



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2017/0791

To Mr Clive Fagg
Radcliffe House
Blenheim Court
Lode Lane
Solihull
B91 2AA

Proposal Installation of up to 14 containerised gas powered standby generators with ancillary structures including a DNO metering station, transformer compound, switch room, store room and oil storage tank.

At Land north of Twibell Street, Barnsley, S71 1JE

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 23 June 2017 and described above.

The reason(s) for the Council's decision to refuse planning permission is/are:

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

- 1 The proposal conflicts with Core Strategy Policy CSP19 by virtue of the fact redevelopment would result in loss of a site which has employment potential in an area where there is an inadequate supply of employment land. The substantial harm this causes is not considered to be outweighed by the potential contribution the scheme makes towards providing standby energy generation.
- 2 The proposal is considered to be contrary to Core Strategy Policy CSP 40 in that it is likely to result in an increase in air pollution which would unacceptably affect or cause a nuisance to local residents and to the continued exceedance of the annual average objective for NO2 in the Harborough Hills Road Air Quality Management Area (AQMA).
- 3 The proposal is considered to be contrary to policy CSP 40 in that it is likely to result in an increase in the levels of noise to the extent that it would unacceptably affect or cause a nuisance to local residents during night time use.
- 4 The proposal is considered to be contrary to Core Strategy Policy CSP 29 in that the installation of up to 14 flues, each 13.6m high would be materially harmful to the outlook of nearby residential properties and the visual amenities of the wider area.

Signed 
Joe Jenkinson
Head of Planning and Building Control

Dated 06 September 2017

Please be aware that the Council monitors construction sites and open land within the vicinity such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- *a fine of up to £50,000 and*
- *up to six months imprisonment on conviction*

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.