



Doncaster Council

Agenda

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, Floor 2, Civic Office Waterdale, Doncaster DN1 3BU

Date: Tuesday, 20th August, 2019

Time: 2.00 pm

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**Damian Allen
Chief Executive**

Issued on: Monday, 12 August 2019

Governance Services Officer for this meeting

David M Taylor
01302 736712

**Doncaster Metropolitan Borough Council
www.doncaster.gov.uk**

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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 Meetings held on 23rd and 30th July, 2019	1 - 14
A. Reports where the Public and Press may not be excluded.	
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6. Appeal Decisions.	81 - 96

Members of the Planning Committee

Chair – Councillor Susan Durant

Vice-Chair – Councillor Sue McGuinness

Councillors Duncan Anderson, Iris Beech, Mick Cooper, George Derx, John Healy, Eva Hughes, Mark Houlbrook, Andy Pickering and Jonathan Wood

Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 23RD JULY, 2019

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE on TUESDAY, 23RD JULY, 2019, at 2.00 pm.

PRESENT:

Chair - Councillor Susan Durant
Vice-Chair - Councillor Sue McGuinness

Councillors Duncan Anderson, Iris Beech, George Derx, Mark Houlbrook and Jonathan Wood.

APOLOGIES:

Apologies for absence were received from Councillors Mick Cooper, John Healy, Eva Hughes and Andy Pickering.

16 DECLARATIONS OF INTEREST, IF ANY.

In accordance with Members Code of Conduct, Councillor Mark Houlbrook declared an interest in Application No. 19/01202/FUL, Agenda Item 5(3), by virtue that he had previously made representations as a ward councillor for Hatfield in 2014. Cllr Houlbrook took no part in the discussion or vote on the application.

In accordance with Members Code of Conduct, Councillor George Derx declared an interest in Application No. 19/01202/FUL, Agenda Item 5(3), by virtue that he had previously been lobbied by the developer on this application in 2014. Councillor Derx left the meeting during consideration of the application.

17 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 25TH JUNE, 2019

RESOLVED that the minutes of the meeting held on the 25th June, 2019 be approved as a correct record and signed by the Chair.

18 SCHEDULE OF 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'.

19 ADJOURNMENT OF MEETING.

RESOLVED that in accordance with Council Procedure Rule 17 (I), the meeting stand adjourned at 3.15 p.m. to be reconvened on this day at 3.20 p.m.

20 RECONVENING OF MEETING.

The meeting reconvened at 3.20 p.m.

21 APPEAL DECISIONS

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

Application No	Application Description and Location	Appeal Decision	Ward	Decision Type	Overtured
17/00201/FULM	Construction of new Motoway Service Area ("MSA") to comprise: amenity building, lodge, drive thru coffee unit, associated car, coach, motorcycle, caravan, HGV and abnormal load parking and a fuel filling station with retail shop, together with alterations to the adjacent roundabout at Junction 37 of the A1(M) to form an access point and works to the local highway network. Provision of landscaping, infrastructure and ancilliary works at land north east of J37 of the A1(M) Motorway, Marr Roundabout, Doncaster DN5 7AS	Appeal Dismissed 08/07/2019	Sprotbrough	Committee	Yes
18/03016/FUL	Erection of 4 bedroom detached house with integral garage at lynbar, Martin Lane, Bawtry, Doncaster	Appeal Dismissed 18/06/2019	Rossington and Bawtry	Delegated	No
18/00971/FUL	Erection of terraced house to side of existing house at 2 Lauder Road, Bentley, Doncaster DN5 9RP	Appeal Dismissed 19/06/2019	Bentley	Delegated	No

22 QUARTERLY PLANNING ENFORCEMENT PROGRESS REPORT

The Committee considered a report which detailed all Planning Enforcement Performance in the first Quarter 2019/20.

Members were advised that since the beginning of the new financial year, the team had been relatively busy and at present due to absent, leave the team was operating with only two full time officers. An interviewing process was currently being devised for applicants to fill a six months secondment opportunity, to assist with the backlog of outstanding cases, whilst also looking to employ and train an apprentice.

RESOLVED that all Planning Enforcement Cases received and closed for the period for 1st April to 30th June, be noted.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 23rd July, 2019

Application	1		
Application Number:	18/02033/OUT	Application Expiry Date:	23rd October 2018
Application Type:	Outline Application		
Proposal Description:	Outline application for the construction of 1 dwelling (re-submission of withdrawn application 17/02191/OUT)		
At:	Chateau Renee, Sutton Road, Campsall, Doncaster		
For:	Mr Matthew Dale		
Third Party Reps:	24	Parish:	Norton Parish Council
		Ward:	Norton and Askern

A proposal was made to refuse the application contrary to officer recommendation.

Proposed by: Councillor Iris Beech

Seconded by: Councillor George Derx

For: 4 Against: 2 Abstain: 1

Decision: Planning permission refused contrary to officer recommendation for the following reason:-

The indicative access would join a busy road and would be located close to the village entrance and a junction. The additional vehicle movements (as a result of this development) turning in and out of the application site would be unsafe on this section of road and increases the likelihood of a collision occurring. The proximity of the proposed access in relation to the village entrance and junction with Burghwallis Road would therefore have a unacceptable impact to highway safety, contrary to paragraphs 108 and 109 of the National Planning Policy Framework and Policy CS14 A (3) of the Doncaster Core Strategy.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Clare Hughes (Neighbour) spoke in opposition to the application for the duration of up to 5 minutes.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Mathew Dale (Applicant) 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', Councillor Austen White (Ward Member) spoke in opposition to the application for the duration of up to 5 minutes.

(The receipt of additional representations from a neighbour submitting a second objection was reported at the meeting).

Application	2
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Application Number:	17/01254/FULM	Application Expiry Date:	2nd October 2017
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Application Type:	Planning FULL Major
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Proposal Description:	Erection of 9 detached dwellings.
At:	Land at Clifton Hill, Conisbrough, Doncaster DN12 2DA

For:	Mr C Morte
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Third Party Reps:	74 Letters of objection and 2 petitions containing 30 signatures	Parish:	
		Ward:	Conisbrough

A proposal was made to refuse the application contrary to officer recommendation.

Proposed by: Councillor George Derx

Seconded by: Councillor Iris Beech

For: 8 **Against:** 0 **Abstain:** 0

Decision: Planning permission refused contrary to officer recommendation for the following reason:-

The development is contrary to Core Strategy Policy CS14 Part A (3) and (7) together with paragraph 109 and 110 of the NPPF by virtue of the proposed layout accessed from the narrow Kendall Crescent. The proposed development will have a detrimental impact on the surrounding highway network in relation to access to the site by service and emergency vehicles and also fails to address the needs of people with disabilities and reduced mobility.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Pauline Rumble (resident) spoke in opposition to the application for the duration of up to 5 minutes.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Angela Simmonds (Planning 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', Councillor Nigel Ball (Ward Member) spoke in opposition to the application for the duration of up to 5 minutes.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Councillor Ian Pearson spoke in opposition to the application for the duration of up to 5 minutes.

Application	3
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Application Number:	19/01202/FUL	Application Expiry Date:	Extended until 30th July 2019
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Application Type:	Full Application
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Proposal Description:	Erection of 5 detached dwellings with garages and provision of enhanced access drive to the neighbouring Community Centre
At:	Land at Feld Cottage, Main Street, Hatfield Woodhouse, Doncaster

For:	Mr Peter Thompson
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Third Party Reps:	5 representations	Parish:	Hatfield Parish Council
		Ward:	Hatfield

A proposal was made to refuse the application

Proposed by: Councillor Iris Beech

Seconded by: Councillor Sue McGuinness

For: 2 Against: 3 Abstain: 0

The motion to refuse the application FELL

A proposal was made to grant the application contrary to officer recommendation

Proposed by: Councillor Duncan Anderson

Seconded by: Councillor Jonathan Wood

For: 3 Against: 2 Abstain: 0

Decision: Planning Permission granted contrary to officer recommendation as the amenity benefit to the local community outweighs the planning harm to the countryside.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Councillor Linda Curran (Ward Member) 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', Councillor Joe Blackham 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', Mr John Brown 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', Mr Jim Lomas (Agent) spoke in support of the application for the duration of up to 5 minutes.

(An additional 2 letters of support, a representation from Councillor Derek Smith and a consultation response from the Highway Officer was reported at the meeting).

Application	4
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Application Number:	19/00991/FUL	Application Expiry Date:	17th June 2019
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Application Type:	Full Application
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Proposal Description:	Erection of detached dwelling
At:	Land adjacent to Orchard View, Main Street, Hatfield Woodhouse, Doncaster

For:	Mr Howarth Swales
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Third Party Reps:		Parish:	Hatfield Town Council
		Ward:	Hatfield

A proposal was made to grant the application

Proposed by: Councillor Sue McGuinness

Seconded by: Councillor Iris Beech

For: 8 Against: 0 Abstain: 0

Decision: Planning permission granted.

DONCASTER METROPOLITAN BOROUGH COUNCIL

EXTRAORDINARY PLANNING COMMITTEE

TUESDAY, 30TH JULY, 2019

AN EXTRAORDINARY MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on TUESDAY, 30TH JULY, 2019, at 2.00 pm.

PRESENT:

Chair - Councillor Susan Durant
Vice-Chair - Councillor Sue McGuinness

Councillors Duncan Anderson, Iris Beech, Mick Cooper, George Derx, John Healy, Mark Houlbrook and Andy Pickering

APOLOGIES:

Apologies for absence were received from Councillors Eva Hughes and Jonathan Wood

23 DECLARATIONS OF INTEREST, IF ANY.

There were no declarations reported at the meeting.

24 SCHEDULE OF APPLICATIONS.

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

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 30th July, 2019

Application	1		
Application Number:	19/01465/3FULM	Application Expiry Date:	19th September 2019
Application Type:	Major		
Proposal Description:	Erection of a Special Educational Needs School and associated works.		
At:	Land to the north of Hungerhill Lane, Edenthorpe		
For:	DMBC		
Third Party Reps:	0	Parish:	Edenthorpe Parish Council
		Ward:	Edenthorpe and Kirk Sandall

A proposal was made to grant the application subject to the Head of Planning being authorised to issue the approval once the Environment Agency had removed their objection.

Proposed by: Councillor Duncan Anderson

Seconded by: Councillor George Derx

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

Decision: Planning Permission Granted subject to the Head of Planning being authorised to issue the approval once the Environment Agency had removed their objection, the amendment of conditions 2, 3, 9, 10, 11, 12 and 13 and the addition of the following conditions to read as follows:-

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

Drawing number 1084.03 Rev A (Site sections)

Drawing number DSEN-FBA-00-XX-DR-A-00001 Rev P3 (Building Sections)

Drawing number DSEN-FBA-00-XX-DR-A-05051 Rev P2 (Elevations 1)

Drawing number DSEN-FBA-00-XX-DR-A-05052 Rev P2 (Elevations 2)

Drawing number DSEN-FBA-00-DR-A-05000 Rev P2 (Ground floor plan)

Drawing number DSEN-FBA-00-01-DR-A-05100 Rev P2 (First floor plan)

Drawing number DSEN-FBA-00-XX-DR-A-05200 Rev P2 (Roof plan)

Drawing number DSEN- FBA-00-00-DR-A-05011_P2 (Site plan)

- 03. The development shall only take place in accordance with the approved Written Scheme of Investigation entitled Sen School Kirk Sandall, Doncaster South Yorkshire Written Scheme of Investigation for an Archaeological Evaluation by Trial Trenching, dated July 2019 unless an updated WSI and timetable has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.**

REASON

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

- 09. The development hereby approved shall be carried out in accordance with the measures set out in the Travel Plan by Willmott Dixon dated August 2019.**

REASON

To encourage sustainable modes of travel to the site in accordance with Policy CS9 of the Core Strategy.

- 10. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:-**

- (i) A method statement and a Reasonable Avoidance Strategy to protect protected species, to be based on the recommendations contained within the ecological documents submitted in support of the planning application;**
- (ii) A plan identifying refuge, mitigation, and/or compensation areas within the site;**
- (iii) Timing of critical works where supervision will be required by an appropriately experienced Ecological Clerk of Works (ECoW); and**
- (iv) The use of protective fencing, exclusion barriers, and wildlife safety measures (where appropriate and necessary)**

REASON

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

- 11. 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) detailed specifications for the creation of new habitats;
- (ii) timescale for the implementation based on the phasing proposals;
- (iii) a management/maintenance plan covering as a minimum the first 10 years following the completion of enhancement works;
- (iv) a plan showing the location and specification of bird boxes to be installed, as set out in paragraph 5.21 of the PEA, Waterman November 2017.

REASON

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

12. Prior to the first occupation of the site, a scheme for the application of Biodiversity Offsetting across the whole of the development in accordance with guidance to be supplied by the Local Planning Authority's Ecologist Planner shall be submitted to an approved in writing by the Local Planning Authority. This process must apply the mitigation hierarchy and then identify the residual impacts that must be compensated for. Using an agreed Biodiversity Offsetting metric, the conservation credits and a means of delivering them either on site or off site shall be submitted for written approval by the Local Planning Authority.

REASON

To ensure the ecological interests of the site are maintained in accordance with Core Strategy 16 and national planning policy.

13. Prior to the commencement of development activities, an updating survey of badger activity across the site must be carried out to ensure that direct and indirect harm is not caused to this species and any protective measures that are required are put in place through the CEMP.

REASON

To ensure the ecological interests of the site are maintained in accordance with Core Strategy Policy 16 and that no offence is committed in respect of protected species legislation.

16. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

REASON

In the interest of satisfactory and sustainable drainage.

17. No piped discharge of surface water from the application shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

REASON

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Clare Plant (agent) spoke in support of the application

for the duration of up to 5 minutes.

(An update from the Environmental Agency (EA) regarding flooding was reported at the meeting).

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DONCASTER METROPOLITAN BOROUGH COUNCIL

Date 20th August 2019

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. Any pre-committee amendments will be detailed at the beginning of each item.

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

The Ordnance Survey map data and plans included within this document is protected by the Copyright Acts (Sections 47, 1988 Act). Reproduction of this material is forbidden without the written permission of the Doncaster Council.

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'
Any pre-committee amendments will be detailed at the beginning of each item.

Application	Application No	Ward	Parish
1.	19/01535/FUL	Sprotbrough	Barnburgh Parish Council
2.	19/01150/FUL	Stainforth And Barnby Dun	Barnby Dun /Kirk Sandall Parish Council
3.	19/01168/FUL	Sprotbrough	Sprotbrough And Cusworth Parish Council
4. M	18/02496/OUTM	Thorne And Moorends	Thorne Town Council

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 20th August 2019

Application 1

Application Number:	19/01535/FUL	Application Expiry Date:	20th August 2019
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Application Type:	Full Application
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Proposal Description:	Change of use from Shop to Beauty Salon, formation of car park and dropped kerb.
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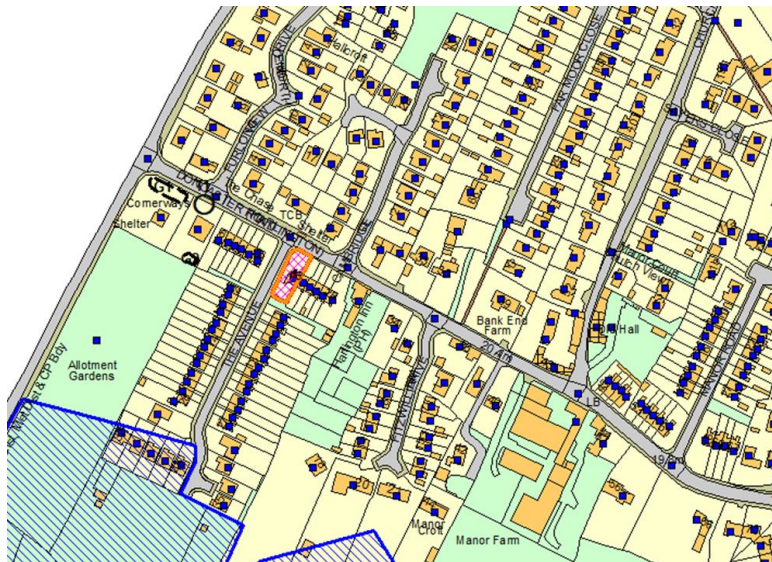
At:	18 Doncaster Road Harlington Doncaster DN5 7HT
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For:	Mr Vincent Hawke
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Third Party Reps:	28	Parish:	Barnburgh Parish Council
		Ward:	Sprotbrough

Author of Report	Alicia Murray
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MAIN RECOMMENDATION:	APPROVE
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1.0 Reason for Report

- 1.1 The application is being presented to Members as the proposal has received significant public interest.

2.0 Proposal & Characteristics

- 2.1 Full Planning Permission is required to change the use of a vacant retail unit (formerly the village shop) to a beauty salon (sui generis).
- 2.2 The application also proposes the creation of a dropped kerb and two additional car parking spaces to the front of the site.
- 2.3 The site is located along the main road through Harlington. The site is an end-terraced property which has been utilised for commercial purposes for many years. The surrounding properties are mainly residential in nature, with a hairdressers and public house in the immediate vicinity.
- 2.4 The site currently has a garage to the side/rear with the provision of two off street car parking spaces available. Surrounding the front and side of the site is a low laying boundary wall, to the front of the site is a break in the boundary wall with a grassed garden area and pathway leading to the shop front.

3.0 Relevant Planning History

- 3.1 05/02213/FUL: Erection of two flats on approximately 0.04ha of land. Refused 11.08.05.
- 3.2 06/01979/FUL: Change of use from 2 ground floor residential flats (C3) to beauty salon with hairdressers (Sui Generis) with creation of shop front. Refused 03.10.06.

4.0 Representations

- 4.1 Representations have been received from or on behalf of 28 residents of the surrounding area opposing the application.
- 4.2 In summary the representations made reference to the matters listed below. The full individual representations may be read through public access:-

- No need for another salon in the village, especially neighbouring existing hairdressers; more of a need for a local shop or post office.
- Highway safety concerns, with a dropped kerb being proposed on a main/busy road and surrounding boundary treatments hinder visibility.
- On street parking is a problem in the area, especially on Avenue Road.
- Harm to the character of the area by the introduction of car parking to front.
- The proposal would not increase jobs.

4.3 The matters raised regarding competition and loss of business from other salons, is not a material planning consideration; therefore these comments cannot be taken into account. Comments regarding loss of the existing A1 unit, appearance, and highway safety will be discussed in greater detail below.

4.4 A further letter of support has been received from the owners of the site, they have outlined that the business has not been viable for some time and the previous tenants gave notice because of this. The land owner tried to continue with the use, however was unable to sustain the business.

5.0 Parish Council

5.1 No comments received.

6.0 Relevant Consultations

6.1 **Highways DC** – It is noted that there are a number of representations in relation to the suitability of access, whilst the officer is mindful of the concerns raised in relation to road safety, the number of visitors to the business will be restricted by an appointment basis and there is sufficient room for vehicles to manoeuvre within the site. Furthermore, the proposal to have vehicles parking off road within the site curtilage, rather than on street at this location, is considered the more favourable option.

6.2 **Environmental Health** – No objections.

