

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 14th November 2017

Application **03**

Application Number:	17/02025/COU	Application Expiry Date:	9th November 2017
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Application Type:	Change of Use
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Proposal Description:	Change of use of unit from general industrial/warehouse in use class B2 & B8 to soft play centre with cafe (ancillary) in use class D2 and A3
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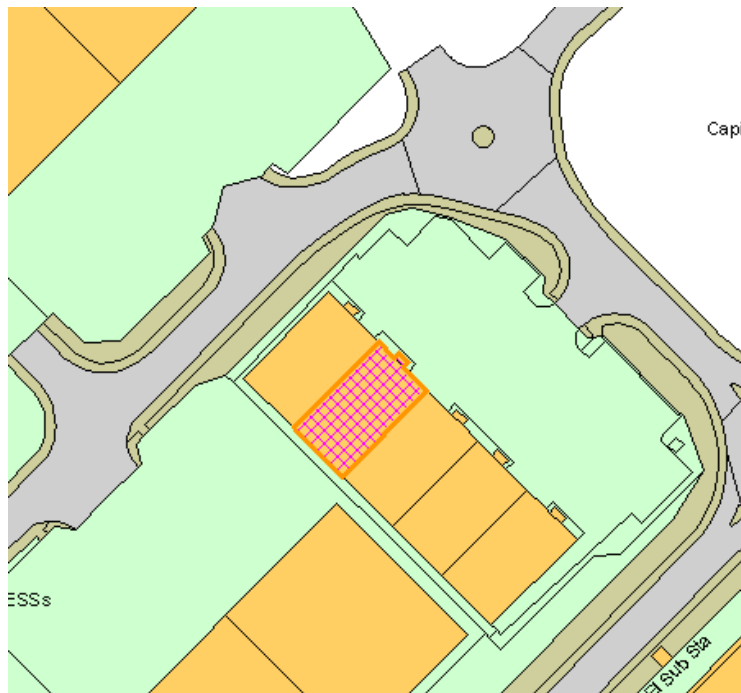
At:	1D Island Drive Thorne Doncaster DN8 5UE
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For:	Mrs Tracey Ebbage
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Third Party Reps:	19 letters of support were received.	Parish:	Thorne Town Council
		Ward:	Thorne And Moorends

Author of Report	Tim Goodall
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MAIN RECOMMENDATION:	REFUSE
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1.0 Reason for Report

1.1 This planning application is brought before Members as it represents a departure from the Development Plan.

2.0 Proposal and Background

2.1 Planning permission is sought for the change of use of unit from general industrial/warehouse in use class B2 & B8 to soft play centre with cafe (ancillary) in use classes D2 and A3. The proposed soft play centre would employ 2 full time staff and 6 part time staff. Proposed open times are 9.30 am until 6.00 pm Monday to Saturday and 10.00am until 4.30pm on Sundays.

2.2 The application site is a vacant single storey industrial unit located on Island Drive, Thorne which is part of the Capitol Park development near junction 6 of the M18. Other uses in Capitol Park include employment uses, a supermarket (Aldi) and discount store (B&M) and a drive thru restaurant (McDonalds). The unit lies within an existing block of 5 units. There is a parking area directly to the front of the units with a single vehicular entrance onto Island Drive.

2.3 The application site is allocated as a Strategic Employment Site as set out in Policy EMP 1 (3).

3.0 Relevant Planning History

3.1 10/03149/OUTM - Outline application for mixed use development comprising employment (use classes B1, B2 or B8), hotel (use class C1), public house (use class A4), restaurant and take away (use class A3 or A5), retail (use class A1) including petrol filling station, crèche, education and training (use class D1), access infrastructure, parking and hard and soft landscaping - Permitted subject to Section 106 agreement

4.0 Representations

4.1 19 letters of support were received. The reasons given for supporting the application were as follows:

- Excellent opportunity for local area and great investment idea. Closest soft play is 20 minutes away by car. Fun environment for children of various ages
- Safe and managed area for children in Thorne and Moorends to go where they can enjoy a playtime with others.
- Bring more business and recognition to the villages
- Filling up Capitol Park is good for Thorne
- Nice to have a soft play as nothing local.
- Fantastic addition to community, play areas in short supply
- Soft play areas are good for exercise, building confidence and for friends and families to socialise
- Better facilities for families
- Parents won't have to take their children into Doncaster
- Good for the community
- Help with loneliness for stay at home mums
- Within walking distance

5.0 Parish Council

5.1 Thorne Town Council - Support.

6.0 Relevant Consultations

6.1 Local Plans - Regarding the above consultation: the site is allocated as a Strategic Employment Site - EMP 1 (3) therefore classes B1, B2 and B8. Proposals for other industrial, business or commercial uses will be considered on their merits. The applicant needs to demonstrate that the unit has been vacant for a while and that important there is no demand for the unit.

6.2 Highways Development Control - The levels of parking proposed would be sufficient for the levels of staff proposed. However, concerns have been raised over the mix of children within a shared carpark that has larger vehicles accessing daily, who may not be aware or consider that small children may be in the area. There are instances where D2 leisure use has been introduced within an industrial park in the borough, however these tend to be in units with dedicated enclosed parking provision or their hours of operation are outside of those of the adjoining units.

