

**APPENDIX 5**

**Committee Report relating to proposals at Barugh Green**

**2009/0191**

Claycliffe Property Developments Ltd

Erection of 3 office units, additional employment accommodation, retail units (A1,A3 and A5) car parking and associated works

Land adjacent to the Chestnut Tree, Barugh Green Road/Claycliffe Road, Barugh Green, Barnsley, South Yorkshire, S75 1JT

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**Four letters of objection, one of which includes a petition with 182 signatures, and 1 letter of support. A separate petition with 146 signatures has also been submitted in support of the application. Objections have also been received from Cllrs Bruff and Middleton.**

### **Site Description**

The site is located between Barugh Green Road to the south and Claycliffe Road to the north whilst industrial uses adjoin the site on its western boundary. To the east, the site is separated from Redbrook Roundabout by the Chestnut Tree public house. The site is an irregular shape measuring 1.2 hectares in size and has been vacant for several years. It is generally level although there is a steep bank associated with a culverted stream/drainage ditch along the western boundary. Vehicular access is taken from Barugh Green Road and shared with the adjacent public house. The site is somewhat overgrown and includes numerous mature trees, some of which are covered by a Tree Preservation Order.

The surrounding area is characterised by a broad mix of uses with residential to the south and employment land to the north, east and west with car showrooms being particularly prominent along Claycliffe Road.

### **Site History**

The site has been vacant for approximately 15 years, but was previously used (with adjoining land) as a petrol filling station and MOT testing centre as well as a garden centre. Since being vacated the following planning applications have been determined:

- B/05/0267/BA: Permission refused in 2005 for residential development of 44 dwellings comprising houses and two, three-storey apartment buildings. The reasons for refusal related to loss of employment land, incompatible relationship with adjacent uses and loss of protected trees. A subsequent appeal was withdrawn following discussions regarding a potential mixed-use scheme.
- 2007/1501: A mixed use scheme almost identical to this application was withdrawn in 2007 as a result of concerns regarding lack of justification for the proposed retail use, potential highway safety issues that needed to be explored further and design issues with the location of the culverts.

## **Proposed Development**

The mixed use scheme includes the following:-

- 3 No. two storey office buildings on the southern part of the site comprising 1,209m<sup>2</sup> (net internal) of office space accessed from and fronting Barugh Green Road and provided with 40 parking spaces. The mature trees located on the western boundary of this part of the site would be retained.
- A single storey building, including two trade units (B8) totalling 500m<sup>2</sup>, a 250m<sup>2</sup> retail unit and a 279m<sup>2</sup> food store, is proposed to the north west of the office buildings. It would be set back from Claycliffe Road to allow the retention of protected trees. The existing access onto Claycliffe Road would serve this part of the site, which would include a further 36 parking spaces.

A Transportation Assessment, Flood Risk Assessment, Arboricultural Report and Contamination report are included within the supporting documentation. In addition, a Consultation Statement has also been including following extensive publicity and consultation with local residents and businesses. Some of the key findings of this exercise are summarised in the 'Representations' section.

## **Policy Context**

### National Planning Policy

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

### Barnsley Unitary Development Plan

The site falls within the Barnsley Unitary Development Plan Employment Policy Area.

- Policy ED7: Existing Employment Areas
- Policies S3 & S4: Retail Development Outside Defined Centres
- Policy BE6: Design Standards
- Policies T2 & T2A: Development and the Highway Network
- Policies ES7 & ES8: Contaminated Land
- Policies GS22, GS22A & GS22B: Woodland, Hedgerows & Trees

### Supplementary Planning Guidance

- SPG 23: Uses on Employment Sites
- SPG 24: Re-use of Employment Policy Areas
- SPG 9: Trees & Hedgerows

### Regional Planning Policy

- Regional Spatial Strategy for the Yorkshire and Humber

## Consultations

- Highways: No objections subject to conditions
- Environment Agency: No objections subject to conditions
- BDA: No objections subject to condition/legal agreement
- Drainage: No objections subject to conditions
- SYPT: No objections subject to condition
- Police: No response
- Contaminated Land Officer: No objections
- Yorkshire Water: No objections subject to conditions

## Representations

Five letters of representation have been received, four of objection, one of which includes a petition with 182 signatures. The following concerns have been expressed:-

