



# Doncaster Council

## Agenda

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To all Members of the

## **PLANNING COMMITTEE**

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

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

**Date:** Tuesday, 4th February, 2020.

**Time:** 2.00 pm.

### **BROADCASTING NOTICE**

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**Damian Allen**  
Chief Executive

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Issued on: Monday, 27 January 2020

Governance Services Officer for this meeting

Jonathan Goodrum  
(01302) 736709

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

<b>Item</b>	<b>PageNo.</b>
1. Apologies for Absence	
2. To consider the extent, if any, to which the public and press are to be excluded from the meeting.	
3. Declarations of Interest, if any.	
4. Minutes of the Planning Committee Meeting held on 7th January, 2020	1 - 8
<b>A. Reports where the Public and Press may not be excluded.</b>	
<b><u>For Decision</u></b>	
5. Schedule of Applications	9 - 136
<b><u>For Information</u></b>	
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### **Members of the Planning Committee**

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

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

# Agenda Item 4.

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE

TUESDAY, 7TH JANUARY, 2020

A MEETING of the PLANNING COMMITTEE was held at the COUNCIL CHAMBER - CIVIC OFFICE on TUESDAY, 7TH JANUARY, 2020, at 2.00 pm.

#### PRESENT:

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

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

#### APOLOGIES:

Apologies for absence were received from Councillors Mick Cooper and John Healy

#### 58 DECLARATIONS OF INTEREST, IF ANY.

In accordance with the Members Code of Conduct, the Vice-Chair, Councillor Sue McGuinness, declared an interest in Application No. 19/01843/FUL 5(4) which had been discussed at a recent Armthorpe Parish Council meeting of which she was a member but had not given her opinion thereon.

In accordance with the Members Code of Conduct, the Chair declared an interest in Application No. 19/01169/FUL 5(3) stating that she had asked for the application to be brought to the Planning Committee.

In accordance with the Members Code of Conduct, Councillor Eva Hughes declared an interest in Application No. 19/01965/FULM 5(1) by virtue of being a member of the Friends of Sandal Park but had not given her opinion thereon.

#### 59 MINUTES OF THE PLANNING COMMITTEE MEETING HELD ON 10TH DECEMBER, 2019

RESOLVED that the minutes of the meeting held on Tuesday, 10th December, 2019 be approved as a correct record and signed by the Chair.

#### 60 SCHEDULE OF APPLICATIONS

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

## DONCASTER METROPOLITAN BOROUGH COUNCIL

## PLANNING COMMITTEE – 7th January, 2020

<b>Application</b>	1		
<b>Application Number:</b>	19/01965/FULM		
<b>Application Type:</b>	Planning FULL Major		
<b>Proposal Description:</b>	Demolition of existing building and erection of new restaurant/café with associated parking		
<b>At:</b>	Sandall Park Café, Thorne Road, Wheatley Hills, Doncaster DN2 5DZ		
<b>For:</b>	Mrs J Silkcock – Sandall Park Leisure Ltd.		
<b>Third Party Reps:</b>	13 in support 1 letter in opposition	<b>Parish:</b>	
		<b>Ward:</b>	Wheatley Hills & Intake

**A proposal was made to defer the application for a site visit to assess the access, parking an impact to highway Safety. Further clarity regarding viability, public consultation, amount of open space to be lost, and justification on the size and position of the proposed building to made available to members for the purpose of the site visit.**

**Proposed by: Councillor Sue McGuinness**

**Seconded by: Councillor Andy Pickering**

**For: 8 Against: 1 Abstain: 0**

**Decision: Defer for a site visit to assess the access, parking an impact to highway Safety. Further clarity regarding viability, public consultation, amount of open space to be lost, and justification on the size and position of the proposed building to be made available to members for the purpose of the site visit.**



**(The receipt of additional information from the applicant regarding the opening hours and confirmation that the viability report for the scheme incorporated assumptions on expected levels of income was reported at the meeting).**

**(The receipt of further information from Friends of Sandall Park regarding the later opening hours was reported at the meeting).**

<b>Application</b>	2
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<b>Application Number:</b>	19/02180/COU
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<b>Application Type:</b>	Planning FULL
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<b>Proposal Description:</b>	Change of use from 17 bed hotel with ancillary facilities and rear car park, to 20 bed HMO on floor 1,2 and 3.
<b>At:</b>	Kellet Hotel, 87 Thorne Road, Doncaster DN1 2ES

<b>For:</b>	Mrs Anna Ang
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<b>Third Party Reps:</b>	10 in opposition	<b>Parish:</b>	N/A
		<b>Ward:</b>	Town

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

**Proposed by: Councillor Eva Hughes**

**Seconded by: Councillor Iris Beech**

**For: 5    Against: 4    Abstain: 0**

**Decision: Planning Permission granted**

**In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Mrs Helen Henderson spoke in support of the application for the duration of up to 5 minutes.**

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

<b>Application</b>	3
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<b>Application Number:</b>	19/01169/FUL
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<b>Application Type:</b>	Full Planning Permission
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<b>Proposal Description:</b>	Change of use of industrial building (Use Class B2) to mixed use including vehicle repair and body shop with spray booth and office (retrospective).
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<b>At:</b>	5 Lock Lane, Thorne, DN8 5ET
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<b>For:</b>	Mr Cosmin Croitoru
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<b>Third Party Reps:</b>	5 Representations	<b>Parish:</b>	Thorne Town Council
		<b>Ward:</b>	Thorne and Moorends

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

**Proposed by: Councillor Iris Beech**

**Seconded by: Councillor Andy Pickering**

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

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

- The proposal would cause significant adverse harm to residential amenity of neighbouring properties by virtue of noise, odours and fumes generated from the operations. As a consequence, the application is considered to be contrary to Core Strategy (2011-2028) Policies CS1 and CS14 and saved Unitary Development Plan Policy PH12 (adopted 1998).**

**In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Mr Peter Wailes spoke in opposition to the application for the duration of up to 5 minutes.**

**In accordance with Planning Guidance, 'Having Your Say at Planning Committee', Councillors Mark Houlbrook and Joe Blackham (Ward Members) spoke in opposition to the application for the duration of up to 5 minutes each.**

**(The receipt of additional consultation response from the Health and Safety Inspector was reported at the meeting).**

<b>Application</b>	4
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<b>Application Number:</b>	19/01843/FUL
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Erection of dormer bungalow including detached garage with stable block and horse paddock
<b>At:</b>	Land East of Foxgloves, Whiphill Lane, Armthorpe

<b>For:</b>	Mr Barry Dale
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<b>Third Party Reps:</b>	2 representations	<b>Parish:</b>	Armthorpe Parish Council
		<b>Ward:</b>	Armthorpe

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

**Proposed by: Councillor Eva Hughes**

**Seconded by: Councillor George Derx**

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

**Decision: Planning permission granted subject to the addition of the following condition:-**

**11. Within 1 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 prior to the first occupation of the site or an alternative timescale to be approved in writing with the local planning authority:**

- **A scheme of native tree and shrub planting to be implemented in landscaped areas of the site**
- **The inclusion of nectar rich species in a planting design to support a range of invertebrates.**
- **The location and type of 4 No. bird boxes to be sited around the perimeter of the site.**
- **The inclusion of 1 integrated bat box within the fabric of the building.**
- **Gaps within the boundary fence to provide access for hedgehogs throughout the site and in the wider landscape.**

## **REASON**

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

**(The receipt of additional consultation responses from the Ecology Officer suggesting an additional condition regarding an ecological enhancement plan and from the Waste and Recycling Team regarding the collection point and suggesting that the gravel drive be replaced with a smooth surface was reported at the meeting).**

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## **DONCASTER METROPOLITAN BOROUGH COUNCIL**

Date 4th February 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.

##### **Copyright Implications**

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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.

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Application	Application No	Ward	Parish
1. M SV	19/01965/FULM	Wheatley Hills And Intake	
2. M	16/02123/FULM	Sprotbrough	Hampole And Skelbrooke Parish Meeting
3.	19/01725/FUL	Tickhill And Wadworth	Tickhill Parish Council
4.	19/01814/FUL	Norton And Askern	Fishlake Parish Council

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<b>Application</b>	1
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<b>Application Number:</b>	19/01965/FULM
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Demolition of existing building and erection of new restaurant/cafe with associated parking.
<b>At:</b>	Sandall Park Café, Thorne Road, Wheatley Hills, Doncaster, DN2 5DZ

<b>For:</b>	Mrs J Silkcock – Sandall Park Leisure Ltd.
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<b>Third Party Reps:</b>	13 in support 1 letter in opposition Additional consultation by the applicants	<b>Parish:</b>	
		<b>Ward:</b>	Wheatley Hills and Intake

<b>Author of Report:</b>	Hannah Wilson
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## 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.

The application has returned to planning committee after a deferral for a site visit and to provide extra clarity regarding viability, public consultation, amount of open space to be lost and justification on the size and position of the proposed building

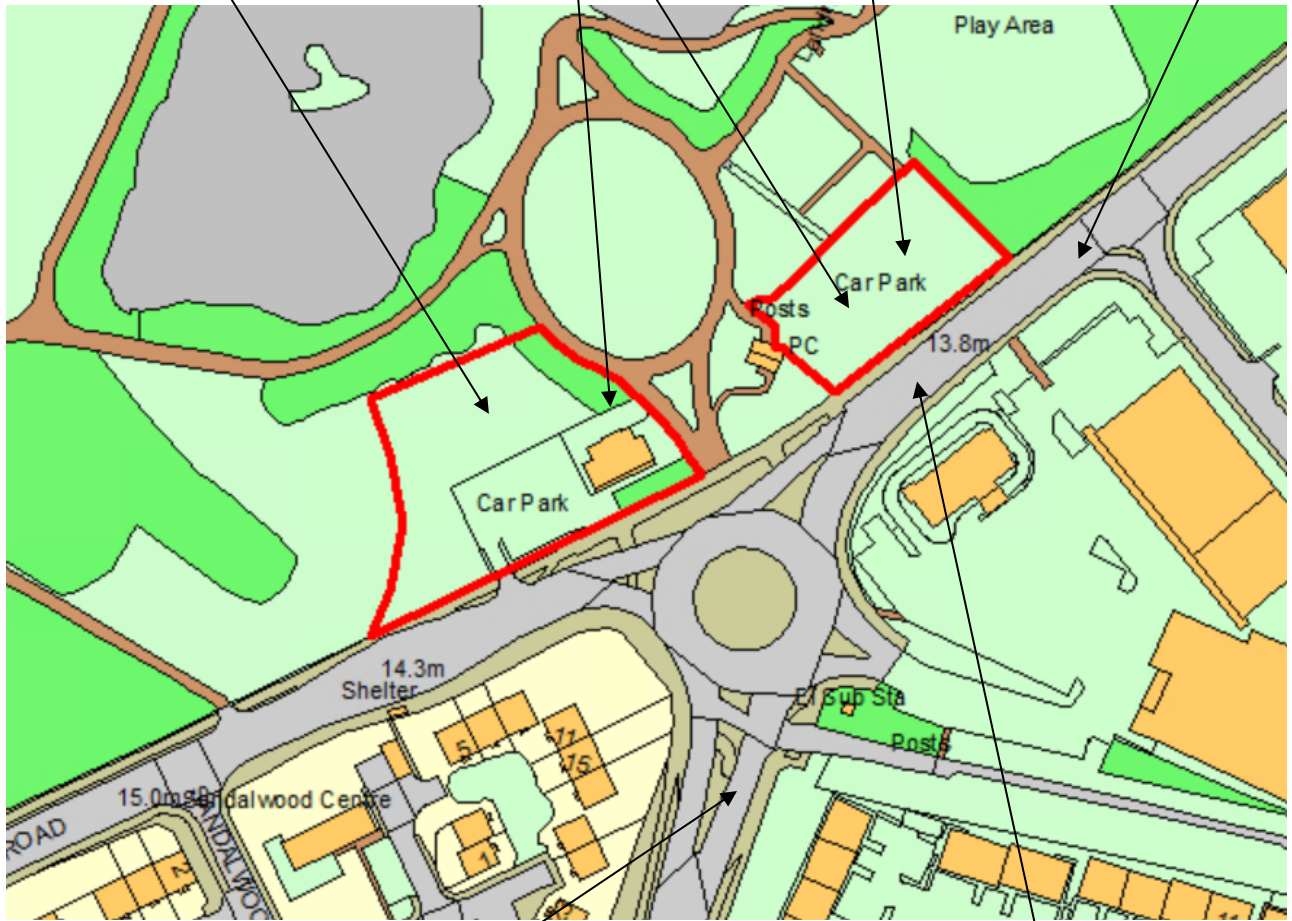
**RECOMMENDATION: GRANT planning permission subject to conditions.**

New building on this part of the site, including demolition of existing building

Application Site

Existing car park to be re-arranged

Thorne Road



Leger Way

Crossing proposed between Park and retail centre along Thorne Road.

## 1.0 Reason for Report

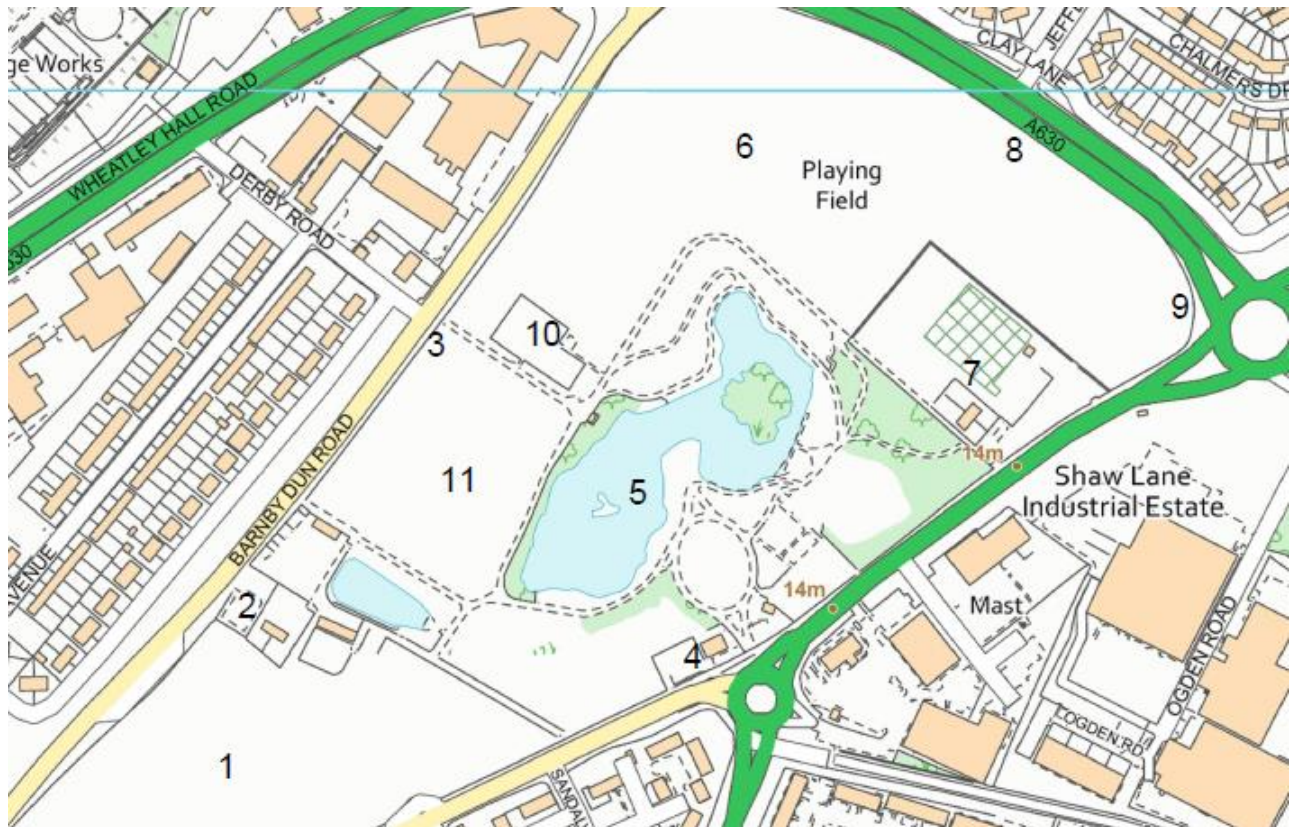
- 1.1 This application is being presented to Planning Committee as the application site is owned by Doncaster MBC.

