2022/0660

Yorkshire Water

Installation of payment machine, ANPR camera and solar panel, battery box and associated infrastructure

Langsett Flouch Car Park, Langsett

Planning History

B/90/1566/PR – Provision of car park and picnic area – approved.

Although not a previous application at this site, an application has been submitted to the Peak Park (their reference NP/B/0622/0824) for a similar scheme at Langsett Barn Car Park. This site is close to the boundary with BMBC and as such we have been consulted on the application although it would be up to the Peak Park to determine. At the time of writing this report that application remains undetermined

Description

The site mainly consists of a tarmac and gravel car park accessed off the A616 as can be seen from the photos below:









The site is mainly in open surroundings with no dwellings in the immediate vicinity of the site. As can be seen from the aerial view below, there are some trees along the boundaries of the site although there are still vies in from the road. The car parking area is linked to a crossing via a path to allow access into Langsett reservoir (at the bottom of the aerial photo below). However, this crossing does not have any lights or markings and therefore there is no requirement for vehicles to slow down for this crossing



Proposed Development

The proposal involves the installation of a pay and display machine, one ANPR camera on a pole of up to a maximum height of 4m with an associated battery box, and associated infrastructure and signage to allow for charging of the car park where it is currently free to park. The measurements of the various items are given below:

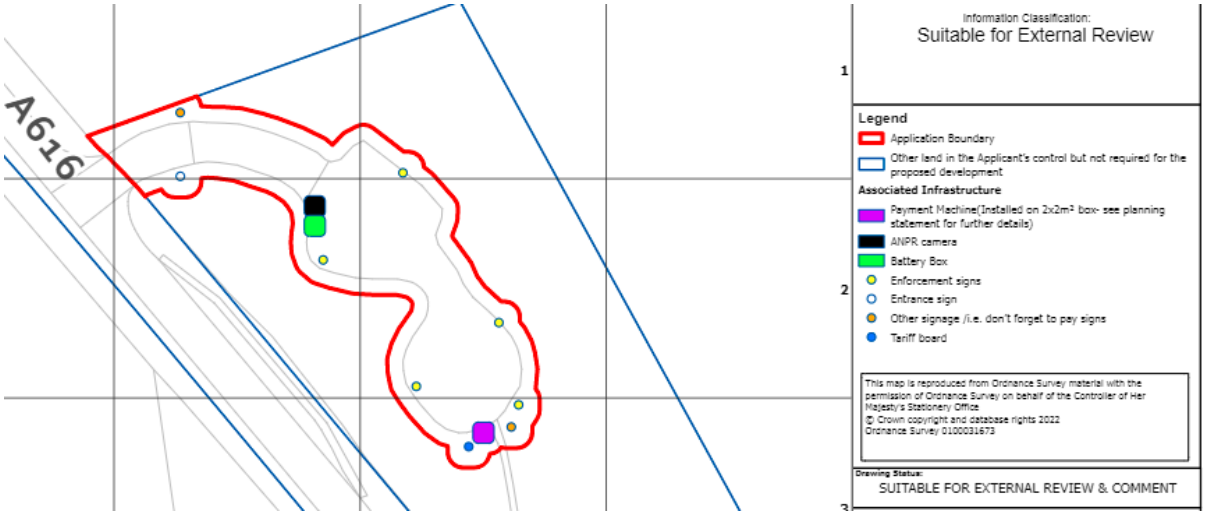
- Pay and display machine 475mm (width) x 378mm (depth) x 1714mm (height)
- ANPR camera 163mm (width) x 145mm (depth) x 164mm (height). The camera would be positioned on a post with a maximum height of 4m
- Battery box 600mm (width) x 500mm (depth) x 700mm (height)

The scheme also indicated the erection of signage as follows:

- Entrance sign – 420mm x 594mm
- Tariff sign – 913mm x 1219mm on a post with a height of 1.8m
- Enforcement signs (x5) – 600mm x 600mm on a post height of 1.2m

However, the application that has been submitted is for planning permission only and not for additional advertisement consent. Given the dimensions of the entrance sign this could be considered to benefit from deemed consent under Schedule 3, Part 1, Class 2 of The Town and Country Planning (Control of Advertisements) (England) Regulations as this advertisement does not exceed 0.3 sq.m in area. The tariff signs and enforcement signs would exceed this area requirement and are not considered to have deemed or express consent. It is therefore considered that separate advertisement consent would therefore be needed for these elements and as such they are not considered in the assessment of this application.

