



# Doncaster Council

## Agenda

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To all Members of the

## **PLANNING COMMITTEE**

Notice is given that a Meeting of the above Committee is to be held as follows:

**Venue:** Council Chamber - Civic Office Waterdale, Doncaster

**Date:** Tuesday, 13th November, 2018

**Time:** 2.00 pm

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**Jo Miller**  
**Chief Executive**

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Issued on: Friday 2nd November, 2018

**Governance Services Officer for this meeting**

Amber Torrington  
Tel: 01302 737462

**Doncaster Metropolitan Borough Council**  
**[www.doncaster.gov.uk](http://www.doncaster.gov.uk)**

## Items for Discussion:

Item		PageNo.
1.	Apologies for Absence	
2.	To consider the extent, if any, to which the public and press are to be excluded from the meeting.	
3.	Declarations of Interest, if any.	
4.	Minutes of the Planning Committee Meeting held on 16th October, 2018	1 - 16
<b>A.</b>	<b>Reports where the Public and Press may not be excluded.</b>	
	<b><u>For Decision</u></b>	
5.	Schedule of Applications	17 - 30
	<b><u>For Information</u></b>	
6.	Appeal Decisions	31 - 50
<b>B.</b>	<b>Items where the Public and Press may be excluded in accordance with grounds specified in the Local Government Act 1972, as amended.</b>	
7.	Enforcement Cases Received and Closed for the Period of 3rd October to 30th October, 2018 (Exclusion Paragraph 6)	51 - 66

## **Members of the Planning Committee**

Chair – Councillor Eva Hughes  
Vice-Chair – Councillor Iris Beech

Councillors Duncan Anderson, Mick Cooper, Susan Durant, John Healy, David Hughes, Sue McGuinness, Andy Pickering, Dave Shaw and Jonathan Wood

# Public Document Pack Agenda Item 4.

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE

TUESDAY, 16TH OCTOBER, 2018

A MEETING of the PLANNING COMMITTEE was held in the COUNCIL CHAMBER - CIVIC OFFICE on TUESDAY, 16TH OCTOBER, 2018, at 2.00 pm.

#### PRESENT:

Vice-Chair - Councillor Iris Beech (In the Chair)

Councillors Duncan Anderson, Mick Cooper, Susan Durant, John Healy, David Hughes, Sue McGuinness, Andy Pickering, Dave Shaw and Jonathan Wood.

#### APOLOGIES:

An apology for absence was received from the Chair, Councillor Eva Hughes.

#### 35 DECLARATIONS OF INTEREST, IF ANY

Whilst no declarations of interest were made in accordance with the Members Code of Conduct, Councillor Jonathan Wood declared that the issue referred to within Application No. 18/00702/TIP, Agenda Item 5(2) relating to 'Stere fibre' had been the subject of previous Planning Applications and consideration at Committee and Parish Council meetings for approximately 10 years, but he had not given an opinion thereon in relation to this current Application.

#### 36 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 18TH SEPTEMBER, 2018

RESOLVED that the minutes of the meeting held on 18th September, 2018 be approved as a correct record and signed by the Vice-Chair.

#### 37 SCHEDULE OF PLANNING APPLICATIONS

RESOLVED that upon consideration of a Schedule of Planning and Other Applications received, together with the recommendations in respect thereof, the recommendations be approved in accordance with Schedule and marked Appendix 'A'.

#### 38 ADJOURNMENT OF MEETING

RESOLVED that in accordance with Council Procedure Rule 17(l), the meeting stand adjourned at 2.52 p.m. to be reconvened on this day at 3.00 p.m.

#### 39 RECONVENING OF MEETING

The meeting reconvened at 3.00 p.m.

40 DURATION OF MEETING

In accordance with Council Procedure Rule 33.1, the Committee considered whether it should continue its business as it had been in process for three hours and all business had not yet been considered.

RESOLVED that in accordance with Council Procedure Rule 33.1, the Committee, having sat continuously for 3 hours, continue to consider the items of business on the agenda.

41 APPEAL DECISIONS

RESOLVED that the following decisions of the Secretary of State and/or his inspector, in respect of the under-mentioned Planning Appeals against the decision of the Council, be noted:-

<b>Application No.</b>	<b>Application Description &amp; Location</b>	<b>Appeal Decision</b>
13/02377/FUL	Erection of 4 detached Passivhaus dwellings with associated landscaping and car parking on approx 1.52 ha of land at Wadworth Bar, Wadworth Road, Tickhill, Doncaster.	Appeal Dismissed 17/09/2018
17/02180/OUT	Outline application for the erection of a dwelling at land adjacent to Pine Lodge, Great North Road, Bawtry, Doncaster.	Appeal Dismissed 07/09/2018
18/00308/OUT	Outline Planning Application with all Matters Reserved for the erection of a new dwelling at The Limes, Doncaster Road, Bawtry, Doncaster.	Appeal Dismissed 06/09/2018

42 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that the public and press be excluded from the remaining proceedings of the meeting, in accordance with Section 100(A)(4) of the Local Government Act 1972, as amended, on the grounds that exempt information as defined in Paragraph 6 of Schedule 12A to the Act, is likely to be disclosed.

43 ENFORCEMENT CASES RECEIVED AND CLOSED FOR THE PERIOD OF 5TH SEPTEMBER TO 2ND OCTOBER, 2018 (EXCLUSION PARAGRAPH 6)

The Committee considered a report which detailed all Planning Enforcement complaints and cases received, and closed during 5th September to 2nd October, 2018.

RESOLVED that all Planning Enforcement Cases received and closed for the period 5th September to 2nd October, 2018, be noted.

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## Appendix A

### DONCASTER METROPOLITAN BOROUGH COUNCIL

#### PLANNING COMMITTEE – 16th October, 2018

<b>Application</b>	<b>1</b>
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<b>Application Number:</b>	18/00548/FULM	<b>Application Expiry Date:</b>	8 <sup>th</sup> June 2018
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<b>Application Type:</b>	Major Application
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<b>Proposal Description:</b>	1. Provision of adoptable new link road and private access road. 2. Change of use of land to waste recycling area and ancillary development (retrospective). 3. Erection of waste management buildings. 4. Provision of rail loading and HGV parking area.
<b>At:</b>	Attero Recycling, Bankwood Lane, New Rossington, Doncaster, DN11 0PS

<b>For:</b>	Mr David Colakovic - Attero Recycling Limited
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<b>Third Party Reps:</b>	1 representation	<b>Parish:</b>	Rossington Parish Council
		<b>Ward:</b>	Rossington & Bawtry

**A proposal was made to grant the application.**

Proposed by: **Councillor Susan Durant**

Seconded by: **Councillor John Healy**

**For: 10 Against: 0 Abstain: 0**

**Decision:** The Assistant Director of Development be authorised to grant Planning Permission subject to the amendment and addition of the following Conditions and the resolution of technical matters relating to the road layout and provided that the Secretary of State, after referral of the application as a departure from the development plan, allows the Council to determine the application:-

**04. The development hereby permitted shall not be commenced until a Construction Traffic Management Plan (CTMP) for that phase of development is submitted to and subsequently approved in writing by the Local Highway Authority. The approved plan shall be adhered to throughout the construction phase. I would expect the CTMP to contain information relating to (but not limited to):-**

- **Volumes and types of construction vehicles;**
- **Parking of contractors vehicles;**
- **identification of delivery routes;**
- **Contractors method for controlling construction traffic and adherence to routes;**
- **Size, route and numbers of abnormal loads;**
- **Swept path analysis (as required);**
- **Construction Period;**
- **Temporary signage; and**
- **Measures to be taken within the curtilage of the site to prevent the deposition of mud and debris on the public highway.**

**REASON**

**In the interests of road safety and residential amenity as required by Policies CS1 and CS14 of the Core Strategy.**

**11. U0064251 Prior to the first use of the lorry park hereby approved, details of a landscaping/planting scheme shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall indicate all existing trees and hedgerows on the site, showing their respective size, species and condition. It shall distinguish between those which are to be retained, those proposed for removal and those requiring surgery. The scheme should also indicate details of a species rich native hedgerow planting to the revised application site boundary. All planting material included in the scheme shall comply with Local Planning Authority's 'Landscape Specifications in Relation to Development Sites'. Planting shall take place in the first suitable planting season, following the first use of the lorry park. Any tree planted in accordance with the scheme and becoming damaged, diseased, dying or removed within 15 years of planting shall be replaced in accordance with the above document. Any shrub planted in accordance with the scheme and becoming damaged, diseased, dying or removed within 5 years of planting shall be replaced in accordance with the above document.**

**REASON**

**To ensure that replacement trees are of a suitable type and standard in the interests of amenity.**



13. Before any part of the proposed development is brought into use, the proposed link road shall be provided. All HGV vehicles travelling to and from the development hereby approved shall do so via the new access road shown on the approved plan. All access areas that are 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**

In the interests of network capacity and road safety as required by Policy CS14 of the Core Strategy.

