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<b>Application reference number</b>	2023/0758
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<b>Application Type</b>	FULL Application
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<b>Proposal Description:</b>	Installation of aggregate wash plant, erection of store, erection of enclosure for external pipework, laying of concrete slab, and construction of boundary treatment (retrospective); and cladding to exterior of structure for filter presses for treatment and management of non- hazardous waste.
<b>Location:</b>	West Green Recycling, West Green Way, Monk Bretton, Barnsley, S71 5SN

<b>Applicant</b>	Mr Eric Lidster
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<b>Number of Third Party Reps</b>	Four objections	<b>Parish:</b>	n/a
		<b>Ward:</b>	Cudworth

## SUMMARY

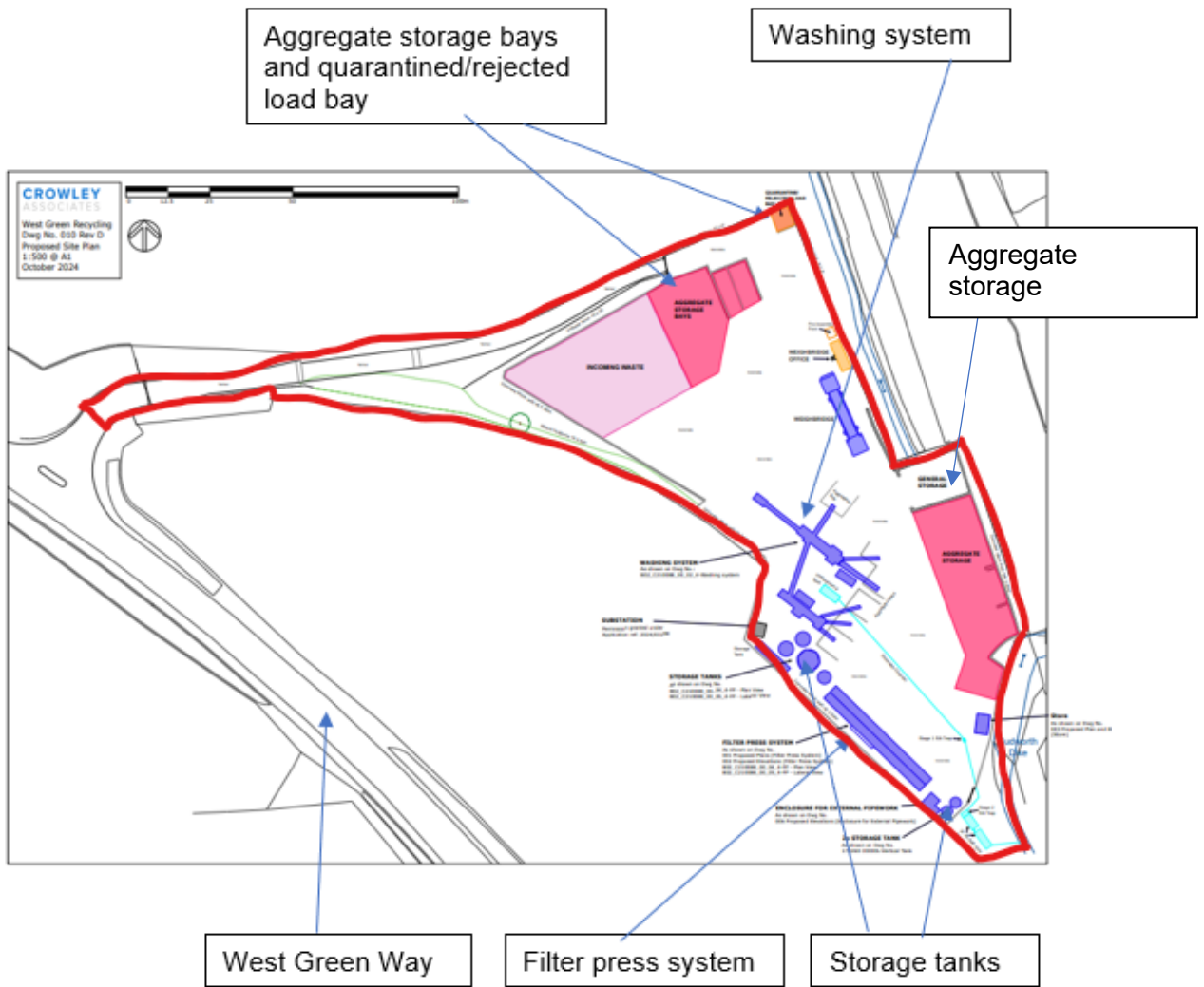
The proposal seeks retrospective planning permission to retain buildings and equipment including an aggregate wash plan and a filter press, as well as a modest brick store building, an enclosure for external pipework, construction of boundary treatment and laying of a concrete slab. The proposal would double the capacity of an existing recycling operation.

The proposal is not considered to be acceptable in policy terms, being in conflict with the MU3 mixed use allocation for housing and greenspace.

The report demonstrates that the harm generated by the policy conflict and the visual impact of the development is not outweighed by other material planning considerations. The development would not cause unacceptable harm to residential amenity, highway considerations, trees or ecology subject to the imposition of suitably worded conditions to make the application acceptable in planning terms.

**Recommendation: REFUSE Planning Permission**

**Proposed layout plan with redline boundary**



## **Introduction**

The application is being presented to PRB because it represents a significant increase in the scale of commercial development that is harmful to visual amenity, on part of a mixed use residential/greenspace allocation in the Local Plan; and because the application is retrospective.

The applicant seeks full planning permission to retain buildings and equipment including an aggregate wash plant, a filter press and tanks, as well as a modest brick store building, an enclosure for external pipework, construction of boundary treatment and laying of a concrete slab.

