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Agenda

To all Members of the

PLANNING COMMITTEE

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

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

Date: Tuesday, 7th January, 2020

Time: 2.00 pm

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Damian Allen Chief Executive

Issued on: Thursday, 19th December, 2019

Governance Services Officer for this meeting

Amber Torrington 01302 737462

Doncaster Metropolitan Borough Council www.doncaster.gov.uk

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 10th December, 2019	1 - 8
A.	Reports where the Public and Press may not be excluded.	
	For Decision	
5.	Schedule of Applications	9 - 120

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Members of the Planning Committee

Items

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

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

Agenda Item 4.

DONCASTER METROPOLITAN BOROUGH COUNCIL

PLANNING COMMITTEE

TUESDAY, 10TH DECEMBER, 2019

A MEETING of the PLANNING COMMITTEE was held in the COUNCIL CHAMBER, CIVIC OFFICE on TUESDAY, 10TH DECEMBER, 2019, at 2.00 pm.

PRESENT:

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

Councillors Duncan Anderson, Iris Beech, Mick Cooper, George Derx, Charlie Hogarth, Andy Pickering and Jonathan Wood.

APOLOGIES:

Apologies for absence were received from Councillors John Healy and Eva Hughes.

51 Declarations of Interest, if any

There were no declarations of interest made at the meeting.

52 Minutes of the Planning Committee Meeting held on 12th November, 2019

<u>RESOLVED</u> that the minutes of the meeting held on 12th November, 2019 be approved as a correct record and signed by the Chair.

53 <u>Schedule of Applications</u>

<u>RESOLVED</u> 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'.

54 Adjournment of Meeting

<u>RESOLVED</u> that in accordance with Council Procedure Rule 18.11(f), the meeting stand adjourned at 2.12 pm and 3.24 pm to be reconvened on this day at 2.17 pm and 3.29 pm respectively.

55 Reconvening of Meeting

The meeting reconvened at 2.17 pm and 3.29 pm respectively.

RESOLVED that prior to the issue of planning permission in respect of the following planning application, which is included in the Schedule of Planning and Other Applications marked Appendix 'A' and attached hereto, the Applicant be required to enter into an Agreement under Section 106 of the Town and Country Planning Act 1990, regulating the development:-

Application No	Description and Location
19/01170/FULM	Erection of 143 residential dwellings (including 37 affordable units), new open space, access and landscaping at former Wheatley School and Playing Field, Leger Way, Wheatley Hills, Doncaster, DN2 5RW.

57 <u>Appeal Decisions</u>

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

Application No	Application Description and Location	Appeal Decision	Ward	Decision Type	Overturned
18/00965/FUL	Creation of a vehicular access associated with a hybrid planning application in an adjoining Local Planning Authority. (17/01728/OUT Outline planning permission for the residential development of approximately 650 new homes, Public Open Space, a new Primary School, landscaping and associated	Appeal withdrawn 25/10/2019	Tickhill and Wadworth	Delegated	No

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	access		
	the site		
incl	uded.		
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DONCASTER METROPOLITAN BOROUGH COUNCIL

	PLANNING COMMIT	TEE – 10th De	cember, 2019
Application	1		
Application Number:	19/01170/FULM		
Application Type:	Planning FULL Majo	r	
Proposal Description:	Erection of 143 residence new open space, acc		(including 37 affordable units), aping
At:	Former Wheatley School and Playing Field, Leger Way, Wheatley Hills, Doncaster DN2 5RW		
For:	Avant Homes		
Third Party Reps:	1	Parish:	
	1	Ward:	Wheatley Hills & Intake

A proposal was made to grant the application subject to completion of a Section 106 Agreement.

Proposed by: Councillor Susan Durant

Seconded by: Councillor Sue McGuinness

For: 9 Against: 0 Abstain: 0

Decision: Planning permission granted subject to the completion of an

Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in relation to the obligations set out at A,B,C and D below, the addition of Condition 26, amended Conditions 6 and 23 being reviewed by Consultees, but if the amended

Conditions are not agreed by Consultees, the original Conditions as set out in the report will stand, and that the decision be delegated

to the Head of Planning to issue the Decision Notice once

Consultees responses have been received:-

- A. 13.5% on site POS (and maintenance) and a commuted sum of £66,000 (1.5% of the site area) in lieu of POS to be used for the provision and/or improvement of open space facilities at Sandall Park; such commuted sum not to be spent otherwise than in accordance with a Management Plan for Sandall Park (which has been compiled and adopted following public consultation, if necessary;
- B. Commuted sum of £60,715 towards the provision of school places at Kingfisher Primary Academy;
- C. Returnable Transport Bond of £17,523.22; and
- D. Commuted sum of £53,500 to go towards delivering a habitat creation/restoration project (biodiversity off setting).
- 06. Before the Leger Way access is brought into use, the visibility splays of 9m x 120m for this access onto Leger Way (shown on plan ref SCP/18523/F01) shall be rendered effective by removing or reducing the height of anything which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the public highway. The visibility thus provided shall thereafter be maintained as such unless otherwise approved in writing by the Highways Authority.

REASON

In the interests of pedestrian and highway safety in accordance with Core Strategy Policies CS9 and CS14.

23. 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 for inspection and approval 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.

26. The highway tree (Sycamore T31) on Council owned highway land, should be treated as a separate entity and that compensation be sought in accordance with a professionally accepted amenity valuation method, whereby its monetary value and subsequent monies raised, be utilised for public realm tree planting elsewhere within the Borough.

REASON

The highway tree (Sycamore T31) on Council owned highway land is a prominent public asset, the value of which can be expressed in monetary terms. The loss of this asset, therefore, should be compensated for by funding for highways tree planting elsewhere within the Borough in the interests of environmental quality and Core Strategy Policy CS16: Valuing our natural environment.

In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Clare Plant on behalf of the Agents, DLP and Jenny Purple on behalf of the Applicants, Avant Homes, both spoke in support of the application for the duration of up to 5 minutes.

(The receipt of S106 Update that Local Ward Members and the Neighbourhood Manager had identified the project for the POS commuted sum of £66,000, to be used on the provision and/or improvement of open space facilities at Sandall Park, paragraph 10.1 in the report be amended to include that 26% Affordable Housing on site provision as 37 built units, no consultation response had been received from Sport England following clarification to them that Wheatley Golf Club had seen the ball strike Risk Assessment and the suggested amendment of six pre-commencement Conditions put forward by the Applicant, were reported at the meeting).

Application	2			
Application Number:	19/01754/FUL			
Number:				
Application Type:	Full Application			
Proposal		Use of land for 49 self-storage containers and a car sales pitch		
Description:	(retrospective)	(retrospective)		
At:	Old Landsale Yard, Arksey Lane, Bentley, Doncaster			
For:	Mr Robert Smith			
Third Party Reps:	Letter of objection: 1 Letters of support: 0	Parish:	N/A	
	1	Ward:	Bentley	

Application Withdrawn.

Application	3		
Application Number:	19/02155/FUL		
Application Type:	Full Planning Permission	n	
Proposal Description:	Erection of a 4 bed detached dwelling and garage		
At:	San Lorenzo, Armthorpe Lane, Barnby Dun, Doncaster, DN3 1LZ		
For:	Mr Jason Taylor		
Third Party Reps:	0	Parish:	Barnby Dun/Kirk Sandall
		Ward:	Stainforth & Barnby Dun

A proposal was made to grant the application.

Proposed by: Councillor Iris Beech

Seconded by: Councillor Sue McGuinness

For: 9 Against: 0 Abstain: 0

Decision: Planning permission granted.

(The receipt of clarification that ENV25 was not relevant as the application site did not lie within a Conservation Area and therefore, the removal of trees did not need planning permission, and the trees could have been removed at any point, was reported at the meeting).

Agenda Item 5.

DONCASTER METROPOLITAN BOROUGH COUNCIL

7th January 2020

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.

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Scott Cardwell
Assistant Director of Economy and 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. M	19/01965/FULM	Wheatley Hills And Intake	
2.	19/02180/COU	Town	
3.	19/01169/FUL	Thorne And Moorends	Thorne Town Council
4.	19/01843/FUL	Armthorpe	Armthorpe Parish Council

Application	01				
Application	01				
Application Number:	19/0	1965/FULM			
Application Type:	Plan	ning FULL Major			
Proposal Description:	·			ction of new restaurant/cafe	
At:	Sand 5DZ	· · · · · · · · · · · · · · · · · · ·	orne Road, Whea	atley Hills, Doncaster, DN2	
For:	Mrs .	J Silkcock – Sanda	ıll Park Leisure L	td.	
Third Party Reps:		13 in support 1 letter in opposition	Parish:		
			Ward:	Wheatley Hills and Intake	

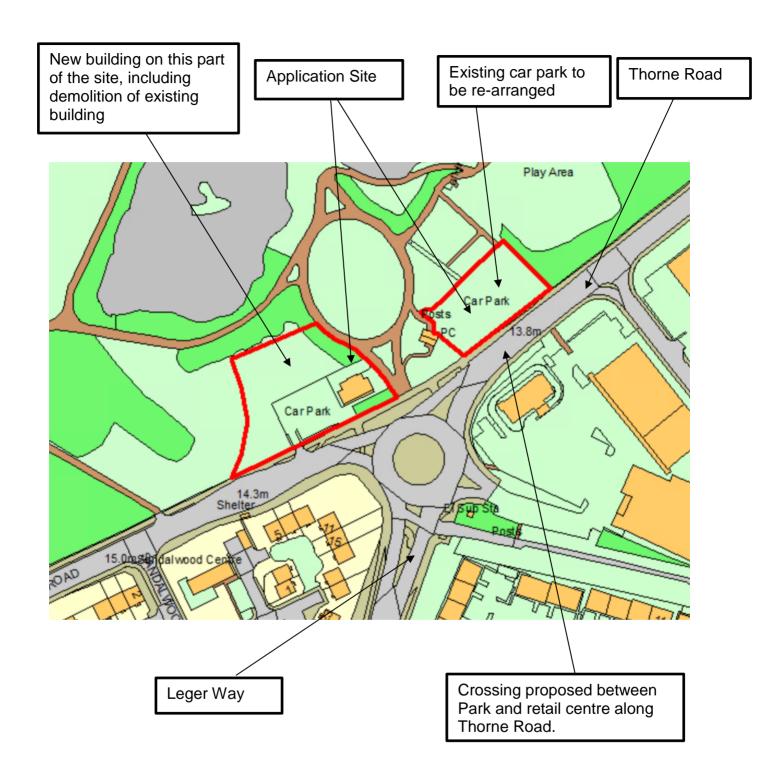
Author of Report: Hannah Wilson

SUMMARY

The proposal seeks permission for the demolition of an existing building and erection of a new restaurant/cafe with associated parking. The proposal is considered to be acceptable in policy terms being a justified ancillary facility that enhances the park and does not harm the vitality and viability of local centres nearby and 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 the proposal in this location. The development would not cause undue harm to neighbouring properties, trees, local centres, the highway network or the wider character of the area.

RECOMMENDATION: DELEGATE AUTHORITY to the Head of Planning to GRANT planning permission subject to conditions and (i) the advertising of the amended redline boundary plan (to include the existing parking area) for the statutory 21 days and ii) there being no new issues raised as a result of step (i) above.



1.0 Reason for Report

1.1 This application is being presented to Planning Committee as the application site is owned by Doncaster MBC.

2.0 Proposal

2.1 Planning permission is sought for the demolition of existing building and erection of new restaurant/cafe with associated parking. The permission includes the rearrangement of the existing car park and inclusion of a new toilet block attached to the new building.

3.0 Site Description

- 3.1 The application site is located within the area of Wheatley Hills and surrounded by residential properties, a retail park to the south and car sales to the North. Sandall Park Doncaster which is approximately 2 miles from Doncaster town centre and is currently accessed for vehicles from Thorne Road. The overall park covers around 70 acres with a lake and several play areas.
- 3.2 The site has two existing car parks, one adjacent to the toilet block and one adjacent to the café. These are accessed off Thorne Road and sit either side of the roundabout junction.
- 3.3 An existing café sits on the frontage and is in a poor external condition. The current café is small and single storey with a white and black façade with a large expanse of glazing facing the road.

4.0 Relevant Planning History

4.1 Application site;

Application Reference	Proposal	Decision
85/1214/P	Erection of Greenhouse and Nursery facilities (45M x 60.3M overall)	Granted
08/00107/FUL	Change of use from grassed area to form retail sales area with shop/office, erection of security fencing, and formation of pond	Refused
13/01986/FUL	Siting of portable building (9.75m x 2.7m) for use as changing rooms on playing fields	Granted temporary 3 year consent

17/00339/3FUL	Installation of a play park scheme (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992)	Granted
17/00417/PREAPP	Proposed erection of two storey building to incorporate cafe, 4 retail units and leisure facilities.	Closed
17/01800/3FUL	Erection of 6m Flag pole in the grounds of Sandall Park (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992) (Retrospective)	Granted
18/01053/3FUL	Installation of a woodland adventure park to extend current provision (Being application under Regulation 3 Town & Country Planning (General) Regulations 1992)	Granted
18/01107/PREAPP	Erection of single storey building on the site of Sandall Park Cafe to incorporate a A1/A3 use, 4 retail units and public toilet facilities.	Closed

5.0 Site Allocation

5.1 The site is designated as Open Space Policy Area, as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998). This is not in a high risk flood zone.

5.2 <u>National Planning Policy Framework (NPPF 2019)</u>

- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraphs 7 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.5 Paragraph 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).
- 5.6 Paragraph 86 states a sequential test to out of town uses should be used.
- 5.7 Paragraph 92 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
 - a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments:
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 5.8 Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 5.9 Paragraph 109 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.10 Paragraph 127 states planning decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and optimise the potential of the site.

5.11 Core Strategy 2011 - 2028

- 5.12 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.
- 5.13 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:
- 5.14 Policy CS1 of the Core Strategy states that as a means of securing and improving economic prosperity, enhancing the quality of place and the quality of life in Doncaster, proposals will be supported that contribute to the Core Strategy objectives and which in particular provide opportunities for people to get jobs and protect local amenity and are well designed.
- 5.15 Policy CS7 states that town centre uses will be located according to the Retail Hierarchy as set out below, in order to promote choice, competition and innovation:
 - Sub regional centre, Doncaster Town Centre
 - Town Centres: Thorne, Mexborough
 - District Centres: Adwick, Armthorpe, Askern, Bawtry, Conisbrough, Tickhill
 - Local Centres: Woodfield Planation, Rossington, Carcroft, Skellow, Bentley, Hatfield, Dunscroft, Intake, Balby, Moorends, Edlington, Stainforth, Edenthorpe, Denaby Main
 - Neighbourhood Shopping Parades
- 5.16 Policy CS14 of the Core Strategy require development to be of a high quality design that contributes to local distinctiveness and that integrates well with its immediate surroundings.
- 5.17 Policy CS16 of the Core Strategy seeks to protect and enhance Doncaster's natural environment.

Doncaster's natural environment will be protected and enhanced, in accordance with the principles set out below.

- A) Proposals will be supported which enhance the borough's Ecological Networks;
- D) Proposals will be supported which enhance the borough's landscape and trees by:

- 1. being appropriate to the landscape's character, sensitivity and capacity;
- 2. including measures to mitigate any negative impacts on the landscape;
- 3. ensuring designs are of high quality, include appropriate hard and soft landscaping, a long term maintenance plan and enhance landscape character while protecting its local distinctiveness; and;
- 4. retaining and protecting appropriate trees and hedgerows, and incorporating new tree, woodland and hedgerow planting.
- 5.18 Policy CS17 states that Doncaster's green infrastructure network (including key green wedges) will be protected, maintained, enhanced and, where possible, extended.

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

5.20 Policy RL1 of the UDP relates to Open Space Policy Areas

Within open space policy areas, as defined on the proposals map, development will not be permitted, except in exceptional circumstances, for purposes other than outdoor recreation and ancillary indoor facilities; allotments; nature conservation or cemetery uses. Such development as is permitted, including ancillary built facilities, will only be acceptable where;

- a) there is no significant loss of outdoor playspace, and
- the visual amenity of the space is retained and where possible enhanced through the protection of important areas, vista and frontages and careful attention to detailed design and layout, and
- the environmental/ecological value of the open space is retained and where possible enhanced through the retention of existing trees and other important habitats and through appropriate landscaping

5.21 Local Plan

- 5.22 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The emerging Local Plan was "Published" for Regulation 19 consultation on 12th August 2019 for 7 weeks, ending on 30 September. The Council is aiming to adopt the Local Plan by the end of 2020. The Local Plan therefore is at a relatively advanced stage of preparation. The document carries limited weight at this stage, although the following emerging policies are applicable:
- 5.23 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.
- 5.24 Policy 23 looks at a hierarchy of town centres uses in a sequential approach. Out of centre uses such as small scale shops and other ancillary uses which would complement the function and role of existing or proposed employment, housing or mixed-use sites where they serve a local need would be supported.

- 5.25 Policy 25 states that food and drink uses will be supported as long as
 - A) satisfy the requirements of the sequential approach set out in Policy 23 above; B) do not have a negative impact upon the amenity and safety of residents and other businesses in the area; to include highway safety and parking, hours of operation, control of odours and cooking smells and litter and waste disposal; and C) do not lead to clustering or proliferation of such uses where they undermine objectives to promote healthy living and the vitality and viability of the centre.
- 5.26 Policy 28 aims to protect open space and non-designated open space. It states:
 - D) Proposals involving the loss of open space policy areas, recreational buildings and non-designated open space, such as playing fields, will only be supported:
 - 1. in accordance with national policy, and
 - 2. where community support can be demonstrated through public consultation.
- 5.27 Policy 58 sets out the Boroughs strategy in respect of Flood Risk and Drainage Management.

5.28 Other material planning considerations

- Community Infrastructure Levy (CIL) Regulations (2010)
- Town and Country Planning (Environmental Impact Assessment)
 Regulations (2017)
- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SPD) (2015)
- National Planning Policy Guidance

6.0 Representations

- 6.1 This application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 by means of site notice, council website, press advertisement and neighbour notification.
- 6.2 14 public representations have been received. 13 are in support and 1 objector. Within this the Friends of Sandall Park (FoSP) volunteering group have made the following comments in support of the application:
 - The FoSP have responded and they have stated that they 'have worked tirelessly and with great energy for the last 15 years turning the park around from a derelict crime ridden den of anti-social behaviour, to the popular and well attended family park that it is today.
 - The group have battled to keep the public toilets open and fit for purpose. They are nearing the end of their lifespan. The toilets are opened by the council staff; cleaned on a daily basis and kept stocked up by our volunteers; and closed in an afternoon by the cafe staff as the council can't afford the staff to close them. This arrangement is not sustainable.

- The existing cafe building is a disgrace and an eyesore. Visitors coming in from the motorway pass it on their way into Doncaster, it is not a good advert for the town.
- The park's future, and that of the volunteer group FoSP relies totally on a new build cafe with public toilets provided for by the new facility. The group totally supports this application.'
- 6.3 The 13 letters of support are in regard to:
 - The proposal will be fit for purpose and really improve the provision.
 - The outdoor seating space is welcomed facing the park rather than the road.
 - Support for the new toilets.
 - Support for the design of the building to be overlooking the park.
 - Provide a meeting place for the community.
 - Enhancing facilities and encouraging people to come back and use the park.
- 6.4 The objector felt that the design is dated, poor quality and inappropriate. They feel the elevation treatment and built form need a radical rethink to satisfy this and to be appropriate for its setting.
- 6.5 A concern was raised that the use as a hot food takeaway would not be welcomed. However this is another use class and is not what is being applied for here.
- 6.6 The application was amended to include the existing car park in the redline boundary of the application because it is to be re-arranged. This changed required full re-advertising (21 days, including newspaper, site notice and neighbour notifications) as it was a change to the redline site area. This expires on the 10.01.20, shortly after the planning committee is held. As this is only a change to the boundary and not to the scheme itself, it is a procedural matter. Therefore the application is presented to committee with the recommendation that if committee are minded to approve the application, authority would be delegated to the head of planning to GRANT planning permission subject to conditions and (i) the advertising of the amended redline boundary plan (to include the existing parking area) for the statutory 21 days and ii) no new issues having been raised as a result of step (i) above.

