

# DONCASTER METROPOLITAN BOROUGH COUNCIL

## PLANNING COMMITTEE – 30th May 2017

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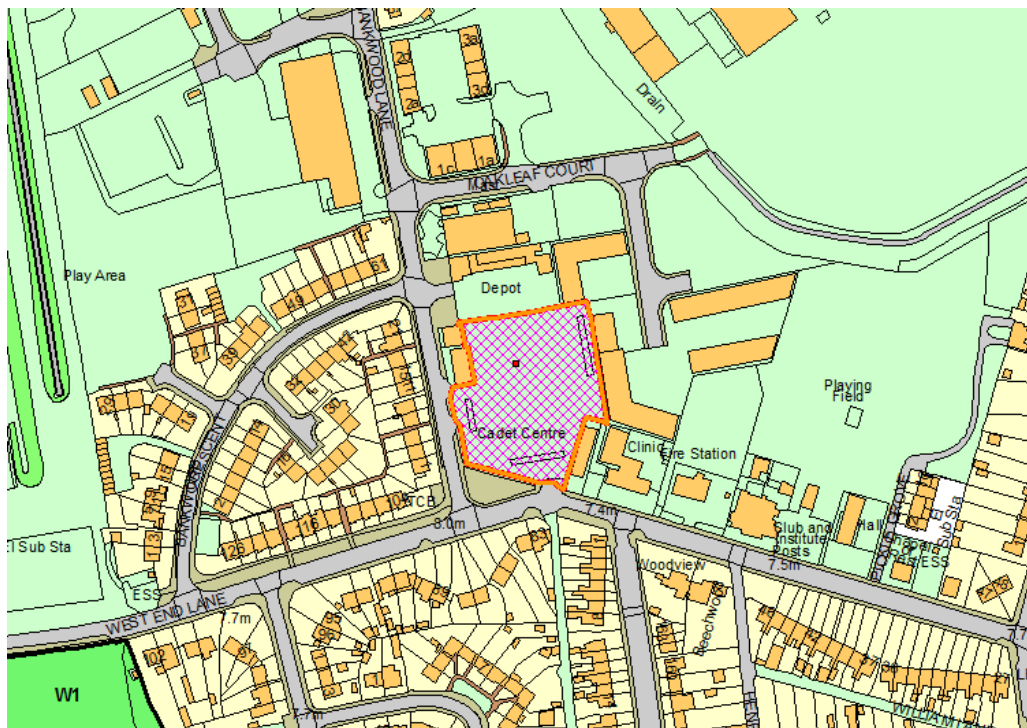
<b>At:</b>	Bankwood Lane, Rossington, Doncaster, DN11 0PS
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<b>For:</b>	Attero Recycling Ltd - FAO Mr D Colakovic
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<b>Third Party Reps:</b>	26 Representations	<b>Parish:</b>	Rossington
		<b>Ward:</b>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

<b>Author of Report</b>	Dave Richards
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<b>MAIN RECOMMENDATION:</b>	<b>GRANT</b> Temporary Planning Permission subject to conditions
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## **1.0 Reason for Report**

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

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

## **2.0 Proposal and Background**

### *Background*

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

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

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

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

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

## *Proposal*

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

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

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

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

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

### **3.0 Relevant Planning History**

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

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

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

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

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

## 4.0 Representations

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

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

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

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

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

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

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

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

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

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

## 5.0 Relevant Consultations

### 5.1 Highway Officer

#### *Comments on submitted proposal*

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

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

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

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

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

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

#### *Comments on amended proposal*

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

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

## 5.2 Environmental Health Officer (Noise)

### *Comments on submitted proposal*

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

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

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

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

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

### *Comments on amended proposal*

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

### 5.3 Environmental Health Officer (Air Quality)

#### *Comments on submitted proposal*

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

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

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

#### *Comments on amended proposal*

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

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

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

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

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

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



#### 5.4 Highways Transportation Officer

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

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

#### 5.5 South Yorkshire Police

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

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

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

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

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

#### 5.6 Environment Agency

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

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

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

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

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

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

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

## **7.0 Planning Issues and Discussion**

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

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

### Principle of Development

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

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

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

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

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

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

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

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

### Environmental Impact

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

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

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

#### *The unauthorised use*

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

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

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

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

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

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

### *The proposal as amended*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Highway Safety

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

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

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

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

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

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

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

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



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

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

#### Character of the area

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

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

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

#### Balancing exercise

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

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

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

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

## 8.0 Summary and Conclusions

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

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

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

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

### Conditions / Reasons

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

#### REASON

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

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

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

**REASON**

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

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

**REASON**

To ensure that adequate parking provision is retained on site.