The site is part of the Local Plan allocation MU3 which allocates land for housing and greenspace. The proposal is on part of the allocation which is specifically allocated in the Masterplan Framework for housing.

The use of the site for siting of a mobile soil screener/crusher with ancillary processing and storage of inert waste and recycle materials of modest scale was granted permission in 2001, and was subject to several conditions including that all material shall be stored in the approved bunkers; and shall not exceed 2.5 metres in height at any time.

The application has been amended several times during the course of the application to:

- delete the originally proposed substation (which received planning permission in June 2024)
- Extend the proposed green wall panels on the filter press system down to 2.4 metres above ground level on side and south elevations (the approximate height of the adjacent boundary wall) in the interests of the visual appearance of the development
- include the concrete bays as constructed underneath the filter press system to hold the product, to reflect the development as constructed
- include the submission of a Landscape and Visual Impact Appraisal
- most recently an amended site plan was submitted showing the location of proposed aggregate storage bays and quarantined/rejected load bay but no further details of these have been submitted.

There was no pre application advice requested or given, the application was invited following a complaint about unauthorised work on the site.

The application is not subject to a viability assessment or to an EIA (Environmental Impact Assessment).

## **Site Description**

The application site is a waste recycling centre, which is accessed off West Green Way. The site backs on to the heavily treed embankment to the dismantled railway which is now part of the wider Dearne Valley Wetlands Site of Special Scientific Interest (SSSI), appears to have paths (but not recognised public rights of way) running through it and forms the east boundary. The adjacent land to the south and west of the site is a relatively level field owned by BMBC and views across the site from West Green Way are largely uninterrupted, although there is some planting immediately adjacent the southwest boundary which appears to be outside the application site and is of limited impact in terms of softening the visual appearance of the development. This boundary is defined by two concrete fences, the taller one amounting to around 3m in height appears to be recently constructed but is not

included in this planning application. To the north of the site is a raised area of land which is laid out as a motor-quad and motorcycle track.

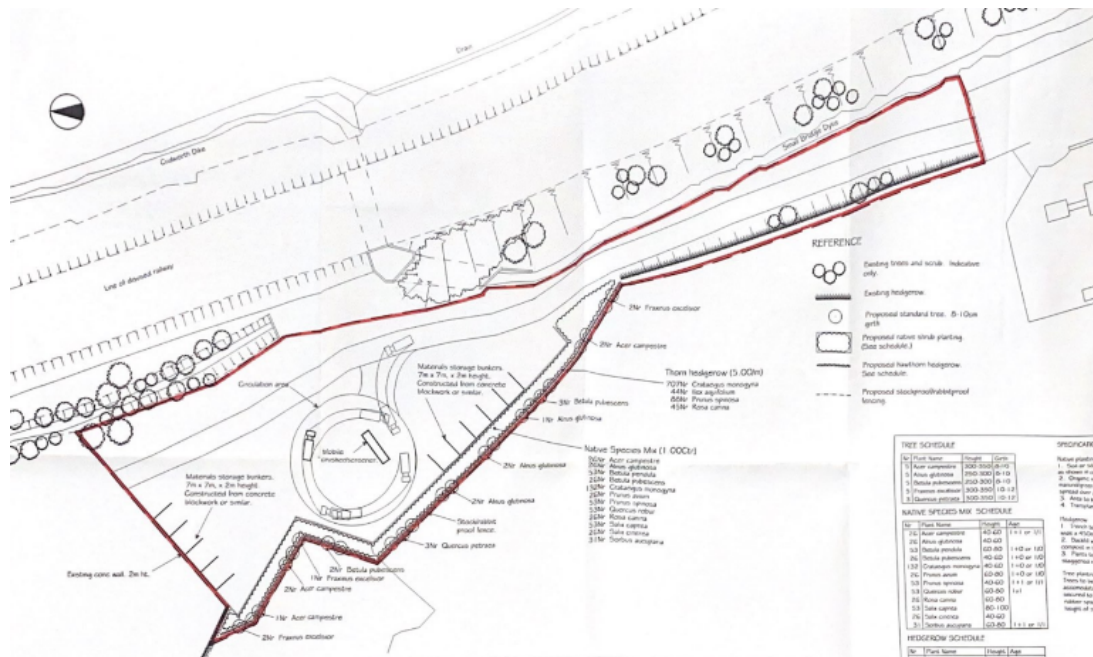
The development subject to this proposal is already in place and largely operational. The wider site has some degree of surfacing but was predominantly mud at the time of site visit. There are significant mounds of material within the northwestern part of the site which it is understood are awaiting processing, which are significantly higher than the proposed development. (estimated in excess of 10 metres high) Together with the proposed development, they are highly visible from West Green Way.

### Relevant Site History

Application Reference	Application description	Status
B/01/0635	Use of land for siting of mobile soil screener and crusher/ancillary processing of imported inert waste and storage of recycled products (Retrospective) The permission is subject to several conditions including that all material shall be stored in the approved bunkers; and shall not exceed 2.5 metres in height.	Granted
2024/0329	Erection of substation for purposes ancillary to existing waste recycling facility (retrospective)	Granted June 2024

