recreational, community and commercial uses and include appropriate mitigation where necessary;

provide off site highways capacity works at Stairfoot;

retain the wet woodland on the site's southern boundary which forms part of a habitat corridor;

retain the areas of more species-rich grassland within the railway cutting and in the site's north-eastern corner

provide landscape screening to the sites open southern aspect to the Green Belt which is formed by Dob Syke;

retain the grasslands at the south-west and north-east of the site plus the woodland/stream corridor at its east;

archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:

information identifying the likely location and extent of the remains, and the nature of the remains;

an assessment of the significance of the remains;

consideration of how the remains would be affected by the proposed development.

2.20 Savills submitted written representations to the public consultation in which we set out our case as to why we considered this draft allocation to be unsound and not justified and effective for the purposes of paragraph 182 of the NPPF.

2.21 Further detail on this is set on in the planning analysis is Section 7 of this statement.

Other considerations

2.22 The site is not located within a Conservation Area, and none of the existing structures are listed. There are no ancient Scheduled Monuments on, or within, the vicinity of the site.

2.23 A review of the Environment Agency's flood map indicates that the site is wholly located within Flood Zone 1 and therefore has a 'low probability' of fluvial flooding as shown, with less than 1 in 1000 annual

probability of river flooding in any year (<0.1%).

2.24 There are no trees protected under Tree Preservation Orders on the site.

2.25 There are no other statutory Environmental Designations on the site.

3.0 Planning history

3.1 The key application of note is the outline planning application submitted in 2009 for 272 houses (BMBC reference: 2009/0779/PA). This application was refused by the Council's Planning Regulatory Board on the 20th October 2009.

3.2 The three Reasons for Refusal for this application were:

1. *The site is shown allocated as an Employment Proposal in the approved Barnsley UDP and in accordance with Policy ED2, BA4/10 and Supplementary Planning Guidance 23, the site shall be retained for such purposes within use classes B1, B2 and B8 to meet the employment land supply requirements and encourage business, industry and commercial activity and housing development is not normally acceptable on such sites.*

2. *There is no justification for the release of this site for housing to meet immediate RSS and Growth Point Housing Targets as the 5 year deliverable Housing Land Supply is secure. Also the site is not needed to meet longer term housing requirements (the Council have published the longer term assessment for deliverable housing sites by way of the Barnsley Strategic Housing Land Availability Assessment 2008-2026).*

3. *The site is considered unsuitable for housing being isolated from any existing residential areas and adjacent to existing retail/commercial/employment uses. Therefore the proposal would be incompatible with adjoining uses contrary to policy ED2 and national planning guidance.*

3.3 The application was Appealed (PINS reference APP/R4408/A/09/211599) and was subsequently Dismissed by a Planning Inspector following a Public Inquiry. An Appeal Decision Notice was issued on the 31st March 2010 which is enclosed in **Appendix 3**).

3.4 In dismissing the Appeal the Inspector drew a number of conclusions in addressing employment and housing land supply and the suitability of the site for residential development more generally.

3.5 In terms of suitability for employment the Inspector says at paragraph 19:

> *.....There is no dispute that the site is not well located for access to the strategic road network, and therefore would not appeal to some types of operator seeking such access. In the shorter term the availability of new speculative development and vacancies in existing stock are likely to discourage take up of the appeal site, which the Council rates as being borderline for inclusion in the RSS 'best' category.*

3.6 The Inspector was not satisfied that the site was not required for employment purposes. He says at paragraph 25:

> *....Having regard to the objectives and timescale of the RSS, I consider that there is a reasonable prospect of its development for such use over the period covered by that plan. In the circumstances before me, I assess that the proposal would have a materially harmful effect on the supply of*

employment land in the Borough by way of loss of employment opportunity in this location.

3.7 With regard to housing land supply the Inspector said at paragraph 35 that:

.....A comparison of the Council's figure with the 5 year trajectory shows a considerable degree of leeway rather than a marginal match. Nevertheless, it is for Council to demonstrate the 5 year supply, and in response to the questions raised by the appellant it has in my opinion not achieved that in a fully convincing way. Under PPS3 a failure to demonstrate a 5 year supply of deliverable sites triggers a favourable consideration of planning applications for housing.

3.8 The inspector went on to conclude that at paragraph 36 that:

..... the RSS housing figures are not ceilings on housing delivery, and the growth point status firmly indicates an objective of increased provision. The proposal would contribute to the housing land supply, specifically delivering family homes and in particular a substantial amount of affordable housing for which there is an identified local need.

3.9 At paragraph 37 he concluded that:

..I find that housing land supply factors and potential housing gain are of significant weight in favour of the proposal.

3.10 With regards to the suitability of the site for residential development the Inspector made the following comments:

3.11 Paragraph 39:

The submitted noise report shows that parts of the site would be affected by noise from the B & Q service area and from the railway line which abuts its west side. The report recommends measures that could be incorporated in the development to mitigate the effects of this noise, including by way of acoustic barriers and the positions of habitable rooms. I consider that these measures could be addressed within the detailed design of the scheme without giving rise to an unduly enclosed or constricted residential environment. The details of the scheme as a whole would be covered by the reserved matters. Having regard to the scale of the site I see no reason why with imagination this process could not achieve a high design quality within the development that has its own distinctive character....

3.12 With relation to the setting of the site and landscaping the Inspector (paragraph 39 continued)

The countryside setting to the south of the site and the proposed incorporation of open space within the scheme provide positive opportunities in this respect.

3.13 With regards to the sites location in terms of access to shopping and other local facilities and the overall sustainability of the site the Inspector stated (paragraph 40):

The appellant has in my view established that the site is well located in terms of distances to shopping and other local facilities, and that there is a good range of bus routes at the end of Bleachcroft Way. To that extent the proposal would be consistent with sustainable development

objectives

3.14 In relation to highways the Inspector made the following comments:

> *There is no highways objection to the proposal, and although the B & Q store generates traffic including commercial vehicles this is not at a level that would be exceptional for a road linking with a residential development. However, combining this traffic with the character of the adjoining uses referred to above, Bleachcroft Way does not in my opinion offer a desirable prospect as a pedestrian route.*

3.15 In relation to the proposed pedestrian access to the site he made the following comments:

> *A proposed link over the restored canal would provide an alternative route along the east side of the canal, but this would run past a commercial setting that includes large units and extensive car parking. The application also shows a footpath link to the west of the site. This is immediately between the B & Q service area and the rear of the industrial units, and even with landscaping this would similarly in my assessment not be an attractive route.*

3.16 With regard to the overall context of the development the Inspector made the following points:

> *In this context I consider that the commercial uses in the immediate area of the site having regard to their scale and layout would create a poor setting for the residential development. This would give rise to a relative sense of isolation for residents, in spite of the scale of the proposal. As a result it would not integrate well with its surroundings and is unlikely to be perceived overall as a residential environment of high quality. I also agree with the Council that, in spite of the sustainable aspects of the location, the setting would encourage car usage for many local trips. In these respects the proposal would conflict with objectives for housing set out in PPS3.*

3.17 In summary, on the overall suitability of the site the Inspector concluded that concerns on the location do not make the site unacceptable for residential development.

> *The Council regards the character of the location as giving rise to an absolute objection to residential use of the site. In my view the concerns do not make the site unacceptable for residential development, but involve a degree of unsuitability that weighs strongly against the proposal.*

3.18 In conclusion the Inspector made the following comments before dismissing the Appeal:

> *I have found the proposal not to be in accordance with the development plan. The current employment land situation does not justify the loss of the site from its proposed employment use, and this would have a materially harmful effect on longer-term employment land supply in the Borough by way of quantity and location. Future employment land allocations remain to be assessed by way of the plan-led system.*
>
> *Housing land supply and housing gain considerations give significant support to the proposal. It would also enable a long unused site to be brought into use. In some respects the site offers scope for a sustainable residential environment. However, the location of the site by virtue of the character*

of part of its surroundings is poorly suited to residential development. This is not a determinative factor, but weighs strongly against the proposal.

Drawing the balance between these considerations in the circumstances before me is a matter of judgement. In my assessment, the benefits of residential use are not such as to outweigh the value of the site for prospective employment use in accordance with the development plan objective of sustainable economic growth.

3.19 Since this Appeal was dismissed there has been a number of material planning changes in circumstance including the abolition of the Yorkshire and Humber Regional Spatial Strategy (RSS), the adoption of the Barnsley Core Strategy on 8th September 2011 and the introduction of the National Planning Policy Framework ("the NPPF" "the Framework") which introduces the presumption in favour of sustainable development, particularly where there is a lack of a deliverable five-year housing land supply.

3.20 Of particular note, the NPPF advised that policies should not protect employment land for the long-term, if there is no reasonable prospect of it not coming forward for this purpose.

3.21 This Statement sets out the case in Section 7 as to why there are material planning considerations which supports this new proposal for residential development based on the above, and addresses that various matters raised by the Inspector to the previous proposal.

Surrounding planning history

3.22 In terms of the commercial units that lie within the western portion of the landholding there are several applications of relevance. In March 1998, Stainsby Grange Ltd assembled the wider land to apply for mixed use employment / retail planning permission in response to an expressed requirement for B&Q. The planning application was made in 1999 and following a Call in Inquiry in 2000 was granted permission in 2002 (Ref: B/1999/1083/BA).

3.23 Planning Permission was granted in October 2014 for redevelopment and use of the existing B&Q premises (Use Class A1) for a Sainsbury's retail food store (Use Class A1) under planning permission Ref: 2014/0075. As part of the permission, comparison (non-food) floorspace is limited to 42% of the net sales area. Since the granting of this consent Sainsbury's have confirmed that they will not now be opening this store.

4.0 The Development Proposals

4.1 U and I's aim is to development this site to provide a sustainable residential development to regenerate an unused area of scrubland in the Stairfoot area of Urban Barnsley.

4.2 The proposed development will create an inclusive and attractive new development facilitating a strong sense of community cohesion, resulting from:

- The delivery of both market and affordable homes alongside each other:
- Create a balanced community;
- Provide a mix of house type and tenure;
- Promote sustainable development in terms of residential development within close proximity to essential services and facilities;
- A diverse housing stack to respond to considered deficiencies within the area and to provide choice;
- To enhance the natural qualities of the site which sit adjacent to open countryside and landscape features such as the adjacent canal;
- Maximise opportunity for pedestrian and cycle access to facilities, amenities and the wider countryside beyond; and
- Enables the provision of good quality public open space including

4.3 This outline planning application seeks consent for the development of up to 230 residential dwellings (Use Class C3) on 10.38ha of land to the south of Bleachcroft Way, Stairfoot, Barnsley.

4.4 Permission is sought for the principle of residential development on this site and means of access. The appearance, landscaping, layout and scale of development are reserved for future determination ("the reserved matters").

4.5 Design and Access Statement prepared by QAD Architects is submitted and sets out the key design principles on which the proposed development scheme is based as well as the detailed content of the access

Quantum of development

4.6 The application proposes up to 230 dwellinghouses. The net developable area of the site is approximately 7.4ha.

4.7 The development of up to 230 dwellings would result in an average density of approximately 31 dwellings

per hectare.

