

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 7th February 2017

Application	5
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Application Number:	16/03119/FUL	Application Expiry Date:	7 th February 2017
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Application Type:	Full application
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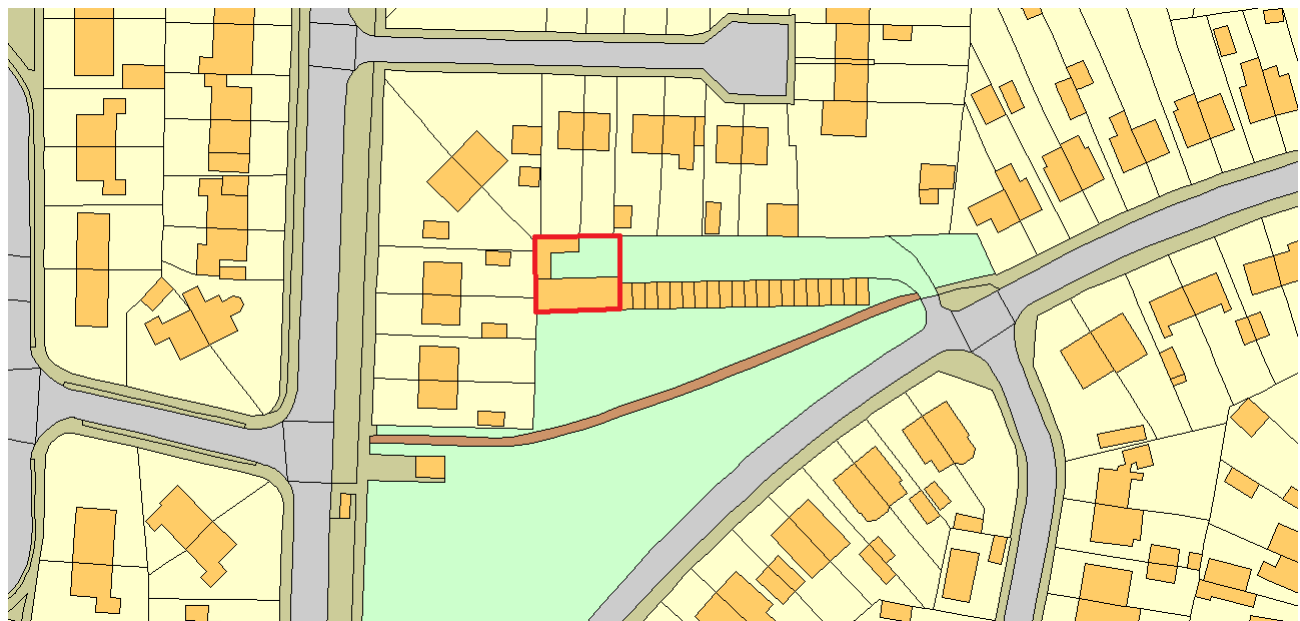
Proposal Description:	Proposed erection of steel frame building to form covered builders yard, office & storage area, following demolition of existing external & internal walls. (Retrospective) (Re-submission of Planning Permission 15/02952/FUL - erection of roof to cover existing builder's yard, store and office.)
At:	Danum Developments Limited, Rands Lane, Armthorpe, DN3 3DZ

For:	Mr Steven Mosby
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Third Party Reps:	9 objections	Parish:	Armthorpe
		Ward:	Armthorpe

Author of Report	Dave Richards
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MAIN RECOMMENDATION:	Grant
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1.0 Reason for Report

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

1.2 The application is retrospective and can be seen in situ.

2.0 Proposal and Background

2.1 The application seeks retrospective planning permission for the erection of a steel frame building to form a covered builder's yard and storage area.

2.2 The builder's yard is an established use at the site. Prior to the demolition of the buildings within the site, the yard previously comprised of a series of workshop areas, office space and a modular building. Part of the compound was enclosed via a shallow mono-pitched roof. The working areas were sub-divided by internal partitions and blockwork walls.