7.0 Relevant Policy and Strategic Context

7.1 The site is allocated as Residential Policy Area as defined by the Doncaster Unitary Development Plan (Proposals Map) 1998.

7.2 National Planning Policy Framework (NPPF 2019)

7.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

7.4 Core Strategy 2011 - 2028

7.5 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Countryside Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:

CS 1: Quality of Life

CS 14: Design and Sustainable Construction

7.6 Saved Unitary Development Plan Policies (Adopted 1998)

PH12 – Non-residential Development in a Residential Policy Area

7.7 Draft Doncaster Local Plan

The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Local Plan was approved at Full Council on the 25th July 2019 and Regulation 19 Publication is commencing on Monday 12th August 2019 for 7 weeks. The Council is aiming to adopt the Local Plan by the end of 2020. Given the relatively early stage of preparation of the emerging Local Plan, the document carries limited weight at this stage, although the following policies would be appropriate:

Policy 47: Design of Non-Residential, Commercial, and Employment Developments

7.8 Other material planning considerations

- Doncaster Development and Design Requirements SPD
- National Planning Policy Guidance

8.0 Planning Issues and Discussion

8.1 The principal issues for consideration under this application are as follows:

- i) The suitability of this site for a Beauty Salon
- ii) The effect of development on the amenity of existing residents, and future residents, as well as character of the area;
- iii) The effect of the development on highway safety.

Appropriateness of the proposal

8.2 The application site lies within a Residential Policy Area as defined by Doncaster's UDP. As such consideration should be given to Policy CS14 of the Core Strategy but specifically Policy PH12 of the UDP which states: "Within residential policy areas, the establishment or extension of non-residential uses of appropriate scale will be permitted, provided the use would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness."

8.3 This site has been operating commercially for several years within the A1 use class. Therefore the development would not result in the increase of non-residential uses in this area. The details outlined in PH12 will be discussed in more length below.

Loss of Local Shop

- 8.4 Whilst the closure of this local service is regrettable; the local shop closed down several months ago, as it was no longer a viable business venture. Following the shops closure the building was put up for sale and the current application was submitted to propose a new use. The owner of the site has outlined to the Local Planning Authority in writing that the business has closed due to limited business and the shop being no longer financially viable. There has been no other interest to continue the permitted use as a local convenience store. Furthermore, this site is not designated as an asset of community value on the register.
- 8.5 It is therefore considered that the loss of this local shop is given limited weight, as the use ceased several months ago with no interest from other parties in operating the shop.

Character of the area

- 8.6 The proposal does not include any external alterations to the building itself, given that it has a shop front in situ and has been operating commercially for several years. The external alterations included with this proposal are the introduction of off street parking to the front of the site and the creation of a dropped kerb.
- 8.7 The loss of this front garden and the creation of hard standing for car parking would not be wholly out of character with the area; most dwellings along Doncaster Road do have landscaped front gardens but many do have large areas of hardstanding for parking and other commercial buildings on Doncaster Road have large car parks with limited landscaping. Furthermore there are no trees or planting on the site and the boundary wall is already broken at the position of the proposed dropped kerb and the applicant has stated that the boundary wall will not be removed.
- 8.8 Therefore it is considered that the impact on the character of the area is minimal and would not cause a detrimental visual impact to the area. In accordance with PH12 of the UDP and CS14 of the Core Strategy.

Amenity of Neighbouring Residents

- 8.9 The proposed use is not overly noisy and will not to lead to an intensification of the site in terms of traffic or customers in respect of the residential neighbours surrounding the site or above the premises; it could be said that given the nature of the business and the time it takes to conduct the procedures that this proposed use is less intensive than the former A1 convenience store. Doncaster's Environmental Health Officer has been consulted and has raised no objection. The proposal would not require any extraction or ventilation and any external plant i.e. air conditioning would require separate planning consent.
- 8.10 The applicant has confirmed that the opening hours shall be Mon-Friday 9am to 7pm and Saturday 9am to 4pm, with Sundays closed and this will be controlled via condition. This is considered to be acceptable for this residential environment and would not cause a significant harm to the surrounding neighbours.

- 8.11 Taking the above matters into consideration, the application is considered to be in accordance with PH12 of the UDP and CS14 of the Core Strategy.

Highways

- 8.12 The application site sits within a predominately residential area with another A1 use unit opposite; it is well known that this section of Doncaster Road is often full of parked cars either from residents or visitors of the commercial units. The applicant is proposing the creation of 2 additional car parking spaces on the site and the creation of a dropped kerb on Doncaster Road. The creation of these spaces would result in the majority of the Beauty Salon customers being able to park off street and therefore reducing the amount of vehicles parked on the roadside, which occurred with customers of the former shop. Furthermore, the unit could re-open tomorrow as a general A1 unit such as a hairdressers or barbers without this provision of parking and as such the parking proposed is welcomed.
- 8.13 This is echoed in the consultation response received from the Highways Officer, who is satisfied that the parking and dropped kerb can be achieved without causing a significantly detrimental impact to the highway safety of the area; therefore the development is considered to be in accordance with PH12 of the UDP and CS14 of the Core Strategy.

Economic Vitality

- 8.14 This proposal would bring back to use a vacant commercial unit, which would improve the economic vitality of the area. It is considered to offer modest weight in favour of the application. It is worth noting that competition between other businesses is not a material planning consideration. This application is considered to be in accordance with the NPPF, specifically section 2 and 6 which deal specifically with sustainability and building a strong, competitive economy.

9.0 Summary and Conclusion

- 9.1 In accordance with Para. 10 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. No objections have been raised by the Local Highway Authority or Environmental Health. In terms of the three elements of sustainable development the proposal is considered to be acceptable and the proposal accords with the relevant policies of the development plan. There are, no material considerations of sufficient weight that indicate planning permission should be refused.

10.0 RECOMMENDATION

Planning Permission GRANTED subject to the following conditions.

01. STAT1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

02. U0072410 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:

Site Plan received 25.06.2019
Proposed Floor plan received 25.06.2019
Location Plan received 25.06.2019
Existing floor plan received 24.06.2019
Application forms received 24.06.2019

REASON

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

03. U0072076 The hours of opening shall be limited to:
Monday to Friday 0900 hours to 1900hours
Saturdays 0900 hours to 1600 hours
and not at all on Sundays or Bank Holidays.

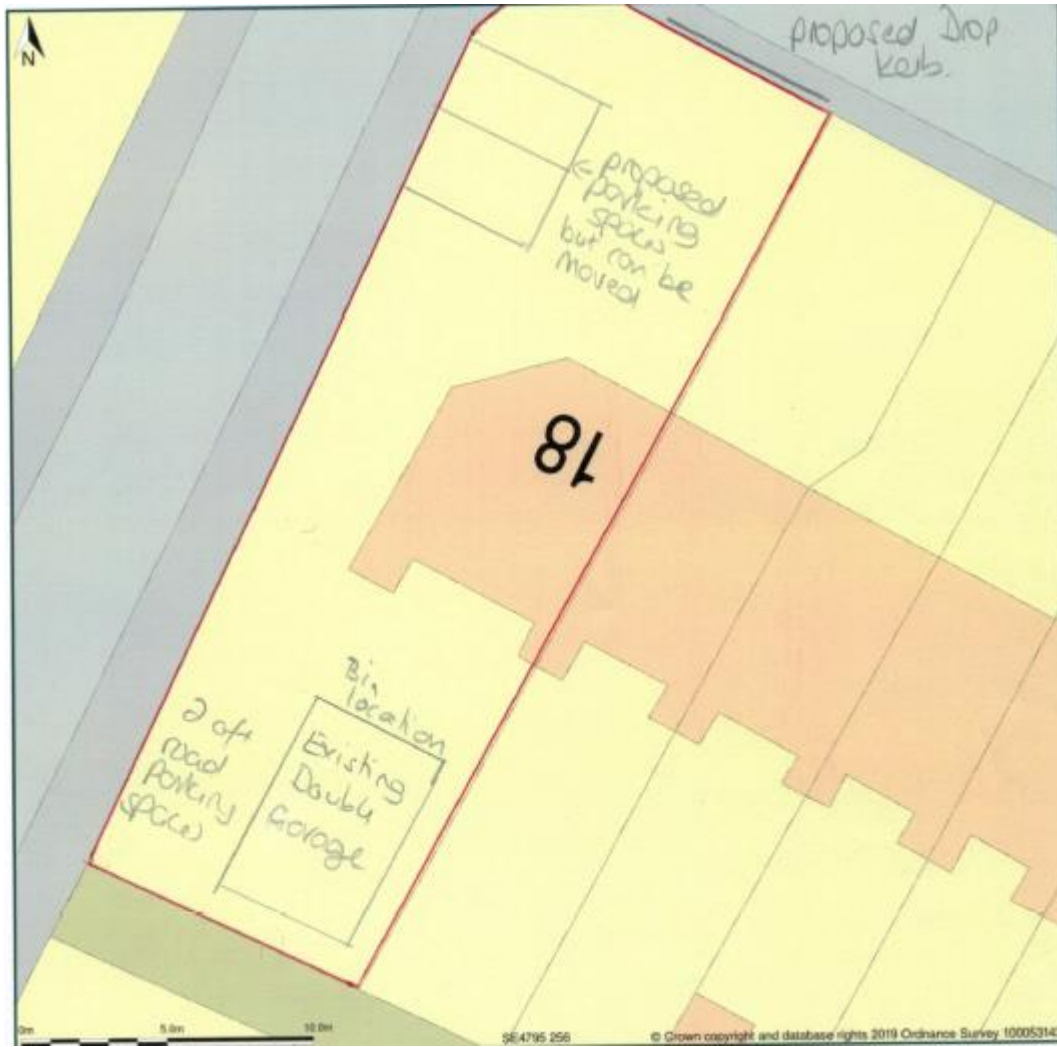
REASON

To ensure that the development does not prejudice the local amenity, in accordance with UDP Policy PH12.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.



Appendix 2 – Site Plan



Appendix 3 – Proposed Plan



DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE - 20th August 2019

Application 2

Application Number:	19/01150/FUL	Application Expiry Date:	4th July 2019
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Application Type:	Full Application
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Proposal Description:	Conversion, extension and change of use of existing Public House, to allow for new 3,000sqft Class A1 convenience store, along with associated warehouse space. As well as the existing car park be re-configured along with various external works.
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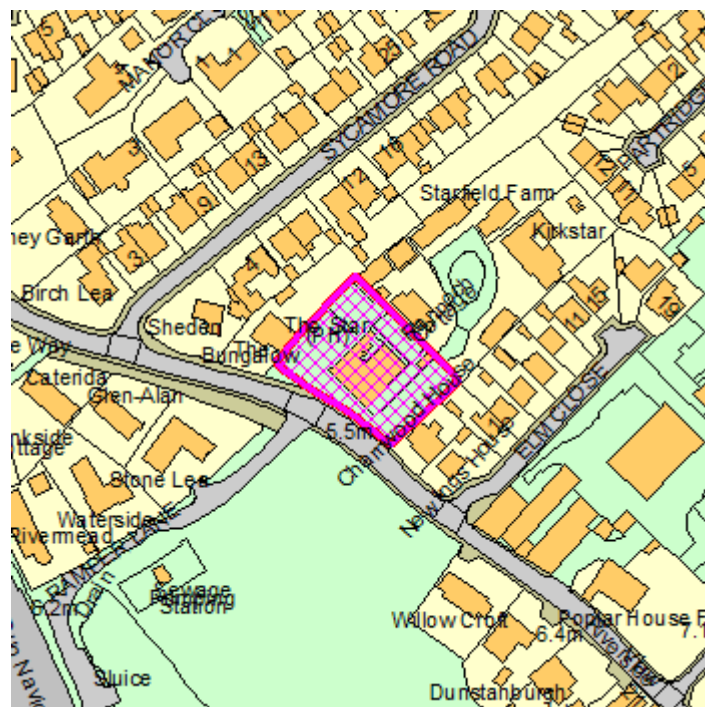
At:	The Star Inn High Street Barnby Dun Doncaster
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For:	Mr Ritchie Taylor
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Third Party Reps:	10 Letters of objection 3 letters of support	Parish:	Barnby Dun /Kirk Sandall Parish Council
		Ward:	Stainforth And Barnby Dun

Author of Report	Alicia Murray
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MAIN RECOMMENDATION:	APPROVE
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1.0 Reason for Report

- 1.1 This application is before planning committee, due to the amount of public interest received.

2.0 Proposal & Characteristics

- 2.1 The application seeks consent for the change of use of the 'The Star Inn' pub to retail use for food sales, to be operated by 'Co-operative Food'. The proposal also includes a rear extension and service yard; minor external alterations are proposed to the main building, to include additional glazing. The first floor will not be utilised, as part of the proposed use.
- 2.2 This proposal has been subject to pre-application discussions.
- 2.2 The application site relates to the 'The Star Inn' Public House. The building is a good example of a 60s red brick public house traditional village pub which has been closed and re-opened on and off for a number of years and finally closed March 2017. The building is surrounded by residential properties.

3.0 Relevant Planning History

- 3.1 No relevant planning history.

4.0 Representations

- 4.1 This application has been advertised via site notice and neighbour notification letters.
- 4.2 Thirteen representations have been received, three in support and ten in objection to the application.
- 4.3 The letters of support received relate to the upgrade of the appearance of the vacant pub and providing employment within the area, and suggest that without this change of use the building will be left vacant and neglected. Additionally local residents have outlined that there is a need for a convenience store within Barnby Dun village.
- 4.4 The letters of objection outline the following:
- High Street is not suitable for HGV access, High Street has signs erected to show this.
 - At the rear of the Star Inn is a day nursery, the children and adults will walk around this area and will have to negotiate through the car park.
 - The ATM will result in cars pulling up on the main road to use the ATM at all hours causing an obstruction and noise disruption.
 - Delivery times and associated vehicles causing a nuisance for neighbouring residents.

- The new use will cause noise and disruption for local residents.
- The proposal would impact on the Farm Shop business further down High Street.
- There are enough retail units within Barnby Dun and Kirk Sandall.
- High Street is very narrow, making it unsafe for pedestrians.
- Lighting could cause light pollution and impact on neighbouring amenity.
- Birds have been known to roost in the Star Inn.
- The noise survey submitted does not provide adequate measurements being only measured over a 24-hour period.
- There are security issues for the proposed use and then in turn the local residents.
- The position of this proposed store would not benefit the area of the village which is likely to expand; this area is part of the old village which is more rural in nature.
- There is inadequate parking provision.
- The proposal would result in the loss of trees.
- There is insufficient disabled spaces
- Delivery vehicles will encroach onto the footpath
- The shop entrance position will result in a risk for customers in terms of vehicles leaving and entering the site.
- The proposal would result in the loss of community facility
- Delivery procedures would impact the refuse collections for the residents to the rear of the Star Inn.

4.5 The signage indicating HGV access is unsuitable along High Street highlighted by residents is advisory and relate to the works at Thorpe Marsh. There is no restriction for HGV to access High Street, Barnby Dun.

5.0 Parish Council

5.1 Objects on the following grounds:

The Parish Council has previously raised concerns to Doncaster Council regarding traffic issues in general on High Street and in particular the road being unsuitable for HGV's due to its narrow nature towards the junction with Madam Lane. The Parish Council concur with the concerns highlighted by the Highways Officer, in the submission dated 11 June 2019, regarding deliveries to the proposed store. The bend in the road near the junction with Sycamore Road greatly impairs visibility whilst travelling along High Street which will result in delivery vehicles reversing into or out of the site presenting a danger to road users and pedestrians alike.

6.0 Relevant Consultations

6.1 **Environment Agency** – No objection to the development, subject to conditions relating to the submitted flood risk assessment.

6.2 **DMBC Ecology** – No objection, subject to a condition relating to Ecological Enhancement Schemes to be submitted to the LPA.

- 6.3 **DMBC Trees** – Requested some clarification regarding the position of bin storage and regarding some of the trees that are no longer on site; this was supplied through an amended Tree Survey and the Tree Officer does not object to the application, subject to an informative in relation to T11.
- 6.4 **DMBC Highways** – Originally objected to the application due to the sharing space of delivery vehicles and the general public car parking and concerns over reversing manoeuvres either into or out of the site. Following the submission of amended plans, the officer removed their objections; stating that the amended access location is a welcome change to overcome the concerns with servicing the building and that the use of a banksman within the site when deliveries arrive is a helpful measure.
- 6.5 **DMBC Environmental Health** – No objections to the application, subject to the submission of a validation report, secured by condition, in relation to the noise statistics provided with this application.

7.0 **Relevant Policy and Strategic Context**

7.1 The site is allocated as Residential Policy Area as defined by the Doncaster Unitary Development Plan (Proposals Map) 1998. The site is also allocated within Flood Zone 2 and 3. Below is the relevant planning policies which should be taken into consideration.

7.2 National Planning Policy Framework (NPPF 2019)

7.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

7.4 Core Strategy 2011 - 2028

7.5 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Residential Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:

CS1: Quality of Life

CS2: Growth and Regeneration Strategy

CS 4: Flooding

CS 7: Retail and Town Centres

CS 14: Design and Sustainable Construction

7.6 Saved Unitary Development Plan Policies (Adopted 1998)

CF2 - Undesignated Community Facility

ENV54 – Alterations and Extensions to Existing Buildings

PH12 – Non-residential Uses within a Residential Policy Area

7.7 Other material planning considerations

- *Doncaster Development and Flood Risk SPD*
- *Doncaster Development and Design Requirements SPD*
- *National Planning Policy Guidance*

7.8 Doncaster Local Plan: Draft Policies

The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Local Plan was approved at Full Council on the 25th July 2019 and Regulation 19 Publication is commencing on Monday 12th August 2019 for 7 weeks. The Council is aiming to adopt the Local Plan by the end of 2020. Given the relatively early stage of preparation of the emerging Local Plan, the document carries limited weight at this stage, although the following policies would be appropriate:

Policy 14: *Promoting sustainable transport within new developments*

Policy 31: *Valuing bio-diversity and geodiversity*

Policy 33: *Woodlands, trees and hedgerows*

Policy 47: *Design of Non-Residential, Commercial, and Employment Developments*

Policy 48: *Safe and secure places*

Policy 57: *Drainage*

Policy 58: *Flood Risk Management*

8.0 **Planning Issues and Discussion**

8.1 The main issues for consideration under this application are as follows:

- i) Appropriateness of the proposal/loss of public house
- ii) The effect of development on the amenity of surrounding residents
- iii) Impact on character of the area
- iv) The effect of development on highway safety
- v) Impact on Flood Risk
- vi) Trees and Ecology

Appropriateness of the proposal

8.2 The NPPF, Doncaster Core Strategy and Doncaster Unitary Development Plan contain adopted planning policies that are relevant to the consideration of this application.

- 8.3 The site is located within a defined village, as outlined within Policy CS2 of the Core Strategy; within defined villages the policy allows for the provision of local facilities. The public house contributed to the local facilities of Barnby Dun but as outlined in further detail below, this facility is now closed and is not designated as a community facility in the UDP or on the assets register. The proposed food retail would also contribute to the local facilities offer within this defined village.
- 8.4 In assessing the proposal regard must be had for policy PH12 - which states within the residential policy areas the establishment or extension of non-residential uses of appropriate scale will be permitted provided the use would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness. The impact on residential amenity will be assessed later on in the report.

