

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE – 3<sup>rd</sup> April 2018

<b>Application</b>	<b>3</b>
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<b>Application Number:</b>	17/01813/FUL	<b>Application Expiry Date:</b>	11 <sup>th</sup> September 2017
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<b>Application Type:</b>	Full Planning
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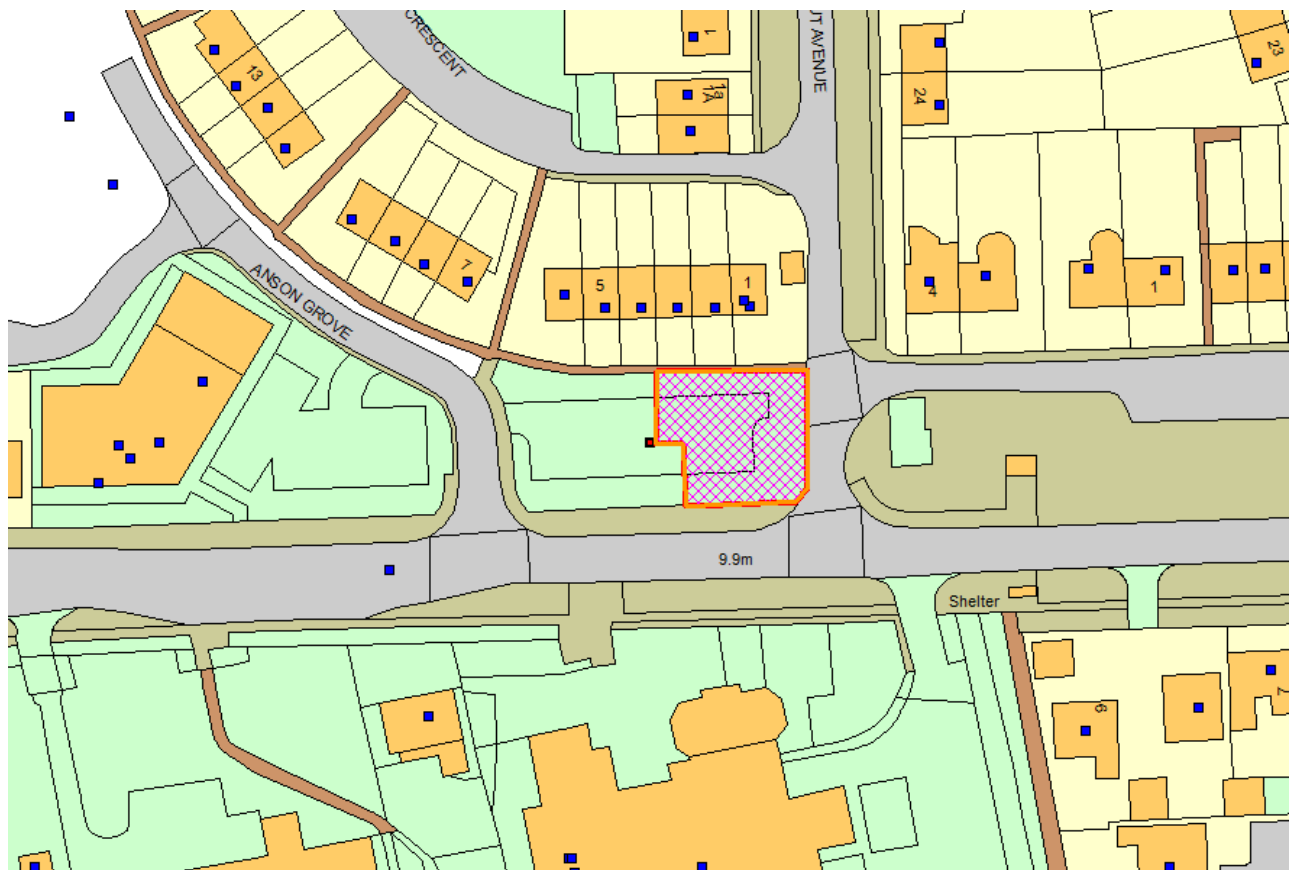
<b>Proposal Description:</b>	Erection of a single storey commercial unit (B1 use class)
<b>At:</b>	Land to North of Hayfield lane and West of Walnut Avenue, Hayfield Lane, Auckley, DN9 3NB

