



# Doncaster Council

## Agenda

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To all Members of the

## PLANNING COMMITTEE

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

**Venue:** Council Chamber, Floor 2, Civic Office Waterdale, Doncaster DN1 3BU

**Date:** Tuesday, 17th September, 2019

**Time:** 2.00 pm

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**Damian Allen**  
**Chief Executive**

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Issued on: Monday, 9 September 2019

**Governance Services Officer for this meeting**

Amber Torrington  
(01302) 737462

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

<b>Item</b>	<b>PageNo.</b>
1. Apologies for Absence	
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.	
3. Declarations of Interest, if any.	
4. Minutes of the Planning Committee Meeting held on 20th August, 2019	1 - 10
<b>A. Reports where the Public and Press may not be excluded.</b>	
<b><u>For Decision</u></b>	
5. Schedule of Applications	11 - 60
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### **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, 20TH AUGUST, 2019

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER, CIVIC OFFICE on TUESDAY, 20TH AUGUST, 2019, at 2.00 pm.

#### PRESENT:

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

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

#### APOLOGIES:

An Apology for absence was received from Councillor George Derx.

#### 25     Declarations of Interest, if any

In accordance with the Members' Code of Conduct, the Chair, Councillor Susan Durant, declared a Non-disclosable Interest in Application No. 18/02496/OUTM, Agenda Item 5(4), by virtue of the land being in the ownership of a family relative and took no part in the discussion at the meeting, and vacated the Chamber during consideration thereof.

In accordance with the Members Code of Conduct, Councillor Mark Houlbrook declared an Non-disclosable interest in Application No. 18/02496/OUTM, Agenda Item 5(4), by virtue of being a Member and Mayor of Thorne Mooreds Town Council and had made representations regarding the application as a Local Ward Member, and took no part in the discussion at the meeting, and vacated the Chamber during consideration thereof.

#### 26     Minutes of the Planning Committee Meetings held on 23rd and 30th July, 2019

RESOLVED that the minutes of the meetings held on 23rd and 30th July, 2019 be approved as a correct record and signed by the Chair.

#### 27     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'.

#### 28     Adjournment of the Meeting

RESOLVED that

- (1) in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 3.20 p.m. to be reconvened on this day at 3.25 p.m.; and
- (2) in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 4.30 p.m. to be reconvened on this day at 4.35 p.m.

29 Reconvening of the Meeting

The meeting reconvened at 3.25 pm and 4.35 pm respectively.

30 Duration of the Meeting

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

31 Appeal Decisions

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Overtaken
17/00071/H	Appeal against enforcement action for unauthorised siting of caravan, storage containers, vehicles, horse boxes and portable office unit under grounds B at Burgar Road, Tudworth Road, Thorne, Doncaster	ENF-App Dis/Upheld Sub to Correction/ Var 10/07/2019	Thorne & 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

**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 20th August, 2019**

<b>Application</b>	1
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<b>Application Number:</b>	19/01535/FUL	<b>Application Expiry Date:</b>	20th August 2019
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Change of use from Shop to Beauty Salon, formation of car park and dropped kerb.
<b>At:</b>	18 Doncaster Road, Harlington, Doncaster, DN5 7HT

<b>For:</b>	Mr Vincent Hawke
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<b>Third Party Reps:</b>	28	<b>Parish:</b>	Barnburgh Parish Council
		<b>Ward:</b>	Sprotbrough

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

**Proposed by:** Councillor Duncan Anderson

**Seconded by:** Councillor Mark Houlbrook

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

**Decision:** Planning permission granted.

(Receipt of an additional petition in opposition to the application was reported at the meeting).

<b>Application</b>	2
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<b>Application Number:</b>	19/01150/FUL	<b>Application Expiry Date:</b>	4th July 2019
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	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.
<b>At:</b>	The Star Inn, High Street, Barnby Dun, Doncaster

<b>For:</b>	Mr Ritchie Taylor
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<b>Third Party Reps:</b>	10 Letters of objection 3 letters of support	<b>Parish:</b>	Barnby Dun/Kirk Sandall Parish Council
		<b>Ward:</b>	Stainforth & Barnby Dun

**A proposal was made to defer the application for a Site Visit to assess the current landscaping on site and to ascertain whether there was potential for additional landscaping to be incorporated into the scheme.**

Proposed by: **Councillor Mick Cooper**

Seconded by: **Councillor Andy Pickering**

**For: 6 Against: 5 Abstain: 0**

**Upon the Chair declaring that there was an equal number of votes cast for and against the proposal for a Site Visit, the Chair, Councillor Susan Durant, in accordance with Council Procedure Rule 21.2, exercised her right to use her casting vote and voted to grant the proposal for a Site Visit.**

**Decision: Deferred for a Site Visit to assess the current landscaping on site and to ascertain whether there was potential for additional landscaping to be incorporated into the scheme.**

**In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Mrs Ann Skinner, a local 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', Mr Matthew Rhodes, the Planning Agent, spoke in support of the application for the duration of up to 5 minutes.**

**(The receipt of amendments to the report including clarification that the Pub was not built in the 1920's, the other Pub in Barnby Dun was 'The Olive' not 'The Olive Tree' and paragraph 8.24 should include a 7.00 am to 9.00 am delivery time, the amendment to Condition 06 that the Noise Solutions Report should be dated 11th April, 2019, the removal of Informative 03, and additional representations from Mr Bedford and emails from Mrs Jordan and Mrs Skinner, were reported at the meeting).**

<b>Application</b>	3
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<b>Application Number:</b>	19/01168/FUL	<b>Application Expiry Date:</b>	19th July 2019
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	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)
<b>At:</b>	121 Sprotbrough Road, Sprotbrough, Doncaster, DN5 8BW

<b>For:</b>	Mrs Angela Whitfield
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<b>Third Party Reps:</b>	4	<b>Parish:</b>	Sprotbrough & Cusworth Parish Council
		<b>Ward:</b>	Sprotbrough

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

**Proposed by: Councillor Jonathan Wood**

**Seconded by: Councillor Andy Pickering**

**For: 7    Against: 3    Abstain: 0**

**Decision: Planning permission refused contrary to the Officer's recommendation for the following reason:-**

- 01. The siting and scale of the two storey extension would have an overbearing appearance that would result in a loss of amenity to No. 119 Sprotborough Road, by virtue of overshadowing and loss of outlook. Consequently, the proposal is contrary to Policy ENV54 of the Doncaster Unitary Development Plan (1998), Policy CS14 of the Doncaster Core Strategy (2012), the relevant Planning Policy Statements in the National Planning Policy Framework (2019 as amended) requiring good design,**



**and Doncaster Council's Development and Design  
Requirements Supplementary Planning Document (2015).**

**In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Mr William Ward, on behalf of Mr Christopher Overton, a 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', Mr George Young, the Planning Agent, spoke in support of the application for the duration of up to 5 minutes.**

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

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

**A proposal was made to grant the application contrary to the Officer's Recommendation.**

**Proposed by: Councillor Mick Cooper**

**Seconded by: Councillor John Healy**

**For: 3 Against: 4 Abstain: 0**

**On being put to the meeting, the Motion to grant the application was declared LOST.**

**Subsequently, a vote was taken on the Officer's recommendation to refuse the application.**

**For: 4 Against: 3 Abstain: 0**

**Decision: Planning permission refused for the following reasons:-**

- 01. The application is contrary to Policy 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.**
- 02. 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.**

**In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Mr Derek Fell and Mr John Waistenage, local residents, 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', Mr John McHale and Mr Mick Jameson, 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 of DLP Planning and Councillor Joe Blackham, spoke in support of the application for the duration of up to 5 minutes.**

**(The receipt of a representation from Thorne Moorends Town Council and an additional letter of objection, were reported at the meeting).**

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## **DONCASTER METROPOLITAN BOROUGH COUNCIL**

Date 17th September 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**

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Scott Cardwell  
Assistant Director of Development  
Directorate of Regeneration and Environment

Contact Officers: Mr R Sykes (Tel: 734555)

Background Papers: Planning Application reports refer to relevant background papers

## Summary List of Planning Committee Applications

NOTE:- Site Visited applications are marked 'SV' and Major Proposals are marked 'M'  
Any pre-committee amendments will be detailed at the beginning of each item.

Application	Application No	Ward	Parish
1. SV	19/01150/FUL	Stainforth And Barnby Dun	Barnby Dun /Kirk Sandall Parish Council
2. M	19/01691/FULM	Town	

<b>Application</b>	<b>01</b>
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<b>Application Number:</b>	19/01150/FUL
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<b>Application Type:</b>	Planning FULL
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<b>Proposal Description:</b>	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.
<b>At:</b>	The Star Inn, High Street, Barnby Dun, DN3 1DY

<b>For:</b>	Mr Ritchie Taylor.
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<b>Third Party Reps:</b>	11 objections 3 support	<b>Parish:</b>	Barnby Dun/Kirk Sandal
		<b>Ward:</b>	Stainforth and Barnby Dun

<b>Author of Report:</b>	Alicia Murray
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## SUMMARY

This application is to change the use of the vacant public house into a food retail facility, to be occupied by the Co-Operative. The proposal includes alterations to the car parking area, a single storey rear extension and external alterations to the elevations. The application has been amended during the application process to overcome concerns raised by the case officer, highways, the local residents, and planning committee.

It is considered that this proposal would result in a vacant public house to be brought back into use without being significantly detrimental to the character of the area, highway safety, or to a detrimental loss of neighbour amenity; subject to conditions, thus it is recommended for approval to members.