2.3 In January 2016, Planning Permission 15/02952/FUL granted the 'erection of roof to cover existing builder's yard, store and office.' The enclosed structure would have measured approximately 14m in width, 16m in depth and 5.85m in height. No objections were received from surrounding residents or Armthorpe Parish Council.

2.4 During the construction phase, the applicant claims that some of the existing walls were not able to support the approved roof structure safely and instead replaced the existing buildings with a standalone steel frame structure. The replacement structure measures internally 13.6m in width, 14.5m in depth and 5.95m in height. The materials are similar to the approved permission.

2.5 The replacement steel framed building is therefore generally similar in appearance and its overall height and massing to the approved layout. The building is actually smaller in volume terms compared to the approved permission.

3.0 Relevant Planning History

3.1 The historical planning history to the site is that of a former Council maintenance yard which was converted to a garage block for the storage of taxis and minibuses. In 1996, the site was granted planning permission under reference 96/1795/P for the current use of the site as a builder's yard. As stated above, in January 2016, Planning Permission 15/02952/FUL allowed the site to be contained within a roof structure.

4.0 Representations

4.1 In accordance with the requirements set out in 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 written notification to neighbours nearby as well as displaying two public notices near the application site.

4.2 A total of nine objections have been received which can be summarised as follows:

This is a housing estate not an industrial area
The building is an eye sore
Traffic will be heavier on Rands Lane

Not in keeping with the residential area that surrounds it
The building is too big/high
The entrance is not fit for purpose
Access to the existing garages will be blocked
Lack of parking
Noise pollution
Lack of consultation

5.0 Relevant Consultations

5.1 Highway Officer

There are no objections to this application from a highway point of view.

5.2 Environmental Health Officer

This section has no objection in principle to the proposed development. However, given that the location is surrounded by residential properties it is recommended that hours restrictions are placed on the use of the building to avoid noise disturbance at unreasonable times.

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 and CS14 of the Core Strategy and Policy PH12 of the UDP. These policies seek to ensure that new non-residential development does not have a negative effect on residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.

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

6.4 A Neighbourhood Plan is in preparation for Armthorpe and, following an initial stage of consultation and examination, is now paused whilst additional work is being undertaken. Paragraph 216 of the NPPF indicates that ...*"From the day of publication, decision takers may also give weight to the relevant policies in emerging plans according to, amongst other factors, the plan's stage of preparation (the more advanced the preparation the greater the weight may be given)."* Given that the examination of the plan has not been completed, the policies of the neighbourhood plan at this stage have limited weight within the Development Plan for Doncaster.

6.5 A material planning consideration is the granting of Planning Permission 15/02952/FUL which allowed a roof to be added to the existing compound.

7.0 Planning Issues and Discussion

7.1 The main considerations are the implications of the approved permission and whether the appearance of the building now proposed is acceptable, including in relation to surrounding neighbours and whether it affects the character of the area or highway safety.

Principle of Development

7.2 A number of representations have been made stating that the area is residential in nature and that an industrial building should not be allowed. However, the principle of an industrial use has long been established at the application site. Policy PH12 of the UDP allows commercial buildings in residential areas provided they are appropriate in scale and local amenity is maintained.

Character and Appearance of the Area

7.3 Policy CS14 of the Doncaster Core Strategy requires proposals to be of a high quality of design that contributes to local distinctiveness, responds positively to site features, and integrates well with the immediate and surrounding local area. Policy PH12 of the UDP accepts non-residential buildings in residential areas provided the use would not be unsightly. Objections received regard the building as an eye sore which is detrimental to the character of the area.

7.4 In terms of the application site, the yard was previously laid to general industrial storage. The site was generally a particularly poor aesthetic environment with open storage of materials and machinery. The materials were generally unpainted blockwork and concrete. The approved permission under reference 15/02952/FUL enclosed this compound within a structure.

