

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, 22nd August, 2017
TIME: 2.00 pm

BROADCASTING NOTICE

This meeting is being filmed for subsequent broadcast via the Council's web site.

The Council is a Data Controller under the Data Protection Act and images collected during this recording will be retained in accordance with the Council's published policy.

Please be aware that by entering the Council Chamber, you accept that you may be filmed and the images used for the purpose set out above.

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. | |

Jo Miller
Chief Executive

Issued on: Monday, 14 August 2017

Senior Governance Officer
for this meeting:

David M Taylor
(01302) 736712

4.	Minutes of the Planning Committee Meeting held on 25th July, 2017	1 - 6
A.	Reports where the Public and Press may not be excluded.	
	<u>For Decision</u>	
5.	Schedule of Applications	7 - 44
	<u>For Information</u>	
6.	Appeal Decisions.	45 - 56
7.	Attero HGV Park Planning Application - Position Statement	57 - 62
B.	Items where the Public and Press may be excluded in accordance with grounds specified in the Local Government Act 1972, as amended.	
8.	Enforcement Cases Received and Closed for the Period of 13th July to 8th August, 2017	63 - 78

Members of the Planning Committee

Chair – Councillor Eva Hughes
Vice-Chair – Councillor Iris Beech

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

Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 25TH JULY, 2017

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

PRESENT:

Chair - Councillor Eva Hughes
Vice-Chair - Councillor Iris Beech

Councillors Susan Durant, John Healy, Sue McGuinness, Andy Pickering and Jonathan Wood.

APOLOGIES:

Apologies for absence were received from Councillors Mick Cooper and Dave Shaw.

14 Declarations of Interest, if any

No declarations of interest were made at the meeting.

15 Minutes of the Planning Committee Meeting held on 27th June, 2017

RESOLVED that the minutes of the meeting held on the 27th June, 2017, be approved as a correct record and signed by the Chair.

16 Schedule of Applications

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

17 Appeal Decisions

In response to the Chair, Councillor Eva Hughes, seeking further clarification in respect of the appeal decision relating to Application No. 16/03066/FUL, Erection of first floor extension (retrospective) at 22 Kirk Street, Hexthorpe, Doncaster, the Head of Planning, Richard Purcell, undertook to determine whether Enforcement Action had been initiated.

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
14/02965/OUTM	Outline application for the erection of 97 dwellings on approx. 3.37ha of land (approval being sought for access) at Land off Westminster Drive, Dunsville, Doncaster.	Appeal Allowed 12/07/2017
16/03066/FUL	Erection of first floor rear extension (retrospective) at 22 Kirk Street, Hexthorpe, Doncaster, DN4 0BL.	Appeal Dismissed 05/07/2017

18 Exclusion of Public and Press 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.

19 Enforcement Cases Received and Closed for the Period of 14th June to 12th July, 2017 (Exclusion paragraph 6)

The Committee considered a report which detailed all Planning Enforcement complaints and cases received, and closed during the period 14th June to 12th July, 2017.

In response to Councillor Sue McGuinness seeking further clarification with regard Enforcement Case 17/00261/M, the Head of Planning, Richard Purcell, undertook to provide Councillor McGuinness with a progress report on the specific details of the case following the meeting.

RESOLVED that all Planning Enforcement Cases received and closed for the period 14th June to 12th July, 2017, be noted.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 25th July, 2017

Application	1		
Application Number:	15/02826/FUL	Application Expiry Date:	20th January 2016
Application Type:	Full Application		
Proposal Description:	Change of use of barn for use for social gatherings (being resubmission of planning application 15/00045/FUL, withdrawn on 19/05/15)		
At:	Barn, rear of Cadeby Inn, Main Street, Cadeby, Doncaster		
For:	Mr Gordon Jones		
Third Party Reps:	28	Parish:	Cadeby Parish Council
		Ward:	Sprotbrough

A proposal was made to grant the application.

Proposed by: **Councillor John Healy**

Seconded by: **Councillor Susan Durant**

For: 4 Against: 3 Abstain: 0

Decision: Planning Permission granted subject to the addition of Condition 11, the deletion of Condition 08 and amendments to Conditions 05 and 06, to read as follows:-

- 05. The use of the building shall not include electronically amplified music unless otherwise agreed in writing with the Local Planning Authority.**

REASON

In the interests of the amenities of occupiers of nearby dwellings.

06. All fenestration (doors and windows) on the east facing elevation shall be closed at 7pm and remain shut. They shall not be used for access/egress except in emergency at any time after 7pm.

REASON

In the interests of the amenities of occupiers of nearby buildings.

11. The use of the building hereby permitted shall be ancillary to the use of the Cadeby Inn Public House.

REASON

In the interests of the amenities of occupiers of nearby buildings.

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

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr. Ian Allgood and Mr. Ben Jones, spoke in support of the application for the duration of up to 5 minutes.

(The receipt of an amendment to paragraph 8.9 of the report and the additional representation from Cadeby Parish Council, were reported at the meeting).

Application	2
--------------------	----------

Application Number:	15/02828/LBC	Application Expiry Date:	20th January 2016
----------------------------	--------------	---------------------------------	-------------------

Application Type:	Listed Building Consent
--------------------------	-------------------------

Proposal Description:	Listed building consent in connection with change of use of barn for use for social gatherings
------------------------------	--

At:	Barn, rear of Cadeby Inn, Main Street, Cadeby, Doncaster
------------	--

For:	Mr Gordon Jones
-------------	-----------------

Third Party Reps:	28	Parish:	Cadeby Parish Council
		Ward:	Sprotbrough

A proposal was made to grant Listed Building Consent.

Proposed by: Councillor John Healy

Seconded by: Councillor Susan Durant

For: 5 Against: 2 Abstain: 0

Decision: Listed Building Consent granted.

This page is intentionally left blank

DONCASTER METROPOLITAN BOROUGH COUNCIL

Date 22nd August 2017

To the Chair and Members of the

PLANNING COMMITTEE

PLANNING APPLICATIONS PROCESSING SYSTEM

Purpose of the Report

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

Human Rights Implications

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

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

Copyright Implications

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. M	17/01369/FULM	Adwick Le Street And Carcroft	
2.	17/01207/FUL	Town	
3.	17/01262/COU	Conisbrough	Conisbrough Parks Parish Council

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 22nd August 2017

Application 1

Application Number:	17/01369/FULM	Application Expiry Date:	1 st September 2017
----------------------------	---------------	---------------------------------	--------------------------------

Application Type:	Full Planning Major
--------------------------	---------------------

Proposal Description:	Erection of 31 dwellings.
At:	Land off Malton Way, Adwick le Street, Doncaster

For:	Strata Homes Ltd
-------------	------------------

Third Party Reps:	0	Parish:	
		Ward:	Adwick le Street and Carcroft

Author of Report	Mel Roberts
-------------------------	-------------

MAIN RECOMMENDATION:	GRANT SUBJECT TO A SECTION 106 AGREEMENT
-----------------------------	--



1.0 Reason for Report

1.1 This application is being reported to planning committee because it is a departure to the Doncaster UDP.

2.0 Proposal and Background

2.1 This application seeks planning permission for the erection of 31 dwellings on land off Malton Way, Adwick le Street. The proposal includes 19 2-storey dwellings and 12 2.5-storey properties, all of which are 4 bedroomed (see plan 1 in Appendix for site layout). Vehicular and pedestrian access into the site is taken from Malton Way. This proposal forms phase 2 of a development by Strata Homes with phase 1 of 85 houses currently being constructed on land directly to the south (approved under reference 14/02995/FULM).

2.2 The application site is located adjacent to the Great North Road (A638) on its eastern boundary with open countryside beyond this. To the north of the site are the offices of South Yorkshire Police and a McDonald's restaurant. To the west of the site are a number of office units beyond which are a number of large commercial units occupied by companies such as DFS, B&Q and Asda. Phase 1 of the housing is currently under construction on land to the south of the site.

2.3 The application site is approximately 1.2 hectares in extent and currently comprises vacant land. The site is surrounded by mature hedgerows along the north eastern boundary. The site is generally flat, with a gentle slope from the west down towards the east, with a more significant drop in levels down to Great North Road.

3.0 Relevant Planning History

3.1 In January 2010, approval of Reserved Matters (09/02346/REM) was granted for the erection of a hotel, coffee shop and conference facility on this site. This permission has not been implemented.

3.2 Planning permission was granted on land to the south of the site for 85 dwellings under planning reference 14/02995/FULM (approved on 13th November 2015) and this is currently under construction.

4.0 Representations

4.1 The application has been advertised on site and in the press and with letters to the nearby commercial units (including McDonald's and South Yorkshire Police) and no objections have been received.

5.0 Relevant Consultations

5.1 The Urban Design Officer has raised no objections subject to conditions.

5.2 Highways (Development Control) have raised no objections subject to conditions.

5.3 The Environment Agency has responded and has raised no objections on flood risk or drainage grounds. The site falls within Flood Zone 1, which is the least likely to flood.

5.4 Yorkshire Water has raised no objections subject to conditions.

5.5 The Tree Officer has raised no objections because the trees that are to be lost to the development are not of a quality to be an issue. The landscaping on the bund on the eastern boundary is being retained and a condition ensuring that the trees are fenced off during construction will ensure that they are not damaged.

5.6 The Ecology Officer has raised no objections, because the ecological information submitted with the application shows that most of the site comprises habitats of relatively low ecological value. A condition is recommended to secure ecological enhancement of the area with the provision of bat and bird boxes on houses within the site.

5.7 Pollution Control has raised concerns that contaminants may remain on the site because historic maps show the above application is located near a quarry and unknown hole. Conditions are requested to ensure that further investigation is carried out to ensure that any contamination on site is removed.

5.8 Environmental Health has raised no objections subject to conditions to ensure that there is minimal disruption during the construction of the development and that those houses closest to the Great North Road and McDonald's are protected from noise.

5.9 Education has requested a contribution of £91,485 towards Adwick Outwood Academy because the school is already over capacity and this development is likely to create the need for 5 more school places.

6.0 Relevant Policy and Strategic Context

National Planning Policy Framework

6.1 The National Planning Policy Framework (NPPF) has as its central theme a presumption in favour of sustainable development. It does not change the statutory status of the Development Plan as the starting point for decision making set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (Paragraph 12). It confirms that planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 The NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.

6.3 The NPPF states that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It also states that to ensure viability, the costs of any requirements likely to be applied to a development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Doncaster Core Strategy

6.4 Policy CS2 states that Adwick (including Woodlands) is a Principal Town and will be the focus for growth and regeneration.

6.5 Policy CS5 states that major employment sites will be retained for employment uses, which may include some small scale supporting uses.

6.6 Policy CS9 states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel.

6.7 Policy CS12 states that sites of 15 or more houses will normally include affordable houses on-site with the proportion, type and tenure split reflecting the latest Strategic Housing Market Assessment, except where a developer can justify an alternative scheme in the interests of viability.

6.8 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.

Doncaster UDP

6.9 Policy EMP1 identifies the site as part of a wider strategic employment site and allows for all industrial type uses (B1, B2 and B8). Proposals for other industrial, business or commercial uses will be considered on their merits.

6.10 Policy RL4 requires developments of 10 or more family units to provide for on-site open space or a commuted sum in lieu of this.

7.0 Planning Issues and Discussion

Principle

7.1 The site is allocated within the Doncaster UDP as a strategic employment site, forming part of the wider Redhouse Interchange. Following the allocation, an outline planning permission for up to 2 million sq. ft. of B1 (Office and Light Industrial), B2 (General Industrial) and B8 (Storage & Distribution) use was secured in May 1999. Despite this allocation and subsequent outline planning consent, the application site has not come forward for employment purposes and has now remained vacant for over 14 years. In such circumstances and where there is no reasonable prospect of the site coming forward for employment purposes, paragraph 22 of The Framework (2012) establishes that the allocation should not be protected in the long term and that applications for alternative land uses should be considered on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.

