



PLANNING STATEMENT

LIDL GREAT BRITAIN LTD

LAND NORTH OF SHEFFIELD ROAD, HOYLAND



PLANNING STATEMENT

On behalf of: LIDL GREAT BRITAIN LTD

In respect of: Land north of Sheffield Road, Hoyland

Date: February 2023

Reference: 4241LE.R004.A

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Contents

1.0	INTRODUCTION	4
2.0	SITE DESCRIPTION AND CONTEXT	6
3.0	PROPOSED DEVELOPMENT	10
4.0	PLANNING POLICY CONTEXT	12
5.0	PLANNING ASSESSMENT	22
6.0	SUMMARY AND CONCLUSIONS.....	31

1.0 Introduction

- 1.1 This Planning Statement has been prepared on behalf of Lidl Great Britain Ltd to assist Barnsley Metropolitan Borough Council in its consideration of a planning application for the erection of a foodstore (Use Class E(a)) with associated access, car parking and landscaping on land to the north of Sheffield Road, Hoyland.
- 1.2 This Statement describes the site and provides an overview of the development proposed before considering the relevant planning policy framework and assessing the proposed development within that context.
- 1.3 This application has been made following the withdrawal of a previous application under reference 2022/0194 which was also for a Lidl foodstore. This application is therefore a resubmission of 2022/0194 accompanied by amended plans and additional supporting information; these will be discussed under Chapter 3 of this report.
- 1.1 This statement will be presented in the following structure following this introduction:
- Chapter 2 – Site Description and Context;
 - Chapter 3 – Proposed Development;
 - Chapter 4 – Planning Policy Context
 - Chapter 5 – Planning Assessment;
 - Chapter 6 – Summary and Conclusions.
- 1.2 This report is also accompanied by the following supporting documents and reports that should be read in conjunction with this planning statement.
- Application Forms and Certificates
 - Architectural Plans (SMR)
 - Design and Access Statement (SMR)
 - Planning Statement (DPP)
 - Retail Impact Assessment & Sequential Test (DPP)
 - Draft Heads of Terms (Knights)
 - Tree Survey and Arboricultural Impact Assessment (AWA)
 - Landscape Plans, including boundary treatments (FDA)
 - Tree Survey & Impact Assessment (FDA)
 - Air Quality Assessment (Wardell Armstrong)
 - Transport Assessment (BGH)
 - Draft Travel Plan (BGH)
 - Phase 1 & CMRA (GDP)
 - Preliminary Ecological Assessment (Tyler Grange)
 - Energy/Sustainable Statement (DDA)
 - Noise Impact Assessment (ENS)
 - Lighting Assessment (Signify)

- Flood Risk Assessment & Drainage Strategy (Weetwoods)

2.0 Site Description and Context

- 2.1 The site lies to the west of Hoyland and is approximately 6km South of Barnsley. In total, the site is approximately 0.86 hectares in size and was previously part of a large area of agricultural land. However, the construction of the Sheffield Road roundabout has isolated the land and forms the south and west boundaries of the site.
- 2.2 Immediately to the east, is Cross Keys Lane which provides access to an industrial site, which is currently home to GB Truck Services and Riverside Truck Rental. There are also a couple of dwellings present to the north.
- 2.3 In terms of access, there is currently no direct vehicle access onto the site. However, the site is well served by public transport with the closest bus stop located approximately 70m south east of the site. This provides a number of regular services to Wombwell, Elsecar and Broomhill. Approximately 136m from the site on the opposite side of the road is a bus stop that provides services to Barnsley Town Centre. The closest railway station is located approximately 2.85km from the site in Elsecar.

Flood Risk

- 2.4 A search of the Environment Agency's Flood Risk Map for planning identifies the entirety of the site within Flood Zone 1 which means it is at lowest risk of river or sea flooding.

Heritage

- 2.5 A search using Historic England's Map has identified that there are no sites of interest or statutorily recognised heritage assets within close proximity to the site.
- 2.6 The site is not located within or adjacent to a conservation area.

Planning History

Pre-Application

- 2.7 A request for pre-application advice on the proposed development of the site was submitted in August 2021 with reference 2020-ENQ-00514. This was followed by a subsequent written advice note issued in September 2021.

Previous application history

- 2.8 A search of Barnsley Metropolitan Borough Council online planning records has highlighted the following applications on the site:

Reference	Description	Decision
2022/0194	Erection of a foodstore (use class E(a)) with associated access, car parking and landscaping	Application Withdrawn
B/03/0517/H	Mixed use development comprising B1, B2, B8 uses, restaurant, hotel, public house and car showrooms (Outline)	Application withdrawn
B/94/1136/WO	Construction of new highway (Dearne Towns Link Road - Stage 1)	Due to the age of the application, there was limited information of the application's outcome

Withdrawn Application 2022/0194

- 2.9 An application was initially submitted by the applicant in February 2022 for the Erection of a foodstore (use class E(a)) with associated access, car parking and landscaping. Following comments received from Barnsley Highways, National Highways, the Environmental Health Officer, the scheme was amended in November 2022.
- 2.10 The amendment included the updating of the site access to be located further along Cross Keys Lane, closer to the southern elevation of the store. The landscaping scheme was also subsequently amended following the changes to the site access with additional tree planting proposed at the site entrance as well as the provision of a greater volume of shrubs along the sites borders. The access amendments also led to a revision to the car parking layout.
- 2.11 The elevations were also amended to reference local materials, utilising stone and render to create a design more suitable to a location BMBC view as prominent in line with urban design comments received.
- 2.12 Notwithstanding the above, following re-consultation some issues raised by consultees and the planning officer remained outstanding and therefore it was stated as the officer's intention to determine the planning application at the December Planning Regulatory Board (PRB) with a recommendation for refusal. The reasons for this recommendation were related to outstanding information as per the below:
1. Concern over large commercial vehicle access exiting the site and crossing over the centre line of the road.
 2. Exclusion of the visibility splay within the red line boundary.
 3. Loss of greenspace with no mitigation provided, either on-site or via a financial contribution.