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

**REASON**

In the interests of highway safety and protecting local amenity.

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

**REASON**

In the interest of highway safety

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

REASON

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

07. U51162

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

REASON

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

08. U51163

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

REASON

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

09. U51148

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

REASON

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

10. U51147

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

0700 hrs to 1800 hrs Monday to Friday

0730 hrs to 1300 hrs Saturdays

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

REASON

In the interests of protecting local amenity.

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

REASON

In the interest of protecting local amenity.

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

REASON

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

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

REASON

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

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

REASON

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

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

REASON

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

16. U51156 Notwithstanding the provisions of the approved management plan, any windblown wastes or litter arising from the operations on the site shall be collected on a daily basis and removed from the site.

**REASON**

In the interest of the amenity of the area.

17. U51159 The movements of Heavy Goods Vehicles into and out of the application site shall be limited to no more than 100 (50 in/50 out) per day, Monday to Friday and 50 (25 in/ 25 out) on a Saturday. The operator shall maintain records of all HGVs and collection vehicles entering the site and these records shall be made available for inspection by the Local Planning Authority within seven working days of a verbal or written request.

**REASON**

In the interest of highway safety and as required to assist in the monitoring and compliance with the condition.

18. U51158 Notwithstanding the provisions of the approved management plan, no mud or debris shall be deposited on the public highway at any time as a result of the development hereby permitted

**REASON**

In the interest of road safety.

19. U51145 From the commencement of development to its completion a copy of this planning permission, including all plans and documents hereby approved and any plans and documents subsequently approved in accordance with this permission, shall be kept on site at all times.

**REASON**

To ensure that the site operators are aware of the details of the planning permission.

**Informatives**

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

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

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

## Justification

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

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

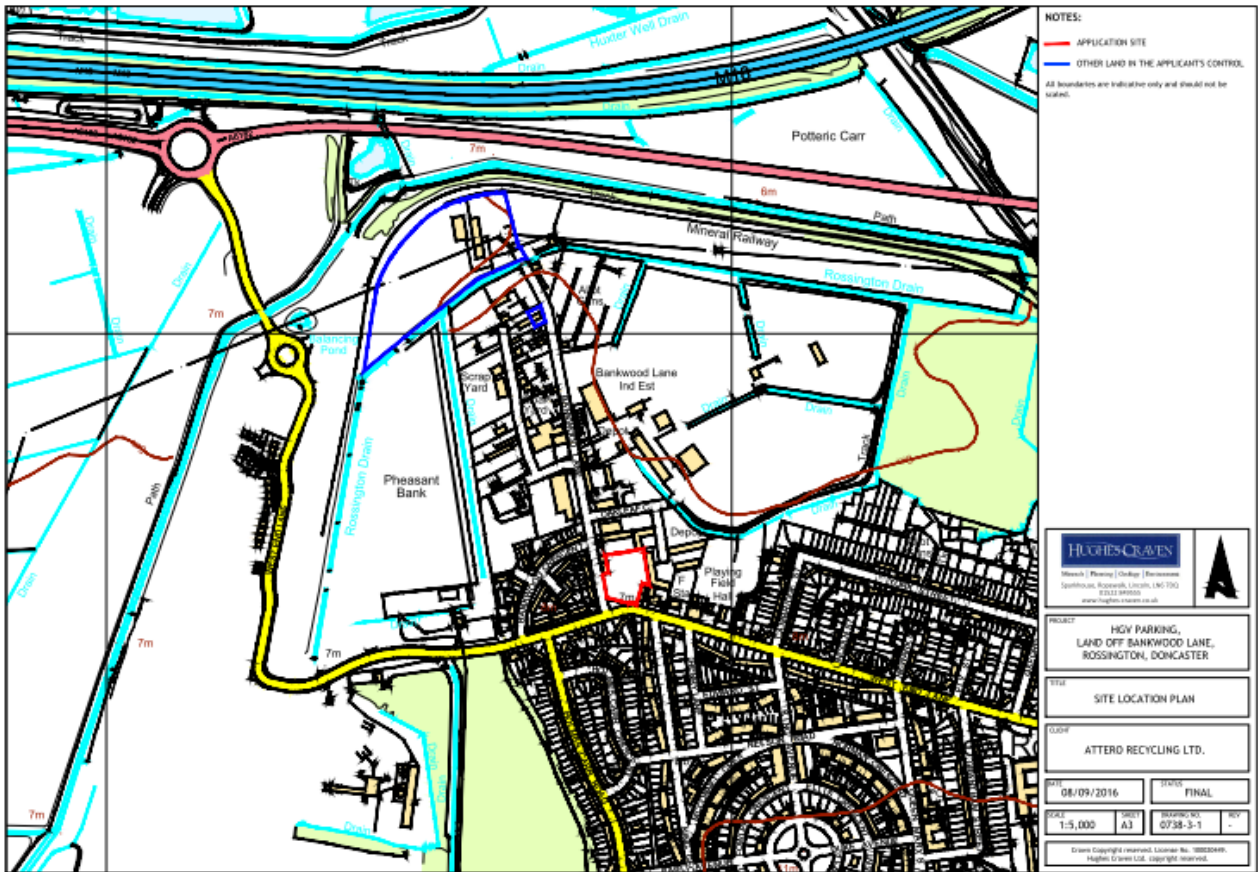
Character of the area  
Environmental factors  
Highway safety