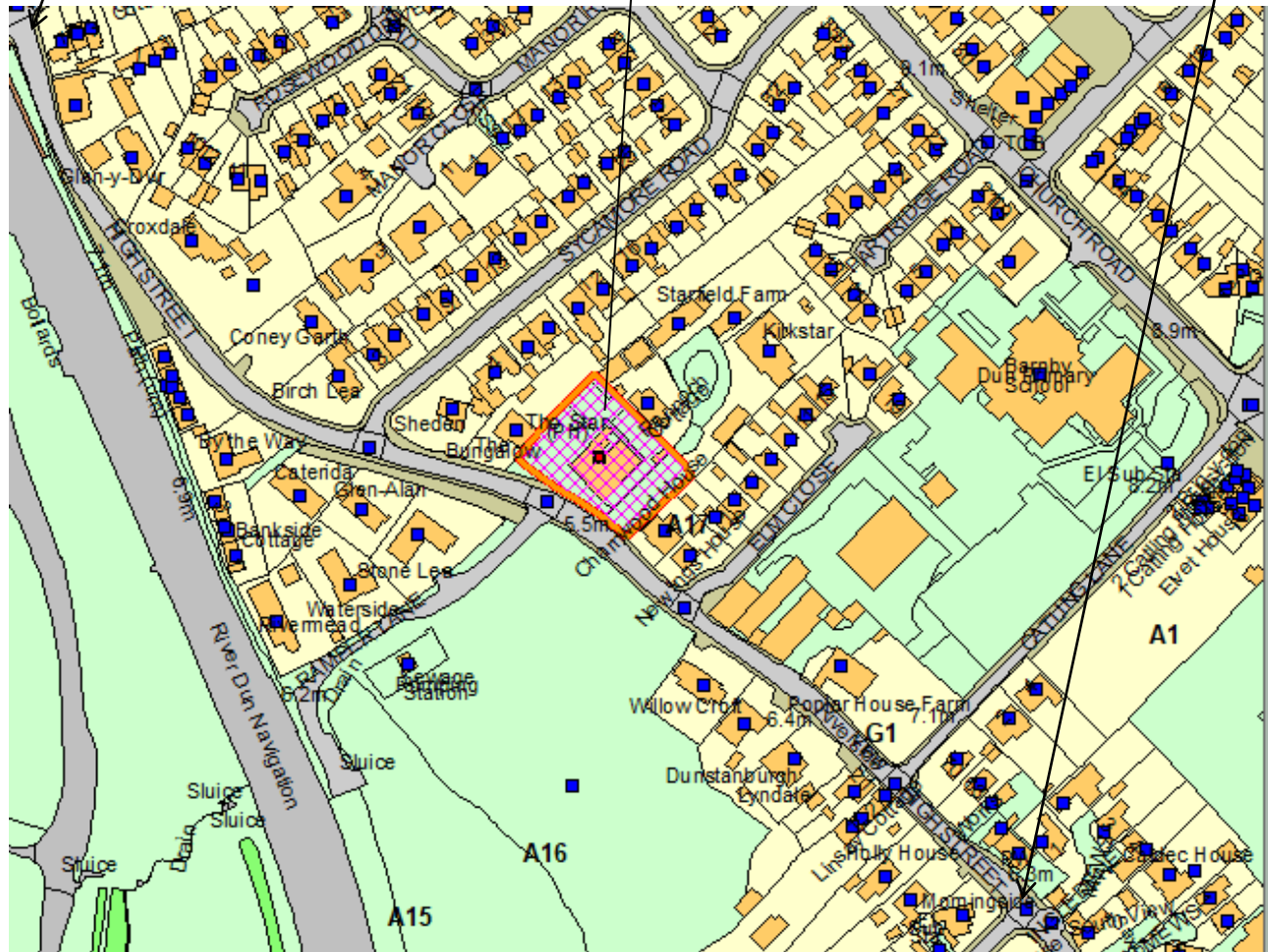
The application was deferred from the 20<sup>th</sup> August 2019 planning committee in order that a site visit could be undertaken to assess the current landscaping and that being proposed.

**RECOMENDATION: GRANT planning permission subject to conditions.**

Direction towards the  
bridge and Arksey

Application site

Direction towards  
village and Kirk  
Sandall





## **1.0 Reason for Report**

- 1.1 The application was deferred from the planning committee held on the 20<sup>th</sup> August 2019 for a site visit to assess the current landscaping and that shown on the submitted plans.
- 1.2 This application is before planning committee, due to the amount of public interest received; there has been 11 letters of objection and 3 letters of support.
- 1.3 This application was deferred from last planning committee held on 20<sup>th</sup> August 2019, to allow members to assess the landscaping on site. This site visit took place on 13<sup>th</sup> September 2019.
- 1.4 Since the deferral of this application, the plans have been amended to reduce the width of the proposed extension by 0.5m to allow for a 1.5m wide landscaping strip to the rear and the addition of 7 Ginkgo Biloba trees along this landscaping strip to the rear.

## **2.0 Proposal**

- 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.

## **3.0 Site Description**

- 3.1 The application site relates to the 'The Star Inn' Public House. The building is a good example of a 1920s red brick public house traditional village pub which has been closed and re-opening on and off for a number of years and finally closed March 2017. The building is surrounded by residential properties.

## **4.0 Relevant Planning History**

- 4.1 No relevant planning history.

## **5.0 Site Allocation**

- 5.1 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.

5.2 National Planning Policy Framework (NPPF 2019)

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

5.4 Core Strategy 2011 - 2028

- 5.5 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*

5.6 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

5.7 Other material planning considerations

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

5.8 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

## **6.0 Representations**

- 6.1 This application has been advertised in accordance with The Town and Country Planning (Development Management Procedure (England)) Order 2015 by way of site notice and direct neighbour notification letters.
- 6.2 Fourteen representations have been received, three in support and ten in objection to the application.
- 6.3 The letters of support outline backing to the upgrade of the appearance of the vacant pub and providing employment within the area, and 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 convenience store within Barnby Dun village.
- 6.4 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.
  - 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.
  - New use will cause noise and disruption for local residents.
  - Would impact on the Farm Shop business further down High Street.
  - Enough retail units within Barnby Dun and Kirk Sandal.
  - 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.
  - Noise survey submitted does not provide adequate measurements being only measured over a 24 hour period.
  - Security issues for the proposed use and then in turn the local residents.
  - 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.
  - Inadequate parking provision.
  - Loss of trees.
  - Insufficient disabled spaces
  - Delivery vehicles will encroach onto the footpath
  - Shop entrance position will result in a risk for customers in terms of vehicles leaving and entering the site.
  - Loss of community facility
  - Delivery procedures would impact the refuse collections for the residents to the rear of the Star Inn.

## 7.0 Parish Council

### 7.1 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.

## 8.0 Relevant Consultations

- 8.1 **Environment Agency** – No objection to the development, subject to conditions relating to the submitted flood risk assessment.
- 8.2 **DMBC Ecology** – No objection, subject to a condition relating to Ecological Enhancement Schemes to be submitted to the LPA.
- 8.3 **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.
- 8.4 **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.
- 8.5 **DMBC Environmental Health** – No objections to the application, subject to the submission of a validation report, in relation to the noise statistics provided with this application.

## 9.0 Assessment

### 9.1 The principal 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

9.2 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

9.3 Appropriateness of the proposal

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

9.5 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.

9.6 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.

9.7 Sustainability

9.8 The National Planning Policy Framework (NPPF, 2019) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs

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

**9.10 SOCIAL SUSTAINABILITY**

**9.11 Loss of Public House**

- 9.12 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). The marketing information supplied, outlines that the Star Inn could not compete with The Olive 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.
- 9.13 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.
- 9.14 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.

#### **9.15 Conclusion on Social Impacts.**

- 9.16 The loss of this community facility has been assessed with 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 and justification has been provided which satisfies the case officer. The above is given significant weight in the determination of this application.

#### **9.17 ENVIRONMENTAL SUSTAINABILITY**

##### **9.18 Residential Amenity**

- 9.19 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.
- 9.20 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.
- 9.21 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.

- 9.22 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 7am and 7pm (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.
- 9.23 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.
- 9.24 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.
- 9.25 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.
- 9.26 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.
- 9.27 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.

## **9.28 Character of the Area**

9.29 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.

9.30 Any signage would be subject to separate advertisement consent.

9.31 The proposal is considered to be in accordance with Policy CS14 of the Core Strategy.

## **9.32 Trees and Ecology**

9.33 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.

9.34 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.

9.35 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.

## **9.36 Highways**

9.37 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)



- 9.38 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 7am-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.
- 9.39 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.
- 9.40 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 to park for other users not registered on the title.

#### **9.41 Flood risk**

- 9.42 According to the Environment Agency flooding maps, the site is within flood zone 3, which means it has a high probability of flooding.
- 9.43 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".
- 9.44 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.
- 9.45 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.

- 9.46 Finally, no sequential test is required as the Doncaster Flooding SPD states that a Sequential Test is not required for a change of use with operational development less than 250 square metres in size.

#### **9.47 Conclusion on Environmental Issues**

- 9.48 The proposal would result in an intensification of this site, however it is considered that the impact of this proposal can be satisfactorily mitigated against through conditions and position of openings and facilities, including acoustic barriers. The environmental issues outlined above have been given substantial weight in the determination of this planning application and the mitigation is considered acceptable. The application is considered to be in accordance with both local and national policies.

#### **9.49 ECONOMIC SUSTAINABILITY**

#### **9.50 Returning a Building Back into Use**

- 9.51 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 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.

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

- 10.1 The proposal would result in an intensification of the site and would result in more trip generation and earlier opening hours, but 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 into a new use which would provide some benefit 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. Therefore, on balance this application is recommended for approval and is considered to accord with both national and local planning policies.

#### **11.0 RECOMMENDATION**

**Planning Permission GRANTED subject to the following conditions.**

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

02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:  
12879 DB3 B01 00 DR A 90-002 rev G amended 30.08.19  
12879 DB3 B01 00 DR A 20-004 rev D amended 30.08.19  
12879 DB3 B01 00 DR A 90-003 rev D amended 30.08.19  
13614 DB3 B01 00 DR A 27-001 rev A amended 30.08.19  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
03. 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. 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. The development hereby approved shall be operated in accordance with the submitted Delivery Management Schedule received 29.07.2019 with a banksman positioned on site during the deliveries and no articulated lorries will be associated with the deliveries to this site.  
REASON  
To ensure the development does not harm the highway safety of the area, in accordance with CS14 of the Core Strategy.

06. 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 2019, 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.
07. The hours of opening shall be limited to:  
Mondays to Sundays inclusive 0700 hours to 2200 hours
- REASON
- To ensure that the development does not prejudice the local amenity.
08. Unless as shall be specifically approved in writing by the Local Planning Authority, the scheme of landscaping shown on plan ref: 12879 - DB3 - B01 - 00 - DR - A - 90-002 Rev. G dated June 2018 shall be implemented in full accordance with the approved details during the first available planting season following the completion of the development hereby granted and the local planning authority notified in writing within 7 working days of the completion of the landscape works to inspect and approve practical completion in writing. The seven Ginkgo biloba trees shall be container grown and of minimum Extra Heavy Standard (14-16cm) size in accordance with table 1 of British Standard 3936-1: 1992 Nursery Stock. The pots of containerised trees must be proportionate to the size of the tree in accordance with table D4 of British Standard 8545: 2014 Trees: From nursery to independence in the landscape - Recommendations (BS8545). The trees shall be handled in accordance with 'Handling and Establishing Landscape Plants' by the Committee of Plant Supply & Establishment (1995) published by the Joint Council for Landscape Industries and/or section 9 Handling and Storage and Annex E of BS8545. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.
- REASON
- In the interests of environmental quality and core strategy policy CS16: Valuing our Natural Environment.

## INFORMATIVES

01.

