
2021/1014

Extension of yard area to be used for trailer storage purposes

Armitage Transport Ltd, Sheffield Road, Hoyland, Barnsley, S74 0DP

Site Location and Description

The application relates to an area of land behind properties fronting onto Sheffield Road and Tankersley Lane, Hoyland. The adjacent properties fronting onto these roads are predominantly residential, with the exception of the Shell petrol filling station. Access to the applicants existing transport company is taken from the south of the PFS across a tarmacked apron and through a lockable gate.

Access



Current google maps aerial view



View within the site looking towards the north boundary with dwellings fronting Tankersley Lane



Planning History

- 2021/0006 – planning permission granted for extension to industrial unit to form additional vehicle bay.
- 1991/1577 – extension to garage
- 1990/0628 – extension to workshop
- 1974/0335 - Use land as employees car park

Proposal

The application proposes to extend the area currently used for trailer storage into an area of grass, bushes and trees.

It is intended that the existing trees and bushes along the boundaries will be retained but implicit that all those within the site will be removed. The application form acknowledges that there are trees and hedges on the proposed development site but indicates that they could not influence the development or be important as part of local landscape character and accordingly a full tree survey has not been submitted.

The application form indicates that the site area is 8062 square metres but it is clear that this refers to the entire existing operational site, as well as the area subject to this change of use proposal, which is the area outlined in red on the submitted plans. The area identified to be used for trailer storage on the submitted proposed plan is slightly in excess of 0.1 hectare. The application form also indicates that there are 40 existing car and light goods/public carrier vehicles spaces (ie 80 in total) and no new spaces proposed and that the use commenced on 1 May 2021.

The applicant originally requested a 24-hour operation (as they currently operate) but has indicated a willingness to restrict the operating hours and proposes to construct a landscaped bund to mitigate noise from the proposal.

The applicant has submitted a number of statements in support of the proposal. They indicate amongst other things that:

- The business is split into three sections – road haulage; on-site maintenance garage and storage (goods kept on trailers or outside).
- The yard is at capacity and expansion will allow the business to grow.
- Modern HGVs are quieter than vehicles of decades ago
- We currently employ 10-15 people.
- Wage, fuel and other costs are going up.
- How they operate their site including why it is increasingly common for loads to be stored at the site and why this would make a significant contribution to profitability

A preliminary ecological assessment and a revised noise report have been submitted during determination of the application.

Proposed plan



Aerial imagery from 2017



Policy Context

To the extent that development plan policies are material to an application for planning permission, the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70 (2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The site is within an area allocated for residential development where site specific policy HS57 states:

Site HS57 Land at Tankersley Lane Indicative number of dwellings 101

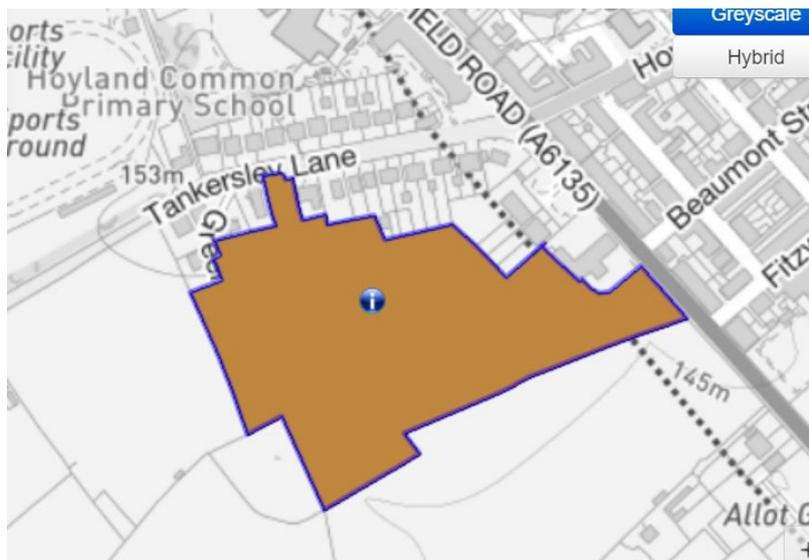
The development will be subject to the production of a Masterplan Framework covering the entire site and employment site reference ES13. The Masterplan Framework should demonstrate that proposals will positively support and complement the comprehensive wider development of the area and ensure that development is brought forward in a comprehensive manner.

