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Application Number:	19/01169/FUL
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Application Type:	Full Planning Permission
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Proposal Description:	Change of use of industrial building (Use Class B2) to mixed use including vehicle repair and body shop with spray booth and office (retrospective)
At:	5 Lock Lane, Thorne, DN8 5ET

For:	Mr Cosmin Croitoru
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Third Party Reps:	5 Representations	Parish:	Thorne Town Council
		Ward:	Thorne and Moorends

Author of Report:	Dave Richards
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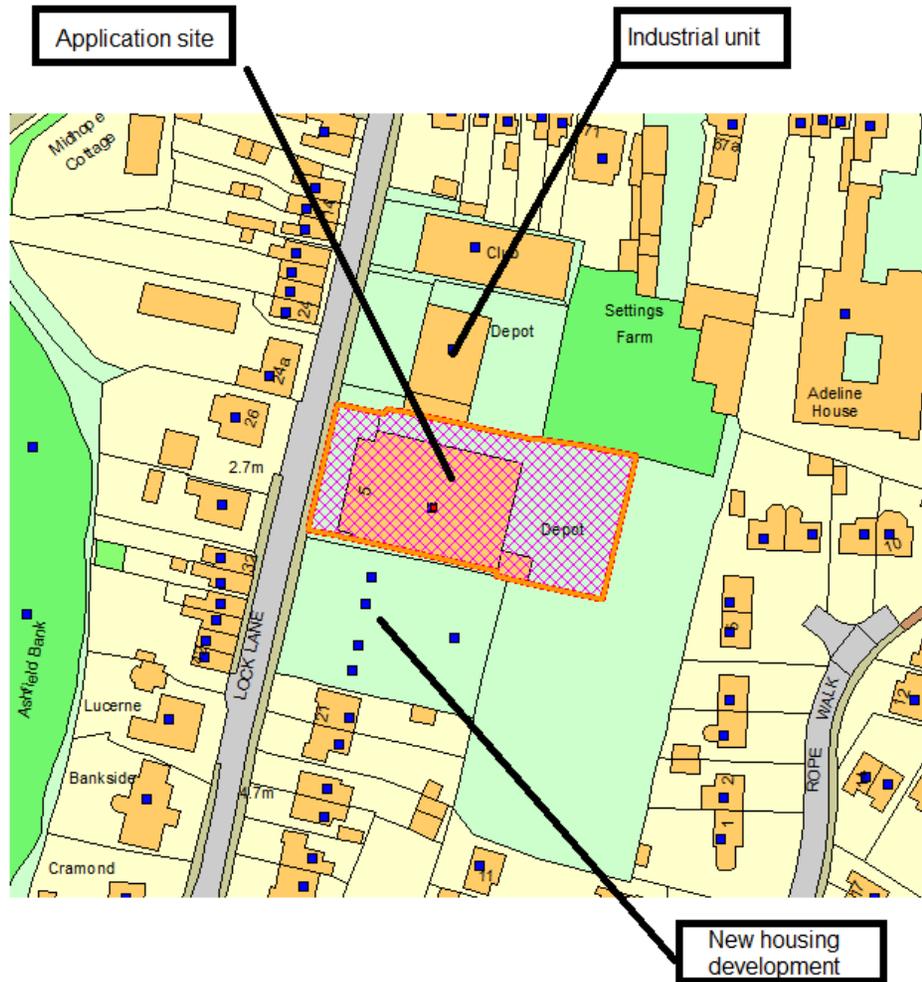
SUMMARY

The application is retrospective and the applicant has submitted this planning application so the development can be controlled effectively and made acceptable.

Objections have been received relating to concerns over highway safety, residential amenity and environmental impact of the proposal.

The application has been assessed by all relevant consultees and objections have been considered. The proposal is considered to be acceptable from a planning perspective as it does not result in a 'severe' risk to highway safety, detrimentally impact surrounding land uses or result in an environmental impact. Consequently, retrospective planning permission should be granted subject to conditions which will make the development acceptable.

RECOMMENDATION: GRANT: subject to conditions



1.0 Reason for Report

1.1 This application is being presented to planning committee at the request of Cllr Susan Durant. The application has also attracted five objections.

2.0 Proposal

2.1 Retrospective planning permission is sought for the change of use of a former textile factory to a vehicle repair and body shop with spray booth and office.

3.0 Site Description

3.1 The application site lies on the east side of Lock Lane, Thorne. In land use terms, the site is a former clothing factory until the current use commenced in 2018. To the north of the site is another industrial building, with vacant land to the east. To the south lies a recently completed residential development on a former builder's yard. The west side of Lock Lane is predominately residential with a mixture of property style, age and materials.

