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| <b>Application</b> | <b>4.</b> |
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| <b>Application Number:</b> | 19/03101/FUL |
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| <b>Application Type:</b> | FULL Planning Application |
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| <b>Proposal Description:</b> | Erection of a drive-thru freestanding restaurant with car parking, landscaping, including Customer Order Displays (COD), with canopies, children's play frame and associated works |
| <b>At:</b>                   | Land And Buildings South Of Doncaster Road, Denaby Main  |

|             |                            |
|-------------|----------------------------|
| <b>For:</b> | McDonald's Restaurants Ltd |
|-------------|----------------------------|

|                          |                                      |                |             |
|--------------------------|--------------------------------------|----------------|-------------|
| <b>Third Party Reps:</b> | 6 letters of support<br>2 objections | <b>Parish:</b> | None        |
|                          |                                      | <b>Ward:</b>   | Conisbrough |

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| <b>Author of Report:</b> | Mark Ramsay |
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## **SUMMARY**

The proposal is to erect a fast food restaurant with drive thru lane and parking area on a vacant site on the edge of Denaby Main. The application site is north of the Doncaster Road/Hilltop Road Roundabout and south of the former Doncaster Road and the railway line, which crosses this road to the north west of the site. To the east is a vehicle repair business and curtain manufacturer.

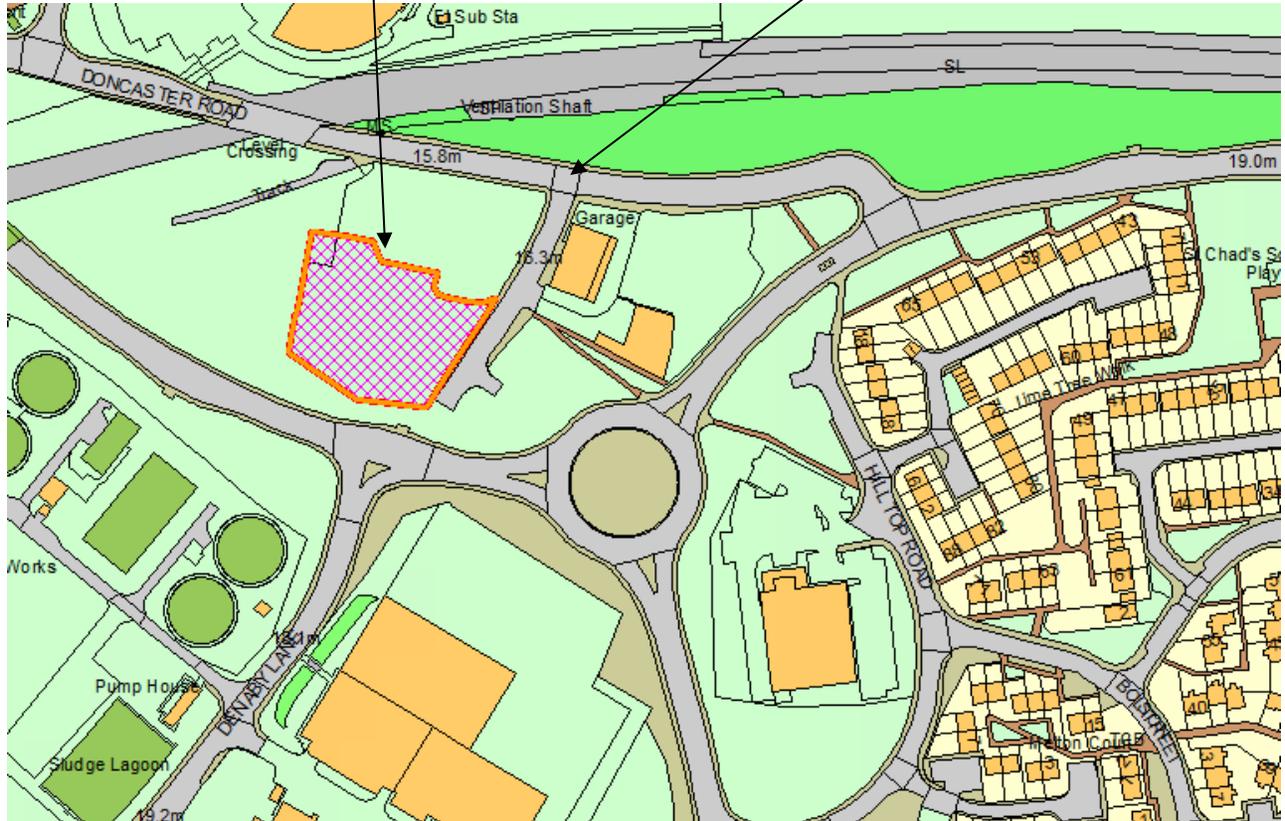
The site was last used as a self-storage facility and previously the buildings were occupied by the National Coal Board archive. The building has subsequently been demolished and the site cleared some time before 2014 and has been a vacant brownfield site since.

