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**2022/0293**

Applicant: Mr Wayne Hadfield

Description: Change of use of land to form surface car park (115 marked bays) and installation of associated traffic light controlled junction within Old Mill Lane

Site Address: Land at Old Mill Lane, Barnsley

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### Site Location and Description

The site is located between two railway bridges which cross the A635 Old Mill Lane which is to the north of Barnsley Town centre and forms part of a key trunk route between Barnsley and Wakefield. The site comprises of a narrow gated access onto Old Mill Lane which sits between two large retaining walls supporting the railway. The existing access leads into a large expanse of land the surface of which has been treated with loose road planings. Levels rise to the north where the site abuts Barnsley Colleges Honeywell campus. The rise in levels means that there are direct views from the site across the railway line on the eastern boundary to the terrace houses fronting Bridge Street.

The site has previously been used as an (unauthorised) surface car park. The site entrance is gated and opens onto a dropped crossing the highway boundary is defined in part by a stone wall.

The site is currently vacant.



### Planning Background

84/863/BA – Tipping of material and re-grading of land – Granted

85/1103/BA – Tipping of material and re-grading of land – Granted

87/0674/BA – Reclamation of land by tipping & regrading – Granted

2008/0315 – Formation of access road – Granted

2012/0952 – Formation of access road – Granted

2014/0315 – Formation of a car park (retrospective) – Refused planning permission for a car park for 48 cars on the grounds of poor visibility and highways safety. Appeal dismissed on 5<sup>th</sup> May 2015 (APP/R4408/W/15/3004608). The Inspector attached significant weight to the inadequacy of the access to allow safe and convenient access to right turning vehicles approaching from Old Mill Lane.

2015/1348 - Formation of Car Park Access – proposal for car park for 120 spaces refused on 21/04/16 on the grounds that the development was considered detrimental to Highway safety and the free flow of traffic, and that no evidence that a right of way had been secured to secure safe egress arrangements in perpetuity.

2017/0898 - Formation of car park and associated access/egress. Refused 21/11/2017. Appeal dismissed on 21<sup>st</sup> August 2018 (APP/R4408/W/18/3203140). The Inspector considered that the proposal would not provide a safe means of access and egress and would cause significant harm to highway and pedestrian safety.

There have been two previous historic approvals at the site 2008/0315 and 2012/0952, both applications for the formation of access road which related to the creation of a vehicle entrance. These related to relatively minor works to regularise the entrance that had previously existed. Fundamentally, the permissions were not tied to a change of use of the land, and they have not been lawfully implemented as there is no evidence that planning conditions have been discharged.

Subsequently, the site was operated some years ago as a car park without the benefit of planning permission. A planning application was submitted to regularise the unauthorised use of the land for a car park for up to 48 cars (2014/0315 formation of a car park (retrospective)) but was refused planning permission on the grounds of poor visibility and highways safety. The refusal was appealed (APP/R4408/W/15/3004608) and in dismissing the appeal, the Inspector attached significant weight to the inadequacy of the access to allow safe and convenient access to right turning vehicles approaching from Old Mill Lane. The unauthorised use ceased.

Application reference 2015/1348 was submitted which, although described as "formation of car park access", was in fact an application for a 120 - space car park, which proposed access from Old Mill Lane, and access and all egress from Honeywell Lane. Despite an amended plan being submitted to try to prevent right turning manoeuvres from Old Mill Lane, it was considered that the proposal still failed to successfully eliminate the prospect of vehicles performing right turn manoeuvres into the site at the Old Mill Lane entrance. Due to the amount of traffic generation associated with the proposed use, particularly during peak times, the development was still considered detrimental to highway safety and the free flow of traffic and was refused on 21/04/2016 for the following reasons:

*"In the opinion of the Local Planning Authority, the proposal fails to successfully eliminate the prospect of vehicles performing right turn manoeuvres into the site at the entrance. Further to this motorists, who are not prepared to perform may be encouraged to utilise the bellmouth of the County Way junction located to the west of the site entrance. In recognition of the levels of traffic generation associated with the proposed use, particularly during peak times, the development is considered detrimental to highway safety and the free flow of traffic. The development therefore fails to meet the requirements of policy CSP 26 'New Development and Highway Improvement.*