<b>For:</b>	Mr M Murray - Pro-Run Ltd, 3 Lazarus Court, Doncaster
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<b>Third Party Reps:</b>	39 objections	<b>Parish:</b>	Auckley Parish Council
		<b>Ward:</b>	Finningley

<b>Author of Report</b>	Dave Richards
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<b>MAIN RECOMMENDATION:</b>	GRANT
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## **1.0 Reason for Report**

1.1 This application is being presented to planning committee due to the level of public interest.

## **2.0 Proposal and Background**

2.1 The application proposes a single storey commercial office unit (B1 use Class).

2.2 The office unit is a brick and tile building measuring 7.5m in width, 14.3m in depth with a hipped, pitched roof measuring 5.8m to ridge height. The internal layout would be single open plan work area with kitchen and toilet facilities. An access would be formed on to Walnut Avenue to connect with Hayfield Lane.

2.3 The application site currently forms part of the parking area associated with 2 retail units, the larger being a Co-Op food store. Planning Permission 17/02888/FUL has recently been granted which allows the car park layout to be altered to accommodate the proposed building whilst still maintaining the required number of spaces for the retail units.

## **3.0 Relevant Planning History**

3.1 The most relevant applications include:

99/3516/P - Outline application for residential development on approx. 0.70 ha of land. Granted 17.02.2005

07/03029/FULM - Erection of 66 apartments in 3 blocks with associated parking on approx 0.7 ha of land - Granted (section 106 agreement) 01.05.2009

11/00874/FULM - Mixed use development comprising of 14no.semi-detached and detached dwellings and three commercial units (5,176 sqft) on 0.79ha of land – Approved 9.10.2012

14/02374/FULM - Mixed use development comprising of 14no.semi-detached and detached dwellings and three commercial units on 0.79ha of land (application to vary conditions 2, 13, 14 and 15 of planning application 11/00874/FULM, granted on 10/10/2012 - variation of commercial unit layout, opening hours, permitted use and floorspace restriction) – Approved 06.03.2015

17/02888/FUL - Section 73 Application to vary Condition 8 of Planning Permission 11/00874/FULM (alterations to car parking layout) – Approved 18.01.2018. A copy of the approved site plan is shown in appendix 3.

## **4.0 Representations**

4.1 The application has been advertised in accordance with the requirements of the Planning Practice Guidance as follows:

- Any neighbour sharing a boundary with the site has received written notification
- Site notice
- Advertised on the Council website

4.2 A total of 39 representations have been received raising the following issues:

- The development will overdevelop the site
- There is insufficient parking for the commercial development or the school
- The unit is better suited elsewhere within employment areas
- There may be a risk to pedestrian safety
- There will be a loss of wildlife
- The parking is an invasion of privacy
- Increased congestion
- Antisocial behaviour

## **5.0 Parish Council**

5.1 Auckley Parish Council has provided the following representation:

The Parish Council has concerns that the building will be close to existing dwellings at Willow Crescent and affect residents' amenity. The proposed use of the building is not specified, which means there is the possibility of it being used as a coffee shop/takeaway and cause disturbance to residents - particularly at night. Traffic problems already exist in and around this location, and an additional building will exacerbate the situation.

## **6.0 Relevant Consultations**

6.1 Highway Officer:

Submitted plans – Originally concerned due to the loss of parking associated with the previously approved retail use. However, this concern was alleviated as a result of a change in the layout. Sought assurances as to the existing parking pressures and how the allocated parking spaces would be managed during busy times, as well as ensuring that the approved retail development retains the required number of spaces. Other minor details raised.

Amended plans – The query of specific details raised were addressed in each point. The development includes 3 dedicated parking spaces (maximum allowed in accordance with the Councils car parking standards for a unit of this size) and the existing level of parking provision remains unchanged. As such no objections have been raised subject to the provision of a management strategy identifying how these 3 spaces are to be secured for the sole use of the office use.

