
2016/0538

Applicant: Mr P England C/o Townsend Planning Consultants

Description: Erection of 1 no. dwelling, including hydro turbine power plant.

Site Address: Land at Blacker Green Lane, Silkstone, Barnsley, S75 4NF

The Officer recommendation is referred to the Planning Board for Councillor determination due to the site being located in the Green Belt. 2 letters of support and 1 objection from members of the public have been received. Silkstone Parish Council have abstained from commenting on the application and no comments have been received from any of the Ward Councillors.

Site Description

The site is located in a relatively remote location in a rural part of Silkstone that is located adjacent to Blacker Wood, a private fishing pond, Silkstone Beck and farmer's fields.

The main part of the site consists of a 673sqm shaped clearing in the woodland which it is stated previously was used as a parking area in association with the private fishing pond business being carried out on the adjacent land. In addition the site includes a small section of Silkstone Beck and its banking.

Ordnance survey maps still refer to the site being in use as Blacker Green Playing Field and Blacker Dam in the case of the private fishing pond. However these are historical references and land is now in private use rather than serving any amenity, or dam function.

Access exists to Blacker Green Lane via an existing gated entrance. Blacker Green Lane is a single vehicular width road which currently provides access to a small number of existing dwellings and the fishing pond business. Blacker Green Lane joins the A628 Barnsley Road in a location approximately ½ mile to the south of the site in the Silkstone area.

Proposed Development

The proposal is to construct a uniquely designed one off dwelling on the site, which would utilise Silkstone Beck to provide hydro power and would be built to the highest standards of eco design.

The building would be built adjacent to and within the banking belonging to Silkstone Beck having a low profile linear/rectangular shape. Part of the building would overhang the stream allowing water to pass under the building. The main living area would be in the upper storey that would be set at the current ground level resulting in a 3m high x 23m long x 9m wide visible structure. Below this would be an undercroft, including parking and a small hydropower plant room. The undercroft and plant room would be set into the banking and so only the south west elevations of the lower levels would be visible from the stream bed and the pond to the south. The outer walls of the building would be faced using a mixture of corten and perforated steel cladding and large glass panels.

A ramp would be constructed to the first subterranean level to enable vehicular parking to take place within the building to enable this to take place out of sight. A screen wall faced with the same corten steel cladding to be used on the building would be provided to hide the ramp from view from Blacker Green Lane. In front of this area a grass seeded geogrid would

be provided on the area intended to allow for vehicular manoeuvring. A wildflower meadow would be provided within the remaining area of the clearing.

History

No previous planning applications have been submitted on the land in question.

Policy Context

Planning decision 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 development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

Local Development Framework Core Strategy

CSP2 'Sustainable Construction'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP21, 'Rural Economy'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP34 'Protection of Green Belt'
CSP36 'Biodiversity and Geodiversity'
CSP37 'Landscape Character'

Saved UDP Policies

UDP notation: Green Belt

WR10 'Western Rural Green Belt'
GS6 'Extent of the Green Belt'
GS7 and GS8 'Development within the Green Belt'

SPD's

- Designing New Residential Development
- Parking

Other

South Yorkshire Residential Design Guide

Emerging Development Sites and Places DPD

Proposed allocation: Green Belt. Blacker Green Lane is shown as a Green Way recreation route.

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.

14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are

out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

55. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as....*the exceptional quality or innovative nature of the design of the dwelling.*

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

80. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green

Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.

Consultations

Biodiversity Officer – Has resolved not to object to the application taking into account the findings of the ecological report and the proposed mitigation and enhancement measures.

Drainage – No objections subject to conditions

Environment Agency – No objections subject to conditions.

Highways – No objections in principle subject to the imposition of conditions.

Silkstone Parish Council – Abstain from commenting on the application.

Tree Officer – No objections subject to conditions.

Urban Design Officer – Supports the application as he considers the proposed development to be of an exceptional and innovative nature.

Ward Councillors – No comments have been received.

Yorkshire Water – No comments have been received.

Representations

The application was publicised by site notice neighbour notification. 2 letters of support and 1 objection has been received.