7.0 Parish Council

7.1 There is no Parish Council.

8.0 Relevant Consultations

- 8.1 **Conservation -** Sandall Park was assessed as a potential Park and Garden of Local Historic Interest but was not considered currently to have enough merit to be included. Thus no objections raised.
- 8.2 **Sport England -** Proposed development does not fall within their statutory remit.

- 8.3 **Environmental Health -** There are residential properties some 50m away, across a main road, and the main "open" area of the development will face the lake, away from the properties, so the officer would not expect noise from the development to cause adverse impact to the residents. The proposals include an area for storage of waste. There is still potential for loss of amenity to the locality from cooking odours, however, and recommend a condition for further details.
- 8.4 **Pollution Control (Air Quality) -** A request was made for a screening assessment. This was provided on the 25th November from Wardell Armstrong. It was agreed that the conclusions show that the proposal will not be an issue with respect to extant regulations and therefore the officer has no objections. The letter also acknowledges the requirement for an electric vehicle charging point in accordance with the Council's Guidance and Requirements: Supplementary Planning Document (July 2015). Therefore there are no objections subject to a condition requiring the provision of one charging point of a suitable recharge speed for the anticipated dwell time of the vehicle.
- 8.5 **South Yorkshire Fire and Rescue Service** Access is to conform to Approved Document B Volume 2 Part B5 Section 16.3 16.11 and Table 20. 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.
- 8.6 **Natural England-** Have no comments to make.
- 8.7 Local Plans Team (Retail) - No objections to the proposal as submitted as the retail element has now been removed from the scheme, which was originally in preapplication discussions and was not ancillary to the park. Although the proposed use a restaurant/café (Class A3 use) is listed as a town centre use in the NPPF and should be located within town centres listed in the retail hierarchy in Policy CS7, the proposed building it is a replacement and acknowledged that the use is complimentary and ancillary to the park and leisure activities. There is some concern on the generalisation of the Class A3 use category and what the future may hold. The building and the use should be protected for the intended use of being an ancillary: additional use to the Park, not something that could become a Hot Food Takeaway/Bar/Restaurant etc. As we know some hot food takeaways do operate under the Class A3 use with Class A5 been ancillary. There are other material considerations which would need to be fully considered for an A5 use (mixed A3/A5 use). Recommend a condition for use only as a restaurant/café, associated toilets and car parking falling within class A3 only and for no other purpose.
- 8.8 **Ecologist Planning Officer -** The ecological survey was carried out by an experienced and suitably qualified ecologist using current best practice methods and reporting formats hence the officer has no concerns about the appraisal or the conclusions.

The appraisal of the potential for protected species concluded that there were no habitats or features that could support such species, therefore no measures or additional species surveys are required. The habitats to be lost are as stated in the ecological report, are of low value at a site level and there loss will have negligible impact at a site level.

Therefore it is not considered that any specific ecological enhancements are required other than the installation of artificial bat boxes on the new building. The ecological report mentions at 5.2.20 that the surrounding habitat of the park provides good foraging habitat for bats so providing roost potential with the bat boxes can enhance the biodiversity of the site in line with national and local planning policy. This also suggests that a biodiversity sensitive lighting scheme should be installed to prevent unnecessary light spillage into the habitats of the park used by wildlife. No objections on ecological grounds subject to conditions for a lighting strategy and bat boxes.

- 8.9 **South Yorkshire Police** The police feel that the site has little natural surveillance with residential properties some distance away. A public park by its very nature is a meeting place for people of all ages and as such will attract groups of people to the area, some of whom may wish to attack the premises. Behaviour which may well be classed as suspicious in less public areas will not be considered unusual in a public park. A number of food outlets have recently been targeted in the Doncaster area with attacks made to steal food and catering equipment. Recommendations have been made and an informative imposed to recommend measures for the applicants to help protect the building.
- 8.10 **Local Plans Team (Open Space) -** Two main concerns were raised from an open space perspective: the impact on the visual amenity and resultant loss of open space.

Firstly, the officer was pleased that the massing of the building had been reduced from pervious designs at pre-application stage. They feel this design is less impactful on the overall visual amenity of the park and seems to provide a far less intrusive design that is both smaller in height and feels more open due to the use of glass, particularly on the side fronting the park.

The applicant or the open space officer are not the best placed people to state with confidence that this site has no value as an open space to the park users, or that this is an acceptable loss when balanced against the gains.

The applicants were requested to carry out an onsite consultation with users of the park, in order to ascertain whether they believe the space being lost is of any particular open space significance to them, and whether, in the opinion of the park visitors the loss of the open space is justified when considering the benefits that the improved café may bring to the park. Given this is one of the boroughs largest and most prominent parks, the consultation had to capture a significant number of respondents. The application has the backing of the FoSP, but the consultation needed to also capture more general park visitors.

There would also need to be a restoration condition to ensure any works undertaken in construction which damage the park are remediated.

The survey was carried out by a team of three people from the FoSP, the survey was taken over approximately 2 hours on the morning and afternoon on the dates submitted. The public were shown a plan indicating the proposed siting of the new café / restaurant and the land required for this building. The plan also indicated the loss of public open space taken up by the new proposal, the feedback was positive no one had any issue with the loss of public open space and were all very supportive. The survey was undertaken on two days. On the 19.10.19 in the morning 22 respondents and in the afternoon 31 respondents signed a petition to say they did not feel the loss of this open space would have a detrimental effect. It also was undertaken on the 23.10.19 and had 19 in the morning and 9 signatures on the afternoon on the petition on this day.

The officer felt that this survey work demonstrated that there are no objections to the loss of open space. It should also be noted that the proposed provision would be an improvement on the existing provision and could be beneficial as a facility to the park and its users.

Possible future amendments to increase the massing and size would not be welcome. It is also important that this building is used for the purposes stated, that it is ancillary to the park, and that no unwelcome uses could locate here in the future (pub, takeaway, drive thru etc.).

- 8.11 Yorkshire Water No comments
- 8.12 **Internal Drainage –** No objections subject to a standard condition.
- 8.13 **Public Health –** A Health Impact Assessment was requested. The applicants undertook this assessment and Public Health do not condone a loss of green space, in this case there are clear benefits; the new facility should attract more people to the park and the response to the public consultation carried out with park users demonstrates they are keen to have a modern and much improved building and facilities.
- 8.14 **Transportation -** A Transport Statement has been submitted in support of this application.

Parking Provision

The Transport Statement refers to maintaining the 'status quo'. Some historic car park occupancy surveys and the car park adjacent to this development is shown to be almost at capacity from around 0900 and 1500 hours. A development of this type will no doubt attract more visitors to the park, not just to the café/restaurant, and this uplift in visitors does not appear to have been allowed for. The proposed number of spaces will cater for the forecast visitors to the café but it does not allow for the visitors who are already utilising the park. If no extra spaces are to be provided then it must be assumed that visitors are expected to arrive by sustainable means. In view of this, improvements for pedestrian access to the park is required and have been secured in the form of a 'Grampian Condition' requiring a S106 Agreement to be entered into to secure a financial contribution of £15,000 towards the provision of a new crossing facility on the A18, between the park entrance and Shaw Lane Roundabout.

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Traffic Impact

The traffic impact from the development is not considered severe. The peaks associated with a restaurant development do not correspond with the traditional highway network peak hours. The premises will operate as a café from 8am which is in line with the existing operation, therefore, the trips associated with the café are already on the network.

No objections from a Transportation perspective subject to the above requirements.

- 8.15 **Highways** The highways team agree with the transportation officer on the need for the contribution. Whilst the front car park shows a reduction in spaces, the existing larger car park is to be reconfigured to provide 57 spaces giving a total of 74 spaces in total thereby maintaining the status quo in terms of numbers. In addition amendments were made to show disabled parking bays. These amendments were made and no objections are now raised by the highways team subject to conditions.
- 8.16 **Trees and Hedgerows Officer-** The toilet block breached the Lime tree and London Plane tree's root protection areas (RPA). The design was subsequently amended to address this and no longer breaches this.

Tree protection details were required but have been left to condition.

The trees shown for removal on the above site plan are the ash (T1) for the widened access, the adjacent ash (T3) and the walnut (T4). There are no objections to the loss of these trees as the ash are of poor quality with much dieback and dead wood and the walnut having numerous girdling roots (which has implications for future stability). Ash (T2) is in similarly poor condition as its neighbouring ash (T2) and should be shown for removal. One of the un-surveyed ash to the west of T1 and T2 (the westernmost tree) is infected with ash heart root fungus and should be shown for removal in the interests of safety; the removal of this tree will leave a poor, unbalanced second tree – this tree should also be shown for removal. The important landscape function of these mature frontage ash trees requires that they be replaced, with the landscaping scheme amended to reflect this.

Replacement trees will be required and the Development Guidance and Requirements SPD requires the following replacement trees:

Tree to be removed	Trunk diameter (mm)	Number of replacement trees
Unsurveyed ash (i)	500	5
Unsurveyed ash (i)	400	4
Ash (T1)	500	5
Ash (T2)	600	6
Ash (T3)	680	6
Black walnut (T4)	370	3
		29

The FoSP outlined the extent of tree planting at Sandall Park since 2010 to 2019. The applicants feel it is a little excessive to plant a further 29 trees. When an extensive tree planting programme is already in place. However the tree officer has assessed this and trees will need to be removed and thus trees to replace these are required. The landscaping scheme is yet to be agreed and the tree officer has made it clear in their comments that it may be difficult to accommodate the 29 trees (the number of which, it is also pointed out, can be reduced with larger nursery stock). Certainly, and at the very least, we will need the ash that are to be shown for removal along the frontage replaced with large nursery stock. The officer is happy to leave the landscaping scheme to condition as the landscaping plan provided is not sufficient and includes an arboricultural method statement condition.

- 8.17 Pollution- Historic maps show the application is located within close proximity of a closed Ledger Way/Thorne Road landfill. The decomposition of wastes can result in harmful ground gases which may pose a risk to human health if inhaled, and can be explosive if allowed to accumulate within properties. The risk assessment of landfills and associated ground gas can be complex and should consider all potential sources and pathways relevant to the site in question. Thus a condition was recommended.
- 8.18 **Urban Design-** The proposal will help support the continued use and sustainability of this popular park. The building is generally well sited in relation to the park and existing landscape. The scale of the building is smaller than previous proposals and the form is befitting of a park pavilion. It will present active elevations on all the important sides and provide an attractive outlook over the water. The soft material palette- reconstituted timber effect- for the main elevations with a GPR stone eaves line should create a modern soft aesthetic befitting of the park context.

The officer is concerned by the green glazing and feels it should be a subdued grey to create a more contemporary appearance. These matters have been agreed to be left to condition. Likewise it would be useful at this stage for the architect to show on the elevations indicative signing zones as this can have a potentially negative effect on the buildings appearance if not carefully considered.

The development would benefit from some landscaping to the green areas around the building- low shrubs and ornamentals particularly to the front of the building, and the car park off Thorne Road should be landscaped with trees along the Thorne Road edge.

Security concerns were raised as the building will be relatively isolated and not in use at night. Shutters would need planning permission and would not be welcomed. Another area of concern from a security perspective is the area under the projecting deck to the rear overlooking the water. The deck creates a shelter which could be attractive to antisocial activity, youths gathering etc at quiet periods and out of hours. It may be better to enclose this area under the deck with fencing and lockable gates set back from the line of the columns slightly as these are nice architectural features.

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Also these types of uses require significant plant and air extraction etc. The plans do not show this will be accommodated and the applicants need to consider this at this design stage as the plant if not correctly designed and located could result in unattractive additions to the building. A condition has been recommended as this information was not provided.

As the building is over 1000m2 it is required to meet the sustainable construction requirements of CS policy CS14. This includes 10% of energy from renewable sources (or equal carbon savings through enhanced insulation). It is also more importantly required to meet BREEAM very good or an equal equivalent standard of sustainable construction. Both requirements need to be met and demonstrated and have been conditioned as this information was not provided.

8.19 **Viability-** The viability assessment produced by Bennel, was assessed internally. The proposed costs seem reasonable and their revenue income seems optimistic year on year and it was noted that 70% of their revenue will go towards operating costs (mainly staff expenses). It is presumed the revenue start amount in year 2 is a realistic comparison against their existing income stream at the current café. £1.6M is needed for the works and this is their risk and not really a planning concern.

5% seems a realistic interest percentage at the present time. The figures provided are from a Quantity Surveyor and are estimates based on his knowledge and experience, so are high but good enough for the viability assessment.

8.20 **Ward members-** Councillor Hughes has enquired as to what surveys were being required and why a pedestrian crossing was being requested.

9.0 Assessment

- 9.1 The principle issues for consideration under this application are as follows:
 - Principle of development:
 - Impact on Amenity
 - Impact on the character and appearance of the area
 - Trees and Landscaping
 - Highway safety and traffic
 - Drainage
 - Ecology
 - Energy efficiency
 - S106 obligations
 - 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 proposal is best dealt with in two parts. The assessment of the open space policy area and the impact of a town centre use in this out of town location.

Open Space Policy Area

- 9.4 Firstly the proposal has been through extensive pre-applications over the last two years. This has significantly reduced the size of the scheme as it was felt to be too great to serve just the needs of the park. In addition the retail element has been removed because it was not associated with the Park but an independent standalone use that did not support the open space policy area.
- 9.5 To support the application and justify the need and size of the business, a viability assessment was produced. Policy RL1 allows for ancillary facilities and so the applicants needed to show this size of building was justified and as small as it could be, to serve the needs of the park. Substantial evidence of this was provided in the viability assessment and supporting planning statement. The viability assessment looked at providing a food provision and building for the needs of the park. The new building needed to address the inadequacies of the existing facility which were noted as follows:
 - Subsidence that is affecting the structural integrity of the building.
 - Very poor energy efficiency as a result of its construction, failing window units and inadequate insulation.
 - The existing roofing is failing, resulting in serious water ingress in 2017 that led to the café being closed during a peak Summer period.
 - Overcrowding at peak times with insufficient capacity to meet visitor demand and a poor customer experience.
 - The lack of toilet facilities which means that patrons must use the public toilets contained within an external building approximately 20 metres from the café.
 - Poor access for the disabled and mobility impaired.
- 9.6 The new building therefore would provide:
 - New café building providing approximately 150 covers in a more spacious and attractive environment.
 - New public toilets for users of the café and other visitors to Sandall Park.
 - Significantly improved kitchen and food preparation facilities enabling the café to better serve customers and events within the park.

- The ability to accommodate groups that use the park such as the angling club and FoSP volunteers who work in the park on a daily basis.
- Improved disabled access and parking.
- 9.7 The assessment then considered if this could be provided through 4 different options. This was based on the fact that they have no available grants for any of the options and therefore the building needs to be economically viable to obtain the private sector funding that would be required for any of the options. The options were:
 - 1. Do Nothing
 - 2. Refurbish the existing facility
 - 3. Develop a similar sized facility
 - 4. Develop a larger facility

If they were to do nothing the building would continue to deteriorate and eventually would not be able to continue trading as existing.

The temporary nature of the building means any significant refurbishment of the building would not be economic and ongoing repairs would still be required. The lack of insulation, flat roof installation, floor construction etc. are all substandard and significant refurbishment would require the building to effectively be dismantled.

The applicants have had discussions with funders in order to attract the finance to develop a facility. These have established that any potential redevelopment would need to be viable within a 15 year period. This is the maximum that is possible and many funders require this period to be less. A full financial assessment of a smaller facility (4,500 sq ft) has been carried out and a cashflow of this option provided. Based on these figures, a smaller development would take around 24 years to become viable. This length of time is not fundable and a scheme of this size would not be able to be delivered.

A full financial assessment of a larger facility (circa 9,000 sq ft) has been carried out and a cashflow of this option has also been provided. The build cost (on a square footage basis) is more efficient as the increased size of the building improves the build cost rate. Based on these figures, a larger development of around 9,000 sq ft would take around 15 years to become viable. This length of time is fundable and the scheme would be able to be delivered

These figures were assessed internally and felt to be reasonable and justified and the best option would be a bigger building with better facilities for park users incorporating a restaurant use, toilets and meeting facilities.

- 9.8 The Cabinet Portfolio Holder for Regeneration and Transportation approved the surrender and renewal of the lease on the Sandall Park Café in 2015 to facilitate its redevelopment, noting that the Council would not be able to fund redevelopment of the site itself. As part of this decision, it was recognised by the Council that the existing café building was at the end of its economic lifespan and that the alternative would require very significant investment in the existing building to preserve its long- term economic viability. The renewal lease has not been granted to date. It is expected that, should planning committee be minded to grant planning permission, a new lease will be negotiated with the applicant.
- 9.9 Given the above assessment it is felt that the building is justified in size and felt to be required to be the viable ancillary indoor facilities for the park in accordance with policy RL1. Policy RL1 continues on to state that ancillary built form facilities will only be acceptable is they meet the 3 criteria it sets out.
- 9.10 The first part states that there should be no significant loss of outdoor playspace. This would not be significant in size as it would represent just 0.05 per cent of the total area of Sandall Park and would have no impact on the operation of existing recreational activities within the park.
 - The NPPF (para. 97) provides ways in which the open space may be justifiably built on, which is also in the Doncaster Development Requirements SPD (albeit related to the former NPPF). The applicant was therefore requested to undertake an assessment of the loss of the open space for the users of the Park. A survey was undertaken on two days. It was felt that the consultation demonstrates that there appears to be little in the way of public objection to the loss of the open space, and therefore this would be in accordance with NPPF para. 97(a).
- 9.11 The second part of RL1 ensures that visual amenity of the open space is protected through careful design and layout. This is considered further in this report. However the size and scale of the proposal is now justified above and the application has been conditioned to be in accordance with the detailed assessments provided and permitted changes of use have been removed by condition to ensure the use is as described.
- 9.12 Finally the last part of RL1 ensures that the ecological/environmental value of the site is protected. This will again be assessed further below.
- 9.13 Although the local plan carries limited weight policy 28 allows for proposals on open space that are in accordance with nation policy and where community support can be demonstrated through public consultation. In this case this has been shown and the proposal would be in accordance with this policy.
- 9.14 Therefore it is felt that the proposal can be viewed as in accordance with policy RL1 and the NPPF, and no objections are raised from the Open Space policy officer. Thus the principle is acceptable in regard to the open space allocation. Substantial weight is afforded to policy RL1 of the UDP and paragraph 97 of the NPPF.