In accordance with Paragraph 11 of the NPPF, the proposal is considered in the context of the presumption in favour of sustainable development. On balance the benefits of employment created on a brownfield redundant site outweigh the potential harm to nearby centres and the concerns raised from the health impacts of the introduction of a hot food takeaway and drive through at this site.

**RECOMMENDATION: Grant Permission**

Application site

Site entrance



## 1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee due to the level of public interest in the proposal. In addition the application has been subject to an objection by member of a planning departments household.

## 2.0 Proposal

- 2.1 The proposal is to erect a fast food restaurant with drive thru lane and parking area on a vacant site on the edge of Denaby Main. The application site is north of the Doncaster Road/Hilltop Road Roundabout and south of the former Doncaster Road and the railway line, which crosses this road to the north west of the site. To the east is a vehicle repair business and curtain manufacturer. The access to the site is from a cul-de-sac, which was formerly known as Denaby Lane and was severed by the diversion of Doncaster Road to cross over the railway line in 2002.
- 2.2 The application was submitted with a Noise Assessment, Odour Assessment, Landscape Plan, Flood Risk and Drainage Management Plan, Travel Plan, Litter Patrol and Construction Management Plan.

## 3.0 Site Description

- 3.1 The site was last used as a self-storage facility and previously the buildings were occupied by the National Coal Board archive. The building has subsequently been demolished and the site cleared some time before 2014 and has been a vacant brownfield site since.
- 3.2 The site is bounded by a brick wall with railways between brick piers and sits below the embankment of the diverted Doncaster Road. There is a landscaped green space between the old Doncaster Road and the railway line to the north.
- 3.3 Land to the north is subject of a second development and would share the access for this site, that being for a coffee outlet (Costa) with its own drive through lane.

## 4.0 Relevant Planning History

- 4.1 Application site:

| Application Reference | Proposal  | Decision              |
|-----------------------|---|-----------------------|
| 19/03075/ADV          | Installation of 1 freestanding totem sign.  | Pending consideration |
| 19/03076/ADV          | Installation of 6 fascia signs and 3 booth lettering.   | Pending consideration |
| 19/03077/ADV          | Display of various site signage including 4 free standing signs, 20 dot signs, 1 digital booth screen and 1 play land sign. | Pending consideration |

|                  |   |                        |
|------------------|---|------------------------|
| On adjacent land |   |                        |
| 20/00149/FUL     | Erection of a new drive-thru cafe with associated access, parking, drainage and landscaping | .Pending consideration |

## 5.0 Site Allocation

- 5.1 The allocation for this site in the Doncaster Unitary Development Plan (UDP) is shown as Employment Policy Area. Whilst the use falls outside the range of business uses listed within the policy EMP6, the policy does specifically allow for other business or commercial uses to be considered on their merits in accordance with other relevant plan policies.
- 5.2 National Planning Policy Framework (NPPF 2019)
- 5.3 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:
- 5.4 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.5 Paragraph 38 states that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.6 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).
- 5.7 Paragraph 80 sets out that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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.
- 5.8 Paragraph 89 and 90 ask that where retail and leisure developments are outside town centres, the impact on the centres in their catchment area are assessed

Paragraph 91 states that Planning policies and decisions should aim to achieve healthy, inclusive and safe places including enable and support healthy lifestyles, especially where this would address identified local health and well-being needs.

- 5.9 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.
- 5.10 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.
- 5.11 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.
- 5.12 Core Strategy 2011 - 2028
- 5.13 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)).
- 5.14 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 non-residential use in a Residential 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:
- 5.15 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs, protect local amenity and are well designed.
- 5.16 Policy CS2 defines Conisbrough and Mexborough as a Principal Towns in which will be the main focus for growth and regeneration.
- 5.17 Policy CS4 of the Core Strategy requires a proactive approach towards the management of flood risk and drainage.
- 5.18 Policy CS5 states that local employment sites will generally be retained for employment purposes with alternative uses being supported where the use is appropriate in terms of scale, design and location.

5.19 Policy CS14 of the Core Strategy states that all development proposals 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. New development should also have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment.

5.20 Policy CS16 of the Core Strategy states that proposals will be supported which enhance the borough's landscape and trees by:

1. being appropriate to the landscape's character, sensitivity and capacity;
2. Including measures to mitigate any negative impacts on the landscape;
3. Ensuring designs are of high quality, include appropriate hard and soft landscaping, a long-term maintenance plan and enhance landscape character while protecting its local distinctiveness; and;
4. Retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.