### Proposal

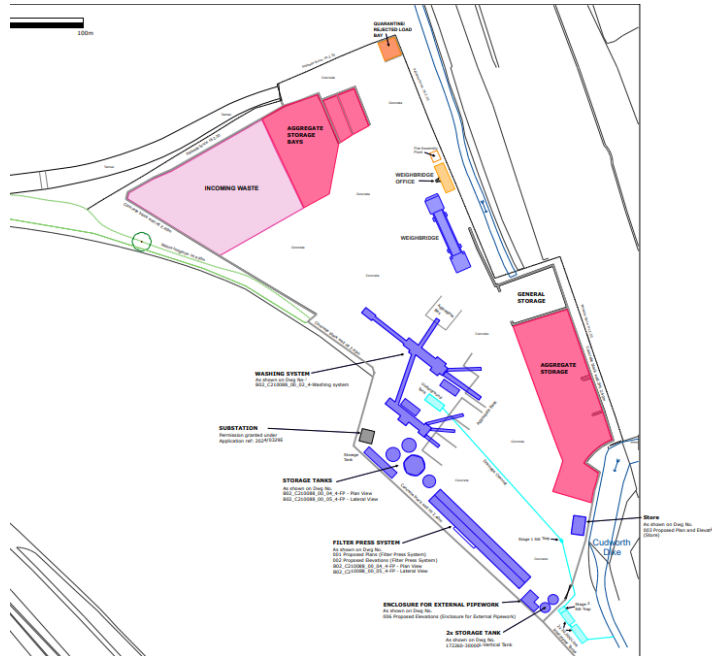
The authorised layout plan below as permitted under B/01/0635 which was itself retrospective.



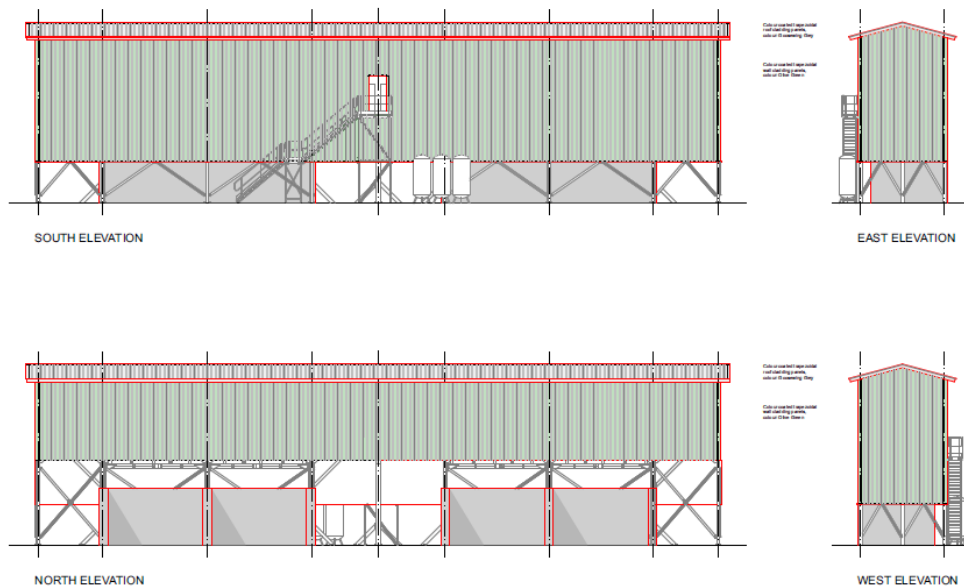
The retrospective application currently being considered seeks planning permission for the installation of a range of equipment for crushing, washing and sorting aggregate shown on the proposed plan below. The equipment has already been installed and largely operational

and is of a significantly larger scale than the authorised development granted under B/01/0635.

Below is the proposed layout plan with proposals coloured blue as constructed. Pink coloured aggregate storage bays and rejected load bay have been referred to in the application but are indicative only as no other detailed drawings have been received despite requests.



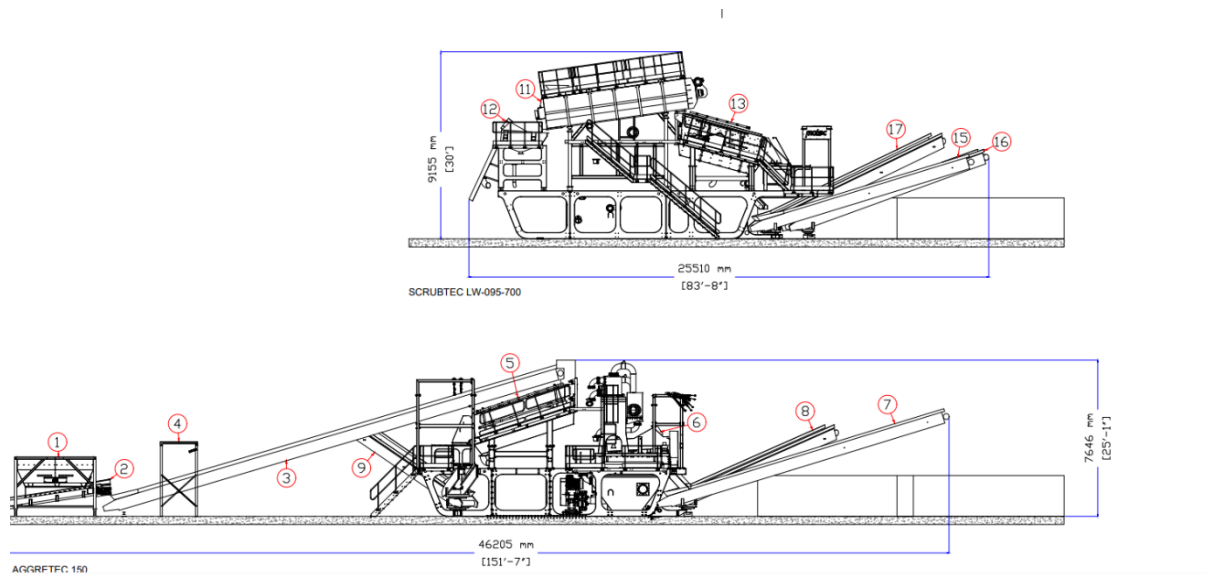
### Proposed filter press system



The proposed filter press system which is already sited on the southwest boundary measures 5.2m x 19.9m x 10.56 metres high and is on a concrete base. At the time of site visit it had temporary sheeting on it but is proposed to have a goosewing grey roof and olive green wall panels to around the upper half of the elevations and amended plans have been submitted which indicate that the olive green wall panels will be extended to around 2.4 metres above ground level on the side and south elevations (the approximate height of the

adjacent boundary wall). The amended plans also now show the concrete bays constructed underneath the filter press system to hold the product.