4.8 A total of 15% of the accommodation will be affordable homes in accordance with adopted Core Strategy Policy CSP 15 (Affordable Housing). This equates to 35 units in total with an anticipated split of 28 for social rent and 7 for intermediate housing.

Illustrative masterplan

4.9 The Illustrative Masterplan Layout is submitted with the application demonstrates how the site could be developed in terms of density, scale and massing.

4.10 The site will deliver a mix of housing types and sizes ranging from between 2, 3, 4 and 5 bedrooms in an attractive landscaped setting whilst making provision for open space.

4.11 The illustrative masterplan shows a mix of unit types. All the dwellings proposed are 2/3 storeys in scale, which broadly reflect the height and character of residential development in this area of Stairfoot and the identified housing needs identified in the Strategic Housing Market Assessment.

4.12 The illustrative masterplan show how the development can be accommodated within the site and include for the provision of car parking in accordance with the adopted car parking standards and mitigating landscaping.

4.13 The masterplan shows pedestrian enhancement of pedestrian/cycle route to local shopping facilities and the Tesco Extra food store to the east which, in turn, will give wider access to the adjacent retail park and additional retail/food and drink and other facilities within the defined district centre. Further pedestrian footpath enhancements are proposed to the west of the site to connect the development to Field Lane to the west and to Hunningley Lane.

4.14 Provision of over 17% of the overall site area for open space to include both informal and formal provision including an on-site children's play area.

Access

4.15 Vehicular access to the development is from the existing access and egress is from Bleachcroft Way and Stairfoot Way, which provides access to the Wombwell Lane gyratory (the Stairfoot roundabout)

4.16 Further details on access are provided in the Transport Assessment prepared by Bryan G Hall.

Reserved matters

4.17 The appearance, landscaping, layout and scale of development are reserved for future determination ("the reserved matters").

5.0 Planning Policy – The Barnsley Development Plan

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004), states that all planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 The National Planning Policy Framework ("the NPPF" "the Framework") reaffirms the plan-led system (paragraph 196). The NPPF is considered in detail in Section 6.0.

Development Plan

5.3 The Development Plan for Barnsley consists of:

- The Barnsley Local Development Framework Core Strategy Development Plan Document (2011);
- The Saved Policies of the Barnsley Unitary Development Plan (UDP) (2000);
- The Barnsley Education Sites Development Plan Document (2009);
- The Barnsley, Doncaster and Rotherham Joint Waste Plan (2012).

5.4 The relevant policies contained within the Core Strategy and the Saved Policies in the UDP are considered below. In this instance, the Education Sites Development Plan Document (DPD) and the Joint Waste Plan are not considered of direct relevance.

5.5 It is also worthy to note that since the determination of the previous appeal, the Yorkshire and Humberside RSS has been abolished and carries no weight in the determination of this application, and no longer forms part of the Development Plan.

5.6 A number of other Supplementary Planning Documents and guidance documents are also relevant to the proposed development and are considered in Section 6.0 under other Material Considerations.

Barnsley Local Development Framework - Core Strategy (September 2011)

5.7 The Core Strategy was adopted in September 2011, prior to the publication of the NPPF.

5.8 The Core Strategy sets out the strategic policies for the Borough over the period plan to 2026 including the requirements for housing and employment land.

Strategic policies

5.9 The following strategic policies are of relevance.

5.10 Policy CSP 1 (Climate change) sets out how the LPA will deal with climate change and states development will be expected to reduce and mitigate the impact of growth on the environment and carbon emissions ensure existing and new communities are resilient to climate change and increase the efficient use of resources through sustainable construction techniques and the use of renewable energy. The policy goes on to state the LPA will take action to adapt to climate change by giving preference to

development of previously developed land in sustainable locations, locating and designing development to reduce the risk of flooding and promoting the use of sustainable drainage systems

5.11 Policy CSP 2 (Sustainable construction) explains that all new dwellings will be expected to achieve at least a level 3 rating under the Code for Sustainable Homes or equivalent with the requirement rising to level 6 by 2016.However, following the revocation of CfSH the council are no longer applying this policy.

5.12 Policy CSP 3 (Sustainable Drainage Systems) states all development will be expected to use Sustainable Drainage Systems ("SuDS") and only in exceptional circumstances, where it can be demonstrated that all types of SuDS are impractical, will other drainage management systems be permitted.

5.13 Policy CSP 4 (Flood Risk) deals with flood risk and states all development proposals on brownfield sites should reduce surface water run-off by at least 30% and development on greenfield sites to maintain or reduce existing run-off rates.

5.14 Policy CSP 5 (Including renewable energy in development) clarifies the requirements for including renewable energy in developments and states all development of 10 or more dwellings will be expected 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. However, following the revocation of CfSH and recent government guidance regarding the sustainability criteria of new developments the council are no longer applying this policy.

5.15 Policy CSP8 (The location of growth) states that priority will be given to development in the Urban Area, which both sites fall within, as well as the six principal towns in the Borough.

Employment Land

5.16 The relevant policies in relation to employment land matters are considered below:

5.17 Policy CSP 11 (Providing Strategic Employment Locations) sets out the Council's policy on existing and future employment land for the plan-period to 2026 advised that 350ha of land is needed in sustainable locations is required to meet the needs of existing and future industry and business.

5.18 Policy CSP 12 (The distribution of new employment sites) advises that in the region of 130-155ha of the total Borough requirement of 350ha of employment land will be distributed in the Urban Barnsley sub-area.

5.19 Policy CSP 19 (Protecting existing employment land) explains that existing employment land, or land last used for employment purposes will be retained in order to safeguard existing or potential jobs. The redevelopment of employment land and buildings for non-employment uses will only take place if:

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

5.20 The policy goes on to explain that if the above criteria can be satisfied then redevelopment will be allowed where it can be demonstrated that the buildings or land cannot satisfactorily support continued employment use.

Housing

5.21 In view of its place in the settlement hierarchy, Urban Barnsley will be expected to accommodate more growth than any of the principal towns. Policy CSP 9 (the number of new homes to be built) seeks to achieve the completion of 21,500 net additional homes during the period 2008 to 2026. This represents a step increase in housing numbers when compared to the former RSS (983 units per annum in the former RSS compared to 1194 units per annum in the Core Strategy). Policy CSP 9 also states that a minimum 5 year supply of deliverable sites will be maintained.

5.22 Policy CSP 10 (The distribution of new homes) advises that 9,800 homes will be in Urban Barnsley (46% of the total housing requirement across the Borough).

5.23 Policy CSP12 sets out a spatial distribution element to this requirement as a basis for sites to be identified within the Development Sites and Places DPD (which has yet to be published for consultation). The subtext to that policy states that:

> *"In considering which existing employment land allocations to carry forward into the Development Sites and Places DPD, existing allocations which are no longer fit for purpose will be de-allocated and replaced by new sites which better meet the needs."*

5.24 Policy CSP 14 (Housing Mix and Efficient Use of Land) deals with the housing mix and efficient use of land and states housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. The Policy also explains that a minimum density of 40 dwellings per hectare will be expected, rising to 45 dwellings per hectare within good public transport corridors, and to 55 dwellings per hectare in Barnsley Town Centre. Lower densities will only be supported where it can be demonstrated that they are necessary for need, viability or sustainable design reasons.

5.25 CSP 15 (Affordable housing) requires all housing developments of 15 or more dwellings to provide affordable housing. The policy explains that 15% of affordable housing is expected in the Stairfoot area of Urban Barnsley. The policy further explains that these percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable. The policy further explains that developers must show that arrangements have been put in place to keep the new homes affordable.

Other relevant policies

5.26 Policy CSP 25 (New Development and Sustainable Travel) deals with new development and sustainable travel and states new development will be expected to be located and designed to reduce the need to

travel as well as being accessible to public transport and meet the needs of pedestrians and cyclists.

5.27 Policy CSP 26 (New Development and Highway Improvement) states new development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

5.28 Policy CSP29 (design) sets out design principles and states high quality development will be expected. Development should also contribute to place making and be of a high quality that contributes to a healthy, safe and sustainable environment as well as enabling 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. The policy also confirms residential developments of ten or more dwellings should score a minimum of a 'good' rating in the Building for Life Assessment.

5.29 Policy CSP 36 (Biodiversity and Geodiversity) deals with biodiversity and geodiversity and states development will be expected to conserve and enhance the biodiversity and geological features of the borough by maximising biodiversity and geodiversity opportunities in and around new developments.

5.30 Policy CSP 40 (Pollution Control and Protection) deals with pollution control and protection and states new housing where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

5.31 Policy CSP 42 (Infrastructure and Planning Obligations) explains that developments must be supported by appropriate physical, social and economic infrastructure. Development must contribute as necessary to meet all on and off site infrastructure requirements to enable development to take place satisfactorily. Where the necessary provision is not made directly by the developer, contributions will be secured through planning obligations. Where appropriate, pooled contributions will be used to facilitate delivery of the necessary infrastructure.

Saved Policies in the Barnsley Unitary Development Plan

5.32 The Barnsley Unitary Development Plan (UDP) was adopted in December 2000, covering the period 1986-2001. Those remaining Saved Policies in the UDP are therefore well out of date adopted some 16 years ago and only covering a plan-period up to 2001.

5.33 The site is allocated in the UDP as an '*Employment Policy Area'* (BA5) and as an *'Employment Proposal'* (BA4). Whilst the Core Strategy sets the strategic context and replaces the UDP in this regard, site specific policies / allocations have not yet been progressed and therefore the UDP policies remain valid.

5.34 Policy BA4/10 specifically identifies the land to the south of Bleachcroft Way Industrial Estate as a proposed area for development of employment uses, stating:

> *"Two areas zoned industrial on the Barnsley Urban Area Local Plan remain available. The southern area is mostly well contained by existing warehousing development to the north and the embankments of a disused railway and canal to the west and east respectively. The land has a more open aspect to the south where Dob Syke is also the boundary with the Green Belt.*

Landscape screening to this boundary and to the footpath along the former canal will be necessary. Some special drainage measures may also be necessary in terms of pumped foul drainage and surface water storage but this would not prevent development. There is a further northern area accessed from Bleachcroft Way. The site stands above the Stairfoot roundabout, a major focus of routes into the east side of the town. As such, any development visible beyond the site boundaries would need to be of a particularly high standard."

5.35 Policy BA5/10 identifies the existing commercial units as an area to be developed in accordance with Policy ED7, stating:

"Three firms have premises here within a much larger area of employment land. Currently their premises are used for storage, wholesale warehousing and clothing manufacture and distribution."

5.36 Policy ED7: Existing Employment Areas states that areas defined within an Employment Policy Area will remain in employment use and development will only normally be permitted for business, industry, storage and distribution. The aim of the policy is to protect the Borough's stock of employment land in that: *"only exceptionally will it be appropriate for an Employment Area to be redeveloped for a use other than those set out in Policy ED7 in order to achieve overall environmental benefits which outweigh the loss of jobs from the site."* (Paragraph 2.41).