18. U0064202 Unless otherwise approved in writing by the Local Planning Authority, all operations pursuant to this planning permission, including inter alia, materials processing, materials deposition, re-contouring operations, restoration, the starting, warming up and access and egress of heavy goods vehicles shall only be carried out during the following hours:-

- HGV and other traffic movements: 07.00 to 20.00 (7 days per week)
- Operations within buildings: 24 hours (365 days per year)
- External operations 07.00 to 20.00 Monday to Friday and 07.00 to 13.00 Saturday
- Maintenance of plant etc. (external) 07.00 to 20.00 (7 days per week)
- There shall be no external operations on Sundays or public holidays.

**REASON**

In the interests of protecting local amenity as required under Policies CS1 and CS14 of the Core Strategy.

25. The proposed waste recycling building as shown on the approved plans shall be used for the processing of non-hazardous waste material and other associated ancillary activities and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

**REASON**

For the avoidance of doubt and in the interests of proper planning.

27. Detailed engineering drawings for new access arrangements to include footways shall be submitted for inspection and approved in writing by the Local Highway Authority before works commence on site. In accordance with the recommendation contained within the Stage 1 Road Safety Audit Item 3.7.1, a suitable risk assessment is to be undertaken at every identified hazard along the route of the new access route to ensure suitable protection is provided for each. This protection is to be shown on the detailed engineering drawings. The road shall be designed and constructed to an adoptable standard and offered for adoption on completion under Section 38 of The Highways Act (1980).

**REASON**

In the interests of road safety and residential amenity as required by Policies CS1 and CS14 of the Core Strategy.

28. The development hereby approved shall not be brought into use until offsite highways works (turning head serving adoptable highway) has been designed and implemented in accordance with a scheme to be agreed in writing by the Local Planning Authority.

**REASON**

In the interests of road safety and residential amenity as required by Policies CS1 and CS14 of the Core Strategy.

29. The proposed access arrangements shall be subject to Road Safety Audits in accordance with DMRB Volume 5 Section 2 Part 2 (HD 19/15).

**REASON**

In the interests of road safety and residential amenity as required by Policies CS1 and CS14 of the Core Strategy.

30. The development hereby approved shall not be brought into use until the access road has been constructed in accordance with the approved detail.

**REASON**

In the interests of highway safety, highway capacity and residential amenity as required by Policy CS14 of the Core Strategy.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Councillor John Cooke, Local Ward Member and Mrs Carrol Inglis spoke in support of the application for the duration of up to 5 minutes each.

**(The receipt of an updated response from Rossington Parish Council and the amendment to the recommendation, were reported at the meeting).**

<b>Application</b>	<b>2</b>
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<b>Application Number:</b>	18/00702/TIP	<b>Application Expiry Date:</b>	12th July 2018
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<b>Application Type:</b>	Tipping/Waste Disposal
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<b>Proposal Description:</b>	Stockpiling of Sterefibre and the retention of an engineered fibre storage pad for a temporary period of 6 years (Retrospective).
<b>At:</b>	Hazel Lane Quarry, Wakefield Road, Hampole, Doncaster

<b>For:</b>	Mr Ronnie Harrod
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<b>Third Party Reps:</b>	0	<b>Parish:</b>	Hampole & Skelbrooke Parish Meeting
		<b>Ward:</b>	Sprotbrough

**A proposal was made to refuse the application contrary to the Officer's recommendation.**

Proposed by: **Councillor Jonathan Wood**

Seconded by: **Councillor Dave Shaw**

**For: 10 Against: 0 Abstain: 0**

**Decision: Planning Permission refused contrary to the Officer's recommendation for the following reasons:-**

- 01 The development constitutes inappropriate development in the Green Belt. Inappropriate development is harmful by definition. The development does not preserve openness and would conflict with one of the main purposes of including land within the Green Belt namely that of safeguarding the countryside from encroachment. Local Planning Authorities are required to give substantial weight to any harm to the Green Belt. No case for very special circumstances has been put forward to justify the development. As such the proposal is contrary to Unitary Development Plan Policy ENV3, Core Strategy Policy CS3 and the National Planning Policy Framework.**

**In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Chris Ballam, the Agent, spoke in support of the application for the duration of up to 5 minutes.**

**In accordance with Planning Guidance 'Having Your Say at Planning Committee', Dr Nick Balliger, on behalf of Hampole and Skelbrooke Parish Meeting, spoke in support of the application for the duration of up to 5 minutes.**

**(The receipt of an Environmental Permit Regulations Compliance Assessment Report from the Environmental Agency, further additional information relating to the removal of Sterefibre from the site and an email from Hampole and Skelbrooke Parish Meeting, were reported at the meeting.).**

<b>Application</b>	<b>3</b>
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<b>Application Number:</b>	16/02555/FULM	<b>Application Expiry Date:</b>	10 <sup>th</sup> January 2017
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<b>Application Type:</b>	Major
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<b>Proposal Description:</b>	Erection of residential development comprising 175 houses with garages and/or parking spaces (Being resubmission of application granted under Ref: 14/02981/FULM on 15.10.2015 – change in land levels)
<b>At:</b>	Former Earth Centre Car Park, Denaby Main

<b>For:</b>	Gleeson Developments Ltd
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<b>Third Party Reps:</b>	2	<b>Parish:</b>	
		<b>Ward:</b>	Conisbrough

**The Planning Application report was withdrawn.**

<b>Application</b>	<b>4</b>
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<b>Application Number:</b>	18/01338/REMM	<b>Application Expiry Date:</b>	30th August 2018
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<b>Application Type:</b>	Approval of Reserved Matters Major
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<b>Proposal Description:</b>	Details of the appearance, landscaping, layout and scale for the erection of 211 dwellings (Being matters reserved in outline application previously granted under ref 16/00998/OUTM on 03/11/2016)
<b>At:</b>	Land off Doncaster Road, Hatfield, Doncaster

<b>For:</b>	Hallam Land Management & Linden Homes East
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<b>Third Party Reps:</b>	16	<b>Parish:</b>	Hatfield Parish Council
		<b>Ward:</b>	Hatfield

**A proposal was made to grant the application.**

Proposed by: **Councillor Susan Durant**

Seconded by: **Councillor Iris Beech**

**For: 7 Against: 2 Abstain: 0**

**Decision: Reserved Matters granted subject to the amendment and addition of the following Conditions:-**

- 01. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:-**

**1811.01. Rev Q - Planning Layout  
1811.HAR.01 Rev A - Harcourt (3 Block) Planning Drawing  
1811.HAR.01 - Harcourt (Pair) Planning Drawing  
1811.GRA.AS - Grainger (AS) Planning Drawing  
1811.GRA.OP Rev A - Grainger (OP) Planning Drawing  
1811.GOO.AS - Goodridge (AS) Planning Drawing  
1811.GOO.OP - Goodridge (OP) Planning Drawing  
1811.PEM.AS Rev A - Pembroke (AS) Planning Drawing  
1811.MYL.AS Rev A - Mylne (AS) Planning Drawing**

1811.MYL.OP - Mylne (OP) Planning Drawing  
1811.EVE.01 Rev A - Eveleigh (Pair) Planning Drawing  
1811.ASL.01 Rev A - Aslin (Pair) Planning Drawing  
1811.A22.02 Rev C - A22 (4 Block) Elevations  
1811.A22.03 Rev B - A22 (4 Block) Floor Plans  
1811.A30.02 Rev A - A30 (3 Block) Elevations  
1811.A30.03 Rev A - A30 (3 Block) Floor Plans  
1811.A30.04 Rev A - A30 (4 Block) Elevations  
1811.A30.05 Rev A - A30 (4 Block) Floor Plans  
1811.G.01 Single Garage  
1811.G.02 Double Garage Plot 4  
5592-L-05 Rev F Detailed Planting Plan  
5592-L-06 Rev F Detailed Planting Plan  
5592-L-07 Rev F Detailed Planting Plan  
5592-L-08 Rev F Detailed Planting Plan  
5592-L-09 Rev G Detailed Planting Plan

**REASON**

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

03. The scheme of landscaping which has been agreed as part of this application shall be begun during the first available planting season following the commencement of the development hereby granted. It 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. Any staking, tying, weeding, watering and other action deemed necessary by the Local Planning Authority shall be carried out by the owner in accordance with the Authority's publication 'Landscape Specification in Relation to Development Sites'.

