



The Planning
Inspectorate



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Your Ref:

Our Ref:

Date:

APP/R4408/A/10/2136180/NWF

2 November 2010

Dear Sir / Madam

**Town and Country Planning Act 1990
Appeal by Hartwood Estates Ltd
Site at Hangmanstone Depot, Birdwell, Barnsley, S70 5TR**

I enclose for your information a copy of the appellant's statement and third party correspondence on the above appeal. Normally, no further comments, from any party, will now be considered.

Yours sincerely

Sheila Parkin

211L(H&I)

You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -
<http://www.pcs.planningportal.gov.uk/pcspportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button



Town and Country Planning Act 1990

Appeal by Hartwood Estates Limited against the imposition of a condition by Barnsley Metropolitan Borough Council in respect of the requirement for a ghost island right turn lane in relation to mixed use development comprising activities within Classes A1, A2, A3 and A5 of the T & CP (Use Classes) Order on the site of the Hangmanstone Depot, Sheffield Road, Birdwell, Barnsley

Local Planning Authority reference: 2009/1259

Planning Inspectorate reference: APP/R4408/A/10/20136180/NWF

Pre-Inquiry Statement pursuant to the provisions of Rule 6 of the Town and Country Planning Appeals (Determination by Inspectors)(Inquiries Procedure)(England) Rules 2000

1 THE APPEAL SITE

- 1.1 Reference will be made at the Inquiry to the general location of the site in relation to surrounding development. A full description of its characteristics and of the nature of the locality and the various activities which it accommodates will be given. The position of the site in relation to the general pattern of development in the area in which it is located will be discussed in detail.
- 1.2 Particular reference will be made to the nature of the access arrangements serving other developments of a mixed, varied nature in this section of Sheffield Road. Also, the general road network circumstances relating to the site and proposed entrance being within a section of the road between a traffic roundabout and bend such that these features have a traffic calming influence resulting in recently measured road speeds confirming that the 30mph speed limit which applies is not abused will be described.

2 THE PROPOSAL

- 2.1 At the Inquiry and/or within the Statement of Common Ground a full description of the proposal as submitted and of the manner in which the development will appear and operate when implemented will be given. Reference will be made to the manner in which the proposal has evolved through a series of discussions with the Local Planning Authority either within

the scope of an earlier application of a similar nature which was withdrawn prior to determination or since then.

- 2.2 Similarly, it will be demonstrated that eventually agreement was reached with the Authority in terms of the nature of the development and its appropriateness in this location where there is considered to be a localised gap in the provision of such services. Moreover, it will be shown that there is no dispute between the Authority and the appellant company in terms of elements such as the design and internal layout of the development as well as the mix of uses. Also, it will be clarified that there is no argument between the parties in terms of the appropriateness of the development in relation to the highway network generally in terms of capacity etc.

3 PLANNING HISTORY

- 3.1 Reference will be made at the Inquiry to any relevant planning history of the site and locality, in particular to application reference 2008/0561 which related to a similar mix of uses but a greater amount of development which was withdrawn prior to determination by agreement. A comparison of the elements contained within the development as proposed at that earlier time will be undertaken especially in the context that it was significantly different in terms of traffic generating activity and peaks etc but was subject to the same consultation response from the Highway Authority.

4 DEVELOPMENT PLAN

- 4.1 An investigation of the relevant Development Plan policy which is contained in the Adopted Barnsley UDP will be undertaken.
- 4.2 It will be demonstrated that the proposal which forms the subject of this appeal is in accordance with the relevant policies and provisions of the Development Plan.

5 CIRCULAR AND PLANNING POLICY GUIDANCE AND OTHER GOVERNMENT ADVICE

- 5.1 At the Inquiry reference will be made as appropriate to the advice contained in Planning Policy Guidance Notes and Circulars which have any bearing on the consideration on the matters which form the subjects of the appeal and the way in which they should be approached by the decision maker.

- 5.2 It will also be demonstrated that an assessment of the proposal and the access arrangements relating to it undertaken by a qualified professional reveals that the requirement for the ghost island right turn lane is not supported by the relevant Government advice. In that context, the relevant documents are '*Manual for Streets*' (2007); '*Manual for Streets 2: Wider Application of the Principles*' (published by the Chartered Institution of Highways and Transportation in September 2010 as a companion guide to the above and endorsed by the Department for Transport) and the '*Design Manual for Roads and Bridges*'. Accordingly, it will be shown that the imposition of a specific condition (6a) requiring this provision as part of a package of highway improvements prior to the development being brought into use is not supported by any defensible highway operational or road safety reason or purpose.

6 THIRD PARTY REPRESENTATIONS AND STATUTORY CONSULTATIONS

- 6.1 At the Inquiry reference will be made to any responses which have been or are received from third parties where they are of relevance to the consideration and determination of the matter. In particular, reference will be made to the general support for the development which was expressed by local residents in the form of a petition and other individual submissions.
- 6.2 Also reference will be made more particularly to the responses of the statutory consultees which were generally supportive of the proposal.

7 CONDITIONS

- 7.1 In the normal manner of things, the Authority would produce a schedule of conditions which it would prefer in the event that the appeal is allowed. Obviously, as this has not yet been produced I would wish to reserve the right to comment on it when it is, but in this instance, as the appeal is specifically directed at condition 6a which is considered to be inappropriate and therefore its removal is all that is effectively sought by way of the appeal, obviously the remainder of those that were imposed on the original consent are those which are considered to be appropriate and would therefore be acceptable.

