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<b>Application Number:</b>	21/02399/FUL
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<b>Application Type:</b>	Full Planning Application
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<b>Proposal Description:</b>	Formation of new site entrance (from Worcester Ave)
<b>At:</b>	Crompton Lighting Limited Wheatley Hall Road Wheatley Doncaster

<b>For:</b>	Mr Nigel Griffiths - Ground Group
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<b>Third Party Reps:</b>	5 Letters of objection	<b>Parish:</b>	n/a
		<b>Ward:</b>	Wheatley Hills and Intake

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

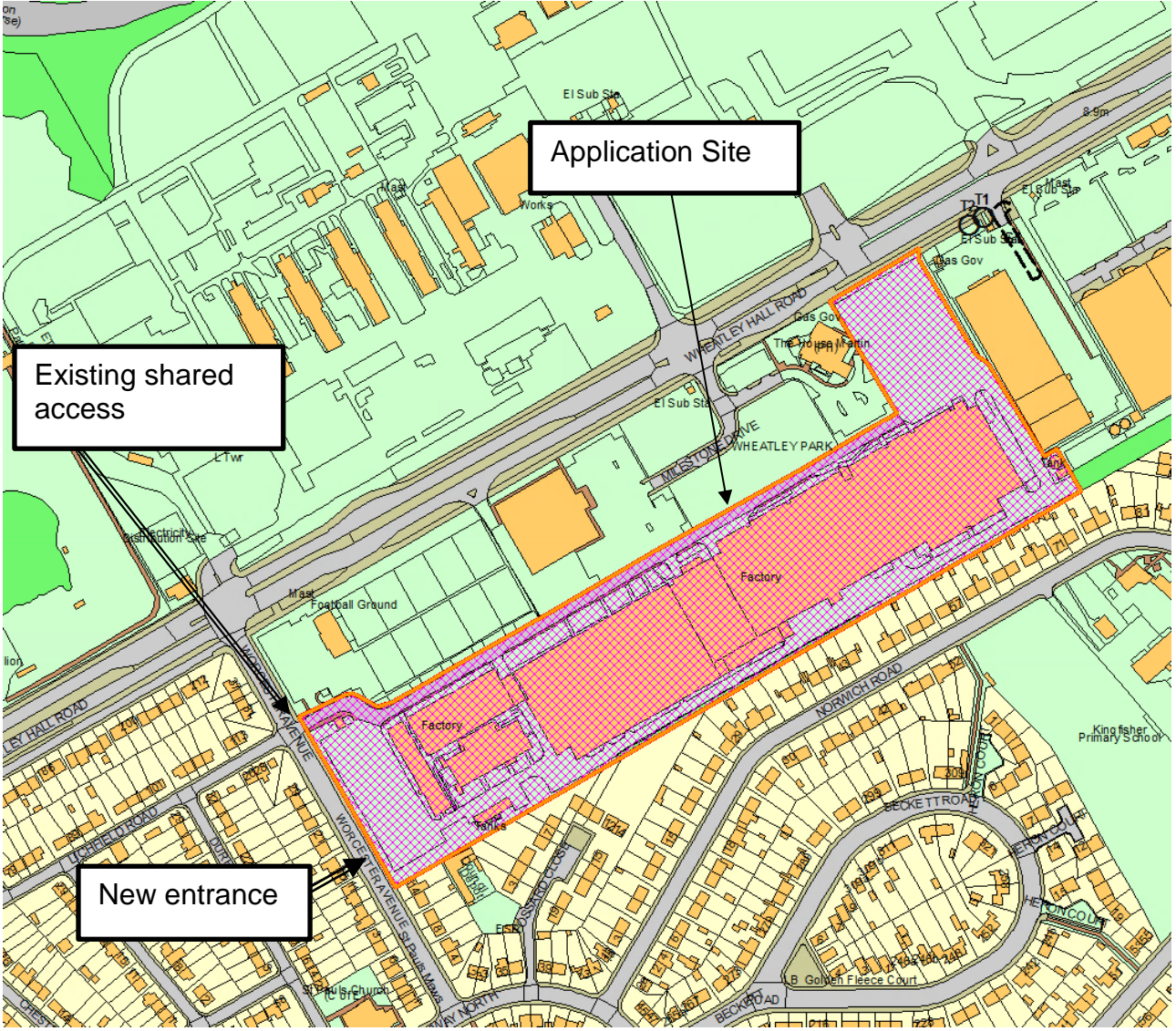
The proposal is for a new vehicle access to land to the west of the former Crompton Electrical factory building also known as Xenon Park. This would be to provide direct access to the existing car park and building instead of via the access to Worcester Avenue that is shared with 'Goals' football centre.

The access would be further south along Worcester Avenue than the current access and delivery vehicles would need to traverse part of the avenue that is subject to a weight restriction, however the traffic order that is in place only applies to through traffic.

The site is allocated as employment land in the Doncaster Local Plan 2015-2035.

The proposal continues to ensure access to a site allocated for employment uses, while moving the access will inevitably lead to commercial traffic movements passing some residential premises, the impact on amenity will be limited and therefore the proposal is recommended for approval.

The application was deferred for decision at the previous meeting in order to receive further information in relation to the impact on trees affected by the development. The tree officer has been consulted and the relevant section report has been updated below.



Application Site

Existing shared access

New entrance

## 1.0 Reason for Report

- 1.1 The application is being presented to Members due to the number of representations made to the proposal.

## 2.0 Proposal and Background

- 2.1 Planning permission is sought for permission to create a new direct access to the car parks and buildings forming Xenon Park, former Crompton Electrical Site rather than the shared access with the Goals football centre. There are potential civil matters between the users of the shared access that may mean that it is no longer available to the occupants of the factory site, so the possibility of a dedicated access is necessary.
- 2.2 At the opposite end of the site a direct access to Wheatley Hall Road has been approved to service a speculative new development, which would be separated from the rest of the site. This further amplifies the requirement for a dedicated access.

## 3.0 Site Description

- 3.1 The site lies to the east of Worcester Avenue and is populated by former factory buildings which are now leased out as business units. The site is bounded by a mesh fence on the boundary with Worcester Avenue. There are detached two storey properties fronting Worcester Avenue opposite the site and other housing along the southern boundary which aren't directly affected by this proposal. The existing driveways around the factory site and its car park would remain otherwise unaltered.

## 4.0 Relevant Planning History

Application Reference	Proposal	Decision
21/02682/FUL	<b>Proposed new site entrance (from Wheatley Hall Road)</b>	Granted 14 February 2022

## 5.0 Site Allocation

- 5.1 The site is identified within the Local Plan as Employment Policy Area.

### 5.2 National Planning Policy Framework (NPPF 2021)

- 5.3 The National Planning Policy Framework 2021 (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 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 5.5 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.6 Paragraphs 55-56 states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Planning conditions should be kept to a minimum and only be imposed where necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.6 Paragraph 83 recognises that decisions should the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations contributing to a strong competitive economy.
- 5.7 Paragraph 111 states 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.

### **Local Plan**

- 5.8 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. The development plan for Doncaster consists of the Doncaster Local Plan (adopted 23 September 2021). The following Local Plan policies are relevant in this case:
- 5.9 Policy 4, Employment Policy Area, broadly supports commercial, storage and industrial uses and other uses that support these uses or are sufficiently specialist.
- 5.10 Policy 12 Strategic Transport Network states that developments which generate large volumes of freight traffic or involve the transport of bulk materials should be located close to the strategic transport network, where this can be accommodated within the existing capacity of the network

### **Other material planning considerations and guidance**

- 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 by means of site notice, council website, press advertisement and neighbour notification.
- 6.2 Following this publicity, a total of 5 letters of objection were received. A summary of the material planning issues raised is set out below:

- Loss of amenity through noise, disturbance and delivery traffic passing and turning close to dwellings, changes in character and appearance from adjacent dwellings

## **7.0 Parish Council**

7.1 The location is not currently a parished area

## **8.0 Relevant Consultations**

### **8.1 Yorkshire Water**

No objections

### **8.2 Highways**

The applicant has shown that vehicles will be able to safely turn in and out of the site without compromising parked vehicles. While noting that the access is inside the weight restriction on Worcester Avenue, it is 'except for access' so that vehicles accessing the site would not actually be breaching the order although it would be preferred if the weight restriction was moved, should the application be approved. This would entail a separate process requiring a traffic order which has its own consultation process under the relevant legislation and is separate from planning law. Tracking was carried on the proposed layout and found that vehicles were able to turn into the site without affecting parked cars, so there isn't a requirement for double yellow lines to be applied to part of the street.

### **8.3 Environmental Health**

Concern was raised with regards to the impact on the properties opposite the site. The applicant provided information showing that the number of vehicle movements in and out of the site were small in terms of commercial vehicles and only within normal working hours and the movements were not at anti-social times of the day. The officer commented that movements are relatively small and would only have a limited noise impact on residents and properties immediately opposite may result in limited light intrusion from headlights shining across the road caused by vehicles leaving the site.

### **8.4 Trees**

The trees along the boundary of the site have been heavily pollarded and this can be seen in street view images from recent years when the trees were not in leaf. The tree officer is not concerned regarding whether they are retained but a scheme should be put together for tree planting and landscaping to provide some replacements for those removed (see para. 9.15 below).

## **9.0 Assessment**

9.1 The proposal seeks permission for a new access from Worcester Avenue. In considering the proposal the main material planning considerations are outlined below:

- The impact on the character of the area
- The impact on neighbouring residential properties

- The impact on the highway network and highways standards

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
- No

#### Appropriateness of the proposal

9.3 The Local Plan supporting Policies Map show this site is allocated as part of an Employment Policy Area and the proposal will ensure the site can continue to be accessed should the operator no longer be in a position to use the access shared with the Football centre. The associated buildings are in use for various commercial purposes, which is deemed in line with the Local Plan policies.

#### Sustainability

9.4 The National Planning Policy Framework (NPPF 2021) 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

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

### **SOCIAL SUSTAINABILITY**

#### Impact on Residential Amenity

9.6 The impact on residential amenity is significant as there is currently restrictions reducing the amount of heavy goods vehicles traversing Worcester Avenue. The impact on amenity will come from additional vehicles passing the frontages of properties on Worcester Avenue to access the site, which otherwise would have turned off the road before reaching those dwellings or turned away, driving towards Wheatley Hall Road. Currently there is no proposal to alter the premises within the wider site and the new access would not generate extra traffic because of its creation.

9.7 The additional movements would be largely within regular working hours and the numbers are relatively small when based on the existing comings and goings. The applicant carried out a survey of vehicles accessing and leaving the site over a two week period and the daily number of trips ranged from 20 up to a maximum of 39. Around a third of those each day being trips by car with the remainder being vans or HGV's.

- 9.8 This would only become relevant if and when changes within the wider site mean that they would no longer be able to share the existing access with 'Goals'. Changes of use within the site that require planning permission would also trigger the requirement for those impacts to be further assessed at the time a planning application is submitted.
- 9.9 In order to limit any impact to the immediate surroundings, it would be prudent to make provision that prior to the site coming into use, a traffic management agreement is put in place so that commercial traffic arriving and leaving the site departs towards Wheatley Hall Road and could also be applied to avoid arrivals at anti-social times of day.

#### **9.10 Conclusion on Social Impacts.**

- 9.11 While there are significant and recognisable impacts on the amenities of nearby occupiers, particularly between the shared access with Goals and the proposed access, the number of additional movements that would affect adjacent occupiers is relatively low and the likelihood is that they would not be at anti-social times. Given this could be further limited by agreeing a traffic management plan, the amount of weight afforded to these impacts against the development is limited.

#### **9.12 ENVIRONMENTAL SUSTAINABILITY**

##### Impact upon the character and appearance of the surrounding area

- 9.13 The impact would be limited as it would only require a new vehicle turning introduced part way along the edge of the existing car park. A condition requiring prior approval of the fencing, gates and replacement landscaping has been suggested in the recommendation below. This would ensure that replacement planting and boundary treatments are appropriate to the part commercial part residential setting along the edge of the site.

##### Highways/Access

- 9.14 The Highways officer has not objected to the proposal and by adopting a traffic management plan that seeks to direct commercial traffic to Wheatley Hall Road it complies with the Local Plan policy that seeks to keep traffic travelling to and from sites in employment areas close to the strategic transport network. Wheatley Hall Road is a key part of the main routes around the borough linking to the arterial routes in and out of the centre.

##### Trees

- 9.15 The Trees along the boundary of the site have been heavily pollarded and therefore not regarded as benefiting from retention. It is accepted that the screening function that they provided cannot be replaced in the same location due to the proposed development. Rather than transplanting the affected trees, which was originally proposed, a scheme should be developed that will identify the areas available for replacement planting that could be introduced around the site and a condition has been included requiring prior approval of such a scheme. At the time

of writing the applicants are working to provide plans and information which will be included in pre-committee notes and form part of the presentation.

#### **9.16 Conclusion on Environmental Issues**

9.17 Para. 8 of the NPPF (2021) indicates that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land. Creating a new access to the site ensures the continuing viability of a site allocated as an employment use as well as maintaining links to the strategic transport network. The change in appearance is limited to the new opening into the existing car park seen in the setting of the existing former factory buildings within the site

9.18 In conclusion of the environmental issues, the impacts are limited and it is considered that issues raised in relation to 8s, highways and changes to the boundary treatment can be dealt with subject to suitably worded conditions.

#### **9.19 ECONOMIC SUSTAINABILITY**

9.20 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. In terms of the local economy, keeping the site connected to the local highway network and enabling businesses within the wider site to continue trading without interruption is important and given modest weight.

#### **9.21 Conclusion on Economy Issues**

9.22 Para 8 a) of the NPPF (2021) 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.

9.23 Whilst the economic benefit of the proposal is slight in isolation, the wider benefit of ensuring this allocation is sustainable is afforded modest weight, as it will maintain the economic vitality of this existing employment site and the borough in general. For that reason this weighs in favour of the development.

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

10.1 In accordance with Paragraph 11 of the NPPF (2021) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on an existing employment site in the Local Plan and this weighs considerably in favour of the application.

10.2 The noise and disturbance associated with the extra vehicle movements is potentially significant in terms of the occupants of nearby dwellings. However the impact is limited and can be restricted by the imposition of a traffic management plan requiring limits on the hours vehicles should be entering and leaving the site. The short term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.



## **11.0 RECOMMENDATION**

### **11.1 MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE FOLLOWING CONDITIONS:**

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:

2021-047-02C Proposed New Access

2021-047-03A Site Location 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. Prior to the access being brought into use, a Traffic Management Plan (TMP) shall be submitted to and agreed in writing by the Local Planning Authority. The TMP shall detail:

- movements of commercial vehicles moving to and from the site and directing them towards Wheatley Hall Road;
- the times that access to the site will be permitted.
- the details required of a commercial vehicle record

The operation of the site shall be carried out in accordance with the approved TMP plan unless otherwise agreed in writing with the Local Planning Authority. The approved TMP shall be implemented upon the access hereby approved coming into use and shall be adhered to for the lifetime of the development.

**REASON**

In the interests of amenities of nearby occupiers.

05. A Commercial Vehicle Record shall be maintained which details; operator details, vehicle registration number, dates, times and numbers of all commercial vehicle movements associated with the site which enter and exit the site.

These records shall be maintained for the lifetime of the development and shall be made available for inspection by the Local Planning Authority within two working days of a verbal or written request being received.

REASON

In the interests of amenities of nearby occupiers.

06. No development of the access shall take place until a plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall show the positions, design, materials, height, and type of boundary treatment to be erected on site, including any proposed lighting, walls, fences or gates. Unless otherwise approved in writing by the Local Planning Authority, the details as approved shall be completed before the new access is brought into use.

REASON

To ensure the satisfactory appearance of the development.

07. No development of the access shall take place until a a scheme showing the landscaping and planting of replacement trees has been submitted to and approved in writing by the Local Planning Authority. No trees shall be removed until the scheme is approved by the Local Planning Authority. The agreed scheme shall be implemented no later than the first planting season following the commencement of development and thereafter maintained for a minimum period of five years.

REASON

To ensure that all proposed trees and planting are in a healthy condition on the completion of the development and for the specified period afterwards.

## INFORMATIVES

### 01. INFORMATIVE (CONDITION 06)

If additional lighting is required for the purpose of illuminating the newly created vehicle access, details can be submitted alongside details of boundary treatments as part of an application to discharge condition 06. This will show the position, height and type of any illumination proposed.

### 02. INFORMATIVE

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.

### 03 INFORMATIVE

Cadent Gas own and operate the gas infrastructure within the area of your development. Contact the Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com). Alternatively you can register on [www.beforeyoudig.cadentgas.com](http://www.beforeyoudig.cadentgas.com) This service is free of charge.

### 04. 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 and adoption roads within the development shall be carried out under Section 38 of the Highways Act. The S38 and S278 agreements 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.

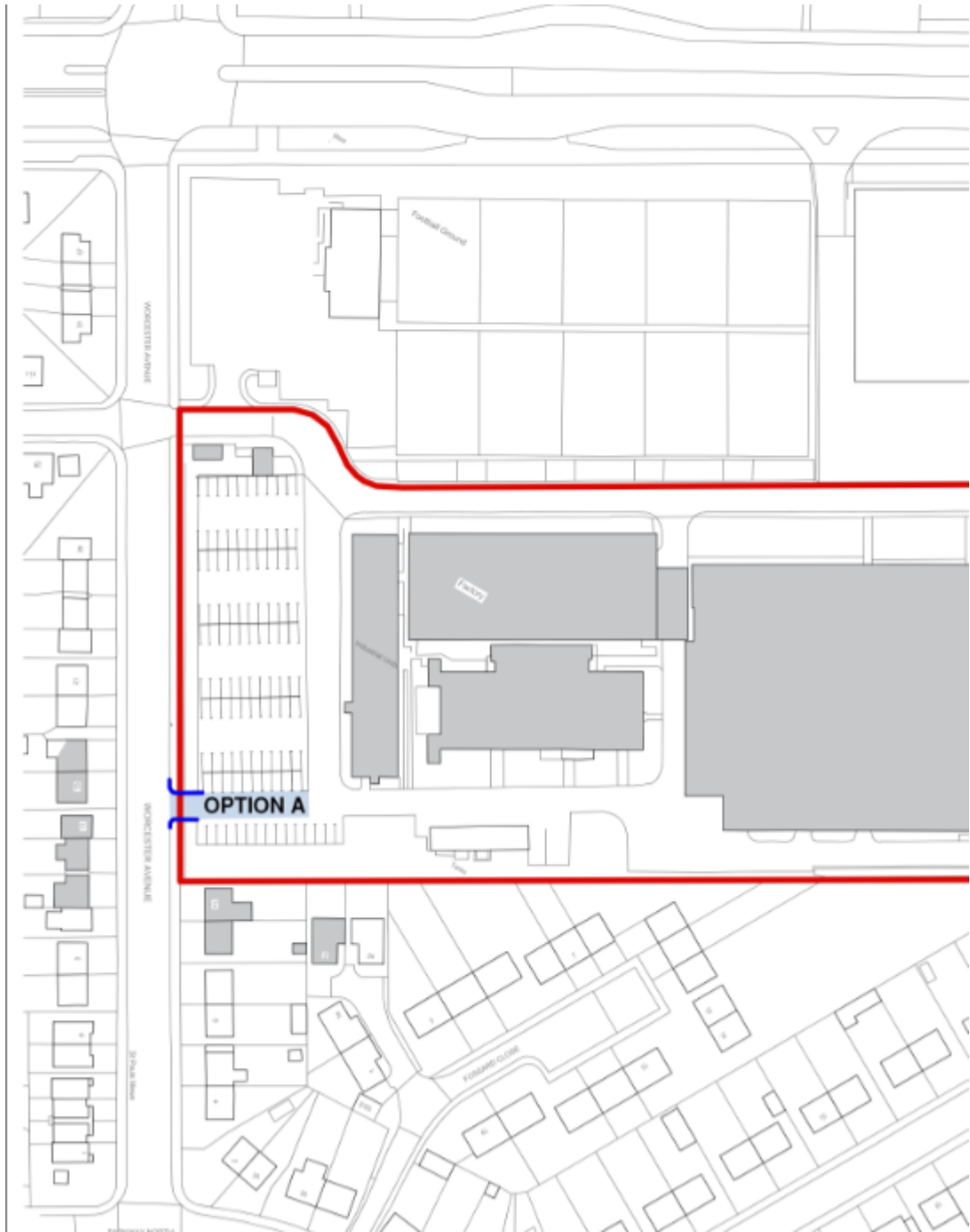
## **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

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:

- Additional information in relation to movements to and from the site
- Amendments to the plans to details

**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 1: Site and Location Plan



Appendix 2 Detailed entrance

