

# Public Document Pack

To all Members of the

## **PLANNING COMMITTEE**

### **AGENDA**

Notice is given that a Meeting of the above Committee is to be held as follows:

**VENUE** Council Chamber - Civic Office Waterdale, Doncaster  
**DATE:** Tuesday, 30th May, 2017  
**TIME:** 2.00 pm

#### **BROADCASTING NOTICE**

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#### **Items for Discussion:**

- |   | <b>PageNo.</b> |
|---|----------------|
| 1. Apologies for Absence.   |                |
| 2. To consider the extent, if any, to which the public and press are to be excluded from the meeting. |                |

**Jo Miller**  
**Chief Executive**

Issued on: Friday 19th May, 2017

Senior Governance Officer  
for this meeting:

David M Taylor  
01302 736712

|           |  |          |
|-----------|--|----------|
| 3.        | Declarations of Interest, if any.  |          |
| 4.        | Minutes of the Planning Committee Meeting held on 25th April, 2017   | 1 - 4    |
| <b>A.</b> | <b>Reports where the Public and Press may not be excluded.</b>   |          |
|           | <b><u>For Decision</u></b>   |          |
| 5.        | Schedule of Applications   | 5 - 90   |
|           | <b><u>For Information</u></b>  |          |
| 6.        | Appeal Decisions   | 91 - 98  |
| <b>B.</b> | <b>Items where the Public and Press may be excluded in accordance with grounds specified in the Local Government Act 1972, as amended.</b> |          |
| 7.        | Enforcement Cases Received and Closed for the Period of 10th April to 13th May, 2017 (Exclusion paragraph 6)                               | 99 - 116 |

### **Members of the Planning Committee**

Chair – Councillor John McHale  
Vice-Chair – Councillor Iris Beech

Councillors Duncan Anderson, Mick Cooper, Susan Durant,  
John Healy, Eva Hughes, Sue McGuinness, Andy Pickering,  
Tina Reid and Jonathan Wood

# Agenda Item 4.

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE

TUESDAY, 25TH APRIL, 2017

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE on TUESDAY, 25TH APRIL, 2017, at 2.00 pm.

#### PRESENT:

Chair - Councillor Iris Beech  
Vice-Chair - Councillor Dave Shaw

Councillors George Derx, Susan Durant, John Healy, Eva Hughes, Sue McGuinness, John McHale and Jonathan Wood.

#### APOLOGIES:

Apologies for absence were received from Councillors Andy Pickering and Alan Smith.

#### 80 DECLARATIONS OF INTEREST, IF ANY

No declarations were reported at the meeting.

#### 81 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 4TH APRIL, 2017

RESOLVED that the minutes of the meeting held on 4th April, 2017, be approved as a correct record and signed by the Chair.

#### 82 SCHEDULE OF APPLICATIONS

RESOLVED that upon the consideration of a Schedule of Planning and Other Applications received, together with the recommendations in respect thereof, the recommendations be approved in accordance with Schedule and marked Appendix 'A'.

#### 83 DELEGATED AUTHORITIES FROM PLANNING COMMITTEE TO THE ASSISTANT DIRECTOR OF DEVELOPMENT

The Committee received a report proposing to review the delegated authorities given by the Planning Committee to the Assistant Director of Development, to enable the efficient operation of the Planning Service.

The report set out within paragraphs 4, 6 and 7, the proposed amendments to the current delegated authorities to build in greater effectiveness and efficiency within the service. This would bring the scheme up to date following previous organisational restructures and that the amendments proposed, were urgently needed to the service.

RESOLVED that the changes to the delegation agreement set out within paragraphs 4, 6 and 7 of the report, be approved.

84 APPEAL DECISIONS

RESOLVED that the following decision of the Secretary of State and/or his inspector, in respect of the under-mentioned Planning Appeal against the decision of the Council, be noted:-

| Application No. | Application Description & Location  | Appeal Decision              |
|-----------------|---|------------------------------|
| 16/01974/OUT    | Outline application for the erection of one dwelling including details of access and landscaping at Land adjacent Acre Paddock, Brockholes Lane, Branton, Doncaster.  | Appeal Allowed<br>07/04/2017 |
| 14/02421/FUL    | Erection of ground floor infill extension to side including alterations to form new shop front (being re-submission of application 13/02145/FUL withdrawn on 22/11/2013) at Bentley Road, Bentley, Doncaster. | Appeal Allowed<br>29/03/2017 |

85 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that the public and press be excluded from the remaining proceedings of the meeting, in accordance with Section 100(A)(4) of the Local Government Act 1972, as amended, on the grounds that exempt information as defined in Paragraph 6 of Schedule 12A to the Act, is likely to be disclosed.

86 ENFORCEMENT CASES RECEIVED AND CLOSED FOR THE PERIOD OF 23RD MARCH TO 9TH APRIL, 2017 (EXCLUSION PARAGRAPH 6)

The Committee considered a report which detailed all Planning Enforcement complaints and cases received, and closed during the period 23rd March to 9th April, 2017.

In response to Members queries regarding application No.17/00133/M within the report, the Head of Planning undertook to provide Members with a progress report on the specific details of the case following the meeting.

RESOLVED that all Planning Enforcement Cases received and closed for the period 23rd March to 9th April, 2017, be noted.

## DONCASTER METROPOLITAN BOROUGH COUNCIL

## PLANNING COMMITTEE – 25th April, 2017

|                              |   |                                 |                     |
|------------------------------|---|---------------------------------|---------------------|
| <b>Application</b>           | 1   |                                 |                     |
| <b>Application Number:</b>   | 16/03152/FUL  | <b>Application Expiry Date:</b> | 10th February, 2017 |
| <b>Application Type:</b>     | Full Application  |                                 |                     |
| <b>Proposal Description:</b> | Installation of 2.25m high fence alongside front boundary (Retrospective) (being resubmission of planning application 15/02727/FUL refused on 08/01/2016) |                                 |                     |
| <b>At:</b>                   | 220 Cantley Lane, Cantley, Doncaster DN4 6QT  |                                 |                     |
| <b>For:</b>                  | Mr Robert Dakin   |                                 |                     |
| <b>Third Party Reps:</b>     | 0   | <b>Parish:</b>                  |                     |
|                              |   | <b>Ward:</b>                    | Finningley          |

**A proposal was made to refuse the application.**

Proposed by: **Councillor Eva Hughes**

Seconded by: **Councillor John McHale**

**For: 3 Against: 5 Abstain: 1**

**Decision: The Motion to refuse the application was declared LOST.**

**Subsequently, a proposal was made to grant the application.**

Proposed by: **Councillor Jonathan Wood**

Seconded by: **Councillor George Derx**

**For: 7 Against: 1 Abstain: 1**

**Decision: Planning permission granted on the basis that the fence is lower than the original hedge and the planting will help to soften the**

impact of the fence on Cantley Lane; No conditions are attached to the permission.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr. Robert Dakin, the Applicant and Councillor R. Allan Jones, Local Ward Member, spoke in support of the application for the duration of up to 5 minutes each.

|                    |          |
|--------------------|----------|
| <b>Application</b> | <b>2</b> |
|--------------------|----------|

|                            |              |                                 |              |
|----------------------------|--------------|---------------------------------|--------------|
| <b>Application Number:</b> | 17/00557/FUL | <b>Application Expiry Date:</b> | 2nd May 2017 |
|----------------------------|--------------|---------------------------------|--------------|

|                          |                  |
|--------------------------|------------------|
| <b>Application Type:</b> | Full application |
|--------------------------|------------------|

|                              |   |
|------------------------------|---|
| <b>Proposal Description:</b> | Erection of 1st Floor extension to rear of property |
| <b>At:</b>                   | 125 Beech Road, Armthorpe, Doncaster DN3 2EF        |

|             |                   |
|-------------|-------------------|
| <b>For:</b> | Miss Kerry Gravil |
|-------------|-------------------|

|                          |   |                |                          |
|--------------------------|---|----------------|--------------------------|
| <b>Third Party Reps:</b> | 0 | <b>Parish:</b> | Armthorpe Parish Council |
|                          |   | <b>Ward:</b>   | Armthorpe                |

**A proposal was made to grant the application.**

Proposed by: **Councillor Eva Hughes**

Seconded by: **Councillor Iris Beech**

**For: 9 Against: 0 Abstain: 0**

**Decision: Planning permission granted.**

## DONCASTER METROPOLITAN BOROUGH COUNCIL

30th May 2017

To the Chair and Members of the

### **PLANNING COMMITTEE**

#### **PLANNING APPLICATIONS PROCESSING SYSTEM**

##### Purpose of the Report

1. A schedule of planning applications for consideration by Members is attached.
2. Each application comprises an individual report and recommendation to assist the determination process.

##### **Human Rights Implications**

Member should take account of and protect the rights of individuals affected when making decisions on planning applications. In general Members should consider:-

1. Whether the activity for which consent is sought interferes with any Convention rights.
2. Whether the interference pursues a legitimate aim, such as economic well being or the rights of others to enjoy their property.
3. Whether restriction on one is proportionate to the benefit of the other.

##### **Copyright Implications**

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Scott Cardwell  
Assistant Director of Development  
Directorate of Regeneration and Environment

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

## Summary List of Planning Committee Applications

NOTE:- Site Visited applications are marked 'SV' and Major Proposals are marked 'M'

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| Application | Application No | Ward                    | Parish                                  |
|-------------|----------------|-------------------------|---|
| 1. M        | 16/02386/COUM  | Rossington And Bawtry   | Rossington Parish Council               |
| 2.          | 16/01811/FUL   | Rossington And Bawtry   | Rossington Parish Council               |
| 3.          | 13/02403/FUL   | (Historic) Torne Valley | Wadworth Parish Council                 |
| 4.          | 17/00661/FUL   | Sprotbrough             | Sprotbrough And Cusworth Parish Council |

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## **1.0 Reason for Report**

1.1 This application is being presented to Members at the request of Cllrs Rachael Blake, and John Cooke and also due to the public interest shown in the application.

1.2 The application has been subject to amendments from its original submission. The report assesses the proposal as submitted (and currently unauthorised) and as proposed to be operated on a temporary basis.

## **2.0 Proposal and Background**

### *Background*

2.1 The application site is located at the junction between Bankwood Lane and West End Lane, within the Bankwood Lane Industrial Estate. The Estate lies to the north of New Rossington, approximately 5km to the southeast of Doncaster. To the west of New Rossington, the former Colliery site is currently undergoing a significant, mixed use redevelopment, including a recently opened road link to the Great Yorkshire Way, which in turn allows access to Junction 3 of the M18. To the south and east of the site generally are the planned residential areas of Rossington.

2.2 The application site was formerly occupied by a variety of factory buildings, including a retail factory outlet. All former buildings within the site have now been demolished and the site consists almost entirely of hard standing.

2.3 The applicant Attero Recycling Ltd (Attero) operates a waste processing facility at the northern end of the Bankwood Lane Industrial Estate. Materials are imported generally by articulated lorries (HGV) and undergo a range of processes including sorting, separation, screening, bailing, shredding, crushing, blending and compaction prior to being exported from the site.

2.4 The waste processing facility was granted under Planning Permission 97/69/3510/FUL granted in June 1998 and operates under an environmental permit license issued by the Environment Agency (EA). In 2015, the EA granted a permit to increase the permitted throughput of waste at the site from approximately 75,000 to 200,000 tonnes per year. This has resulted in a considerable increase in HGV movements to the waste processing facility via Bankwood Lane, including on-street parking whilst waiting to gain access to the processing site.

2.5 In Autumn 2015 Attero began using the application site as a Lorry Park, stating that a holding area for HGVs associated with the processing facility was required in order to prevent HGVs from waiting in the surrounding area prior to gaining entry to the waste processing facility. The proposal is unauthorised and is currently not subject to any planning control, as such the impacts of the proposal are currently unchecked. The Local Planning Authority has sought a planning application to regularise the current use.

## *Proposal*

2.6 The application seeks temporary planning permission for 18 months for the change of use of land to operate an ad hoc lorry park in connection with the Attero waste processing facility. In addition, associated alterations are proposed to the access points, landscaping and boundary treatments.

2.7 This assessment does not seek to consider the arrangement as being acceptable in planning terms permanently. The proposal seeks to provide a temporary solution for the off-site parking of HGVs whilst a more appropriate solution is found. Further detail on this is set out in Paragraphs 7.47 – 7.50 of this report.

2.8 The majority of HGV movements to the waste processing facility now arrive via the new link to West End Lane. A one-way system is in place with HGVs stationed until called to the processing facility, upon which they leave the application site by the northernmost entrance onto Bankwood Lane. The proposed site layout is attached as Appendix 3 to this report.

2.9 Whilst the site has capacity for significant HGV parking, in order to minimise any impacts the applicant limits the number of HGVs on site at any one time to 20 vehicles. Although turnover varies from day to day, typical daily use includes a maximum of 100 vehicle movements (50 in and 50 out). Given a working day of 11 hours, this equates to an average of one vehicle movement every 6.6 minutes.

2.10 During the course of the application, amendments have been secured to the overall site layout to allow the suitable access and egress of HGVs from the site and the provision of a management plan which sets out a broad range of controls and restrictions over the use of the site.

### **3.0 Relevant Planning History**

3.1 The recent planning history of the site consists of regeneration proposals:

3.1 02/3368/P Change of use of vacant factory to extreme sports centre. Approved 28.10.2002

3.2 07/3437/FULA Residential development comprising 45 units following demolition of existing warehouse. Approved 18.03.2008

3.3 08/00841/FULM Erection of 43 dwellings on approx. 0.52ha of land (being resubmission of application 07/03437/FULA granted on 18.03.2008). Approved 13<sup>th</sup> June 2008

3.4 11/01655/EXTM Erection of 43 dwellings on approx. 0.52 ha of land (being extension of time to application granted under ref:08/00841/FULM on 13.06.2008) 25.03.2014

## 4.0 Representations

4.1 In accordance with the Planning Practice Guidance (PPG), statutory and local publicity stakeholders have been consulted and their comments are documented on Doncaster's Public Access website. The application was advertised by means of written notification to adjacent neighbours as well as displaying a number of public notices near the application site.

4.2 Representations have been received from local councillors Cllrs Rachael Blake, John Cooke and former councillor Clive Stone. The following concerns have been raised:

- The land is not suitable in principle
- Lack of privacy for residents
- Inadequacy of parking/load
- Implications for highway safety
- Traffic generation
- Noise and disturbance from lorries
- Inadequate access points
- Alleged hazardous materials
- Concerns with the operator
- Blocking of residential driveways
- Odour and dust creation
- Impact on air quality
- Litter
- Visual eyesore

4.3 The Parish Council have opposed the application on the following grounds:

- Impact on highway safety
- Safety of pedestrians
- Visual impact
- Impact on resident's health
- Overnight stays
- Dangerous driving by lorry drivers
- Loads not covered sufficiently
- Vehicle maintenance being done on site
- Statutory nuisance from foul odour, dust, litter and noise
- Continual breaches in the movement of wagons outside current operational hours
- Environmental impact of current site and wagons travelling through the village
- General pollution from the site including litter in hedgerows
- Damage to existing hedgerows and fencing
- Access to other road users on Bankwood lane
- Impact on the health and wellbeing of residents in Rossington in particular the Bankwood Lane, Bankwood Crescent, West End Lane, Station Road and Sheep Bridge Lane areas.
- The FARRRS link road is not designed for HGV traffic.

4.4 The Rt Hon Caroline Flint MP has objected to the application for the following reasons:

- The breach of operating hours which is causing excess noise and disturbance for local residents
- The inadequate parking and loading facilities on site.
- The lack of facilities is making travelling along the road dangerous for residents
- Environmental concerns, particularly unpleasant odours. The local residents are having a problem with excess flies, sludge on the roads coming unclean lorries and they are having to keep their windows closed to avoid the smells
- Concerns with the retrospective nature of the planning application and track record of the applicant in terms of enforcement action

4.5 22 letters of objection have been received from members of the public. The issues raised can be summarised as:

- The application is retrospective
- Impact on road safety
- Causing traffic congestion
- Creation of noise and disturbance
- The road is too narrow
- Lack of consultation
- The access points are inadequate
- Dust and odour creation
- Impact on resident health
- Alleged working outside operating hours
- Lorries driving through the village
- Odour and litter is causing flies
- Lorries are parking on residential streets overnight
- Air pollution
- The site is too close to residential properties
- Vibration caused by lorries
- There are schools nearby
- The lorries are damaging the roadway
- Driver behaviour

4.6 Officers have sought to engage with the local community to fully understand the issues being generated by the proposal. Officers have attended a 'drop in day' consultation event on 1<sup>st</sup> November 2016, together with a subsequent walking tour of the Bankwood Estate and a Parish Council meeting on 21<sup>st</sup> February 2017. Regular meetings have taken place with Ward Members and the Parish Council have been consulted through the application process. The feedback and responses have been recorded within the representations received.

## 5.0 Relevant Consultations

### 5.1 Highway Officer

#### *Comments on submitted proposal*

Having reviewed the supporting information submitted with the application, I will require further information in order to provide an informed response to the proposal.

Access to the site is taken from West End Lane via an existing gated access, with egress onto Bankwood Lane via an existing gated access constructed at oblique angle to the main carriageway. In order to determine the suitability of the existing access and egress arrangement, I will require swept path analysis for left in and right out manoeuvres for the largest size of vehicle that will utilise the parking facility.

The swept path analysis shows the HGV overrunning / overhanging the fence line immediately to the east of the site access. Clearly if the vehicle were to avoid conflict with the fence line, this manoeuvre would show the vehicle tracking into the opposing lane in order to gain access to the site. This would be unacceptable and therefore a scheme of improvement to the site access is required in order to prevent this occurring. I understand this issue was raised at a meeting with the applicant, but to date I have not received any details of proposed access improvements.

Currently, the site has no formal parking plan identified, however it is considered prudent for the parking layout to be formalised and site surfacing improved. A judicious layout arrangement could also assist in alleviating some of the residential amenity issues. I would refer the applicant to the Freight Transport Association document Designing for Deliveries, which may assist in the design and turning requirements in this matter. In addition, there is a concrete "haunch" on one side of the access to West End Lane which will require removing as part of these works.

I have concerns regarding visibility for vehicles exiting the site together with pedestrian inter-visibility at this locale. Whilst it is acknowledged this is an existing access arrangement, I believe that visibility is currently impaired by vegetation within the site itself. In this regard I want visibility to be maximised to overcome safety concerns.

I therefore require the applicant to provide details of how this will be achieved. No details have been received in respect of this. Furthermore, the swept path analysis for vehicles exiting the site shows slight overrun / overhang to the southern gatepost / kerb line. I believe this can be avoided if re-tracked for betterment.

#### *Comments on amended proposal*

In response, I can confirm that in principle, and on the basis of the information provided, alteration to the access will certainly improve the swept path of vehicles entering the site and is considered to be acceptable. Notwithstanding this, and whilst plan reference 16-0086-001Rev C indicates that vehicles can access the site without crossing into the opposing lane, I do require detailed design of the proposed access and egress improvements in both plan and elevation. In addition swept path analysis of the current access arrangement will also be required for comparative purpose (now received).

The internal layout shows a more formalised layout which is considered satisfactory. In terms of the haunch referred to, it is assumed this will be removed as part of the access improvement works referred to above.

## 5.2 Environmental Health Officer (Noise)

### *Comments on submitted proposal*

Having examined the submitted information in detail, it is my opinion that the proposed use of the site at the corner of Bankwood Lane and West End Lane as a temporary lorry holding park will need to be carefully controlled to make the development acceptable in terms of potential impact on amenity.

The site in question has established B1, B2 and B8 industrial use and is on the edge of an existing industrial estate. However, it is also in close proximity to existing residential properties on West End Lane and Bankwood Lane. The area is therefore considered to be of a mixed use character. The proposed use of the site has the potential to impact negatively on the amenity of the residential properties in terms of noise, odour and dust.

I am aware that the site is currently functioning as a lorry park without the benefit of planning approval and is currently being operated from approximately 0645 hours 5 days per week. The submitted information stated that the proposed operating hours would be 0700 hours to 1800 hours Monday to Friday only. These hours, if specified by way of condition, would go some way to mitigating the impact of the site in terms of noise. From 0700 hours onwards the ambient noise level of the area in general tends to rise significantly as vehicles, including HGVs begin to access other businesses within Bankwood Industrial Estate so noise from the lorry park would not necessarily be the dominant noise during normal working hours. Notwithstanding these comments I believe operations will still need to be managed correctly to minimise any impact. Such management must include preventing unnecessary engine idling, removing uneven surfaces to prevent noise and vibration as HGVs pass over it, and possibly restricting the use of reversing alarms before 0730 hours. With this in mind I would recommend that the applicant be requested to submit a noise management plan to be agreed with the LPA prior to any approval being granted.

Similarly, dust and odour arising from the HGVs will also need to be carefully managed. I would expect to see such measures as site/road sweeping during dry periods, immediate cleaning of any spillages, vehicles remaining sealed whilst on site, and a daily odour monitoring and recording all in place during site operation. I therefore suggest that an odour and dust management plan be submitted by the applicant so that it can be agreed by the LPA prior to any approval being granted. The parking arrangements within the site could also form part of the management plan and I would recommend that more detail is sought on the layout of the site including proposed parking areas and vehicle routing.

Once the additional information has been provided by the applicant I will be happy to assess it and provide further comments.

### *Comments on amended proposal*

The latest version of the management plan and the amended site plan have addressed all of my earlier comments and suggestions. It is therefore my view that, if the proposed lorry park was operated in accordance with the management plan, then the impact would be minimised. Clearly there will still be some impact, in terms of noise, on amenity in comparison to a scenario where the site was not used as a lorry park but in my view this would not be a material impact given the historic mixed residential/industrial character of the area.

### 5.3 Environmental Health Officer (Air Quality)

#### *Comments on submitted proposal*

Due to the nature of the application and based on the number of vehicle movements I require the submission of an Air Quality Assessment (AQA) and a monitoring strategy to quantify the air quality impacts of this development.

I would expect that suitable mitigation methods be incorporated into any assessment so that emissions can be minimised.

The scope and methodology of the assessment should be agreed with the Pollution control team of Doncaster Council prior to its preparation.

#### *Comments on amended proposal*

I have reviewed the screening assessment and can confirm that it uses standard methodology and resources to conclude that it is unlikely that the Air Quality Objectives will be exceeded.

I agree, given the circumstances of the current situation, that monitoring shall be implemented as soon as is practically possible and can be conditioned appropriately. The reporting of these results should also be conditioned to be submitted within 4 months of the site becoming operational.

I recommend that the proposed monitoring location N2 is moved to the opposite side of Bankwood Lane because it is more representative of relevant exposure.

I would also require that restrictions are placed on the operators so that vehicles must not leave their engine idling while parked, as this has not been considered within the assessment.