*The application identifies that the sites egress would be taken through third party land, however, there is no evidence that a right of way has been secured and there is no guarantee that the land-owner will permit a right of access in perpetuity. The inability to demonstrate safe egress arrangements is also considered to be contrary to the requirements of Policy CSP 26 'New Development and Highway Improvement' which requires developments to demonstrate safe, secure and convenient access for all road users.*

Application 2017/0898 again proposed a 120 space car park with a single point of entry from Old Mill Lane with egress taken via the College's Honeywell Campus onto Honeywell Lane and was not materially different to previous applications. Access and egress arrangements were considered inadequate to serve the proposed car park and would conflict adversely with the free and safe flow of vehicles along Old Mill Lane which forms part of the Strategic Road Network. The application was refused on the following grounds:

- 1 *In the opinion of the Local Planning Authority, the proposal fails to successfully eliminate the prospect of vehicles performing right turn manoeuvres into the site at the entrance. Further to this motorists who are not prepared to perform may be encouraged to utilise the bellmouth of the County Way junction located to the west of the site entrance. In recognition of the levels of traffic generation associated with the proposed use, particularly*

during peak times, the development is considered detrimental to highway safety and the free flow of traffic. The development therefore fails to meet the requirements of policy CSP 26 'New Development and Highway Improvement'

- 2 The application identifies that the sites egress would be taken through third party land, however, there is no evidence that a right of way has been secured and there is no guarantee that the land owner will permit a right of access in perpetuity. The inability to demonstrate safe egress arrangements is also considered to be contrary to the requirements of policy CSP 26 'New Development and Highway Improvement' which requires developments to demonstrate safe, secure and convenient access for all road users.

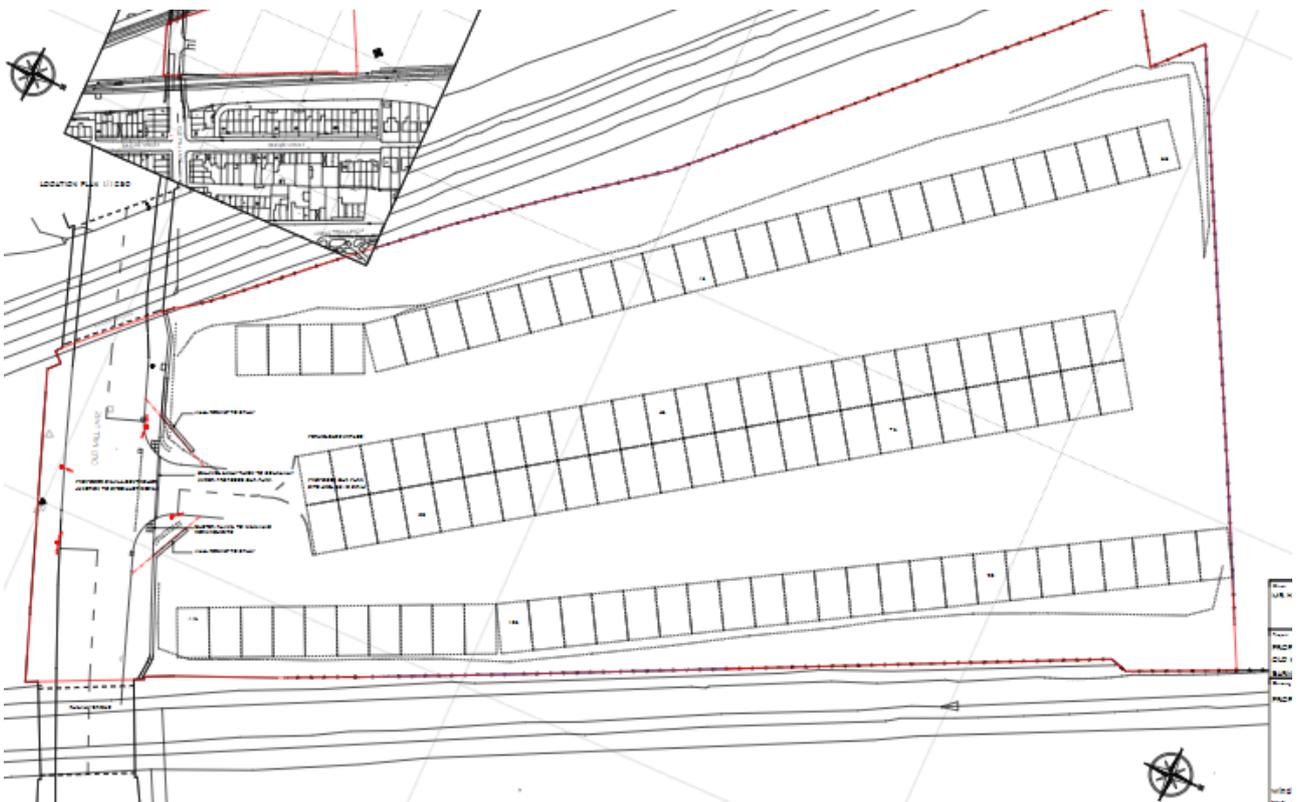
A subsequent appeal (APP/R4408/W/18/3203140) against refusal was dismissed, the Inspector finding that the proposal would be hazardous to the safe and free flow of traffic on this strategic route and would not be designed to provide a safe, secure and convenient access for all road users. Permission of the adjoining landowner had not been given so any permission could not be implemented. The Inspector also found that the historic permissions given for access (permissions 2008/0315 and 2012/0952) do not provide justification for the proposal.