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

5.22 The site is allocated as Employment Policy Area in the Unitary Development plan and policy EMP6 supports business and industrial uses. The policy states proposals for other industrial, business or commercial uses will be considered on their merits in accordance with other relevant plan policies.

5.23 Policy ENV53 states that the scale and appearance of new development must have regard to its wider visual impact. Development will not normally be permitted if it would have a significant adverse visual impact on:

- A) views from major transportation routes; or
- B) views across open countryside; or
- C) views of important landmarks.

5.24 Policy SH14 states that hot food takeaways will normally only be allowed in various scenarios including town centres and Employment Policy Areas, although the policy the sub paragraph refers to was superseded by the Core Strategy and does not directly relate to takeaways.

5.25 Local Plan

5.26 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). Taking into account the remaining stages of the local plan process, it is considered the following levels of weight are appropriate between now and adoption dependant on the level of unresolved objections:

- Substantial
- Moderate
- Limited

5.27 The Council sent out the notice of examination (regulation 24 stage) in August 2020 and the Local Plan is currently in examination, aiming to adopt as soon as

practicable once the Inspectors report is published. The following policies are considered appropriate in assessing this proposal and consideration has been given to the level of outstanding objections resulting in appropriate weight attributed to each policy:

- 5.28 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.
- 5.29 Policy 5 refers to Employment allocations stating that uses other than employment will be supported provided that it is clearly demonstrated that the use supports the existing use on the site or is a specialist use. The policy also states that proposed uses must be appropriate in terms of scales; design and location. This policy can be afforded substantial weight.
- 5.30 Policy 47 relates to the design of non-residential, commercial and employment developments. It states the proposals must be designed to a high-quality and make a positive contribution to the area in which they are located. Proposals will be supported where they are designed to: have no unacceptable negative affects upon the amenity of neighbouring land uses or the environment; meet functional requirements whilst being architecturally attractive; be well landscaped and ensure good quality external works. This policy can be afforded substantial weight.
- 5.31 Policy 43 deals with the need for good urban design. This policy can now be applied with moderate weight.
- 5.32 Policy 49 (Landscaping of New Developments) states that development will be supported which protects landscape character, protects and enhances existing landscape features, and provides a high quality, comprehensive hard and soft landscape scheme. This policy is afforded limited weight as there are outstanding unresolved objections
- 5.33 Policy 55 requires the need to take into account air and noise pollution. This policy is considered to carry limited weight at this time.
- 5.34 Policy 56 deals with the need to mitigate any contamination on site. This policy is considered to carry limited weight at this time.
- 5.35 Other material planning considerations
  - Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
  - National Planning Policy Guidance

## **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, and press advertisement (Departure from Development Plan).
- 6.2 There were eight representations received, 6 in support of the development and two objections.

- 6.3 The matters raised in its favour included that it was a good employment opportunity for local people, limited choice of chain outlets in the immediate area and have limited impact on existing local based businesses.
- 6.4 The objections included the possible negative impact on health and wellbeing, local businesses, environmental amenity through noise, smells and littering and an increase in traffic congestion.

## **7.0 Parish Council**

This area is not represented by a Parish Council

## **8.0 Relevant Consultations**

### **8.1 Highways**

8.2 The proposal does not raise any objections from the Development Control Officer subject to conditions requiring surface and sealing of the hard standing areas, turning spaces and parking areas retained and a scheme for cycle parking is provided.

8.3 Since the application was submitted the issue of foot access from the nearby estate has been raised which may involve pedestrians crossing the main Doncaster Road. After assessment of the main road it is accepted that to service foot access to the site, a controlled crossing is necessary on Doncaster Road due to the number of movements and speed of traffic. The applicants have agreed to provide this and the works are secured by condition.

8.4 The transportation officer has confirmed there is sufficient capacity in the adjacent junctions and that the travel plan was acceptable and that provision should be agreed for charging electric vehicles.

### **8.5 Network Rail**

8.6 No objection in principle although had some concern regarding anti-social behaviour in the area. Also requested that a condition requiring a 1.8m boundary fence be required to the railway boundary.

### **8.7 Waste & Recycling**

No comments required.

### **8.8 Public Health**

8.9 Public Health have objected to the proposal and consider that the opening of another fast food takeaway would contribute to the obesity of the local population. The national average of takeaways is 0.86 per 1000 population. Denaby has a population of 7042 and has 4 hot food takeaways; the average number of hot food takeaways for the population size is 6 and Public Health acknowledge that even with this development the number would be below average in this area.

