



## Appeal Decision

Site visit made on 19 September 2023

by **F Wilkinson BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 24<sup>th</sup> October 2023**

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### **Appeal Ref: APP/R4408/W/23/3320901**

### **Car park, Old Mill Lane, Barnsley S71 1PJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Wayne Hadfield of Hadfield Developments Ltd against the decision of Barnsley Metropolitan Borough Council.
  - The application Ref 2022/0293, dated 28 March 2022, was refused by notice dated 9 February 2023.
  - The development proposed is change of use of land to form surface car park and associated traffic light controlled junction.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The address in the banner heading above is taken from the application form. However, the Council identifies that the site has previously been used as an unauthorised car park.

### **Main Issues**

3. The main issues are the effects of the proposal on the safe and efficient movement of vehicles and pedestrians at the site and on the surrounding highway network; and whether the proposal makes appropriate provision for sustainable transport modes.

### **Reasons**

#### *Safe and Efficient Movement of Vehicles and Pedestrians*

4. Paragraph 110 b) of the National Planning Policy Framework 2023 (the Framework) requires both sites that may be allocated for development in plans, or specific applications for development, which is the case here, to provide safe and suitable access to the site for all users. Paragraph 111 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
5. The appeal site is an open area of land located on the north side of Old Mill Lane close to the centre of Barnsley. From the submitted evidence and what I saw on my site visit, Old Mill Lane is a heavily trafficked part of Barnsley's classified route network and forms part of a primary route between Barnsley and Wakefield. It has local strategic significance in terms of transport movements in and around the town centre. The site is located close to the

- north entrance to County Way, which provides access to several car parks, Barnsley College and the town centre.
6. Given the size of the proposed car park, with space for 115 vehicles, the daily movements to and from the site would markedly increase traffic volumes in the area. The access to the site would lie in between two railway bridges which cross Old Mill Lane and their abutments. These abutments greatly limit visibility along Old Mill Lane in both directions. The appellant proposes a signalised junction to address visibility issues and to manage right hand turns into and out of the site.
  7. The application was supported by a Transport Assessment<sup>1</sup> (the TA). The Council's position is that the TA is lacking in detail in several areas and so it has not been demonstrated that the proposal would avoid causing an unacceptable impact on highway safety and adverse conflicts with the free and safe flow of vehicles on Old Mill Lane. The Council's position on the TA was reached in the context of three sets of pre-application advice dated 18 January, 16 August and 15 October 2021<sup>2</sup>.
  8. The appellant commissioned a Peer Review of the TA<sup>3</sup>. This considered the TA in the context of the Council's position on the proposal, although it only references the first pre-application advice along with the Highway Authority response on the planning application<sup>4</sup>, the officer report and decision notice.
  9. In terms of the site access, a junction feasibility plan was submitted with the application. Both the Council and the Peer Review have identified a lack of detail with this plan relating to the geometry of the proposed junction, which I agree with.
  10. No swept path analysis has been included to demonstrate that a vehicle would be able to enter the site while one is waiting to exit. In my view, this should be confirmed given the importance of ensuring a free flow of traffic on what is a highly trafficked road that plays a significant role in the local highway network.
  11. The Design Manual for Roads and Bridges (DMRB) sets out standards which apply to the design, assessment and operation of motorways and all-purpose trunk roads. Manual for Streets 2 (MfS2) makes it clear that the strict application of DMRB standards to non-trunk routes is rarely appropriate for highway design in built up areas. Nevertheless, the Peer Review highlights that MfS does not contain formal design guidance for signalised junctions and considers it appropriate to use DMRB CD123 for the design of such junctions. However, the Peer Review identifies that the junction feasibility plan does not confirm whether the proposed junction has been designed in accordance with DMRB CD123.
  12. The submitted evidence identifies that it is not clear whether the proposed signal heads would be obstructed for approaching vehicles, nor is it possible to confirm for certain that the intervisibility between pedestrians and vehicles is appropriate. In addition, it is unclear how pedestrian access routes into the car park at the access point would be accommodated. To ensure that the proposal

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<sup>1</sup> Transport Assessment, August 2021, Inspire Design & Development Ltd

<sup>2</sup> Council's appeal statement, appendices 1, 2 and 3

<sup>3</sup> Peer Review of Transport Assessment, 29 March 2023, prepared by DLP Planning's Sustainable Development and Delivery team

<sup>4</sup> dated 22 September 2022

- would provide safe and suitable access to the site for all users, including also cyclists, clarity is needed on these matters.
13. I note the appellant's view that the detailed design of the signalised junction, including highway geometry, can be secured via a suitably worded planning condition. I do not agree with this position. Given that Old Mill Lane is a busy part of the road network and that the bridge abutments to either side of the entrance significantly limit visibility in both directions, it is necessary to be certain that a site access can be designed that is safe for vehicles and pedestrians. In other words, this is a matter that goes to the heart of the acceptability or otherwise of the proposal. At present, based on the submitted evidence and plans, I cannot be satisfied that it would be possible to provide a safe access for all. It is not therefore appropriate to leave such detail on the site access to a condition.
  14. The Council's evidence and the Peer Review concur that the traffic surveys undertaken to establish the baseline position could be more robust. I do not disagree with such a finding. Indeed, there is a lack of queue surveys, at least for the Old Mill Lane/Honeywell Street priority crossroad junction, and a more comprehensive approach to queue surveys is needed. The Peer Review indicates that queue surveys need not be as prohibitively costly as suggested by the appellant. In addition, no surveys on a Saturday were undertaken. Given the proximity of the site to the town centre, it would be reasonable to conclude that the car park would also be used at weekends. Weekends can generate different traffic patterns to that on a weekday and so it would be reasonable to have a baseline position for this period.
  15. There is also a concern about the factors that have been considered to establish traffic growth. The Planning Practice Guidance<sup>5</sup> states that *'it is important to give appropriate consideration to the cumulative impacts arising from other committed development (i.e., development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years). At the decision-taking stage this may require the developer to carry out an assessment of the impact of those adopted Local Plan allocations which have the potential to impact on the same sections of transport network as well as other relevant local sites benefitting from as yet unimplemented planning approval'*. It is unclear what regard the TA has given to the potential for such cumulative impacts.
  16. The Council has also raised concern about the data used to inform the junction capacity analysis. To my mind, these have not been sufficiently addressed in the appellant's evidence given the context of the Council's three sets of pre-application advice and the information contained therein.
  17. Due to the complex highway context in which the proposed car park and access point would need to fit within, it is necessary to ensure that an appropriate assessment is undertaken of the highway safety implications and effect on the highway network for all users. Having regard to the above, I cannot conclude that there would be no unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would not be severe.