Further advice is provided to the operators and users of the site that membership of the ECOstars scheme, or other such scheme, should be part of a mitigation strategy to further improve emissions from vehicles using the site.

These comments relate only to the air quality impacts, odour assessment or concerns should be forwarded to the relevant officer for comment.



#### 5.4 Highways Transportation Officer

Although the Aterro operation is generating additional traffic, it appears that the lorry park itself does not generate any extra traffic/HGV's and is a reorganisation of existing traffic movements to improve highway safety and prevent HGV's waiting on the public highway to access the existing processing facility.

I have no objection to this application from a Transportation perspective.

#### 5.5 South Yorkshire Police

I realise that this facility is for a temporary period of 18 months but I think that certain criteria should still be met to maintain safety and security within the site.

The parking facility must be well lit with no dark areas, all landscape should be kept low to aid surveillance from Bankwood Lane and West End Lane.

Lighting design should be co-ordinated with a CCTV installation (where possible) and the landscape design to avoid any conflicts and to ensure that the lighting is sufficient to support a CCTV system. Light fittings should be protected where vulnerable to vandalism.

The boundary treatment should be robust and be a minimum of 1.8m high. It should be locked after hours.

Signage must be used to control access / egress and the one way system.

#### 5.6 Environment Agency

From the information we've received, it appears this proposal falls outside the scope of issues the Environment Agency wish to be consulted on, as set out in our Consultation Screening Tool, updated as of 15th April 2015 .

### **6.0 Relevant Policy and Strategic Context**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 In the case of this application, the Development Plan consists of the Doncaster Core Strategy and Unitary Development Plan. The most relevant policies are Policies CS1, CS4, CS5, CS9, CS14, CS16 and CS18 of the Core Strategy and Policy EMP2, EMP6, EMP17.

6.3 Other material considerations include the National Planning Policy Framework (NPPF) and the subsequent planning guidance; as well as the Council's supplementary planning guidance.

6.4 In terms of site specific material considerations, the extant use of the site is that of business use under the B1, B2 or B8 use class. The site previously contained a factory, including a level of retail use under a factory outlet store. The planning history of the site is a material consideration in the determination of this application as the site could lawfully contain industrial processes and their respective impacts, as well as commercial traffic to and from the site.

6.5 In addition, at the point the proposal was submitted, an extant permission for the erection of 43 dwellings and the associated works existed under Planning Permission 11/01655/EXTM. Although this permission has now expired, the built form and associated infrastructure of this quantum of development is significant and the potential impact of this development should be taken into consideration.

## **7.0 Planning Issues and Discussion**

7.1 The main issues in respect of this application are the effects of the development on a temporary basis in terms of:

- The environmental living conditions of occupiers of nearby residential properties with particular reference to noise, disturbance, dust, vibration, litter, odour and;
- Highway safety and whether the free flow of traffic in road in the vicinity of the application site would be significantly affected, and;
- The character and appearance of the surrounding area.
- Concurrent with this assessment is whether there are any material considerations that clearly outweigh the harm caused by the development that are sufficient to justify the proposals on a temporary basis.

### Principle of Development

7.2 Paragraph 111 of the NPPF encourages the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

7.3 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs and protect local amenity and are well designed.

7.4 Policy CS5 of the Core Strategy states that alternative uses can be supported at local employment sites where the use is appropriate in terms of scale, design and location or will not adversely affect the efficient operation of adjacent employment land or uses provided that:

1. it supports the employment uses located on the employment allocation;
2. is a specialist use which is appropriate to an employment site and cannot be located elsewhere; or;
3. has a mix of commercial and/or community uses that provides clear additional benefits

7.5 Policy CS9 (d) of the Core Strategy states that the proposals which improve the efficiency of freight transport including facilities for lorry parking and roadside service areas will be supported, where appropriate.

7.6 The land on which the unauthorised use is taking place included, at one time, an industrial factory under a General Industrial use (B2 Use Class). The land is now vacant and defined as previously developed or 'brownfield' land. The vacant nature of the site is typified by a number of more recent planning permissions for alternative uses including a comprehensive scheme for residential development and for use as an extreme sports centre. Its reuse in general terms, either temporarily or permanently, should be supported in principle.

7.7 In policy terms, the Bankwood Industrial Estate is a local employment area for Rossington as defined by the Development Plan. Although a lorry park falls outside any specific employment land use, it is the product of an industrial type process (albeit sui generis) and is therefore a suitable use on an industrial estate. Notwithstanding any environmental impact which is discussed below, a lorry park is also a particular 'bad neighbour' use which is generally seen as appropriate within an employment area rather than open countryside or a clearly defined residential area.

7.8 The application therefore complies with Policy CS5 of the Core Strategy and Policy EMP2 of the UDP in terms of its acceptability in principle.

### Environmental Impact

7.9 Policy CS1 of the Core Strategy states that proposals will be supported where, amongst other things, they protect the local environment, provide a benefit in which they are located and ensuring healthy, safe places where existing amenities are protected. This includes protection of general amenity, and ensuring that any impacts in terms of light pollution, noise, dust, vibration, litter, vermin and odour are adequately addressed. Policy CS14 of the Core Strategy recognises that a component of good design is to ensure that new development does not have a negative effect on the amenity of adjacent land uses.

7.10 Policy EMP17 of the UDP provides a good marker for new industrial or commercial development which, within employment policy areas, would be expected to satisfy requirements which protect local amenity.

7.11 The entrance to the application site adjoins the industrial estate entrance between West End Lane and Bankwood Lane. Residential development in the vicinity of the site totals approximately 100 properties. The level of disruption felt by residents adjacent to the site is clear in the 20 representations received. Residents have commented in some detail on issues surrounding HGV movements and their respective impacts in terms of noise, dust, odour, air quality, vibration, pests and the impact on quality of life. The impacts raised include material changes in behaviour or attitude including keeping windows shut and sleep disturbance, and in some cases, has included psychological stress or physiological effects. It is clear from the representations of residents feel that the character of the locality has changed markedly since the lorry park came into operation.

#### *The unauthorised use*

7.12 Regular site visits by Officers have concluded that the unauthorised use is having a detrimental impact on the residential amenity of adjacent neighbours on Bankwood Lane and West End Lane. Specifically, at certain points HGV drivers are changing gear and braking before entering the lorry park or accelerating away on to Bankwood Lane. Furthermore, the manoeuvring to get in to the site and turning within the site produces constant impulsive sounds from reverse beepers and the revving of diesel engines, all of which potentially can attract attention and cause disturbance. It is therefore important should the use continue for a temporary period, that it is regularised through planning conditions securing better site management practices.

7.13 In terms of issues of dust and air quality, in its current unauthorised form, the movement of lorries within the site, the securing of loads and the condition of some of the hard standing within the site, has led to debris being spread elsewhere on to the road and into the area. The voluntary washing of property by the applicant is commended but this in itself does not justify the proposal being acceptable. The ad hoc nature of the layout of the lorry park, together with the limitations of the access points, require shunt manoeuvres by lorries and increased idling time, all potentially leading to unnecessary diesel emissions.

7.14 Local objectors have commented that HGVs associated with the use are particularly odorous and that movements have proliferated litter and pests such as flies and vermin at nearby residential properties. It was noted that lorries, where uncovered, had the potential to spill debris and litter on to the site and some were odorous, however that this action caused the direct proliferation of flies and vermin is difficult to substantiate.

7.15 Local concerns have been raised with the proximity of the lorry park to the adjacent residential properties and vibration caused by HGV movements. In respect of light pollution, the exit point on to Bankwood Lane is the same land level of the houses and gardens on Bankwood Lane. Given the slow manoeuvre lorries have to make when leaving the site, together with current unrestricted operating hours, it is acknowledged that headlights from vehicles illuminate the adjacent neighbouring properties in the winter months leading to disturbance the occupants of these properties.

7.16 The road junction between West End Lane is already subject to high levels of traffic movements from a range of vehicles. As these vehicles accelerate and decelerate in their approach to the junction, where negotiating around parked cars, or when moving off from the junction, there was some evidence that vehicle noise and vibration was evident in the facades of neighbouring properties. However, these vehicles did not seek to enter the lorry park site and would appear to be connected with other uses separate to the current proposal. The parking area of the lorry park itself would appear to be a sufficient distance to avoid any significant loss of amenity through vibration.

7.17 Taking the above factors into consideration, the activity contained within the unauthorised lorry park to the existing dwellings specifically on Bankwood Lane is causing a localised impact to nearby residential properties as a consequence of noise and general disturbance, together with light pollution and the proliferation of dust during certain weather conditions.

### *The proposal as amended*

7.18 In light of the issues above, Officers have carefully assessed the potential impacts if the planning permission were to be refused and enforcement action taken. A material consideration is that, perversely, given the objections made against the application, the closure of the lorry park could be contrary to the interests of local residents. Although some HGVs might seek to identify an alternative site for parking, in light of the proximity of the application site to the processing site, HGV lorries would likely park on the public highway in the area as they did before the Lorry Park became operational. This action would fall outside any reasonable planning control.

7.19 The NPPF requires Local Planning Authorities to look for solutions rather than problems, and that Officers should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. As such, amendments have been made to the application to secure a number of improvements and enhancements to the existing situation via the planning process.

7.20 In terms of mitigating the perceived environmental impact overall and specifically, as a result of noise, dust and air quality, a series of controls have been agreed via the provision of a site management plan. These include placing a restriction on operating hours to match the operating hours for the processing site of 07:00 to 18:00 Mondays to Fridays, 07:30 to 13:00 Saturdays, with no operations taking place on Sundays, Bank or Public Holidays. A maximum number of HGV's at any one time to 20 vehicles has been agreed. Furthermore, HGV's are to be sequentially parked the furthest distance away from residential properties and directional routing from the closest point on Great Yorkshire Way. Behavioural controls within the site such as speed limits and unnecessary noise creation have been agreed. Routine maintenance of HGVs is to be restricted, with only essential repairs permitted. Furthermore, any uneven surface which is shown to result in elevated noise emissions are to be avoided by HGVs and repaired without delay.

7.21 In addition to the general operational controls, a monitoring/maintenance procedure is to be adopted by the operator. In order to ensure that any action is taken swiftly, an environmental log will be maintained on site to be completed as appropriate by site staff. This log would be made available to DMBC upon request.

7.22 In the event of an environmental complaint being made by a member of the public, the applicant has agreed to adopt a complaints procedure as set out in the management plan. The applicant has confirmed that all complaints will be investigated as soon as possible and the complainant kept informed throughout the investigation. Similarly, the Council's Environmental Health Section would be informed at the earliest practical opportunity that a complaint is received and will be kept informed regarding the progression of any subsequent investigation. Should substantiated complaints persist, the operator will arrange for appropriate monitoring to be carried out at the location of the complainant (or at such other representative location as may be agreed) to determine the scale and nature of issue.

7.23 In order to mitigate noise and light spillage to residential properties to the west on Bankwood Lane, close boarded fencing to a height of approximately 2.5m, is proposed to be erected along the western boundary of the site. Care would be taken to ensure that any such fencing does not adversely impact upon any vegetation which also provides important screening of the site.

7.24 An Air Quality Screening Assessment has been submitted for assessment and the initial findings conclude the lorry park does not result in detrimental levels of air pollution under the terms of the Air Quality Objectives for the Borough. It is proposed that a further detailed assessment is carried out over a period of months should temporary planning permission be granted.

7.25 In order to minimise dust generation, it is proposed that localised areas of the site will be resurfaced to provide a constant, sealed surface. Any notable changes in surface height will be removed or, where this is not feasible the impact of the change in height will be mitigated by the introduction of gentle gradients. Furthermore, the terms of the management plan include correct sheeting of covers for the HGV vehicles to avoid any litter or dust spill.

7.26 In terms of odour suppression, the operational site is only allowed to process inert, non-biodegradable waste primarily from construction and demolition projects. There is always a potential for unsuitable (biodegradable) waste to be imported but should any HGV be identified as potentially representing an unacceptable odour issue, it will be directed away from the site.

7.27 In terms of mitigating the impact upon highway safety, the improvements to the access point are discussed within the report below. The results of the improvements would minimise the current tendency for HGVs to block the highway to gain access to the site and the visibility point at the exit would also be improved and maintained to allow safe passage on to Bankwood Lane. These amendments have been agreed with the Council's Highways, Road Safety and Transportation Teams.

7.28 With regard to the appearance of the site, it is acknowledged that the appearance of the site as a lorry park is being proposed for a temporary period only. The installation of timber fencing would screen a proportion of the activity within the site from neighbouring views, whilst not appearing over dominant. The overall layout of the site would be improved including the provision of marked spaces and the upgrading of the parking surface.

7.29 In summary, the management plan now addresses all the material concerns raised in the representations received by objectors and that of internal consultees. Officers believe that if the proposed lorry park was operated in accordance with the management plan, then the current environmental impacts currently being caused would be minimised. It is acknowledged that there will still be some impact, in terms of noise and general amenity in comparison to the previous use of the site, however this would not be a material impact given the historic mixed residential/industrial character of the area.

7.30 Under Section 72 of the Town and Country Planning Act 1990, the local planning authority may grant planning permission for a specified temporary period only. Paragraph 14 of the Planning Practice Guidance (PPG) states that a temporary permission may be appropriate where a trial run is needed in order to assess the effect of the development on the area. Paragraph 14 of the NPPG also suggests that a temporary permission can be used where it is expected that the planning circumstances will change in a particular way at the end of that period or that a use can be considered in the interim prior to any longer term regeneration plans coming forward (a meanwhile use).

7.31 As set out above, Officers feel that it is necessary that a period of compliance and a trial run is considered necessary in order to assess the effect of the development on the area. There is no presumption that a temporary grant of planning of planning permission should be granted permanently. Furthermore, government guidance states that it will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so.

7.32 In this case, the applicant has expressed the desire to upgrade and expand the existing processing site to internalise much of the existing operation and also provide the provision of lorry parking within the site. The applicant is currently undertaking pre-application discussions with DMBC and neighbouring landowners in relation to this development. Furthermore, negotiations are taking place with a number of landowners, including the applicant, for the comprehensive redevelopment of the northern end of Bankwood Lane Industrial Estate, potentially including a more direct link route to the M18 via the A6182. Any such link would result in a reduction in HGV traffic traversing the existing and proposed residential areas.

7.33 In conclusion, the proposal as amended would comply with Policies CS1 and CS14 of the Core Strategy and Policy EMP17 of the UDP in terms of mitigating and protecting adjacent land uses from the impacts of industrial development. As such, it is recommended that the proposal be assessed for the submitted period in order for controls of the management plan to be monitored.

### Highway Safety

7.34 The NPPF states that development proposals should only be refused on highway safety grounds if it amounts to a severe impact. Policy CS14 of the Core Strategy sets out broad principles of good design which, amongst other things, requires development to work functionally and makes a positive contribution to the safety and security of private property, public areas and the highway. Policy EMP17 of the UDP requires new industrial development to have a safe and efficient road layout, with each development having a satisfactory access and on site manoeuvring facilities.

7.35 A consistent theme of the representations received is the impact of HGV movements in the area in terms of traffic congestion, the inadequacies of the access points, inconsiderate parking and general concerns with the implications for highway safety.

7.36 The waste processing facility operates under an environmental permit license issued by the Environment Agency (EA). Under the terms of the permit, up to 200,000 tonnes of waste can be imported per annum outside of any planning control. Although turnover varies from day to day, typical daily movements are around 100 HGV movements (50 in and 50 out). Given a working day of 11 hours, this equates to an average of one vehicle movement every 6.6 minutes.

7.37 It should be noted that the proposed use would not seek to materially increase the amount of HGV traffic in terms of trip generation as it solely provides an area for vehicular parking which otherwise would be distributed to the local network. This is acknowledged by the Council's Transportation Team who has not objected to the application. The estate is longstanding and the uses contained within it generate significant and varied traffic, the majority being commercial vehicles.

7.38 West End Lane provides the sole access to the Bankwood Lane Industrial Estate. The junction point is adopted by the Council as the Highway Authority and is designed to accommodate commercial traffic. In the vicinity of the junction, residential on street parking takes place and acts as natural 'friction' for vehicular traffic entering the Bankwood estate. The parking of vehicles on West End Lane and Bankwood Lane is unrestricted and cannot currently be controlled.

7.39 In terms of the current unauthorised use, the intensification of the Attero site in 2015 has resulted in a material increase in the number of HGVs accessing the industrial site, although there are no recorded instances of accidents in the vicinity of the site. Furthermore, the access to the site has good levels of visibility in either direction, meaning movements along West End Lane are clearly visible well in advance of any conflict.

7.40 That being said, the geometry of West End Lane and the characteristics of the access point currently result in HGVs swinging over to the other side of the road to negotiate the entrance to the lorry park. Thus, as is reported in the representations, there are at times when HGVs prevent or restricts the free flow of traffic along West End Lane due to the inadequacies of the access point. Similarly, the visibility point when leaving the application site is restricted by vegetation, causing HGV's to inch further forward on to the highway before proceeding.

7.41 As such, the access point is proposed to be widened in line from 6.8m to 11m following the advice of the Highway Officer. This widening would minimise the requirement to gain entry into the site by crossing the centre line of the road, as shown by the submitted tracking drawing attached as Appendix 4 to this report. The implementation of the management plan would secure the maintenance of vegetation in and around the access points, as well as controls on speed and direction through the lorry park.



7.42 Further details are to be conditioned setting out the detailed layout of the access points to ensure that the improvements are secured within the permission, together with a method statement setting out how the works are carried out in conjunction with the current use. The Highway Officer has been consulted on the amended plans and has no objection, subject to receipt of the above information and the implementation of the access improvement works.

7.43 The proposal as amended now complies with Policy CS14 of the Core Strategy and Policy EMP17 of the UDP which seeks to protect the safety and security of private property, public areas and the highway. It is recommended that the proposal be assessed for the submitted period in order for the required works to the highway to take place and the impacts on highway safety to be monitored.

#### Character of the area

7.44 Policies CS1 and CS14 of the Core Strategy require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings. Policy EMP17 of the UDP requires, amongst other things, new or intensified development to take into account residential amenities and applications will be expected to contain proposals which lead to an upgrading of environmental conditions where these are at present unsatisfactory. Representations have been made against the visual impact of the proposal.

7.45 Whilst the neighbouring roads to the south are predominantly residential, Bankwood Lane and West End Lane is of mixed character with a number of commercial properties in the immediate vicinity, including a milk distribution depot and an Army Cadet Centre. The proposal does not seek to include buildings within the site but has the appearance of a large expanse of hardstanding and the parking of vehicles.

7.46 The current use as a lorry park at this prominent location cannot be perceived to enhance the character of the area where parking areas for industrial uses are mainly subservient to the main use of the site. However, a temporary permission would prevent permanent harm and would provide a period for finding another location for HGV parking either through a site allocation or via a planning application. The application would not preclude other uses coming forward, indicated by the planning history to the site.

#### Balancing exercise

7.47 In balancing the impact of the proposal, the unauthorised use without restrictions is recognised as causing harm to the general amenity of the area and the frequent movements of HGVs are leading to issues of highway safety.

7.48 However, this effect has to be considered in the context of a number of conflicting factors. In terms of the locality, the planning history of the site is that of an industrial use, thus the lawful use is for general industrial processes and activities which would not normally be appropriate in or adjacent to a residential area. The uses within the estate include a mixture of waste and scrap metal recycling, storage and distribution, industrial, some retail and minerals processing, all of which have an existing environmental impact on adjacent land uses.

7.49 The amendments provided within the planning application have provided significant positive benefits that should be tested through a grant of temporary planning permission. These include the imposition of noise, dust and odour mitigation measures which would benefit the neighbouring properties, as well as site improvements to the access points and boundary treatments. All of these amendments require assessment for a temporary period to ensure that the development complies with the relevant development plan policies.

7.50 In addition, substantial weight can be attributed to the existing unmet need for HGV parking in the vicinity of the site in considering a temporary permission for a lorry park without which a localised impact would remain. A temporary permission would enable the local planning authority to continue efforts to work with the EA and the applicant to find a more holistic solution to the current situation, potentially the provision of an upgraded processing site with a direct link to the Great Yorkshire Way, bypassing the residential areas of Rossington.

## 8.0 Summary and Conclusions

8.1 The proposal will facilitate a temporary solution to an existing over-supply of HGV vehicles accessing the Attero processing facility who would otherwise park on the surrounding highway network. All representations have been considered and the amenity concerns raised have been addressed with supplementary information having been provided by the applicant and by the imposition of conditions in relation to safeguard matters such as odour, noise, air quality, dust and protecting highway safety.

8.2 No statutory or internal consultees have objected to the proposal subject to a period of monitoring being agreed.

8.3 In summary, it is considered that, on balance, the lorry park should be allowed to take place for a temporary period. Such a proposal complies with the requirements of the Planning Practice Guidance when considering applications for temporary permission.

RECOMMENDATION: Temporary Planning Permission **GRANTED** subject to following conditions:

### Conditions / Reasons

01. U51143            The development hereby permitted shall be for a limited period being the period of 18 months from the date of this decision. At the end of this period, the development hereby permitted shall cease and the land restored in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

#### REASON

The development hereby permitted is allowed on a temporary basis only in order to assess the impact of the proposal upon local amenity and in light of material considerations pertinent to this permission.

02. U51144 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

Application Form received 21st September 2016  
Dwg No. 0738.3.1 Site Location Plan received 21st September 2016  
Dwg No. 16.0086.001 Rev C Proposed Parking Layout and Swept Path Analysis received 10th April 2017  
Site Management Plan dated 51.05.17 received 15th May 2017  
Air Quality Screening Assessment submitted March 2017  
Memorandum dated 22.03.2017  
Agent comments dated 11th May 2017

**REASON**

To ensure that the development is carried out in accordance with the application as approved.

03. U51160 Within 1 month from the date of this decision, the parking as shown on the approved plans shall be marked out to the satisfaction of the local planning authority.

**REASON**

To ensure that adequate parking provision is retained on site.

04. U51161 Within 1 month from the date of this decision, the existing concrete haunch/fence/vegetation/structure shall be removed from the respective entrance and exit to the site and maintained in accordance with the scheme as set out in the approved management plan.

**REASON**

In the interests of highway safety and protecting local amenity.

05. U51157 A sign, the details of which shall be submitted to and approved by the Local Planning Authority, shall be erected within 1 month of the date of this permission and maintained at the site entrance/exit, advising drivers of the vehicle route agreed with the Local Planning Authority.

**REASON**

In the interest of highway safety

06. U51153 Within 1 month from the date of this permission, out-of-hours contact details, including telephone number, for a representative of the operators, who will be authorised and able to take such action as set out in the approved management plan shall be submitted to the Local Planning Authority.

REASON

To ensure that local residents are able to contact the operator in the event that the site gives rise to a negative environmental impact outside of the normal operating hours.