Town Centre Uses

- 9.15 The other matter in regard to the principle was that the restaurant use (defined as a town centre use in the NPPF) is acceptable in this location.
- 9.16 Policy (CS7) states that where new retailing and other uses are proposed which are small scale and ancillary to other developments, that they can be supported. It is now acknowledged from the above that the use is linked to the Park's needs and is a replacement building that is complementary and ancillary to the park and leisure activities. Thus there is no objection from the Local Plans policy team subject to the use being solely as described in the application.
- 9.17 Furthermore Paragraph 86 of the NPPF requires proposals for main town centre uses (including Class A3 uses) not in an existing town centre to consider sequential approach however the accompanying guidance allows for locational circumstances. This proposal is clearly site specific and a site need has been shown. Thus the impact of the proposal has been considered in the viability assessment and planning statement and it will not detrimentally harm the vitality or viability of local centres as the size and scale is felt to be appropriate to the needs of the Park and as such a sequential test is not felt to be appropriate in this case. Therefore it is felt that the proposal meets the requirements of the NPPF.
- 9.18 The Local Plan Policy 23 states that out of centre uses can be appropriate where they serve a local need would be supported. Policy 25 states that food and drink uses will be supported as long as they do not negatively impact on amenity or cause a clustering or proliferation of uses. It is felt the proposal would accord with these policies.
- 9.19 Therefore in principle the use for a restaurant use (town centre use) is not felt to be unacceptable on this site. Substantial weight is afforded to policy CS7 of the Core strategy and paragraph 86 of the NPPF.

9.20 Sustainability

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

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

SOCIAL SUSTAINABILITY

9.21 Impact on Residential Amenity

- 9.22 The proposal is a significant distance from neighbouring residential properties with the nearest being 50m away. This significant distance means that the proposal will not cause amenity concerns from overlooking or overshadowing.
- 9.23 The open seating area is shrouded from the nearest residential properties as it faces towards the lake. The environmental health officer feels there will not be substantial harm from noise disturbance because of this orientation.
- 9.24 The use will undoubtedly have some smells and external equipment. Details of these were requested however it is felt that these can be controlled by condition and are not a reason for refusal.
- 9.25 The public health team asked for a health impact assessment and the findings were acceptable and felt there were clear benefits to the improved facilities which would benefit and encourage the use of the Park as a community facility and the health benefits it provides.
- 9.26 Air pollution have also considered the proposal and requested a screening assessment. An Air Quality Assessment has been submitted with the application and has been assessed by the air quality officer. No objections have been raised and within the response, the Officer agrees that emissions from the proposed development would not result in any breach of an air quality objective or significant impact on human health, subject to an EV charging point being provided as some mitigation for the development.
- 9.27 Furthermore the proposal did raise some antisocial behaviour concerns with the glazing, equipment that would be left on site and under croft area. These were raised with the applicants and an informative placed on the proposal to advise of secure by design measures that could be implemented. The applicants did not feel that a redesign would benefit the scheme and would instead be happier to impose mitigation measures such as CCTV.

9.28 Conclusion on Social Impacts.

9.29 In conclusion of the social impacts of the development, it is not considered that residential amenity will be adversely affect by the proposal in accordance with policy CS14, and significant weight should be attached to the provision of enhanced facilities for the park users. The noise and smells associated with equipment for the use can be mitigated and controlled by condition and the short term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.

9.30 ENVIRONMENTAL SUSTAINABILITY

9.31 Impact upon the character of the area

9.32 Policy CS 14 of the Doncaster Council Core Strategy sets out the Council's policy on the design of new development.

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9.33 The building is well located in close proximity to the car parks and existing café facility. It takes away no land for recreational use, such as playing field, and overlooks the lake, being easily accessed off Thorne Road. Landscaping is proposed but conditions have been imposed to ensure these measures are adequate and provide some benefit to the softening of the scheme. This will be further addressed below.



3D visuals provided by the applicants

9.34 The elevations are simple with large glazing areas to fill the building with natural light and a storage area below the building is to be provided for Friends of Sandall Park volunteer group. The building takes advantage of topography to form a balcony that adds to the high quality well thought out design. The finer details of the materials is still under negotiation and so a condition has been imposed for further details of this.



- 9.35 The scale of the building is carefully considered by virtue of the viability of the scheme but has been kept low in height to sit comfortably within the tree'd surroundings and not be over dominant.
- 9.36 Therefore it is felt that the design, scale and location of the building is of high quality and is carefully considered in the Park context. Thus is in accordance with the council's SPD's, policy RL1 of the UDP and CS14 of the Core Strategy.
- 9.37 The urban design officer did request details of the signage zones however if the signage requires advertisement consent this will be considered at that application stage and so has not been provided by the applicant.

9.38 Trees and Landscaping

- 9.39 A landscaping scheme was submitted with the application however this was not felt to be sufficient and discussions have been taking place between the Tree officer and applicant's agent. The urban design officer feels there should be soft landscaping around the building and car parking areas and the tree officer requires an arboricultural method statement for tree protection and works (conditioned) and more detailed landscaping plan (conditioned).
- 9.40 The plans have been amended to move the toilet block so as to not harmfully affect the RPA (root protection area) of the London Plane.
- 9.41 Six mature trees need to be removed and some replacement planting has been agreed. The need for the removal of these trees is expressed in the tree officer's response which can be read in paragraph 8.16. The table here shows the 6 to be removed and the replacement trees is worked out at 29. The applicants felt that the Friends of Sandall Park have done substantial planting and felt this offset the development, so new trees were not needed. However the loss of these trees and the built form proposed needs to have replacement planting and soft landscaping in accordance with the SPD to mitigate the harm of the new development. Thus the landscaping scheme was not acceptable and a landscaping condition will ensure tree's are provided. The tree officer has made the applicants aware that the 29 trees are for smaller trees and if mature trees are used this number may be reduced. The key factor here is not just numbers but good quality landscaping of trees and softer planting areas. These matters are carefully considered, agreed by the applicants and are important that we get this planting, when the council has called a Climate Change emergency.
- 9.42 The applicants agreeing to these measures and conditions ensures the proposal is in accordance with policies CS17, CS16 of the Core Strategy.

9.43 Impact upon Highway Safety

9.44 'Quality, stability, safety and security of private property, public areas and the highway' and 'permeability - ease of pedestrian movement with good access to local facilities and public transport services' are listed as qualities of a successful place within policy CS 14 (A). The NPPF in para 109 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on road safety, or the residual cumulative impacts on the road network would be severe'.

- 9.45 TRICS data or the TRICS output information were missing from the transport statement. The transportation officer worked with the applicant's highways experts and the information was submitted in an amended transport statement. This was in turn assessed by the transportation officer and was felt to be acceptable.
- 9.46 The parking provision was amended to provide disabled parking and the amount of parking was shown to maintain the 'status quo'. As such the transport statement shows that the location is sustainable and visitors will also arrive by foot. To improve this accessibility due to the increased visitors that may arise from the better facilities in this proposal, a £15,000 contribution is required for a crossing in the form of an informal pedestrian refuge island. The applicants have agreed to this and a \$106 for these monies has been conditioned as the applicants are not the owners of the land (council land) and have not yet entered into a lease with the council until a favourable planning decision is reached.
- 9.47 The traffic impact associated with a restaurant development does not correspond with the traditional highway network peak hours. The premises will operate as a café from 8am which is in line with the existing operation, therefore, the trips associated with the café are already on the network. Thus there are no transportation or highways objections to the proposal in accordance with policy CS14 of the Core Strategy and para 109 of the NPPF. This is subject to standard conditions including for a traffic management.

9.48 Ecology

9.49 An ecological survey was carried out and assessed by the council's ecologist found the results acceptable. There are no high value habitats to be lost and the ecological report mentions that the surrounding habitat of the park provides good foraging habitat for bats so providing roost potential with the bat boxes can enhance the biodiversity of the site in line with national and local planning policy. This also suggests that a biodiversity sensitive lighting scheme should be installed to prevent unnecessary light spillage into the habitats of the park used by wildlife. As such, there are no objections on ecological grounds and the proposal is considered to accord with policy CS 16 subject to conditions.

9.50 Flood Risk, Foul and Surface water drainage

9.51 The site is in flood zone 1 and has a low risk of flooding. The environment agency does not need to be consulted on the scale of this development and no objections to the proposals have been raised by Yorkshire Water or the Internal Drainage team subject to standard drainage conditions. No representations have been submitted raising any concerns to drainage matters in the locality.

9.52 Energy Efficiency

9.53 Sustainable development is the core principle underpinning planning. The applicants were requested to provide details of how the O2 emissions from the development will be reduced by providing at least 10% of the development's energy through on-site renewable energy equipment or improvements to the fabric efficiency and a BREEAM pre-assessment, at the application stage. However they wish to leave this to condition.

They have been made aware of the importance of this as it can affect the design of the building but they have re-assured the LPA (Local Planning authority) that this can be achieved. The application complies with Policies CS1 and CS14 of the Core Strategy by virtue of these conditions.

9.54 The applicants are also willing to provide the landscaping which will go towards helping to address the climate change emergency to a limited degree.

9.55 Conclusion on Environmental Issues

- 9.56 Para.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.
- 9.57 In conclusion of the environmental issues, it is considered that there has been no significant issues raised which would weigh against the proposal that cannot be mitigated by condition and a S106 contribution. As such, significant weight can be attached to this in favour of the development.

9.58 ECONOMIC SUSTAINABILITY

- 9.59 The expansion of the business to could lead to job creation and numbers that have been stated by the applicants, are an increase from 10 to 30-40 jobs and this weighs in favour of the application. There will be savings on repairs to the existing café building and maintenance of the existing separate toilet block.
- 9.60 It is also 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.
- 9.61 On a wider level, the larger improved restaurant will increase spending within the borough which is of further economic benefit in the long term.
- 9.62 The impact on local centres has been considered which is mentioned above in the principle section. It is not felt that this site specific facility will harm the vitality or viability of neighbouring local/town centres.

9.63 Conclusion on Economy Issues

- 9.64 Para 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.
- 9.65 Whilst the economic benefit of the proposal is slight and afforded only limited weight, it does not harm the wider economy of the borough and for that reason weighs in favour of the development.

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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. The proposal will replace a building that is in disrepair and requires significant improvements. The proposal will provide enhanced facilities for Park users encouraging the use of the Park. 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.
- 10.2 The proposal is subject to a Section 106 Agreement by condition which is considered to meet the requirements of the CIL tests.

11.0 RECOMMENDATION

11.1 DELEGATE AUTHORITY to the Head of Planning to **GRANT planning permission** subject to conditions and (i) the advertising of the amended redline
boundary plan (to include the existing parking area) for the statutory 21 days and
ii) no new issues having been raised as a result of step (i) above.

Conditions / Reasons

O1. 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.

O2. 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 and specifications:

Topographical site plan dated 24.11.16 received 30.08.19 Transport statement rev 1 sept received 20.09.19 Arboricultural Survey dated 8.2.2017 received 15.08.19 Site plan rev D 019/ 024 / SP / D amended 9.12.19 Proposed plans rev H 019/ 024 /1H amended 9.12.19 3D visuals received

Planning Statement dated February 2019 received 15.08.19

Open Space consultation survey received 24.10.19 and supporting

statement dated 28 October 2019 received 1.11.19

Location Plan rev A 019/024 /LP /A amended 25.11.19

Health Impact assessment received 27.11.19

Preliminary Ecological Assessment 27.06.19 received 30.08.19

Design and Access Statement received 29.8.19

Air Quality Assessment received 26.11.19

Viability Assessment dated July 2019 received 15.08.19

REASON

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

Not development shall commence (including the carrying out of any demolition or excavation works) until a s106 agreement has been entered into requiring payment of a contribution towards the provision of a new crossing facility for pedestrian access to the site REASON

In the interests of highway safety and improving the highway network.

No development or other operations shall commence on site in connection with the development hereby approved until a detailed Arboricultural Method Statement that complies with British Standard 5837: 2012 Trees in Relation to Design, Demolition and Construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority. Thereafter, no development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement shall include full details of:

- the working methods to be employed to protect the root systems of the retained frontage trees during the demolition of the existing structures and the removal of the existing hard surfacing;
- the working methods to be employed as to how the frontage trees and root protection areas are to be physically barrieredoff from development activities (to include details of a ground protection system);
- the working methods to be employed to protect the root systems of retained trees during the reinstatement of the ground and the installation of footpaths and utility services,
- preparatory works for landscaping within the minimum root protection areas of retained trees, and
- a schedule of tree works.

REASON

To minimise damage to the root systems of trees that are shown for retention on the Approved Plan in accordance with core strategy policy CS16: Valuing our Natural Environment.

O5. Prior to the commencement of the development hereby approved full details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. Such landscape scheme shall include a plan indicating the planting location of all trees and shrubs; a schedule including the nursery stock specification for all shrubs and trees in compliance with British Standard 3936:

Part 1: 1992 Specification for Trees and Shrubs and planting density/numbers; a detailed specification for engineered tree pit construction that utilises a professionally recognised method of construction to provide the minimum rooting volume set out in the Council's Development Guidance and Requirements supplementary planning document and a load-bearing capacity equivalent to BS EN 124 Class C250 for any paved surface above; a specification for planting including details of tree support, tree pit surfacing, aeration and irrigation; a maintenance specification and a timescale of implementation, which shall be within 3 months of completion of the development or alternative trigger to be agreed. Thereafter, the landscape scheme shall be implemented in full accordance with the approved details and the Local Planning Authority notified prior to backfilling any engineered tree pits to inspect and confirm compliance and within seven days of the completion of landscape works to inspect and approve practical completion in writing. Any tree or shrub planted as part of the scheme that is removed or is found to be dying. diseased or seriously damaged within five years of practical completion of the planting works 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

These details have not been provided and are required prior to commencement of development to ensure that a landscape scheme is implemented in the interests of environmental quality and compliance with Core Strategy policy CS16.

Before the development commences, a BREEAM pre-assessment, or equivalent assessment, shall be submitted to the Local Planning Authority for approval demonstrating how BREEAM 'Very Good' will be met. Unless otherwise agreed, the development must take place in accordance with the approved assessment. Prior to the occupation of any building, a post construction review should be carried out by a licensed assessor and submitted for to the Local Planning Authority approval.

REASON

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

No development shall take place in implementation of this permission until a statement has been submitted to the local planning authority and approved in writing from them, explaining how CO2 emissions from the development will be reduced by providing at least 10% of the development's energy through on-site renewable energy equipment or improvements to the fabric efficiency of the building. The carbon savings, which result from this, will be above and beyond what is required to comply with Building Regulations. Unless otherwise agreed in writing by the local planning authority, the development shall then proceed in accordance with the approved report. Before any building is occupied or sold, the local planning authority shall be satisfied that the measures have been installed.

06.

07.

This will enable the planning condition to be fully discharged. REASON

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

08.

The development shall only be used as a restaurant/cafe as detailed in this application, associated toilets and car parking, and for no other purpose including any permitted change of use or other purpose within Class A3 of the Town and Country Planning Use Classes (Amendment) Order 2005 (or any subsequent order or statutory provision revoking or re-enacting that order with or without modification).

REASON

The local planning authority wishes to retain control over any subsequent change of use of these premises, in the interests of safeguarding the amenities of the area.

09.

The hours of opening shall be limited to: Mondays to Sundays inclusive 0800 hours to 2300 hours REASON

To ensure that the development does not prejudice the local amenity.

10.

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

REASON

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

11.

Within one month of commencement of the development, an ecological enhancement plan shall be submitted to the local planning authority for approval in writing. This plan shall include details of the following measures, all of which shall be implemented and evidence provided prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority:

 Three Schwegler woodcrete2F with double fronted panel (or similar) bat boxes shall be installed on site trees at least 3m above the ground in areas away from any light spill.

REASON

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

12.

Within one month of commencement of the development, a lighting design strategy for light-sensitive biodiversity in open habitats of the park shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include timescales for the installation of the lighting and detail how external lighting on the new restaurant/café will be installed (through the provision of external lighting contour plans and technical specifications) so that it can be clearly demonstrated that it will not disturb or adversely affect the use of the semi-natural areas of the park by bats and other species of wildlife. The strategy shall be informed by the Institute of Lighting Professionals/Bat Conservation Trust, Guidance Note 08/18: Bats and Artificial Lighting in the UK.

All external lighting shall be installed in accordance with the specification and locations set out in the strategy and maintained as such.

REASON

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

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.

14.

Prior to the occupation of the development, details of any externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data 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 commencing. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions. The system shall be so designed as to ensure that noise from its operation does not cause noise disamenity to nearby residents. Once installed such plant or equipment should not be altered.

REASON

In the interests of the amenities of the locality and occupiers of adjoining property, and to ensure the satisfactory appearance of the development. 15.

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

REASON

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

16.

No externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be fitted to the building unless full details thereof, including acoustic emissions data, have first been submitted to and agreed in writing with the Local Planning Authority. Any such plant or equipment shall be installed in accordance with the approved details. Once installed such plant or equipment should not be altered. REASON

In the interests of the amenities of the locality and occupiers of adjoining property, and to ensure the satisfactory appearance of the development.

17.

The application site is adjacent to a landfill that is known to be producing landfill gas, or has the potential to produce landfill gas and therefore the risk of landfill gas migration shall be fully investigated prior to the commencement of development on site.

- a) The site investigation, including relevant ground gas monitoring 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.
- b) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy, including a diagram of the installation and installation method statement shall be submitted in writing and approved by the Local Planning Authority prior to any remediation commencing on site.
- c) The approved 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.
- d) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved by the Local Planning Authority.

The verification report shall include quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. The development shall not be brought into use until such time as all verification data has been approved by the Local Planning Authority

RFASON

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

The development hereby approved shall not be brought into use until a crossing over the footpath/verge has been constructed in accordance with a scheme previously approved in writing by the local planning authority.

REASON

To avoid damage to the verge.

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

REASON

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

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

REASON

To ensure that adequate parking provision is retained on site.

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

REASON

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

The development hereby permitted shall not be commenced until a Demolition and Construction Traffic Management Plan (DCTMP) is submitted to and subsequently approved in writing by the Local Highway Authority. The approved plan shall be adhered to throughout both phases. The DCTMP shall contain information relating to:

- Volumes and types of vehicles
- Site access
- Parking of contractors vehicles
- identification of delivery routes;
- Contractors method for controlling construction traffic and adherence to routes

18.

20.

21.

22.

- Size, route and numbers of abnormal loads
- Swept path analysis (as required)
- Demolition / Construction Period
- Temporary signage
- Measures to be taken within the curtilage of the site to prevent the deposition of mud and debris on the public highway.

REASON

In the interests of highway safety.

23. Detailed engineering drawings for the proposed access arrangement shall be submitted for inspection and approval by the Local Highway Authority and Local Planning Authority before works commence on site. The construction of the access shall thereafter be carried out in accordance with the approved details and completed prior to first use of the access and associated parking by users of the development.

REASON

In the interests of road safety

Any works undertaken during construction which cause damage
Sandall Park must be restored prior to first use of the Development in
accordance with a scheme to be submitted to and approved in writing
by the Local Planning Authority.

REASON

To ensure protection of the landscaping and visual character of the area.

Informative

01. INFORMATIVE

South Yorkshire Police recommend that all doors and windows are fitted to comply with current Police Approved Specifications. All doors and windows should comply with either PAS 24:2016 or LPS 1175 SR2 (or equivalent) as a minimum.

The glazing units consist of a minimum of one pane of glass that achieves compliance under the BS EN356 P1A attack resistance standard.

Lighting needs to be considered at night but will be balanced with the ecology restrictions.

Waste bins should be located at a distance from the building itself. The containers should be secured in either a locked compound or securely fastened to prevent them being pushed up to the building and used as a climbing aid or to commit arson.