8.10 However, Denaby residents experience significant health inequalities and although currently there are less takeaways than one would expect for the size of the

community the addition of another has the potential to negatively impact on the health of the population.

- 8.11 The proposal would not support Doncaster's Health and Wellbeing Strategy (2016-2021) priority for obesity which aims to develop "a whole systems approach to obesity which promotes and positively contributes to creating a healthy and equitable living environment; by providing access to healthy, affordable locally produced food, opportunities to be physically active and, where appropriate, by restricting opportunities for unhealthy eating."
- 8.12 The link between planning and health has been long established. The built and natural environments are major determinants of health and wellbeing. The importance of this link is highlighted in Chapter 8 of the National Planning Policy Framework (NPPF) Promoting healthy and safe communities.
- 8.13 Policy
- 8.14 For this proposal (retail, Leisure, catering etc.) the land requirements should be directed within existing centres with the potential expansion of Doncaster, Thorne and Mexborough. Core Strategy policy CS7 (retail and town centres) set out a hierarchy in order to promote choice, competition and innovation with proposals for major town centre uses being directed sequentially to the existing shopping areas. The objective is to direct them where there are higher levels of accessibility, and the ability to support multiple purpose trips. After Doncaster's main town centre priority should be given to improving retail facilities in Mexborough and Thorne. Mexborough is defined as the nearest town centre to this site (1.7 miles to the centre point), Conisbrough identified as a district centre and (1.6miles to the centre point) Denaby Main a local centre (0.5 miles to the centre point), all boundaries identified in the UDP and emerging Local Plan.
- 8.15 The proposal would not serve any measurable benefit to supporting the vitality or viability of nearby town centres and limited weight could be given to the provision of a different type of service if that service effectively encourages car borne travel in preference to other more sustainable forms of transport. The site is located in an out of centre location. Whilst there is no doubt the development would be commercially successful they are unlikely to aid any town centre vitality and viability. It is difficult to understand how the proposals would complement uses in any nearby town centre. The proposal does not relate well to nearby uses and would be primarily a roadside facility for the benefit of motorists.
- 8.16 A sequential test was submitted and found no available sites in the surrounding area and an impact assessment was also provided. It is needed to be satisfied that reasonable attempts have been made to demonstrate compliance with national and local planning policy. NPPF policy (para 90) requires "significant adverse impact" on the impact of a proposal on town centre vitality and viability (as per NPPF para 89b) to be demonstrated to justify any refusal.
- 8.17 Evidence has not been provided to allow an adequate robust assessment of whether significant adverse impacts would arise from either proposal (in isolation or in combination with the adjacent application for Costa – pending consideration). Both Mexborough and Denaby have high levels of vacancy and limited retailer demand and it is possible that even very modest developments in locations such as that proposed may lead to a significant adverse impact

8.18 It needs to be considered whether it is appropriate to make a decision in the absence of this information and whether it is likely that “significant adverse impacts” from the proposal/s on town centre vitality and viability are realistically likely to be able to demonstrate for development/s of this size and nature.

8.19 Pollution Control

8.20 The proposed development is within 250 meters of potentially infilled land about which insufficient information is known to permit an adequate response to be made on the extent to which landfill gas may be present on or off site. An informative has been requested to be included in any consent in order to alert the developer.

8.21 Environmental Health Officer (Noise)

No objection to the proposed development of a McDonalds restaurant. The development site is sufficiently remote for sensitive receptors to ensure that there will be negligible impact on those receptors providing basic mitigation measures are utilised. The primary mitigation measures will be the high level discharge of the kitchen extraction system (to disperse odour) and the use of silencers on the extractions equipment fans (to minimise noise). Distance to receptors and local topography as well as the already elevated noise levels in the area will adequately controls all other noise sources associated with the development.

## **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;
- Public Health
- Highway safety
- Flood Risk
- 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

9.3 Principle of Development

9.4 As outlined above the site is allocated as Employment Policy Area on the northern edge of Denaby and close to the western edge of Mexborough.

9.5 The application site is allocated as an Employment Policy Area within the UDP under Policy EMP6. The policy states that such proposals on such sites for uses

B1, B2 and B8 will generally be permitted. Proposals for other industrial, business or commercial uses will be considered on their merits in accordance with relevant plan policies.

- 9.6 Policy CS5 states that local employment sites will generally be retained for employment purposes with alternative uses being supported where the use is appropriate in terms of scale, design and location. However, Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The employment allocation of the site dates back to 1998, and the site has been vacant since the original Coal Board buildings were demolished around 2013. The applicant provided marketing details for the site which has attracted very little interest and with the site being detached from the rest of the Denaby Industrial estate since around the same time, it appears unlikely to attract further interest.
- 9.7 Policy CS1 of the Core Strategy states that as a means to securing and improving economic prosperity, enhancing the quality of place, and the quality of life in Doncaster, proposals will be supported which contribute to the Core Strategy, and in particular (A) provide opportunity for people to get jobs, learn new skills, and have access to good quality housing, local services, sport, leisure, religious and cultural facilities and (B) strengthen communities and enhance healthy, safe places where existing amenities are protected.
- 9.8 Conisbrough & Denaby and Mexborough are identified within the Doncaster Council Core Strategy as a Principal Town. Policy CS2 states that outside of the Main Doncaster Urban Area, the Principal Towns will be the focus for growth and regeneration, in accordance with the settlement hierarchy. Policy CS7 of the Doncaster Council Core Strategy states that the vitality and viability of all the borough's centres will be maintained and enhanced, as will their existing range of uses, including local markets.
- 9.9 This will involve widening the range of uses and encouraging convenient and accessible shopping to meet the day-to-day needs of residents. Retail that would support the vitality and viability of the centres in the hierarchy below Doncaster town centre will be directed sequentially to these centres provided they are of a scale and nature that is appropriate to the size and function of the centre and would not lead to unsustainable trip generation from outside their catchments.
- 9.10 The NPPF promotes town centre uses towards existing centres in the first instance, but allows flexibility in choice of location away from such centres where relevant tests can be met. In this way, the vitality and viability of town centres is given priority, whilst acknowledging an overall positive approach to planning for economic development.
- 9.11 This is an out of centre location and therefore requires justification for retail/leisure on the site. A retail sequential assessment has therefore been submitted as part of the application documentation. The applicant has provided a retail statement with the planning application, including a Sequential Test and Impact Assessment.
- 9.12 The proposal would serve passing traffic on the principle route along the Dearne Valley from Conisbrough through Mexborough and beyond as well as local residents. It is considered that convenience expenditure is retained within the settlement.

- 9.13 As such the principle of developing a vacant brownfield site albeit in an employment policy area can be considered in the context of Unitary Development Plan and Core Strategy policies that permit other types of development on their own merits subject to their not being significant adverse impacts on the vitality and viability of local centres for development/s of this size and nature.

#### **9.14 SOCIAL SUSTAINABILITY**

##### Impact on Amenity in the locality

- 9.15 Policy CS14 of the Core Strategy and Policy ENV53 of the UDP recognise that a component of good design is to ensure that new development does not have a negative effect on residential amenity.
- 9.16 The development consists of a single storey restaurant, car parking area, outdoor seating area and a drive through lane. The nearest dwellings are to the south of the diverted Doncaster Road and sufficiently separated as to not present issues of noise and smells and is not on a road that directly services dwellings so there would be limited impact in terms of trip generation at anti-social hours. The applicant has also included details of their litter management plan which is standard at their sites and it would be part of the duties of employees to ensure the surrounding area is kept tidy. The application has been reviewed by the Environmental Health Officer who has not raised any concerns in terms of nuisance through noise and smells.
- 9.17 The Public Health officer has objected to the proposal indicating that it would have an adverse impact on obesity of the local population. The statement highlights the impact on children in particular. The site is not within a kilometre of a secondary school (it would be unlikely that primary children would leave a school at lunchtime). The section have also highlighted that the provision of hot food takeaways is less than average and even with this site added, it would still be below average. Additionally there is not a proliferation of hot food takeaways generally, the nearest takeaway in the Mexborough direction is over a mile by road or the main chains, the nearest of which are approximately four miles away in various directions towards Manvers, Balby and Parkgate, Rotherham.
- 9.18 The applicant has also highlighted that their offer is to present a choice of options including healthy items such as fruit and vegetable based dishes that can be bundled into a snack or meal. These are highlighted with a traffic light system to highlight the amount of calories, fat, salt, sugar etc. and that can contribute to a balanced diet so it is possible to have a choice of healthy produce at this outlet.

#### **9.19 Conclusion on Social Impacts**

- 9.20 It is considered that, there is a positive impact of bringing a vacant site which has been empty, become overgrown attracted anti-social behaviour should be brought into use with sustainable development and moderate weight should be given to the improvement to the character and appearance of the development.
- 9.21 There is no appreciable harm to amenity of nearby residents in terms of noise and smells due to the relative location of the site however this carries limited weight in favour of the proposal.

9.22 Significant weight needs to be given to the objections from public health regarding how the addition of a hot food takeaway would impact on the obesity levels of the locality. While it is acknowledged there is also a correlation with high levels of deprivation, it is tempered with the knowledge that this site lies on the edge of a residential area and that it is not contributing to a proliferation of outlets in the immediate vicinity nor is there an unusually high number already serving the community.

## **9.23 ENVIRONMENTAL SUSTAINABILITY**

### Impact on the character and appearance of the area

9.24 Policies CS1 and CS14 of the Core Strategy and Policy ENV53 of the UDP require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings. These policies also look at design components including the mix, layout, density and form of development to ensure they look attractive and will make a positive contribution to the character of the area.

9.25 Paragraph 124 of the NPPF states that 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.

9.26 The layout of the scheme includes a single storey building sitting centrally within the site with the parking and drive through surrounding it. The building is low key and set back from the Old Doncaster Road and the new road rises to the side and would overlook its rooftop. It is not considered harmful to either street scene and represent a marked improvement on the site since it was last occupied, being overgrown and due to not being readily overlooked and close to a railway line, has become an attraction for anti-social behaviour.

9.27 The above assessment can be given substantial weight in favour of the application

### Highway safety and traffic

9.28 Policies CS1 and CS14 of the Core Strategy seek, amongst other things, to achieve ease of pedestrian movement, the protection of public safety and securing a functional highway network. Furthermore, the Council's SPD guidance set out good design principles concerning the protection of highway safety.

9.29 The site has been assessed by Transportation, Road Safety and Highways development control. The capacity of junctions, accident records of adjacent roads, access to the site and internal layout was assessed and no objections were raised.

9.30 The safety of foot access to the site was queried by local ward members. There are intermediate crossing points where the main road meets the roundabout junction with Denaby Lane and a small refuge in the centre of the road close to the junction with the old road.

9.31 The applicants commissioned survey work and it was concluded from the data produced that the rating was sufficiently high that a crossing should be provided. This would not normally have justified a controlled crossing, however, due to the

speed limit on the road and the constraints of the carriageway no alternative to a full controlled crossing can be implemented. The applicants have agreed that they are willing to provide the crossing and this is secured by condition.

### Flood Risk

- 9.32 The application site is partially within Flood Zone 2 as designated by the Environment Agency, however the area concerned is not being developed with buildings so the development itself is not at risk. The access from the Conisbrough direction is not in the flood zone so the site is not at risk from being islanded.

### **9.33 Conclusion on Environmental Issues**

- 9.34 The proposal is considered to have a relatively positive impact in terms of bringing a disused brownfield site into use and also provide comings and goings from the site which should deter anti-social behaviour. The highway access is suitable and not only will provide for passing traffic but also a safe route for pedestrians from the nearby estate. It will also in turn benefit pedestrians headed further along the old road headed for the nearby leisure centre. Significant weight can be given to the introduction of a sustainable development that will see a brownfield site brought into use and provide intervisibility to the adjacent land so which should deter the likelihood of antisocial behaviour and improve the visual appearance of the site and its surroundings.

### **9.35 ECONOMIC SUSTAINABILITY**

- 9.36 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application
- 9.37 The development would generate the equivalent of 50 full time positions and the applicant has highlighted the education, training and development that they provide to staff.
- 9.38 The concerns of the policy officers are noted as to how this deviates from the purpose of allocating land for employment purposes. The Doncaster Local Plan (Housing and Economic Land Availability Assessment (HELAA) Base Date April 2018), published July 2019 includes a full breakdown of available sites in the borough. This includes undeveloped sites in the Denaby area without planning permission and also a search made at the time of writing showed there was land and units for sale/rent elsewhere on the industrial estate.
- 9.39 Further concerns were raised on how this impacts on the local centres. While Hot Food Takeaway is related to retail and leisure it can also be looked at on a stand-alone basis given that it serves a roadside function. The officers have highlighted the nature of the assessment in terms of sequential test and also by economic impact on nearby centres.
- 9.40 The officers have looked at this and the adjacent development in tandem and also looked at the size of the whole site. However, the policy specifies gross floor space and even with the two buildings combined it falls short of the 750 sq. m threshold for out of centre development for an impact test.

9.41 The applicants have looked at the surrounding centres, those nearby such as Mexborough and Conisbrough as well as other parts of the borough including Edlington. Sites identified as available have been discounted as being unsuitable, mainly through inadequate space or being unviable.

#### **9.42 Conclusion on Economy Issues**

9.43 Whilst the economic benefit of the construction of the proposal is of limited benefit, the long term benefit of new jobs from a, currently, disused and vacant brown field site is given substantial weight.

9.44 The objections to the justification for an out of centre development on employment policy land is countered by the information the applicants have provided in terms of looking for a central site. The test for whether to resist such a development would be whether there are "significant adverse impacts" from the proposal that affect the town centre vitality and viability.

