

<b>Application</b>	<b>02</b>
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<b>Application Number:</b>	19/01754/FUL
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Use of land for 49 self-storage containers and a car sales pitch (retrospective)
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<b>At:</b>	Old Landsale Yard Arksey Lane Bentley Doncaster
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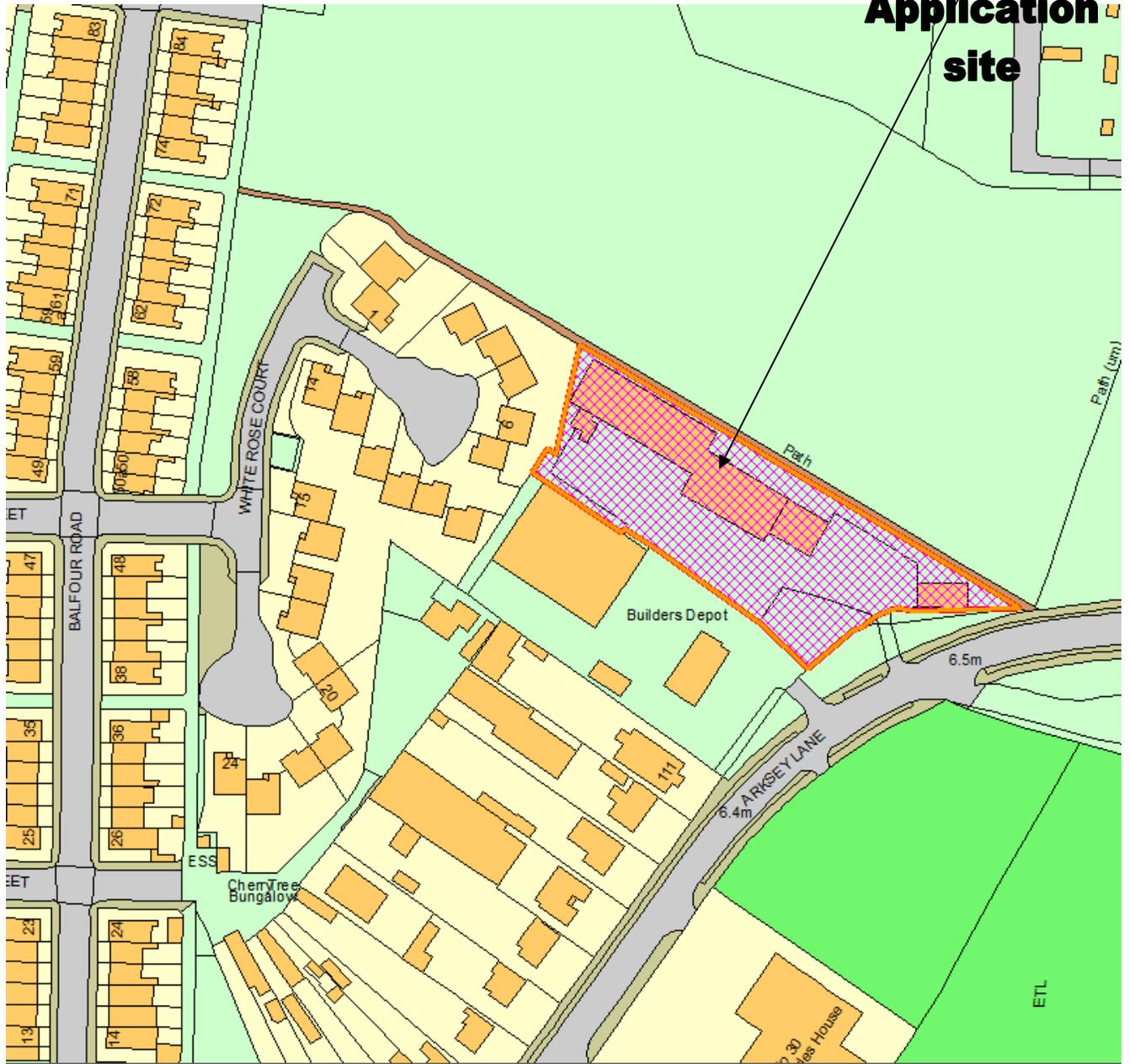
<b>For:</b>	Mr Robert Smith
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<b>Third Party Reps:</b>	<b>Letter of objection: 1</b>	<b>Parish:</b>	N/A
	<b>Letters of support: 0</b>	<b>Ward:</b>	Bentley