### Proposed Development

Although the application form states that the site is "car park, Old Mill Lane" and that the existing use is "vacant, use as car park ceased following enforcement action", the site has never received planning permission for use as a car park and has never been lawfully used as a car park.

The current application 2022/0293 is seeking full planning permission for the formation of a 115 space car park and associated access/egress on approx. 0.71 ha land on the north side of Old Mill Lane with associated traffic-light controlled junction.

The proposals plans identify a single central point of access and egress from Old Mill Lane with a stone wall built to the access splay and a permeable surface to the car park.



The proposal would result in jobs for 2 full time employees.

Detailed pre-application advice was provided over a protracted period of time to the applicant which ultimately stated that the latest submitted Transport Assessment ( dated August 21) and traffic modelling processes were insufficient to evaluate the impact on the highway network, and that additional information would be required at the planning application stage to the junction design, in order to enable a full review to be undertaken, including but not limited: to full swept path analysis, junction intervisibility information, design compliance checklist and independent Stage 1 Road Safety Audit in order to maintain a safe and efficient highway network at the planning application stage.

## **Policy Context**

Planning decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise and the NPPF (2021) does not change the statutory status of the Development Plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven Masterplan Frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the Full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Relevant Policies:

### Local Plan

The site is designated as Urban Fabric in the adopted Plan and has no site specific policy. However, applications on Urban Fabric land should instead be assessed against all relevant Local Plan Policies.

GD1 - development will be approved if they are compatible with neighbouring land and 9 other forms of assessment criteria.

Policy T3 New Development and Sustainable Travel – new development will be expected to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists and provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant supplementary planning document.

Policy T4 New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

### NPPF 2021

Para 110 – In assessing applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;

Para 111 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.

Adopted Supplementary Planning Document (SPD) Parking

## **Representations**

The application has been advertised by way of a site and press notice, and neighbour notification letters.

Barnsley College has objected on the grounds of the installation of traffic lights on a major road in Barnsley which is already very slow moving at peak times of the day. Old Mill Lane already has a number of traffic lights and a further set coupled with increasing traffic from a new car park will exacerbate this. The location of the proposed traffic lights is close to an exit from one of the college sites and the college considers it would therefore affect their exit.