7.5 It is acknowledged that the building increases the bulk and massing of the previous compound, but is helped by the shallow nature of the roof. The materials proposed are typical of an industrial building. Furthermore, the applicant has a fall-back position of a constructing a building of similar bulk, massing and materials under Planning Permission 15/02952/FUL.

7.6 Whilst the appearance of the building does jar with the nearest residential neighbours, it is not considered that the area is solely residential in nature, as proposed by objectors. There are local examples of the juxtaposition of industrial units and residential properties on Rands Lane and Gunshill Lane as the area merges to become the Armthorpe industrial estate.

7.7 Having regard to the fallback position of the applicant, and the appearance of the development on its own merits, the building is not judged to have a significantly detrimental impact upon the character of the area and complies with Policy CS14 of the Core Strategy.

Local Amenity and Highway Safety

7.8 Policy CS14 of the Core Strategy seeks to ensure that development does not have an unacceptable effect on the amenity of occupiers of nearby properties or give rise to a danger to highway safety. Policy PH12 of the UDP requires non-residential development to respect neighbouring properties including restricting any detrimental noise pollution or harm to visual amenity. Local objectors raise these concerns in representations.

7.9 The building is sited in close proximity to the boundary shared with the residential properties 12-18 Ash Grove and 2-10 Hatfield Lane. The residents most likely to be impacted by the proposal reside at 8-10 Hatfield Lane and 15 - 18 Ash Grove.

7.10 The building slightly increases the separation distances to these properties compared to the building approved under reference 15/02952/FUL. It is accepted that some of the visual skyline to the affected properties would be lost but overall, an acceptable level of daylighting and visual amenity would remain. The development would continue to meet the recommended separation distances set out in the Council's SPD guidance.

7.11 With regard to highway safety, the nature and intensity of the use would not significantly increase in terms of traffic movements to and from the application site. The increased floor space at first floor level would be used predominantly as office space. The access to the site is narrow, as noted by objectors, however the Highway Officer has reviewed the application and no objections have been raised from a highway safety perspective.

7.12 There are local concerns that the development would increase the levels of noise and disturbance emanating from the site. However, the containment of activities within a standalone building could potentially reduce noise and disturbance compared to the previous arrangement. The use of the site as a builder's yard has been established for 20 years with no formal complaints being recorded. The Environmental Health Officer has been consulted and has no objection subject to a condition restricting deliveries to and from the site during unsociable hours.

7.13 The application therefore accords with Policy CS14 of the Core Strategy which recognises that a component of good design is to ensure that local amenity and highway safety is not affected.

Other issues

7.14 There are concerns that there was no consultation on the development. The proposal in this respect was retrospective and the applicant was encouraged to submit a planning application to regularise the development. The statutory consultation required has taken place as part of this planning application.

7.15 Outside the application site, the blocking of the garage court or any access points would be a civil matter.

8.0 Summary and Conclusions

8.1 For the reasons given above, and taking all other matters into consideration including the extant permission at the site and the representations received, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions set out below.

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

Conditions / Reasons

01. ACC1 The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications.

REASON

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

02. U50160 No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 0700 or after 1800 Monday to Saturday, or at all on Sundays and Public Holidays.

REASON

To protect the amenities of nearby residents as required by Policy PH12 of the UDP.

03. U50161 No windows or other openings shall be inserted above ground floor level in the west (side) or north (rear) elevations of the building without the prior written agreement of the local planning authority.

REASON

To protect the privacy of adjacent neighbours as required by Policy PH12 of the UDP.