Proposed aggregate wash plant:



The washing system equipment is sited centrally on the site to the north of the filter press system and on a concrete base. The equipment extends to an area of approximately 52 metres by 33 metres and at its highest is 9.15 metres high and is red and grey/white in colour.

Between the filter press system and the washing system equipment are a number of storage tanks measuring up to 11.6 metres in height above the concrete base they have been sited on.

To the southeast of the filter press system is an enclosure for external pipework and two storage tanks. The enclosure for external pipework is a modest single storey building and is proposed to have grey wall and roof covering. The storage tanks are 3.45 metres in diameter and 3.65 metres high and finished in a plastic material, dark in colour.

The store which is sited on the east boundary was originally constructed to hold the electricity substation, but a decision was made that this was in the wrong location. It is a modest single storey building with brick walls and a felt roof.

The originally submitted application included the substation on the southwest boundary but this has subsequently received planning permission in its own right.

It has been indicated verbally that the proposed 'laying of concrete slab' refers to a proposal that the whole site is intended to be given an impermeable/concrete surface.

The proposal also includes the raising in height of previously permitted 2m high concrete boundary walls, to a height of 2.4 metres.

The submitted topographical survey shows that across the whole body of the site, levels fall gently by around 2 metres but the site is broadly level in the area of the proposed development.

The application is supported by a Preliminary Ecological Appraisal (PEA) (which is dealt with in the Ecologists comments and the analysis), a Planning, Design and Access Statement, a Flood Risk Assessment, a Noise Assessment, Dust and Emissions Management Plan, Site Drainage Plan, Transport Statement, Tree Survey Impact Assessment and Landscape Visual Impact Appraisal.

In addition, the applicant's agent has submitted a number of emails in support of the application clarifying a number of issues including the following which are addressed in the body of the report below:

- In response to concerns about unlawful activity on the site, the operator has an operating license from the Environment Agency which demonstrates that the use is lawful. A license of permit from the Environment Agency does not, however, negate the need for planning permission.
- The conditions on the historic consent can only apply to the development permitted by that consent and not on this planning application.
- The aggregate washing plant uses the latest technology to ensure the production of high-quality sands and aggregates (incorporating a purification and filtration system) while limiting water consumption. The technology enables the applicants to produce high quality, commercially attractive products, often from previously rejected or underused resources (e.g. overburden and demolition waste).
- The Joint Waste Plan identifies a shortfall in the provision of suitable recycling and treatment facilities to divert waste from landfill and requires development (including waste facilities) to manage waste in a way that encourages recycling and recovery.
- The equipment enables the applicant to honour contracts with various authorities in the region in which they commit to the zero waste to landfill philosophy, reflecting the Waste Management Plan for the UK (January 2021) that all avoidable waste should be eliminated from the UK economy by 2050.
- If the applicants are prevented from investing in their business the viability of the business is put at risk.
- We would encourage you not to conflate the matter of visual presence of the development with harm and note that it is not reasonable to apply the provisions of MU3 to the design of this proposal.
- The visual appearance of the structure is entirely appropriate in the context of the existing industrial operation and not out of the ordinary as a piece of industrial architecture.
- The applicant is willing to consider entering into a S106 agreement to secure soft landscaping/planting on the land to the south of the site (within BMBC ownership) to help screen the site).
- The submitted Landscape and Visual Impact Appraisal concludes that the site is not within a designated landscape; the landscape effects are negligible; the overall visual character of the area is judged not to be significantly altered; the capacity of landscape to accept substantial change has been tested through the allocation of the wider site for housing; and the highest landscape effect is slight-moderate adverse for the area which contains the proposal site. This is not a notable level of

effect and appears in character with the wider landscape of regenerating industrial land, industry and housing.

- Policy MU3 addresses itself solely to the matter of development for the purposes of mixed use for housing and greenspace and is silent on the matter of the development of the type proposed.
- The objectives of the Masterplan Framework as they relate to the development at hand are entirely immaterial and it is immaterial whether there is some intention on the part of the Local Authority to bring forward development on the site in accordance with the Framework.
- The site is not available for development as set out in the Local Plan and Framework.
- There is no approved CPO, funding or time frame in place to deliver the Masterplan and it cannot prevent the applicant from investing in the operation of their lawful business, bring the operation up to best technical standards, increase efficiency and reduce environmental impact.

The issues raised in the above statements are addressed in the report below.

## **Policy Context**

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The development plan comprises the Barnsley Local Plan and the Barnsley Doncaster Rotherham Joint Waste Plan.

The Local Plan was adopted in January 2019 and is 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 which 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.

### Local Plan

The site is within an area allocated for as a mixed-use site where site specific policy MU3 states:

#### **Site MU3 Land off Shaw Lane Carlton**

This site is proposed for mixed use for housing and green space. The indicative number of dwellings proposed for this site allocation is 1683. These are included in the Housing figures for Urban Barnsley in the Housing chapter.

The development will be subject to the production of a phased Masterplan Framework covering the entire site to ensure that development is brought forward in a comprehensive manner.