One objection has been received from a local resident who considers that Old Mill Lane is a very busy road especially at peak times when there is queuing traffic. The objector considers that as there is an existing car park on County Way, adding another would cause increased congestion. The objector also raised concerns about increased pollution.

On submission of the application, objections were received from all three Ward Councillors, one of whom has since stepped down. Objections from the Councillors were that previous applications were refused due to objections from highways officers and others due to traffic issues on access and egress; that traffic lights in this location would be inappropriate and would create major holdups on an already heavily congested road, particularly at rush hour; there is adequate parking on County Way with most college students having inadequate resources for cars and parking. Other comments from the Councillors included the observation that there is an existing Pelican Crossing between the junction of Bridge Street and Honeywell Street and further traffic which at times can cause congestion at the junction of Eldon Street.

## **Consultations**

Air Quality 05/05/22 – the development is unlikely to have an adverse impact on the health and quality of life of those living/working in the locality. No conditions are recommended.

Highways Drainage – no objection subject to planning conditions

Highways DC – Objects – insufficient information has been provided to be able to fully consider the application. Detailed pre-application advice was given which required additional information to be submitted with any application in order to fully assess all impacts. No additional information has been provided – discussed further in the report below.

Network Rail – no objection in principle

Pollution Control – no objections or conditions proposed

Regeneration – no comments

SYMAS – the site does not lie within a Coal Authority Referral Area and there are no objections

SY Police Architectural Liaison – no objections but recommends referral to "safer parking" scheme

Town Centre Car Parks - no comments received

## **Assessment**

### Principle

The application seeks to revisit proposals to permit the use of the land as a car park with a traffic light controlled access.

The site is allocated as Urban Fabric which has no specific allocation, and so will be assessed against relevant policies in the Development Plan. Policy GD1 states in this case that the principle of development is subject to an assessment against the 10 different criteria set out within the policy and consideration against other relevant Local Plan Policies.

In this case the previous refusals for a car park on this site and the Inspector's decisions in dismissing the two appeals against refusal for the creation of a car park for 48 cars (2014/0315) and for a car park of 120 cars (2017/0898) similar to the current proposal are material considerations. The Inspector's decisions in dismissing the appeals both refer to the "the inadequacy of the access to allow safe and convenient access to right turning vehicles approaching from Old Mill Lane". In addition, despite an additional proposed access and all egress through Honeywell Lane, the refusal of 2015/1348 for a car park for 120 cars was still found to be detrimental to highway safety and the free flow of traffic and supports the view that the access on Old Mill Lane is unacceptable due to Highway Safety reasons.

The current application shows the Old Mill Lane access to be almost identical to the refused application of 2015/1348 and 2017/0898. There does not appear to be anything materially different in either the contents of the application, nor in terms of the relevant material considerations which should be considered, other than the introduction of traffic light controls.

### Highway Safety

The site is located on the heavily trafficked, classified road (A635) which connects Huddersfield Road to Wakefield Road. The site is located between two bridges whereby visibility is restricted by their abutments.



Notwithstanding the immediate physical constraints of rail line structures, Old Mill Lane forms part of Barnsley's classified route network and holds local strategic significance in terms of transport movements in and around the town centre. In addressing any impact, all applications for development where a significant addition or change to traffic movements in this area will be required to present a detailed assessment of both the predicted network impact and buildability of any changes to the highway network. The reasons for this is the duty to maintain a safe and

efficient highway network and to inform potential investors of the likely scale of works required for consideration against the viability of planning application.

Objections have been received from the 2 current and one former Ward Councillors who consider this to be an inappropriate location for traffic lights and would lead to further congestion on an already busy road. The Honeywell College also has concerns about congestion and that the proposal would impact on its own exit nearby.