Loss of Public House

- 8.5 The proposal must be considered as a community facility under policy CF2. Policy CF2 states that 'the loss of community facilities not defined on the proposals maps will be resisted, especially where that facility lies within an area deficient in community facilities.' The Star Inn has been vacant for over 2 years; since then the site has become somewhat of an eyesore. The building was opening and closing on and off for a number of years prior to March 2017, which shows that a number of tenants have been unable to make the public house viable. It is noted that there are other drinking establishments within the area which have added to the pressure on viability (i.e. The Olive Tree). The marketing information supplied, outlines that the Star Inn could not compete with the Olive Tree and rents were lowered to ensure it remained open, however this had little effect. It is noted that this site has been marketed since February 2017, with no viable options.
- 8.6 The proposal is to convert this building into a large A1 unit for food sales, which are felt to add to the facilities for the community and bring the building back into use. Thus it is felt that the application will add to the vitality of the area and not cause significant harm to the local community facilities.
- 8.7 The loss of this community facility has been assessed and based upon information supplied regarding the closure and marketing of this establishment, it is considered that the loss of this public house whilst regrettable, is not contrary to UDP Policy CF2. The above is given significant weight in the determination of this application.

Residential Amenity

- 8.8 Policy CS14 ensures that proposals do not harm neighbouring amenity. In addition Policy PH12 states that the proposal must not impact the amenity of the area via noise, fumes, or smells.
- 8.9 The proposal would result in the intensification of this site from a public house where people tend to stay for long periods to a convenience store. The impact that this intensification could have on the surrounding residential area has been assessed and reports have been submitted which address this.

- 8.10 There would be no ventilation equipment required with the store only offering a small bakery element, which would only be for warming purposes; therefore there is not considered to be any impact in terms of odour or fumes.
- 8.11 The key noise generation will be from operational noise (deliveries and off-loading); traffic and customers; and plant machinery. The deliveries will be kept away from the residents as much as possible and will only be within the hours of 8am and 6:30pm (see appendix 4), secured by condition. The opening hours will be between 07:00 and 22:00 hours 7 days per week, the Environmental Health Department have not objected to these opening hours and with the exception of the earlier opening hours the closing would not be too different than the former use.
- 8.12 A noise survey has been submitted within this application to assess the impacts the proposed plant could have and outlines the maximum noise emission levels for the AC units and Refrigeration plant. This survey has been assessed by the Environmental Health Officer who does not object to this survey (subject to a validation report, secured by condition). Should the actual noise levels not meet the predicted maximum cumulative design rating level detailed in table 3 of the noise report (Report Reference: 88486), appropriate mitigation measures shall be submitted to the local planning authority for approval in writing.
- 8.13 Residents have also raised concerns relating to the potential for customers utilising an ATM machine on the site and keeping engines running. The ATM machine has been positioned to the side elevation facing onto the car parking area, this is the best location as it would mean customers would have to pull into the site to see the ATM as it would not be directly visible from High Street and should encourage customers to park up to use the machine. Regarding the matter of continual running engines, the site has an existing car park which is being used to this day, any car could keep their engine running on this car park or on High Street and as such this carries limited weight. Other vehicle related noise impacts have been assessed by the Environmental Health Officer who has not objected to this application.
- 8.14 Even though lighting is not referenced directly within Policy PH12, it is considered that external lighting can impact on the surrounding residents and therefore full details of lighting have been supplied to the LPA. This shows that there would be minimal light spillage outside of the site boundary with the greatest lux level proposed being 42.5Em which is almost half of the standard allowance for parking areas. The lighting information has also been reviewed by the Environmental Health Officer, who has not objected to this application.
- 8.15 The proposal includes the erection of a rear extension, to be utilised as a back of house area. The extension would run close to the boundary of the residential property to the rear of the site. The extension would be 4.3m in height and would be concealed behind the existing boundary wall and 1.8m high fence. Furthermore, from site inspection and photos shown within the noise report it is clear that the dormer property to the rear of the site does not have any visible windows on its side elevation, resulting in minimal impact in terms of dominance or overshadowing. The plant area would face onto the proposed car parking area.

- 8.16 It is considered that subject to the conditions requested by the Environmental Health Officer, the proposal would not result in significantly detrimental harm to the amenity of the area.

Character of the Area

- 8.17 The proposal includes alterations to the existing building to allow for the conversion of the public house into a retail unit, these alterations include a side/rear extension, plant area, additional entrance to the side, ATM and blocking up openings. The proposed alterations are considered to be sympathetic and in keeping with the existing public house, which prior to its closure and dilapidation provided a positive contribution to the visual amenity of the area. The front elevation would remain mostly the same, meaning that the proposal would not significantly impact the street scene. The openings to the side gables would be mostly visible from within the site itself, given surrounding boundary treatments and the position of the building on site; therefore offering minimal harm.
- 8.18 Any signage would be subject to separate advertisement consent.
- 8.19 The proposal is considered to be in accordance with Policy CS14 of the Core Strategy.

Trees and Ecology

- 8.20 Policy CS16 (D) states that proposals will be supported which enhance the borough's landscape and trees by: being appropriate to the landscape's character, sensitivity and capacity; including measures to mitigate any negative impacts on the landscape; ensuring designs are of high quality, include appropriate hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness; and retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.
- 8.21 The Council's Tree Officer requested clarification on some aspects of the plans and tree survey, an amended survey has been submitted and the proposal is considered to be acceptable. The tree to the front of the site on the site plan, is no longer in situ; this has been clarified by the agent. No landscaping scheme has been requested by the tree officer, as there is limited landscaping on site currently. Furthermore the loss of the trees and overgrown vegetation to the rear boundary, is not considered to be an issue; whilst it does provide some merit in terms of screening for the residents to the rear, it is of no merit in terms of surveying.
- 8.22 An Ecology Survey has been submitted with this application, the vacant building has been assessed and the survey found that there is negligible potential for use by roosting bats. The ecology officer does not object to the application, but has requested that a condition be added to enhance the ecological interest of the site.

Highways

- 8.23 Policy CS14 of the Core Strategy advises that new development should have no unacceptable negative effects upon the amenity of neighbouring land uses or the environment and one of the ways to achieve this is to ensure that developments consider the "quality, stability and security of...the highway" (part A.2)
- 8.24 The highways officer has assessed the application and originally objected to the application based on the proposed delivery vehicles and public parking in one shared space. Further information and amended plans have been received, which have overcome the Highway Officer's concerns. The applicant has outlined the delivery schedule which outlines that bread and milk will be delivered daily on a rigid HGV and chilled foods will be delivered mon-fri between 5pm-7pm on a rigid HGV other HGV deliveries would be no more than three times a week, with all other deliveries being in vans. The refuse collection would be Tuesdays and Thursdays. The amended site plan shows the HGVs utilising the existing vehicle access in a forward gear and then reversing back within the site; to manage this in terms of health and safety a 'banksman' will be used to assist with the deliveries.
- 8.25 Following receipt of this additional information the Highways Officer was re-consulted and they have removed their objection to the application; the proposal subject to conditions relating to its management would not result in a detrimental impact to the highways safety of the area and is therefore in accordance with CS14 of the Core Strategy and PH12 of the UDP.
- 8.26 The objections outline loss of car parking for nursery customers and residents of the neighbouring properties; it was confirmed by the applicant that the ownership does fall within the title deeds of the owners and there is no right of access or parking for other users registered on the title.

Flood risk

- 8.27 According to the Environment Agency flooding maps, the site is within flood zone 3, which means it has a high probability of flooding.
- 8.28 Planning Policy advises that development in areas at risk from flooding is a material consideration. The NPPF states "inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at risk but where development is necessary, making it safe without increasing flooding elsewhere".
- 8.29 The Planning Practice Guidance website provides detailed advice on developments in flood zones. The Guidance website firstly places uses into a vulnerability classification. Retail uses fall within a 'less vulnerable' classification. The former use was classified as 'less vulnerable' so the vulnerability classification has not changed.

- 8.30 A flood risk assessment was submitted with the application. The applicant has therefore acknowledged that the site is at risk from flooding. The flood risk assessment was checked by the Environment Agency and they raise no objections. In their consultation response, the Environment Agency has also provided guidance on making the building flood resilient and recommended a flood evacuation plan. An informative on the decision notice will bring this guidance to the applicant's attention.
- 8.31 Finally, no sequential test is required as the Doncaster Flooding SPD states that "Where a change of use proposal does not involve operational development a Sequential Test will not be required."

Returning a Building Back into Use:

- 8.32 This proposal would bring back into use a vacant commercial unit, which would improve the economic vitality of the area. It is considered to offer modest weight in the determination of this proposal. It is worth noting that competition between other businesses is not a material planning consideration. This application is considered to be in accordance with the NPPF, specifically section 2 and 6. which deal specifically with sustainability and building a strong, competitive economy.

9.0 Summary and Conclusion

- 9.1 The proposal would result in an intensification of the site and would result in more trip generation and earlier opening hours, however it is considered that the mitigation proposed and the details supplied with this application justify this change of use without harming the amenity or highway safety of the area. Furthermore the proposal would result in a vacant 'run down' public house being altered, resulting in benefits to the local community. This application is compliant with the development plan and the NPPF and there are no material considerations which indicate that it should be refused.

10.0 RECOMMENDATION

Planning Permission GRANTED subject to the following conditions.

- | | |
|--------------|--|
| 01. STAT1 | The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990. |
| 02. U0070738 | 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:
12879 DB3 B01 00 DR A 90-010 amended 02.07.19
12879 DB3 B01 00 DR A 20-004 amended 02.07.19
13614 DB3 B01 00 DR A 70-001 amended 02.07.19 |

REASON

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

03. U0070739 Prior to the site being brought into use details of the proposed location of:

- the provision of two 2F type schwegler bat boxes installed no lower than 4m above ground and in a south east to south west facing direction, and:

- The provision of two schwegler 1B nest boxes in appropriate locations on mature trees or buildings on the site.

Shall be provided to the local planning authority for approval in writing. The agreed scheme shall then be implemented as agreed.

REASON

In line with Core Strategy Policy 16 to ensure the ongoing ecological interests of the site.

04. U0070740 The development shall be carried out in accordance with the submitted flood risk assessment submitted by Watermans (Job No 14920 dated 7 May 2019) and the following mitigation measures it details:

- o Finished floor levels of the existing and proposed floor shall be set no lower than 5.95 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to the site being brought into use and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON

To reduce the risk of flooding to the proposed development and future occupants

05. U0072170 The development hereby approved shall be operated in accordance with the submitted Delivery Management Schedule received 29.07.2019.

REASON

To ensure the development does not harm the highway safety of the area, in accordance with CS14 of the Core Strategy.

06. U0072212 On completion of the installation of the air conditioning and refrigeration units a further noise report shall be submitted to the Local Planning Authority. The noise report shall be conducted by a competent noise consultant whilst the units are in operation and during daytime and night-time periods. Should the actual noise levels not meet the predicted maximum cumulative design rating level detailed in table 3 of the noise report (Report Reference: 88486) produced by Noise Solutions Ltd dated 11th April 2011, outside the nearest residential dwelling, appropriate mitigation measures shall be submitted to the local planning authority for approval in writing. Such approved mitigation measures shall be implemented within three months of the date of the further noise report.

REASON

In the interests of protecting the residential amenity of nearby residential neighbours in accordance with adopted Unitary Development Plan Policy PH 12: Non Residential Uses within a Residential Policy Area.

01. IFP

INFORMATIVE

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

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

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

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

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

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

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

02. IFWI

INFORMATIVE

At the time of this decision, the site has been identified as being within an area of medium or high flood risk, based on the Environment Agency's flood maps. Therefore, the applicant/occupants should consider registering for the Environment Agency's Floodline Warning Direct, by phoning Floodline on 0345 988 1188 . This is a free service that provides flood warnings direct by telephone, mobile, fax or paper. It also gives practical advice on preparing for a flood, and what to do if one happens. By getting an advanced warning it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site.

03. U0013618

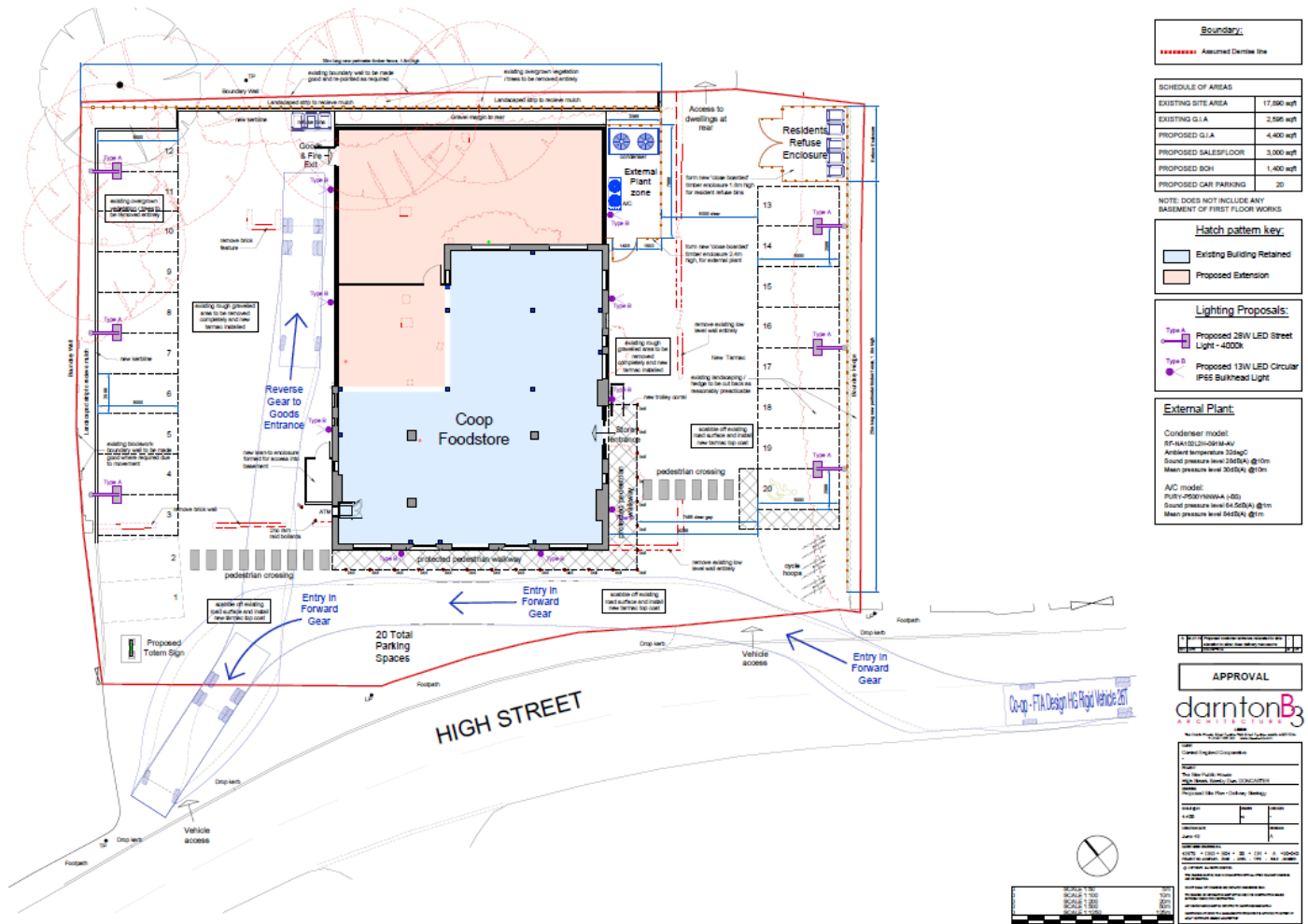
INFORMATIVE

The ash tree on the frontage of the site is subject to Doncaster Rural District Council Tree Preservation Order (No.11) 1970 Barnby Dun with Kirk Sandall. The development hereby granted shall not imperil this tree through construction activities. It is a criminal offence to wilfully damage

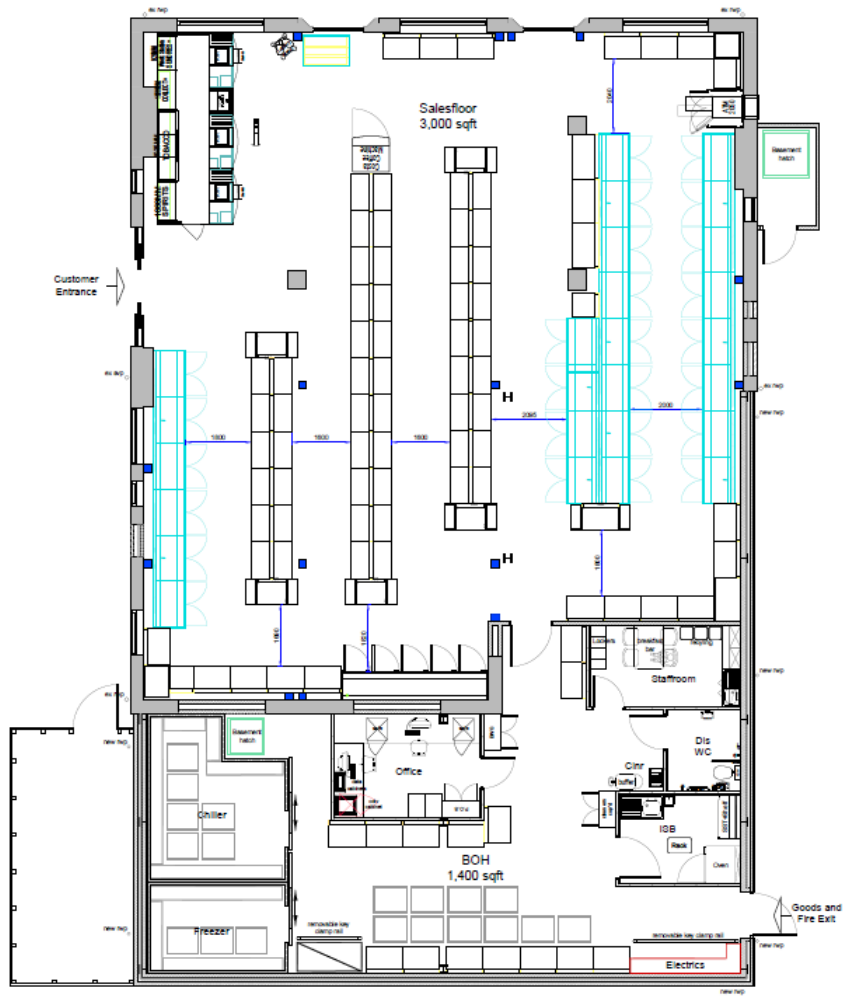
any tree subject to a Tree Preservation Order and failure to adhere to this advisory note may be deemed to constitute wilful damage and may result in criminal proceedings being instigated by the council. Preventing damage to the trees is in the interests of tree health and also in the interests of safety of persons and property.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1: Site Plan



Appendix 3: Proposed Floor Plans



DRAFT	
darntonB3 ARCHITECTURE	
Project: Client: Location: Date: Scale: Drawing No.: Revision: Author: Checker: Date: Status:	
Notes: 1. All dimensions are in millimeters unless otherwise stated. 2. All dimensions are to the centerline of the element unless otherwise stated. 3. All dimensions are to the finished surface unless otherwise stated. 4. All dimensions are to the centerline of the element unless otherwise stated. 5. All dimensions are to the finished surface unless otherwise stated.	

