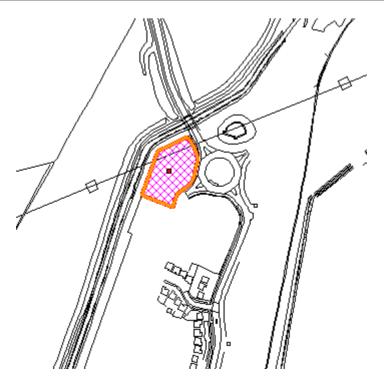
DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 2nd April 2019

Application	1						
Application	18/	01981/F		Application	29th November 2018		
Number:				Expiry Date:			
Application	Pla	Planning FULL Major					
Туре:							
	r						
Proposal	Erection of a retail parade (for flexible use across Classes A1, A2, A3,						
Description:	A4, A5 and D2) with an associated bin store, outdoor seating area, car parking and landscaping						
At:	Lar	Land At Torne Park West End Lane New Rossington Doncaster					
For:	Lidl	Lidl UK GmbH					
Third Party Reps:		0		Parish:	Rossington Parish Council		
		-		Ward:	Rossington And Bawtry		

 Author of Report
 Mark Sewell

MAIN RECOMMENDATION: GRANT



1.0 Reason for Report

1.1 The application is being presented to the Planning Committee due to it being a departure from the adopted Development Plan.

2.0 Proposal and Background

2.1 The submitted application seeks full planning permission for the erection of a retail parade (for flexible use across Classes A1(Shops), A2(Financial & Professional Services), A3(Restaurants and Cafes), A4(Drinking Establishments), A5(Hot Food Takeaways) and D2(Assembly and Leisure)) with an associated bin store, outdoor seating area, car parking and landscaping.

2.2 The application site is located at the northern end of the former Rossington Colliery, which now forms part of Torne Park, a mixed use redevelopment scheme of up to 1200 residential units alongside commercial development which received outline permission in 2013 (12/01107/OUTA). The site is served by the Heatherfields Crescent roundabout, and comprises cleared vacant land and a pumping station. The site measures approximately 0.37 hectares. The application site is currently allocated as an existing colliery under Policy M15 of the Unitary Development Plan, however this small part of the former colliery land is also washed over by a Green Belt allocation.

2.3 The land to the south of the application site houses a newly constructed Lidl foodstore and associated carparking, permission for which was granted under the mixed use outline consent, and by way of a reserved matters application in April 2018 (17/02379/REMM).

2.4 Further to the south are residential properties approved as part of the mixed use permission, the first 2 phases of which are now occupied. To the west of the application site on the other side of the River Torne is the iPort, an intermodal logistics park.

2.5 The original outline permission for the mixed use development across the whole of the former colliery site showed the commercial elements to be located to the northern end of the site. The indicative submitted details showed fast food use with drive through facility (500m2), a petrol filling station with 225m2 retail kiosk, a foodstore (2200m2) and 60 bed lodge hotel. The range of uses approved across the commercial area are A1, A3, A4 and A5, as well as the filling station and hotel. Thus far, only the food superstore has been constructed within the commercial area, its floorspace of 2125m2 sitting within the parameters of the outline consent.

2.6 This planning application also proposes A2 and D2 uses within the Commercial Area, which are not consented by the original outline permission, which is the reason the application has been submitted for full planning permission, rather than as a reserved matters application under the outline consent. Given that this is a new separate planning application, for a use technically inappropriate within the Green Belt. It is on this basis that the application is being presented to the planning committee.

3.0 Relevant Planning History

12/01107/OUTA - Hybrid planning application comprising:

1. Outline application for the redevelopment of the former Rossington Colliery for a mixed use development comprising up to 1200 residential units (Use Class C3), local

superstore (Use Class A1), hotel, (Use Class C1), restaurant (Use Class A3/A4), fast food outlet (Use Class A3/A5), petrol filling station with ancillary retail (Sui Generis), community building (Use Class D1) and land for new primary school.

2. Full Planning Permission for the engineering operations related to remediation and associated earthworks and bunding to create development platforms at former Rossington Colliery, West End Lane, Rossington.

14/02683/REMM - Details of Access, Appearance, Landscaping, Layout and Scale of design for the erection of 70 dwellings and associated infrastructure (being matters reserved in outline application previously granted permission under 12/01107/OUTA on 01.10.2013)

15/00008/REMM - Details of Access, Appearance, Landscaping, Layout and Scale of design for the erection of 96 dwellings and associated infrastructure (being matters reserved in outline application previously granted permission under ref: 12/01107/OUTA on 01/10/2013).