The plan below shows the proposed positioning of the infrastructure:



Policy Context

The site is allocated within the Green Belt within the Barnsley Local Plan proposals map.

The Local Plan was adopted on the 3rd of January 2019.

Local Plan Policy GB1 – Protection of Green Belt
Local Plan Policy GD1 General Development
Local Plan Policy D1 High Quality Design and Place Making
Local Plan Policy T4 – New Development and Transport Safety

SPDs

Parking

NPPF

In respect of this application, relevant policies include:

13. Protecting Green Belt Land

Paragraph 138 of the NPPF states that: Green Belt serves five purposes:

Green Belt serves five purposes:
a) to check the unrestricted sprawl of large built-up areas;
b) to prevent neighbouring towns merging into one another;
c) to assist in safeguarding the countryside from encroachment;
d) to preserve the setting and special character of historic towns; and
e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 149 states:-

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are
a) buildings for agriculture and forestry;
b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
e) limited infilling in villages;
f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:–

not have a greater impact on the openness of the Green Belt than the existing development; or–

not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The NPPF defines previously developed land as: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Paragraph 150 states:

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

a) mineral extraction;

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Consultations

Highways BMBC – Concerns raised, see more details in report

National Highways – offer no objections

Langsett Parish Council – object to the application for the following reasons:

- Problem of displaced parking
- Displaced parking on local roads especially near local residents houses and Gilbert Hill which is a small, steep rural road
- Lack of consultation from YW
- Detrimental impact to local businesses
- Potential for chaotic paring leading to emergency vehicles struggling to get through and cars having to be towed away
- Speed of road means concerns over safety if people park on road
- Detrimental impact to grass verges and stone walls from displaced parking
- Increase in litter
- Lack of public transport access meaning people have to use their cars
- Disappointed that application put in in august during holiday season

MP Cates has also written in and objected on the following grounds;

- Displacement of cars leading to dangerous situation on A616, difficulties for local residents and threatens viability of local businesses
- Put off people using facilities because can't afford it denying them a health and recreation facility
- YW should fund rangers through own resources and not charge the public

Cllr Kitching has written in and objected on the following grounds:

- Safety of highway network impacted from displaced parking
- Detrimental impact on local businesses
- Detrimental impact on local residents
- YW failed to engage with residents
- High charges for short term parking
-

Cllr Lowe-Flello has indicated herself and two local councillors are not in favour of the scheme.

Representations

11 letters of objection have been received raising the following concerns:

- Would encourage on-street parking to the detriment of highway safety
- Environmental damage to side if roads from displaced parking
- Increase in traffic fumes from cars having to brake and manoeuvre around vehicles
- Local businesses suffer as people use their car parks
- No YW public consultation on charges
- Consultation period should be for longer

Assessment

<u>Principle of development</u>

The site is situated within the Green Belt as allocated within the Barnsley Local Plan. Paragraph 139 of the NPPF states that:

"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 147 states that:

"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

New buildings should be regarded as constituting inappropriate development unless the proposals are for one of a number of specified exceptions. In this case the proposals are not a typical 'building' as they consist of a number of structures to be used to allow for charging of the car park. However, Section 336 of the Town and Country Planning Act defines a building as "any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building" It is therefore considered that the structures fall within this definition and would need to fall within one of the exceptions to not be classed as inappropriate development. In this case there are 2 categories where it could be perceived that the works could fall into which are:

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

or

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:– not have a greater impact on the openness of the Green Belt than the existing development;

If it is considered that the works would fall within one of the above categories then the structures need to preserve the openness of the Green Belt. In this case, as can be seen from the pictures in this report, apart from the gates into the car park, the car park itself has a very open character with few structures apart from the small wooden posts outlining the boundaries of the car park. The introduction of the proposed structures, in particular the 4m high pole for the camera and the 1.7m high payment machine, would appear as prominent structures at odds with the open character. Whilst there are trees around the boundaries of the site the entrance is open and this would be where the camera and pole would be highly visible especially from traffic heading south on the A616. It is not essential for the additional equipment to be installed to allow the car park to function as a car park as it does this now. It is also not considered that it is essential for the proposed equipment to be installed to allow charging of the car park as this could be carried out by other means e.g. the use of a warden. As such the equipment is not seen as essential to this site and would add in structures that would appear as prominent structures compared to the appearance of the existing car park and therefore would not preserve the openness of the Green Belt. As such the development would be considered as inappropriate development in the Green Belt.