### 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](http://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](http://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/](http://www.ciria.com/flooding/);

National flood forum-

[www.floodforum.org.uk/index.php?option=com\\_content&view=article&id=8&Itemid=4](http://www.floodforum.org.uk/index.php?option=com_content&view=article&id=8&Itemid=4)

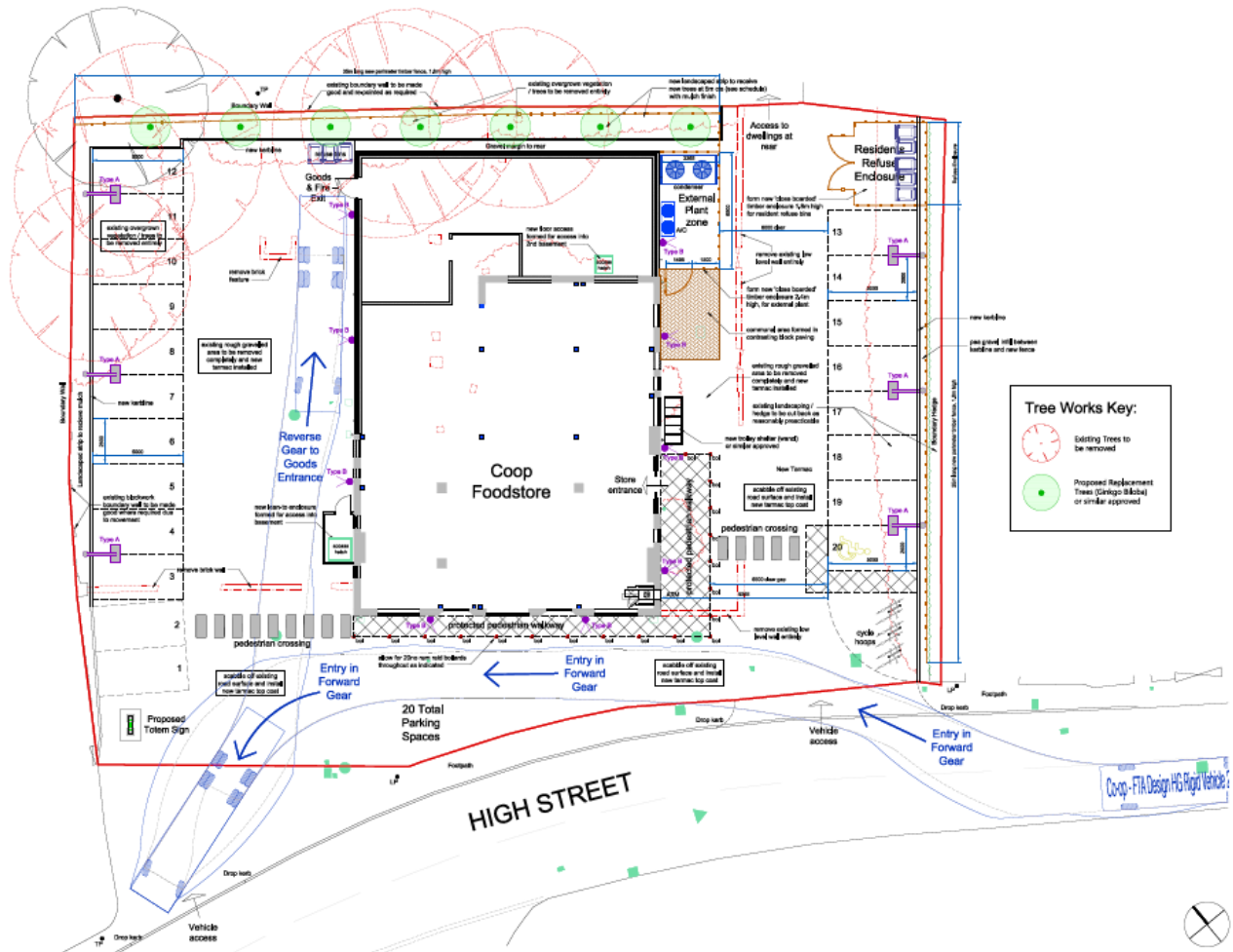
02.

### INFORMATIVE

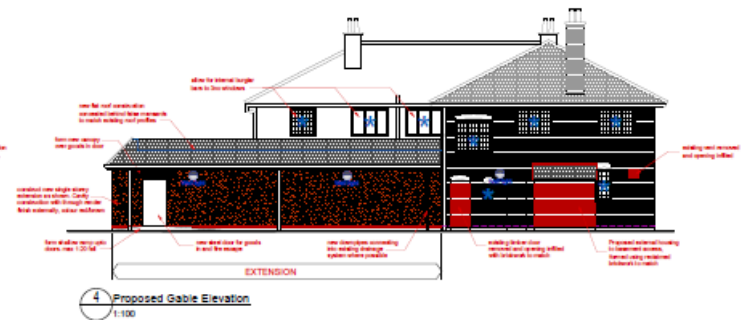
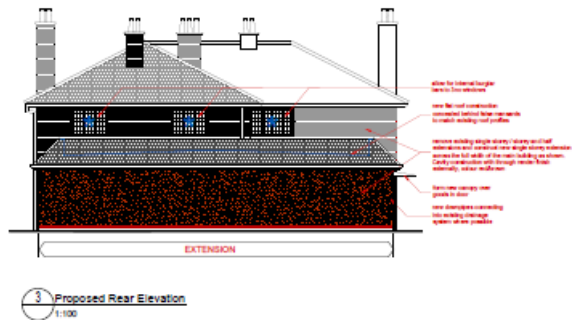
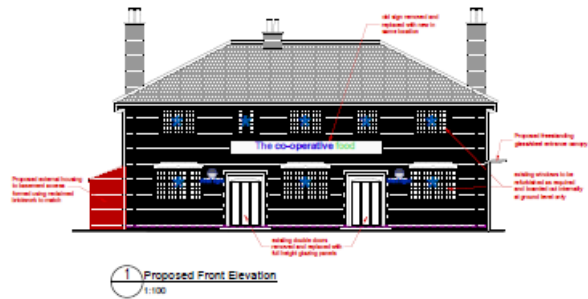
At the time of this decision, the site has been identified as being within an area of medium or high flood risk, based on the Environment Agency's flood maps. Therefore, the applicant/occupants should consider registering for the Environment Agency's Floodline Warning Direct, by phoning Floodline on 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.

**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.**

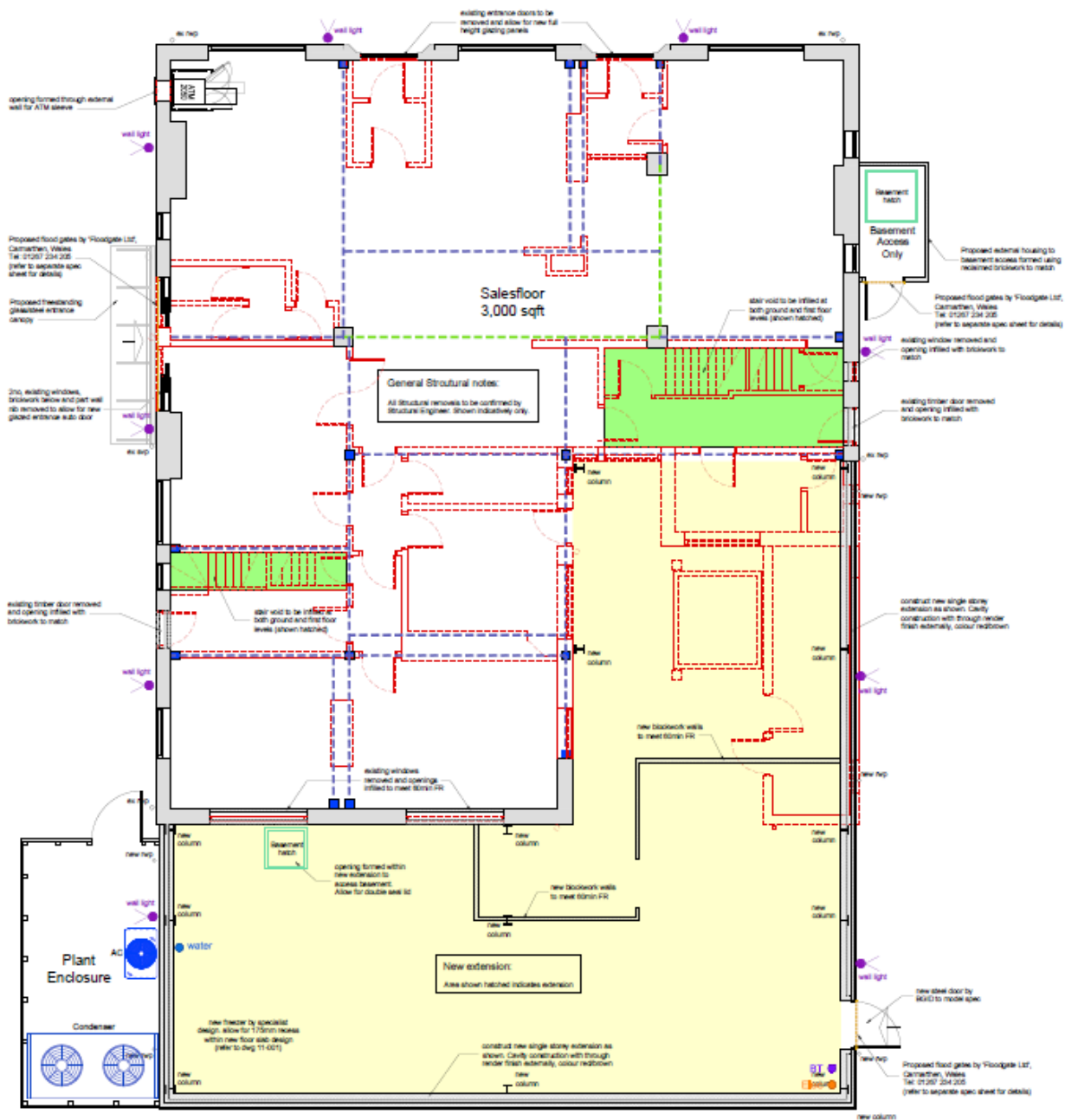
## Appendix 1: Site Plan



## Appendix 2: Proposed Elevations



## Appendix 3: Proposed Floor Plans





## 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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<b>Application</b>	<b>02</b>
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<b>Application Number:</b>	19/01691/FULM
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<b>Application Type:</b>	Full Application.
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<b>Proposal Description:</b>	Erection of University Technical College and associated parking and Multi Use Games Area (MUGA).
<b>At:</b>	Former Doncaster Metropolitan Borough Council Offices, Land North Of College Road, Doncaster, DN1 3BU

<b>For:</b>	Mr Gary Wright
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<b>Third Party Reps:</b>	0	<b>Parish:</b>	
		<b>Ward:</b>	Town

<b>Author of Report:</b>	Garry Hildersley
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## SUMMARY

The proposal for the erection of a 5 storey University Technical College (UTC), Multi Use Games Area (MUGA) landscaping and parking is considered to be an acceptable and sustainable form of development in line with paragraph 7 and 8 of the National Planning Policy Framework (NPPF, 2019).

