



Appeal Decision

Site visit made on 20 December 2018

by **D Guiver LLB (Hons) Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2019

Appeal Ref: APP/R4408/W/18/3211433

26 Doncaster Road, Barnsley, South Yorkshire S70 1TL

- 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 Mr Bernard McNicholas against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2016/0180, dated 8 February 2016, was refused by notice dated 14 March 2018.
 - The development proposed is described as the last known use of the building was accommodation where it was used as a hostel for the homeless. The building is currently largely derelict apart from one section which is being used for residential accommodation by the owner (and applicant). The owner (and applicant) wishes to rent out parts of the building to companies and people who wish to use the building for use classes B1, B2 and D2.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the date of the decision the Barnsley Local Plan 2019 (the Local Plan) has been adopted and therefore this appeal is determined in accordance with that Plan. The Council now relies on Policy T4 of the Local Plan in place of the former Policy CSP 26 of the Barnsley Local Development Framework Core Strategy 2011 (the Core Strategy) referred to in the decision notice. The parties have had the opportunity to comment on the effect of the Local Plan on the decision and I have taken all comments into consideration in this decision.
3. Since the date of the Council's decision, the National Planning Policy Framework 2018 (the Framework) has been published and has effect. The parties have had the opportunity to make representations on the effect of the Framework on the application and I have taken all comments into consideration in this decision.

Main Issues

4. The main issues are whether the proposed development provides:
 - a) a safe and convenient form of access and movement for transport users; and
 - b) adequate and accessible on-site parking.

Reasons

Access and Movement

5. The appeal site comprises a three-storey, brick built L-shaped building and a small enclosed space bordered by the main structure, a number of outbuildings and a two-storey dwelling. The building was last in use as a hostel but currently stands empty. The surrounding area is largely commercial. The proposal is for the sub-division of the main building into eleven separate units authorised for use in Use Classes B1, B2 and D2 of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 (the Use Classes Order).
6. The site is located on the north eastern slope of a hill between Doncaster Road and Lambra Road. The gradient of the hill results in the ground floor of the property sitting three metres or so above the carriageway on Lambra Road, whereas Doncaster Road is roughly parallel with the building's second floor.
7. There are two potential access roads to the site. The upper access would be via a narrow cobbled drive from Doncaster Road wide enough only for one vehicle. This access road makes an unsighted turn in front of the dwelling adjacent to the site by a roughly right-angled bend between high walls before running along the south western boundary of the site. The proposal includes car parking for twelve cars accessed from this road. The car park would require the demolition of existing outbuildings and the construction of a substantial platform.
8. The lower access from Lambra Road climbs a narrow concrete ramp also wide enough only for one vehicle. The ramp rises beneath the main rear elevation of the building and passes a space at the end of the building adjacent to a gate giving access to the interior open space. The proposal is for this gate to provide access for a single disabled person's parking space.
9. Large vehicles, such as refuse collection trucks would not enter the site. The appellant states that large vehicles currently reverse onto the ramp and sometimes up to a point level with the gate for waste collection and deliveries to the rear of shops on Doncaster Road. The appellant states that a turning space could be provided here for cars and smaller delivery vehicles to enter the site and turn and leave in forward gear.
10. However, the site is restricted at this point by the internal gradient and would be further constrained if the car park accessed from the upper access road was built. Notwithstanding the reference to a turning area, vehicles manoeuvring into this space would have to execute a greater than 90° turn in a confined space or pass the gate and reverse into the interior area.
11. The south east of the site, which would also be the south eastern edge of the car park, the site is bounded by a steep and narrow strip of land described on the application drawings as an unmade road. This strip of land is between four and five metres wide and approximately 15 metres long but drops by almost four metres over its length. The surface is grass and dirt making it unsuitable for vehicular use, particularly in wet or icy conditions.
12. The upper and lower access roads are also connected through the car park to the rear of an MOT business fronting Doncaster Road. It appears from the evidence before me that the appellant does have access to this site through a rental agreement but has ruled out its use for the proposed development.