### Updated Assessment:

- 1.2 Updated information has been provided by the applicant's agent to address the questions raised at the last planning committee and these are supplied below. Additional consultation has been undertaken with the council's Open Space Policy Officer. The below will provide extra clarity regarding viability, public consultation, amount of open space to be lost and justification on the size and position of the proposed building. The body of the report remains the same for further consideration of the planning committee. The Open Space Officer, Highways Officer, Tree Officer and Transportation Officer will be attending Planning Committee.
- 1.3 **Viability:** The applicant has agreed to publish the viability assessment and this is now available online for members of the public and Committee Members to review. This information is not required by policy but has been provided by the applicants to show how they have come to this scheme, showing the funding and costing of the proposal. This shows a prospect of the development coming forward and that is achievable with funding.
- 1.4 The applicants has gone back to their viability assessor who has confirmed:
- In Viability Assessments a Developers Profit is an allowable cost. However, on this scheme, no developer profit has been included (Section 3.0/Page 7).
  - They also confirm that the proposed 9,000 sq ft facility is the minimum size to allow the scheme to be viable. (Section 4.0 of the report). Based on this size (and therefore revenue) the scheme is fundable over a 15 year period. Any smaller and it will take longer, which wouldn't be acceptable to any funders
  - Consent to the publishing of the Viability Report
- 1.5 **Licence:** Committee raised questions regarding the sale of alcohol. The applicant has confirmed they have an alcohol licence (LM200400895JSILCOCK) for the existing café that allows them to serve alcohol until midnight. This is not a planning matter but is provided for clarity. There are no restrictions on the opening hours of the existing café, however conditions have now been recommended restricting the hours of opening for the new proposal.

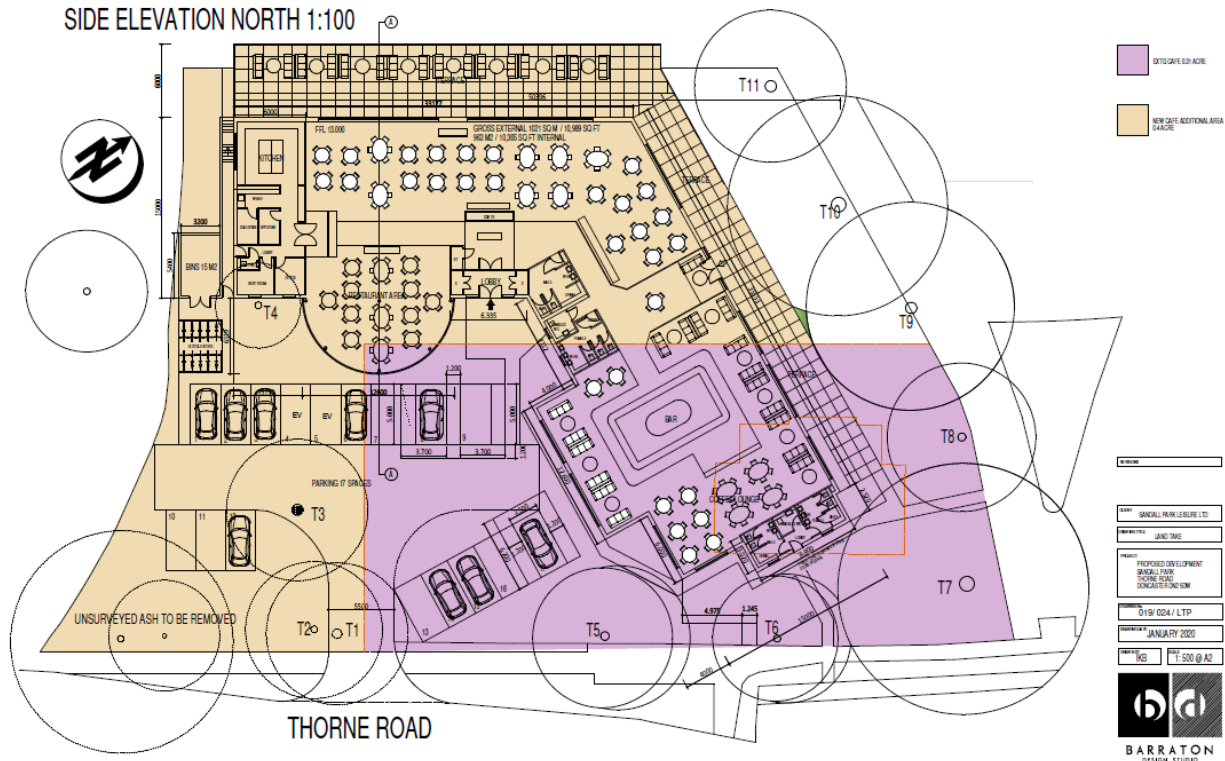
1.6 **Food:** Questions were asked about the type of food provision and size of the floor area. A3 use includes Restaurant and Café within it although conditions have been imposed to restrict any changes of use including other uses within that use class. The applicant states that a wide range of fresh food will be available and will cater for specific dietary requirements such a gluten free, vegan and vegetarian. It states this will be a healthier provision than the nearby hot food takeaways. It also states that the menu will be varied and offer something different to the food establishments available nearby. This menu will be finalised nearer the opening. The floor area is one large floor area providing food and the 'restaurant' is only described as this because alcohol could be served after 11am. This is not a separate area.

1.7 **Location:** The applicants have looked at the existing park and detailed why they feel the new building cannot be located elsewhere. . This has been done by marking the points on the site plan below:



- 1 EXISTING GREEN SPACE FORMERLY USED AS A PITCH & PUTT
- 2 EXISTING ANCILLARY CAR TO SANDALL PARK FROM BARNBY DUN ROAD
- 3 LAY BY PARKING ALONG BARNBY DUN ROAD USED FOR SANDALL PARK
- 4 SITE OF EXISTING CAFE AND NEW RESTAURANT CAFE CREATING A LAND MARK BUILDING IN THE OPTIMUM LOCATION FOR ACCESS AND USING TOPOGRAPHY BEST LOCATION FOR VIEWS OVER THE LAKE
- 5 EXISTING LAKE WITH DESIGNATED WALKWAYS NATURE TRIALS AND PICNIC AREA
- 6 EXISTING FOOTBALL PITCHES PLAYING FIELD
- 7 FORMER DMBC NURSERY NOW OUT OF USE PLANS ARE TO CREATE A DOG PARK ON THIS AREA ACCESS CONSIDERED UNSUITABLE FOR REDEVELOPMENT
- 8 ANY ACCESS FROM THE A630 WOULD CREATE MAJOR HIGHWAY FOR REDEVELOPMENT ISSUES
- 9 BUSY ROUNDABOUT NOT SUITABLE FOR ACCESS
- 10 EXISTING CHILDRENS PLAY AREA
- 11 EXISTING CRICKET PITCH

- 1.8 **Size:** The applicants have provided a land take plan to show the difference in size between the proposal and existing café.



- 1.9 The size has been carefully considered and has been significantly reduced as a result of discussions with officers during the pre-application stage. It is felt that the building is ancillary to the park which is considered further in the body of this report. The size also reflects the viability of the proposal and aims to provide a 'gateway building' for a substantial borough park and should have facilities to meet the needs and represent one of the larger parks in the Borough.

- 1.10 **Open Space:** The total loss of open space amounts to 0.05% of the total area of the park.

- 1.11 To help demonstrate that the loss of open space is not considered detrimental by the community that use this open space, consultation is required. This was previously undertaken across 2 days however the applicants have since undertaken further consultation across a week. This has resulted in a total of 507 signatures in support of the loss of this open space. This is shown in the below public consultation section.

- 1.12 The Open Space Officer has been re-consulted and provided the following information on the loss of the Open Space:



*“Although open space will be lost the space is being lost for a purpose ancillary to the park. It is a replacement of an existing café in this location, which is dated and reportedly in a poor state, which requires adjacent open space to be utilised. The applicants argue this is both necessary and will improve the provision, providing an attractive venue for park users existing and new. Obviously, if open space was to be lost for a use that was not ancillary to the park – such as housing or a pub that was entirely independent of the park, then this would be viewed differently and treated differently and would be far more problematic, but in this case there has to be some differentiation given the purpose of the application, what it is for, and that the aim that this will improve the park experience. Numerous respondents highlighted that it was important that it was ensured that the use is for a park café.*

*The space proposed to be lost is a relatively small part of the overall open space. It is not the case that we are seeing widespread re-development of the whole open space – although it is accepted that there is unfortunately a loss. It is also notable that the proposals were scaled back through pre-applications given fears about the impact on the park.*

*The space proposed to be lost is not a demarked playing pitch, nor is it a sports pitch etc., nor is it flat (therefore it is not the most obvious area to walk or play on in this park). That is not to say it doesn't have value as an open space or isn't used recreationally or doesn't have aesthetic value, but in the scheme of this park it could be argued that there are more important, accessible, or harder to replace areas that could be lost. This area functions more as an amenity area which allows transition into the park.”*

1.13 Therefore it is considered, for the above reasoning, the loss of this small part of the open space of the park for a replacement ancillary provision of an A3 use, will benefit the park and its users and the loss is balanced against the benefits the proposal will provide to this borough park and has substantial support.

1.14 **Public Consultation:** For clarity the consultation associated with this application is expressed below. It is a requirement that the applicants undertake their own consultation on the loss of the open space to accord with policy RL1.

<b>What consultation</b>	<b>How undertaken</b>	<b>No. of responses</b>	<b>Additional comments</b>
LPA statutory consultation <b>Site Notices</b>	4.9.19: 7 site notices posted around the edge of the park  4.12.19: redline boundary changed to include reconfiguration of existing car park and news site notices were again posted	13 in support 1 letter in opposition	This was the statutory consultation undertaken as part of the application.

<p><b>Newspaper</b></p> <p><b>Neighbour Letters</b></p>	<p>This was put in the newspaper on the 05.09.2019</p> <p>121 Neighbour Letters were sent to neighbouring properties around the park on the 30.08.2019.</p> <p>These were re-consulted on the 27.11.2019 due to the boundary change</p>		
<p>Applicants Consultation</p> <p><b>Loss of Open Space Survey undertaken around the park</b></p>	<p>19.10.19: Survey resulted in signatures to say they did not feel the loss of this open space would have a detrimental effect.</p> <p>19.10.19: Survey repeated in the PM</p> <p>23.10.19: Survey repeated in the AM</p> <p>23.10.19: Survey repeated in the PM</p>	<p>22</p> <p>31</p> <p>19</p> <p>9</p>	
<p>Applicants Consultation</p> <p><b>Loss of Open Space Survey undertaken around the park</b></p>	<p>After Planning Committee additional consultations were undertaken on 7 days, in various places around the Park before this report was finalised</p> <p>13.1.2020: 9am-3pm</p>	<p>60</p> <p>58</p>	<p>Additional comments were received from some of those consulted, and are summarised below:</p> <ul style="list-style-type: none"> <li>Loss of Open Space: <i>"It won't affect the greenspace". "The park is massive, that amount of park is negligible", "vast improvement and no detriment to the environment", "loss of that amount of grass is hardly losing greenspace", "well worth the loss of open space/greenspace", "well needed and good use of green space", "the grass is derelict."</i></li> </ul>

14.1.2020: 9am-3pm	60	<ul style="list-style-type: none"> <li>Visual Comments: <i>“Nice to overlook lake and not the road”, “look forward to new building”, “more modern moving with the times”, “upgrade fantastic for Doncaster”, “fabulous plan, totally support this”, “falling down and needs rebuilding”, “enhance the area”.</i></li> <li>Health: <i>“much needed healthy food and fresh”, “not fast food”, “kids can eat homemade”</i></li> <li>Other comments: <i>“cannot believe the Council are blocking this”, “can’t see why the Council are objecting”, “a tragedy that the Friends group are folding”, “we need this, we totally support the new venture”, “facilities are required for the park”</i></li> </ul>
15.01.2020:9am-3pm	20	
16.1.2020: 9am-3pm	57	
17.1.2020: 9am-3pm	136	
18.1.2020: 9am-3pm	35	
19.1.2020: 9am-3pm		
	Total in <b>support:507</b>	
	Total <b>neither</b> in support or against: 7	
	Total <b>not in support: 0</b>	

## Main Assessment

### 2.0 Proposal

2.1 Planning permission is sought for the demolition of existing building and erection of new restaurant/café with associated parking. The permission includes the re-arrangement 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 National Planning Policy Framework (NPPF 2019)**

- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 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, Duncroft, 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
- b) 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
- c) 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 change 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 25<sup>th</sup> 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 pre-application 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 previous 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.

#### 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
		<b>29</b>

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.

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 1000m<sup>2</sup> 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 if 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.

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.



3D visuals provided by the applicants

- 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 S106 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.

## **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

01. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans 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.
03. 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.

04. 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 barriered-off 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.

05. 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.

06. 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.

07. 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. 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 windows) 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

13. 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

REASON

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

18. 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.

20. 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.

21. 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.

22. 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
- 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

24. 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](http://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](mailto:p.evans@doncaster.gov.uk) or Tel 01302 735162 as soon as possible to arrange the setting up of the permit agreement.

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

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 managing 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](http://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](http://www.breeam.org).

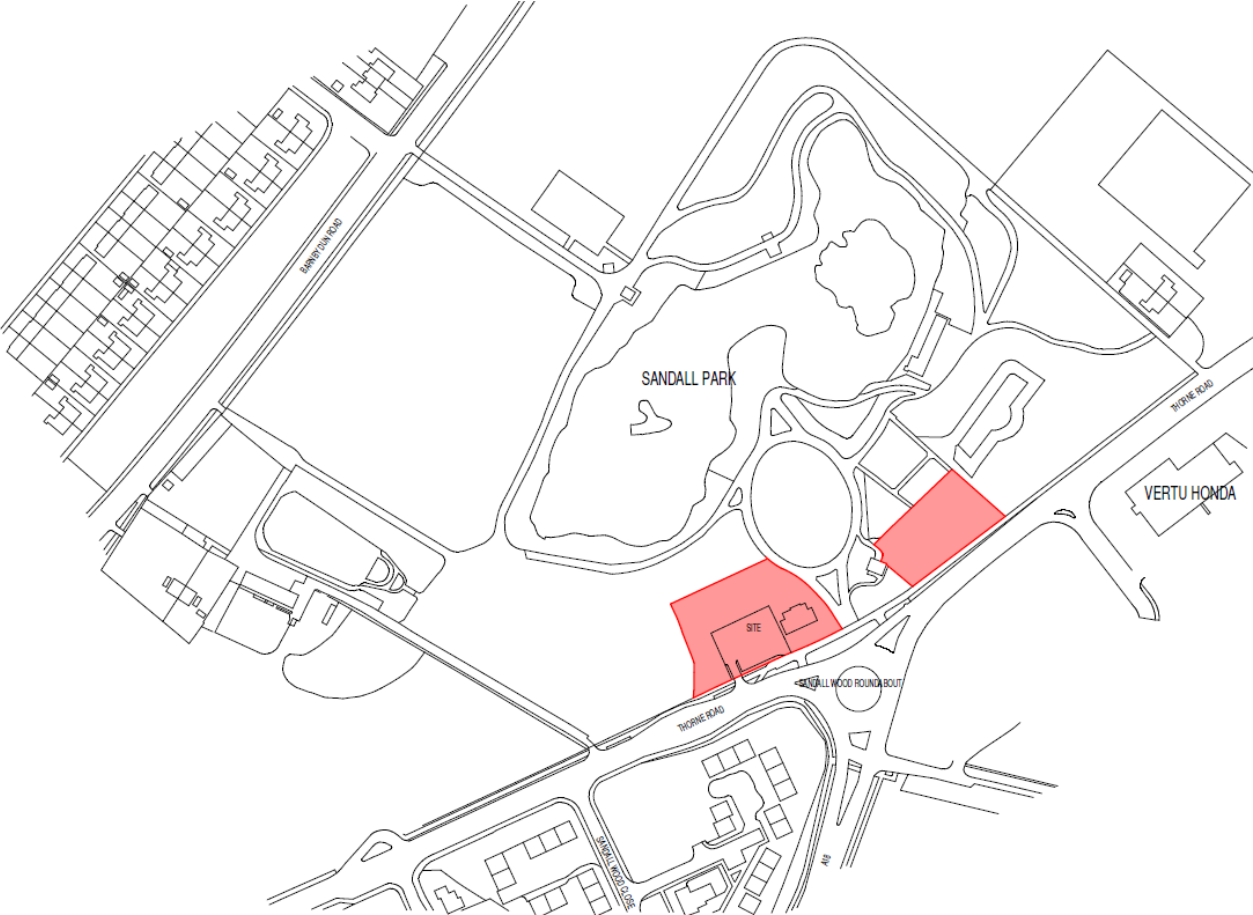
## STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