9.45 While there may be some impact in terms of choice being widened the bulk of footfall is just as likely to come from the immediate residential area as from people who would already travel by car to use such a facility, whether it was McDonalds or another chain. There is nothing equivalent in the two main affected centres and does not create or add to a proliferation of these or other takeaway outlets in the immediate vicinity. This being over a mile from the nearest takeaway in Mexborough and slightly further from the centre of Conisbrough.

9.46 The possible impacts on the nearby centres are limited due to the nature of the type of development that provides several different services at the same time and has varied market. The sequential approach has shown that other sites are either not suitable or available and the impacts are not such to be treated as severe impact to those centres.

9.47 Limited weight is given to the economic benefits of construction and moderate weight given against the development in terms of loss of an employment policy site and impacts on adjacent centres. Substantial weight is given to the benefits of employment created by the development of the site

### **10.0 PLANNING BALANCE & CONCLUSION**

10.1 In accordance with Paragraph 11 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. On balance, the benefits of employment created along with the redevelopment of a brownfield, long-redundant site outweighs the potential harm to nearby centres and the concerns raised from the health impacts of the introduction of a hot food takeaway and drive through at this site.

### **11.0 RECOMMENDATION**

**11.1 GRANT planning permission subject to the conditions listed below**

#### **Conditions / Reasons**

01. 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. 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:

7000\_AEW\_8972\_0001 Site Location Plan;  
7000\_AEW\_8972\_0002 Block Plan;  
7000\_AEW\_8972\_0003 Site Layout Plan - Existing;  
7000\_AEW\_8972\_0004 Proposed Site Plan;  
7000\_AEW\_8972\_0005 Elevations and Sections;  
7000\_AEW\_8972\_0006 Floor and Roof Plans;  
7000\_AEW\_897\_0015 Site Layout Plan - Landscape  
MD4180406/CP/010 CONSTRUCTION MANAGEMENT PLAN  
Litter Management Plan

REASON

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

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

REASON

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

04. The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such.

REASON

To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.

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

REASON

To ensure that adequate parking provision is retained on site.

06. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and/or visitors to the development have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

REASON

To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy CS9 of the Doncaster Core Strategy.

07. Prior to the occupation of the development hereby approved, details of electric vehicle charging provision shall be submitted to and approved in writing by the local planning authority. Installation shall comply with current guidance/advice. The first dwelling/development shall not be occupied until the approved connection has been installed and is operational and shall be retained for the lifetime of the development. The development shall be carried out in accordance with the approved details.

**REASON**

To contribute towards a reduction in emissions in accordance with air quality objectives and providing sustainable travel choice in accordance with policies CS9 and CS18 of the Doncaster Council Core Strategy.

08. Not to bring the development into use unless and until the controlled crossing on Doncaster Road (a scheme for which shall have previously been submitted to and approved by the Local Planning Authority in writing) has been delivered and is operational.

**REASON**

In the interests of pedestrian safety.

## **Informatives**

### **INFORMATIVE**

Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The agreement must be in place before any works are commenced.

There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

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

### **INFORMATIVE**

Any alteration to the existing street lighting as a result of the new access arrangements will be subject to a costs which are to be borne by the applicant. Street lighting design and installation is generally undertaken by the Local Highway Authority. There is a fee payable for this service and the applicant should make contact with Fiona Horgan - Tel 01302 735097 or e-mail

Fiona.Horgan@doncaster.gov.uk regarding this as soon as possible. Further information on the selected DNO / IDNO together with the energy supplier will also be required as soon as possible as they directly affect the adoption process for the street lighting assets.