The report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of providing the proposed UTC in this location. The development would not cause undue harm to neighbouring properties, heritage assets, the highway network or the wider character of the area. The overall benefits associated with the development chime with the Councils aspirations to upskill its workforce and to provide learning that will prepare all children, young people and adults. The UTC will teach STEAM (Science, Technology, Engineering, Art and Mathematics) subjects, with the opportunity for learners to work towards qualifications in Advanced Engineering or Digital Design.

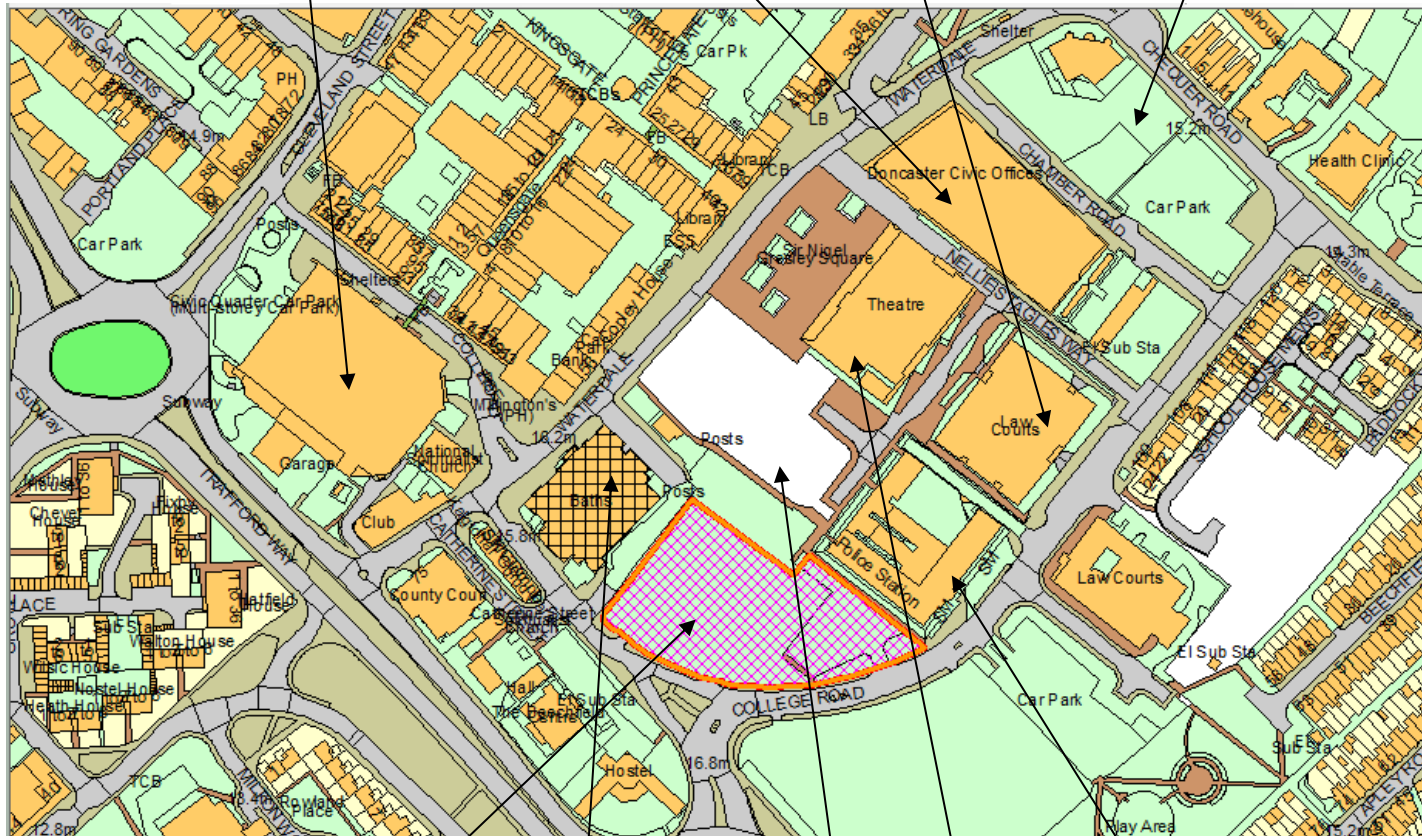
**RECOMMENDATION: GRANT planning permission subject to conditions.**

Waterdale Car Park

Doncaster Civic Office

Law courts

New Museum and library



Application site

St James Baths

New cinema

CAST Theatre

Police Station

## **1.0 Reason for Report**

- 1.1 This application is being presented to planning committee as at the time of writing this report the site is within the Council's ownership.

## **2.0 Proposal**

- 2.1 Planning permission is sought for the erection of University Technical College (UTC) together with associated parking and Multi Use Games Area (MUGA).

## **3.0 Site Description**

- 3.1 The application site is located to the north of College Road in Doncaster, approximately 0.5 mile to the south of Doncaster Town Centre. The site extends to approximately 0.61 Hectare and is currently flat and open laid predominantly to grass.
- 3.2 The site was the former location of the Doncaster Metropolitan Borough Council (DMBC) offices, a 12 storey tower block, which was demolished in 2014 (LPA ref: 13/02100/DEM). The site is brownfield land which is mostly vacant, but a small area is used as a surface car park formally and most recently associated informally with SY Police.
- 3.3 The site forms part of the Doncaster Civic and Cultural Quarter Masterplan area and is situated between Doncaster Police Station and the closed St James' Pool building. A cinema and restaurant complex is currently under construction to the north of the site. The Civic and Cultural Quarter is seen as a key area of development within the town and the site lies within the overall Civic and Cultural Quarter (CCQ) masterplan.
- 3.4 The surrounding area includes Doncaster County Court, the Civic Centre, Cast theatre, and Magistrates' Court. A multi-storey car park is located beyond the pool building to the west. College Road borders the southern boundary of the site.
- 3.5 The site is currently flat open land laid to grass bound by 3ft high perimeter wooden fence. There are a number of trees located along the southern boundary of the site. Access is currently taken from College Road which leads to a small car park on the eastern part of the site adjacent to the neighbouring police station. A public footpath passes between the site and the police station and connects College Road with the wider CCQ development and will remain as part of the current proposal.
- 3.6 On the opposite side of the road to the south lies an existing car park, with the nearest residential properties being located 115m to the north east of the site.

## 4.0 Relevant Planning History

Application Reference	Proposal	Decision
08/02535/OUTA	Outline application for development of mixed use Civic and Cultural Quarter on approx 11.2ha of land (Comprising of new performance venue, public library, civic offices, A1/A2/A3/A4 retail, B1 offices, D2 Leisure uses, C1 Hotels, C3 residential, public open space)	Application granted subject to S106 agreement.
08/03452/4FUL	Installation of radio antenna on roof (being application under Regulation 4 Town and Country Planning (General) Regulations 1992)	Application granted.
13/02100/DEM	Demolition of existing 12 storey Council office block (Former Council House).	Planning Permission not required.

- 4.1 Whilst the site specific history is relatively limited, there have been several planning applications in the immediate vicinity as part of Doncaster's CCQ development aspirations including the erection of a new cinema adjacent to the application site, the erection of the CAST theatre, the erection of the Council Civic building and the erection of a new museum and library.

## 5.0 Site Allocation

- 5.1 The site is allocated as office police area as defined by Doncaster's Unitary Development Plan, adopted in 1998.

## 5.2 National Planning Policy Framework (NPPF 2019)

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

- 5.4 Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 5.5 Paragraph 94 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should:
- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
  - b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

## **5.6 Core Strategy 2011 - 2028**

- 5.7 To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 5.8 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:
- 5.9 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.
- 5.10 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.

- 5.11 Policy CS15 states that proposals will be supported which protect or enhance the heritage significance and setting of locally identified heritage assets such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest.
- 5.12 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.
- 5.13 Policy CS17 Proposals will be supported which have regard to local standards and opportunities, and help to address deficiencies, by making an appropriate contribution to sport, recreation and related community uses, by providing well designed and accessible sport, recreation and open space facilities.
- 5.14 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.

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

- 5.17 Saved Policy TC11 of the UDP sets out that within Doncaster town centre office and shopping policy areas defined on the proposals map, development or redevelopment schemes to provide offices will generally be supported providing they are consistent with other policies in the plan, particularly relating to shopping and conservation.
- 5.18 Proposals for other uses will be treated on their merits having regard to highway safety and the relationship of the site to surrounding uses, providing that they are consistent with other policies in the plan, particularly shopping and conservation.

**5.19 Local Plan**

- 5.20 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:
- 5.21 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.
- 5.22 Policy 14 seeks to promote sustainable transport within new developments.



- 5.23 Policy 18 seeks to consider the needs of pedestrians within new developments.
- 5.24 Policy 31 deals with the need to value biodiversity.
- 5.25 Policy 40 deals with the need to take into account archaeological assets.
- 5.26 Policy 43 deals with the need for good urban design.
- 5.27 Policy 55 requires the need to take into account air and noise pollution.
- 5.28 Policy 57 requires the need for satisfactory drainage including the use of SuDS.
- 5.29 Policy 59 deals with low carbon and renewable energy within new developments.
- 5.30 Policy 68 – Deals with Doncaster Town Centre and part C supports the expansion and growth of education facilities and
- 5.31 Policy 69 - Deals specifically with Key Doncaster Town Centre and Main Urban Area Mixed-Use Sites. Part 4 sets out the aspiration for this area to become a 'central business district'. The policy also supports educational uses in this area.

#### **5.32 Other material planning considerations**

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- National Planning Policy Guidance

### **6.0 Representations**

- 6.1 This application has been advertised in accordance with The Town and Country Planning (Development Management Procedure (England)) Order 2015 by way of direct neighbour notification, sites notices erected adjacent to the site and via a press advertisement.
- 6.2 0 public objections has been received by neighbouring properties.

### **7.0 Parish Council**

- 7.1 No parish council exists for the town centre.

### **8.0 Relevant Consultations**

- 8.1 **Highways Development Control** – Concerns were initially raised in respect to the kerb alignment for the access into the site specifically in relation to a refuge vehicle entering and leaving the site. Following additional information and clarity, Highways Development Control find the scheme acceptable subject to conditions requiring a management plan relating to the car park, the closure of 2 existing accesses and the submission of a construction traffic management plan.