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



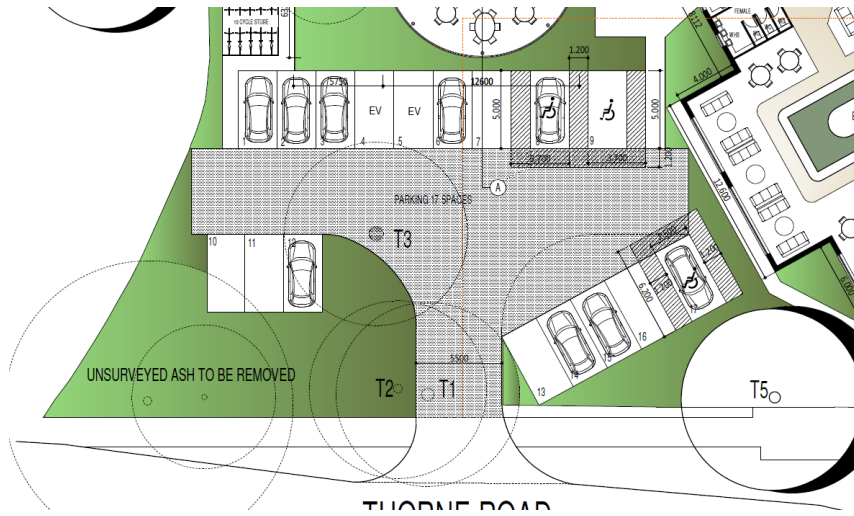
## Appendix 2: Site Plan



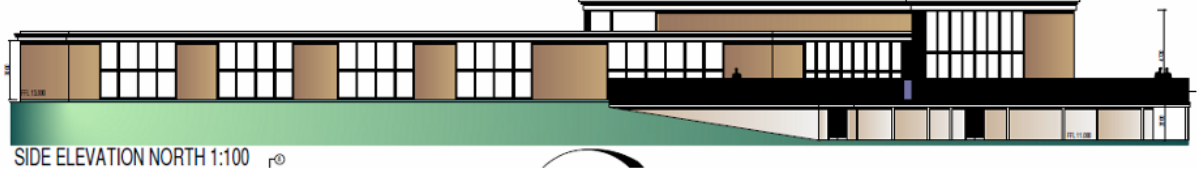
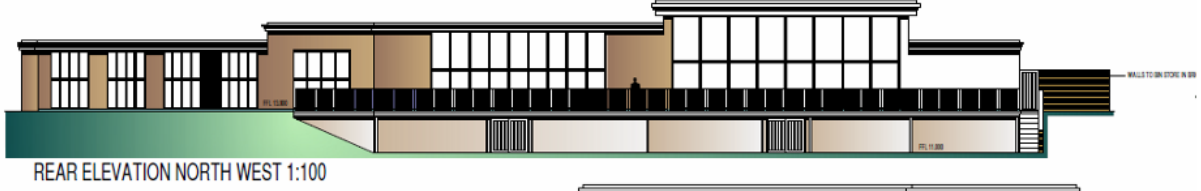
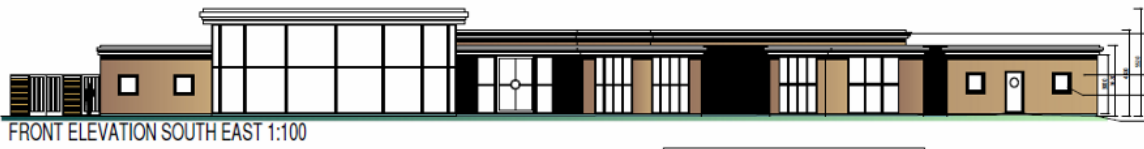
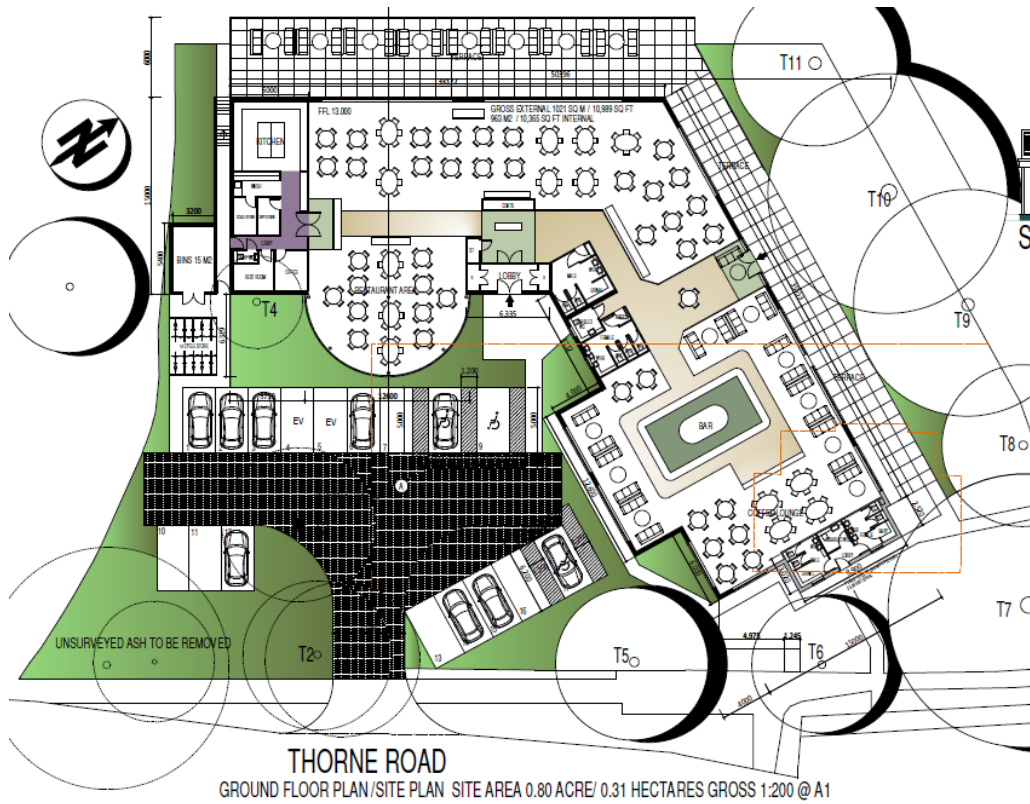
# Appendix 3: Car Park Arrangements



CAR PARKING TO NORTH LAYOUT 1:500 @A1

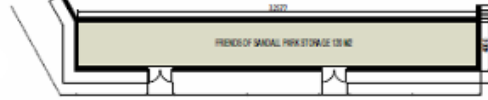


# Appendix 4: Floor Plans and Elevations





SIDE ELEVATION SOUTH 1:100



LOWER GROUND STORAGE AREA PLAN 1:200 @A1



SECTION AA



<b>Application</b>	<b>02</b>
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<b>Application Number:</b>	16/02123/FULM
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<b>Application Type:</b>	Planning FULL Major
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<b>Proposal Description:</b>	Proposed change of use from agricultural grainstore to B1 (light industrial) / B8 (storage and distribution) and the change of use of redundant agricultural cartshed to B1 offices with associated means of access and parking
<b>At:</b>	Manor Farm Cottages Wakefield Road Hampole Doncaster DN6 7EP

<b>For:</b>	Mrs Elizabeth Nelson
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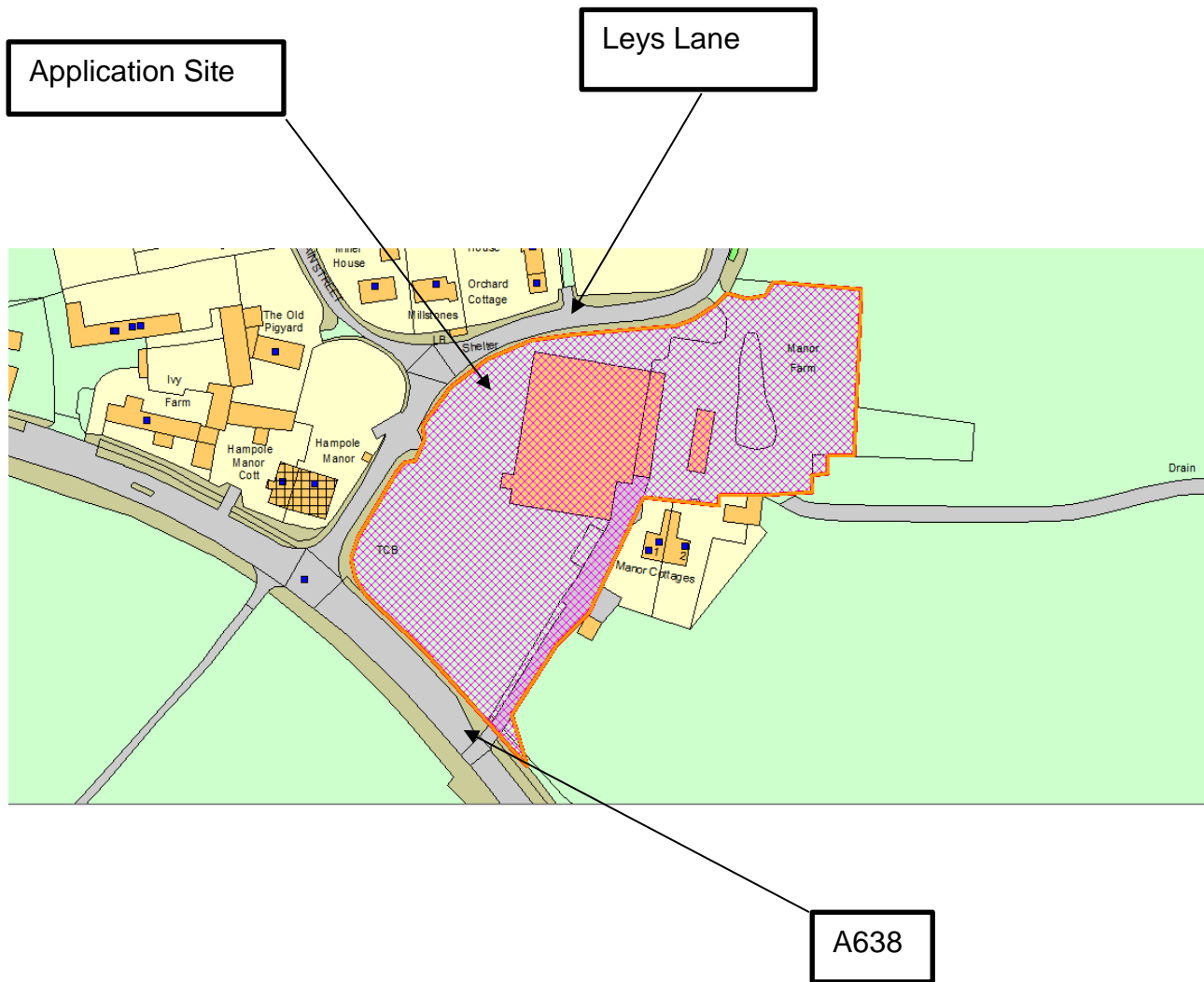
<b>Third Party Reps:</b>	63 overall	<b>Parish:</b>	Hampole And Skelbrooke Parish
		<b>Ward:</b>	Sprotbrough

## SUMMARY

The proposal seeks permission for the change of use from agricultural grainstore to B1 (light industrial) / B8 (storage and distribution) and the change of use of redundant agricultural cartshed to B1 offices with associated means of access and parking. The proposal is considered to be acceptable in policy terms having a limited impact on the openness of the Green Belt and the amenities of occupiers of neighbouring dwellings. The proposal 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 the Green Belt, neighbouring properties, heritage assets, the highway network or the wider character of the area.

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



## 1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee as the application is a departure from the Development Plan. The proposal has also resulted in a significant level of objection from local residents.

## 2.0 Proposal

- 2.1 Planning permission is sought in full for the change of use of the existing agricultural grainstore to B1 (light industry) and B8 (storage and distribution) and the change of use of the existing agricultural cartshed to B1 (offices) with associated means of access and parking. Additional information was submitted in December 2019 in relation to the prospective tenant, which is a small road haulage company who require undercover storage for their own vehicle, with the ability to provide a maintenance workshop to maintain vehicles/trailers and small amount of plant/farm machinery. It is proposed that the cartshed would be a separate office.

### **3.0 Site Description**

- 3.1 The proposal lies opposite Hampole Manor, a Grade II listed building. The site is located in a rural hamlet and consists of three large agricultural sheds which are the dominant feature as well as a historic cartshed. Around the site is a historic stone wall with decorative gate piers.

Adjacent to the site, to the east and presumably part of the original farm complex, are two cottages. The remaining residential properties within Hampole are to the north and west of the application site. Beyond the application site are open fields.

### **4.0 Relevant Planning History**

- 4.1 None.

### **5.0 Site Allocation**

- 5.1 The site is designated as Green Belt, as defined by the Proposals Maps of the Doncaster Unitary Development Plan (adopted in 1998).

### **5.2 National Planning Policy Framework (NPPF 2019)**

- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:

- 5.4 Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 5.5 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 Core Strategy 2011 - 2028**

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

5.8 In May of 2012 the Local Development Framework Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan (UDP); 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 emerging Local Plan is adopted. Core Strategy policies relevant to this proposal are:

5.9 Policy CS 3 seeks to retain the general extent of Green Belt and preserve the openness of the Green Belt.

Policy CS 4 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.

5.10 Policy CS 9 states that new developments will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunities for travel.

5.11 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.

5.12 Policy CS15 states that proposals will be supported which protect or enhance the heritage significance and setting of locally identified heritage assets such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest.

5.13 Policy CS16 states that nationally and internationally important habitats, sites and species will be given the highest level of protection in accordance with the relevant legislation and policy. Proposals will be supported which enhance the borough's landscape and trees by including measures to mitigate any negative impacts on the landscape, include appropriate hard and soft landscaping, retain and protect appropriate trees and hedgerows and incorporate new tree and hedgerow Planting.

#### **5.14 Saved Unitary Development Plan (UDP) Policies (Adopted 1998)**

5.15 Policy ENV 3 establishes the purposes, except for those with very special circumstances, for which development in the Green Belt is likely to be permitted.

5.16 Policy ENV 10 establishes the purposes for which the conversion of existing buildings within the Green Belt/Countryside Policy Area will be permitted.

5.17 Policy ENV 34 seeks to ensure that development does not adversely affect the setting of Listed Buildings.

5.18 Policy ENV 59 seeks to retain existing trees.

## **5.19 Local Plan**

5.20 The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. Several background documents inform the Local Plan preparation including the Housing and Economic Land Availability Assessment (HELAA) and the Employment Land Availability Report (ELA), with the process for identifying housing allocations set out in the 'Housing & Employment Site Selection Methodology & Results Report' June 2019. 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. However given the relatively early stage of preparation of the emerging Local Plan, the document carries limited weight at this stage. The relevant policies to this proposal are as follows:

5.21 Policy 14 seeks to promote sustainable transport within new developments.

5.22 Policy 2 establishes the spatial strategy and settlement hierarchy and seeks to retain the general extent of the Green Belt.

5.23 Policy 30 seeks to deliver a net gain for biodiversity and protect, create, maintain and enhance the Borough's ecological networks.

5.24 Policy 31 deals with the need to value biodiversity.

5.25 Policy 34 seeks to ensure appropriate landscaping in new developments.

5.26 Policy 35 seeks to conserve the historic environment

5.27 Policy 37 seeks to protect and enhance Listed Buildings.

5.28 Policy 42 seeks to ensure character and local distinctiveness in new developments.

5.29 Policy 49 seeks a high standard of landscaping in new developments.

5.30 Policy 55 requires the need to take into account air and noise pollution.

5.31 Policy 56 deals with the need to mitigate any contamination on site.

5.32 Policy 57 requires the need for satisfactory drainage including the use of SuDS.

## **5.33 Neighbourhood Plan**

5.34 There is no Neighbourhood Plan for this area.

### **5.35 Other material planning considerations**

- Community Infrastructure Levy (CIL) Regulations (2010)
- Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990)
- Town and Country Planning (Environmental Impact Assessment) Regulations (2017)
- Development Requirements and Guidance Supplementary Planning Document (SPD) (2015)
- South Yorkshire Residential Design Guide (SYRDG) (adopted 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 (as amended) by means of site notice, press advertisement and neighbour notification.

6.2 Overall sixty three representations have been received highlighting the following concerns, it should however be noted that some of the objections were duplicated as a result of the re-advertisement of the application;

- Uncertainty with prospective tenant and proposed operation
- Would pave the way for more HGVs to and associated traffic to go through the heart of the village
- Noise and disturbance of vehicle repair and maintenance activities
- Inappropriate development in Green Belt
- The proposal would industrialise the small rural village
- Impact on amenity
- Outside storage, car parking and other vehicle parking would be visually intrusive and impact on the openness of the Green Belt
- Leys Lane would become dangerous due to number of vehicles and is unsuitable for HGVs and there are no footpaths and there is a sharp bend – there are pedestrians, cyclists and horse riders using this road
- Impact on setting of Hampole Manor, a Listed Building
- Village has a long history as a rural/agricultural village
- Future growth of the business
- Incorrect to imply that the previous agricultural use caused an impact to amenity which will be improved by this application
- The further information provided does not allay concerns
- Hampole is a tourist attraction
- Concerns that conditions would not be enforced
- Rear access inappropriate past residential properties
- Removal of trees which screen the wind turbines
- Concern that vehicles would park up and wait on the nearby roads
- There are surplus industrial units within the vicinity
- Disagreement with the conclusion of the Transport Planner on vehicle numbers
- Potential for dust, smoke, fumes and odour
- Noise survey does not consider noise from unknown activities
- Inability for site access to comply with visibility requirements

## 7.0 Parish Council

7.1 Hampole and Skelbrooke Parish Council object to the proposal on the basis of inappropriate development in Green Belt, harm to the countryside, damage to residential amenity, harm to the setting of a listed building and traffic and transport issues. They also state that the proposal is a departure from the development plan and contravenes both local and national planning policies.