6.2 Environmental Health (Noise):

No objection subject to conditions which take into account the area and the potential impact during construction works.

6.3 South Yorkshire Police (Design Officer):

No comments received.

6.4 Severn Trent:

No objection subject to condition.

## **7.0 Relevant Policy and Strategic Context**

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

7.2 In the case of this application, the development plan consists of the Doncaster Core Strategy and Unitary Development Plan. The most relevant policies are Policies CS1 and CS14 of the Core Strategy and Policy PH12 of the UDP.

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

7.4 In March 2018 a set of revisions to the existing NPPF were published for consultation. The draft is subject to lengthy consultation and may still change and as such, no weight is given at this stage.

7.5 The planning history of the site is a material consideration. Planning Permission 11/00874/FULM granted the construction of 14 semi-detached and detached dwellings and three retail units. Planning Permission 14/02374/FULM amalgamated two of the retail units to create a single, retail unit (Co-op food store). Planning Permission 17/02888/FULM granted an alteration to the car parking layout approved under 11/00874/FULM (as amended by 14/02374/FULM). A copy of the approved site plan is shown in appendix 3.

## **8.0 Planning Issues and Discussion**

8.1 The main issues are whether the proposal would detrimentally affect local amenity, including highway safety or neighbouring amenity.

### Principle of Development

8.2 One of the NPPF's core planning principles is to promote mixed use developments and encourage multiple benefits from the land use in urban and rural areas. Policy CS1 of the Core Strategy ensures that development provides opportunities for people to have access to local employment, have good quality housing and local facilities. The principle of commercial uses is established and follows the NPPF's presumption in favour of sustainable development and promoting mixed use developments.

### Impact on Highway Safety

8.3 Paragraphs 32 of the NPPF states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

8.4 Policy CS14 of the Core Strategy and Policy PH12 of the UDP require developments to be assessed to ensure that excessive traffic is not generated and that they are robustly designed and work functionally. One of the components of good design is to ensure that developments take into consideration the protection of highway safety.

8.5 One of the main concerns made clear in the representations against the application is that the site and local area cannot accommodate further development on the site and that there is an existing issue with parking in this location. Objectors also raise concerns with the location of the access and whether it would conflict with existing peak time school traffic associated with two schools which are present in the area.

8.6 The parking requirement for the commercial units, as amended under Planning Permission 14/02374/FULM, was assessed against the Council's adopted parking standards at the time the original planning application was approved. Specifically, the parking standards for any A1 Use Class in this location would be 1 car parking space per 20 square metres of gross floor area and that the requirement for the development was 24 spaces. The Transport Statement submitted with the application concluded that the provision of 25 car parking spaces, including six disabled spaces, would be adequate and was agreed at the time by the Council's Highway Officer.

8.7 The approved parking layout has been subsequently altered by Planning Permission 17/02888/FUL. This still provides 25 spaces for the retail development as per the requirement of the original permission in a revised layout. A copy of the approved site plan is shown in appendix 3.

8.8 The current proposal seeks to erect a single storey commercial unit under a B1 Use Class within a section of the site. Using the same adopted guidance, the parking requirement for the unit is 1 parking space per 30 square metres of floor area. Based on the gross floor area, a total of 3 parking spaces have been provided as per the recommended parking requirement.

8.9 The Highway Officer assessed the proposal and has no objection following the submission of amended plans. The proposal provides the required number of parking spaces for both the existing retail units and the proposed office building. Furthermore, the site layout has been technically assessed to ensure that it is functional without causing detriment to highway safety. The access is deemed to be acceptable, subject to drivers taking due care and attention.

8.10 It is noted that given the open plan layout to the site, the applicant will be required to demonstrate that there are meaningful parking controls to ensure that the spaces are used as they should be intended. A planning condition requiring a car parking management plan is attached to the permission.

8.11 Subject to conditions imposed, and notwithstanding the concerns raised, it is considered that the proposal will have no adverse impact on the highway in accordance with Policy CS14 of the Core Strategy.