The Emerging Local Plan (the Barnsley Local Plan Publication Draft)

5.37 The Council are in the process of preparing a new Local Plan for the Borough to cover the period up to 2033. Once adopted the Local Plan will replace the current Development Plan documents (detailed above).

5.38 The Local Plan Publication Draft was submitted to the Secretary of State in December 2016 following an eight-week Public Consultation which concluded on 19th August 2016. The draft Local Plan covers the plan period 2014 – 2033. Stage 1 of the Examination in Public Hearings took place in May 2017. At the time of writing the Inspector is due to report back on the Stage 1 Hearings and will confirm whether she will continue to the Stage 2 Hearings timetabled for July 2017.

Employment land policies

5.39 Paragraph 8.7 of the draft Local Plan identified that its objectively assessed employment land requirement is 291ha which includes an allowance of 30% for flexibility to provide the market with choice.

5.40 Policy E2 details the Distribution of New Employment Sites during the Local Plan period. This includes:

Location	***Employment Land (ha)***
Urban Barnsley	*73.7*
Cudworth (including Grimethorpe)	*18.2*
Goldthorpe (Dearne Towns)	*80.9*
Hoyland	*116.8*
Penistone	*3.3*
Royston	*0*
Wombwell	*3.6*

Other	*12.9*
Total	**309.4**

5.1 The application site is proposed to be reallocated as an Employment site under Policy E3 (plan reference UB16- Bleachcroft Way Industrial Estate 9.3 ha. The site specific policy says:

The development will be expected to:

- *consider the impact on the amenity of the surrounding residential, educational, recreational, community and commercial uses and include appropriate mitigation where necessary;*
- *provide off site highways capacity works at Stairfoot;*
- *retain the wet woodland on the site's southern boundary which forms part of a habitat corridor;*
- *retain the areas of more species-rich grassland within the railway cutting and in the site's north-eastern corner*
- *provide landscape screening to the sites open southern aspect to the Green Belt which is formed by Dob Syke;*
- *retain the grasslands at the south-west and north-east of the site plus the woodland/stream corridor at its east;*
- *archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:*
    - *information identifying the likely location and extent of the remains, and the nature of the remains;*
    - *an assessment of the significance of the remains;*
    - *consideration of how the remains would be affected by the proposed development.*

5.2 Savills submitted representations to the Local Plan Publication Draft which we made the point that the Council are proposing to over the total quantum of allocated employment land in the borough above the objectively assessed requirement of 291ha, by some 18ha.

5.3 We also highlighted that the Council should only be seeking to allocate land that has the sufficiency and suitability to meet the needs of the Borough and should not be seeking to reallocate land for employment purposes where there is no realistic prospect of it coming forward for development which reflects the advice in Paragraph 22 of the NPPF.

5.4 We made the point that reallocating draft employment site UB16 for housing would not impact on the quantum of employment land proposed to be allocated in the Local Plan to meet the objectively assessed employment needs for the Borough.

Housing land policies

5.5 Policy H1 explains that at least 20,900 net additional homes during the period 2014 to 2033 with a

minimum five year supply of deliverable sites will be maintained.

5.6 Policy H2 sets out the distribution of new homes for the period of 2014 to 2033 and identifies the Urban Barnsley providing 9,327 homes over this period (45% of the total net additional homes required during the plan period).

5.7 Policy H7 advises that housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Policy H7 also advises that a density of about 40 dwellings per hectare will be expected. Lower densities will be supported where it can be demonstrated that they are necessary for need, viability or sustainable design reasons.

5.8 Policy H8 explains that housing developments of 15 or more dwellings will be expected to provide affordable housing. 30% affordable housing will be expected in Penistone and Dodworth and Rural West, 20% in Darton and Barugh: 10% in Bolton, Goldthorpe, Thurnscoe, Hoyland, Wombwell, Darfield, North Barnsley and Royston, South Barnsley and Worsborough and Rural East. [Savills emphasis underlined]

5.9 Policy H8 further explains that these percentages will be sought unless it can be demonstrated through viability assessment that the required figure would render the scheme unviable. The developer must show that arrangements have been put in place to keep the new homes affordable. Limited affordable housing to meet community needs may be allowed in Green Belt

5.10 Policy H9 advises that market regeneration programmes aimed at the renewal of poor housing and the revitalisation of neighbourhoods and communities, including Urban Barnsley.

6.0 Material considerations

6.1 There are a number of important material planning considerations which are pertinent to the determination of this application. These are addressed below:

National Planning Policy Framework (March 2012)

6.2 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012, replacing all existing National Planning Policy Statements and Guidance.

6.3 The NPPF does not form part of the Development Plan, but is an important material consideration in the determination of all planning applications. The introduction of the NPPF is a material change since the determination of the 2010 appeal which has changed the balance and emphasis by which planning decisions are made.

6.4 Paragraph 14 sets out that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking and Paragraph 15 is unequivocal in stating that development which is sustainable should be approved without delay.

6.5 Paragraph 14 further states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole. Again these paragraphs represent a change in emphasis and approach compared to in 2010. The words significantly and demonstrably set the bar high when, in this case, the Council is seeking to resist the loss of employment land. This compares to the previous position whereby the loss of employment land was weighted on a more equal basis with other competing factors.

6.6 Paragraph 19 highlights the commitment of the Government to ensuring that the planning system does everything it can to support sustainable economic growth and that significant weight should be placed on the need to support economic growth through the planning system.

6.7 Paragraph 22, however, is a key policy consideration to the application proposals. It advises that:

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

6.8 This is highly relevant to the application proposals and we attach very significant weight to this policy in setting out the planning case for residential development.

6.9 Associated with this, paragraph 51 states that Local planning authorities should:

> *"normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why development would be inappropriate."*

6.10 Paragraphs 47 to 55 of the NPPF highlight that to boost significantly the supply of housing there is a requirement to identify a five year deliverable supply of sites with an *"additional buffer of 5% to ensure choice and competition in the market for land"*. Where there has been a persistent under-delivery then this buffer should be increased to 20%.

6.11 Local planning authorities can now, if they wish, introduce a windfall allowance into the five year supply but they need to have "*compelling evidence that such sites have consistently become available" and "will continue to provide a reliable source of supply*". Any allowance is to be realistic and have regard to the SHLAA, historic windfall delivery rates and expected future trends (paragraph 48).

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

6.13 It in this instance it is common ground that the Council cannot demonstrate a deliverable five year housing land supply. This is highly relevant to this planning application and we attach very significant weight to this policy in setting out the planning case for residential development.

6.14 NPPF Paragraph 160 encourages LPAs to have a clear understanding of business needs within the economic markets operating in their area. They are encouraged to "*work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability*".

6.15 It is clear that the introduction of the NPPF represents a material change to the planning context when compared to 2010. The NPPF places much greater weight on the delivery of housing and requires a much more robust approach for continuing to retain land allocated for employment purposes. These changes will have positive implications for the way in which a planning balance would be struck if matters were considered afresh today.

National Planning Guidance

6.16 Paragraph: 001, Reference ID: 3-001-20140306 confirms the guidance relating to Housing and Economic Land Assessments. It confirms that an assessment should:

- Identify sites and broad locations with potential for development;
- Assess their development potential;
- Assess their suitability for development and the likelihood of development coming forward (the

availability and achievability).

Five year housing land supply

6.17 The PPG is clear that the National Planning Policy Framework explains that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. Therefore local planning authorities should have an identified five-year housing supply at all points during the plan period. Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply.

6.18 The PPG further explains that where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government should be used as the starting point, but the weight given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example because past events that affect the projection are unlikely to occur again or because of market signals) or moderated against relevant constraints (for example environmental or infrastructure).

6.19 The PPG makes clear that a 'deliverable site' in the context of housing policy includes those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years.

6.20 The PPG is clear however, that a planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.

Barnsley Housing Land Supply

6.21 As set out above, the housing land supply position is one of the most important factors in assessing the prospects of obtaining planning permission for residential development on this site. In assessing the likely success of any future housing development on the site the following key documents have been reviewed to consider the most up to date housing situation within the Borough:

- Barnsley Housing Five Year Supply Note (March 2016)

- Barnsley Strategic Housing Market Assessment Update (SHMA) (2014)

Barnsley Housing Five Year Supply (March 2016)

6.22 The five-year housing land supply as set out in the Barnsley Housing Five Year Supply Note dated March 2016 is circa 3.5 years supply with only 4,727 net dwellings can be delivered against a requirement for 7,062 net dwellings for the 2014/15 – 2018/19 period.

6.23 The Council cannot therefore currently demonstrate a supply of specific, deliverable sites sufficient to meet the boroughs housing requirement. In this situation the NPPF is clear, at paragraph 49, that relevant policies for the supply of housing should not be considered up to date. As a result, applications for residential planning permission where it can be demonstrated that they are in a sustainable location, should be determined in line with the NPPF Presumption in Favour of Sustainable Development (paragraph 14 of the NPPF), relevant development plan policies and any other material considerations.

6.24 The lack of a deliverable five-year housing land supply is an important consideration in promoting a planning application at this time. In addition, it is considered that it can be demonstrated that the development of land at Bleachcroft Way for residential development is in a sustainable location, and therefore should be considered in line with the NPPF Presumption in Favour of Sustainable Development.

6.25 The housing land supply position has materially changed since 2010 and is a very weighty consideration in the planning balance. It is common ground with the Council that they do not have a five-year housing land supply. The presumption in favour of sustainable development therefore applies. This is a material change in circumstances since 2010.

6.26 Through discussions with the Council's Planning Policy Team it is understood that the five year supply position since March 2016 has worsened with a number of large planning permissions lapsing which longer forms part of the supply. It is understood that the total supply of sites is in the region of 3.0 years. This reinforces the chronic lack of a deliverable five year housing land supply in the Borough.

6.27 We reserve our right to comment further on the deliverable five year housing land supply figure during the course of the determination of the application.

Barnsley Strategic Housing Market Assessment (SHMA) (Update 2014)

6.28 An update to the SHMA was prepared in 2014 to inform the research on housing need, markets and affordability which was published in 2005. The site is located in the Barnsley South East sub area, which is characterised by a high percentage of social housing, larger (3-4 bed) properties and some of the borough's lower value housing stock.

6.29 In terms of future growth, the number of households in Barnsley is expected to increase from 95,000 in 2004 to 118,000 by 2029. This equates to an increase of 24% and an annual increase of 920 households.

Alongside this, the profile of the housing market over the next few decades is set to change dramatically, with the number of older persons likely to rise by 49.5% by 2029.

6.30 In terms of affordable housing, the updated annual requirement suggests a gross shortfall of 767 affordable dwellings each year. The south-east Barnsley sub area has by far the lowest shortfall out of all of the sub areas, with only 33 dwellings or 4% of the total shortfall falling in this area. Ultimately the updated evidence base demonstrates that there is an ongoing need for additional affordable housing across Barnsley and there is an overarching requirement to ensure that a proportion of new development is affordable through the LDF process.

6.31 In terms of general market aspirations, the SHMA identifies that there demand exceeds supply across all sub-areas including Urban Barnsley.