7.2 Although no weight can now be attached to the withdrawn Sites and Policies DPD, it is worth noting that the adjacent site (for 85 houses) had been promoted and subsequently selected as a future housing allocation. In promoting the site for housing, evidence was submitted to demonstrate how other than in prime locations surrounding Leeds, the out of town office market remains challenging where demand is poor and take up is virtually non-existent. The evidence outlined how the bulk of the employment land to the west of the Roman Ridge has been developed and is occupied by companies such as DFS plc and B&Q. The proposed office campus (which includes the application site) has not had the same level of success given that the site has the potential to accommodate up to 225,000 sqft of offices but over the last 12 years has averaged 1,755 sqft per annum. The evidence outlined the coordinated marketing campaign since 2000, which still continues. This included the office campus being marketed under a sub-brand of Chase Park (which includes the application site) rather than Redhouse Interchange and consideration given to build to suitable schemes for office and small scale industrial / distribution occupiers. However, there continues to be no office demand, particularly with various units still available at Ebor Court which was completed in 2007/08 (adjacent to the application site) and industrial/ distribution demand also being limited, with the availability of more economic built space in Doncaster and the wider City Regions. This evidence was accepted and agreed by the Council in the preparation of their withdrawn Sites and Allocations DPD.

7.3 Strata Homes is currently building 85 houses on the site directly to the south, which is also allocated as an employment site. This establishes the principle of developing a previously allocated employment site and this residential uses as suitable alternative use.

7.4 On this basis, there is little prospect of the site coming forward for employment use given that it has not done so over the last 16 to 17 years despite a prolonged marketing campaign. The site in its current use as vacant and undeveloped land does not contribute to the local economy and provides no employment opportunities for the borough and wider region. Therefore in line with paragraph 22 of the NPPF, this employment allocation should no longer be protected and the site should be released for an alternative and viable use.

7.5 The application site is an appropriate location to accommodate housing development. Adwick, including Woodlands, is identified as a Principal Town to accommodate housing growth within the Doncaster Core Strategy (2012). Policy CS2: 'Growth and Regeneration Strategy' identifies Adwick as a focus for growth and regeneration with an indicative housing allocation numbers of 646-923 and at least 3.5 per cent of the overall Borough allocation for housing within the town. The site is situated within close proximity of a range of services, facilities and job opportunities and occupies a highly accessible location close to a range of sustainable transport options including public transport, walking and cycling. The site is also located in close proximity to the Great North Road (A638) which provides access to Doncaster and the A1.

7.6 The obvious lack of demand for businesses to locate to this site, the support for housing on the adjacent employment site to the south and its suitability for housing means that it is acceptable in principle for residential development in compliance with the guidance set out in the NPPF and policy CS2 of the Core Strategy, although in contravention of policies EMP1 of the Doncaster UDP and policy CS5 of the Core Strategy.

Highways

7.7 A Transport Statement has been submitted with the application. The Transport Statement has demonstrated that the development is accessible on foot or by bike to a range of useful local destinations and there are public transport options available for journeys further afield. Access to the development by all modes of transport has been shown to accord with current guidelines. It has been shown that the provision of car parking for the proposals is appropriate for the scale of the development. Servicing of the development can be achieved and it is not expected that any of the junctions on the highway network will experience a detrimental impact in terms of operational capacity as a direct result of the development proposals. It has been shown that traffic flows associated with the development will be 16 trips in the AM peak period and 17 trips in the PM peak period and this will have a negligible impact on the highway network. The application therefore accords with policy CS9 of the Core Strategy.

Design and Residential amenity

7.8 The density of the development at approximately 26 dwellings per hectare is acceptable and in keeping with the surrounding area. The scheme provides a strong visual frontage onto Malton Way with all of the houses fronting onto this road. The proposed layout integrates with existing areas well, provides attractive, active, well defined and enclosed streets and spaces in a legible layout. Boundaries are generally well defined with robust materials or landscape to the fronts. Whilst the scheme is not particularly distinctive and does not try to replicate neighbouring residential areas, the form, scale and detailing of properties will be sympathetic to the area. Landscaping will be provided along the boundary with the employment units on Malton Way to soften the transition between residential and employment uses and to provide an improved visual frontage. A full landscaping scheme is to be secured by suitable planning conditions. The materials to be used will tie in with the materials being used for the phase 1 development to the south. The scheme has been designed to ensure that there will be no loss of amenity from overlooking or overshadowing to the properties being built on the southern boundary because the minimum separation distances are maintained. The application therefore accords with policy CS14 of the Core Strategy.

Noise

7.9 A Noise Assessment has been submitted with the application. This identifies that the ambient noise climate throughout the application site is due to road traffic noise from the A638 Great North Road to the east and (to a lesser extent) from the A1 (M) Motorway, approximately half a kilometre to the west. The ambient noise climate was also influenced by vehicles in and out of the McDonald's restaurant car park. To overcome the noise issues, a scheme of sound attenuating works is proposed to include an acoustic fence along the rear gardens of those houses backing onto the Great North Road and McDonald's car park and enhanced glazing to reduce noise levels to an acceptable level. The application therefore accords with the guidance set out in the NPPF.

Planning Obligations

7.10 Policy CS12 of the Core Strategy requires 26 per cent affordable housing and policy RL4 of the Doncaster UDP requires a commuted sum of £83,000 in lieu of open space on site (based on 10 per cent of the residential land value). There is also a requirement for a contribution of £91,485 towards Adwick Outwood Academy to provide for the additional 5 school places that this development will create.

7.11 The applicant submitted a Viability Assessment with the application and this was sent to Adams Integra, which is a consultancy that offers independent advice to the Council on issues such as viability. Adams Integra uses the Homes and Communities Agency's Development Appraisal Tool, which is a recognised method of assessing viability and has been used at many inquiries where viability is an issue and has superseded the Homes and Communities Agency's Economic Appraisal Tool.

7.12 Adams Integra is of the opinion that the scheme could support a total contribution of £188,089, whilst still making the scheme viable. Given that there is not enough of a contribution to achieve the three requirements of affordable housing, open space and education, a meeting took place with local ward members to agree on where the priority lies for this area. Ward Members agreed that all of the required funding of £91,485 should go to Outwood Academy as a priority because of the fact that there is no capacity at the school. Ward Members also decided that the remaining funding of £96,604 should be put towards off-site affordable housing (equivalent of roughly 3 units, which would equate to 10 per cent of the total units on this site). A contribution of £150,000 was given to Adwick Park as part of the 1st phase development (85 houses) and so Ward members did not feel that a contribution towards open space was necessary as part of this application. There is no requirement for an overage/claw back clause in this case given that the development is only for 31 dwellings and is not intended to be phased.

8.0 Summary

8.1 The development proposals represent a significant opportunity to regenerate this disused site which has lain vacant for over 20 years and has no realistic prospects of coming forward for employment development in the future. The site is suitable for housing and will help the Council to achieve its housing targets. All planning issues have been resolved and it is therefore recommended that planning permission be granted.

9.0 Recommendation

9.1 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:

- i) £91,485 towards the provision of school places for Adwick Outwood Academy.
- ii) £96,604 towards the provision of off-site affordable housing provision.

9.2 THE HEAD OF DEVELOPMENT BE AUTHORISED TO ISSUE THE PLANNING PERMISSION UPON COMPLETION OF THE AGREEMENT.

1. 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.

2. 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:

Drawing number BY00051_02_02 Revision J (Site Plan)

Drawing number 08 (Paris house type)

Drawing number 09 (Venice house type)

Drawing number 11 (Oporto house type)

Drawing number Destiny Phase 2_04_01 (Materials Plan)

REASON

To ensure that the development is built in accordance with the approved plans.

3. Before the development commences a detailed hard and soft landscape scheme, including details of boundary treatments, shall be submitted to and approved in writing by the local planning authority. The hard landscape scheme shall provide details of surface materials for all highway areas, footpaths, parking courts, driveways and space around dwellings. The soft landscape scheme should provide details of species, nursery stock specification for all plant material in compliance with the Horticultural Trades Association National Plant Specification, siting, planting distances, details of tree pit design with adequate soil volume, staking/guying for all trees, a detailed management plan and programme of implementation. Thereafter the scheme shall be implemented and maintained in accordance with the approved scheme. Any tree or shrub planted as part of the scheme which is removed or severely damaged or is found to be dying or seriously diseased within five years of planting shall be replaced within the next available planting season with a tree or shrub as specified in the approved scheme.

REASON

To ensure that a landscape/planting scheme is submitted and implemented in the interests of amenity and in compliance with core strategy policy CS16: valuing our landscape.

4. The scheme of landscaping approved in accordance with condition 3 shall be implemented in full accordance with the approved details and programme of implementation. The local planning authority shall be notified at each stage of implementation to visit the site and approve the implementation and prior to the backfilling and planting of any engineered tree pit to approve setting out and rooting material. Thereafter the landscape scheme shall be maintained in accordance with the approved management plan. Any tree or shrub planted as part of the scheme that is removed or is found to be dying, diseased or seriously damaged within five years of practical completion of the planting works shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

To ensure that a landscape/planting scheme is implemented and established in the interests of environmental quality and in compliance with core strategy policy CS16: valuing our natural environment.

5. Prior to the commencement of the development hereby granted a scheme for the protection of all retained trees that complies with clause 6.2 of British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority. Tree protection shall be implemented on site in accordance with the approved details and the local planning authority notified of implementation to approve the setting out of the tree protection scheme before any equipment, machinery or materials have been brought on to site for the purposes of the development. Thereafter, all tree protection shall be maintained in full accordance with the approved details until all equipment, machinery and surplus materials have been removed from the site, unless the local planning authority gives its written approval to any variation. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

REASON

To ensure that all trees are protected from damage during construction in accordance with core strategy policy CS16: Valuing our natural environment.

6. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

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

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

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

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

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

REASON

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

7. Prior to the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented prior to the first occupation of the site or in an alternative timescale to be approved in writing with the local planning authority:
- The inclusion of 4 bat roosting features on buildings on site.
 - The inclusion of 4 bird boxes on buildings on the site.

REASON

To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16.

8. Prior to the occupation of any residential units on site, details of the arrangements for the maintenance of any shared areas within the development shall be submitted to and approved in writing by the Local Planning Authority. The shared amenity areas shall be maintained in perpetuity in accordance with the approved scheme, unless alternative arrangements have first been agreed with the Local Planning Authority.

REASON

To ensure that the appearance of the development is satisfactory.

9. The development hereby approved shall be carried out in accordance with the mitigation measures set out in the report entitled 'Control of dust and noise during construction.'

REASON

To ensure that the construction of the development does not impact on the amenity of surrounding properties.

10. The development hereby approved shall be carried out in accordance with the scheme of sound insulation in table 5.1 in the noise report by Environmental Noise Solutions Limited dated 23rd May 2017.

REASON

To ensure that an acceptable level of noise is achieved in the dwellings in accordance with the guidance set out in the NPPF.



Plan 1 Site layout plan.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 22nd August 2017

Application 2

Application Number:	17/01207/FUL	Application Expiry Date:	12th July 2017
----------------------------	--------------	---------------------------------	----------------

Application Type:	Full Application
--------------------------	------------------

Proposal Description:	Change of use from Community facility to form 7 room hostel at ground floor (C1), 6 bed HiMO (C4) to first floor, and 2 studio apartments to new second floor (C3); with associated works.
------------------------------	--

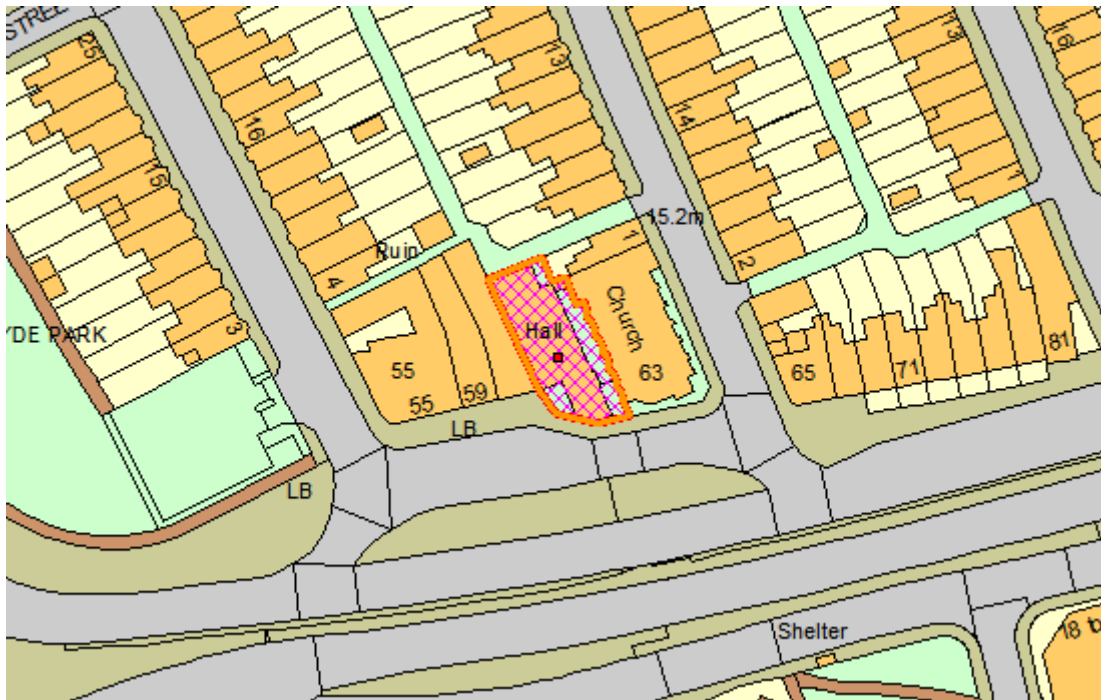
At:	Church Hall 61A Carr House Road Hyde Park Doncaster
------------	---

For:	Mr R Bhatt
-------------	------------

Third Party Reps:	19	Parish:	
		Ward:	Town

Author of Report	Alicia Hunston
-------------------------	----------------

MAIN RECOMMENDATION:	Refuse
-----------------------------	--------



1.0 Reason for Report

1.1 This application is presented to planning committee given the significant amount of public interest shown both for and against the application.

