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Yorkshire Land Limited

Land at Roughbirchworth Lane, Oxspring, Nr Penistone - Full Planning Application for the Erection of Three Dwellings, Construction of Driveways and Installation of a Package Treatment Plant

12th June 2014

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1. Introduction and Background

1.1 This Statement is submitted on behalf of Yorkshire Land Limited ("the Applicant") in support of an application to erect three detached dwellings on land adjoining Roughbirchworth Lane, Oxspring ("the site") shown edged red on the Site Plan. The site is solely owned by Yorkshire Land Limited.

1.2. Yorkshire Land has a proven track record in using its land and property assets to deliver low density, high value housing within the Western Parishes.

1.3. Within the last 25 years, the company has either developed or brought forward for development a large proportion of the executive type housing in the Penistone / Western part of the Borough. With an excellent knowledge of the local area, both in terms of its physical and human environment; the company is well informed to make key decisions in regard to sustainable land development.

1.4. Vehicular access to the site from the highway network is readily available and the site is also served by mains services.

1.7. The site is currently allocated in the Barnsley Unitary Development Plan (Barnsley UDP) as Urban Greenspace.

1.8. The Council neither has a five year supply of available housing land nor has sufficient supply of executive market housing, which it has identified in its Economic Strategy as being deficient in the Borough. Given the aforementioned considerations, we consider that circumstances exist in this case to support development of the site.

1.10. The Applicant has taken professional advice from a development team and supplementary information has been prepared in support of the application by a number of specialist consultants.

1.12. This Statement should be read in conjunction with these reports.

2. The Proposed Development

2.1. The site is viable and entirely suitable for low density, high value housing.

2.2. This site provides an opportunity for a residential development to come forward offering low density high value accommodation, at the top end of the scale in Barnsley, thus helping to achieve the ambitions of the Council's Economic Strategy and emerging Housing Strategy.

2.3. The homes are most likely to appeal to professional, senior managerial and executive officers, as the nearby Millstones development is already recognised as a successful, sought after, enviable and upmarket development in an attractive location.

2.4. Market research indicates that the sales prices of the proposed homes will range between £625,000 and £675,000, this proposed development clearly falls into the top bracket of the housing market, we therefore describe our proposals as low density, high value housing.

2.5. The plans to support the application have been carefully prepared by the applicant, Yorkshire Land. The purpose of the scheme is to deliver a low density high value, well designed, executive housing development to meet a specific need which the Council has identified as being urgently required to deliver its Economic and Housing Strategies.

3. Site Context, Location and Description

3.1. The land to which the application relates is undeveloped and vacant land that is wholly within the village envelope and is on the northern side of Roughbirchworth Lane. The application site, which forms part of an overgrown field of some 0.81 hectares (2.10 acres) in extent, is immediately south of the River Don, east of the Children's Play Ground and west of Bower Hill Road.

3.2. Water levels in the adjoining River Don fluctuate when flood events occur and hence the application proposals have been informed by prior surveys of the river in full spate. Consequently, the scheme has been designed to ensure that no built development takes place beneath the 176-metre contour line alongside the river corridor.

3.3. The whole of the application site is within 400 metres of scheduled bus services (20, 21, 23, 24, 24A and 29) on Sheffield Road that provide access to Penistone, Barnsley, Sheffield, Stocksbridge, Cubley, Holmfirth and Huddeersfield. As such, the application site is served by a good public transport corridor and offers future residents realistic alternative travel modes to the use of the private car.

4. The Council's Economic and Housing Strategies

4.1. The Council's Economic Strategy, which was adopted in June 2012, recognises the need and importance for emerging policies to allocate commercially attractive and market facing sites to deliver more than 1,200 executive homes in the Borough by 2033, in order to deliver the ambitions of the Economic Strategy, the Council has confirmed it will consider sites currently in the Green Belt for their suitability to deliver low density, high value housing.

4.2. The Cabinet Report produced by the Executive Director, Development, Environment and Culture, reference CAB.4.7.2012/8, which was published in July 2012 and sets out in paragraph 3.9 the suggested definition of low density, high value housing or 'Executive housing' for Barnsley:

"Is that within the highest price brackets of dwellings in the housing market as a whole (£250K + price brackets), large (perhaps with 5 bedrooms or more, for larger single storey accommodation and larger family housing), of a lower density, and of high quality design. Should the values of houses in the top rateable value bands increase during the plan period, the £250K + figure would be increased accordingly. Aiming to provide a mix of executive housing in the differing price brackets will take account of the need for a range of executive housing to cater for those in managerial positions at differing levels."