A suitably designed, fit for purpose, monitored intruder alarm system should be installed. For police response, the system must comply with the requirements of the Security Systems policy, which can be found at www.securedbydesign.com

System designers may wish to specify component products certificated to the following standards:

- LPS 1602 Issue 1.0: 2005
- Requirements for LPCB Approval and Listing of Intruder Alarm Movement Detectors
- LPS 1603 Issue 1.0: 2005

Requirements for LPCB Approval and Listing of Alarm Control Indicating Equipment

02. INFORMATIVE

South Yorkshire Fire and Rescue service wish to make the applicants aware that the access is to conform to Approved Document B Volume 2 Part B5 Section 16.3 16.11 and Table 20. 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 agreement must be in place before any works are commenced. There is a fee involved for the preparation of the agreement and for on-site inspection. The applicant should make contact with Malc Lucas - Tel 01302 735110 as soon as possible to arrange the setting up of the agreement.

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 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.

The surfacing of the car parking shall be a bound material in accordance with the Development Requirements and Guidance SPD.

04. INFORMATIVE

Internal Drainage wish to make the applicant aware of the following information:

- 1. Surface water drainage plans should include the following:
 - Rainwater pipes, gullies and drainage channels including cover levels.
 - Inspection chambers, manholes and silt traps including cover and invert levels.
 - Pipe sizes, pipe materials, gradients and flow directions.
 - Soakaways, including size and material.
 - Typical inspection chamber / soakaway / silt trap and SW attenuation details.
 - Site ground levels and finished floor levels.

2. Surface Water Discharge From Brownfield Site

There should be no increase in surface water discharge from the site to existing sewers / watercourses. On site surface water attenuation will therefore be required if drained areas to existing sewers / watercourses are to be increased. A 30% net reduction to existing peak discharge (up to a 1/100 yr storm + 30% CC) will be required if the site is being re-developed. A full justification will be required where the development cannot achieve the 30% betterment on the existing run-off rate.

3. On Site Surface Water Management
The site is required to accommodate rainfall volumes up to 1 in 100
year return period (plus climate change) whilst ensuring no flooding to
buildings or adjacent land.

The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc to demonstrate how the 100 year + 30% CC rainfall volumes will be controlled and accommodated.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway.

Guidance on flood pathways can be found in BS EN 752.

- 4. If infiltration systems are to be used for surface water disposal, the following information must be provided:
- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003
- Volume design calculations to 1 in 30 year rainfall + 30% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 Table 25.2.
- Location plans indicating position (Soakaways serving more than one property must be located in an accessible position for maintenance).
 Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

- 5. A Flood Risk Assessment (FRA) should be provided for the proposed development site, in accordance with the NPPF (including Technical guidance and DMBC Supplementary Planning Guidance Document). Where the site is at risk of flooding (Fluvial and Pluvial), details of place of refuge/evacuation should be considered and also sign up to the Environment Agency Flood Warning Service.
- 6. The applicant shall submit for approval by the LPA prior to commencement of development, details indicating how additional surface water run-off from the site will be avoided during the construction works. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA before the commencement of any works leading to increased surface water run-off from site.
- 7. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable)
- 8. Any SuDS/Drainage system installed must not be at the detriment to the receiving watercourse or ground (infiltration), so manging the quality of the run-off to must be incorporated into any design in accordance with CIRIA 753 The SuDS Manual

The design of flow control devices should, wherever practicable, include the following features:

- a) Flow controls may be static (such as vortex flow controls or fixed orifice plates) or variable (such as pistons or slide valves);
- b) Controls should have a minimum opening size of 100 mm chamber, or equivalent;
- c) A bypass should be included with a surface operated penstock or valve: and
- d) Access should be provided to the upstream and downstream sections of a flow control device to allow maintenance.
- 9.The Developer should be aware that a Sustainable Drainage System (SuDS) is the LPA's preferred option. A detailed explanation of any alternative option and reasons for rejecting a SuDS solution will be required.

05. INFORMATIVE

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

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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

06. INFORMATIVE

In relation to Planning Condition 6 - Advice should be sought from a licensed BREEAM assessor at an early stage to ensure that the required performance rating can be achieved. A list of licensed assessors can be found at www.breeam.org.

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

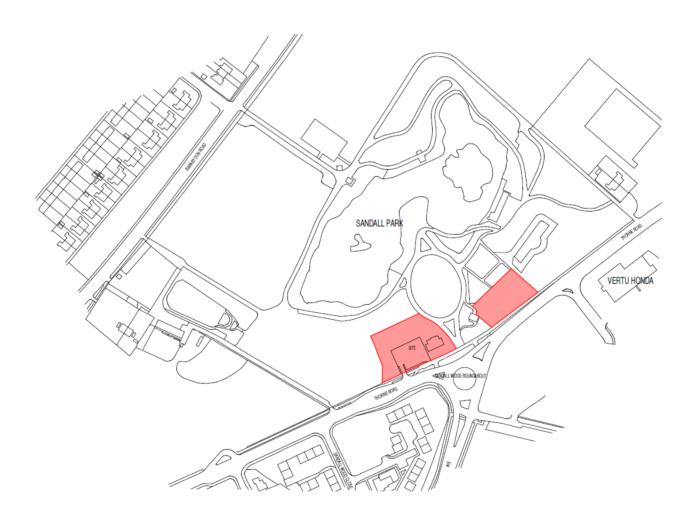
In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- Air quality screening assessment
- Loss of the open space assessed through a survey
- Health Impact assessment undertaken
- Transport assessment updated with technical information
- Disabled parking bays amended

Move toilet block to protect trees RPA's

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: Location Plan



Appendix 2: Site Plan

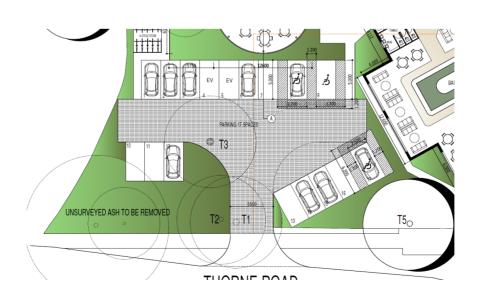


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Appendix 3: Car Park Arrangements

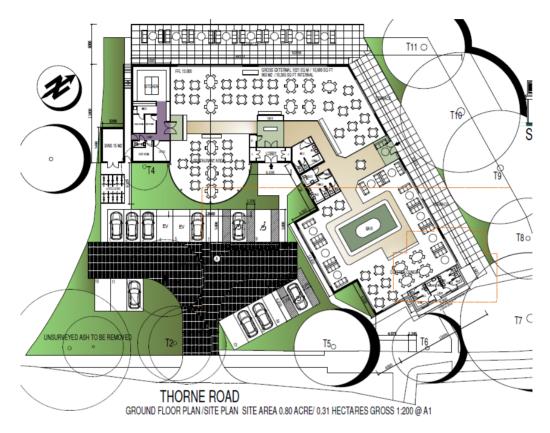


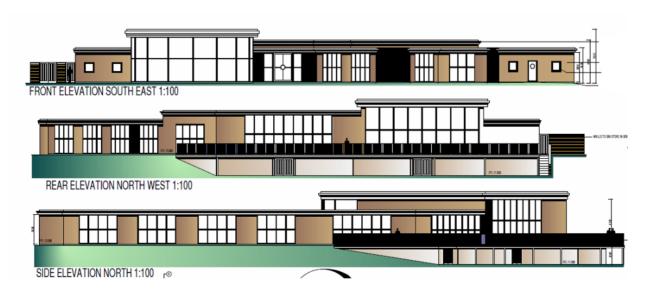
CAR PARKING TO NORTH LAYOUT1:500 @A1

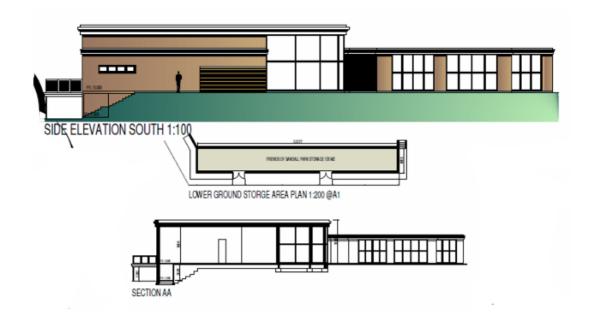


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Appendix 4: Floor Plans and Elevations









Application	02			
Application Number:	19/02180/COU			
Application Type:	Planning FULL			
Proposal Description:	Change of use from 17 bed hotel with ancillary facilities and rear car park, to 20 bed HMO on floor 1, 2, and 3.			
At:	Kellet Hotel, 87 Thorne Road, Doncaster, DN1 2ES			
For: Mrs Anna Ang				
Third Party Rep	s: 10 in opp	osition	Parish:	N/A
			Ward:	Town
			waru:	TOWIT

SUMMARY

Author of Report:

The proposal seeks permission for the change of use of a 17 bed hotel to form a 20 bed House of Multiple Occupation. Whilst the proposal is considered to be acceptable, lying within Doncaster's allocated residential policy area. Amended plans have been received providing further clarity in respect of the proposed landscaping, rooms sizes, additional kitchen facilities and formalisation of rear car parking area with the addition of landscaping and EV charging points.

The application is not considered to significantly increase the intensification of the site over the existing lawful use and would not result in harm to the character of the Conservation Area or harm residential amenity. Therefore, this application is recommended to planning committee for approval, subject to conditions.

RECCOMENDATION: GRANT subject to conditions.

Alicia Murray



1.0 Reason for Report

1.1 This application is being presented to planning committee due to the level of public interest generated in the proposal and a request by Councillor Shaw, who outlined concerns that the development is contrary to the emerging local plan and would have detrimental impact on the area.

2.0 Proposal

- 2.1 Planning permission is sought for the change of use of a 17 bed hotel (C1) to a 20 bed House of Multiple Occupation (Sui Generis) located on Floor 1, 2 and 3.
- 2.2 No external alterations are proposed to the building, the landscaping on site at the front and rear will remain, the parking will be formalised and marked out to create 18 spaces.
- 2.3 Amended plans have been received to improve the parking to meet the Council's standards and to include additional landscaping at the rear and electric vehicle charging points for two of the spaces.

3.0 Site Description

- 3.1 The site lies within the Christ Church Conservation Area. The character of this conservation area derives from the historic brick or stucco terraced villas and the institutional buildings focussed around the Grade 2* Listed Christ Church and its grounds. This part of the conservation area is typified by Victorian/Edwardian terraced villas on the main road. Whilst the buildings on Thorne Road were mainly built as residences, many now have commercial uses. The area also has a mature feel due to the green character created by the gardens, shrubs and trees to the front of properties.
- 3.2 Kellett Hotel (previously The Caribbean) is made up of two town houses (No. 87 and 89) of a terrace of four set behind front gardens. The building is constructed with render and now has concrete slate roof and no.87 has its original bay window but no.89 has had its original bay removed. The car parking area is existing to the rear and accessed from Kings Road.
- 3.3 The site is located close to the Main Town Centre and is located close to a bus stop with numerous bus routes in and out of town.

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 Doncaster's Unitary Development Plan. The following policies are applicable:

5.2 <u>National Planning Policy Framework (NPPF) (2019)</u>

- 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 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 5.6 Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

5.7 Doncaster Core Strategy (CS) (Adopted 2011)

- 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).
- 5.9 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:

- 5.10 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 and initiatives will be supported which preserve and, where appropriate, enhance the heritage significance and setting of the borough's heritage assets, especially those elements which contribute to the distinct identity of the borough.
- 5.12 Policy CS 18 seeks to conserve, protect and enhance Doncaster's air, water and land resources.

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

- 5.14 Policy PH11 states that within residential policy areas development for housing will normally permitted subject to the density and form being appropriate to the character of the area, the effects of the development on the amenities of occupiers of neighbouring properties.
- 5.15 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 puts a statutory duty on local planning authorities to pay special attention to preserving or enhancing the character or appearance of Conservation Areas. That duty is reflected in Policies PH11 and ENV25, as well as Policy CS15.

5.16 <u>Doncaster Local Plan (Published) (2019)</u>

- 5.17 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The emerging Local Plan was "Published" for Regulation 19 consultation on 12th August 2019 for 7 weeks, ending on 30 September. The Council is aiming to adopt the Local Plan by the end of 2020. The Local Plan therefore is at a relatively advanced stage of preparation. The document carries limited weight at this stage, although the following emerging policies are applicable:
- 5.18 Policy 10 deals specifically with HMOs and how they will be supported under strict circumstances.
- 5.19 Policy 11 deals specifically with developments in residential policy areas.
- 5.20 Policy 38 deals specifically with proposals directly affecting the setting of or within conservation areas and seeks to safeguard the heritage significance of the conservation area.
- 5.21 Policy 46 deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard minimum.
- 5.22 Policy 43 deals with the need for good urban design.

5.23 Other material planning considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- National Planning Policy Guidance
- South Yorkshire Residential Design Guide (SYRDG)
- Section 66 and 72 Planning (Listed Buildings and Conservation Areas) Act 1990

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, advertisement in the Doncaster Star and direct neighbour notification letters.
- 6.2 Ten representations have been received objecting to the application, including the request to call in the application to planning committee by Councillor Shaw.
- 6.3 The letters of objection outline the following concerns:
 - Change in the character of the area (community impact)
 - Impact on the conservation area
 - Proposed density too high would be better as self-contained apartments
 - Too many HMOs in the area, many of which not fully occupied
 - Increased Anti-social behaviour
 - Not enough capacity in local services to support any more of these types accommodation, in terms of hospitals etc.
 - Bigger than other HMOs in the area
 - Issues with parking in the area and residents may park on the street rather than in the allocated parking spaces.
 - Increased noise levels within the property impacting on neighbours
 - Conservation area under threat from declining standards of housing stock.
 - Important front garden is maintained and retained
 - Contrary to emerging Local Plan
 - Detrimental impact on the area.
- 6.4 Some of the concerns raised are not material planning considerations and cannot be taken into account when determining the application. The comments raised regarding the type of people who reside in the properties and that they are connected to the crime in the area, impacting on hospitals cannot be taken into account and people parking on the street rather than the designated spaces cannot be taken into consideration.

7.0 Parish Council

7.1 No parish council exists for this area.

8.0 Relevant Consultations

- 8.1 **Highways Development Control** Requested a site plan which fully outlined the parking spaces, this has been submitted and it has been reviewed by the Highways Officer; the Officer is happy for the provision of 18 spaces for the HMO and is mindful that Thorne Road is within close proximity to the Town Centre location with excellent public transport connections.
- 8.2 **Design and Conservation** Assurances are sought that there is frontage will not be turned into parking with the loss of the frontage wall which currently adds to the positive appearance of the area and that bin storage is discretely located to the rear. An amended site plan has been submitted which shows that the parking is to the rear along with the bin storage, and confirmation has been given that the front garden and wall will be retained. The Conservation Officer is satisfied with the amended plan and confirmation given and does not object to the application.
- 8.3 **Stronger Communities Manager** Has outlined that assurances should be made to ensure sufficient parking within the grounds of the property boundary is available to accommodate the number of tenants.
- 8.4 **Environmental Health** Requested the applicant provide proposed floor plans which show the rooms sizes for each HMO room, additionally the shared cooking facilities needed to be improved to meet the Housing Act standards; this has been supplied via amended plans and reviewed by the officer, who does not offer any objections to the application as the rooms and kitchen facilities meet the Housing Act standards.
- 8.5 **South Yorkshire Architectural Officer** No objections to the proposal but given the amount of burglaries which have occurred at this address it is necessary for the applicant to put designing out crime features into the conversion.

9.0 Assessment

- 9.1 The principal issues for consideration under this application are as follows:
 - Principle of development;
 - The impact on the character of the conservation area;
 - The impact on neighbouring properties;
 - Whether the proposal would adversely affect highway safety.
- 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 washed over by residential policy area and as such residential developments are acceptable in principle providing they would not adversely affect the character of the area or detrimentally affect neighbouring properties through for example excessive overshadowing, over dominance or loss of privacy.
- 9.4 In light of the policy designation set out above, the principal of the change of use to form a 20 bed house of multiple occupation is considered to be acceptable. Whilst concerns have been raised by residents that the proposal would change the character of the area, it is considered that the use of the building for residential purposes would maintain the residential character of the area.
- 9.5 The site is located within the Article 4 direction area but this proposal would be out of the scope for this direction as it is for a Sui Generis HMO of 20 rooms not a C4 HMO of no more than 6 residents.
- 9.6 It is noted that Councillor Shaw has called this application in to committee as he believes it is contrary to the emerging local plan, specifically Policy 10, but this is afforded limited weight currently and therefore is not the main policy consideration for this application. The application is assessed mainly under PH11 of the Unitary Development Plan. Furthermore, the proposal would not be contrary to Policy 10 of the emerging Doncaster Local Plan (not adopted) as there are no registered HMOs within a 20 property row on this section of Thorne Road, as most of the properties are either self-contained flats or businesses; this has been clarified by the Licensing (Housing) Team.

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, 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

9.10 Space standards

9.11 A number of concerns have been raised by residents in respect of density. This has been carefully considered by the Local Planning Authority and is assessed by space standards.

- 9.12 The National Space Standards only outlines the minimum standards for self-contained properties, this application is for a HMO with shared facilities; so cannot be used as a marker for room sizes. The Housing Act 2004 outlines the legal minimum room size for one person as 6.51 square metres but the Council does not accept any smaller than 10 square metres for one person as confirmed by the First Tier Tribunal Property Chamber as a reasonable standard for combined sleeping and living space.
- 9.13 The proposal seeks permission for 20 single person occupancy rooms with shared facilities; the bedrooms will range from 11.1m² and 20.8m² with kitchen and dining facilities on the ground floor and a smaller kitchen facility on the first floor. The Environmental Health Officer has fully reviewed the plans submitted and has requested amendments to increase the amount of cooking facilities for the whole property, in line with their standards.
- 9.14 In conclusion, the proposal would exceed the minimum space standards set out regionally and nationally and this weighs positively in favour of the application carrying significant weight.
- 9.15 As set out in the site and surrounding section above, the proposal lies approximately 500m from Doncaster Town Centre. The site itself has a bus stop immediately outside the site on Thorne Road which is served by many bus routes; additionally the application includes 18 car parking spaces for the 20 bedrooms. Taking these two factors into account, it is considered that the site lies within a sustainable location close to the town centre and sustainable methods of transport, along with the provision of a substantial amount of parking. This weighs in favour of the application carrying significant weight.

9.16 Impact on Residential Amenity

- 9.17 A number of concerns have been raised by surrounding residents in respect of overshadowing, overlooking, wheelie bin clutter, litter, anti-social behaviour, security concerns and noise. Taking each of these consecutively, the below will seek to address the concerns raised by residents.
- 9.18 The proposal includes no external alterations to the building but it has been outlined that additional planting will be added to the rear raised amenity area and improvements to the rear car park area will be secured via condition. The improvements also include the provision of electric vehicle charging points, which have been confirmed by the agent as shown on the site plan. No new openings are required and the front garden will remain as existing. Given the above, it is not considered that the proposal would give rise to excessive levels of overlooking or loss or privacy.
- 9.19 The proposal includes within it a bin store located at the rear of the property and this would prevent numerous bins from being located at the front of the property to the detriment of the character of the area.