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

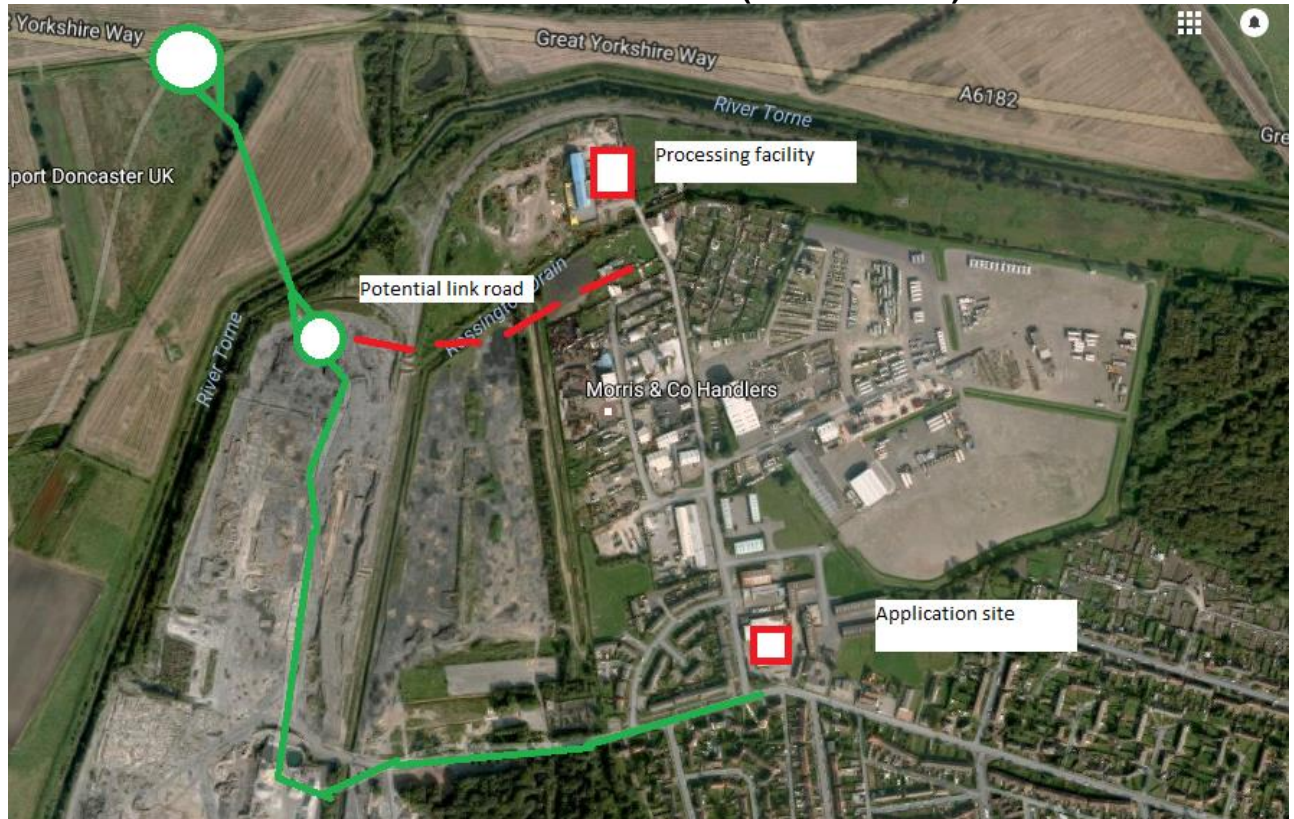


# APPENDICES

## Appendix 1 – SITE LOCATION PLAN

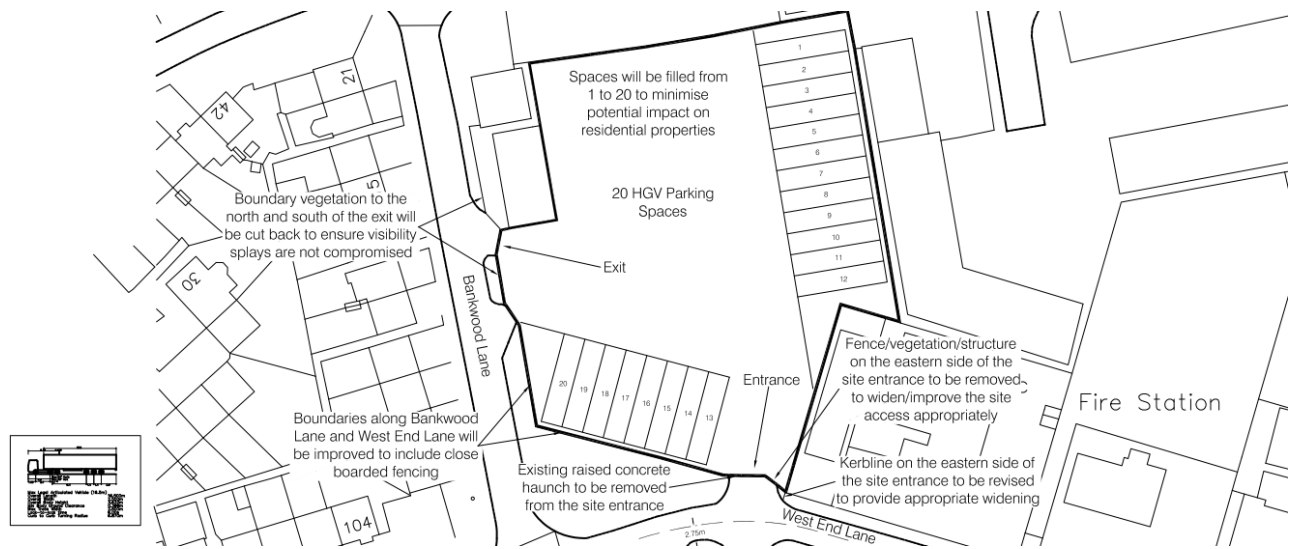


