

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, 27th June, 2017
TIME: 2.00 pm

BROADCASTING NOTICE

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Items for Discussion:

	PageNo.
1. Apologies for Absence	
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.	
3. Declarations of Interest, if any.	
4. Minutes of the Planning Committee Meeting held on 30th May, 2017.	1 - 10

Jo Miller
Chief Executive

Issued on: Monday, 19 June 2017

Democratic Services Officer
for this meeting:

Amber Torrington
Tel: 01302 737462

A. Reports where the Public and Press may not be excluded.

For Decision

5. Schedule of Applications. 11 - 40

For Information

6. Appeal Decisions 41 - 52

B. Items where the Public and Press may be excluded in accordance with grounds specified in the Local Government Act 1972, as amended.

7. Enforcement Cases Received and Closed for the Period of 14th May 2017 to 13th June 2017. (Exclusion Paragraph 6). 53 - 66

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.

Public Document Pack Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 30TH MAY, 2017

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on TUESDAY, 30TH MAY, 2017, at 2.00 pm.

PRESENT:

Vice-Chair - Councillor Iris Beech (In the Chair)

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

APOLOGIES:

Apologies for absence were received from Councillors John McHale.

1 DECLARATIONS OF INTEREST, IF ANY

In accordance with the Members Code of Conduct, Councillor Mick Cooper declared an Interest in Application No. 17/00661/FUL, Agenda Item 5(4) and left the Chamber during consideration thereof.

2 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 25th APRIL, 2017

RESOLVED that the minutes of the meeting held on 25th April, 2017, be approved as a correct record and signed by the Chair.

3 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'.

4 APPEAL DECISIONS

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

Application No.	Application Description & Location	Appeal Decision
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,	Appeal Dismissed 20/04/2017

	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	
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 20/04/2017

5 EXCLUSION OF THE 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.

6 ENFORCEMENT CASES RECEIVED AND CLOSED FOR THE PERIOD OF 10TH APRIL TO 13TH MAY, 2017. (EXCLUSION PARAGRAPH 6)

The Committee considered a report which detailed all Planning Enforcement complaints and cases received, and closed during the period 10th April to 13th May, 2017.

In response to Councillor Jonathan Wood seeking further clarification with regard Enforcement Cases 16/00337/M and 16/00336/M, the Head of Planning, Richard Purcell, undertook to provide Councillor Wood with a written response outlining the specific details of both cases.

In response to Councillor Eva Hughes seeking further clarification with regard Enforcement Case 16/00485/M, the Head of Planning undertook to provide Councillor Hughes with a written response outlining the specific details of the case.

In response to Councillor John Healy seeking further clarification with regard Enforcement Cases 17/00157/M and 17/00156/M, the Head of Planning undertook to provide Councillor Healy with a progress report outlining the specific details of both cases and in particular, what action was going to be undertaken by the Local Authority to resolve the issues.

In response to Councillor Jonathan Wood seeking further information regarding the Drainage Scheme on the site in respect of Enforcement Case 17/00182/M,

the Head of Planning undertook to provide Councillor Wood with the information he had requested.

RESOLVED that all Planning Enforcement Cases received and closed for the period 10th April to 13th May, 2017, be noted.

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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 30th May, 2017

Application	1		
Application Number:	16/02386/COUM	Application Expiry Date:	Extension of time requested until 23 rd June 2017
Application Type:	Minor application		
Proposal Description:	Temporary change of use from former factory and factory outlet to HGV parking for a period of 18 months (Retrospective)		
At:	Bankwood Lane, Rossington, Doncaster, DN11 0PS		
For:	Attero Recycling Ltd - FAO Mr D Colakovic		
Third Party Reps:	26 Representations	Parish:	Rossington
		Ward:	Rossington & Bawtry

A proposal was made to defer consideration of the application for a Site Visit to assess the impacts of the proposed development upon the character of the surrounding area and to neighbouring properties.

Proposed by: **Councillor John Healy**

Seconded by: **Councillor Sue McGuinness**

For: 6 Against: 4 Abstain: 0

Decision: Defer for a Site Visit to assess the impacts of the proposed development upon the character of the surrounding area and to neighbouring properties.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Mrs. Caroline Flint and Local Ward Councillors John Cooke and Rachael Blake, spoke in opposition to the application for the duration of up to 5 minutes each.

(The receipt of an additional Consultation response from the Highway Officer and the addition of a further Condition and three Informatives, were reported at the meeting).

Application	2
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Application Number:	16/01811/FUL	Application Expiry Date:	Extended to 14 th April 2017
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Application Type:	Full application
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Proposal Description:	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)
At:	Land North of Bankwood Lane, Rossington, Doncaster, DN11 0PS

For:	Morris Metal - FAO Mr Tom Morris
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Third Party Reps:	5 objections	Parish:	Rossington
		Ward:	Rossington & Bawtry

A proposal was made to defer consideration of the application for a Site Visit to assess the impacts of the proposed development upon the character of the surrounding area and to neighbouring properties, to see onsite processes and to allow the Council's Environment Health Officers to consider and report on the latest action by the Environment Agency as per the Environment Agency's letter dated 25th May, 2017.

Proposed by: **Councillor John Healy**

Seconded by: **Councillor Susan Durant**

For: 9 Against: 0 Abstain: 0

Decision: Defer for a Site Visit to assess the site to assess the impacts of the proposed development upon the character of the surrounding area and to neighbouring properties, to see onsite processes and to allow the Council's Environment Health Officers to consider and report on the latest action by the Environment Agency as per the Environment Agency's letter dated 25th May, 2017.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Mrs. Caroline Flint and Local Ward Councillors John Cooke and

Rachael Blake, spoke in opposition to the application for the duration of up to 5 minutes each.

(The receipt of additional representations from Mrs. Caroline Flint were reported at the meeting).

Application	3
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Application Number:	13/02403/FUL	Application Expiry Date:	29th January 2014
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Application Type:	Full Application
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Proposal Description:	Erection of wind turbine (77m high to tip) and associated access track, hardstanding, substation, temporary meteorological mast and infrastructure.
At:	Land to East of Edlington Wood, Wood Lane, White Cross Lane Wadworth

For:	Energy Prospects Co-operative
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Third Party Reps:	26	Parish:	Wadworth Parish Council
		Ward:	(Historic) Torne Valley

A proposal was made to grant the application.

Proposed by: **Councillor Eva Hughes**

Seconded by: **Councillor Iris Beech**

For: 8 Against: 1 Abstain: 0

Decision: Planning permission granted subject to the amendment of the following Condition:-

- Noise from the operation of the proposed turbine, when measured at the curtilage of the nearest noise sensitive dwelling (the curtilage not exceeding 10m from the dwelling house), shall not exceed an LA90, 10 min of 35 dB(A), up to wind speeds of 10m/s at 10m height. The 35 dB(A) noise limit shall apply to the measured/predicted noise level including any tonal penalty assessed in accordance with the ETSU-R-97 "The Assessment and rating of Noise from Wind Farms" methodology.**

REASON:

To ensure that the development does not prejudice the local amenity.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr. Paul Rea, on behalf of the Applicant's, spoke in support of the application for the duration of up to 5 minutes.