The development will be expected to:

- Retain areas of woodland, not affected by the road. Should any part of the existing Wharncliffe Woodmoor green space be developed, an area of compensatory biodiversity-value green space of equivalent size should be created on the land within site MU3 to the east of the existing Wharncliffe Woodmoor green space. Compensatory areas will need to be linked to Wharncliffe Woodmoor by wildlife corridors;
- Provide access from Far Field Lane roundabout;
- Provide off site highway works;
- Retain the higher ecological value habitats in the southern part of Wharncliffe Woodmoor green space, together with the water courses in the centre of the site with a buffer;
- Provide robust measures to mitigate ecological impact where the construction of the access road impacts upon the southern part of the site which has high ecological value and in particular woodland blocks;
- Provide robust mitigation measures to mitigate against noise, odour and other potential impacts arising from the existing industrial operations at Manor Bakeries and Boulder Bridge;
- Provide small scale convenience retail and community facilities in compliance with Local Plan policy TC5 Small Local Shops; and
- Avoid locating built development in parts of the site within flood zone 2 and 3.

The following policies are also considered to be relevant to this application:

**Policy SD1 Presumption in favour of Sustainable Development** – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

**Policy GD1 General Development** - sets a range of criteria to be applied to all proposals for development including the requirement that there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents; that the development is compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land; that the development will not adversely affect the potential development of a wider area of land which could otherwise be available for development; and that they include landscaping to provide a high quality setting for buildings and appropriately reflect, protect and improve the character of the local landscape.

**Policy H3 Uses on allocated housing sites** – indicates that the sites shown as housing sites on the Policies Map will be developed for residential purposes and other uses on these sites will only be allowed where: they are small scale and ancillary to the housing elements; and they provide a service or other facility for local residents.

**Policy T3 New development and Sustainable Travel** – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cycles. Also sets criteria in relation to minimum levels of parking, provision of transport statements and of travel plans.

**Policy T4 New development and Transport Safety** – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

**Policy T5 Reducing the Impact of Road Travel** – we will reduce the impact of road travel by developing and implementing air quality action plans; working to improve the efficiency of vehicles and goods delivery and implementing measures to ensure the current road system is used efficiently.

**Policy D1 High Quality Design and Place Making** – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley.

**Policy HE1 The Historic Environment** – indicates that we will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment and will support proposals which conserve and enhance the significance and setting of the borough's heritage assets.

**Policy BIO1 Biodiversity and Geodiversity** - Indicates that development will be expected to conserve and enhance the biodiversity and geodiversity features of the borough and that harmful development will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

**Policy CC3 – Flood Risk** – the extent and impact of flooding will be reduced by not permitting new development where it would be at unacceptable risk of flooding or would give rise to flooding elsewhere; ensure that only water compatible or essential infrastructure is allowed in functional floodplain (subject to the flood risk exception test) and provided that here is no harmful effect on the ability of the land to store floodwater; (etc etc) -sets a range of criteria in relation to development and flood risk, including expecting all development proposals on brownfield sites to reduce surface water run off by at least 30%; development on greenfield sites to maintain or reduce existing run off rates; and development proposals to use SuDS in accordance with policy CC4.

**Policy CC4 – Sustainable Urban Drainage Systems** – all major development will be expected to use SuDS to manage surface water drainage unless it can be demonstrated that all types of SuDS are inappropriate. The council will also promote the use of SuDS on minor development. Planning applications must be supported by an appropriate drainage plan and SuDS design statement.

**Policy Poll1 Pollution Control and Protection** – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

#### Barnsley, Doncaster and Rotherham Joint Waste Plan (adopted 2012)

Sets out the overall approach to managing waste across the three Council areas and reflects the waste hierarchy which prioritises waste prevention, and then re-use and recycling before energy recovery and disposal.

**Policy WCS4 Waste Management Proposals on Non Allocated sites** – establishes criteria to be considered when determining such applications – including that development does not significantly adversely affect the character or amenity of the surrounding area; will contribute towards the aims of sustainable waste management in line with the waste hierarchy; and prioritises the reuse of vacant or underused brownfield land.

**Policy WCS6 General Considerations for all Waste Management Proposals** – sets out the tests against which any proposal for waste management will be assessed including in relation to supporting the vision, aims and overall strategy of the Joint Waste Plan; access; design; amenity; ecology and pollution.

Adopted Supplementary Planning Documents relevant to this application:

Trees and hedgerows  
Biodiversity and Geodiversity

Other

The adopted Carlton Masterplan Framework sets out objectives for development of allocations MU2 and MU3 and seeks to coordinate development to ensure that it is aligned with the Local Plan. In particular the Framework sets out a requirement for 1500 homes, a small new local shop, expansion to Carlton Primary Academy, improved play and community facilities all surrounding the retained and enhanced Wharnccliffe Woodmore green space. It identifies the potential for a new railway station immediately to the east of the application site (where the Local Plan safeguards the former railway line for potential reinstatement. The application site (1.51ha) forms part of a 7.2ha phase identified in the framework for residential development with potential for 288 homes.

NPPF 2024

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. NPPF policy of relevance to this application includes:

Paragraphs 78 - 81 set out government policy on maintaining supply and delivery of housing, the requirement for strategic policies to include a trajectory illustrating the expected rate of housing delivery over the plan period and the advice that plans should set out development rates for specific sites. Also sets out the requirement to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where strategic policies are more than five years old.

Paragraph 85 - Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Para 124 – planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Para 125 – planning decisions should give substantial weight to the value of using suitable brownfield land with settlements for homes and other identified needs, and support

appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

Para 135 – planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history including the surrounding built environment and landscape setting.

The NPPF 2024 has additionally proposed a new method of calculating housing targets for Local Authorities which will see an increase in mandatory housing delivery targets for Barnsley of approximately 30% above existing (from 831pa to approx. 1092 pa).