16/00871/REMM - Details of Access, Appearance, Landscaping, Layout and Scale of design for the erection of 96 dwellings and associated infrastructure (being matters reserved in outline application previously granted permission under ref: 12/01107/OUTA on 01/10/2013) (without compliance with conditions 1 and 4 of planning application 15/00008/REMM, granted on 27.04.2015 - submission of revised details)

17/02379/REMM - Details of Appearance, Landscaping, Layout and Scale for the erection of A1 foodstore with car parking, servicing, landscaping and other associated works. 18/01701/REMM - Details of Access, Appearance, Landscaping, Layout and Scale for the erection of 190 dwellings and associated infrastructure (being matters reserved in outline application previously granted permission 17/02958/FULM on 27/07/2018).

18/02006/REMM - Details of appearance, landscaping, layout and scale for the erection of 184 dwellings (being matters reserved in previously approved application 12/01107/OUTA)

4.0 Representations

4.1 The application has been publicised by way of site notice and notice in the press. No representations have been received.

5.0 Parish Council

5.1 Not received.

6.0 Relevant Consultations

DMBC Highways - no objections following amendments to layout, suggested conditions DMBC Transportation - no objections Environment Agency - no objections DMBC Internal Drainage - no objections, suggested conditions DMBC Pollution Control -no objections, suggested conditions DMBC Built Environment - no objections to the scheme, clarification required over site relationship to adjacent pedestrian link

7.0 Relevant Policy and Strategic Context

7.1 The site is allocated as an existing colliery site under Policy M15 as defined by the Doncaster Unitary Development Plan 1998.

7.2 National Planning Policy Framework (NPPF):

Principle 6 Building a strong, competitive economy

- Principle 7 Ensuring the vitality of town centres
- Principle 12 Achieving well designed places
- Principle 13 Protecting Green Belt land

Doncaster Core Strategy (CS):

- Policy CS1 Quality of Life
- Policy CS2 Growth and Regeneration Strategy
- Policy CS3 Countryside
- Policy CS7 Retail and Town Centres
- Policy CS14 Design and sustainable construction
- Policy CS16 Valuing our Natural Environment

The Rossington Neighbourhood Plan is currently at stage where only moderate weight can be applied to the consideration of its policies, having undertaken pre-submission consultation and publicity. Within section 8.2 of the plan (Shops Outside Rossington Village Centre) it does recognise that "a small shopping parade (potentially including a petrol filling station) is planned as part of a major one thousand plus new housing development on the site of the former Rossington Colliery".

8.0 Planning Issues and Discussion

Principle of Development

- 8.1 The reason the application is being presented to the Planning Committee is because the application site, as well as being designated within the Doncaster Unitary Development Plan (UDP) (1998) as a Colliery, this part of the application site is also washed over by a Green Belt Designation. On this basis, in strict policy terms, the proposed commercial development would represent inappropriate development within the Green Belt as defined by para 145 of the NPPF.
- 8.2 In practice however, outline planning permission has already been granted and capable of being implemented for commercial uses on this site, under planning permission ref 12/01107/OUTA. This application seeks full planning permission for the erection of a retail parade for flexible uses across Classes A1, A2, A3, A4, A5 and D2.
- 8.3 As outlined earlier in the report, outline planning permission was granted for a mixed-use development at the site in October 2013 (application reference: 12/01107/OUTA), which included a commercial area defined on an approved Masterplan which permitted the development of A1, A3, A4 and A5 uses. The application site itself has been cleared ready for development, whilst the wider Rossington colliery mixed use development is substantially progressed, with over 150 houses, road infrastructure and a supermarket on the site.
- 8.4 As the current application proposes A2 and D2 uses which do not form part of the approved outline permission, a new full application was required rather than a reserved matters application under the existing outline consent. A2 uses include financial and professional services, whilst D2 uses include assembly and leisure. Both uses would normally be acceptable and found within commercial areas, and would serve as a complementary addition to the already approved use. Given the small size of the proposal,

there would have been no objections if these uses had been included within the original planning application.