4. The impact on amenity for residents living in the dwellings on Cross Keys Lane, with a particular focus on noise.
5. Lack of information regarding the retail impact on Hoyland Common.
6. The relationship between the proposed development and the dwelling to the north.
7. Impact on the character and appearance of the surrounding area, with a request that artificial stone be the material on the principle elevation.
8. Insufficient information on the mitigation for the loss of biodiversity in accordance with the national hierarchy.
9. Lack of a condition requiring post development certification that the BREEAM standard 'Very Good' will be achieved.

2.13 Given the above, the applicant withdrew application 2022/0194 in order to submit a new application which could provide further, comprehensive information that addresses these comments. These reasons, and the information submitted to address them, will be discussed in Chapter 5 of this report.

Relevant Planning History of Surrounding Sites

2.14 Additionally, the following sites are of note and on adjacent sites:

Reference	Description [location relative to the proposal site]	Decision
2020/1011	Proposed erection of 7 – E/B2/B8 units including car parking and cycle stores [Located to the west of the proposal site]	Approve with conditions
2020/0647	Hybrid planning application for a development up to 103,086sqm of employment uses (use classes B1/B2 and B8) and associated works including access roads, drainage and landscaping [located to the south across Sheffield Road]	Approve subject to legal agreement
2019/1573	Hybrid planning application for a development up to 102,193sqm of employment uses (use classes B1/B2 and B8) and associated works including provision of internal access roads, drainage and landscaping	Approve subject to legal agreement
2014/1516	Replacement and upgrade of A61 Birdwell Roundabout, realignment and upgrade links to the A61 Sheffield Road and to Junction 36 of the M1, construction of new balancing pond, to create a new roundabout junction to the east side of Birdwell Roundabout, carriageway	Approved

Reference	Description [location relative to the proposal site]	Decision
	re-alignment and tie-in to the A6135 Sheffield Road, construction of a new section of carriageway linking northwards, the creation of a second new roundabout junction connecting Rockingham Roundabout, inclusion of new spurs at Roundabout 1 and Roundabout 2 to facilitate links for future development and the creation of an additional slip road exit lane off the M1 at Junction 36.	

3.0 Proposed Development

3.1 This application proposes the erection of a foodstore (use class E(a)) with associated access, car parking and landscaping on land to the north of Sheffield Road, Hoyland.

Retail Format

3.2 Lidl has been developing stores throughout the UK since 1994 and currently operates almost 900 stores and 13 distribution centres nationwide. Lidl takes pride in providing its customers with the highest quality products at the lowest possible prices through Great Britain. Social responsibility and sustainability are at the core of the company's daily operations, with the company placing a strong emphasis on its responsibility for people, society and environment. Lidl is passionate about working with British producers and sources two thirds of its products from British suppliers.

3.3 This proposal forms part of the company's ongoing £1.3bn expansion and regeneration programme for 2021 and 2022 nationwide, which will deliver hundreds of new jobs locally and millions of pounds of investment. There are a number of factors which help to limit the impact of Lidl stores on existing town centre shops. These include:

- The limited number of product lines that their stores carry, with customers tending to visit other shops to meet day-to-day convenience retail needs;
- The fact that Lidl stores do not incorporate specialist butchery or delicatessen counters; and
- The comparison (i.e. non-food) goods offer in their stores, which varies significantly from week to week, and changes on a twice weekly basis, thereby dispersing any possible impact across a range of sectors.

3.4 A typical Lidl store will offer circa 3,000 product lines and, although it may increase further in future (up to c. 4,000), this is still significantly lower than the typical range of 20,000+ lines in a superstore operated by one of the big four convenience retailers. Subject to seasonal variation, Lidl stores dedicate around 20% of floorspace to the sale of 'comparison' goods (non-food) items, with the remaining floorspace being used for the sale of 'convenience' goods. Unlike other foodstore operators, they do not include in-store concessions or other ancillary facilities such as opticians, dry cleaners, bureaux de changes or cafes, which also helps to limit their impact upon existing town centres.

3.5 Lidl stores primarily seek to serve the immediate local community in which they are located, both in terms of their shopping function, and also in terms of employment. Lidl stores create up to 40 (full time equivalent) jobs, with staff being drawn from their local community, so that they can offer both a friendly and familiar staffing service to customers. They are committed to attracting customers from the local communities in which their stores are located and offer a free phone taxi service in each of its stores to assist those who have mobility difficulties in visiting the store.

Scale

- 3.6 The store will be single storey in height with a mono-pitched roof sloping towards Cross Keys Road. The highest part of the roof would sit 6.8m above ground level, falling to a minimum of 5m. The store will have a gross internal area of 1,900sqm and sales area of 1,267sqm.

Access

- 3.7 The store will be accessible via Cross Keys Lane with a new access located in the south-east corner of the site. This proposal will also retain the junction between Cross Keys Lane and Sheffield Road alongside improvements to a 7.3m wide road with 2m footways.
- 3.8 100 parking spaces are proposed including 6 disabled spaces and 9 parent and child spaces. 2 Electric Vehicle Charging Point (EVCP) will be provided providing rapid charging facilities to 2 parking spaces.

Layout

- 3.9 The proposed store will be located adjacent to the eastern boundary of the site. The store will be orientated parallel with Cross Keys Lane with the store entrance located in the south -east corner. The services area is proposed to be located to the north-east of the site. Parking will be adjacent to the south -west, west and northern boundaries of the site.
- 3.10 The building follows a standardised layout found in most Lidl stores with approximately 1,267sqm of internal sales space, 433sqm of warehouse, and 200sqm of ancillary space.

Appearance

- 3.11 The southern elevation will be glazed to address the junction and entrance to the site whilst the remaining elevations will be white and grey cladding and artificial stone. The building follows a standardised layout found in most Lidl stores.