Informatives

01. INF1B INFORMATIVE

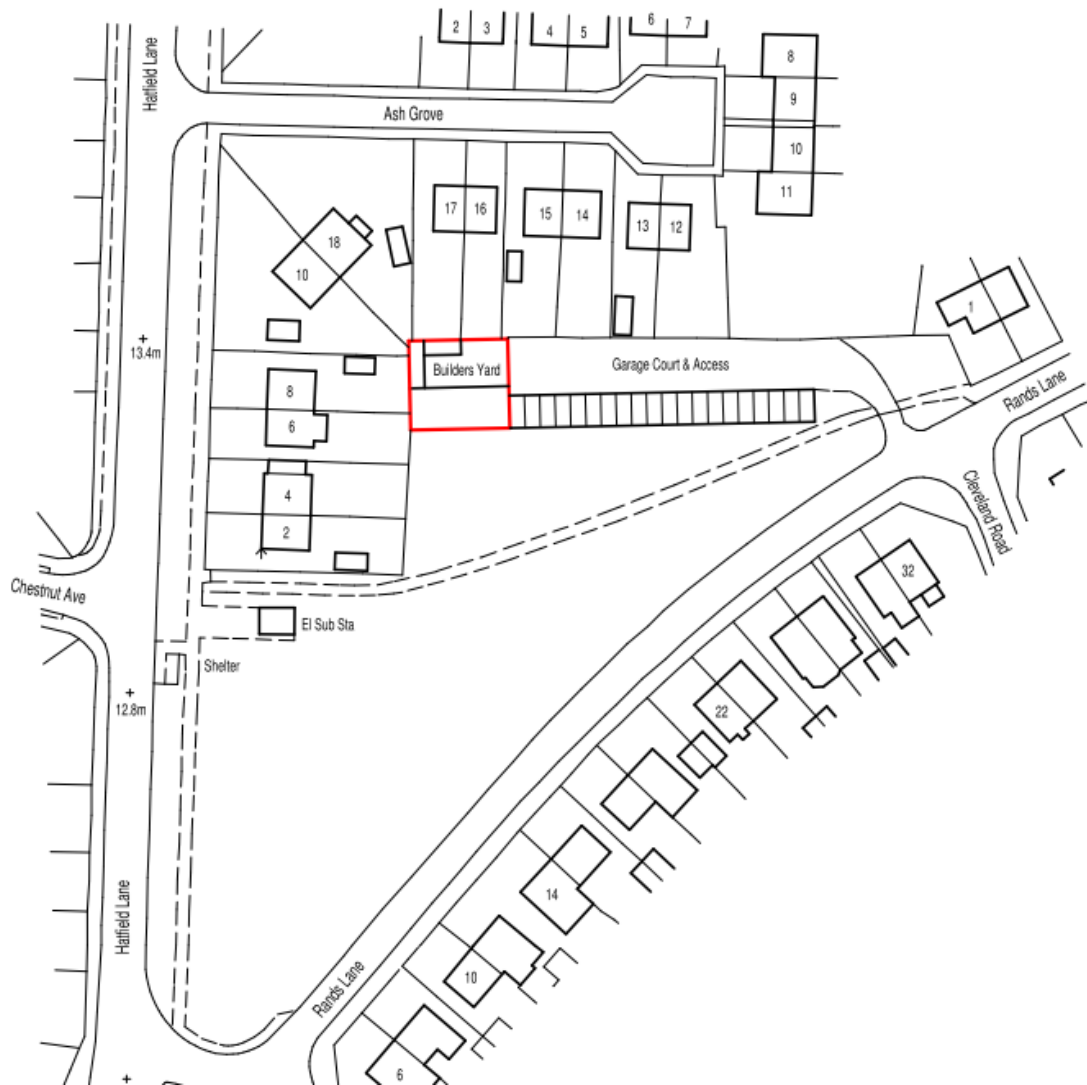
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