### **Relevant Consultations:**

**Biodiversity**- no objections subject to conditions relating to ensuring Japanese knotweed is not spread in the wild and to require a sympathetic lighting scheme to avoid harmful impacts on bats using the wooded corridor off the eastern boundary.

**Highways DC** – no objections

**Drainage** – no comments, happy for details to be checked by building control

**Pollution control** – no objections subject to a condition requiring the dust and emissions management plan to be implemented and retained.

**Natural England** – no objection subject to appropriate mitigation

**Forestry Officer** – no objections subject to condition requiring tree protection of any trees within the boundary of the site that could be affected by the proposed works

**Environment Agency** – no objections subject to condition requiring the store in the area of flood risk to be built to a minimum height above AOD

**South Yorkshire Mining Advisory Service** – no objection subject to coal mining informative.

**Ward Councillors** - Comments received from and on behalf of Councillors Sir Steve Houghton, Hayward and Cherryholme state that they are not against the application but that this should be a time limited approval, temporary until the unlawful aggregate mountain has been cleared and removed from the site. It has been commented that we must ensure that the applicant cannot develop what is now an unlawful activity into a lawful and permanent one.

### **Representations**

Neighbour notification letters were sent to three surrounding properties, and a site notice was placed nearby.

Four representations were received. The four representations raised the following material planning issues:

- Concern about noise, pollution and dust.
- Cudworth Dyke runs close to the site and possibly through the site and is already heavily polluted – are measures in place to prevent surface run off contaminating the dyke. Like

other watercourses in the area the dyke may have the invasive non-native Signal Crayfish.

- A footpath runs close to the site and has been walked since the railway tracks were lifted.
- Carlton Marsh Local Nature Reserve SSSI is adjacent, has suffered previously from noise and dust from this site and the proposed wash plant will cause undue annoyance here and to the nearby houses.
- Can the Council's Preliminary Ecological Assessment (for this local plan allocation) be made available to the applicant; it may be appropriate for the applicants to apply Biodiversity Net Gain to the vegetation previously surveyed but since removed.

There were no other, non-material, comments.

## **Assessment**

The main issues for consideration are as follows:

- The acceptability of the development in principle
- The impact on the character and appearance of the area
- The impact on nearby residential properties
- The impact on the highway network and highways standards
- The impact on the existing trees
- The impact on the ecology of the site
- Flooding and Drainage issues
- Stability and contamination

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

## Principle of development

The principle of the proposed development is complicated because this is an existing and longstanding waste recycling facility on a site which was in 2019 removed from the Green Belt and allocated in the Local Plan as part of a much larger mixed-use allocation for housing and greenspace. It appears that the applicant has no intention of relocating his existing business to allow the site to be redeveloped for housing and there is no objection to the continued operation of the business if undertaken in accordance with the extant permission at this time. It also appears that small scale development associated with the extant permission may not be contrary to Local Plan policies which identify the site for housing development and seek to protect the site from other uses.

However, the proposed development is not a small-scale development. It is both physically large and would allow for the throughput of the site to double. Granting permission for the proposal which would enable significant intensification and expansion of the business would appear to make any relocation even less likely, given the investment and returns likely to be made. Notwithstanding that the Joint Waste Plan identifies a predicted shortfall in the provision of suitable recycling and treatment facilities, there is a clear conflict with the adopted policies of the Local Plan which allocate the site for residential development within the Carlton Masterplan. The proposal also conflicts with the adopted Carlton Masterplan Framework which sets out objectives for development of allocations MU2 and MU3 and seeks to coordinate development to ensure that it is aligned with the Local Plan. This proposal will frustrate the objectives of the Masterplan Framework to secure planned development to meet the strategic development needs of the borough and in doing so, failing to deliver housing on this site which would also fail to contribute to the housing requirements of the Local Plan. It is concluded therefore that the proposal is contrary to local plan policies GD1, H3, MU3 and to the provisions of the Carlton Masterplan Framework and this carries substantial weight against the proposal.

### Economic Benefits

The application does not indicate that the proposal would secure any increase in employment on the site but it would appear that it would allow for throughput of materials to double. It is concluded that the full economic benefits may be given only limited weight.

### Visual amenity

The development as constructed and proposed form substantial and unrelieved features in the landscape. It is also significantly higher than any of the authorised equipment, storage or other authorised structures on the site which are reasonably well screened by the previously constructed two-metre-high boundary walls (which have been raised in height to 2.4 metres) and the limited landscaping off the south-western boundary. The applicants warn against conflating 'visual presence' with 'harm'. They also state that the proposals in terms of their visual appearance are entirely appropriate in the context of the existing industrial operation. This is fundamentally refuted because the proposed development is so substantially larger and out of scale with the authorised development on the site.

A landscape and visual impact appraisal (LVIA) has been submitted in support of the proposal. It is apparent that the scale of the development proposed is significantly greater than that authorised. The proposed plant and machinery are of large scale, being highly visible and variously 10.56m high(filter press), 9.15m high(wash plant), storage tanks up to 11.6m high, with high existing material stockpiles lying outside permitted areas, all exceeding the modest scale of development allowed by the extant permission with conditions which restricted plant to one specified screener and one specified crusher and stockpiles to be no more than 2.5m high.

The LVIA confirms that for views within around 300 metres of the site (including from the adjacent redundant railway embankment where there appears to be an informal footpath) the visual impact is significant. The appraisal assesses the development in the light of the substantial mounds of materials on site. However, these exceed what is allowed under the conditional consent on the site which limits their height to 2.5 metres. Views from around 300-500 metres seem to demonstrate that where the site is visible, landscaping could have had a significant impact on minimising the effect of the development on views. Where views are taken from between 500-1000 metres there is limited or no impact on views but where there are views, landscaping could have a significant effect. Although the impact on views from a greater distance away is, or could be made acceptable this, does not reduce the concerns about the impact on views within 300m of the site.