Landscaping

- 3.12 A comprehensive landscaping scheme has been prepared by FDA. It includes new and replacement planting to the site boundary and within the car park in addition to numerous retained trees around the site to provide an attractive setting and a biodiverse. Some trees are earmarked for removal from the site to facilitate the proposed development. It is currently proposed that 74 trees or tree groups would be removed, with all of these being young and semi-mature, category C for retention; which means of an average quality. 53 trees will be planted to mitigate this loss.

4.0 Planning Policy Context

National Planning Policy Framework (NPPF) – July 2021

- 4.1 The NPPF was updated in July 2021 and sets out the Government’s proposed economic, environmental and social planning policies for England. This is an iteration of the earlier Framework which was published in July 2018. The NPPF carries forward the Government’s commitment to supporting sustainable economic growth and indicates that significant weight should be placed on the need to support economic recovery through the planning system.
- 4.2 The NPPF confirms in **Paragraph 2** that applications for planning permission will be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.3 It confirms that the NPPF must be taken into account as a material consideration in planning decisions.

Achieving Sustainable Development

- 4.4 The NPPF in **Paragraph 7** defines Sustainable Development as “meeting the needs of the present without compromising the ability of future generations to meet their own need”. It also sets out three overarching objectives of sustainable development, which are interdependent and need to be pursued in mutually supportive ways. At **Paragraph 8**, these overarching objectives are economic, helping to build a strong, responsive and competitive economy; social, to support strong, vibrant and healthy communities; and, environmental, to contribute to protecting and enhancing our natural, built and historic environment.

The presumption in favour of sustainable development

- 4.5 **Paragraph 11** of the NPPF states that: plans and decisions should apply a presumption in favour of sustainable development.
- 4.6 For decision making this means approving development proposals that accord with an up-to-date development plan without delay and where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
- The application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this NPPF taken as a whole”.

Decision Making

- 4.7 At **Paragraph 38**, the NPPF indicates that local planning authorities should approach decisions on proposed development in a positive and creative way. It indicates that they should work

proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

- 4.8 Through **Paragraphs 55 and 56**, the NPPF outlines that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It also indicates that conditions should be agreed early on and can be beneficial to all parties and can speed up decision making; it also states that conditions which are required to be discharged before development commences should be avoided, unless there is a clear justification.

Ensuring the vitality of town centres

- 4.9 Section 7 of the NPPF ensures the vitality of town centres. **Paragraph 86** states that “planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.”.
- 4.10 **Paragraph 87** indicates that “planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered.”
- 4.11 **Paragraph 88** states that “when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”
- 4.12 **Paragraph 90** states that when assessing proposed town centre uses outside town centres, which are not in accordance with an up to date plan, local planning authorities should require an impact assessment if the development is over proportionate, locally set floorspace threshold. “This should include assessment of:
- i) The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - ii) The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).”

Promoting healthy and safe communities

- 4.13 Section 9 of the NPPF indicates that the planning system should actively manage patterns of growth.

- 4.14 **Paragraph 99** states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- i) an assessment has been undertaken which has clearly shown the open space, buildings, or land to be surplus to requirements; or
 - ii) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- 4.15 **Paragraph 110** places particular emphasis on the need to provide appropriate opportunities to promote sustainable transport modes that can – or have been – taken up, given the type of the proposed development; that safe and suitable site access can be achieved for all users; and that any significant impacts on the transport network (in terms of capacity and congestion) can be cost effectively mitigated to an acceptable degree.
- 4.16 **Paragraph 111** goes on to state that “developments 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.”

Making effective use of land

- 4.17 Section 11 seeks to ensure that developments make effective use of land. At paragraph 120, it states that “(planning policies and decisions should) promote and support the development of under-utilised land and buildings”.
- 4.18 Further, at **Paragraph 122**, the NPPF states that “planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:
- i) They should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or if appropriate, deallocate a site which is undeveloped; and
 - ii) In the interim, prior to updating the plan, applications for alternative uses should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.”

Achieving well designed places

- 4.19 Section 12 seeks to achieve well-designed places. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It sets out that good design is a key aspect of sustainable development, creates better place in which to live and work and helps make development more acceptable to communities.

Meeting the challenges of climate change, flooding and coastal change

- 4.20 Section 14 of the NPPF indicates that the planning system should support the transition to a low-carbon future and take full account of flood risk and coastal change.
- 4.21 The NPPF establishes that new development should be planned for in ways that:
- i) “Avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - ii) “Can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.”

Conserving and enhancing the natural environment

- 4.22 Section 15 of the NPPF sets out that the planning system should contribute to the natural and local environment by protecting and enhancing valued landscapes.
- 4.23 The NPPF establishes that inappropriate development in areas at risk of flooding should be avoided by “directing development away from areas at highest risk, but where development is necessary making it safe without increasing flood risk elsewhere”.

Barnsley Local Plan (2019)

- 4.24 The site lies within Barnsley Metropolitan Borough Council’s jurisdiction. The development plan consists of the Local Plan which was adopted in January 2019 and the Joint Waste Plan adopted in March 2012.
- 4.25 As part of the Policies Map, the land is shown as part of the Urban Fabric meaning the site has no specific allocation but is not within the Green Belt.
- 4.26 Further afield from the site, an approximate 8.9 ha area of land to the west and north is allocated as Employment Land (site reference ES14) and will be brought forward as part of a masterplan for the area. Substantial highways infrastructure investment has occurred to facilitate this allocation.
- 4.27 To the southeast is Hoyland Common Local Centre which is approximately 270m away at the junction of Sheffield Road and Hoyland Road.



Figure 1: Extract from the Adopted Policy Map showing employment allocations in purple and housing allocations in orange. Note that the old road network is still shown.