6.32 There are overall shortfalls of detached and semi-detached houses and bungalows, but sufficient supply of terraced houses and flats. There are shortfalls of all property sizes.

Employment Land Supply

6.33 The Council has published a range of supporting evidence base documents alongside the Draft Local Plan Publication Draft in relation to the provision of employment land. This includes:

- Barnsley Metropolitan Borough Council Employment Land Review (December 2016)
- Employment Background Paper – Version 2016
- Barnsley Local Plan Evidence – Employment Land – April 2016
- Employment Site Assessment Criteria

Barnsley Metropolitan Borough Council Employment Land Review (December 2016)

6.34 The Council's most up to date position on employment land supply is set out in the Employment Land Review (December 2016). This review has been undertaken to inform the preparation of the Barnsley Local Plan and identifies potential employment land supply in the Borough up until the 2033 (the new Local Plan plan-period). It should be noted that this is still only in draft form and has no formal status.

6.35 It is understood that a new Employment Land Review for 2016 will be published when the Local Plan Publication Draft is submitted to the Secretary of State. Savills has not had sight of this report to inform this report.

6.36 Paragraph 5.3 advises that past take up of employment land in the 15 year period (1999/2000 to 2013/14) 145.4ha of land has been developed for B class uses. Paragraph 5.7 also advises that the Barnsley Development Agency (BDA) have recorded over 800 successful property enquires which equates to the occupation of 4,587,328 of Industrial Floor-space (sq.ft.) and 412,668 of Office Floor-space taken (sq.ft).

6.37 The ELR advises that the 'employment land stock' is made up of land which was allocated in the Unitary Development Plan (UDP) for employment use which includes (i) UDP Employment Proposal, (ii) Area of

Investigation for Employment Use or (iii) Employment Policy Area (EPA) allocations (paragraph 6.2).

6.38 Paragraph 6.3 advises that approximately 420 Ha of land was allocated in the UDP as either Employment Proposal or Area of Investigation for Employment Use and as of June 2013, approximately 420 Ha of EPA land remained in or available for employment/ economic development use.

6.39 Paragraph 6.5 Whilst, all three of the UDP employment allocations form the employment land stock, only land with a Employment Proposal or Area of Investigation for Employment Use allocation that remains undeveloped is regarded as forming the Boroughs current employment land supply. As of August 2016 121.84ha Employment Proposal and Area of Investigation for Employment Use land remained undeveloped.

6.40 The ELR concludes that there is 121.84ha of land available Borough wide with a supply of 26 sites made up of available extant UDP (i) Employment Proposal and (ii) Area of Investigation for Employment Use allocations which includes the remaining 9.31ha of available land at Bleachcroft Way industrial Estate). The total quantum of employment land identified in the Urban Barnsley area is 32.84ha (Table 8).

6.41 The ELR also concludes that of this supply 27.15ha is considered no longer suitable for employment use (including 5.23ha of UDP allocations in the Urban Barnsley Area). The ELR suggests that the existing supply of UDP allocations suitable to be taken forward is 94.69ha.

6.42 It is important to note that EPA UDP allocated sites are not included in the employment land supply but is regarded as forming part of the 'employment land stock' (paragraph 6.16) to maintain existing jobs and businesses.

6.43 It is the Applicant's view that this does not therefore provide an accurate record of the existing employment land supply as a number of the EPA allocated sites are still available for use and this stock should be acknowledged as forming part of the employment land supply to be carried over into the new Local Plan.

6.44 Section 8 of the draft ELR presents the potential growth scenarios for future job growth in the new plan period to 2033.

6.45 Growth Scenario 1: is the standard policy baseline which proposes creating 12,555 jobs which would equate to 141.96ha of employment land (including a margin of 30%)

6.46 Growth Scenario 2: Jobs and Business Plan Aspirations propose 17,558 jobs over the plan period which equates to a requirement for 291.2ha of future employment land (including a margin of 30%).

6.47 Growth Scenario 3: proposes providing sufficient land to meet the historic employment land take-up. A total of 145.4ha of land has been developed for B class uses over the past 15 years. This equates to an average take up of 9.69 ha per year. Multiplying this by the Local Plan plan-period (19 years) gives an employment land requirement of 184.2ha.

6.48 Paragraph 8.20 confirms that the Growth Scenario 2 is the preferred growth strategy for significant

economic growth, which identifies an employment land requirement of 291.2ha. Based on this scenario the land requirement broken down by B class use would be as follows:

6.49 Conclusion 8.20 In view of the Council's aspirations for significant economic growth it is recommended that Growth Scenario 2: Policy On, which identifies an employment land requirement of 291.2 Ha, should be pursued. Based on this scenario the land requirement broken down by B class use would be as follows:

Use class	Land requirement
B1a Office	40.8 Ha
B1b/c, B2 Industry	125.8 Ha
B8 Shed	3.5 Ha

6.50 Part 3 of the draft ELR advises that the objectivity assessed employment land requirement is 291.2ha (paragraph 9.1). Paragraph 9.2 advises that of the existing supply 112.7ha from the extant UDP allocations is considered suitable for more detailed assessment.

6.51 Paragraph 9.3 advises that existing UDP and potential new sites were assessed and scored against a range of criteria under the themes: Meeting employment needs, Accessibility, Deliverability, Location, Environment and Amenity. Each theme was given an equal weight.

6.52 Land at Bleachcroft Way Industrial Estate is considered against the site assessment criteria and scores 105 out of 200.

6.53 9.8 The total quantum of land proposed for employment allocation 306.53ha exceeds the objectively assessed employment land requirement of 291.2ha. The purpose for this proposed over allocation is to enable the allocation of a suitable area of the D1 Land South of Dearne Valley Parkway site at Goldthorpe. This site, regarded as a unique and important addition to the employment land portfolio as its relatively flat topography means it is capable of accommodating large floor plate buildings.

6.54 Table 17 details the proposed employment land portfolio required to meet the objectively assessed employment land requirement of 291.2ha. Paragraph 9.8 confirms that the total quantum of land proposed for employment allocation – 306.53ha- exceeds the total requirement. Paragraph 9.8 further explains that the purpose for this proposed over allocation is to enable the allocation of a suitable area of the D1 Land South of Dearne Valley Parkway site at Goldthorpe. This site, regarded as a unique and important addition to the employment land portfolio as its relatively flat topography means it is capable of accommodating large floor plate buildings.

6.55 Table 17 identifies 9.31ha of land as forming part of the proposed employment land portfolio in the Urban Barnsley area.

6.56 Section 10 of the draft ELR concludes the report and confirms that the Borough's current employment land supply is 141 ha of which approximately 28ha of this land is no longer considered suitable for employment use.

6.57 The report includes a review of historic take up of employment land. The greatest demand (as recorded by Barnsley Development Agency) has been for industrial units (2,000-5,000 Sq ft) and office units up to 1,000 Sq ft. However, this conflicts with the 'Commercial Property Review of Barnsley' undertaken for the Council in November 2013, which found that demand for offices in the borough is 'generally weak'. An 'Industrial/Logistics Market Review' report prepared for the Council in 2014 concludes that there are opportunities for Barnsley to grow this sector, noting that its proximity to the M1 is a key consideration for large industrial occupiers.

Employment Background Paper – Version 2016

6.58 Section 6.0 sets out the objectively assessed employment land requirements for the Borough. Paragraph 6.3 confirms that the Council is aspiring for significant economic growth in the Borough which proposes job growth of 17,558 jobs over the plan period which equates to a total employment land requirement of 291.4ha. This figure includes 67.2ha for a margin of choice of 30%.

6.59 Paragraph 6.6 acknowledges that the Council is proposing to allocated 18ha more that the objectively assessed requirements. The rationale for this being to "achieve the optimum portfolio of sites in terms of a mix of sizes".

6.60 The identification of 98.4ha of reserved land adjacent to site D1 at Goldthorpe provides that Council with sufficient land should large scale use requirements (for B2 and B8 uses) come forward and is a more appropriate location for such uses.

6.61 Section 9.0 of this document says that Site UB16 (Bleachcroft Way Industrial Estate) "....has not been attractive as an employment location, and failed as retail, in the past. Local Plan policy E5 sets out that B1, B2 and B8 uses will be acceptable on proposed employment land allocations".

Barnsley Local Plan Evidence – Employment Land – April 2016

6.62 This report provides a consolidated evidence base, including market intelligence, to assess the quantum of employment land required to meet the Borough's economic aspirations and to assess whether there is and will be market demand for the quantum, type and location of employment sites proposed to be allocated through the Local Plan based on research undertaken during February and March 2016.

6.63 Appendix B of this report provides a site –by site assessment market demand assessment. In relation to Site UB16 (Bleachcroft Way Industrial Estate). Mott MacDonald makes that following comments on the development constraints and environmental issues with the proposed allocation:

> "*Possible land contamination...This site is unlikely to appeal to investors and end users. The site has better potential as a housing site*"

6.64 Furthermore, Mott MacDonald say that:

> "*This site has not been an attractive employment location and failed as retail in the past".*

6.65 It is worthy to note that Site UB16 is the only site that Mott MacDonald/Colliers are recommending to be released for residential purposes due to the location and unattractiveness of the site to the market which has been demonstrated over many years.

Employment Site Assessment Criteria

6.66 The Council has re-issued the Employment Site Assessment Criteria previously included in the appendices of the draft ELR (as detailed above). The matrix against all those sites proposed to be allocated for employment purposes. The site assessment indicators includes: Meeting employment needs; accessibility, deliverability, location; environment; amenity; and other. Within each indicator are a number of subset criteria. Each theme was given an equal weight.

6.67 Proposed allocation UB16 Bleachcroft Way provides a total score of 108 out of a total of 200. The site is the second highest scoring site in terms of the site assessment criteria in the proposed employment allocations in the Urban Barnsley sub-area. It is noted that an increased scoring for this site has been given from when the site was scored in the draft ELR.

6.68 We disagree with the site scoring of this site in relation to the market attractiveness of this site as this does not reflect the Mott MacDonald evidence base document which makes clear the site is not an attractive employment location and is unlikely to appeal to investors and employment occupiers.

Supplementary Planning documents and Guidance

Supplementary Planning Document - Open Space Provision on New Housing Development

6.69 The Supplementary Planning Document - Open Space Provision on New Housing Development ("the SPD") was adopted in March 2012 and supplements Policy CSP35 of the Core Strategy.

6.70 The document confirms a minimum of 15% of the gross site area must be open space of a type appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses.

6.71 The SPD sets out three types of green space which will be required and these are set out below:

6.72 Equipped children's play areas – for over 100 houses, provision will generally be required on site.

6.73 Informal play space and informal landscape areas – for over 40 houses provision should be made on site.

6.74 Formal recreation space – for between 20 and 200 houses a financial contribution will be required to enhance existing facilities in the locality.

Designing New Residential Development

6.75 The Supplementary Planning Document – Designing New Housing Development was adopted in March 2012 and supplements Policy CSP29 of the Core Strategy.

6.76 The SPD confirms the need for the layout and design of new housing to complement existing housing in the locality. The document also provides guidance on the spacing standards, streets and landscaping.