The development will be expected to:

- Ensure any layout takes account of the relationship between the new development and existing buildings that are not available for redevelopment;
- Provide a buffer between the site and Skiers Wood Local Wildlife Site;
- Provide a landscape buffer between this site and the employment site ES13; and
- Produce a detailed ecology report in support of any development proposal.

Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including field evaluation if necessary) that must include the following:

- Information identifying the likely location and extent of the remains, and the nature of the remains;
- An assessment of the significance of the remains; and
- Consideration of how the remains would be affected by the proposed development.



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.

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 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 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.

SPDs

Parking SPD – Gives guidance on parking standards, including giving an indicative figure of what will be considered acceptable but does not prescribe maximum or minimum figures.

Biodiversity and Geodiversity SPD - Sets out how Local Plan policy BIO1 and GI1 on green infrastructure will be applied. It also provides further specific detail about the Dearne Valley Nature Improvement Area.

Other

Hoyland West MPF covers the land allocated for employment development (ES130 and residential development (HS57) this indicates amongst other things:

- At planning application stage developers will be required to submit an appropriate archaeological investigation
- Access to the residential development would be taken across from Sheffield Road across the existing access to the haulage yard.

NPPF

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. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Para 81. Planning 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 taking into account local business needs.

Para 111. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 130 – planning decisions should 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, optimise the potential of the site and create safe, inclusive and accessible places that promote health and well-being.

Para 185 – Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.

Consultations

Highways DC – the submitted information indicates that there will be no increase in the number of employees or vehicle movements or on the number of trailers being stored on the site. It is notable that the applicant doesn't explain why a space that has been adequate since 1982 is now perceived to be no longer fit for purpose despite there being no expansion of operations. The only impact on the capacity of the existing site appears to be, as explained by the applicant, their decision to extend a unit to form an additional vehicle bay (approved 2021) and the decision to allow outside storage of building materials in a location that has displaced drivers cars. On that basis it is considered that the proposals do not affect the current access, parking and turning arrangements, or adversely impact upon the highway and are therefore acceptable from a highways point of view.

Pollution Control – Conditions are recommended to secure the proposed 3 metre earth bund as detailed in the submitted noise report; and to set a maximum sound level at the boundary of the nearest noise sensitive receptor. It is clarified that would provision of any mitigation (ie the proposed bund or the previously proposed 3 metre high fence) to reduce the noise impact the development would be likely to have an adverse impact on local residents and refusal would be recommended.

Drainage – there are no drainage details shown on the submitted plans. Conditional approval is recommended.

Planning Ecologist – The proposal is located within the SSSI Impact Risk Zone for the Dearne Valley Wetlands SSSI but is not listed as a type of development that would potentially have an impact on the SSSI. The existence of one or two ponds within the grounds of Hoyland Common Primary School some 120m to the north of the site, at some degree of severance with Tankersley Lane between the application site and the ponds, indicates that an assessment should be made of their suitability for great crested newts and if necessary, a further survey to assess the presence/absence of great crested newts. The recommendations made within the Preliminary Ecological Appraisal are considered appropriate to mitigate the loss of a small area of largely dense scrub habitat. The small size of the site to be affected by the proposed works indicates that a Biodiversity Net Gain assessment is not required. The recommended mitigation in the PEA should be secured by conditioning a Biodiversity Enhancement Management Plan and a condition requiring a Construction Environment Management Plan would detail the protection of retained features on the site and any pre-commencement checks prior to vegetation clearance for protected species.

SYMAS – The submitted Coal Mining report indicates that much of the land is situated within a high risk referral area due to possible shallow workable coal and/or past opencast coal operations. It also suggests that a Coal Mining Risk Assessment may be required. However it may also be the case that the nature/scale of the proposals would be exempt from such a requirement and this position should be confirmed with the Coal Authority. If a Coal Mining Risk Assessment is not required then only the Coal Authorities standing advice will be required should permission be granted.

The Coal Authority – the site falls within the defined Development High Risk Area where unrecorded coal workings may exist at shallow depth. However, given the nature of the proposed use for trailer storage which will not require substantial foundations or earthworks, we do not consider that a Coal Mining Risk Assessment would be proportionate to the nature of the development proposed and we do not object. However, a detailed informative is recommended.

Pollution Control (air quality) – no comments or objections, noting that the proposal involves the removal of 40 car parking spaces to accommodate the trailer storage yard.