- 4.28 Policy SD1 outlines that a positive approach which reflects the presumption in favour to sustainable development within the NPPF will be taken when assessing development proposals.
- 4.29 Policy GD1 General Development identifies how proposed developments will be approved if
- “No significant adverse effect on the living condition and residential amenity of existing and future residents
 - they are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;
 - adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and
 - to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas.”
- 4.30 Policy LG2 gives priority to development in the following locations: Urban Barnsley; Principal towns (which Hoyland is identified as); and villages.
- 4.31 T3 New Development and Sustainable Travel suggests that new development will be expected to:
- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists; provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document;

- provide a transport statement or assessment in line with guidance set out in the National Planning Policy Framework and guidance including where appropriate regard for cross boundary local authority impacts; and
 - provide a travel plan statement or a travel plan in accordance with guidance set out in the National Planning Policy Framework including where appropriate regard for cross boundary local authority impacts. Travel plans will be secured through a planning obligation or a planning condition.
- 4.32 T4 New Development and Transport Safety expects new development to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.
- 4.33 T5 Reducing the impact of road travel aims to reduce the impact of road travel by:
- Developing and implementing robust, evidence based air quality action plans to improve air quality;
 - working with our sub regional partners, fleet and freight operators to improve the efficiency of vehicles and goods delivery, and reduce exhaust emissions; and
 - implementing measures to ensure the current road system is used efficiently.
- 4.34 As per Policy D1, High Quality Design and Place Making, development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, whilst also making a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.
- 4.35 Within Policy LC1 Landscape Character, it is outlined that development will be expected to retain and enhance the character and distinctiveness of the individual Landscape Character area in which it is located.
- 4.36 Policy TC1 Town Centres requires a sequential approach to assess proposals for new retail and town centre development to support the spatial strategy for the Borough and focus development on identified centres. Edge of centre and out of centre development will only be allowed where it meets the requirements of NPPF.
- 4.37 Policy TC3 Thresholds for Impact Assessments outlines how proposals for retail and leisure uses will be required to provide an impact assessment if they are of a scale, role or function where they could have a negative impact on the vitality and viability of the centre and are:
- i) Located outside the Primary Shopping Area of a District Centre and are:
 - Within the catchment of a District Centre, and
 - Have a floorspace in excess of 1,000 square metres gross
- 4.38 Policy GS1 Green Space aims to improve existing green space within the Borough. Green Spaces are recognised as green open areas which are valuable for amenity, recreation, wildlife or

biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments, woodlands, recreation grounds, sports pitches and parks.

- 4.39 Policy GS2 Greenways and Public Rights of Way outlines protection for Green Ways and Public Rights of Way from development that may affect their character or function.
- 4.40 Policy BIO1 Biodiversity and Geodiversity states that development will be expected to conserve and enhance the biodiversity and geological features of the borough.
- 4.41 Policy CC1 Climate Change outlines how Barnsley Metropolitan Borough Council aim to reduce the causes of and adapt to the future impacts of climate change by:
- Giving preference to development of previously developed land in sustainable locations; Promoting the reduction of greenhouse gas emissions through sustainable design and construction techniques;
 - Locating and designing development to reduce the risk of flooding; Promoting the use of Sustainable Drainage Systems (SuDS);
 - Promoting and supporting the delivery of renewable and low carbon energy; and
 - Promoting investment in Green Infrastructure to promote and encourage biodiversity gain.
- 4.42 Within Policy CC2 Sustainable Design and Construction development is expected to minimise resource and energy consumption through the inclusion of sustainable design and construction features, where this is technically feasible and viable. All non-residential development is also expected to achieve a minimum standard of BREEAM 'Very Good' (or any future national equivalent).
- 4.43 Policy CC3 Flood Risk requires site-specific Flood Risk Assessments (FRAs) aims to reduce the extent and impact of flooding by:
- "Requiring site-specific Flood Risk Assessments (FRAs) for proposals over 1 hectare in Flood Zone 1 and all proposals in Flood Zones 2 and 3;
 - Expecting proposals over 1000 m² floor space or 0.4 hectares in Flood Zone 1 to demonstrate how the proposal will make a positive contribution to reducing or managing flood risk; and
 - Expecting all development proposals on brownfield sites to reduce surface water run-off by at least 30% and development on greenfield sites to maintain or reduce existing run-off rates requiring development proposals to use Sustainable Drainage Systems (SuDS) in accordance with policy CC4"
- 4.44 Policy CC4 Sustainable Drainage Systems expects all major development to use Sustainable Drainage Systems (SuDS) to manage surface water drainage, unless it can be demonstrated that all types of SuDS are inappropriate.
- 4.45 Policy RE1 Low Carbon and Renewable Energy expects all developments to incorporate initially appropriate design measures, and thereafter decentralised, renewable or low carbon energy

sources in order to reduce carbon dioxide emissions in order to be compliant with carbon compliance targets as defined in the Building Regulations.

4.46 Policy CL1 Contaminated and Unstable Land outlines how proposals should be accompanied by a report which shows that investigations have been carried out to work out the nature and extent of contamination or stability issues and the possible effect it may have on the development and its future users, the natural and historic environment. This policy also sets out detailed measures to allow the development to go ahead safely including, as appropriate:

- removing the contamination;
- treating the contamination;
- protecting or separating the development from the effects of the contamination; and
- addressing land stability issues resulting from former coal mining activities.

4.47 A per Policy Poll1 Pollution Control and Protection, development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

4.48 Policy I1 Infrastructure and Planning Obligations requires development to be supported by appropriate physical, social, economic and communications infrastructure, including provision for broadband; whilst also contribute towards necessary on and off-site infrastructure requirements to enable development to take place satisfactorily. Where the necessary provision is not made directly by the developer, contributions will be secured through planning obligations. Where appropriate, pooled contributions will be used to facilitate delivery of the necessary infrastructure.

Supplementary Planning Documents (SPD)

4.49 Relevant SPDs to this proposed development include:

- Biodiversity and Geodiversity;
- Residential Amenity and the siting of buildings;
- Sustainable Travel;
- Parking;
- Planning Obligations;
- Trees and hedgerows; and
- Development on Land Affected by Contamination.

Biodiversity and Geodiversity (May 2019)

4.50 This Supplementary Planning Document offers guidance to anyone seeking to develop land which may have, or is in proximity to a site that has, value for biodiversity and/or geological conservation.