Parking

6.77 The Supplementary Planning Document – Parking was adopted in March 2012 and supplements Policy CSP25 of the Core Strategy and sets out the parking standards that the council will apply to all new development.

BMBC Planning Advice Note's

Sustainable Location of Housing Sites

6.78 PAN30 was adopted in July 2011 promotes sustainable deliverable housing sites in accordance with development plan policy. PAN30 includes a checklist of issues to determine whether the site is sustainable with a score over 22 required to meet the objectives of PAN30 – the application sites achieves a score well in excess of the baseline 22 score required.

Financial Contributions to School Places

6.79 PAN33 was adopted in March 2005 and addresses financial contributions that are required to fund school places and includes a formula for calculating commuted sums. The application will deliver the necessary commuted sum.

South Yorkshire Residential Design Guide

6.80 The Design and Access Statement prepared by QAD sets out how the scheme has been designed to take on board the criteria of this document.

7.0 Planning Appraisal

7.1 This section assesses the merits of the development proposals in the context of extant Development Plan and the Other Material Considerations presented in Section 6.0 of this Statement.

7.2 The application proposals raise a number of planning policy issues that need to be addressed as part of the submission.

7.3 These have been assessed under the following sub-headings:

1. The principle of development;
2. The suitability of the site for residential development;
3. The availability of Employment Land;
4. Type of housing proposed; and
5. Delivery of affordable housing.

1. The principle of development

7.4 The site is located within the Urban Barnsley community area in the adopted Core Strategy which is the primary focus for residential development.

7.5 The site is allocated as an Employment Policy Area under 'Saved' Policy ED7. Site specific policy BA4/10 specifically identifies 11ha south of Bleachcroft Way Industrial Estate, including the application. The UDP was adopted in December 2000, covering the period 1986-2001.UDP policies Saved Policies in the UDP are therefore well out of date adopted some 16 years ago and only covering a plan-period up to 2001. The site specific policies of the UDP are well out of date and we afford the UDP very limited weight in the determination of this application.

7.6 Paragraph 2 of the NPPF identifies that the National Planning Policy Framework must be taken into account and is a 'material consideration' in planning decisions.

7.7 The Council have confirmed that it does not have a five year supply of deliverable housing land. This is clearly set out in the Barnsley Five Year 'Deliverable' Housing Land Supply Report which was published in March 2016, which identifies a circa 3.5 years supply with only 4,727 net dwellings can be delivered against a requirement for 7,062 net dwellings for the 2014/15 – 2018/19 period.

7.8 Since this report was issued a number of historical planning permissions which made up the five year supply have lapsed. Therefore the total number of net dwellings that can be delivered is less than stated in March 2016.The Council cannot therefore currently demonstrate a supply of specific, deliverable sites sufficient to meet the boroughs housing requirement.

7.9 Paragraph 49 of the NPPF is clear that relevant policies for the supply of housing should not be considered up-to-date. As a result, applications for residential planning permission where it can be demonstrated that they are in a sustainable location, should be determined in-line with the NPPF Presumption in Favour of Sustainable Development (paragraph 14 of the NPPF).

7.10 Paragraph 14 identifies that for decision taking, where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits and where the NPPF indicates development would be restricted. In this instance, the UDP was adopted in December 2000, covering the period 1986-2001.UDP policies Saved Policies in the UDP are therefore well out of date adopted some 16 years ago and only covering a plan-period up to 2001.The site specific policies of the UDP to be out of date.

7.11 The Core Strategy, adopted before the NPPF came into force, provides the strategic planning policies to guide development within the Barnsley area. It does not identify site specific policies in relation to the supply of housing land and is not informed by the latest housing and employment land objectively assessed housing needs figures.

7.12 Policy CSP 19 explains that existing employment land will be retained in order to safeguard existing or potential jobs and that redevelopment of employment land and buildings for non-employment uses will only take place if redevelopment would not result in a loss of existing jobs or employment potential and there will still be an adequate supply of employment land in the locality. This policy is contrary to national policy contained in paragraph 22 of the NPFF which makes clear that the long term long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. We attach very significant weight to this policy supporting the planning case for residential development on this site. This site has been protected in the long term (over many decades) for employment purposes. The site has been marketed and has been recognised by an independent Inspector as having limited attractiveness over a long period of time[1].

7.13 The Council are proposing to re-allocate the site for employment uses in the Local Plan Publication Draft which covers the plan period between 2014 – 2033 under Policy E3 (plan reference UB16- Bleachcroft Way). This is despite the Council's own evidence base, concluding that the site is unlikely to appeal to investors and end users and has better potential as a housing site[2].

7.14 In order to establish whether the application site has no reasonable prospect of being used for employment purposes it is necessary to assess the demand for the site and its viability for employment purposes.

7.15 In this instance, the evidence submitted clearly meets the "*no reasonable prospect*" test set out at paragraph 22. The NPPF therefore dictates that options for alternative uses should be treated on their merits and having regard to market signals in addition to the relative need for different land uses. In this

1 Paragraph 18 of Appeal Decision Notice APP/R4408/A/09/2115994

2 Barnsley Local Plan Evidence – Employment Land – April 2016

case there is clearly a pressing need for the Council to bring forward additional housing in order to address its major deficit against the five year housing land supply requirement and to meet future growth. The provision of affordable housing is in keeping with the objective to support sustainable local communities.

7.16 As highlighted throughout this statement and the application submission there are no adverse impacts associated with the proposed development that outweigh the benefits of redeveloping this site and delivering market and affordable housing in a sustainable location. In particular, very significant weight should be attached to the delivery of houses at a time when the Council does not have a five year housing land supply.

7.17 The Local Plan seeks to achieve the completion of at least 20,330 net additional homes during the period 2014 to 2033 equating to 1,100 homes per year. 9,327 (45% of the total net additional homes required during the plan period within Urban Barnsley.

2. The suitability of the site for residential development

7.18 In refusing the previous application for residential development (Barnsley Council reference: 2009/0779), the Council considered that the site was unsuitable for housing being isolated from any existing residential areas and adjacent to existing retail/commercial/employment uses and incompatible with adjoining uses.

7.19 The Inspector in considering the suitability of the site for residential development was satisfied that the site is well located in terms of distances to shopping and other local facilities, and that there is a good range of bus routes at the end of Bleachcroft Way and that the proposal would be consistent with sustainable development objectives.

7.20 In relation to the immediate surrounding development the Inspector was of the view the site having regard to their scale and layout would create a poor setting for the residential development which would not integrate well with its surroundings and would encourage car usage.

7.21 Importantly however, the Inspector was of the view that the proposal did not make the site unacceptable for residential development, as to warrant a Reason for Refusal. This application fully addresses concerns in relation to compatibility with the surrounding commercial land uses and integration with surrounding communities through the delivery of a comprehensive pedestrian and cycle enhancement schemes along Bleachcroft Way, to Field Lane (to the west), and to the Local Centre (to the east). This includes a comprehensive and deliverable landscaping strategy to enhance the environment and the provision of shared surfaces which are well lit, and sign-posted to provide safe access to the surrounding communities.

7.22 The proposed illustrative masterplan layout and comprehensive approach to footpath and cycle path enhancements can provide an improved environment and fully integrate the development overcoming the concerns raised by the Inspector with regards to a residential development in this location being

isolated from the surrounding area.

7.23 The site is in an extremely sustainable location in term of means of access to shops and facilities and by means of access to public transport.

7.24 The site is located in a sustainable location within Barnsley. The site is situated just 2.3km from Barnsley Town Centre. Wombwell Lane is well served by public transport with frequent bus services to and from the town centre offering access to a wide range of shopping facilities and other services. The site is also well related in terms of access to schools with Hunningley Lane Primary School just 150m from the site and Barnsley Academy just 750m west of the site.

7.25 It is considered that residential development is compatible with the surrounding land uses providing a mixed-use area. The residential proposal will enable to the site to be vastly enhanced from an accessibility and landscaping perspective enhancing the visual amenity of the area.

7.26 The applicant is wholly committed to ensuring the proposals are sustainable and accords with the tenants of the NPPF and relevant development plan policies CSP1 and CSP3.

7.27 The site is within Urban Barnsley and is considered to be in a sustainable location, close to good public transport links, with pedestrian links being enhanced to improve connectivity to the surrounding communities and uses.

3. The availability of Employment Land in the Borough and the Urban Barnsley Area

7.28 An Employment Land Report has been undertaken by Savills and submitted with this application. The report demonstrates that the release of this site for residential development will not impact on the existing and future employment land supply within the Urban Barnsley community area or across the Borough.

7.29 The Draft Barnsley Employment Land Review (ELR) prepared by the Council is the most up-to-date published document detailing the identified employment land supply in the Borough up until the 2033 (the new Local Plan plan-period). It should be noted that this is still only in draft form and has no formal status.

7.30 This confirms that in the Urban Barnsley community sub-area there is 18.3ha of land available on 8 sites which excludes Bleachcroft Way Industrial Estate.

7.31 Borough wide there is 94.69ha of land available with a supply on 18 sites.

7.32 Based on the average take up rate of 4.64ha of employment land take over the past 10 years this equates to some circa 20 years supply of land available to meet historic employment land requirements (i.e. beyond the new Local Plan period to 2033).

7.33 The loss of this Site equates to circa 10% of this supply. Its loss in strategic terms is not significant particularly when the emerging draft Local Plan anticipates significant growth on the strategic road networks at the key junctions and in the Dearne Valley rather than employment within Barnsley Town.

7.34 In addition to the employment land stock there is an existing supply of available EPA UDP allocated land,

commercial and office floorspace demonstrates there is an available supply of land and existing premises available to accommodate a range of employment uses of various size that is available on both a freehold and leasehold basis which are widely distributed through the area of search.

7.35 In addition there is an existing supply of land and floorspace goes to demonstrate there is already a supply of land and existing premises available to accommodate a range of employment uses on both a freehold and leasehold basis which are widely distributed through the area of search. This land must be taken into account when considering the Borough-wide and Urban Barnsley employment land stock

4. Type of housing proposed

7.36 The proposals include for a range of different housing types to be provided, which will meet the demands of all types of housing need both locally and across the Borough. The proposals are well related to the surrounding residential development and the site is in a sustainable location offering excellent opportunities to transport routes, and local services and facilities.

7.37 The illustrative Masterplan presented in this document provides a range of accommodation of differing sizes, styles and tenure to meet the current market and local needs and contribute to the current lack of housing provision in Urban Barnsley and across the Borough.

5. Delivery of affordable housing – the affordable housing need

7.38 The requirement of policy CSP15 to provide 15% of the total number of dwellings as affordable homes will be met. It is proposed to provide 35 dwellings of the total 230 dwellings to be delivered with an anticipated split of 28 for social rent and 7 for intermediate housing. This is in accordance with the proposed split suggested by the Affordable Housing Officer at the Council.

7.39 The S106 Heads of Terms submitted with this application confirms the Applicant's commitment to deliver the affordable housing outlined above.

8.0 Conclusions and Planning Balance

8.1 This Planning Statement has been prepared by Savills (UK) Limited (Savills) on behalf of U and I Group Plc ("the Applicant") in support of an outline planning application for proposed residential development for up to 230 units on 10.38 hectares (ha) of vacant land off Bleachcroft Way, Barnsley, S70 3PA ("the site").