### **INFORMATIVE: DEVELOPMENTS NEAR POTENTIALLY INFILLED LAND**

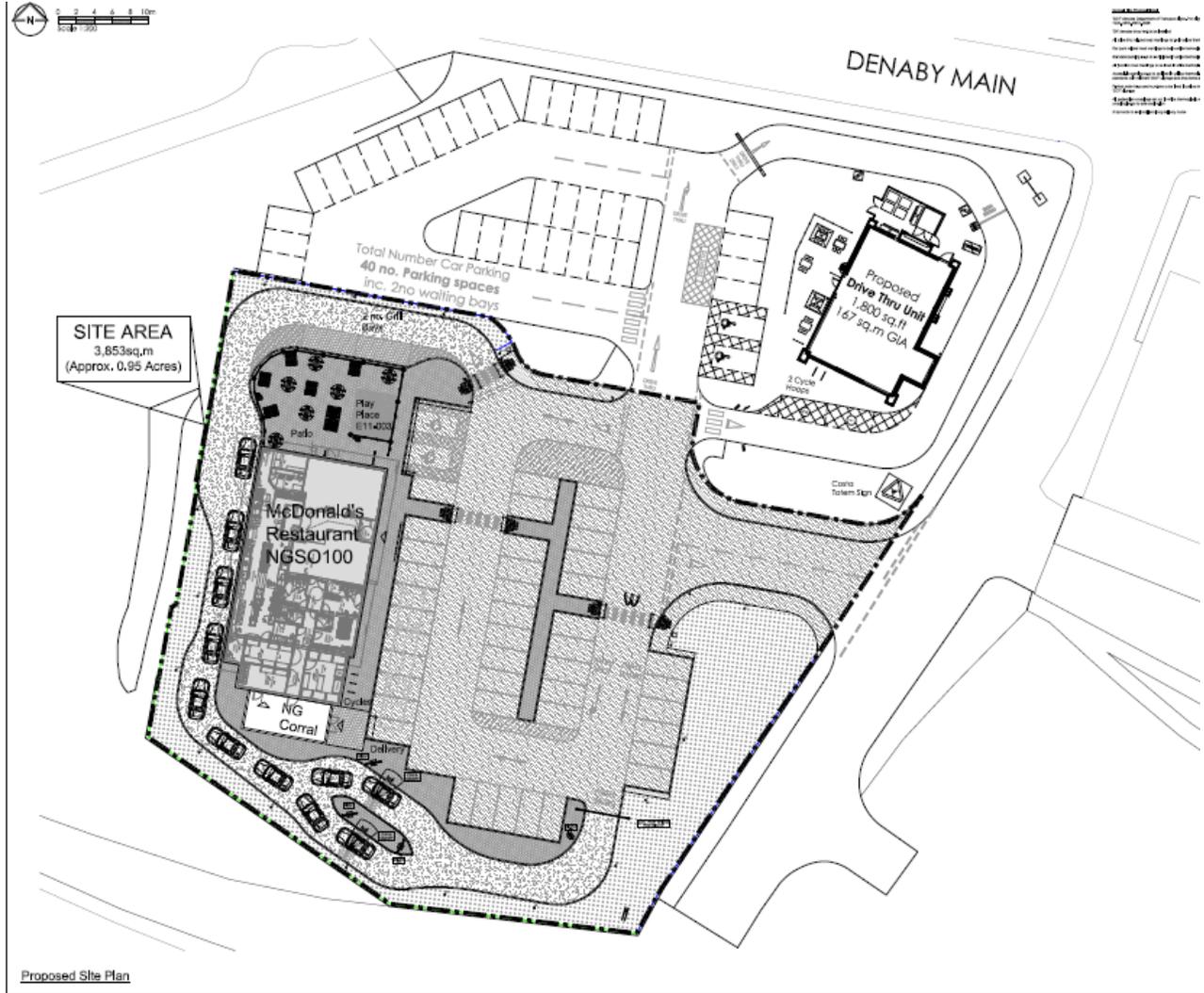
The proposed development is within 250 meters of potentially infilled land about which insufficient information is known to permit an adequate response to be made on the extent to which landfill gas may be present on or off site.

Planning permission has been granted on the basis that there is no sound and clear-cut reason to refuse. The applicant is, however, reminded that the responsibility for safe development and secure occupancy of the site rests with the developer and accordingly is advised to consider the possibility of the presence or future presence of landfill gas and satisfy himself of any gas precaution which may be necessary.

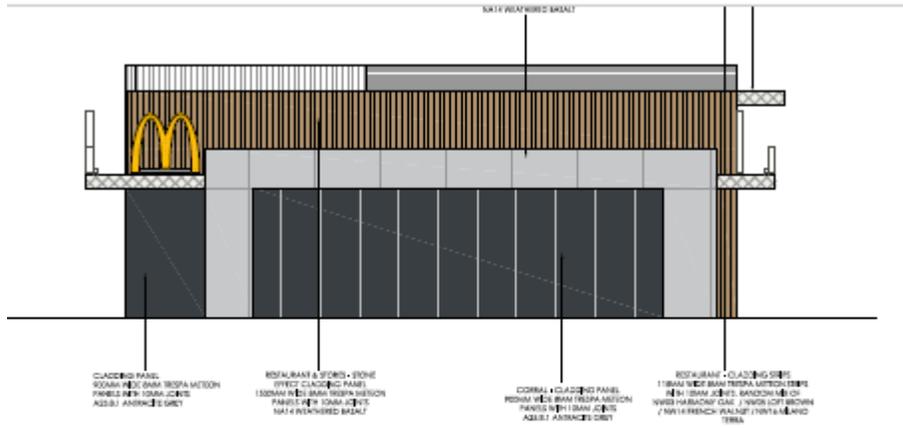
**The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

# Appendix A

## Site Plan







sed Elevation B