- 9.20 During the course of the application the South Yorkshire Architectural Liaison Officer has been consulted. His role is, on behalf of SY Police, to provide guidance on safeguarding future occupants and has during the course of this application made recommendations in relation to the security of the doors. He has also accessed the Police crime reporting system and Incident recording systems and has confirmed that there have been no recorded reports of anti-social behaviour at the address; the records go back to 2015. However, there has been four burglaries at this address within the past 15 months; this is believed to been by an unsecured front door. Whilst the proposal would change the type of accommodation on site there is no evidence to suggest that this would result in an increase in anti-social behaviour. Furthermore, during the conversion the applicant can insert the secure by design features outlined by the Architectural Liaison Officer within the property, in order to improve the security at this building.
- 9.21 Concerns have been raised that the future use of the site would mean that maintenance of the garden area would be neglected. The government's website offers advice in respect of renting properties to both landlords and tenants and advises that the *How to rent: the checklist for renting in England* be completed by both parties. It includes within it a section detailing that the landlord must maintain the structure and exterior of the property. Furthermore, any loss of boundary treatments at the front would require planning permission given the location within a Conservation Area. It has also been confirmed by the agent that the garden would remain as existing and that the site will have a manager on site to maintain the property inside and out.
- 9.22 Neighbouring properties have raised concerns that the proposed change of use would result in unacceptable noise being generated by the proposal. The conversion of the hotel to the HMO would require approval under the Building Regulations, specifically the development will need to comply with Approved Document E; which ensure sufficient sound proofing is inserted at the property. Furthermore, the existing use of the site as a hotel would not be too dissimilar to the comings and goings and operation of a HMO of this size. Consequently is not considered to result in significant harm to neighbours and would therefore not conflict with Policy CS14 (a) or saved Policy PH11 of Doncaster's UDP.
- 9.23 Taking these matters into account, it is considered that the proposal would not detrimentally affect neighbouring properties through excessive overlooking, loss of privacy, noise or disturbance and this weighs positively in favour of the application carrying moderate weight.

9.24 Conclusion on Social Impacts.

9.25 Paragraph 8 of the NPPF (2019) indicates, amongst other things, that the planning system needs to support strong, vibrant and healthy communities, by ensuring welldesigned 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.

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9.26 In conclusion the site lies within a sustainable location with access to sustainable methods of transport carrying significant weight. It is considered that the proposal would not adversely affect neighbouring residential properties through excessive overlooking or loss of privacy and this weighs in favour of the application carrying moderate weight.

ENVIRONMENTAL SUSTAINABILITY

9.27 Impact upon heritage assets and the character of the conservation area

- 9.28 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that in the exercise of planning functions special regard is had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 9.29 A number of objections have been raised in respect to the impact of the proposal on the character of the area. During the course of the application, the Conservation Officer has been consulted and commented that the proposed development is located in the Doncaster Christ Church Conservation Area. The character of this conservation area derives from the historic brick or stucco terraced villas and the institutional buildings focussed around the Grade 2* Listed Christ Church and its grounds. This part of the conservation area is typified by Victorian/Edwardian terraced villas on the main road. Whilst the buildings on Thorne Road were mainly built as residences many now have commercial uses. The area also has a mature feel due to the green character created by the gardens, shrubs and trees to the front of properties.
- 9.30 The Conservation Officer has outlined that whilst there is no objection in principle to the change of use both in relation to the building or the surrounding conservation area and setting of the Grade 2* listed building) confirmation should be provided to ensure that the parking and bin storage at the rear are adequate, which has been supplied. Furthermore, confirmation has been given regarding the front garden remaining as existing and an informative will be added for the removal of the Hotel signage.
- 9.31 Given that no external alterations are proposed and the fact the front garden area will remain as existing it is considered that there would be no harm to the character of the area or the Conservation Area. An informative has been added to request the removal of the advertisement on the front elevation, given it would no longer be a hotel. Furthermore, the parking and bin storage is to the rear and is concealed from the wider area; thus not causing any impact. This weighs positively in favour of the application carrying significant weight.

9.32 Impact upon Highway Safety.

- 9.33 Concerns have been raised by residents that the proposal does not provide sufficient parking. During the course of the application, the Highways Development Control team were consulted and raised no objection to the application following amended plans to clearly show the parking spaces. The application also includes the provision of secure cycle parking within the existing garage on site.
- 9.34 Importantly the NPPF makes clear at Paragraph 109 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."
- 9.35 The site lies within a sustainable location close to the town centre, and it is reasonable to suggest a reasonable proportion of tenants would not need access to parking and on this basis the provision of eighteen parking spaces within the site is considered adequate for the use. Even if from time to time a greater proportion of tenants at the property have cars, there need not be a significant increase in highway problems. On this basis the use generally accords with the provisions of policy CS14 (a) of the Core Strategy and based upon the highways assessment of the site, it is considered that the proposal would neither result in an unacceptable impact on the highway network nor cumulatively impact the road network and as such the bar referred to paragraph 109 has not been met. This weighs positively in favour of the application carrying moderate weight.
- 9.36 Furthermore, the agent has outlined that the applicant is willing to provide the two electric vehicle charging points for the residents. This weights positively in favour of the application and is given moderate weight.

9.37 Conclusion on Environmental Issues

- 9.38 Paragraph 8 (c) 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.
- 9.39 Taken in the round, the proposal's design would not adversely affect the character of the conservation area or detrimentally affect highway safety or the surrounding network. This weighs moderately in favour of the application.

ECONOMIC SUSTAINABILITY

9.40 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. Additionally it has been outlined by the agent that a property manager will reside in the property and maintain it.

9.41 Conclusion on Economy Issues

- 9.42 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.
- 9.43 The proposal would result in some short term economic benefit in the creation of jobs during the construction phase of the development, and would employ one property manager and as such carries limited weight in favour of the application.

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:

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 shall be carried out in complete accordance with the details shown on the amended plans referenced and dated as follows:

178566 001 amended 25.11.19

Site Plan amended 25.11.19

178556 002 amended 25.11.19

Second Floor Plan received 15.10.19

Design and Access Statement amended 25.11.19

Location Plan received 10.09.19

REASON

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

03. Prior to the occupation of the development hereby approved the parking shown on the site plan (amended 25.11.19) shall be fully implemented and formally marked out in accordance with the approved plans.

REASON

To ensure adequate off street parking is provided, in accordance with CS14 of the Core Strategy.

04. Prior to the occupation of the development hereby approved, the electric vehicle charging points and cycle storage shown on the site plan amended 25.11.19 shall be installed. The installation shall comply with current guidance/advice. The development shall not be occupied until the approved connection has been installed and is operational and shall be retained for the lifetime of the development. The development shall be carried out in accordance with the approved details.

REASON

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

O5. Prior to the occupation of the development hereby approved, the landscaping shown on the site plan amended 25.11.19 shall be implemented in full. 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. Any tree or shrub planted as part of the scheme that is removed or is found to be dying, diseased or seriously damaged within five years of practical completion of the planting works 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. The existing hotel signage should be removed prior to the occupation of the new use.
- 02. Informative note for houses in multiple occupation:

Please store bins tidily within the property curtilage and out of view from the street.

Please keep front gardens tidy and well maintained, soft landscaping within front gardens is recommended and boundary walls should be retained where present.

HMO's are frequently advertised with 'ROOM TO LET' posters and boards, which clutter the street. The Council therefore ask these signs are not used and online advertising is used instead. If a vacancy board is necessary only one is permitted and should not exceed 0.5 of a square metre. The board must be removed not later than 14 days after completion of the sale or granting of the tenancy.

The property may need a HMO license. For further information and to apply online please visit http://www.doncaster.gov.uk/services/housing/houses-in-multiple-occupation-licensing.

03. Secure By Design

- 1) The premise as a Hotel suffered four burglaries within the last fifteen months, guest rooms and the reception area being targeted. The latest burglary was committed in October of this year. Entry is believed to have been by the unsecured front door
- 2) All doorsets allowing direct access into the individual apartments should be certificated to one of the following security standards:
- o PAS 24:2016; or
- o STS 201 Issue 7:2015; or
- o LPS 1175 Issue 7.2:2014 Security Rating 2+; or
- o LPS 1175 Issue 8:2018 B3 Security Rating 2+
- o STS 202 Issue 6:2015 Burglary Rating 2; or
- o LPS 2081 Issue 1.1:2016 Security Rating B
- 3) The front and rear communal doors should demonstrate that they are of a more robust construction and are able to withstand the day to day use in a communal application: Thy should be installed to one of the following security standards.
- o STS 202 Issue 6:2015 Burglary Rating 2;
- o LPS 1175 Issue 7.2:2014 Security Rating 2+;
- o LPS 1175 Issue 8:2018 B3 Security Rating 2+:
- o LPS 2081 Issue 1.1:2016 Security Rating B;
- o PAS 24:2016, tested to BS EN 1627 Resistance
- 4) The security of a development can be severely compromised if lightweight framed walls do not offer sufficient resilience to withstand a criminal attack; Lightweight framed walls installed providing a partition between two dwellings, or a dwelling and shared communal space, should meet the requirements below:
- o LPS 1175 Issue 7.2:2014 Security Rating 1; or
- o LPS 1175 Issue 7.2:2014 Security Rating 1; or
- o LPS 1175 Issue 7.2:2014 Security Rating 1; or
- o LPS 1175 Issue 8:2018 A1 Security Rating 1, or
- o STS 202 Issue 7:2016 Burglary Rating 1.

As an alternative, although not originally intended to enhance security, the following 'Robust Details' have shown to offer some resistance to intrusion:

- o E-WT-2 (timber wall construction):
- o E-WS-3 (light steel construction):
- o E-WM-20 (masonry wall construction).
- 5) A door entry system to allow a visitor system to call an individual dwelling from the communal entrance should be installed. It shall allow a visitor to ring any selected dwelling within the particular system and/or building and hold a two-way simultaneous conversation between the visitor and occupant of the dwelling. It will allow the occupant to see and identify the visitor and their location, and will enable the occupant of the dwelling to remotely operate the electric locking device from their room terminal, thereby unlocking the communal entrance door(s) associated with the action and allowing the visitor access. This should be repeated at any subsequent communal entrance. This should be a video type allowing the resident to speak to and see the visitor before allowing access.

- 6) A CCTV system designed to cover the front and rear entrances and the car park should be fitted. Whilst CCTV is not a universal solution to security problems, it forms part of an
- overall security plan. It can help deter crime and criminal behaviour, assist with the identification of offenders, promote personal safety and provide reassurance for residents and visitors. Even the smallest development will benefit from the installation of a good quality CCTV system, which does not need to be expensive.
- 7) Communal mail delivery facilities within building entrances serving multiple flats or rooms should be designed to incorporate the following:
- o Located at the primary entrance/exit point of the building within view, within an internal area covered by CCTV or located within a secure access controlled entrance hall, or externally at the front of the building within view of those using the building;
- o Be of robust construction:
- o The individual letter boxes shall have a maximum aperture size of 260mm x 40mm;
- o Have anti-fishing properties;
- o Have fire resistance where considered necessary:
- o Installed in accordance with the manufacturer's specification.
- 8) It is difficult to provide a definitive requirement for each window type and material, therefore if the existing windows are to be retained during a refurbishment scheme steps should be taken to ensure the security of each window. Some areas for improvement may include:
- o Unless the window is a designated emergency egress route, it should have three points of locking consisting of a key operated locking handle and two surface mounted locks, one fitted to the end of each opener to prevent leverage;
- o The security of existing PVCu and aluminium windows can be improved through the use of hardware that has been shown by test to meet the security requirements of PAS 24:2016 as a component part of a window of the same material;
- o Glazing in existing windows should be upgraded to laminated glass meeting the requirements of BS EN 356:2000 class P1A in the following areas:
- o any window located within 400mm of a doorset (to ensure the integrity of the locking system);
- o easily accessible emergency egress windows with non-lockable hardware (a requirement of PAS 24:2016);
- o easily accessible roof lights with no lockable hardware.
- 9) 24 hour lighting (switched using a photoelectric cell) to communal parts of the block is recommended. It is acceptable if this is dimmed during hours of low occupation to save energy. This will normally include the communal entrance hall, lobbies, landings, corridors and stairwells and all entrance/exit points. To reduce energy consumption this may be provided by a dimming system which leaves luminaires on at a lower level during quieter period.

- 10) Rear parking courtyards are discouraged for the following reasons:
- o They introduce access to the vulnerable rear elevations of dwellings where the majority of burglary is perpetrated;
- o In private developments such areas are often left unlit and therefore increase the fear of crime;
- o Un-gated courtyards provide areas of concealment which can encourage antisocial behaviour.

Where rear parking courtyards are considered absolutely necessary, they must be protected by a gate. Communal parking facilities must be lit to the relevant levels as recommended by BS 5489-1:2013

To assist visibility within the car park, it is recommended that the boundary walls are painted in white coloured masonry paint which will reflect back any light.

Further information on any of the standards mentioned in this report can be found on the Secured By Design website at www.securedbydesign.com

87-89. Thorne Road, Doncaster, DN1 2ES PROPOSED PARKING, CYCLE STORE & BIX AREA. (REV. 16/11/2019) N EXISTING GARAGE TOBE SECUREOUS EXISTING TREES & RANGED PLANTING EXPRISE POINT XX) FOR ELEXTRIC VEHICLES (CONSESSES UNIDER DIXX 22.3m di RAISED DECKNYG AREA 8 22.6m SHRUB PLANTIN THOPHE ROAD

Block Plan shows area bounded by: 456201.08, 400500.08 455291.03, 46360.06 (at a scale of 1.500), OSGridReit SESU24 353. The representation of a road, track or path is no exidence of a right of way. The representation of features as these is no evidence of a properly boundary.

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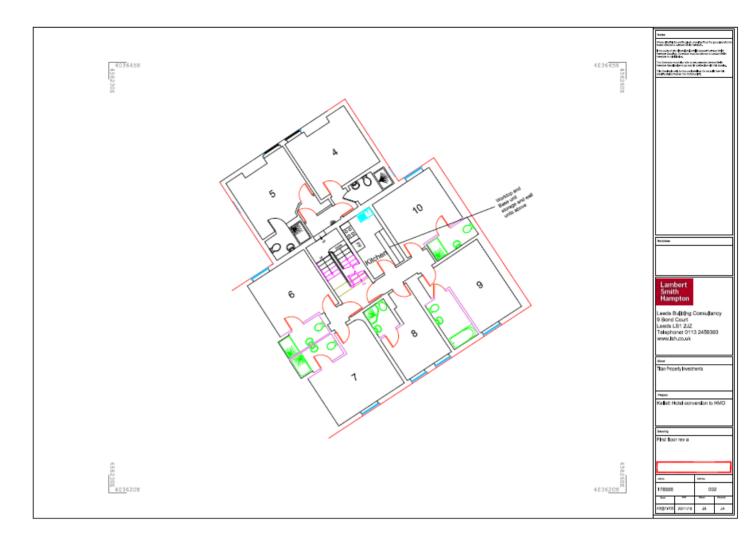
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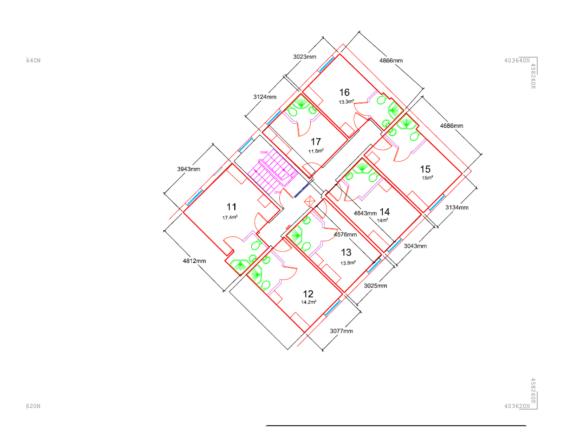
Appendix 2: Proposed Ground Floor



Appendix 3: Proposed First Floor



Appendix 4: Proposed Second Floor







Annlication	02					
Application	03					
Application Number:	19/0	1169/FUL				
Application Type:	Full Planning Permission					
Proposal Description:	Change of use of industrial building (Use Class B2) to mixed use including vehicle repair and body shop with spray booth and office (retrospective)					
At:	5 Lock Lane, Thorne, DN8 5ET					
For: Mr Cosmin Croitoru						
Third Party Reps:		5 Representation	ns	Parish:	Thorne Town Council	
	,			Ward:	Thorne and Moorends	

SUMMARY

Author of Report:

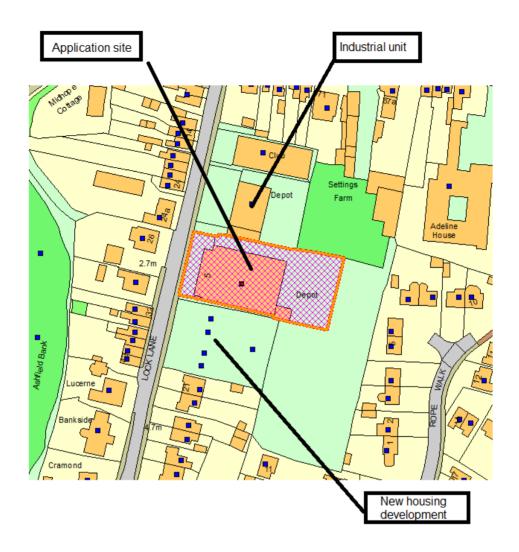
The application is retrospective and the applicant has submitted this planning application so the development can be controlled effectively and made acceptable.

Objections have been received relating to concerns over highway safety, residential amenity and environmental impact of the proposal.

The application has been assessed by all relevant consultees and objections have been considered. The proposal is considered to be acceptable from a planning perspective as it does not result in a 'severe' risk to highway safety, detrimentally impact surrounding land uses or result in an environmental impact. Consequently, retrospective planning permission should be granted subject to conditions which will make the development acceptable.

RECOMMENDATION: GRANT: subject to conditions

Dave Richards



1.0 Reason for Report

1.1 This application is being presented to planning committee at the request of Cllr Susan Durant. The application has also attracted five objections.

2.0 Proposal

2.1 Retrospective planning permission is sought for the change of use of a former textile factory to a vehicle repair and body shop with spray booth and office.

3.0 Site Description

3.1 The application site lies on the east side of Lock Lane, Thorne. In land use terms, the site is a former clothing factory until the current use commenced in 2018. To the north of the site is another industrial building, with vacant land to the east. To the south lies a recently completed residential development on a former builder's yard. The west side of Lock Lane is predominately residential with a mixture of property style, age and materials.

3.2 There is visitor and employee parking to the front of the site with access to the rear compound via access along the northern boundary. Further employee parking is located to the rear, together with the storage of fleet vehicles awaiting repair or collection. The spray booth is located near the southern boundary to the rear of the main building.

4.0 Relevant Planning History

Application Reference	Proposal	Decision
84/0908/P	Change of Use From Light Industrial to General Industrial	Application granted 27 July 1984
84/1657/P	Change of Use of Former Clothing Factory to Warehouse and Distribution Depot	Application granted 11 January 1985
91/0742/P	Erection of Office Extension (21.66m X 3.32m) to Front of Existing Factory	Application granted 15 July 1991

5.0 Site Allocation

5.1 The site is designated within Residential Policy Area, as outlined within the Unitary Development Plan (adopted 1998).

National Planning Policy Framework (NPPF 2019)

- 5.2 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.3 Paragraph 47 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.4 Paragraphs 54 56 state local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The tests are:
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 5.5 Paragraph 58 addresses enforcement action as discretionary and requires local planning authorities to act proportionately in responding to suspected breaches of planning control. Enforcement policy should set out how to monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

- 5.6 Paragraph 80 states significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.7 Paragraph 109 advises 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.
- 5.8 Paragraph 117 states that planning decisions should promote an effective use of land while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.9 Paragraph 127 states that good design criteria should ensure that developments function well and add to the overall quality of the area, are sympathetic to local character and history and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.10 Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.11 Paragraph 170 states planning decisions should contribute to the local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.12 Paragraph 180 outlines that decisions should also ensure the new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. Decisions should mitigate and reduce to a minimum potential adverse impacts resulting from nose from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.