- 8.2 **Highways Transportation Officer** – No objections subject to a Grampian condition requiring a s106 agreement to be entered into for a travel bond of £12,254 to mitigate any traffic in the event that targets are not met.
- 8.3 **Environment Agency** – No objections
- 8.4 **South Yorkshire Archaeology Service (SYAS)** – No objections
- 8.5 **Environmental Health Officer (Air Quality)** – Air quality impact to be insignificant in terms of the extant air quality regulation and as such no objections subject two vehicle charging points which have been included in the revised plans submitted to the Local Planning Authority.
- 8.6 **Environmental Health (Noise)** – The contents of the acoustic report are noted and subject to noise limiting conditions no objections have been raised.
- 8.7 **Internal Drainage Officer** – No objections subject to a condition in relation to full details of foul and surface water drainage.
- 8.8 **Ecology Officer** – Whilst there are no objections in principle to the development conditions have been suggested which require further landscaping information in relation to landscaping and the inclusion/ provision for bat boxes within the building.
- 8.9 **Contaminated Land Officer** – Having reviewed the Geotechnical and Geo-Environmental Desk Study submitted there are no objections subject to a condition requiring a Phase 2 site investigation to be carried out.
- 8.10 **Conservation Officer** – No objections.
- 8.11 **Public Rights of Way Officer** – No objections
- 8.12 **Area Manager** – No comments received.
- 8.13 **National Grid** – No comments received.
- 8.14 **Urban Design Officer** – No objections subject to conditions in relation materials and energy efficiency.
- 8.15 **Doncaster East Internal Drainage Board** – No comments received.
- 8.16 **Yorkshire Water** – No objections subject to a condition requiring the development to be carried out in accordance with the submitted drainage information.
- 8.17 **Historic England** – No objections.
- 8.18 **South Yorkshire Fire and rescue** – No objections subject to suggested informatives.
- 8.19 **Doncaster Policy Officer** – No objections subject to a suitably worded condition relating to a community use agreement.

8.20 **Tree Officer** – no objections subject to the inclusion of a planning condition requiring full details of landscaping.

## **9.0 Assessment**

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

- Principle of development;
- Whether the scheme would adversely affect the setting of a listed building (St James Baths).
- The impact of the development on the character of the area and the appropriateness of the design.
- Whether there is any impact on residential amenity & quality of life
- Highway safety and traffic issues
- Drainage
- Air quality
- Ecology
- Noise
- Trees
- Energy efficiency
- Archaeology
- Overall planning balance

9.2 For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

### Principle of Development

9.3 The application site is located within an area defined as Office Policy Area by Doncaster's Unitary Development Plan, adopted in 1998. There is a general presumption that the site could be developed for office purposes, although Policy TC11 does provide latitude to consider alternative uses on their own merits having regard to the relationship of the site with surrounding issues and provided they are consistent with other policies.

- 9.4 The proposal seeks permission for the erection 6,970sqm building split across 5 floors which would accommodate 450 secondary school aged learners and 300 post-16 aged learners. The proposal also includes associated landscaping and car parking. The proposal if approved would create a new 750 place building, specialising in advanced engineering and digital design for the new Doncaster UTC. The school will take 150 learners per year group from Year 8 through to Year 13 (450 key stage (KS)3 and 300 KS4 pupils) and will join the Brighter Futures Learning Partnership Trust along with Hunger Hill School and a number of feeder Primary's. It is envisaged that the first phase will open in September 2020 with the second phase handed over in November 2020.
- 9.5 The planning statement submitted with the application has set out that the UTC's specialisms have been carefully considered, focussed on identified need in the City Region and in direct response to employer demand. The UTC will work collaboratively with the Advanced Manufacturing Research Centre (AMRC) Training Centre, The University of Sheffield and local industry partners to ensure the curriculum offer and careers provision is accurately aligned to the industry marketplace.
- 9.6 The new building will also provide community use for sport, performance, exhibition, business events, start-up space, meetings & conferencing as well as lifelong learning. A Multi-Use Games Area (MUGA) is proposed in the western corner of the site and there is the potential for the MUGA to be used out of hours.
- 9.7 Externally, 20 parking spaces including; 2 accessible bays, 2 minibus bays and 2 electric car charging point is provided. Car parking provision is relatively modest to reflect the town centre location. A service and deliveries area and out building, containing substation, water tank and bin store is also provided.
- 9.8 A service and deliveries area and outbuilding, containing substation, water tank, switch room and bin store is also provided to the south east side of the building. In addition, there will be a maintenance access to the west of the site off College Road.
- 9.9 The UTC's specialisms have been focussed on an identified need in the City Region and in direct response to employer demand therefore helping to create social mobility for young people in Doncaster. Chimes with Doncaster's growing together initiative which seeks to ensure that all children, young people and adults are prepared for a life that is fulfilling. In addition the proposal is considered an acceptable use within the town centre and would therefore adhere to Policy TC11 consequently, it is considered that the principle of development is acceptable and this weighs considerably in favour of the application.
- 9.10 Sustainability
- 9.11 The National Planning Policy Framework (NPPF, 2019) sets out at paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs

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

## **SOCIAL SUSTAINABILITY**

### **9.13 Impact on Residential Amenity**

- 9.14 The nearest residential properties lie approximately 115m to the north east of the site on College Road. It is considered by virtue of the separation distance from the site, the proposal is unlikely to adversely affect neighbouring properties through excessive levels of overlooking, over dominance, loss of privacy or overshadowing. The impact of the building would further be mitigated by existing buildings which would go some way in screening the development, namely the law courts and existing police station.
- 9.15 The proposal includes 2.4m high fencing to the southern boundary, a safety requirement needed to satisfy the department for education. The design of the fencing has been carefully considered and is proposed to be weldmesh which is considered would minimise the visual impact of the development whilst maintaining security of the site.

### **9.16 Connection to pedestrian, cycle and public transport.**

- 9.17 The site is sustainably located close to Doncaster town centre and served by walking, cycling and public transport routes, including the bus and train stations within the Frenchgate Complex. The site currently has three vehicular access/egress points to the highway along its curved southern/western boundary, though only one, the southern most of the three, is connected to an area of hardstanding which is currently used as car parking for the adjacent police station.
- 9.18 The nearest bus stop is located at Waterdale located to the northern boundary served by the number 58, 73, 291, 399 and 73A buses operating on a hail and ride basis. Located 105m to the north west of the site lies the former southern bus station which has been converted and is now operated as a public car park.
- 9.19 The sites location is considered to be highly connected to bus, rail and cycle links and is within walking distance of other town centre facilities and this weighs positively in favour of the application carrying significant weight.

### **9.20 Proposed Multi Use Games Area (MUGA)**

- 9.21 The proposal includes a MUGA to the south west corner of the site which would enable students to utilise sports provision within the confines of the site and as part of the curriculum. In addition the planning statement has confirmed that the MUGA may also be utilised by the local community and a condition has been suggested which requires the submission of a community use agreement to be submitted and agreed in writing.

- 9.22 Not only would the proposed MUGA meet the requirements of the UTC national curriculum but it could result in wider community benefits and this would weigh positively in favour of the application carrying moderate weight.

### **9.23 Conclusion on Social Impacts.**

- 9.24 Paragraph 8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring well-designed and safe built environments, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- 9.25 In conclusion the proposal would not adversely affect neighbouring residential properties by virtue of the separation between the proposed building and existing properties. Moreover, the proposal lies within a highly sustainable location with good connection to the town centre by walking, cycling and public transport. Thirdly the proposal has struck a careful balance between ensuring safety of the site and creating a well-designed environment. When combining these factors, this weighs considerably in favour of the application.

### **9.26 ENVIRONMENTAL SUSTAINABILITY**

#### **9.27 Impact upon the character of the area**

- 9.28 As previously set out the proposal seeks permission for a 5 storey educational building including class rooms, dining room and sports hall. The majority of the buildings area is contained within a 5 storey teaching block with a 3 and a half storey sports hall, with dining below, and 4 storey (with roof terrace) lecture theatre. The high level sport and performance hall allow the building footprint to be as small as possible and hence maximise the amount of outdoor hard and soft play areas.
- 9.29 Whilst the Local Plan currently carries limited weight, the visions and objections section and 'Doncaster Urban Centre Masterplan' see this site as a key area of development within the town and it is important therefore that the building is appropriately designed.
- 9.30 The planning statement submitted with the application confirms that the initial approach to the appearance was driven by the UTCs aspiration for the UTC building to be iconic and in keeping with the surrounding area such as the CAST and Civic Offices as well as the UTCs ambition to present a professional, contemporary and exciting image to prospective learners and business partners.



Doncaster Council Offices



Cast Theatre

- 9.31 Leading from this it was important to consider the building in context with its surroundings and to take into consideration where the building could be viewed from. The site has several frontages interacted with at differing scales. The northern and eastern edges are dominated by pedestrian interaction, dictated by the pedestrianisation of the civic quarter, aside from public transport. The site boundary adjacent to the cinema and leisure complex (under construction) and police custody suite is used as a limited pedestrian thoroughfare from the town centre to the housing south of the site. The southern and western edges are dominated by vehicle interaction with limited pedestrian desire lines. The edge is characteristically unfriendly to pedestrians, with most using the thoroughfare as detailed above. The design of the building therefore had to consider all of these elements in order to ensure that public views of the building remained as active as possible. In addition the building materials proposed would play an important role in assimilating the building into its surroundings whilst also providing interest.
- 9.32 The proposed building includes a brick plinth at ground floor which is made up of dark grey/blue bricks to match the context of the Civic Quarter. Bricks are the most robust and vandal resistant of building materials, and are the most appropriate choice for any areas where the public or learners will come into direct contact with the building.
- 9.33 The proposal also includes standing seam cladding which is a powder coated metal cladding which gives the appearance of traditional zinc standing seam. The standing seams will be oriented vertically, with varying widths between seams. This gives relief to the elevation and adds a contemporary edge to a traditional material type. This material is proposed to the primary building elevations, above ground floor. The sports hall has been designed to add more interest to the elevation facing Collage Road which has included the introduction of a window together with framing of the window.
- 9.34 The proposal also includes a rainscreen cladding panel where is it proposed to be used in accent elements of the building, used in relatively small areas in conjunction with integrated lighting to create highly visible and memorable features, seen from all approaches to the building.