07. U51162

Within 3 months from the date of this decision, the close boarded fencing as shown on the approved plans shall be erected to the satisfaction of the local planning authority. The fencing shall be maintained to a reasonable standard and kept in situ unless otherwise approved in writing by the local planning authority.

REASON

In the interests of protecting the residential amenity of adjacent residential properties.

08. U51163

Within 6 months from the date of this decision, an Air Quality Assessment (AQA) and a monitoring strategy to quantify the air quality impacts of this development shall be submitted to and approved in writing by the local planning authority. The AQA shall set out suitable mitigation methods be incorporated into any assessment so that emissions can be minimised. The development shall then be carried out with the approved plans.

REASON

To ensure that the monitoring strategy set out in the AQA safeguards the character of the area and/or the living conditions of neighbouring residents, having regard to the effects of the proposal on acceptable air quality levels.

09. U51148

Notwithstanding the provisions set out in the approved management plan, at the request of the Local Planning Authority the site operator shall measure and assess the level of noise emissions from the site in accordance with a methodology approved in writing by the Local Planning Authority.

REASON

To control any impact of noise generated by the development in the interest of local amenity.

10. U51147

The approved operations hereby permitted shall only be carried out between:

0700 hrs to 1800 hrs Monday to Friday

0730 hrs to 1300 hrs Saturdays

No use of the site shall take place outside these hours or on Sundays, Bank Holidays or other Public Holidays.

REASON

In the interests of protecting local amenity.

11. U51146 Only inert, non-hazardous waste shall be brought to and processed at the site. Notwithstanding the requirements of the approved management plan, any non-inert or hazardous wastes brought onto the site shall be removed from the site on the same day.

REASON

In the interest of protecting local amenity.

12. U51151 All dust mitigation measures detailed in the approved management plan (in particular Table 4) shall be carried out and adhered to for the duration of the development.

REASON

To ensure operations on site do not generate unacceptable levels of dust

13. U51152 Should any HGV be identified as potentially representing an unacceptable odour issue, it will be directed away from the site and recorded in a log book detailing the date, time, weather conditions and the name of the person undertaking the assessment. The log book shall be made available to officers from, or acting on behalf of, the Local Planning Authority within seven working days of receiving any such request.

REASON

To ensure that the potential for odour is adequately monitored and to ensure that the Local Planning Authority has sufficient access to the resulting data.

14. U51154 Prior to the installation of any external lighting within the site, details shall be submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the local planning authority.

REASON

To ensure that any proposed lighting scheme safeguards the character of the area and/or the living conditions of neighbouring residents, having regard to the effects of the proposed illumination.

15. U51155 Prior to the siting of any buildings within the site, full details of its siting and appearance shall be submitted to and approved in writing by The Local Planning Authority. The development shall be carried out in accordance with the approved plan.

REASON

To ensure that any amenity buildings located within the site are appropriate to the area.

16. U51156 Notwithstanding the provisions of the approved management plan, any windblown wastes or litter arising from the operations on the site shall be collected on a daily basis and removed from the site.
- REASON  
In the interest of the amenity of the area.
17. U51159 The movements of Heavy Goods Vehicles into and out of the application site shall be limited to no more than 100 (50 in/50 out) per day, Monday to Friday and 50 (25 in/ 25 out) on a Saturday. The operator shall maintain records of all HGVs and collection vehicles entering the site and these records shall be made available for inspection by the Local Planning Authority within seven working days of a verbal or written request.
- REASON  
In the interest of highway safety and as required to assist in the monitoring and compliance with the condition.
18. U51158 Notwithstanding the provisions of the approved management plan, no mud or debris shall be deposited on the public highway at any time as a result of the development hereby permitted
- REASON  
In the interest of road safety.
19. U51145 From the commencement of development to its completion a copy of this planning permission, including all plans and documents hereby approved and any plans and documents subsequently approved in accordance with this permission, shall be kept on site at all times.
- REASON  
To ensure that the site operators are aware of the details of the planning permission.

## **Informatives**

01. U11148 **INFORMATIVE**  
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

This Standing Advice is valid from 1st January 2017 until 31st December 2018

## Justification

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

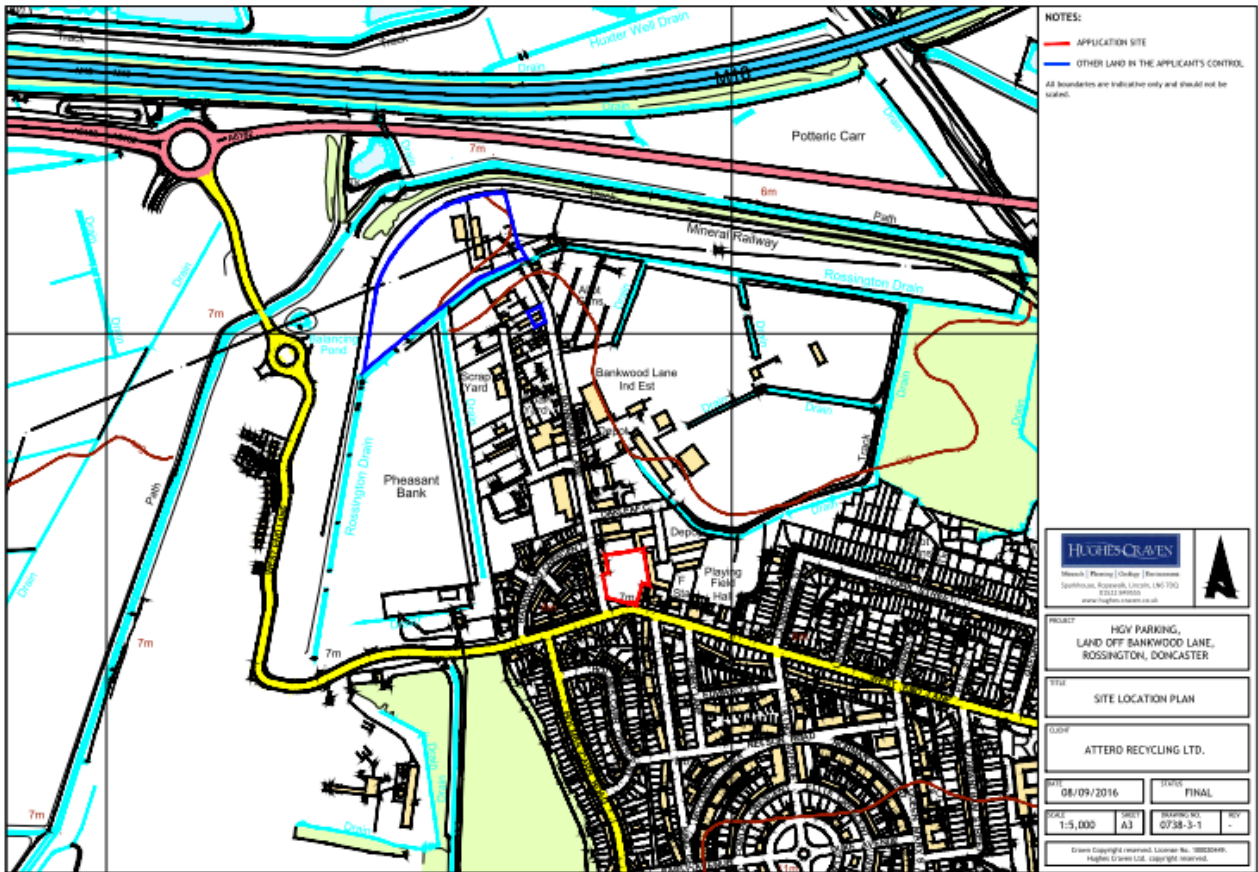
In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

Character of the area  
Environmental factors  
Highway safety

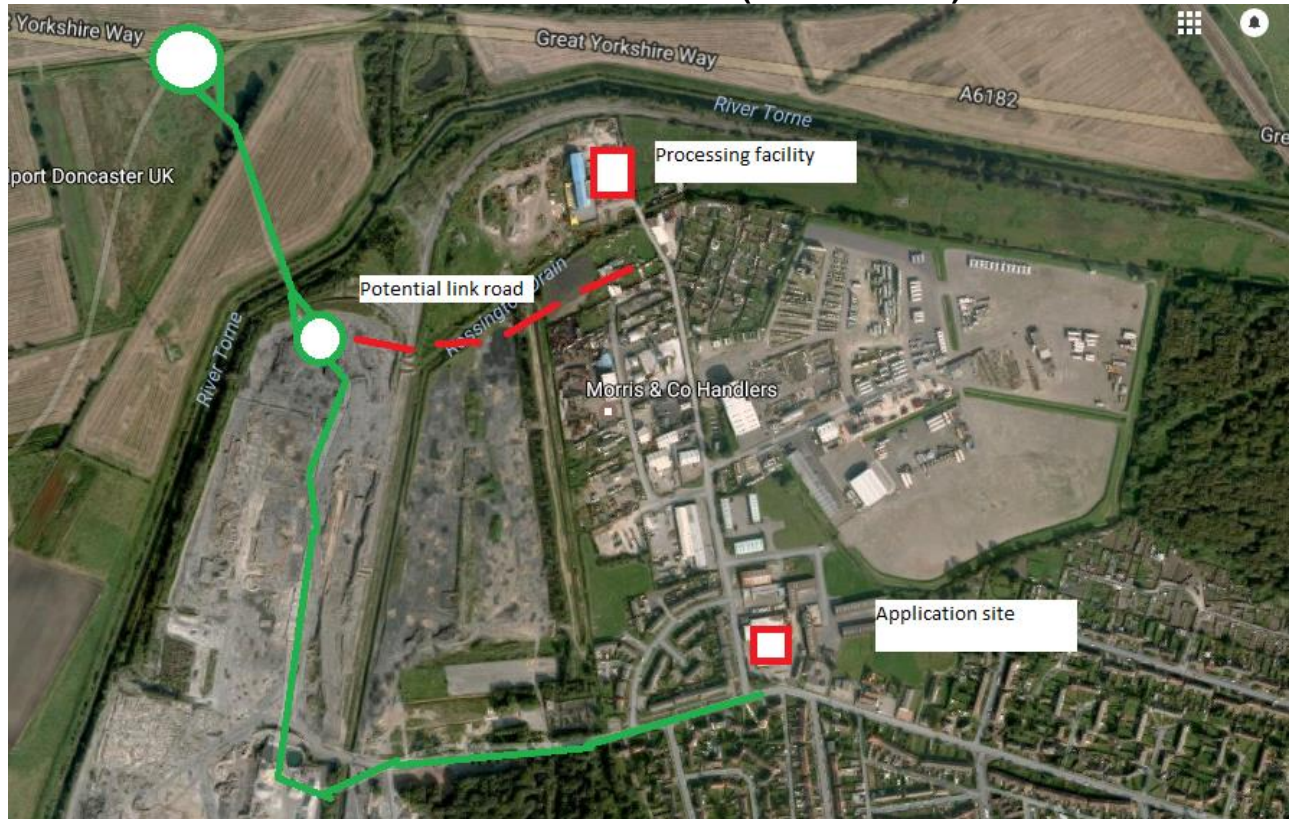
**The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

# APPENDICES

## Appendix 1 – SITE LOCATION PLAN

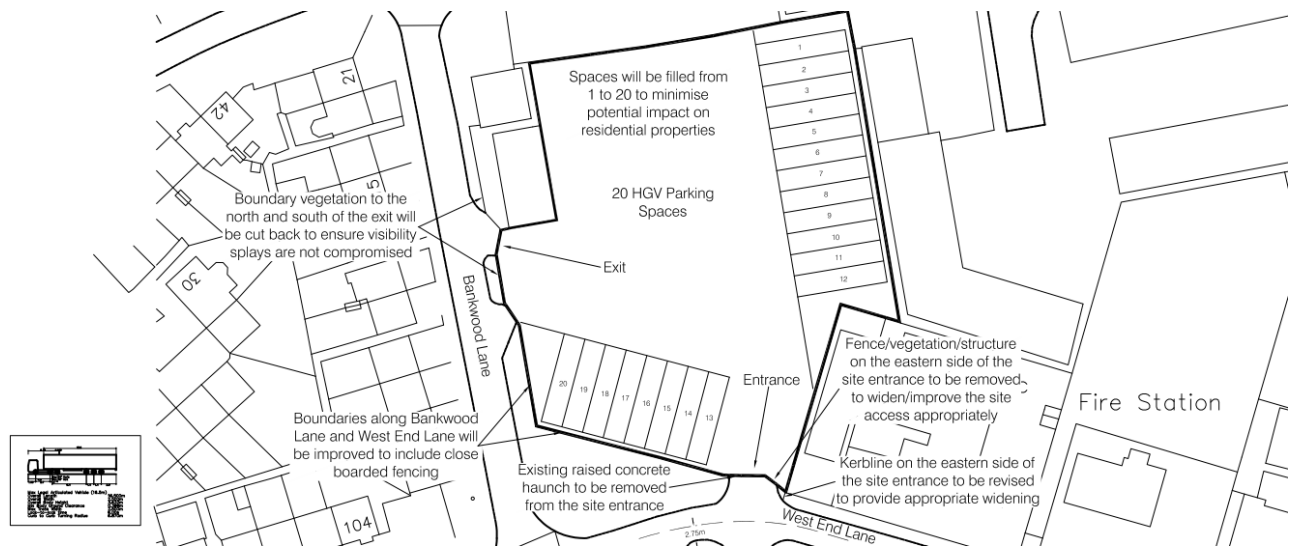


## APPENDIX 2 – Aerial View (ANNOTATED)

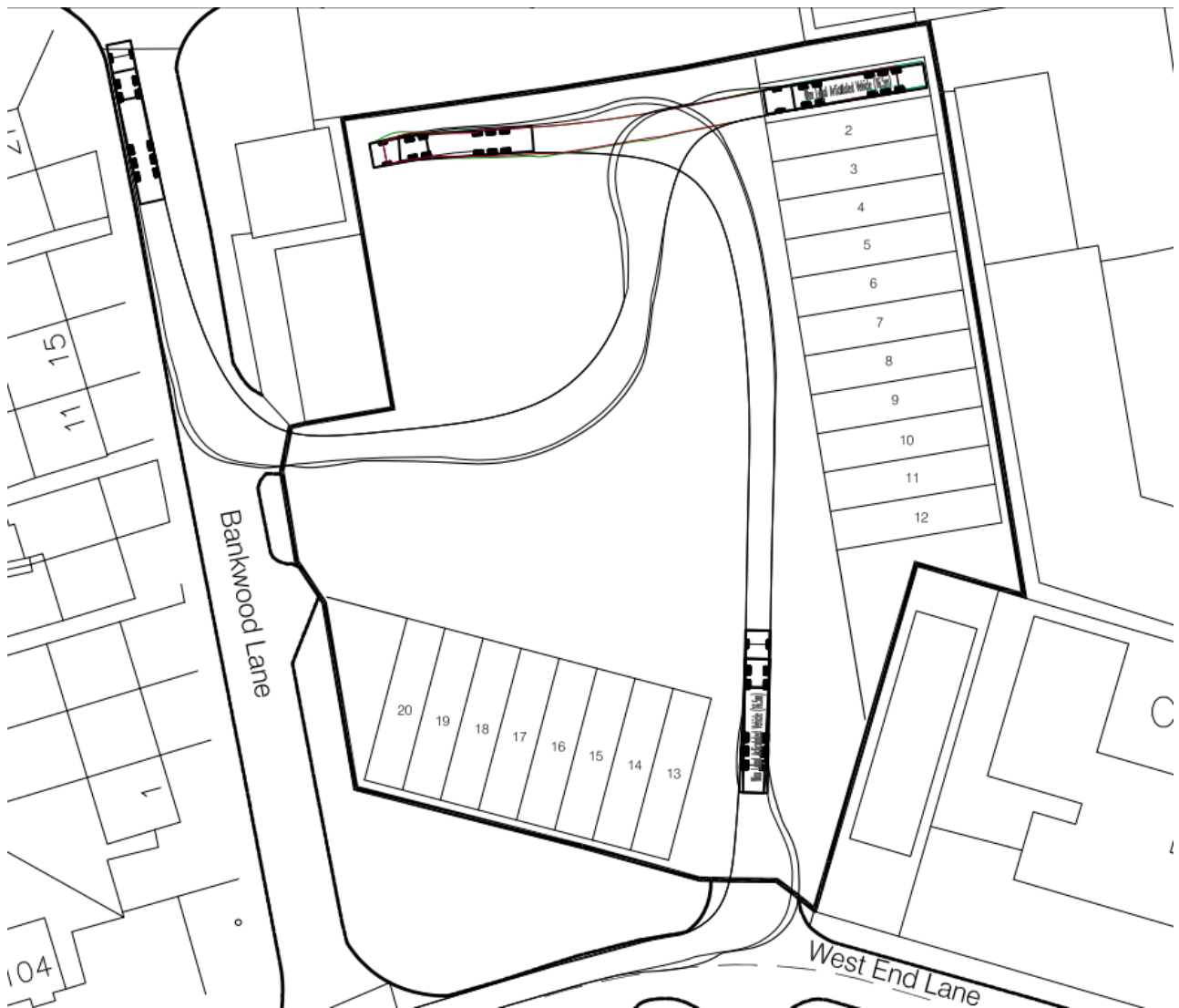




### APPENDIX 3 – PROPOSED SITE LAYOUT (AMENDED 10<sup>th</sup> April 2017)



### APPENDIX 4 - PROPOSED SITE TRACKING (AMENDED 10<sup>th</sup> April 2017)



# APPENDIX 4 - ALTERATIONS TO SITE ENTRANCE (AMENDED 12<sup>th</sup> May 2017)

**WEST END LANE (SITE ENTRANCE) - EXISTING ELEVATION**

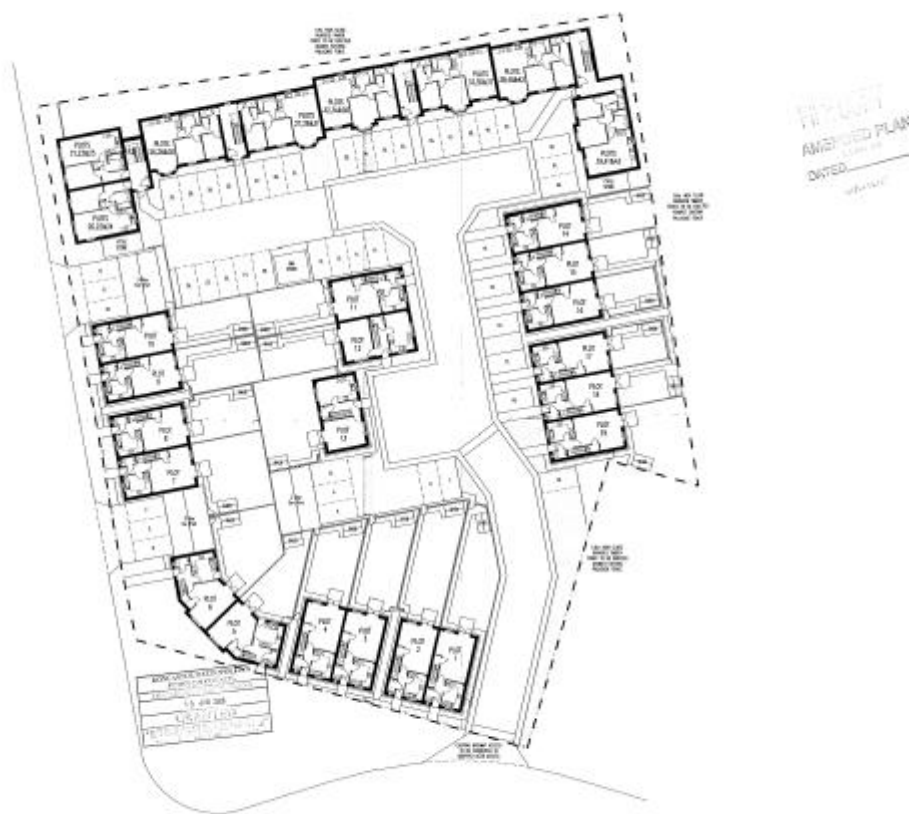
**WEST END LANE (SITE ENTRANCE) - PROPOSED ELEVATION**

**NOTES:**

- All boundary vegetation to be cut back to preserve adequate sightlines in both directions.
- Localised re-surfacing of access to take place as required.
- Do not scale. Drawing not to be used for construction purposes.

|  |  |   |  |
|--|--|---|--|
| <p>HughesCraven<br/>Architects   Planners   Design   Environmental<br/>Spartan House, Roper Road, Lincoln, LN6 3JG<br/>01522 889500<br/>www.hughescraven.co.uk</p> |  | <p>PROJECT<br/>HGV PARKING,<br/>LAND OFF BANKWOOD LANE,<br/>ROSSINGTON, DONCASTER</p> |  |
| <p>CLIENT<br/>ATTERO RECYCLING LTD.</p>  |  | <p>TITLE<br/>ELEVATIONS - SITE ENTRANCE</p>   |  |
| <p>DATE<br/>12/05/2017</p>   |  | <p>SCALE<br/>1:500</p>  |  |
| <p>ORIGINATOR NO.<br/>0735-3-4</p>   |  | <p>REVISION<br/>BY</p>  |  |

# APPENDIX 6 - APPROVED LAYOUT FOR 43 DWELLINGS APPROVED UNDER PLANNING PERMISSION 11/01655/EXTM



**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 30th May 2017**

|                    |          |
|--------------------|----------|
| <b>Application</b> | <b>2</b> |
|--------------------|----------|

|                            |              |                                 |   |
|----------------------------|--------------|---------------------------------|---|
| <b>Application Number:</b> | 16/01811/FUL | <b>Application Expiry Date:</b> | Extended to 14 <sup>th</sup> April 2017 |
|----------------------------|--------------|---------------------------------|---|

|                          |                  |
|--------------------------|------------------|
| <b>Application Type:</b> | Full application |
|--------------------------|------------------|

|                              |  |
|------------------------------|--|
| <b>Proposal Description:</b> | 1. Change of use of land from B2 (General Industry) to a Material Recycling Area (Sui Generis) 2. Installation of 6m Perimeter Fencing with netting. 3. Provision of a building to enclose steel can operation (Amended plans) |
|------------------------------|--|