The grounds of support are:-

- It is agreed with the applicant that the plans would represent an exceptionally high quality development.
- The view is expressed that the applicant has shown a painstaking attention to minimising impact and ensuring the developments full sympathy with the local environment.
- The opinion is also expressed that the development would significantly enhance the appearance of the site which is regarded as being somewhat untidy at present and without purpose at present and in a semi-derelict state.
- It is stated that the applicant has a record of making positive contributions to the environment in Silkstone and that the development would have a further positive effect on the area.

The local resident who has submitted an objection had admitted to not being aware of the scale or details of the proposal prior to making their comments. However they wished to express the following concerns to the Council:-

- Harm to the Green Belt.
- Highway safety – Concerns that Blacker Green Lane is a narrow, windy and unlit country lane and that introducing additional traffic on the lane would increase the risk of accidents as a result of the conflicts that would occur with vehicles and pedestrians using the lane to visit the small number of houses on the lane, the fishing pond and

recreational walkers. Details of a specific incident is referred to last September when a car travelling too fast crashed into a front boundary wall belonging to a house causing damage.

- Some reservations are also expressed about the potential for the development to cause disruption during the construction phase.

Assessment

Green Belt

The site is located in the Green Belt whereby the construction of dwellings (with the exception of dwellings for agricultural and forestry workers) is classed to be an inappropriate form of development under paragraph 89 of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Harm to the Green Belt should be given substantial weight. In addition very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

The applicant recognises that the development would be classed as an inappropriate form of development in the Green Belt. However the applicant's case is based around paragraph 55 of the NPPF which potentially allows for the development of isolated dwellings located within countryside locations in special circumstances such as the exceptional quality, or the innovative nature of the design of the dwelling. Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

The proposed plans were considered by the Barnsley Design Review Panel prior to the application being submitted. At the planning application stage the plans have been carefully scrutinised by the Council's Senior Urban Design Officer who attended the original Design Review Panel meeting and has sought to assess the plans taking on board the comments that were made on the plans by the members of the panel. In arriving at the conclusion that the proposed design is of an exceptional and innovative nature the Senior Urban Design Officer has afforded weight to a number of aspects of the design including:-

- The design influences/inspirations which include the 'Fallingwater' building designed by the famous architect Frank Lloyd Wright and the historical connection between the site and industry and the natural surroundings.
- The bespoke nature of the design which would make the building a one off.
- Scale/profile – The proportions of the building are suitable in context and together with its low profile and undercroft levels this would minimise visual impact.
- Materials - The external facing walls would be clad in corten steel which is direct historical reference to the smithies which were sited on Silkstone Beck and used the water for power. It will be left in a rust colour and sealed. The hue is aimed to be that of an autumn day.
- The sustainability credentials of the building including the proposal to utilise hydro power to generate a minimum of 2kw of electricity to supplement the energy needs of the development and to construct it with materials that would perform extremely well with regards to energy efficiency.
- The building would utilise the landforms on the site without impacting upon existing features.

- Vehicle parking – This would be hidden as parking would take place within building in the subterranean level. In addition a screen would be constructed to hide the ramp that would be constructed using the same corten steel material as the building.
- The use of a grass seeded geogrid instead of the use of a conventional hard surfaced material at the vehicle turning/manoeuvring area.

Officers therefore consider that the development would be truly innovative, reflect the highest standards of architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the area. Potentially therefore this provide grounds of very special circumstances for Officers to support the application. However it is also necessary to have assessed the other forms of harm that may arise from the development which is set out below.

Residential Amenity

The distance from the nearest residential properties and the amount of screening provided by surrounding trees is such that the development would not give rise to any harm to living conditions for existing residents in the area. Conditions could be imposed to limit disturbance during the construction period.

Highway Safety

Blacker Green Road is a narrow country lane which is unsuitable to accommodate large traffic volumes. However the addition of a single 3 bedroom dwelling would not add sufficient traffic flows in order to generate highway safety concerns in the opinion of the Highway Authority. The main highways issues with the development would therefore be during the construction phase of the development. A construction method statement would therefore be required to enable the Council to agree the details of how the building would be constructed and how materials would be transported to the site. This could be dealt with by way of a planning condition.

