

**2023/0109**

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Yorkshire Water

Installation of payment machine, ANPR camera and solar panel, battery box and associated infrastructure - resubmission of 2022/0660 with a reduced height of the ANPR pole from 4m to 3m

Langsett Flouch Car Park, Langsett

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### **Planning History**

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

2022/0660 - Installation of payment machine, ANPR camera and solar panel, battery box and associated infrastructure refused planning permission for the following reason:

“The development is considered to comprise a 'building' within the Green Belt which, due to the size, scale and positioning of the infrastructure, in particularly the 4m high pole for the camera, on an open car park area, would not preserve the openness of the Green Belt and as such would represent inappropriate development. No very special circumstances have been provided and as such the proposal is considered contrary to Local Plan Policy GB1 and paragraphs 147, 148, and 149 of the NPPF.”

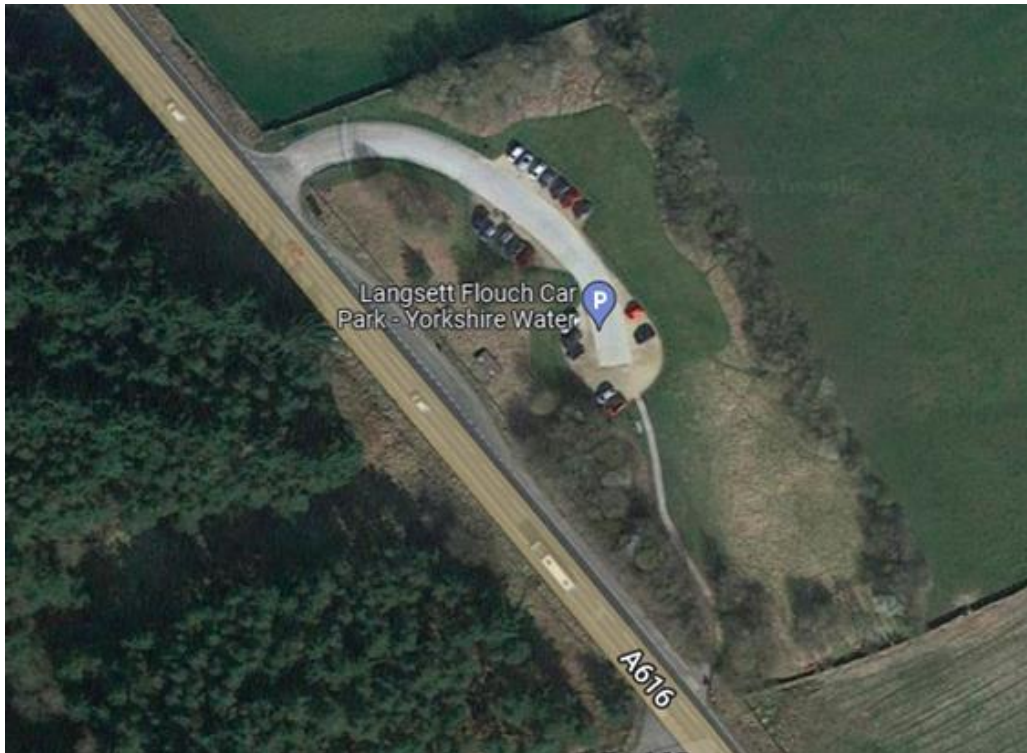
A subsequent appeal on 2022/0660 was allowed and the Inspector granted planning permission for the works on the 28<sup>th</sup> June 2023.

Although not a previous application at this site, an application was approved by the Peak Park (their reference NP/B/0622/0824) for a similar scheme at Langsett Barn Car Park.

2023/0272 – Proposed entrance sign – currently undetermined.

### **Description**

The site mainly consists of a tarmac and gravel car park accessed off the A616. The site is in mainly 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 views 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.

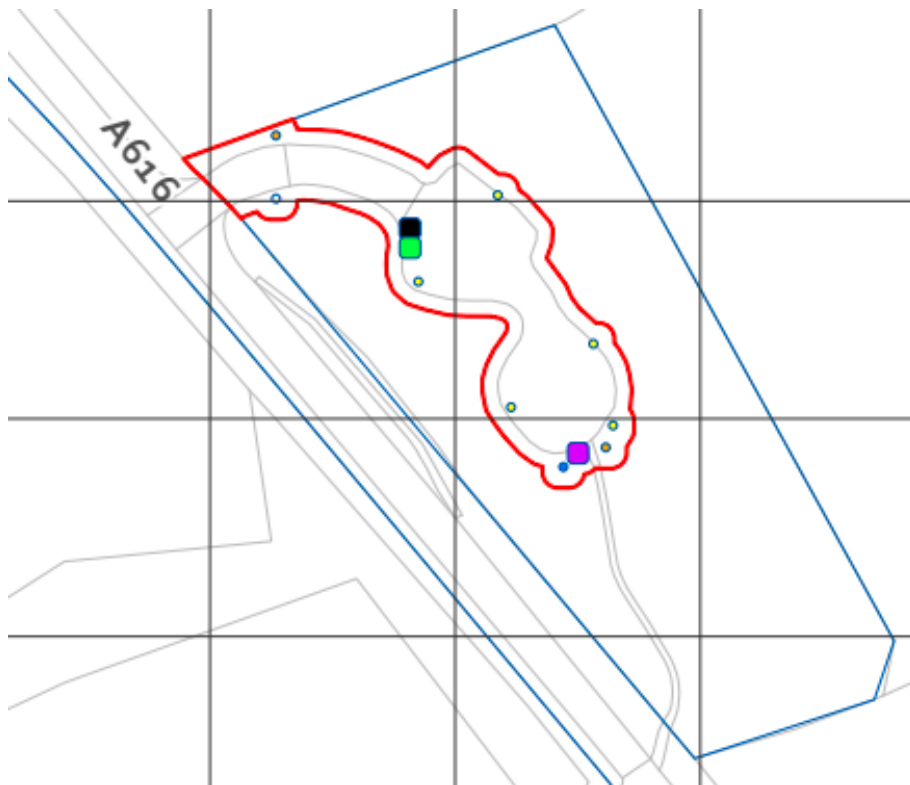


### Proposed Development

The proposal involves the installation of a pay and display machine, one ANPR camera on a pole of up to a maximum height of 3m with an associated battery box, and associated infrastructure 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 3m
- Battery box 600mm (width) x 500mm (depth) x 700mm (height)