As proposed, the filter press system will have the addition of cladding, but it and the proposal as a whole will result in incongruous features that have an unacceptable visual impact in the landscape because of their height, scale, design, prominence in the landscape and lack of existing landscaping to relieve their impact. In addition, there is a lack of any proposal for (or evidence that there is any scope for) landscaping that could both mitigate the impact of and provide a high-quality setting for the development. The applicant has stated a willingness to consider entering into a S106 agreement to secure soft landscaping/planting on the land to the south of the site (within the ownership of BMBC) to help screen the site. However, no details have been supplied of how any such landscaping would secure appropriate mitigation of high quality, and no approach has been made to secure any such agreement. It has not been shown that this can be secured and landscaping outside the site would sterilize additional land within the MU3 allocation, contrary to Local Plan policy which seeks to secure housing development on the land on and adjacent to the application site. The development is in conflict with local plan policies GD1 and D1 and the NPPF policies on the quality of design and carries significant weight against the proposal for this material consideration.

For the reasons given above the proposal is also contrary to the provisions of Joint Waste Plan policy WCS4 'Waste Management Proposals on Non Allocated sites', which establishes criteria to be considered when determining such applications including the requirement that development does not significantly adversely affect the character or amenity of the surrounding area; and Joint Waste Plan policy WCS6 'General Considerations for all Waste Management Proposals, which establishes criteria for the determination of all waste management proposals including that they provide high-quality design and architecture sympathetic to the context and surroundings. It is also concluded that the development is in conflict with policies WCS4 and WCS6 as it would adversely affect the character or amenity if the area and would not be of high quality design or be sympathetic to its surroundings. As such significant weight against the proposal is attached to this material consideration.

### Residential Amenity

The application is supported by a dust and emissions management plan which indicates that effective site management to ensure the control of airborne dust will ensure that there are no adverse dust impacts off site in respect of existing residents. Reflecting the advice of Pollution Control, it is concluded that if the application were otherwise acceptable any approval would be required to be subject to a condition requiring the dust and emissions management plan to be implemented and retained for the duration of the operation of the approved development.

The application proposal would further frustrate the future development of the wider residential phase of the site allocation for mixed use housing and green space, given the scale of the equipment that has been sited with no meaningful mitigation of the visual impact on surrounding land, in particular to the southwest. The proposed development as constructed affects the visual appearance of the wider area and the development of the wider residential phase and would have a significant adverse effect on the living conditions of future residents, by reason of noise from increased vehicle movements and the increased noise from the machinery which allows for a doubling of throughput of materials, and the visual impact of the plant and machinery. It is concluded that the proposed development would have a significantly adverse effect on and unacceptably affect the living conditions and residential amenity of future residents and is therefore contrary to local plan policies GD1 and Poll1 and significant weight against the proposal is attached to this material consideration.

### Impact on Trees

Reflecting the advice of the Forestry Officer, noting that at site visit there were no trees in the vicinity of the proposed development inside the boundary fences, and the applicants confirmation that there are no trees located within the boundary fences that could be affected by the proposed works, it is concluded that there will be no adverse impacts on trees within the vicinity of the proposed development, a tree protection condition is not required and there is no conflict with Local Plan policy BIO1 in this regard only. Limited weight in favour of the proposal is attached to this material consideration.

### Impact on Geodiversity and Biodiversity

The Council's Ecologist has advised that the submitted evidence sets out how the habitats on site do not meet the definition of Open Mosaic Habitat on Previously Development Land; and that there will be no direct or indirect impact upon the watercourse off the eastern boundary. The Ecologist does advise that measures to ensure Japanese knotweed is not spread in the wild and to require a sympathetic lighting scheme to be agreed to avoid adverse impacts on bats using the wooded corridor off the eastern boundary should be secured. These measures could be secured by condition and subject to this, it is concluded that the proposal is in conformity with Local Plan policy BIO1 and limited weight in favour of the proposal is attached to this material consideration.

### Highway Safety

The Council's Highway Engineer advises that West Green Way can easily accommodate the anticipated additional six vehicles per hour. It is understood that staff and visitor parking is available on site, but this is not shown on the plan. Subject to a condition to secure an agreed parking layout, it is concluded that the proposal is in conformity with Local Plan policy T3 and moderate weight in favour of the proposal is attached to this material consideration.

### Drainage and Flood Risk

Reflecting the advice of Yorkshire Water and Council's Drainage section it is concluded that the submitted drainage strategy is acceptable. This indicates that the concreted area around the wash plant is designed to direct water via a silt trap to a ground storage tank before reuse in the wash plant. Flood overflow will enter Cudworth Dike during storm conditions only when the wash plant water catch tank and the clarified water tank are at capacity. Proprietary welfare units with built in sewage storage are to be installed. If the application were otherwise acceptable any approval would be required to be subject to a condition requiring the drainage strategy to be implemented and retained for the duration of the operation of the approved development. Reflecting the advice of the Environment Agency, the applicant has confirmed that the store which has been constructed on the part of the site at risk of flooding has been constructed at or above the specified AOD height. The proposal is therefore in conformity with Local Plan policy CC3 and modest weight in favour of the proposal is attached to this material consideration.

### Stability and Contamination

The development is not in an area of high development risk arising from previous mining operations but is located partially on two old landfill sites. It has not been possible to source advice from the contaminated land officer so this issue would need to be addressed in the event of any appeal or future planning application. This carries no weight for or against the proposal.

## Other

Recently submitted amended plans include reference to aggregate storage bays and a quarantined/rejected load bay. The applicant has not responded to a request for further details about these elements including design, the materials to be stored and their height. In the absence of this information, it is not possible to conclude whether they are acceptable in appearance and use and this lack of information weighs significantly against the proposal.