- 8.5 Policy CS7 of the Core Strategy is concerned with Retail and Town Centres, and states that outside of recognised centres small shops within residential areas to serve the local area will be supported. Rossington itself is identified as a Potential Growth Town within the Core Strategy, and the supporting text of Policy CS2 (Growth and Regeneration Strategy) states that the provision of an improved range and quality of retail and community facilities will be supported in such locations.
- 8.6 The NPPF at para 86 states that local planning authority's should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Given that the site is sustainably located and the principle of development of the majority of the main town centre uses proposed has already been accepted by virtue of the outline planning permission, together with the small scale of the proposals, it is not considered necessary to apply the sequential test to the additional A2 and D2 uses. The overall floorspace of the parade also falls below the 2500m2 threshold under which the Authority would require a retail impact assessment.
- 8.7 On this basis, whilst the application site is allocated a Green Belt and the proposed commercial use would normally be deemed to be inappropriate, subsequent planning permissions and the allocation of Rossington as a Potential Growth Town within the Core Strategy are strong material considerations. A range of commercial uses on this site has already been accepted and capable of being implemented without the need of referral to the Planning Committee. The additional A2 and D2 uses are considered to be complementary and small scale, and will provide the necessary flexibility in terms of potential mix of occupiers, which is particularly relevant given that the developers are bringing forward this scheme speculatively. On this basis, the principle of development is considered to be acceptable. The application would have to be referred to the National Planning Casework Unit, by virtue of its total floorspace and being located within the Green Belt.

Design and Appearance

- 8.8 Policy CS14 of the Core Strategy is concerned with design and sustainable construction, and seeks to ensure that all proposals are of high quality design that contributes to local distinctiveness and reinforces the character of local building traditions, as well as responding positively to existing site features. All new non domestic buildings must meet BREEAM rating of at least Very Good, and secure at least 10% of their total energy from decentralised and renewable or low carbon sources.
- 8.9 The proposed retail parade is shown to be positioned to the rear of the site looking eastwards towards Heatherfield Crescent, with the building measuring 33m by 18m. The parade has a contemporary look with a mono pitched roof over standing to just over 7m at its tallest point, with a canopy overhanging the front entrances to the individual units. In terms of appearance, the building will be finished with a white render at lower level and dark grey cladding at upper level, with glazing and double doors to the front of each unit. Car parking is proposed to the front and northern side of the parade.

- 8.10 A Design Guide for the site was approved as part of the original planning permission for the wider colliery site, and notes that buildings in the Commercial Area will have a varying character and architectural form. Key built frontages and landscape frontages, as defined by the Guide, will face onto Heatherfields Crescent. These frontages will be generally active, with blank facades avoided. Storey heights within the Commercial Area will vary from one to four storeys and where building facades lack interest, bold planting schemes should be used to create a foil for the built form. Landscaped, planted areas are proposed to the site frontage and to the northern side of the parking area. Whilst this is a full application separate from the original outline permission, it is considered that the proposals have taken note of and are in accordance with the agreed Design Guide.
- 8.11 The Council's Built Environment Team have been consulted and raised no objections to the scheme, noting that the scheme will create an attractive parade and landscaping which complements the proposed Lidl store and will provide welcome facilities for the new neighbourhood on the colliery site. On this basis, the proposal is considered to be acceptable in terms of design and landscaping, and conditions will be imposed to agree the details of the external materials, and to ensure the landscaping scheme is carried out in accordance with the approved details.

Highways and Parking

- 8.12 The application has been accompanied by a Transport Statement, which assesses the vehicle movements associated with the development and access to and from the site. The site will be accessed by private car and service vehicles via a right turning lane from Heatherfields Crescent roundabout.
- 8.13 Para 109 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Policy CS 9 of the Doncaster Council Core Strategy relates to the provision of travel choice and part (G) 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.
- 8.14 The Highways Development Control team have been consulted and following amendments to the site layout, raise no objections to the scheme. There was initially an objection to the proposed highways arrangement where the internal access road ties into the Heatherfields Crescent roundabout. The applicants have amended the layout in accordance with the comments received from highways, and the scheme is now deemed to be acceptable.
- 8.15 The site provides 39 parking spaces, including 3 disabled and 2 motorcycle parking spaces. The level of parking is considered to be appropriate for the scale of development.
- 8.16 The level of traffic generation has already been agreed under the Transport Assessment approved under the outline permission, and this full application does not proposed additional vehicle movements beyond what has already been assessed. The applicants have assessed the relevant junctions as agreed with the Councils Transportation Team, who have confirmed that these will continue to operate within capacity. As such, there are no objections from a transportation perspective.

Other Issues

8.17 No objections have been received from other consultees to the proposals. The Councils Pollution Control team have recommended standard conditions relating to ground contamination, whilst the Councils Drainage team have similarly recommended standard conditions to ensure appropriate drainage solutions are agreed and implemented. The Environment Agency have been consulted and raise no objections to the proposals.