**REASON**

To ensure the maintenance of a healthy planting scheme in the interests of amenity.

In accordance with Planning Guidance 'Having Your Say at Planning Committee', Mr Michael Hepburn on behalf of Lichfield's, spoke in support of the application for the duration of up to 5 minutes.

(The receipt of an amended Landscaping Plans and an amended Layout Plan resulting that an Officer had withdrawn the objections to the scheme, and a written submission from Mrs Katrina O'Halloran objecting to the application, who was unable to remain in attendance at the meeting, were reported at the meeting).



<b>Application</b>	<b>5</b>
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<b>Application Number:</b>	18/01628/FUL	<b>Application Expiry Date:</b>	28th August 2018
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Raising of roof height in connection with the formation of rooms in the roof space including re-roof, replacement of rear conservatory with rear extension & formation of lobby
<b>At:</b>	5 Conway Drive, Branton, Doncaster, DN3 3LZ

<b>For:</b>	Mrs Sarah Shepherd
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<b>Third Party Reps:</b>	23	<b>Parish:</b>	Cantley with Branton Parish Council
		<b>Ward:</b>	Finningley

**A proposal was made to grant the application.**

Proposed by: **Councillor Susan Durant**

Seconded by: **Councillor Sue McGuinness**

**For: 9 Against: 0 Abstain: 0**

**Decision: Planning Permission granted.**

**(The receipt of an additional representation from a local resident objecting to the application, an additional consultation response from Cantley with Branton Parish Council indicating that it had no further comments to make on the application and a correction to the first page of the report noting that the Recommendation was to Grant the Application subject to Conditions, were reported at the meeting).**

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## **DONCASTER METROPOLITAN BOROUGH COUNCIL**

Agenda Item No 5  
13th November 2018

To the Chair and Members of the PLANNING COMMITTEE

### **PLANNING APPLICATIONS PROCESSING SYSTEM**

Purpose of the Report

1. A schedule of planning applications for consideration by Members is attached.
2. Each application comprises an individual report and recommendation to assist the determination process.

### **Human Rights Implications**

Member should take account of and protect the rights of individuals affected when making decisions on planning applications. In general Members should consider:-

1. Whether the activity for which consent is sought interferes with any Convention rights.
2. Whether the interference pursues a legitimate aim, such as economic well being or the rights of others to enjoy their property.
3. Whether restriction on one is proportionate to the benefit of the other.

### **Copyright Implications**

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Scott Cardwell  
Assistant Director of Development  
Directorate of Regeneration and Environment

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

## Summary List of Planning Committee Applications

NOTE:- Site Visited applications are marked 'SV' and Major Proposals are marked 'M'

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Application	Application No	Ward	Parish
1. M	17/01552/FULM	Norton And Askern	Norton Parish Council

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**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 13<sup>th</sup> November 2018**

<b>Application</b>	1
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<b>Application Number:</b>	17/01552/FULM	<b>Application Expiry Date:</b>	15 <sup>th</sup> September 2017
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<b>Application Type:</b>	Major
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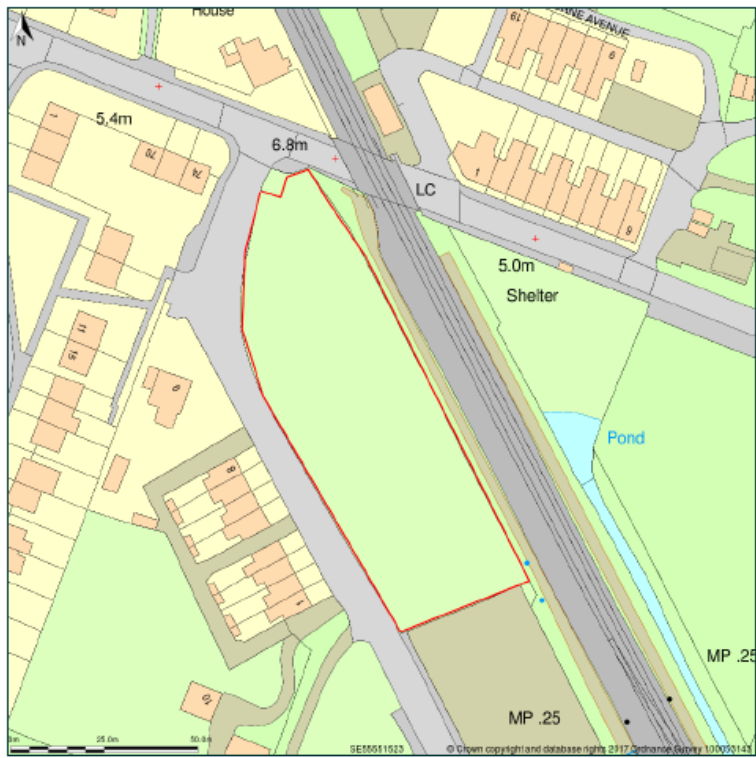
<b>Proposal Description:</b>	Erection of 13 dwellings.
<b>At:</b>	Land adjacent railway line, New Road, Norton

<b>For:</b>	Mr Richard Bland
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<b>Third Party Reps:</b>	2	<b>Parish:</b>	Norton
		<b>Ward:</b>	Norton And Askern

<b>Author of Report</b>	Mel Roberts
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<b>MAIN RECOMMENDATION:</b>	GRANT
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## **1.0 Reason for Report**

1.1 This application is being reported to planning committee because it is a departure to the Development Plan.

## **2.0 Proposal and Background**

2.1 The proposed development is for 13 houses comprising six three bedroomed houses and seven four bedroomed houses. Access to the site will be from New Road, a currently unmade road that is unadopted (see figures 1 to 3).

2.2 The site is currently empty with nothing but foliage and some rubble. The site is approximately 0.45 hectares in size and is relatively flat. An existing foul drain runs across the northern third of the site from east to west at an approximate depth of 2m. A brick sub-station is located to the northern corner of the proposed site, which is not included within the application site.

2.3 The surrounding area is mostly residential in nature, although there is a scrap yard situated to the south of the site. A railway line runs along the eastern boundary of the site.

## **3.0 Relevant Planning History**

3.1 An outline application for residential development (all matters reserved) was submitted on 27<sup>th</sup> March 2014 under reference 13/02234/OUT. This application has not been determined and is now superseded by this current application.

## **4.0 Representations**

4.1 One letter of objection has been received, which raises the following concerns:

- i) New Road is not wide enough and the access at the top of the road is not suitable for more traffic.
- ii) The existing drains are not suitable for more houses.
- iii) The proposed houses will not fit in with the character of the area.
- iv) Child safety will be an issue with the volume of traffic along New Road.

4.2 One letter of support has been submitted stating that it will be good to see the area tidied up, providing that the sewer is able to cope with the additional housing.

## **5.0 Parish Council**

5.1 Norton Parish Council welcomes the development, but has concerns about the access onto Station Road, which is in close proximity to the level crossing.

## **6.0 Consultations**

6.1 Highways (Development Control) have raised no objections subject to conditions.

6.2 The Urban Design Officer has responded and has raised no objections.

6.3 The Open Space Officer states that a commuted sum of 15 per cent is required because the Norton Community Profile Area is deficient in 4/5 open space typologies (informal, formal, public parks and woodlands and nature conservation areas).

6.4 The Public Rights of Way Officer has stated that New Road is not a public vehicular highway, but is a public footpath with a public right of way on foot only. It is illegal to drive a motorised vehicle on a public footpath unless there is a private right of access. The applicant will therefore need to prove that a private vehicular access exists along New Lane to the proposed development site.