6.3 Environment Agency - Whilst we have no objection to the proposed change of use, we recommend that the developer uses this opportunity to reduce the potential impact of flooding by raising floor levels wherever possible and incorporating flood proofing and resilience measures. Physical barriers; raised electrical fittings and special construction materials are just some of the ways to help reduce flood damage.

6.4 Head of Community Safety - Concerns. "Without a dedicated Car Park I do think this may cause issues for young children being escorted from the mixed use parking area to the actual facility. The other facilities I am aware of in Doncaster all have a dedicated Car Park to ensure the safety of Children. Whilst there is a certain degree of responsibility placed on parents to supervise children, the greater numbers of children arriving at these premises (often by car) mean that a dedicated parking facility reduces the risk. I am not aware of the uses of the other units located within this area, but there would be an expectation of delivery drivers and potentially lorries visiting the premises, where manoeuvring in confined spaces (perhaps around parked vehicles) has its obvious danger and risk to members of the public."

6.5 Stronger Communities Coordinator - Capitol Park in general is a very busy industrial area and I would concur with points raised in particular that these types of businesses usually have an high volume of customers per day visit them. The other comment would be that when the designated car parking spaces are full this will most likely cause parking issues/congestion at other areas around Capitol Park.

7.0 Relevant Policy and Strategic Context

7.1 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.

7.2 In the case of this application, the Development Plan consists of the Doncaster Core Strategy and the saved policies of the Unitary Development Plan 1998.

Doncaster Core Strategy
Policy CS1 Quality of Life
Policy CS2 Growth and Regeneration Strategy
Policy CS4 Flooding and Drainage
Policy CS5 Employment Strategy
Policy CS7 Retail and Town Centres
Policy CS14 Design and Sustainable Construction

Doncaster Unitary Development Plan (UDP) saved policies 1998
EMP1 Strategic Employment Sites

Development Guidance and Requirements SPD
Development and Flood Risk SPD
National Planning Policy Framework

8.0 Planning Issues and Discussion

Principle of Development

8.1 The application site is allocated as a Strategic Employment Site - EMP 1 (3). Therefore use classes B1, B2 and B8 are normally acceptable. Proposals for other industrial, business or commercial uses will be considered on their merits. Policy CS5 of the Core Strategy states that major employment sites will be retained for employment uses which may include some small scale supporting uses. The proposed use is for a children's soft play centre, which would fall into use class D2. An ancillary café is also proposed within the building in use class A3.

8.2 As the proposed use falls outside of class B1, B2, B8 it represents a departure from the development plan and as per policy should be considered on its merits. In terms of more appropriate sites for the use in the Thorne area, the applicant has confirmed that they have searched for site via local estate agents, the internet and Business Doncaster and have not found any other units.

8.3 Furthermore, Business Doncaster have advised the applicant via email that "The Thorne Park units developed by Henry Boot have been completed for over 12 months and were marketed throughout the process of development too. Whilst this is now the last remaining vacant unit of this final phase of development at this location we are not aware of any competing interest in it either now or within the past year."

8.4 It is also noted that the soft play centre, with café would provide employment with 2 full time and 6 part time employees. As such, the principle of a soft play centre could be acceptable subject to consideration of the details of the application such as flood risk, amenity and highway safety.

Flooding

8.5 Paragraph 100 of the National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Policy CS4 of the Core Strategy states that development within flood risk areas will be supported where they pass the Sequential and /or Exception Tests (if they are required). The Doncaster Council Development and Flood Risk SPD states that minor development does not require the Sequential or Exception Test, set the floor space limit for minor development at 250 square metres.

8.6 However, the floor area of the application site measures 332 square metres. The application site also lies within flood zone 3A. The applicant submitted a flood risk assessment by Ark Environment Consultancy Ltd, who note that while the change of use would be to a more vulnerable use, in conclusion the development is appropriate in this location and complies with national planning policy. The submitted flood risk assessment has been considered by the Environment Agency which has no objection to the proposed change of use.

Highways and Parking

8.7 Policy CS14 of the Core Strategy states that the design of new development should make a positive contribution towards quality, stability, safety and security of private property, public areas and the highway.

8.8 The proposed change of use of the existing building from an employment use to a leisure use has been considered by the Council's Highways Development Control Officer who stated that "my view on this matter is that in this particular location, the proposal of a soft play area is not ideal and I have some concerns with regards to the mix of children within a shared carpark that has larger vehicles accessing daily, who may not be aware or consider that small children may be in the area. There are instances where D2 leisure use has been introduced within an industrial park in the borough, however these tend to be in units with dedicated enclosed parking provision or their hours of operation are outside of those of the adjoining units."

8.9 It is noted that while there is off street parking for the units these are not designated for the individual units. The views of the Council's Community Safety Officer and the Safer Communities Coordinator were sought and they shared the concerns of the Highways officer with regard to the mix of vehicle uses in close proximity to children leaving and entering the site.