Councillor Lamb and former Cllr Andrews– Formally object to the application on the grounds that:

- The application does not comply with the Local plan and the Hoyland Masterplan which were agreed by Full Council and are therefore Council policy as the site is designated as housing land.
- Given the intended hours of operation and nature of business, the resultant light and noise pollution would have an unacceptable impact upon nearby residential property
- It appears that removal of mature trees would be required; given that Barnsley Council has a clear policy of the borough being Carbon Neutral by 2045, the removal of mature trees negatively impacts upon that ambition.
- Requests Planning Regulatory Board determination because the application involves a significant deviation from Council Policy

Forestry – no response

SYAS – no response

Tankersley Parish Council – no response

Representations

The application has been advertised via letters direct to neighbours as well as a site notice displayed for the period 2 December to 23 December

Six letters of objection have been received from local residents stating:

- The application site behind our property is significantly higher than our property and any hard standing may cause flooding to our properties. What measures will be taken to prevent any water run off.
- Concerned at extra noise, air and light pollution from the heavy vehicles required to move trailers in and out of the proposed area.
- Several large trees have recently been removed or damaged, since when we have noticed rats in the garden. The trees should be replaced
- The trees blocked a lot of the view and noise, which does start as early as 6:30 on some days. A noise restriction should be implemented as part of the application.
- This planning application abrogates an agreement with Barnsley Council made around 1996, which created a green belt 'buffer' zone between the business and gardens of nearby residents where no business activities were to be allowed. I see no reason why this agreement should be overturned.
- In 1996 the Council served an enforcement notice on Armitage Transport concerning the unauthorised use of land for parking vehicles at the rear of Armitage Transport. An appeal was dismissed and they were told to erect a fence to shield residents from their activities. More recently, the operator has expanded without planning permission; had frequent illegal fires; and used the area to ride around on motorcycles. The Council has been contacted many times about these incidents but to no avail.
- The application site has now disappeared under tons of industrial waste dumped over the past year. All the shrubbery and trees in the field have been removed. The noise and pollution has been horrendous
- Although the application form states that the extended area will be used as a trailer park, the existing business appears to have started sand-making and brick cutting

activities and there is a chance that the extended area will be used for the same or similar activity, bringing an industrial process nearer to residential houses with its associated noise and pollution problems.

- Negative impact on value of adjacent properties.
- Noting the already experienced decline in green belt area/countryside around Tankersley Lane due to the Hermes development which has ruined the environment, this proposal would further reduce the environmental quality of the area.
- The planned extension will visually impact the view from adjacent houses at both ground and first floor windows as well as garden.
- The applicant has failed to maintain the boundary and more recently appears to be carrying out preliminary works causing noise pollution with heavy plant.
- Proposal will result in loss of wildlife in the area.

Assessment

Principle of Development

The principle of the use is complicated because the existing haulage yard and the area of land subject to this application are allocated for residential development in the Local Plan. They were formerly Green Belt. It is clear that the proposal is contrary to the residential allocation HS57 and H3 Uses on Allocated Housing Sites.

It appears that the applicant has no intention of relocating his existing business to allow the site to be redeveloped for housing, but granting permission for an expansion of the area given over the business would appear to make any relocation even less likely given that there will be a certain amount of investment in surfacing, drainage, noise and other mitigation.

It is also clear that the presentation of the application has been misleading. The application form has led consultees to understand there is no increase in parking on the site and/or that an existing area of parking will be replaced with lorry parking. The applicant has been invited to clarify this confusion but has not done so. They have also been invited to submit a layout plan of how the proposed parking/storage area will be laid out but have also not responded to this.

Moreover, it is clear from aerial imagery that the use of the haulage yard has already extended in a manner that appears to be unauthorized, such that there is an area in unauthorised use between the area that has a longstanding haulage yard use and the area subject to this application. It is the case that even if this application were approved, the unauthorised use would remain and there would be no consent for the applicant to access any approved area.

Consideration has been given to inviting the applicant to address this breach of planning control as part of the determination of this application but because this application is recommended for refusal; a new application would be required for the use of the area in unauthorised use; and any such application would not resolve the reasons for refusal of this proposal, it has been concluded that it would not be appropriate to delay determination of this application any further.

Residential Amenity

The revised noise report submitted in support of the application proposes the creation of a bund along the residential boundaries. This would have to be sited clear of the trees (and their root protection zone) and hedgerows on those boundaries which it is proposed to retain

and/or which are in the gardens of adjoining properties. No details of the extent of the bund are given, other than that it would be 3 metres high. This in part addresses the concerns expressed that the previously proposed 3 metre high fence on these boundaries would be an unacceptable feature at the bottom of residential gardens. However, there are concerns that a 3 metre high bund would also appear as an intrusive feature at the bottom of residential gardens and that in the absence of details of the extent (width), precise siting, impact on existing vegetation and any landscaping of the bund, there are concerns that it would harm residential outlook and visual amenity.