### Residential Amenity

8.12 The NPPF emphasises the need to protect the quality of the built environment and ensure a good standard of living conditions for current and future occupiers of housing.

8.13 Policy CS14 of the Core Strategy states that new development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. The application site lies within an established residential area and as such consideration should be given to Policy PH12 of the UDP which states:

*'Within 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.'*

8.14 Objections have been received relating to the impact of the proposal upon the residential amenity of the adjacent residential properties, particularly those on Willow Grove to the north of the site. However, the proposal does not invite an unreasonable level of noise or disturbance during office hours. The associated vehicular movements would not be inconsistent with its current use as a retail car park. Cumulatively, there would be no significant impact in terms of noise and disruption.

8.15 Objectors have raised issue with the potential for loss of privacy. No windows would be situated in the north facing elevation of the building facing towards the closest residential neighbours. The development would meet with the recommended good practice separation distances for a single storey building. Although the outlook from the rear elevation of surrounding properties would change to include a single storey building, this would not equate to a harmful loss of living conditions.

8.16 The Environmental Health Officer (Noise) and the South Yorkshire Architectural Liaison Officer have been consulted on the application and no objections have been expressed. Relevant conditions have been imposed, including restrictions on subsequent uses, operating times and details to cover the construction phase.

8.17 As such, the application complies with Policies CS1 and CS14 of the Core Strategy and Policy PH11 of the UDP with regard to the layout, scale and appearance of development and the impact upon neighbouring land uses.

### Other issues

8.18 Objectors have raised issue with the appropriateness of the development in the location, however the area is mixed in character and the principle of commercial development on the site is well established. Furthermore, any anti-social behaviour on the site would be controllable via other legislation and the site layout would not encourage such behaviour.

8.19 The alterations would involve the loss of some landscaping intended for the site, however the overall appearance of the revised layout would not negatively impact the character of the area. No additional loss of ecological assets can be demonstrated.

8.20 It is acknowledged that the applicant has blocked off a section of the car park after allegations that it was being used inappropriately as longer day parking for residents who live and work in the local area. This was subject to enforcement action and the bollards have been removed at the time of writing.

## **9.0 Summary and Conclusions**

9.1 The NPPF provides a presumption is in favour of sustainable development. This development will provide an additional employment premises in a suitable location whilst protecting local amenity in terms of noise, disturbance and highway safety.

9.2 Planning Permission 17/02888/FUL to alter the remaining car park area is required to be carried out in order for the current proposal to be deemed acceptable. Therefore, Officers recommend that Members vote to delegate the decision to the Head of Planning so that the necessary works take place prior to the issuing of the current application.

9.3 Having regard to all matters raised, including the objections received, the proposal complies with the relevant policies of the Development Plan.

## **10.0 RECOMMENDATION**

**Members DELEGATE AUTHORITY to the Head of Planning to issue the decision subject to following conditions being imposed:**

### **Conditions / Reasons**

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
  
02. U57735            The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:  
  
Dwg. No. 3078-02E Proposed Site Layout dated 06-17 Rev E received 20.09.2017  
Dwg. No. 3078-03D Proposed Building Layout dated 06-17 Rev D received 19.12.2017  
  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
  
03. DA01             The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.  
REASON  
To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

04. U59792 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) - the parking of vehicles of site operatives and visitors
- ii) - loading and unloading of plant and materials
- iii) - storage of plant and materials used in constructing the development
- iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) - wheel washing facilities
- vi) - measures to control noise and the emission of dust and dirt during construction
- vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works

**REASON**

To safeguard the living conditions of neighbouring residents and in the interests of highway safety.

05. U59813 Prior to the first occupation of the building hereby approved, a parking management strategy shall be submitted to and approved in writing by the local planning authority. The strategy shall incorporate measures setting out parking controls for the development for occupants and visitors to the development. The Car Parking Management Strategy shall be managed by the site operator and adhered to whenever the development is in use.

**REASON**

In the interests of ensuring that sufficient parking remains available in accordance with Policy CS14 of the Core Strategy and Policy PH12 of the UDP.

06. HIGH1 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.

**REASON**

To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety.

