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PLANNING SUPPORTING STATEMENT

**OUTLINE APPLICATION FOR
RESIDENTIAL DEVELOPMENT**

**SANDYGATE LANE,
STAIRFOOT,
BARNSELY**

BLACKSTONE DEVELOPMENTS

MARCH 2016

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1.0 INTRODUCTION

This application, which is submitted in outline with all matters to be reserved to detailed matters stage seeks planning permission for residential development an area of unused land located off Sandygate Lane, Stairfoot, Barnsley.

Prior to the submission of this application the matter has been discussed with the Council's Planning Officers, Mr J Jenkinson and Mr S Kirkham. The information required for submission with the planning application has been agreed with the Planning Officers at pre-application stage. It should be noted that the only report not provided as previously requested is an ecological report and that is not provided as the site is a cleared site and raises no ecological issues.

The application is supported by the following information:-

- (i) Illustrative site layout plans – Townsend Planning Consultants;
- (ii) Topographic Survey – Stamford Geomatics;
- (iii) Phase I Contamination / Risk Assessment – ARP;
- (iv) Flood Risk Assessment – ARP Associates;
- (v) Traffic Impact Assessment – PAH Consulting;
- (vi) Green Travel Plan – PAH Consulting;
- (vii) Noise Report – Clover Acoustics;
- (viii) Planning Support Statement – Townsend Planning Consultants;
- (ix) Design and Access Statement – Townsend Planning Consultants.

This statement is submitted in support of the application and to provide the Council with full information to aid the authority in the discharge of its development control function.

This statement deals with issues of planning policy and government guidance and the issues related to the development in more detail than the Design and Access Statement and should be read as an addendum to that document. The other technical documents submitted provide a fully considered scheme and address all technical issues.

Overall, it is considered that this proposal which forms sustainable development is wholly acceptable when judged in the context of the Development Plan and all material considerations (including the National Planning Policy Framework).

This statement now proceeds to outline the details of the site and the proposal, following which Government Guidance and Development Plan Policy is considered. The various issues that the proposal raises are then considered in detail. Finally, the conclusion is drawn that the proposal is acceptable in the context of the Development Plan and all relevant material considerations.

2.0 THE SITE, BACKGROUND AND PROPOSAL

The subject site, which extends to 0.5 hectares or thereabouts, is located on to the east of Barnsley and is in close proximity to Doncaster Road (A635). The site is located to the south west of Sandygate Lane and is to the south of Doncaster Road. The site is essentially rectangular in shape and bounds existing businesses (commercial); the existing road network; and the former railway which now forms part of the Transpennine Way. The site historically functioned as railway sidings to the adjacent railway.

The site is situated in a mixed use area with commercial, residential and retail uses close to the site. The site is in a highly sustainable location on public transport routes and close to jobs, shopping facilities and schools. It is therefore considered that the site currently forms an underused urban resource located in a highly sustainable location which constitutes previously used brownfield land.

The applicants purchased the site some 25 years ago with the view to developing the site for industrial / employment purposes. However, in that time no interested parties have come forward for that use. In light of this, the proposed outline planning application seeks to develop the site for residential purposes. It is recognised by the Council that they do not meet their five year land supply requirement set out in the NPPF. It is considered this site can be brought forward to provide much needed housing development in a sustainable urban location and, therefore, assisting in bringing forward the housing development in the short term that the District desperately requires.

Prior to the application discussions with the Council's Planning Officers, Mr J Jenkinson and Mr S Kirkham in relation to the information to be submitted with the planning application. It is considered that the supporting technical reports demonstrate that a development can be achieved which meets with the Council's standards and addresses

all the technical issues. It is demonstrated in the technical reports that there are no issues of harm raised by the proposal.

The subject site, which the applicants would bring forward for development, provides for a deliverable site in the short term which will assist the Council in meeting its current shortfall in housing supply at the same time reducing the pressure for the release of Green Belt land. Significant weight should be given to the need to provide housing sites in the short term (before delivery of an updated Development Plan).

It is acknowledged that the application is submitted in outline with all matters to be reserved. Nevertheless, the submitted illustrative layout demonstrates that an appropriate form of development can be provided and meet with the Council's requirements in respect of space about building standards. Furthermore, the submitted highway report demonstrates that the site can be satisfactorily accessed without giving rise to issues of harm to highway safety.

3.0 PLANNING POLICY AND CENTRAL GOVERNMENT POLICY ADVICE

By virtue of Section 36(6) of the Planning & Compulsory Purchase Act 2004, the planning authority must determine the application in accordance with the statutory development plan, unless material considerations indicate otherwise. The importance of the statutory development plan in the decision making process necessitates an examination of the relationship of the policies of the plan to one another and to available government guidance, principally through published policy guidance and circulars.

3.1 Central Government Policy Advice

It is considered that the following central government policy advice in the form of the NPPF is relevant to the consideration of this proposal:-

3.1.1 The National Planning Policy Framework

In the Ministerial Forward it states:-

“The purpose of planning is to help achieve sustainable development.”

The Minister goes on to state:-

“Development that is sustainable should go ahead without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.”