9.0 Summary and Conclusion

9.1 On the basis of the above, the application is accordingly recommended for approval. Whilst the application site is located within allocated Green Belt, the main issues and principle of development have already been agreed under the original mixed use outline consent for the colliery site, and the additional uses proposed within the Commercial Area as part of this application are considered to be small scale and acceptable. Given that the application site is located within the Green Belt, and due to the overall floorspace proposed, the application will have to be referred to the National Planning Casework Unit to determine whether the Secretary of State requires it to be called in.

RECOMMENDATION

Planning Permission GRANTED subject to the following conditions and following referral to the National Planning Casework Unit.

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. MAT1A Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials. REASON To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy. 03. VS19 The scheme of landscaping which has been agreed as part of this application shall be begun during the first available planting season following the commencement of the development hereby granted. It shall thereafter be maintained by the site owner for a period of five years. Any tree or shrub planted in accordance with the scheme which becomes damaged or diseased, or dies or is removed within the five years shall be replaced during the next planting season. Any staking, tying, weeding, watering and other action deemed necessary by the Local Planning Authority shall be carried out by the owner in accordance with the Authority's publication 'Landscape Specification in Relation to Development Sites'.

		REASON To ensure the maintenance of a healthy planting scheme in the interests of amenity.
04.	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.
05.	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.
06.	HIGH4	The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and/or visitors to the development have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. REASON To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy CS9 of the Doncaster Core Strategy.
07.	U0068641	The development hereby permitted shall not be commenced until details of measures to be taken within the curtilage of the site during construction to prevent mud and debris being deposited on the public highway, has been submitted to and approved in writing by the Local Planning Authority. REASON: In the interests of road safety
08.	ENVH13	Details of an extraction/ventilation system to control the emission of cooking smells and fumes shall be submitted to and approved by the local planning authority and shall be installed and be fully operational before the use commences. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions. REASON To safeguard the amenities of the occupiers of adjacent properties.
09.	CON1B	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 postremedial 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 pursuant to the National Planning Policy Framework.

This has to be prior to commencement so that any risks are assessed before works begin to the ground whether this be demolition works or construction works and remediation in place before works begin.

10. CON3 Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filing and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the LPA prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site. 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.

11. 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.

12. GR20 No development shall take place in implementation of this permission until a report (the initial SAP report carried out as part of Building Regulations will be sufficient information in many cases) has been submitted to the local planning authority and approved in writing from them, explaining how CO2 emissions from the development will be reduced by providing at least 10 Percent of the development's energy through on-site renewable energy equipment or improvements to the fabric efficiency of the building. The carbon savings, which result from proposed measures, will be above and beyond what is required to comply with Part L of Building Regulations. Unless otherwise agreed in writing by the Local Planning Authority, the development shall then proceed in accordance with the approved report. Before any building is occupied or sold, the local planning authority shall be satisfied that the measures have been installed, which will enable the planning condition to be fully discharged. REASON

In the interests of sustainability and to minimize the impact of the development on the effects of climate change. This condition is

required to be discharged prior to commencement as the approved detail may have an impact on the design and fabric of the building during construction or the appearance of the development.

13. ENVH4 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.

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

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

01. U0013243 INFORMATIVE

Prior to preparing any reports in support of conditions relating to land contamination, the applicant is strongly advised to refer to the document entitled Development on land affected by contamination. Technical Guidance for Developers, Landowners and Consultants. Yorkshire and Humberside Pollution Advisory Council.

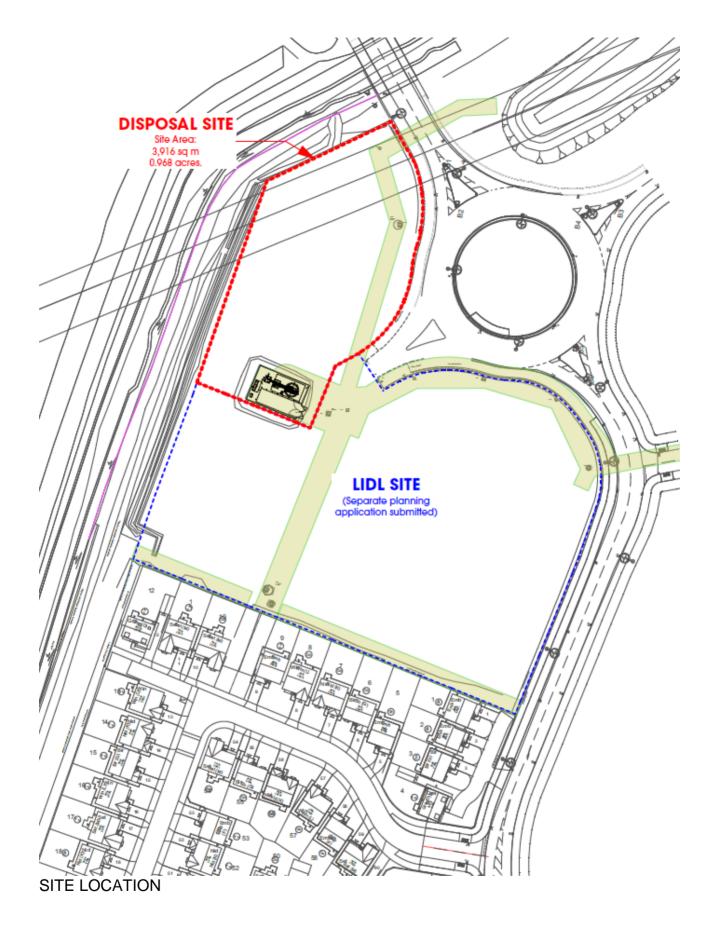
The document can be found at the following web address:

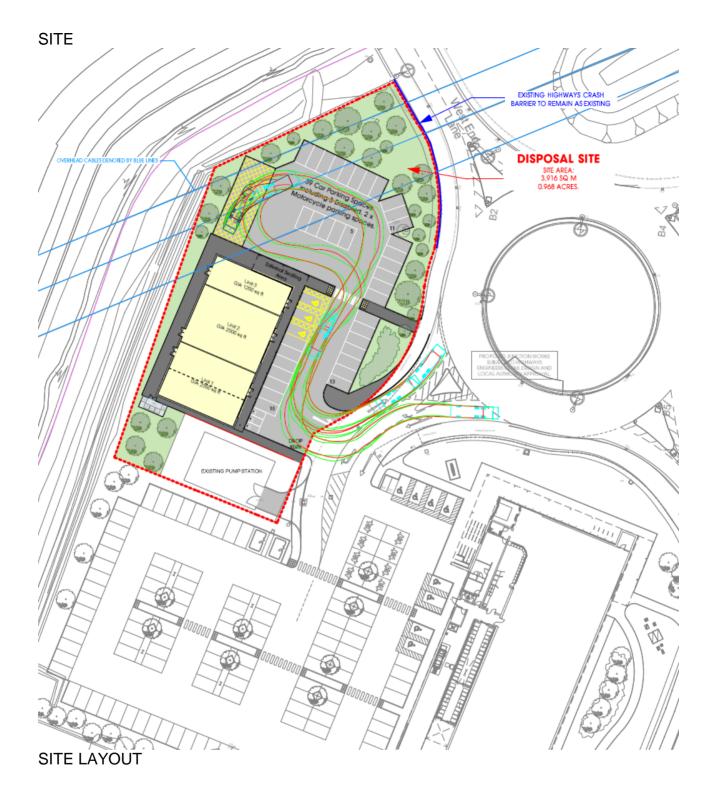
http://www.doncaster.gov.uk/services/environmental/developing-oncontaminated-land

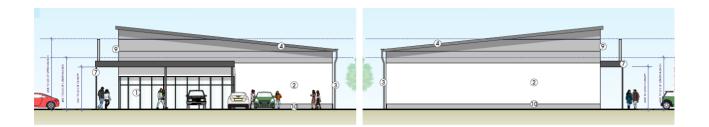
Or alternatively you can request a paper copy from the LPA.

Works tying into or carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement. Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1 or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans - Email: p.evans@doncaster.gov.uk or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud and debris on the highway is an offence under provisions of The Highways Act 1980. **APPENDIX 1**











- DOORS WITH DOUBLE GLAZED UNITS. COLOUR RAL 7024
- RENDERED WALL COLOUR WHITE- BAL 9010.
 POWDER-COATED GUTTERS AND RWP. COLOUR- BAL 9000
- 4. POWDER-COATED STEEL VERGES, FASCIAS, SOFFITS AND FLASH COLOUR - BAL 9006
- 5. GALVANISED STEEL SERVICE / FIRE EXIT DOORS. COLOUR RAL 7 024
- SURFACE-MOUNTED NON-ILLUMINATED SIGNAGE SUBJECT TO SEPERA APPLICATION BY OTHERS
- OVERSALING CANELEVERED EXTERNAL CANOPY
 B. POWDER-COATED PROFILED STEEL ROOF CLADDING. COLOUR- BAL 9
- COMPOSITE CLADDING COLOUR RAL 7038
 RENDERED PLINTH, COLOUR GREY RAL 7038
- 11. INDICATIVE LOCATION FOR MAE EQUIPMENT



PROPOSED ELEVATIONS

APPENDIX 4