Appendix 4: Delivery Schedule

BARNBY DUN, DONCASTER, CENTRAL ENGLAND CO-OPERATIVE CONVENIENCE STORE - DELIVERY SCHEDULE

Product	Vehicle			Source	Time	Mon	Tues	Weds	Thurs	Fri	Sat	Sun	Comments
	Type	Length	Weight										
Ambient Grocery	Rigid	12.0m	26T	FDC	as tabled	7am - 9am		7am - 9am		7am - 9am			CEC delivery fleet
Chilled food	Rigid	12.0m	26T	CDC	as tabled	7am - 9am							CEC delivery fleet
						5pm - 7pm	5pm - 7pm	5pm - 7pm	5pm - 7pm	5pm - 7pm			CEC delivery fleet
Frozen Food	Rigid	12.0m	26T	ACC	0700 - 2100*								*TCG delivery sheet - 2hr timeslot tbc
Bread	Rigid	10.4m	18T	Allied	0700 - 1100	7am - 9am	7am - 9am	7am - 9am	7am - 9am	7am - 9am	7am - 9am	7am - 9am	
Bread	Rigid	10.4m	18T	Warburtons	0700 - 1100	7am - 9am	7am - 9am	7am - 9am	7am - 9am	7am - 9am	7am - 9am	7am - 9am	
Milk	Rigid	12.0m	26T	Wisemans	0700 - 1000								
Sandwiches	Van	5.5m	3T	Greencore	0900 - 1100								
News & Magazines	Van	5.5m	3T	Smiths	0400 - 0700								
Local News	Van	5.5m	3T	Local	1100 - 1500								
Bin Collection	Refuse				0700 - 1700								indicitive enrty only - day tbc
Waste Meat Collection	Refuse				0700 - 1700								indicitive enrty only - day tbc

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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 20 August 2019

Application | 3

Application Number:	19/01168/FUL	Application Expiry Date:	19 th July 2019
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Application Type:	Full Application
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Proposal Description:	Erection of two storey rear extension following demolition of existing single storey extension and alterations to existing two storey bay to include a covered porch plus erection of detached outbuilding following demolition of shed to rear (part retrospective)
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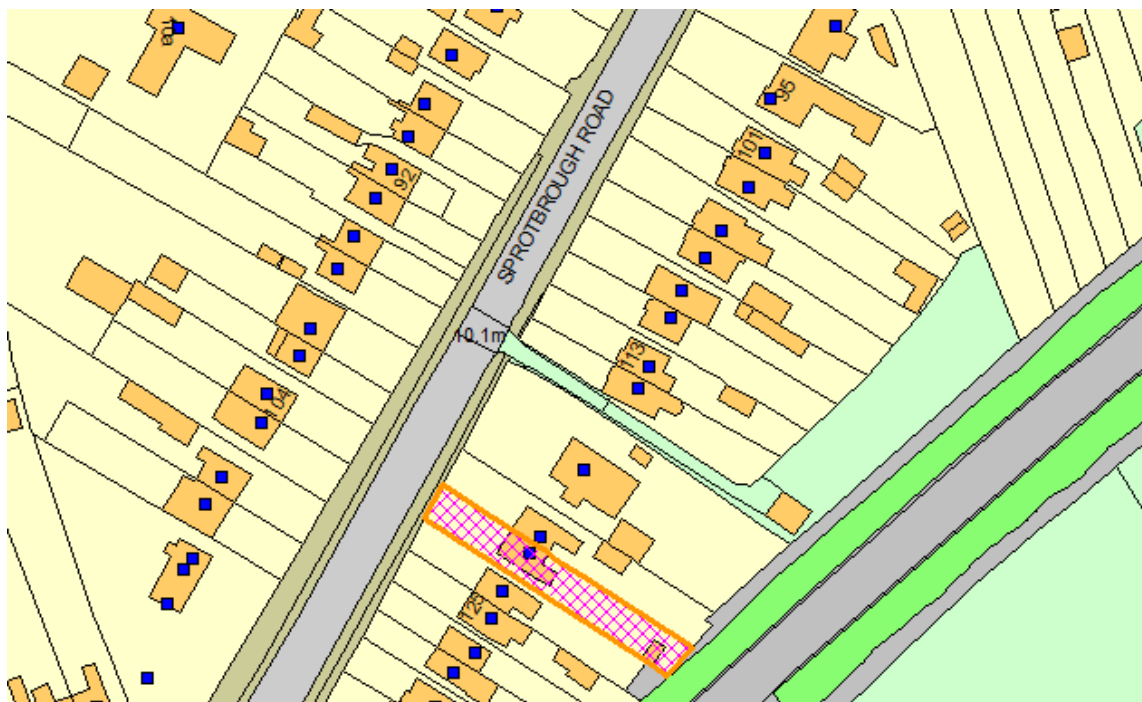
At:	121 Sprotbrough Road, Sprotbrough, Doncaster, DN5 8BW
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For:	Mrs Angela Whitfield
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Third Party Reps:	4	Parish:	Sprotbrough and Cusworth Parish Council
		Ward:	Sprotbrough

Author of Report	Laura Williams
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MAIN RECOMMENDATION:	APPROVE
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1.0 Reason for Report

- 1.1 The application is being presented to Planning Committee following a request from Sprotbrough Ward Councillor Cynthia Ransome, on the grounds of Right to Light impact on the neighbouring property and an overlarge development (already-half built) to the rear of the property.

2.0 Proposal and Background

- 2.1 The application proposes the erection of a two storey rear extension following demolition of the existing single storey extension and alterations to the existing two storey bay, to include a covered porch plus the erection of a detached outbuilding following demolition of a shed to the rear (part retrospective).
- 2.2 The development would introduce a two storey rear extension projecting 3 metres on the boundary with No.119, stepping in from the boundary by 1 metre and out an additional metre to an overall projection of 4 metres. A partly built detached outbuilding measuring 4.4 metres to the ridge and 2.8 metres to the eaves, spanning the width of the plot is also proposed part retrospectively. The bay windows to the front elevation are proposed to have a gable roof in place of the existing flat roof and an increase in projection from 0.7 metres to 1.5 metres. A porch is also proposed to the front elevation of the property. The proposed materials seek to reflect the character of the area being brick and render with dark grey tile construction.
- 2.3 The site is located along Sprotbrough Road and is set back from the highway in a defined building line.
- 2.4 The street scene in the immediate vicinity on Sprotbrough Road is mixed in character with detached and semi detached dwellings present and a range of finish materials to dwellings, interspersed with walls, fences and hedges forming boundary treatments to the front of dwellings which are set back from the highway.

3.0 Relevant Planning History

- 3.1 There is no relevant planning history for this site.

4.0 Representations

- 4.1 The application has been advertised in accordance with the requirements of the Planning Practice Guidance as follows:
- Any neighbour sharing a boundary with the site has received written notification
 - Advertised on the Council website
- 4.2 A total of 4 objections have been received from the adjoining property No.119, raising the following material planning concerns:

- Overbearing impact
- Reduced amount of light as a result of the works
- Scale of the proposed extension and outbuilding
- Restricted views
- Business use of the outbuilding for the applicant
- Impact of proposal on property value

4.3 Whilst the issue relating to the property value and views are noted, these are not a material planning considerations and therefore cannot be taken into account.

5.0 Parish Council

5.1 Sprotbrough and Cusworth Parish Council objects to the application regarding issues including:

- Loss of light to downstairs rooms of No.119
- Use of the outbuilding for business and not residential use

6.0 Relevant Consultations

6.1 **Yorkshire Water** - No comments received.

6.2 **National Grid** - No comments received.

7.0 Relevant Policy and Strategic Context

7.1 The site is allocated as Residential Policy Area as defined by the Doncaster Unitary Development Plan (Proposals Map) 1998. 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.

National Planning Policy Framework (NPPF 2019)

7.2 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Core Strategy 2011 – 2028

7.3 In May of 2012 the LDF Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan; some UDP policies remain in force (for example those relating to the Residential Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:

CS1: Quality of Life
CS 14: Design and Sustainable Construction

Saved Unitary Development Plan Policies (Adopted 1998)

7.4 ENV54 – Alterations and Extensions to Existing Buildings

Sprotbrough Neighbourhood Plan

7.5 The Sprotbrough Neighbourhood Plan (NP) is in the early stage of formulation having sent the first draft out for consultation which ended on the 31st January 2019. The next stage for the neighbourhood plan will be pre-submission consultation and publicity under regulation 14. Consequently the NP carries limited weight at this time. That said the relevant policy contained within the NP is as follows:

Draft Policy S1 - Guidelines for New Development in Sprotbrough

Doncaster Local Plan: Draft Policies

7.7 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Local Plan was approved at Full Council on the 25th July 2019 and Regulation 19 Publication is commencing on Monday 12th August 2019 for 7 weeks. The Council is aiming to adopt the Local Plan by the end of 2020. Given the relatively early stage of preparation of the emerging Local Plan, the document carries limited weight at this stage, although the following policies would be appropriate:

Policy 42 – Character and Local Distinctiveness
Policy 45 – Residential Design

Other material planning considerations

- Doncaster Development and Design Requirements SPD
- National Planning Policy Guidance

8.0 Planning Issues and Discussion

8.1 The main issues for consideration on this proposal are:

- The principle of the development
- Whether there is an impact on neighbour amenity
- Whether there is an impact upon the character and appearance of the surrounding area

Principle

- 8.2 The application site is located within the settlement boundary of Sprotbrough where the principle of residential development is acceptable.

Neighbour Amenity

- 8.3 Policies CS1 and CS14 of the Core Strategy recognise that a component of good design is to ensure that new development does not have a negative effect on residential amenity. Policy ENV54 of the UDP states that alterations and extensions to existing buildings should be sympathetic in scale, materials, layout and general design to the existing building. Suggested guidance for residential extensions are set out in the Council's adopted SPD, which balances neighbouring amenity with the right of a homeowner to extend their property. The neighbour at No.119 believes that the part retrospective outbuilding would not be in character with the locality and would be out of scale for a residential outbuilding.
- 8.4 It is considered that the proposal would not result in harmful overlooking. The roof lights to the rear of the existing roof and to the side elevation of the rear extension would not overlook amenity space or result in a loss of privacy. The Juliet balcony to the front elevation of the two storey extension would serve two bedrooms and the windows would line up with existing windows on this elevation. There are no windows to the side elevations of the outbuilding. There is a single window that faces into the applicant's own private garden. There are no dwellings to the rear of the property that would be affected by the proposal.
- 8.5 The Doncaster SPD states that individual two storey extensions which project more than 3 metres would have to be set in from the boundary by 1 metre for each metre in excess of 3 metres. The two storey extension is to be situated on the boundary with adjoining property No.119 with a projection of 3 metres, and at 3 metres the extension would be stepped in from the boundary by 1 metre with a further 1 metre projection to create an overall projection of 4 metres. The extension would be situated south of the adjoining dwelling and as such a degree of overshadowing is likely. That being said, the extension would have a pitched roof that slopes away from the boundary to reduce the impact on the adjoining property.
- 8.6 The rear extension would slightly encroach the 45 degree exclusion zone of the adjoining dwelling's rear elevation dining room and bedroom windows, however the proposal would not introduce harmful overshadowing or loss of light and outlook to the neighbour's windows owing to the extension being stepped in from the boundary. As such, a suitable outlook and visual amenity would be retained and on balance the extension is considered to be acceptable.
- 8.7 The part-retrospective outbuilding is situated on the boundary at the end of the garden and has a gable roof which slopes away from the boundary to

reduce overshadowing to the neighbour's rear garden. The boundary fence is 1.3 metres high (which is quite low for a rear garden fence) and the scale of the outbuilding may appear exaggerated alongside the fence. The eaves height of the outbuilding is 2.8 metres and the ridge height is 4.4 metres. Within 2 metres of the boundary, an outbuilding of 2.5 metres in height could be built under permitted development. On balance, it is considered that the scale of the outbuilding is acceptable as the height of the building on the boundary would be only 0.3 metres more than that which could be achieved without planning consent. In addition, the outbuilding would be situated at the end of the garden and so would not introduce harmful overshadowing to the garden of neighbouring properties.

8.8 The development meets the requirements set out in the Council's SPD guidance relating to protecting privacy, light levels or any over dominance impact.

8.9 As such, the development respects neighbouring amenity and complies with policies CS1 and CS14 of the Core Strategy and Policy ENV54 of the UDP.

Impact upon the character and appearance of the surrounding area

8.10 The outbuilding would be finished in cream / off white coloured render which is acceptable for a residential outbuilding. The roof pitch of the rear extension would tie in with that of the original property and the gable design on this hipped roof property is considered acceptable as it would be out of public view and would not negatively impact the street scene. The finish to the rear extension would be a combination of brick to match the host dwelling and cream render, which ties in with the surrounding area.

8.11 The porch and bay window alterations are considered to be acceptable as the street scene is comprised of a variety of designs including porches and gable bay windows finished in brick, render, tiles and cladding. The bay windows would be finished in render with cladding detail to the gable feature and the porch roof would be finished in roof tiles matching the host dwelling.

8.12 In summary therefore, whilst acknowledging that the proposal would change the appearance of the property, the site lies within a sustainable location where residential alterations are accepted. It is considered that the proposal respects the character of the area and is generally in compliance with Policy CS14 of the Core Strategy, Policy ENV54 and the Doncaster SPD.

9.0 Summary and Conclusion

9.1 Having regard to all matters raised, including the objections received, the proposal would be sympathetic to the character of the area. Under the provisions of the NPPF, the application is considered to be a sustainable form of development. The application is compliant with the development plan and the NPPF and there are no material considerations which indicate that the application should be refused.

10.0 Recommendation

Planning Permission GRANTED subject to the following conditions.

Conditions / Reasons

01. STAT1 The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
REASON
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. U0071743 The development hereby permitted shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:
Site plan; Drawing No. 19-01-H-053-100; Revision A; Dated 14/06/2019
Proposed first floor plan; Drawing No. 19-01-H-053-011; Revision D; Dated 16/07/2019
Proposed roof plan; Drawing No. 19-01-H-053-012; Revision C; Dated 15/07/2019
Proposed ground floor plan; Drawing No. 19-01-H-053-013; Revision B; Dated 12/07/2019
Proposed elevations; Drawing No. 19-01-H-053-015; Revision D; Dated 16/07/2019
Proposed outbuilding elevations and floor plans; Drawing No. 19-01-H-053-020; Dated 08/06/2019
REASON
To ensure that the development is carried out in accordance with the application as approved.
03. U0071744 The external materials and finishes shall be off white / cream render and brick with white / brown uPVC cladding to the gable dormer detail and matching roof tiles
REASON
To ensure the satisfactory appearance of the development in accordance with policy ENV54 of the Doncaster Unitary Development Plan.
04. U0071804 The use of the outbuilding hereby permitted shall be incidental to the use of the host dwelling and no commercial purpose.
REASON
To ensure that the outbuilding shall not be used for business use.

Informatives

01. INF1C

INFORMATIVE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

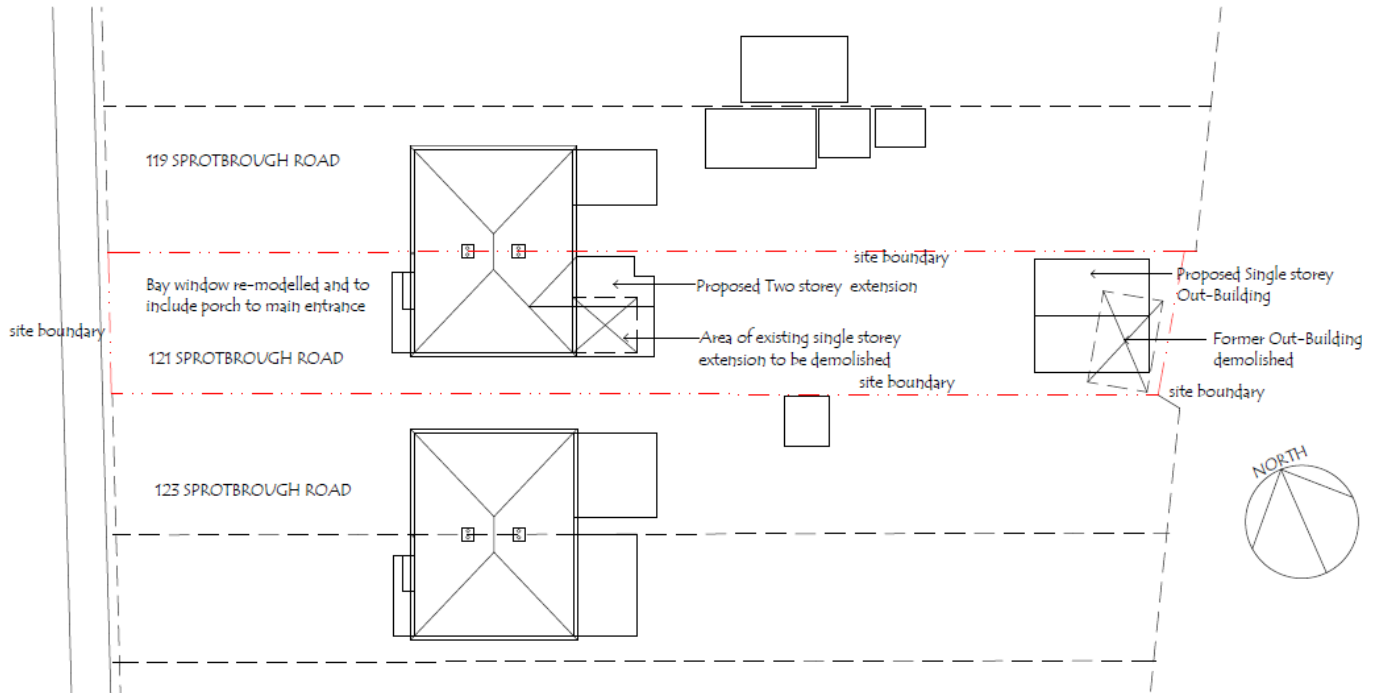
Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

This Standing Advice is valid from 1st January 2019 until 31st December 2020.

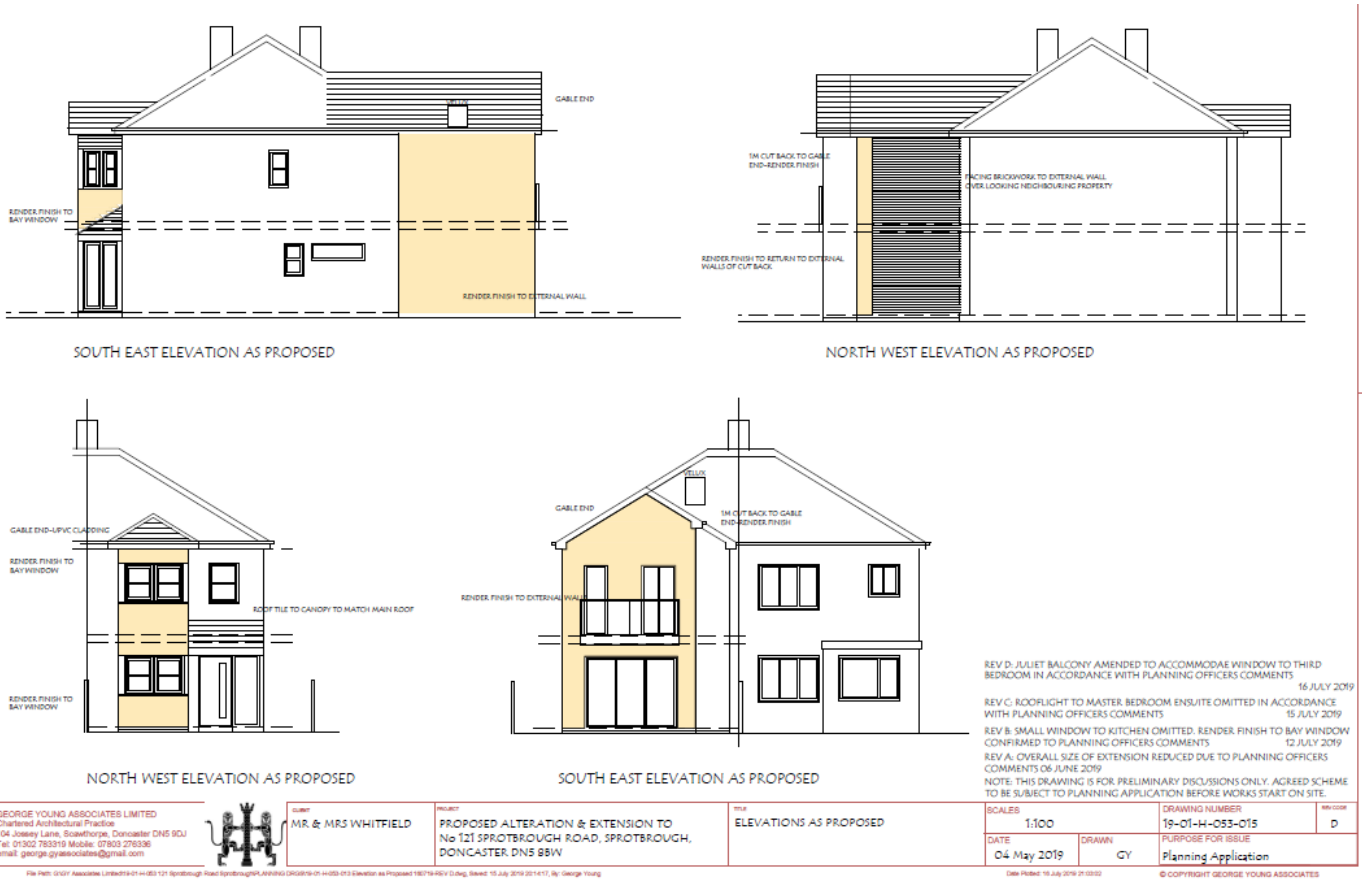
Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Appendix 1: Site Plan

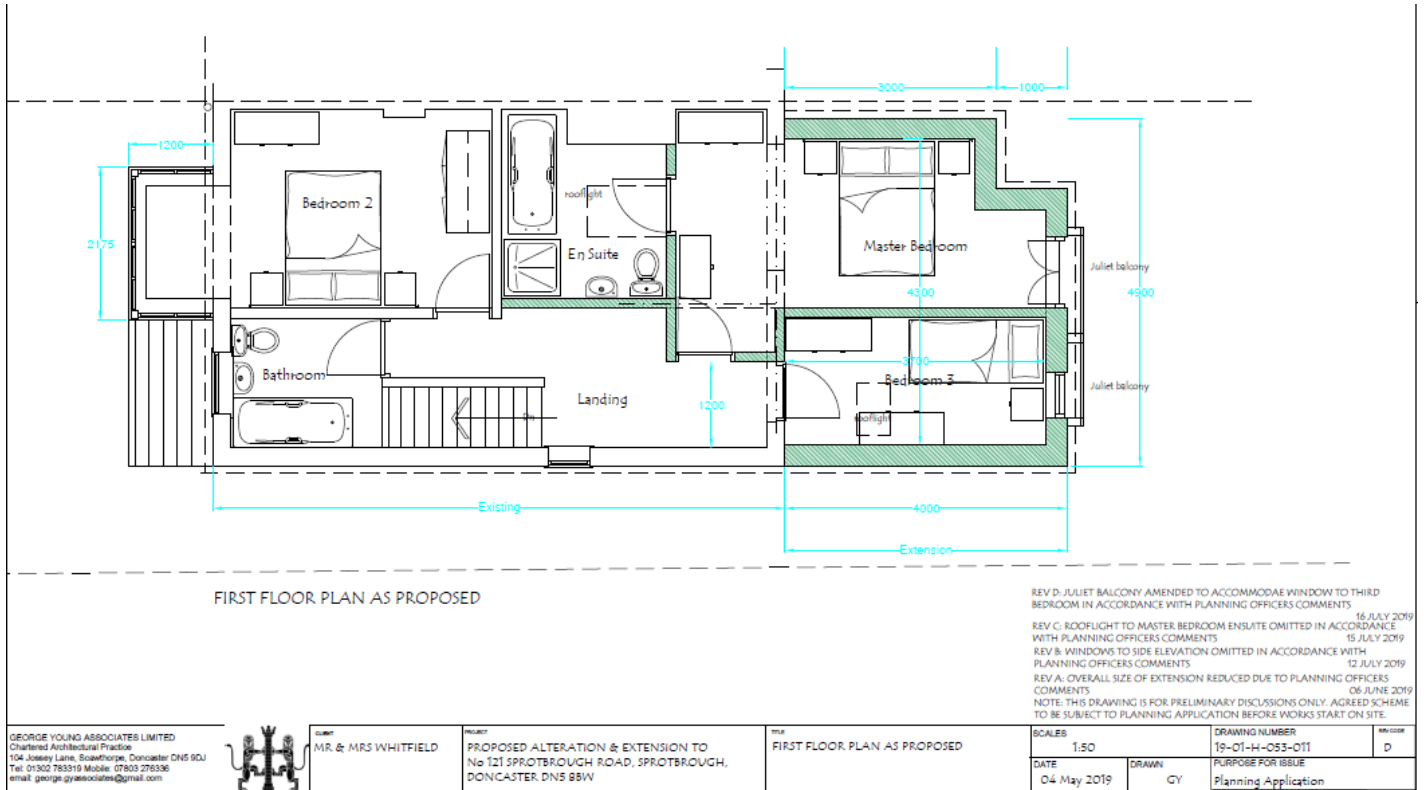


SITE PLAN 1:200

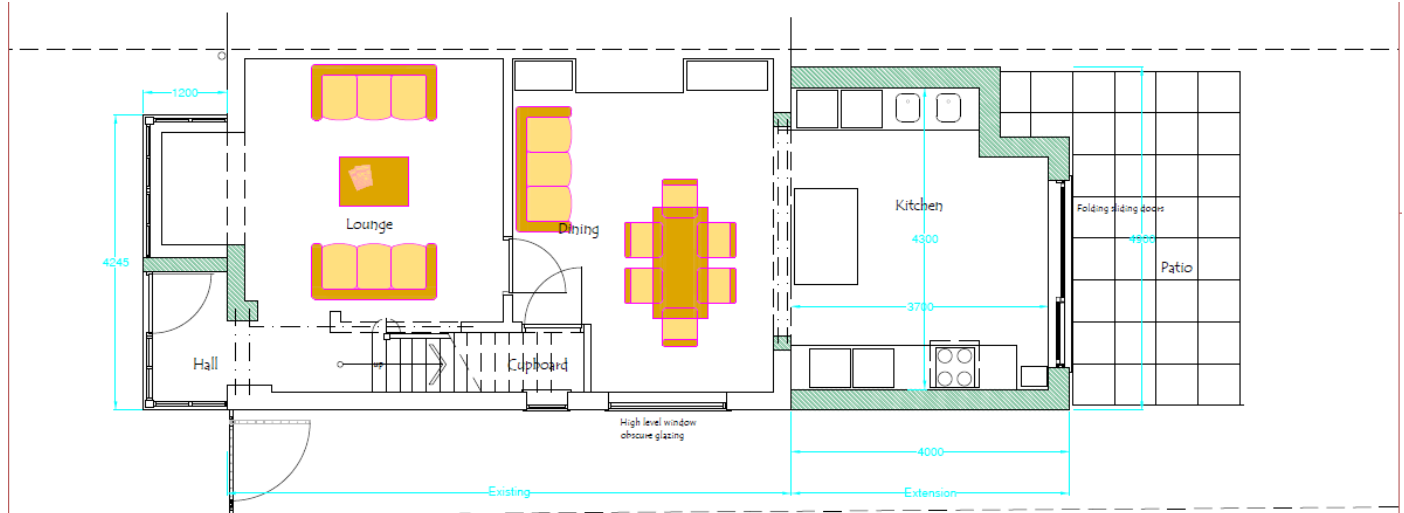
Appendix 2: Proposed Elevations



Appendix 3: Proposed Floor Plans – First Floor



Appendix 4: Proposed Floor Plans – Ground Floor



GROUND FLOOR PLAN AS PROPOSED

REV B: WINDOWS TO SIDE ELEVATION OMITTED IN ACCORDANCE WITH PLANNING OFFICERS COMMENTS 12 JULY 2019
 REV A: OVERALL SIZE OF EXTENSION REDUCED DUE TO PLANNING OFFICERS COMMENTS 06 JUNE 2019
 NOTE: THIS DRAWING IS FOR PRELIMINARY DISCUSSIONS ONLY. AGREED SCHEME TO BE SUBJECT TO PLANNING APPLICATION BEFORE WORKS START ON SITE.

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 Chartered Architectural Practice
 114 Jossley Lane, Scawthorpe, Doncaster DN5 9DJ
 Tel: 01302 783319 Mobile: 07803 276336
 email: george.yassociates@gmail.com



CLIENT
 MR & MRS WHITFIELD

PROJECT
 PROPOSED ALTERATION & EXTENSION TO
 No 121 SPROTROUGH ROAD, SPROTROUGH,
 DONCASTER DN5 8BW

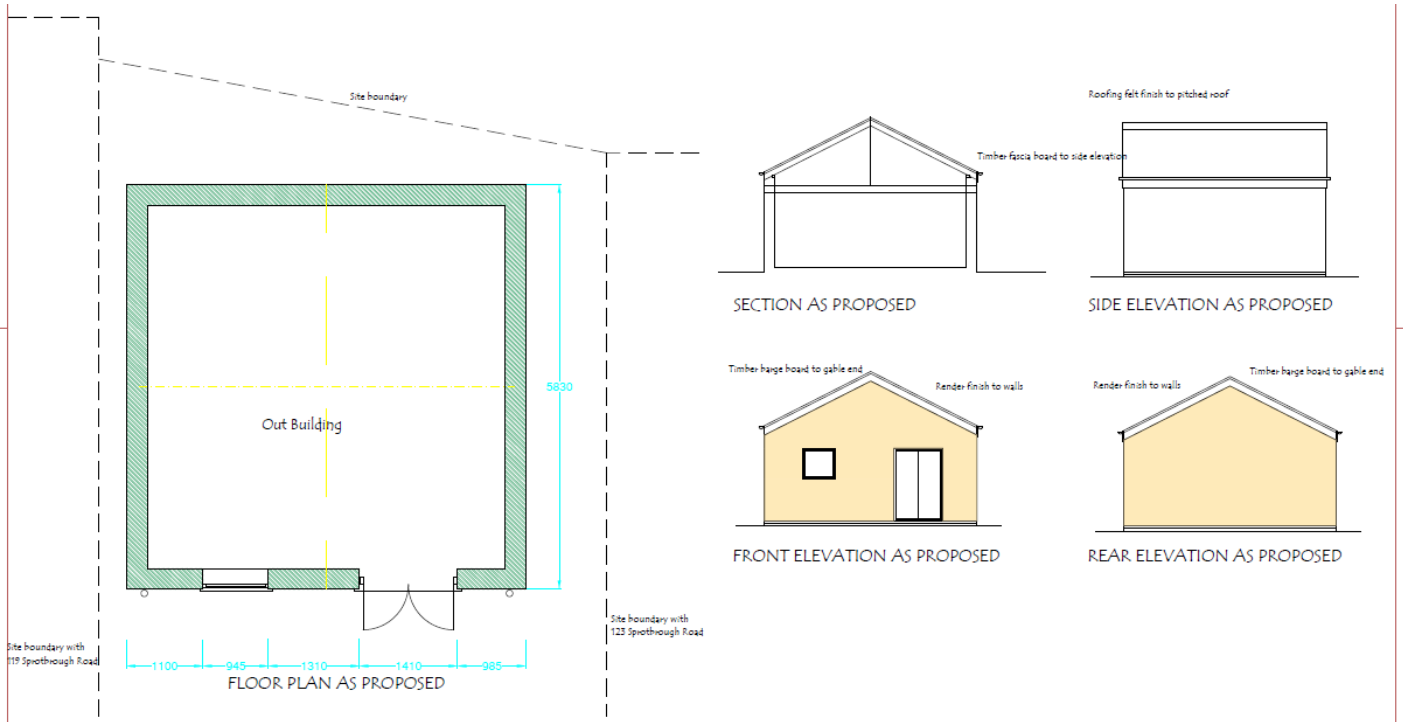
TITLE
 GROUND FLOOR PLAN AS PROPOSED


SCALE	1:50	DRAWING NUMBER	19-01-H-053-013	REV. CODE	B
DATE	01 May 2019	DRAWN	CY	PURPOSE FOR ISSUE	Planning Application

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Date Plotted: 13 July 2019 15:34:38 © COPYRIGHT GEORGE YOUNG ASSOCIATES

Appendix 5: Proposed Plans – Outbuilding



<p>GEORGE YOUNG ASSOCIATES LIMITED Chartered Architectural Practice 104 Jossley Lane, Scaalhorpe, Doncaster DN5 9DU Tel: 01502 783319 Mobile: 07963 276336 email: george.young@georgeyoung.com</p>		<p>CLIENT MR & MRS WHITFIELD</p>	<p>PROJECT PROPOSED ALTERATION & EXTENSION TO No 121 SPROTROUGH ROAD, SPROTROUGH, DONCASTER, DN5 8BW</p>	<p>TITLE DETACHED OUT BUILDING FLOOR PLAN AS PROPOSED</p>	<p>SCALES 1:50 & 1:100</p> <p>DATE 08 June 2019</p>	<p>DRAWN GY</p> <p>DRAWING NUMBER 19-01-H-053-020</p> <p>PURPOSE FOR ISSUE Planning Application</p>
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Date Plotted: 08 June 2019 09:18:48

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DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE – 20th August 2019

Application	4
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Application Number:	18/02496/OUTM	Application Expiry Date:	11 th January 2019
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Application Type:	Major
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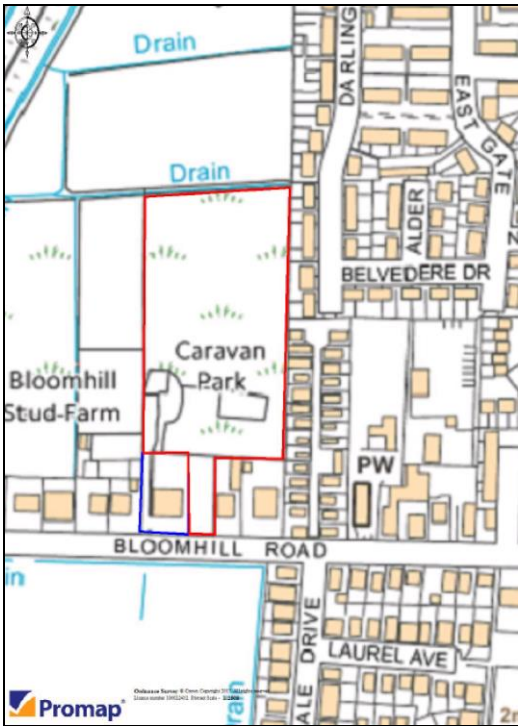
Proposal Description:	Outline application for residential development with means of access to be agreed (being resubmission of application 17/02717/OUTM refused on 27.06.2018).
At:	Land to the rear of Rivendell, Bloomhill Road, Moorends

For:	Mr Lomas of DLP Planning on behalf of Councillor Joe Blackham
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Third Party Reps:	Petition (182) & 24 against/107 in support	Parish:	Thorne Town Council
		Ward:	Thorne And Moorends

Author of Report	Mel Roberts
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MAIN RECOMMENDATION:	REFUSE
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1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee because: i) the development land is in the ownership of Councillor Joe Blackham; ii) it is a departure to the Development Plan; iii) Planning Committee determined the previous application on 27th June 2018; and iv) due to the significant public interest (Petition (182) & 24 against/107 in support) it is, as a result, considered to be potentially controversial.

2.0 Proposal and Background

- 2.1 This application seeks outline planning permission for residential development with the means of access to be agreed at this stage and all other matters to be reserved. An indicative layout has been submitted which shows a development of 59 dwellings comprising 2, 3 and 4 bedroomed properties (see Fig 1). This application is identical to the one that planning committee refused in June 2018 under reference 17/02717/OUTM.
- 2.2 Access to the site is to be taken directly from Bloomhill Road. The proposed access to the site runs from Bloomhill Road and into the side garden of a bungalow called Rivendell and then carries on to serve the land to the rear. There is another bungalow called Green Acres that sits on the other side of the proposed access road. The indicative site plan shows that a landscaping strip is proposed between the access road and Green Acres. The indicative layout has been designed to allow for access to adjoining parcels of land.
- 2.3 At the point of access into the proposed housing site (and further beyond to the west), Bloomhill Road is a narrow carriageway with no footpaths either side and is different in character to the road further along to the east (beyond the residential park site), which has a typical width carriageway with footpaths either side.
- 2.4 The application site comprises a single parcel of Greenfield land, which measures approximately 1.72 hectares in size. The site comprises a single field that is level in terms of topography and is vacant and unused.
- 2.5 Existing dwellings lie on the southern boundary on Bloomhill Road and to the east on Darlington Grove with the back gardens bordering the site. Mount Pleasant also exists to the east, which is a residential park site and accommodates 26 pitches. To the west and north are open fields with some minor vegetation in the form of young trees and shrubbery.
- 2.6 The properties to the south of the site on Bloomhill Road are predominately bungalows with some having accommodation within the roof space. The properties on Mount Pleasant are single storey caravan type units with flat roofs and small plots. Darlington Grove forms a cul de sac off a wider residential estate and is made up of semi-detached dormer bungalows and houses.

3.0 Planning History

- 3.1 An identical outline application for residential development was refused on 27th June 2018 under reference 17/02717/OUTM. The application was refused for three reasons including: 1) loss of countryside and contrary to policy CS10 of the Core Strategy; 2) not passing the exceptions test; and 3) out of character with the area with floor levels set at 3.5m AOD.
- 3.2 Historical outline planning permission for residential development of 7.35 acres of land at Bloomhill Road, Moorends (Ref: 74/1426/TT). Given the antiquity of this scheme i.e. pre-Development Plan (in the form of the Unitary Development Plan allocation as Countryside), this historic planning decision carries no planning weight, as planning law requires decisions to be taken in line with the Development Plan, unless material considerations indicate otherwise.
- 3.3 1997 Planning Appeal relating to 96/80/1536/P/OTL – relates to Bloomhill Stud, not the land in question. The Inspector did not consider this site to be isolated or in open countryside but part of a largely developed frontage on the north side of the road. The current application site in question is not frontage.
- 3.4 97/2342/P - Revocation of Section 52 Agreement relating to Rivendell, Bloomhill Road. This was a stand-alone agreement on land adjacent to the site that has now been discharged. It is not relevant to this current pending application.
- 3.5 Planning Appeal APP/F4410/A/07/2053597 – this relates to a permission for the erection of a three bedroom detached house at Redmore House. Like the 1997 appeal, the development was acceptable because that side of Bloomhill Road, in the immediate locality, was “*clearly a substantial frontage and the development of that site would not consolidate a fragmented pattern of development*”. The current application site in question is not frontage, so comparisons to this appeal decision are not appropriate.

4.0 Representations

- 4.1 The application has been advertised in the press, on site and with letters sent to all properties bordering the site.
- 4.2 A petition with 182 signatures has been submitted in opposition to the application stating the following concerns:
- i) The site is in a flood zone, with risk of flooding to neighbours and the village.
 - ii) The proposed access is unsuitable.
 - iii) It is a Greenfield site.
 - iv) It is an extension to the village and not infill.
 - v) The site is landlocked by the railway line and existing properties.
 - vi) The infrastructure is inadequate to cope with the additional housing.
 - vii) There will be a detrimental impact on ecology.
 - viii) There will be overlooking of existing properties.

4.3 A further 24 letters of objection have been received and the comments can be summarised as follows:

- i) The site has a poor access and infrastructure and Bloomhill Road cannot cope with traffic from another 59 homes.
- ii) There is no need for any more houses in this area.
- iii) The site is Greenfield land and should therefore be protected.
- iv) The site is at risk of flooding and building more properties is going to add even more volume to existing sewers and drains that cannot cope in heavy rainfall.
- v) The land is continually waterlogged and the water from the development will be forced onto the adjacent caravan site.
- vi) Schools, doctors and hospitals are all stretched to capacity and cannot cope.
- vii) If the attenuation tank overflows then it could flood the adjacent property.
- viii) The site has ecological value.
- ix) There will be a loss of privacy to surrounding properties.
- x) Very little weight should be attached to the Neighbourhood Plan.
- xi) Many supporters of this application belong to the same family.
- xii) Nothing has changed since the previous refusal.

4.4 107 letters of support have been received and the comments can be summarised as follows:

- i) More housing is required in Moorends.
- ii) The development will attract investment into the local community.
- iii) The site is located close to local amenities.
- iv) The development will bring much needed affordable housing.
- v) The influx of children into the area will help the schools.

4.5 Of the 107 letters received in support of the application, 19 are from people who share the same surname as the owners of the land.

5.0 Town Council

5.1 The Town Council received representations from members of the public at its full council meeting on 13th November 2018. Those representations opposed the development with focus on the grounds of the inadequacy of the highway infrastructure to support the development, the loss of green land and flood risk in the area.

6.0 Consultations

6.1 The Environment Agency initially objected to the proposed floor levels of 3.0m above ordnance datum (AOD). The applicant has since agreed to floor levels of 3.5m AOD and the EA has removed its objection subject to a condition requiring finished floor levels to be set no lower than 3.5m AOD.

- 6.2 Although not consulted on this application, Yorkshire Water raised no objections subject to conditions on the previous application.
- 6.3 Doncaster East Internal Drainage Board has raised no objections subject to a suitable scheme for surface water drainage.
- 6.4 Although not consulted on this application, the Council's Drainage section raised no objections subject to conditions on the previous application.
- 6.5 Although not consulted on this application, Transportation raised no objections on the previous application.
- 6.6 Although not consulted on this application, Highways raised no objections subject to a number of conditions on the previous application.
- 6.7 Although not consulted on this application, the Urban Design Officer raised no objection on the previous application.
- 6.8 Although not formally consulted, the comments from the Open Space Officer on the previous application are still relevant. The Open Space Officer indicated that the Moorends Community Profile Area is deficient in 2/5 Open Space typologies, including informal open space. In line with UDP Policy RL4, 10 per cent of the site should be laid out as useable informal Public Open Space, suitable for children's play, or a commuted sum in lieu of this.
- 6.9 Although not formally consulted, the comments from the Ecology Officer on the last application are still relevant. The Ecology Officer was satisfied that no protected species were at risk from the proposed development and therefore raised no objections subject to a condition requiring an ecological enhancement plan.
- 6.10 Although not consulted on this application, the Tree Officer raised no objections on the previous application subject to the submission of a landscaping scheme. This would be determined under a reserved matters application should outline approval be given.
- 6.11 Although not consulted on this application, Environmental Health raised no objections on the previous application subject to conditions that would control noise and dust during construction of the development.
- 6.12 Although not consulted on this application, the Air Quality Officer raised no objection on the previous application subject to a condition requiring electric vehicle charging points within the site.
- 6.13 Pollution Control has commented that although there is no evidence of any previous industrial or other potentially polluting use of the land, further investigation of possible contamination should be secured by a condition given the sensitive nature of the end use as residential. Given that there is no evidence of any previous potentially contaminating uses then such a condition is not necessary.

- 6.14 Although not consulted on this application, Public Rights of Way raised no objections on the previous application, as there are no recorded rights of way affected by the proposed development.
- 6.15 Although not formally consulted, the comments from Education on the last application are still relevant. Education requested a contribution of £164,673 towards school places for Trinity Academy Secondary School, which will be over capacity with the additional nine school places that the development will create.
- 6.16 Network Rail has raised concerns that there will be an increase in usage of the level crossing because of this new housing and therefore an increase in risk. In order to mitigate the increase in risk at the crossing, Network Rail consider that improvements to the crossing deck, layout of the crossing and equipment are necessary. There would be a requirement for the installation of gravel boards to level the ground, alterations to fencing to improve entry/exit to the crossing, along with new heavy duty gates with closers to protect vulnerable users (such as children) and the cost would be around £15,000.

7.0 Relevant Policy and Strategic Context

National Planning Policy Framework (Feb 2019)

- 7.1 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.
- 7.2 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Doncaster Core Strategy

- 7.3 Policy CS2 identifies Moorends as a Renewal Town, which together with the other Renewal Towns of Denaby, Edlington and Carcroft/Skellow is to provide up to a total of 1660 houses over the plan period. In Renewal Towns, the priority will be regeneration and housing renewal rather than market-led growth. The Core Strategy states at para 3.30 *“Renewal is therefore the priority in all four towns and this could be undermined (particularly in the*

short-medium term) by large urban extensions whilst more sustainable opportunities for market-led growth have been identified elsewhere in the borough. For these reasons, the scale of the overall allocation (up to 9%) and the distribution of this between the towns (unspecified) are flexible so that it can be informed by site sustainability considerations.” The Planning Inspector’s Report in respect to the Core Strategy reinforces that the actual allocation to each town (for all towns and villages in the hierarchy) would be a job for the Sites & Policies Plan.

- 7.4 Policy CS3 states that Doncaster’s countryside will be protected and enhanced. It cites a number of examples of development that would be acceptable in the countryside and these do not include major housing schemes. Proposals which are outside of development allocations will only be supported where they would: retain and improve key green wedges; not be visually detrimental; not create or aggravate highway or amenity problems and preserve the openness of the Countryside Protection Policy Area.
- 7.5 Policy CS4 seeks to direct development to areas of lowest flood risk and ensure that mitigation measures are in place to ensure that developments do not flood. Developments within flood risk areas will be supported where they pass the Sequential and/or Exceptions Test.
- 7.6 Policy CS9 states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel.
- 7.7 Policy CS10 sets out the phasing of new houses to be built and states that new urban extension allocations to the Renewal Towns will be released from 2021 onwards (provided that suitable sites can be identified).
- 7.8 Policy CS12 states that new housing developments will be required to include a mix of house size, type, price and tenure to address identified needs and market demand and to support communities. Housing sites of 15 or more houses will normally include affordable houses on-site with the proportion, type and tenure split reflecting the latest Strategic Housing Market Assessment except where a developer can justify an alternative scheme in the interests of viability.
- 7.9 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.
- 7.10 Policy CS16 states that nationally and internationally important habitats, sites and species will be given the highest level of protection in accordance with the relevant legislation and policy. Proposals will be supported which enhance the borough’s landscape and trees by including measures to mitigate any negative impacts on the landscape, include appropriate hard and soft

landscaping, retain and protect appropriate trees and hedgerows and incorporate new tree and hedgerow planting.

- 7.11 Policy CS18 states that proposals will be supported which reduce air pollution and promote more sustainable transport options and where relevant incorporate low emission technologies and cleaner transport fuels. Where any risks to ground conditions arising from contamination or previous land uses are identified, proposals will need to incorporate measures to prevent, control and reduce air and water pollution.

Unitary Development Plan

- 7.12 Policy ENV4 establishes the purposes for which development in the Countryside Policy Area is likely to be permitted. Major residential developments do not fall into any of the identified categories of development deemed to be acceptable.
- 7.13 Policy ENV53 states that the scale of new development must have regard to its wider visual impact. It should not have a significant adverse visual impact on views from major transport routes; or views across open countryside; or views of important landmarks.
- 7.14 Policy RL4 seeks the provision of local public open space or a commuted sum in lieu of this on new developments of 10 or more family dwellings.

Local Plan

- 7.15 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Local Plan was approved at Full Council on the 25th July 2019 and Regulation 19 Publication is commencing on Monday 12th August 2019 for 7 weeks. The Council is aiming to adopt the Local Plan by summer 2020. The emerging Local Plan only identifies housing sites in flood zones 2/3 where they have the benefit of planning permission already (or progressing towards a positive determination) and are considered deliverable and viable. Any further housing site allocations are flood zone 1 (or have a relatively small part of the site area that is at risk) but the developer requirements make clear that only uses such as open space and landscaping will be acceptable on these parts of the site. Given the relatively early stage of preparation of the emerging Local Plan, the document carries limited weight at this stage, although the following policies would be appropriate:
- 7.16 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.
- 7.17 Policy 2 identifies Thorne and Moorends as a main town, which will be a focus for new development.
- 7.18 Policy 3 sets out that at least 40 per cent of the borough's total housing should be within the main towns such as Thorne and Moorends.

- 7.19 Policy 8 sets out the requirements for the range of housing including the need for affordable housing.
- 7.20 Policy 14 seeks to promote sustainable transport within new developments.
- 7.21 Policy 17 seeks to consider the needs of cyclists within new developments.
- 7.22 Policy 18 seeks to consider the needs of pedestrians within new developments.
- 7.23 Policy 21 states that development proposals that are expected to give rise to significant increase in the use of public rights of way where they cross roads, railway lines, canals and rivers must show that all safety and accessibility considerations have been taken into account to ensure use of the crossing can be maintained. This should include consultation with the appropriate authority (for example, Network Rail).
- 7.24 Policy 26 refers to types of development that are acceptable in the countryside and this does not include large-scale housing.
- 7.25 Policy 29 deals with open space provision in new developments.
- 7.26 Policy 31 deals with the need to value biodiversity.
- 7.27 Policy 33 states that the design process should consider woodlands, trees and hedgerows.
- 7.28 Policy 43 deals with the need for good urban design.
- 7.29 Policy 55 requires the need to take into account air and noise pollution.
- 7.30 Policy 56 deals with the need to mitigate any contamination on site.
- 7.31 Policy 57 requires the need for satisfactory drainage including the use of SuDS.
- 7.32 Policy 58 deals with the need to consider flooding.
- 7.33 Policy 59 deals with low carbon and renewable energy within new developments.
- 7.34 Policy 61 requires the need to protect the best and most versatile agricultural land.
- 7.35 Policy 66 deals with developer contributions.

Neighbourhood Development Plan

- 7.36 The Town Council has produced a draft Thorne and Moorends Neighbourhood Plan. The plan was published in accordance with Regulation

14 of the Neighbourhood Planning (General) Regulations 2012 on Monday 31st October 2016 for 6 weeks. As such, moderate weight is attached to the Neighbourhood Plan at this stage, as it has not yet been submitted to the Local Planning Authority, has not been subject to independent examination and has not been to a referendum. In line with the guidance set out in paragraph 48 of the NPPF, it is unknown if there are unresolved objections, as the regulation 14 consultation was the first formal consultation on the NP. The application site is not allocated in the Neighbourhood Plan.

7.37 Policy H2 states that housing development will be permitted within or immediately adjacent to the built-up area of Thorne and Moorends, subject to the development:

- Being well related to the existing developed extent of Thorne and Moorends.
- Physically and visually being integrated into the existing settlements.
- Prioritising physical relationship and integration above flood risk concerns.

7.38 Policy H3 states that housing developments should incorporate a mix of housing types in terms of size, tenure and type to satisfy the aspirations of the local community.

7.39 Policy H4 sets out the need for affordable housing.

7.40 Policy DDH3 sets out the need for good design.

7.41 Policy PT1 states that developments that are likely to increase the patronage for public transport service will be expected to contribute to facilitating access to those services

Supplementary Planning Documents

7.42 Several Supplementary Planning Documents (SPDs) have been published, which are material considerations in the determination of planning applications.

Development Guidance and Requirements SPD (July 2015)

7.43 The SPD sets out the guidance to help implement policies in the Development Plan. This includes design in the urban and rural environment, the historic environment, transport and accessibility, strategic green infrastructure, biodiversity, geodiversity and ecological networks, open space standards and requirements, landscape, trees and hedgerows.

South Yorkshire Residential Design Guide SPD (2011)

7.44 The South Yorkshire Residential Design Guide SPD is intended to provide a consistent approach to design in the development management process and aims to improve the quality of residential design in South Yorkshire.

Development and Flood Risk SPD (October 2010)

- 7.45 The Development and Flood Risk SPD has been produced to set out the Council's approach to managing flood risk and sets out the requirements for a sequential assessment.

8.0 Planning Issues and Discussion

- 8.1 Planning applications have to be determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that "the determination shall be made in accordance with the plan unless material consideration indicates otherwise."

Principle of the Development

- 8.2 The site lies within the Countryside Policy Area as allocated in the Doncaster UDP and within the broad extent of the Countryside Policy Protection Area as defined in the Core Strategy. The proposal should be primarily judged against Core Strategy policies CS2 and CS3 and policy ENV4 of the UDP. These policies protect the countryside from development that would not be appropriate such as major housing proposals and so the proposed development would not comply with these policies.
- 8.3 A recent appeal decision recovered by the Secretary of State (February 2019 – Ref: APP/F4410/W/17/3169288) concluded that UDP Policies ENV2 and ENV4 were out of date. The Secretary of State attached limited weight to policies ENV2 and ENV4 and applied the tilted balance in favour of sustainable development (as stated in paragraph 11 of the National Planning Policy Framework 2019). However, it should be borne in mind that this was the conclusion reached based on the specific circumstances of that application, which related to an urban extension of 600 dwellings to the Doncaster Main Urban Area.
- 8.4 Policy CS2 of the Core Strategy defines Moorends as a Renewal Town and sets a housing target of up to 1660 to be built across Moorends and the other three defined Renewal Towns (Denaby, Edlington and Carcroft/Skellow) over the plan period. Policy CS2 explains that in Renewal Towns, the priority will be regeneration and housing renewal rather than market led-growth.
- 8.5 Core Strategy policy CS10 states that sufficient land will be provided to deliver housing targets according to a phasing strategy. In Renewal Towns, it is envisaged that the potential for delivering urban extension allocations (provided suitable sites can be identified) will be delayed until after 2021. Release of this site for housing now would be contrary to Policy CS10 in that it would be 2 years earlier than the earliest date for the release of new Greenfield urban extensions to the Renewal Towns, including Moorends. Any approval of an application at this stage would undermine the phasing policy of

the Core Strategy and possibly set a precedent for other similar applications to the detriment of the aims of the Core Strategy.

- 8.6 The Core Strategy has not been accompanied by the anticipated Sites and Policies document and so new allocations for the settlement have not yet been defined. Therefore, an argument could be made that the proposal would be supportive of the Core Strategy's Growth and Regeneration Strategy as set out in policy CS2. In terms of progress towards the Renewal Town's Core Strategy indicative housing requirement, annual monitoring as at 1st April 2018 shows that during the plan period, 461 net new dwellings have been built so far. As at the same base date, the monitoring identifies a further supply of deliverable/developable permissions at the Renewal Towns of 655 net new dwellings. Completions and deliverable/developable supply therefore totals 1,116 units compared to the target of up to 1,660; or in other words 67% of the Renewal Town's plan period requirement has been identified by year 7 of the plan, with a further 10 years of the plan remaining. There is a very realistic prospect that the strategy for Renewal Towns will be achieved in the next 10 years and there is therefore no pressing need to release the site for housing at present.
- 8.7 The Council can demonstrate a 5-Year Deliverable Housing Land Supply and this has been rigorously tested as part of two recent Public Inquiries. The same Appeal decision as per the above (February 2019 - Ref: APP/F4410/W/17/3169288) concluded that *"The Secretary of State notes that there is some dispute between the main parties as to whether the Council can demonstrate a five year housing land supply. While he notes that the applicant has used an alternative approach to calculate the figure, the Secretary of State considers that the standard methodology should be used in line with the Framework. Using this, the Secretary of State considers that Doncaster Council's annual requirement is circa 600 homes per year, and that based on forecast levels of supply, they can currently demonstrate over ten years supply of housing land."*
- 8.8 To be compliant with policy CS2 of the Core Strategy, proposals for housing development in this Renewal Town should demonstrate how the proposal is contributing to regeneration. As a market-led development, the development does not achieve this and does not attempt to provide other means of contributing to the objectives of policy CS2, such as, for example, provision of a commuted sum towards a regeneration project in Moorends. The only contribution would be indirect by the arguable provision of a new wider choice in house types and affordability in the settlement. The proposal does not therefore comply with policy CS2 of the Core Strategy.
- 8.9 The site is located close to services within the centre of Moorends. It has one edge along the boundary of the built up area of Moorends. The ribbon of houses along Bloomhill Road lie within the countryside. The development is not infill. If there was a need to allocate a site for an urban extension to deliver more houses as part of the future Local Plan then the site might have locational merit, but would need to be considered against other sites and

planning criteria as part of the due process of the Local Plan preparation, having regard to the fact that the site lies within flood zone 3.

- 8.10 Given the above, policy CS2 has a clear emphasis on renewal rather than market-led growth at all four of the Renewal Town settlements and there is a realistic prospect that the strategy for the Renewal Towns will be achieved so there is no pressing need to release the site at present. The proposal does not comply with policy CS2 or CS10 of the Core Strategy.