- The proposal is a departure from the Unitary Development Plan due to the inclusion of retail and by allowing it the Council would set an undesirable precedent for similar schemes.
- The scheme does not include a sufficient justification for departing from UDP policy ED7, SPG 23 or SPG 24.
- Lack of pre-lets suggests the scheme cannot be delivered as a whole and immediately.
- The Council should not give any weight to the argument that the site is untidy as there are enforcement powers to improve the amenity of the site.
- If there is a need to designate a district centre in Barugh Green this should be done through the LDF process and not on a piecemeal basis at the expense of employment land.
- The scheme would result in servicing vehicles reversing down a road, across a pedestrian crossing and into a car park to the detriment of highway safety.
- The trees on site score very highly on the arboricultural survey and some good specimens would be lost. There is also a lack of information regarding the likely impact on the trees that would be retained.
- The retail and office uses will exacerbate existing traffic congestion on the immediate road network.
- There is no need for the retail units and the area is already served by local shops/cafes.

Councillor Bruff objects on the grounds that the proposal comprises overdevelopment of the site, will lead to an increase in traffic, that the site is designated as an employment site in the UDP and not retail and that it is an out of centre retail proposal, which may affect other centres and the town centre.

Councillor Middleton objects on the grounds of the retail element on a UDP employment site and traffic problems in the area and issues of passing trade.

One letter of support and a petition with 146 signatures in support have been received. The grounds are as follows:-

- The proposal would create jobs in both the short and long-term
- The site would be transformed from an eyesore into something that will be beneficial to the local community as there is no alternative retail provision.

A public consultation exercise was also undertaken in June 2008. This is summarised in the applicant's 'Public Consultation Statement' and the main findings were as follows:

- 73% of respondents said they would support the scheme (18.6% undecided, 8.3% would not support)
- 74% stated they would use a small food store or other shops and services.

## **Principle**

### Employment Land

Unitary Development Plan Policy ED7 states that Employment Policy Areas will remain in employment use. It goes on to indicate that other employment generating uses may be permitted if they are compatible with adjoining land uses, but that A1 retail uses should not normally be permitted.

In terms of employment land provision, the remaining supply of land allocated in the UDP for new employment uses is 67 hectares, which is considered insufficient to meet RSS and LDF future needs for employment uses (B1, B2 and B8), although this will be reviewed as part of the LDF. These circumstances suggest that employment land should be retained for employment purposes, as indicated in policy ED7, unless material planning considerations indicate otherwise.

However, in this case, the site has historically included a modest retail element, (previously a garden centre, sales of tropical fish and a petrol filling station) and the scheme is primarily for employment uses with the A1 element being modest in terms of uptake of employment land.

The site has been derelict for a number of years and despite officers insisting over the past 2 years that the site should only accommodate B1, B2 and B8 uses no such scheme has been forthcoming. This is partly a result of ground conditions and the applicant maintains that for a scheme to be viable a retail element is essential. One of the objection letters suggests that evidence should have been provided to demonstrate the site had been marketed for B1, B2 & B8 uses exclusively before A1 uses could be considered. However, no such requirement is included in any of the relevant UDP policies or SPG's. From an employment land perspective, because the A1 element is restricted to two relatively modest units and would enable B1 and B8 use to be potentially brought forward, it is considered the retail element could be allowed in this instance. However, if the retail element is to be permitted, this would have to be on the proviso that the office accommodation is built and made available for sale or let prior to the occupation of the retail units. In addition, there would need to be strict controls to ensure that the trade units operated under a B8 use rather than becoming predominantly for general retail. This could be done by condition to ensure the overall objectives of policy ED7 are not prejudiced. Subject to this proviso, BDA officers have welcomed the addition to stock of employment premises and the associated potential for employment growth.

### Retail Policy

Policies S3 and S4 relate to retail development outside existing centres and largely reflect the advice in PPS 6, which was published much more recently. In paragraph 3.2 of PPS 6 it states that local planning authorities should have regard to the policies in this statement as material considerations which may supersede the relevant policies in their development plan. As such, although UDP policies S3 and S4 are very similar, the retail element of the scheme is primarily considered in relation to the advice in PPS 6.

In situations where an application is made for retail outside defined centres, PPS 6 usually 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. However, PPS 6 (paragraph 3.5) also advises that 'in making decisions, local planning authorities should also consider relevant local issues and other material considerations'. Furthermore, paragraph 3.22 indicates that comprehensive impact assessments, addressing the criteria cited above, should only be occasionally necessary for developments smaller than 2,500m<sup>2</sup> (gross). The current proposal includes 529m<sup>2</sup> (net) of retail floorspace, which is significantly below this threshold.