07. HIGH3 Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking area shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

**REASON**

To ensure that adequate parking provision is retained on site.



08. U57737 The premises shall only be used for Use Class B1a or B1b and for no other purpose including any other purpose within Class B of the Town and Country Planning Use Classes (Amendment) Order 2005 (or any subsequent order or statutory provision revoking or re-enacting that order with or without modification).

REASON

The local planning authority wishes to retain control over any subsequent change of use of these premises, in the interests of safeguarding the amenities of the area.

09. U57738 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (No.596) (England) Order 2015, Article 3, Schedule 2: Part 7 (or any subsequent order or statutory provision revoking or re-enacting that order) no alterations shall be made to the building nor development shall be carried out on any part of the land other than that hereby permitted without the prior permission of the local planning authority.

REASON

The local planning authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or highway safety and for this reason would wish to control any future development to comply with Policy CS14 of the Core Strategy and Policy PH12 of the Doncaster Unitary Development Plan.

10. U57739 Unless otherwise agreed in writing with the local planning authority, the operating times of the unit shall be restricted to the hours of 08:00 - 19:00 hours Mondays to Saturday and at no time on Sundays or Bank and National Holidays.

REASON

To ensure that the development does not cause unacceptable noise and disturbance to adjacent residential properties in accordance with Policies CS14 of the Core Strategy and Policy PH12 of the UDP.

11. U59790 Any artificial lighting for the site, both temporary and permanent, shall be of such a design and installed and sited / angled in such a manner as to prevent glare or light shining directly into neighbouring dwellings and/or highways.

REASON

To ensure that the development does not cause unacceptable disturbance to adjacent residential properties in accordance with Policies CS14 of the Core Strategy and Policy PH12 of the UDP.

12. U59791 Details of any ventilation or air conditioning systems that are to be considered for installation in this unit, must be submitted to and approved in writing by the Local Planning Authority prior to installation.

## REASON

To ensure that the development does not cause unacceptable noise and disturbance to adjacent residential properties in accordance with Policies CS14 of the Core Strategy and Policy PH12 of the UDP.

## Informatives

01. IA011           INFORMATIVE  
The permission hereby granted shall not relate to the display of any advertisement for which express consent is required. Separate consent under the Town & Country Planning (Control of Advertisements) Regulations 1992 (as amended) is required.

