BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/1454

To Miss Suzanne Phillipson
First Floor, City Point
29 King Street
Leeds
West Yorkshire
L1 2HL

Proposal Improved access and service road, car park and associated works at retail park. (Resubmission)
At The Peel Centre Retail Park, Harborough Hill Road, Barnsley, South Yorkshire, S71 1JE

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 13 November 2009and described above.

The reason(s) for the Council's decision to refuse planning permission is/are:

1 The proposed improved service vehicle access would divert vehicles using an existing signalised junction to an egress, which is uncontrolled. Due to its close proximity to a traffic light controlled junction and its position on a steep incline the proposal would increase the potential for high speed rear end shunts and increased incidents of late lane change conflicts. The proposed junction would not overcome these concerns. The proposal would therefore be detrimental to the safe and free use of the highway and be contrary to Barnsley Unitary Development Plan policy T2.

2 The close proximity of the proposed improved service vehicle access to residential properties will lead to increased air and noise pollution as large vehicles accelerate away from a standing position up the steeply inclined Harborough Hill Road. The proposal would therefore be detrimental to residential amenity and be contrary to Barnsley Unitary Development Policy ES1.

3 All vehicles presently exit the Peel Centre via the traffic signals to travel west towards the A635 Old Mill Lane and north to the A61 towards Wakefield. The only egress from the proposed service vehicle access is left (south) onto Harborough Hill Road, a dual carriageway. In addition to service vehicles, the proposed access would serve the Enterprise Car Hire, a Christmas Park and Ride and future development. All the traffic from the access would be directed to the south towards the Alhambra roundabout and those going north or

Signed Stephen Moralee

Assistant Director, Planning and Transportation

Dated 17 December 2009

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PO Box 604, Barnsley, S70 9FE **Fax: 01226 - 772591**

west back down Harborough Hill Road. The Alhambra roundabout and the approach to it is subject to injury collision clusters and congestion. These are two sections of highway where further unnecessary traffic, especially slower moving vehicles should be discouraged. The proposals would therefore be detrimental to the safe and free use of the highway and be contrary to Barnsley Unitary Development Plan Policy T2.

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NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to refuse permission for the proposed development then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

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