

APPENDIX 3

**Committee Report in respect of the previous application for mixed use development on
the Application Site, submitted in March 2008**

SECTION B - REFUSALS

2008/0561

Hartwood Estates

Erection of a mixed use development (Use class A1, A3, A5 and B1)

Hangmanstone Depot, Sheffield Road, Birdwell, Barnsley, S70 5TR

21 letters of objection were received, and a petition against containing 182 signatures. Cllr Andrews has also objected.

Site Description

The site forms part of a larger area of land which is allocated as an Employment Policy Area in the Barnsley Unitary Development Plan. The allocation is partially occupied by a variety of employment generating, namely B1, B2 and B8 uses and is known locally as Rockingham Business Park.

The application site is located on the very edge of Rockingham Business Park and fronts onto Sheffield Road (A61). Sheffield Road is a main arterial road into Barnsley town centre which links to the M1, at Junction 36 and the Dearne Valley Parkway. There are currently two access points into the site, the main one being directly off Sheffield Road, towards the centre of the site and the other off Rockingham Row, a relatively new road which serves the wider Rockingham Business Park.

The site is largely unused and in a poor condition. It is covered with a concrete/tarmac hard standing, with the exception of a large prominent red brick industrial building and small office unit which are located towards the centre of the site, close to Sheffield Road.

Site History

Up until recently the site and the large industrial building were used by a company who refurbished diesel engines which were then exported all over the world. Prior to the above, the site was owned by the Coal Board.

Proposed Development

The development comprises a 2 storey building sited towards the western boundary of the site with retail units on the ground floor, and office accommodation above and a separate single storey building primarily for retail use, sited towards the eastern boundary. The resultant mix of uses and floor space for the development would be as follows:

Ground Floor

- 961 sq m for A1 (Shops)
- 416 sq m for A3 (Restaurants and Cafe)
- 117 sq m for A5 (Hot Food Takeaways)

First Floor

- 859 sq m for B1 (Business)

Extensive car parking would be provided towards the centre of the site, with intermittent landscaped areas concentrated towards the boundaries. The car park would be for both customer and employee use. A walkway would be provided to the front of the new buildings and towards the rear of the site to connect the two buildings and allow for safe pedestrian circulation within the site.

The main customer and employee vehicular and pedestrian access points would be directly off Sheffield Road. Delivery and service vehicles would enter the site using the Rockingham Row access. A 1m wall is proposed along the Sheffield Road and Rockingham Row frontages to separate the site from the public highways.

Policy Context

Barnsley Unitary Development Plan

The site falls within the Barnsley Unitary Development Plan Employment Policy Area (Policy HN4). Other relevant policies include:

- Policy ED2 Uses on Employment Sites
- Policy S1 Shopping/Commercial Centre
- Policy S2 Shopping and Commercial Centres Cont'd
- Policy S3 Retail Development Outside Defined Centres
- Policy S7 Hot Food Takeaways
- Policy ED4 Economic Development and Residential Amenity
- Policy BE6 Design Standards
- Policy T2 Development and the Highway Network
- Policy T2a Development and the Highway Network

Supplementary Planning Guidance

- SPG24 Reuse of Employment Policy Areas
- SPG23 Uses on Employment Sites

National Planning Policy

- PPS6: Planning for Town Centres
- PPS1: Delivering Sustainable Development

Regional Planning Policy

- Regional Spatial Strategy for the Yorkshire and Humber

Consultations

- Design: No objections subject to amendments to internal layout, clarification of materials. Design of the scheme is considered to be traditional and safe.
- BDA: BDA support the provision of offices but object to the retail element of the scheme
- Policy: Object on the grounds that this is an inappropriate site for a retail development and the desire to sustain and regenerate existing town and local centres, and that there is insufficient employment land within the district to support a scheme which is a departure from typical employment uses on an allocated employment site.

- Drainage: No objections subject to a condition requiring drainage details to be submitted.
- SYPT: No objections to the scheme in a reasonably sustainable location, close to public and private transport links. Request
- Police: No specific objections but suggest improvements to perimeter fence and the inclusion of more landscaping. Disagree with the inclusion of a canopy over the shop windows.
- Environmental Health: No objections subject to conditions
- Highways: No objections to the principle, subject to stated highways improvement works being undertaken and the imposition of a traffic regulation order along the Sheffield Road frontage.
- Landscaping: No comments
- Yorkshire Water: No comments received

Representations

A petition with 182 signatures against the development and 21 letters of objection have been received, including a letter from Cllr Andrews. Objections raised include:

- The scheme would be better located on Sheffield By Pass;
- Lorries into and out of the business park cause blockages on Sheffield Road at the moment;
- Additional traffic would only make the congestion in Birdwell worse;
- Visibility from Rockingham Row to Sheffield Road is limited;
- Proposed entrance/exit is opposite the Academy Theatre and Chatterbox Nursery, which would potentially be a hazard to children with the clashing vehicle movements;
- The takeaways would result in more litter in the area;
- There is already a reasonable selection of shops in Birdwell and the new development would put them out of business.
- There are plenty of retail parks in the local area, it is not necessary to have another;
- Increased traffic in Birdwell would make it more difficult to turn onto Sheffield Road from the Walk.
- Road contains no crossing for people wishing to access it from the other side of the road
- Hours of business would be anti social causing disturbance and nuisance late at night.