4.3. The Barnsley Housing Study prepared by PBA on behalf of the Council and published in September 2013 confirms in paragraph 2.2.2 of the Barnsley SHLAA (Volume A – main report):

"Since the Core Strategy was adopted in September 2011, the need to increase the supply of low-density, high-value or 'executive housing' in order to support the Economic Strategy (2012-2033) has been recognised by the Council and its partners."

4.4. Paragraph 2.2.5 of this document states:

"Our research and discussions with property market agents and developers indicates that there is some demand for low-density executive housing, and that the location of these dwellings is key to their success. Areas within the Western part of the Borough represent the best opportunity to not only satisfy current market demand, but also in terms of helping to deliver the Council's ambitious aspirations for the Borough."

4.5. The Council's Housing Strategy 2014 -2033 Report – Developing a New Strategic Framework for Housing in Barnsley was adopted at the Council's Cabinet Meeting on 9th April 2014. The report recommends, amongst other things, *"That Cabinet notes the wider strategic and policy shifts identified within the new strategic framework for housing delivery and growth regarded as essential if the Borough is to achieve its aspiration of bringing about a 'step change' in housing delivery to ensure the greatest impact on the economic growth."*

5. Statutory Policy Context and Other Relevant Policies

5.1. Section 38 of the Planning and Compulsory Purchase Act 2004, states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

5.2. The statutory development plan for the area currently comprises of the Barnsley Local Development Framework (LDF) Core Strategy and the remaining saved policies of the Barnsley UDP.

Barnsley UDP

5.3. The site was allocated as Urban Greenspace in the Barnsley Unitary Development Plan, which was adopted in December 2000.

Barnsley Core Strategy

5.4. The Barnsley Core Strategy was adopted in September 2011 and has replaced a number of policies from the Barnsley UDP.

5.5. In October 2013, the Council confirmed that it did not have a five year supply of available housing land, indeed it is unlikely to have one until its development plan is adopted.

5.6. Given the Council's absence of a five year supply of available housing land many of the Core Strategy policies relating to housing are out-of-date.

5.7. The Council's Economic Strategy (Growing Barnsley's Economy 2012-2033) confirms that the Council needs, amongst other things, to increase the supply of low density housing in order to create the conditions for economic growth and greater prosperity.

5.8. Almost three years have elapsed since the Core Strategy was adopted and the Council now accepts that it will have to utilise Green Belt land in order to meet its future employment and housing requirements.

5.9. In this context, the Council has resolved to produce the Barnsley Local Plan, which will include a Green Belt review in order to meet its development requirements through until 2030 or for a 15 year period following adoption of the plan, whichever is the later date. However, public consultation on the Barnsley Local Plan will not commence until September 2014 and, consequently, the plan is unlikely to be adopted until Summer 2016.

5.10. Policy G35 of the Council's Core Strategy suggests that the Council will only allow development proposals that result in the loss of green space where:

- an assessment shows there is too much of that particular type of green space in the area which it serves and its loss would not affect the existing and potential green space needs of the Borough; or
- an appropriate replacement green space of at least an equivalent community benefit, accessibility and value is provided in the area which it serves; or
- the development is for small scale facilities needed to support or improve the proper function of the green space.

5.11. Reference to the aforementioned Policy G35 criteria supports our view that the application site, which is in private ownership and is in no part in use for recreation, amenity or nature conservation purposes or as a link between spaces, is low in the hierarchy of designated urban greenspaces and, as such has limited value.

5.12. Nonetheless the applicant acknowledges that Policy G35 requires that where material considerations indicate that approval should be granted for development of designated Green Space this must be offset by compensatory improvement or addition either within or outside the application site.

5.13. In these circumstances, should the local planning authority resolve to grant planning permission for the application proposals, the applicant is prepared to enter into a Section 106 Agreement to make a financial contribution of £15,000 (£5,000 per dwelling) towards the enhancement of accessible recreational greenspace in Oxspring.

National Planning Policy and Guidance

5.14. The NPPF was published on 27th March 2012.

5.15. In accordance with paragraph 196 of the NPPF, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

5.16. The cornerstone of the NPPF is to proactively deliver sustainable development to support the Government's economic growth objectives and deliver the development which the country needs. This is particularly pertinent now as we strive to recover from a deep economic recession. Paragraph 14 of the NPPF states:

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

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*

- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

specific policies in this Framework indicate development should be restricted."

5.17. Paragraph 15 of the NPPF is unequivocal:

"Development which is sustainable should be approved without delay."

5.18. The NPPF emphasises the delivery of housing as a core component of sustainable development and growth. Paragraph 9 states that sustainable development involves:

"Positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including, inter alia: Making it easier for jobs to be created;

Replacing poor design with better design;

Improving the conditions in which people live, work, travel and

Take leisure;

Widening the choice of high quality homes."

5.19. This is further reinforced at paragraph 47 where the NPPF states the housing supply should be significantly increased.

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

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

5.21. If Local Authorities are unable to demonstrate a five year supply as noted above, Paragraph 49 of the NPPF continues to state that: *"**Housing applications should be considered within the context of sustainable development. Relevant policies** for the supply of housing should not be **considered up-to-date** if the local planning authority **cannot demonstrate a five year supply** of deliverable housing sites." (Our emphasis)*

6. Reasoned Justification for Proposed Development

Housing Land Supply

6.1. The NPPF places very considerable emphasis on boosting housing land supply. The Secretary of State (SoS) has also upheld the Sedgefield methodology which requires that any under supply should also be met within the first five years. Taking that into account, the Council does have a considerable deficit in its 5 year supply which is a matter of very significant weight in the planning process.

6.2. Notwithstanding the Adopted Core Strategy, the Council's Economic Strategy (Growing Barnsley's Economy 2012-2033), which was adopted in June 2012, confirms that the Council needs, amongst other things, to urgently increase the supply of low density housing in order to create the conditions for economic growth and greater prosperity.

6.3. The Barnsley Housing Study, paragraph 3.1.5 prepared by PBA, attached at Appendix 16, makes specific reference to NPPF paragraph 7, the importance of ensuring that:

> *"Sufficient land of the right type is available in the right places and at the right time to support growth and innovation..."*

PBA highlighted this Policy; believing it to be of particular relevance to Barnsley given the Council's Economic objectives.

6.4. Given the circumstances outlined above and the fact that the Barnsley Local Plan will not be subject to public consultation until Autumn 2014 and is unlikely to be adopted until 2016, the very special circumstances confirmed by the Council in Paragraph 14.8 of the Development Sites and Places Draft Document 2012, together with the very special circumstances referred to above, suggest that the Council should be prepared to support this application and facilitate the delivery of three high quality, low density executive houses and encourage economic growth

and prosperity in accord with the aspirations expressed in the Council's Adopted Economic Strategy.

6.5. When developed, properties on the Millstones development sold extremely quickly and sales prices at the time surpassed the developer's expectations. Research (Zoopla.co.uk) shows that between 25th June 1998 and 9th December 1999 ten homes were sold on the Millstones development for prices ranging between £199,995 and £267,495. The site has remained attractive and average sales prices on the Millstones development during the last five years have risen to £485,000. Significantly, residents of the scheme have included three premiership footballers, which should serve to prove the suitability of this attractive location for low density executive style homes.

6.6. The site is solely owned by the applicant, Yorkshire Land, has its own dedicated vehicular access on to the highway network and is also served by mains services. There are no technical constraints that would preclude development of low density, high value dwellings in this location.

Precedent

6.7. The Council's consideration of a similar planning application (Ref. 2013/0940), which related to the erection of a detached dwelling on designated Urban Greenspace at Ben Bank Road, Silkstone Common, Barnsley, is considered highly relevant to our client's application proposals.

6.8. In that particular case, at the Planning Regulatory Board Meeting on 19th November 2013 the Council resolved to grant planning permission for the proposed development subject to a Section 106 Agreement requiring the payment of £5,000 as compensation for the loss of urban greenspace.

6.9. The case is similar to our client's application proposals, in that the application site is also in private ownership and the applicant is prepared to enter into a Section 106 Agreement to make a contribution of £5,000 per dwelling (a total of £15,000) to improve publically accessible, recreational greenspace in Oxspring as compensation

for the loss of urban greenspace. Our client has met with Oxspring Parish Council and discussed this commitment prior to submission of this planning application.