(The receipt of an amended Condition was reported at the meeting).

Application	4		
Application Number:	17/00661/FUL	Application Expiry Date:	9th May 2017
Application Type:	Full Application		
Proposal Description:	Erection of 4 bedroom detached house with attached garage		
At:	10 Spring Lane, Sprotbrough, Doncaster, DN5 7QG		
For:	Mr Matthew Sylvester		
Third Party Reps:	8	Parish:	Sprotbrough & Cusworth Parish Council
		Ward:	Sprotbrough

A proposal was made to grant the application.

Proposed by: **Councillor Jonathan Wood**

Seconded by: **Councillor John Healy**

For: 7 Against: 1 Abstain: 0

Decision: Planning permission granted

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Mr. Brown spoke in opposition to the application for the duration of up to 5 minutes and provided all Elected Members in the Chamber with a document to accompany his presentation.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr. Saxton, the Agent, spoke in support of the application for the duration of up to 5 minutes.

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DONCASTER METROPOLITAN BOROUGH COUNCIL

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

The Ordnance Survey map data and plans included within this document is protected by the Copyright Acts (Sections 47, 1988 Act). Reproduction of this material is forbidden without the written permission of the Doncaster Council.

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'

Application	Application No	Ward	Parish
1. SV	16/01811/FUL	Rossington And Bawtry	Rossington Parish Council
2.	17/00966/FUL	Roman Ridge	Sprotbrough And Cusworth Parish Council

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 27th June 2017

Application	1
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Application Number:	16/01811/FUL	Application Expiry Date:	Extended to 14 th April 2017
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Application Type:	Full application
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Proposal Description:	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)
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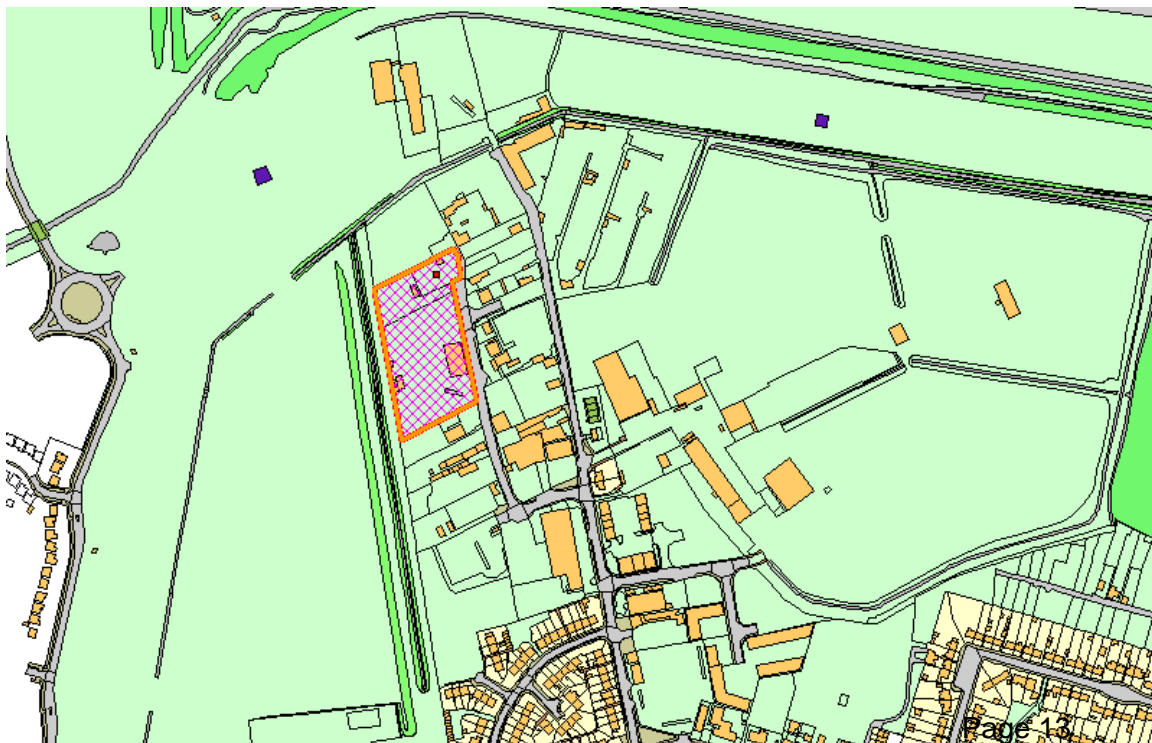
At:	Land North Of Bankwood Lane, Rossington, Doncaster, DN11 0PS
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For:	Morris Metal - FAO Mr Tom Morris
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Third Party Reps:	5 objections	Parish:	Rossington
		Ward:	Rossington And Bawtry

Author of Report	Dave Richards
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MAIN RECOMMENDATION:	GRANT Planning Permission subject to conditions and legal routing agreement
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1.0 Reason for Report

1.1 This application is being presented again to Members following its deferral from the previous Planning Committee meeting on 30th May 2017.

1.2 The application was deferred to allow a site visit to take place to provide a better understanding of the impacts of the proposed development upon the character of the surrounding area, neighbouring properties and to see onsite processes.

1.3 The deferral has also allowed the Council's Environmental Health Officers to consider and report on the latest action by the Environment Agency referred to at the meeting via a letter dated 25th May 2017. The Environmental Health Officer has provided the following response:

'The Environment Agency has established that there is a problem with flies on the Morris Metals site. The site is permitted by the Environment Agency and they are the enforcing authority for such matters. The Agency clearly feels that the remedial measures outlined in the Enforcement Notice will be enough to address the problem. The Agency are best placed to determine this as they know the processes carried on in greater detail. The Enforcement Team continues to work with the EA to investigate these matters and to provide the EA with evidence to support their action.'

The Council can, where clear evidence linking flies to the residential properties has been established, serve and abatement notice for statutory nuisance. However, the consequential action of prosecution for failure to comply cannot be pursued against permitted sites unless express permission is granted by the Secretary of State. Such permission is unlikely to be forthcoming where the primary regulator (EA) is already pursuing Enforcement Action.'

1.4 As noted by the Environmental Health Officer, under guidance issued by the Environment Agency, unless the Secretary of State have granted consent a local authority should not begin summary proceedings in respect of a statutory nuisance where proceedings which would address the nuisance can be brought under the environmental permitting regime. Therefore, as documented in their letter to the applicant dated 25th May 2017, the Environment Agency is taking action to enforce the conditions of the environmental permit.