8.2 The National Planning Policy Framework (NPPF) indicates that housing applications should be considered in the context of the presumption in favour of development which should be seen as the golden thread through both plan-making and decision-taking.

8.3 The proposed development is fully in-line with the aims of the NPPF to boost significantly the supply of housing. The Council cannot currently identify a deliverable five year housing supply, and therefore local plan housing policies no longer apply.

8.4 This development goes some way to meet the housing need within the Borough and within the Barnsley Urban sub-area. As stated in paragraph 14 of the Framework where the relevant policies of the development plan are out of date, local authorities should grant planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

8.5 The development will deliver significant benefits for the site as well as making a valuable contribution towards meeting the Boroughs housing land supply and meeting the objectives of the NPPF to boost significantly the supply of housing.

8.6 An Employment Land Report has been undertaken by Savills and submitted with this application. The report demonstrates that the release of this site for residential development will not impact on the existing and future employment land supply within the Urban Barnsley community area or across the Borough

8.7 The application is supported by an indicative masterplan, which demonstrates that the quantum of development proposed can be appropriately accommodated in this site whilst also providing a significant amount of landscaping and open space. The illustrative masterplan sets the framework and guidelines for a high quality design and architectural response at the future reserved matters applications.

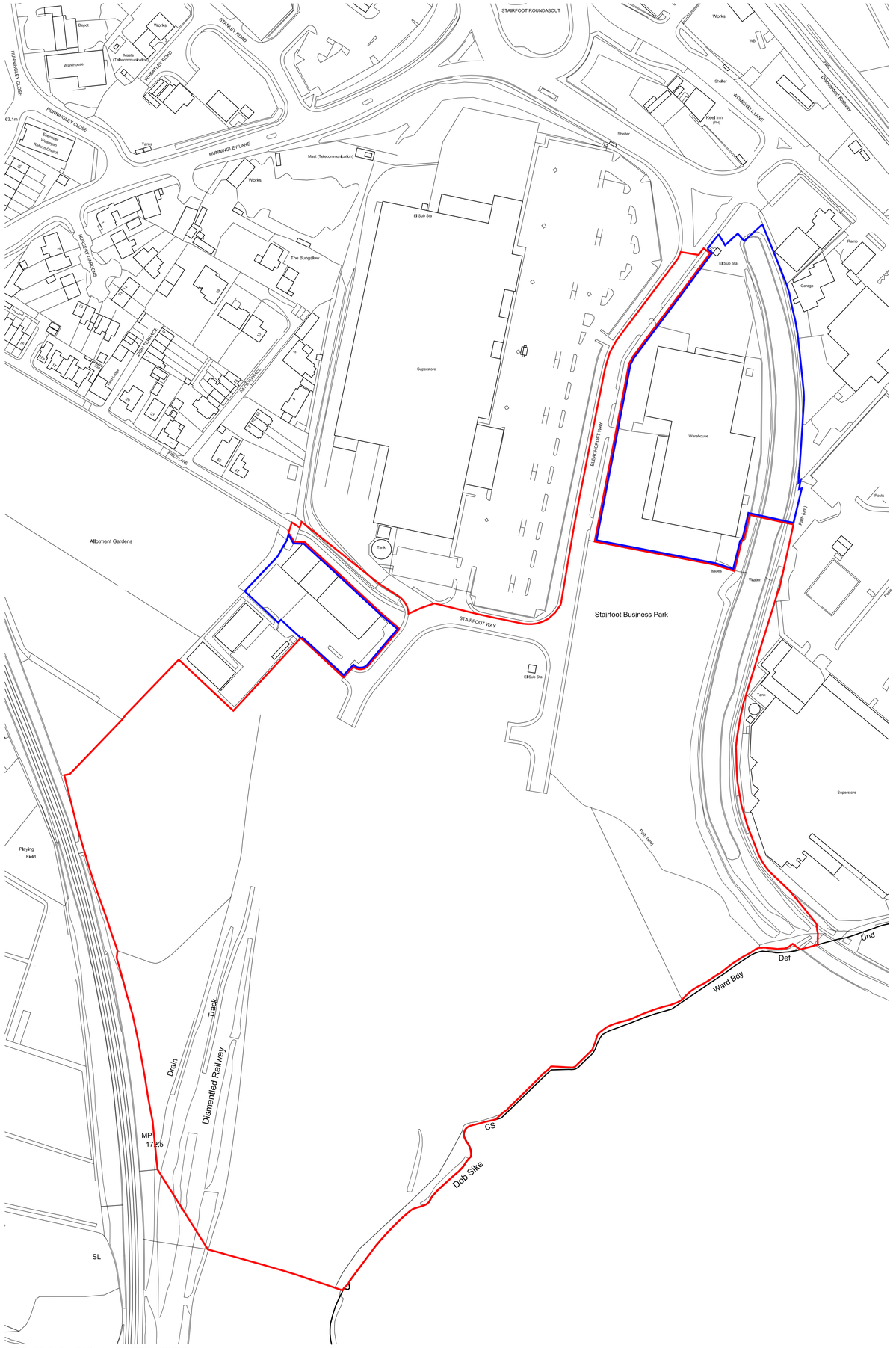
8.8 A comprehensive footpath and cycle enhancement scheme is proposed to fully address concerns with the previous residential proposal on this site in relation to its suitability for residential use, and to overcome concerns in relation to the sites isolation. It is considered at these landscape led proposals will allow the proposed residential development to be fully integrated into the surrounding communities within the Stairfoot area of Urban Barnsley.

8.9 The range of technical reports submitted in support of the application demonstrates that the residential development will not give rise to any adverse impacts that would demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

8.10 As such the Outline Planning Application should be supported.

Appendices

Appendix 1 – Site Location Plan



Note:
Contractors must verify all dimensions on site before commencing any work or shop drawings. This drawing is not to be scaled. Used figured dimensions only. If in doubt, please call QAD.

N

Site Area:
10.3 Hectares
25.4 Acres

KEY:

Application Boundary

Land in Applicants Ownership

Rev	Note	Revised	Checked

Status
Sketch

Project
Bleachcroft Way, Barnsley
U and I Group Plc

Drawing Title
Site Location Plan

Drawing Size A1

Job No.	Drawing No.	Scale	Revision
16-030	PL01	1:1250	-

Reviewed by IB Drawn by NV Date 11/16

QAD ARCHITECTS
Greenhouse
Beeston Road
Leeds - LS11 6AD
Email - info@qad.co.uk
Web - www.qad.co.uk
T - 0113 331 4700
F - 0113 331 4701

Appendix 2 – BMBC EIA Screening Opionion dated 8th September 2016

BARNSLEY
Metropolitan Borough Council

Planning & Building Control Service
Development Management
Westgate Plaza
PO Box 603, Barnsley, S70 9FE
Head of Service: Joe Jenkinson

Oliver Freer
Savills
Ground Floor, City Point
29 King Street
Leeds
LS1 2HL

My Ref: 2016-ENQ-00550
Your Ref:
Date: 8th September 2016
Enquiries to: Elaine Ward
Direct Dial: 01226 774731
E-Mail: elaineward@barnsley.gov.uk

Dear Sir

Town and Country Planning (Environmental Impact Assessment Regulations 2011 (as amended)

Screening Opinion in respect of proposed residential development on land at Bleachcroft Way, Barnsley

I refer to your letter of 17th August 2016 requesting a formal screening opinion under the Town and Country Planning (Environmental Impact Assessment Regulations 2011 (as amended). The request was accompanied by supporting documentation and plan proposing up to 300 dwellings on the site at Bleachcroft Way, Stairfoot, Barnsley.

I can confirm that the proposal has been screened to establish whether the proposal would be development that required the submission of an environmental statement in accordance with the Regulations.

Interpreting Schedule 2 widely, the proposal falls under description of 10(b) Urban development projects and is therefore Schedule 2 development. No part of the proposed development is located wholly or in part in a sensitive area as defined in Regulation 2(1).

The proposal does fall however under description of development 10b (column 1), 'Urban development projects', of Schedule 2 (Environmental Impact Assessment) (Amendment) Regulations 2015 and exceeds the thresholds in column 2 of Schedule 2 (the site exceeds 5 hectares and exceeds 150 dwellings). The proposed development therefore is Schedule 2 development and potentially requires an EIA.

However, the Local Planning Authority, having taken into account the criteria set out in Schedule 3 of the Regulations, and the guidance set out in the National Planning Policy Guidance, is of the opinion that the development would not be

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CSE

likely to have significant effects on the environment by virtue of factors such as it size, nature or location.

Accordingly the Local Planning Authority has adopted the opinion that on the basis of the submitted information, the development referred to above would not constitute EIA development as defined in the 2011 Regulations as amended.

I attach for your information the assessment and formal screening opinion summary.

Yours sincerely

For and on behalf of:
Joe Jenkinson BA (Hons) MSc
Head of Planning and Building Control
www.barnsley.gov.uk/developmentmanagement

Enc.

Appendix 3 - Appeal Decision Notice (Ref: B/2009/0779/BA) dated 31st March 2010

Appeal Decision

Inquiry held on 23-26 February 2010
Site visit made on 26 February 2010

by Terry G Phillimore MA MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
31 March 2010

Appeal Ref: APP/R4408/A/09/2115994
Vacant land, Bleachcroft Way, Stairfoot, Barnsley S70 3PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Stainsby Grange (Wombwell) Limited against the decision of Barnsley Metropolitan Borough Council.
- The application Ref 2009/0779, dated 16 June 2009, was refused by notice dated 21 October 2009.
- The development proposed is residential development providing a mix of housing totalling 272 dwellings, 30% of which will be affordable, together with the provision of 15% of the site area for public open space, new public footpaths linking the development with surrounding countryside and existing pedestrian routes to retail and public transport, and part restoration of the Barnsley canal to the east of the site, together with ancillary services and facilities.

Decision

1. I dismiss the appeal.

Procedural matters

2. The appeal relates to an outline planning application, with all matters other than means of access reserved for subsequent approval. A submitted masterplan is for illustrative purposes.

3. At the inquiry a unilateral undertaking pursuant to section 106 of the Act was submitted by the appellant. This contains planning obligations relating to affordable housing and public open space, and I deal with these below.

Main issues

4. The main issues are:

   a) the effect the proposal would have on the supply of employment land in the Borough;

   b) whether the proposal is supported by the housing land supply situation in the Borough;

   c) the suitability of the site for residential development having regard to its location and surroundings.

Reasons

Employment land supply

5. Policy ED1 of the Barnsley Unitary Development Plan 2000 provided for the development of some 307 to 375ha of land for employment purposes over the period 1991-2001. The supporting paragraphs to this policy clearly indicate in my view an expectation that any development on this land would be for employment purposes. Pursuant to this policy, a number of sites were proposed for development for employment uses, including 11ha at Bleachcroft Way Industrial Estate covered by policy BA4/10, which includes the appeal site.