02. INF1B           INFORMATIVE  
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

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

03. U11980           INFORMATIVE  
Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

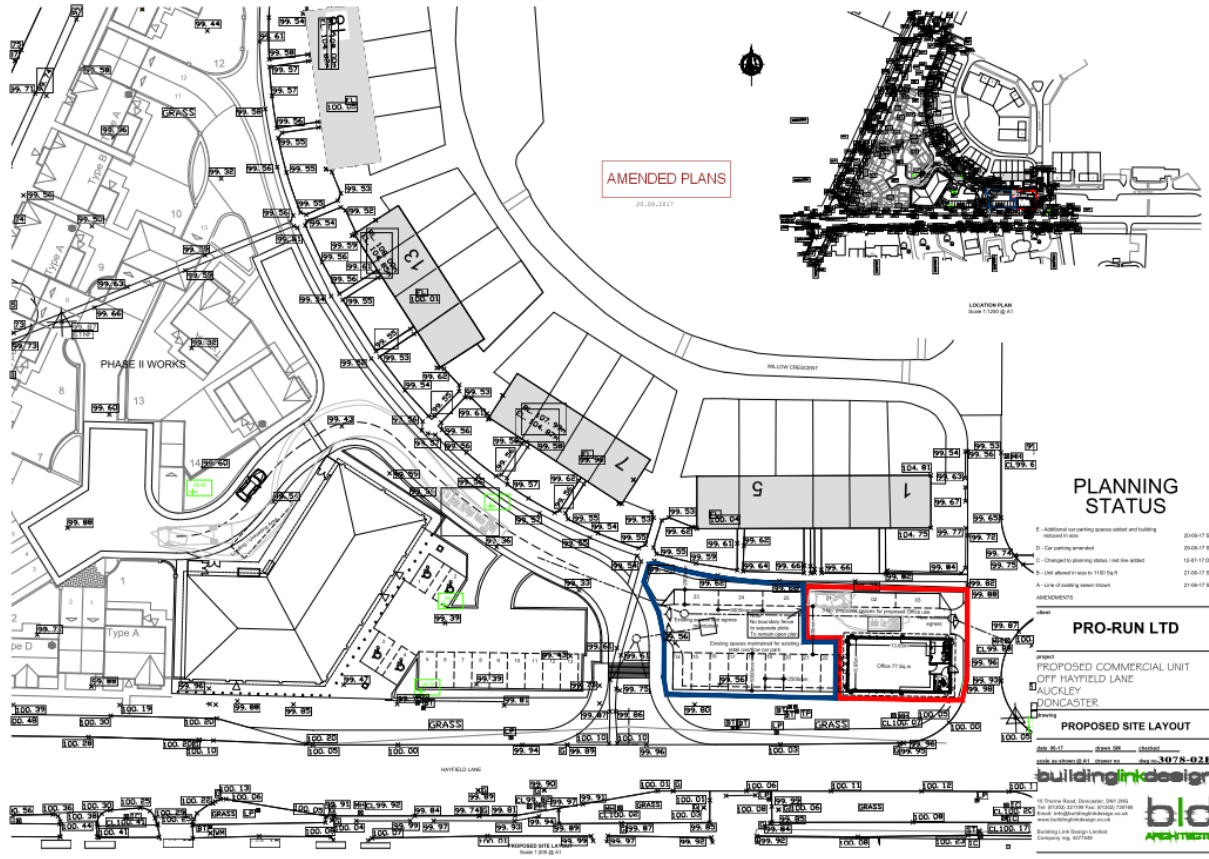
## **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

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

Highway safety  
Neighbouring amenity

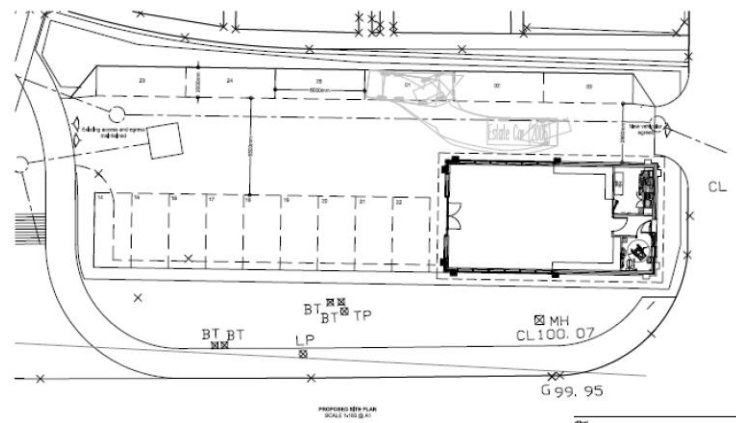
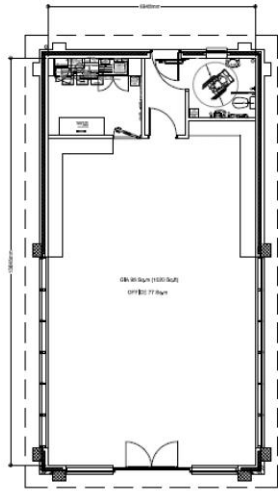
**The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