1.5 The site visit and any feedback from the Environment Agency will be presented to Members.

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 1st November 2016, together with a subsequent walking tour of the Bankwood Estate and a Parish Council meeting on 21st 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, protect local amenity and support developments which 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 1×10^{-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.

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.

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

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.
Page 28

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, Select 'IDB', then select 'Doncaster East IDB', and select 'Planning, Consent & Byelaws'.

For direct enquiries e-mail: 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

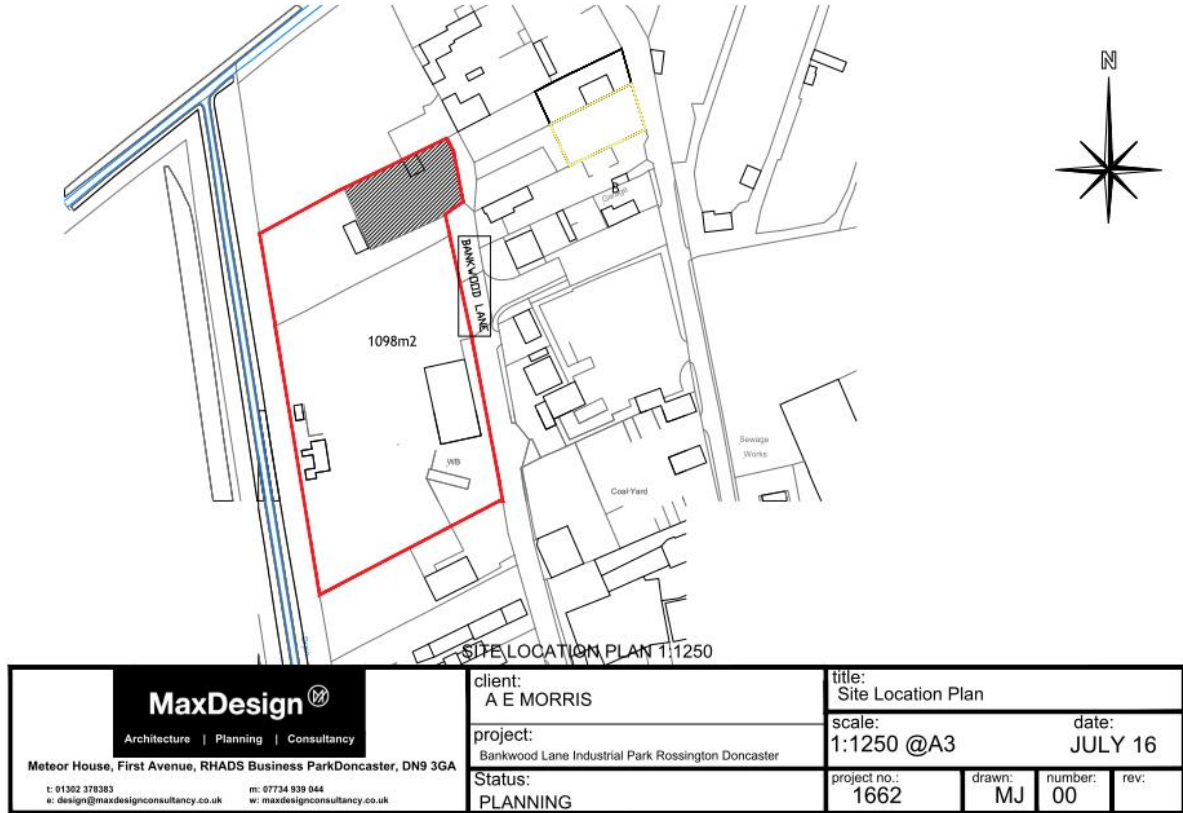
In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

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

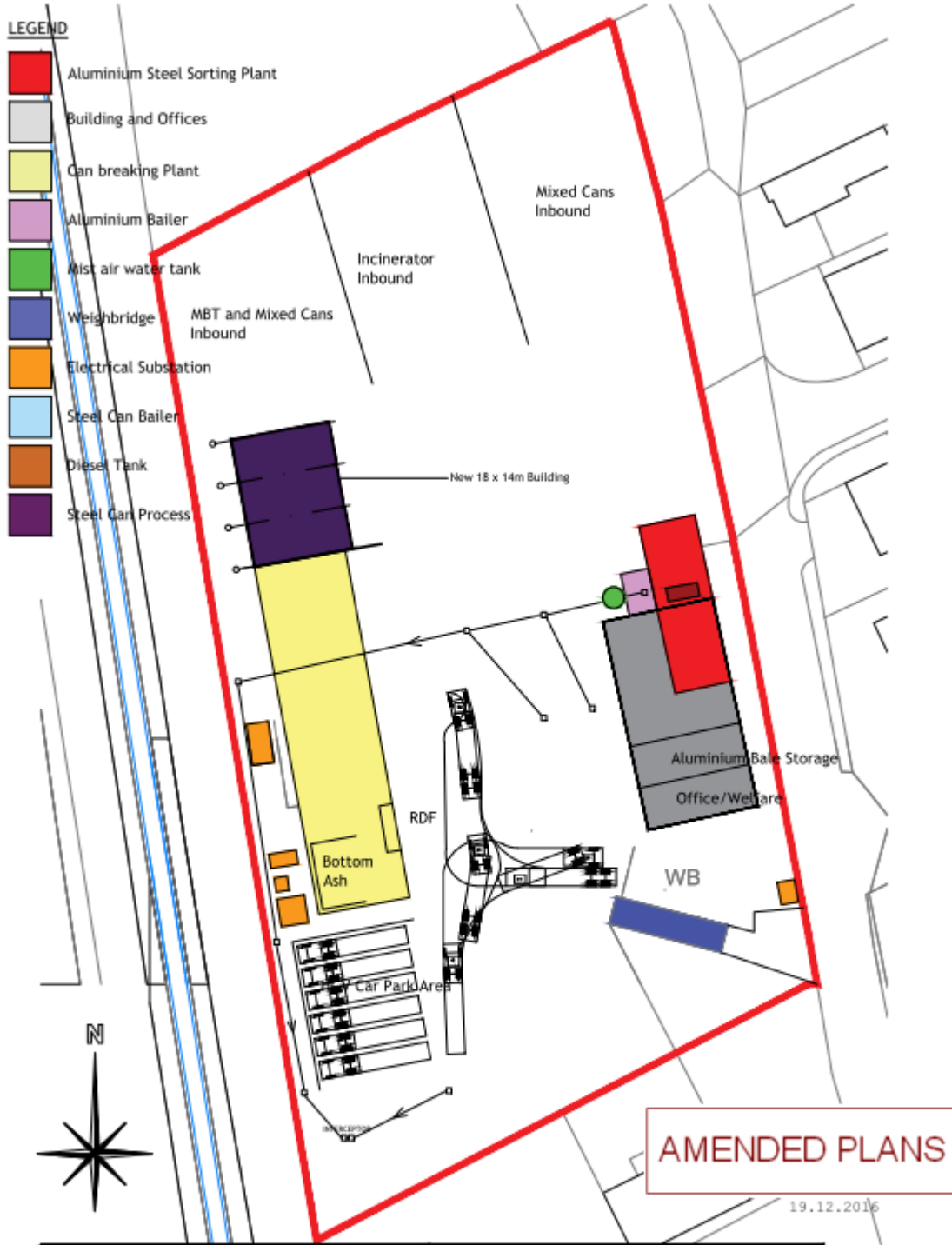
Appendix 1 – SUBMITTED SITE LOCATION PLAN