The applicant has not put forward any very special circumstances in their accompanying planning, design and access statement. Whist they have referenced the site being in the Green Belt they have not considered it as inappropriate development or put forward a case of very special circumstances. They have stated that the proposal is required to allow Yorkshire

Water to have greater control of their car parking estates 'by reinvesting parking fee income into a team of in-house rangers to support countryside management, maintenance and visitor relations". However, they have not provided any financial information to support this or said whether the money to provide these rangers could be financed by means other car parking charges. They also have not stated whether the car park charging could be achieved by other, less intrusive methods, e.g. using a car park warden. The applicant has also said that they believe the proposal contributes to ' the safety and security of the general public by providing a safe area to park motor vehicles'. However, they haven't stated why they think the existing situation is 'unsafe' and therefore how these measures would overcome those issues.

The issue of the impact on the Green Belt, in particular from the 4m high camera pole, was raised with the agent and their response was as follows:

"With regards to your concerns about the green belt, I can advise the 4 metre figure quoted would be the maximum height of the equipment and that where possible we would look to reduce this in line with requirements for operation. The sites existing lawful use is currently as a car park, and the proposed equipment is necessary for the future operation of this use. The location, scale and appearance of the equipment has been carefully considered during the design process to minimise any detrimental impact beyond what is currently on site."

The agent has therefore not chosen to formally reduce the height or scale of equipment. It is not considered that the equipment is essential as charging could be carried out by other methods and the equipment is considered to have an impact on the openness of the Green Belt. It is therefore considered that the proposal represents inappropriate development in the Green Belt and that no very special circumstances have been put forward to outweigh the harm to the Green Belt. The proposal is therefore considered contrary to Policy GB1 and the relevant sections of the NPPF on Green Belt.

Highway Safety

The majority of the objections that have been received relate to concerns over highway safety. Objectors are concerned that the introduction of parking charges would result in the displacement of cars onto the verges of the A616 or other roads to the detriment of highway safety. The Council's Highways Section have also raised similar concerns and have stated the following:

"The application is supported by a planning, design and access statement which outlines the need for development, proposal, policy review, and planning assessment. Within Section 3, the report states that the site is a long established car park and it is not anticipated that the introduction of pay and display facilities will generate a greater use of or cause any greater impact than arising from the current usage of the site by visitors.

However the report fails to recognise the propensity of remote, indiscriminate parking along A616 both on footway and verge in order to avoid these charges. Any such displacement gives rise to road safety concerns as well as amenity concerns due to localised damage of verges. In addition to the contiguous footway from the car park entrance to serve the existing layby, the car park includes a pedestrian link through to the A616 which benefits from an informal crossing point across to Brook House Lane with dropped kerbs and tactile paving. However at this locale, the A616 is subject to the national speed limit but does not benefit from street lighting provision. From a highway safety perspective, verge and partial footway parking will result in carriageway narrowing with the inherent risk to passing motorists and visitors when entering and exiting parked vehicles. Whilst it is acknowledged that such a scenario may exist during extremely busy times, the introduction of this charging regime will undoubtedly result in more frequent instances of indiscriminate parking occurring in order to avoid payment.

Furthermore, parking adjacent to informal crossing point, will impede forward visibility to drivers and pedestrians alike leading to further road safety concerns. The application appears to take no account of this nor present details of what actions will be taken should this occur. Whilst it is acknowledged that the A616 is operated and managed by National Highways I wish to lodge my concerns and opposition to the application from a general highway safety perspective."

The concerns expressed by the residents and the Council's Highways Section are appreciated and the issue of displacement parking was put to the agent who responded as follows:

"To answer your query regarding displaced parking, Yorkshire Water are regularly liaising with the Local Highways Authority and Parish Councils and will look to support them in managing displaced parking. As you have stated, the Highways Authority should be consulted as they are best placed to provide comments on displacement parking issues"

It is noted that the A616 is managed and operated by National Highways who have not raised any objections to the scheme. It is also acknowledged that the car park is in place and the proposal does not introduce any new use nor will it result in an intensification of the existing use on the site. The principle of car park charging is also not a planning consideration as this could be achieved by other methods e.g. the use of a warden, which may not require any infrastructure that requires planning permission. Whilst the concerns are acknowledged and appreciated, it is for these reasons that a planning reasons for refusal on the potential displacement of parking would be difficult to substantiate and back up at appeal.

Residential Amenity

In terms of any impact upon adjacent dwellings the dwelling is set a significant distance away and would not cause any significant impact upon residential amenity.

Recommendation

Refuse