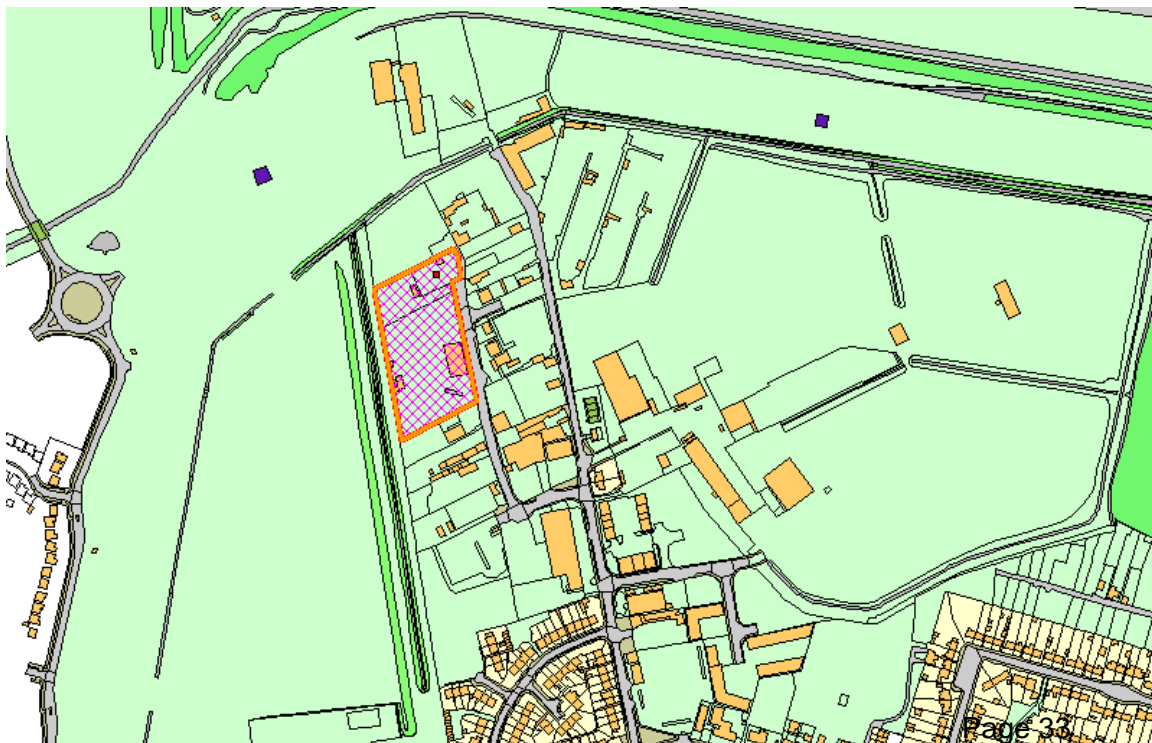
|            |  |
|------------|--|
| <b>At:</b> | Land North Of Bankwood Lane, Rossington, Doncaster, DN11 0PS |
|------------|--|

|             |                                  |
|-------------|----------------------------------|
| <b>For:</b> | Morris Metal - FAO Mr Tom Morris |
|-------------|----------------------------------|

|                          |              |                |                       |
|--------------------------|--------------|----------------|-----------------------|
| <b>Third Party Reps:</b> | 5 objections | <b>Parish:</b> | Rossington            |
|                          |              | <b>Ward:</b>   | Rossington And Bawtry |

|                         |               |
|-------------------------|---------------|
| <b>Author of Report</b> | Dave Richards |
|-------------------------|---------------|

|                             |  |
|-----------------------------|--|
| <b>MAIN RECOMMENDATION:</b> | <b>GRANT</b> Planning Permission subject to conditions and legal routing agreement |
|-----------------------------|--|



## 1.0 Reason for Report

1.1 This application is being presented to Members due to the public interest shown in the application.

1.2 The application has been subject to significant amendments and the report reflects the proposal as amended.

## 2.0 Proposal and Background

### *Background*

2.1 The application site is located towards the north west corner of the Bankwood Lane Industrial Estate. To the west, the former Colliery site is currently undergoing a significant, mixed use redevelopment, including a recently opened road link to the Great Yorkshire Way, which in turn allows access to Junction 3 of the M18. Surrounding the site are generally industrial and scrap style uses with the planned residential areas of Rossington further to the south.

2.2 Morris & Co (applicant) currently operates a metal reclamation site recycling a range of ferrous and non-ferrous metals from waste material under original Planning permission 05/02577/COU. Materials are imported by road and undergo a range of processes including sorting, separation, screening, bailing, shredding, crushing, blending and compaction prior to being exported from the site. All waste received is weighed on a surface mounted weighbridge and duty of care paperwork processed.

2.3 The site operates under an environmental permit license issued by the Environment Agency (EA). The EA currently allows the throughput of waste at the site amounting to approximately 75,000 tonnes per year. Currently the site processes a reduced amount of waste at around 30,000 – 50,000 tonnes per annum depending on market conditions. Nevertheless, there is anecdotal evidence that there has been an increase in HGV movements to the reclamation site from 2015, in some cases involving HGVs waiting off site before gaining entry to the site.

2.4 Operational production hours are 7.30 to 18.00 Monday to Friday and 07.00 to 13.00 Saturday. There is no working on Sundays or Bank Holidays. Outside of these hours, no operations other than servicing, maintenance and testing of plant or other similar works takes place.

2.5 Currently the site is segregated into a series of storage piles with limited potential for additional buildings to internalise the processing operations. As such, there has been local concern with the levels of noise, odour, litter, and air pollution emanating from the site, together with allegations of breaches of existing planning conditions. Furthermore, there are currently limited storage facilities or parking within the site for HGVs awaiting loading/unloading leading to parking pressure in the surrounding area.

## *Proposal*

2.6 It is proposed to extend the facility by incorporating a site area of approximately 140 square metres to the north east of the existing site, this would represent a relatively small increase of 9% in terms of the overall site area. It is proposed that the amount of materials is set at 75,000 tonnes per annum in line with the site's Environmental Permit.

2.7 During the course of the application, significant amendments are now proposed to the overall site layout to incorporate the extension and upgrading of the site as a material recycling facility and to enable operations to be carried out in line with modern operating practices, introducing higher standards of environmental protection and ensuring continued compliance with updated environmental legislation. The amendments can be summarised as:

- The erection of a building contain a sorting and crushing operation
- The provision of 6m perimeter fencing with netting
- Reorganised material storage areas
- Provision of HGV parking within the site
- A routing agreement for the arrival/departure of HGVs
- Installation of 'deodorising' equipment
- Hardstanding to avoid ground contamination

### **3.0 Relevant Planning History**

3.1 The historical use of the whole site stemmed from Planning Permission 82/00288 which granted a series of enclosed yards for light industrial use. Following various ancillary permissions the uses evolved into general car repairs, scrap metal merchants, skip hire and a coal yard. The present use as a metal reclamation site stemmed from Planning Permission 05/02577/COU

### **4.0 Representations**

4.1 In accordance with the Planning Practice Guidance, statutory and local publicity stakeholders have been consulted and their comments are documented on Doncaster's Public Access website. The application was advertised by means of displaying a series of site notices within the Bankwood Lane area.

4.2 A number of representations have been received from local councillors Cllrs John Cooke, Rachael Blake and former councillor Clive Stone. The following concerns have been raised:

- Impact to local residents and quality of life
- The site is prone to stock piling which then results in large heaps of unclean, dirty and contaminated metal waste
- Impact to the environment
- The site attracts flies, smells and discharge
- The site causes noise and disruption
- A building should be provided
- Storage bins should be covered
- The access in and out of the site is inadequate
- Visual impact
- 24 hours of operation

4.3 The Parish Council have the following observations:

- The storage of incoming waste needs to be under cover to both restrict the height of the waste and reduce the potential of odours and visual impact.
- The building roof not to exceed 14m in height.
- The committee objects to any increase in tonnage to this site until such time that a relief road has been constructed.
- Lorries accessing the site should in the meantime be required to access the site via the link road and not through Rossington village.

4.4 2 representations have been received from other members of the public. The issues raised can be summarised as:

- Increase in lorries travelling to and from the site
- Issues with smell, noise and flies
- The nature of the operation as a recycling area

4.5 Officers have sought to engage with the local community to fully understand the issues being generated by the proposal. Officers have attended a 'drop in day' consultation event on 1<sup>st</sup> November 2016, together with a subsequent walking tour of the Bankwood Estate and a Parish Council meeting on 21<sup>st</sup> February 2017. Regular meetings have taken place with Ward Members and the Parish Council have been consulted through the application process. The feedback and responses have been recorded within the representations received.

## **5.0 Relevant Consultations**

### **5.1 Highway Officer**

The latest amended plan submitted gives more detail and amends the application site boundary. It is noted that there is an area provided for HGV parking that accommodates six vehicles and that vehicular tracking has been provided. As yet I have to technically assess the area to ensure that the movements can be made within the area available.

However, it is not clear on the application of the increase in vehicular movements that is expected due to the permit allowance increase for waste delivery. I am advised by the planning case officer that the tonnes per annum could potentially increase from 30,000 to 75,000, and therefore the traffic generation could be significantly increased. Therefore, it is imperative that this is clarified by the applicant to enable a full assessment from a highway aspect.

Further information:

Having reviewed the information presented, it is considered that the increase in vehicle numbers associated with the development proposal outlined in your e-mail of 08/05/2017, does not represent a significant increase in vehicle numbers over that estimated for 2015 (based on tonnage). However it is considered prudent for you to obtain the views of Transportation Officers in respect of the increase in numbers, potential routeing and associated impact on the public highway.

As you will see from the swept path analysis, the site area is sufficiently large enough to accommodate the necessary turning manoeuvres for articulated Heavy Goods Vehicles. Furthermore, the HGV parking spaces can be readily accessed via a number of different manoeuvres. As such I offer no objections to the development proposal from a Highways Development Control perspective.

## 5.2 Environment Agency

We have no objections in principle to the change of use from a planning perspective.

It should be noted however that the operator will need to ensure that a valid environmental permit, under the Environmental Permitting Regulations, is in place for the use of the site prior to being brought into operation. We will not be able to issue a permit until we are satisfied that any risks to people and the environment can be satisfactorily managed using appropriate measures to prevent, minimise and/or control pollution.

## 5.3 Environmental Health Officer

The revised proposal is actually preferable to the original plans as it now includes a building to enclose much of the process. This will improve matters of the current arrangement in terms of capturing odour and limiting dust and noise. I also note that the operating hours will not be changed from the existing hours currently covering the site. Note the hours proposed in the submitted document are incorrect in that the start time on Saturdays appears to be by a typing error.

The odour and fly management measures, including spraying and fogging, are welcomed and these will be covered under the Environmental Permit currently held with the Environment Agency.

This section therefore has no objection to the revised proposal.

#### 5.4 Drainage Officer

Where the site is at risk of flooding (Fluvial and Pluvial), details of place of refuge/evacuation should be considered and also sign up to the Environment Agency Flood Warning Service.

#### 5.5 Severn Trent Water

No objection subject to condition.

#### 5.6 Doncaster East Internal Drainage Board

No objection subject to condition

#### 5.7 Yorkshire Wildlife Trust

No comments to make.

#### 5.8 Transportation Team

I'm not concerned about the vehicle movement throughout the day, however I think it would be prudent for the applicant to confirm this in writing.

I would also suggest the routing agreement to be part of a S106 agreement.

### **6.0 Relevant Policy and Strategic Context**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 In the case of this application, the Development Plan consists of the Doncaster Core Strategy and Unitary Development Plan. The most relevant policies are Policies CS1, CS4, CS5, CS14 and CS18 of the Core Strategy, Policies EMP2 and EMP6 of the UDP and Policies WCS1, WSV4 and WCS6 of the Barnsley, Doncaster and Rotherham Joint Waste Plan.

6.3 Other material considerations include the National Planning Policy Framework (NPPF) and the subsequent planning guidance; as well as the Council's supplementary planning guidance.

### **7.0 Planning Issues and Discussion**



7.1 The main issues in respect of this application are the effects of the development on:

- Highway safety and the free flow of traffic in road in the vicinity of the site;
- The environmental living conditions of occupiers of adjacent land uses with particular reference to noise, disturbance, dust, vibration, litter and odour, and;
- The character and appearance of the surrounding area

7.2 Paragraph 111 of the NPPF encourages the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

7.3 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs and protect local amenity and are well designed.

7.4 Policy CS5 of the Core Strategy states that alternative uses can be supported at local employment sites where the use is appropriate in terms of scale, design and location or will not adversely affect the efficient operation of adjacent employment land or uses provided that:

1. it supports the employment uses located on the employment allocation;
2. is a specialist use which is appropriate to an employment site and cannot be located elsewhere; or;
3. has a mix of commercial and/or community uses that provides clear additional benefits

7.5 Policy CS9 of the Core Strategy states that proposals will be supported which improve the efficiency of, and key connections to, the internal road, strategic road and motorway networks including M18 between junctions 2-3 and FARRS.

7.6 The existing metal reclamation site is an established use which provides employment opportunities. The land looking to be contained within the site is vacant and defined as previously developed or 'brownfield' land. In policy terms, the Bankwood Estate is a local employment area for Rossington as defined by the Development Plan. Although a metal reclamation site falls outside any specific employment land use, it is an established industrial type process and is therefore in a suitable use on an industrial estate. The existing use is generally seen as appropriate within an employment area rather than open countryside or a clearly defined residential area.

7.7 The application therefore complies with Policy CS5 of the Core Strategy and Policies EMP2 and EMP6 of the UDP in terms of its acceptability in principle.

## Highway Safety

7.8 The National Planning Policy Framework (NPPF, March 2012) states that development proposals should only be refused on highway safety grounds if it amounts to a severe impact. Policy CS14 of the Core Strategy sets out broad principles of good design which, amongst other things, requires development to work functionally and makes a positive contribution to the safety and security of private property, public areas and the highway. Policy EMP17 of the UDP requires new industrial development to have a safe and efficient road layout, with each development having a satisfactory access and on site manoeuvring facilities.

7.9 A consistent theme of the representations received is the impact of HGV movements in the area in terms of traffic congestion, inconsiderate parking and general concerns with the implications for highway safety.

7.10 The waste processing facility operates under an environmental permit license issued by the Environment Agency (EA). Under the terms of the permit, up to 75,000 tonnes of waste can be imported per annum. Although turnover varies from day to day, typical historical daily movements equate to around 12 HGV movements (6 in and 6 out). Given a working day of 11 hours, this equates to an average of one vehicle movement every 55 minutes.

7.11 The proposal use would increase the amount of HGV traffic in terms of trip generation as a result in the reorganisation of the site layout and incorporating the new land into the operation. In terms of traffic generation, typical daily use by HGV's has been estimated at approximately 16 vehicle movements (8 in and 8 out). Furthermore, there are a number of ancillary buildings within the Bankwood Estate which receive traffic associated with the reclamation site. As part of the current proposal it is envisaged that these uses are re-sited to within the operational compound. Taking into account that traffic movements from these ancillary buildings would remain in some other form, the total vehicular movements would total 34 daily movements (17 in and 17 out). This equates to an average of one vehicle movement every 19 minutes.

7.12 The Highway Transportation Team has reviewed the application and have concluded that the proposal would not significantly increase the numbers of HGV movements to the local highway network overall. The estate is longstanding and the uses contained within it generate significant and varied traffic, the majority being commercial vehicles. A planning condition would cap the amount of tonnage being brought to the application site in line with the EA permit, with a written log of tonnage made available for inspection if required.

7.13 In terms of any increase risk to highway safety, the reclamation site currently does not include significant HGV parking provision and accordingly, in order to avoid HGVs parking on the public highway, amended plans now show the provision of HGV lorry parking within the operation site. This will ensure that the use of the site minimises the impact of their operations on the local highways network. Furthermore, the amended site plan shows that there is ample manoeuvring space within the site to allow HGV parking and vehicular access and egress on and off the site in a forward gear. There are no objections to the proposal from the Highway Officer from a highway safety perspective.

7.14 A detailed routing agreement is proposed to be implemented for the site, a plan which would be secured via a Section 106 agreement. The agreement would take into account any revised link road connecting the Bankwood Estate to A6182 and would be a 'life' document in terms of the operation of the site.

7.15 Subject to the above considerations, the proposal is acceptable in highway safety terms and complies with Policy CS14 of the Core Strategy and Policy EMP17 of the UDP which seeks to protect the safety and security of private property, public areas and the highway.

### Environmental Impact

7.16 Policy CS1 of the Core Strategy states that proposals will be supported where, amongst other things, they protect the local environment, provide a benefit in which they are located and ensuring healthy, safe places where existing amenities are protected. This includes protection of general amenity, and ensuring that any impacts in terms of light pollution, noise, dust, vibration, litter, vermin and odour are adequately addressed. Policy CS14 of the Core Strategy recognises that a component of good design is to ensure that new development does not have a negative effect on the amenity of adjacent land uses. Policy EMP17 of the UDP provides a good marker for new industrial or commercial development which, within employment policy areas, would be expected to satisfy requirements which protect local amenity.

7.17 Policy WCS4 of the JWP requires all waste applications to demonstrate how they will not significantly adversely affect the character or amenity of the site or surrounding area. Policy WCS6 deals with general considerations for all waste management proposals and under sub-section 9) requires applicants to provide adequate measures for controlling noise, vibration, glare, dust, litter, odour and vermin and other emissions so as to avoid effects on the amenity of the immediate and surrounding environment.

7.18 5 objections have been received against the proposal, including from local Ward Members. Collectively, the representations raised discuss the environmental impact of uses within the Bankwood Estate, including the current proposal. Objectors also comment on the site operations and its respective impacts in terms of noise, dust, odour, air quality, vibration, pests and the impact on quality of life. It should be noted that the existing Environmental Permit issued and managed by the Environment Agency provides enforcement action over air quality, odour, vermin, noise and litter, however, for the purposes of good planning, consideration has been given to these matters.

7.19 The environmental impacts of operations of the site result from the crushing and treatment of waste material and its movement within the site. Waste material is stockpiled until it is transported from site. As an active reclamation site, some environmental impact is inevitable as a result of the delivery, processing and storage of waste material. It has been acknowledged by the applicant that the stockpiling of materials within the site, together with inadequate boundary treatments, have led to issues with the distribution of material outside the site.

7.20 In terms of reducing the potential for noise, littering and odour, a number of amendments have been made to the application in consultation with the Environmental Health Officer. The proposal now includes a building to enclose much of the metal crushing process which, together with a reorganisation of the site layout and a new boundary treatment, the provision of a sealed surface and the provision of odour and fly management measures, will improve matters of the current arrangement in terms of capturing odour and limiting dust and noise. The operating hours for the revised area would be set as per the existing permission and dedicated lorry parking area would be provided within the site. Other planning conditions would control the amount of material brought to the site and a limit to stockpiling.

7.21 With regards to noise the Local Planning Authority acknowledges that it has previously received noise complaints from this site, however these complaints have been addressed quickly. Furthermore, the applicant has provided a noise impact statement from Environmental Noise Solutions Ltd who concludes that noise should not be a determining factor when considering the granting of planning approval.

7.22 In relation to vermin and odour, the site will only be allowed to process inert, non-biodegradable metals primarily from scrap metal and bottom ash deposits. There is always a potential for unsuitable (biodegradable) waste to be imported but this will be stored and removed from site with 24 hours of receipt. An Odour Management Plan has been submitted which would control odour within the site during the period between receipt and export from site, in compliance with Environment Agency protection.

7.23 Subject to the imposition of conditions and in light of no objections being raised by consultees, in particular the Environment Agency, Environmental Health and Pollution Control, the proposal is deemed to be acceptable in amenity terms and is compliant with the main aims of Policies CS1 and CS14 of the Core Strategy, Policy EMP17 and Policies WCS4 and WCS6 of the JWP.

7.24 Taking the above factors into consideration, the proposal to increase the working site area would not cause demonstrable harm to neighbouring land uses. Furthermore, the amendments secured would improve the quality of control over the existing operation. As such, the proposal complies with Policy CS1 of the Core Strategy and Policy EMP17 of the UDP with regard to protecting local amenity and the quality of life of nearby neighbours.

#### Character and Appearance of the Area

7.25 Policies CS1 and CS14 of the Core Strategy require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings. Policy EMP17 of the UDP requires, amongst other things, new or intensified development to take into account residential amenities and applications will be expected to contain proposals which lead to an upgrading of environmental conditions where these are at present unsatisfactory.

7.26 The existing site is laid to general industrial storage and car dismantling, as are other sites locally. The general air is of unkempt wasteland or amenity space and is a particularly poor aesthetic environment.

7.27 The proposal would better reorganise the site layout internally, however the provision of the boundary treatment would largely screen the site from public view. The appearance of the boundary treatment itself would be appropriate in the context of its surroundings and would assist in the suppression of dust and other material emanating from the site, an issue raised by objectors.

7.28 The proposed building consist of a portal framed steel cladded structure measuring 18.3m in width, 14m in depth and 14.7m in height. This building would appear very prominent in nearby views, however the existing site contains a number of existing buildings including a substantial aluminium bale storage depot. From the perspective of views within the Bankwood Estate, the building would site within the context of an existing metal reclamation site and would not appear out of place.

7.29 In surrounding views from the west, the perspective of built development within the estate would increase and the boundary treatment and building would be prominent, particularly in terms of the residential development to the west of the site. However the building would appear appropriate in its context as an employment area as is typical to employment areas in the Borough, including the new iPort development being built out to the west of the site.

7.30 In summary, it is considered that the redevelopment of the site as proposed would enhance the appearance of the site and contribute locally towards the visual enhancement of the Bankwood Industrial Estate. Furthermore, the associated alterations would not be harmful to the character of the area generally. The application would therefore comply with Policies CS1 and CS14 of the Core Strategy and Policy EMP17 of the UDP which seek to provide good quality development which protects or enhances local character.

#### Other issues

7.31 Schedule 1 of the Town and County Planning (Environmental Impact Assessment) Regulations 2011, list those developments for which Environmental Impact Assessment (EIA) is mandatory. Schedule 2 of the Regulations describes developments for which the need for an EIA is determined by the Local Planning Authority (LPA) on a case by case basis. The application has been screened by the LPA and it is considered that EIA is not required.

7.32 Policies CS4 and CS18 of the Core Strategy requires a proactive approach towards the management of flood risk, risk of land contamination and drainage. The application site is within Flood Zone 1 according to the Environment Agency's flood maps, indicating a low risk of river or sea flooding. However, the nature of the site means that strict controls are proposed to be implemented to avoid any ground contamination. The existing site has a number of conditions imposed which secure this in perpetuity and this is repeated with the current proposal. Severn Trent, as the Water Authority, has been consulted with no objections raised. The Drainage Officer and Environment Agency have been consulted on the application and have no objections, subject to conditions. The application therefore complies with Policies CS4 and CS18 of the Core Strategy with respect to ensuring the effective management of drainage and control of pollution.

## 8.0 Summary and Conclusions

8.1 The planning history of the site is that of an industrial use, thus the lawful use is for general industrial processes and activities which would not normally be appropriate in or adjacent to a residential area. The granting of planning permission would upgrade the site as a material recycling facility and enable higher standards of environmental protection and ensuring continued compliance with updated environmental legislation.