Principle

In assessing whether retail use is acceptable on this site, PPS 6 provides the most up to date national planning advice. In situations where an application is made for retail outside defined centres, PPS 6 requires the applicant to demonstrate the need for the development, that the development is of an appropriate scale, that there are no more central sites for the development, that there is no unacceptable impact on existing centres and that the location is accessible. In this instance the scale of the development is a serious cause for concern in that the units would not be merely to serve Birdwell but would appear to form a wider neighbourhood centre. No evidence has been provided to demonstrate a need for the proposed units or whether any alternative sites have been considered. In addition, sufficient investigation into the impact on existing centres, particularly Hoyland & Hoyland Common, has not been undertaken.

The site is located at the southern tip of Birdwell, which is essentially a linear settlement. Further to the south is junction 36 of the M1, which joins the Dearne Valley Parkway. Hoyland Common is located beyond this. These highways form a significant barrier for pedestrians such that the site is not considered particularly accessible on foot from anywhere outside Birdwell. In the context of Birdwell, it is not centrally located and whilst Sheffield Road is relatively well served by public transport, the proposed location and the scale of the proposal would inevitably increase dependence of the use of the car. This is reflected by the amount of car parking provision and the proposal seems more reflective of a scheme from the 1980s or '90s.

At the local level, policy ED7 states that Employment Policy Areas will remain in employment use. Other employment generating uses may be permitted if they are compatible with adjoining land uses but the policy specifically states that A1 (Shops), A2 (Financial and Professional Services) and A5 (Hot Food Takeaways) will not be permitted and that only in some circumstances will A3 (Restaurants and Cafes) permitted. A1 uses are generally not allowed on existing employment sites because they are likely to limit the types of economic development that could take place elsewhere on the site and their location within employment policy areas would run contrary to policies which seek to regenerate existing shopping centres.

The scheme proposes to erect two separate buildings on the site which would predominantly be in retail use. It is clear from Policy ED7 and the accompanying written text that whilst the first floor B1 units proposed are, in principle, acceptable on this site, the A1 and A5 units and potentially even the A3 units, which when combined would occupy over half the floor space of the two buildings, are not.

SPG 24 provides guidance to developers about the circumstances in which the Council will consider alternative uses on employment sites to those identified as acceptable in Policy ED7. The SPG identifies 3 criteria which must all be satisfied. These are:

- 1) No significant loss of existing jobs;
- 2) Acceptable relationship with surrounding land uses and comply with other relevant policies in the UDP;
- 3) An adequate supply of employment land in terms of the overall scale, range and availability of employment land, should remain available.

With regards criterion 1, from a site inspection and the detail provided in the Design and Access Statement, it is clear that the site does not currently support a significant number of jobs.

In terms of the relationship of the proposed uses with the existing employment uses, there are significant concerns, particularly in relation to the proposed A1, A3 and A5 units. It is felt that the presence of such uses may limit the type of economic development which could locate on land to the rear of the site making the rest of the allocation less attractive to business and industries generally. It is therefore considered that the scheme would have a poor relationship with existing land uses and as such, is contrary to the first part of criterion 2 of SPG24.

The second part of criteria 2, which discusses whether or not the proposal complies with other policies in the plan does, also raise numerous concerns. In particular, that fact that the location of the A1 uses on this site runs contrary to the advice contained in UDP Policies S1, S3, S7, SPG23, PPS6 and also Policy YH5 of the adopted RSS for the Yorkshire and Humber, which now also forms part of the development plan for the Borough.

Policy S1 states that new retail development will be permitted only within the central shopping area of Barnsley Town Centre and in the principal shopping and commercial centres in order to facilitate regeneration and concentrate facilities in areas which are most accessible to local communities.

Policy S7 and SPG23 also suggest that hot food takeaway and restaurant developments should be in local or principal centres to avoid unnecessary trip generation by car dependent developments. The site is allocated as Employment Policy Area and is located in Birdwell. If approved, this would significantly increase retail provision in Birdwell which is not a recognised retail or commercial centre. This would be contrary to policy S2, as it would create unnecessary competition between the existing local centres and perhaps even put the existing pepper-potted local businesses, which exist along Sheffield Road, out of business.

The regeneration of existing shopping centres is an issue highlighted in Policy YH5 of the RSS. This states that all new retail and commercial development should be directed towards existing Principal Towns. Hoyland is allocated as a Principal Town in the RSS and, although it has suffered from a lack of investment in recent years, there are plans to regenerate it in line with RSS Policy YH5, PPS6 and UDP Policy S2. Any new development outside this Principal Town would run counter to this policy and its aims of regeneration and revitalisation.