- 9.35 During the course of the proposal, concerns were raised by our urban design officer in respect of the sports hall and its impact when viewed from College Road particularly in regard to the simplicity of the design. Consequently, amended plans have been received which has added greater detail to the standing seam, the addition of a large window and detailing around the window to add greater interest and uplift this view of the building. Doncaster's Urban Design officer welcomes the amendments and now considers the building to be acceptable in design terms.
- 9.36 The amendments to the design and clarification on materials result in a form of development that reacts positively with the surrounding area and which ties in with the wider CCQ project. This weighs positively in favour of the application carrying significant weight.

### **9.37 Impact upon Highway Safety and transportation**

- 9.38 Initially concerns were raised by Doncaster's Highways Development Control team in relation to the circulation of the car park and in particular, the position of the control gate into the car park. This was considered to provide insufficient space for vehicles to pull off the highway for example 2 cars or a larger delivery vehicle resulting in vehicles overhanging into the eastbound carriageway. The UTC were able to confirm that the barrier would be operated by a caretaker at the site, opened at the start of the day when the caretaker arrives on site and would be left open until the site is closed in an evening. Therefore, vehicles will be able to enter and exit the site without the need to stop at the barrier, removing the possibility of a conflict between a vehicle waiting at the entrance and vehicles using College Road. This barrier would be locked throughout the night in order to stop vehicles entering the site when it is closed. Deliveries and Servicing of the site would only take place during college opening hours. A suitably worded condition has been suggested that will capture the aforementioned in a management plan.
- 9.39 With regards swept path analysis, additional information and clarification has been submitted to demonstrate that the swept paths analysis shows that a refuse vehicle can enter and exit the site without over running the right turn ghost island. Whilst the results show little room for error in carrying out this turn and may lead to issues of overhanging of the footway or encroachment into the right turn ghost lane the tracking vehicle used is larger than the vehicle that would actually service the site. The applicant has clarified that tracking results are based upon topographical information rather than OS plans and as such the level of accuracy is significantly improved. Taken on balance, Doncaster's Highways Development Control officer is content that given the frequency of servicing taken together with the tracking information, that the car park can be satisfactorily accessed without causing danger to road users or pedestrians.



9.40 The application submission also included a Transport Assessment that has been assessed by Doncaster Transportation Team. The site is located within close proximity to the town centre and is therefore accessible to a number of alternative transport modes. There are also numerous bus services which pass close to the school operating on a 10-minute frequency or better. The site is also well served to encourage cycling and links up with a number of mixed carriageway cycle routes in the centre of Doncaster and traffic free routes from the town centre out into the north and southern suburbs. The impacts of the development on the transport network have been considered in the Transport Statement which accompanies the planning application.

9.41 Paragraph 109 of the NPPF states that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

9.42 The Transport Statement demonstrates that the local highway will operate within its capacity following the development of this proposal and therefore would not impact severely on the existing network.

9.43 At the time of writing this report, the Council is the owner of the land and cannot covenant with itself by way of a Section 106 agreement. It should be noted that conditions should not be used to include positively worded conditions requiring payment of money or other consideration however, there is an exception to this. The Planning Practice Guidance states:

*“No payment of money or other consideration can be positively required when granting planning permission. However, where the 6 tests will be met, it may be possible use a negatively worded condition to prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into of a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure).”*

9.44 In this case it is appropriate to impose a Grampian condition to require a travel bond. Taken in the round, the proposal would not impact on the existing highway network or on highway safety and this weighs positively in favour of the application carrying modest weight.

#### **9.45 Trees**

9.46 Initial concerns were raised by Doncaster’s Tree Officer in relation to the loss of trees to the frontage of the site. It was suggested that the additional trees be incorporated into the design to mitigate the loss. In line with the requirements of Doncaster’s Supplementary Planning Document (SPD) for design requirements, there was a need to provide 31 trees to mitigate the loss. Following amended plans, Doncaster’s Tree Officer has been able to remove his concerns subject to suitably worded conditions.

## **9.47 Ecology**

- 9.48 Doncaster's Ecologist concurs with the Preliminary Ecological Appraisal (PEA) evaluation of the surveying ecologists in that the site has a limited value in respect of biodiversity. As no additional surveys have been identified as being required Doncaster's Ecologist has overlooked the lack of a local biological records search which should normally form part of a PEA.
- 9.49 The existing trees and shrubs have been identified as having some potential for nesting birds but not roosting bats and it is accepted that foraging bats may use the site.
- 9.50 The emphasis of this application should be on the delivery of high quality ecological enhancement through a landscape scheme that benefits wildlife and provision of nesting and roosting opportunities for birds and bats respectively. As set out above an amended landscaping plan has been submitted which has increased the amount of trees on site and this in combination with other ecological enhancements such as a detailed landscape plan and bat boxes can be secured by way of condition.

## **9.51 Effect of the building on the setting of St James Baths**

- 9.52 The site is located adjacent to the Grade II listed St James' Pool, a public Turkish and Russian Baths suite and winter concert hall constructed in 1932, which is no longer in use. Historic England were consulted as part of the application who have raised no objection to the proposal. Doncaster's Conservation officer has also been consulted and has raised no objection to the proposal.
- 9.53 It is considered that the separation between St. James' Baths and the proposed building is sufficient to ensure that harm to the heritage asset is minimised. In addition considering the previous use of the site which included former Council House building approximately 12 stories in height, the proposal would be considerably smaller. Doncaster's Conservation Officer has also been consulted and has raised no objection to the application. As such the impact on the setting of the baths carries limited weight.

## **9.54 Foul and Surface water drainage**

- 9.55 A drainage statement has been submitted as part of the application and has indicated that surface water will discharge to a public surface water sewer via storage with restricted discharge of 11.7 litres per second.
- 9.56 Based upon the British Code of Practice 'Flows and Loads – 4' and a maximum number of approximately 800 occupants, the peak foul water flow generated by the development would be less than 3 litres per second.
- 9.57 The applicant considers that such a low rate of discharge would not have any impact on the sewer network. A separate foul water drainage network will be provided to meet the requirements of the Building Regulations, however

- 9.58 Whilst the methods of drainage are considered acceptable in principle and no objections have been raised by Doncaster's Internal Drainage team or Yorkshire Water a condition requiring full details of the foul and surface water drainage has been suggested in the event that planning permission is granted in order to ensure that the full control of the future drainage of the site can be ensured.

### **9.59 Energy Efficiency**

- 9.60 A BREEAM (Building Research Establishment Environmental Assessment Method) pre assessment form has been submitted as part of the application and has been assessed by Doncaster's accredited urban design officer, who has raised no objections subject to a condition. The condition requires the development to be carried out in accordance with the submitted details in order to achieve a level of sustainable construction equivalent to BREEAM Very Good.

### **9.61 Air Quality**

- 9.62 As part of the consideration of the application, Doncaster's Pollution Control team have received and reviewed the full Air Quality Assessment produced by Stroma (project re: 132515) dated 17 July 2019 in support of the application.
- 9.63 The assessment uses standard methodology and information from recognised sources and therefore its conclusions may be accepted with confidence.
- 9.64 Doncaster's Pollution Control Officer considers that, even at maximum use, the air quality impact associated with the development is considered to be insignificant in terms of the extant air quality regulation and therefore has no objections to the proposal.
- 9.65 An amended plan has been supplied which has indicated two electrical charging points within the car park which now adheres to the requirements within Doncaster's SPD for development guidance.

### **9.66 Archaeology**

- 9.67 An archaeological assessment has been submitted with the application and it has confirmed that due to ground disturbance, the potential for the survival of archaeological remains will vary across the site. The principal disturbance relates to the construction and demolition of the site's 20th-century buildings. Following demolition, large voids within the site were backfilled to depths of 1m, 4m and 6.5m. Any archaeological remains will have been removed in the areas that were backfilled to depths of 4m and 6.5m. The Roman interments at Waterdale and Hallgate/Wood Street were found at depths of between 0.55m and 1.3m below the modern ground level. It is therefore not clear whether any cremations or burials within the site may survive or have been truncated or removed in the areas where voids were backfilled to a depth of 1m. As a result of this assessment, South Yorkshire Archaeology Service has raised no objections to the proposal.

## **9.70 Conclusion on Environmental Issues**

- 9.71 Paragraph 8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to contribute to protecting and enhancing the natural built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 9.72 Taken in the round, the proposal's design would safeguard the historic and natural environment in respect of archaeology and would enhance matters in relation to trees and ecology. In addition, the proposal would protect the surrounding built environment by ensuring that the building is well designed and reflective of the character of the area. It is considered that appropriate conditions would protect the highway and wider network, as well as ensuring very good energy efficiency, surface water drainage and finishing materials, meaning that the proposal would be sustainable environmentally. This weighs significantly in favour of the application.

## **9.73 ECONOMIC SUSTAINABILITY**

- 9.74 It is anticipated that there would be some short term economic benefit to the development of the site through employment of construction workers and tradesmen connected with the build of the project however this is restricted to a short period of time and therefore carries limited weight in favour of the application.
- 9.75 Longer term, the proposal would upskill Doncaster's workforce for the future resulting in the ability for Doncaster to attract business to capitalise on a highly skilled workforce. The UTC project would help contribute to this aspiration and this carries modest weight in favour of the application.

## **9.76 Conclusion on Economy Issues**

- 9.77 Paragraph 8 a) of the NPPF (2019) sets out that in order to be economically sustainable developments should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 9.78 The proposal would result in some short term economic benefit in the creation of jobs during the construction phase of the proposal and longer term would upskill Doncaster's workforce playing a part in creating economic growth for Doncaster. These factors weigh positively in favour of the application and when combined carry moderate weight.

## **10.0 PLANNING BALANCE & CONCLUSION**

- 10.1 In accordance with Paragraph 11 of the NPPF (2019) the proposal is considered in the context of the presumption in favour of sustainable development. Officers have identified no adverse economic, environmental or social harm that would significantly or demonstrably outweigh the benefits identified when considered against the policies in the Framework taken as a whole. The proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

## **11.0 RECOMMENDATION**

### **11.1 GRANT PLANNING PERMISSION** subject to conditions:

#### **Conditions / Reasons**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

#### **REASON**

Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.