The proposal was the subject of a pre-application enquiry which was reviewed and responded to, based on several iterations of the Transport Assessment, with the final Transport Assessment being dated August 2021. The Highways Officer provided extensive and detailed comments as to why the Transport Assessment was insufficient in order to evaluate the impact on the highway network through the Transport Assessment and traffic modelling processes, and comments were provided requiring the provision of further information in order for a full assessment of the proposals to be undertaken should an application be forthcoming.

Furthermore, it was commented that additional information would be required in relation to the junction design in order to enable a full review to be undertaken including full swept path analysis, junction intervisibility information, design compliance checklist and independent Stage 1 Road Safety Audit. Whilst comments were not exhaustive, they provided the basis for what was required to enable evaluation of the proposals from a highways perspective should a formal planning application be submitted.

However, the current planning application was submitted with an unrevised Transport Assessment which does not include the additional information requested in the pre-application advice. Furthermore, on reviewing the documents submitted with the application, the Highways Development Control team requested the applicant to provide additional information to enable a full assessment of the proposal to be undertaken, including but not limited to: accident history, walking assessment, improved site access design, traffic surveys, queue length surveys, traffic growth, capacity assessment.

However, no additional information has been provided, and the applicant has requested, through an agent, that the application be determined on the basis of the information submitted.

As a full assessment cannot be undertaken due to lack of information, the proposal is contrary to Local Plan Policy T3 New Development and Sustainable Travel and T4 New Development and Transport Safety. It is also considered to be contrary to Para 110 of the NPPF in that a) no opportunities have been made to promote sustainable transport modes, and it has not been demonstrated that b) safe and suitable access to the site can be achieved for all users;

It is also considered to be contrary to Para 111 of the NPPF in that it has not been demonstrated that there would not be an unacceptable impact on highway safety, nor has it been demonstrated that that the residual cumulative impacts on the road network would not be severe.

### Residential Amenity

Consideration in this regard would be limited to disturbance arising from vehicle headlights. The sites elevated nature means that properties on Bridge Street could be susceptible to this. Whilst this may be a problem, it could be adequately mitigated against by the provision of boundary screening. However, given the unacceptability of the proposal from a highways context this matter should not be pursued.

### Air Quality

Whilst an objector had concerns about increased pollution, the Pollution Control Officer raised no objections.

## Summary and Conclusion

The application seeks full planning permission for the formation of 115 space car park in the same location and to the same design as previous failed applications but is now proposed to have traffic light controls.

However, the Transport Assessment submitted with the application is considered to be insufficient in a number of key areas and without the supporting surveys and information it cannot be determined if the proposal is acceptable in terms of highway safety, despite advice given at the pre-application stage, and subsequently, further information was also requested once the planning application was submitted.

The applicant has refused to provide the additional information and has requested through his agent, that the application be determined on the information submitted.

It has therefore not been demonstrated that access and egress arrangements would be adequate to serve the proposed car park, and so would conflict adversely with the free and safe flow of vehicles along Old Mill Lane which forms part of the local Strategic Road Network. It is therefore contrary to Local Plan Policy T3 New Development and Sustainable Travel Safety in that it does not meet the needs of pedestrians and cyclists or provide an acceptable Transport Assessment. It is also contrary to the provisions of Local Plan Policy T4 New Development and Transport Safety.

It is also considered to be contrary to Para 110 of the NPPF in that a) no opportunities have been made to promote sustainable transport modes, and it has not been demonstrated that b) safe and suitable access to the site can be achieved for all users.

It has also therefore not been demonstrated that the proposal would not result in an unacceptable impact on highway safety, and it has failed to demonstrate that the residual cumulative impacts on the road network would not be severe and is therefore also considered to be contrary to Para 111 of the NPPF.

The applicant makes reference to a 2012/0952 permission in the Design and Access statement (formation of access road – no use of the land was proposed at that time). However, the Inspector, in dismissing the appeal for 2017/0898 stated that past proposals for access (permissions 2008/0315 and 2012/0952) do not provide justification for the proposal. No material considerations have been put forward in this case to alter that view and no other material considerations have been provided to outweigh the concerns above.

## **Recommendation**

### **Refuse**