The area to the west of the town centre, including Wilthorpe, Old Town, Gawber, Pogmoor, Higham, Barugh Green and Barugh, is not served by a defined local centre nor a supermarket. If an existing centre or alternative retail provision did exist, given the presumption in policy ED7 that retail should not be permitted on land allocated for employment purposes, the retail element would almost certainly be considered unacceptable. However, the absence of such suggests that a relatively modest food store and retail unit will not materially impact on any existing centre as long as they are not combined to create a larger unit.

Whilst local shops at Redbrook and Barugh Green may be affected by a proposed food store, PPS 6 states that 'it is not the role of the planning system to restrict competition, preserve existing commercial interests or to prevent innovation' (paragraph 1.7). With floorspaces of just 279 sq.m. and 250 sq.m., it is considered that the units are sufficiently modest in scale not to have a detrimental impact on existing centres. However, the impact of these two units could significantly increase if they were combined to create a larger foodstore and consequently, in the event that permission was granted, a condition would be included to prevent the units from being combined.

Given the restricted scale of each of the retail units, it is not considered necessary for the applicant to demonstrate that there is a need for them, particularly as the Draft Revised PPS 6 advocates a move away from this particular test. In any case, on the basis of the lack of alternative provision and the feedback within the Public Consultation Statement, it could be argued that two modest retail units would be beneficial to local residents and employees and could serve a local need.

In terms of whether there are any more central sites for the proposed retail units, there are no local centres in this part of the Borough so it has been difficult for the applicants to identify any more central sites. In terms of accessibility, the site is located within the urban area and is well located in terms of the road network and benefits from public transport provision in the form of bus services on Barugh Green Road and Claycliffe Road. However, pedestrian accessibility is more of a concern given the site is located between two main roads.

In response to concerns that the site is not particularly accessible on foot and at the request of officers, the applicant carried out an assessment of potential alternative sites for retail provision within this part of the borough. The assessment included 17 sites, which were either located within one of the industrial estates, residential areas or within open countryside. Whilst some of these sites may well have been more accessible for pedestrians they all raised other planning issues, which meant that they could not be considered preferable to the application site in terms of being able to provide a retail offer. Furthermore, Barugh Green Road and Claycliffe Road include footways on both sides with dropped kerbs and central crossing islands at Redbrook Roundabout.

Whilst it is considered that pedestrian accessibility to the retail units is not ideal, on the whole, they would be primarily accessed by car and would capture traffic already on the highway. In many cases the units could reduce journey distances for local residents who currently drive to retail outlets outside the immediate locality.

These units will also perform a function for the local workforce, some of whom will be able to walk to and from the site with relative ease. As is demonstrated in the remainder of the report, the scheme is considered acceptable in all other respects and consequently it is not considered to be sufficiently detrimental to warrant refusal of an otherwise acceptable scheme, (particularly given they only form a relatively minor element of the overall scheme).

### **Visual Amenity**

The site contributes little to the character of the area and as such there is no objection to its redevelopment in visual terms, particularly in this significant and relatively prominent location between two main roads where a development could positively contribute to visual amenity.

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 felt that the design of the development exceeds that in the locality and would therefore improve the character and quality of the area in accordance with PPS1 and policy BE6.

### **Highways**

Highways prefer that the site is served by one access from Claycliffe Road and that as such, an additional access is unnecessary. From a planning perspective, in order to justify refusing permission, it would be necessary to demonstrate that an additional access would be substandard and therefore detrimental to highway safety. In this instance the only concern cited by Highways is that the second access onto Barugh Green Road would conflict with a bus stop located on the opposite side of the highway. In terms of width, visibility and capacity the access is sufficient so the applicant has commissioned a detailed appraisal of present and projected use of the bus stop.

The survey indicated that between 7:30am and 9:00am, 6 buses passed the stop with 5 stopping to pick up or drop off passengers. Between 4:30 pm and 6:00pm, 11 buses passed with 6 stopping. In all instances the busses were stationary for less than one minute. In terms of projected use, they survey indicates that around 7 new passengers would be generated by the proposed development during each peak hour. Given this evidence it is not considered that the presence of the bus stop would materially affect the operation of the proposed junction. Given that no significant harm can be attributed to the additional access, it is considered unreasonable to insist on the whole site being served by one means of access.