Para 7 of the Framework goes on to state that there are three dimensions to sustainable development: economic, social and environmental.

Para 11 goes on to state:-

“Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.”

Para 13 outlines that:-

“The NPPF constitutes guidance for local planning authorities and decision takers both in drawing up the plans and as a material consideration in determining applications.”

Para 14 goes on to state:-

“At the heart of 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.” ...

“For decision taking this means:-

- ***Approving development proposals which accord with the Development Plan without delay ...”***

It is considered that this proposal constitutes sustainable development.

With regard to delivering sustainable development at para 22 it states:-

“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 allocation should be regularly reviewed where there is no reasonable prospect of the 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.”

There is significant need for the Council to provide housing land in the short term to support sustainable communities.

Section 6 relates to delivering a wide choice of high quality homes and seeks to boost the supply of housing.

Para 49 goes on to state:-

“Housing applications should be considered in the context of the presumption in favour 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.”

Clearly, the Council do not have a five year land supply.

At para 50 it goes on to state:-

“To deliver a wide choice of high quality homes widen opportunities for home ownership and create sustainable, inclusive and mixed communities local

planning authorities should:

- ***Plan a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)."***

Para 51 relates to employment buildings. However, it is considered that this can equally be applied to disused employment sites and goes on to state:-

"Local Planning Authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty home strategies ..." ***They should normally approve applications for change to residential use and any associated development from commercial buildings where there is an identified need for additional houses in that area...."***

Section 7 relates to requiring good design. At para 56 it states:-

"The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people."

With regard to decision taking at para 186 the advice states:-

"Local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development".

At para 187 it goes on to state:-

“Local planning authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.”

With regard to determining applications, at Para 197 it states:-

“In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development”.

It is considered that the subject proposal, which clearly constitutes sustainable development, is entitled to the presumption inherent in the advice and should be approved without delay.

3.2. Local Planning Policy

The Development Plan for Barnsley MBC consists of the Core Strategy (September 2011) and the Saved Unitary Development Plan Policies (September 2011). It should be noted that these documents predate the current national planning policy guidance (the NPPF).

It should be noted that on the UDP proposals map the site falls within an “Employment Proposal Allocation (BA4)”.

3.2.1 LDF - Core Strategy

The following policies are considered relevant to the proposal:

(a) CSP 1 – Climate Change

The requirements of this policy can be dealt with at the Reserved Matters stage.

(b) CSP 2 – Sustainable Construction

The requirements of this policy can be demonstrated at the Reserved Matters Stage.

(c) CSP3 – Sustainable Drainage Systems

The matter of SUDS can be dealt with at the Reserved Matters Stage.

(d) CSP 4- Flood Risk

The site is located wholly within Flood Zone 1 and in line with the requirements of this policy an FRA is submitted.

(e) CSP 5 – Including Renewable Energy in Developments

This matter can be dealt with at the Reserved Matters Stage.

(f) CSP 8- The Location of Growth

The policy sets out the overall strategy for development and the main focus for development is Urban Barnsley, which the site is located within. This proposal wholly conforms with this policy.

(g) CSP 9 – The Number of New Homes to be Built

The policy sets out that **“at least 21500 net additional homes during the period 2008 to 2026”**.

(h) CSP 10 – The Distribution of New Homes

The policy sets out that during the period of 2008 to 2026 Urban Barnsley will provide 9800 new homes which is 46% of the district’s housing.

(i) CSP25 – New Development and Sustainable Travel

In line with this policy, links to existing public transport will be utilised and sufficient vehicular parking provided.

(j) CSP 26 – New Development and Highway Improvement

The proposed access will be sufficient to provide safe, secure and convenient access for all road users as detailed in the supporting highways report.

(k) CSP 29 – Design

The general design of the proposed development will meet the requirements of this policy. The detailed design will be detailed further in a Reserved Matters Application subject to Outline Planning Permission being granted.

3.2.2 Unitary Development Plan Saved Policies

The site is allocated as an employment proposal allocation. The saved UDP policy BA4/11 Doncaster Road, Stairfoot states:-

“This site has good access to the main Barnsley to Doncaster Road. It has potential for the development of small industrial and commercial units which could support proposed employment training and outreach projects in nearby areas of high unemployment. The prominent position of the site in relation to the main road and to the proposed strategic footpath along the adjoining disused railway will need to be taken into account in the design of the development. Supplementary Guidance will be prepared for the site”.

It is noted that the site has not functioned as an employment site but was proposed to function as such. It is also noted that no further supplementary guidance has been prepared by the Council. The market signals indicate that notwithstanding the allocation this is not an attractive employment site in the market.

3.2.3 Emerging Planning Policy

It is of note that the Council have proposed to allocate the land as greenspace in the latest Consultation Draft Local Plan. It should be noted that Townsend Planning Consultants on behalf of Blackstone Developments have submitted a formal objection to this allocation in the recent consultation process. As the Plan is only in its early stages and a formal objection has been lodged, no weight should be given to the proposed allocation.