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<sup>5</sup> Paragraph: 014 Reference ID: 42-014-20140306

18. Given the nature of the proposed use, inevitably journeys to the site would be by private motor vehicle. However, the proposal would generate additional pedestrian movements.
19. The TA contends that crossing needs to the south of Old Mill Lane would be minimal. This is because it is predicted that most pedestrian movements would be to the colleges on the north side of Old Mill Lane. In addition, users of the services and facilities to the south of Old Mill Lane, which includes the town centre, would be more likely to use the car parks which also lie to the south.
20. While this may be the case, the need for users of the proposed car park to cross Old Mill Lane to access the services and facilities to the south cannot be ruled out.
21. Near the site, Old Mill Lane is subject to a 30mph speed limit, has reasonably wide pavements on both sides and street lighting at regular intervals. The Council's evidence identifies that County Way offers the most direct link between the site and the town centre. There is a refuge island located just to the west of the County Way junction, but this is absent a call button or lights to indicate when it is safe to cross. Further to the west there are signal controlled crossing points at the A635/Victoria Road/Old Mill Lane junctions. There is a signalised pedestrian crossing a relatively short distance to the east near to the junctions with Bridge Street and Honeywell Street, which provide a route to the eastern side of the town centre.
22. I acknowledge that the TA has not provided an assessment of the potential impacts of additional pedestrian use of these crossing points on their capacity. However, while the crossing points may not be directly within a likely desire line for pedestrians, they do provide a range of crossing options to access the services and facilities in the town centre.
23. Furthermore, while appreciating that the proposal would increase both vehicles and pedestrians along Old Mill Lane, the accident data presented in the TA does not show a pattern that is clearly harmful to pedestrian safety. However, I appreciate that this is based on personal injury accident data for the period 2015 to 2019.
24. Drawing these points together, I am satisfied that in terms of crossing facilities for pedestrians, the proposal would be acceptable. However, in respect of the other matters addressed above, I conclude that the proposal has failed to demonstrate that it would not have an unacceptable impact on the safe and efficient movement of vehicles and pedestrians at the site and on the surrounding highway network. The proposal would therefore conflict with Policies T3 and T4 of the 2019 adopted Barnsley Local Plan (the Local Plan) where they require development to meet the needs of pedestrians and cyclists and expect new development to be designed and built to provide all transport users within the development with safe, secure and convenient access and movement. There would also be conflict with paragraphs 110 b) and 111 of the Framework, as summarised above.

#### *Sustainable Transport Modes*

25. The Council contends that, contrary to paragraph 110 a) of the Framework, no opportunities have been made to promote sustainable transport modes. The Council submits very little detail in respect of this area of concern.

26. Given the nature of the proposed use, the majority of people using the site would arrive by private motor vehicle. The site is close to the town centre and public transport facilities as well as the buildings associated with Barnsley College, and so most onward journeys would be undertaken on foot. The scope to provide opportunities to promote sustainable transport modes would be limited. Nevertheless, if I had been minded to allow the appeal, a condition could have been imposed to require bicycle parking facilities. In my view, this would represent an appropriate opportunity to promote sustainable transport linked trips, given the type of development and its location.
27. Consequently, I conclude that the proposal would not conflict with the requirements of paragraph 110 a) of the Framework, as set out above.

### **Other Matters**

28. The proposal would provide two full time equivalent jobs, but this would be a very limited economic benefit which would not outweigh the harm I have found.
29. I acknowledge that a previous proposal<sup>6</sup> for the formation of an access road to the site was approved based on a simple priority access junction. However, there is no evidence before me on the vehicle movements that would have been generated or the information that was submitted in support of that proposal. I cannot therefore draw any direct comparisons that would weigh in favour of the appeal proposal, which I have considered on its own planning merits.
30. I note the appellant's comments regarding the Council's handling of the proposal. However, in determining this appeal, I am only able to have regard to the planning merits of the case.

### **Conclusion**

31. I have found that the proposal would not be unacceptable in terms of the promotion of sustainable transport modes. However, I am unable to conclude that it would be possible to develop a car park at the site without unacceptable harm being caused to the safe and efficient movement of vehicles and pedestrians at the site and on the surrounding highway network. This is a matter of overriding concern and to this extent there would be conflict with the development plan when considered as a whole. Therefore, the appeal should be dismissed.

*F Wilkinson*

INSPECTOR

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<sup>6</sup> Reference 2012/0952