8.12 It is the view of the planning officer that the proposed location of the site would fail to meet the standards of Policy CS14 of the Core Strategy in that the new development would not make a positive contribution to safety for potential users of the site. This is due to the lack of dedicated parking, the commercial uses of the other units and the single vehicular entrance/exit. While the potential for congestion was noted by the Council's Safer Communities Coordinator, this did not seem an issue on the occasions the planning officer visited the site and was not raised by the Highways Officer.

Amenity

8.13 Policy CS1 of the Core Strategy supports development proposals that protect local amenity. Policy CS14 states that new development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

8.14 The proposed change of use would be in an existing building that adjoins neighbouring commercial buildings. There are no residential buildings in close proximity to the application site. Due to the nature of the proposed use, the existing uses of neighbouring buildings and the hours of opening, there are not considered to be any negative impacts on amenity such as noise or privacy.

9.0 Summary and Conclusion

9.1 In conclusion, while the levels of public support for the application are recognised and understood given the lack of facilities in the Thorne area, the application site is not considered to be suitable for a child's soft play centre given the mix of commercial uses in the adjoining units on Island Drive that could lead to safety issues for children in the car park. As such refusal is recommended for the following reason.

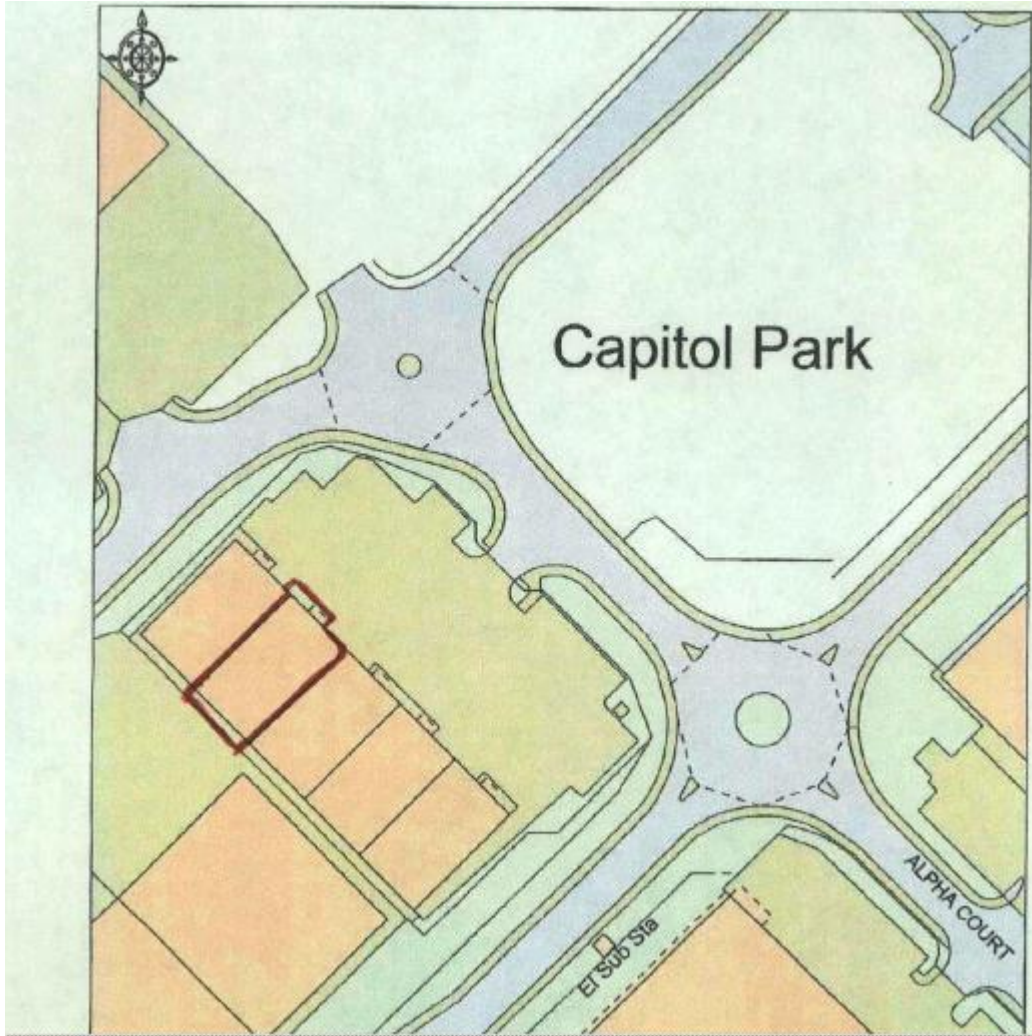
RECOMMENDATION

Planning Permission REFUSED for the following reason.

01. U56306 The proposed use of the unit a child soft play centre without dedicated parking in an existing commercial area would conflict with Policy CS 14 of the Doncaster Core Strategy in that it would lead to an unacceptable risk to child safety given the levels of comings and goings of commercial vehicles to the adjoining units.

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 – Location Plan



Appendix 2 – Site Plan