APPENDIX 2 – Aerial View (annotated)

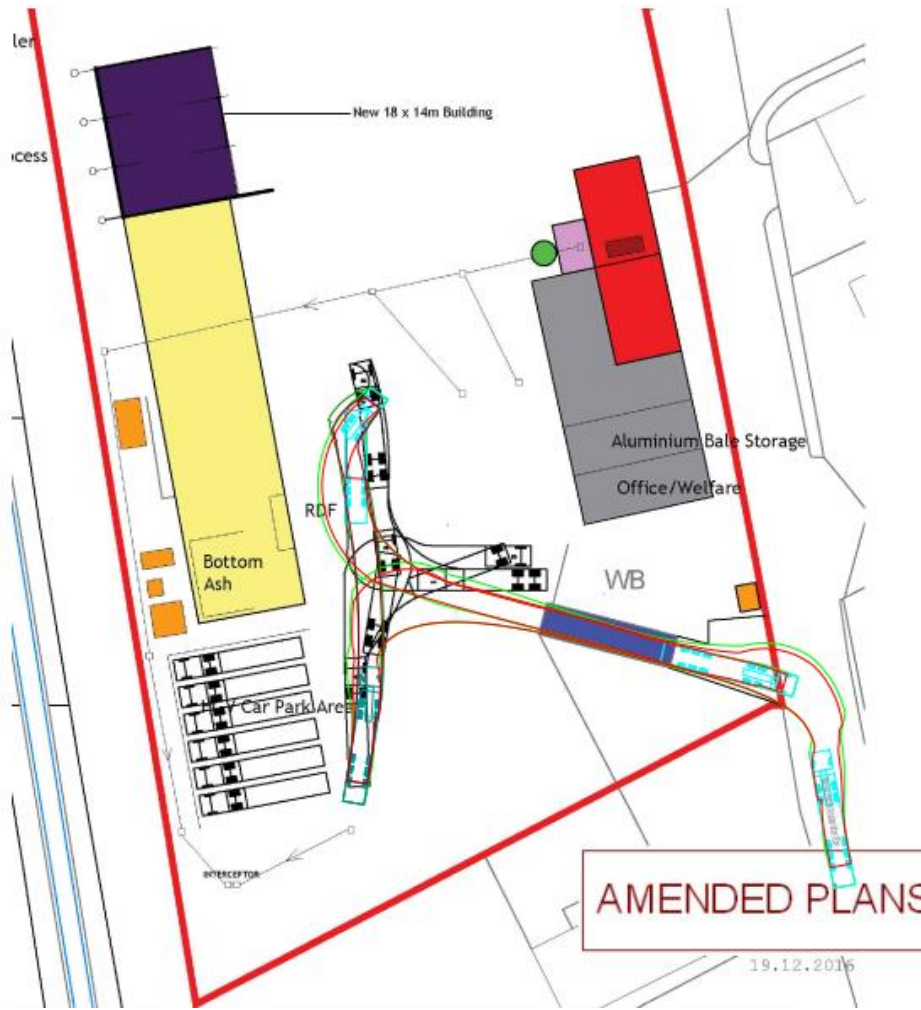


APPENDIX 3 – PROPOSED SITE LAYOUT (AMENDED 19th December 2016)

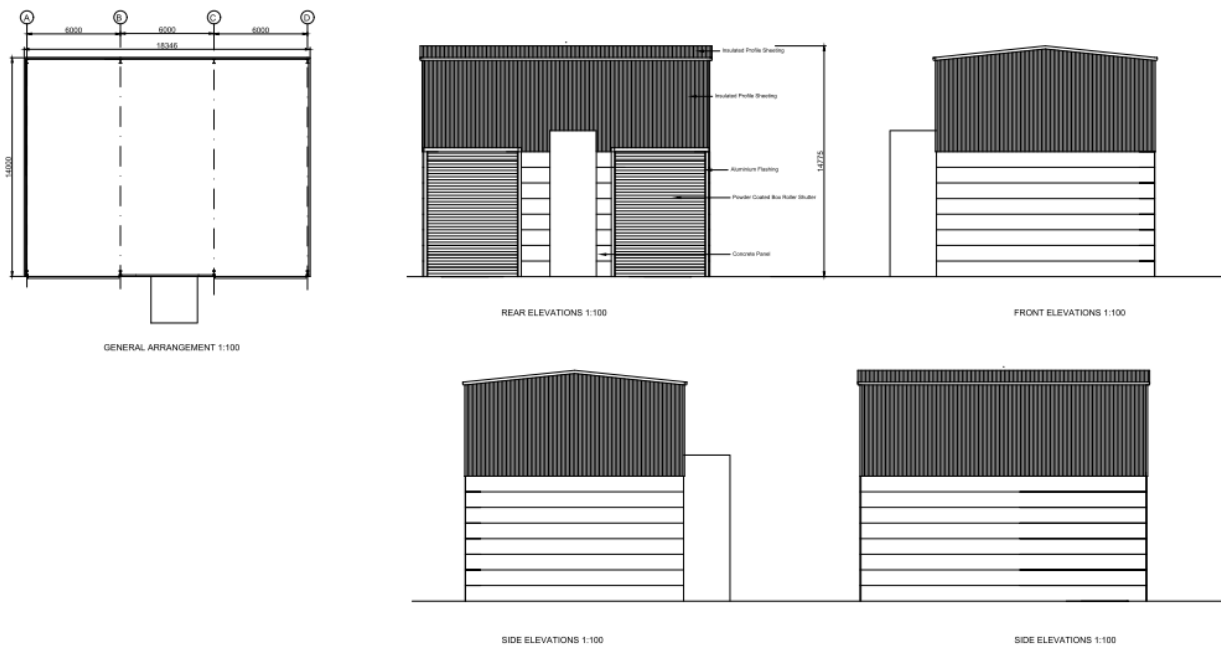


client: MORRIS & CO HANDLERS LTD	title: SITE WASTE LAYOUT		
project: Bankwood Lane Industrial Park Rossington Doncaster	scale: 1:500 @A3	date: OCT 16	
Status: EA	project no.: 1634	drawn: MJ	number: 01
			rev:

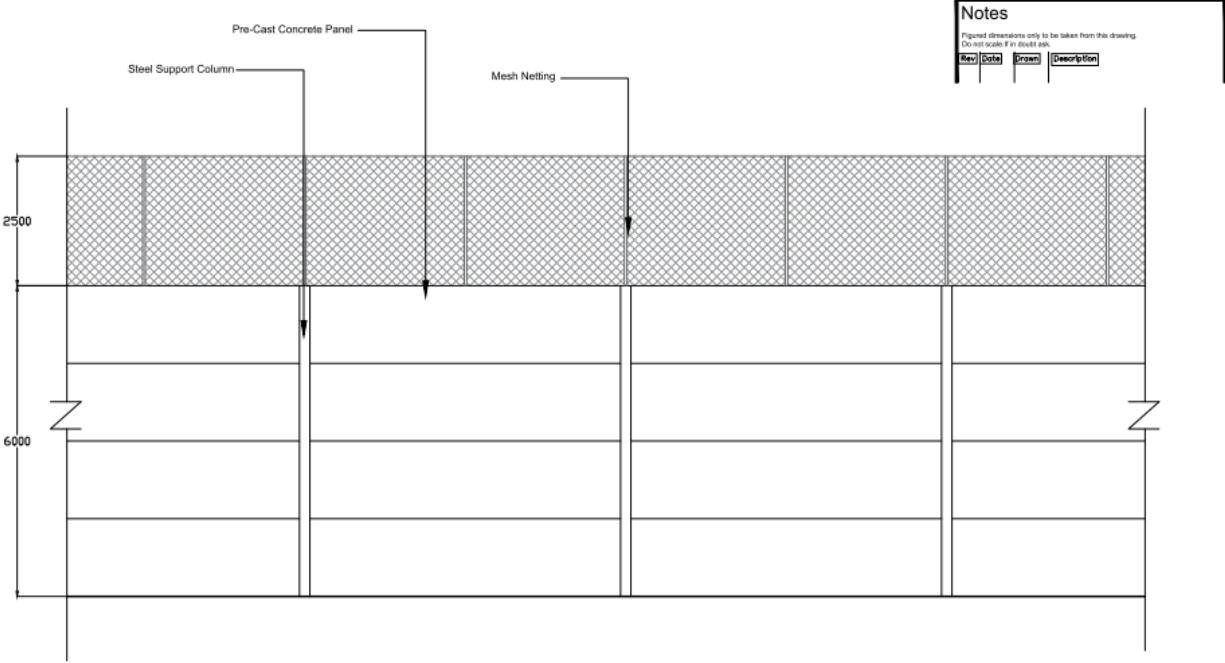
APPENDIX 4 - PROPOSED SITE TRACKING



APPENDIX 5 - PROPOSED PROCESSING BUILDING



APPENDIX 6 - PROPOSED BOUNDARY TREATMENT



DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE -

Application 2

Application Number:	17/00966/FUL	Application Expiry Date:	20th June 2017
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Application Type:	Full Application
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Proposal Description:	Variation of opening hours condition of application 16/02865/FUL (change of use from retail unit (class A1) to hot food takeaway (class A5) and associated ventilation system. Granted on 09/03/2017). - Vary opening hours condition to Monday to Friday 4pm to 11pm, Saturday, Sunday and Bank Holidays 3pm to 11pm.
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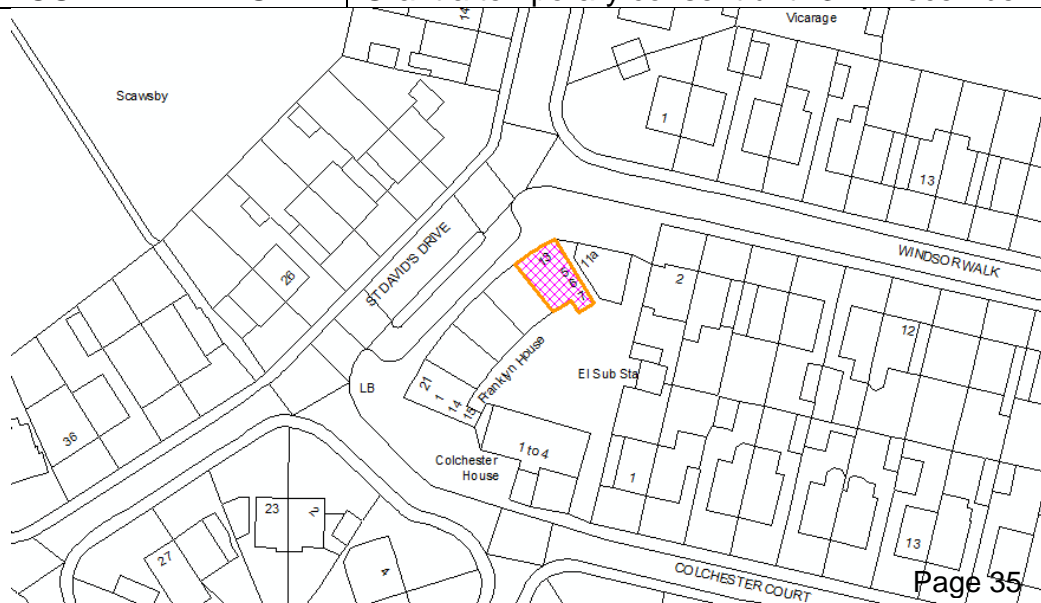
At:	13 St Davids Drive Cusworth Doncaster DN5 8NG
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For:	Mr Kenan Ezkitaz
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Third Party Reps:	3 objections 5 letters of support Petition of support from 393 people.	Parish:	Sprotbrough And Cusworth Parish Council
		Ward:	Roman Ridge

Author of Report	Elizabeth Maw
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MAIN RECOMMENDATION:	Grant a temporary consent until 31 st December 2017
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1.0 Reason for Report

1.1 The application is being presented to committee due to the significant public interest shown in the application and at the request of Cllr Pat Haith.

2.0 Proposal and Background

2.1 The site is a hot food takeaway at 13 St Davids Drive, Scawsby. It was granted consent at planning committee on 9th March 2017 but subject to an opening hour's condition.

2.3 The proposal is to vary the opening hour's condition of the takeaway so it can open later. The current opening hour's condition restricts the opening time until 9pm Sunday to Thursday and 9:30pm Friday and Saturday. This application is to vary the opening hour's condition so they can open until 11pm every night.

2.4. The application has been the subject of significant public support. Five letters of support and a petition in support from 393 people has been received.

2.5 Three letters of objection has been received. Two objections are from nearby residents and a third objection from a ward councillor. The Parish Council also object.

3.0 Relevant Planning History

3.1 Planning history relevant to the consideration of the application includes:

3.2 16/02865/FUL: Change of use from retail unit (class A1) to hot food takeaway (class A5) and associated ventilation system. Granted 09.03.2017

4.0 Representations

4.1 The application has been publicised by site notice and sending notification letters to objectors from the first application.