7.2 Further, they state: On the basis of the information provided, while it is hard to assess, it is difficult to see how this latest amendment will make any significant difference to the potential damage and harm which could be done to this rural hamlet of Hampole. The potential for major impacts on residential amenity and safety as well as disruption to daily lives, remains a major concern for residents.

## 7.3 Relevant Consultations

7.4 **Highways Development Control** raise concern that the proposal does not meet visibility standards, however raise no objections when balanced against the scale of the proposed use.

7.5 **Transportation** state that the proposal does not generate a significant amount of trips to have a severe impact on the highway network and, therefore, is in accordance with NPPF Paragraph 109.

7.6 **Environmental Health** consider that the proposed occupier would be suitable in terms of their level of activity. Environmental Health consider that the low number of fleet vehicles being used and the proposed hours would be sufficiently low level i.e. it wouldn't be a distribution centre with numerous comings and goings. Therefore, no objections subject to condition.

7.7 **Trees and Hedgerows Officer** raises no objection, subject to condition.

7.8 **Local Plans (Employment)** summarise that there is no policy objection in principle to this proposal as it supports a prosperous rural economy. It is important however that the buildings are permanent and of substantial construction.

7.9 **Ecology** raise no objection, subject to conditions relating to the submission of a copy of the European Protected EPS licence.

7.10 **National Grid** raise no objection to the proposal, although include advisory information in relation to the overhead lines.

7.11 **Drainage Team** raise no objection, subject to informatives.

7.12 **South Yorkshire Fire and Rescue** raise no objection however state that access for fire appliances should be in accordance with Building Regulations Approved Document B volume 2 Part B5 section 16.

Water supplies for fire fighting purposes should be provided to comply with Building Regulations Approved Document B volume 2 Part B5 section 15.

- 7.13 **Health and Safety Executive** advise that the site does not fall within the consultation distance of a major hazard site or accident hazard pipeline.
- 7.14 **Design and Conservation Officer** states that whilst there are no objections to the conversion of the cartshed which would give this historic building a future use with minimal impact, the conversion of the large sheds would not as they are considered to have a negative impact on the area, including the setting of a listed building. Whilst their agricultural use would be appropriate in terms of its rural location the conversion to a commercial use would not as it would bring a more urban feel to the area and should be refused.

Replacement of the existing barns with more traditional forms, especially if these are based on historical records, maps and photos would be more likely to be supported. Any such future proposal should be accompanied with restoration of the boundary walls and appropriate landscaping.

- 7.15 **Yorkshire Water** raise no objection, however state that the agent/applicant ticked on question 12 of the application form Soakaway and Main Sewer. Hampole is not served by any public sewer network, so any surface water cannot go to main sewer in this instance. It appears there are some local land drain/s near to the site, so they have that option for surface water disposal along with soakaway. No comments on foul drainage to private septic tank system.
- 7.16 **South Yorkshire Police Architectural Liaison Officer** raises no objection to the proposal but provides security advice in relation to boundary treatment, lighting, landscaping, doors, windows and shutter.
- 7.17 **Structural Engineer** comments that there should be no issues for re-using the existing sheds for workshop and storage facilities.

From the report, the cartshed looks to be in reasonable condition overall. There are a number of structural defects but these can be addressed with minimum impact on the existing fabric of the building. The Structural Engineer would highlight the displacement of the front corners due, in part at least, to the thrust from the stone arches. Measures should be considered to reinstate the arch stonework and reduce the risk of future movement that could lead to collapse. The cracked stone pillars should also be assessed by a stone mason.

- 7.18 **Environment Agency** raises no objections subject to information relating the obtaining of an Environmental Permit.
- 7.19 **South Yorkshire Passenger Transport Executive** made no comment on the application.
- 7.20 **Area Manager** made no comment on the application.
- 7.21 **Pollution Control (Contaminated Land)** made no comments on the application.
- 7.22 **Pollution Control (Air Quality)** made no comments on the application.



## 8.0 Assessment

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

- Principle of development;
- Impact on setting of a listed building
- Impact on residential amenity & quality of life
- Highway safety and traffic
- Ecology
- Trees and landscaping
- Overall planning balance

8.2 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

8.3 The principle of development is to be assessed primarily against policies ENV 3 and ENV 10 of the Doncaster Unitary Development Plan. All development proposals within the Green Belt must satisfy policy ENV 3 and as a conversion of existing buildings is proposed, ENV 3 is cross-referenced with policy ENV 10. Policy ENV 3 states that within the Green Belt, development will not be permitted, except in very special circumstances, for purposes other than; (e) the reuse of existing buildings subject to the limitation included in policy ENV 10. Development proposals will only be acceptable in principle where they would not be visually detrimental by reason of their siting, materials or design, and would not give rise to unacceptable highway or amenity problems and would not conflict with other policies of the UDP.

- 8.4 Policy ENV 10 states that within the Green Belt or Countryside Policy Area the conversion of existing buildings to other uses appropriate to the rural area will be permitted subject to a number of criteria. Of relevance to this proposal includes part (a) relating to the stability of the buildings, part (b) relating to the form, bulk and design of the buildings being in keeping with surroundings, part (d) that in the Green Belt the proposed development would not have a materially greater impact than the present use on the openness of the Green Belt, part (g) that the proposed use is appropriate to the rural area and contributes to the diversification of the rural area and would not prejudice the diversification of the rural area, or the continued operation of adjoining uses or itself be adversely affected by adjoining uses or create or aggravate highway, public service or amenity problems; part (h) that the building is capable of conversion to the proposed use without the need for significant extension to the existing structure and has sufficient land attached to provide for functional needs which can be provided without adversely affecting the character of the surrounding landscape, part (i) that the building has been used for a significant period of time for which it was built; and part (j) that the proposed development complies with other relevant policies of the UDP notably that relating to the protection of protected species.
- 8.5 Policy CS 3 part (A) states that the general extent of Green Belt will be retained and the key considerations for land within this area are 1. national policy will be applied, including a presumption against inappropriate development other than in very special circumstances; and; 2. land will only be taken out of the Green Belt for development allocations in exceptional circumstances for example where necessary to sustainably deliver the Growth and Regeneration Strategy. It is further stated in part (C) that proposals outside development allocations will only be supported where they would 1. protect and enhance the countryside, including the retention and improvement of key green wedges where areas of countryside fulfil a variety of key functions; 2. Not be visually detrimental by reason of siting, materials or design; 3. not create or aggravate highway or amenity problems; and; 4. preserve the openness of the Green Belt and Countryside Protection Policy Area and not conflict with the purposes of including land within them.
- 8.6 The impact of the proposal on the Green Belt is considered in sections 8.17- 8.21 of this report, however in principle conversion of existing buildings is accepted by policies ENV 3 and ENV 10 of the Doncaster Unitary Development Plan, and policy CS 3 of the Core Strategy and significant weight is afforded to these policies.

### Sustainability

- 8.7 The National Planning Policy Framework states 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
- 8.8 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**

### **8.9 Impact on Residential Amenity**

- 8.10 Policies ENV 3 and ENV 10 of the UDP and policy CS 3 of the Core Strategy seek to ensure that proposed developments within the Green Belt do not give rise to amenity problems. Paragraph 127 (f) of the NPPF seeks to ensure that planning decisions create places with a high standard of amenity for existing and future users. The application site is within the small settlement of Hampole which is rural in nature and the site has previously been used for agricultural purposes. The barns are located to the east of the village within a farm complex which includes two cottages. The agent states that one of the cottages is to be inhabited by the business owner for security reasons. The remaining residential properties are located to the north and west of the application site and are separated by Leys Lane. Therefore, as the access is to be from the north (rear) of the site, vehicles will utilise Leys Lane and residents are concerned that this will have a detrimental impact upon their residential amenity.
- 8.11 Whilst the concerns are noted, further information as to the prospective tenant of the grainstore has been obtained. Indeed the local planning authority did not consider it possible make a favourable recommendation on the proposal in the absence of this information as an open B1/B8 use was considered too speculative to allay concerns relating to the possible impact on amenity. However, the information provided highlights a low key road haulage operation with 3 articulated low-loader entries/exits per day to the grainstore. There would be 2 staff members working in the large shed, and all vehicles would be stored inside the building, with the large building being used for undercover storage of their own vehicles, with maintenance of their vehicles/trailers and a small amount of plant/farm machinery. The machinery to be used is occasional welding/grinding tools for maintenance and repair of vehicles. Therefore, the small scale operation as described, is not considered to significantly affect the amenities of occupiers of neighbouring properties. If granted, there would be 2 staff members, and 3 HGV low-loader movements per day in connection with the grainstore building. The vehicle movements would be therefore be very limited and cannot be considered to detrimentally impact on residential amenity.
- 8.12 The cartshed is to be converted to offices which is a sufficient distance away from residential properties. The only likely noise associated with this use is the vehicle movements for staff members, and given the scale of the building it is anticipated that there would be 10 staff members in the cartshed, therefore having a low impact on amenity.
- 8.13 With regard to activity within the site, the applicant states that the machinery to be used includes the occasional welding/grinder machine tools for maintenance and repair of vehicles. Again, there would only be 2 members of staff working in the building, therefore it is unlikely to cause a detrimental impact to amenity. The previous agricultural use should also be taken into consideration, although it is noted the residents do not appear to have raised an issue with previous activities at the site. Environmental Health have been consulted on the revised proposal and consider that this proposed occupier would be suitable in terms of their level of activity. The low number of fleet vehicles being used and the proposed hours would be sufficiently low level i.e. it wouldn't be a distribution centre with numerous comings and goings.

Therefore, whilst the concerns of residents is noted, the information provided, which is recommended to be conditioned, does not suggest that the proposed use will be detrimental to amenity. The proposal is therefore considered to accord with policy ENV 3 and ENV 10 of the UDP, policy CS 3 of the Core Strategy and the NPPF and this carries significant weight in favour of the development.

#### **8.14 Conclusion on Social Impacts.**

8.15 In conclusion of the social impacts of the development, it is considered that the low scale nature of the business, the harm to the amenities of local residents will be limited.

#### **8.16 ENVIRONMENTAL SUSTAINABILITY**

##### **8.17 Impact upon the openness of the Green Belt**

The impact of the proposal on the openness of the Green Belt is of paramount importance when considering if the proposed change of use is acceptable. As states in paragraph 133 of the NPPF, *'the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*. Paragraph 143 of the NPPF states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 146 also states the forms of development which are not considered inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it (i.e the Green Belt). Part (d) lists 'the re-use of buildings provided that the buildings are of permanent and substantial construction; and (e) material changes in the use of land as not inappropriate.

8.18 It is noted that the Design and Conservation Officer has raised an objection to the conversion of the large sheds stating that 'whilst no objections to the conversion of the cartshed which would give this historic building a future use with minimal impact, the conversion of the large sheds would not as these are considered to have a negative impact on the area, including the setting of a listed building. Whilst their agricultural use would be appropriate in terms of its rural location the conversion to a commercial use would not as it would bring a more urban feel to the area and should be refused.'

8.19 However, it is not considered that this could be successfully defended at appeal given that there are no proposed changes to the external appearance of the site that cannot be sufficiently controlled by condition. The buildings are already in situ, and provided that their agricultural appearance remains, there is no further harm to the character of the area. Any advertisement requiring planning permission would be subject to separate consent and there are no proposed alternations to the large grainstore unit. Vehicle storage is to be contained within the building, and there is to be no open storage.

Therefore, there is the possibility for greater control of this proposed use than any potential agricultural use which would not require planning permission. The main alterations to the site would be the conversion of the cartshed, to which the Conservation Officer does not object, and the creation of a limited number (25no.) of formal parking spaces. The yard is already hard surfaced so there will be no further harm to the openness of the Green Belt.

- 8.20 It should be noted that, whilst not applicable to this unit as the grainstore exceeds 500sqm, there is provision under Class R of the Town and Country Planning (General Permitted Development) Order 2015 for the change of use of an agricultural buildings to other uses including B1 and B8. This does not exclude buildings in the Green Belt, albeit there are other considerations to take into account. Therefore it is not uncommon for agricultural buildings within the Green Belt to be used for other purposes, and in some cases planning permission is not required.
- 8.21 The Council's Structural Engineer has confirmed that the cartshed looks to be in reasonable condition overall. There are a number of structural defects but these can be addressed with minimum impact on the existing fabric of the building. Measures should be considered to reinstate the arch stonework and reduce the risk of future movement that could lead to collapse. The cracked stone pillars should also be assessed by a stone mason. Therefore, the cartshed can be converted with minimal impact on the overall appearance of the building, this not harming the openness of the Green Belt. As such, the proposal is considered to accord with policies ENV 3 and ENV 10 of the Doncaster Unitary Development Plan, policy CS 3 of the Doncaster Council Core Strategy and the NPPF.

## **8.22 Impact upon Highway Safety**

- 8.23 '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'.
- 8.24 Part (G) of policy CS 9 states that 'new development will provide, as appropriate, transport assessments and travel plans to ensure the delivery of travel choice and sustainable opportunity for travel. A transport assessment was provided when the proposal was of a more speculative nature and the Transportation team state that the proposal does not generate a significant amount of trips to have a severe impact on the highway network and, therefore, is in accordance with NPPF Paragraph 109. Following the receipt of additional information regarding the prospective tenant, the traffic generated by the proposal has further reduced from the numbers stated within the transport assessment.

8.25 Throughout the consideration of the application, the access from the north on Leys Lane has been of concern to local residents, and the Highways Development Control Officer. This is due to the Leys Lane access into the site being substandard and not meeting DMRB TD4195 which requires a minimum visibility of 4.5m x 215m to be achieved. However, on the basis of the additional information which details the nature of the business to be carried out in the grainstore, whilst the highways officer still raises concern that the required visibility splay has not been met, and the tracking on the access of the site shows two articulated vehicles are unable to pass each other and this could cause an issue should vehicle movements not be restricted to a certain time. The concerns are noted, however, given that the applicant proposes only 3 low-loader movements per day, the highways officer does not object to the proposal provided that there is a condition restricting vehicle numbers.

8.26 The agent has also confirmed that there will be 2 members of staff in the grainstore building, therefore the anticipated vehicle movements with this unit are low. There will be further vehicle movements connected with the cartshed building, however given the scale of this and the likely staff numbers, it is not considered that this will generate a significant volume on the highway network.

### **8.27 Impact on Listed Building**

8.28 Policy ENV 34 states that planning permission will not normally be granted for development which would adversely affect the setting of a listed building by virtue of its nature, height, form, scale, materials or design or by the removal of trees or other important landscape features.

8.29 The proposal lies opposite Hampole Manor, a Grade II listed building. The site is located in a rural hamlet and consists of three large agricultural shed which are the dominant feature as well as a historic cartshed, which on old maps once was part of a larger farm u-shaped complex. The latter was curtailed presumably to build the large sheds. The large sheds are of low architectural interest but given their agricultural usage were part of the local rural character. Around the site is a historic stone wall with decorative gate piers.

8.30 The conservation officer has been consulted on the proposal, and as stated earlier, objects to the proposed conversion of the grainstore as it is considered to have a negative impact on the area, including the setting of Hampole Manor, a Grade II listed building. However, as stated earlier in this report, there are no proposed alterations to the grainstore, and subject to condition, it is not considered that there will be any notable change to the current appearance of the area, thus not having a detrimental impact on the setting of the listed building. The conservation officer also considers that any proposal should be accompanied with restoration of the boundary walls and appropriate landscaping. As such, it is considered that the proposal accords with policy ENV 34.

### **8.31 Ecology**

- 8.32 Policy CS 16 states that Doncaster's natural environment will be protected and enhanced in accordance with a number of principles. Part (A) states that "proposals will be supported which enhance the borough's Ecological Networks by (1) including measures that are of an appropriate size, scale and type and have regard to both the nature of the development and its impact on existing or potential networks; (2) maintaining, strengthening and bridging gaps in existing habitat networks".
- 8.33 Whilst an ecological survey was carried out when the original application was submitted, the Council's ecologist requested further information with regard to bats. Following the receipt of this, no objections were raised, subject to condition(s) being applied. Given the length of time that has passed since the application was first submitted, the Ecologist has been re-consulted and states that the building where bats were found is not now going to support a vastly different number of bats than the old survey showed. An updated survey would be needed to support a license application, but from the Local Authority point of view it is considered that the status of the population of bats locally could still be maintained. Bearing this in mind, it is not considered the new survey needs to be provided before determination and this can be carried out to support the licence application. As such, there are no objections and the proposal is considered to accord with policy CS 16.

### **8.34 Trees and Landscaping**

- 8.25 Policy CS 16 states that Doncaster's natural environment will be protected and enhanced in accordance with a number of principles. Part (D) states that "proposals will be supported which enhance the borough's landscape and trees by: (4) retaining and protecting appropriate trees and hedgerows and incorporating new tree, woodland and hedgerow planting".
- 8.26 Policy ENV 59 states that "in considering proposals for new development the Borough Council will attach considerable importance to the need to protect existing trees, hedgerows, wetland habitats, watercourses and other natural landscape features and will require that new developments do not cause unnecessary loss of trees, nor imperil trees by building works.
- 8.27 The Council's Trees and Hedgerows Officer has been consulted on the proposal and states that from a tree perspective, the site remains very similar other than a few years of additional growth. The nearest trees to the development are a group of young ash standing along the roadside verge on Leys Lane. None is currently of a stature to be adversely affected by the proposals. Consequently, there is no objection to this proposal on arboricultural grounds and no specific arboricultural conditions are proposed.
- 8.28 Overall, if minded to grant consent then it may be appropriate to require landscape planting to act as screening for the residential properties opposite or the site as a whole. This is requested by condition, and as such the proposal is considered to accord with policy CS 16 of the Core Strategy and policy ENV 59 of the Doncaster Unitary Development Plan.

## **8.29 Flood Risk, Foul and Surface water drainage**

8.30 The site is located within Flood Risk Zone 1 and has a low risk of flooding. A Flood Risk Assessment was not submitted, however flood risk information was provided in the Planning Statement and the Environment Agency and Council's Drainage Officer raise no objection to the proposal, subject to informatives. As the proposal is a change of use, a sequential test is not required, and the proposed use falls under a less vulnerable use, as does agricultural buildings, therefore there is no greater vulnerability and an exceptions test is not required. As such, there is no conflict with policy CS 4 of the Core Strategy and the NPPF.

## **8.31 Conclusion on Environmental Issues**

8.32 Para.8 of the NPPF indicates, amongst other thing, 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.

8.33 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. As such, significant weight can be attached to this in favour of the development.

## **ECONOMIC SUSTAINABILITY**

### **8.34 Diversification of rural economy**

8.35 Part (g) of policy ENV 10 of the Doncaster Unitary Development Plan states that "within the Green Belt the conversion of existing buildings to other uses will be appropriate to the rural area will be permitted provided that the proposed use is appropriate to the rural area and contributes to diversification of the rural area (or would not prejudice the diversification of the rural area) and would nor prejudice the continued operation of adjoining uses or create or aggravate highway, public service or amenity problems". Part (i) also notes that the building has been used for a significant period of time for which it was built.

8.36 The applicant states that Manor Farm is a long established agricultural site which has been rented by one of the Estate tenant farmers with the main warehouse portal framed shed having being used as a grainstore with drying plant integrated within it. The farmer has now moved and the site has become surplus to requirements. It is stated that the redundant cartshed has only been used for general agricultural implement storage.

8.37 Whilst the proposed change of use may not be considered to be a diversification, the buildings are vacant and the proposal would see them being brought back into use thus contributing to the local economy. The landowner has been unable to find a suitable tenant, therefore it seems reasonable to allow an alternative use, rather than the building remaining vacant.



8.38 The Local Plan team advise that there is no policy objection in principle to this proposal as it supports a prosperous rural economy. It is important however that the buildings are permanent and of substantial construction, which the Structural Engineer has agreed is the case.

### **8.37 Conclusion on Economy Issues**

8.38 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.

8.39 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.

## **9.0 PLANNING BALANCE & CONCLUSION**

9.1 In accordance with Paragraph 11 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. The proposal will bring back into use a vacant site which would have a positive impact on the character of the surrounding area. There are few external alterations, however, the proposal would not harm the openness of the Green Belt and it is considered that amenity issues can be mitigated by condition and the low scale nature of the proposal. 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.

## **10.0 RECOMMENDATION**

10.1 **GRANT PLANNING PERMISSION** subject to conditions.

### **Conditions / Reasons**

- |              |   |
|--------------|---|
| 01. STAT1    | The development to which this permission relates shall begin not later than three years from the date of this permission.<br>REASON<br>Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.  |
| 02. U0076726 | The development hereby permitted shall be carried out in accordance with the details shown on the plans referenced and dated as follows;<br>Potential Highway Mitigation Scheme for Access onto Leys Lane - 3301 SK001 05 Rev C - Dated 7th March 2018<br>Proposed Site Plan - LNBU 351385-04C - Dated 23.02.2018<br>Proposals for Floor Plan & Elevations Cartshed Barn - LNBU 351385 - 05B - Dated Nov 2015 |

REASON

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

03. U0076728

No development works shall commence until the applicant has provided to the Local Planning Authority with evidence of either:

- o A licence issued by Natural England (or another relevant licencing authority) pursuant of Regulation 53 of the Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead, or
- o Survey evidence to demonstrate that a bat roost is no longer present and a license is no longer required.
- o Evidence of the Site Registration Confirmation from Natural England and on completion of development works evidence of installed mitigation must be provided to the LPA.

REASON

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

04. U0076729

No building and construction work shall take place within 30 metres of any part of the site containing material evidence of Barn Owl occupation unless survey-based evidence has been provided to the Local Planning Authority that no birds are nesting (at the development site to which the consent applies) within 3 days of work commencing.

REASON

In line with Core Strategy Policy 16 to ensure the long term protection of barn owls.

05. U0076730

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

- The installation of 5 swallow nest boxes on suitable buildings on the site.
- A lighting design strategy for bats and barn owls that identifies biodiversity sensitive areas and shows how and where external lighting will be installed on the site so that there will not be disturbance to barn owls and bats.

REASON

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

06. U0076731 Prior to the first occupation/use of the units hereby permitted details of hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. These details shall include:
- i) Boundary treatments, including the provision of screening for the residential dwellings and the restoration of the boundary walls;
  - ii) Hard surfacing materials;
  - iii) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities.
  - iv) An implementation programme.

The approved landscaping works shall be carried out in accordance with the agreed implementation programme. Any trees or plants, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON

To protect the openness of the Green Belt and the character of the surrounding area.

07. U0076732 Access shall be from Leys Lane only.  
REASON  
In the interest of highway safety.

08. U0076733 No development shall take place until details of external lighting have been submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the approved details and shall be retained for the lifetime of the development unless a variation is subsequently submitted to and approved in writing by the local planning authority.  
REASON

To ensure that the proposed lighting scheme safeguards the character of the area and/or the living conditions of neighbouring residents, having regard to the effects of the proposed illumination.

09. U0076734 No storage of vehicles (other than staff/customer cars), equipment, goods or materials shall take place within the application site other than within a building unless otherwise approved in writing with the local planning authority.  
REASON  
To safeguard the amenities of occupiers of adjoining properties.

10. U0076735 No vehicular movements, nor any loading or unloading of vehicles, shall take place on the site except between the hours of 0630 hours and 1830 hours on Monday to Friday and not at any time on Saturdays, Sundays or Bank Holidays.  
REASON  
To ensure that the development does not prejudice the local amenity.

12. U0076737 In accordance with the agent's letter dated 2nd December 2019, there shall be no more than three articulated low-loader entries/exits per day.  
REASON  
In the interests of amenity.

## Informatives

01. ING INFORMATIVE  
The developer's attention is drawn to the information provided by National Grid. The information may be found by viewing the consultation reply from the National Grid which is attached to the planning application on the Council's website. Please use the following link  
[www.doncaster.gov.uk/planningapplicationsonline](http://www.doncaster.gov.uk/planningapplicationsonline)
02. U0014142 INFORMATIVE  
  
Access for fire appliances should be in accordance with Building Regulations Approved Document B, volume 2, section 15, paragraphs 15.1 to 15.10 and Table 15.2  
  
Water supplies for fire-fighting purposes should be in accordance with Building Regulations Approved Document B, volume 2, section 16, paragraphs 16.1 to 16.13.
03. U0014144 INFORMATIVE  
  
Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality - considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:
1. Connection to the public sewer
  2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
  3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form the Environment Agency will carry out an assessment. It can take up to 4 months before they are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within a Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply, spring or borehole.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

The Applicant/Agent should fill in a Foul Drainage Assessment form to explain/detail why connection to the public sewer network is not feasible for this development and add this to the planning file.

Further advice is available at: Septic tanks and treatment plants: permits and general binding rules

<https://www.gov.uk/permits-you-need-for-septic-tanks/you-have-a-septic-tank-or-small-sewage-treatment-plant>

## PERMIT

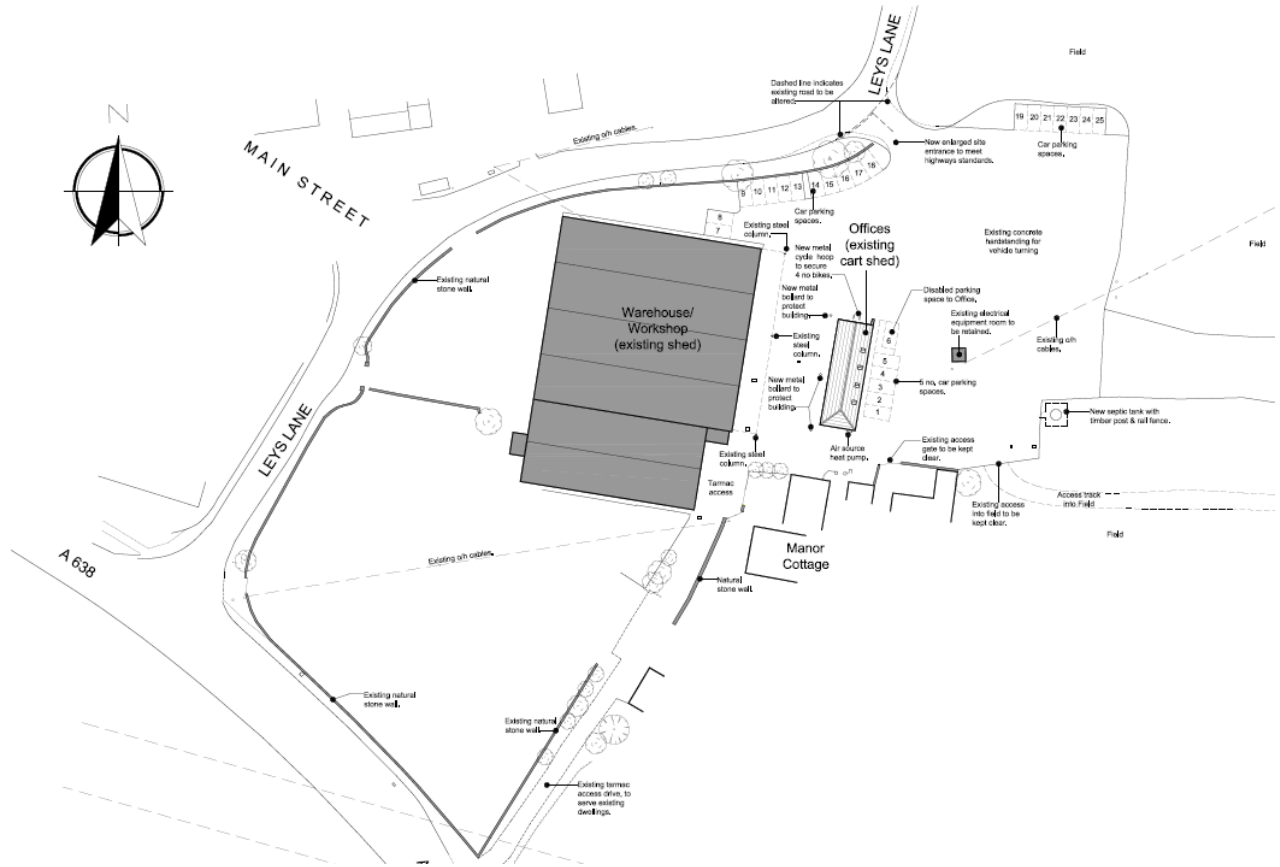
The EA National Permitting team can be contacted on 03708 506 506

04. U0014147      INFORMATIVE

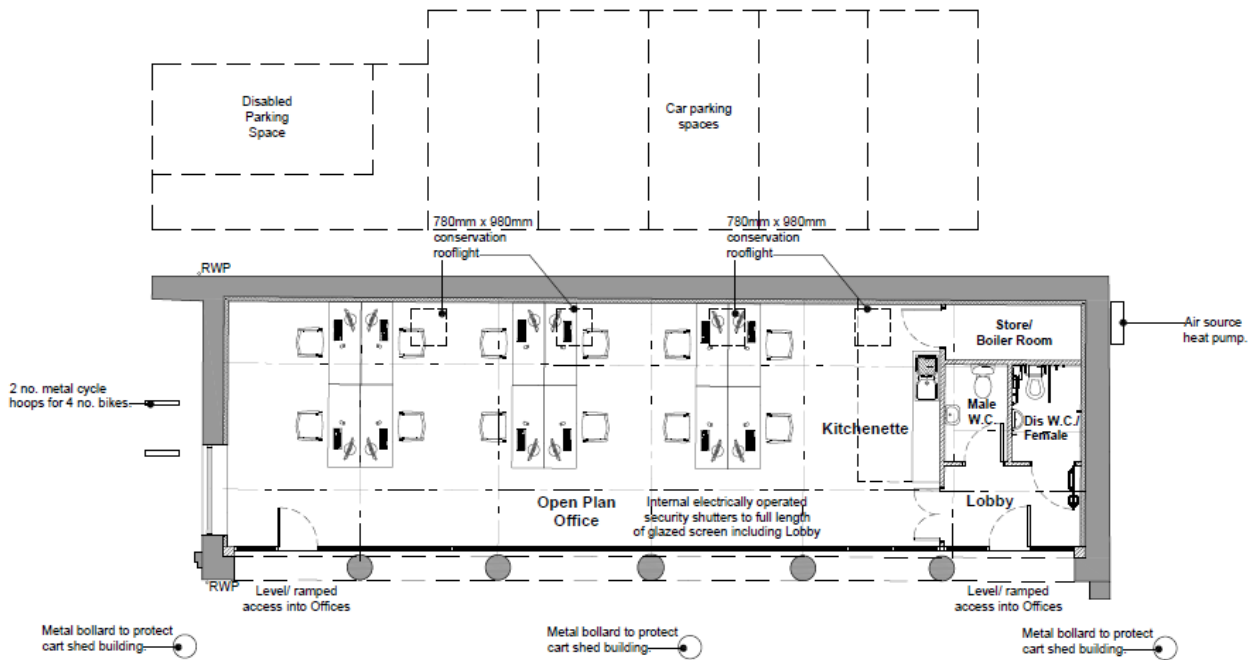
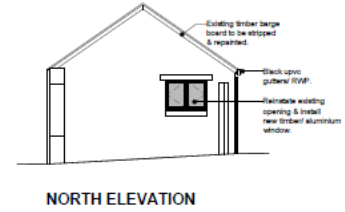
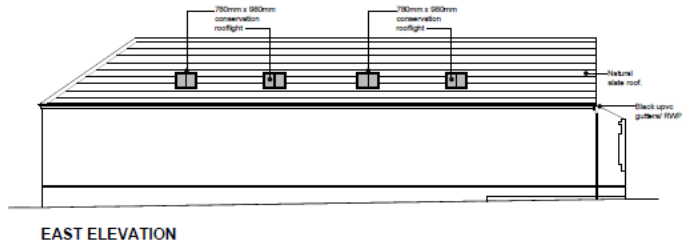
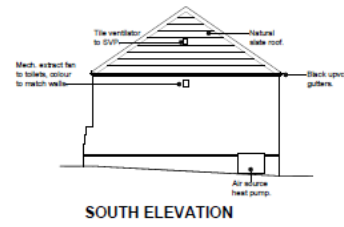
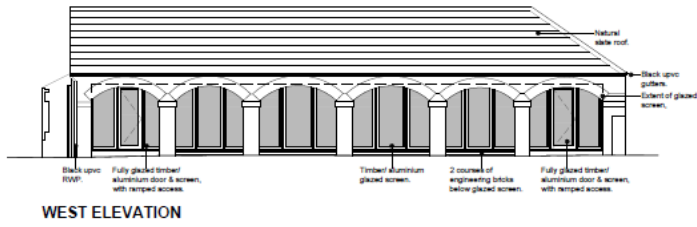
The developer's attention is drawn to the information provided by Northern Gas Networks. The information may be found by viewing the consultation reply from the Northern Gas Networks which is attached to the planning application on the Council's website. Please use the following link  
[www.doncaster.gov.uk/planningapplicationsonline](http://www.doncaster.gov.uk/planningapplicationsonline)

**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 – Cartshed Elevations and Floor Plans





<b>Application</b>	<b>03</b>
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<b>Application Number:</b>	19/01725/FULM
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<b>Application Type:</b>	Planning FULL Minor
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<b>Proposal Description:</b>	Change of use of former public house to ground floor retail and first floor residential including erection of extension following demolition of outbuildings
<b>At:</b>	Millstone Hotel, Westgate, Tickhill, Doncaster, DN11 9NF

<b>For:</b>	Mr Lloyd Nicholson
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<b>Third Party Reps:</b>	45 in support 195 letters in opposition 4 representations	<b>Parish:</b>	Tickhill Parish Council
		<b>Ward:</b>	Tickhill and Wadworth

<b>Author of Report:</b>	Joseph Perkins
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## SUMMARY

The proposal seeks permission for the change of use of the Millstone Hotel, an existing pub, to a retail use at ground floor with flats above. The site is in an edge of centre location, close to Tickhill Town Centre. The proposal is considered to be acceptable in policy terms being “the establishment or extension of non-residential use” within a residential Policy Area (PH12). The proposal is of an appropriate scale and the use would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness. No assessment is required regarding the impact of the proposal on the Town Centre as the footprint falls below the nationally set threshold. It is considered that the proposed change of use would have minimal impact on the Conservation Area, and there are no policies within the Tickhill Neighbourhood Plan to substantiate a reason for refusal.