6.5 The Tree Officer has raised no objections subject to a condition requiring a landscaping scheme to be submitted.

6.6 The Ecology Officer has raised no objections because the loss of biodiversity on this site would be minimal, especially as there are no habitats of note. The Ecology Officer recommends that a condition be imposed requiring ecological enhancement to offset the small loss of biodiversity on site.

6.7 South Yorkshire Archaeology Service has responded and has advised that although there is a background of archaeological activity in the general area, the site in question is small and will have suffered some disturbance from the bounding infrastructure. Given this, the archaeological potential is negligible and no archaeological investigation is required for this scheme.

6.8 Environmental Health (Noise) has raised no objections subject to a condition requiring mitigation measures to ensure that the proposed dwellings are unaffected by any noise from the adjacent railway line.

6.9 The Contamination Officer has responded and stated that there is no indication from the information derived from the historic maps that the site in question has had a former contaminative use. Nonetheless, the Contamination Officer has asked for further investigation of possible contamination given that housing is a sensitive end use. It would be unreasonable to impose such conditions however, given that there is no indication of contamination and so an informative is to be included reminding the applicant that it is their responsibility to remove any contamination if they come across any during construction.

6.10 Yorkshire Water has raised no objection subject to a condition requiring details of drainage to be agreed. The developer is proposing to discharge surface water to a soakaway/watercourse/Suds and so no surface water from the site is being proposed to discharge to the public sewer network.

6.11 Education have responded and have stated that there is no requirement for a contribution towards primary school places because there are school places at Norton Infant and Norton Junior School until at least 2019/20. They have however requested a contribution of £36,594 towards Campsmount Academy, which will be over-capacity by 2021.

6.12 Network Rail has raised no objections in principle to the proposed development, provided that there will be no impact on the safe operation of the level crossing.

## **7.0 Relevant Policy and Strategic Context**

### National Planning Policy Framework

7.1 The National Planning Policy Framework (NPPF) confirms that planning law requires that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development. It states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

7.2 The NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.

7.3 The NPPF states that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It also states that to ensure viability, the costs of any requirements likely to be applied to a development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.

### Doncaster Core Strategy

7.4 Policy CS2 states that defined villages (such as Norton) will be conserved and enhanced. Quality infill development will be permitted.

7.5 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 and will not adversely affect the efficient operation of adjacent employment land or uses.

7.6 Policy CS14 relates to design and sustainable construction and states that all proposals in Doncaster must be of high quality design that contributes to local distinctiveness, reinforces the character of local landscapes and building traditions, responds positively to existing site features and integrates well with its immediate and surrounding local area.

7.7 Policy CS16 states that proposals will be supported which enhance the borough's landscape and trees by retaining and protecting appropriate trees and hedgerows and incorporating new tree and hedgerow planting.

### Unitary Development Plan

7.8 Policy EMP2 states that on employment sites, permission will normally be granted for classes B1, B2 and B8.



7.9 Policy RL4 requires on site open space or a commuted sum in lieu of this on sites of 10 or more family dwellings.

## **8.0 Planning Issues and Discussion**

8.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for consideration of this application is the development plan. All decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

### Principle of the Development

8.2 The site is allocated as an Employment site in the Doncaster UDP and policy EMP2 states that permission will normally be granted for industrial uses. The more up to date Housing and Economic Land Availability Assessment (HELAA) 2015, however states that the site is not suitable for employment use with its marketability rating being red, has a poor access, and is isolated. The site has been allocated for employment land since the adoption of the UDP in 1998 and has never come forward for industrial development, which suggest that it is not an attractive site for such a use. The NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities. In this case, there is sufficient evidence that this site is not suitable for employment use and other uses can be looked at.

8.3 The site falls within a defined village and policy CS2 of the Core Strategy states that quality infill development will be permitted. The site also falls within Flood Zone 1. The site is in a sustainable location with bus stops located approximately 90 metres from the site. The bus services provide access to Little Smeaton, Campsall, Askern and the wider area including Doncaster town centre. The application is therefore acceptable in principle and in accordance with policies CS2 of the Core Strategy and the advice contained within the NPPF.

### Highways

8.4 Highways originally raised concerns about introducing additional traffic from the development along the unmade New Road. Highways stated that the only way to overcome their concerns would be for the applicant to upgrade the road so that the Council can adopt it. The applicant has agreed to do these works and this is to be secured by a Grampian condition. New Road falls within the ownership of the Council and Assets are happy with the applicant's proposals to improve New Road and offer it up for adoption. The works will include an improved surface to New Road, a new footway, street lighting and suitable drainage (see fig 4). The total cost of the works to bring New Road up to adoptable standards totals £155,500. The upgrading of New Road to an adopted highway also overcomes objections raised by Public Rights of Way, as the road will become a public highway with rights of vehicular access to all. Highways have raised no objections with the proposed layout and the development provides adequate off-street and visitor parking.

## Design and residential amenity

8.5 In terms of the proposed layout of the development, plots have been orientated to ensure an appropriate relationship to the streetscape with most of the houses fronting New Road. Generally, properties will have clearly defined front gardens, which provide an open frontage of defensible space. This provides a green border to the footpaths and public frontages, creating a visually engaging street scene. The proposal incorporates a mix of two house types to create a varied street scene to this small-scale development. The scale of the houses at two storeys is appropriate for this site, especially as the properties on the opposite side of the road are also two storeys. To encourage permeability, a clear hierarchy of roads and footpaths has been designed from traditional estate road to private drives to offer clear legibility and navigation through this development site.

8.6 In order to protect the residential amenity of existing and future residents in terms of overlooking, overshadowing and dominance, sufficient separation distances have been maintained. The majority of the dwellings have drives located to the side of each property and this helps to reduce vehicles from dominating the street scene. The proposal therefore accords with policy CS14 of the Core Strategy.

## Noise

8.7 A Noise Survey has been submitted with the application to assess the noise levels coming from the railway line adjacent to the site to the east and the scrap yard to the south. The report concludes that there are trees between the railway and the proposed development that will provide some noise resistance from the development. The report also concludes that although external noise levels do not exceed recommended levels, acoustic fencing should still be installed around the perimeter of the site (and this is shown on the plans). It is also recommended acoustic double-glazing be installed in bedrooms, with acoustic ventilation in facades facing the railway (and this is secured by a condition). The report also states that the neighbouring scrap yard does not operate in the same manner as a typical scrap yard and that the site is more of a buying and selling of vehicle engine parts and so does not produce the same amount of noise. The application therefore accords with the guidance set out in the NPPF.

## Drainage and proposed levels

8.8 A topographical survey has been submitted with the application and this shows that the land drops down slightly from New Road. The proposed levels of the new properties shows that the land will need to be raised by up to 700mm for those properties fronting New Road to ensure that they can be drained properly. The resultant floor levels of the properties will only be up to 300mm than the level of New Road.

## Viability

8.9 The development is for more than 10 family dwellings and there would normally be a requirement for a contribution of 15 per cent of the residential land value towards enhancing other areas of open space close to the development. Education

has also asked for a contribution of £36,594 towards Campsmount Academy, which will be over-capacity by 2021.

8.10 The applicant has submitted a Viability Statement with the application. The Viability Statement sets out that there will be a requirement for £155,500 to bring New Road up to adoptable standards (and these costing have been agreed by Highways) and other extra costs such as enhanced foundations (due to the proximity of the railway line) and higher sound proofing. The sales values are derived having regard to local comparables. The development appraisal demonstrates a developer profit of only 4.99 per cent as a percentage of overall value. The profit level is therefore well below the range of 17.5 per cent and 20 per cent suggested in the Homes and Communities Agency Economic Assessment Tool user manual. Although the profit level is low, the applicant feels that the market is as buoyant as it will be for some time and therefore there is a window of opportunity to construct these houses for a low profit at this time. The NPPF states that where a proposed development is not viable then costs such as open space and education should not be applied if this would stop the development being delivered. In this case, it is clear that the development would not be viable with an open space or education contribution and so is not being sought.