Also of note is the proposed mixed use allocation (AC14 – Local Plan Additional

Consultation 2015) adjacent to the site. The site was previously allocated as an employment policy area and an employment proposal in the Unitary Development Plan. The Council have now suggested in the latest stage of the Local Plan that the site can come forward as a mixed use allocation and specifically state that the proposed uses could contain housing and a primary school.

4.0 OTHER ISSUES

4.1 The Development Plan

The Development Plan is the starting point for the consideration of these proposals. It is considered that the proposal wholly conforms with the Development Plan (as evidenced by the previous grant of planning permission) and, by reference to Section 38 (6) of the Act, the presumption inherent should be weighed in favour of the applicants.

4.2 Other Material Considerations

It now falls to consider the proposal in the light of all other material considerations.

4.2.1 NPPF / Employment

The National Planning Policy Framework is a significant material consideration given the age of the current statutory Development Plan. It is acknowledged that the site has a longstanding allocation for proposed employment uses. Notwithstanding previous attempts to obtain planning permission and market the site, no purchasers have been forthcoming and little interest has been generated in the site for over a quarter of the century. Indeed, it will be noted that since the site ceased to be used as railway sidings it has not been used for employment purposes. It is considered that, para 22 of the NPPF is particularly relevant and states:-

“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.”

Clearly, in this instance market signals are that there is no demand for employment use of the site and at the same time housing is required as a matter of urgency to support the sustainable local community as will be outlined below.

4.2.2 Housing Land Supply

The Council acknowledge that they do not currently have a five year housing land supply. Whilst the Council is going through the process of the Local Development Framework which will look to redress that shortfall, it is likely to be another two years or so before that land can be brought forward. That process also involves the proposed reallocation of large areas of Green Belt land. The reuse of this disused area of land will reduce pressures on the Green Belt.

In the meantime, the Council are not meeting its statutory duty to provide a five year supply of housing land. This site, which would be developed by the applicants for housing purposes, can be brought forward in the short term to meet that requirement. The site is ideally situated in a sustainable location to help support the requirement to provide sustainable development which supports sustainable communities. Significant weight should be given to the Council's failure to have a five year land supply and, as stated, owing to timescales for adopting new plans it will be some time before that issue is addressed. Significant weight should be given to this as the site is deliverable in the short term to assist the Council in meeting its five year land supply.

4.2.3 Highways / Green Travel Plan

A detailed Traffic Impact Assessment is provided with this scheme. This demonstrates that the proposal can be brought forward and safely accessed. A Green Travel Plan is also provided.

4.2.4 Contamination

A Phase I Contamination Risk Assessment is provided. The site is clearly a former railway sidings and remediation will be required. It is considered that the details of this can be set out in a Phase II Contamination Risk Assessment which can be dealt with by the imposition of suitable planning conditions.

4.2.5 Flood Risk / Drainage

A detailed Flood Risk Assessment is provided.

4.2.6 Noise

It is recognised that the site is located within a mixed use area. The noise report provided demonstrates that the site can be developed without major issues in respect of noise subject to suitable attenuation which would be expected in inner urban areas.

4.2.7 Ecology

At pre-application stage an ecological report was required. However, this is a cleared former sidings area where there is clearly no ecological interest and, therefore, a report is not provided as this is not an issue to consider with this application.

4.2.8 Air Quality

The issue of the site falling within an Air Quality Zone was raised with the applicants at pre-application stage. The applicants have suggested the provision of plug in electric car points to all new housing developed on site and it is understood that this is sufficient for the Council's requirements. No doubt this will be dealt with by the imposition of conditions.

4.2.9 Section 106 Contributions

The issue of contributions to the Council in respect of affordable housing, education and open space were discussed with the Council at pre-application stage. It was set out to by officers that standard conditions would be imposed in respect of these issues and any subsequent Section 106 Agreement and issues of viability would be dealt with at Reserved Matters / discharge of conditions stage.

5.0 CONCLUSION

This subject site forms previously developed brownfield land located within the existing built-up settlement. The site constitutes former railway sidings which have been allocated for employment use (albeit that it has not been used for employment purposes since its use as a railway siding). The applicants have owned the site for some 25 years and, in spite of marketing and submitting planning applications, no purchasers have come forward for the site for employment uses. The site, therefore, currently forms a longstanding underused urban resource.

In the context of its allocation for employment, the National Planning Policy Framework is clear that Council's should avoid long term protection of sites and consider alternative uses in respect of market signals and the need for different land uses to support sustainable local communities.

The Council fully acknowledge that they do not have a five year land supply. Whilst this will in the medium term be resolved through the Council's Development Plan Process, the allocation of new sites is some years away and, therefore, there is an immediate need to provide housing land to meet short fall. It is considered that this site can play a useful site in the short term to come forward for development.

The application is submitted in outline only, nevertheless, a site layout plan is provided which demonstrates that a scheme can be developed and meet with space about building standards. A number of technical reports are also submitted which demonstrates that there are no technical issues which would preclude the land coming forward for development.

The Council are, therefore, urged to consider the important role that this site can play in

the provision of much needed housing in the short term to assist in the sustainability of the existing community.

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