8.2 All representations have been considered and the amenity concerns raised have been addressed with amendments made to the application applicant and by the imposition of conditions in relation to safeguard matters such as odour, noise, dust and traffic mitigation. The proposal is acceptable in design terms – both in terms of layout and scale – and represents an enhanced layout for the operation. The visual impact of the proposal is considered acceptable both in terms of its location within a reclamation site and the local context of an employment area. In addition a legal agreement is to be entered into to ensure that all reasonable endeavours are taken to restrict HGV's from travelling along unsuitable roads.

8.3 No statutory or internal consultees have objected to the proposal.

8.4 For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to the imposition of conditions and the resolution of a Section 106 agreement securing a routing agreement to the application site.

8.5 It is therefore recommended that the Head of Development Management be authorised to issue the decision notice to grant planning permission with the following conditions once the Section 106 legal agreement has been completed.

**RECOMMENDATION:** To delegate the application to the Head of Planning to **GRANT PLANNING PERMISSION** subject to the following:

Members resolve to grant planning permission for the proposed development, subject to the conditions below and following the completion of an agreement under section 106 of the Town and Country Planning Act 1990 in relation to the following matters and that the Head of Planning be authorised to issue the planning permission upon completion of the agreement:

- The use of all reasonable endeavours to ensure that any heavy goods vehicles access or egress the site via the closest possible link to the A6182 (Great Yorkshire Way) that is suitable for such traffic.

### Conditions / Reasons

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. U51796 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:

Amended site plan received 19.12.2016  
Application form received 15.07.2016  
Odour Management Plan received 08.05.2017  
Noise Impact Statement received 08.05.2017  
Proposed plans for processing building received 19.12.2016

REASON

To ensure that the development is carried out in accordance with the application as approved.

03. DA01 The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

REASON

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

04. U51797 With the exception of necessary works arising from emergency situations, no operations (including movement of: waste, recyclable materials or primary aggregate to or from the Site; and vehicles, delivery and removal of materials and equipment) shall take place other than between the following hours:

07:30 to 18:00 Mondays to Fridays; and  
07:00 to 13:00 Saturdays; and

Not at all on Sundays or Bank Holidays or Public Holidays.

REASON

To protect local amenity as required by Policies CS1 and CS14 of the Core Strategy and Policy EMP17 of the UDP.

05. U52576 The following records shall be kept at the Site and shall be provided to the Local Planning Authority within 7 days of a request being made. In making a request, the Local Planning Authority shall specify the dates between which the records shall be provided.

a) Records of the quantity, dates and times when waste, recyclable materials or primary aggregate is delivered to the Site.

b) Records of the quantity, dates and times when waste, recyclable materials or primary aggregate is removed from the Site.

c) Records of any complaints and any remedial action taken.

REASON

To ensure compliance with the terms of the planning permission and in the interests of protecting local amenity and highway safety as required by Policies CS1 and CS14 of the Core Strategy.

06. U51798

The site shall be capped on completion with a suitable material which provides a level of protection equivalent or greater than 1 metre of clay, having an emplaced permeability of  $1 \times 10^{-9}$  m/sec or less.

REASON

To minimise the ingress of water into any residual contamination in the interests of protecting the water resources in the area as required by Policies CS4 and CS18 of the Core Strategy.

07. U52562

Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

REASON

To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.

08. U52568

Before first use of the development hereby permitted, the proposed turning facilities shown within the site shall be provided, hard surfaced and made available for use in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

REASON

To allow sufficient parking within the site and to protect highway safety in accordance with Policy CS14 of the Core Strategy.

09. U52564

Only inert, non-hazardous waste shall be brought to and processed at the site. Notwithstanding the requirements of the approved management plan, any non-inert or hazardous wastes brought onto the site shall be removed from the site on the same day.

REASON

In the interest of protecting local amenity as required by Policy CS1 and CS14 of the Core Strategy.

10. U52563

At the request of the Local Planning Authority the site operator shall measure and assess the level of noise emissions from the site in accordance with a methodology approved in writing by the Local Planning Authority.



REASON

To control any impact of noise generated by the development in the interest of local amenity as required by Policies CS1 and CS14 of the Core Strategy.

11. U52565 All odour mitigation measures detailed in the approved odour management plan shall be carried out and adhered to for the duration of the development.

REASON

To ensure operations on site do not generate unacceptable levels of odour as required by Policies CS1 and CS14 of the Core Strategy.

12. U52566 Before the development is brought into use, the proposed boundary treatment as outlined in red on the approved plans shall be erected. The boundary treatment shall be maintained to a reasonable standard and remain in perpetuity for the lifetime of the development.

REASON

To ensure adequate provision for the screening of the site and to ensure that the use of the land will not give rise to issues with the distribution of litter and dust as required by Policies CS1 and CS14 of the Core Strategy.

13. U52567 The proposed processing building as shown on the approved plans shall be used for the processing of inert material and other associated ancillary activities and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning(Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON

For the avoidance of doubt and in the interests of proper planning.

14. U52569 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or succeeding Orders, the Site shall not be used for any purposes other than that which is the subject of this permission.

REASON

For the avoidance of doubt and in the interests of proper planning.

15. U52570 The total quantity of waste or recyclable materials imported on to the Site shall not exceed 75,000 tonnes per year.

REASON

In the interests of protecting local amenity and highway safety as required by Policies CS1 and CS14 of the Core Strategy.

16. U52571 The stockpiles of waste, recyclable materials and primary aggregate shall not exceed 4 metres in height (measured from the finished level of the yard area).
- REASON  
In the interests of protecting local amenity as required by Policies CS1 and CS14 of the Core Strategy.
17. U52572 For the avoidance of doubt all waste, recycled materials and primary aggregates shall be stored in the material inbound areas as shown on the Amended site plan received 19.12.2016.
- REASON  
To ensure development complies with the approved plans and to secure the functional site layout as required by Policy CS14 of the Core Strategy.
18. U52573 Any external lighting within the Site shall be positioned so as not to cause nuisance to the occupiers of nearby properties and land and to minimise general light pollution.
- REASON  
In the interests of protecting local amenity as required by Policies CS1 and CS14 of the Core Strategy.
19. U52574 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, associated pipe work, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.
- REASON  
To protect groundwater from contamination as required by Policies CS4 and CS18 of the Core Strategy.
20. U52575 The terms of this planning permission, including all documents hereby permitted and any documents subsequently approved, shall be made known to any person(s) given responsibility for the management or control of the waste activities/operations on the Site.
- REASON  
For the avoidance of doubt and in the interests of proper planning.

## Informatives

01. IA011           INFORMATIVE  
The permission hereby granted shall not relate to the display of any advertisement for which express consent is required. Separate consent under the Town & Country Planning (Control of Advertisements) Regulations 1992 (as amended) is required.

02. IDNLS           INFORMATIVE  
DEVELOPMENTS NEAR LANDFILLS  
The proposed development is within 250 meters of a landfill site about which insufficient information is known to permit an adequate response to be made on the extent to which landfill gas may be present on or off site.  
Planning permission has been granted on the basis that there is no sound and clear-cut reason to refuse. The applicant is, however, reminded that the responsibility for safe development and secure occupancy of the site rests with the developer and accordingly is advised to consider the possibility of the presence or future presence of landfill gas and satisfy himself of any gas precaution which may be necessary.

03. II091           INFORMATIVE  
Nothing in this permission shall be taken as giving authority to commence any works which affect the watercourse/ land drainage dyke which crosses / runs adjacent to the site, as separate consent is required for such works from the Environment Agency or internal drainage board.

04. INF1B           INFORMATIVE  
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

This Standing Advice is valid from 1st January 2017 until 31st December 2018

05. IDRAIN

INFORMATIVE

ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.

For further application information, consent guidance & forms Visit: [www.shiregroup-idbs.gov.uk](http://www.shiregroup-idbs.gov.uk), Select 'IDB', then select 'Doncaster East IDB', and select 'Planning, Consent & Byelaws'.

For direct enquiries e-mail: [planning@shiregroup-idbs.gov.uk](mailto:planning@shiregroup-idbs.gov.uk)

06. U11347

INFORMATIVE

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

07. U11348

INFORMATIVE

The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the highway is an offence under provisions of The Highways Act 1980.

## Justification

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

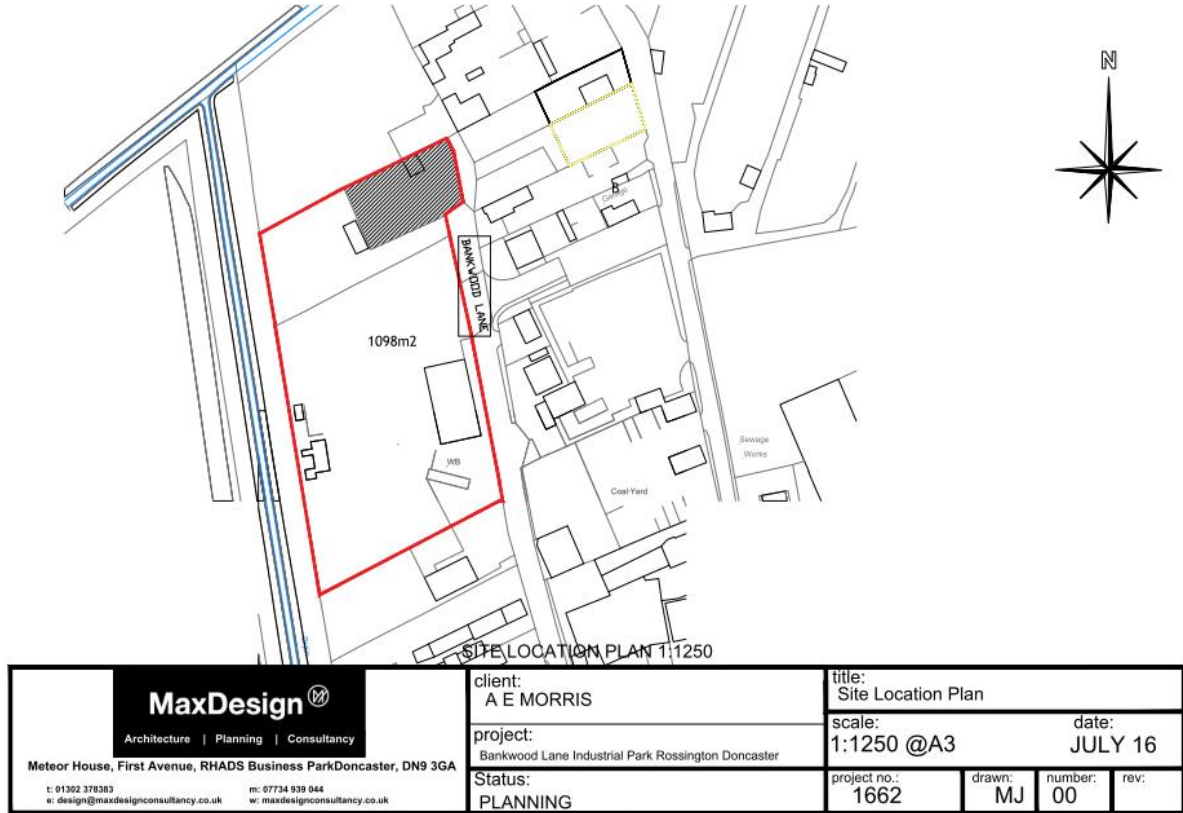
In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

Environmental issues  
Highway safety

**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**

# APPENDICES

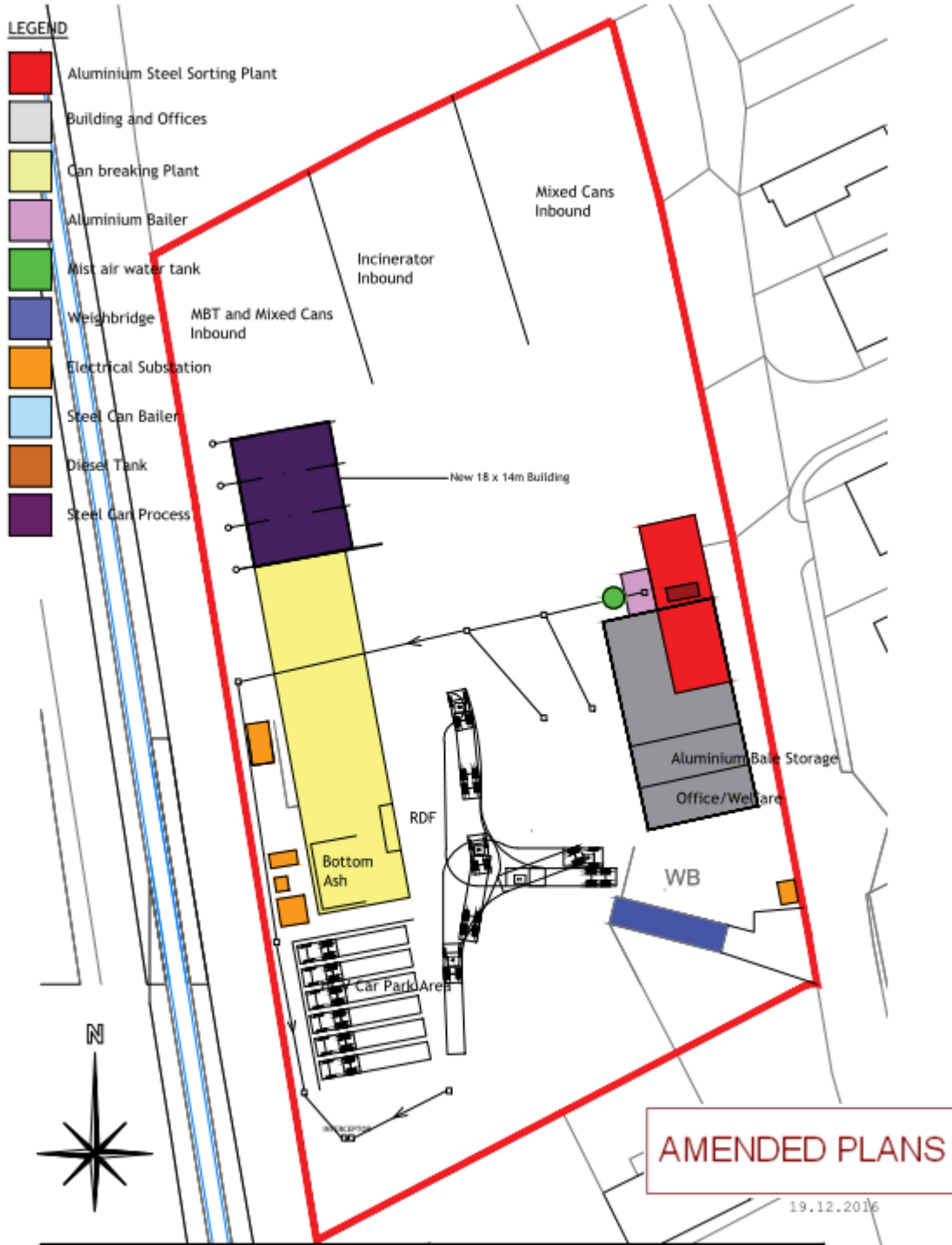
## Appendix 1 – SUBMITTED SITE LOCATION PLAN



## APPENDIX 2 – Aerial View (annotated)

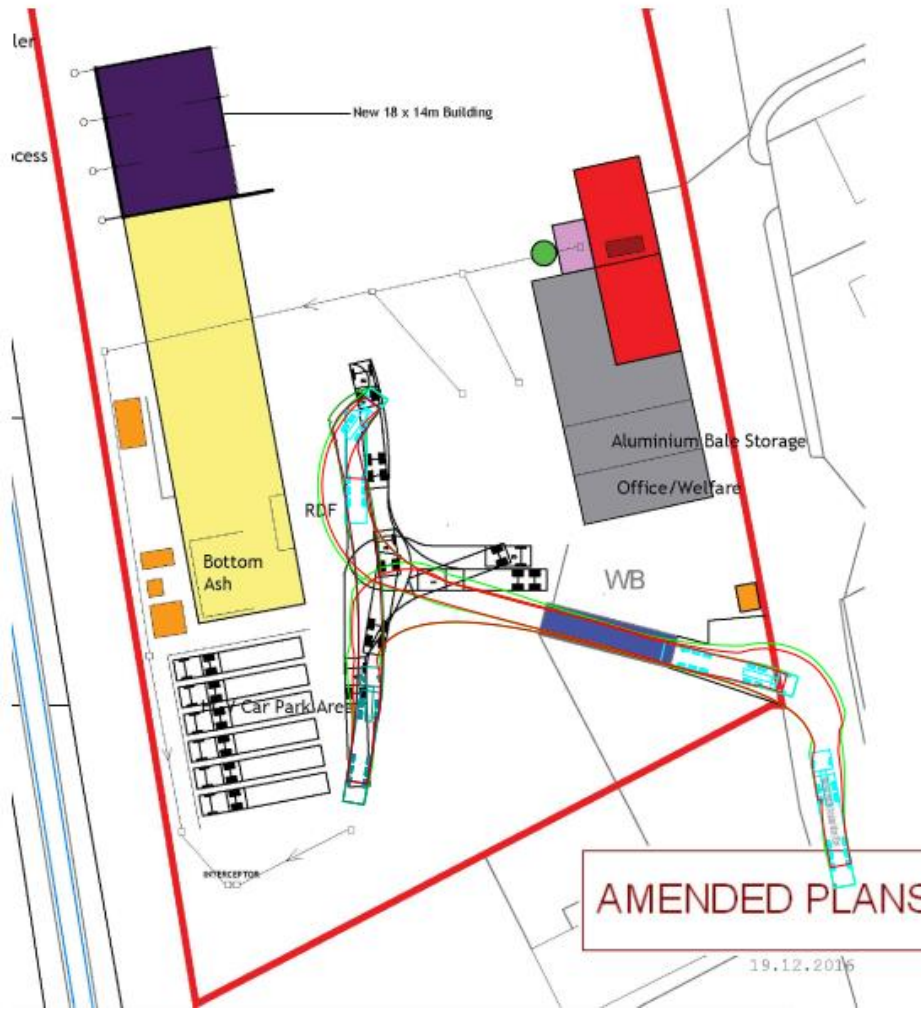


# APPENDIX 3 – PROPOSED SITE LAYOUT (AMENDED 19<sup>th</sup> December 2016)

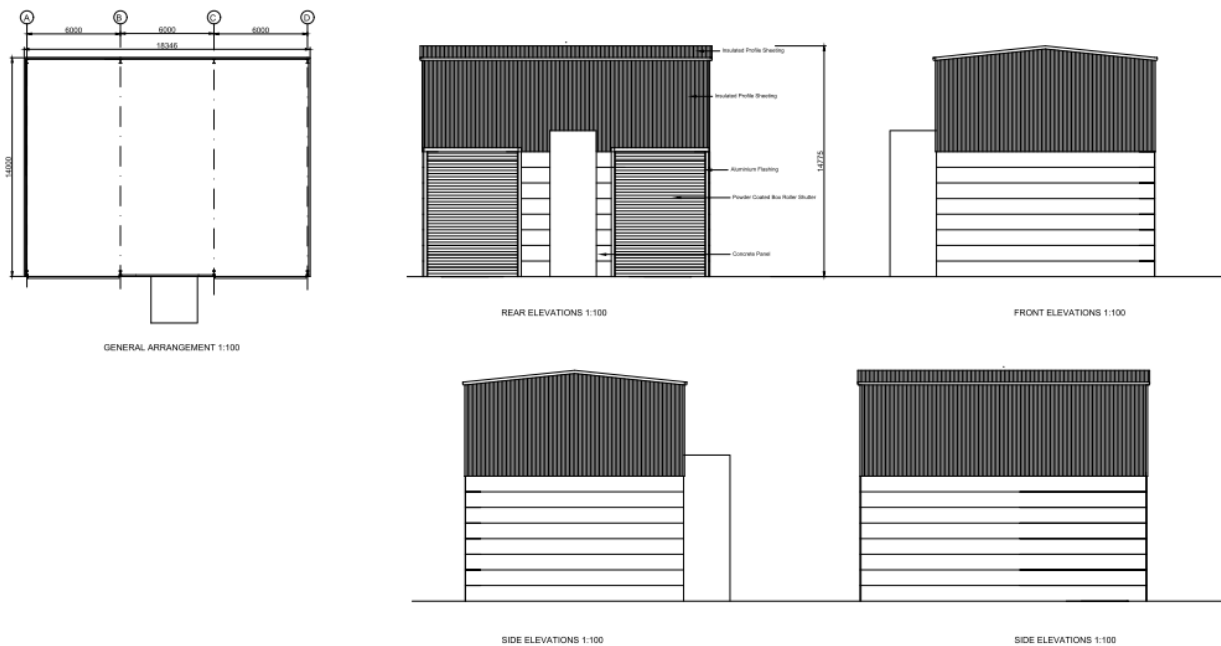


|  |                             |                 |               |
|--|-----------------------------|-----------------|---------------|
| client:<br>MORRIS & CO HANDLERS LTD                            | title:<br>SITE WASTE LAYOUT |                 |               |
| project:<br>Bankwood Lane Industrial Park Rossington Doncaster | scale:<br>1:500 @A3         | date:<br>OCT 16 |               |
| Status:<br>EA  | project no.:<br>1634        | drawn:<br>MJ    | number:<br>01 |
|  |                             |                 | rev:          |

## APPENDIX 4 - PROPOSED SITE TRACKING

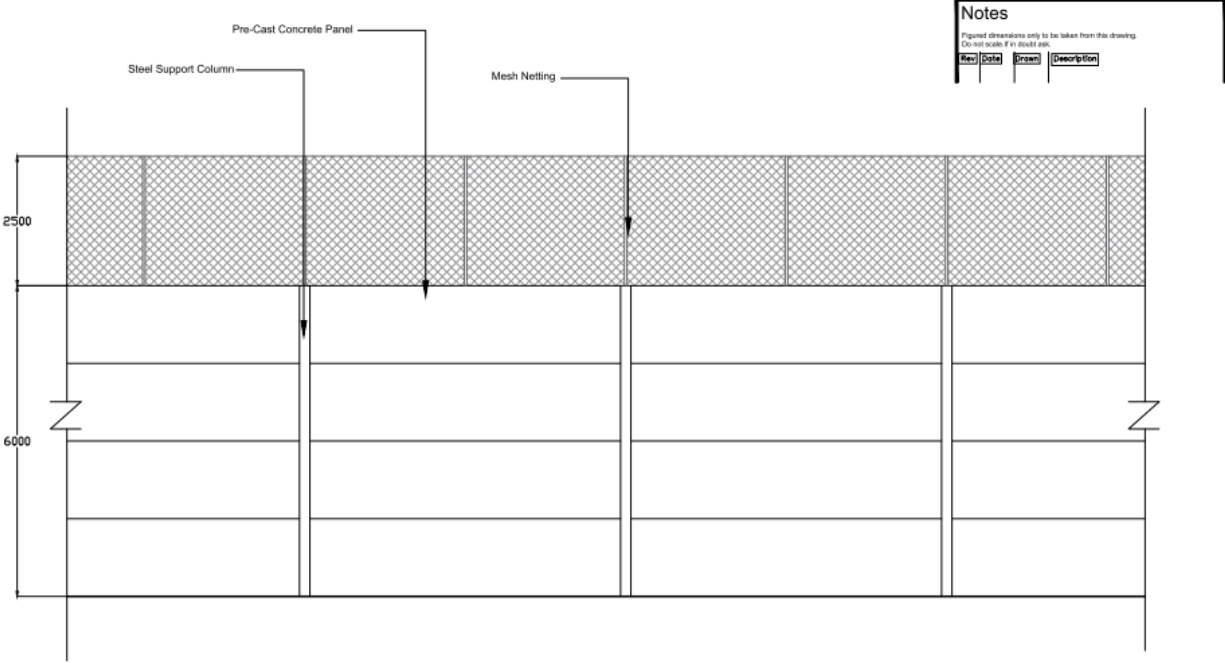


## APPENDIX 5 - PROPOSED PROCESSING BUILDING





# APPENDIX 6 - PROPOSED BOUNDARY TREATMENT



| Notes  |      |       |             |
|--|------|-------|-------------|
| Figured dimensions only to be taken from this drawing.<br>Do not scale it in detail etc. |      |       |             |
| Rev  | Date | Drawn | Description |

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**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 30th May 2017**

|                    |          |
|--------------------|----------|
| <b>Application</b> | <b>3</b> |
|--------------------|----------|

|                            |              |                                 |                   |
|----------------------------|--------------|---------------------------------|-------------------|
| <b>Application Number:</b> | 13/02403/FUL | <b>Application Expiry Date:</b> | 29th January 2014 |
|----------------------------|--------------|---------------------------------|-------------------|

|                          |                  |
|--------------------------|------------------|
| <b>Application Type:</b> | Full Application |
|--------------------------|------------------|

|                              |   |
|------------------------------|---|
| <b>Proposal Description:</b> | Erection of wind turbine (77m high to tip) and associated access track, hardstanding, substation, temporary meteorological mast and infrastructure. |
|------------------------------|---|

|            |  |
|------------|--|
| <b>At:</b> | Land To East Of Edlington Wood Wood Lane White Cross Lane Wadworth |
|------------|--|

|             |                               |
|-------------|-------------------------------|
| <b>For:</b> | Energy Prospects Co-operative |
|-------------|-------------------------------|

|                          |    |                |                         |
|--------------------------|----|----------------|-------------------------|
| <b>Third Party Reps:</b> | 26 | <b>Parish:</b> | Wadworth Parish Council |
|                          |    | <b>Ward:</b>   | (Historic) Torne Valley |

|                         |             |
|-------------------------|-------------|
| <b>Author of Report</b> | Mark Sewell |
|-------------------------|-------------|

|                             |       |
|-----------------------------|-------|
| <b>MAIN RECOMMENDATION:</b> | Grant |
|-----------------------------|-------|



## **1.0 Reason for Report**

1.1 The application is being presented to Planning Committee for determination on account that the proposal is a departure from the Doncaster Unitary Development Plan 1998 (development within the Green Belt).