## APPENDIX 2 – Aerial View (ANNOTATED)

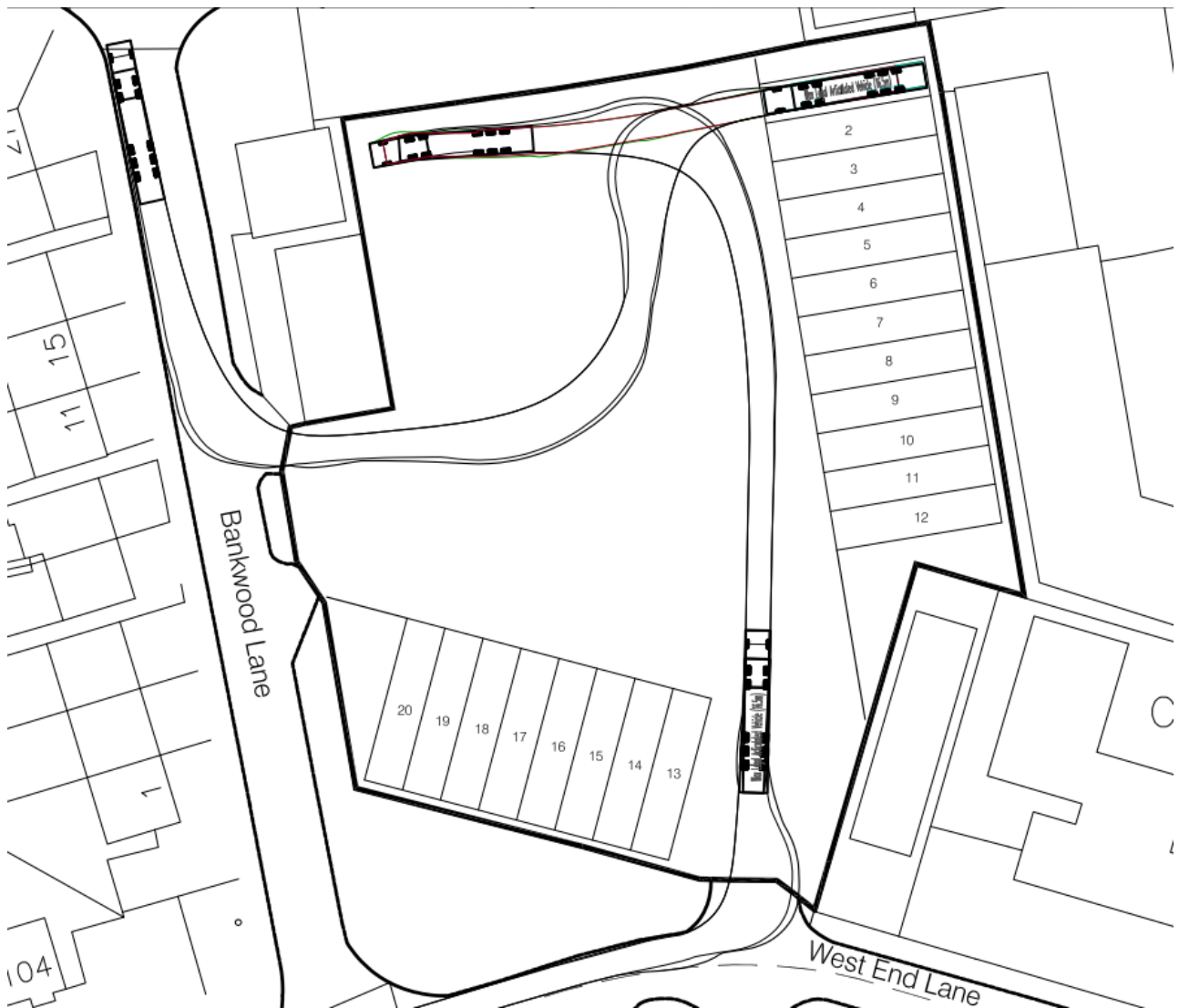




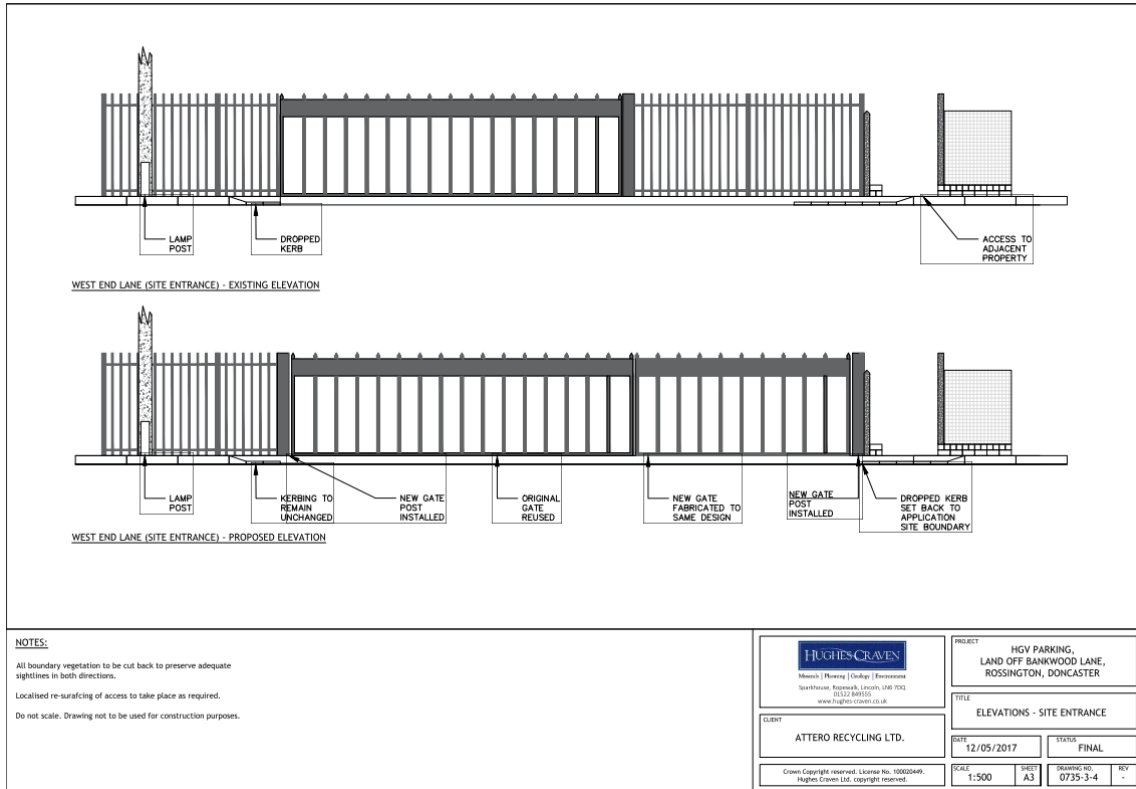
### APPENDIX 3 – PROPOSED SITE LAYOUT (AMENDED 10<sup>th</sup> April 2017)



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



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



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