The coloured squares on the plan below show the positioning of the structures with the black square being the camera, the green square being the battery box and the purple square being the payment machine.:



## Policy Context

### Local Plan

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

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

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

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:

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- 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

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

- Problem of displaced parking
- Do not support 'building' within the Green Belt and the impact on openness
- Displaced parking on local roads
- Detrimental impact to local businesses
- Highway safety issues and lack of mitigation for on-street parking
- 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
- Loss of local band width if YW use 4G

## **Representations**

Local residents were sent letters and a site notice was put up. 1 letter of objection has been received raising concerns on the charging and the lack of free access for families and motorists.

## **Assessment**

### Principle of development

A previous application for similar works to this site was refused under planning application 2022/0660 for the following reason:

“The development is considered to comprise a 'building' within the Green Belt which, due to the size, scale and positioning of the infrastructure, in particularly the 4m high pole for the camera, on an open car park area, would not preserve the openness of the Green Belt and

as such would represent inappropriate development. No very special circumstances have been provided and as such the proposal is considered contrary to Local Plan Policy GB1 and paragraphs 147, 148, and 149 of the NPPF.”

This current application is a resubmission with the main change being the reduction in height of the camera pole from 4m to 3m and the following additional justification for the works:

- Alternatives to an ANPR system, such as the use of a warden, were considered, however this was found to be financially unviable and would not offer the same degree of security for users.
- An ANPR camera is not only critical for car park management (most operators use this technology), but it also assists with managing anti-social behaviour such as fly tipping
- Yorkshire Water submitted 5 other applications for similar facilities in AONB, National Park and Langsett Conservation Area – all sensitive locations and all approved by the local planning authorities.
- The Peak District National Park Authority has granted permission for similar facilities at nearby Langsett Barn (1.2 km to the southeast). Both Langsett Flough and Langsett Barn jointly serve visitors to the Langsett / Midhope / Underbank reservoirs and it is imperative to ensure that car parking is properly managed across both sites given their proximity to one another.
- The revenue generated from these car parks would contribute to a new an in-house Ranger team who will support nature conservation measures including habitat enhancements, projects focused on increasing and preserving biodiversity in the area, and help to keep sites clean, safe and enjoyable for all, encouraging the public to engage safely with their surrounding environment, especially when it comes the water
- It is considered that whilst the proposals will result in a limited degree of harm to the openness of the Green Belt, this harm is substantially mitigated by existing tree screening, which minimises any impact on the openness of this part of the Green Belt as required by the Framework and Local Plan Policies
- One of the purposes to the Green Belt is to improve access to the countryside by the public, and the Proposed Development is an essential piece of infrastructure to support that objective
- The Proposed Development is vital for ensuring the car park, and by association public access to the reservoir, remains viable and as such it is considered that very special circumstances exist

At a similar time to submitting this application the applicants also put in an appeal against the Council's decision to refuse application 2022/0660. This appeal was recently decided with the Inspector acknowledging the Council's concerns that the development was inappropriate development in the Green Belt and affected openness. However, the Inspector also considered there were benefits to the scheme which included the following:

“It is also indicated that the revenue from the scheme is required to maintain the car park and ensure safe and secure access to it. This attracts modest weight, as does the use of revenue to assist with the future operation of the Yorkshire Water recreational estate, including managing anti-social behaviour through fly tipping and contributing to an enhanced Ranger service. Moreover, information from the APNR camera would be used to assist Yorkshire Water's understanding of visitor numbers and wider car park management. These are also modest benefits of the scheme.”

In view of the merits of the scheme the Inspector concluded the following:

“The other considerations in this case clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to openness, that I have identified. Consequently, the very special circumstances necessary to justify the development exist.”

The Inspector therefore allowed the appeal. This is now a material consideration and has established the principle of the installations at this site. This current scheme would have a slightly reduced impact given the camera pole is only 3m rather than 4m, but the principle would be the same as was presented to the Inspector and as such planning permission exists for a very similar scheme and the principle of the development at this site has therefore been established by the appeal decision.

### Highway Safety

The objections that have been received mainly 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 re-stated their comments from the previous application which are as follows:

“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 on the previous application 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 did not raise any objections to the previous 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. In addition the Inspector in the appeal also looked at the highways issues, and in particular the issue of displacement parking, and commented as follows:

“I note the example provided of the displacement effects when the appeal site car park and others in the area were closed during the Coronavirus Pandemic. However, there is no clear evidence to quantify the extent of any displacement arising from the scheme and to what extent the appeal scheme would add to any existing issues, and whether this would adversely affect highway safety or have a severe impact on the highway network. While some visitors may choose to avoid paying the charge, it is not inevitable that all visitors will seek alternative parking to avoid payment. Accordingly, any displacement parking from the introduction of charging is unlikely to be as acute as the example given when all visitors had no choice but to find alternative parking, or if the appeal site remained the only free car park in the locality, as discussed above. Moreover, I note that National Highways who manage the A616 have not objected to the proposal. This matter therefore attracts limited weight”

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**

Approve subject to conditions.