1.2 This application was also called into planning committee by Cllr David Shaw, if the recommendation was for approval.

2.0 Proposal and Background

2.1 The applicant is seeking consent for the change of use of a privately owned community facility to form a no.7 bedroom hostel style accommodation for short terms lets (C1) at ground floor; no.3 bed HMO (C4) at second floor; and no. 2 studio apartments (C3) at second floor.

2.2 During the processing of the application further information has been submitted in relation to the type of C1 use being proposed at ground floor and parking arrangements for the proposed uses.

2.3 The building is located on Carr House Road, on a row of buildings occupied mainly by commercial uses, which act as a local services area. The building is next to a Methodist Church and a local shop and takeaway; the site is surrounded by residential properties to the side and rear.

2.4 The building is constructed of red brick and has what appears to be a slate roof; there are windows on all elevations and the rear is accessed via an alley way on Cunningham Road. The building was originally the church hall to the Methodist Church, however it's most recent use is by the Doncaster Ethnic Minority Regeneration Partnership.

2.5 The site is allocated with the Residential Policy Area, as defined in the Unitary Development Plan 1998.

3.0 Relevant Planning History

3.1 08/01946/FUL: Erection of first floor pitched roof extension to the rear. Application granted.

3.2 09/02938/FUL: Erection of first floor extension to form crèche. Application Granted.

3.3 11/02449/FUL: Erection of single storey extension to front of the property to include installation of ramp. Application Granted.

4.0 Representations

4.1 This application has been advertised via neighbour notification letters and site notice; 22 representations have been received, 19 objections and 2 in support. Two of the representations received are petitions; the support petition has 58 signatures and the objection petition has 159 signatures.

4.2 The objectors raise the following comments:

- Area already has issues of anti-social behaviour and large amount of homelessness; this proposal would exacerbate this.
- Occupants could gain access to the back gardens of the houses on Cunningham Road and Jarratt Street.
- Would worsen traffic problems in the area and the occupiers would park on the surrounding streets.
- Would create overcrowding.
- No room for bins or any outside space.
- Attract 'unsavoury' characters.
- Already similar facilities in the area.
- Would result in the loss of a community facility.
- Would have a negative impact on the safety of the area.
- Would have a detrimental impact on the community.
- Reduce property values in the area.

4.3 The supporters raise the following comments:

- Provide much needed housing for both single persons and families.
- Provide high quality accommodation.

4.4 It should be noted that comments received from the neighbouring residents about property devaluation and concerns of whom might occupy the building cannot be taken into consideration as these are not material planning considerations.

5.0 Relevant Consultations

5.1 Highways - Objects to the application on the grounds that no off street parking can be provided. The on street parking provision in the area is already at capacity. The agent submitted further information to try and overcome this objection by providing parking at the 'fish bits' car park, but this was not considered appropriate by the Council's Highways Officer as there would be no future proofing or element of control.

5.2 Design - Objects to the application as it would result in poor quality housing environment.

5.3 South Yorkshire Police - No objections but outlines that the building should follow the secure by design principles.

5.4 South Yorkshire Fire and Rescue - No objections providing the proposal is built in accordance with Approved Document B, Volume 2, and Part B5.

5.5 Environmental Health - No objections subject to conditions relating to the proposal being built in accordance with approved document E and a condition relating to the provision and storage of waste; as well an hours of construction condition.

6.0 Relevant Policy and Strategic Context

6.1 Doncaster Council's Core Strategy

Policy CS1 - Location of development

Policy CS14 - Design and Sustainable Construction.

6.2 Saved Doncaster Unitary Development Plan

PH11 - Residential Uses

ENV54- Extensions and alterations to existing buildings

PH 12 - Non Residential Uses in Residential Policy Areas.

7.0 Planning Issues and Discussion

Principle of Development

7.1 The proposal is to change the use of a community building (D1) into a mixed use building; the ground floor as a 7 bed C1 (Hotel) use, first floor as 7 bed House of Multiple Occupancy, and the second floor is proposed to be utilised as 2 apartments.

7.2 The area is designated Residential Policy Area, therefore the principle of the upper floor residential uses is acceptable; however, the main concern with this application is the constrained nature of the site, lack of outlook for the inhabitants leading to poor residential environment and aggravating highway amenity by a lack of parking in the area.

7.3 The principle of the ground floor C1 use is acceptable as UDP Policy PH 12 allows for non-residential uses within Residential Policy Areas, providing they are of an appropriate scale and do not cause a loss of residential amenity through traffic and noise. Whilst being on the periphery of the town centre, the size of the C1 use will not cause significant harm to the vitality and viability of the town centre.

7.4 In addition, whilst the redevelopment of the site will lead to the loss of a privately owned community facility, no evidence has been submitted with the application to justify the loss of the facility, nor attempts to find a suitable alternative community use. Had the application been progressing to a more positive conclusion (on design and highway grounds), then this detail would have to be necessary and officers would have to be satisfied that the loss would not negatively impact on the amount of community resources in the local area.

Residential Amenity

7.5 Saved UDP policy PH 11 states that development for housing will normally be permitted except where; (b) the effect of the development on the amenities of occupiers of nearby properties would be unacceptable.

7.6 Policy CS14 also states that proposals should not create unacceptable negative effects upon the amenity of neighbouring land and that new development should be robustly designed, works functionally, is attractive, and will make a positive contribution.

7.7 CS14 of the Doncaster Core Strategy discusses the components of good design (form, layout, density) and saved policy PH11 of the Doncaster Unitary Development Plan 1998 states that residential developments should be rejected if "the development would be at a density or of a form which would...result in an over intensive development of the site".

7.8 The National Planning Policy Framework (Para 17) states that to achieve sustainable development, one of the core planning principles is to "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of the land and buildings".

7.9 The proposed C1 use at the ground floor would create a housing environment of short term stays, with communal kitchen and living spaces and no. 7 ensuite rooms. The ensuite room no.2 as shown on the plan does not have any outlook given its external wall is attached to the neighbouring unit, the windows in this room would externally look out onto the bin store. The remaining ensuite rooms minus bedroom 1, would have a small window in each which would either have an outlook of the rear alleyway or a brick wall of the neighbouring church; approximately 2.5m away. This would result in the high occupancy rooms, having little to no natural light and would result in a poor quality housing environment for these short term let residents.

7.10 The same can be said for the no.7 bed HMO which is proposed at the first floor. This would be accessed through the same entrance as the C1 use at ground floor. Bedrooms 12 and 13 (as outlined on the floor plan) would have an outlook of the rear alleyway and would overlook the rear amenity spaces of those properties located on Cunningham Road. Bedrooms 9 and 10 would have an outlook of the brick wall of the church; and bedroom 11 would have no outlook at all with just roof lights to provide the natural light to the room. Again the communal areas would have no natural light, which is the same as on the ground floor. The proposed rooms are small in proportion, the rooms would be poorly lit given the close proximity to neighbouring buildings and the internal partitions, and there is no provision of any storage for the residents; resulting in a sub-standard housing environment. This combined with the lack of outlook for the majority of the HMO room's, results in a substandard housing scheme that will be detrimental to the living conditions of future occupiers. Also given the constrained nature of the site nothing can be done to overcome these outlook issues.

7.11 The proposed two apartments on the second floor would only have roof lights to provide natural light to the units; this is considered to be sufficient. However, it would result in apartments that have no outlook. This is considered to be inappropriate and when combined with the size of the apartments result in a poor quality housing environment for the residents of these apartments.

7.12 The proposal is considered to be contrary to the National Planning Policy Framework, Core Strategy Policy CS14, and Unitary Development Plan Policy PH11.

Visual character – external alterations

7.13 The proposed external alterations include the provision of roof lights and the blocking up of some windows on the side and rear elevations; these alterations are considered to be minor and have no impact on the design of the building or the character of the area.

Highways and Parking

7.14 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 requires development to consider highway safety. There are local concerns that the additional traffic and manoeuvring on the private drive would lead to conflict.

7.15 The Highway Officer has assessed the application and considers the proposal to result in road safety concerns. The proposal would increase the intensification of the use of the building and would potentially result in up to a minimum of 16 people using the building (if only single occupancy) with no provision of off street parking. The area is edge of town centre and the building is next to a series of commercial uses; it is therefore considered that the on street parking in the area and on the surrounding residential streets is at capacity, and in fact it's over prescribed. Thus, any further pressure to the on street parking levels in this area would aggravate existing parking problems and be detrimental to the highway safety of the area.

7.16 It should be noted that the agent has tried to overcome the concerns by securing parking in the neighbouring 'Fish bits' car park, but this was not considered appropriate; as it would displace customer parking for the 'Fish Bits' Restaurant and Takeaway and the spaces cannot be secured in the future if a new owner occupies the car park and neighbouring business. The application is considered to be contrary to Policy CS14 of the Core Strategy.

8.0 Summary and Conclusion

8.1 The proposal is considered to constitute poor quality design and would result in a poor quality housing environment for the future residents of this building. The proposal does not include any provision for off street parking, which in this location is of a detriment to the highway safety of the area. The extensive comments received from the neighbouring residents have been noted and taken into consideration for the determination of this application and the recommendation made by officers is reflective of the local communities concerns. The proposal is considered to be contrary to the National Planning Policy Framework, Core Strategy Policy CS14, and Unitary Development Plan Saved Policy PH11. Therefore this application is recommended for refusal.

9.0 RECOMMENDATION

9.1 Planning Permission be REFUSED for the following reason.

01. U54439 The proposed conversion creates a substandard living environment for its future occupiers in terms of outlook and natural light due to the lack of available windows, the position of the internal partitions and the restrictive nature of the site caused by adjacent buildings. The proposed building is intensively used with the rooms within the proposed HMO having no storage and would be small in size resulting in a poor level of housing environment for the future residents. The proposal is considered to be contrary to the NPPF (para 17), Core Strategy Policy CS14, and Unitary Development Plan Policy PH11.