Notwithstanding the advice from Pollution Control recommending conditions that would make the application acceptable it is concluded that the proposed development would have a significantly adverse effect on and unacceptably affect the living conditions and residential amenity of local residents, contrary to local plan policy GD1.

Achieving well-designed places

Government policy in the national planning policy framework indicates that planning decisions should 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 Council's Masterplan Framework for the Local Plan allocations at Hoyland West establishes a clear strategy for the development of the allocations and in particular secures Olympus Way as a 'bypass' to Sheffield Road and Hoyland Common crossroads in order to remove significant levels of traffic, especially HGVs, from those roads. The application proposal will result in an increase in the number of HGVs using Sheffield Road and Hoyland Common crossroads in a way that will undermine the strategic objectives set by the Local Plan and the Hoyland West Masterplan Framework.

Highway Safety

The proposal is misleading as the application form has led consultees to understand that the proposed trailer storage will take place on an existing parking area and will not result in any increase in parking or vehicle movements.

The applicant has submitted two letters in support of the application but as indicated above the applicant has not responded to invitations to submit correct information about the extent to which the proposal will lead to additional traffic movements and the layout of the application site.

Although there is uncertainty at the traffic generation that would result from the proposal it is considered unlikely to result in a highway safety concern that would meet the NPPF test of causing an unacceptable impact on highway safety.

Ecology

A preliminary ecological appraisal (PEA) submitted in support of the application refers to the requirement to clear semi natural habitat in order to provide additional trailer storage. The habitat is not considered to have wider than site level importance for natural conservation. Recommendations are made in relation to the timing of site clearance/or the requirement for an ecologist to check the site for nesting birds before site clearance; the need for root protection measures for hedgerows to be retained; hedgerows to be laid and gaps filled; a new hedgerow to be planted along the southern boundary; specialist advice to be sought for the removal of Japanese knotweed (not on the area subject to this proposal); and two woodcrete nest boxes to be installed.

The Council's Ecologist advises that there are one or two ponds nearby at Hoyland Common Primary School that may be suitable for newts. If survey demonstrates that they are, then a further survey of the application site would be required to assess the presence/absence of newts. This could be secured by a pre-commencement condition, which could also offer the alternative approach of use of the newt licensing regime administered by Natural England. The Ecologist further advises that the recommendations in the PEA should be required by condition as should Biodiversity Enhancement and Construction Environment Management Plans. It is considered that issues in relation to ecology could be satisfactorily dealt with by conditions.

Other matters

The Council's Drainage Engineer advises that a conditional approval is recommended – this would require the applicant's agreement to a pre-commencement condition requiring full foul and surface water drainage details to be agreed before any development takes place on the site. It is clear that drainage could be satisfactorily dealt with by condition.

The proposal would not have any coal mining risk implications that require resolution by condition and if permission were recommended for approval an informative would be sufficient to inform the developer of the potential hazards and their responsibilities.

Applicants confidential financial and general business submissions make the case that the proposal will enable the business to expand in a way which will make it more profitable. However this can only be given limited weight because there is limited information and it is not presented in the context of how the application would assist the overall business profitability, increase employment or increase the number of vehicle movements to the site. While an extension to the depot may assist in the logistics of the business the extent and financial significance of this is not clear from the information submitted.

The application does not address the archaeology requirements of the site allocation condition. No response has been received from South Yorkshire Archaeological Service to the consultation. Given the surfacing and drainage required for the use is not expected to require substantial earthworks or foundations, it is not considered that the lack of archaeological information is a barrier to permission and a condition requiring archaeological assessment could be imposed if permission were granted.

Planning balance

While the contribution that the proposal may make towards the business can be given limited weight, this is outweighed by the greater weight given to the fact that the proposal is not in conformity local plans that allocate the site and indicate what development will be allowed on the allocation, requires access across an area of land that appears to be being used in breach of planning control and the assessment that the proposal will cause harm to residential amenity and the character of the wider area as a result of the trailer storage and vehicle manoeuvring being brought nearer to private dwellings and the likelihood of an increase in HGV movements on the nearby road network. Overall, any benefits of the proposal would not outweigh the harm identified.

Recommendation

Refuse