The Development Plan

5.13 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In the case of this application, the development plan consists of the Doncaster Core Strategy (CS) (adopted 2012) and Unitary Development Plan (UDP) (adopted 1998).

Core Strategy 2011 – 2028 (CS) (Adopted 2012)

5.14 Policy CS1 of the Core Strategy states that development should protect local amenity and are well-designed: attractive; fit for purpose; locally distinctive; and capable of achieving nationally recognised environmental, anti-crime and design standards.

- 5.15 Policy CS4 requires all development to address the issues of flooding and drainage where appropriate. Development should be in areas of lowest flood risk and drainage should make use of SUDS (sustainable drainage) design.
- 5.16 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. Policies CS14 also recognise that a component of good design is to ensure that new development does not have a negative effect on residential amenity.
- 5.17 Policy CS18 states that Doncaster's air, water and land resources will be conserved, protected and enhanced. Paragraph B recognises deliverable urban brown field sites. However, 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, mitigate any ground instability and enhance the quality of these resources.

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

5.18 The application site lies within a Residential Policy Area as defined by Doncaster's UDP. As such consideration should be given to Policy PH12 of the UDP which states:

'Within residential policy areas, the establishment or extension of non-residential uses of appropriate scale will be permitted, provided the use would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.'

<u>Thorne and Moorends Neighbourhood Plan (Regulation 14 pre-submission consultation)</u>

- 5.19 Thorne and Moorends Town Council have published their neighbourhood plan (NP) and currently modifications are being made to it. This plan has not been formally examined or published in a final format and therefore moderate weight can only be applied. The most relevant policy is Policy DDH3 which states that new development should take account of a number of design principles including:
 - New buildings should make a positive contribution to the spatial qualities of the area, respect local distinctiveness by ensuring siting, density and layout reflects the character and appearance of the area.
 - New development should respect the privacy and amenity of nearby residents and occupiers of adjacent buildings.
 - Parking provision is expected to meet the needs of development, and not create pressures for on-street parking within the development or on adjacent streets.
 - Employment proposals should ensure sufficient landscaping is included and the opportunity to incorporate architectural details of human scale in order to help integrate buildings into their setting.

Doncaster Local Plan (Published) (2019)

- 5.20 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The emerging Local Plan was "Published" for Regulation 19 consultation on 12th August 2019 for 7 weeks, ending on 30 September. The Council is aiming to adopt the Local Plan by the end of 2020. The Local Plan therefore is at a relatively advanced stage of preparation. 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 42 considers the protection and enhancement of local character and distinctiveness.
- 5.23 Policy 47 sets out a number of criteria concerning the design of non-residential development and the relationship with its surroundings.
- 5.24 Policy 55 requires the need to take into account air and noise pollution.
- 5.25 Policy 56 deals with the need to mitigate any contamination on site.

Other material planning considerations

- 5.26 Other material considerations include the National Planning Policy Guidance (NPPG); as well as the Development Requirements and Guidance Supplementary Planning Document.
- 5.27 As noted within the planning history section, the planning history of the site is that of a clothing factory with a series of organic permissions stemming from Planning Permission 84/0908/P, which granted a change of use to general industry. A further application (84/1657/P) granted the change of use to a warehouse and storage distribution depot although it is unclear if this was ever implemented. An extension to form office facilities was granted under Planning Permission 91/0742/P.
- 5.28 The use of the building as a vehicle repair garage would ordinarily fall under a B2 use Class which would be the same use as a lawful use of the site. That said, a number of conditions appear to limit the use of the building to the personal circumstances of the applicant at that time, as well as conditions limiting any subsequent change of use, operating hours, open storage and certain means of restricting emissions. Furthermore, a building (spray booth) has been erected to the rear of the site which requires planning permission. The proposal would not comply with the above conditions and would form a mixed use. For the avoidance of doubt, the use is proposed as a retrospective application.

6.0 Representations

6.1 The application has been advertised as a departure to the Development Plan in accordance with the requirements of the Planning Practice Guidance as follows:

- Any neighbour sharing a boundary with the site has received written notification
- Advertised on the Council website
- Site notice
- 6.2 Five representations have been received objecting to the application. The following concerns are outlined below:
 - The application is retrospective
 - Traffic generation on Lock Lane
 - Increase in inappropriate parking
 - Paint fumes from the spray booth
 - Noise from the use
 - The use is inappropriate for the residential nature of the area
 - The existing use should be B1
 - The use is having a harmful impact on local amenity
- 6.3 Cllr Susan Durant has requested that the application be presented to planning committee following concerns highlighted below:
 - Works are already taking place, increased noise (even late at night), and the noxious smells from paint spraying, air pollution.
 - The amount of vehicles and inconsiderate parking
 - Inappropriate activity within a residential area and creating an eyesore
 - Blocking of the watercourse therefore creating a higher risk of flooding on neighbouring properties
 - Representation was also made by members of the public at the parish Council meeting

7.0 Parish Council

- 7.1 The Parish Council opposes the application. The main concerns relate to the fumes created by paint spraying which are harmful to local amenity. Other concerns include:
 - The site is at risk of flooding
 - The site should have sufficient parking
 - A watercourse is near the site
 - Surface water will not be disposed of via a soakaway
 - Foul water disposal has not been specified
 - The proposal involves the use and storage of hazardous substances
 - The site can be seen from a public road

8.0 Relevant Consultations

8.1 Environmental Health Officer -

Submitted plans:

Object to the application for the following reasons:

The current layout of the booth, in particular its extraction system and covering roof do not provide adequate dispersal and will likely contribute to an odour nuisance due to the inhibiting nature of the lean to roof.

(Additional information was subsequently requested.)

While the acoustic report is adequate I have some concerns over the high background noise levels contained within the report which are at the upper end of tolerable levels within residential areas.

Impact of potential changes to the stack height/extraction/fan system and these changes and any effect they may have on noise levels are not addressed in the report

Amended plans:

I have some concern as to whether this is a suitable location for such an operation, however on review of the technical information submitted by the applicant, information provided by colleagues in Pollution Control, and the Health & Safety Executive being satisfied that the extraction system is suitable and operating correctly, I would have no objections to the change of use requested.

The noise levels provided in the noise assessment remain of concern but can be addressed under Statutory Nuisance legislation if the levels submitted are not met.

8.2 Pollution Control Officer -

The respraying of road vehicles, where the annual consumption of organic solvent is likely to exceed 1 tonne, must be undertaken in compliance with an environmental permit issued by this Authority under the Environmental Permitting (England & Wales) Regulations 2016 (as amended).

The spray booth must be operated in accordance with the DEFRA Technical Guidance note PG 6/34b (11).

If it is expected that the consumption of solvent is likely to exceed 1 tonne/annum, then further details of the application and permitting process can be gained by contacting Pollution Control on 01302 552819 or emailing Kathryn.hardy@doncaster.gov.uk

8.3 Highways Development Control Officer –

I note that the vehicular access proposed for the workshop is not from the front of the premises but from the side. Whilst I initially had concerns over access, it appears from the site plan that although the access is a little over 3.5m at the gated access, it widens out to 5m which given the width of a roller shutter door should not pose any difficulty for vehicles gaining entry or exiting the workshop.

Taking the above into consideration, I have no objections to the change of use proposed for the premises

8.4 **Health and Safety Executive** – Consultation took place following the serving of a Prohibition Notice. The prohibition notice prohibited spraying of isocyanates because they did not have air-fed breathing apparatus and a thorough examination demonstrating that the booth is working as intended. The prohibition notice relates only to isocyanates so they are able to spray non-isocyanate containing materials.

If they can show the booth is working as intended by proving it has passed a thorough examination by a competent person and they are wearing air-fed breathing apparatus they are able to spray isocyanates in the booth and will not be in breach of the prohibition notice.

- 8.5 **Yorkshire Water** No comments received.
- 8.6 **Environment Agency** No comments received.
- 8.7 **Building Control Inspector** No consent required.

9.0 Assessment

- 9.1 The main issues are firstly, the effect of the change of use and operation of the spray booth on the living conditions of the occupiers of neighbouring properties, with particular regard to noise, odour, and disturbance; and secondly, the impact of the use on the safe and efficient operation of the highway network.
- 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 One of the NPPF's core planning principles is to promote mixed-use developments and encourage multiple benefits from the land use in urban and rural areas.
- 9.4 Danube Garage occupies a brick and shallow pitched roofed workshop positioned centrally to the site with parking to the front and rear of the building. Part of the building provides ancillary office space. The existing lawful use of the site is as a clothing factory with ancillary office space. In modern day terms, this use falls within Class B2 of the Town and Country Planning (Use Classes) Order 1987 ("the UCO").
- 9.5 An objector has presented the case that the existing use of the building should be a B1 Use Class, as opposed to B2, as the original building was granted on the basis that it would be light industrial use (Class III under the legislation at the time). In this particular case, the building in question, used as a clothing textile factory in the past, previously operated under a Class IV use (a general industrial building) following permission being granted for this use in 1984. Following amendments made to the UCO in 1987, the lawful use would have transferred to a B2 Use Class. This is reinforced by the information in an application granted in 1991 which sought the erection of an office extension to an existing factory (my italics), suggesting the use was a B2 use.
- 9.6 As noted in paragraph 5.28 of the report, whether the existing use is B1 or B2 is beside the point, as permission would be required to either operate a B2 Use Class from a B1 unit or due to the nature of the current use and for the erection of the spray booth. The main consideration is the allocation of the land under the current UDP as a Residential Policy Area. As such, the main consideration should be given to Policy PH12 of the UDP which states:
 - 'Within residential policy areas, the establishment or extension of non-residential uses of appropriate scale will be permitted, provided the use would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.'
- 9.7 Policy PH12 therefore reiterates the approach that a commercial or industrial use within a residential area is not necessary inappropriate, provided that local amenity is protected. The principle of an industrial use is already established on the site and follows the NPPF's presumption in favour of sustainable development and promoting mixed use developments.

Sustainability

9.8 The NPPF 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, environmental and economic. Paragraph 10 of the NPPF states that in order sustainable development is pursued in a positive way, at the heart of the NPPF is a presumption in favour of sustainable development.

SOCIAL AND ENVIRONMENTAL SUSTAINABILITY

Impact on Neighbouring Land Uses

- 9.10 The land is situated where industrial units on the east side of Lock Lane have, over recent decades, transitioned into a mainly residential area. The site sits opposite residential properties to the west, south and further east with an industrial unit to the north.
- 9.11 It is recognised that, unchecked, the proposed use has the potential to impact neighbouring properties in terms of noise, disturbance, fume emissions and inconvenience from visitors and employees of the development. This is echoed in some of the objections received, notably from the developer of a residential development which has been completed to the south of the site. Given that the current use is unauthorised, this impact is unchecked.
- 9.12 The impact is reflected in negotiations to bring the current use into providing a sufficient degree of control. It was apparent once the application had been received that the operation of the spray booth required improvement in order to be acceptable, particularly concerning noise and fume emissions. Visits both by Officers and the Health and Safety Executive found that there were deviancies in the required safety standards for the safe operation of the spray booth. The Health and Safety Executive Officer served a temporary Prohibition Notice on the operator in the interests of protecting the health and well-being of employees until the correct procedures were being adhered to. Officers from the Council's Environmental Health section also recommended changes to the proposed layout and operation of the spray booth which have been reflected in the amended plans and detailed in the conditions attached to this recommendation.
- 9.13 It should be noted that the existing lawful use of the site remains for general industrial use under a B2 Use Class. Local residents would have experienced noise and disturbance occurring with the operation of clothing factory prior to the use ceasing, including from the use of machinery, revving engines, and vehicle movements. Furthermore, it has been difficult to assess the impact in situ, as the closest residents who could be affected by the operation of the spray booth have only recently moved into the newly constructed properties to the south of the site. This is reflected in discussions with the Council's Legal Officer when considering whether direct enforcement action was considered necessary in 2019. In summary, there has not been sufficient evidence to demonstrate that the use and the operation of the spray booth has been harmful beyond the boundaries of the site, given the closest residential properties to the south were not occupied for the majority of the time the use has been in operation.

- 9.14 During the course of the application, a noise survey has been submitted for assessment, together with the submission of additional technical information and details of a revised filter and extraction system. This system has now been installed and can demonstrate that the spray booth can be operated under negative pressure, with the correct filters and extraction equipment installed. The submission of this information has overcome the initial objection of the Environmental Health Officer who now proposes that the operation of the spray booth can be managed effectively to avoid any significant harm to local residents in terms noise or odour. The noise survey has found that, although towards the upper ends of tolerable levels, the background noise levels associated with the car garage would be acceptable in a residential area.
- 9.15 Officers from the planning and environmental health sections have been monitoring the operation of the site and no particular impact has been identified concerning the general day to day operation of the vehicle repair business inside the main building. Such activities are housed within the existing building in dedicated bays, with customers and visitors parked to the front and rear of the building.
- 9.16 The hours proposed to be conditioned are 0830 to 1800 Monday to Friday, 0900 to 1600 on Saturday with no work on Sundays and Bank Holidays. Whilst there have been allegations that the use has operated beyond these hours previously, the planning permission would require the applicant to comply with the hours proposed in order to enable him to continue to operate from the site. It is also proposed that all works will take place within the building with the roller doors closed and confirmed that the spraying of vehicles will only take place in accordance with an agreed management strategy.
- 9.17 At present, the current use has not been subject to any planning control. Other controls have been applied under Environmental Health and Health and Safety legislation. The current application would bring about suitable restrictions, which would bring about a regularisation of the current activities in order to be acceptable. These conditions are listed in paragraph 11.1 of this report. These include restrictions on opening hours, the operation of the spray booth, use and maintenance of extraction/filter equipment, the provision of acoustic fencing and following the recommendations set out in the submitted noise report.

Impact upon Highway Safety

- 9.18 Much of the ancillary space is an open area, with no designated parking spaces laid out. Vehicle parking for the business currently comprises provision of areas for customers to the front of the workshop, with further space to the rear of the building for employee parking and car storage.
- 9.19 Thorne Town Council and local residents are concerned that the business causes issues with inappropriate parking on Lock Lane. However, the size of the site is sufficient to accommodate both customer parking and the provision ancillary areas to accommodate the needs of the business, with additional parking spaces available within the workshop itself. The proposed parking provision on the site is sufficient to avoid parking on the public highway although there would be no planning control should they do so given Lock Lane is unrestricted in terms of parking control. Parking on Lock Lane is shared with other residents who choose to park there.

- 9.20 Having regard to the applicant's evidence about the likely number and type of vehicles accessing the site, the type of vehicles likely to have been used in connection with the previous use of the site and subject to the imposition of suitably worded conditions, I do not consider that traffic associated with the proposed development would be materially harmful to local amenity. No objections have been received from the Highway Officer.
- 9.21 It is not felt that the day to day comings and goings associated with the use would have a harmful impact on local amenity, notwithstanding that a B2 use subject to existing restrictions can be implemented as a fall-back position.

Environmental Pollution

- 9.22 The respraying of road vehicles, where the annual consumption of organic solvent is likely to exceed 1 tonne, is controlled under an environmental permit issued by the Council under the Environmental Permitting (England & Wales) Regulations 2016 (as amended). The spray booth must also be operated in accordance with the DEFRA Technical Guidance note PG 6/34b (11).
- 9.23 Concerns have been raised with regard to environmental pollution. However, whilst there have been suspected breaches in how the spray booth has operated under health and safety legislation, there is no substantive evidence to indicate that environmental pollution has occurred on site or is likely to occur should permission be granted. The Environmental Health Officer is satisfied that the annual consumption of solvent is under the threshold for requiring an environmental permit and has given advice on the safe management practices of storing and using the correct paint appropriately.

Character and Appearance of the Area

9.24 There is little discernible change in the character and appearance of the unit compared to its previous incarnation as a clothing factory. The spray booth is located to the rear of the building and is relatively secluded in public views.

Impact on Flood Risk and Drainage

- 9.25 The site lies within Flood Zone 3 according to the Environment Agency's flood maps and therefore there is a relatively high risk of the site flooding. A flood risk assessment has been submitted with the application. The use is acceptable in principle as being a 'less vulnerable' use within a flood area and the proposal does not significantly reduce flood storage area or present a risk to life over the extant use of the site. The recommendations of the flood risk assessment are to be conditioned.
- 9.26 Concerns have been raised regarding how surface and foul water is drained from the site, however there are no alterations to the existing main building to accommodate the garage use. The Water Authority has been consulted and no objections have been raised. The Council's Pollution Control Team have also been consulted and do not raise any concerns relating to land contamination. A condition securing details of drainage for all aspects of the development is attached to the permission.

Other issues

9.27 There is no evidence that the use has/would affect property values and in any event this is not a material consideration in determining planning applications.

9.28 Conclusion on Social and Environmental Impacts.

- 9.29 It is recognised that, unchecked, the use has the potential to impact local amenity in terms of emissions from noise and paint fumes. However, the Local Planning Authority have worked with the applicant to bring forward an acceptable scheme. This includes ensuring that the operation of the spray booth is used in accordance with the correct filtration and extraction equipment. The noise survey has found that, although towards the upper ends of tolerable levels, the background noise levels would be acceptable in a residential area.
- 9.30 Although the use has continued without planning permission, Members should be mindful that retrospective applications should not carry any reduced weight in terms of demonstrating that it accords with the Development Plan and the application must be assessed on the basis that the applicant would comply with any conditions imposed. Any future failure to comply with any conditions imposed which results in a significant adverse impact on living conditions would soon become apparent to the Council given the local interest in the site and the Local Planning Authority have discretion to pursue enforcement action if it is expedient to do so. It should also be noted that the objections received so far naturally relate to what has been taking place on site without restriction rather than what is proposed by the application now presented to members.
- 9.31 Taking the above matters into consideration, I conclude that, subject to the imposition of suitably worded conditions the development would not have a significant adverse effect on local amenity having regard to noise and disturbance.

9.32 ECONOMIC SUSTAINABILITY

9.33 There is some economic benefit to the development of the site through employment of approximately 5-10 full time staff and the continued use of an industrial building which previously laid empty.

9.34 Conclusion on Economy Issues

- 9.35 Para 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.
- 9.36 The proposal would result in some economic benefit in the creation of jobs and the reuse of a redundant unit, however the jobs created are small in scale and therefore this is given moderate weight in the determination of this planning application.

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. I recognise that the use is unauthorised, however it is felt that a planning application can bring about the correct control of the site sufficient to avoid an unacceptable loss of residential amenity. It should be noted that Members have the ability to trial the use for a temporary period of time should they wish to do so, however I consider the proposal is compliant with the Development Plan and there are no material considerations which indicate the application should be refused.
- 10.2 Although development is already taking place at the site I have imposed a condition specifying the approved plans as this provides certainty, particularly with regard to complying with the approved layout showing the permitted area for the parking of vehicles and uses taking place in the correct location. I have also imposed conditions restricting how the use can take place, the hours of use and setting out the location and maximum number of vehicles permitted to be stored/parked on site.

11.0 RECOMMENDATION

02.

11.1 Planning Permission GRANTED subject to the following conditions:

O1. 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:

Technical specification received 04 September 2019
Spray booth plans received 18 October 2019
Additional information received 04 September 2019
Block/site plan received 28 May 2019
Workshop plan received 28 May 2019
Noise Impact Assessment received 21 June 2019
Flood Risk Assessment for Planning received 13 May 2019

REASON

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

Within 3 months from the date of this decision, written details of acoustic fencing to be installed to the adjoining boundary, as sited in green on the approved block/site plan, shall be submitted to and approved in writing by the local planning authority prior to installation. The development shall be carried out in accordance with the approved details and retained for the lifetime of the operation of the spray booth.