Biodiversity

The implications of the development on biodiversity have warranted particular attention given the sites location adjacent woodland and the potential effects of the development on the watercourse passing through the site Silkstone Beck. The main findings of the ecology report can be summarised as follows:-

- The majority of the site consists of bare ground which is of low ecological value.
- The proposed development would not affect any trees forming part of the woodland, or the watercourse.
- The development would not cause a loss of foraging or commuting habitat for bats subject to suitable controls being in place regarding appropriate external lighting proposals.
- The biodiversity value of the site would be improved by including a range of enhancement measures including planting of a wildflower meadow over the geo textile grid that would be used on the vehicle manoeuvring area, the planting of a species rich hay meadow in the other open areas of the site, the thinning of poor quality specimens within an area of the woodland to allow better specimens to flourish and the provision of 4 bat boxes.

In the opinion of the Council's Biodiversity Officer the biodiversity implications of the proposal have been appropriately assessed. He agrees that the biodiversity implications of the development would be minimal and has resolved not to object to the application on that basis.

Trees

Despite being surrounded by an area of woodland the effects on existing trees should be limited as only 6 poor specimen trees would require approval. However, due to the proximity of the proposed building in relation to existing trees a method statement and tree protection fencing would need to be in place for the construction period, along with compensatory planting for the trees to be removed via a landscaping scheme. The Arboricultural Officer therefore has no objections subject to suitable conditions being in place.

Flood Risk

The building would be constructed directly over Silkstone Beck to make use of the water for hydro electric generation purposes. However as it is a small stream the Environment Agency has written to the Council to confirm that the site is located in flood zone 1 and that they consider the flood risk to the development would be low. Their only recommendation to mitigate against flood risk was to have non habitable rooms on the lower level of the building which was already part of the design. No objections have been made against the application from the EA or the Council's drainage engineers accordingly on flood risk grounds.

Conclusion

In summary, the proposal is defined as inappropriate development in the Green Belt to which substantial weight is attached. Given that openness is equated with a freedom from development some harm to openness would occur. The amount of harm that would occur is reduced by the design characteristics of the building and the fact that it is located within a clearing that is screened by woodland on all sides. That said some negative weight has to be afforded to the effect of the development on openness.

The development would not assist with safeguarding the countryside from encroachment or assist in urban regeneration, by encouraging the recycling of derelict and other urban land. However given that the proposal is for a single dwelling these conflicts with the purposes of including land within the Green Belt are relatively small. In addition Officers have formed the opinion that the proposal represents design of an exceptional and innovative nature. In this case the proposed design is considered to be so exceptional and innovative that very special circumstances exist to outweigh the limited harm to the openness of the Green Belt and 2 of the purposes of including land within the Green Belt. In addition the assessment of the application has determined that the development would not result in any other negative impacts. It is therefore considered that very special circumstances exist in this case which are sufficient for the application to be supported by Officers in this particular case because of the special merits associated with the proposal.

Recommendation

Grant planning permission with conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:-

Site location plan

Rh/pe/4 'Site plan'

Rh/pe/1 rev A 'Plans, elevations'

Rh/pe/2 rev A 'Elevations'

Rh/pe/3 'Site Plan'

Rh/pe/6 'Details'

Architects statement regarding materials

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 No development shall take place until samples of the proposed external materials, including a mock up showing the width of the corten steel sections have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 4 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26

- 5 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Loading and unloading of plant and materials

Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.

- 6 No development shall take place until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.

Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.

- 7 No development or other operations being undertaken on site shall take place until the following documents in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details
Tree protection plan
Arboricultural method statement

No development or other operations shall take place except in complete accordance with the approved methodologies.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

- 8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building.

Reason: In the interests of the visual amenities of the locality.

- 9 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

- 10 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey updated 4th Oct 2016, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.

- 12 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality in accordance with Core Strategy policy CSP 29.

- 13 Prior to commencement of development details of a bin enclosure to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.
Reason: In the interests of the visual amenities of the locality in accordance with Core Strategy policy CSP 29.
- 14 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 15 The development shall be constructed to achieve following the sustainable design credentials set out within the application:-
- Specifications equivalent to level 6 of the Code for Sustainable Homes
 - Ultra-low energy consumption combined with very good internal air quality which is equivalent to Passivhaus standards
 - The generation of a minimum 2KW of electricity achieved through the hydro-electric power plant and turbine that shall be utilised on site to contribute to the energy needs of the development
- Reason: The proposed development in a Green Belt location is only regarded to be acceptable due to the exceptional and innovative nature of the design.**