Policy S3 replicates much of what is covered in policies S1 and S2 and PPS 6 and as stated previously, the applicant has not demonstrated that there are a lack of suitable alternative sites available within the existing centres or on sites which are geographically or functionally associated with an existing centre. Consequently the proposed out of centre location, despite being located on a main transport route into and out of Barnsley and accessible by a variety of means of transport, is contrary to Policy S3 of the UDP. The lack of any information on alternative site options for the development results in the scheme also being counter to UDP Policy S3 and the requirement of PPS6 for evidence of a sequential approach to site selection.

With regards criterion 3 in SPG 24, it is considered that releasing this allocated employment site for uses other than those set out in ED7 would be inappropriate at this time as there is currently an inadequate supply of employment land in the Hoyland and surrounding Community area. The site could potentially serve smaller scale, local business needs compared to the surrounding available employment sites of Shortwood and Ashroyd, which serve more strategic needs. Furthermore the site is a prime site for traditional employment development due to it being well located along the Strategic Highway Network and it being a frontage site, which if developed well could improve the profile of the wider Rockingham Business Park. The scheme is also therefore contrary to criteria 3 of SPG24.

Visual Amenity

The site contributes little to the street scene and as such there is no objection to its redevelopment in visual terms, particularly in this significant and prominent location on the strategic highway network where a development could contribute to the area. However it is expected that the development would be designed to a high quality and be well laid out.

In this instance, whilst the design of the buildings is considered to be 'safe' and 'traditional', they would be dominated by roofspace and set back from the road by a substantial car parking area. Although it is accepted that having car parking areas visible is necessary in order to attract customers into the site, the site would contribute little to the street scene. The car park would be surfaced in tarmac and incorporate only small amounts of planting which would result in an almost sea of black within the confines site, which is an undesirable design feature, particularly at this prominent location.

Policy BE6 states that the Council should seek a good standard of design in all new development, and this is reflected in more recent Government Guidance such as PPS1 which states that 'design which fails to take the opportunities available for improving the character and quality of an area should not be accepted'. In this particular circumstance it is not felt that the design of the development is of a significantly high standard to be approved and as such is contrary to Policy BE6 and PPS1.

Highways

Although in general Highways raise no specific objections to the scheme, they consider that to accommodate a mixed use development on the site with a principle customer access off Sheffield Road, highways improvement works and changes to the internal car parking layout would be required.

Many of the representations highlighted the issue of car parking along the public highway and increased traffic along Sheffield Road which would be caused by the development. Although the development would generate additional trips and therefore traffic along Sheffield Road and out of existing local centres, it is felt that the highways improvement works detailed above would mitigate the effects of the development on highway safety to the extent that the development would have limited impact. As such, there is considered to be no reason to refuse the application on highways grounds.

Conclusion

The principle of the scheme is considered to be unacceptable as it conflicts with local, regional and national planning policies and would have an unacceptable relationship with existing, adjoining land uses. There has been no evidence submitted to demonstrate a need for a retail development in this location or that it would not have an adverse impact on other local centres. Furthermore, the design of the scheme is considered to be uninspiring and dominated by car parking, which is unacceptable in this prominent location. The proposal is therefore contrary to the requirements in PPS 1, PPS 6, policy YH5 in the RSS, Unitary Development Plan policies ED7, S1, S2, S3, S7, BE6 and Supplementary Planning Guidance Notes 23 & 24.

Recommendation

Refuse

- 1 The proposed development of the site for primarily retail purposes would be contrary to Barnsley Unitary Development Plan Policies ED7, S1, S2, S3, S7 Supplementary Planning Guidance Notes 23 & 24, RSS Policy YH5 and the advice contained in PPS6 in that:
 - a) The applicant has failed to provide evidence, in line with the advice contained in PPS6, that there is a need for a retail development in this location; that there are no alternative, better located sites available in Hoyland Common or Hoyland for the development, evidenced by a sequential test to site selection; or that the development would have no unacceptable effect on these existing shopping and commercial centres.
 - b) If approved, the scheme would be contrary to attempts to locate new development and investment within existing Local and Principal Shopping and Commercial Centres known as Hoyland Common and Hoyland respectively.
 - c) It is considered to be a poorly located site for a retail development as it is sited at the far end of linear settlement generating a significant number of motor vehicle trips, outside existing local centres.
 - d) The Local Planning Authority consider there to be a continuing need to ensure there is an adequate supply and range of employment land available in the Birdwell and surrounding community areas. The proposed development would result in the loss of allocated employment land and restrain the potential uses on adjoining employment land.

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In the opinion of the Local Planning Authority the design of the scheme on this prominent site is considered to be bland, uninspiring and over dominated by car parking and, as a consequence, fails to take the opportunity available with this largely vacant site for improving the character and the quality of the area. The scheme is therefore considered to be contrary to Barnsley Unitary Development Plan Policy BE6.



Planning Application Number: 2008/0561		1:1250
Site Address: Hangmanstone Depot, Sheffield Road, Birdwell, Barnsley, S70 5TR		
Development Description: Erection of a mixed use development (Use class A1, A3, A5 and B1)		
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