- 4.51 Appendix C of this document outlines how retail development can provide biodiversity features that are proportionate to the size of the development, the proposed impacts of the site and in relation to nearby habitats.

Residential Amenity and Siting of Buildings (May 2019)

- 4.52 This SPD applies to the consideration of planning applications for non-residential buildings in proximity to existing residential properties.
- 4.53 Paragraph 2.2 states “For a development to make a positive impact it needs to be successfully integrated into the wider built environment in which it is located. To do this effectively new developments must fit in with their surroundings in terms of height, spacing, massing, landscaping and design (e.g., choice of materials, details such as position of windows, architectural features, walls/fences) and not cause undue loss of amenity to existing residents. In this respect outlook, amenity, privacy and daylight/sunlight are considered. Good design, layout and landscaping should be the aim of everyone involved in the development process.”
- 4.54 Paragraph 3.7 states “1) Any building at single or two storey height should be a minimum 25m from the windows of any habitable rooms in any nearby dwelling or the distance required by the 25 and 45 degree rules for access to daylight, whichever is the greater”.

Sustainable Travel (November 2019)

- 4.55 This Supplementary Planning Document (SPD) primarily supplements Local Plan Policies T1 Accessibility Priorities, T3 New Development and Sustainable Travel and I1 Infrastructure and Planning Obligations.
- 4.56 Specifically referring to retail development, this SPD outlines 10% of spaces will be required to provide electric vehicle charging. This guidance outlines how a Transport Assessment/ Travel Plan is required for retail development over 800sqm.

Parking (November 2019)

- 4.57 This SPD sets out the recommended number of parking spaces for a development. Below extract relates to the parking spaces required for an A1 Food Retail unit (now classed as use class E(a).

Table 1 Numbers of spaces recommended*			
Use	Urban Barnsley	Borough wide (excluding Urban Barnsley)	Threshold above which standard applies*
A1 Shops			
Food Retail	1 space per 14-25 m ²	1 space per 14-20 m ²	1000 m ²

- 4.58 The council also requires the provision of electric vehicle charging infrastructure with a minimum of 10% of parking in commercial/retail development to have electric charging facilities.

- 4.59 Disabled Parking is viewed in line with the British Standard, BS8300, "Code of Practice for the design of buildings and their approaches to meet the needs of disabled people".

Planning Obligations (November 2019)

- 4.60 This document supplements Local Plan policy I1 Infrastructure and Planning Obligations.
- 4.61 Paragraph 4.1 sets out how contributions may be required towards sustainable travel.

Trees and Hedgerows (May 2019)

- 4.62 The Trees and Hedgerows SPD confirms that a Tree Survey should be submitted with a planning application where trees and hedgerows are situated in close proximity to a proposed development.
- 4.63 The document contains further advice pertaining to the amount of detail required within the Tree Survey.

Development on Land Affected by Contamination (November 2019)

- 4.64 The Development on Land Affected by Contamination SPD supplements Local Plan Policy CL1 Contaminated and Unstable Land.
- 4.65 Detailed requirements are provided through a Technical Guidance outlined in Appendix 1.

Good practice planning guidance – Air Quality and Emissions (March 2020)

- 4.66 This Technical Guidance provides a template for integrating air quality considerations into land-use planning and development management policies that can influence the reduction of road transport emissions.
- 4.67 This document outlines the air quality assessment process, the associated impact assessment required and appropriate mitigation and compensation measures.
- 4.68 The proposed development is adjacent to the M1 motorway which this SPD recognises as an Air Quality Management Area (AQMA). Air quality mitigation measures are recommended.

5.0 Planning Assessment

5.1 The planning policy review has established the national and local planning policies which are of relevance to the consideration of the proposed development. This section will now consider the development against the principle of development and other material considerations.

Principle of Development

Land Use

5.2 Through Barnsley's Local Plan, the site is unallocated however falls within the designated settlement limits of Hoyland and Birdwell. The site is therefore outside of the Green Belt, though is a greenfield site. Surrounding the site are residential dwellings and an employment use to the east, a sports club to the south, and a major road junction and employment allocation to the west. To the south and north were open fields however these have an employment allocation and have been developed out under application references 2020/0647 and 2017/1094 respectively. The site is therefore surrounded by built up land on all sides.

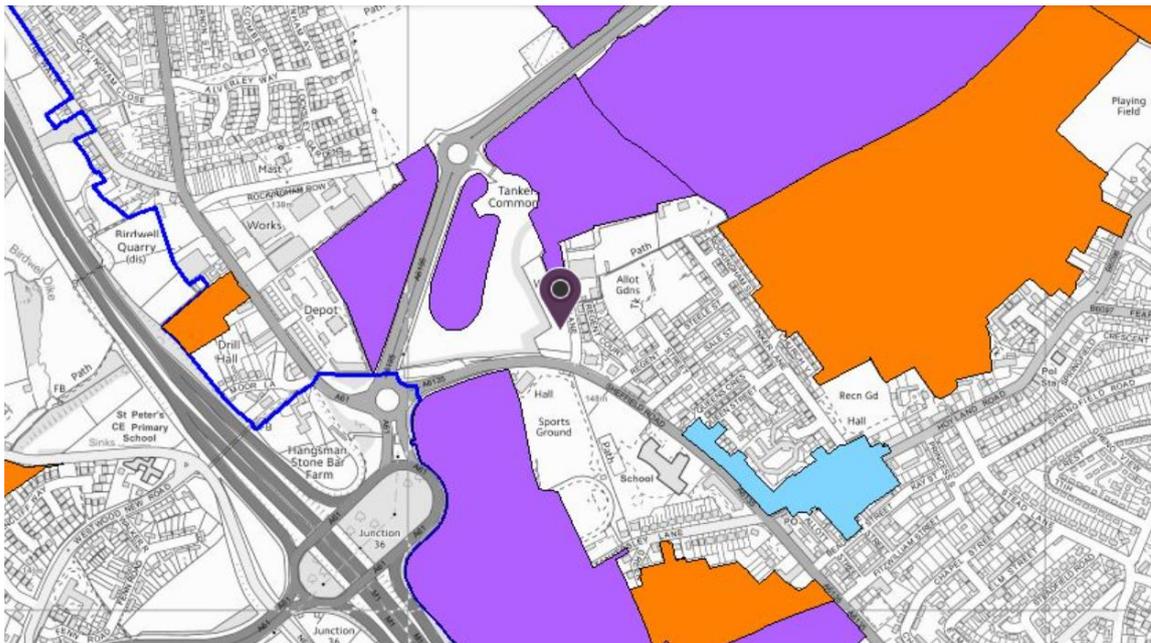


Figure 2: Local Plan extract showing the site (purple marker), Hoyland Common Local Centre (light blue), settlement boundary (dark blue line), and residential (orange) and employment (purple) allocations.