## **2.0 Proposal and Background**

2.1 The application involves the erection of wind turbine (77m high to tip) and associated access track, hardstanding, substation, temporary meteorological mast and infrastructure on land to the East of Edlington Wood.

2.2 The application has been made on the basis that the resultant operation will be connected to a community company that local residents can be a part of and profits invested in the community of Edlington/Wadworth.

2.3 The application site is located in a large field approximately 1 km to the east of the settlement of New Edlington, between New Edlington and Warmsworth. The land use of the site is mainly recreational associated with the restored Yorkshire Main Colliery which is now parkland, with an agricultural fringe to the south east. The site is within a predominantly semi-rural area and is bounded by a wooded hill to the west and southwest, and woodland to the south. The reclaimed colliery to the north has been formed into a hill, whilst to the east the land drops away with long distance views over Doncaster and the surrounding area. The area has two main motorway routes in relatively close proximity, with the A1 (M) traversing the landscape from southeast to northwest, and the M18 crosses from the southwest to the northeast.

2.4 The proposed wind turbine will have a hub height of 50m, and a blade tip height of up to 77m, and rated at 500kw. Per year, the turbine would generate sufficient electricity for about 415 homes, and bring about the reduction in emissions of approximately 684 tonnes of carbon dioxide.

## **3.0 Relevant Planning History**

3.1 None

## **4.0 Representations**

4.1 There have been a total of 26 representations supporting the proposal on the basis that the development is beneficial given its provision of renewable energy and consequent lower carbon emissions, plus supporting the principal behind the development of investing profits in the parish and help its regeneration.

## **5.0 Parish Council**

5.1 Braithwell with Micklebring Parish Council have objected on the proposal as stated below:

- a) It is considered there can be no special reasons for siting such a turbine in what is the green belt.
- b) There would be an adverse environmental impact on neighbouring towns and villages, in particular to this parish council. Braithwell and Micklebring are designated as having areas of Special Landscape Value.
- c) This turbine would be visible from neighbouring towns and villages i.e. Edlington, Braithwell, Micklebring and Clifton. The lack of local consultation with these neighbouring places is of great concern and contrary to the Localism Act, The Big Society and the principles of good and effective consultation.
- d) Doncaster M B Council's re-generation policy has been good so far, the number of wind turbines appearing on its landscape could adversely affect the sustainability of its long term re-generation programme.
- e) The risk of unknown effect to people's health locating wind turbines so close to residential properties gives great concern. No assessment appears to have taken place regarding this.
- f) The accumulative effect of the site of wind turbines as previously stated but particularly Marr and the east side of Doncaster including mobile masts have an increasing adverse effect on the landscape.

5.2 Wadworth Parish Council has objected on the grounds of noise pollution which they believe will be generated by the turbine and the loss of amenity/recreational area. The site is a popular walking area.

## **6.0 Relevant Consultations**

Joint Radio Company has raised no objections as the proposal does not interfere with any radio link infrastructure.

Robin Hood Airport (Doncaster/Sheffield) No objections to the proposal following an agreement between the applicant and Robin Hood Airport for the provision of mitigation for the proposed turbine and conditions.

NATS Safeguarding - No objections as the proposal will not likely have any impact on their electronic infrastructure.

Defence Infrastructure Organisation - No objections.

DMBC Ecology - No objections subject to condition

DMBC Conservation - Recognise that the scheme will have a moderate impact upon heritage assets.

DMBC Environmental Health - No objections subject to condition.

Public Rights of Way - No public rights of way effect therefore no objections.

Neighbourhood Manager - No objections.

Yorkshire Wildlife Trust - No response.

Ramblers Association - No response.

Local Planning Authority Highways officer - No response.

The Coal Authority - Standing advice.

South Yorkshire Archaeology Services - No objections

Civil Aviation Authority - No response.

## **7.0 Relevant Policy and Strategic Context**

Planning policy relevant to the consideration of this application includes:

National Planning Policy Framework

Planning Policy Principle 7: Requiring good design

Planning Policy Principle 9: Protecting Green Belt land

Planning Policy Principle 10: Meeting the challenge of climate change, flooding and coastal change

Planning Policy Principle 11: Conserving and enhancing the natural environment

Planning Policy Principle 12 - Conserving and enhancing the historic environment

Doncaster Council's Core Strategy:

CS3: Countryside

CS14: Design and sustainable construction

CS15: Valuing our historic environment

CS16: Valuing our Natural Environment

CS19: Renewable Energy

Saved Doncaster Unitary Development Plan (UDP) Policies

ENV3: Green Belt Policies

## 8.0 Planning Issues and Discussion

### Principle of Development

8.1 The starting point for considering any application is the Development Plan. Saved Policy ENV 3 of the Doncaster Unitary Development Plan states that development in the Green Belt is not permitted other than for a limited number of uses that include such things as agriculture, forestry etc. unless they demonstrate very special circumstances.

8.2 The National Planning Policy Framework (NPPF) states that 'when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.'

8.3 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. In terms of this planning application it is clear that the nature of a wind turbine as a 'renewable energy device' represents a form of development which would meet the definition of 'sustainable development'.

8.4 Para 93 of the (NPPF) states that 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

8.5 National Policy Statement for Energy (EN-1) states that the UK is determined to obtain 15% of its energy from renewable sources by 2020. To hit this target, and to largely decarbonise the power sector by 2030, it is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable electricity generation projects is therefore urgent (para 3.4.5).

8.6 It is acknowledged that a number of planning applications have been approved and generating power in the borough, Marr, Hampole (both in the Green Belt), Tween Bridge etc. Core Strategy policy CS19 sets out a target of at least 37 MW of power from renewables by the turn of the next decade. It should be noted, however, the target is a minimum requirement and not a maximum.

8.7 At paragraph 11 of the National Planning Policy Framework it reminds us that planning permission should be determined according to the development plan and is not changed by the Framework. However, paragraph 14 states that where the Development Plan is silent or relevant policies are out of date permission should be granted for sustainable development unless material considerations indicate otherwise.

8.8 The National Planning Policy Framework at Paragraph 17 states that among the 12 core planning principles there should be support for the transition to a low carbon future in a changing climate...and encourage the use of renewable resources (for example, by the development of renewable energy).'

8.9 Paragraph 91 states that 'elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources'.

8.10 Further, at Paragraph 98, Local Planning Authorities are instructed 'to not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.'

8.11 In October 2014 the Department of Energy produced a document 'Community Benefits from Onshore Wind Developments: Best Practice Guidance for England' which states that community benefits should be considered, '... separate from the planning process and are not relevant to the decision as to whether the planning application for a wind farm should be approved or not - i.e. they are not 'material' to the planning process.' This means the community benefits put forward by the applicants should generally not be taken into account by the local planning authority when deciding the outcome of a planning application for a wind development.

8.12 Further the guidance reminds the authority that the only situation in which financial arrangements are considered material to planning is under the Localism Act, as amended (2011) which allows a local planning authority to take into account financial benefits where there is a direct connection between the intended use of the funds and the development. In this case the benefits would be to residents in the wider parish and not directly linked to the development.

8.13 As of 18 June 2015 the National Planning Policy Guidance was updated. It states at Paragraph 33 that,

'Local Planning Authorities should only grant permission where the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. Whether the proposal has the backing of the affected local community is a planning judgment for the local planning authority'

8.14 There is a transitional provision for assessing applications, like this one, that had already been submitted as follows;

'Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.' The ministerial statement also states that 'Whether a proposal has the backing of the affected local community is a planning judgement for the local planning authority'



8.15 The applicant in responding to this change and the objections which were first received carried out a public consultation which now showed a majority of respondents in favour of the proposal. Also they point to how the application documentation covers the issues raised by the objectors.

8.16 The reference in the NPPG paragraph and in the ministerial statement does not define what constitutes 'local communities' but it would be reasonable to look at the locality of the respondents and that of the Parish areas in relation to the immediate surrounds of the site.

8.17 The vast majority of the respondents are from within the local area. The Parish Councils of Wadworth and Braithwell with Micklebring have registered objections. It is not known if the Parish Councils undertook any form of consultation within their areas prior to their responses.

8.18 The NPPG guidance is silent in terms of the role of Parish Council's referring only to local communities. In this case, those local residents who initially objected have since expressed their support for the scheme following further public consultation from the applicants.

8.19 In assessing the impact of the proposal on the openness of the Green Belt the turbine tower at its widest at the base is 5.0m in diameter and in rising to 50m to its hub (and 77m to blade tips) is a tall, slender structure when viewed in its rural context. Wind turbines are quite familiar structures in rural locations. Fields, field boundaries and woodlands can be seen all around the site. The harm to the openness of the Green Belt is considered to be small. A further assessment of the visual impact will follow.

8.20 The single wind turbine proposed for the Yorkshire Main site is being developed by the Energy Prospects Co-operative as a co-operatively-owned wind turbine. This means that the members of the co-operative who have invested in the project take an active part in the democratic (one-member-one-vote) decision-making processes of the co-op and receive a fair return on their investment. In addition, the co-operative intends to set aside a portion of the income as a community fund for use on energy and environmental projects in the local area. The aim is to ensure that as much of the benefit from the project as possible remains in the local area.

## Noise

8.21 In terms of noise, the accepted method of assessment is contained within "The Assessment and Rating and Noise from Wind Farms" (ETSU -R-97), drawn up by the Noise Working Group for the DTI. Since the proposal is predicted to give rise to noise levels of less than 35 dB LA90 at all of the closest neighbouring non - financially involved properties for wind speeds of up to 10m/s, ETSU-R-97 advises that it is unnecessary to carry out background noise measurements at these locations.

8.22 The predictions provided by the applicants show that no residential property would be likely to experience noise levels arising from the proposed wind turbine above 32.5 dB LA90. As such, the predicted noise levels would meet noise level set out in the ESTU-R-97 document by a margin of at least 2.5dB.

8.23 In addition, it is predicted that the background noise at the nearest properties will be dominated by the A1(M) and M18 motorways and interchange, and as such the potential for any audibility of the turbine at nearby residences is negligible.

8.24 The Council's Environmental Health team have been consulted and raised no objections to the proposed scheme, subject to the imposition of a condition to ensure that shall not exceed a certain level when measured at the boundary of the identified nearest noise sensitive property.

8.25 On the basis of the above, the applicants have demonstrated that the proposal would not exceed the noise limits set out within accepted national guidance. No objections have been received from the Environmental Health team to the proposal.

### Air Safety

8.26 As part of the application process, Robin Hood Airport, NATS (National Air Traffic Services) and the Ministry of Defence have been consulted. Part C of Core Strategy Policy CS19 seeks to ensure that such proposals allow for the safe and efficient operation and growth of Robin Hood Airport. Consultees have raised no objections to the proposal following further information provided by the developer to provide mitigation strategies to overcome radar clutter. Robin Hood Airport have provided planning conditions to ensure that a detailed scheme of mitigation measures are agreed prior to the commencement of development, and are implemented before the turbines become operational.

### Heritage

8.27 The application has been submitted with a Heritage Assessment which identifies and considers the impact on designated heritage assets that may be affected by the proposal as required by the National Planning Policy Framework. There are 10 scheduled monuments and 12 grade 1 or grade 2\* listed buildings within a 5km radius and 9 conservation areas and 2 nationally registered parks and gardens. There are a further 7 grade 2 listed buildings within a 2km radius. Since the original study the adjacent Edlington Wood has been identified as a park and garden of local historic interest.

8.28 The assessment is based on local and national policies which are still current and uses typical Environmental Impact Assessment methodology with a detailed consideration of the setting and significance of the heritage assets in line with the National Planning Policy Framework. The assessments of individual impacts are contained in section 5.4 p13 onwards of the heritage assessment. The conclusion of the statement was that there will be no more than a minor adverse impact (overall) and that mitigation measures are not considered to be a requirement.

8.29 The Council's Conservation Officer broadly agrees with the assessment that for most of the identified heritage assets the impact of the proposal is none or negligible, being either too far away or as in the case of the scheduled or listed monuments within Edlington Wood their heritage significance is archaeological or historic and views towards the turbine do not contribute to this.

8.30 However, it is considered that the impact on some heritage assets is underplayed. The grade 2 listed White House farm and separately grade 2 listed barns are approximately 750m south east of the site. In the view of the Conservation Officer the assessment underplays the contribution of the surrounding landscape to the heritage significance of the listed buildings in defining it as having a neutral contribution. The listed buildings are affected by the proximity of the motorways on 2 sides but the view north west is still a reminder of its rural character and due to its proximity and height the turbine will intrude into this. This is roughly analogous to viewpoint 4 in the landscape assessment. This could be defined as having some harm to the setting. The distinctive white Church of St Peter, Warmsworth Road is grade 2 listed and falls just outside the 2km limit. Its heritage significance is primarily architectural being built in the 1930s in a Greek style with a distinctive dome. Being on the elevated Warmsworth Road it is a distinctive landmark when seen from the south as far as the M18. There are also views towards the church from the bridleway immediately south of the turbine before it disappears into Edlington Wood. The Conservation Officer classes this as minor harm.

8.31 The adjacent Edlington Wood is proposed for designation as a park and garden of historic interest. The park is of historic interest as the former grounds of Wood Hall and incorporate significant landscape features including a listed monument and woodland plantations. The key views are internal to the wood and some of the significance lies in the archaeological heritage assets and listed structure within the wood which as discussed in the assessment are minimally affected. The turbine may be visible from the path within the eastern edge of the wood and through the trees particularly in winter. It is difficult to assess to what extent the turbine will be visible above the trees particularly in the open areas at the centre of the woodland due to the difference in contour. The turbine is likely to be visible at the western entrance to the Loversall conservation area but this is not a key view.

8.32 It is considered that there would be some harm (less than substantial) to the settings of the listed buildings at White Cross grange farm and there will be some impact on the significance of the local park and garden of historic interest where the turbine impinges on views. The NPPF states that where there is less than substantial harm this should be weighed against the public benefits of the proposed development which is a conclusion ultimately arrived at in the assessment (para. 6.5). These benefits are primarily described as Environmental benefits in part 5 of the supporting planning statement which include renewable energy generation, ecological enhancement, and community benefits in the form of generating an income for the local community through co-operative ownership.

8.33 Overall, it is considered that these benefits of the scheme, together with the demonstration of public support carry significant weight against the less than substantial harm to local heritage assets.

## Landscape and Visual Impacts

8.34 As part of the application submission, the applicants have provided a Landscape and Visual Appraisal. The application site and surroundings have previously been described earlier in the report. As part of the appraisal, the applicants have identified a Zone of Theoretical Visibility (ZTV) to assess the visual impacts of the proposal upon the wider landscape.

8.35 The recommended ZTV for a 77m high wind turbine is a 25km radius. The applicants have considered the characteristics of the proposed development, including its scale, siting, landscape characteristics with the areas of theoretical visibility outlined in the ZTV, and concluded that it would be unlikely that significant landscape or visual impacts would be experienced beyond a 10km radius of the proposed development. A 10km study area was therefore chosen for the assessment, which was considered to be appropriate by officers.

8.36 The wind turbine itself is obviously the main element of the proposal, however there are ancillary works and structures associated with the development. The assessment considers the site tracks and substation, and concludes that these would not have any significant impact upon the character of the surrounding landscape. Only some 200m of new track together with the upgrading of 465m of existing track is required to access the turbine, and the track will be constructed of stone as is typical of farm tracks. In addition, all of the cabling within the site will be underground, and the small substation is proposed to be located close to the proposed turbine on the edge of the hardstanding. As such, it is not considered that the proposed ancillary works would have a minimal impact upon the character of the surroundings.

8.37 The landscape and visual assessment was based on a total of 8 viewpoints that were selected to be representative of the main views of the site from a variety of landscape and visual receptors in the study area.

8.38 The assessment made a number of main points. Firstly, that there are no nationally or regionally designated landscape areas within the 10km study area. Although the site is within the Green Belt, this is itself is not a landscape designation. The site lies within the Stanton to Edlington Limestone Plateau Landscape Character Area (LCA). The development would not result in the loss of any of the characteristics which define this LCA, and it was found that the magnitude of change would be low.

8.39 Furthermore, in terms of sensitivity to change it is noted that this LCA is less sensitive to the north and east, and is defined within the Council's Landscape Character and Capacity Study as being of moderate sensitivity to wind turbine development. As such the effect on the LCA is not deemed to be significant, and the baseline characteristics continue to provide the defining influence in this area. The development would not cause significant impacts upon adjoining LCA's.

8.40 With regards to visual amenity, it is assessed that the proposal would have a significant effect on residents to the south western edge of Alveley who would have direct and unobscured views of the turbine, however residents in Warmsworth, New Edlington, Loversall, Wadworth and Cadeby would not experience a significant change of view. There would be significant visual effects for pedestrians using the public rights of way within the immediate vicinity of the site. Similarly, there would be significant effects on visual amenity for users of the motorways closest to the site, albeit for short sections of these roads.

8.41 From further afield, the turbine may still be visible, however not to the degree of being a defining feature and would appear to be a smaller element within the wider landscape. There is an operations windfarm at Marr comprising of 4 turbines located some 7.4km to the north west, and a single turbine at Fieldhouses some 6.8km to the south west, however the cumulative effect of the proposal together with these is not considered to be significant.

8.42 Policy CS19 of the Core Strategy is concerned with renewable energy, and seeks to ensure that new development has no significant adverse effects on landscape character, and that stand alone renewable energy schemes will be directed to those landscapes with the highest relative capacity for the development proposed. Policy CS16 of the Core Strategy, concerned with the natural environment, seeks to ensure that development is appropriate to the landscape's character, sensitivity and capacity. Saved Policy ENV3 of the UDP states that the scale and appearance of a proposal must have regard to the wider visual impact and should not result in a significant impact on views from major transportation routes, across open countryside or of important landmarks.

8.43 As described above, the proposal would be located in an area defined by the Council's Landscape Character and Capacity Study (LCCS) as being of medium sensitivity and moderate capacity for wind turbine development. Furthermore, the proposal would only result in a low magnitude of change in terms of the characteristics which define this LCA. The LCCS sets out characteristics which are more accommodating of wind turbine development, which include;

Located in more disturbed areas where views are already disrupted by man made elements such as major road corridors

Locating development next to motorways

Avoiding locating near historic elements or conservation areas

Locate in hollows in landform and use existing woodland to screen lower parts, or replacing lost hedges on field boundaries

Use existing farm tracks for maintenance access

Locate away from settlement edges

8.44 It is considered that the proposal achieves the majority of these elements, being located next to major road corridors, making the most of the landform to screen views from the west, located away from settlements and historic assets, and utilises existing farm tracks for access.

8.45 On this basis, whilst the proposed turbine will be visible within the landscape, the overall impact is considered to be moderate, and the site is located in an area which is lower in sensitivity and has capacity for accommodating the development.

## Ecology and Wildlife

8.46 Policy CS 16 of the Doncaster Council Core Strategy states that Doncaster's natural environment will be protected and enhanced in accordance with a number of principles. Nationally and internationally important habitats, sites and species will be given the highest level of protection and proposals will be supported which enhance the borough's landscape and trees by ensuring that design are of high quality, include appropriate hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness and retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

8.47 An Ecology report has been submitted with the application which sets out which species may be impacted by the scheme, and the potential impact of the scheme upon nearby protected sites. The report covers all of the identified potential ecological 'receptors' and carries out surveys and appraisals using best practice methodology.

8.48 The habitats identified would seem to be typical of arable landscapes within the limestone ridge area of the borough. The presence of typical species including orchids clearly indicated this.

8.49 Bats were identified as using the area and this was identified through transects and the use of specialist recording equipment. The outcome of the surveys showed three species of bat using the area around the site and that two of the species may be roosting within Edlington Wood may be roosting in nearby. However the level of activity was assessed as low and from that it can be assumed that the site is not an important foraging site for bats. Certain bird species were identified as using the site but it was assessed that certain species that are potentially at risk from collision with turbines would use the area infrequently making the risk of collision very low and that it would not impact upon local populations.