<b>Author of Report</b>	Mark Ramsay
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<p><b>Summary</b></p> <p>This is a retrospective application to authorise the siting of containers used as part of a self-storage enterprise and also use of part of the site as a used car sales lot.</p> <p>All but one of the original buildings have been demolished, which is an existing workshop. The site was originally next to the sidings of a mineral railway which ended next to the site.</p> <p>The site is allocated as a housing site in the Doncaster Unitary Development Plan and is shown as within the development limits of Arksey in the emerging Local Plan, however it has been used for various commercial purposes including car repairs in the past. The site backs onto the rear gardens of bungalows on White Rose Court and a public footpath runs along the northern boundary.</p> <p>The proposal to retain the longstanding car lot and the self-storage operation and is considered acceptable in terms of its impact on amenities of adjacent occupiers subject to the implementation of an acoustic barrier on the boundary with the adjacent houses and restricting hours of opening to ensure that it does not operate at anti-social hours.</p> <p>The report demonstrates that there are no material planning considerations that would significantly or demonstrably weigh against the proposal. The development would not cause undue harm to neighbouring properties, the highway network or the wider character of the area.</p> <p><b>MAIN RECOMMENDATION: GRANT</b></p>
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**Application site**



## **1.0 Reason for Report**

- 1.1 The proposal is presented to Planning Committee as it represents a departure from the adopted Development Plan. The site is part of an allocation for housing within the Doncaster Unitary Development Plan (UDP), although some of the allocation has already been developed. Previous permissions for housing on this land have not been implemented and have expired. The emerging Local Plan proposes including the site within the development limits of Arksey, rather than a specific housing allocation.

## **2.0 Proposal**

- 2.1 This is a retrospective application to authorise the siting of containers used as self-storage enterprise and also part of the site as a used car sales site. Both enterprises are established. There are 49 steel containers on the site.

## **3.0 Site Description**

- 3.1 All but one of the original buildings have been demolished, which is an existing workshop. The site was originally next to the sidings of a mineral railway which ended next to the site.
- 3.2 The site is bounded by a 2.4m high palisade fence and comprises the remaining large Nissan hut, 49 containers used by the self-storage business and the car lot is further partitioned by a palisade fence, although there is a gateway between the two.
- 3.3 The site has two existing vehicle accesses and is covered by existing hard standing.
- 3.4 The site backs onto the rear gardens of bungalows on White Rose Court and a public footpath runs along the northern boundary.
- 3.5 The site was originally occupied by a number of Nissan Huts which were in a very poor state of repair and the surrounding land was overgrown and untidy. The land is much better presented than previously, since the removal of the previous Nissan Huts, all but one having been removed and the site cleared. The containers are sited around the edge of the resultant hard standing.
- 3.6 The site has a public right of way running along its northern boundary with fields beyond and there are other commercial uses to the south along Arksey Lane.

## 4.0 Relevant Planning History

### 4.1

Application Reference	Proposal	Decision
19/01755/ADV	Display of two adverts on the fence adjacent to Arksey Lane (retrospective).	Granted
11/02144/OUT	Outline application for residential development on approx. 0.29ha of land (approval being sought for access) (being resubmission of application no. 10/02685/OUT withdrawn on the 10/11/10)	Refused
07/00116/OUTM	Outline application for erection of residential development on approx. 0.58 ha of land following demolition of existing units	Granted subject to Section 106
03/0183/P	Retention of 2.4m high palisade fencing to replace existing	Granted
95/2678/P	Erection of workshop extension (13.8m x 5.5m)	Granted

## 5.0 Site Allocation and Relevant policy

5.1 The site is allocated for residential development as defined by the Doncaster Unitary Development Plan (Proposals Map) 1998 and within the Arksey settlement as defined in the Local Development Framework Core Strategy (Key Diagram) 2012 and within development limits as shown on the proposals maps for the emerging Doncaster Local Plan. Part of the allocation has been developed for housing, however this site and that to the south has not, although previous applications would have permitted such development. Full consideration should be given to all relevant local and national policies.