### **Conclusion**

The scheme is primarily for employment uses on a site allocated for as an employment policy area, which is sustainably located within the main urban area. The inclusion of an element of retail development within the scheme introduces some conflict with planning policy. However, as set out in the report, given the limited scale of the retail element and the absence of a defined local centre within the immediate locality, it is not considered that the inclusion of the two small, retail units could justify a reason for refusal. The application is, therefore, recommended for approval subject to a number of restrictive conditions, including requiring the office and trade units to be built and available for sale/let prior to the occupation of the retail units, recommending that the retail units not be combined and another restricting the retail element of the trade sales buildings. These are recommended to limit the retail element on this employment site. Subject to these requirements and the other conditions listed, it is recommended that permission be granted.

## Recommendation

Grant subject to:-

- 1        The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2        No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).  
**Reason: In the interests of the visual amenities of the locality.**
- 3        All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority give written consent to any variation.  
**Reason: In the interests of the visual amenities of the locality.**
- 4        A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.  
**Reason: In the interests of the visual amenities of the locality.**
- 5        No development shall take place until details of the foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. Details shall include a scheme for limiting surface water run-off into the watercourse. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.  
**Reason: To ensure the proper drainage of the area.**
- 6        No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences.  
**Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system, which will prevent overloading.**

- 7 Unless otherwise agreed in writing by the Local Planning Authority, the proposed retail units shall not be occupied until the office accommodation and trade units have been constructed and made available for sale or let.  
**Reason: To ensure the buildings housing the employment generating uses are delivered, in accordance with Unitary Development Plan policy ED7.**
- 8 Unless otherwise agreed in writing by the Local Planning Authority and notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the two retail units shall not, at any time, be combined to create a larger retail unit.  
**Reason: In order to ensure the retail element remains ancillary, in terms of its impact, to the main employment-generating uses and in accordance with Planning Policy Statement 6.**
- 9 Prior to commencement of development details of the internal layouts of the trade units shall be submitted to and approved in writing by the Local Planning Authority. Details shall include trade counters that are ancillary to the main use of the units for storage and distribution (B8) purposes). The approved details shall be implemented prior to occupation of the buildings and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason: To ensure the use of the units remains within a B8 use class in accordance with Unitary Development Plan policy ED7.**
- 10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:  
 -The parking of vehicles of site operatives and visitors  
 -Loading and unloading of plant and materials  
 -Storage of plant and materials used in constructing the development  
 -The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate  
 -Wheel washing facilities  
 -Measures to control the emission of dust and dirt during construction  
 -Measures to control noise levels during construction  
 -A scheme for recycling/disposing of waste resulting from demolition and construction works  
**Reason: In the interests of highway safety, residential amenity and visual amenity.**
- 11 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:  
 Tree protection plan including full details of tree protection fencing.  
 Details of no-dig construction proposals for areas of car park and drive within root protection areas, including cross-sections and plans showing relevant areas.  
 No development or other operations shall take place except in complete accordance with the approved methodologies.  
**Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.**

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification), no garages or other outbuildings shall be erected, other than those expressly authorised by this permission.  
**Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with UDP Policy BE6, Design Standards.**
- 13 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: In the interest of highway safety.**
- 14 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 600mm above the nearside channel level of the adjacent highway.  
**Reason: In the interest of highway safety.**
- 15 Prior to the commencement of development, a Green Travel Plan shall be submitted to the Local Planning Authority for consideration. The Travel Plan shall include details of its implementation and the monitoring programme. The Travel Plan approved in writing by the Local Planning Authority shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason: In the interest of promoting use of public transport, in accordance with U.D.P. policy T14**
- 16 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with UDP Policy ES1, Pollution.**
- 17 Prior to occupation of the building/commencement of the use, full details of the proposed refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a method statement indicating how the facilities will be managed and serviced and how occupiers of the proposed development will be encouraged to maximise the use of the proposed recycling facilities to reduce general waste arisings. Prior to the occupation of the building/commencement of the use, the approved facilities shall have been implemented in conjunction with the approved method statement and shall thereafter be retained.  
**Reason: In the interests of encouraging recycling and visual amenity.**



**Planning Application Number :** 2009/0191

**Site Address:** Land adjacent to the Chestnut Tree, Barugh Green Road/Claycliffe Road, Barugh Green, Barnsley, South Yorkshire, S75 JT Scale 1:2000

**Development Description:** Erection of 3 office units, additional employment accommodation, retail units (A1, A3 and A6) car parking and associated works

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