8 OTHER MATERIAL CONSIDERATIONS

- 8.1 The appellant reserves the right to respond on any other matters of relevance which arise out of the Authority's submissions and to refer as appropriate to

any development comparisons, appeal decisions, High Court and Court of Appeal judgements or other statements of authority which are of assistance.

LIST OF DOCUMENTS

Planning history

1. All documents and correspondence relating to the application and the appeal which has been subsequently lodged, the planning history of the site and various activities relating to it especially the correspondence which has been exchanged with the Authority in respect of it. Necessarily, reference will also be made as and if appropriate to all of the correspondence surrounding the earlier application reference 2008/0561 which was withdrawn by agreement.

Planning Policy

2. The Adopted Barnsley UDP

National Guidance

3. PPS1: Delivering Sustainable Development
4. PPS4: Planning for Sustainable Economic Growth
5. PPG13: Transport
6. Manual for Streets (2007)
7. Manual for Streets 2: Wider Application of the Principles (September 2010)
8. Design Manual for Roads and Bridges

Other Material Considerations

9. Any relevant appeal decisions, application decisions, High Court or Court of Appeal judgements, development comparisons or other statements of authority.

ian baseley associates

Appeals/FinHangmanstoneDepotResubApp/2

October 2010

**PRIEST ROYD FARM,
Birdwell,
Barnsley,
South Yorkshire,
S70-5UA**

Telephone: 01226-743232.

10th October, 2010.

Your ref: APP/R44o8/A010/2136180/NWF,

For the kind attention of The Planning and Transportation Department,

Dear Sirs,

Re - Town and Country Planning Act Appeal by Hartwood Estate Ltd.

It has come to my notice that The Hartwood Estate Ltd., have raised some objections to the conditions of their planning application reference 2009/1259., although the notice has not come from yourselves as I would have expected as I raised several objections to the first planning application.

Surely they did not expect not to have to find some traffic alterations in the event of such a big project they were considering. In the interest of road and pedestrian safety there will have to be some changes. The ones suggested by your planning committee seem to be quite sensible as the road is quite narrow where their entrance is to be; and all necessary alterations of lighting, road signing, drainage and resurfacing seem to be entirely in order to me, even the measures required to prevent parking and loading on the main road for their entire site frontage. I really cannot see why they are appealing against such conditions, unless of course they expect the council to provide these?? Do they think that the large number of customers they are anticipating are going to WALK into their premises?? Surely they will have sorted some sensible car parking out actually on their premises, and not be expecting people to park on the A.61 to load their shopping or for the delivery vehicles who will supposedly supply these premises to unload on the A.61?? I think I suggested an entrance and/or exit for larger vehicles to be onto the Dearne Valley Link Road at the rear of these premises, where there is already a roundabout supposedly for a link to be made there. I sincerely hope that you refuse planning application for the A.61 is already a very busy road, and for an exit and entrance onto it simply seems to be an accident waiting to happen.

I am enclosing three copies of my letter, and hope you will forward them to the proper planning inspectorate as requires by yourselves and please is it possible to let me have a copy of the decision notice at your convenience.

Thank you,

Yours faithfully,
P.p. Mr. & Mrs. A. A. Pickering

C. A. Pickering
C.A. Pickering (Mrs.)

Enclosed Three copies of letter.

FKA Steven Kirkham,
The Planning Inspectorate,
Room 3/13a eagle
Temple Quay House,
2 The Square,
Temple Quay,
BRISTOL, BS1-6PN.

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S70 5XF

The Planning Inspectorate
Room 3/13a eagle
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

12 October 2010

Dear Sir

REF:APP/R4408/A/10/2136180/NWF

**TOWN AND COUNTRY PLANNING ACT – APPEAL BY: HARTWOOD
ESTATE LTD**

**PROPOSAL: Mixed use development comprising uses within A1 (shops)
A2(financial & professional services), A3 (Restaurants) and A5 (hot food take
away) at HANGMANSTONE DEPOT, SHEFFIELD ROAD, BIRDWELL S70
5TR**

Further to our original objection regarding the above development that the council should have forward to you, we are now writing regarding the appeal against the conditions imposed against the planning application ref 2009/1259 with Barnsley Council.

We are residents of Birdwell and find accessing the main A61 Barnsley to Sheffield road, horrendous. During the last 2 weeks the A61, with the exceptions of the weekends, the road has been congested between the hours of 07.15 and 08.30 every morning. The reasons being are the volume of traffic at the roundabout (some 100 yards from the proposed development) where the A61 joins the A6195 and A635 and then within 50 yards enters the roundabout for the M1 junction 36.

Between the hours of 08.00 and 18.00 hours there is a nursery opposite the development site, and from 18.00 till late there is a theatre (at the side of the nursery) which brings extra traffic through the village at other periods of the day.

Throughout the day there is heavy traffic including HGV, buses and cars flowing through the village continuously making crossing the road and entering from side roads etc difficult. We feel if the above development continues then there will be an

increase in traffic on the A61 and will make driving conditions more difficult potentially causing an increase of road traffic accidents.

We urge you to back the council and uphold the conditions, in the interest of road safety and to try to alleviate any further delays for the residents of Birdwell.

Please acknowledge our representation and forward a copy of the decision notice when it is available.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mr & Mrs Cherrett', written in a cursive style.

MR & MRS CHERRETT