This report demonstrates that there are no material planning considerations that would significantly or demonstrably outweigh the social, economic or environmental benefits of the proposal. The development would not cause undue harm to neighbouring properties, trees, local centres, the highway network or the wider character of the area.

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

Application Site

Extension on this part of the site

Existing access to Castle and Mill Dam (Castlegate)

Tickhill Town Centre (c.165m to the north)



Mill Dam Pond

Tickhill Castle

## 1.0 Reason for Report

- 1.1 This application is being presented to Planning Committee as a result of the high level of public interest in this application.

## 2.0 Proposal

- 2.1 Planning permission is sought for the change of use of the existing building to accommodate a ground floor retail use with 5no. flats above. The proposal also comprises an extension to the southern elevation of the existing pub to provide a new storage area and installation of an ATM within western elevation. The application proposes the insertion of a glazed panel and door into the Western Elevation to provide the access to the supermarket. The majority of features on the building are proposed to be retained however; some openings are proposed to be bricked up in order to facilitate the retail use. All of the openings that are proposed to be bricked up are within the rear (southern) elevation.

## 3.0 Site Description

- 3.1 The application site comprises an existing pub, on the southern approach to Tickhill Town Centre, with associated car parking space. Mill Dam pond and Tickhill Castle lie to the south and east (respectively) of the application site. The pub is currently vacant. The car park lies to the west of the existing pub.
- 3.2 The stable block to the south of the Millstone does not form part of the application site therefore comments received related to this building are afforded negligible weighting.

## 4.0 Relevant Planning History

- 4.1 Application site:

Application Reference	Proposal	Decision
18/01080/FUL	Erection of new porch entrance, demolition in a Conservation Area of existing toilet block to create external seating, internal alterations, installation of disabled ramp and extension to existing boundary wall	Granted 06.07.2018

## 5.0 Site Allocation

- 5.1 The site falls within Tickhill Conservation Area and is designated as Residential 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 National Planning Policy Framework (NPPF 2019)**

- 5.3 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.4 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 5.5 Paragraph 38 states that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.6 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).
- 5.7 Comments received related to Paragraph 85 (d) of the NPPF, which states that planning policies should allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary.
- 5.8 Paragraph 86 states a sequential test for Town centre uses in out of centre uses should be used to locate town centre uses in Town Centre locations and then in out of centre locations.
- 5.9 Paragraph 87 of the NPPF is relevant and states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. An edge of centre location is defined as “a location that is well connected to, and up to 300 metres from, the primary shopping area.” (NPPF Annex 2: Glossary)

- 5.10 Paragraph 89 of the NPPF requires an Impact Assessment for development where the creation of gross retail floor space is over 2,500m<sup>2</sup>. The proposal does not meet this threshold therefore this policy is not applicable.
- 5.11 Regarding Highways: Paragraph 109 of the NPPF 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.
- 5.12 Paragraph 117 states planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 5.13 Paragraph 124 of the NPPF states 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 5.14 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.
- 5.15 Paragraph 184 Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 5.16 Paragraph 192. In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.17 Paragraph 193 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.18 Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 5.19 Paragraph 196 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.20 Paragraph 197 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

### **5.21 Core Strategy 2011 - 2028**

- 5.22 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 (as amended) and section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended)).
- 5.23 In May of 2012 the Local Development Framework Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan (UDP); some UDP policies remain in force (for example those relating to the non-residential use in a Residential Policy Area) and will continue to sit alongside Core Strategy Policies until such time as the Local Plan is adopted. Core Strategy policies relevant to this proposal are:
- 5.24 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, protect local amenity and are well designed.
- 5.25 Policy CS2 identifies the site as a Conservation Town under the settlement hierarchy. In Conservation Towns the priority will be conservation and enhancement, with only quality infill within existing settlement boundaries being supported. CS2 states the (D) Distinctive and vibrant communities will be supported through:
1. provision of local facilities and improved access to these by creating walkable neighbourhoods;
  2. physical regeneration including housing renewal and environmental improvement schemes;
  3. preservation and enhancement of the distinctive local character of the historic built and natural environment, a commitment to high quality design; and;
- 5.26 Policy CS7 (E) states that outside town centres, small shops within residential areas to serve the local area will be supported.
- 5.27 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.

- 5.28 Policy CS15 of the Core Strategy seeks to preserve, protect or enhance Doncaster's historic Environment.
- 5.29 Policy CS16 of the Core Strategy states that Doncaster's natural environment will be protected and enhanced.

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

- 5.31 Policy PH11 states that within residential policy areas development for housing will normally be permitted except where:-

- A) the development would be at a density or of a form which would be detrimental to the character of the surrounding area or would result in an over-intensive development of the site;
- B) the effect of the development on the amenities of occupiers of nearby properties would be unacceptable;
- C) tandem or backland development would result in an unsatisfactory access, overlooking or over-intensive development;
- D) the development would result in the loss of social, community and recreational or other local facilities for which there is a demonstrated need.

- 5.32 Policy PH12 states that within the residential policy areas the establishment or extension of non-residential uses of appropriate scale will be permitted provided the use would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.

- 5.33 ENV25 states that within conservation areas, as defined on the proposals map, new development including alterations and extensions to, and changes of use of, existing buildings will be expected to preserve or enhance the character or appearance of the area. Development will not be permitted if it would detract from the character or appearance of the area by virtue of its nature, height, density, form, scale, materials or design or by the removal of trees or other important landscape features. The desirability of preserving or enhancing the character or appearance of a conservation area will be a material consideration when dealing with proposals for new development outside a conservation area which would affect its setting or views into or out of the area.

- 5.34 ENV53 states that the scale and appearance of new development must have regard to its wider visual impact. Development will not normally be permitted if it would have a significant adverse visual impact on:
- A) views from major transportation routes; or
  - B) views across open countryside; or
  - C) views of important landmarks.

- 5.35 ENV54 states that alterations and extensions to existing buildings should be sympathetic in scale, materials, layout and general design to the existing building. All features which contribute to the character of the building or surrounding area should be retained.

- 5.36 ENV56 States that new shop fronts or alterations to existing ground floor frontages should respect the scale and character of the building and the street scene. The shop front, surrounds, and fascias and their materials should be integrated into the elevation of the building and should not detract from the detailing of the building.
- 5.37 CF2 states that the loss of community facilities not defined on the proposals maps will be resisted, especially where that facility lies within an area deficient in community facilities.
- 5.38 Policy SH16 sets out requirements for new retail development including extension/alterations of existing properties.

### **5.39 Local Plan**

- 5.40 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 proposed allocation of the application site in the emerging Local Plan would remain unchanged from its current adopted allocation. The document carries limited weight at this stage, although the following emerging policies are applicable:
- 5.41 Policy 1 reinforces the guidance within the NPPF in that there should be a presumption in favour of sustainable development.
- 5.42 Policy 11 (Residential Policy Areas) reinforces some of the wording of PH11 stating that within Residential Policy Areas, as defined on the Proposals Map:
- A) New residential development will be supported provided:
1. the development would provide for an acceptable level of residential amenity for both new and existing residents; and
  2. the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
  3. the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.
- B) The establishment or increase of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.
- 5.43 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.
- 5.44 Policy 38 (Conservation Areas) states that proposal should take into account the identified significance contained in the Conservation Area Appraisal for the relevant designated area where published.



- 5.45 Policy 47 states that Non-Residential, Commercial and Employment Developments should be designed to be high quality, attractive, and make a positive contribution to the area in which they are located
- 5.46 Policy 48 (Safe and Secure Places) states that developments will be supported which are designed in a way that reduces the risk of crime and the fear of crime.
- 5.47 Policy 49 (Landscaping of New Developments) states that development will be supported which protects landscape character, protects and enhances existing landscape features, and provides a high quality, comprehensive hard and soft landscape scheme
- 5.48 Tickhill Neighbourhood Plan
- 5.49 Following a successful Referendum the Tickhill Neighbourhood Plan was 'made' by Full Council on the 24 November 2016 when it was adopted as part of Doncaster's Development Plan. The relevant policies from the Tickhill Neighbourhood Plan (TNP) are as follows:
- 5.50 Policy TC1 (Quality of the environment) states: Planning applications for development in the Core Business Area of the town centre will be required to demonstrate through the design and access statement that they will both enhance the character and appearance of the area and improve the public realm. Such improvements should seek to better the safety and convenience of pedestrians over car borne traffic.
- 5.51 Policy TC2 (Town centre uses) states: The Core Business Area (shown on Map 2) is the main shopping area of the town centre. In order to maintain the shopping function of the retail frontages within this area, it is important that the concentration of A1 (Retail) uses is protected and enhanced. Proposals that seek to dilute that concentration will not generally be supported and the introduction of non-retail uses (Classes A2, A3, A4, A5 and Sui Generis) will be restricted to a maximum of 40% of the sum total of the retail frontages unless it can be demonstrated that:
- a) there is no demand for retail use,
  - b) the proposal will protect and/or enhance the vitality and viability of the street, and
  - c) the proposal will have an attractive shop front which contributes positively to the appearance of the street.
- 5.52 Policy TC5 (Security of business premises) states that measures which will provide greater security for commercial property in the town centre will be supported, provided that they respect the character of the Conservation Area.
- (1) Where roller shutters are being installed to a traditional shop front, features of architectural or historic interest should always be preserved, particularly in the case of listed buildings. Wherever possible, roller shutters should be incorporated within the façade, rather than simply being fastened to its surface, and shutters should always be perforated and coloured to match or complement the shop front.
  - (2) Security cameras should be small and fixed in a discreet location.

- 5.53 Policy HT1 (Safety and traffic improvements) states the Neighbourhood Plan will support proposals which have the effect of any of the following:  
(1) promoting walking, cycling (including enhancing the local public rights of way network) and the use of public transport (including enhanced provision for those with limited mobility);  
(2) promoting road safety by physical means, such as the widening of pavements;  
(3) alleviating traffic problems in the town centre when road improvements affecting the parish are implemented;  
(4) contributing to an increase in short-term parking opportunities to support town centre trade.
- 5.54 Policy DE1 (New building) states that new development should be designed to fit into the character of Tickhill, with proposals demonstrating a thorough understanding of local character as part of the design process.
- 5.55 Policy DE6 (Extensions and alterations) states: Proposals for extensions and alterations will be supported provided that they complement and enhance the main building and its setting, and are proportionate to it in scale and size.
- 5.56 Policy HE1 (Heritage assets) states that proposals to maintain, conserve and improve, where and when appropriate, Tickhill's heritage assets, including historic buildings and sites outside the Conservation Area, will be supported.

**5.57 Other material planning considerations**

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

**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 (as amended) by means of site notice, council website, press advertisement and neighbour notification.
- 6.2 244 public representations have been received. 45 are in support and 195 have objected.
- 6.3 The 45 letters of support are in regard to the following summarised points:
- 'Lindrick' is not a district
  - There is a 30mph speed limit in the A60
  - Other supermarkets exist in the area;
  - Sufficient parking is provided within the site;
  - The proposal is just a different type of premises to buy from;

- Alternative uses for the site such as tea rooms or restaurant could detract from Tickhill Town Centre;
- A shop in this location could be beneficial as it could have better wheelchair access;
- Tickhill needs a Sainsbury's;
- The Millstone is an eyesore at present;
- Objections are based on competition for customers;
- The building will fall into disrepair and it is important to secure the future of the building by finding a new use;
- The proposal will replace an existing commercial use therefore no new commercial use will be introduced;
- The proposed flats will provide a type of accommodation that is not presently available;
- Significant customers are likely to walk due to the site location adjacent to the town centre and residential area;
- There are no opportunities within the Core Business Area for future Growth;
- The proposed development will provide a unique opportunity to expand local shopping facilities without generating increased pressure on the limited off-street parking and traffic congestion in the core business area.

6.4 The following comments raised are not relevant to the application for the subsequently noted reasons:

6.5 'Lindrick' is not a district; The proposal is just a different type of premises to buy from; Alternative uses for the site such as tea rooms or restaurant could detract from Tickhill Town Centre; Tickhill needs a Sainsbury's; Objections are based on competition for customers; The proposal will replace an existing commercial use therefore no new commercial use will be introduced. These comments of support are not material considerations or are not relevant to the development proposed.

6.6 The 195 letters of objections and 4 letters of representation comprised the following summarised points:

- The proposal would create a Town Core commercial use in a residential area;
- Impact on town centre – closure of existing businesses ;
- No need has been identified for a supermarket in Tickhill;
- Pressure on viability of small independent local retailers;
- The proposal will extend the town core into the residential area;
- Development is discordant with NPPF, UDP and TNP – non-residential use in Residential policy Area;
- Flats would not meet requirement of TC2;
- Harm to Castle/ scheduled monument / Conservation Area;
- Modern Super market would be out of character;
- The proposed extension is harmful to the character of the Millstone;
- Impact on local character;
- Harm to recreational amenity of 'Lindrick';
- Noise and disturbance created by a supermarket will ruin the quiet enjoyed at tickle mill dam and will disturb / endanger Wildlife;
- Additional traffic would disturb residential amenity;

- CO2 emissions would affect the Mill Dam;
- Inappropriate opening hours suggested;
- More use of the area will create more litter and antisocial behaviour;
- Create congestion on A60 causing access and highways safety issues;
- Development would take up parking space of nearby properties;
- Insufficient parking for retail use and residential use within the development site;
- Proposal would result in more on street parking;
- Vehicle movements would increase as people would not walk to a shop in out of centre location;
- Vehicular restrictions should be imposed on Westgate;
- Deliveries will detriment local residents amenity;
- Any final planning decision should be reached by an 'outside' independent authority (council);
- The proposal would create a precedent for future supermarket developments;
- The whole building should be converted to apartments;
- The proposal will result in a loss of jobs for staff at the Tickhill garage store;
- Detriment to local property values;
- Loss of parking for the Mill Dam Pond;
- Residents of the flats should have dedicated parking spaces and will find it difficult to access their own spaces;
- The stable block to the back would suffer a detriment to its access following the proposed development and the proposal is too close to this building;
- Development is contrary to SH1;

6.7 The following concerns raised are not relevant to the application for the subsequently noted reasons:

6.8 Detriment to local property values; any final planning decision should be reached by an 'outside' independent authority (council); Residents of the flats should have dedicated parking spaces and will find it difficult to access their own spaces. These are not material considerations for the purpose of determining planning applications.

6.9 The whole building should be converted to apartments; The stable block to the back would suffer a detriment to its access following the proposed development and the proposal is too close to this building; The proposal will result in a loss of jobs for staff at the Tickhill garage store; the proposal will create a precedent for future supermarket developments; Loss of parking for the Mill Dam Pond.

6.10 The matters in 6.9 above do not relate to the application site nor do they relate to the nature of the proposed development, therefore the aforementioned concerns are not material planning considerations.