## **9.0 Summary and Conclusion**

9.1 The site lies within an area allocated for employment, which is suitable for industrial uses. The site has never come forward for industrial development and the Housing and Economic Land Availability Assessment states that the site is not suitable for employment use with its marketability rating being red, has a poor access, and is isolated. The NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be treated on their merits. The site is reasonably sustainable with access to public transport and falls within a defined village where policy CS2 allows for quality infill development.

9.2 The proposed scheme is well designed and ensures that there will be no impact on the amenity of surrounding properties. The scheme will ensure that properties are unaffected by noise from the adjacent railway line and all other planning matters have been satisfactorily resolved.

9.3 The applicant is to pay for the upgrading of New Road so that the Council can adopt it. The currently unmade road with no drainage will be upgraded to an adopted road with proper drainage, footpath and street lighting. This will have benefits both for the residents of the new development and for existing residents and the scrap yard along New Road. This upgrading of New Road will come at a significant cost and means that other contributions such as open space and education would make the scheme unviable.

9.4 The proposed development will make use of a site that is clearly not suitable for industrial development and will help the Council meet its housing requirement for the borough.

## 10.0 Recommendation

10.1 Planning permission be Granted subject to the following conditions:

1. 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.

2. 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:

Drawing number 2575-0-001 Rev K (Proposed site layout plan)

Drawing number 2575-0-001 Rev K (Site plan with floor levels)

Drawing number 2575-0-003 E (House Type B)

Drawing number 2575-0-004 D (House Type C)

REASON

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

3. Prior to the commencement of the relevant works, details of the proposed external materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.

REASON

To ensure that the materials are appropriate to the area in accordance with policy CS14 of the Doncaster Core Strategy.

4. Prior to the commencement of development, a soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a soft landscape plan; a schedule providing details of the species, nursery stock specification in accordance with British Standard 3936: 1992 Nursery Stock Part One and planting distances of trees and shrubs; a specification of planting and staking/guying and a timescale of implementation. Thereafter the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified in writing within 7 working days to approve practical completion. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

REASON

The details have not yet been provided and are required before the development commences in the interests of environmental quality and core strategy policy CS16: Valuing our natural environment.

5. Within one month of the commencement of development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be

implemented prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority:

- i) The provision of 3No. bat boxes of type Schwegler 1FQ sited on north east oriented walls of dwellings on the eastern side of the development
- ii) The provision of 3No. bird boxes suitable for sparrows, house martins or swifts sited on south west oriented walls of dwellings on the western side of the development.

**REASON**

To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16.

6. Details of the foul and surface water drainage systems and their respective outfalls to the public sewerage system shall be submitted to and approved by the Local Planning Authority prior to their installation on site. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

**REASON**

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any work begins.

7. Prior to the occupation of plots 1, 2, 3, 4, 5, 8 and 9, all windows to the facade of the dwellings facing east (towards the railway line) shall be fitted with glazing specifications consisting of 10.8-20-8.8mm acoustic laminated glass units (or the acoustic equivalent) and all bedrooms shall be provided with acoustic trickle ventilators to ensure internal noise levels detailed in BS8233:2014 is achieved. External walls and ceiling on upper floors of all dwellings shall be constructed from two layers of 12.5mm plasterboard or acoustic equivalent.

**REASON**

To mitigate against noise from the railway line in accordance with guidance set out in the NPPF.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) - the parking of vehicles of site operatives and visitors
- ii) - loading and unloading of plant and materials
- iii) - storage of plant and materials used in constructing the development
- iv) - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) - wheel washing facilities
- vi) - measures to control noise and the emission of dust and dirt during construction
- vii) - a scheme for recycling/disposing of waste resulting from demolition and construction works

**REASON**

The details have not yet been provided and these are required before the development commences to safeguard the living conditions of neighbouring residents and in the interests of highway safety.

9. The dwellings hereby approved shall not be occupied until New Road has been brought up to adoptable standards in accordance with a scheme previously approved in writing by the local planning authority. The scheme shall include details of how the surface of New Road is to be upgraded, the provision of a new footpath and street lighting.

**REASON**

To ensure that the road is a suitable standard to accommodate the additional traffic generated by the development.

**The above objections, considerations 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.**









**13th November 2018**

**To the Chair and Members of the Planning Committee**

**APPEAL DECISIONS**

**EXECUTIVE SUMMARY**

1. The purpose of this report is to inform members of appeal decisions received from the planning inspectorate. Copies of the relevant decision letters are attached for information.

**RECOMMENDATIONS**

2. That the report together with the appeal decisions be noted.

**WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

3. It demonstrates the ability applicants have to appeal against decisions of the Local Planning Authority and how those appeals have been assessed by the planning inspectorate.

**BACKGROUND**

4. Each decision has arisen from appeals made to the Planning Inspectorate.

**OPTIONS CONSIDERED**

5. It is helpful for the Planning Committee to be made aware of decisions made on appeals lodged against its decisions.

**REASONS FOR RECOMMENDED OPTION**

6. To make the public aware of these decisions.

**IMPACT ON THE COUNCIL'S KEY OUTCOMES**

7.

	<b>Outcomes</b>	<b>Implications</b>
	Working with our partners we will provide strong leadership and governance.	Demonstrating good governance.

**RISKS AND ASSUMPTIONS**

8. N/A

#### **LEGAL IMPLICATIONS [Officer Initials HL Date 01/11/18]**

9. Sections 288 and 289 of the Town and Country Planning Act 1990, provides that a decision of the Secretary of State or his Inspector may be challenged in the High Court. Broadly, a decision can only be challenged on one or more of the following grounds:
- a) a material breach of the Inquiries Procedure Rules;
  - b) a breach of principles of natural justice;
  - c) the Secretary of State or his Inspector in coming to his decision took into account matters which were irrelevant to that decision;
  - d) the Secretary of State or his Inspector in coming to his decision failed to take into account matters relevant to that decision;
  - e) the Secretary of State or his Inspector acted perversely in that no reasonable person in their position properly directing themselves on the relevant material, could have reached the conclusion he did;  
a material error of law.

#### **FINANCIAL IMPLICATIONS [Officer Initials BC Date 01/11/18]**

10. There are no direct financial implications as a result of the recommendation of this report, however Financial Management should be consulted should financial implications arise as a result of an individual appeal.

#### **HUMAN RESOURCES IMPLICATIONS [Officer Initials CR Date 01/11/18]**

11. There are no Human Resource implications arising from the report.

#### **TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 01/11/18]**

12. There are no technology implications arising from the report

#### **HEALTH IMPLICATIONS [Officer Initials RS Date 01/11/18]**

13. It is considered that there are no direct health implications although health should be considered on all decisions.

#### **EQUALITY IMPLICATIONS [Officer Initials RL Date 01/11/18]**

14. There are no Equalities implications arising from the report.

#### **CONSULTATION**

15. N/A

#### **BACKGROUND PAPERS**

16. N/A

## CONCLUSIONS

17. Decisions on the under-mentioned applications have been notified as follows:-

<b>Application No.</b>	<b>Application Description &amp; Location</b>	<b>Appeal Decision</b>	<b>Ward</b>
17/02679/FUL	Proposed 2 bedroom detached bungalow with off-street parking at 42 St Georges Avenue, Dunsville, Doncaster, DN7 4DR	Appeal Dismissed 12/10/2018	Hatfield
16/02589/FUL	Proposed conversion and extension of existing dwelling to form six apartments. at 63 Woodfield Road, Balby, Doncaster, DN4 8HB	Appeal Allowed 11/10/2018	Balby South
17/03035/OUT	Outline application for 1 residential dwelling on approx. 0.09ha of land, matters of access and layout only. at Lime House, Chapel Lane, Sykehouse, Goole	Appeal Dismissed 10/10/2018	Norton And Askern
17/02822/FUL	Erection of one block of semi-detached dwellings at Land Rear Of The Shoes, Low Road, Conisbrough, Doncaster	Appeal Dismissed 25/10/2018	Conisbrough

## **REPORT AUTHOR & CONTRIBUTORS**

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**PETER DALE**  
**Director of Regeneration and Environment**



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## Appeal Decision

Site visit made on 25 September 2018

**by Darren Hendley BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> October 2018**

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**Appeal Ref: APP/F4410/W/18/3202326**

**42 St Georges Avenue, Dunsville, Doncaster DN7 4DR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs A Fairbrass against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 17/02679/FUL, dated 30 October 2017, was refused by notice dated 22 December 2017.
  - The development proposed is a 2 bedroom detached bungalow with off-street parking.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The appellant submitted amended plans with the appeal in response to the Council's reason for refusal concerning internal living space. The Procedural Guide, Planning Appeals – England states that the appeal process should not be used to evolve a scheme. Nonetheless, I have taken the amended plans into account as the Council and interested parties have had the opportunity to comment on these plans during the appeal and, ultimately, they do not change my decision. Hence, there is no possible prejudice to the Council and interested parties. This is a matter which depends on the circumstances of the case and so whilst the Council has referred me to an appeal decision<sup>1</sup> where the Inspector took a different view this does not change my stance, notwithstanding in that appeal, the amendment concerned land outside of the planning application boundary and so is a materially different situation from the amended plans before me.
3. The revised National Planning Policy Framework (2018) has been published during the course of the appeal. In the interests of fairness, the appellant and the Council were also given the opportunity to comment on this matter.

### Main Issues

4. The main issues are (i) the effect of the proposal on the character and appearance of the area; and (ii) whether it would provide acceptable living conditions for its future occupiers regarding the standard of the living accommodation, in particular the internal living space.

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<sup>1</sup> Appeal ref: APP/F4410/W/16/3158500

## Reasons

### *Character and Appearance*

5. The appeal site comprises of part of the garden of No 42 St Georges Avenue which has a frontage onto Gorse Close. The site boundary with Gorse Close is formed by a hedgerow, which also extends along the boundaries with Nos 4 and 6. Although small in size, as the site is approached towards the end of this cul-de-sac, both its side boundary with No 4 and its frontage are prominent in the streetscene. The dwellings in its vicinity are a fairly close knit arrangement of predominately bungalows, with occasional houses.
6. As a consequence, the site provides pleasant relief from the more dense built up form of the dwellings in its vicinity and this attribute of the site appreciably contributes to the local character. The Doncaster Metropolitan Borough Council, Development Guidance and Requirements: Supplementary Planning Document (2015) (SPD) states that new residential developments must be accommodated in a manner that, in part, contributes to the attractiveness of the borough.
7. The site retains a sense of openness, even though it is enclosed by the hedgerow because, unlike its surroundings, it is devoid of significant development. The proposed dwelling, though, would result in the loss of much of the gap the site creates between Nos 4 and 6. Hence, there would be a marked loss of spaciousness to the extent that a continual pattern of development around the end of the cul-de-sac would result. Accordingly, the contribution of the site to the local character would be significantly eroded.
8. With the visibility of the site from the streetscene, and the proposed siting of the dwelling close to the site frontage, the loss of openness would be clearly evident. The removal of parts of the hedgerows would not increase openness as it would simply reveal the loss of this aspect of the character of the site. The erection of a domestic style fence along the boundary of No 4 and the overall appearance to match the existing bungalows would not overcome this harm as it would not address the loss of openness as an attribute of the site's character.
9. The appellant has drawn my attention to a dwelling which has been constructed between Nos 19 and 21 that was allowed on appeal<sup>2</sup>. However, that dwelling is found in a considerably less prominent position as it is closely sited in between the dwellings on either side. The site circumstances are, therefore, sufficiently different so as not to alter my conclusion. In relation to whether interested parties have raised issues of openness, I am aware that the effect on character was expressed as a concern during the planning application and, in this case, openness is a contributory factor. Moreover, it is clearly expressed in the reason for refusal concerning character.
10. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. As such, it would not comply with 'Saved' Policy PH11 of the Council's Doncaster Unitary Development Plan (1998) where it states that within residential policy areas development for housing will normally be permitted except where the development would be at a density or of a form which would be detrimental to the character of the

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<sup>2</sup> Appeal ref: APP/F4410/A/06/2011227

surrounding area or would result in an over-intensive development of the site. It would also not comply with the SPD where it seeks to maintain and enhance character.

### *Standard of Living Accommodation*

11. The living accommodation for the proposed dwelling would include an open plan room comprising a lounge and dining room area, as well as separate bedrooms and a bathroom. The bedrooms would be of a fairly modest size, although this would not unduly restrict their use. More broadly, the layout of this space would be, as such, that it would be generally unconfined, and it would allow for circulation and the reasonable separation of domestic functions. Likely storage needs would also be able to be accommodated.
12. There is a dispute between the parties whether or not the proposal would accord with the Government's Nationally Described Space Standards<sup>3</sup> and the internal space standards in the South Yorkshire Residential Design Guide Supplementary Planning Document (2011). As is set out in the Planning Practice Guidance, such standards, though, can only be required by reference to a local plan, and the Council's related reason for refusal does not set this out to be the case. This does not mean that the effect on the living conditions of the future occupiers is not a relevant matter for this appeal; however, for the reasons that have been set out, the living space that would be provided for the future occupiers would not be unacceptable with the proposed layout. For similar reasons, I also find the outdoor amenity space provision, whilst constrained, not to be unacceptable based on the size and the likely occupancy of the dwelling.
13. Thus, the proposal would provide acceptable living conditions for the future occupiers regarding the standard of the living accommodation, in particular the internal living space.

### **Other Matters**

14. The Council's Highways Officer found the proposal not to be unacceptable in highway safety terms, and I see no reasons to disagree given that 2 off street car parking spaces would be provided. It would also not be unacceptable as regards the effects on the privacy levels of the occupiers of the neighbouring properties, as well as the visual impact on their living conditions with the partial screening afforded by the existing and proposed boundary treatment. As with the standard of living accommodation, these matters attract neutral weight and do not address the concerns that I have identified with regard to the effect on the character and appearance of the area.

### **Conclusion**

15. For the reasons set out above, and having regard to all matters that have been raised, the appeal should be dismissed.

*Darren Hendley*

INSPECTOR

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<sup>3</sup> Department for Communities and Local Government (2015) Technical housing standards – nationally described space standard.

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## Appeal Decision

Site visit made on 25 September 2018

**by Darren Hendley BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> October 2018**

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**Appeal Ref: APP/F4410/W/18/3203023**

**63 Woodfield Road, Balby, Doncaster DN4 8HB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Adrian Kadria against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 16/02589/FUL, dated 12 October 2016, was refused by notice dated 20 November 2017.
  - The development proposed is a conversion and extension of the existing dwelling to form six apartments.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a conversion and extension of the existing dwelling to form six apartments at 63 Woodfield Road, Balby, Doncaster DN4 8HB in accordance with the terms of the application, Ref 16/02589/FUL, dated 12 October 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 016/057/PD/REV C.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) The development hereby permitted shall not be brought into use until a crossing over the footpath and verge has been constructed in accordance with a scheme that has been previously approved in writing by the Local Planning Authority.

### Procedural Matters

2. The description of development set out in the banner heading and the decision paragraph above reflects that during the course of the planning application an amended plan was submitted that reduced the number of the proposed apartments to 6. Accordingly, I have determined the appeal on this basis.
3. The revised National Planning Policy Framework (2018) has been published during the course of the appeal. In the interests of fairness, the appellant and the Council were given the opportunity to comment on this matter.