REASON

To protect the amenity of surrounding residents in accordance with Policy PH12 of the UDP.

03.

Within 3 months from the date of this decision, a written schedule for the safe operation of the booth shall be submitted to and approved in writing by the local planning authority. The details shall include how the spray booth is used in conjunction with filters and extraction equipment, together with details of how the equipment will be maintained. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

REASON

To protect the amenity of surrounding residents in accordance with Policy PH12 of the UDP.

04.

The parking area to the rear of the site as shown as the yellow area on the approved block/site plan shall be implemented within 3 months from the date of this decision and used for the parking of employee and visitor parking only and not for the storage of vehicles awaiting repair or respraying. This area shall only be used for these this purposes at all times thereafter.

REASON

To ensure that there is sufficient parking on the site in accordance with Policy CS14 of the Core Strategy.

05.

Once the parking area as shown in yellow on the approved block/site plan has been implemented, no more than twelve vehicles associated with the use hereby approved and awaiting repair or recovery shall be stored or parked within the site on land outside the buildings and yellow area shown on the approved block/site plan.

REASON

To protect the remaining land area available for the provision of employee and visitor parking in accordance with Policy CS14 of the Core Strategy.

06.

All works associated with the use hereby approved, including paint spraying, shall take place inside the approved buildings with all openings (excluding approved extraction equipment) within the buildings being kept closed at all times when works are being carried out. No external works associated with the use hereby approved shall take place.

REASON

To protect the amenity of surrounding residents in accordance with Policy PH12 of the UDP.

07.

No part of the use on the site, with the exception of the outside storage/parking of vehicles, shall operate or be open to customers outside the following hours:

08:30 to 18:00, Mondays to Fridays, and 09:00 to 16:00 Saturdays.

It shall not be open at any time on Sundays or Bank Holidays.

REASON

To protect the amenity of surrounding residents in accordance with Policy PH12 of the UDP.

08. The spray booth as shown on the approved plans shall not be used outside the following hours:

10:00 to 16:00, Mondays to Saturdays.

It shall not be used at any time on Sundays or Bank Holidays.

REASON

To protect the amenity of surrounding residents in accordance with Policy PH12 of the UDP.

O9. The development hereby permitted must be carried out and completed entirely in accordance with the recommendations set out in Section 6 of the submitted flood risk assessment to the satisfaction of the local planning authority.

REASON

To ensure reasonable protection from flood risk in accordance with Policy CS4 of the Core Strategy.

10. The development hereby permitted must be carried out and completed entirely in accordance with the recommendations set out in Section 4.3 of the Noise Impact Assessment to the satisfaction of the local planning authority.

REASON

To protect the amenity of surrounding residents in accordance with Policy PH12 of the UDP.

11. Surface water run-off from the development shall be discharged to the public surface water sewer or other approved outfall via a suitable interceptor. Details of these arrangements shall be submitted to the Local Planning Authority within 1 month from the date of this permission. These works shall be carried out concurrently with the development and the interceptor shall be operating to the satisfaction of the Local Planning Authority prior to any further washing of vehicles on the site or use of the spray booth hereby approved.

REASON

To avoid pollution of the public sewer and land drainage system in accordance with Policy CS18 of the Core Strategy.

Informatives

01. INFORMATIVE

ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.

For further application information, consent guidance & forms Visit: www.shiregroup-idbs.gov.uk, Select 'IDB', then select 'Doncaster East IDB', and select

'Planning, Consent & Byelaws'.

For direct enquiries e-mail: planning@shiregroup-idbs.gov.uk

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.

03. INFORMATIVE

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

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

Communities and Local Government: `Improving the flood performance of new buildings' -

http://www.communities.gov.uk/publications/planningandbuilding/improvingflood;

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

Department for Communities and Local Government: Preparing for floods -

www.communities.gov.uk/publications/planningandbuilding/improvingflo od:

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

National flood forum-

www.floodforum.org.uk/index.php?option=com_content&view=article&i d=8&Itemid=4

04. INFORMATIVE

Nothing in this permission shall be taken as giving authority to commence any works which affect the watercourse/ land drainage dyke which crosses / runs adjacent to the site, as separate consent is required for such works from the Environment Agency or internal drainage board.

Justification

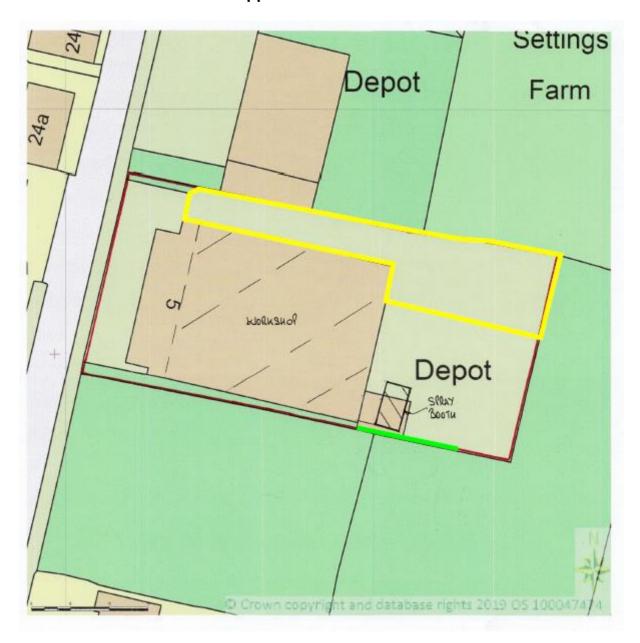
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

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:

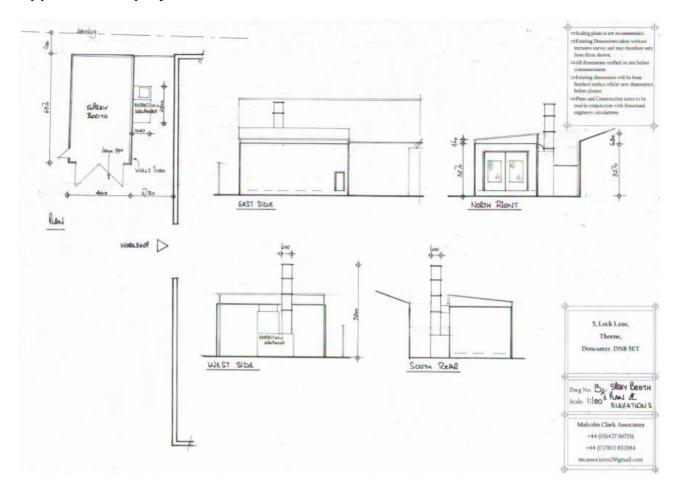
Residential amenity Highway safety Safe working practices

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 – Spray Booth details





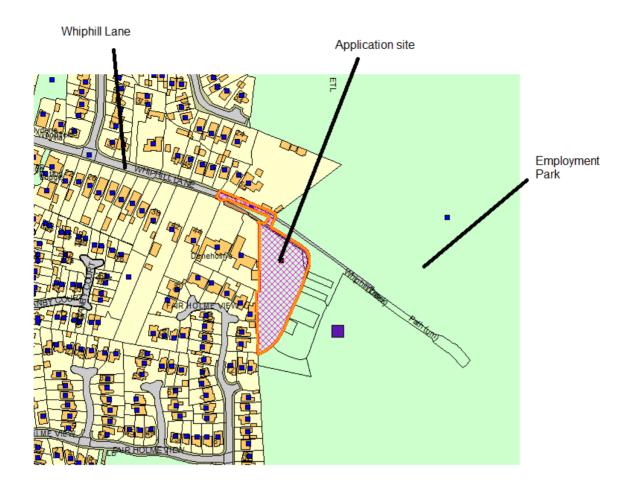
Application	04					
Application Number:	19/01843/FUL					
Application Type:	Full Application.					
Proposal	Erection of dormer bungalow including detached garage with stable					
Description:	block and horse paddock.					
At:	Land East Of Foxgloves, Whiphill Lane, Armthorpe					
For:	Mr Barry Dale					
Third Party Reps	s: 2 representations	Parish:	Armthorpe Parish Council			
		Ward:	Armthorpe			
Author of Repor	t: Dave Richards					

SUMMARY

The application seeks planning permission for the erection of a dormer bungalow, together with the change of use of land to form a horse paddock and the erection of a stable block.

Although advertised as a departure, the principle of residential development is considered to be established by the previous granting of outline planning permission for housing on the land at appeal. Furthermore, the development would not have a detrimental impact on the character and appearance of the countryside. Other technical matters have been addressed as part of the planning application. Therefore, this application is recommended to planning committee for approval, subject to conditions.

RECOMMENDATION: GRANT planning permission subject to conditions.



1.0 Reason for Report

- 1.1 This application is being presented to Members due to the application being a departure from the Development Plan.
- 1.2 Two representations were received during the course of the application, one was addressed via relocating the proposed stable block and the second is addressed in paragraphs 9.18 9.22 of the report.

2.0 Proposal

- 2.1 The application seeks planning permission for the erection of a dormer bungalow, together with the change of use of land to a horse paddock and the erection of a stable block. An access would be created from Whiphill Lane to the east and the proposal would include the upgrading of a shared section of the road.
- 2.2 The proposed dwelling would comprise a 1.5 storey house with rooms in the roof space. The approximate width of the dwelling would be 15.9m and the depth of the main part of the house would be 10.1m. A stable block measuring 19.2m in width and 7.3m in depth would be sited in the south eastern part of the site and would be separated by a stock fence and native hedgerow.

3.0 Site Description

- 3.1 The application site currently comprises a parcel of agricultural land, sandwiched between residential estates to the west and the West Moor Employment Park ("employment park") to the east.
- 3.2 The site can presently be accessed from Whiphill Lane by an informal access, however this is to be widened and resurfaced except where it transitions through trees where the access will be gravelled. Whiphill Lane is a private road and is not maintained by the Council.

4.0 Relevant Planning History

- 4.1 The application and subsequent appeal above outlines the principle of residential development being established on the site.
- 4.2 In considering application reference 10/02436/OUT, the Planning Officer had recommended that the application should be granted, considering that the intentions of the Core Strategy, taken with relevant national guidance, were sufficient to justify the development and outweighed the fact that the site has a countryside designation in the UDP. In essence, the land would be a relatively small proportion of land from the countryside policy area being 'left over' once the objections of building the employment park were realised and would be suitable for residential development. Furthermore, it was noted that the site would be relatively sustainable and other planning considerations were taken into consideration as part of the application. A copy of the approved site plan is located in appendix 1 of this report.
- 4.3 Members decided to refuse the application at Planning Committee in March 2011, as it was determined that approval would predetermine the employment park being built out. The reason for refusal is outlined below:
 - In the opinion of the Local Planning Authority it is considered that the proposal is premature. Planning permission has been granted for the adjacent land as an extension to West Moor Park Employment Site, which if developed would leave this parcel of countryside sandwiched between residential development and employment land. Whilst this is a material consideration, the Local Planning Authority has no certainty or timescale in which this site is to be developed. As such it is considered that the proposal is inappropriate development at this present time as it would result in encroachment of the countryside contrary to Policy ENV 4 of the Doncaster Unitary Development Plan 1998 and Planning Policy Statement 7.
- 4.4 In deciding the subsequent appeal, the Inspector noted that the site represents an extension to the existing built-up area that would not intrude or visually encroach upon the open countryside beyond the urban edge of Armthorpe. In the longer term, the Inspector judged it would be surrounded by built development. The proposal was therefore not considered to lead to the loss of open countryside which outweighed the conflict with saved Policy ENV4 of the UDP and local representations and the views of Armthorpe Parish Council at the time. The appeal was allowed.

4.5 The decision related to a greater number of houses that what is proposed and the permission has since expired without being implemented. However, despite this and the decision predating the formal adoption of the Core Strategy and NPPF, it remains of relevance given the UDP is still part of the Development Plan and the overall intentions of the Core Strategy and Policy CS2 have now been realised by expansion of the employment park. In modern terms, the appearance of the site and the master planning for the area has now been realised and reflects the Inspector's reasoning. A copy of the appeal decision is listed in appendix 6 of this report.

5.0 Site Allocation

5.1 The site is allocated as located within the Countryside Policy Area as defined by Doncaster's Unitary Development Plan. As a consequence, the following policies are applicable:

National Planning Policy Framework (NPPF) (2019)

- 5.2 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.3 Paragraph 47 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, it is argued that the appeal decision quoted above is a significant material consideration in the determination of this application.
- 5.4 Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 5.5 Paragraph 109 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.
- 5.6 Paragraph 127 seeks to ensure that planning policies and decisions should, amongst other things, function well and add to the overall quality of the area, is visually attractive, is sympathetic to local character and history and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.
- 5.7 Paragraph 170 states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

The Development Plan

5.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In the case of this application, the development plan consists of the Doncaster Core Strategy, Unitary Development Plan and the Armthorpe Neighbourhood Plan.

Core Strategy 2011 – 2028 (CS) (Adopted 2012)

- 5.9 The Core Strategy 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.
- 5.10 Policy CS3 relates to development in the Countryside Policy Area. CS3 part c) sets out the conditions with which new development must accord in order to be acceptable in the countryside area.
- 5.11 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. Policy CS14 also recognises that a component of good design is to ensure that new development does not have a negative effect on residential amenity.
- 5.12 Policy CS16 seeks to ensure that proposals protect and enhance the borough's landscape and trees. Proposals should ensure that they are designed to a high quality, include appropriate hard and soft landscaping, and retain and protect appropriate trees and hedgerows.
- 5.13 Policy CS18 seeks to conserve, protect and enhance Doncaster's air, water and land resources.

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

- 5.14 Policy ENV4 of the UDP sets out exceptions for development within the countryside; and sets out conditions with which any exceptional development (falling within categories a f of Policy ENV4) must accord.
- 5.15 Policy ENV7 permits buildings intended for outdoor recreation and other uses appropriate for a countryside location provided the scale of the building is reasonable and would not prejudice the land use in other respects

Armthorpe Neighbourhood Plan (NP) (Adopted 2018)

5.16 Policy ANP2 states that new housing in Armthorpe must ensure that the new homes are well integrated with the existing village and surrounding environment and services. This should include the provision of good connections, good design and providing new facilities where appropriate.

5.17 Policy ANP5 states that new housing must be of high quality and designed to reflect local character. It should reflect the standards of Policy CS14 of the Core Strategy and the policy also lists a number of design considerations.

Doncaster Local Plan (Published) (2019)

- 5.18 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).
- 5.19 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The emerging Local Plan was "Published" for Regulation 19 consultation on 12th August 2019 for 7 weeks, ending on 30 September. The Council is aiming to adopt the Local Plan by the end of 2020. The Local Plan therefore is at a relatively advanced stage of preparation. The document carries limited weight at this stage, although the following emerging policies are applicable:
- 5.20 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.
- 5.21 Policies 2 and 3 set out the Borough's focus for new housing in sustainable locations.
- 5.22 Policy 26 deals with development in the countryside
- 5.23 Policy 34 seeks to ensure appropriate landscaping in new developments.
- 5.24 Policies 33 and 34 seeks to ensure that woodland, trees and hedgerows together with the impact on landscape is taken into consideration in planning decision.
- 5.25 Policy 42 seeks to ensure character and local distinctiveness in new developments.
- 5.26 Policy 45 seeks to ensure high standards of residential design.
- 5.27 Policy 46 sets out housing design standards.
- 5.28 Policy 49 seeks a high standard of landscaping in new developments.
- 5.29 Policy 56 deals with the need to mitigate any contamination on site.
- 5.30 Policy 57 requires the need for satisfactory drainage including the use of sustainable drainage solutions.

Other material planning considerations

- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- National Planning Policy Guidance (ongoing)
- National Planning Design Guidance (2019)

6.0 Representations

- 6.1 The application has been advertised as a departure to the Development Plan in accordance with the requirements of the Planning Practice Guidance as follows:
 - Any neighbour sharing a boundary with the site has received written notification
 - Advertised on the Council website
 - Site notice
 - Advertised in the local press
- 6.2 I was contacted by one resident who wished to see the location of the proposed stable block moved to further away from residential properties. The stable block was repositioned in accordance with this representation.
- 6.3 One further representation raised concerns with the impact of traffic on Whiphill Lane, which is unadopted and maintained by local residents. It is proposed that a section of the road is upgraded as betterment for the area. It is not felt that the complete upgrading of Whiphill Lane is considered reasonable or necessary for the provision of one dwelling.

7.0 Parish Council

7.1 No comments were received from Armthorpe Parish Council.

8.0 Relevant Consultations

- 8.1 **Highway Officer (Development Control)** No objections. Amended plans took into account a revised highway layout and a localised area of highway improvement on Whiphill Lane.
- 8.2 **Tree Officer** No objections. The previous appeal decision effectively condemned the row of oak trees approaching the site. Fortunately, this planning consent was never implemented. The access for this application is far less damaging, in that the area of Whiphill Lane to be made good is to be done not to an adoptable standard, but rather just consolidated. In terms of the access in to the site itself, this can be achieved with a no-dig, load-bearing, porous set up, details of which the agent has already supplied (conditions proposed).
- 8.3 **Environmental Health Officer (Noise)** No objections. The latest version of the site plan allays any concerns I may have had regarding odour from the stables as they are now located away from existing residential properties.

- 8.4 **Ecology Officer** No comments received at the time of writing. Any comments will be presented to planning committee verbally.
- 8.5 **Pollution Control Officer** No objections. A screening assessment form has been recorded and reviewed, and there is no clear reason for the site to be significantly affected by contamination.
- 8.6 **Yorkshire Water** No objections.
- 8.7 **Severn Trent Water** No comments received.

9.0 Assessment

- 9.1 The main issues are:
 - Principle
 - Character and appearance of the area
 - Impact on protected trees
 - Neighbour amenity
 - Highway safety
- 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 proposed development would be contrary to the approach to the location and supply of housing and the protection of the countryside set out in Policy CS2 of the Core Strategy and Policies ENV2 and ENV4 of the UDP. Therefore, it would not be in accordance with the Development Plan in this respect.
- 9.4 In such circumstances, the NPPF indicates that planning permission should not be granted unless material considerations indicate otherwise. In this case, an appeal decision carries significant weight in the overall planning balance and the resultant harm identified by the proposal provides a reasonable justification for the proposed development to be allowed (set out below).
- 9.5 The principle of a paddock for the keeping of horses and the siting of a stable block is acceptable in principle under Policy ENV7 of the UDP.

Sustainability

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

SOCIAL SUSTAINABILITY

Amenity

- 9.8 The site lies within a sustainable location with reasonable access to local amenities and public transport.
- 9.9 The property to the west of the proposed dwelling (Foxgloves) is a substantial twostorey dwelling with a number of windows in the front elevation. Although the neighbour will notice the appearance of the dwelling, it would be sited at such an angle as to avoid any significantly overbearing impact. Other neighbours are sufficiently distanced to avoid any impact. The requisite separation distances to adjacent properties, as set out in SPD good practice guidance, have been met.
- 9.10 The access to the site will be upgraded and resurfaced in a functional manner.

9.11 Conclusion on Social Impacts.

9.12 The sustainability of the location carries significant weight in accordance with the NPPF which requires Local Planning Authorities to significantly boost the supply of housing and make use of redundant or stalled sites. The amenity of neighbouring land uses are protected by the proposal. There are no demonstrable negative impacts.