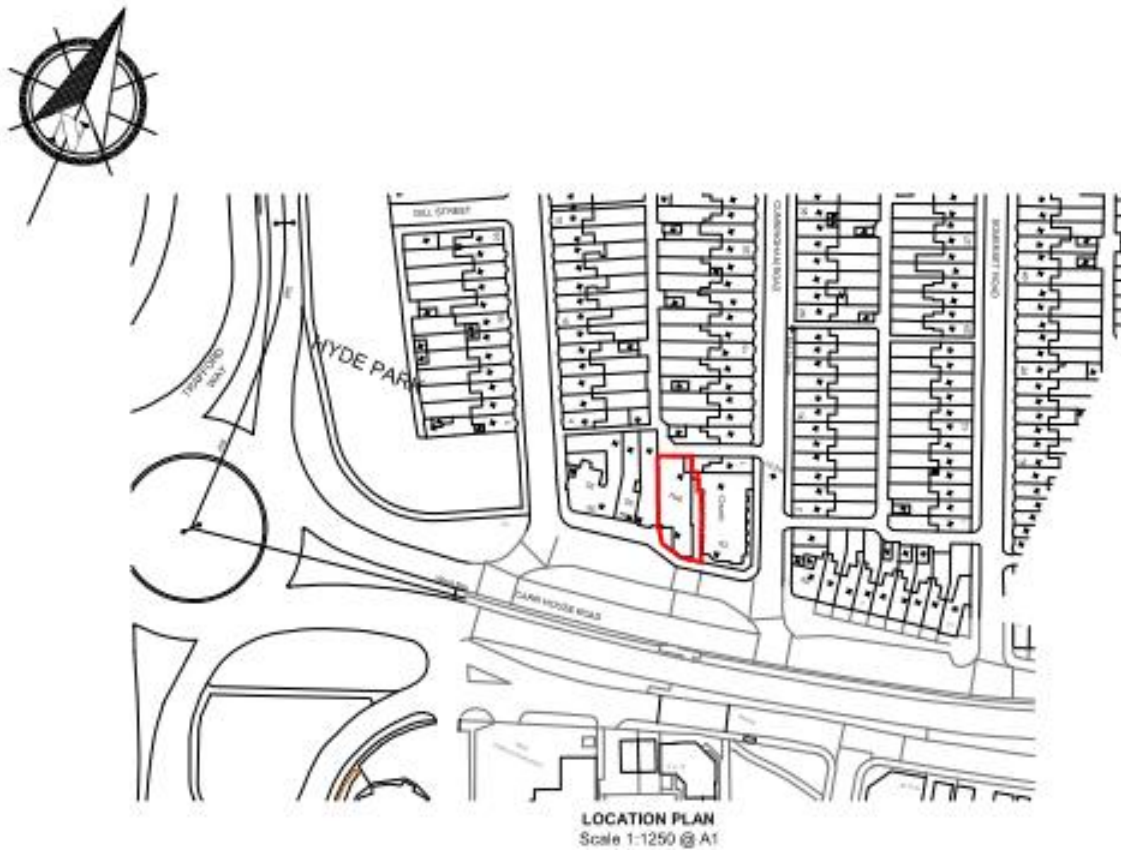
02. U54440

The proposed change of use has no provision for off street parking which would aggravate existing parking problems in the area and lead to such a high level of on street parking as to create a danger to the highway safety of thereby be contrary to Doncaster's Core Strategy Policy CS14 (a3) which seeks to ensure that new developments do not undermine the safety of the highway users.

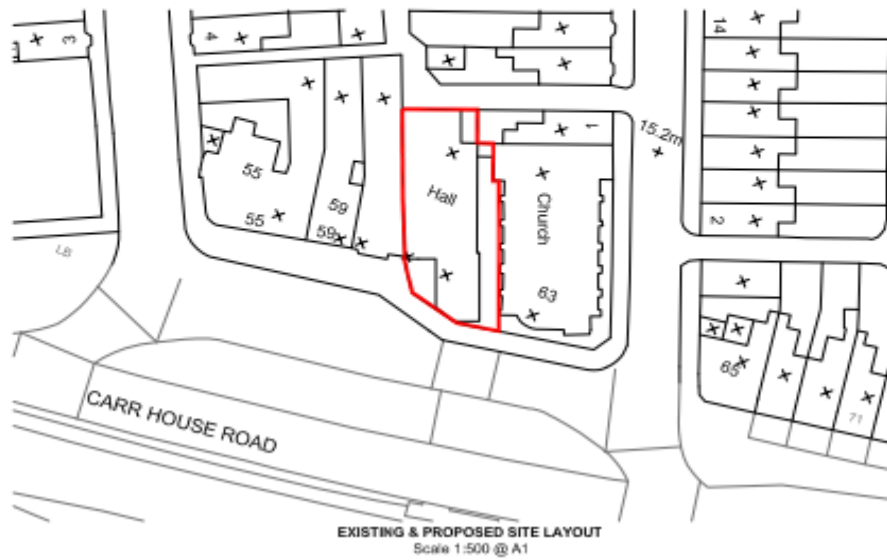
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Appendix 1