### **National Planning Policy Framework (NPPF 2019)**

5.2 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:

5.3 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 5.4 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

### **Core Strategy 2011 - 2028**

- 5.5 To the extent that development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 5.6 In May of 2012 the Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan (UDP); some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as a new Local Plan is adopted.
- 5.7 Policy CS 4 Policy CS 4 requires all development to address the issues of flooding and drainage where appropriate. Development should be in areas of lowest flood risk and drainage should make use of SuDS (sustainable drainage) design.
- 5.8 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. Policy CS14 also recognises that a component of good design is to ensure that new development does not have a negative effect on residential amenity

### **Saved Unitary Development Plan Policies (Adopted 1998)**

- 5.9 Policy PH1 lists various sites capable of delivering more than 10 dwellings, including this one, which will be developed for housing. It should be noted that around half of the allocated area has been developed for housing and this site has had historic permissions that have not been implemented. This site, listed as PH 1 (3/20), is noted for being able to accommodate 22 units.
- 5.10 Policy PH 12 seeks to ensure that non-residential uses in residential policy areas do not cause an unacceptable loss of amenity.

## **Doncaster Local Plan**

- 5.11 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The emerging Local Plan was “Published” for Regulation 19 consultation on 12th August 2019 for 7 weeks, ending on 30 September. The Council is aiming to adopt the Local Plan by the end of 2020. The Local Plan therefore is at a relatively advanced stage of preparation. The document carries limited weight at this stage. The following emerging policies are applicable:
- 5.12 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.
- 5.13 Policy 11 deals with the development within the residential policy area and seeks to protect residential amenity and enhance local character.
- 5.14 Policy 42 seeks to ensure character and local distinctiveness in new developments.
- 5.15 Policy 43 deals with the need for good urban design.
- 5.16 Policy 47 sets standards for non-residential development and seeks to protect residential amenity.
- 5.17 Policy 55 requires the need to take into account air and noise pollution.
- 5.18 Policy 58 seeks to limit the risks from flooding.

## **Other material planning considerations**

- Doncaster Development and Flood Risk SPD

- 5.19 This sets a guide for the requirements for whether a site requires flood risk assessment and sequential testing. No operational development is required so a sequential test has not been necessary and a site specific flood risk assessment has been submitted.

## **6.0 Representations**

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, press advertisement and neighbour notification.
- 6.2 One objection has been received raising concerns with regard to the siting of containers close to the boundary of the garden, lighting from the site, disturbance and witnessing anti-social behaviour in the site.

## **7.0 Parish Council**

- 7.1 There is no parish council.

## 7.2 Relevant Consultations

- 7.3 **Highways** - No objections raised following receipt of further information relating to number of trips associated with the use.
- 7.4 **Pollution Control (Contaminated Land)** - No objections subject to an informative regarding the obligations of the developer should contamination be discovered and that the site is close to a potentially contaminated site.
- 7.5 **Environment Agency** - No objections subject to conditions requiring minimum floor levels, containers to be secured and no habitable accommodation provided on the site.
- 7.6 **Environment Health** – No objections received.
- 7.7 **Public Rights of Way** – No objections received.

## 8.0 Assessment

8.1 The principal issues for consideration under this application are as follows:

- principle of development
- whether the development would have a detrimental impact on the character of the surrounding area
- impact on amenity of adjacent occupiers
- highways impacts
- flood risk

8.2 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

### Principle of Development

8.3 The site is allocated for housing in the Doncaster UDP, but has been in use for industrial and/or commercial purposes following the closure of the railway line and so in broad terms this application does not represent a significant change, being commercial in nature and sat alongside other commercial uses along Arksey Lane.