8.50 Badgers were not identified as using the site and great crested newts were also considered to be absent following a brief survey that was shortened by the drying up of the only pond within 500m of the site.

8.51 In total it was identified that impacts on ecological receptors would probably be low at a local level and hence there would be only be a minimal impact on biodiversity but even this level of impact would need to be mitigated or compensated for. On this basis, a condition to ensure that an ecological enhancement scheme is agreed and implemented will be imposed.

8.52 The scheme will not result in the loss of any trees, and the existing field boundary hedges are to be retained.

## 9.0 Summary and Conclusion

9.1 The application is in the Green Belt and represents a departure from the Local Plan. National Policy acknowledges that very special circumstances can exist in the Green Belt due to the wider environmental benefits associated with increased production of energy from renewable sources.

9.2 The Government have set out that local communities should have the final say in these types of Planning Applications and judging by the response to community consultation, the proposal is viewed favourably by the majority of the respondents to the Planning Application. The guidance and accompanying Ministerial Statement is capable of being a material consideration, but not one to which significant weight should be attached to outweigh the fact that the proposal complies with the National Planning Policy Framework and the Development Plan.

9.3 The creation of sustainable energy and the associated environmental benefits from the very special circumstances that justify the development within the Green Belt. The very special circumstances afforded by the benefits of the development outweigh the other material considerations discussed above and the proposal should be approved.

**The above objections, considerations 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.**

### RECOMMENDATION

**Planning Permission GRANTED subject to the following conditions.**

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. U48545            Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications.
- Turbine Details Drawing No  
Combined Access Rev A Drawing No  
Unlabelled location plan Scale 1:2500 stamped
- REASON  
To ensure that the development is carried out in accordance with the application as approved.

03. U48546 Within 4 months of the 25th anniversary of the date of first export (as defined in condition 04 below), all wind turbines, the sub-station, and other removable above ground elements not subsequently required for the then current use of the land, will be removed and the ground re-instated in accordance with details to be approved in writing by the local planning authority. Any elements of the development that are to be retained will be approved by the Local Planning Authority prior to the re-instatement being commenced.  
REASON  
To ensure that the site is appropriately restored.
04. U48550 Development shall not commence until a detailed scheme for the provision to air traffic controllers of Doncaster Sheffield Airport of a Wind Farm Mitigation Scheme has been submitted to and approved in writing by the Local Planning Authority, in consultation with the airport operator and all necessary approvals for the construction, installation, testing and operation of the works in the approved detailed scheme have been obtained to the satisfaction of the Local Planning Authority in consultation with the airport operator and including regulatory approval by the Civil Aviation Authority where necessary.  
REASON  
In the interests of air safety
05. U52611 The wind farm shall not commence operation until the works and other requirements of the approved detailed scheme have been constructed, installed, effected, tested and become operational and any further necessary approvals for the same, including regulatory approval of the Civil Aviation Authority, have been obtained, all to the satisfaction of the Local Planning Authority in consultation with the airport operator. Any variation of the approved scheme, including its implementation, shall not take place except with the prior written approval of the Local Planning Authority.  
REASON  
In the interests of air safety
06. U52612 The Wind Turbine Noise Levels as measured in accordance with the method stated in ETSU-97 shall not exceed 35dB(A)L90,10min at wind speeds not exceeding 10 metres per second at the boundary of the nearest noise sensitive dwelling.  
REASON: To ensure that the development does not prejudice the local amenity.



07. U52613 No development shall take place until an ecological enhancement plan has been submitted to the Local Planning Authority for approval in writing. This plan shall include details of proposed mitigation and enhancement measures to be delivered on or offsite, all of which shall be implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority:

REASON

To ensure the ecological interests of the site are maintained in accordance with policy CS16 of the Doncaster Core Strategy.

08. ENVH4 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:

- i) - the parking of vehicles of site operatives and visitors
- ii) - loading and unloading of plant and materials
- iii) - storage of plant and materials used in constructing the development
- iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) - wheel washing facilities
- vi) - measures to control noise and the emission of dust and dirt during construction
- vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON

To safeguard the living conditions of neighbouring residents and in the interests of highway safety.

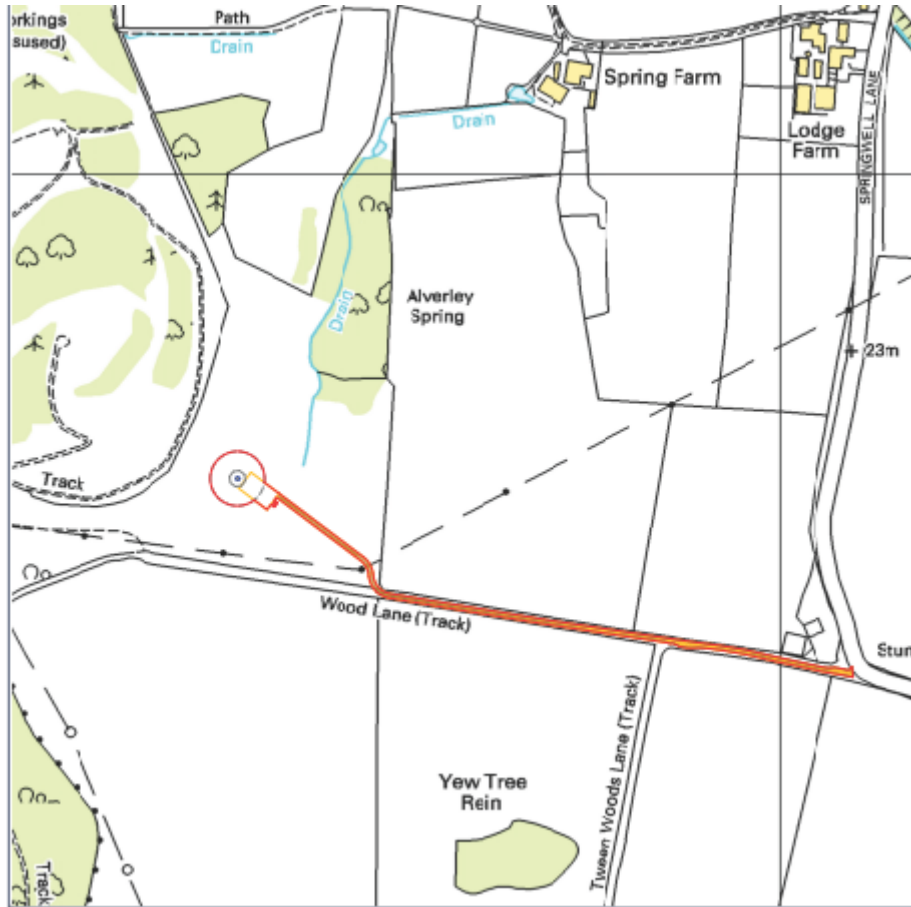
01. U11354 **INFORMATIVE**  
The detailed scheme referred to in condition 3 above shall demonstrate that the scheme, when operational, will ensure that any radar returns from the development will not be displayed to air traffic controllers of the airport and will not adversely affect air traffic control at the airport. "Wind Farm Mitigation Scheme" means a scheme for the mitigation of the anticipated impacts of the development on the operation of the Doncaster Sheffield Airport primary surveillance radars and associated air traffic management operations.

**APPENDIX 1**



Location Plan

## APPENDIX 2



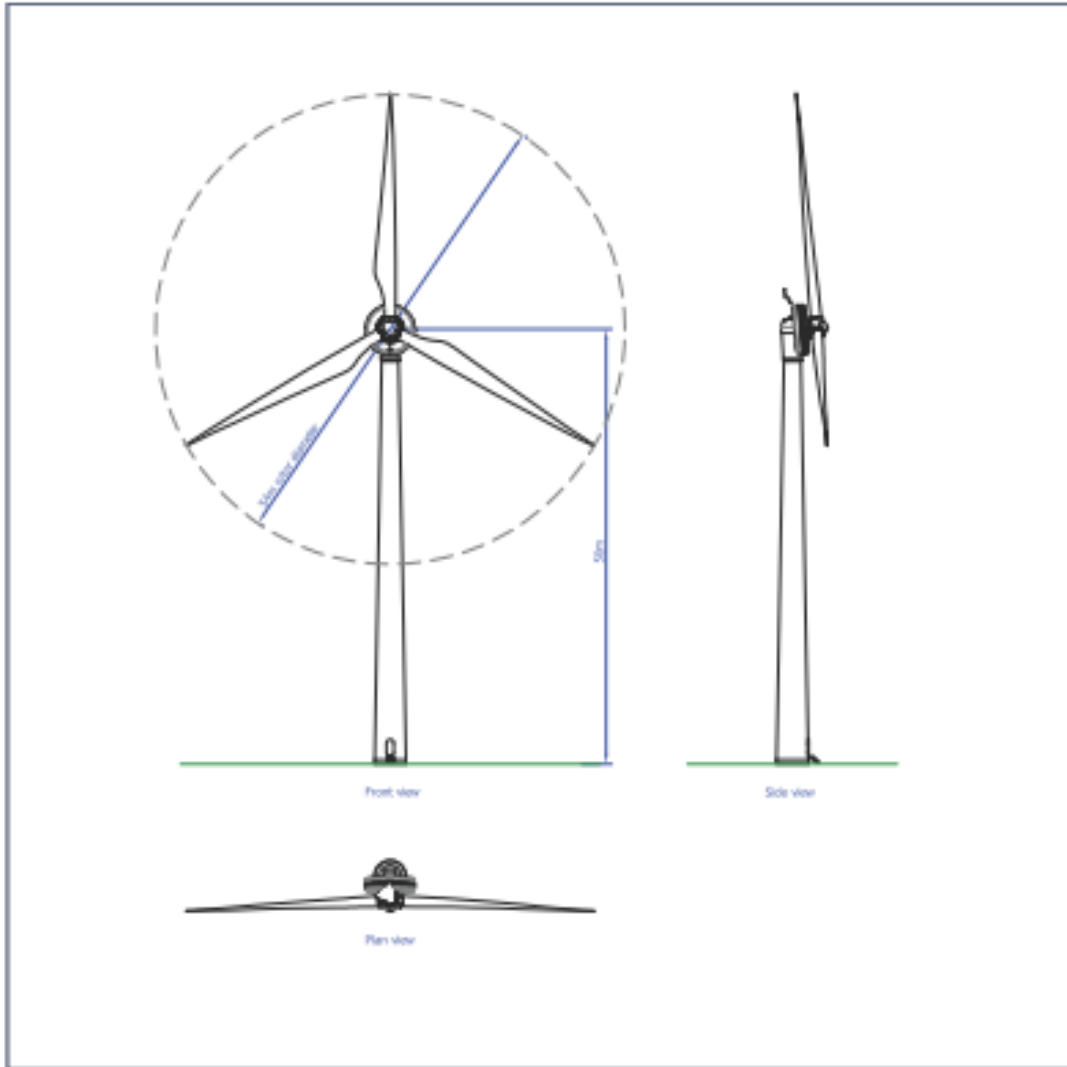
APPENDIX 3



Sattelite Image



# APPENDIX 4



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**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE - 30th May 2017**

**Application** 4

|                            |              |                                 |              |
|----------------------------|--------------|---------------------------------|--------------|
| <b>Application Number:</b> | 17/00661/FUL | <b>Application Expiry Date:</b> | 9th May 2017 |
|----------------------------|--------------|---------------------------------|--------------|

|                          |                  |
|--------------------------|------------------|
| <b>Application Type:</b> | Full Application |
|--------------------------|------------------|

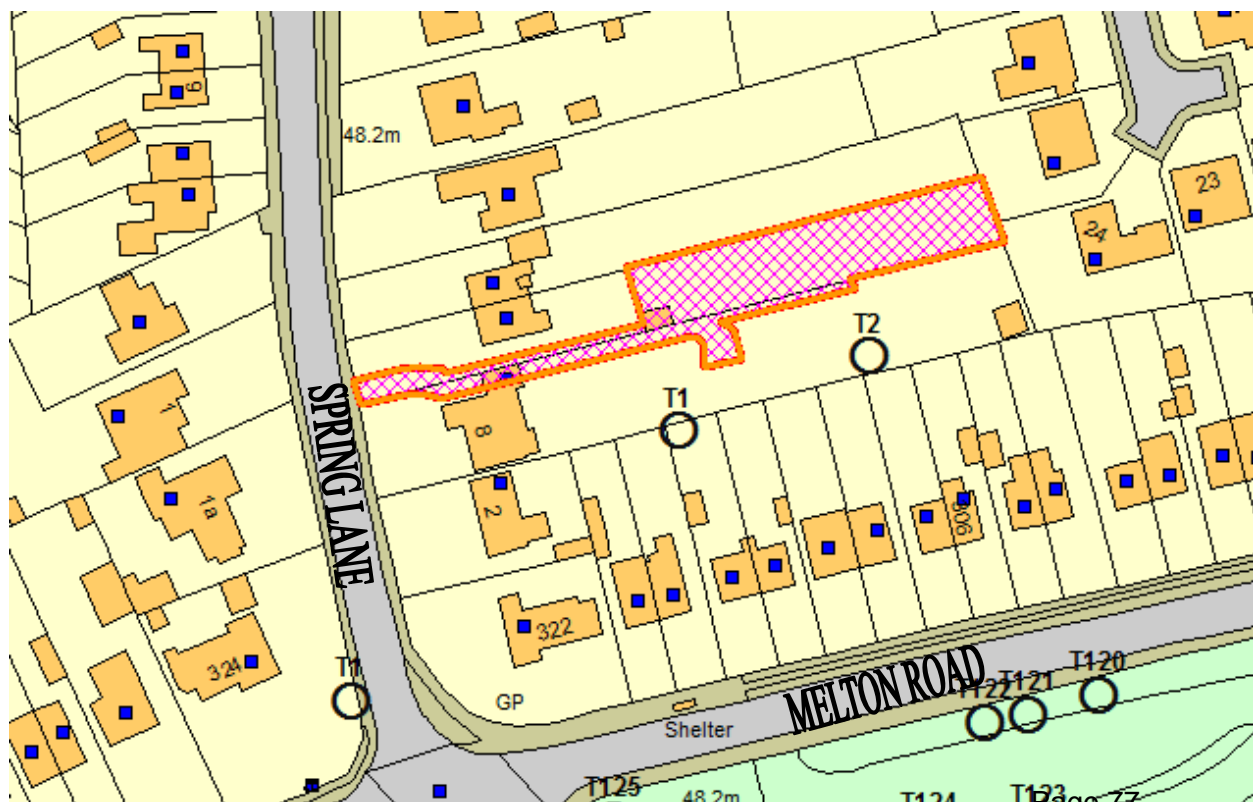
|                              |   |
|------------------------------|---|
| <b>Proposal Description:</b> | Erection of 4 bedroom detached house with attached garage |
| <b>At:</b>                   | 10 Spring Lane Sprotbrough Doncaster DN5 7QG              |

|             |                      |
|-------------|----------------------|
| <b>For:</b> | Mr Matthew Sylvester |
|-------------|----------------------|

|                          |   |                |   |
|--------------------------|---|----------------|---|
| <b>Third Party Reps:</b> | 8 | <b>Parish:</b> | Sprotbrough And Cusworth Parish Council |
|                          |   | <b>Ward:</b>   | Sprotbrough                             |

|                         |             |
|-------------------------|-------------|
| <b>Author of Report</b> | Mark Ramsay |
|-------------------------|-------------|

|                             |       |
|-----------------------------|-------|
| <b>MAIN RECOMMENDATION:</b> | GRANT |
|-----------------------------|-------|



## **1.0 Reason for Report**

1.1 The application is being presented to Planning Committee for determination because of a significant level of public interest shown in the application.

## **2.0 Proposal and Background**

2.1 This is an application for the erection of a single dwelling at the end of a private drive which requires the implementation of a previous permission 16/02890/FUL which would see alterations to No 8 and the development of a house behind it. The private drive is also set to serve the plot subject of this application.

2.2 A previous application for backland development in outline was approved in 2014 for two dwellings to the rear of 8 and 10 Spring Lane with a new access in between. The approval was conditioned to be single storey dwellings only, due to the frontage dwelling (No.8) being single storey.

2.3 An application with similarities to 16/02890/FUL (16/00706/FUL) was heard by Planning Committee on the 20 September 2016 and following an earlier site visit recommended refusal because *'the proposal is unacceptable due to the negative impact the redevelopment of No.8 will have on the living conditions of the occupiers of No.2 Spring Lane with regard to the loss of outlook and the over dominance the development will cause thus contrary to Core Strategy Policy CS 14 and saved Unitary Development Plan Policy ENV 54.'*

2.4 The application that was later approved took account of the reasons Planning Committee gave to refuse the previous application by setting in the development from the adjacent bungalow.

2.5 This application that sits to the north of No 10 (referred as plot 1 in the 2014 outline application) is the only built development as the access between 8 and 10 is already approved as is plot 2. The access was designed to serve both plots 1 and 2 so is duplicated in this application.

## **3.0 Relevant Planning History**

3.1 In 2010 an application (10/03171/FUL) was received to extend the existing property to the rear with a 9.4m single storey flat roofed extension. This was refused due to the excessive in scale being over dominant and harm to the outlook of the adjacent residential dwelling at No.12. Its excessive flat roof design would have harmed the character and appearance of the host dwelling.

3.2 An application for the erection of a single storey pitched roof extension to the rear of a semi-detached house following demolition of existing extension (being re-submission of application 10/03171/FUL refused 11/01/11) was granted in 2011 with a reduced length of 5.7metres (11/01294/FUL).



3.3 In 2014, an application in outline (14/00583/OUT) for the erection of 2 detached dwellings with attached garages on approx. 0.16ha of land to the rear of the site (following demolition of existing garage to no. 8) was approved with access from Spring Lane and the layout which included a new access road between No 8 and No 10. The other matters of scale, appearance and landscaping were all reserved. A condition requiring the scale to be limited to single storey only applied if an application for reserved matters had subsequently been submitted.

3.4 In 2016, an application (16/00706/FUL) similar to this one was refused by Planning Committee for the reasons given in paragraph 2.3.

3.5 In October 2016, Members approved application 16/02890/FUL which was an amended version of the previous scheme. The main difference being the side elevation of No 8 was set in from the adjacent bungalow and changes were made to the design of the roof, which reduced the impact on the adjacent bungalow.

## **4.0 Representations**

4.1 8 representations have been received objecting to the proposal and the concerns raised include;

- The development of the plot would impact on the outlook of No 12 and a long wall next to the boundary.
- Property is not similar in design to surrounding dwellings and out of character.
- Building is too big for the plot.
- Overdevelopment of the site.
- Loss of amenity to adjacent dwellings.
- Cause overshadowing of Plot 2.
- Noise and traffic generated by the site.

## **5.0 Parish Council**

5.1 The Parish Council is concerned about the proximity to the boundary of the proposed build and that this should be considered only after plot 1 is developed.

## **6.0 Relevant Consultations**

### Trees

6.1 No objections on arboricultural grounds subject to a condition requiring a scheme to be agreed which will protect trees during development, an Arboricultural Method Statement for the construction of the driveway and a landscaping scheme.

### Pollution Control

6.2 The site is close to a landfill site and a contaminated land survey is required due to being a sensitive end use.

## **7.0 Relevant Policy and Strategic Context**

## 7.1 National Planning Policy Framework (NPPF, March 2012)

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 11: Conserving and enhancing the natural environment

## 7.2 Doncaster Council's Core Strategy (CS, May 2012)

CS 14: Design and Sustainable Construction

CS16: Valuing our Natural Environment

## 7.3 Saved Doncaster Unitary Development Plan (UDP, Adopted July 1998)

PH 11 - Residential Development in Residential Policy Areas

ENV 59 - Protection of Trees

ENV 54 –Extensions and alterations

## 7.4 Supplementary Planning Document (SPD)

Development Guidance and Requirements SPD (July 2015)

## **8.0 Planning Issues and Discussion**

8.1 The main issues for the site are; the principle of the development, impact on the character of the area, the impact on the highway network, residential amenity and on the trees in and around the site.

### Principle

8.2 The site lies within a Residential Policy Area and therefore is an appropriate use in principle subject to the below material considerations. Backland development has also already been approved in 2014 in outline and last year for the adjacent plot (marked plot 2 on the plans).

8.3 The access serving the house in this application, plot 1, is already approved as part of the 2016 application.

### Residential Amenity

8.4 The main concern when development of this site was last brought to Planning Committee was the impact on the amenities of the adjacent property. In terms of the impact upon neighbouring properties, local policy CS14 of the Core Strategy seeks to ensure that there are no unacceptable negative impacts on the amenity of neighbouring land uses. Saved UDP policy PH 11 states that development for housing will normally be permitted except where; (b) the effect of the development on the amenities of occupiers of nearby properties would be unacceptable.

8.5 The properties have been designed so that there is no direct overlooking or loss of privacy of adjacent properties and the separation distances between high occupancy windows are 28m to No 10 and 37m to No 12 Spring Lane, which exceeds the best practise guidance for separation distances. The only windows on the side elevations at 1<sup>st</sup> floor level are bathroom windows which would be obscure glazed or face a blank side elevation of plot 2. While the separation distance is lower than normal, bedroom 3 is also served by an additional west facing window which complies with the requirements of the design guidance. Doors and windows at ground level would be screened by fencing between the new plots and existing dwellings.

8.6 It is not considered, therefore, that there is an unacceptable loss of amenity to adjacent properties as the separation distances to existing properties far exceeds the minimum distances in the relevant policies covering backland development.

### Character and Appearance

8.7 Policy CS14 states that new buildings should respect their townscape and landscape setting/character by virtue of their design, layout, density, and form. This includes scale, height, materials and massing. Section 7 of the NPPF states that developments should optimise the potential of the site for development and respond to the local character. PH11 (a) further states that the development should be at a density or of a form which would not be detrimental to the character of the surrounding area and should not result in an over intensive development of the site.

8.8 The layout has considered the trees on site and the provision of parking and turning area. The principle of an additional access has already been approved between numbers 8 and 10 and it is also noted that there are developments that are similar in character further along Spring Lane to the rear of No.20 Spring Lane and on Springhill Close. The layout does allow for two tandem properties, one of which already has consent and does not make any change to the access for either plot. The proposal, therefore, is viewed as a continuation of this in depth development and whilst not being directly adjacent to other backland sites, the principle of allowing rear gardens to be developed has already been established.

8.9 Objectors have raised concerns that the proposal does not respect the character of the area and is too big for the plot. The layout of the access is already agreed as is the principle of backland development. The height of the building has various elements to its roofscape with a garage closest to the front of the site rising to two storeys with hip roof on the end elevations. The maximum height of plot 1 will rise to 7.45m at the peak of its highest ridge and the properties in front (No 10 currently and No 8 proposed to be) are 7.7m. The development of plot 1 is therefore considered subservient to the properties fronting Spring Lane.