Location Plan



Appendix 2
Site Plan

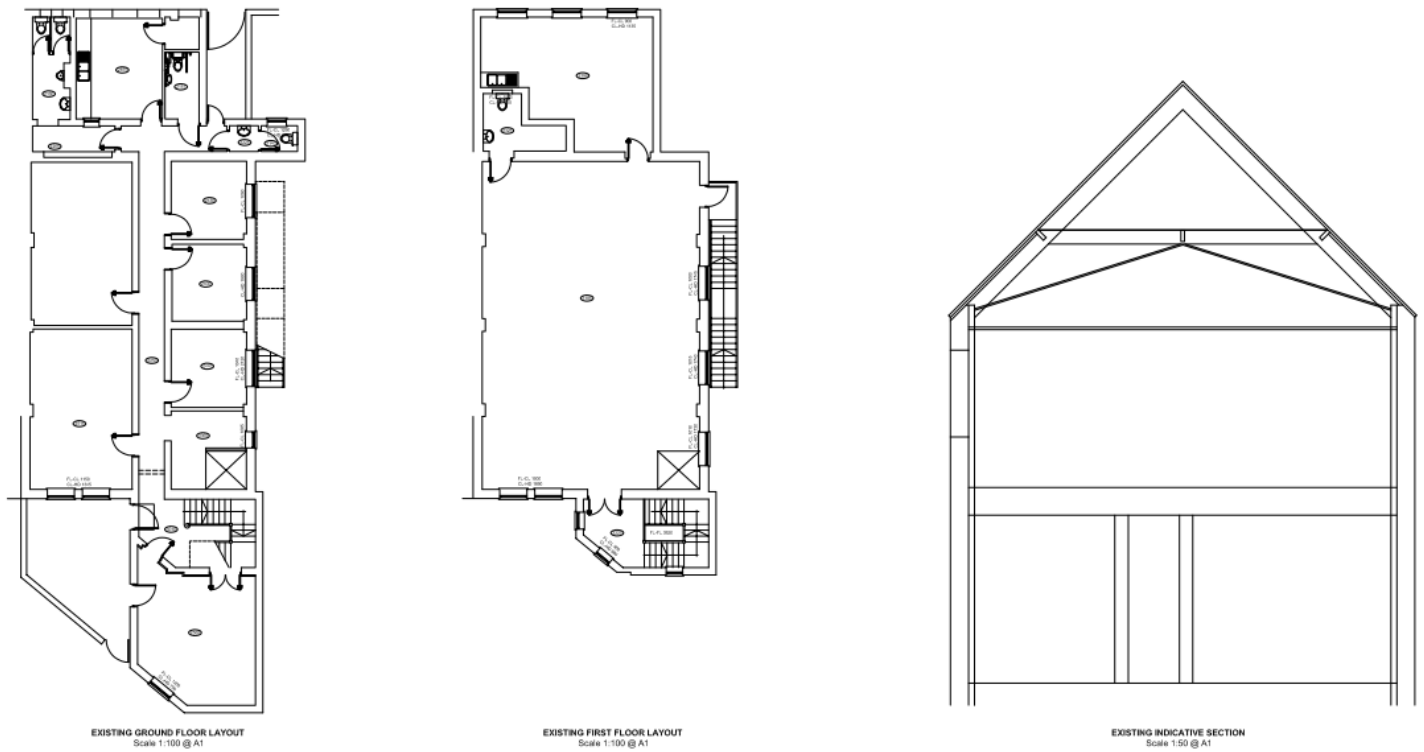


Appendix 3

Existing and Proposed Elevations

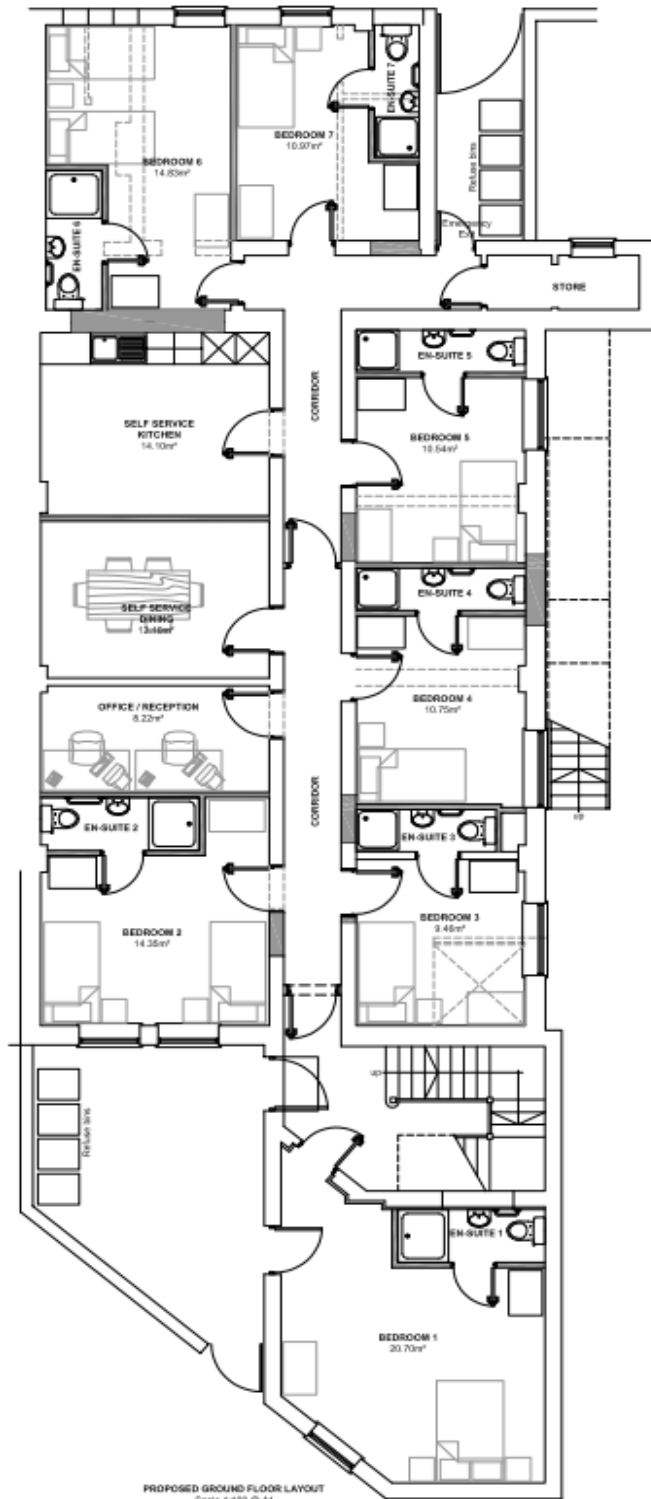


Appendix 4
Existing Floor Plans



Appendix 5

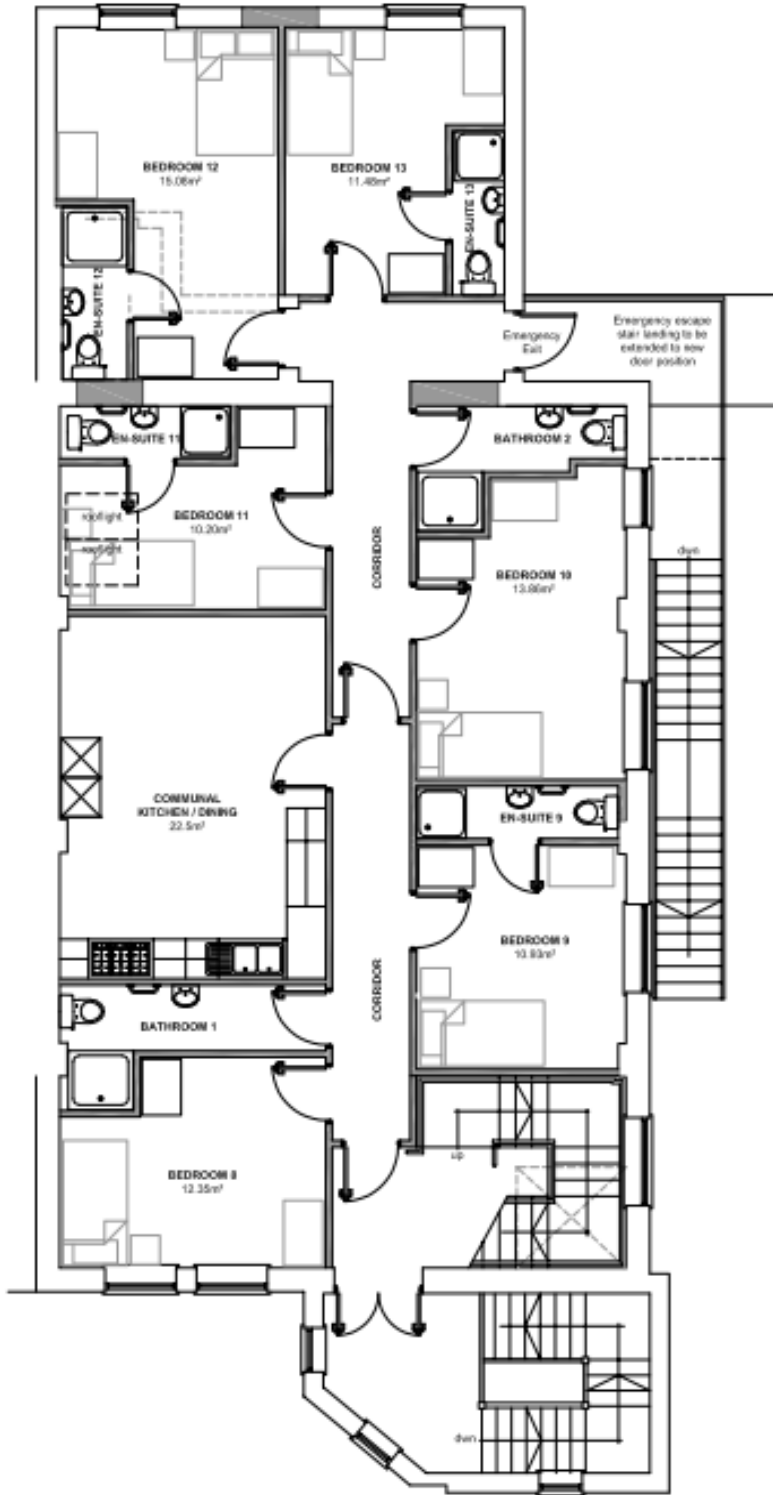
Proposed Ground Floor Layout Plan



PROPOSED GROUND FLOOR LAYOUT
Scale 1:150 @ A1

Appendix 6

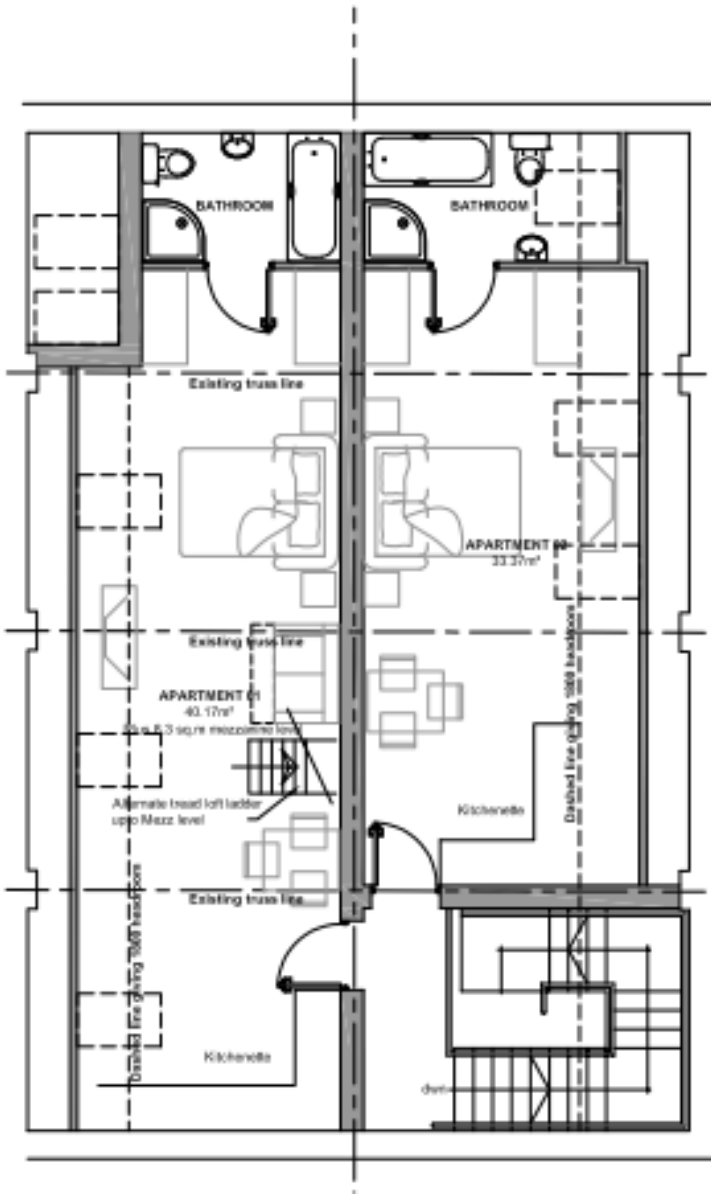
Proposed First Floor Layout Plan



PROPOSED FIRST FLOOR LAYOUT
Scale 1:100 @ A1

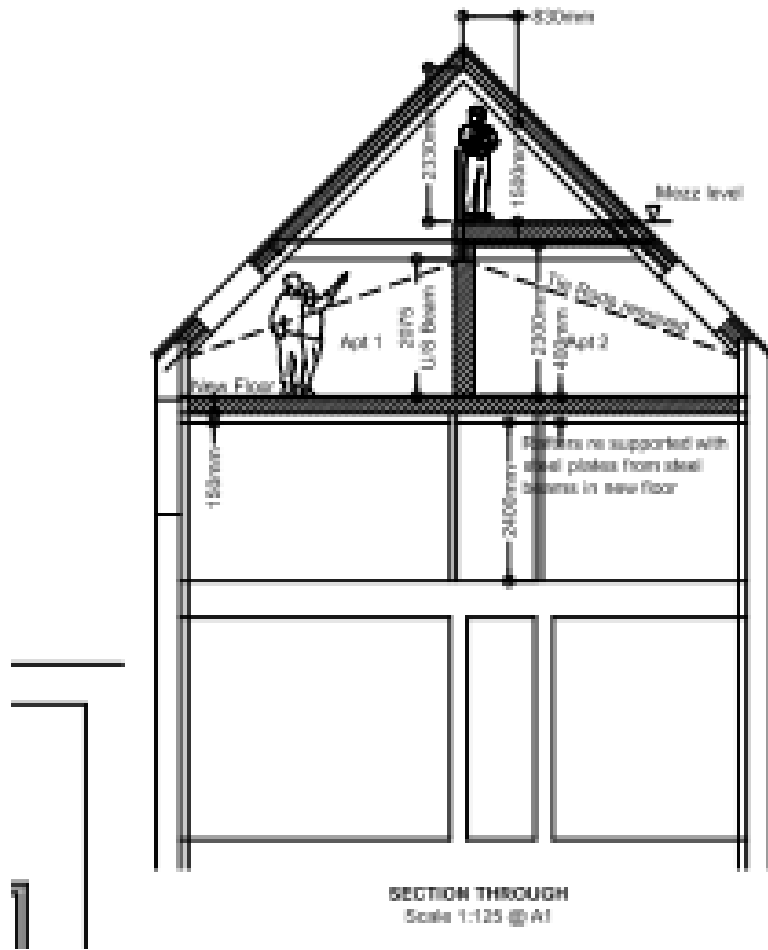
Appendix 7

Proposed Second Floor Layout Plan



PROPOSED SECOND FLOOR LAYOUT
Scale 1:100 @ A1

Appendix 8
Proposed Section



This page is intentionally left blank

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 22 August 2017

Application	3
-------------	---

Application Number:	17/01262/COU	Application Expiry Date:	17th July 2017
---------------------	--------------	--------------------------	----------------

Application Type:	Full Application
-------------------	------------------

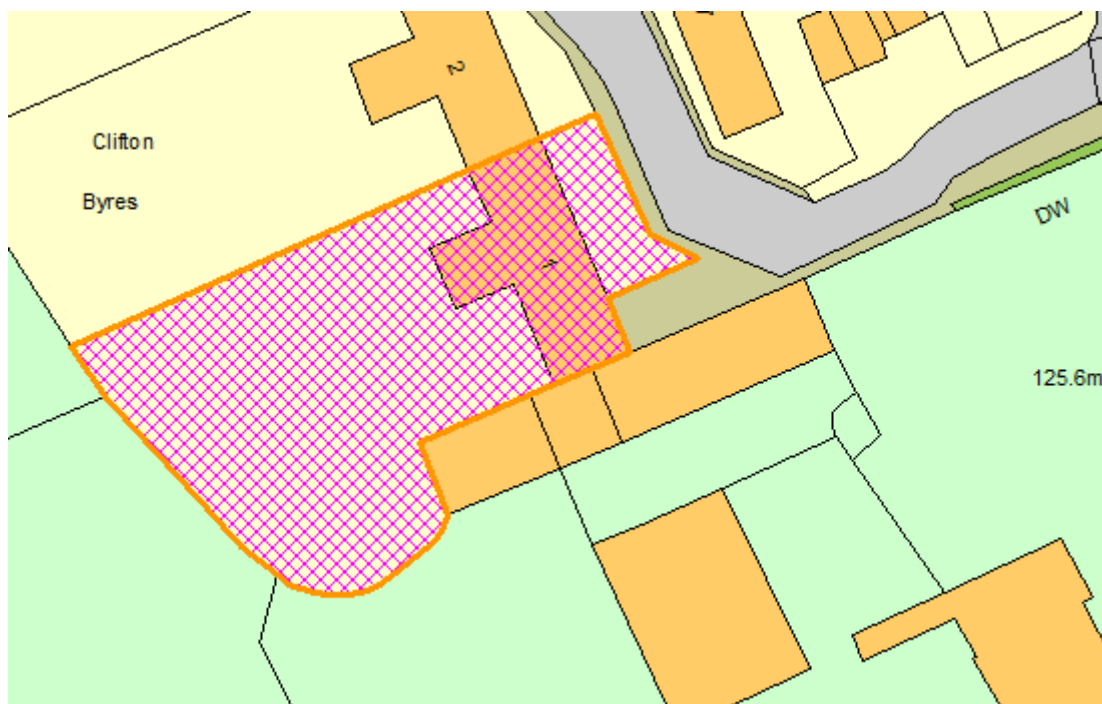
Proposal Description:	Change of use of domestic shed to a dog grooming business.
At:	1 Clifton Byres Clifton Rotherham S66 7RS

For:	Miss Hannah Burkinshaw
------	------------------------

Third Party Reps:	5	Parish:	Conisbrough Parks Parish Council
		Ward:	Conisbrough

Author of Report	Alicia Hunston
------------------	----------------

MAIN RECOMMENDATION:	GRANT
----------------------	-------



1.0 Reason for Report

1.1 The application is being presented to committee due to the significant public interest shown in the application.

2.0 Proposal and Background

2.1 The applicant is seeking consent for the change of use of an existing domestic outbuilding (shed) to be used a Dog Groomers (Sui Generis).

2.2 The groomers would be located within the rear garden of no.1 Clifton Byres, in an existing shed. The shed would be accessed through the main dwelling house but the operational use as a dog groomers would be limited to the shed in the rear garden.

2.3 The site is located within the Residential Policy Area but the rear of the site does partially fall within land allocated as Green Belt as defined by the Doncaster Unitary Development Plan 1998 saved by the Secretary of State September 2007.

3.0 Relevant Planning History

3.1 None

4.0 Representations

4.1 The application has been publicised by sending letters of notification to adjoining neighbours; site notice and press advert for a departure from the development plan. However, as outlined above the majority of the site is within the Residential Policy Area and is therefore not considered to be a departure.

4.2 5 letters of objection have been received; given that the application was re-advertised many residents have commented more than once, but they are considered to be one representation as a whole.

4.3 The concerns registered within the representations are detailed below:

- Loss of security on Clifton Byres as a result of business use in residential area.
- Would set a precedent of running a business in this residential area.
- Would result in an increase in waste at the property.
- Would result in an increased amount of unwanted and unsolicited visitors.
- Increase amount of on street parking as driveways at the site are over-used now. The increased amount of on street parking would result in a restricted access for emergency vehicles.
- The proposal would result in an increased amount of noise generation at the property from the amount of dogs there and the equipment required conducting the business.

- Nothing to prevent the dog owners from dropping off and collecting dogs at the property.
- Shed measurements on plan are inaccurate.
- Covenants on the land restricting businesses from operating at the properties; however covenants are not a material planning consideration, and cannot be taken into consideration when determining planning applications.