# Appendix 1 – Proposed Site Plan (as amended)



# Appendix 2 – Floor Plans and Elevations

PLANNING STATUS



AMENDED PLANS  
19.12.2017

PRO-RUN LTD

PROPOSED COMMERCIAL UNIT  
OFF HAYFIELD LANE  
AUCKLEY  
DUNCASTER

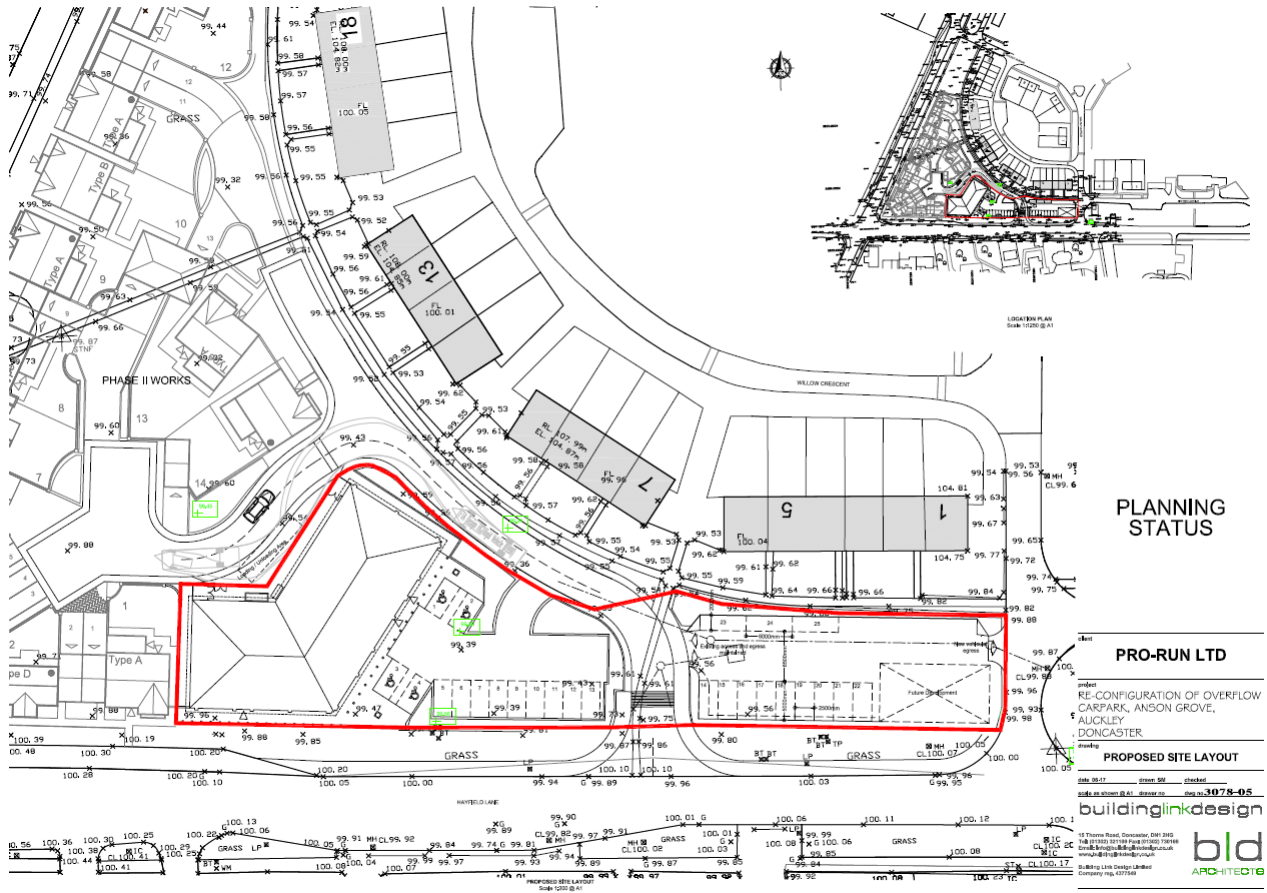
PROPOSED BUILDING LAYOUT

DATE: 19.12.2017  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: 1:100 @ A1  
PROJECT NO: 1078-0313

buildinginkdesign  
bld ARCHITECTS  
13 Tennyson Road, Dunedin 9011 000  
Tel: 03 477 1219 Fax: 03 477 1218  
Email: info@buildinginkdesign.co.nz  
www.bld.co.nz  
Building Ink Design Ltd  
Company reg: 407704

D - 1:100 scale  
C - 1:200 scale  
B - 1:500 scale  
A - 1:1000 scale

### Appendix 3 – Approved Site Plan for Planning Permission 17/02888/FUL



### Appendix 4 – Approved Site Plan for Planning Permission 17/02888/FUL (focused)