4.2 A petition in support has been received containing 393 signatures, five letters of support and three letters of objection.

4.2 The reasons for support are because the applicant is an owner with a good reputation and he is trying to build a business which is a good local amenity. The premises are kept clean and tidy. The previous use as a Cooplands bakery resulted in daytime issues including litter, large delivery wagons and school children congregating. Some supporters consider the takeaway to cause less issue than the former bakery. Supporters acknowledge teenagers congregate outside but they advise teenagers were here before the takeaway and they will continue to congregate irrespective of this application. One supporter suggested opening later on a trial basis.

4.3 The objectors consider the later opening to prejudice local amenity because it attracts youths to congregate and it will attract customers who have visited nearby licensed premises. The application has been submitted only one month since the previous consent was granted with the opening hours restriction, and this application could be a stepping stone to open until midnight. A resident living directly opposite advises the lights have a direct impact on their residential amenity.

5.0 Parish Council

5.1 Sprotbrough and Cusworth Parish Council have objected. They state "The PC wish to oppose this application. We believe that the current hours are adequate given the location of the premises in a residential area & that the conditions as previously imposed by DMBC should remain in force particularly as approval was only recently granted & neighbouring units close at 9.00pm."

6.0 Relevant Consultations

6.1 Environmental Health: No objections: No complaints have been received. The proposed opening hours are not within hours considered as night time (British standards suggest that night time hours from 23:00-07:00hrs).

7.0 Relevant Policy and Strategic Context

7.1 National Planning Policy Framework

7.2 Doncaster Core Strategy
Policy CS1: Quality of Life

7.3 Saved UDP Policies:
PH12: Non Residential Uses and Residential Policy Areas
SH14: Hot Food Takeaways

8.0 Planning Issues and Discussion

Main considerations

8.1 The only matter to consider is whether the later opening would cause a residential amenity issue.

Background

8.2 The takeaway opened to the public on 10th March 2017. The current closing times are 9pm Sunday to Thursday and 9:30pm on Fridays and Saturdays. This application is to extend the opening until 11pm every night.

8.3 The takeaway is located on a small shopping parade with flats above. The shopping parade is surrounded by family homes. The property was formerly a Cooplands Bakery. All other shops on the shopping parade are daytime opening. The off license next door closes at 9pm every day.

8.4 The original takeaway application restricted opening hours because of the residential location. A 9pm/ 9:30pm closing time was deemed to be the most suitable closing time because the off license next door closed at 9pm every day. Environmental Health was also content with these opening hours.

Concerns for later opening

8.5 According to objectors the issues that have arisen from this takeaway are litter, lights shining into a property across the road and teenagers are congregating outside.

8.6 Objectors are concerned the later opening will make the current issues worse and it could create new issues such as visiting customers that have been to nearby licensed premises.

8.7 Planning officers continue to have concerns that opening beyond 9pm/ 9:30pm will create a residential amenity issue. There are family homes and flats surrounding the takeaway. Customers coming and going later at night have the potential to cause a residential amenity issue. Although there appears to be limited impact at the moment this does not mean the later opening will also have a limited impact. Between 9pm and 11m it is a quieter time of night, the off license next door will be closed and many people will be trying to sleep. In addition, the takeaway has only been open for 3 months, during spring and summer. The lights of the takeaway will not currently be causing a residential issue due to the lighter nights.

Support for the application

8.8 A significant amount of public support has been received for this later opening; Including a petition of support with 393 names listed and 5 individual letters of support. Some of the supporters live in very close proximity to the application site.

8.9 Supporters of the application have advised this is a good local amenity and business. The supporters advise teenagers have been congregating outside this shopping parade before the takeaway opened and will continue to do so irrespective of this application. The former bakery also created more issues than the takeaway such as large delivery wagons, litter and groups of school children visiting at lunch times.

8.10 Environmental Health advised no complaints associated with the establishment have been received. The proposed closing time is not within hours considered as night time (British standards suggest that night time hours are between 23:00-07:00hrs). As such, they concluded not to object.

8.11 The planning officer has visited the property twice. It was noted the premises was clean and tidy. There was no litter outside and there was a bin available. One site visit was carried out at 6:45pm. There were no children congregating at 6:45pm and the lights were not noticeable because of the light nights.

8.12 The objector across the road has complained that lights have a direct impact on their property. But this objector has a hedge alongside the front boundary which will reduce light and make comings and goings of the takeaway less noticeable to them.

8.13 The owner advises the business is not profitable with a 9pm/ 9:30pm closing time because it is too early for many takeaway customers. An 11pm closing time will be suitable for them and they will not reapply to open beyond 11pm because they respect this is a residential area.

9.0 Summary and Conclusion

9.1 Officers have concerns that opening until 11pm will have a detrimental effect to residential amenity and three objections have been received. But this application has significant support from the local community. Environmental Health has not raised objection. As such, Officers consider the most appropriate recommendation is to grant a temporary consent until 31st December 2017. A temporary consent will allow Officers to fully understand and reconsider the issues (if any) that arise from opening later.

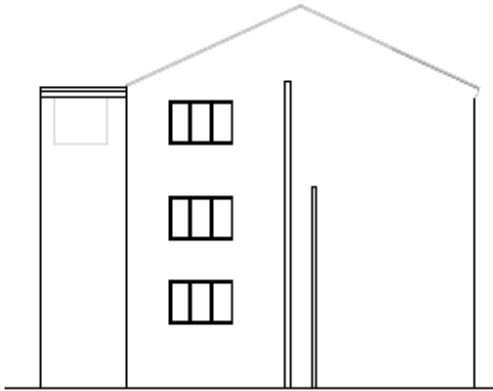
10.0 Recommendation

GRANT Full Planning Permission subject to the conditions below:

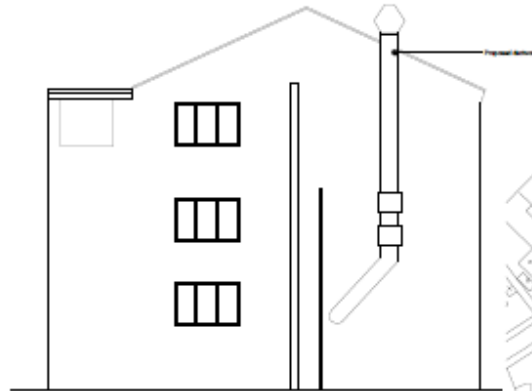
02. U53183 Until 31st December 2017 the hours of opening and takeaway deliveries shall be limited to:
Monday to Friday 4pm to 11pm
Saturdays, Sundays and Bank Holidays 3pm to 11ppm
- From 1st January 2018 the hours of opening and takeaway deliveries shall be limited to:
Monday to Thursday 4pm to 9pm
Fridays 4pm to 9:30pm
Saturdays 3pm to 9:30pm
Sundays 3pm to 9pm
REASON
The later opening hours are granted on a temporary basis so the Local Planning Authority can re assess the impact to residential amenity in 1 years' time.
03. U53184 The extraction/ventilation equipment shall be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the Local Planning Authority.
REASON
To ensure odours from the unit do not cause a residential amenity issue.
04. U53185 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated 01 Rev C stamped AMENDED PLANS 21.02.2017
REASON
To ensure that the development is carried out in accordance with the application as approved.
01. U11443 INFORMATIVE
Suitable closed storage facilities shall be provided for the accommodation of all waste food generated by the business whilst awaiting collection for disposal.