- 8.4 Previous applications to permit housing development have not been implemented and the emerging local plan, while identifying this site as within the development limits of Arksey, does not see a specific number of houses being proposed. Going forward, development would be considered on how it impacts on adjacent land uses and character of its surroundings rather than the priority to see it being developed for housing.
- 8.5 Historic photography shows the used car sales and the cabin used as its office has been in existence for over 10 years, although it is not recorded that this use was ever authorised. Given the time elapsed, it would appear the car sales and siting of the cabin benefit from the statutory 10-year immunity period from enforcement action.
- 8.6 Significant weight to its allocation is countered by considerable weight of its previous and current use. Limited weight should be afforded to the emerging local plan that will in effect treat this as an existing part of the village rather than a possible extension of it. This would allow policies that permit commercial uses within residential areas to be considered, subject to how it impacts on the amenities of adjacent land uses through noise, disturbance, extra traffic etc. Moderate weight can also be given to support the proposal as it would re-use a previously developed (brownfield) site.
- 8.7 Other material considerations that can be given weight in its favour include the improvement to the appearance and environment of the site after the original Nissan huts were removed, given they were in a poor state of repair and the site overgrown. The site is now significantly tidier and appears well maintained.
- 8.8 The part of the site used as a car lot appears to be well established and beyond the enforcement time limit of 10 years in which to enforce a breach of planning control, and also is material consideration.
- 8.9 On balance retaining commercial uses across the site, as long as it respects the amenity of adjacent residential accommodation, is considered favourably, especially as it re-uses a brown field site that had become partly derelict and an eyesore.

#### Sustainability

- 8.10 The National Planning Policy Framework (NPPF, 2019) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs
- 8.11 There are three strands to sustainability, social, economic and environmental. Para.10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

## **SOCIAL SUSTAINABILITY**

### **8.12 Housing Land Supply**

- 8.13 The site has a neutral impact on housing land supply. The site is not specifically being taken forward as an allocation for new housing in the emerging local plan. The containers that are sited on the site are sat on sleepers and not permanently fixed to the ground so do not represent operational development. As no new permanent development is proposed, supporting the proposal would not inhibit future development of housing, any more than turning it down. Furthermore, given the temporary nature of the storage containers, a condition for a temporary consent is proposed.

### **8.14 Amenity - Impact on Existing and Proposed Residents**

- 8.15 The comments in the representation are noted as the site would attract comings and goings and potential noise and disturbance from customers using the containers. However, this aspect can be adequately mitigated by the erection of acoustic fencing along the boundary with the adjacent dwellings, which is shown on the proposed site plan. Acoustic fencing will be solid so will also reduce light from the site and headlights of vehicles moving within the site from shining towards the adjacent bungalows.

The site was becoming derelict and untidy and the removal of the original buildings, along with securing the site represents an overall improvement in amenity. The proposal is to open no later than 8pm and this can be a condition of any permission, which will further limit disturbance at anti-social hours. Environmental Health have been consulted on the application, and no objections have been received.

- 8.16 Policy PH 12 states that 'within the residential policy areas the establishment or extension of non-residential uses of appropriate scale will be permitted provided that the use would not cause an unacceptable loss of residential amenity through, for example excessive traffic, noise, fumes, smells or unsightliness'. The site is not within a residential policy area, it is in an allocated housing site, amongst residential properties, therefore it seems appropriate that the considerations apply in this case. As such, the proposal is not considered to conflict with policy PH 12 and significant weight should be afforded to this.

### **8.17 Services and Infrastructure**

- 8.18 No permanent infrastructure is proposed and the development would not have any negative impacts on existing infrastructure and services but would see the continuation of retail level and/or small business orientated services in the form of self-storage and car sales.

### **8.19 Conclusion on Social Impacts.**

8.20 The proposal would have no adverse social impacts.

## **ENVIRONMENTAL SUSTAINABILITY**

### **8.21 Landscape**

8.22 The placing of the containers are low level in terms of height and scale and much smaller than the buildings that originally occupied the site. They are in the setting of commercial buildings to the west and south of the site and while visible from the public footpath are in the setting of larger buildings beyond. Therefore they are not considered to harm the landscape of the adjacent countryside.

### **8.23 Highways**

8.24 The Highways Officer has not raised objections to the proposal. The site has adequate access to the main road and the level of trip generation would be spread across the day and is expected to be relatively modest.

### **8.25 Flood Risk, Foul and Surface Water Drainage**

8.26 The site is within flood zone 3 (high risk of flooding), however the Environment Agency have not raised objections subject to the development being carried out in accordance with the submitted Flood Risk Assessment and requiring that the containers are secured to prevent them floating away in the event of a flood. Given that the proposal relates to a change of use of land, a sequential test is not required. As the use does not fall within a more vulnerable use or essential infrastructure with regards to Table 2 (Flood risk vulnerability classification) of the National Planning Policy Guidance, an exceptions test is also not required.