- 3.2 There is visitor and employee parking to the front of the site with access to the rear compound via access along the northern boundary. Further employee parking is located to the rear, together with the storage of fleet vehicles awaiting repair or collection. The spray booth is located near the southern boundary to the rear of the main building.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
84/0908/P	Change of Use From Light Industrial to General Industrial	Application granted 27 July 1984
84/1657/P	Change of Use of Former Clothing Factory to Warehouse and Distribution Depot	Application granted 11 January 1985
91/0742/P	Erection of Office Extension (21.66m X 3.32m) to Front of Existing Factory	Application granted 15 July 1991

5.0 Site Allocation

- 5.1 The site is designated within Residential Policy Area, as outlined within the Unitary Development Plan (adopted 1998).

National Planning Policy Framework (NPPF 2019)

- 5.2 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.3 Paragraph 47 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 Paragraphs 54 – 56 state local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The tests are:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 5.5 Paragraph 58 addresses enforcement action as discretionary and requires local planning authorities to act proportionately in responding to suspected breaches of planning control. Enforcement policy should set out how to monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

- 5.6 Paragraph 80 states significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.7 Paragraph 109 advises 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.
- 5.8 Paragraph 117 states that planning decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.9 Paragraph 127 states that good design criteria should ensure that developments function well and add to the overall quality of the area, are sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.10 Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.11 Paragraph 170 states planning decisions should contribute to the local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.12 Paragraph 180 outlines that decisions should also ensure the new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. Decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.

The Development Plan

- 5.13 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. In the case of this application, the development plan consists of the Doncaster Core Strategy (CS) (adopted 2012) and Unitary Development Plan (UDP) (adopted 1998).

Core Strategy 2011 – 2028 (CS) (Adopted 2012)

- 5.14 Policy CS1 of the Core Strategy states that development should protect local amenity and are well-designed: attractive; fit for purpose; locally distinctive; and capable of achieving nationally recognised environmental, anti-crime and design standards.

- 5.15 Policy CS4 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.
- 5.16 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. Policies CS14 also recognise that a component of good design is to ensure that new development does not have a negative effect on residential amenity.
- 5.17 Policy CS18 states that Doncaster's air, water and land resources will be conserved, protected and enhanced. Paragraph B recognises deliverable urban brown field sites. However, where any risks to ground conditions arising from contamination or previous land uses are identified, proposals will need to incorporate measures to prevent, control and reduce air and water pollution, mitigate any ground instability and enhance the quality of these resources.

Saved Unitary Development Plan (UDP) (Saved Policies) (Adopted 1998)

- 5.18 The application site lies within a Residential Policy Area as defined by Doncaster's UDP. 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.'

Thorne and Moorends Neighbourhood Plan (Regulation 14 pre-submission consultation)

- 5.19 Thorne and Moorends Town Council have published their neighbourhood plan (NP) and currently modifications are being made to it. This plan has not been formally examined or published in a final format and therefore moderate weight can only be applied. The most relevant policy is Policy DDH3 which states that new development should take account of a number of design principles including:
- New buildings should make a positive contribution to the spatial qualities of the area, respect local distinctiveness by ensuring siting, density and layout reflects the character and appearance of the area.
 - New development should respect the privacy and amenity of nearby residents and occupiers of adjacent buildings.
 - Parking provision is expected to meet the needs of development, and not create pressures for on-street parking within the development or on adjacent streets.
 - Employment proposals should ensure sufficient landscaping is included and the opportunity to incorporate architectural details of human scale in order to help integrate buildings into their setting.

Doncaster Local Plan (Published) (2019)

- 5.20 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 although the following policies would be appropriate:
- 5.21 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.
- 5.22 Policy 42 considers the protection and enhancement of local character and distinctiveness.
- 5.23 Policy 47 sets out a number of criteria concerning the design of non-residential development and the relationship with its surroundings.
- 5.24 Policy 55 requires the need to take into account air and noise pollution.
- 5.25 Policy 56 deals with the need to mitigate any contamination on site.

Other material planning considerations

- 5.26 Other material considerations include the National Planning Policy Guidance (NPPG); as well as the Development Requirements and Guidance Supplementary Planning Document.
- 5.27 As noted within the planning history section, the planning history of the site is that of a clothing factory with a series of organic permissions stemming from Planning Permission 84/0908/P, which granted a change of use to general industry. A further application (84/1657/P) granted the change of use to a warehouse and storage distribution depot although it is unclear if this was ever implemented. An extension to form office facilities was granted under Planning Permission 91/0742/P.
- 5.28 The use of the building as a vehicle repair garage would ordinarily fall under a B2 use Class which would be the same use as a lawful use of the site. That said, a number of conditions appear to limit the use of the building to the personal circumstances of the applicant at that time, as well as conditions limiting any subsequent change of use, operating hours, open storage and certain means of restricting emissions. Furthermore, a building (spray booth) has been erected to the rear of the site which requires planning permission. The proposal would not comply with the above conditions and would form a mixed use. For the avoidance of doubt, the use is proposed as a retrospective application.

6.0 Representations

- 6.1 The application has been advertised as a departure to the Development Plan in accordance with the requirements of the Planning Practice Guidance as follows:

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

6.2 Five representations have been received objecting to the application. The following concerns are outlined below:

- The application is retrospective
- Traffic generation on Lock Lane
- Increase in inappropriate parking
- Paint fumes from the spray booth
- Noise from the use
- The use is inappropriate for the residential nature of the area
- The existing use should be B1
- The use is having a harmful impact on local amenity

6.3 Cllr Susan Durant has requested that the application be presented to planning committee following concerns highlighted below:

- Works are already taking place, increased noise (even late at night), and the noxious smells from paint spraying, air pollution.
- The amount of vehicles and inconsiderate parking
- Inappropriate activity within a residential area and creating an eyesore
- Blocking of the watercourse therefore creating a higher risk of flooding on neighbouring properties
- Representation was also made by members of the public at the parish Council meeting

7.0 Parish Council

7.1 The Parish Council opposes the application. The main concerns relate to the fumes created by paint spraying which are harmful to local amenity. Other concerns include:

- The site is at risk of flooding
- The site should have sufficient parking
- A watercourse is near the site
- Surface water will not be disposed of via a soakaway
- Foul water disposal has not been specified
- The proposal involves the use and storage of hazardous substances
- The site can be seen from a public road

8.0 Relevant Consultations

8.1 Environmental Health Officer –

Submitted plans:

Object to the application for the following reasons:

The current layout of the booth, in particular its extraction system and covering roof do not provide adequate dispersal and will likely contribute to an odour nuisance due to the inhibiting nature of the lean to roof.

(Additional information was subsequently requested.)

While the acoustic report is adequate I have some concerns over the high background noise levels contained within the report which are at the upper end of tolerable levels within residential areas.

Impact of potential changes to the stack height/extraction/fan system and these changes and any effect they may have on noise levels are not addressed in the report

Amended plans:

I have some concern as to whether this is a suitable location for such an operation, however on review of the technical information submitted by the applicant, information provided by colleagues in Pollution Control, and the Health & Safety Executive being satisfied that the extraction system is suitable and operating correctly, I would have no objections to the change of use requested.

The noise levels provided in the noise assessment remain of concern but can be addressed under Statutory Nuisance legislation if the levels submitted are not met.

8.2 Pollution Control Officer –

The respraying of road vehicles, where the annual consumption of organic solvent is likely to exceed 1 tonne, must be undertaken in compliance with an environmental permit issued by this Authority under the Environmental Permitting (England & Wales) Regulations 2016 (as amended).

The spray booth must be operated in accordance with the DEFRA Technical Guidance note PG 6/34b (11).

If it is expected that the consumption of solvent is likely to exceed 1 tonne/annum, then further details of the application and permitting process can be gained by contacting Pollution Control on 01302 552819 or emailing Kathryn.hardy@doncaster.gov.uk

8.3 **Highways Development Control Officer –**

I note that the vehicular access proposed for the workshop is not from the front of the premises but from the side. Whilst I initially had concerns over access, it appears from the site plan that although the access is a little over 3.5m at the gated access, it widens out to 5m which given the width of a roller shutter door should not pose any difficulty for vehicles gaining entry or exiting the workshop.

Taking the above into consideration, I have no objections to the change of use proposed for the premises

8.4 **Health and Safety Executive –** Consultation took place following the serving of a Prohibition Notice. The prohibition notice prohibited spraying of isocyanates because they did not have air-fed breathing apparatus and a thorough examination demonstrating that the booth is working as intended. The prohibition notice relates only to isocyanates so they are able to spray non-isocyanate containing materials.

If they can show the booth is working as intended by proving it has passed a thorough examination by a competent person and they are wearing air-fed breathing apparatus they are able to spray isocyanates in the booth and will not be in breach of the prohibition notice.

8.5 **Yorkshire Water –** No comments received.

8.6 **Environment Agency –** No comments received.

8.7 **Building Control Inspector –** No consent required.

9.0 **Assessment**

9.1 The main issues are firstly, the effect of the change of use and operation of the spray booth on the living conditions of the occupiers of neighbouring properties, with particular regard to noise, odour, and disturbance; and secondly, the impact of the use on the safe and efficient operation of the highway network.

9.2 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

- 9.3 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.
- 9.4 Danube Garage occupies a brick and shallow pitched roofed workshop positioned centrally to the site with parking to the front and rear of the building. Part of the building provides ancillary office space. The existing lawful use of the site is as a clothing factory with ancillary office space. In modern day terms, this use falls within Class B2 of the Town and Country Planning (Use Classes) Order 1987 ("the UCO").
- 9.5 An objector has presented the case that the existing use of the building should be a B1 Use Class, as opposed to B2, as the original building was granted on the basis that it would be light industrial use (Class III under the legislation at the time). In this particular case, the building in question, used as a clothing textile factory in the past, previously operated under a Class IV use (a general industrial building) following permission being granted for this use in 1984. Following amendments made to the UCO in 1987, the lawful use would have transferred to a B2 Use Class. This is reinforced by the information in an application granted in 1991 which sought the erection of an office extension to *an existing factory (my italics)*, suggesting the use was a B2 use.
- 9.6 As noted in paragraph 5.28 of the report, whether the existing use is B1 or B2 is beside the point, as permission would be required to either operate a B2 Use Class from a B1 unit or due to the nature of the current use and for the erection of the spray booth. The main consideration is the allocation of the land under the current UDP as a Residential Policy Area. As such, the main 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.'
- 9.7 Policy PH12 therefore reiterates the approach that a commercial or industrial use within a residential area is not necessary inappropriate, provided that local amenity is protected. The principle of an industrial use is already established on the site and follows the NPPF's presumption in favour of sustainable development and promoting mixed use developments.

Sustainability

- 9.8 The NPPF 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

- 9.9 There are three strands to sustainability, social, environmental and economic. Paragraph 10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development.

SOCIAL AND ENVIRONMENTAL SUSTAINABILITY

Impact on Neighbouring Land Uses

- 9.10 The land is situated where industrial units on the east side of Lock Lane have, over recent decades, transitioned into a mainly residential area. The site sits opposite residential properties to the west, south and further east with an industrial unit to the north.
- 9.11 It is recognised that, unchecked, the proposed use has the potential to impact neighbouring properties in terms of noise, disturbance, fume emissions and inconvenience from visitors and employees of the development. This is echoed in some of the objections received, notably from the developer of a residential development which has been completed to the south of the site. Given that the current use is unauthorised, this impact is unchecked.
- 9.12 The impact is reflected in negotiations to bring the current use into providing a sufficient degree of control. It was apparent once the application had been received that the operation of the spray booth required improvement in order to be acceptable, particularly concerning noise and fume emissions. Visits both by Officers and the Health and Safety Executive found that there were deviancies in the required safety standards for the safe operation of the spray booth. The Health and Safety Executive Officer served a temporary Prohibition Notice on the operator in the interests of protecting the health and well-being of employees until the correct procedures were being adhered to. Officers from the Council's Environmental Health section also recommended changes to the proposed layout and operation of the spray booth which have been reflected in the amended plans and detailed in the conditions attached to this recommendation.
- 9.13 It should be noted that the existing lawful use of the site remains for general industrial use under a B2 Use Class. Local residents would have experienced noise and disturbance occurring with the operation of clothing factory prior to the use ceasing, including from the use of machinery, revving engines, and vehicle movements. Furthermore, it has been difficult to assess the impact in situ, as the closest residents who could be affected by the operation of the spray booth have only recently moved into the newly constructed properties to the south of the site. This is reflected in discussions with the Council's Legal Officer when considering whether direct enforcement action was considered necessary in 2019. In summary, there has not been sufficient evidence to demonstrate that the use and the operation of the spray booth has been harmful beyond the boundaries of the site, given the closest residential properties to the south were not occupied for the majority of the time the use has been in operation.

- 9.14 During the course of the application, a noise survey has been submitted for assessment, together with the submission of additional technical information and details of a revised filter and extraction system. This system has now been installed and can demonstrate that the spray booth can be operated under negative pressure, with the correct filters and extraction equipment installed. The submission of this information has overcome the initial objection of the Environmental Health Officer who now proposes that the operation of the spray booth can be managed effectively to avoid any significant harm to local residents in terms noise or odour. The noise survey has found that, although towards the upper ends of tolerable levels, the background noise levels associated with the car garage would be acceptable in a residential area.
- 9.15 Officers from the planning and environmental health sections have been monitoring the operation of the site and no particular impact has been identified concerning the general day to day operation of the vehicle repair business inside the main building. Such activities are housed within the existing building in dedicated bays, with customers and visitors parked to the front and rear of the building.
- 9.16 The hours proposed to be conditioned are 0830 to 1800 Monday to Friday, 0900 to 1600 on Saturday with no work on Sundays and Bank Holidays. Whilst there have been allegations that the use has operated beyond these hours previously, the planning permission would require the applicant to comply with the hours proposed in order to enable him to continue to operate from the site. It is also proposed that all works will take place within the building with the roller doors closed and confirmed that the spraying of vehicles will only take place in accordance with an agreed management strategy.
- 9.17 At present, the current use has not been subject to any planning control. Other controls have been applied under Environmental Health and Health and Safety legislation. The current application would bring about suitable restrictions, which would bring about a regularisation of the current activities in order to be acceptable. These conditions are listed in paragraph 11.1 of this report. These include restrictions on opening hours, the operation of the spray booth, use and maintenance of extraction/filter equipment, the provision of acoustic fencing and following the recommendations set out in the submitted noise report.

Impact upon Highway Safety

- 9.18 Much of the ancillary space is an open area, with no designated parking spaces laid out. Vehicle parking for the business currently comprises provision of areas for customers to the front of the workshop, with further space to the rear of the building for employee parking and car storage.
- 9.19 Thorne Town Council and local residents are concerned that the business causes issues with inappropriate parking on Lock Lane. However, the size of the site is sufficient to accommodate both customer parking and the provision ancillary areas to accommodate the needs of the business, with additional parking spaces available within the workshop itself. The proposed parking provision on the site is sufficient to avoid parking on the public highway although there would be no planning control should they do so given Lock Lane is unrestricted in terms of parking control. Parking on Lock Lane is shared with other residents who choose to park there.

- 9.20 Having regard to the applicant's evidence about the likely number and type of vehicles accessing the site, the type of vehicles likely to have been used in connection with the previous use of the site and subject to the imposition of suitably worded conditions, I do not consider that traffic associated with the proposed development would be materially harmful to local amenity. No objections have been received from the Highway Officer.
- 9.21 It is not felt that the day to day comings and goings associated with the use would have a harmful impact on local amenity, notwithstanding that a B2 use subject to existing restrictions can be implemented as a fall-back position.

Environmental Pollution

- 9.22 The respraying of road vehicles, where the annual consumption of organic solvent is likely to exceed 1 tonne, is controlled under an environmental permit issued by the Council under the Environmental Permitting (England & Wales) Regulations 2016 (as amended). The spray booth must also be operated in accordance with the DEFRA Technical Guidance note PG 6/34b (11).
- 9.23 Concerns have been raised with regard to environmental pollution. However, whilst there have been suspected breaches in how the spray booth has operated under health and safety legislation, there is no substantive evidence to indicate that environmental pollution has occurred on site or is likely to occur should permission be granted. The Environmental Health Officer is satisfied that the annual consumption of solvent is under the threshold for requiring an environmental permit and has given advice on the safe management practices of storing and using the correct paint appropriately.

Character and Appearance of the Area

- 9.24 There is little discernible change in the character and appearance of the unit compared to its previous incarnation as a clothing factory. The spray booth is located to the rear of the building and is relatively secluded in public views.

Impact on Flood Risk and Drainage

- 9.25 The site lies within Flood Zone 3 according to the Environment Agency's flood maps and therefore there is a relatively high risk of the site flooding. A flood risk assessment has been submitted with the application. The use is acceptable in principle as being a 'less vulnerable' use within a flood area and the proposal does not significantly reduce flood storage area or present a risk to life over the extant use of the site. The recommendations of the flood risk assessment are to be conditioned.
- 9.26 Concerns have been raised regarding how surface and foul water is drained from the site, however there are no alterations to the existing main building to accommodate the garage use. The Water Authority has been consulted and no objections have been raised. The Council's Pollution Control Team have also been consulted and do not raise any concerns relating to land contamination. A condition securing details of drainage for all aspects of the development is attached to the permission.

Other issues

9.27 There is no evidence that the use has/would affect property values and in any event this is not a material consideration in determining planning applications.

9.28 Conclusion on Social and Environmental Impacts.

9.29 It is recognised that, unchecked, the use has the potential to impact local amenity in terms of emissions from noise and paint fumes. However, the Local Planning Authority have worked with the applicant to bring forward an acceptable scheme. This includes ensuring that the operation of the spray booth is used in accordance with the correct filtration and extraction equipment. The noise survey has found that, although towards the upper ends of tolerable levels, the background noise levels would be acceptable in a residential area.

9.30 Although the use has continued without planning permission, Members should be mindful that retrospective applications should not carry any reduced weight in terms of demonstrating that it accords with the Development Plan and the application must be assessed on the basis that the applicant would comply with any conditions imposed. Any future failure to comply with any conditions imposed which results in a significant adverse impact on living conditions would soon become apparent to the Council given the local interest in the site and the Local Planning Authority have discretion to pursue enforcement action if it is expedient to do so. It should also be noted that the objections received so far naturally relate to what has been taking place on site without restriction rather than what is proposed by the application now presented to members.

9.31 Taking the above matters into consideration, I conclude that, subject to the imposition of suitably worded conditions the development would not have a significant adverse effect on local amenity having regard to noise and disturbance.

9.32 ECONOMIC SUSTAINABILITY

9.33 There is some economic benefit to the development of the site through employment of approximately 5-10 full time staff and the continued use of an industrial building which previously laid empty.

9.34 Conclusion on Economy Issues

9.35 Para 8 a) of the NPPF (2019) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

9.36 The proposal would result in some economic benefit in the creation of jobs and the reuse of a redundant unit, however the jobs created are small in scale and therefore this is given moderate weight in the determination of this planning application.

10.0 PLANNING BALANCE & CONCLUSION

- 10.1 In accordance with Paragraph 11 of the NPPF (2019), the proposal is considered in the context of the presumption in favour of sustainable development. I recognise that the use is unauthorised, however it is felt that a planning application can bring about the correct control of the site sufficient to avoid an unacceptable loss of residential amenity. It should be noted that Members have the ability to trial the use for a temporary period of time should they wish to do so, however I consider the proposal is compliant with the Development Plan and there are no material considerations which indicate the application should be refused.
- 10.2 Although development is already taking place at the site I have imposed a condition specifying the approved plans as this provides certainty, particularly with regard to complying with the approved layout showing the permitted area for the parking of vehicles and uses taking place in the correct location. I have also imposed conditions restricting how the use can take place, the hours of use and setting out the location and maximum number of vehicles permitted to be stored/parked on site.

11.0 RECOMMENDATION

11.1 Planning Permission GRANTED subject to the following 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:

Technical specification received 04 September 2019

Spray booth plans received 18 October 2019

Additional information received 04 September 2019

Block/site plan received 28 May 2019

Workshop plan received 28 May 2019

Noise Impact Assessment received 21 June 2019

Flood Risk Assessment for Planning received 13 May 2019

REASON

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

02. Within 3 months from the date of this decision, written details of acoustic fencing to be installed to the adjoining boundary, as sited in green on the approved block/site plan, shall be submitted to and approved in writing by the local planning authority prior to installation. The development shall be carried out in accordance with the approved details and retained for the lifetime of the operation of the spray booth.

REASON

To protect the amenity of surrounding residents in accordance with Policy PH12 of the UDP.

03. Within 3 months from the date of this decision, a written schedule for the safe operation of the booth shall be submitted to and approved in writing by the local planning authority. The details shall include how the spray booth is used in conjunction with filters and extraction equipment, together with details of how the equipment will be maintained. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

REASON

To protect the amenity of surrounding residents in accordance with Policy PH12 of the UDP.

04. The parking area to the rear of the site as shown as the yellow area on the approved block/site plan shall be implemented within 3 months from the date of this decision and used for the parking of employee and visitor parking only and not for the storage of vehicles awaiting repair or respraying. This area shall only be used for these purposes at all times thereafter.

REASON

To ensure that there is sufficient parking on the site in accordance with Policy CS14 of the Core Strategy.

05. Once the parking area as shown in yellow on the approved block/site plan has been implemented, no more than twelve vehicles associated with the use hereby approved and awaiting repair or recovery shall be stored or parked within the site on land outside the buildings and yellow area shown on the approved block/site plan.

REASON

To protect the remaining land area available for the provision of employee and visitor parking in accordance with Policy CS14 of the Core Strategy.

06. All works associated with the use hereby approved, including paint spraying, shall take place inside the approved buildings with all openings (excluding approved extraction equipment) within the buildings being kept closed at all times when works are being carried out. No external works associated with the use hereby approved shall take place.

REASON

To protect the amenity of surrounding residents in accordance with Policy PH12 of the UDP.

07. No part of the use on the site, with the exception of the outside storage/parking of vehicles, shall operate or be open to customers outside the following hours:

08:30 to 18:00, Mondays to Fridays, and 09:00 to 16:00 Saturdays.

It shall not be open at any time on Sundays or Bank Holidays.

REASON

To protect the amenity of surrounding residents in accordance with Policy PH12 of the UDP.

08. The spray booth as shown on the approved plans shall not be used outside the following hours:

10:00 to 16:00, Mondays to Saturdays.

It shall not be used at any time on Sundays or Bank Holidays.

REASON

To protect the amenity of surrounding residents in accordance with Policy PH12 of the UDP.

09. The development hereby permitted must be carried out and completed entirely in accordance with the recommendations set out in Section 6 of the submitted flood risk assessment to the satisfaction of the local planning authority.

REASON

To ensure reasonable protection from flood risk in accordance with Policy CS4 of the Core Strategy.

10. The development hereby permitted must be carried out and completed entirely in accordance with the recommendations set out in Section 4.3 of the Noise Impact Assessment to the satisfaction of the local planning authority.

REASON

To protect the amenity of surrounding residents in accordance with Policy PH12 of the UDP.

11. Surface water run-off from the development shall be discharged to the public surface water sewer or other approved outfall via a suitable interceptor. Details of these arrangements shall be submitted to the Local Planning Authority within 1 month from the date of this permission. These works shall be carried out concurrently with the development and the interceptor shall be operating to the satisfaction of the Local Planning Authority prior to any further washing of vehicles on the site or use of the spray booth hereby approved.

REASON

To avoid pollution of the public sewer and land drainage system in accordance with Policy CS18 of the Core Strategy.

Informatives

01. **INFORMATIVE**
ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.

For further application information, consent guidance & forms Visit: www.shiregroup-idbs.gov.uk, Select 'IDB', then select 'Doncaster East IDB', and select 'Planning, Consent & Byelaws'.

For direct enquiries e-mail: planning@shiregroup-idbs.gov.uk

02.

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.

03.

INFORMATIVE

We recommend that the developer uses this opportunity to reduce the potential impact of flooding by raising floor levels wherever possible and incorporating flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways to help reduce flood damage.

Guidance on how to reduce flood damage can be found at the following websites:-

Communities and Local Government: 'Improving the flood performance of new buildings' - <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood/>;

Environment Agency: How to reduce flood damage - www.environment-agency.gov.uk/homeandleisure/floods/105963.aspx;

Department for Communities and Local Government: Preparing for floods - www.communities.gov.uk/publications/planningandbuilding/improvingflood/;

Ciria: What to do if your property is flooded and how to minimise the damage from flooding - www.ciria.com/flooding/;

National flood forum - www.floodforum.org.uk/index.php?option=com_content&view=article&id=8&Itemid=4

04.

INFORMATIVE

Nothing in this permission shall be taken as giving authority to commence any works which affect the watercourse/ land drainage dyke which crosses / runs adjacent to the site, as separate consent is required for such works from the Environment Agency or internal drainage board.

Justification

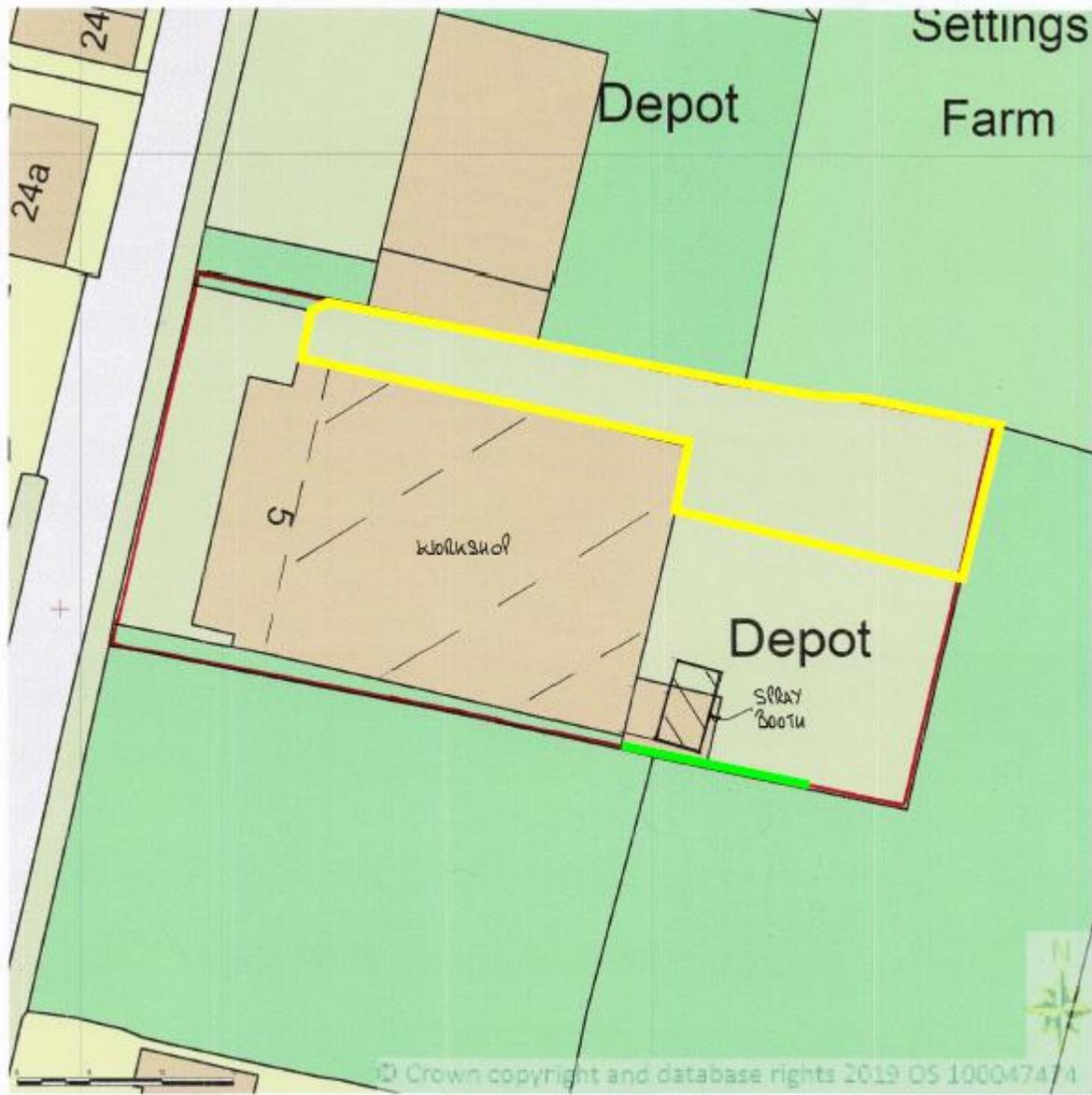
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

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:

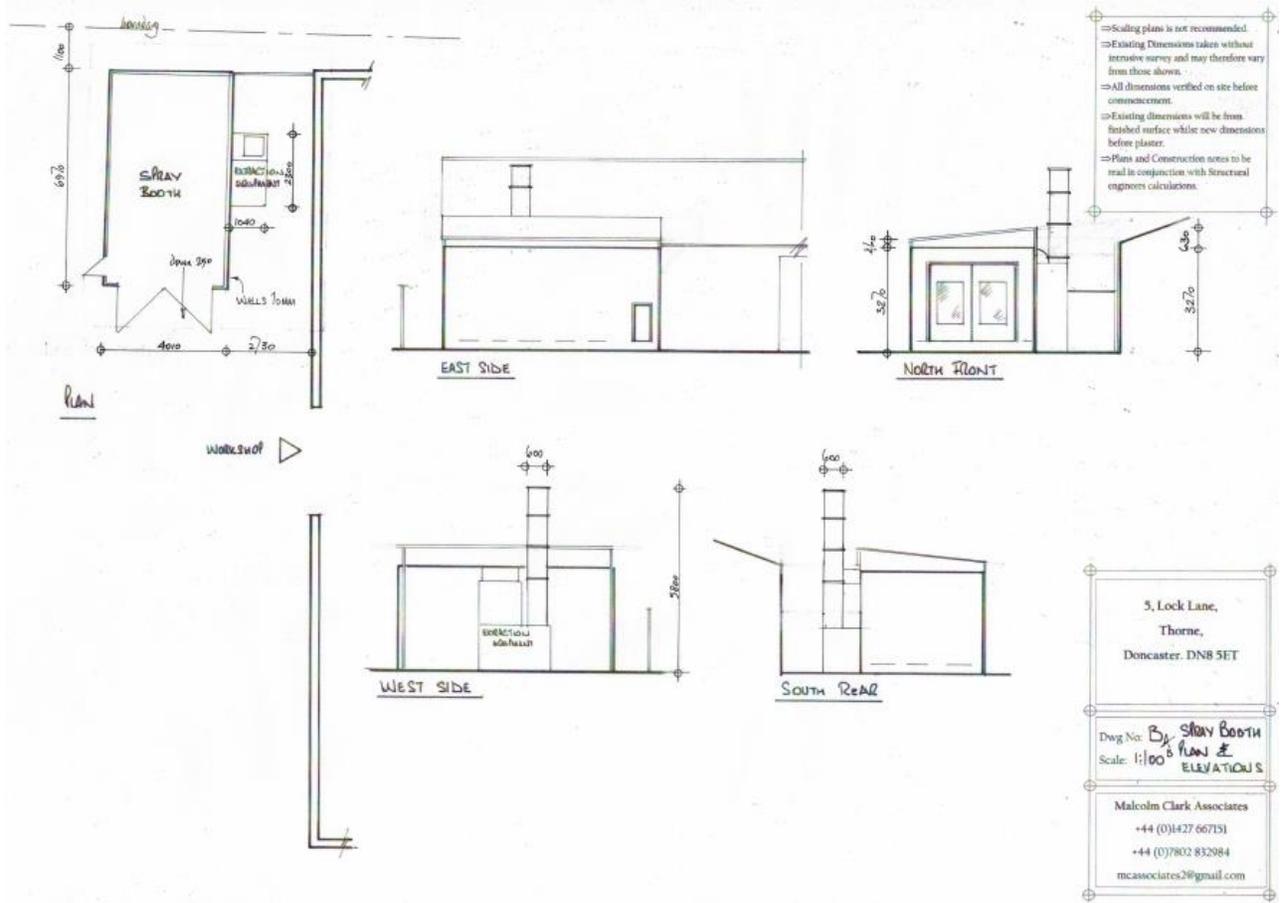
Residential amenity
Highway safety
Safe working practices

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



Appendix 2 – Spray Booth details



5, Lock Lane,
Thorne,
Doncaster. DN8 5ET

Dwg No: **DJ** SPRAY BOOTH
Scale: 1:100 **PLAN & ELEVATIONS**

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