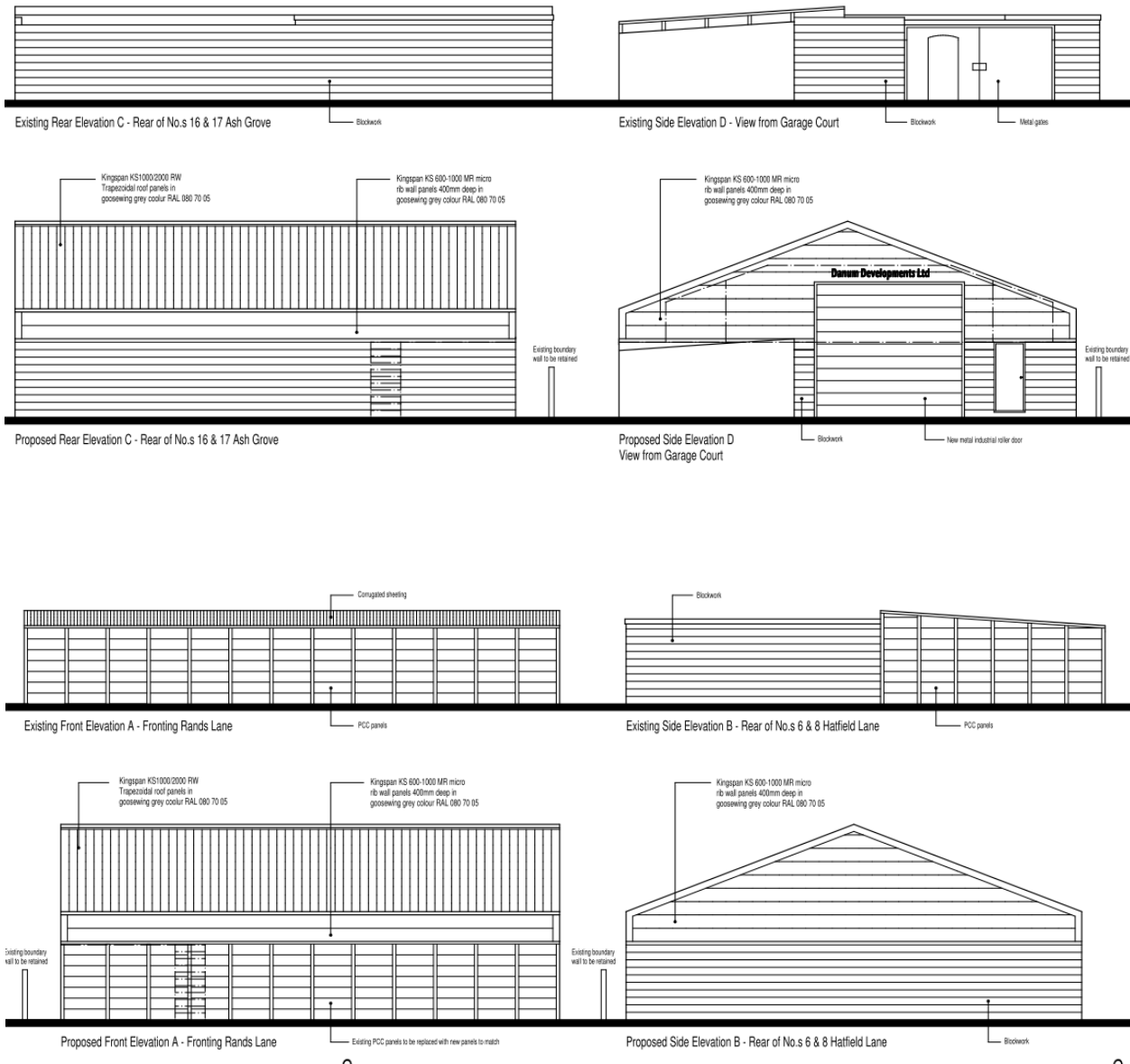
This Standing Advice is valid from 1st January 2017 until 31st December 2018