### **8.27 Public Rights Of Way**

8.28 The adjacent public right of way to the north of the site is unaffected by the proposal.

### **8.29 Conclusion on Environmental Issues**

8.30 There are no adverse environmental issues raised by this proposal.

## **ECONOMIC SUSTAINABILITY**

### **8.31 Employment**

8.32 The proposal sees the continuation of a long standing car sales enterprise and the more recently established self-storage business. Approval would see the jobs related to both, secured for the foreseeable future and the continuation of two local businesses. The availability of self-storage in this part of the borough is also beneficial to other businesses that use the facility to support their own enterprises when they need to use off site storage facilities.

### **8.33 Conclusion on Economy Issues**

8.34 The proposal would see the continuation of two businesses on this site with the associated benefits to employment and connections with other local businesses.

## **9.0 PLANNING BALANCE & CONCLUSION**

9.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is not strictly compliant with the development plan, but would see the site continue to be used for commercial purposes and, on balance, the material considerations do not indicate that the application should be refused. Planning conditions can be worded to make the development acceptable and would meet the necessary tests.

## **10.0 RECOMMENDATION**

10.1 **GRANT PLANNING PERMISSION** subject to conditions:

01. 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:

CRB 2 Container Positions - received 12 November 2019

#### **REASON**

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

02. The development shall be carried out in accordance with the submitted flood risk assessment (ref 25/07/2019 produced by CRB Drawing Services Ltd) and the following mitigation measures it details:

- The finished floor levels of the containers shall be set no lower than 6.63mAOD m above Ordnance Datum (AOD).
- The containers shall be secured together.
- There shall be no habitable accommodation within the site

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

#### **REASON**

To reduce the risk of flooding to the proposed development and future occupants.

03. Within 3 months of the date of this decision, 2.0m acoustic fencing as detailed on the approved plan, shall be installed and retained thereafter, to the satisfaction of the Local Planning Authority  
REASON  
In the interests of the amenity of adjacent occupiers.
04. The hours of operation shall be limited to  
Monday - Sunday 08:30 - 20:00 and not at all at any other time.  
REASON  
To ensure that the development does not prejudice the local amenity.
05. In the event that external lighting is required, no lighting shall be erected until details of external lighting have been submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the local planning authority.  
REASON  
To ensure that the proposed lighting scheme safeguards the character of the area and/or the living conditions of neighbouring residents, having regard to the effects of the proposed illumination.
06. The use hereby permitted shall be for a limited period being the period of five years from the date of this decision. At the end of this period, the use hereby permitted shall cease, all materials and equipment brought on to the land in connection with the use shall be removed, and the land restored in accordance with a scheme previously submitted to and approved in writing by the local planning authority.  
REASON  
The use hereby approved is not considered suitable as a permanent form of development to safeguard visual amenity and to comply with policy CS 14 of the Doncaster Council Core Strategy.

## **INFORMATIVES**

01. **INFORMATIVE: THE CONTAMINATED LAND REGIME**  
Under the contaminated land regime, Doncaster Council has the statutory duty to inspect and determine "contaminated land" within its borough. Under this regime, land owners/developers/occupiers of "contaminated land" could face liability for remediation at a later date.
02. **INFORMATIVE**  
The containers should be properly secured so there is no chance of them floating away, should a flood event occur.

03.

INFORMATIVE

At the time of this decision, the site has been identified as being within an area of medium or high flood risk, based on the Environment Agency's flood maps. Therefore, the applicant/occupants should consider registering for the Environment Agency's Floodline Warning Direct, by phoning Floodline on 0345 988 1188 . This is a free service that provides flood warnings direct by telephone, mobile, fax or paper. It also gives practical advice on preparing for a flood, and what to do if one happens. By getting an advanced warning it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site.

04.

INFORMATIVE: DEVELOPMENTS NEAR / ON POTENTIAL CONTAMINATED SITES

Historic maps show that the above planning application is near or on a potential contaminated site, and in light of this it is recommended caution is taken during any excavation works. If any contamination is found it must be reported to the LPA.

**Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.**

# Appendix 1 Site Plan