6. Policy ED2 deals with uses on sites proposed for employment use. It identifies that development for business, industry, and storage and distribution will normally be permitted, class A1 and A2 uses will not be permitted, while other employment generating uses may be permitted depending on compatibility with adjoining uses. Again, the supporting reasons refer to provision for employment creating uses. The Council's supplementary planning guidance no. 23 of May 2003 on uses on employment sites takes a similar approach, and advises that housing will not normally be acceptable. Although policy ED2 is largely of a permissive nature, I consider that the purpose of the employment policy framework set by the UDP is essentially directed towards achieving employment use of the relevant sites. The proposed residential development on the appeal site is not consistent with this and therefore I regard it as being not in accordance with the development plan. As a result its acceptability needs to be assessed on the basis of other considerations.

7. In this context I address the appellant's assertion that the site is not required for employment use.

8. The land figures contained in policy ED1 are no longer current. As a further part of the development plan, the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (May 2008) refers to a transformation of the economy and urban environment of the South Yorkshire sub-area. Within this Barnsley is identified as a significant market town and sub-regional service centre with further potential for developing strong housing, labour market and employment land supply connections with Sheffield and Wakefield and the wider Leeds City Region as part of a renaissance for the sub-area. The RSS sets out for Barnsley a potential annual job growth in industry and storage of 630 jobs, and a potential net increase in land in industrial and storage/distribution uses for the period 2006-2021 of 110ha. Policy E3 seeks to ensure the availability of sufficient land and premises in sustainable locations to meet the needs of a modern economy including taking account of this guidance for each area.

9. Over a 15 year period the potential net change figure for Barnsley converts to an annual 7.33ha of industrial and storage land take-up, which it is agreed can be extrapolated to 2026 on the basis that the RSS does not suggest any change in the annual level after 2021. The RSS refers to a need to provide the market with choice and flexibility in site selection, and to allow for a certain amount of 'churn' as sites necessarily stay vacant for a period of time. The Council puts forward a future gross requirement figure of 18ha per annum. This has been significantly exceeded in some recent years, but at a time when some large developments were carried out on a speculative basis assisted by

public funding. From looking at a longer historical period the appellant suggests an annual take up rate without employment land losses of around 9-10ha.

10. Grant aid on the same scale as recent large projects cannot be relied upon for the future. In addition, it appears that the RSS land-take figures already build in an optimistic view on future development and regeneration prospects. I accept the Council's evidence of historically low employment densities in Barnsley. However, I consider that there could be potential for these to rise with a more restricted land supply to somewhere in between the Sheffield Hallam University research quoted figure for Barnsley of 50 persons per hectare and the average RSS figure of 86.

11. The Council proposes an allowance of 5ha per annum for employment land lost to other uses. This is a reduction from the past level of 10ha per annum that it suggests its evidence has indicated, although this included unimplemented planning permissions. I consider that the lower level future allowance appears reasonable, and appropriately includes losses from employment proposal areas since these would represent a reduction in available land. Taking all of these factors into account, in my view an anticipated average gross requirement figure in the range of 12-15ha per annum over a 15 year period would be a fair reflection of the evidence before me.

12. Turning to the land supply side, the Council puts forward a total figure of 128ha which it regards as a long-term supply to be carried over into its emerging Local Development Framework. The appellant argues that this excludes several categories of land supply that should properly be added. Among these are sites covered by policy ED11 of the UDP, which are identified under that policy as suitable for the expansion of existing firms but not capable of independent development because of access and other constraints. These expansion sites totalling 25.7ha, although an unreliable source, cannot in my view be ruled out as part of a longer term supply since they could potentially provide for a specific sector of demand.

13. Two categories of vacant premises have been identified. The first comprises large unoccupied newly constructed units on around 26.6ha of land, which the appellant argues the Council wrongly treats as land that has been taken up but should, until occupied, be regarded as part of the supply. It seems that differing views can reasonably be taken on this, and I consider the implications below. Second are older premises that have become vacant. In my opinion such vacancy is a consideration to be taken into account, and again I do so below, but such premises should not be treated as part of the land supply since they do not represent a future net addition to that.

14. The appellant argues that land available in a 'market area' which includes areas outside the Borough should also be taken into account. Although the UDP refers to the Dearne Towns Link Road Corridor, the approach of the RSS is through guidance on land at local authority level, and no compensating mechanism has been suggested to allow for cross-authority take-up. I therefore give little weight to this wider area assessment.

15. Taking the 128ha base figure, which includes the appeal site, and adding the ED11 sites and vacant new build gives a total supply of 180.3ha. At the above

take up range of 12-15ha this represents a supply of around 12.02 to 15.03 years. Excluding the vacant new build and therefore based on a total of 153.7ha, the supply equates to 10.25 to 12.81 years. Having regard to the plan period of the RSS, these figures taken as a whole do not in my view demonstrate a quantitative over-supply of employment land in the Borough.

16. RSS policy E3C requires monitoring of the availability and suitability of employment sites on a 3-year rolling basis so as to ensure that they continue to meet current or longer term needs for economic development, and that a portfolio of the best sites, representing at least a five-year supply of market-ready sites, should be identified and protected for those purposes. The Council identifies 44ha in this category, representing on the same basis as I have used above some 2.93 to 3.66 years supply. In my view it is reasonable to consider the intention of this requirement, which appears to be ensuring the capacity to meet shorter term opportunities for investment and job growth, in determining whether other land should be taken into account. Around 18.7ha of sites are not included by the Council on the basis that they are not available to the general market but held for the needs of the owners. These are nevertheless ready for that particular sector of potential development. Adding these gives a supply of around 4.18 to 5.23 years. Also including vacant new builds, which clearly are ready for the part of the market seeking immediate occupation, gives 89.3ha, representing some 5.95 to 7.44 years. The large amount of older vacant premises currently on the market (a vacancy total of 287,000sqm has been provided although this includes vacant new build) is also relevant, suggesting that take up of new land could be expected for some time to be below the average level. Drawing these elements together, I conclude that there is not a significant quantitative employment land supply problem in the shorter term.

17. I turn now to the appeal site. It comprises some 10.2ha of vacant land within an area of the Stairfoot Business Park. Lying to the north is a large B & Q retail warehouse store which was granted approval together with outline permission for employment development on land including the appeal site following a call-in inquiry in 2001 (ref YH5095/219/57). There was a clear expectation then that the retail development would help encourage employment use on the remaining land by way of highway works, provision for servicing and a raised commercial profile. Pursuant to this a block of industrial units adjacent to the B & Q store was permitted in 2003. These were built and fully let after 2-3 years marketing. Since then the only development has been for 2 small office buildings constructed following a permission granted in 2005, one of which remains on the market.

18. The Council contended in evidence that the appellant has shown a lack of commitment to developing the appeal site for employment purposes and that this has significantly inhibited its take up. Having seen the marketing details and the worked up prospective schemes, and heard from the appellant and the local agent, I accept that there has been a sustained genuine market exposure of the land to potential occupiers, notwithstanding the appellant's preference for a design and build development. I consider that the evidence indicates the site's suitability for employment development, but that it has had limited attractiveness to the market over a long period.

19. The appellant explains the difficulty of achieving development of the site by reference to its location and the existence of preferable alternatives. There is no dispute that the site is not well located for access to the strategic road network, and therefore would not appeal to some types of operator seeking such access. In the shorter term the availability of new speculative development and vacancies in existing stock are likely to discourage take up of the appeal site, which the Council rates as being borderline for inclusion in the RSS 'best' category.

20. However, in my view these factors are not conclusive with respect to the longer term potential of the site and in particular having regard to the sustainable employment growth aspirations of the RSS. In this respect I give particular weight to the site's location within the 'urban Barnsley' area. It appears that other land in a similar location has been developed for employment use, and with a more limited supply of land the market attractiveness of this site could be expected to improve. PPS4 refers to the need to identify a range of sites to facilitate a broad range of economic development. I also give weight to the evidence of the Barnsley Development Agency on the importance for regeneration of being able to respond to investment opportunities, in spite of the absence of success to date on this site.

21. The Council's Babtie study of 2003 identified this site as within the urban area and performing well in terms of the sequential approach, and capable of primarily meeting local needs that would help reduce out commuting from the Borough. The reference in that document to development at this location being unlikely to give rise to a significant benefit for urban Barnsley appeared to relate to urban renaissance matters rather than employment, and I note that the study placed the site in the second ranking in the Borough in employment land terms. Since then there has been a take up of many other sites which has led to a reduced current supply of land. The appellant has identified only 5.09ha of employment land available on sites within 2km of the appeal site, and the Council refers to a future limited supply of land within the urban Barnsley area.

22. From the evidence before me on the location of available land, the appeal site is distinguished by its considerable size on this side of urban Barnsley. Apart from accessibility, which I have already referred to, the appellant's qualitative ranking of the site also marks it down on an absence of available floorspace and its topography. The former factor is clearly a reflection of the existing position. Although the site is sloped, the schemes drawn up by the appellant suggest that topography should not be a major adverse factor. It seems to me that the potential of the site identified in the Babtie study remains applicable.

23. The appellant points to the Council's stated expectation that through the preparation of its LDF it will be identifying a total employment land supply of around 350ha. However, there is agreement that at its current stage the emerging LDF should be accorded limited weight, and similarly I give this figure little weight. The amount and distribution of such future allocated land remains to be tested through the LDF process. This factor therefore does not undermine the currently assessed qualities and potential of the appeal site as employment land.

24. Reference has been made to an appeal decision on another site in Barnsley where the Inspector found that with the release of a 4ha site in an employment policy area there would still be an adequate supply of employment land in the area (ref APP/R4408/06/2028445). However, that decision was reached on the basis of different figures on employment land supply and when the RSS was at a draft stage, and therefore does not bind my decision in this case.

25. I conclude that it has not been demonstrated that the site is not required for employment purposes. Having regard to the objectives and timescale of the RSS, I consider that there is a reasonable prospect of its development for such use over the period covered by that plan. In the circumstances before me, I assess that the proposal would have a materially harmful effect on the supply of employment land in the Borough by way of loss of employment opportunity in this location.

Housing land supply

26. Policy H1 of the RSS seeks delivery within individual local authority areas of specified average annual net additions to the dwelling stock. For Barnsley these are 840 for the period 2004-8 and 1015 for 2008-2026. Paragraph 12.6 acknowledges that the figures represent a significant shift away from what has happened in the past in some parts of the region, particularly with respect to the changes after 2008. In July 2008 the Council was awarded growth point status for the period 1 April 2008 to 31 March 2017. As part of this the Council has committed to delivering an uplift of 21% on its RSS housing provision figures, giving an average annual net requirement of 1228 dwellings.

27. PPS3 requires local planning authorities to identify and manage the supply of housing land in a way that ensures a continuous 5 year supply of deliverable sites is maintained i.e. at least enough sites to deliver the housing requirements over the next 5 years of the housing trajectory. Over a 5 year period for Barnsley the RSS post-2008 figure is 5075, and the 5 year growth point total is 6140.