## 7.0 Parish Council

7.1 Tickhill Town Council were consulted and provided the following response:

*“Tickhill Town Council is pleased that there is a planning application which will ensure the preservation of the external appearance of this attractive large property in such a prominent location. The proposal to develop flats within the building will make a significant contribution to meeting local housing needs; flats are a rare commodity in Tickhill.*

*However, the Town Council is strongly opposed to the conversion of the ground floor into a major store. This we consider to be totally contrary to the intentions of the Tickhill Neighbourhood Plan (TNP) which has designated a Core Business Area whose vitality and viability we seek to preserve and promote. The vision of the Neighbourhood Plan includes the objectives of conserving and enhancing the character of the town and sustaining and promoting local shops, neither of which are met by this proposal. Our public consultation exercises have indicated a strong wish to maintain the variety of uses which characterise the town centre. A major retail outlet outside the Core Business Area cannot preserve the vibrancy of the town centre.*

*Current retailers report that their businesses operate on the margins of profitability. The presence of a supermarket outside the town centre could well undermine, if not destroy, the viability of the Core Business Area. This is not a case of resistance to competition - if it was, it would not be the business of the Town Council - but of concern for the whole character of Tickhill as a market town with flourishing local shops. The note to our existing policy TC2 (Town Centre Uses) states the vibrancy of the town centre owes much to the variety of current uses and this is clearly appreciated by the public, who state this whenever asked for comment on the future of the town. The response to the present application for The Millstone demonstrates this concern. We remain convinced that the proposed supermarket could lead to irreversible damage to the small town character which attracts people to Tickhill, including a loss of local employment.*

*There is also a significant highways issue. The Millstone is on a right-angle bend on a busy major road connecting Tickhill with both Sheffield and Worksop. The change of use would greatly increase the flow of vehicles in and out of the site, creating its own problems. Crossing the road outside the Millstone is already hazardous at the best of times. Behind the Millstone is the Mill Dam, a popular tourist attraction with families, adding to traffic movements.*

*The Town Council asks Doncaster Planning Department to reject the part of the proposal which seeks to convert the interior of the ground floor of The Millstone into a major store. We will support the redevelopment of the whole building for residential purposes.*

*We also note that the alterations to the original application are minor and do not materially affect the original comments made by local residents. We therefore ask that the Committee should be made aware of these observations”*

## 8.0 **Relevant Consultations**

- 8.1 **Conservation** – No objections to amended plans subject to recommended conditions for: Storeroom materials and details; Infill brick; First floor (residential) windows; Ground Floor (Shop) windows and doors; Shop Front; Signage; Boundary treatment.
- 8.2 **Local Plans Team (retail)** – Site allocated as Residential Policy Area. Policy CS7 Identifies Tickhill as a District Centre. The NPPF suggests that LPA's should apply a sequential test for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Policies PH12 and SH16 require consideration.
- 8.3 **South Yorkshire Police** – Site Observations/Officer Recommendations:

*“Retail Unit:*

*It is important that all pedestrian doors to the retail unit are protected. It is recommended that the doors installed will meet the following minimum standards when the building is unoccupied.*

*PAS 24:2016 – LPS1175: Issue 7, SR2 – STS202: Issue 3 BR2. Any one of these standards will offer protection against physical attacks on the doors.*

*Roller shutter doors providing access for deliveries and other apertures where no other door is present must be certificated to a minimum of: • LPS 1175 Issue 7, Security Rating 2 or • STS 202 Burglary Resistance 2 • Sold Secure Gold.*

*Dwellings:*

*In a building containing multiple dwellings there may be a requirement for a door set to be both fire and security rated. It is the responsibility of the developer or the developer's agent to ensure compliance with all applicable Building Regulations.*

*Communal doors must comply with LPS1175: issue 7 SR1, individual apartment doors must comply with PAS24; 2016.*

*Dusk to dawn lighting should be installed within the communal entrances to provide illumination for residents and visitors. Each outer wall containing an entrance door must also have a dusk to dawn light fitted above the door. This is to provide illumination of anyone using the external stairs during the hours of darkness and to allow residents to view the door set as they approach the building.*

*Lightweight framed walls installed either side of a secure door set (600mm for the full height of the door set to restrict access to door hardware) or walls providing a partition between two dwellings, or a dwelling and shared communal space, shall meet the requirements below:*

- LPS 1175 Issue 7.2:2014 Security Rating 1; or*
- LPS 1175 Issue 8:2018 Security Rating 1/A1; or*
- STS 202 Issue 7:2016 Burglary Rating 1.*

*This is to protect against attack from one apartment through to the adjacent or via a wall from the communal area.*

*All ground floor and easily accessible windows should comply with security standard PAS24:2016 and be capable of securing with a key operated window lock. The glazing units consist of a minimum of one pane of glass that achieves compliance under the BS EN356 P1A attack resistance standard.”*

8.4 **Historic England** - No comments, refer to DMBC conservation officer comments.

8.5 **Environmental Health** – No objections subject to recommended conditions for: delivery house and noise emission limitations.

## 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;
- Impact on Heritage Assets;
- Trees and Landscaping;
- Highway safety and traffic;
- 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 for the change of use of a public house to a retail unit at ground floor and residential at first floor. From the information submitted it appears the public house ceased trading around 18 months ago.

9.4 The site lies within residential policy area as designated in the UDP (adopted July 1998). Tickhill's Neighbourhood Plan (Map 2: Town Centre Core Business Area) adopted November 2016, does not include this site and therefore it is retained as residential.

9.5 Tickhill is a District Centre in the retail/shopping/commercial hierarchy within the Core Strategy (Policy CS7) and as stated above, the boundary is contained within Tickhill's Neighbourhood Plan, the southern boundary of the centre ends at the Jet Petrol Station on Castlegate and does not contain the proposed site.

9.6 It is considered practical to appraise the principle of the proposal in two parts: the assessment of the first floor residential flats; and the impact of a town centre use in this out of town location.

### Principle of First Floor Residential Flats

- 9.7 Comments of support were received stating that the proposed flats will provide a type of accommodation that is not presently available. Many of the objections received stated that there was no objection to the development of the first floor flats. The application site lies within a residential policy area wherein appropriately designed residential development should be developed. The proposal would not cause any detriment to the locality in terms of design or amenity; the proposed first floor is already in a residential use therefore there would be no loss of a community facility and it is hence considered that the proposal would accord with Policy PH11 of the Unitary Development Plan (UDP). This principle is reiterated in the wording of Policy 11 of the emerging Local Plan.

### Principle of Town Centre Use (Retail) in Edge of Centre Location

- 9.8 Retail is defined as a town centre used within the Glossary of the NPPF. The application site lies approximately 160m away from the Town Centre boundary (as defined in the UDP and TNP); as this would result in retail less than 300m away from the boundary, the site constitutes an 'edge of centre' location (NPPF Glossary).
- 9.9 The proposal would constitute a town centre use in an out of centre location, hence the impact on the town centre has been assessed in line with the wording of the NPPF and Policy CS7.
- 9.10 The site is allocated as a Residential Policy Area and, as the proposal comprises a non-residential use, the application will need to be assessed against Policy PH12 of the Unitary Development Plan in order to evaluate whether the impact of the proposal would be an appropriate development.
- 9.11 The principle of development, in terms of impact on a Town Centre and the creation of a non-residential use in a Residential Policy Area, is considered to be acceptable and will be appraised in further detail within the Economic and Social Sustainability sections of this report.

## **9.12 SOCIAL SUSTAINABILITY**

### Impact on Amenity in the locality

- 9.13 The establishment and extension of the proposed non-residential use in a residential area is considered to be of an appropriate scale and would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness. The proposal therefore accords with Policy PH12 of the UDP. This is further supported by the wording of policy 23 of the emerging local plan.
- 9.14 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, protect local amenity and are well designed.



- 9.15 It is not considered that the proposed development would create any additional noise when compared to the existing permitted use of the site as a pub. Similarly no significant additional noise would arise as a result of the proposed change of use. It is considered that no noise or air pollution would arise as a result of the proposal and hence the proposal would not affect the enjoyment of the Mill Dam Pond area. The use of the site is currently vacant therefore any use of the site would inevitable create more disturbance than the existing circumstances however the proposed change of use would not materially detriment the residential amenity of any nearby residential dwellings hence the proposal accords with Policy CS1 and PH12.
- 9.16 Environmental Health were consulted and, subject to recommended conditions, raised no objections in relation to the application. A recommended condition limits the hours of delivery so that no deliveries shall be taken at the site or despatched outside the hours of 0700 to 1800 nor at any time on Sundays, Bank or Public Holidays. A further condition is recommended to limit the level of sound emitted from any fixed plant associated with the development.

#### Loss of a Pub

- 9.17 CF2 of the UDP states that the loss of community facilities not defined on the proposals maps will be resisted, especially where that facility lies within an area deficient in community facilities. There are other pubs in Tickhill, including the Carpenters Arms, on the opposite side of the road to the application site; the town is therefore not deficient in this form of community facility. Further, the applicant has provided marketing information to demonstrate that the application site has been marketed as a pub and no interest has been shown. The requirements of CF2 have therefore been satisfied.

#### **9.18 Conclusion on Social Impacts**

- 9.19 It is considered that, subject to the recommended conditions relating to delivery hours and sound emissions, the proposed development would not detract from the residential amenity of any of the existing or proposed residential properties and that the loss of the non-defined community facility would not significantly detract from the social sustainability of the locality. The social impacts are therefore considered to be acceptable.

#### **9.20 ENVIRONMENTAL SUSTAINABILITY**

##### Impact on the character and Heritage assets

- 9.21 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Regulations 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.

9.22 Policy CS2 identifies Tickhill as a Conservation Town within the settlement hierarchy. Accordingly, in Conservation Towns the priority will be conservation and enhancement, with only quality infill within existing settlement boundaries being supported. CS2 (D) states that the Distinctive and vibrant communities will be supported through: “physical regeneration including ... environmental improvement schemes”; “preservation and enhancement of the distinctive local character of the historic built and natural environment, a commitment to high quality design”. As part of the proposed site plan (1990 –ZY – 008), the applicant has confirmed that a timber post and rail fence will be installed to the southern site boundary and will be abutted by planting of a privet hedge to soften the visual impact of the proposal. This will be controlled by a condition requiring planting of the hedge shown on site plan reference 1990-ZY-005-C (rec'd 22.01.2020) prior to use of the development and maintenance for the lifetime of the development. The proposed extension would respect and reflect the character of the existing building thus would not have a visually detrimental impact on the character of the area (CS14, Core Strategy).

The proposed shopfront alterations would be in the western side elevation which currently comprises a conservatory that is falling into disrepair and offers minimal architectural merit hence the loss of this structure would not detriment the character of the area. The proposed shop front would not form part of the principal elevation of the building thus the visual impact would be somewhat negated. The proposed shop entrance would comprise predominantly glazed features that respect the scale and design of the building therefore there would be negligible visual impact when compared to the existing glazed structure in this location and the proposal is therefore considered to accord with Policy SH16 parts c) and d) and Policy ENV56 of the UDP.

9.23 It is considered that the proposal would accord with NPPF Paragraph 117 as it comprises an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

9.24 At Paragraph 127, the NPPF 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.

9.25 Paragraph 124 of the NPPF states that 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. The applicant has met with the Council's conservation officer to overcome aesthetic concerns related to the originally submitted plans; the extension now comprises gable roofs to reflect the original building and the external stair case has been removed to minimise visual impacts. Reflective stickers have been proposed for the ground floor principal elevation windows to create the impression of an active frontage.

- 9.26 It is not considered that the proposal would compromise the contribution of the building to Tickhill Conservation Area or to the general character of the locality. There would be no loss of significant features that contribute to the character of the building or surrounding area. The proposed design is sympathetic in scale, materials, layout and general design to the existing building hence fitting into the character of Tickhill (TNP, DE6). It is therefore considered that the proposal would accord with policy CS14 of the Core strategy and ENV54 of UDP.
- 9.27 The application site comprises a non-designated heritage asset. The site is adjacent to Tickhill Castle, a Scheduled Monument, however it is not considered that any element of the proposal would impact this Heritage Asset. The site does lie within Tickhill Conservation Area therefore the impact of the proposal upon this heritage asset requires appraisal (NPPF para 192). Historic England responded to a consultation to provide no comments and instead referred the case officer to the comments of DMBC's Conservation Officer. Following amendments to reduce the visual impact of the proposal, DMBC's conservation officer confirmed that there was no objection to the proposed development, subject to recommended conditions.
- 9.28 When considering the impact of a proposed development on the significance of Tickhill Conservation Area, great weight should be given to the asset's conservation. (NPPF Para 193) It is not considered that the proposed development would cause any harm to the significance of the conservation area.
- 9.29 Paragraph 197 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.30 The proposal would preserve the character of the area by virtue of its nature, height, density, form, scale, materials and design. It is considered that the provision of planting on site would enhance the character of the Conservation Area and the proposal hence accord with Policies HE1 of the TNP, ENV25 of the UDP and CS15 of the Core Strategy.

#### Trees and Landscaping

- 9.31 Policy CS16 of the Core Strategy states that Doncaster's natural environment will be protected and enhanced. The existing site comprises a paved carpark with very little greenery. The proposal comprises the planting of a privet hedge adjacent to the proposed post and rail timber fence to form the southern boundary treatment. This proposed planting is considered to constitute an enhancement of the natural environment hence would accord with Policy CS16 of the Core Strategy.

#### Highway safety and traffic

- 9.32 Regarding Highways: Paragraph 109 of the NPPF 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.

- 9.33 Policy SH16 sets out requirements for new retail development including extension/alterations of existing properties. Adequate space for: car parking; pedestrian access; the parking/unloading of service vehicles has been provided within the curtilage of the site to accommodate the numbers and sizes of vehicles likely to be generated. The proposal therefore accords with Policy SH16 from the UDP.
- 9.34 The site is directly adjacent to an existing bus stop therefore public transport is easily accessible to and from the site. The use of Public transport is promoted by the NPPF and by Policy HT1 from the Neighbourhood plan. The proposal may also contribute to an increase in short-term parking opportunities to support town centre trade (HT1).
- 9.35 The existing use of the site comprises a commercial pub and a car park. It is therefore not considered that the proposed use would result in an intensification of use of the site as there is no significant change of use of the land formerly used as a car park. Highways were consulted and confirmed that adequate parking spaces have been provided and that there was no objection of highways grounds subject to conditions requiring appropriate surfacing, parking provision; the submission of a scheme regarding the construction of a footpath crossing and the submission of detailed Engineering drawings for the amended site access. A further condition was recommended to limit the length of any vehicle servicing the site to a maximum length of 10m.

#### Security and Crime Prevention

- 9.36 Comments have been received relating to the potential increase in anti-social behaviour (ASB), however the nature of this development (retail) is not considered to be likely to create a significant increase in ASB.
- 9.37 Policy TC5 (Security of business premises) states that measures which will provide greater security for commercial property in the town centre will be supported, provided that they respect the character of the Conservation Area.
- 9.38 South Yorkshire Police responded with no objections however recommended informatives to offer protection against physical attacks on the doors including roller shutter doors to comply with secure by design principles. Additionally, informatives have been recommended to advise the applicant that dusk to dawn lighting should be installed and that the proposal should accord with all relevant building regulations.

#### **9.39 Conclusion on Environmental Issues**

- 9.40 Subject to the conditions recommended by the Council's Conservation Officer, the proposed development would not create any harm to the significance of any heritage assets. The proposed planting would represent a betterment in the local natural environment. The parking, access and highways safety impacts of the proposal are considered to be acceptable subject to the aforementioned recommended conditions. There are no issues with the proposal in relation to crime and security. It is therefore considered that the environmental impact of the proposed development is acceptable.

## 9.41 ECONOMIC SUSTAINABILITY

9.42 The site is well connected to the town centre by the A60 road, which includes a bus stop directly outside the site and footpaths leading from the site to the Core Business area of Tickhill. This connection to the main town centre is emphasized by the site being within 'Walkable' distance of the main centre (SYRDG). Policy CS2 supports the provision of local facilities and improved access to these by creating walkable neighbourhoods.

9.43 Where proposals for town centre uses are to be considered, they will be directed sequentially to the main shopping areas, this retains the vitality and viability of centres pursuant to section 7 of the NPPF. The Neighbourhood Plan (TC2) seeks to concentrate town centre uses within the designated boundary to protect and support the existing town centre, however as the proposal is outside the Neighbourhood Plan defined core business area TC2 is not applicable.

9.44 Pursuant to paragraph 86 of the NPPF, a sequential test has been submitted by the applicant for the main town centre uses in this location which states that:

*"There are no premises either available or suitable for the proposed use within Core Business Centre. Furthermore because of the limited number and size of existing premises there is no reasonable prospect of any suitable premises becoming available. The Core Business Centre is located within the Tickhill Conservation Area which makes the alterations that would be required to amalgamate existing premises unlikely to be acceptable given the design constraints of the conservation area. In addition it would be impossible to accommodate the service requirements of a larger retail unit without significant and unacceptable demolition within the conservation area."*

The Tickhill Conservation Area constraint would limit the potential of any alternative site to accommodate the proposed development and the proposal would result in minimal alterations to the existing building. The proposal comprises a very specific use with a need for associated parking, which would be very difficult to accommodate within the Tickhill Town Centre Boundary by virtue of the building density and character in this area. It is therefore considered that the proposed development would pass the sequential test.

9.45 The proposal would create approximately 280m<sup>2</sup> of retail floor space. As set out in paragraph 89, an impact assessment is not required for the proposal as it is well within the nationally set minimum floor space threshold (2,500m<sup>2</sup>) and Doncaster has no locally set threshold.

