

Report Ref No:

Report of the Head of Planning
& Building Control to the
Planning & Regulatory Board
on 23rd February 2016

CROSS BOUNDARY PLANNING APPLICATION AT THE FORMER OUGHTIBRIDGE PAPER MILL, SHEFFIELD.

1. Purpose of report

This report seeks the approval of Planning & Regulatory Board pursuant to Section 101(1)(b) of the Local Government Act 1972 to delegate its decision making functions as local planning authority to Sheffield City Council in respect of the determination of a forthcoming outline planning application and planning related activities, including negotiation of the terms of the S106 agreement (including any subsequent deeds of variation) and monitoring and enforcement thereof as well as any subsequent application for the approval of the reserved matters, S73 applications, non-material amendments and applications for the discharge of planning conditions for residential development at the Former Oughtibridge Paper Mill site in Sheffield (postal address). The boundaries of the proposed site are edged red on the attached plan.

2. Recommendation

That, subject to the Council retaining the ability to submit consultation responses, Planning Regulatory Board authorises the delegation to Sheffield City Council pursuant to Section 101(1)(b) of the Local Government Act 1972 of the Council's decision making functions as local planning authority for a forthcoming outline planning application and planning related activities relating to land edged red on the attached plan, including negotiation of the terms of the S106 agreement (including any subsequent deeds of variation) and subsequent monitoring and enforcement thereof as well as any subsequent application for the approval of the reserved matters, S73 applications, non-material amendments and applications for the discharge of planning conditions.

3. Background

The Site is a former paper mill and comprises a number of significant existing buildings and areas of cleared land. Some buildings have been demolished, but a substantial proportion of buildings still remain. The Site is located to the north-west of Sheffield but includes land which falls within the administrative boundaries of both Sheffield City Council (SCC) and Barnsley Metropolitan Borough Council (BMBC). The River Don divides the site and defines the administrative boundary between the two authorities.

The part of the Site which lies within the administrative boundary of SCC lies to the south of the River Don and is allocated as a General Industrial Area

(without Special Industries) in the Sheffield Unitary Development Plan. That part of the Site which lies within the administrative boundary of BMBC is designated as Green Belt on the UDP Proposals Map. In the recent Local Plan Additional Site Consultation the site was shown as a housing site option in recognition of the fact it could support Sheffield in meeting its own housing needs within the north west of the city.

On 19th January 2016 the Council received a request for a screening opinion in relation to a proposed residential development. This is a precursor to a planning application being submitted. Based on the request for a screening opinion, the application will include the demolition of the existing buildings on the site and propose the development of up to 320 residential units, two new river crossings, car parking, public open space, landscaping, associated infrastructure and drainage, and other associated works. A proposed indicative layout is included within Appendix A.

The site is not within or adjacent to a Site of Special Scientific Interest (SSSI) but is adjacent to an Ancient Semi-Natural Woodland (Wharncliffe Wood), which also forms part of a Local Wildlife Site. Details have been submitted detailing that the development would not directly impact on any of those trees within the development. The application could also include management of the woodland to enhance its value in addition to a 'buffer zone'. Based on this and a range of other factors, both Sheffield City Council and our own officers have concluded that the proposal would not require an Environmental Impact Assessment.

National Planning Practice Guidance indicates that where a site which is the subject of a planning application straddles one or more local planning authority boundaries, the applicant must submit identical applications to each local planning authority, which the applicant will do. However, under Section 101 of the Local Government Act 1972, a local authority may arrange for the discharge of any of their functions by any other local authority. Any arrangements made under this section do not prevent the authority by whom the arrangements made from exercising those functions should it so decide at a later date.

4. Proposal and justification

Following discussions with Sheffield City Council and the applicant it is considered that the best way to deal with this proposal is for Barnsley to delegate its functions in respect of the determination of the planning application to Sheffield City Council. In doing so, it is considered reasonable to transfer the bulk of the planning fee (90%) to Sheffield to reflect the fact they will be responsible for the vast majority of the work. The 10% retained by BMBC will cover our costs associated with preparing this report, carrying out publicity and providing a consultation response.

The reason for this is that whilst the Barnsley part of the site lies within the Green Belt, the site is brownfield. The final bullet point of paragraph 89 of the NPPF states that the construction of new buildings in the Green Belt will not be inappropriate if it comprises;

"limited infilling or the partial or complete redevelopment of previously developed, sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater Impact on the openness of the Green Belt and the purpose of including land within it than the existing development".

It is clear from this exception that the proposed development will not constitute inappropriate development provided it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. This is a matter for the determination of the planning application but the details that accompanied the screening opinion confirm that the intention is to submit an application that does not constitute inappropriate development in the Green Belt. If this is the case, then the planning application would not require referral to the Secretary of State for this reason. In addition, subject to providing sufficient mitigation to ensure that the biodiversity value of the adjacent Local Wildlife Site is conserved and enhanced as well as ensuring compliance with other policy requirements (flood risk), there would be no conflict with the adopted UDP & Core Strategy. Sheffield City Council will have regard to any conditions or clauses within a S106 agreement recommended by Barnsley in a consultation response having regard to our development plan and all other material considerations. Given the fact the site is so remote from settlements within Barnsley itself, it is considered logical for Sheffield to determine the application on our behalf.

The alternative would be for both authorities to determine the application. However, this can lead to two LPAs making individual determinations, imposing different conditions on the permissions. Accordingly, this is not recommended as it does not promote a coordinated approach to development control and would be an inefficient use of resources. It is also contrary to the overall tenor of Government guidance, which encourages joint working and ongoing co-operation between LPAs.

5. Implications for local people / service users

Whilst part of the site is within Barnsley, it is remote from other residential properties and services within the borough. If the decision is delegated to Sheffield City Council, they will consult Barnsley and officers will consider the impact on residential amenity and local infrastructure when responding to the consultation. However, it is unlikely that the scheme will have any impact on the amenity of Barnsley residents or place undue pressure on infrastructure within the Borough because it is accessed via the Sheffield road network and the site would be within the catchment area of Sheffield schools. In addition, it is expected that refuse collection will be carried out by or on behalf of Sheffield City Council albeit paid for by Barnsley from the Council tax revenue generated from the site.

6. Financial implications

As the larger part of the site is within the Barnsley borough, the whole planning fee is payable to Barnsley MBC. Following an assessment of the likely workload, it is considered that input from Barnsley will constitute no more than 10% of the overall cost associated with determining the application and carrying out the related activities. Accordingly, it is proposed to pass on

90% of the planning fee to Sheffield should decision making be delegated to them.

7. Employee implications

Delegating the application to Sheffield will ease the burden on officers within Barnsley ensuring that they are able to focus their attention on their remaining workloads ensuring that they are more likely to meet performance targets.

8. Compatibility with the European Convention on Human Rights

The proposals in this report are compatible with Convention Rights.

9. List of appendices

Appendix 1 – Proposed location plan and indicative layout plan.

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