13. As neither the unmade road nor the car park appears feasible for vehicles to loop around the site, vehicles using the car park would have to enter and leave using the cobbled drive despite its narrow width and blind bend. Any conflict between oncoming vehicles could result in a collision or in one (or more) vehicles having to reverse along the narrow carriageway and either into the car park or out onto Doncaster Road. Visibility along the concrete ramp is more open but any vehicle parked in the disabled person's parking space would have to reverse out onto the ramp unsighted or (if reversed in) execute an unsighted greater than 90° turn.
14. If future occupiers were to park elsewhere or use public transport they would have to access the site on foot and there is no delineation or separation on either access road between vehicles and pedestrians. The potential mixing of pedestrians and vehicles and the narrowness of the roads resulting in probable traffic conflicts result in a substandard form of access whose use would pose an unacceptable risk to the safety of users.
15. Therefore, the proposal would not accord with Policy T4 of the Local Plan which seeks to ensure that developments are designed to provide all transport users within and surrounding a development with safe, secure and convenient access and movement.

On-site Parking

16. In addition to onsite parking spaces vehicles would require space within the site to turn so that they could enter and leave in forward gear. The proposal is for twelve parking spaces to be provided on a platform to be constructed on the southern half of the site with the entrance/exit from the upper level cobbled access road. An additional disabled person's parking space would be provided and entered from the lower access road. The current parking layout would not provide an adequate space for vehicles to turn.
17. The Council's Parking Supplementary Planning Document 2012 (the SPD) advises that developments permitted for Use Class B1 and B2 of the Use Classes Order should provide one on-site parking space for each 30m² of gross internal floor space. The appellant has identified two units that might fall within Use Class D2 of the Use Classes Order which would leave nine probable units within Use Class D1 or D2, though he accepts all eleven could be within those classes. The appeal site has a gross area of 860m² which would require between 23 and 29 on-site parking spaces in addition to turning space.
18. Alternative pay and display parking might be available on Doncaster Road or Lambra Road but these spaces serve the many shops and other businesses fronting onto these streets and use by future occupiers of the appeal site would prevent these spaces from being used by customers of these premises. At the time of my site visit only a few spaces were available and therefore any loss of space to future occupiers of the appeal site would result in other road users having to wait or drive around looking for alternative spaces. Moreover, as the appellant describes the proposal as being space for start-up businesses, recourse to daily on-street pay and display parking is unlikely to be a viable and attractive option.
19. Therefore, the proposal would not accord with Policy T4 of the Local Plan which seeks to ensure that developers take mitigating action to address any problems of safety or efficiency of the highway. The scheme would also not comply with

the requirements of the SPD in terms of the number of on-site parking spaces provided for developments including B1, B2 and D2 uses.

Other Matters

20. The Council was concerned to establish that the appellant had a right of access over the concrete ramp leading up from Lambra Road and requested revised plans showing the whole appeal site, including car parking areas within the red line. While these revised plans and confirmed right of access were not confirmed before the decision notice was issued, I am satisfied that the Council would have refused permission on the existing proposed site layout. Therefore, while the absence of accurate plans and proof of right of access are material considerations I have given them little weight in determining the appeal.
21. However, the appellant also states that there was a lack of engagement from the Council and had they been more proactive a solution to parking and access issues could have been identified. It may be that an acceptable site access and parking layout could be achieved at the site but I am required to determine this appeal on the basis of the proposal and plans before me.
22. The appellant's evidence largely comprises correspondence that shows an inordinate level of delay by the Council in determining the application. However, while the delay is unacceptable this does not affect the soundness of the Council's decision.
23. Policy T4 of the Local Plan does not differ from Policy CSP 26 of the Core Strategy in any material way that would impact on the proposal. While the Policy did not come into force until January 2019, it is the relevant Policy for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 1990. In any event, had this appeal been determined under the former Policy CSP 26 I would have reached the same conclusion on the main issues.

Conclusion

24. For the reasons given and taking account of all other material considerations, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR