

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 23rd June 2020

Application	1
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Application Number:	19/02969/FUL
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Application Type:	Full Application
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Proposal Description:	Erection of class B1 steel portal frame building
At:	Land Adjacent To Mexborough Railway Station Station Road Mexborough

For:	Mr Paul Woodger
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Third Party Reps	None	Parish	n/a
		Ward:	Mexborough

Author of Report	Mark Ramsay
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Summary

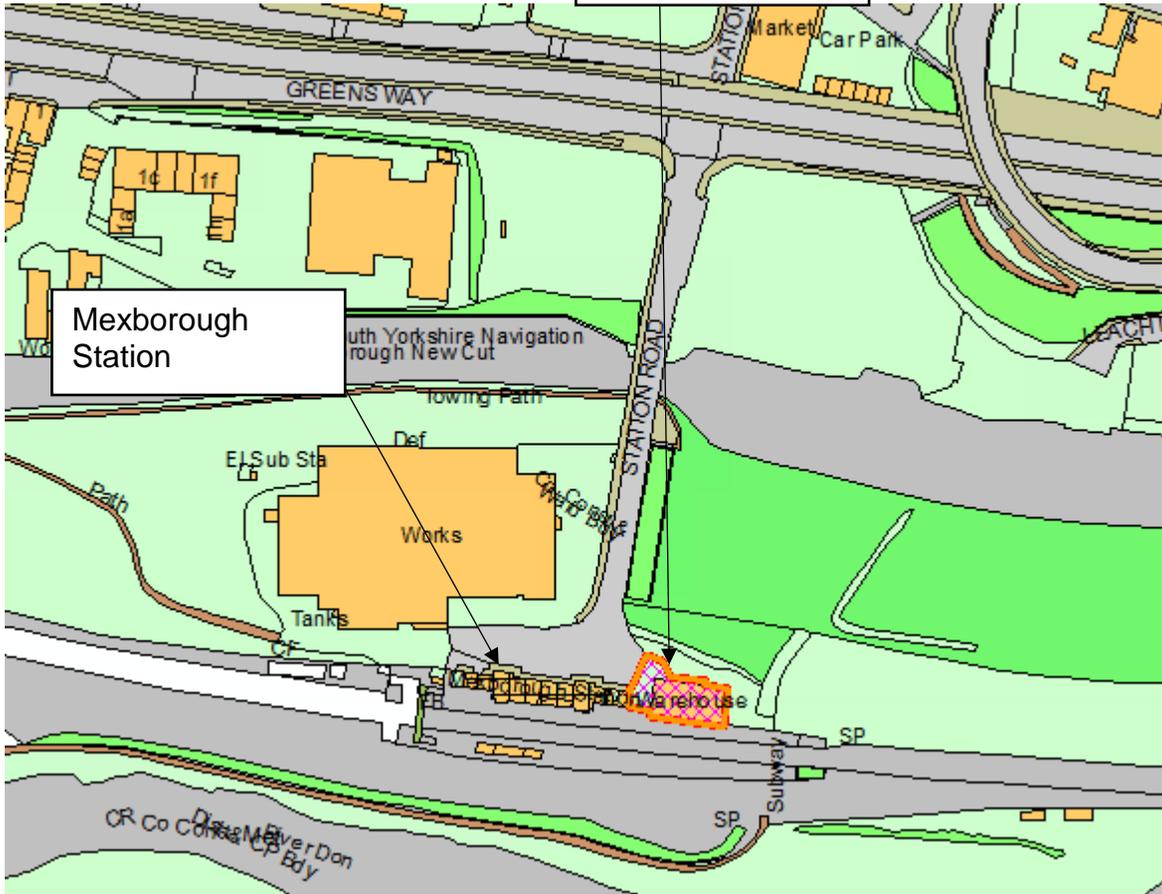
This proposal is for permission to erect a portal frame building for business use on a plot of land adjacent to Mexborough Station. The land was previously occupied by a warehouse/storage building which has since been demolished. The proposal is a departure from policies in the Unitary Development Plan, however is consistent with up to date policy set out in the Core Strategy and National Planning Policy Framework in terms of the use of previously developed land.

The proposal is not out of character with its surroundings and sympathetic to the setting of the adjacent listed railway station. It does not represent an unacceptable impact on amenity of adjacent residential land use or highway safety and is considered to be an acceptable and sustainable form of development in line with paragraph 7, 8 and 11 of the National Planning Policy Framework (NPPF, 2019).

The report demonstrates that there are no material planning considerations that would significantly outweigh the social, economic or environmental benefits of the proposal in this location.

RECOMMENDATION: GRANT planning permission subject to conditions

Application Site



Mexborough Station

1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee due to the proposal representing a departure from policies in the Unitary Development Plan. The proposal is however consistent with up to date policy set out in the Core Strategy and National Planning Policy Framework.

2.0 Proposal

- 2.1 The application seeks permission to erect a portal frame building and enclose the site next to Mexborough Railway station for uses within B1 of the Use Class Order. The order defines a B1 use as (a) as an office other than a use within class A2. (b) for research and development of products or processes, (c) for any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- 2.2 The proposed building will have a smaller footprint than the previously removed building. A larger forecourt area will be provided for vehicular manoeuvre. New palisade fencing gates have been erected and this is, and will remain, the main entrance to the site.
- 2.3 Since first submitted, the application has been amended in connection with the response from the Conservation Officer and indicates that external materials will be of brick and tile to better compliment the adjacent listed railway station building.

3.0 Site Description

- 3.1 This site previously accommodated a former Rail storage/warehouse building which was on the site. The building had fallen into disrepair due to vandalism and corrosion. The building was deemed to be dangerous by Network Rail. As a consequence the building was demolished in 2018 and disposed of. A new paladin fence line was erected by the Applicant between the plot in question and the railway platform on completion of the sale.
- 3.2 The site is therefore currently vacant and surrounded by palisade/paladin fencing with a large gate at the entrance. The site lies to the north of the railway line and to the west of the station building and is accessed from Station Road which itself is a cul-de-sac serving the Railway Station and the development of park homes on the former carpet warehouse site.
- 3.3 To the east is the overflow car park and a pedestrian underpass that provides level access to the platforms on the opposite side of the station and also forms part of a public footpath that leads further to the south.

4.0 Relevant Planning History

- 4.1 There is no recent planning history

5.0 Site Allocation

- 5.1 The site is allocated in proposals maps of the Unitary Development Plan as part of the South Yorkshire Green Belt being outside the residential envelope of Mexborough. The emerging local plan would not change the Green Belt allocation.

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 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 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).
- 5.5 Paragraph 117 states planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 5.6 Paragraph 124 of the NPPF states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 5.7 Paragraph 127 states planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.
- 5.8 Paragraph 145 states that development in the Green Belt is inappropriate except (amongst other things) in terms of 'complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development'

- 5.9 Paragraph 184 states heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 5.10 Paragraph 192 advises that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.11 Paragraph 193 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Core Strategy 2011 – 2028

- 5.12 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 (as amended) and section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended)).
- 5.13 In May of 2012 the Local Development Framework 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 the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.14 Policy CS3 states that development proposals in the Green Belt will follow national planning policy.
- 5.15 Policy CS14 of the Core Strategy require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings.
- 5.16 Policy CS15 of the Core Strategy seeks to preserve, protect or enhance Doncaster's historic Environment.
- 5.17 Policy CS16 of the Core Strategy states that Doncaster's natural environment will be protected and enhanced.

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

- 5.18 Policy ENV 3 deals with green belt policy including stating that development is inappropriate in principle subject to various exceptions. However as stated above

this pre-dates the exceptions for brownfield sites that is included in the National Planning Policy Framework.

- 5.19 Policy ENV 34 deals with development within the setting of a listed building and resists development where it would adversely affect the setting of a listed building by virtue of its nature, height, form, scale, materials or design or by the removal of trees or other important landscape features.

Doncaster Local Plan

- 5.20 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted.
- 5.21 The Local Plan has been formally submitted for examination on 4th March 2020 and an Inspector has been appointed therefore the Local Plan is now under examination. Paragraph 48 of the NPPF states that the LPA may give weight depending on the stage of the Local Plan and 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).
- 5.22 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development. This policy is afforded limited weight as there are outstanding unresolved objections.
- 5.23 Policy 2 addresses development in the Green Belt and states that national planning policy will be applied, including the presumption against inappropriate development except in very special circumstances. This policy is afforded limited weight as there are outstanding unresolved objections.
- 5.24 Policy 37 seeks to protect the setting of listed buildings. This policy is consistent with national policy and is given substantial weight.
- 5.25 Policy 47 seeks to ensure high standards of non-residential design. This policy is consistent with national policy and is given substantial weight.

Other material planning considerations

- 5.26 These include;
- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
 - South Yorkshire Residential Design Guide (SPD) (2015)
 - National Planning Policy Guidance
 - Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990)

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 (as amended) by means of site notice, council website, press advertisement and neighbour notification.
- 6.2 No representations have been received in response to the publicity.

7.0 Parish Council

7.1 Mexborough is not a 'parished' part of the Doncaster borough.

8.0 Relevant Consultations

8.1 **Conservation Officer** – Initial objections removed after proposal was modified to show that the external appearance would be brick and tile and has requested conditions for prior approval of these along with replacement of the fencing around the site.

8.2 **Highways** – No objections.

8.3 **Pollution Control** - Historic maps show the above application is located within 250 meters of a closed Landfill and requested a condition requiring site investigations for gas monitoring.

8.4 **Public Rights of Way** – The proposal is not considered to impact the nearby public footpath

8.5 **Network Rail** – Network Rail has no objection in principle to the development, but they listed requirements that must be met, especially with the close proximity of the development to Mexborough Railway Station and the operational railway environment. However much of what they are requesting would be covered by other legislation such as the Party Wall Act.

8.6 **Environmental Health** – No objections subject to conditions limiting the use of power tools and vehicle body repairs as well as limiting the opening to avoid anti-social hours.

9.0 Assessment

9.1 The principle issues for consideration under this application are as follows:

- Principle of development;
- Impact on amenity;
- Impact on the character and appearance of the area;
- Impact on heritage assets;
- Highway safety and traffic;
- Overall planning balance.

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 The proposal is within the Green Belt, however it is previously developed land (Brownfield). The Unitary Development Plan only allows for replacement dwellings in the Green Belt however the NPPF (2019) offers the most up to date guidance.
- 9.4 National Policy does allow for the redevelopment of Brownfield sites so long as it does not have a greater impact on openness than the original development. The building covers a smaller footprint than the original railway building on the site and is smaller in scale so meets that test.

Sustainability

- 9.5 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
- 9.6 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.
- 9.7 The site while outside the settlement limit of Mexborough is close to a recent development of park homes and also on the southern edge of the main settlement. It is also adjacent to the railway station and approximately half a mile from the Town Centre and Bus Station so is considered to be in a sustainable location.

ENVIRONMENTAL AND SOCIAL SUSTAINABILITY

Character and Appearance of the Area

- 9.8 The surroundings are characterised by the railway and expansive parking area although the station building is historic and is grade II listed. The design has been modified so that the proposal would be constructed in brick and tile and the authority would have prior approval of such materials by way of a condition. Bringing the site back in to use and the erection of a building that is sympathetic to the adjacent station would improve the appearance of the setting of the listed station and is afforded moderate weight in favour of the proposal.

Impact on Neighbouring Land Uses

- 9.9 The application proposes a single storey unit for a business use. While the B1 classification does cover a wide range of potential uses including industrial processes, the order makes clear that these are appropriate for a residential area. Part of the station building is a residential unit (the gable end of the residential element is approximately 13 metres away from the proposed building) and the Environmental Health Officer has taken this into account in their response. They recommended conditions limiting the use of power tools, body repairs and spraying as well as limiting the opening hours. Additionally there are no windows in the side elevation of the residential unit that faces towards the proposed building. With these limitations, the harm to nearby occupants of residential accommodation

would be limited and therefore limited weight is given the potential harm to residential amenity.

Impact upon Highway Safety

- 9.10 The proposed access and parking area has been assessed by the Highway engineer and no objections were raised. The scheme has also been amended so that the gates do not open outwards from the site.

Conclusion on Environmental and Social Issues

- 9.11 Taking the above matters into consideration, it is concluded that, subject to the imposition of suitably worded conditions for opening hours, controls on certain activities, prior approval of materials and a landscaping scheme, the development would not have a significant adverse effect on local amenity and respects the character and appearance of its surroundings including the setting of the listed station building.

ECONOMIC SUSTAINABILITY

- 9.12 There is some economic benefit to the development of the site through the building work involved in building the site as well bringing a redundant site back into use, especially as it is alongside a property that has heritage value. Once operational it would also see the employment of a small number of skilled staff involved in the operational business which would contribute moderate weight in favour of the proposal.
- 9.13 Para 8 a) of the NPPF 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.