ENVIRONMENTAL SUSTAINABILITY

Design and impact on character of area

9.13 The site lies outside of the defined settlement boundary and the proposal is therefore development in the countryside. Although residential development is generally resisted in these areas, except where it would accord with the aims of the Core Strategy, in this particular case the proposal would represent an amendment to a settlement boundary where existing boundaries are indefensible. The previous countryside character between the development edge on Fair Holme View and the M18 has been irreversibly altered to that of an isolated pocket of agricultural land serving as a buffer between residential development and the bunding associated with an employment park.

- 9.14 Development of the land would therefore represent a small extension to the existing built-up area that would not intrude or visually encroach upon the open countryside beyond the urban edge of Armthorpe. Due to the well-defined boundaries of the site and its relationship to the surrounding development, the site would appear to be more a part of the residential part of Whiphill Lane and Fair Holme View rather than an area of open countryside.
- 9.15 The appeal decision reinforces the view that the development would comply with Policy CS3. This appeal decision carries significant weight in the overall planning balance.
- 9.16 The design and layout of the property reflects the mixed character of the area. The garden size is sufficient. The materials are shown on the approved plans and reflect the varied palette of materials which are evident in the area.
- 9.17 The relatively small form and overall layout of the stable block in relation to the size of the paddock would be consistent with the requirements of recreational buildings in this location.

Access and Highways Safety

- 9.18 The previous appeal decision was granted with a more comprehensive redevelopment of the access to provide adoptable standards. In this case, negotiations concluded that a small shared section of Whiphill Lane was to be resurfaced, together with localised upgrading of the individual access for the proposed dwelling. The Highway Officer has no objections to the amended plans.
- 9.19 It is noted that a local resident has raised concerns with the impact of traffic on Whiphill Lane, which is un-adopted and maintained by local residents. It is proposed that a section of the road is upgraded as betterment for the area. It is not felt that the complete upgrading of Whiphill Lane is considered reasonable or necessary for the provision of one dwelling.
- 9.20 Off street parking is provided in accordance with good practice guidance. There is ample space to turn within the front garden area for the dwelling to turn and leave in forward gear.
- 9.21 Adequate provision can be made for emergency services to access the site. The South Yorkshire Fire Officer has been consulted on the application and has not objected.
- 9.22 A bin store would be located near the front of the site to allow the occupiers to bring recycling bins to the road edge on Whiphill Lane on collection day. The Waste Recycling team has been consulted on the application and has not objected.

Ecology and Trees

- 9.23 During the course of the application, there was a degree of tension between providing an access which would be legible for a single dwelling while protecting the root protection areas of trees to be retained off site. An amended scheme excludes excavation near the root protection areas of the best trees near the site. The Tree Officer has no objection to this approach.
- 9.24 The proposal includes planting of a new hedgerow to the site boundaries where appropriate. A bat box and bird box is to be installed on the property. The Ecology Officer has been consulted and any comments will be reported verbally to Members.
- 9.25 The proposal does not utilise the best and most versatile agricultural land.

Flooding and Drainage

9.26 The site lies within a low flood risk area and the site is not at risk of surface water flooding. Surface water will be directed to soakaway in accordance with the drainage hierarchy. No objections were received from the Water Authority.

9.27 Conclusion on Environmental Issues

9.28 The proposal would not be inappropriate development in the open countryside. The impacts in terms of design; trees and ecology; highways safety; flood risk and drainage are all considered to be acceptable. Whilst the proposal would bring agricultural land into residential use, the site is relatively accessible and sustainable.

ECONOMIC SUSTAINABILITY

- 9.29 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.
- 9.30 On a wider level, the provision of one dwelling will make a limited contribution to housing supply and local spending.

9.30 Conclusion on Economy Issues

9.31 Whilst the economic benefit of the proposal is of limited benefit, it does not harm the wider economy of the Borough and for that reason weighs in favour of the development.

10.0 PLANNING BALANCE & CONCLUSION

10.1 The proposal is considered in the context of the presumption in favour of sustainable development. It is acknowledged that the proposed development would not be in accordance with some of the Council's policies concerning the supply of housing, however an appeal decision on the site attracts significant weight as a material consideration. Furthermore, it is considered that the proposal would not harm the character of the countryside and the application would comply with the Development Plan in all other respects.

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10.2 Planning conditions have been worded to make the development acceptable and would meet the necessary tests.

11.0 RECOMMENDATION

11.1 Planning Permission GRANTED subject to the following conditions.

Conditions / Reasons

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

REASON

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

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:

Location plan received 19 November 2019

Gravelled area off site enabling works Sheet 3B Option 2 received 19 November 2019

Block Plan Sheet 3B Rev D received 13 December 2019 Block Plan Sheet 3A Rev D received 19 November 2019

Root Protection Details received 04 November 2019

Sheet 1 Proposed Plans received 01 August 2019

Sheet 2 Proposed Elevations received 01 August 2019

Proposed Detached Stable Block received 11 December 2019 Preliminary Ecological Appraisal (PEA) Survey Report received 30

September 2019

REASON

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

No development or other operations shall commence on site in connection with the development hereby approved (including tree pruning, ground works, soil moving, or any operations involving the use of construction machinery) until a detailed Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. The Method Statement shall be prepared by a competent arboriculturist in accordance with British Standard BS 5837:2012 Trees in relation to design, demolition and construction Recommendations and shall include full details of the following:

- Method for the preparation and final treatment of the ground 0 shown pink on the Approved Plan;
- Method for the ground preparation, timing of installation and final treatment of the no-dig, load-bearing, porous means of access Page 108 serving the site in between oaks (T1 and T2);

02.

03.

- o Installation of a tree protection scheme;
- o Siting of materials and plant storage areas and site cabins
- o Specification for tree work

REASON

To protect the roots and rooting environments of the oak trees (T1-T5) in the interests of amenity and in the interests of environmental quality in accordance with Policy CS16 of the Core Strategy. The condition is required to be discharged prior to development commencing so works can proceed in accordance with the approved details to avoid damage.

4. Before the first occupation of the dwelling hereby approved, details of the vehicular access, parking and turning area for the site and how it is surfaced, drained and where necessary marked out shall be approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall remain available for access for the lifetime of the development.

REASON

To ensure adequate parking, delivery and turning provision in the interests of public safety as required by Policy CS14 of the Core Strategy.

Before the first occupation of the dwelling hereby approved, details of the bin store shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON

To ensure that there is adequate provision for the storage and collection of waste from the site in accordance with Policy CS14 of the Core Strategy.

Before the first occupation of the dwelling, a surface water sustainable drainage system (SuDS) shall be designed and installed on the approved development. The system shall be designed such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework. In the event that a SuDS compliant design is not reasonably practical, then the developer shall seek written approval from the local planning authority for an alternative system and shall implement such approved alternative system, both prior to the first occupation of the development.

04.

05.

06.

REASON

To ensure that surface water is discharged to soakaway where possible in accordance with Policy CS4 of the Core Strategy.

O7. Prior to the occupation of the dwelling, a bat box and bird box shall be installed on the property to the satisfaction of the local planning authority.

REASON

To ensure the ecological interests of the site are maintained in accordance with Policy CS16 of the Core Strategy.

O8. Should any unexpected significant contamination be encountered during development, all associated works shall cease and the Local Planning Authority (LPA) be notified in writing immediately. A Phase 3 remediation and Phase 4 verification report shall be submitted to the LPA for approval. The associated works shall not re-commence until the reports have been approved by the LPA.

REASON

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

Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filing and level raising shall be tested for contamination and suitability for use on site. Proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information shall be submitted to and be approved in writing by the Local Planning Authority (LPA) prior to any soil or soil forming materials being brought onto site. The approved contamination testing shall then be carried out and verification evidence submitted to and approved in writing by the LPA prior to any soil and soil forming material being brought on to site.

REASON

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

There shall be no burning of horse manure or any other waste material on site.

REASON:

10.

To ensure that nearby residents are not adversely affected from odour and smoke.

Informatives

01. INFORMATIVE

Birds may be nesting in trees and shrubs on the site. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb nesting birds, and vegetation removal or disturbance should be timed therefore to avoid the nesting season (March to August inclusive).

02. INFORMATIVE

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

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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

03. INFORMATIVE

The applicants attention is drawn to the South Yorkshire Fire and Rescue Service comments which states that the development should comply with Approved Document B5 Access and Facilities for the Fire Service.

Justification

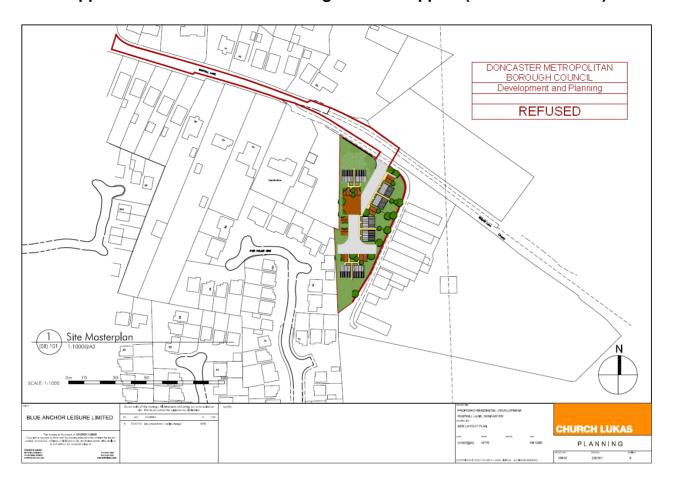
STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

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:

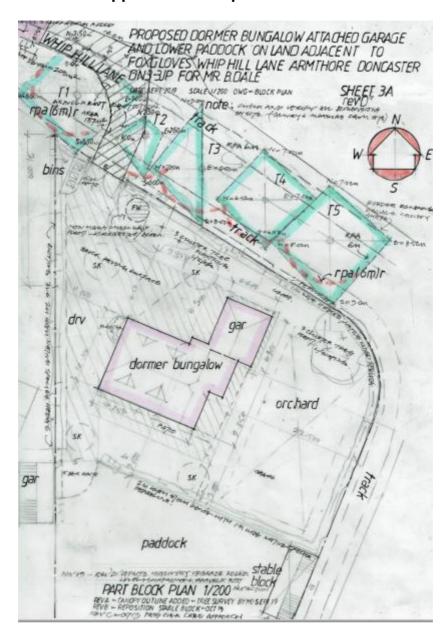
Highway safety Residential amenity Protection of trees

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.

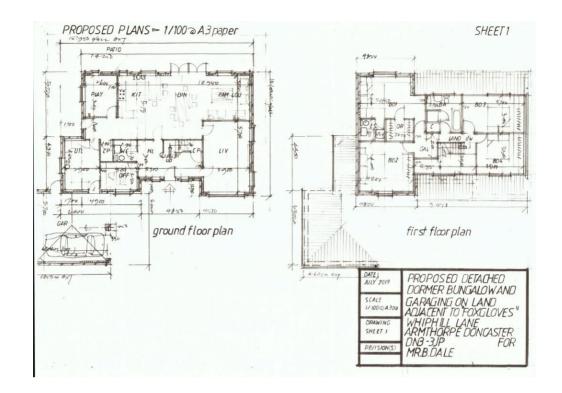
Appendix 1 – Indicative Site Plan granted on appeal (ref. 11/00023/REF)



Appendix 2 - Proposed Site Plan



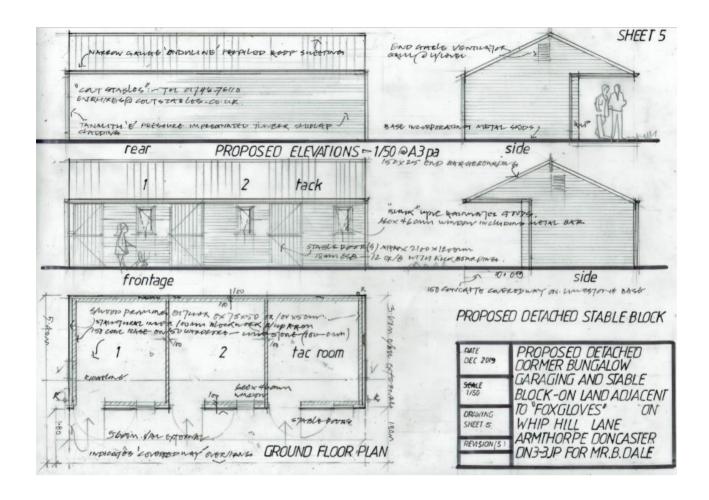
Appendix 3 - Proposed Floor Plan



Appendix 4 - Proposed Elevations



Appendix 5 – Proposed Stable Block



Appendix 6 - Appeal decision (ref. 11/00023/REF)



Appeal Decision

Inquiry held on 10 January 2012 Site visit made on 9 January 2012

by Andrew Jeyes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 January 2012

Appeal Ref: APP/F4410/A/11/2160658 Whiphill Lane, Armthorpe, Doncaster, South Yorkshire DN3 3JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Blue Anchor Leisure Ltd against the decision of Doncaster Metropolitan Borough Council.
- The application Ref 10/02436/OUT, dated 23 August 2010, was refused by notice dated 21 March 2011.
- · The development proposed is 8 No. detached dwellings with 200% parking provision.

Decision

 The appeal is allowed and planning permission is granted for 8 No. detached dwellings with 200% parking provision at Whiphill Lane, Armthorpe, Doncaster, South Yorkshire DN3 3JB in accordance with the terms of the application, Ref 10/02436/OUT, dated 23 August 2010, subject to the attached schedule of conditions.

Procedural Matters

2. The Council withdrew their evidence prior to the opening of the Inquiry. The appeal has therefore been considered on the basis of the initial information submitted by the Council, the evidence submitted by the appellant and the representations made by local residents and those of Armthorpe Parish Council indicating the site was within a countryside policy area, as reported to the Council's Planning Committee.

Main Issues

The main issues are whether the proposal would meet national and local planning policy in respect of location within the countryside and whether it would be premature in advance of the implementation of the planning permission granted in respect of adjoining land.

Reasoning

- 4. The proposal is in outline with details of access and layout submitted and with appearance, scale and landscaping reserved for subsequent approval. It proposes eight detached houses with 16 parking spaces served by a cul-de-sac from the end of Whiphill Lane, an existing poorly surfaced road.
- 5. The site is part of an area of open countryside that abuts existing residential development running along Whiphill Lane and a new housing estate to the west. To the east of the site and extending north lies further open countryside that has outline planning permission¹ granted in December 2009 for an employment park [West Moor Park] extending to 46.2 Ha's. This employment park would infill between the edge of

¹ Council reference 08/02201/OUTA: West Moor Park Employment Park Extension

- existing development and the M18 Motorway to the east with access from an existing employment area to the north. Reserved matters have yet to be submitted.
- 6. The site is located within an area of open countryside indicated on the Proposals Map of the Doncaster Unitary Development Plan 1998 [UDP], where saved Policy ENV4 indicates that development will not normally be permitted other than for specific purposes. This stance is reflected in current advice in PPS7². The UDP also includes the site in an Area of Special Landscape Value, where saved Policy ENV17 indicates that acceptable development would only be permitted if it would not detract from the visual character of the area.
- 7. The Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 [RSS] indicates that Doncaster is one of the sub-regional towns in South Yorkshire that are to be the focus of most development. The Key Diagram of the Doncaster Council Core Strategy 2011-2026 [CS] submission indicates an urban extension between Armthorpe and the M18 as a Strategic Distribution Employment Location. It was indicated that there were no representations in respect of this proposal for consideration at the CS Hearing and this intention therefore carries considerable weight. Adoption of the CS is anticipated in 2012 with an Allocations DPD³ to be published in 2012 with adoption in 2013.
- 8. The West Moor Park permission was on land with the same UDP countryside designation as the appeal site. In considering the outline application for the employment park, the Council considered that the intentions in RSS and the CS, taken with relevant national guidance, were sufficient to justify the development in this location and outweighed the countryside designation in the UDP. The up-to-date policy position, together with the outline planning permission, indicate clearly that the area between the existing urban edge of this part of Armthorpe and the M18 Motorway would not be retained as open countryside. The future intentions are that this area would be developed whether or not the current outline permission is implemented.
- 9. On implementation of the West Moor Park permission, the appeal site would be left as a small isolated area of countryside surrounded by development. Guidance in respect of prematurity in *The Planning System: General Principles* indicates that refusal on grounds of prematurity would not normally be justified unless the proposal is so substantial or its cumulative effect so significant that it would prejudice a DPD in the course of preparation. The appeal proposal for eight dwellings, as a minor extension to an existing urban area and within what would be a small isolated piece of open countryside, would not prejudice the forthcoming Allocations DPD.
- 10. The site abuts existing housing to the west, has trees and the grounds of Oaklands to the north and an area of overgrown previously developed land to the east. Development of the land would thus represent an extension to the existing built-up area that would not intrude or visually encroach upon the open countryside beyond the urban edge of Armthorpe. In the longer term, it would be surrounded by built development. PPS7 indicates that where new housing is required in countryside areas it should be focussed on existing towns. The site is in a sustainable location.
- 11. The Government has issued a Draft National Planning Policy Framework [NPPF] that consolidates national planning policy. This has been considered in relation to this appeal, but it carries limited weight at this stage of the process as it is in draft form and subject to possible change. Existing national planning policy remains and carries substantial weight and, whilst it contains a presumption in favour of sustainable development, the NPPF does not propose any significant change in national policy relative to the issues of this appeal.
- Noise has been raised as an issue in representations, but the outline planning permission relating to West Moor Park is subject to a noise condition and this housing

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scheme would not create an unacceptable noise environment for existing local residents. The unmade up part of Whiphill Lane is mostly within the application site and its surfacing could be the subject of a condition. It would provide adequate access arrangements for existing properties. Neither the appeal application nor the West Moor Park permission envisages a vehicular connection between Whiphill Lane and the new employment area. The proposal would not lead to any unacceptable change in living conditions or security for local residents.

- 13. In conclusion, the proposal is sited on land included within the UDP as open countryside and would normally be protected by saved UDP Policy ENV4. However, this site is part of a larger area that the evolving Core Strategy, building on the principles established within RSS, envisages for development. Outline planning permission has been granted for the major part of this development area for employment use. The proposal would not therefore lead to the loss of open countryside envisioned to be retained in the future. These matters outweigh clearly the conflict with saved UDP Policy ENV4 and for these reasons, and taking account of local representations and the views of Armthorpe Parish Council, the appeal is allowed.
- 14. The conditions suggested have been considered in accordance with the advice in Circular 11/95: The Use of Conditions in Planning Permissions. Wording has been adjusted where necessary. These conditions will require the submission of details of appearance, scale and landscaping. The plans to which this decision relates are specified for the avoidance of doubt and in the interests of the proper planning of the area.
- 15. Conditions are necessary in respect of surface water drainage, including investigating the feasibility of sustainable urban drainage, to prevent contamination of the water environment and in relation to investigating and dealing with any land contamination to ensure satisfactory living conditions for future residents. Details of the make up of the access road are required in the interests of highway safety together with the proviso that the works to Whiphill Lane are implemented prior to commencement of house construction. An ecological enhancement plan is necessary to ensure that any loss of hedgerow is adequately compensated.
- 16. Conditions are not necessary in respect of landscaping schemes, boundary enclosures or materials as these would be the subject of reserved matter submissions. Nor is a condition required in respect of foul drainage as this is covered by other legislation. A condition related to an amended layout to provide for a resiting of dwellings on Plots 1 and 2 is not necessary to make the proposal acceptable in planning terms.

Andrew Jeyes

INSPECTOR