28. The Council has produced three documents dealing with the Borough's housing trajectory and land supply. The first is the 'Barnsley Strategic Housing Land Availability Study' report of March 2009. This calculates a potential land supply over 2008-2013 for 7316 dwellings, and 13,610 for 2008-2016. It identifies land for approximately 21,290 dwellings as being suitable and available, with possibly another 1571 if highways constraints can be overcome, for the period 2008-2026. This compares with a trajectory requirement of 19,974 dwellings for this period.

29. Second is the '5 Year Housing Land Supply 2009-2014 Report' of March 2009. This refers to the SHLAA, and advises that it informs and in part updates this. Table 1 shows that for each of the years 2004-2008 the RSS target was exceeded, but that was at the lower level of 840. The increased figure of 1015 was exceeded in 2004, 2005 and 2008. The completions figure for 2009 drops to 860. For the following years up to 2014 the trajectory shows an annual net gain of around 1235. This gives a 5 year total up to 2014 of 6171, exceeding both the RSS requirement and the growth point figure. The report states that a supply of 7421 dwellings has been identified for the period April 2009-March 2014, with an additional 1.7 years supply (1781 dwellings) beyond that. It

claims that this demonstrates there is sufficient land supply for the 5 year period, satisfying the requirements of PPS3.

30. Thirdly, the Council's Annual Monitoring Report 2008-2009 was published in December 2009. This contains a revised trajectory, which it states is from the LDF Core Strategy and takes account of current poor market conditions with recovery in later years. For 2008-2013 the 5 year total is 4900, for 2009-2014 it is 5315, and for 2010-15 it is 5890. The AMR repeats the land supply findings of the SHLAA and 5 Year Supply Report.

31. The 5 year housing target figure applies as a rolling total. PPS3 sets out the scope for variations from expected performance, subject to monitoring and appropriate management actions being taken to improve delivery where necessary. The revised trajectory figures and past performance indicate likely achievement of the RSS figure over the next 5 years, but some shortfall in the growth point figure. While the latter in my view carries significant weight it is not a PPS3 requirement.

32. With respect to land supply, however, the appellant has made substantial criticisms of the Council's information. In particular this is in terms of an alleged absence of transparency and a failure to follow properly the advice on demonstrating a 5 year supply of deliverable sites and on Strategic Housing Land Availability Assessments produced by the Government. Detailed comments have also been made on individual sites covered by the SHLAA, including UDP allocated sites that have been counted in the 5 year supply.

33. The Council's 5 Year Supply Report states that: 'Sites with planning permission have a reasonable possibility of delivering housing and therefore have not been individually assessed in terms of their deliverability'. Under PPS3, 'reasonable prospect' of delivery is an appropriate test. However, it also indicates a need for robust evidence that sites with planning permission are developable and likely to contribute to delivery at the point envisaged to justify the inclusion of these. The 5 year assessment also appears to assume that smaller sites are easier and quicker to develop, with the only basis for assessing phasing being dependent on site size and type of permission, and it is assumed that all units in a scheme under construction will be completed. Standard assumptions are also made about the densities of UDP sites.

34. The SHLAA sites have in my view been subject to a reasonably robust process of consultation. I also note the Council's contention that it carries out monitoring based on extensive data collection. However, the evidence before me does not clearly establish how the above conclusions are reached. The Government's 5 year supply guidance advises the importance of enabling an understanding of the basis on which the assessment is made. The inability of the Council's evidence to explain the assumptions it has used limits the degree of reliance that I can place on its 5 year assessment.

35. The appellant has not put forward an alternative land supply figure or suggested a shortfall of any particular extent. A comparison of the Council's figure with the 5 year trajectory shows a considerable degree of leeway rather than a marginal match. Nevertheless, it is for Council to demonstrate the 5 year supply, and in response to the questions raised by the appellant it has in my opinion not achieved that in a fully convincing way. Under PPS3 a failure to

demonstrate a 5 year supply of deliverable sites triggers a favourable consideration of planning applications for housing.

36. In addition, the RSS housing figures are not ceilings on housing delivery, and the growth point status firmly indicates an objective of increased provision. The proposal would contribute to the housing land supply, specifically delivering family homes and in particular a substantial amount of affordable housing for which there is an identified local need.

37. I find that housing land supply factors and potential housing gain are of significant weight in favour of the proposal.

Site suitability

38. Bleachcroft Way is a cul de sac off Wombwell Lane, with a one-way system on exit linking with the Stairfoot Gyratory. Abutting most of the west side of the road is the car park and substantial shed type building of the B & Q store. The service area of the store is at its south end, near to the appeal site. Also adjacent to this part of the site are the subsequently built industrial units and office buildings. Along the east side of Bleachcroft Way are two large cash and carry units and their parking areas. To the north-east of the site, beyond the line of the Barnsley-Dearne canal, is a Tesco superstore with a large car park and an adjoining park and ride car park.

39. The submitted noise report shows that parts of the site would be affected by noise from the B & Q service area and from the railway line which abuts its west side. The report recommends measures that could be incorporated in the development to mitigate the effects of this noise, including by way of acoustic barriers and the positions of habitable rooms. I consider that these measures could be addressed within the detailed design of the scheme without giving rise to an unduly enclosed or constricted residential environment. The details of the scheme as a whole would be covered by the reserved matters. Having regard to the scale of the site I see no reason why with imagination this process could not achieve a high design quality within the development that has its own distinctive character. The countryside setting to the south of the site and the proposed incorporation of open space within the scheme provide positive opportunities in this respect.

40. The appellant has in my view established that the site is well located in terms of distances to shopping and other local facilities, and that there is a good range of bus routes at the end of Bleachcroft Way. To that extent the proposal would be consistent with sustainable development objectives.

41. There is no highways objection to the proposal, and although the B & Q store generates traffic including commercial vehicles this is not at a level that would be exceptional for a road linking with a residential development. However, combining this traffic with the character of the adjoining uses referred to above, Bleachcroft Way does not in my opinion offer a desirable prospect as a pedestrian route. A proposed link over the restored canal would provide an alternative route along the east side of the canal, but this would run past a commercial setting that includes large units and extensive car parking. The application also shows a footpath link to the west of the site. This is immediately between the B & Q service area and the rear of the industrial

units, and even with landscaping this would similarly in my assessment not be an attractive route.

42. In this context I consider that the commercial uses in the immediate area of the site having regard to their scale and layout would create a poor setting for the residential development. This would give rise to a relative sense of isolation for residents, in spite of the scale of the proposal. As a result it would not integrate well with its surroundings and is unlikely to be perceived overall as a residential environment of high quality. I also agree with the Council that, in spite of the sustainable aspects of the location, the setting would encourage car usage for many local trips. In these respects the proposal would conflict with objectives for housing set out in PPS3.

43. The Council regards the character of the location as giving rise to an absolute objection to residential use of the site. In my view the concerns do not make the site unacceptable for residential development, but involve a degree of unsuitability that weighs strongly against the proposal.

Other matters

44. The submitted undertaking contains commitments relating to the proposed 30% provision of affordable housing units within the development. These are necessary given local and national objectives to achieve affordable housing. However, the Council has raised concern with respect to the inclusion of a clause that makes provision for payment of a financial contribution in lieu of selling units to a Housing Association, subject to the prior agreement by the Council that reasonable endeavours to achieve a sale have been used. This clause provides that the contribution shall be paid within 2 months of the sale of the last affordable unit on the open market. The Council's point is that a future developer could avoid paying the contribution simply by not selling the last affordable unit, and that this could be a commercially attractive option.

45. I acknowledge the appellant's response that this concern relates to an unlikely scenario. However, given the scale of the scheme and the number of units potentially affected, in my view the element of risk is not acceptable, despite the argument that the clause appears in model obligations used by other authorities. I consider that an amended obligation would be needed to ensure delivery of the affordable housing benefit; for the purposes of my assessment of the appeal I have assumed the provision of such an obligation, as offered by the appellant, in order to give full weight to this benefit.

46. The undertaking also contains an obligation relating to the future arrangements for the public open space within the development. This is necessary and reasonable and carries weight in support of the development.

Conclusion

47. I have found the proposal not to be in accordance with the development plan. The current employment land situation does not justify the loss of the site from its proposed employment use, and this would have a materially harmful effect on longer-term employment land supply in the Borough by way of quantity and location. Future employment land allocations remain to be assessed by way of the plan-led system.

48. Housing land supply and housing gain considerations give significant support to the proposal. It would also enable a long unused site to be brought into use. In some respects the site offers scope for a sustainable residential environment. However, the location of the site by virtue of the character of part of its surroundings is poorly suited to residential development. This is not a determinative factor, but weighs strongly against the proposal.

49. Drawing the balance between these considerations in the circumstances before me is a matter of judgement. In my assessment, the benefits of residential use are not such as to outweigh the value of the site for prospective employment use in accordance with the development plan objective of sustainable economic growth.

50. For the reasons given above I conclude that the appeal should be dismissed.

T G Phillimore

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

John Hunter of Counsel	Instructed by A C Frosdick, Borough Secretary, Barnsley Metropolitan Borough Council

He called:

Kevin Swift	Senior Planning Officer, Planning and Transportation, Barnsley MBC
Richard Nutter	Principal Development Policy Officer, Barnsley Development Agency
Kieron Dunn BA(Hons) MRTPI	Major Projects Team, Planning and Transportation, Barnsley MBC

FOR THE APPELLANT:

Stephen Sauvain QC	Instructed by Ian Anderson, CB Richard Ellis

He called:

David Williams BSc ARICS	Development Co-ordinator and Project Manager, Stainsby Grange
Andrew Corbett BSc(Hons) DipSurv MRICS	Managing Director, Smiths Chartered Surveyors
Jay Everett BSc(Hons) MRTPI	Director, CB Richard Ellis
Ian Anderson BSc(Hons) MA MRTPI	Senior Director and Head of National Planning, CB Richard Ellis

DOCUMENTS SUBMITTED AT THE INQUIRY

1 Council's notification letter
2 Appellant's opening statement
3 Council's opening statement
4 Revised document RN9A (Mr Nutter)
5 Revised 'Green Top' tables 1 and 2 on employment land
6 2 email chains re: prospective waste management facility
7 The Yorkshire and Humber Plan (Regional Spatial Strategy to 2026) May 2008
8 GVA Grimley report 'Renaissance South Yorkshire' February 2007
9 Ove Arup report 'Update of the Job Growth and Employment Land Figures in the draft RSS for Yorkshire and the Humber' June 2007
10 DCLG advice note 'Demonstrating a 5 year supply of Deliverable Sites'
11 DCLG advice note 'Housing Market Information'
12 DCLG practice guidance 'Strategic Housing Land Availability Assessments'
13 Jacobs UK Limited reports (x4) relating to Barnsley Housing Land Availability Study
14 Draft conditions
15 Draft s106 unilateral undertaking

16 Bryan G Hall note on 'TRICS clarification and highway operation'
17 Signed s106 unilateral undertaking dated 26 February 2010
18 Revised list of conditions
19 Council's note on housing monitoring
20 Council's list of public funding in employment developments
21 Council's note and schedule on employment sites losses and replacement
22 Extract from Draft Regional Spatial Strategy
23 Council's closing statement
24 Appellant's closing statement