## **Main Issue**

4. The main issue is the effect of the proposal on the character and appearance of the building and the area.

## **Reasons**

5. The appeal property comprises of an end of terrace 2 storey house which is located on a crossroads and faces towards Woodfield Road. It is found on a comparatively large corner plot of land, with a side garden area extending up to the Kent Road boundary. The roof of the property is hipped in its form with a chimney and contains single storey elements to its side and rear. The prevailing forms of development in the area are terraced rows of residential properties, including around the crossroads.
6. The proposal would extend the property to the side so it would be seen as a continuation of the existing terrace. It would maintain the current hipped roof arrangement and appear as a largely sympathetic extension of the terrace. Although it would not include a chimney, a number of other terraced properties in the area do not have such a feature. The porch would be a modest structure and would not detract from its overall appearance.
7. The increased scale that would arise from the proposal would also not be out of keeping in the area, as the terraced blocks are of varying lengths, regardless of the number of units they contain. Nor would the proposal represent an over-intensive development, as there would still be a sizeable amount of the site to the rear that would not contain the built form of the proposal and, as a consequence, a significant gap with the next property would also remain.
8. The existing terraces around the crossroads are already sited nearer than the existing appeal property, and whilst the gap to the Kent Road boundary would be lessened noticeably by the proposal, the effect on the sense of the spaciousness around the crossroads would not be to such an extent that it would render the effect on the local character to be unacceptable. The proposal would also not extend nearer to the Woodfield Road boundary than the existing property. Hence, it would not unduly disrupt the grain and nor would it appear uncomfortable in its surroundings.
9. I am sympathetic to that local residents raised concerns during the planning application related to the effect on the local character and whilst I have carefully considered this matter, for the reasons I have set out, it would not be unacceptable in this regard. In relation to comments made about the existing property, the proposal would be likely to improve its overall appearance.
10. I conclude that the proposal would not have an unacceptable effect on the character and appearance of the building and the area. As such, it would comply with Policy CS14 of the Doncaster Metropolitan Borough Council, Core Strategy 2011-2028 (2012) where it states that all 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. It would also comply with 'Saved' Policy PH11 of the Doncaster Unitary Development Plan (1998) which states that within residential policy areas development for housing will normally be permitted except where, amongst other considerations, the development would be at a density or of a form which

would be detrimental to the character of the surrounding area or would result in an over-intensive development of the site.

### **Other Matters**

11. The proposed extension to the side of the existing building would be sited well off the boundaries with the neighbouring properties, and so it would not have undue adverse impacts on the living conditions of their occupiers, including on privacy and light levels. Similarly, in relation to the proposed rear first floor extension, as it would only extend a modest distance adjacent to the boundary, the effects on the living conditions of the occupiers of the neighbouring property would not be untoward. As regards potential noise, as this would be of a domestic nature, it would not have an unacceptable impact within these residential surroundings.
12. The Council's Highways Officer found the proposal as amended not to be unacceptable in highway safety terms and, whilst I am mindful that a school is found in the vicinity of the site, I see no reasons to disagree as 6 off-street car parking spaces would be provided and with the likely modest levels of associated traffic generation. In relation to the construction period, the associated disruption should be limited with the likely duration of the works. There would also be some economic and social benefits, albeit these would also be limited with the size of the proposal. Matters in relation to the effect on property values are not for my consideration.

### **Conditions**

13. As well as the statutory time limit for implementation (1), I have imposed a condition in the interests of certainty concerning the relevant plan (2). I have also imposed a condition so that the proposal is constructed of the external materials that would match the existing building, in the interests of protecting the character and appearance of the building and the area (3). For similar reasons, as well as related to highway safety, I have imposed a condition concerning footway and verge crossing details (4). Where I have altered the wording of the conditions put forward by the Council, I have done so in the interests of precision, without changing their overall intention.

### **Conclusion**

14. For the reasons set out above, and having regard to all matters that have been raised, I conclude that the appeal should be allowed subject to the conditions.

*Darren Hendley*

INSPECTOR

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## Appeal Decision

Site visit made on 25 September 2018

**by Darren Hendley BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> October 2018**

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**Appeal Ref: APP/F4410/W/18/3203074**

**Lime House, Chapel Lane, Sykehouse, Doncaster DN14 9BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Metcalfe against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 17/03035/OUT, dated 6 November 2017, was refused by notice dated 8 February 2018.
  - The development proposed is the construction of one dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application is in outline form with all matters reserved for future consideration apart from access and, as has been confirmed by the appellant and the Council, also layout. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being illustrative only.
3. The revised National Planning Policy Framework (2018) (Framework) has been published during the course of the appeal, which I have considered in my decision. In the interests of fairness, the appellant and the Council were also given the opportunity to comment on this matter.

### Main Issues

4. The main issues are the effect of the proposal on the (i) amenity value of the protected trees on the site; (ii) living conditions of the occupiers of the neighbouring properties at High Grove and Lime House, by way of privacy; and (iii) highway safety, concerning the proposed access arrangements and the turning area.

### Reasons

#### *Protected Trees*

5. The appeal site contains a number of lime trees, together with a yew tree, which are found in a broadly linear arrangement extending from the site frontage on Chapel Lane through the southern part of the site to the boundary with the adjacent property at Lime House. A further lime tree and a beech tree are found in close proximity to each other on the site frontage, towards the

- boundary with High Grove. These trees are protected under the Doncaster Borough Council Tree Preservation Order (No.359) 2012 High Grove, Sykehouse Variation Order 2017 (TPO).
6. The protected trees are attractive specimens which make a positive contribution to the visual amenity of the site and the area. This is recognised through their inclusion in the TPO. They are highly visible and prominent from the streetscene. The Council's Development Guidance and Requirements: Supplementary Planning Document (2015) (DGR SPD) seeks for the successful integration of such trees identified for retention.
  7. The canopies of the protected trees which are found in the southern part of the site, in particular, would be located in close proximity to the area where the proposed dwelling would be found. It was evident from my site visit that, due to the extent of the canopies, they provide significant shading to this area. The proximity of the trees, therefore, clearly reduces the natural light levels it receives, even though this may not be as apparent at all times of the day.
  8. With the confines of the site, the proposed dwelling would be in proximity to the tree canopies, so that, when the trees are in leaf, it would be likely that the dwelling would suffer from heavy shading. Furthermore, with the tree coverage and the proposed dwelling on the site, there would be limited private garden space that would also not experience heavy shading. This would limit the enjoyment of the use of the outdoor area for its future occupiers.
  9. When these matters are considered together, in my view, they would be likely to result in pressures from the future occupiers for the trees to be lopped, topped or felled, despite that the trees are shown to be retained. As this would be to the detriment of the value of the protected trees and to their surroundings, this weighs against the proposal.
  10. The appellant considers that the proposal should not be restricted by what may happen in the future, with the protection that would be afforded by the TPO. However, as it is likely that the future occupiers would require substantial works to be carried out in order to provide for satisfactory living conditions, the likely adverse effect on the amenity value of the trees is for my consideration. Concerning the tree works on the site that gained approval<sup>1</sup>, the associated Council report states these relate to works to bring the site in line with the approved plan. The proposed dwelling was, though, removed from consideration from the previously approved planning application for residential development. As a consequence, the approved tree works carry limited weight in my decision.
  11. With regard to the Westminster Drive appeal decision<sup>2</sup> that I have been referred to, the Inspector considered that the tree in question did not unreasonably restrict direct sunlight or indirect daylight from reaching the property, that daylight reached significant parts of the garden and there was ample usable amenity space. In contrast, the proposal before me would be likely to cause such harm to arise. As a consequence, it would make it considerably more difficult to resist a future application for works to the protected trees. The site circumstances are, therefore, sufficiently different so as not to alter my conclusion.

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<sup>1</sup> Council ref: 16/02968/TPO

<sup>2</sup> Appeal ref: APP/ENV/3165106

12. I conclude that the proposal would have an unacceptable effect on the amenity value of the protected trees. As such, it would not comply with 'Saved' Policies ENV21 and ENV59 of the Doncaster Unitary Development Plan (1998) (UDP) and with Policy CS16 of the Doncaster Council Core Strategy 2011-2028 (2012) (CS) which seek to steer development away from trees and woodland; state that considerable importance will be attached to the need to protect existing trees, and that new developments do not cause unnecessary loss of trees nor imperil trees by building works; and by retaining and protecting appropriate trees. It would also not comply with Section 8.6 of the DGR SPD where it concerns the successful integration of trees identified for retention.

*Living Conditions*

13. High Grove contains a number of windows which face directly towards the site. The area in between the dwellinghouse at High Grove and the fenced boundary with the site is part of its garden area. The front elevation of Lime House, including the associated windows, is positioned at a slight angle to the site. The area up to the site boundary comprises of this property's unenclosed frontage, and provides access.

14. The Council's Residential Backland and Infill Development: Supplementary Planning Document (RBID SPD) states that there should be sufficient separation between the proposed development and existing dwellings to overcome the difficulties of overlooking, and that it will not be acceptable for a proposal to have windows that overlook other dwellings high occupancy areas to an unreasonable degree. The SPD also sets out minimum distances that will normally apply between the new dwelling and the existing properties. The proposed dwelling, due to the constraints of the site, would not wholly achieve these distances.