Conclusion on Economic Issues

- 9.14 The proposal would result in some economic benefit in the creation of construction jobs from the conversion and employment within the resultant business. However the jobs created would be 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. The site is alongside a listed building. The re-development of the site would enhance the current appearance of the site and also the employment opportunities provided by the resultant business are welcome. The cumulative weight afforded these benefits overcomes the limited weight given to any harm to residential amenity. On balance, therefore, the proposal is viewed favourably and recommended to be granted.

11.0 RECOMMENDATION

11.1 GRANT planning permission subject to conditions

01. STAT1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. U0077829 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:
PROPOSED PARKING AREA - FLOOR LAYOUT 1:100 dated November 2019
PROPOSED ELEVATIONS 1:100 dated November 2019
ELEVATION STREET SCENE 1:200 dated November 2019
FORMER and PROPOSED BUILDING ON PLOT AREA 1-125 dated November 2019
REASON
To ensure that the development is carried out in accordance with the application as approved.
03. U0077827 The external face of the building hereby permitted shall be in smooth red engineering brick unless otherwise agreed in writing by the local planning authority. Prior to commencement of relevant works a one-metre-square sample panel of the brickwork showing the pointing and bonding shall be constructed on site and approved in writing by the local planning authority. The approved panel shall be retained on site until construction of the building has been completed. Development shall be carried out in accordance with the approved details.
REASON
To protect the setting of the listed building
04. U0077828 Prior to commencement of relevant works a sample of the roof cladding shall be provided on site and approved in writing by the local planning authority. The colour of the roof cladding, its trimmings/bargeboards, the frames to the roof-lights and rainwater goods shall be of one colour and shade/tone and be black or a dark grey unless otherwise agreed in writing by the local authority. Development shall be carried out in accordance with the approved details.
REASON
To protect the setting of the listed building
05. U0077830 Prior to commencement of relevant works details of the roller shutter and pedestrian door shall be submitted to and approved in writing by the local planning authority. Details shall include the colour of the roller shutter and the door and this shall be of one colour and shade/tone and be black or a dark grey to match the roof treatment unless otherwise agreed in writing by the local authority. Development shall be carried out in accordance with the approved details.

REASON

To protect the setting of the listed building

06. U0077831 Prior to the occupation of the development hereby granted the current palisade fencing to the entrance and to its side shall be removed and replaced with an agreed gate and fencing/walling. Details of the replacement gate and fencing/walling shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON

To protect the setting of the listed building

07. U0077832 Prior to the occupation of the development hereby granted, landscaping details, including timescales, shall be submitted to and approved in writing by the local planning authority. The landscaping shall be carried out in accordance with the approved details and 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.

REASON

To protect the setting of the listed building

08. U0077833 The building hereby approved shall not be used before 0800 hours or after 1800 Monday to Friday or before 0800 hours or after 1300 hours on Saturdays and not at all on Sundays and Public Holidays.

REASON: To protect the amenities of the surrounding residents

09. U0077834 Other than during construction of the development, no power tool shall be used outside of the building at any time.

REASON: To protect the amenities of nearby residents

10. U0077835 No vehicle body repairs or paint spraying shall be carried out in connection with the permitted development.

REASON: To protect the amenities of nearby residents

11. U0077845 The application site is adjacent to a landfill that is known to be producing landfill gas, or has the potential to produce landfill gas and therefore the risk of landfill gas migration shall be fully investigated prior to the commencement of development on site.

a) The site investigation, including relevant ground gas monitoring 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.

b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy, including a diagram of the installation and installation method statement shall be submitted in writing and approved by the LPA prior to any remediation commencing on site.

c) The approved 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.

d) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the LPA. The verification report shall include quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. The site shall not be brought into use until such time as all verification data has been approved by the LPA

REASON: To secure the satisfactory development of the site in terms of human health and the wider environment and pursuant to pursuant to the National Planning Policy Framework.

INFORMATIVE - Former Railway Property

It is incumbent upon the applicant to investigate all the covenants and understand any restrictions relating to the site which may take precedence over the authorised development and any planning conditions. In this instance, the site is subject to a demarcation agreement, the conditions of which must be adhered to by the developer.

Reasons(s) for Granting Planning Permission:

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:

Amend external materials

Appendix 1: Location Plan



Appendix 2 Site Plan



Appendix 2 : Proposed Elevations