N.B The applicant has confirmed the measurements and provided photos of the shed. The shed would be 3m by 2m and they consider it to be suitable to operate this business, the applicant is aware that if a larger structure is required planning permission may be required.

5.0 Parish Council

5.1 The Parish council has objected to the scheme on the grounds of access, parking, noise, trading hours, waste disposal, signage, security and it would result in a business operating on a private residence. The Parish Council also raised that there is covenant on the land restricting businesses being operated on the land.

6.0 Relevant Consultations

6.1 Highways - The proposal can accommodate one dog at a time, presumably on an appointment basis and as such there are no objections from a highway point of view.

6.2 Environmental Health - No objections to the proposed change of use, and no request for conditions.

6.3 Yorkshire Water - No objections have been received.

6.4 Internal Drainage: No comments to make on this application.

6.5 Conservation: The proposed change of use is to an existing outbuilding which does not require external alterations that would affect this character and consequently there is no conservation objection to the application.

7.0 Relevant Policy and Strategic Context

7.1 National Planning Policy Framework

Principle Planning Policy 1 - Building a strong competitive economy

7.2 Doncaster Council's Core Strategy

CS1 - Quality of life

CS14 - Design and sustainable construction

7.3 Saved Doncaster Unitary Development Plan

8.0 Planning Issues and Discussion

Principle of Development

8.1 The site is allocated within the Residential Policy Area and part of the site towards the rear of the site is within the Green Belt; the principle will need to be assessed on both designations.

8.2 Saved Policy ENV3 outlines that only certain types of development would be acceptable dependent on the provision of very special circumstances; the development deemed appropriate is as follows: -

- Agriculture and forestry
- Outdoor sports and outdoor recreation
- Cemeteries and other land uses which preserve the openness of the green belt and which do not conflict with the purposes of including land in it
- Limited infilling in existing villages
- The re-use of existing buildings
- Limited extension, alteration or replacement of existing dwellings/

The entirety of the above are subject to certain limitations but some of the limitation policies are not saved.

8.3 The National Planning Policy Framework outlines that Green Belt boundaries should be clearly defined using physical features that are readily recognisable and likely to be permanent. It is clear that when the Unitary Development Plan was adopted that the site was likely used for agricultural purposes and the land to the rear of the former barn was likely to be open fields. However during the plan period (which has been extended), the former barns have been converted and the rear of the barns have now become residential amenity areas with all the associated facilities and equipment; including boundary fences. It is therefore considered that the openness of the land to outline the Green Belt clearly has been lost.

8.4 The NPPF also outlines that defined villages should only be included within the Green Belt boundary if the village itself contributes to the Green Belt; which arguably this doesn't as the hamlet is dense and the remainder of the settlement is not included within Green Belt boundary. Therefore this indefensible boundary of the Green Belt is considered to be a very special circumstance and the proposed operation of dog groomers at this address is considered to be appropriate development in terms of Green Belt. Given the proposal does not include the erection of any new buildings and is within the defined residential curtilage; the openness of the Green Belt is not impacted upon.

8.5 Given that part of the site lies within the Residential Policy Area, it is also considered necessary to assess the proposal under policy PH12 of the UDP, which outlines the following: Saved Policy PH12 states that within the Residential Policy Areas the establishment or extension of non-residential uses of appropriate scale will be permitted provided the use would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness; which will be discussed in more detail below.

Highways and Parking

8.6 The comments received from the neighbouring residents in relation to parking, emergency vehicle access and impact to wider road network of Clifton are noted.

8.7 However, having consulted with Highways Development Control, it has been stated that there are no objections to the application from a highways perspective given the proposal is significantly low key and will not have any adverse impact on the adjoining highway. The highways officer has suggested that the site can accommodate one customer at a time; which is what the applicant wishes to operate under. It is also the intention of the applicant to collect and deliver the dogs for grooming from her clients in her own vehicle, meaning no increase pressure for parking and turning within the residential setting. This lack of customer interaction at the premises is also secured by condition. It is therefore considered that the proposal would not result in a detrimental impact on pedestrian or highways safety; in accordance with Saved Policy PH12 of the UDP and Core Strategy Policy CS14.

Residential Amenity

8.8 Policy CS1 of the Core Strategy supports the provision of flexible working practices and Policy PH12 of the UDP allows non-residential uses near housing 'provided the use would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.'

8.9 The requirement as to whether planning permission is necessary for working at home is a matter of fact and degree. On many occasions grooming dogs at a residential property can be conducted without needing planning permission. The Local Planning Authority frequently advises that up to 14 dogs a week would constitute an ancillary use of the premises and would not require planning consent; it should be noted this assessed on a case by case basis.

8.10 In this case, the applicant would be the sole employee; the shed would be converted solely for a business use but there could be space for additional storage for tools etc. The groomers would operate Mon-Fri 09:00 to 17:00 and Saturday 10:00 to 16:00; 3-4 days a week within those hours. Meaning most likely the amount of customers would not exceed 14 dogs week; thus in normal circumstances this would constitute permitted development, as the operation is so minor it would not alter the main use of the site as a residential dwelling and associated residential curtilage.

8.11 Members should note that whilst the proposal could be considered to be permitted development given the number of clients proposed each week. The benefit of this application is that we can implement elements of control i.e. the opening hours and the amount of clients at the site at any one time. If this application is refused by members it is likely that a dog grooming business could still operate at the dwelling, providing the number of dogs is limited to 14 a week.

8.12 The comments received from the neighbouring residents are noted and have been taken into consideration when assessing this aspect of the application.

8.13 Access to the grooming shed would be from the main access door of the dwelling and or the garages which lead to the rear amenity area. Parking is provided at two driveways which can accommodate the existing vehicles at the site, as no customers would visit the site as the applicant is offering a pick up and drop off service to reduce the number of vehicles coming to the site. The main source of noise generation would be from the equipment and potential of barking dogs. All activity would be internal within the outbuilding.

8.14 It is estimated by the applicant that 2 to 3 dogs would be groomed at the site on anyone day and given the business would be on a part time basis it is unlikely that this would be every day of the week. The parlour would have 1 grooming table and bath, with one crate area for when the dog is waiting to be groomed or dropped off at their home; given the restrictive size of the outbuilding it is not considered that the business could operate on a greater scale than proposed.

8.15 The Council's Environmental Health Department have reviewed the submitted information and the proposal and do not wish to make any objections to the application. It is considered that the use is minor and therefore has a minor impact in terms of noise generation and the amount of waste that would be generated would also be minor. The Environmental Health Officer also does not wish to include any conditions to this decision. However, in order to mitigate any minor impact that may be generated by the operation of this use, conditions are suggested to restrict the hours of operation, the prevention of customers visiting the site. These conditions have been agreed by the applicant who wishes to ensure that the living conditions of neighbouring residents are maintained.

8.16 The neighbouring residents have raised concerns relating to additional visitors to Clifton Byres which may raise security issues. These concerns are alleviated by the applicant operating a collection and drop off service meaning no customers visiting the site.

8.17 The applicant is also willing to except a temporary consent for a 12 month period, in order for the use to be monitored to ensure that there is no impact to the neighbours. However for the reasons described above the use is recommended on a permanent basis.

8.18 It is considered that the proposal is unlikely to materially affect neighbouring properties due to the intensity of the use and the proposed hours of operation. It is therefore considered that the proposal would not result in an increase of noise, traffic, waste, or smells. The proposal is considered to be in accordance with Policy PH12.

Visual Amenity and Impact to the Conservation Area

8.19 The application site is located on the edge of Clifton Conservation Area. The application site is part of a range of modern bungalow development in linear form and constructed of limestone and pantile to reflect this character.

8.20 The proposed change of use is to an existing outbuilding and would not alter the character of the Conservation Area. Given the limited movements to and from the site by the applicant, it is not considered the proposal would materially affect the character of surrounding Conservation Area.

9.0 Summary and Conclusion

9.1 The proposal is for a very low key non-residential use within an area designated as both Residential Policy Area and Green Belt. The use is not considered to have any wider impact on the character of the Green Belt, residential setting or adjacent Conservation Area. Whilst the proposal would normally be regarded as permitted development the full application has been applied for and must be determined. The limitations suggested within the conditions will ensure the use is of a scale that will not cause harm to the living conditions of neighbouring occupiers and highway safety. It is for the aforementioned reasons that the application is recommended accordingly.

10. Recommendation

Grant Planning Permission subject to the following conditions.

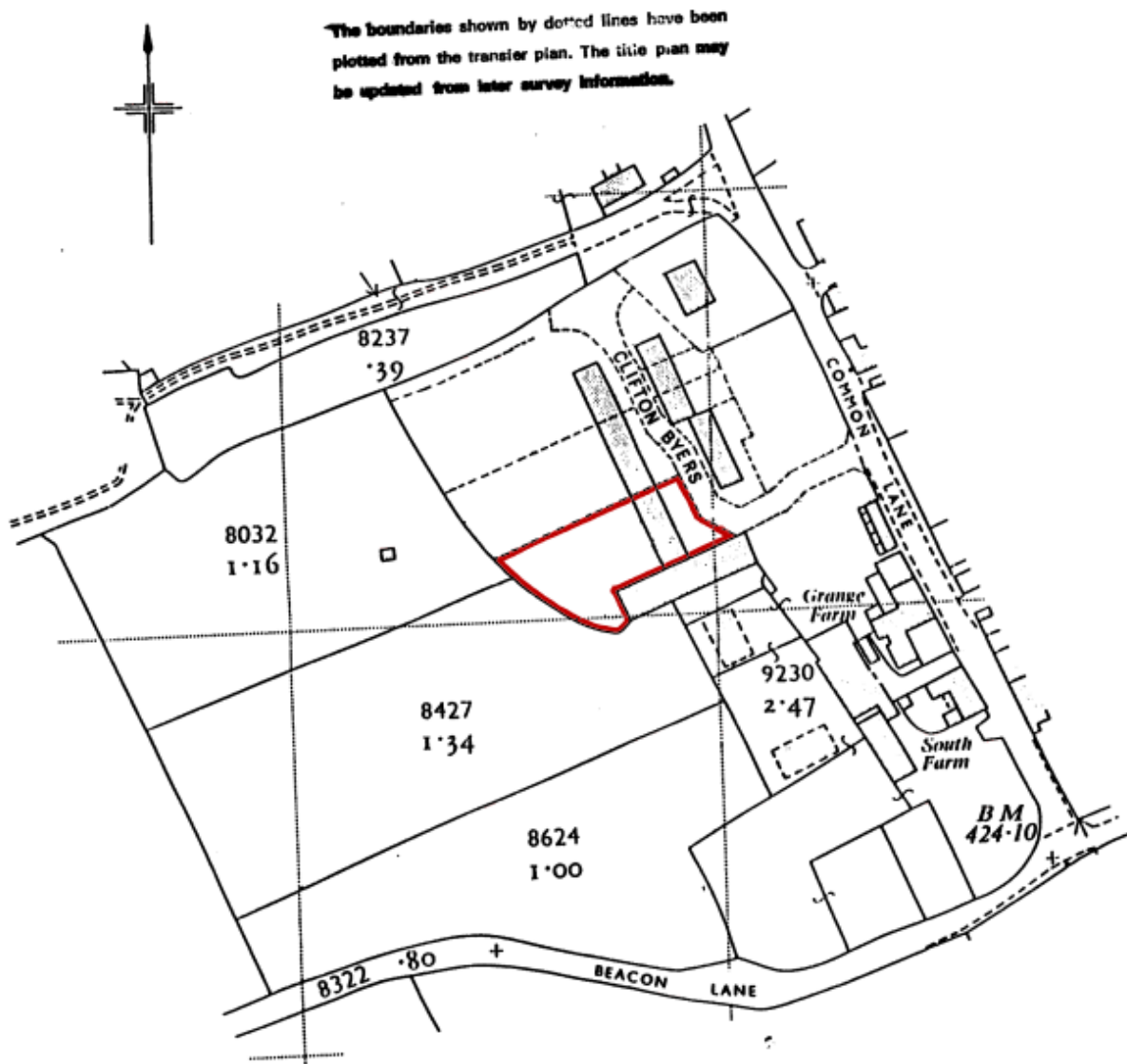
01. STAT1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. The development hereby permitted 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:
Existing and Proposed Floor Plans dated 22nd May 2017
Location Plan dated 17th May 2017
Supporting Letter dated 28th June 2017
REASON
To ensure that the development is carried out in accordance with the application as approved.