8.10 Whilst the design of the building within plot 1 is elongated along the plot, it only takes up about half the available space so providing ample amenity space to serve the new dwelling and is therefore not considered overdeveloped or cramped.

8.11 In terms of density, it is not felt that the proposal would overdevelop the site as large gardens are still available to the frontage properties. The density including the access is 15 dwellings per hectare which is relatively low. Previous Government targets had a minimum target of double that figure.

### Highway Network

8.12 Policy CS14 of the Core Strategy states that one of the components of good design is to ensure that developments take into consideration highway safety. Concerns have been raised in regard to the impact of the development on the highway network.

8.13 The proposed development has parking spaces for each of the properties linked to the scheme with sufficient turning space within the site. The access serves four properties and so only needs to meet the standard of a private drive and the layout of the access road is already approved as part of the previous application.

8.14 The additional number of movements generated by an additional dwelling from a private drive will not be significant on the surrounding estate road and is not considered to generate sufficient noise and traffic that would be harmful to adjacent occupiers or the wider highway network.

### Trees

8.15 In assessing such schemes it is important to retain as many of the existing trees as possible in line with Policy ENV 59 of the UDP. The trees are surveyed and the tree officer has assessed the proposal and does not raise any arboricultural objections subject to conditions requiring a method statement for the driveway, a landscaping scheme and tree protection measures during construction.

### Other matters

8.16 Pollution Control has notified the authority that the application site is within 250m of a landfill site. It is not the case that the site or surrounding houses are themselves on a landfill and the nearest recorded site is in a former railway cutting nearby. However there is the possibility that pollutants were spilled during the operation of the landfill and migration of gas even after its closure.

## **9.0 Summary and Conclusion**

9.1 The proposal to erect a dwelling within part of the overall site known as Plot 1 is considered acceptable, not harming the amenities of existing properties or harming the character and appearance of the surrounding area. The access to the plot is already approved along with the design of Plot 2. It is, therefore, an appropriate way to complete the proposals to redevelop the land that sits behind No 8 and No 10 Spring Lane.

## 10.0 Recommendation

### GRANT Planning Permission subject to the following conditions;

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. ACC1            The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications.  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
03. MAT1A           Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.  
REASON  
To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.
04. U52607           No development shall take place on the site until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a soft landscape plan; a schedule providing details of the species, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying; a timescale of implementation; and details of aftercare for a minimum of 5 years following practical completion of the landscape works. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.  
Reason:  
In the interests of environmental quality and core strategy policy CS16: Valuing our natural environment

05. U52608 Prior to the commencement of the private driveway an Arboricultural Method Statement for its construction and installation that complies with section 6 of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, no development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement shall include full details of the following:
- o the design of the driveway utilising a professionally recognised 3-dimensional load-bearing system and porous surfacing and working methods to be employed to protect tree roots during preparation of the ground and installation; and
  - o a timescale of implementation, which ensures that the load-bearing base is in position prior to the use of the driveway and garage by any vehicle.
- REASON  
To protect the roots and rooting environment of the sycamore tree (denoted T1 on the site plan), which is shown for retention on the Approved Plan, in accordance with saved UDP policies ENV21 and ENV59
06. U52609 The erection of impact resistant barriers for the protection of all retained tree shall be undertaken in accordance with the approved Site Plan (reference 14.007.2) and the local planning authority notified of implementation to approve the setting out of the tree protection scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development. Thereafter, all tree protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
- REASON:  
To ensure that all trees are protected from damage during construction in accordance with core strategy policy CS16: Valuing our natural environment
07. CON1 No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

a) The Phase I desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 shall include a full site history, details of a site walkover and initial risk assessment. The Phase 1 shall propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.

b) The Phase 2 site investigation and risk assessment, if appropriate, must be approved by the LPA prior to investigations commencing on site. The Phase 2 investigation shall include relevant soil, soil gas, surface and groundwater sampling and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice. All the investigative works and sampling on site, together with the results of analysis, and risk assessment to any receptors shall be submitted to the LPA for approval.

c) If as a consequence of the Phase 2 Site investigation a Phase 3 remediation report is required, then this shall be approved by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

d) The approved Phase 3 remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The LPA must be given two weeks written notification of commencement of the remediation scheme works. If during the works, contamination is encountered which has not previously been identified, then all associated works shall cease until the additional contamination is fully assessed and an appropriate remediation scheme approved by the LPA.

e) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

**REASON**

To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework. This is required prior to commencement to ensure that the necessary mitigation measures can be put in place should any contamination be found.

08. CON2

Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.

**REASON**

To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

09. CON3

Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

**REASON**

To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to guidance set out in the National Planning Policy Framework.

**Informatives**

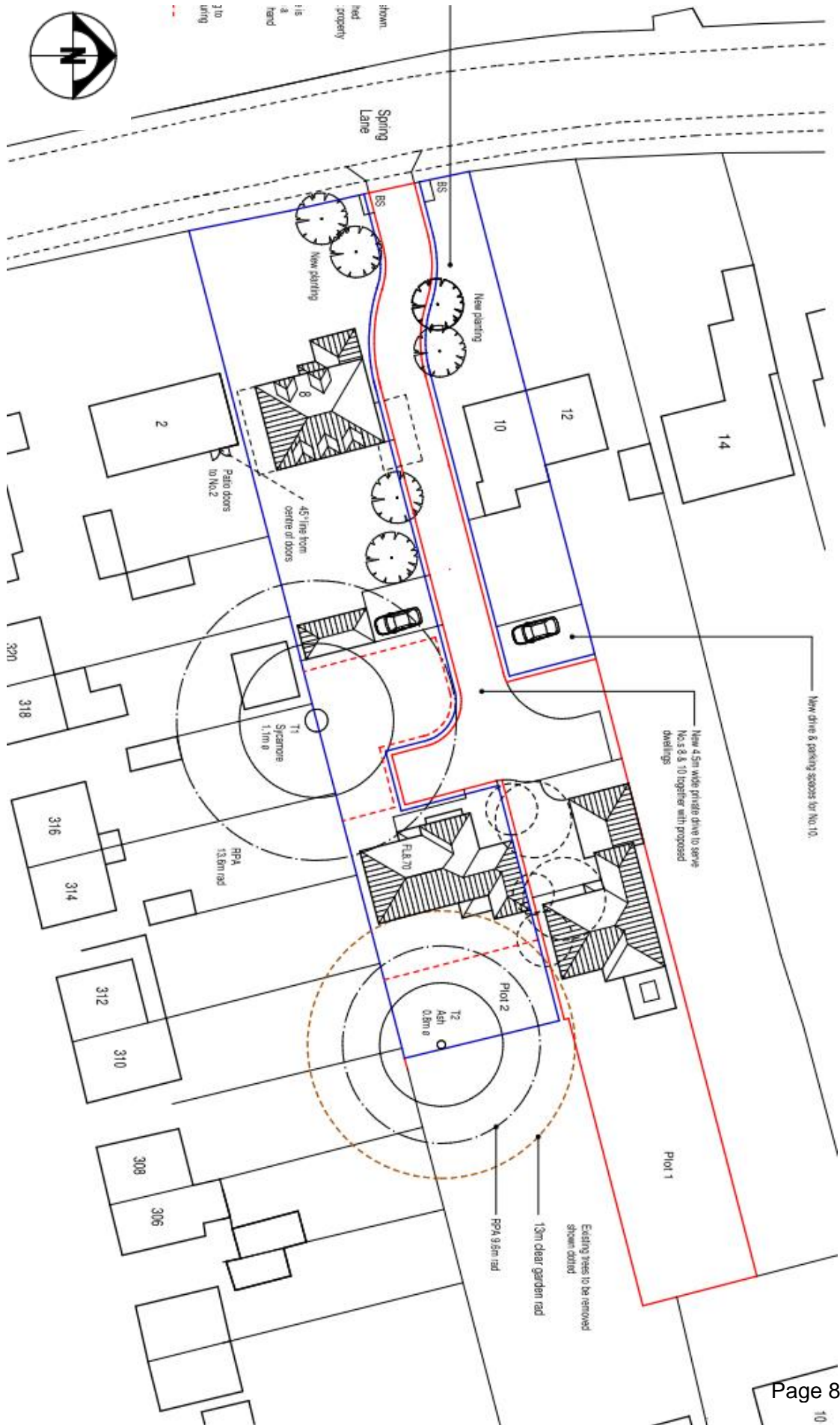
01. U11351

**INFORMATIVE**

Condition 04 refers to independence in the landscape, which is defined in British Standard 8545:2014 Trees: from nursery to independence in the landscape - Recommendations as the point at which a newly planted tree is no longer reliant on excessive or abnormal management intervention in order to grow and flourish with realistic prospects of achieving its full potential to contribute to the landscape.



# Appendix 1: Site Plan



From:  
bed  
property

1 to  
unit

1 to  
head

## Appendix 2: Elevations



Rear Elevation



Front Elevation

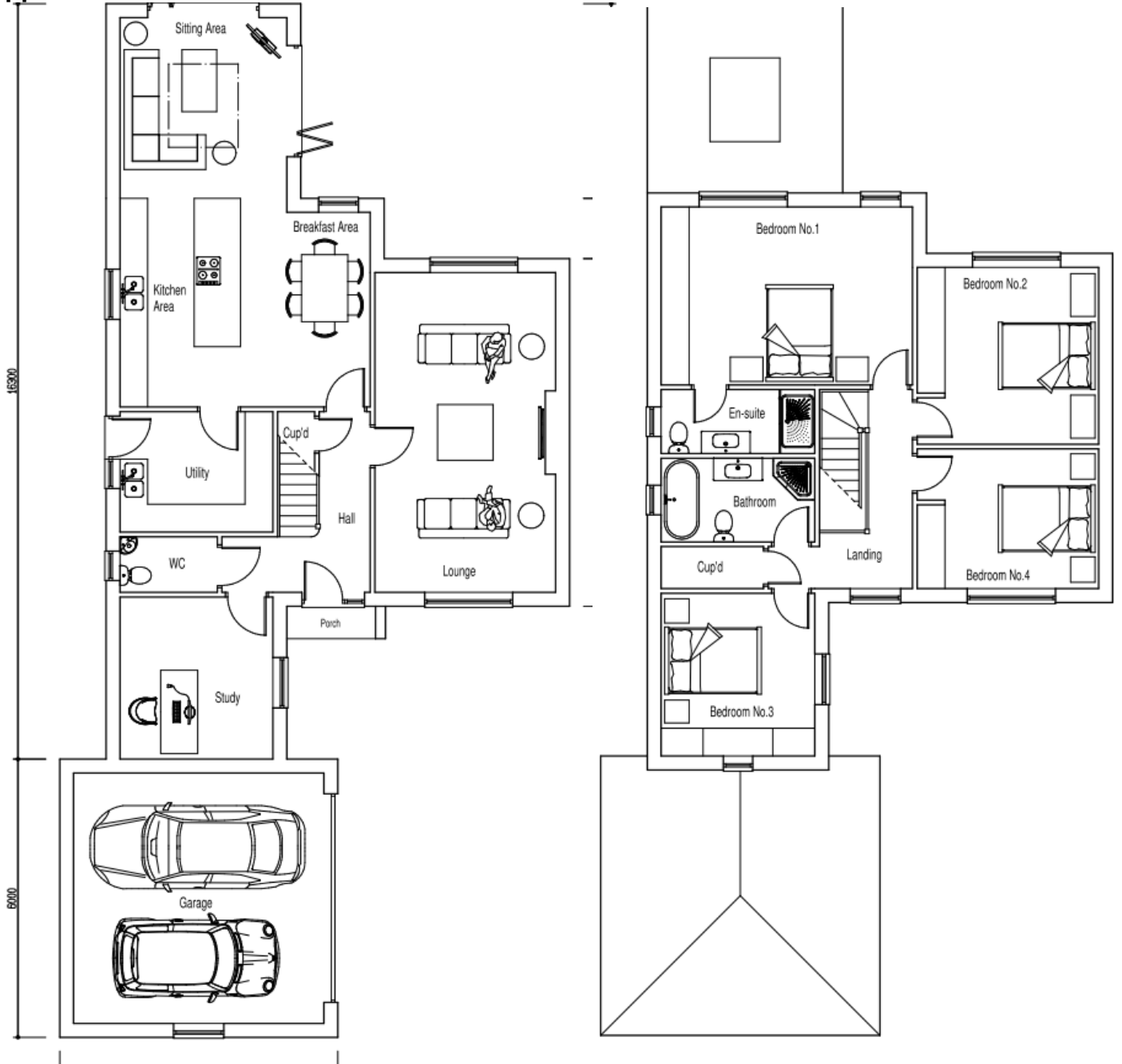


Side Elevation



Side Elevation

# Appendix 3 Floor Plans



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30 May 2017

**To the Chair and Members of the Planning Committee**

## **APPEAL DECISIONS**

### **EXECUTIVE SUMMARY**

1. The purpose of this report is to inform members of appeal decisions received from the planning inspectorate. Copies of the relevant decision letters are attached for information.

### **RECOMMENDATIONS**

2. That the report together with the appeal decisions be noted.

### **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

3. It demonstrates the ability applicants have to appeal against decisions of the Local Planning Authority and how those appeals have been assessed by the planning inspectorate.

### **BACKGROUND**

4. Each decision has arisen from appeals made to the Planning Inspectorate.

### **OPTIONS CONSIDERED**

5. It is helpful for the Planning Committee to be made aware of decisions made on appeals lodged against its decisions.

### **REASONS FOR RECOMMENDED OPTION**

6. To make the public aware of these decisions.

### **IMPACT ON THE COUNCIL'S KEY OUTCOMES**

7.

|  | <b>Outcomes</b>   | <b>Implications</b>            |
|--|---|--------------------------------|
|  | Working with our partners we will provide strong leadership and governance. | Demonstrating good governance. |

### **RISKS AND ASSUMPTIONS**

8. N/A

## **LEGAL IMPLICATIONS**

9. Sections 288 and 289 of the Town and Country Planning Act 1990, provides that a decision of the Secretary of State or his Inspector may be challenged in the High Court. Broadly, a decision can only be challenged on one or more of the following grounds:
- a) a material breach of the Inquiries Procedure Rules;
  - b) a breach of principles of natural justice;
  - c) the Secretary of State or his Inspector in coming to his decision took into account matters which were irrelevant to that decision;
  - d) the Secretary of State or his Inspector in coming to his decision failed to take into account matters relevant to that decision;
  - e) the Secretary of State or his Inspector acted perversely in that no reasonable person in their position properly directing themselves on the relevant material, could have reached the conclusion he did;  
a material error of law.

## **FINANCIAL IMPLICATIONS**

10. The Director of Financial Services has advised that there are no financial implications arising from the above decision.

## **HUMAN RESOURCES IMPLICATIONS**

11. There are no Human Resource implications arising from the report.

## **TECHNOLOGY IMPLICATIONS**

12. There are no Technology implications arising from the report

## **EQUALITY IMPLICATIONS**

13. There are no Equalities implications arising from the report.

## **CONSULTATION**

14. N/A

## **BACKGROUND PAPERS**

15. N/A

## **CONCLUSIONS**

16. Decisions on the under-mentioned applications have been notified as follows:-

| Application No. | Application Description & Location   | Appeal Decision                | Ward                  |
|-----------------|--|--------------------------------|-----------------------|
| 15/02848/LBC    | Listed building consent in connection with formation of rooftop terrace to create first floor bar area, alterations including the installation of external staircase, including demolition works within a conservation area and retrospective application for retention of outdoor seating area to the front. at 52 High Street, Bawtry, Doncaster, DN10 6JA | Appeal Dismissed<br>20/04/2017 | Rossington And Bawtry |
| 15/02847/FUL    | Formation of rooftop terrace to create first floor bar area, alterations including the installation of external staircase, including demolition works within a conservation area and retrospective application for retention of outdoor seating area to the front. at 52 High Street, Bawtry, Doncaster, DN10 6JA  | Appeal Dismissed<br>20/04/2017 | Rossington And Bawtry |

---

**REPORT AUTHOR & CONTRIBUTORS**

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01302 734859

TSI Officer  
julia.wride@doncaster.gov.uk

**PETER DALE**  
**Director of Regeneration and Environment**



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## Appeal Decisions

Site visit made on 4 January 2017

**by Roger Catchpole DipHort BSc(hons) PhD MCIEEM**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20 April 2017**

---

### **Appeal A: APP/F4410/W/16/3154658** **52 High Street, Bawtry, Doncaster DN10 6JA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr A Longworth against the decision of Doncaster Metropolitan District Council.
  - The application Ref: 15/02847/FUL, dated 26 November 2015, was refused by notice dated 11 February 2016.
  - The development proposed is described as alterations to form rooftop terrace and alterations to form access to first floor bar area and retrospective approval for siting of tables and chairs externally.
- 

### **Appeal B: APP/F4410/Y/16/3154659** **52 High Street, Bawtry, Doncaster DN10 6JA**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr A Longworth against the decision of Doncaster Metropolitan District Council.
  - The application Ref: 15/02848/LBC, dated 26 November 2015, was refused by notice dated 11 February 2016.
  - The works proposed are described as alterations to form rooftop terrace and alterations to form access to first floor bar area and retrospective approval for siting of tables and chairs externally.
- 

### **Decision**

#### *Appeal A*

1. The appeal is dismissed.

#### *Appeal B*

2. The appeal is dismissed and listed building consent is refused for alterations to form rooftop terrace and alterations to form access to first floor bar area and retrospective approval for siting of tables and chairs externally.

### **Preliminary Matter**

3. As the proposal is in a Conservation Area and affects a Listed Building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

## **Main Issues**

4. The main issues are whether the proposal would preserve a Grade II listed building, The Granby, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Bawtry Conservation Area.

## **Reasons**

5. The host property is a 3 storey building occupying a prominent position at the corner of High Street and Wharf Street with significant commercial use characterising the historic town centre immediately to the south. The proposal comprises the formation of a rooftop terrace on a single story extension, installation of an associated external staircase, the insertion of a first floor access onto the proposed terrace and changes to the first floor layout. Additionally, 'retrospective' permission is being sought for a ground floor external seating area to the front of the extension that has already been created.
6. The Bawtry Conservation Area (CA) covers an area encompassing the relatively compact historic core of Bawtry which is situated approximately 8 miles to the southeast of Doncaster. It has a number of distinct character areas with the host property marking the northernmost extent of the Market Place townscape character area. This area has an attractive, strongly-defined character principally associated with the historic commercial buildings flanking its main thoroughfare. The separation distances between the facing buildings are such that an uncluttered, spacious appearance is presented that emphasises the elegant form of its dominant Georgian architecture. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily related to the consistency of building form, style and materials.
7. The building, formerly known as The Granby, was listed in 1988 and dates from the late 18<sup>th</sup> century with significant 19<sup>th</sup> and 20<sup>th</sup> century additions. The earliest part of the building was constructed from brick and surmounted by a pantile roof that is hipped at one end. The principal elevation of the building comprises three bays. The first and second floor windows have simple architraves with unornamented, projecting stone cills. An articulated, single storey ground floor extension, of recent origin, projects from the northern gable end of the older building. This structure is rendered and stepped back from the principal elevation. Given the above, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily related to the cohesiveness and prominence of its historic, architectural features.
8. I observe from the plans and my site visit that the proposed changes would have a high degree of visual prominence on approach from the north, along Doncaster Road and Station Road, as well as from viewpoints on the opposite side of High Street. The road layout is such that the glass balustrade, customers and associated outdoor paraphernalia would be clearly visible from multiple locations. The proposal would introduce highly incongruent, alien design features and materials in close juxtaposition to the main elevation that would be wholly unsympathetic to the special architectural interest of the building. The inherently poor design would be further compounded by the highly inappropriate and incongruent use of the roof as an outdoor terrace as well as by the increased visual massing of the extension which would destroy its subservient relationship with the earlier, more significant parts of the listed

- building. These changes would be highly detrimental to the special interest of the building and thus the significance of the CA. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
9. The appellant is of the opinion that no harm would be caused to the building because none of the features contained within the list description would be directly affected. It has also been noted that no internal features were listed. However, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest. Since a suitably detailed evaluation of significance has not been undertaken, despite the submission of a planning and heritage statement, I find that, whilst not determinative, the proposed alterations to the layout and fabric of the first floor could add to harm that I have already identified. The appellant has also suggested that the proximity of adjoining development that was approved by the Council justifies the proposal. However, I observed that neither the substantial mixed use development nor the re-use of the single storey building have led to the introduction of highly incongruent, unsympathetic design elements. As such they are not directly comparable to the current proposal.
  10. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given that the changes primarily relate to a more recent part of the building, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under these circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of the optimal viable use of listed buildings.
  11. The appellant is of the opinion that the proposal would be beneficial because it would enable the continued use of the building as a public house which would enhance the viability and vitality of Bawtry town centre. However, I have no financial evidence before me to suggest that the continued viable use of the appeal property as a public house is dependent on the proposal. Consequently, the building has an ongoing use that would not cease in its absence. Similarly, no substantiated evidence has been provided to suggest that the private economic benefits that would accrue from increasing the capacity of the public house would be more widely shared in terms of providing any significant improvement to the overall viability or vitality of the town centre. In the absence of evidence to the contrary, I am not satisfied that the scheme is necessary to secure the ongoing viability and vitality of Bawtry town centre.
  12. Given the above and in the absence of any substantiated public benefit, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building and the character or appearance of the Bawtry Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 134 of the Framework and conflict with policy CS15 of the Doncaster Council Core Strategy 2011-2028 2012 and saved policies ENV25 and ENV32 of the Doncaster Unitary Development Plan 1998. These seek, among other things, to ensure that all proposals preserve the significance of heritage assets,

the character or appearance of conservation areas and avoid adverse impacts on the architectural and historic features of listed buildings. As a result the proposal would not be in accordance with the development plan.

### **Other Matter**

13. The appellant has suggested that the proposal gains some support from the Framework as a sustainable form of development. Whilst the importance of sustainable economic growth is clearly emphasised, paragraph 7 advises that there are three dimensions to sustainable development: economic, social and environmental. Whilst it may be possible to deliver positive gains to one of these, this should not be to the detriment of another. In order to achieve sustainable development, the Framework advises that the planning system should ensure that economic, social and environmental gains are sought jointly and simultaneously.
14. This involves not only seeking positive economic benefits but also improvements to, among other things, the built and historic environments. The Government specifically identifies good design as a key aspect of sustainable development. Given the inherently poor design of the proposal and the harm that would be caused to both the listed building and the conservation area, and considering the Framework as a whole, the alleged benefits clearly do not significantly and demonstrably outweigh the harm that would be caused. Consequently, it would not amount to a sustainable form of development and would only gain limited support from the Framework.

### **Conclusion**

15. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

*Roger Catchpole*

INSPECTOR

# Agenda Item 7.

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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