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.

APPENDIX 1- PLAN APPROVED UNDER REF 16/02865/FUL



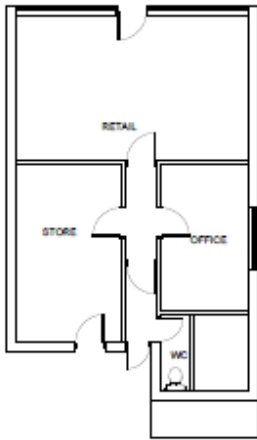
Side Elevation as Existing 1:50



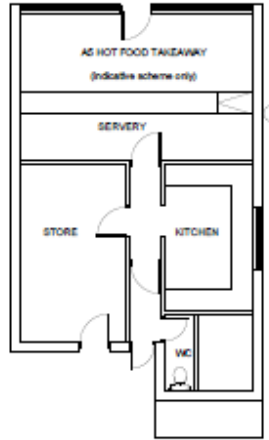
Side Elevation as Proposed 1:50



Block Plan 1:500



Ground Floor Plan as Existing 1:50



Ground Floor Plan as Proposed 1:50



AMENDED PLANS
21.03.2017

PLANNING			
Client: N Brown			
Project: 15 SAINT DAVIDS DRIVE SCARBOROUGH			
Date: CHANGE OF USE PLAN			
Scale:	1:50	1:500	1:1250
Date:	MAR 2015		
Project No:	1517	Rev:	MJ 01 C

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.

	Outcomes	Implications
	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
16/02441/TPO	Consent to fell one Yew; being subject to G1 of Doncaster Borough Council Tree Preservation Order (No.86) 1991 Park Lane Farm, Dunsville at 15 Westminster Drive, Dunsville, Doncaster, DN7 4QB	Appeal Dismissed 05/06/2017	Hatfield
16/03104/ADV	Display of two internally illuminated signs at 87 - 89 St Sepulchre Gate, Doncaster, DN1 1RU,	Appeal Dismissed 05/06/2017	Town

REPORT AUTHOR & CONTRIBUTORS

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PETER DALE
Director of Regeneration and Environment

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Appeal Decision

Site visit made on 22 May 2017

by **A U Ghafoor BSc (Hons) MA MRTPI**

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

Decision date: 05 June 2017

Appeal Ref: **APP/ENV/3165106**

15 Westminster Drive, Dunsville Doncaster DN7 4QB

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
 - The appeal is made by Mrs Nicole Redfern against the decision of Doncaster Metropolitan Borough Council.
 - The application ref 16/02441/TPO, dated 27 September 2016, was refused by notice dated 18 November 2016.
 - The work proposed is fell yew tree.
 - The relevant Tree Preservation Order (TPO) is Doncaster Borough Council no. 86 Park Lane Farm Dunsville, which was confirmed on 11 November 1991.
-

Decision

1. The appeal is dismissed.

Reasons

2. The **main issues** are: (1) the effect of the proposed work upon the character and appearance of the locality (2) whether or not there is sufficient justification for the proposed work.
3. The appeal property is a modern detached dwelling situated within a suburban residential setting. In the wider locality there are individual and groups of trees in front and rear gardens, in the near and middle distance, in a variety of sizes and species. Although the modern housing estate has low tree cover, the surrounding area is well supplied with trees and they tend to form the horizons and limits of view in most directions. I consider that trees are an important element of the local environment.
4. Mrs Redfern argues that the yew has been protected because of its age; I disagree. The unchallenged evidence is that the appeal tree is about 8.5 m tall; it has a crown spread of 4 m to the east and 3.5 m to the north. It has a clear stem of 3.5 m and a diameter of 510 mm. I concur with the assessment that the tree appears to be in good condition and probably has a long life expectancy. It is part of a protected group of trees with some stature. These are mainly located to the rear of the properties fronting Westminster Drive and provide a landscaped setting to residential development.
5. While the appeal tree is located within a private garden nevertheless part of its canopy is noticeable from Westminster Drive and it projects above roof tops because of its overall height. It makes a significant contribution to the group, because of its shape and structure. It is an attractive tree of some stature and makes a substantial and positive contribution to the visual amenity of the wider

environment because of its overall health, height and location. I find that the tree provides soft landscape setting and reinforces the verdant character of the wider locality.

6. The tree is also likely to be visible in views from properties. People are likely to experience the view and appreciate the contribution made by the tree. While I do not afford such private views the same weight as those from public viewpoints, these views can contribute to an area's overall character and how it is perceived and enjoyed by those living within it. In my assessment, individually and as part of a group, the tree provides a reasonable degree of public benefit. Its removal would open up views of built development, especially when seen from Cathedral Court, and adversely undermine the amenity value of the group of trees.
7. Mrs Redfern claims that the tree should be felled because it is a dominant feature in the garden, and its canopy overshadows the area and restricts sunlight from reaching the main family room and a bedroom. However, despite orientation, a reasonable amount of daylight reaches the rear elevation to the dwelling. The information presented does not sufficiently show the tree unreasonably restricts direct sunlight or indirect daylight from reaching the property. Given the compact urban environment in this part of the settlement, I do not consider that any perceived loss of sunlight or daylight can solely be put down to the location and positioning of the tree, because of the site's layout.
8. I appreciate that part of the garden is likely to be shaded by the tree throughout the summer months. However, the tree's shape and form allows some daylight to penetrate. In any event, no. 15's wedge-shaped residential curtilage includes a reasonably sized garden. I observed that daylight reached significant parts of the garden and there is ample usable amenity space. The evidence presented does not show that the property or garden suffers from poor sunlight because of the size, shape and positioning of the tree.
9. Shed foliage, according to Mrs Redfern, potentially suffocates grass growth, and allows growth of fungi and bacteria and affects the amenity value of the garden because it is too muddy. Notwithstanding these concerns, leaves from the tree will be shed each year and to this extent it is no different from any other tree. The shedding of leaves is a normal and natural process and is an unavoidable consequence of having trees on one's property. Good management can be an alternative. I do not consider that shed foliage for the tree is so excessive a nuisance.
10. Mrs Redfern contends that the tree is too close to existing garden structures and overhanging branches adversely affect the use of the amenity areas. However, good arboricultural management as well as the potential removal of dead wood could assist in mitigating impact of low branches. Finally, there is no evidence of storm damage or risk from branches falling due to the tree's stability.
11. At application stage, Mrs Redfern referred to potential risk to humans and animals from toxic berries. However, the National Poisons Information Service as well as its veterinary equivalent suggests that the vast majority of significant overdoses occur in individuals who self-harm. School age children are at very low risk of accidental toxicity. The risk to animals is not life threatening. Dogs can recover from yew tree berry consumption although may

develop gastrointestinal illnesses. I attach limited weight to this line of reasoning.