03. The hours of opening shall be limited to: Mondays to Fridays 09:00-17:00 and Saturdays 10:00 - 16:00 hours and not at all Sundays or Bank Holidays; the use shall not operate more than 4 days a week within the remit of the hours outlined.
REASON
To ensure that the development does not prejudice the local amenity; in accordance with PH12.
- 04 The planning permission hereby granted shall be exercised by and inure solely for the benefit of Ms H Burkinshaw (the applicant) only; and shall be the sole employee at this site.
REASON
To restrict the use to the needs of the applicant only in the interests of the proper planning of the area and to reflect the applicant's personal circumstances.
05. In accordance with the details provided in writing by the applicant there shall be a maximum of three client appointments per day and no more than 14 per week.
REASON
In the interests of protecting the amenity the amenity of the neighbours, in accordance with Policy PH12 of the Unitary Development Plan.
06. No more than 2 dogs shall be present at the premises for the purpose of the permitted use at any one time.
REASON
To ensure that the development does not prejudice local amenity as required by Policy PH12 of the UDP.
07. No customers shall visit the premises at any time, with all animals being collected and delivered by the applicant.
REASON
In the interests of protecting the amenity the amenity of the neighbours, in accordance with Policy PH12 of the Unitary Development Plan.

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.

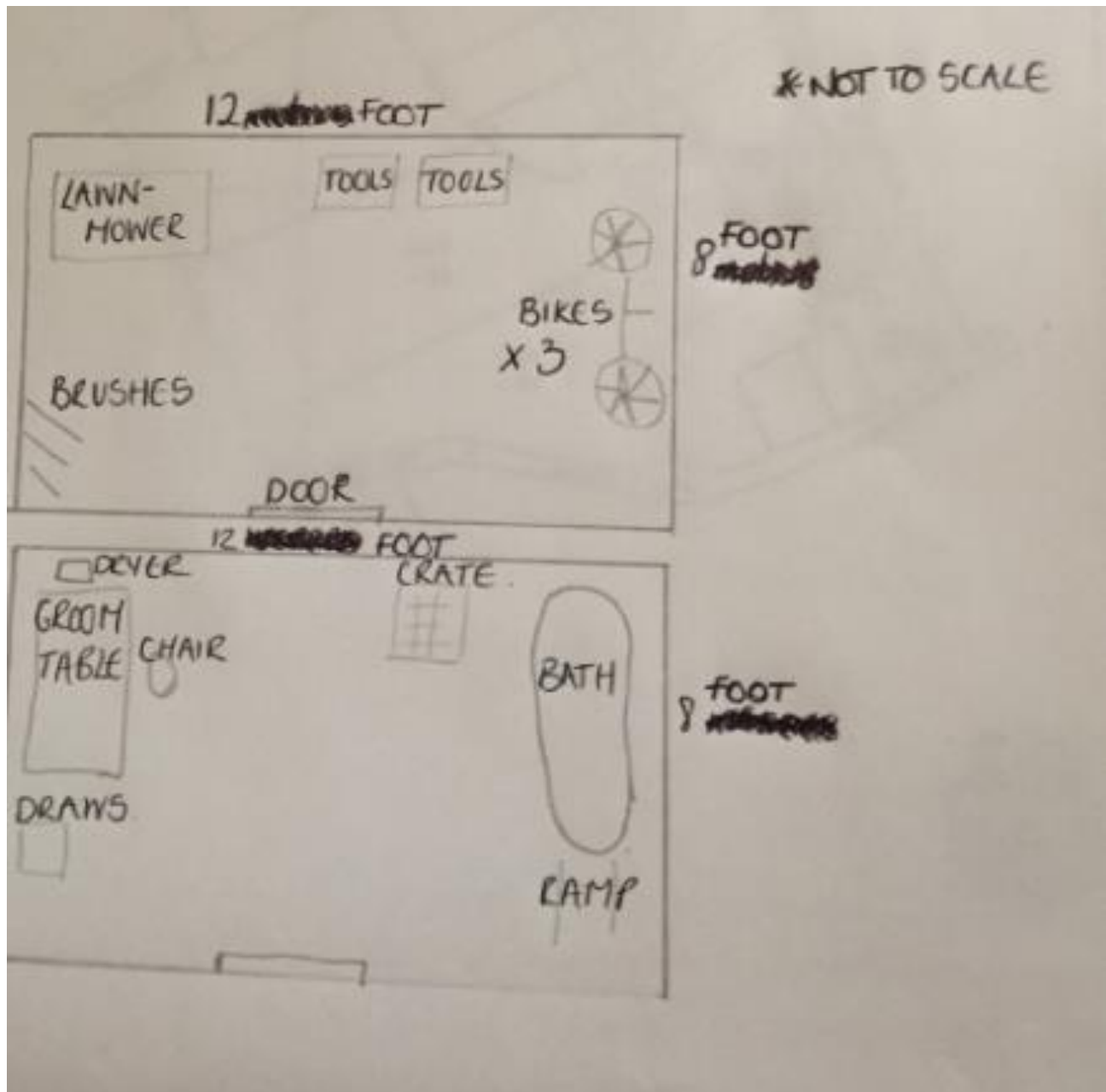
Appendix 1

Location Plan



Appendix 2

Floor Plans



Date: 22 August, 2017

To the Chair and Members of the Planning Committee

APPEAL DECISIONS

EXECUTIVE SUMMARY

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

RECOMMENDATIONS

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

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

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

BACKGROUND

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

OPTIONS CONSIDERED

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

REASONS FOR RECOMMENDED OPTION

6. To make the public aware of these decisions.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

7.

	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
16/01898/FUL	Change of use of garages to form a self contained one bedroom flat. at 3 St Marys Cottages, St Marys Road, Tickhill, Doncaster	Appeal Dismissed 08/08/2017	Tickhill And Wadworth
16/02221/FUL	Erection of detached house with detached garage at Land In Front Of, 12 Cantley Lane, Cantley, Doncaster	Appeal Dismissed 20/07/2017	Bessacarr

REPORT AUTHOR & CONTRIBUTORS

Mrs J Wride
01302 734859

TSI Officer
julia.wride@doncaster.gov.uk

PETER DALE
Director of Regeneration and Environment

This page is intentionally left blank



Appeal Decision

Site visit made on 4 July 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 8th August 2017

Appeal Ref: APP/F4410/W/17/3171859

3 St Mary's Cottages, St. Mary's Road, Tickhill, Doncaster DN11 9JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Roger Smith against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 16/01898/FUL, dated 25 July 2016, was refused by notice dated 20 September 2016.
 - The development proposed is change of use from garages to a one bedroom cottage.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant submitted revised ground floor ('Alternative Ground Floor Plan 2') and front elevation ('Alternative Front Elevation 2') plans with the appeal submission. The Council have commented on these plans in their statement and published the plans on their website, so interested parties were also able to comment. I have therefore dealt with the appeal on the basis of the revised plans.

Main Issue

3. The main issue is whether the proposal would provide acceptable living conditions for future occupiers of the proposal in terms of outlook, privacy, amenity space, and noise and disturbance.

Reasons

4. The appeal property comprises a pair of double garages. There is a residential property above, and within the same building, to the west of the garages, there are a further two residential properties. A small area of decking is provided in front of the shared entrance to the upper floor properties. In front of the property is a driveway access that also serves further properties beyond the site. The driveway is of single car width and is bordered by a stone wall of a height of around 1.5m which runs along the entirety of the site boundary. A bin storage area is found adjacent to the garages. Directly to the rear of the property is a public car park.
5. The proposed habitable room windows, and glazed external doors that would serve the bedroom and lounge/kitchen, would all face directly towards the

stone wall opposite. With the proximity and massing of the wall, it would be visually dominant. The outlook from the proposal would therefore be extremely limited, also having regard to the lack of windows in the other elevations of the habitable rooms. Although the top of the windows would be higher than the wall, this does not account for how the wall would dominate the outlook. No 1 St Mary's Cottages benefits from windows on the elevation facing St Marys Road, as well as facing the wall, and so this is not directly comparable to the proposal.

6. The bedroom and lounge/kitchen windows and doors would contain a significant amount of clear glazing and they would directly abut the driveway. Users of the driveway accessing other properties would be able to look into the appeal property at very close proximity. This would result in an undue lack of privacy for future occupiers. The use of full length blinds would serve only to emphasise the uncomfortable effect on privacy and further add to the poor level of outlook. The use of obscure glazing on the bathroom window would be expected, so this is only a neutral factor. The alterations in glazing on the amended plans do not significantly reduce the loss of privacy because of the similar levels of clear glazing proposed and the proximity to the driveway.
7. There would be no new outdoor amenity space provided and whilst the area of decking would be available, its small size would not provide an appreciable outdoor area. The appellant has offered to make an off-site compensatory contribution for open space, although no details of an agreement that would secure this have been provided, so only very limited weight can be attached to this. The bin storage area is on land which is under control of the appellant and whilst there would be a removal of parking spaces, this does not equate to a loss of amenity space. Although the lack of amenity space equally applies to the existing properties and this would not, on its own, be determinative, it does add to the detrimental effect on the living conditions of the future occupiers caused by a poor outlook and lack of privacy.
8. The rear wall of the property that abuts the car park boundary is a substantial stone construction. Only one small high level window is proposed in the rear wall and it would not serve a habitable room. The effects that would arise from noise and disturbance related to the use of the car park are therefore unlikely to raise significant living conditions concerns.
9. I conclude that the proposal would not provide acceptable living conditions for the future occupiers of the proposal in terms of outlook, privacy, and in combination with these matters, amenity space. It would not therefore comply with Policies CS1 and CS14 of the Doncaster Council Local Development Framework Core Strategy (2012) that seek broadly to protect amenity. I also conclude it would not comply with paragraph 58 of the National Planning Policy Framework because it would not create an attractive and comfortable place to live.

Other Matters

10. The site lies within Tickhill Conservation Area. The significance of this part of the Conservation Area is derived from long linear plots, often containing buildings which extend back, and outbuildings, constructed of stone. The main external alterations relate to the replacement of the garage doors with the doors and windows. The design of the windows largely reflects the existing first floor windows and the design of the doors, with the glazing arrangement,

also seeks to broadly follow the design of the windows. I conclude the proposal would preserve the character and appearance of the Conservation Area, and therefore would comply with the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and similar controls in Conservation Areas provided by policies HE1 and DE6 of the Tickhill Town Council Tickhill Neighbourhood Plan (2016). However, this does not outweigh my conclusion on the main issue identified.

11. I attach limited weight to the Doncaster Local Plan Consultation: Homes and Settlements (March 2016), as it is only at an early stage of preparation, and its approach and content in respect of local housing demand and targets may change before it is adopted.

Conclusion

12. I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR

This page is intentionally left blank



Appeal Decision

Site visit made on 27 June 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 20th July 2017

Appeal Ref: APP/F4410/W/17/3172615

Land in front of 12 Cantley Lane, Cantley, Doncaster DN6 6ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ball against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 16/02221/FUL, dated 4 September 2016, was refused by notice dated 30 November 2016.
 - The development proposed is a detached house with a detached garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance of the Bessacarr Conservation Area, and the effect on the living conditions of the occupiers of 12 Cantley Lane by way of privacy.

Reasons

Character and Appearance

3. The appeal site comprises an area of disused land which forms a site frontage onto Cantley Lane, defined by a low fence and wall. The site is devoid of buildings, although there is a hardstanding area towards the rear of the site which relates to a former complex of garages. The boundaries of the site on each side are formed principally by hedgerows and mature trees.
4. The area is residential in character. On the same side of Cantley Lane properties are predominantly large and set back on spacious plots, with a significant amount of screening afforded by vegetation, so they are not overly prominent. Properties are also set in from the side boundaries of their plots, to add to the spaciousness and overall low density of development. This green and open character is an important unifying constituent of the significance of the Conservation Area.
5. The dwelling, by virtue of its size and positioning well forward of the neighbouring property at No 16 would be markedly prominent when viewed from the streetscene. This would be apparent from in front of the site and when approaching on Cantley Lane, as the road curves that would allow views of the bulky side elevation of the dwelling, before the site is reached. It would

not be significantly diminished by the vegetation of the front garden of No 16 because of the height and bulk of the proposed dwelling. It would thus appear dominant compared to other dwellings in its vicinity, and detract from the prevailing open character.