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

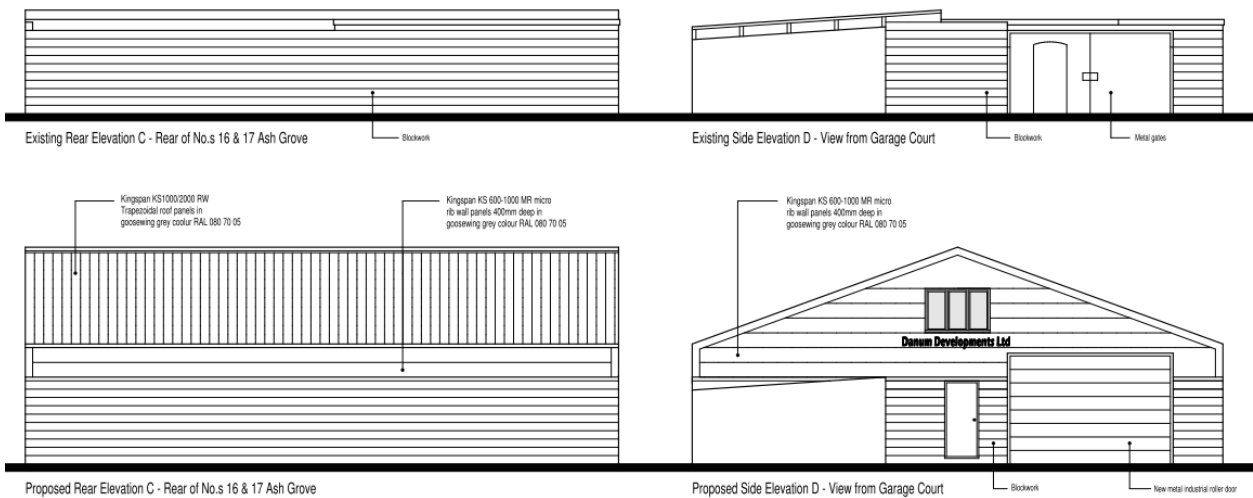
Appendix A – Site Plan



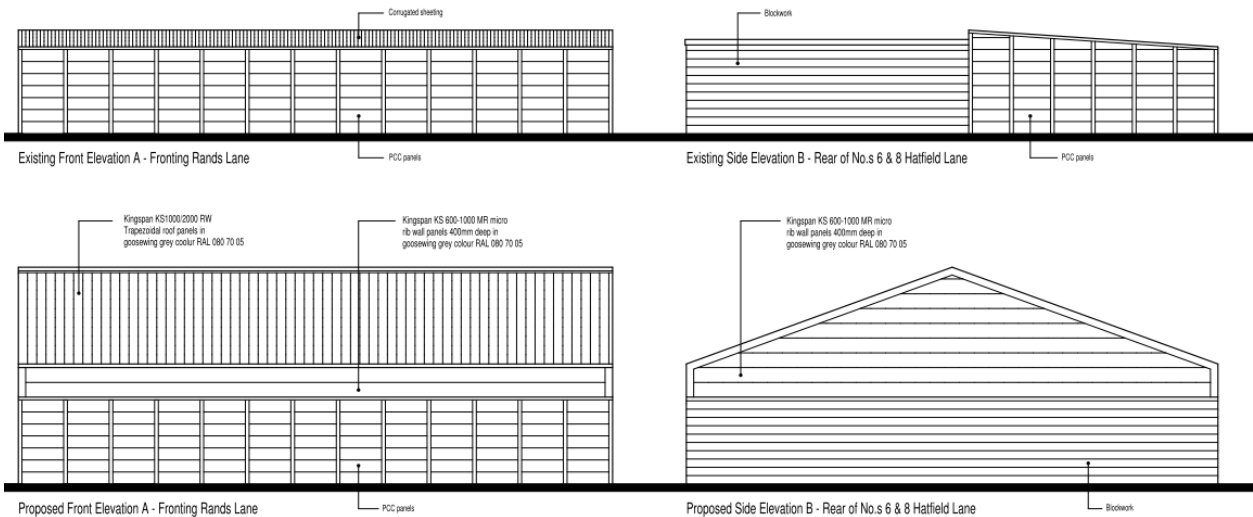
Appendix B – Existing & Proposed Elevations



Appendix C – Previously approved scheme 15/02952/FUL



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