Reference is made in comments from Councillors to the unlawful very high and large aggregate pile(s). The applicant was reminded of the terms of the existing planning consent on the site and in particular the conditions restricting the height of any storage and the types of equipment to be used on the site to a maximum of 2.5m. The applicant has responded to confirm that the operator has the appropriate licence from the Environment Agency; and that the conditions on the historic consent cannot apply to this planning application. However, it should be noted that an Environment Agency licence does not override the need for planning consent for development on the site; and the applicant has been advised that the aggregate storage is in breach of condition on the existing planning consent; and that the significance of the conditions restricting the height of storage and equipment is in relation to the considerable impact of the height of the proposed equipment.

The applicant makes the case that if they are prevented from investing in their business, the viability of the business is put at risk. However, the application is not supported by any viability evidence. No additional employment is proposed by the application and overall, the economic benefit generated by the development is therefore given limited weight in favour of the proposal.

As noted above, any off-site landscaping outside the site would additionally sterilise that part of the residential allocation within the Masterplan framework. It is also the case that the development alone would sterilise land outside the application site because of the noise and impact on any new residential development sited in close proximity to the application site.

## **PLANNING BALANCE & CONCLUSION**

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 12 of the NPPF (2024) confirms that the presumption does not change the statutory status of the development plan as the starting point for decision making.

The proposal is considered to be located within a sustainable location on a site suitable for mixed use development comprising greenspace and residential use only within site allocation MU3. Additionally, the adopted Carlton Masterplan framework identifies the site as being located with a phase for residential development, which forms part of a comprehensive framework to support the delivery of dwellings within the Local Plan. Failure to deliver could undermine the delivery of the Local Plan and together, these aspects weighs substantially against the proposal.

In addition, the form and layout of the development have resulted in incongruous features which have an unacceptable visual impact in the landscape, and in a manner is contrary to policies of the Local plan and the Joint Waste Plan, together with a lack of information regarding proposed height and content of proposed aggregate storage bays and rejected load bays weighs significantly against the application.

The dust associated with the use of the equipment could be mitigated and controlled by condition. However, the impact of the development on the living conditions of future residents of the adjacent land with residential allocation, by reason of increased vehicle movements, and visual impact of plant and machinery, and potential noise impacts would have a significant adverse effect on and unacceptably affect living conditions and residential amenity of future residents and this attracts significant weight against the proposal.

Highways and drainage aspects have been considered and should the application be otherwise acceptable, no objections have been raised subject to conditions, this carries moderate weight in favour of the proposal.

Other material planning considerations have been fully explored by the appropriate consultees regarding trees, biodiversity who have raised no objections to the proposal and this carries limited weight in favour of the application.

Limited weight in favour of the application has been afforded to the economic benefits generated by the proposal and the contribution towards sustainable development from the re-use of resources that might otherwise have been sent to landfill.

It is concluded that while the proposal complies with some policies of the development plan, given the conflict with site specific policies in the local plan and particular harm to visual amenity and the conflict with the Joint Waste Plan and the Carlton Masterplan Framework which identifies the site for residential development, there is conflict with the development plan as a whole.

Having balanced all material planning considerations, it is concluded that the positive aspects of the proposal outlined above are significantly outweighed by the conflict with the development plan as a whole and other material planning considerations.

The proposal is therefore, on balance, recommended for refusal.

## **RECOMMENDATION**

### **MEMBERS RESOLVE TO REFUSE PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT FOR THE FOLLOWING REASONS:**

1. The proposed development introduces significant new development that appears to be required to facilitate the intensification of the existing use on the site. This is contrary to the mixed-use allocation policy MU3, General Development Policy GD1 and the adopted Carlton Masterplan Framework in that the proposal is not for residential development, is not ancillary to the housing elements and would not provide a service or other facility for local residents and would frustrate the Council's strategic objectives for the application site and the wider allocation. It is also contrary to the NPPF policy which requires the strategic policies of Local Plans to identify land to provide a minimum of five years' worth of housing against their housing requirement or local housing need and has the potential to undermine the delivery of the Local Plan.
2. The development is at odds with the Local Plan (2019), the Joint Waste Plan (2012), the Carlton Masterplan Framework and the NPPF (2024) which seek to ensure that developments function well, add to the overall quality of the area, are visually attractive, sympathetic to local character, establish a strong sense of place, and create safe, inclusive and accessible places that promote health and well-being. The development has resulted in incongruous features that have an unacceptable visual

impact in the landscape because of their height, scale, design and prominence and lack of existing or proposed landscaping to relieve their impact and is considered to be contrary to Local Plan policies GD1 and D1, Joint Waste Plan policies WCS4 and WCS6 and NPPF policy at para 135.

3. The development conflicts with Local Plan policies GD1 (General Development) and Poll1 (Pollution Control and Protection) which seek to ensure that development is compatible with neighbouring land and will not significantly prejudice the future use of neighbouring land or adversely affect the potential development of a wider area of land; and will not cause unacceptable levels of noise, dust or other pollution to local residents. The visual impact on surrounding land and the likelihood of noise and dust unacceptably affecting the living conditions and residential amenity of future residents results in conflict with these Local Plan policies.
4. The applicant has failed to respond to the request to submit further information relating to the aggregate storage bays and a quarantined/rejected load bay shown on the amended proposed site plan. In the absence of this information, it is not possible to conclude that these elements would be of satisfactory appearance and use and the proposal is therefore considered to be in conflict with Local Plan policies GD1 and D1, Joint Waste Plan policies WCS4 and WCS6 and NPPF policy at para 135.

#### **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, in this instance this has not been possible due to the reasons mentioned above.

**The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.**