- 5.3 As the site is unallocated, the consideration of the site for retail purposes does not constitute a departure from the Local Plan as it is not contrary to any land use policies or the strategic aims of the Plan.
- 5.4 The Local Plan also makes clear that the nearest centre of any type is the local centre of Hoyland Common, which is approximately 230 metres to the southeast. Moving up in the hierarchy, the nearest district centre is Hoyland, approximately 2.1km away, whilst Barnsley Town Centre is approximately 5.7km to the north. The site is therefore an edge-of-centre location as defined

within national guidance and, regardless of the acceptability of the proposal from design or other matters, a Retail Impact Assessment (RIA) and Sequential Test will be required as per paragraphs 87 and 88 of the NPPF and Policy TC1 of the Local Plan. This assessment is the subject of a separate document but will be discussed briefly in this planning statement in the following sections.

- 5.5 In addition to having to pass the RIA and Sequential Test, policy GD1 states that development proposals will be approved if there is no significant adverse effect on the living conditions or residential amenity of existing future residents. Proposals must also be compatible with neighbouring land, not affect the potential for development of the wider area, minimalization and mitigation of environmental affects, and provide adequate access for all users. As such, these matters will need to be assessed, and should no adverse impacts arise, permission should be granted.
- 5.6 These matters were confirmed during the 2022/0194 planning application and the suggested reasons for refusal will form the basis of the assessment against planning policy. Should all of these issues be resolved, then the proposed development is acceptable in planning policy terms.

Highways

- 5.7 The first two reasons listed within the PRB delegated report for application 2022/0194 related to highways. They were:
- 10. Concern over large commercial vehicles exiting the site and crossing over the centre line of the road, and
 - 11. Exclusion of the visibility splay within the red line boundary.
- 5.8 Both of these matters were stated to be contrary to Policy T4 of the Local Plan which states that planning applications should be refused if they do not sufficiently mitigate against matters of safety and highway design resulting from development.
- 5.9 In order to address these issues, a revised Transport Assessment and Travel Plan have been prepared by Bryan G Hall, the former of which sets out the discussions on the proposed access to date and the suggested solutions. These documents should be read in full prior to the determination of the application and are considered to address the first reason listed.
- 5.10 To summarise the changes, a revised alignment of the proposed footway and junction of Cross Keys Lane, as per drawing number 20/369/TR/006 Rev C, has been proposed. Vehicle tracking on this plan shows that an articulated lorry of maximum legal length would be able to enter and exit the site without obstructing oncoming vehicles and with minimal traversal across the centre line. It is therefore considered that the proposed revised access is acceptable and compliant with Policy T4 of the Local Plan.
- 5.11 In addition to this, the red line boundary under plan 7579-SMR-00-ZZ-DR-A-2003-A3-C4 has been shown to account for the visibility splays from Cross Keys Lane and demonstrates no

obstructions, thereby ensuring highways safety. It is therefore concluded that the second reason has been addressed and is compliant with Policy T4.

Loss of Greenspace

5.12 The third reason listed in the PRB report under application 2022/0194 related to the fact that the Council considered the site as contributing towards the greenspace for Hoyland and that the loss of this was not sufficiently mitigated for, either through an off-site replacement or a financial contribution. The reason, in full, is as below:

3. *“The proposal results in the loss of greenspace in a location where there is a deficit. Local plan policy GS1 indicates that in such circumstances permission will not be allowed unless an appropriate replacement green space is provided. No such provision is made by the proposal nor has the applicant agreed to a specific sum of money in compensation for loss of greenspace to be used by the Council to improve the quantity or quality of greenspace. Accordingly, the proposal is in conflict with the requirements of policy GS1.”*

5.13 The existing site is privately owned and surrounded by a fence, therefore inaccessible to the public. There are no Public Rights of Way (PRoW) that run through the site, with the closest running along the northern and eastern boundaries.

5.14 Policy GS1 ‘Green Space’ is used to define what constitutes a green space and it does so as such:

“Green spaces are green open areas that are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments, woodlands, recreation grounds, sports pitches and parks.”

5.15 The policy goes on further to state that any loss of ‘green space’, or land last used as ‘green space’, will not normally be allowed unless:

“– An assessment shows that there is too much of that particular type of green space in the area which it serves, and its loss would not affect the existing and potential green space needs of the borough; or

“- The proposal is for small scale facilities needed to support or improve the proper function of the green space; or

“- An appropriate replacement green space of equivalent or improved quality, quantity and accessibility is provided which would outweigh the loss.”

5.16 Given the above policy definition, it is clear that the site does not constitute a ‘green space’ as it is a privately owned site that is inaccessible to the public. The supporting ecological documentation submitted as part of this application also show that the site has a low ecological potential with no high quality habitat. As such, it is considered that the proposals do not

constitute a loss of green space. This is backed by the lack of inclusion of the site in the 2016 natural and semi natural areas.