Deliverability

6.10. There are no known technical matters that should preclude development of the site on a commercial basis. The site is in single ownership of the applicant, Yorkshire Land Limited, who are keen to deliver a low density, very high quality development on the site as confirmed by these planning application proposals.

Sustainability Appraisal

6.11. The Framework (NPPF) sets out the presumption in favour of sustainable development and the Government's key objective to increase significantly the delivery of new homes. The site is sustainable being within close proximity of scheduled bus services (20, 21, 23, 24, 24A and 29) on Sheffield Road, that provide access to Penistone, Barnsley, Sheffield, Stocksbridge, Cubley, Holmfirth and Huddeersfield, and to the Post Office, services and community facilities, including Oxspring Playing Fields and Oxspring Primary School.

6.12. When considering the three pillars of sustainability i.e. social, economic and environmental considerations, the site achieves the key objectives of sustainability in all three areas. Sustainable elements of the project are likely to include:-

- Provision of very high quality, aspirational executive homes to meet an identified need, as recognised in the Council's Economic Strategy, will attract new residents and increase housing choice thus allowing existing residents to stay in the area.

- Creation of increased local employment opportunities through construction jobs, indirect jobs and increased demand for services. *"Estimates suggest that each new house constructed leads to up to 4 extra*

jobs in the wider economy" (Home Builders Federation 'Building a Recovery' December 2010).

- Increased expenditure within the local area. The economic rewards of investment in housing are enormous. *"Every £1 spent on house building puts £3 back into the wider economy. And because every new home built creates jobs, it also gets people back into work" "But housing offers so much more. A decent home is a fundamental building block to a healthy, independent and dignified life, providing the secure base people need to achieve their aspirations."* (http://www.homesforbritain.org.uk)

- Delivery of further executive housing in the Borough will increase the generation of Stamp Duty Land Tax payments to the Government.

- Assuming three executive homes will be delivered in Council Tax Band H, Bower Hill would deliver at least £8,688.32 in Council Tax payments to Barnsley Metropolitan Borough Council per annum.

- Delivery of three dwellings in Council Tax Band H at Bower Hill would deliver £8,688.32 in New Homes Bonus payments to Barnsley Metropolitan Borough Council in year one and £52,132.32 in payments over six years.

- Working with the Council to confirm arrangements to maximise local economic benefits by encouraging local employment opportunities and promoting the use of local suppliers where possible in future development of the site.

- Environmental, social and economic benefits from developing the site

- Introduction of effective sustainable urban drainage strategy to minimize the risk of flooding and maximise biodiversity.

7. Summary and Conclusions

7.1. The application proposals relate to a site that is wholly within the settlement boundary of Oxspring.

7.2. The site represents underused land within the village envelope. There are no physical or environmental contraints that would preclude delivery of the proposed residential development on the site.

7.3. The Council neither has a 5 year supply of available housing land nor has sufficient supply of executive market housing, which it has identified in its Economic Strategy as being deficient in the Borough.

7.4. The proposed development would secure an appropriate financial contribution (£15,000) in lieu of provision of replacement land to support the improvement of accessible recreational greenspace in Oxspring.

7.5. The application proposals would support the objectives of the Council's Economic and Housing Strategies by delivering three new executive houses and increasing the supply of low density family housing in order to create the conditions for economic growth and greater prosperity.

7.6. Development of the site for three detached high value dwellings would contribute significantly to economic activity in the area and support the viability of both Oxspring and the Borough as a whole. In addition, our client is keen to work with the Council to confirm arrangements to maximise local economic benefits by encouraging local employment opportunities and promoting the use of local suppliers where possible in future development of the site.

7.7. Yorkshire Land has an excellent local knowledge of the area with many years of experience of developing in the western part of the Borough. By proposing this development they have proven they have the confidence to construct and sell high value homes in the Borough, it has previously been recognised by the Council that

one of the problems facing the Borough is a lack of developer confidence to build and sell homes at the top end of the housing market.

7.8. The successful delivery of the proposed high value homes in this part of the Borough will send out a clear message to other developers that there is a market demand to build and sell homes in this price bracket; this can only result in being of great benefit to the Council in achieving its Economic and Housing objectives.

7.9. The application proposals are considered to accord with the requirements of local and national planning policies and planning practice guidance. Other material considerations including amongst others, the Council's Economic and Housing Strategies, also indicate that the application proposals should be granted.

7.10. We therefore, respectfully request that the Council resolves to grant planning permission for the proposed development.