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

Drawing number DUTC-ONE-ZZ-XX-DR-L-00004 REV P05 (Location Plan)

Drawing number DUTC-ONE-Z0-Z0-DR-L-00001 REV P10 (Site Plan)

Drawing number DUTC-FBA-ZZ-ZZ-DR-A-09007 REV P1 (3D Visuals)

Drawing number DUTC-FBA-ZZ-ZZ-DR-A-08001 REV P2(Elevations Plan North)

Drawing number DUTC-FBA-ZZ-ZZ-DR-A-08003 REV P2 (Elevations Plan South)

Drawing number DUTC-FBA-ZZ-ZZ-DR-A-08002 REV P2 (Elevations Plan East)

Drawing number DUTC-FBA-ZZ-ZZ-DR-A-08004 REV P2 (Elevations Plan West)

Drawing number DUTC-FBA-ZZ-00-DR-A-06001 REV P1 (Ground Floor Plan)

Drawing number DUTC-FBA-ZZ-01-DR-A-06101 REV P1 (Level 1 Floor Plan)

Drawing number DUTC-FBA-ZZ-02-DR-A-06201 REV P1 (Level 2 Floor Plan)

Drawing number DUTC-FBA-ZZ-03-DR-A-06301 REV P1 (Level 3 Floor Plan)

Drawing number DUTC-FBA-ZZ-04-DR-A-06401 REV P1 (Level 4 Floor Plan)

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

Drawing Number DUTC-FBA-ZZ-RF-DR-A-06501 REV P1 (Roof Plan)

Drawing number DUTC-ONE-ZZ-XX-DR-L-00402 REV P06 (Existing and Proposed site Profiles)

Drawing number DUTC-ONE-ZZ-XX-DR-L-00403 REV P06 (Existing and Proposed site Profiles)

Drawing Number DUTC-FBA-ZZ-XX-DR-A-09005 REV P1 (Perspective Section)

Drawing Number DUTC-FBA-ZZ-XX-DR-A-07001 REV P1 (GA Section Sheet 1)

Drawing Number DUTC-FBA-ZZ-XX-DR-A-07002 REV P1 (GA Section Sheet 2)

Drawing number DUTC-ONE-XX-XX-RP-L-00001 REV P01 (Landscape Management Plan)

Drawing number DUTC-ONE-Z0-Z0-DR-L-00203 REV P02 (Landscape Plan)  
Drawing number SBE Ref: 76211 AC 3v3 (Planning Stage Noise Assessment)  
Drawing Number SOR013971 (Topographical survey)

REASON

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

3. Before above ground structural building works commence, product details and samples of the proposed external cladding materials and proposed weldmesh fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved materials and details, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure the satisfactory appearance of the development

4. Unless otherwise agreed in writing the development should take place in accordance with the submitted BREEAM pre-assessment dated 09/07/2019 and Energy Strategy Report dated 17.05.2019 to achieve a level of sustainable construction equivalent to BREEAM Very Good. Prior to the occupation of the building, an updated assessment and evidence of installed measures should be submitted to and agreed in writing by the Local Planning Authority. This will enable the planning condition to be fully discharged.

REASON

In the interests of sustainability and to minimise the impact of the development on The effects of climate change.

5. The development hereby granted shall not be begun until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

REASON

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

6. The developer shall not commence the development until a s106 agreement requiring payment of a travel bond has been entered into by the owner.

REASON

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

7. The Cumulative noise levels for all fixed plant and equipment shall not cause the rating level, assessed in accordance with BS 4142, when measured 1m from the façade of nearby noise sensitive premises (residential, police station, temple) to exceed 48dB(A), Tr (day time) and 42dB(A), Tr (night time).

REASON

In order to safeguard neighbouring uses and to comply with Core Strategy Policy CS14.

8. No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall provide for assessment of potential impact from noise (including vibration) and dust to nearby sensitive uses, and detail the measures to control any adverse impact from noise and dust.

REASON

In order to safeguard neighbouring uses and to comply with Core Strategy Policy CS14.

9. Prior to the occupation of the development or use hereby granted, details of an extraction/ventilation system to control the emission of cooking smells and fumes from catering facilities so as to prevent any odour dis-amenity to nearby residents shall be submitted to and approved by the local planning authority in writing. The approved scheme shall be installed and be fully operational prior to the use commences. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions. .

REASON

In order to safeguard neighbouring uses and to comply with Core Strategy Policy CS14.

10. Unless as shall be specifically approved in writing by the Local Planning Authority, the scheme of landscaping shown on plan ref: DUTC-ONE-Z0-Z0-DR-L-00203 Rev. P02 dated 06.08.2019 shall be implemented in full accordance with the approved details during the first available planting season following the completion of the development hereby granted. The local planning authority shall be notified in writing within 7 working days of the completion of the landscape works to inspect and approve practical completion in writing. Any part of the scheme which fails to achieve independence in the landscape or is damaged or removed within five years of planting shall be replaced during the next available planting season in full accordance with the approved scheme, unless the local planning authority gives its written approval to any variation.

11. Prior to the building being brought into use, a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement provided to the Local Planning Authority. The agreement shall apply to the UTC facilities including the Multi Use Games Area (MUGA) and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

REASON:

To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy CS17.

12. Prior to the building being brought into use, a management plan for the car park shall be submitted and approved in writing by the Local Planning Authority. The building shall be operated in line with the approved management plan unless otherwise agreed in writing by the Local Planning Authority.

REASON

To ensure adequate management of the car park

13. No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved by the Local Planning Authority (LPA), unless otherwise approved in writing with the LPA.

b) The Phase 2 site investigation and risk assessment, if appropriate, must be approved by the LPA prior to investigations commencing on site. The Phase 2 investigation shall include relevant soil, soil gas, surface and groundwater sampling and shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology and current best practice. All the investigative works and sampling on site, together with the results of analysis, and risk assessment to any receptors shall be submitted to the LPA for approval.

c) If as a consequence of the Phase 2 Site investigation a Phase 3 remediation report is required, then this shall be approved by the LPA prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

d) The approved Phase 3 remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The LPA must be given two weeks written notification of commencement of the remediation scheme works. If during the works, contamination is encountered which has not previously been identified, then all associated works shall cease until the additional contamination is fully assessed and an appropriate remediation scheme approved by the LPA.

e) Upon completion of the Phase 3 works, a Phase 4 verification report shall be submitted to and approved by the LPA. The verification report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the LPA.

#### REASON

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

This has to be prior to commencement so that any risks are assessed before works begin to the ground whether this be demolition works or construction works and remediation in place before works begin.



14. The development shall not commence until Construction Traffic Management Plan (CTMP) is submitted to and subsequently approved in writing by the Local Highway Authority. The approved plan shall be adhered to throughout the construction phase. The CTMP shall contain the following information
- o Volumes and types of construction vehicles
  - o identification of delivery routes;
  - o Contractors method for controlling construction traffic and adherence to routes
  - o Contractor Parking
  - o Size, route and numbers of abnormal loads (if applicable)
  - o Swept path analysis (as required)
  - o Construction Period
  - o Temporary signage
  - o Measures to control mud and dust being transferred to the public highway
  - o Timing of deliveries

**REASON**

In order to protect the amenities of neighbouring properties and to order to protect highway safety.

15. Before the development is brought into use, offsite highway works (closure of existing vehicular accesses and reinstatement of footway) shall be completed in a manner to be approved by the Local Planning Authority.

**REASON**

In order to protect highway safety.

16. Prior to the building being brought into use, the exact amount and position of bat boxes shall submitted to and approved in writing by the Local Planning Authority. Within 3 months of written approval from the Local Planning Authority, the bat boxes shall be installed in line with the approved details.

**REASON**

In order to enhance the borough's ecological networks in line with Core Strategy Policy CS16.

**INFORMATIVES:**

01. **INFORMATIVE**

i) Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network; and

ii) the developer is required to consult with Yorkshire Water's Trade Effluent team (telephone 03451 242424) on any proposal to discharge a trade effluent to the public sewer network. Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oil, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence.

## 02. INFORMATIVE

### Access for Appliances - Flats and Commercial Premises

Access is to be in accordance with Approved Document B Volume 2 Part B5 Section 16.3 16.11 and Table 20.

### Water Supplies for Firefighting

Water supplies are to be provided in accordance with Approved Document B Volume 2 Part B5 Section 15.

South Yorkshire Fire and Rescue is keen to promote the benefits of sprinkler systems to protect lives, property and the environment. As such it is recommended that this is allowed for when determining the water supply requirements for the site.

## 03. INFORMATIVE

Works carried out on the public highway by a developer or anyone else other than the Highway Authority shall be under the provisions of Section 278 of the Highways Act 1980. The S278 agreements must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have a reinstatement category of 0, 1 or 2. Agreement under the Doncaster Borough Council Permit Scheme's provisions must be granted before works can take place. There is a fee involved for the coordination, noticing and agreement of the works. The applicant should make contact with Paul Evans - Email: [p.evans@doncaster.gov.uk](mailto:p.evans@doncaster.gov.uk) or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

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

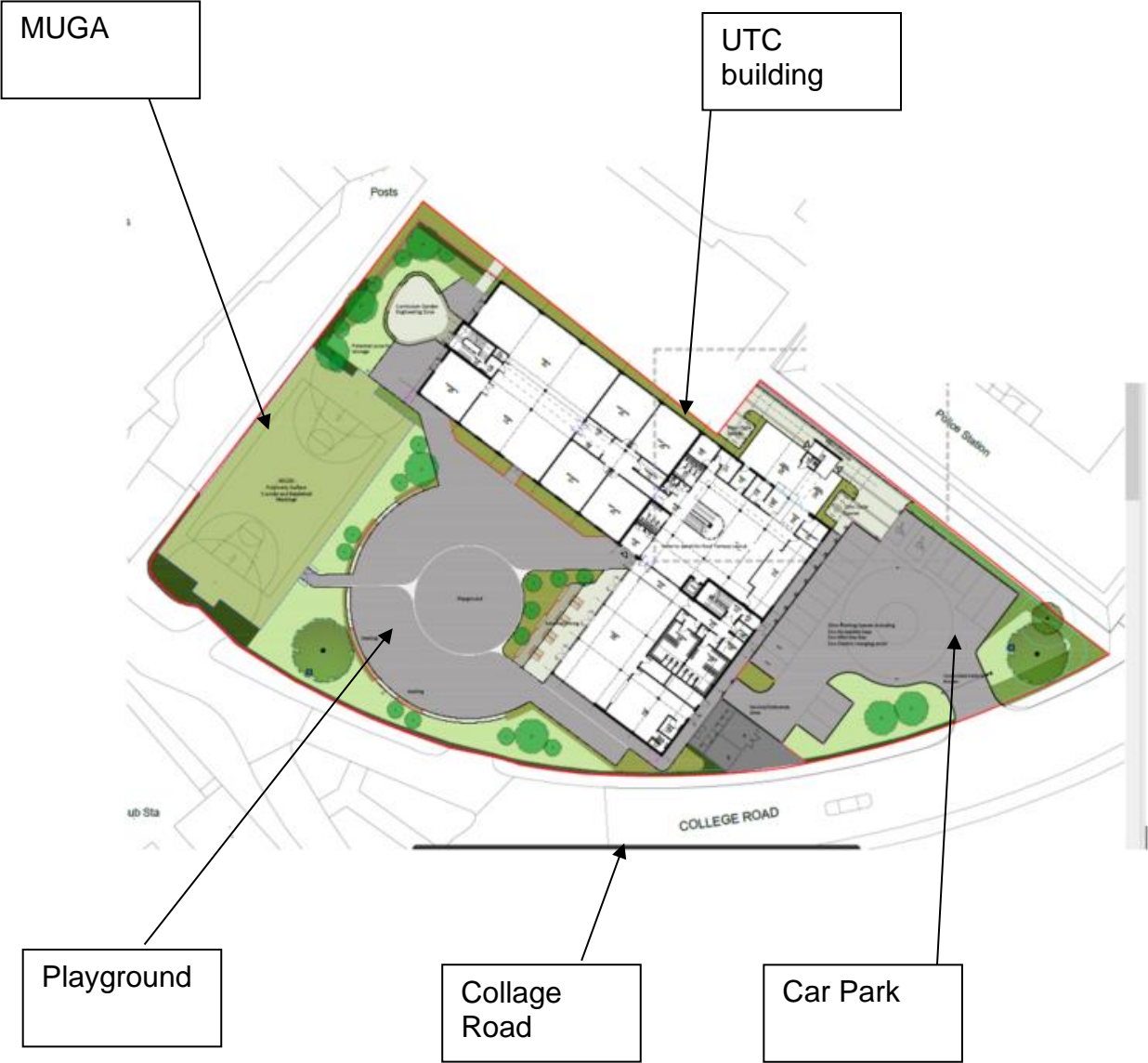
## STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