- 5.17 Notwithstanding the above, discussions held with the planning officer during the determination of application 2022/0194 highlighted that it is the Council's view that the site constitutes greenspace and therefore either on-site replacement or a financial contribution would be required. This is confirmed through the third reason for refusal above.
- 5.18 With this in mind, it is evident that on-site replacement greenspace is not possible, by virtue of the proposed layout and car parking arrangement, and whilst landscaped areas are proposed they are not functional as greenspace. As such, off-site provision is required and it is therefore proposed to contribute towards the improvement of nearby open space instead.
- 5.19 Whilst the exact purpose of an off-site contribution can be discussed during the planning application process, we have reviewed six nearby greenspaces as designated on the proposals map in order to understand what the area would benefit from. The six sites include:
- King George Playing Fields
 - Rockingham Sports Ground
 - Parkside Road Recreation Ground
 - Clough Fields Road Greenspace
 - Milton Forge Greenspace
 - Birdwell Recreation Ground
- 5.20 Of these, King George V Playing Fields, Clough Fields Road Greenspace, Milton Forge Greenspace, and Birdwell Recreation Ground were found to have a good level of play equipment which was of a good quality. Sports pitches, or their informal grassed area equivalent, were found to be of a decent quality however King George V Playing Fields were found to be uneven, whilst Rockingham Sports Ground had no line markings at the time of the visit.
- 5.21 A large section of Clough Fields Road Greenspace was found to be overgrown and therefore unusable but it is unknown as to whether this has been left to 're-wild' on purpose or not. Parkside Road Recreation Ground was found to be entirely fenced off and inaccessible to the public. It is acknowledged that this area had previously been utilised in association with the development sites south of Sheffield Road but it is unclear whether there are any future plans to locate play equipment or a park in this location.
- 5.22 With the above in mind, it is therefore proposed that a financial contribution is secured by a legal agreement in order to further improve one or more of the above greenspaces, either via the provision of play equipment where there are none, or the installation of improved sports pitch facilities. Whilst the final detail will be determined by the Council, a financial contribution to this end has been listed on the submitted Draft Heads of Terms.
- 5.23 Given the above, it is therefore considered that the inclusion of a financial contribution to improve nearby play and/or sports facilities is sufficient to remove the third reason listed in the

PRB report and to outweigh the loss of greenspace on the site, thus weighing positively in favour of the proposals.

Impact on Regent Court

5.24 The fourth reason listed in the PRB report was stated as follows:

4. *“The proposals results in the significant intensification in the use of Cross Keys Lane by cars and lorries, to the rear of dwellings fronting onto Regent Court. This would be incompatible with the reasonable quality of life of the neighbours and would cause unacceptable harm to residential amenity, contrary to the requirements of local plan policy GD1.”*

5.25 In order to address the above reason, a Noise Impact Assessment (NIA) has been carried out by ENS in support of the planning application. The purpose of the NIA was to determine the existing ambient noise levels on Cross Keys Lane and compared this to the levels anticipated following the completion and occupation of the new Lidl store. The assessment considered the noise from plant and equipment on the future store, the noise from deliveries, and the noise from vehicle movements.

5.26 The NIA demonstrates that, with appropriate mitigation in the form of 2.4m solid timber fencing, the noise from plant and equipment, as well as deliveries, will not detrimentally impact surrounding residents. This was a matter confirmed under application 2022/0194.

5.27 With regards to the noise from vehicle movements, the NIA has utilised the anticipated vehicle trips estimated by the Transport Assessment to consider a worst-case scenario of 250 trips during the Saturday daytime peak hour. Compared to the ambient noise levels recorded, the increase to the residents of Regent Court will be +1 dB during the busiest period of the store. As per the guidelines for carrying out NIAs, this impact represents a negligible impact in that vehicle noise may be heard but will not cause any change in behaviour or attitude, or see a perceived change in the quality of life.

5.28 It has therefore been demonstrated that the proposed store will not have a detrimental impact on the surrounding residents and would not cause unacceptable harm to residential amenity, thereby being compliant with Policy GD1 of the Local Plan.

Retail Impact Assessment

5.29 The fifth reason listed in full is below:

5. *“The submission does not include adequate information in the submitted retail impact assessment to enable a proper assessment of the impact of the proposed development on the nearby centre Hoyland Common, contrary to the requirements of the National Planning Policy Framework and Local Plan policy TC3. Consequently, it has not been demonstrated that the vitality and viability of Hoyland Common will be maintained in accordance with the requirements of Local Plan policy TC1.”*

- 5.30 As already discussed, a RIA has been submitted in support of this application which demonstrates that the proposed development will not have an adverse impact on any of the identified centres within the catchment area. The RIA also takes into account the comments made on behalf of the Co-op under application 2022/0194 and it is therefore considered that this reason has been addressed.
- 5.31 Notwithstanding this, we are open to a review of the RIA by an independent retail expert on behalf of the Council should they consider it necessary.

Impact on Dwelling to the North

- 5.32 The sixth reason listed in the PRB report related to impact on the dwelling to the north:
- 6. The submission does not include adequate information about the relationship between the proposed development and the dwelling to the north, contrary to the requirements of SPD Residential amenity and the siting of buildings and local plan policy D1. Consequently, it has not been demonstrated that the proposal will secure a high standard of residential amenity for the existing dwelling to the north."*
- 5.33 The above reason has been addressed by plan 7579-SMR-00-ZZ-DR-A-2005-13-C4 which demonstrates that the rules regarding building distances and overshadowing, as set out in the Residential Amenity and the Siting of Buildings SPD, have been complied with. When combined with the proposed mitigation in respect of noise along the northern boundary it is therefore clear that the amenity of the dwelling to the north of the site will be protected.

Proposed Design

- 5.34 The seventh reason listed related to the fact that the site sits in a prominent location adjacent to a roundabout on a main route into Hoyland. In full, it states:
- 7. "The submission does not include adequate information to demonstrate that the design of the proposed store would have sufficient regard to the character and appearance of the surrounding area or would adequately respond to this prominent location at the entrance to Hoyland."*
- 5.35 This matter was discussed at length during planning application 2022/0194 and it was requested by the Council that artificial stone became the prominent material on the development. Options for this were circulated as part of the planning discussions and the option which was agreed was that of the elevation plans titled 7579-SMR-00-ZZ-DR-A-2103-A3-C2. These show artificial stone on the principal elevation and store entrance facing south.
- 5.36 In addition to this, additional tree planting and soft landscaping has been proposed with the aim of softening the view when driving or walking along Sheffield Road. It is considered that these improvements and the use of artificial stone will better reflect the character of the area and ensure that the visual appearance of the development once complete will be attractive.