15. In particular, the proposed dwelling would be located in close proximity to the boundary with the garden of High Grove. With the trees causing limitations to where the windows would be positioned on the proposed dwelling, as a consequence, this would result in direct overlooking into the garden and towards the windows on the facing elevation of High Grove, in all likelihood. This would result in a significant reduction in its privacy levels. Whilst less decisive, the close relationship of the proposed dwelling to Lime House would also result in a notable increase in overlooking, notwithstanding this would be over an area which is less private.

16. The use of obscure glazing would not overcome this harm, as it is difficult to envisage an internal arrangement of the proposed dwelling that would adequately prevent overlooking and provide a reasonable living environment for its future occupiers. The RBID SPD does allow for the minimum distances to be reduced in certain instances related to character. However, as I have found the proposal would have an unacceptable effect on the amenity of the protected trees, it is not appropriate to accept the shortfall in separation distances in the interests of character.

17. An outline approval would form the planning permission for the proposal. Being mindful of the presence of the trees on the site and the proximity of the proposed dwelling to these properties, I am not satisfied that the reserved matters would be able to address these concerns without nullifying the planning permission.

18. I conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of the neighbouring properties at High Grove and Lime House, by way of privacy. Accordingly, it would not comply, in this regard, with Policy CS14 of the CS where it states that new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment. It would also not comply with 'Saved' Policy PH11 of the UDP which states that within residential policy areas development for housing will normally be permitted except where, amongst other considerations, the effect of development on the amenities of nearby properties would be unacceptable. It would also not accord with the RBID SPD in relation to the controls it applies to prevent unacceptable overlooking.

#### *Highway Safety*

19. Chapel Lane is a lightly trafficked single track road. The access which is shown on the submitted drawing would not meet typical visibility splay requirements, based on the evidence before me. However, with the nature of the road and the likely limited traffic movements that would arise from one proposed dwelling, this would not cause untoward highway safety concerns.
20. Although the provision of an on-site turning space may not be able to accommodate larger vehicles due to the restrictions that would need to be applied resulting from the presence of the trees and the proposed dwelling, this would also not be so unsatisfactory within the context of Chapel Lane that it would raise significant safety concerns.
21. I conclude that the proposal would not be unacceptable as regards highway safety, concerning the proposed access arrangements and the turning area. In this regard, it would comply with Policy CS14 of the CS where it provides for the safety of the highways and the RBID SPD in relation to access.

#### **Other Matters**

22. The proposal would make a contribution to the supply of housing, albeit this would be limited as one additional unit would be provided. It would not, though, achieve sustainable development for the purposes of the Framework, because with the harm that would arise to the amenity value of the protected trees, as well as to living conditions, it would not make for the effective use of land.

#### **Conclusion**

23. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm caused by the proposal. For these reasons, I conclude that the proposal conflicts with the development plan when taken as a whole and there are no material considerations to outweigh this conflict. Accordingly, the appeal should be dismissed.

*Darren Hendley*

INSPECTOR





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## Appeal Decision

Site visit made on 18 September 2018

by **Paul Cooper MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 October 2018

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**Appeal Ref: APP/F4410/W/18/3204673**

**Rear of The Shoes, Low Road, Conisbrough DN12 3AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr T Connelly against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 17/02822, dated 27 October 2017, was refused by notice dated 23 January 2018.
  - The development proposed is one block of semi-detached houses on land to the rear of The Shoes, Low Road Conisbrough.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The revised National Planning Policy Framework (the Framework) was published during this appeal. Both parties were given the opportunity to comment on the relevance of this to their cases.

### Main Issues

3. The main issues are:
  - Whether the development would preserve or enhance the character or appearance of the Conisbrough Conservation Area;
  - The effect of the development on the living conditions of future occupiers of the development having particular regard to matters of outlook and amenity space; and
  - The effect of the development on flood risk.

### Reasons

#### *Effect on character or appearance*

4. The appeal site is located within the Conisbrough Conservation Area, and lies to the rear of 'The Shoes', formerly a Public House but converted to residential units in the 1980s. The site is set at a lower level than Castle Terrace behind, which is an unmade road. Access for the site would be taken from Castle Terrace.
5. The Conservation Area is centred around the castle, with a range of buildings dating from the 17<sup>th</sup> to the 20<sup>th</sup> Century. Properties tend to align their frontage

to the roads and the character is derived from the historic layout and strong boundary features as well as the transitional form and materials of dwellings in the area. The proposal before me is for a pair of semi-detached dwellings, set at right angles from Castle Terrace. The proposal would look incongruous with properties on Castle Terrace and the surrounding roads generally following the line of the highway. This would be compounded by the design of the dwellings, which would not be sympathetic to the Conservation Area, which is characterised by narrower buildings, with more verticality in fenestration and the use of slate or artificial slate roofing.

6. Taking the above points into consideration, I find that the development would be harmful to the character and the appearance of the surrounding area and the Conisbrough Conservation Area. It would therefore conflict with the relevant provisions of Policy ENV25 of the Doncaster Metropolitan Borough Council Unitary Development Plan (1998) (the UDP) and Policy CS15 of the Doncaster Council Core Strategy (2012) (the CS). These policies require, amongst other matters, for development to preserve or enhance the character or appearance of the area with regard to nature, scale, form, materials or design as well as protecting the heritage significance and setting of the heritage assets of the Borough.
7. In terms of the advice in Paragraph 196 of the Framework, the harm to the Conservation Area would be less than substantial, affecting only its immediate surroundings. Nonetheless, that still represents a harmful impact, adversely affecting the Conservation Area's significance as a heritage asset. Paragraph 196 sets out the need to address less than substantial harm in a balanced manner against the public benefits associated with such schemes, and I address this in my overall planning balance below.

#### *Living Conditions*

8. The orientation of the dwellings at right angles to Castle Terrace would restrict the outlook from the dwellings, with the front elevation facing the gable of the adjacent building at close proximity. In terms of private amenity space, this is also shown to be extremely limited, given the proximity of the boundary of the site at the rear, and the need to provide parking spaces to the rear of the property.
9. I note that the appellant has stated that the appeal proposals would provide a courtyard setting to the rear of The Shoes, but there is no indication that any additional amenity space would be made available for any future occupiers of the new dwellings or how this would be set out.
10. As a result, I have found that the proposal would not provide suitable outlook or private amenity space for future occupiers of the dwellings. It would therefore conflict with Policy PH11 of the UDP and Policy CS14 of the UDP, which, amongst other matters, states that development should not be over-intensive and should achieve the qualities required for successful development, such as character, quality, adaptability and inclusivity.

#### *Effect on Flood Risk*

11. Information has been included with the Council's statement that suggests that the site is susceptible to flooding. A Flood Risk Assessment was reported to have been supplied with the application that, according to the key consultee,

does not comply with National Planning Practice Guidance that supports the Framework, and therefore without a comprehensive assessment that includes evidence to address the sequential test, I find conflict with Paragraphs 155-163 of the Framework, which gives clear guidance on locating development at lowest areas of flood risk, as well as how development should assess and mitigate against flooding issues, for the lifetime of the development.

### *Overall Planning Balance*

12. As set out previously, I have identified harm to the Conisbrough Conservation Area. Whilst this harm would be less than substantial, it would still represent a harmful impact to the conservation of the heritage asset. Paragraph 193 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset.
13. As per paragraph 196 of the Framework where a development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. The proposal would make only a very modest contribution of two houses toward local housing supply.
14. The appellant has also forwarded arguments in support of the scheme, stating that the site attracts anti-social behaviour and that local residents support the scheme on the basis of additional security, although no representation from local residents has been forthcoming at application stage, or for this appeal. It was also argued that the properties would be suitable for low cost housing, although no mechanism has been identified to secure this. Nonetheless, in weighing the harm to the Conservation Area against the public benefits of the proposal, the harm clearly outweighs the benefits in this case and therefore the appeal should be dismissed.

### **Other Matters**

15. The appellant has informed me of a development close to this site which has been granted planning permission. I do not have the full planning background to that scheme. Even so, I find the evidence before me does not provide good reason to out-weigh the harm to the Conservation Area I have identified in this instance. I do not consider the presence of development elsewhere to be a good reason to allow the proposal, which I have determined on its individual merits.

### **Conclusion**

16. For the reasons set out above, the appeal is dismissed.

*Paul Cooper*

INSPECTOR

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# Agenda Item 7.

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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