Flooding

- 8.11 A Flood Risk Assessment (FRA) has been submitted with the application. The Environment Agency flood maps indicate that the site is wholly located within Flood Zone 3. The main potential source of flooding to the site is tidal flooding, but the risk is low due to the protection offered by flood defences. The risk of flooding to the site is residual and attributed to possible failure of flood defences and pumping stations.
- 8.12 The Topographical Survey shows that site levels vary from a low of 1.46m AOD in the centre of the site to approximately 2m AOD in the northern part of the site. The report concludes that the mitigation of residual flood risk can be achieved by raising ground floor levels to 3.0m AOD, as opposed to 3.5m AOD as agreed with the Environment Agency on the previous application. The Environment Agency has objected to floor levels being set at 3.0m AOD however on the basis that the applicant had demonstrated that 3.5m AOD was achievable on the previous application and due to a lack of evidence to demonstrate that this level is sufficient to exclude flood risk for the lifetime of the development. The FRA does not assess the breach risk from the Upper Humber model, which demonstrates that the site could be impacted from a breach in the flood defences of the River Don. The FRA also states that flood defences and pumping stations will continue to be funded; there is no certainty that funding will be available for the lifetime of the development to maintain these assets to an appropriate standard to protect this area. All new development proposals should be resilient against flood risk and not rely on existing flood defence assets. Any housing built after 2012 cannot be used to generate flood defence grant in aid funding and therefore does not contribute to the maintenance of these assets. Additional development proposals in high flood risk areas that are not built in a flood resistant and resilient manner will increase the burden on the existing flood defence infrastructure protecting this area.
- 8.13 The applicant has therefore reverted to a finished floor level of 3.5m AOD as agreed with the Environment Agency on the previous application. This floor level will be achieved by raising site levels in the location of individual plots. This will entail raising ground levels to 3m AOD (approximately 1m – 1.5m of ground raising) and raising finished floor levels by 0.5m. Ground raising at individual plots can be achieved through ramping up driveways and gardens.

This approach is recommended to prevent any structural issues associated with pressure of water against walls. Flood resilience and resistance measures will also be incorporated into the design. The report concludes that the raising of land levels to facilitate raised floor levels would have negligible impact on flood risk elsewhere and would not increase tidal flood levels at nearby properties.

- 8.14 The proposed development would introduce impermeable drainage areas in the form of buildings and roads. This will result in an increase in surface water runoff. In order to ensure the increase in surface water runoff will not increase flood risk elsewhere, flow control can be used and attenuation provided on site to accommodate storm events up to and including the 1 in 100 year plus 30% climate change. Attenuation can be provided within a pond, basin or an underground tank. Yorkshire Water have confirmed that foul flows can discharge to the 225mm public combined sewer in Bloomhill Road.
- 8.15 The development is classed as a more vulnerable use of the site and therefore the Sequential and Exceptions Tests must be applied and passed.
- 8.16 In terms of the Sequential test, the area of search can be limited to Moorends given the need for housing at the Renewal Towns as set out in policy CS2 and this approach has been accepted on other recent applications made in the area and other Renewal Towns. Moorends is wholly located within Flood Zone 3 and so by default there are no alternative sites with a lower flood risk classification. As such, there are no alternative sites within Moorends at a lower flood risk and the Sequential Test is passed.
- 8.17 The Exception Test is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. For the Exception Test to be passed, it must be demonstrated that:
- a) the development provides wider sustainability benefits to the community that outweigh flood risk; and,
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 8.18 Further to this, the Planning Practice Guidance states that evidence of wider sustainability benefits to the community should be provided, for instance, through the sustainability appraisal (SA). If a potential site fails to score positively against the aims and objectives of the SA, or is not otherwise capable of demonstrating sustainability benefits, the local planning authority should consider whether the use of planning conditions and/or planning obligations could make it do so

- 8.19 In September 2018, the Council published its SA of housing site options that have been promoted via the emerging Local Plan process as part of the Local Plan Draft Policies & Proposed Sites consultation. The site subject to this application is included in the SA (site reference 469) and overall is identified as having mainly positive or neutral effects across the 32 SA criteria. There are only a handful of potential negative effects identified, such as proximity to a train station, flood risk, biodiversity, landscape, and secondary school capacity. The applicant has submitted a number of site surveys and assessment documents (e.g. a Transport Statement, Sequential Test, Ecology Report) and a contribution towards increasing school capacity has been identified. In line with NPPF and the Planning Practice Guidance, the SA demonstrates that there are wider sustainability benefits to the community and potential negative effects have been addressed. The proposal therefore passes part a) of the Exceptions Test and this is therefore not a reason for refusal as was the case on the previous application.
- 8.20 In terms of part b), a site specific Flood Risk Assessment has been submitted which demonstrates that with the increase in finished floor levels, and other measures proposed, that the development will be safe for its lifetime and will not increase flood risk elsewhere. The proposal therefore also passes part b) of the Exceptions Test.

Character and appearance

- 8.21 The applicant has submitted a Landscape and Visual Assessment (LVA). The report appraises the landscape and visual baseline within which the application site is located and considers the changes that might arise as a result of the proposals.
- 8.22 The LVA generally concludes that the impact of the development on the immediate site context and landscape character area is moderate/minor adverse during the construction period to minor adverse in the longer term when the site has matured with landscaping. The greatest significance of visual change would be restricted to existing dwellings immediately to the south and east of the site. The significance of visual change upon these dwellings has been generally assessed as major/moderate adverse during construction and moderate adverse in the longer term. The LVA also indicates that the significance of visual change decreases with distance from the site and properties at the western end of Bloomhill Road, the northern end of Darlington Grove and at the southern end of Bloomhill Court will experience moderate or minor adverse change during construction and minor or negligible change in the longer term. Boundary landscaping to the south and east of the site could be employed in mitigation if deemed necessary.
- 8.23 The site and surrounding area is a relatively flat landscape and the introduction of a development of around 60 houses with floor levels much higher than surrounding properties is bound to have an impact on the character and appearance of the area.

The fact that Moorends has a typically flat topography and houses are at a similar ground level, there is genuine concern that a development of around 60 houses with floor levels up to 2 metres higher will not be in keeping with the character of the area and will be visible especially when viewed from the south over the open fields. The EA has indicated that properties will need to be two storeys to ensure that there is accommodation at higher than ground level given that the site is within flood zone 3. The applicant has suggested that dormer bungalows could meet the EA requirement and keep the scale of properties down; many of the properties surrounding the site are either bungalows or dormer bungalows and so the proposed dwellings are likely to be of similar or greater height and on higher land. Landscaping would take many years to establish and it is unlikely that this would mitigate against the harmful visual impact that the development will have. The application does therefore not comply with policy CS14 of the Core Strategy and policy ENV53 of the Doncaster UDP.

Residential amenity

- 8.24 The proposal is not seeking to agree layout and appearance at this stage and so matters such as possible overlooking or overshadowing of properties surrounding the site is not a consideration. If outline permission is granted then the layout and appearance of the development can be agreed at reserved matters stage to ensure that there is no impact on the amenity of surrounding properties by for instance maintaining adequate separation distances.
- 8.25 The main consideration at this stage is the possible impact that the new access road will have on the adjoining residential properties. The new access road will be only 6m from the side elevation of Rivendell and there is clearly going to be additional noise and disturbance to the occupants of this property from what currently exists given the number of comings and goings from the development. There are windows on the side elevation of Rivendell, which will exacerbate the impact on this property. The possible impact on the occupants of Rivendell is less of a consideration however, given that the family own the application site and are agreeable to allowing the access to run through their garden.
- 8.26 Consideration needs to be given to the possible impact on the occupants of Green Acres in terms of noise disturbance from vehicles and people using the access road. The access road will be 10.5m from the side of the bungalow. As with the case of Rivendell, there is likely to be an increase in noise and disturbance to the occupants of Green Acres given that there are side windows facing the access road and the back garden runs parallel with the road. The plans do however show a landscaping strip between the access road and Green Acres, which together with an acoustic fence (that could be secured by a planning condition) could mitigate against any noise disturbance to the occupants of Green Acres to an acceptable level.

It is not uncommon to see an access road serving an estate that passes front houses in this way. Although there will be an impact on residential amenity from noise arising from use of the access road, it is considered on balance that this would not in itself be a sufficient reason to refuse the application.

Transport

- 8.27 A Transport Statement has been submitted with the application. The report demonstrates that the site is within walking distance of the local centre; this reduces the need for private car travel with ease of access to the nearby services and bus routes that connect to employment locations further afield.
- 8.28 The report states that the proposed development will generate 9 arrivals and 35 departures during the morning peak hour and 26 arrivals and 14 departures during the evening peak hour, which is negligible.
- 8.29 In order to accommodate the additional traffic generated by the proposal, Bloomhill Road will require widening where it narrows. A plan shows that the road will be widened up to and slightly beyond the access point into the site with a footway provided on the northern side of the road (see fig 2). There is highway land available to accommodate the widening of the road and these works could be secured by a Grampian condition. The plans show a suitable visibility splay and tracking shows that refuse vehicles can access the site safely. The application therefore accords with policy CS9 of the Core Strategy.

Ecology

- 8.30 The applicant has submitted an Ecological Appraisal. The report concludes that the majority of the habitats on the site are of negligible or low ecological value. The site consists of a residential garden and a field consisting of species-poor semi-improved grassland and an area of marshy grassland. A partially dry ditch runs to the north of the site bordered by dense scrub and a mature hedgerow runs along the border to the west. The hedgerows are species poor and the dense scrub is mainly comprised of bramble and nettles, but will provide limited habitat for breeding birds.
- 8.31 The report states that a number of birds were observed on site and it is likely that some species will be nesting in the hedgerows and dense scrub. House sparrows, starlings and red-listed birds of conservation concern were recorded foraging on the site.
- 8.32 Common pipistrelle and noctule bats were recorded foraging over the site. Buildings were assessed as having negligible potential to support roosting bats. No evidence of reptiles or badgers was found. The report recommends that development works seek to retain the native hedgerow that runs along the western boundary and incorporates native wildlife friendly planting into the landscaping scheme.

- 8.33 A pond 720 metres from the site at Thorne Railway Delves does have Great Crested Newts present. However, there are no ponds within the site or the immediate area and given that Great Crested Newts normally stay within 250m of the breeding ponds, they are not considered to be present at the site. The application therefore accords with policy CS16 of the Core Strategy.

Loss of agricultural land

- 8.34 Agricultural land classification maps (Natural England – Yorkshire and Humberside ALC) indicate that the soil quality within the site is Grade 3B 'moderate.' The land has negligible agricultural value however given its size and proximity to existing built form and is not currently in agricultural use. There is therefore no loss of high quality agricultural land and the proposal complies with policy CS18 of the Core Strategy.

Benefits of the proposal

- 8.35 The proposal would clearly add to the housing mix in Moorends. The proposal would create temporary construction jobs. The proposal could also create affordable housing (subject to viability) and the indicative layout includes provision for 16 affordable homes, which equates to a 27 per cent on site contribution. The applicant has not submitted a viability statement at this stage, but could do so at any point in the future should the development be found unviable owing to the requirement for 26 per cent affordable housing, 10 per cent of the site area for open space (or a commuted sum in lieu of this), £164,673 of education contributions, road widening works and the significant costs to achieve required floor levels.

9.0 Overall conclusions

- 9.1 The site lies within an area shown as countryside in the Core Strategy and UDP, where policies do not normally allow for developments such as large scale housing schemes and the proposal is therefore contrary to policies CS3 and ENV4. Policy CS2 of the Core Strategy identifies Moorends as a Renewal Town and sets a housing target of up to 1660 to be built across Moorends and the other three defined Renewal Towns (Denaby, Edlington and Carcroft/Skellow) over the plan period up to 2028. Policy CS10 however states that urban extension allocations to Renewal Towns (provided suitable sites can be identified) will be delayed until after 2021. The release of this site for housing now would be contrary to policy CS10 and would undermine the phasing aims of the Core Strategy. There is no pressing need to release this site for housing because 70 per cent of the housing target for Renewal Towns is accounted for, with still another 10 years of the plan period left to run. As a market-led development, the proposal is not compliant with policy CS2, which seeks to promote regeneration and housing renewal.

The Council can demonstrate that it has a 5-year housing supply and so the policies within the development Plan are up-to-date. Although the site is within a location close to the centre of Moorends, its suitability for housing should be considered as part of the due process in preparing the Local Plan.

- 9.2 The applicant has shown that the site can be mitigated against flooding with the raising of floor levels to 3.5m AOD and that the development will not cause flooding to surrounding properties. The proposal passes the Sequential Test and Exceptions Test.
- 9.3 Although generally finding no significant visual harm from the development, the LVA accepts that there will be a moderate adverse impact to residential properties to the south and east of the site in the longer term. Although scale and appearance are not a consideration at this stage, there is concern that allowing a development of 2 storeys with floor levels of 3.5m AOD will result in harm to the character of the area, especially when viewed from the south. Any landscaping proposed will take time to mature and is unlikely to mitigate against the visual impact that this large development will have.
- 9.4 Although the position of the access so close to the existing properties is likely to result in increased noise disturbance, this type of arrangement is not uncommon and can be mitigated with the provision of an acoustic fence and landscaping and is not in itself a sufficient reason to refuse the application. The Transport Statement shows that the site can accommodate the extra traffic generated particularly with the widening of Bloomhill Road as indicated on the plans. The ecological value of the site is low and can be mitigated against and the site is not high quality agricultural land.
- 9.5 There would be some benefits arising from the proposal including the provision of affordable housing (subject to viability) and the creation of jobs during construction of the development, but these material considerations do not outweigh the fact that the proposal is contrary to the Development Plan in that the site is countryside and is within flood zone 3 and there is no pressing need to release this site for housing at this stage.

10.0 Recommendation

10.1 Planning permission be **REFUSED** for the following reasons:

- 1) The application is contrary to policies CS3 of the Core Strategy and policy ENV4 of the Doncaster UDP, which do not normally allow for housing developments in the countryside. The application is also contrary to policy CS10 of the Core Strategy, which states that housing allocations in Renewal Towns such as Moorends are not intended to be released until 2021 onwards. The proposal is a market-led development, does not offer any regeneration benefits to Moorends and is therefore contrary to policy CS2 of the Core Strategy.

- 2) Although not seeking to agree scale and appearance at this stage, the proposal will be out of character with the surrounding area at the floor levels of 3.5m AOD required to mitigate against flood risk, especially when viewed from the south and the application is therefore contrary to policy ENV53 of the Doncaster UDP.

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.

Appendix

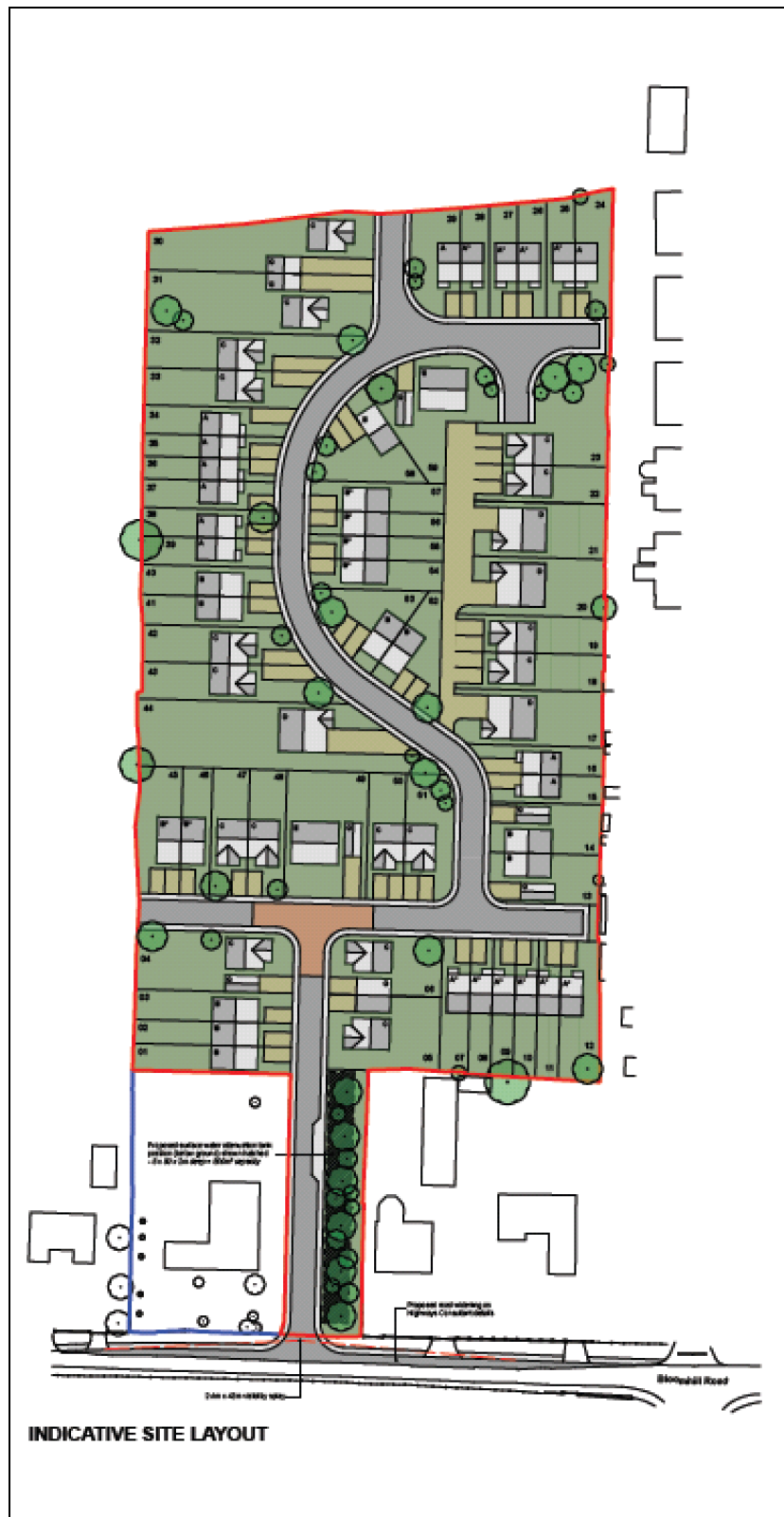


Figure 1: Indicative site layout plan.

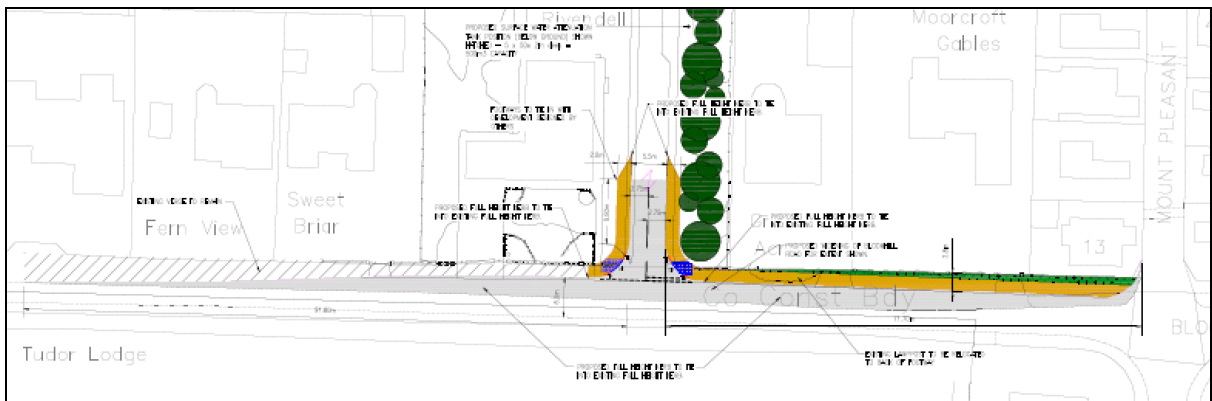


Fig 2: Proposed access arrangements.