Biodiversity Net Gain

5.37 The eighth reason listed in the PRB report was stated as such:

8. *“The submission does not include sufficient information to demonstrate that the national mitigation hierarchy approach to evaluation to the impacts of the loss of biodiversity on site has been followed and accordingly the proposal is in conflict with local plan policy BIO1.”*

5.38 In support of this planning application, an Ecological Impact Assessment (EIA) has been prepared by Tyler Grange to understand the impact of the proposed development on the existing habitats and understand the loss in units. To summarise the EIA, the proposed development will result in the loss of 4.26 habitat units due to the site layout and hardstanding.

5.39 As the whole site is being utilised as proposed, it is not possible to off-set these units on-site and therefore an off-site contribution is proposed. This solution is compliant with Policy BIO1 of the Local Plan which states that the national mitigation hierarchy of avoid, mitigate, compensate must be followed.

5.40 The proposed development is therefore compliant with Policy BIO1.

BREEAM

5.41 The final reason listed within the PRB report related to the requirement for all major non-residential developments to meet BREEAM standard ‘Very Good’. In full it was stated that:

9. *“The applicant’s failure to agree to a condition requiring a post development certification that the Breeam standard ‘very good’ has been achieved means that the applicant has not demonstrated that the proposal will comply with policy CC2.”*

5.42 In support of this application a BREEAM Pre-assessment indicating that the proposed development can achieve BREEAM ‘Very Good’ has been submitted. The applicant is committed to providing a sustainable store and will accept a condition on any approval requiring that BREEAM ‘Very Good’ is achieved. This is therefore compliant with Policy CC2 of the Local Plan.

Other Material Considerations

5.43 In addition to the reports mentioned above, a full suite of documents have also been submitted in support of the planning application, all of which were previously submitted under application 2022/0194.

5.44 These include an Air Quality Assessment, a Coal Mining Risk Assessment, a Phase 1 Ground Conditions Report, and a Drainage and Flood Risk Assessment. These documents should be read in full prior to determination of the application but their acceptability and that of the proposed development is evident by the discussions had to date through application 2022/0194. It is therefore considered that these matters do not constitute a reason for refusal.

Electric Vehicle Charging

- 5.45 The Council's Sustainable Travel SPD states that a minimum of 10% of car parking for commercial or retail units should be provided with electric vehicle charging points (EVCPs); this amount is consistent with the Council's Air Quality and Emissions Good Practice Planning Guidance.
- 5.46 However, the policy guidance does not state the power required for each EVCP and therefore the usual approach for developers and new schemes is to install standard 7kW chargers. Whilst car battery sizes vary, 7kW chargers can fully charge a Tesla Model 3 (the best-selling car in the UK for 2021) in approximately 8-12 hours. These 'slow chargers', whilst useful for installation at homes and offices, are relatively ineffective to meet the needs of consumers who will be shopping at the future store and may require a significant charge within the time it takes to undertake supermarket shopping.
- 5.47 As such, Lidl's approach to EVCPs is to install 50kW chargers that are five times more powerful and therefore five times quicker than 7kW chargers. In comparison, 50kW chargers can charge a Tesla Model 3 to 80% within an hour. This means they can charge approximately 48 vehicles within a 24 hour period from just two car parking spaces.
- 5.48 The result of using these fast chargers means that more vehicles can be charged when compared to the standard slow chargers. For example, 11 EVCPs as per the policy requirement installed with 7kW chargers would charge a total of 33 vehicles over a 24 hour period compared to the 48 vehicles that two 50kW chargers would achieve. The result is that the proposed EVCPs exceed the capacity of the slow charging spaces required by policy. The two 50kW spaces therefore demonstrate a 15% EVCP policy equivalent provision. The table below shows these calculations.

Type of Charger	Charges per space (24 hr)	No. of spaces	Total charges per 24 hour
7kW 'slow charger'	3	11 (if policy compliant)	33
50kW 'fast charger'	24	2	48
Difference	+21	-9	+15

Table 1: Comparison of charger type and speeds

- 5.49 In addition to this, Lidl have proposed passive infrastructure provision of a further 20 EVCPs should future demand require it. Any additional spaces brought forward in the future are intended to be served by the standard 7kW chargers.
- 5.50 The proposals therefore exceed the aims of the SPD and provide a 7kW equivalent of 15% EVCPs through the provision of two 50kW chargers. This will then be further exceeded should any of the passive EVCPs be converted.

5.51 This approach demonstrates Lidl's commitment to be a front runner in the strategic implementation of EVCPs in order to help the transition to a low carbon future and meet the demands of climate change.

6.0 Summary and Conclusions

- 6.1 This planning statement has been prepared by DPP on behalf of Lidl Great Britain Ltd to support a planning application for the erection of a foodstore (Use Class E(a)) with associated access, car parking and landscaping on land to the north of Sheffield Road, Hoyland.
- 6.2 Through analysis of the previous application under reference 2022/0194 and the Planning Regulatory Board report, the statement has demonstrated that all previously outstanding matters and reasons for refusal have been dealt with and that the proposed development is acceptable.
- 6.3 The supporting information, including the Retail Impact Assessment, have also demonstrated that there are no other material considerations which preclude development and that, on planning balance, the planning application should be approved.
- 6.4 In summary, the application for a new foodstore will benefit the local area by increasing food shopping choice, bring additional investment to the area, provide additional employment for the area, and provide improvements in the form of off-site contributions for both biodiversity and greenspace.
- 6.5 The proposals have been proved to comply with the policies contained within Barnsley Metropolitan Borough Council's Local Plan, the relevant SPDs, and the NPPF. Therefore, planning permission should be granted without delay.