Conclusion

12. The tree makes a substantial and positive visual contribution to the amenity of the local environment, and forms a screen to residential development. Felling the tree would cause a wide gap in the protected group of trees thus exposing built development and harm the pleasant landscape character and appearance of the locality. The explanation advanced to fell the tree is flawed and the reasons for felling have not been made out. The proposed work would be unjustified and unwarranted.
13. For all of the above reasons and having regard to all other matters, I conclude that the appeal should fail.

A U Ghafoor

Inspector

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Appeal Decision

Site visit made on 2 May 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/F4410/Z/17/3172655

87-89 St Sepulchre Gate, Doncaster DN1 1RU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Lior Bibi against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 16/03104/ADV, dated 9 December 2016, was refused by notice dated 3 February 2017.
 - The advertisement proposed is wall mounted digital advertisement display measuring 3m by 6m and associated logo box.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The Council has referred to the proposed expansion of the Doncaster High Street Conservation Area to include the appeal site. However, I have not been provided with any evidence relating to the formal status of the expanded boundary to the CA, including whether any public consultation has taken place. Consequently, I have determined the appeal on the basis that the existing boundary to the CA remains unchanged.
3. In refusing the application, the Council refers to conflicts with saved policy ENV 58, of the Doncaster Unitary Development Plan, (UDP) adopted July 1998 which requires advertisements not to detract from amenity or public safety, or from the character of the local environment or buildings. Reference is also made to saved policy ENV 25 of the UDP and policy CS15 of the Core Strategy 2011- 2028 adopted May 2012, which relate, amongst other matters to the preservation and enhancement of heritage assets, including the setting of a Conservation Area.
4. The Regulations and paragraph 67 of the Framework both make clear that advertisements should only be subject to control in the interests of amenity and public safety, taking account of cumulative impacts. On this basis, the Council's policies alone cannot be decisive. In addition, the necessity for, and the content of any advertisement is not a matter before me.
5. In determining the appeal I was aware that the appellant's Road Safety Assessment, referred to within its Statement of Case, had not been submitted with the appeal documentation. In the interests of completeness I requested a copy which was also provided to the Council for information.

6. Erroneous reference is made within the Council's case to the proposed advertisement as two internally illuminated signs. I have determined the appeal on the basis of the description within the application form of one wall mounted digital advertisement measuring 3m by 6m and an associated logo box.

Main Issues

7. The main issues in this case are the effect of the proposed display on the amenity of the area and its effect on public safety.

Reasons

Amenity

8. The host building is of a simple 1930's flat roof design which forms part of a block of buildings which have a visually important location on the edge of St Sepulchre Gate which is a gateway to the town centre, albeit, some of the buildings appear in need of investment. This group of buildings contrasts with the larger commercial development on the opposite side of Trafford Way, such as the modern office block and Plumb Centre retail warehouse.
9. The host property consists of two visually distinct parts. The first is a large shop unit at ground floor level, which is currently occupied by co-operative funeralcare. Above this, is a bulky, projecting horizontal canopy with two floors above, incorporating large windows with a strong horizontal emphasis, divided by brick piers. The second part of the building is a narrow unit which is characterised by a plain, blank, brick façade at first and second floor level.
10. The blank expanse of brickwork complements the simple subtle design of the building. The introduction of the digital advertisement display which would extend beyond the line of the top of the second floor windows would appear incongruous. The vertical emphasis, scale and bulky nature of the proposal together with the fact that it would be illuminated would overwhelm the host property and appear visually intrusive within the street scene, and would therefore be detrimental to the interests of visual amenity. There would be conflict, in this regard with the development plan policy referred to by the Council, and the Framework.
11. I have carefully considered the examples provided by the appellant of illuminated advertisements within commercial contexts. I also took the opportunity to visit the existing digital screen at the Frenchgate Shopping Centre and to view its impact on the nearby listed buildings. However, the circumstances of the appeal before me are substantively different. The scale of the host property is considerably more modest than the modern Frenchgate Centre. The location of the property is less appropriate for a digital display, as it is not in the middle of the commercial area, where such advertisements are appropriate. The Planning Practice Guidance indicates that the local characteristics of the neighbourhood are important. In this case the building is located at the gateway into the town centre. It is important to differentiate clearly between the larger visually less sensitive commercial developments, and the small scale secondary units which form the entry to the town centre.
12. In coming to my conclusion, I have also taken into account the lack of large scale similar advertisements within the wider area, and that the advertisements referred to by the Council as raising similar concerns are the subject of

enforcement action. However, I do not consider that this weighs in favour of the proposal.

Highway safety

13. The elevation of the building which would host the proposed advertisement is set at an oblique angle to Trafford Way (A630) to the left of three lanes accommodating traffic travelling in a south easterly direction. There are two traffic signals at the corners of the junction of St Sepulchre Gate and Trafford Way and two located on the central reservation which divides the busy thoroughfare. These traffic lights, together with the associated signals located on St Sepulchre Gate, allow the one way traffic from St Sepulchre Gate to safely access onto Trafford Way and for pedestrians and cyclists to safely cross St Sepulchre Gate.
14. It is not a matter of dispute between the main parties that for a time the nearside traffic lights would be viewed in front of the proposed digital advertisement. I appreciate the concerns of the Council that this would cause a distraction for drivers. Nonetheless, from what I saw on site, including taking the opportunity to cross Trafford Way at the toucan crossing at West Laith Gate and spending time on the central reservation, given the simple nature of the junction, there are not the number of competing factors which would adversely impact on the driver's concentration. Consequently, given the relatively short time in which the angle of the traffic signal and the digital advertisement would be in some, but not all, of the drivers' line of vision, and that the traffic lights to the right would not be affected at all, the location of the proposed digital advertisement would not result in an unacceptable risk to highway safety.

Other matters

15. I am aware that the appellant has been willing to negotiate with the Council to submit a smaller scale proposal, and that the appellant had been unaware of the Highway objections. However, I must determine the appeal on the basis of the scheme before me.
16. Due to the configuration of the elevation of the building, and the distance between it and the existing boundary of the CA, I have found no need to consider whether the proposal would preserve or enhance its character or appearance.

Conclusion

17. I have found that the proposal would not cause significant harm to matters of highway safety; however, the adverse impact on the visual amenity of the streetscape is such that the appeal should not succeed.
18. Therefore, on balance, I conclude that the appeal should be dismissed.

L. Nurser

INSPECTOR

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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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