Date: 20th August, 2019

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.

	Outcomes	Implications
	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 07/08/19]

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 07/08/19]

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 07/08/19]

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

TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 07/08/19]

12. There are no technology implications arising from the report

HEALTH IMPLICATIONS [Officer Initials RS Date 07/08/19]

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

EQUALITY IMPLICATIONS [Officer Initials IH Date 07/08/19]

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:-

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Overtured
17/00071/H	Appeal against enforcement action for unauthorised siting of caravan, storage containers, vehicles, horse boxes and potable office unit under grounds B at Burgar Road, Tudworth Road, Thorne, Doncaster	ENF-App Dis/Upheld Sub to Correction/Var 10/07/2019	Thorne And Moorends	Enforcement Action	No
17/00413/M	Appeal against enforcement action for use of site for motor cross and quad bike track under grounds C & E. at Land On The East Side Of, Thorne Road, Blaxton, Doncaster	ENF- Appeal Dismissed, ENF Notice Upheld 10/07/2019	Finningley	Enforcement Action	No
17/01955/FUL	Erection of 5 dwellings with garages and associated works at Land To The Rear Of Field Cottage, Main Street, Hatfield Woodhouse, Doncaster	Appeal Withdrawn 29/07/2019	Hatfield	Committee	No

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Appeal Decision

Site visit made on 3 July 2019

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal ref: APP/F4410/C/18/3207741

Land adjacent to Burgar Road/Tudworth Road, Thorne, Doncaster DN8 5RB

- The appeal is made by Miss Jodie Martin under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Doncaster Metropolitan Borough Council.
- The notice was issued on 26 July 2018; reference No. 18/00021/ENFNOT.
- The breach of planning control was: Without planning permission:
 - (i) the change of use of the Land from countryside to a mixed use of domestic and storage use by the siting of a mobile home, shipping/van bodies, storage containers, storage of vehicles, horse boxes and the siting of a portable office unit.
 - (ii) the unauthorised engineering operations including the formation of an internal roadway and a hardstanding compound area.
- The requirements of the notice are to:
 - (i) Cease the residential occupancy of the mobile home;
 - (ii) Remove the mobile home;
 - (iii) Remove the office unit, storage containers, vehicle box bodies, vehicles, and horse transporters and all other domestic impedimenta;
 - (iv) Remove the internal roadway and hardcore compound;
 - (v) Restore the area where the internal roadway and hardcore compound was located to countryside by re-seeding with grass or wild meadow seed mix within an appropriate period in the planting season October 2018 - March 2019.
 - (vi) For one year following reseeded date, allow the area to be restored to a semi-natural condition by:
 - a. Not applying any topsoil, non-native wildflower/grass seed or fertilisers;
 - b. Not allowed grazing in the first spring and summer; and
 - c. Control agricultural weeds (creeping thistles, broad-leaved and curled dock and common ragwort) through up-rooting, cutting, or (if required) knapsack spraying or weed-wiping (in accordance with Natural England advice <https://www.gov.uk/guidance/prevent-the-spread-of-harmful-invasive-and-non-native-plants#spray-plants-with-chemicals>)
 - d. Allowing the regrowth by securing the area from grazing for one year from the date of re-seeding.
- The periods for compliance with the requirements are:
 - Requirement (i) – within one month of the effective date of the notice.
 - Requirement (ii) – within one month of the effective date of the notice.
 - Requirement (iii) – within 3 months of the effective date of the notice.
 - Requirement (iv) – within 3 months of the effective date of the notice.
 - Requirement (v) – within 9 months of the effective date of the notice.

- The appeal was made on grounds (a) and (b) as set out in the amended Act. As the fees payable for the application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended were not paid, the appeal on ground (a) falls away and the application is not considered.

Summary of decision: The enforcement notice is varied and upheld

Appeal site

1. The appeal site is a 0.62ha narrow strip of land immediately to the south of the railway, a short way west of Thorne South station. Some of the land is covered by a stone hardcore surface and an access track. At the time of the appeal visit, there was a mobile home and storage units on the land.

The appeal on ground (b)

2. An appeal on ground (b) asserts that the alleged breach of planning control has not, as a matter of fact, occurred. In an appeal on legal grounds, as here, the burden of proof to show there has not been a breach of planning control lies with the appellant. The case of *Nelsovil v MHLG [1962] 1 WLR 404* is authority for that position.
3. The first part of the notice's allegation states: "(i) the change of use to a mixed use of domestic and storage use by the siting of a mobile home, shipping/van bodies, storage containers, storage of vehicles, horse boxes and the siting of a portable office unit.". It is not possible to know whether the stationing of the mobile home amounts to a material change of use without knowing the purpose for which it was used, and whether that purpose fitted in with the existing use of the land, (*Restormel BC v SSE and Rabey [1982] JPL 785*). Here, use of the term "mixed use of domestic and storage use" as applied to the mobile home lacks precision.
4. The notice's first requirement clarifies matters. From that, it may be seen that the Council concluded the mobile home was being used for residential purposes. However, Miss Jodie Martin, the Appellant, said the caravan had not been occupied residentially. No services, such as water or electricity were connected. Nor was the mobile home plumbed in to a drainage system. It was used for storage, not lived in. That would appear to be conceded by a Council Officer's site visit report that said: "*the caravan did not appear to be occupied, no water or gas supply was present and having looked through the windows of the caravan, it did not indicate that the caravan was being used for residential purposes*". The Council produced no evidence of a residential use of the caravan, (described as a mobile home in the notice), on the appeal site. The residential use of the mobile home as part of a mixed storage use of the land was not demonstrated. I will delete requirement 5(i) from the enforcement notice.
5. Miss Martin's said some of the stone and hardcore surfacing had been placed on the site in 2002. That could be part of an implied ground (d) appeal, that in the case of operational development, it would be immune from enforcement action after a period of 4 years following substantial completion of works, (s.171B(i) of the Act). The Council had said aerial photographs taken at intervals over the period 2002 to 2015 showed the site to be undeveloped. But this is not a matter before me and I cannot deal with it in the context of a ground (b)

appeal. If Miss Martin considers there is evidence available to support her view, it could be the subject of an application to the Council for a certificate of lawfulness under section 191(1)(b) of the Act.

6. My conclusion is that no evidence of a residential use of the mobile home was produced. The appeal on ground (b) therefore succeeds for that part of the alleged breach of planning control. But the appeal fails in respect of the storage uses and the engineering operations. The enforcement notice is varied by the deletion of that part of the allegation dealing with the residential use and the deletion of the requirement 5(i). I also delete reference to "countryside" in the first part of the allegation. In my view, "countryside" does not describe a use of land. Also, an enforcement notice does not need to set out a previous lawful use. That variation also helpfully removes the word "domestic". If it had been appropriate, "residential" would better describe such use. Finally, the use of a specified date for compliance is inappropriate, as it may not allow for a suitable period for compliance in the event of an appeal against the notice. I will substitute a period of time, reflecting the Council's intention that re-seeding takes place in the succeeding planting season.

FORMAL DECISION

7. The enforcement notice is varied by the deletion of the words "from countryside to a mixed use of domestic and" in lines 1 and 2 in paragraph 3(i) on page 1 of the notice and the substitution therefor of the words "to a". The enforcement notice is also varied by the deletion of the words "residential occupancy" in line 5(i) on page 2 of the notice and the substitution therefor of the words "the storage use". The enforcement notice is also varied by the deletion of the words "planting season October 2018 – March 2019" in lines 3 and 4 in paragraph 5(v) on page 2 of the notice and the substitution therefor of the words "next planting season following the restoration of the former internal road way and hardcore compound". Subject to the foregoing, the varied enforcement notice is upheld.

John Whalley

INSPECTOR

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Appeal Decision

Site visit made on 3 July 2019

by **John Whalley**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal ref: APP/F4410/C/19/3222999

Blaxton Quarry, Land off Thorne Road, Blaxton, Doncaster, South Yorkshire DN9 3AX

- The appeal is made by Mr Nadeem Shah under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Doncaster Metropolitan Borough Council.
- The notice was issued on 21 January 2019; reference No. 19/00001/ENFNOT.
- The breach of planning control was: Without planning permission, change of use of the Land from countryside/disused quarry to a motocross and outdoor activity site including the development and formation of fishing 'piers or pegs' along with engineering works the creation, alteration and removal of earthen 'bunds' of various sizes and the setting out of both formal and off-road motocross/motor sport race tracks, together with its associated activities of the siting/use of a residential caravan and hot/cold food sales and HGV container storage, all as part of the material change of use.
- The requirements of the notice are to:
 - (1) Permanently cease the use of the Land for the riding of motorcycles or motor sports activities (i.e. bike, quad or other vehicle) other than for non-leisure use of security/site inspection on the OS defined and marked trackways of Levels Lane/Nan-Sampson Bank)
 - (2) Permanently cease any further engineering operations on the Land for the alteration, creation or removal of earthen (or other materials) bunds/embankments
 - (3) Permanently remove all HGVs, storage containers and caravans from the Land
 - (4) Permanently remove from the Land any track markers, bollards, traffic cones or other implements used to define motocross/motor sports tracks
 - (5) Cease the use of the Land for fishing, boat use activities and for hot and cold food sales
- The period for compliance with the requirements is 28 days.
- The appeal was made on grounds (c) and (e) as set out in the amended Act.

Summary of decision: The enforcement notice is upheld

Appeal site

1. The appeal site is an extensive 123.5ha area of mostly overgrown former quarry and arable land just to the north-east of the small settlement of Blaxton. Access is obtained from Kettering Road to the west along a roadway, Levels Lane, that is normally gated and locked. There are several large lakes at the

northern end of the land. Apart from a level area of hardstanding near the access at the western side, much of the site has an undulating predominantly sandy surface that has been crossed by numerous off-road motorcycle tracks. Earth bunds have been built, particularly on the southern side of the lakes. Other earthworks have been carried out, seemingly in part to provide tracks suitable for motocross activities. An arable field at the western side of the site is let to another party.

Enforcement notice – validity

2. The Appellant, Mr Nadeem Shah, said the enforcement notice plan's red line showed a vast area of land. There was no specific reference to exactly where the alleged motocross activities were taking place. The red line covered areas where no breach as stated in the notice had ever taken place. The notice was defective. It was invalid.
3. The Courts use the concept of the planning unit to determine the area of land to be considered when identifying the primary use of land, (and its ancillary uses), and whether any material change of use has occurred. In the case of *William Newland v SSCLG and Waverley BC QBD 22 December 2008*, HHJ Hickinbottom said the identification of the relevant planning unit was quintessentially a matter of fact and degree for the primary decision maker, (also see *Johnstone v Secretary of State for the Environment (1974) 28 P&CR 424* and *Church Commissioners for England v Secretary of State for the Environment [1995] 2 PLR 99*).
4. In the case of *Burdle v SSE [1972] 1 WLR 1207*, Bridge J. determined that there were three criteria to determine the planning unit:
 1. When occupier uses for single main purpose to which secondary activities are incidental, the unit of occupation to be taken as the planning unit.
 2. When a variety of activities none incidental or ancillary to the other, again consider the entire unit.
 3. When two or more areas occupied for substantially different purposes. Each area so used is a separate planning unit.

Bridge J. said: "*It may be a useful working rule to assume that the unit of occupation is the appropriate planning unit, unless and until some smaller unit can be recognised as the site of activities which amount in substance to a separate use both physically and functionally.*"

5. In the case of *Thomas David (Porthcawl) Ltd and others v Penybont Rural District Council and others [1972] 3 All ER 1092 5 Oct 1972*, the Appellants had complained that an enforcement notice had been served on an entire plot of land when the activities complained of, sand and gravel extraction, had occurred on only two smaller parts. There it was held that the site should be looked at as a whole.
6. It is clear from the above decisions that, where there is no evident demarcation between activities or works, the unit of occupation is generally to be taken as the planning unit, even where there may be a nil use on part of the land. But particularly where access roads and paths are shared and there is some flexibility in the location of activities, there cannot be a sensible separation of the site into different planning units. In my view, it was entirely appropriate for

the Council to have identified the entire enforcement notice red line site as the planning unit where a mixture of activities and engineering operations have taken place.

7. The Appellant's assertion that the enforcement notice here is a nullity is incorrect. A notice is only a nullity if it is invalid on its face, *R v Wicks [1996] JPL (CA)*, that is, for example, if it failed to comply with the requirement in s.173(3) of the Act to specify the steps, or specify a period for compliance, (s.173(9)). Neither is the notice invalid; that is, containing an error that may or may not be correctable. I consider that the notice before me appropriately identifies the planning unit and correctly describes the mixture of uses. It is a valid notice. The notice could have included an agricultural use as part of the mix of uses. But the notice does not attack that lawful use. Its omission from the allegation is not fatal to the notice.

The appeal on ground (e)

8. An appeal on ground (e) asserts that the enforcement notice was not properly served. Pointing out the alleged flaws in the service of the notice, it was said that Mr N Shah was a director of TLB Properties who were managing agents of the site. Mr Imran Shah did not live at Gatewood Farm. The Yorkshire Enduro Company was not registered at Cavendish Court, South Parade, Doncaster. There was no such commercial concern at Cavendish Court. It was also said the access serving the quarry was shared with an adjacent landowner who appeared not to have been served with notice despite having an interest in the land.
9. The Council responded by setting out in considerable detail their efforts to find and serve those with an interest in the land. They said information from the Land Registry showed the land to be owned by a company registered in Jersey. Legislation there had no requirement to list directors and details of ownership. The Appellant, Mr Nadeem Shah, was the only person to have contacted the Council in relation to the enforcement notice. The Council had sent a copy of the enforcement notice to the adjacent landowner for information purposes only. They considered him to be not involved in the breach.
10. In my view, the Council did all that was required of them to find the persons and parties with an interest in the land prior to issuing the enforcement notice. They were entitled to rely upon a Land Registry search to identify all those with an interest. The Appellant produced no evidence of any person or party that had an interest in the land who had not been served with the enforcement notice nor, if so, how they might have been disadvantaged by any omission in service of the notice. Mr Nadeem Shah appealed against the notice, submitting grounds of appeal. He also produced an appeal statement. No evidence was brought forward to show that any injustice had been caused to any person or party by any possible failure to serve the enforcement notice correctly. The appeal on ground (e) fails.

The appeal on ground (c)

11. An appeal on ground (c) asserts that there has not been a breach of planning control. It was Mr Shah's case that the motocross activity had taken place on no more than 14 days each year for the last 4 years. Event paraphernalia were

removed after each event. The occasional motocross activity was therefore permitted development.

12. The Town and Country Planning (General Permitted Development) (England) Order 2015, (the Order), Part 4 at Class B - temporary use of land, grants planning permission for the use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of – (b) motor car and motorcycle racing including trials of speed, and practising for those activities and the provision on the land of any moveable structure for the purposes of the permitted use.
13. In the case of *Ramsey v SSETR & Suffolk Coastal DC [2002] CA JPL 1123*, it was determined that where agricultural land was used for vehicular leisure purposes, even if permanent physical changes take place on land to facilitate a temporary use, provided that they do not prevent the normal permanent use from continuing for most of the year, and it does so continue, there is no reason why the permitted development rights under the Order at Class B should not be available.
14. In this instance, arguments around the reversion to “the normal permanent use” do little to resolve the question of the lawfulness or otherwise of the claimed temporary use. Most of the land used for motocross activities has taken place on former quarry land, much of which appeared to have little topsoil cover and is now overgrown with trees. That land looked to me to be of little or no use for agricultural purposes, said by the Council to be the lawful use of the land.
15. Any reliance by the Council on the apparent permanence of the engineering works to construct, for example, motorcycle tracks to show an intention to develop a permanent motocross facility, is not necessarily, of itself, decisive as to lawfulness. However, in *Ramsey*, the physical works would only be acceptable to facilitate a temporary use. Mr Imran Shah’s, (Mr Nadeem Shah’s son), own LinkedIn page says that; *“Since early 2016 have been developing a problem site into a purpose built motorbike enduro circuit. We have recently completed the first stage of works to the site and have been operating for almost 2 years.”*. He also said: *“A project I’ve been running over the last year converting a disused quarry into an outdoor pursuits centre... Three lakes enduro, just the start.”*. Also, a Change.org – petition, (now closed), to keep Three Lakes Enduro open, (the name of the appeal site’s motocross facility), had 2,735 signatories, suggesting a permanent, not a temporary, motocross use.
16. The Three Lakes Enduro Facebook page contains reviews of the motocross facility from 47 persons. An entry from the operators in 2017 said: *“We are trialling Wednesday and Thursday afternoon/evenings so which ever day you can make it this week pop down and ride and let us know what you think. This is just a trial we will pick the most suitable day to add to future weeks.”*. That does not suggest a temporary facility available for no more than 14 days in any year.
17. Even if the use of the appeal site for motocross had been limited to the 14 days a year set out in the Order, the physical alterations to the land to provide the various tracks and courses within the land strongly support the Appellant’s stated intention to develop a permanent facility. In *Ramsey*, the Judge said, *“It seems to me that as a matter of law physical changes that have been made to*

the land are capable of being a relevant consideration in the decision-makers assessment of the character of the proposed use. Is not simply limited to looking at duration in every case."

18. In my view, the evidence shows a definite intention to continue to develop the Three Lakes site. Quotes on line from the change.org petition by Imran Shah demonstrate that intention - such as: "... we have managed to create a track so good people from every corner of the country have had to visit us.", and "We will not give up on THREE LAKES ENDURO if you can help us here we promise to provide you the best safest and most diverse place to ride your bikes in the UK."
19. There was little emphasis by either party on the fishing use by members of the public of the large lakes at the northern end of the appeal land. Mr Shah said the lakes had been used for over 30 years for fishing by appointment only. An application for a certificate of lawfulness to that effect was to be made. The Council merely said such an application could be made. However, it would appear that Mr Shah considers the fishing use activity is carried out at a level that could justify issue of a certificate of lawfulness. In the meantime, the fishing use of the land as part of the mix of unlawful uses persists, even though it may be at a low level.
20. I consider that the use of the appeal site for motocross and fishing activities and the associated facilitating operational development went well beyond that which would have been permitted by the Order. The appeal on ground (c) fails.

FORMAL DECISION

21. The enforcement notice is upheld.

John Whalley

INSPECTOR

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Ms J Rumley
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Your Ref: 17/01955/FUL
Our Ref: APP/F4410/W/19/3226446

29 July 2019

Dear Ms Rumley,

Town and Country Planning Act 1990
Appeal by Dantom Homes Developments Limited
Site Address: Land to rear of Field Cottage, Main Street, Hatfield Woodhouse,
Doncaster, South Yorkshire, DN7 6NH

I enclose for your information a copy of an email received withdrawing the above appeal(s).

I confirm no further action will be taken.

Yours sincerely,

Michael Joyce
Michael Joyce

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

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