6. The proximity to the boundary with No 16 would also result in less of a separation distance than is generally found in the Conservation Area, and therefore further detract from the open character of development. The siting of the proposed garage at the back of the plot does not reduce the effects on character caused by the prominence of the dwelling itself.
7. The large footprint of the dwelling and the separate garage would constitute a significant amount of development on the site, and with regard to ratio of garden to development, this would exceed Council guidelines¹. When combined with massing and scale, this would further detract from the established open character.
8. The residential development at No 10 is less prominent because it is positioned further away from the bend on Cantley Lane and as screening is afforded by mature trees. This would not be the case with the proposed dwelling that would appear to be of greater dominance in the streetscene.
9. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of considerable weight and importance. I conclude the proposal would fail to preserve or enhance the character or appearance of the Conservation Area.
10. I also conclude the proposal would also not comply with Policies CS1, CS14 and CS15 of the Doncaster Council Doncaster Local Development Framework Core Strategy (2012) (Core Strategy) and 'Saved' Policies PH11 (a) and ENV25 of the Doncaster Unitary Development Plan (1998) (UDP), which require that development protects and enhances the built environment, contributes to local distinctiveness and not be detrimental to character, and protects, preserves and enhances heritage assets, including the character or appearance of conservation areas.
11. For the purposes of paragraphs 132 to 134 of the National Planning Policy Framework, the proposal would lead to less than substantial harm to the significance of the designated heritage asset. Whilst a dwelling would be provided on disused land that would add to the housing stock, I consider this would be a modest contribution and of a limited public benefit that would not outweigh the harm.

Living Conditions

12. No 12 is found to the rear of the site, and its single storey front elevation is orientated towards the boundary, which is defined by a close boarded fence of a height of approximately 2 metres. A modest sized garden area is found between the front of No 12 and the fence. The front elevation contains a bedroom window, although this is substantially screened from the site by a tree in the garden area. The front elevation also contains a study window which is afforded more unobstructed views of the site. The study contains sofa style seating and a television, and appears to be well used by the occupants as a

¹ Doncaster Metropolitan Borough Council, Residential Backland Development and Infill Development : Supplementary Planning Document (undated).

habitable space. The front of No 12 is afforded a high degree of privacy due to its secluded location, well back from Cantley Lane.

13. The two windows related to the master bedroom of the proposed dwelling would be able to directly overlook over the fence into the front of No 12, towards the study. There would be a significant loss of privacy due to the limited separation distance between the master bedroom and study windows, which is less than the Council's published guidance², and the lack of intervening screening.
14. The appellant has stated a willingness to relocate one of the rear bedroom windows. However, no plans have been submitted that illustrates this and I have therefore determined the appeal on the basis of the plans before me. The bedroom of No 12 would not lose privacy to the same extent due to the screening, and it is evident from the plans that are subject of the appeal that no balcony is proposed. These considerations do not though address the loss of privacy to the study.
15. The appellant also considers there would be less of an impact than is caused by the residential development at No 10 to a property to its rear. However the orientation of these properties to each other is different from the appeal site and No 12.
16. I conclude the proposal would have an unacceptable effect on the living conditions of the occupiers of No 12 by way of loss of privacy, and would therefore not comply with Policy CS14 of the Core Strategy and Policy PH11(b) of the UDP which require that there are no unacceptable negative effects upon the amenity of neighbouring land uses and that the effect on the occupiers of nearby properties should be acceptable.
17. I also conclude the proposal would not comply with one of the planning principles in paragraph 17 of the National Planning Policy Framework because it would not secure a good standard of amenity for all existing and future occupiers of land and buildings.

Other Matters

18. I note that a previous scheme for a dwelling on the site has been approved by the Council (Ref: 15/00411/FUL) and this represents a clear fallback. However, the approved scheme has a frontage that is part two-storey, and part single storey, so it would have less of a harmful impact on the prevailing open character of the conservation area than the massing of the full two-storey frontage the proposal before me would present. In living conditions terms, the window arrangement in the approved scheme would take much better account of the privacy of occupiers of No 12. On that overall basis, the approved scheme does not justify permitting the proposal before me.

Conclusion

19. The dwelling would fail to preserve or enhance the character or appearance of the Conservation Area, and would cause less than substantial harm to the significance of the designated asset that is not outweighed by the public

² Doncaster Metropolitan Borough Council, Doncaster Council Development Guidance and Requirements : Supplementary Planning Document (2015) and Residential Backland Development and Infill Development : Supplementary Planning Document (undated).

benefits. The dwelling would also have an unacceptable effect on the living conditions of the occupiers of No 12 by way of loss of privacy. Accordingly, I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR

**To the Chair and Members of the
PLANNING COMMITTEE**

Attero HGV Park Planning Application – Position Statement

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Bill Modue and Cllr Chris McGuinness	Rossington	No

EXECUTIVE SUMMARY

1. The purpose of this report is to update Members of the Planning Committee on the consideration of the temporary Attero HGV Park under Planning Reference 16/02386/COUM. Members will recall that the application was deferred for a site visit at the 30th May 2017 Planning Committee meeting. The site visit was subsequently carried out by the Planning Committee on 22nd June 2017.
2. Officers have since conducted a separate visit on 30th June 2017 and identified a potential breach of planning control with the Attero operations having expanded outside of its permitted area.
3. Officers have taken on board comments raised at the previous Committee and sought further legal advice concerning the current actions of Attero and the potential implications for the proposal for an temporary Attero HGV Park. This includes consideration of any intensification in the current use of the site.
4. On 7th August 2017, two Planning Contravention Notices (PCNs) were served on Attero. PCNs allow the Council to formally request and receive information within a specified timescale about any use or operations being carried out on land, and can be used to invite a constructive response about how any suspected breach of planning control may be able to be satisfactorily remedied.
5. The PCN notices seek information relating to the activities taking place on the main Attero site and the surrounding land, together with any association with the temporary Attero HGV Park. A period of monitoring of the site by the Council's Environmental Health and Planning Sections will support this investigation.
6. Officers recognise that a decision on the proposal for a temporary Attero HGV Park must be made as soon as possible. However, it is the opinion of

Officers and concurrent with legal advice that the application cannot be determined without consideration as to whether the current activities taking place at the site is having an impact on the lawful use at the site, particularly in terms of HGV movements. It is imperative therefore that Officers consider the information received as a result of the PCNs as this may affect the overall planning balance when considering the temporary Attero HGV Park application.

EXEMPT REPORT

7. Not exempt.

RECOMMENDATIONS

8. The Planning Committee note the content of the report.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

9. The HGV lorry park application seeks to provide a temporary solution for the off-site parking of HGVs whilst a more appropriate longer term solution is found. Throughout the processing of the application, officers have sought to engage with the local community to fully understand the issues and concerns and have attended a 'drop in day' consultation event, walking tours of the Bankwood Estate and Parish Council meetings. A number of other separate meetings have also taken place with Ward Members, the Parish Council and the Environment Agency (who regulate the main site via the Environmental Permitting regime). Officers are therefore fully aware of the resident's concerns and continue to work with the applicant to address these.
10. In planning terms, the NPPF requires local planning authorities to look for solutions rather than problems, and officers need to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.
11. Whilst the use of the Lorry Park has a wider public benefit by affording an off-road parking solution for HGVs that are visiting the Attero site, it is acknowledged that this means that there is a perceptible change in the character of the immediate area for a number of residents in close proximity.
12. The HGV lorry park remains in operation without the benefit of planning permission or planning control. However, Attero continue to work with the Council's Environmental Health and Planning departments to ensure that any adverse impacts being experienced by residents are reduced until such time as a planning decision is taken.
13. For the Local Planning Authority to make an informed recommendation on the planning application for the HGV lorry park, it is first of all necessary to fully understand the planning status of the main operational site, the immediate surrounding area, and its links with the HGV lorry park. This information will be provided via the PCN's that have been served in conjunction with the Council's own ongoing investigations.

BACKGROUND

14. 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.
15. The waste processing facility has historically been granted planning permission 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 75,000 to 200,000 tonnes per year.
16. In 2015, there were an increasing number of complaints to the Council by local residents over a perceived increase in the number of HGV movements travelling to the Bankwood Lane Estate, together with instances of on-street parking in surrounding streets whilst waiting to gain access to the Attero processing site.
17. In autumn 2015, Attero began operating a lorry park on the application site, at the southern end of Bankwood Lane, stating that a holding area was required in order to prevent HGVs from waiting in the surrounding streets prior to gaining entry to the site. The use is unauthorised and is currently not subject to any planning control.
18. The Council has sought a planning application to regularise the current use for a temporary period and to impose planning controls. During the course of the application, amendments have been made to the application to allow the acceptable access and egress of HGVs from the site and the provision of a management plan which sets out a broad range of environmental controls and restrictions over the use of the site.
19. The application was presented to Planning Committee on 30th May 2017 where it was deferred for a site visit to assess the impacts of the proposed development upon the character of the surrounding area and to neighbouring properties. The site visit was subsequently carried out by the Planning Committee on 22nd June 2017.
20. Officers revisited the site on 30th June 2017 and identified a potential breach of planning control with the Attero operations having expanded outside of its permitted area. Officers observed that excavations were taking place to the existing ground, involving the screening of soil to remove historic waste material that is then able to be sorted into stockpiles for recycling. In addition, separate piles of material were situated on land outside of the permitted area for the Attero site.
21. It is unclear to Officers at this stage whether the use of the lorry park is linked to the activities observed outside of its permitted area or whether it supports the lawful existing use at the Attero Site (i.e. whether the additional processing on the extended site is creating additional HGV movements over and above the historic levels of trip generation associated with the permitted waste transfer station).

22. A further consideration is the extent to which the activities observed may fundamentally change the character of the existing use as a waste transfer station and whether this results in a change of use potentially requiring planning permission.

23. Officers feel that it would be premature to support the necessity for a temporary HGV lorry park until the facts of what is occurring at the site have been fully established. Officers feel issuing PCN's is a proportional approach to establish what breach of planning control may have occurred before deciding what action to take. Legal advice received supports this action.

24. Officers have issued PCN's to Attero on 7th August 2017. A formal response from Attero should be received by no later than the 29th August 2017 and following consideration of this information it would be appropriate to determine the best course of action in relation to these activities and to make a recommendation on the lorry park application (16/02386/COUM).

OPTIONS CONSIDERED

25. None

REASONS FOR RECOMMENDED OPTION

26. None

IMPACT ON THE COUNCIL'S KEY OUTCOMES

27.

	Outcomes	Implications
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Be a strong voice for our veterans</i> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	None
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	<p>The HGV Park remains unauthorised without planning control. However, the Council's Environmental Health and Planning departments continues to work with Attero to ensure that any amenity impacts experienced are mitigated (in terms of HGV movements, hours of operation etc.).</p>

		Environmental Health and Planning Officers continue to monitor the situation.
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Creating Jobs and Housing</i> • <i>Mayoral Priority: Safeguarding our Communities</i> • <i>Mayoral Priority: Bringing down the cost of living</i> 	Officers will continue to seek a development proposal which protect local amenity and would enable higher standards of environmental protection.
	<p>All families thrive.</p> <ul style="list-style-type: none"> • <i>Mayoral Priority: Protecting Doncaster's vital services</i> 	None.
	Council services are modern and value for money.	None.
	Working with our partners we will provide strong leadership and governance.	None.

RISKS AND ASSUMPTIONS

28. The purpose of the PCN's is to allow the local planning authority to acquire factual information about the current use of land, which will then need to be considered in detail before potential actions, risks and assumptions can be presented.

LEGAL IMPLICATIONS

29. As noted within the report, an assessment needs to take place as to whether the current activities taking place at the site are having an impact on the lawful use at the site, particularly in terms of HGV movements before the application for the HGV lorry park can be considered.

A failure to complete or return a PSN within 21 days is an offence, as is providing false or misleading information on the notice.

FINANCIAL IMPLICATIONS

30. None

HUMAN RESOURCES IMPLICATIONS

31. None

TECHNOLOGY IMPLICATIONS

32. None

EQUALITY IMPLICATIONS

33. None

CONSULTATION

34. None

BACKGROUND PAPERS

35. Previous committee report presented to Planning Committee dated 30th May 2017.

REPORT AUTHOR & CONTRIBUTORS

David Richards
01302 734943

david.richards@doncaster.gov.uk

Peter Dale
Director of Regeneration & Environment

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

Document is Restricted

This page is intentionally left blank