Amendments to the design and additional information in relation to highways, trees, noise and ecology.

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

Appendix 1 – Site Plan



## Appendix 2 – Elevations.

### South



### North



## East



## West





**Date: 17th September 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.

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

**RISKS AND ASSUMPTIONS**

8. N/A

#### **LEGAL IMPLICATIONS [Officer Initials HL Date 04/09/19]**

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 04/09/19]**

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 04/09/19]**

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

#### **TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 04/09/19]**

12. There are no technology implications arising from the report

#### **HEALTH IMPLICATIONS [Officer Initials RS Date 04/09/19]**

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

#### **EQUALITY IMPLICATIONS [Officer Initials RL Date 04/09/19]**

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	Overtaken
18/02039/FUL	Change of use from agricultural land to domestic curtilage as well as the erection of stables (Retrospective) at 9 Doncaster Road, Barnburgh, Doncaster, DN5 7EG	Part Refused / Part Granted 16/08/2019	Sprotbrough	Delegated	No

## REPORT AUTHOR & CONTRIBUTORS

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

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## Appeal Decision

Site visit made on 8 May 2019

**by Ian McHugh Dip TP MRTPI**

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

**Decision date: 16 August 2019**

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**Appeal Ref: APP/F4410/W/19/3223183**

**9 Doncaster Road, Barnburgh, Doncaster, DN5 7EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Lewis Monfredi against the decision of Doncaster Council.
  - The application Ref 18/02039/FUL, dated 14 August 2018, was refused by notice dated 31 January 2019.
  - The development proposed is the change of use of land from agriculture to domestic curtilage and the erection of stables.
- 

### Decision

1. The appeal is dismissed insofar as it relates to the change of use of land to residential garden. The appeal is allowed insofar as it relates to the erection of stables and planning permission is granted for the erection of stables at 9 Doncaster Road, Barnburgh, Doncaster, DN5 7EG, in accordance with the terms of the application Ref 18/02039/FUL, dated 14 August 2018, and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

### Procedural Matters

2. The development that is the subject of this appeal has already been carried out. Consequently, I have considered the proposal in accordance with the provisions of Section 73A of the Town and Country Planning Act 1990.
3. I note that the description of the development has changed since the submission of the planning application, which did not include reference to the stables. In addition, 'curtilage' (which is used in both the appeal form and the Council's decision notice) is not a land-use in planning terms. Consequently, I have considered the proposal as being a change of use from agricultural land to residential garden and the erection of stables. I have used this description in my decision below. In doing so, I am of the opinion that neither of the parties suffer from any injustice. The reference in the description of development to the proposal being retrospective is superfluous and I have left it out of my decision.
4. Within its report the Council concluded that the stable building is not inappropriate development and has little impact on openness. Accordingly, the stable building does not amount to inappropriate development in the Green Belt. Moreover, having regard to its scale, appearance and position it does not harm the character and appearance of the area nor adversely affect the setting of the Barnburgh Conservation Area (CA). Thus, the erection of stables

accords with Saved Policies ENV 3 and EN 25 of the Doncaster Unitary Development Plan (UDP) and Policies CS3 and CS15 of the adopted Doncaster Council Core Strategy 2011-2028 (CS). The Council indicate that the stables would be likely to be approved if made the subject of a separate planning application. On the evidence before me, I have no reason to find differently in this regard. Consequently, my decision concentrates on the change of use of agricultural land to residential garden.

## **Main Issues**

5. These are:

- Whether the appeal development would be inappropriate development for the purposes of the National Planning Policy Framework 2019 (the Framework) and Development Plan Policy.
- The effect of the development on the openness of the Green Belt and the purposes of including land within it.
- The effect of the development on the character and appearance of the area, including the effect on the setting of the Barnburgh Conservation Area (CA).
- If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

## **Reasons**

6. The appeal property is a detached dwelling, which is part of a small residential development that is situated on the edge of the village, adjacent to open countryside. The property and its garden area can be seen, from a distance, across an intervening field when approaching Barnburgh from Doncaster Road. The property and its original garden are within the CA, which encompasses much of the historic core of the village. The appeal site itself is outside of the CA, although no physical boundary exists.

*Whether the development is inappropriate development*

7. The Government attaches great importance to Green Belts with the fundamental aim of Green Belt policy being to prevent urban sprawl and keep land permanently open. Paragraphs 143 and 144 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, any harm to the Green Belt must be given substantial weight by decision makers.
8. The Framework then goes on to list (in paragraphs 145 and 146) development that is not inappropriate in the Green Belt. These include at paragraph 146 e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) provided they preserve its openness and do not conflict with the purposes of including land within it. In order to determine whether the change of use to residential garden is inappropriate development, it is necessary to assess its impact on openness and the purposes of including land within it.

*Openness and purposes*

9. The Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Although the Council's Development Plan predates the Framework, I consider that the relevant policies of the CS and the Saved Policies UDP are consistent with national policy. In particular, Policy CS3 of the CS and Policy ENV 3 of the UDP seek (amongst other things) to prevent inappropriate development in the Green Belt. I note that Policy ENV 3 allows for uses of land, but only where such uses preserve the openness of the Green Belt and they do not conflict with the purposes of including land within it.
10. The extended garden area has expanded into an adjoining grassed field, previously read as part of the open countryside. Although there are no flower beds, the area has been laid to lawn and there is little visual distinction between the extended and the original garden. The boundaries of the garden have been defined by extended stone walls, including a retaining wall (with steps) along its rear boundary with the adjoining field. Other features include post and link fencing, lighting columns, a small wooden bridge and an ornamental garden seating area. In my opinion, these features result in a loss of openness in this location and are also characteristics of encroachment and urban sprawl, which Green Belt policy seeks to prevent.
11. I find therefore, that the development fails to preserve the openness of the Green Belt and conflicts with the purposes of including land within it. And thus amounts to inappropriate development within the Green Belt. As such, it does not satisfy any of the exceptions set out in the Framework or Policy CS3 of the CS and saved Policy ENV 3 of the UDP

*Character and appearance and the effect on the setting of the CA*

12. Policy ENV 25 of the UDP seeks to ensure that that the character or appearance of conservation areas are preserved or enhanced when dealing with proposals that affect their setting or views into or out of the area. Policy CS15 of the CS has a similar requirement.
13. One of the significant features of the CA is its rural surroundings and the contribution that the open countryside makes to its character, appearance and setting. I note that the Council states that the boundary to the original garden has not been planted in accordance with the original planning permission.
14. Nevertheless, despite its elevated position, the extended garden and its associated paraphernalia (including the fence and lighting) is not particularly noticeable when viewed from Doncaster Road, because of the intervening field and the separation distance between the appeal site and the highway boundary. Furthermore, the development is viewed against the backdrop of the existing dwelling and its original garden area, which contains its own associated structures and planting. Consequently, I consider that the visual impact and relationship between the appeal site and the adjoining field does not appear to have changed significantly.
15. Furthermore, I noted at my site visit that there are existing stone retaining walls along the northern boundary of the appellant's property and in that

respect, the retaining wall to the extended garden is not out of context with its surroundings.

16. For these reasons, I am not persuaded that there is any undue harm caused to the setting of the CA or to the general character and appearance of the area as a result of the development. Accordingly, the proposal does not conflict with Policy ENV 25 of the UDP or with Policy CS15 of the CS, as referred to above.

#### *Other Considerations*

17. The appellant points to the fact that there was no physical demarcation between the original approved garden and the adjoining field and that the appeal proposal now provides a clear boundary. Furthermore, the appellant considers that the garden area has only been extended slightly and it has little impact on the openness of the Green Belt and it is seen in the context of the adjoining urban area. For the reasons given above, I attach limited weight to these matters.
18. The imposition of a condition to remove permitted development rights for future buildings within the appeal site as suggested by the appellant would not overcome the loss of openness because a condition of this nature whilst restricting buildings would not control the scope and transient nature of domestic paraphernalia that could be placed on land used as residential garden. I therefore attach limited weight to this matter.

#### **Other Matters**

19. I note that a representation has been made regarding the ownership of the appeal site and the accuracy of the plans that show the field boundaries. This is a private matter and it is something I am unable to consider as part of my decision.

#### **Green Belt Balance**

20. The Framework advises that inappropriate development, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.
21. I have found that the development is not harmful to the character and appearance of the area or the setting of the CA. However, this is a neutral effect and does not weigh for or against the development.
22. The development amounts to inappropriate development due to loss in the openness of the Green Belt and conflicts with the purposes of land within it. Significant weight must be attached to the harm in those respects.
23. I find that the other considerations in this case individually or cumulatively, do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

#### **Conditions**

24. I have considered the imposition of conditions in accordance with the advice contained in the planning Practice Guidance. The Council has not suggested any conditions in relation to the stable. However, as the stable building has

already been erected and is of a satisfactory appearance, I conclude that no conditions are necessary.

### **Conclusion**

25. The stables that I have found to be acceptable are severable from the remainder of the proposal. Therefore, for the reasons given above, and having regard to all matters raised, I conclude that the appeal is allowed insofar as it relates to the erection of stables, but dismissed insofar as it relates to the change of use to residential garden.

*Ian McHugh*

INSPECTOR

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