9.46 The information submitted by the applicant demonstrates that there are no available appropriate sites within the town centre location of Tickhill and hence the next sequentially appropriate would be an edge of centre location such as that of the application site (NPPF Para 86). The application site is accessible and is well connected to the town centre hence would accord with paragraph 87 of the NPPF; it is hence considered that the principle of retail development in this location is acceptable. The principle of development is further supported by Policy CS7 (E), which states that: *"outside town centres, small shops within residential areas to serve the local area will be supported."*

9.47 Comments received related to Paragraph 85 (d) of the NPPF, which states that *“Planning policies should allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary.”* Whilst this site is not allocated as a town centre, the ground floor of the building is occupied by a commercial use (a pub) therefore there would be no significant loss of land for housing within the residential policy area. Comments submitted received alluded to there being no identified need for a supermarket in this location as the site has not been allocated for retail. Whilst the site has not been allocated for retail, part of the evidence base for the emerging Local Plan afforded a “shopping score” of “0”. This identifies that there is a lack of supermarket in this settlement therefore an argument could potentially be made that Tickhill may have a need for more shopping facilities. (Local Plan Evidence Base: Settlement Background Paper; Settlement Profiles). Notwithstanding, the allocation of the land is a matter for consideration at local plan stage, not as part of the assessment of a planning application.

#### **9.48 Conclusion on Economy Issues**

9.49 After appraising the proposal against relevant national and local planning policies, the impact of the proposal on the viability and vitality of Tickhill town centre is not considered to be sufficiently significant so as to substantiate a reason for refusal. It is therefore considered that the economic impact of the proposed development would be acceptable.

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

10.1 In accordance with Paragraph 11 of the NPPF 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 NPPF taken as a whole. Subject to the recommended conditions, the proposal is compliant with the development plan and there are no material considerations which indicate the application should be refused.

### **11.0 RECOMMENDATION**

#### **11.1 GRANT planning permission subject to conditions**

##### **Conditions / Reasons**

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

02. U0076694 The development hereby permitted must be carried out in accordance with the details shown on the approved plans listed below:
- Existing First Floor 1990-002;  
Existing Ground Floor Plan 1990-003A ;  
Existing Elevations 1990-004B;  
Proposed Elevation 1990-ZY-005-C (rec'd 22.01.2020);  
Site Plan 1990-008;  
Proposed Ground Floor Plan 1990-009;  
Proposed First Floor Plan 1990-010A.  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
03. U0076695 The retail use permitted shall not be open to customers outside the following times:  
Monday to Sunday 0700 hours to 2200 hours  
REASON  
To ensure that the development does not prejudice the local amenity.
04. U0076696 No deliveries shall be taken at or despatched from the site, and no delivery vehicles shall enter the site (whether laden or unladen), outside the hours of 0700 to 1800 Monday to Saturday, nor at all on Sundays, Bank or Public Holidays.  
REASON:  
To protect the amenities of nearby residents.
05. U0076705 The roof of the new storeroom hereby approved shall be clad in red clay plain tiles and any render panels and timber cladding shall match the colour and finish of the external surfaces of the main building. No above ground construction of the storeroom hereby approved shall take place until samples or details of the brick to be used in the construction of the walls, and details of the design and configuration of the mock timber beams have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.  
REASON  
In the interest of visual amenity pursuant to Policy CS14 and CS15
06. U0076706 Unless otherwise agreed in writing by the local planning authority any infilled openings shall be constructed with reused bricks from demolished sections of the existing building.  
REASON  
In the interest of visual amenity pursuant to Policy CS14 and CS15

07. U0076707 Unless otherwise agreed in writing by the local planning authority the existing historic first floor windows hereby approved shall all be retained in situ for the lifetime of the development. Full details of the design, construction and finish of any new windows shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. Unless otherwise agreed in writing, the details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Development shall be carried out in accordance with the approved details.  
REASON  
In the interest of visual amenity pursuant to Policy CS14 and CS15
08. U0076708 Unless otherwise agreed in writing by the local planning authority all the existing historic windows and doors to the retail unit hereby approved shall be retained in situ for the lifetime of the development. Prior to the implementation of the relevant site works full details of the treatment of the back of the windows or window bays (including any measures for security if needed) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.  
REASON  
In the interest of visual amenity pursuant to Policy CS14 and CS15
09. U0076710 Prior to the installation of the shop front, and notwithstanding its appearance on the elevation drawing, full details of the design, colour and appearance of the shop front to be installed on the west gable (including any lighting elements and any measures for security if needed) shall be submitted to and approved in writing by the local planning authority.  
REASON  
In the interest of visual amenity pursuant to Policy CS14 and CS15
10. U0076711 Any signage for the retail use of the building shall be located on the fascia of the shop front hereby approved and elsewhere only on the existing signage locations in accordance with the approved elevation drawing. Prior to the implementation of the relevant site works full details of the new signage (including any lighting elements, if required) shall be submitted to and approved in writing by the local planning authority.  
REASON  
In the interest of visual amenity pursuant to Policy CS14 and CS15
11. U0076712 Unless otherwise agreed in writing by the local planning authority, the boundary between the main building and the former coach house shall be constructed in accordance with the details described on the site plan (ie timber post & rail fence in front of a privet type 900 - 1200mm high hedge), and the spears or rails of the new gate to Lindrick shall match that of the adjacent railings. The fencing and hedge shall be retained for the lifetime of the development.



REASON

In the interest of visual amenity pursuant to Policy CS14 and CS15

12. U0076713 The planting shown on site plan reference 1990-ZY-005-C (rec'd 22.01.2020) shall be implemented prior to the use of any part of the proposed development. The planting shall thereafter be retained and maintain for the lifetime of the development.

REASON

In the interest of visual amenity pursuant to Policy CS14 and CS16.

13. HIGH1 Before the development is brought into use, that part of the site to be used by vehicles and bicycles 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.

14. HIGH3 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.

15. HIGH11 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.

16. U0076724 No vehicle in excess of 10m in length shall service the site.

REASON

In the interests of highways safety and to protect residential amenity pursuant to Policy PH12 and CS1.

17. U0076725 Detailed Engineering drawings for the amended site access shall be submitted for inspection and approval by the Highways Authority before works commence on site. The design of the access shall be such that water is not discharged onto the public highway. The site access shall be constructed in accordance with the approved details.

REASON

In the interests of highways safety and to protect residential amenity pursuant to Policy PH12 and CS1.

18. U0076738 The rating level of sound emitted from any fixed plant associated with the development shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the boundary of nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the boundary of nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments).
- Where access to the boundary of the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.
- Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.
- REASON  
To protect the amenities of nearby residents

## Informatives

01. U0014137 **INFORMATIVE**
- It is important that all pedestrian doors to the retail unit are protected. It is recommended that the doors installed will meet the following minimum standards when the building is unoccupied.
- PAS 24:2016 - LPS1175: Issue 7, SR2 - STS202:Issue 3 BR2. Any one of these standards will offer protection against physical attacks on the doors.
- Roller shutter doors providing access for deliveries and other apertures where no other door is present must be certificated to a minimum of: o LPS 1175 Issue 7, Security Rating 2 or o STS 202 Burglary Resistance 2 o Sold Secure Gold.
02. U0014138 **INFORMATIVE**
- In a building containing multiple dwellings there may be a requirement for a doorset to be both fire and security rated. It is the responsibility of the developer or the developer's agent to ensure compliance with all applicable Building Regulations.
- Communal doors must comply with LPS1175: issue 7 SR1, individual apartment doors must comply with PAS24; 2016.
- Dusk to dawn lighting should be installed within the communal entrances to provide illumination for residents and visitors. Each outer wall containing an entrance door must also have a dusk to dawn light fitted above the door. This is to provide illumination of anyone using the external stairs during the hours of darkness and to allow residents to view the doorset as they approach the building.

Lightweight framed walls installed either side of a secure doorset (600mm for the full height of the doorset to restrict access to door hardware) or walls providing a partition between two dwellings, or a dwelling and shared communal space, shall meet the requirements below:

- o LPS 1175 Issue 7.2:2014 Security Rating 1; or
- o LPS 1175 Issue 8:2018 Security Rating 1/A1; or
- o STS 202 Issue 7:2016 Burglary Rating 1.

This is to protect against attack from one apartment through to the adjacent or via a wall from the communal area.

All ground floor and easily accessible windows should comply with security standard PAS24:2016 and be capable of securing with a key operated window lock.

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

03. U0014139

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.

04. U0014140

INFORMATIVE

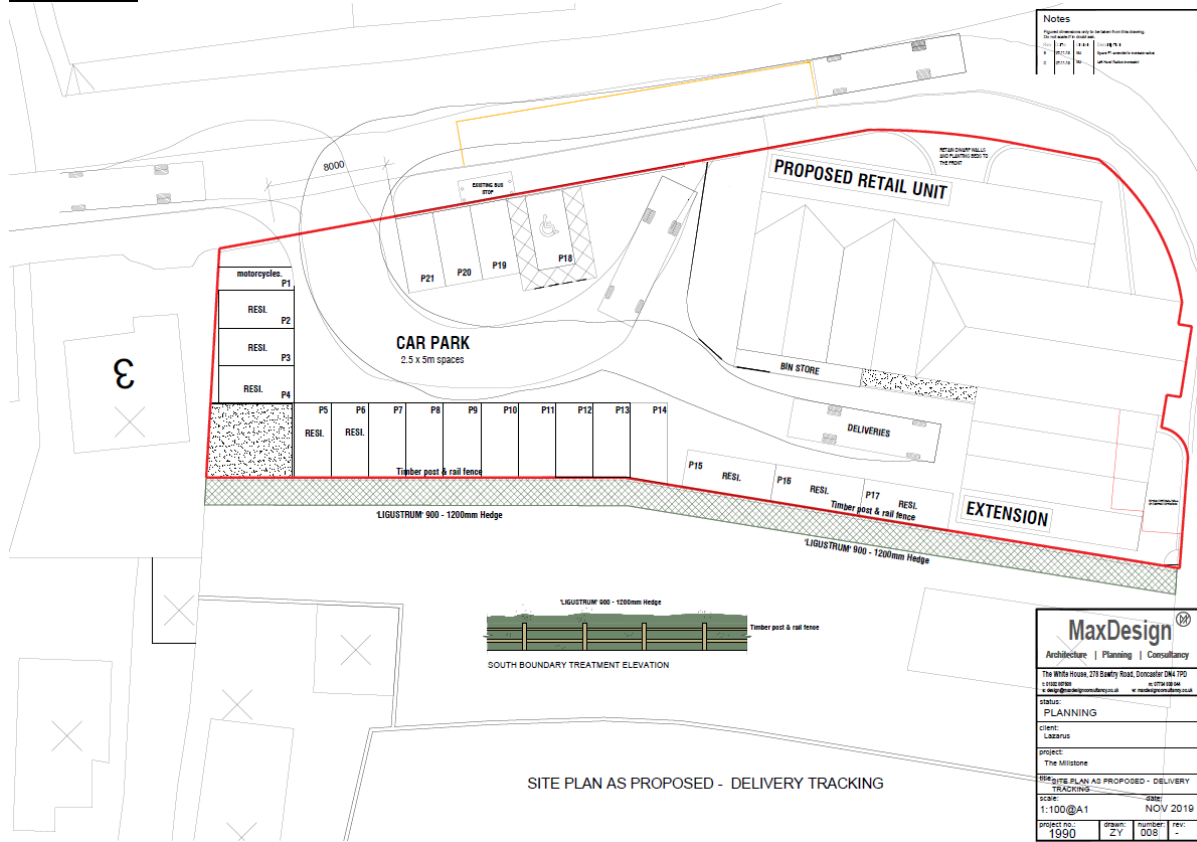
Doncaster Borough Council Permit Scheme (12th June 2012) - (Under section 34(2) of the Traffic Management Act 2004, the Secretary of State has approved the creation of the Doncaster Borough Council Permit Scheme for all works that take place or impact on streets specified as Traffic Sensitive or have 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.

05. U0014141

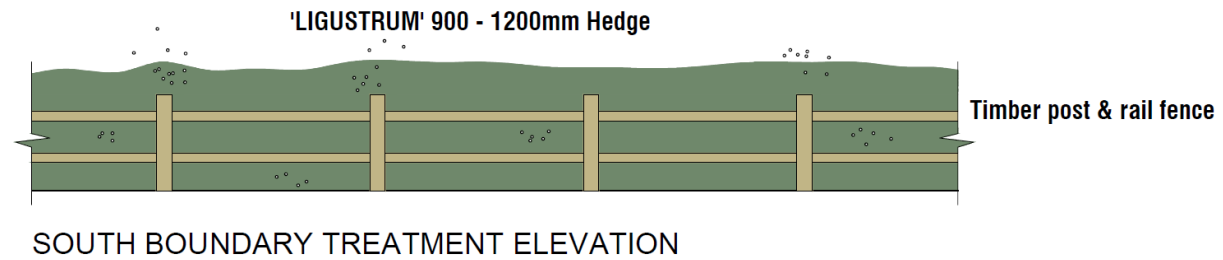
The developer shall ensure that no vehicle leaving the development hereby permitted enter the public highway unless its wheels and chassis are clean. It should be noted that to deposit mud on the highway is an offence under provisions of The Highways Act 1980.

# Appendix 1: Site Plan

## Site Plan



## Proposed Boundary Treatment



# Appendix 2: Elevations

## Existing Elevations

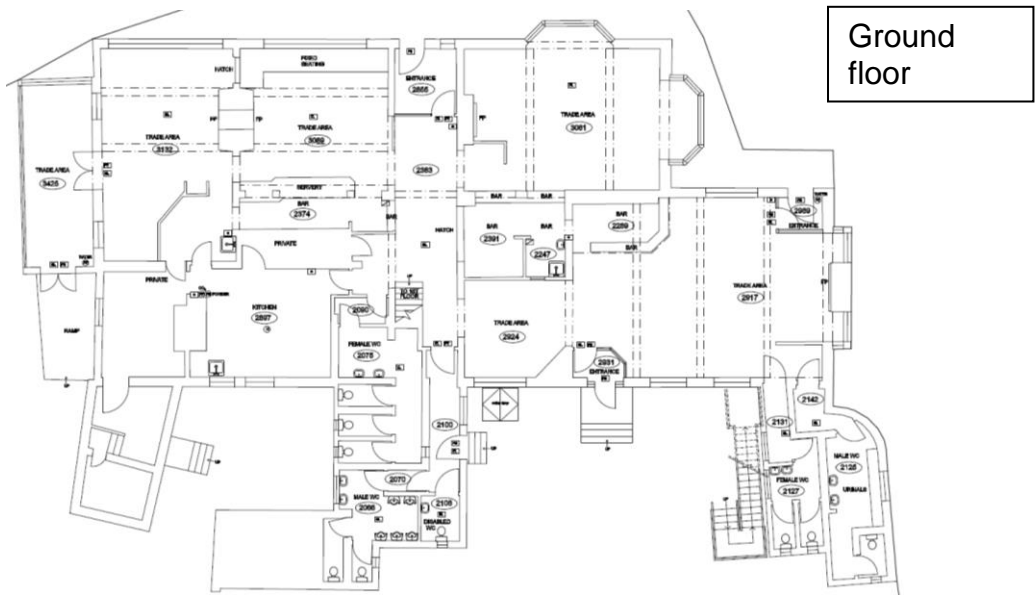
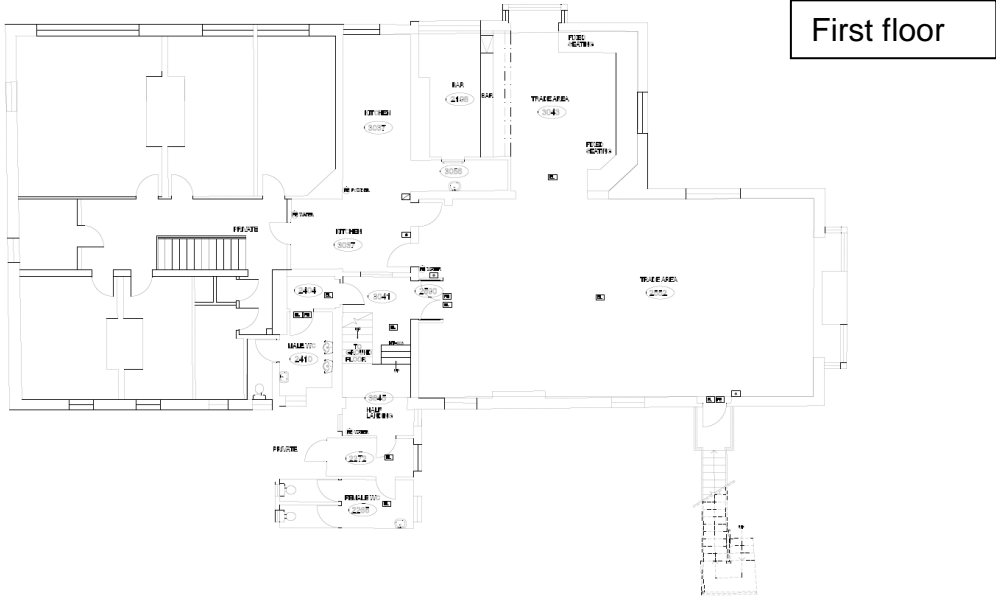


# Proposed Elevations

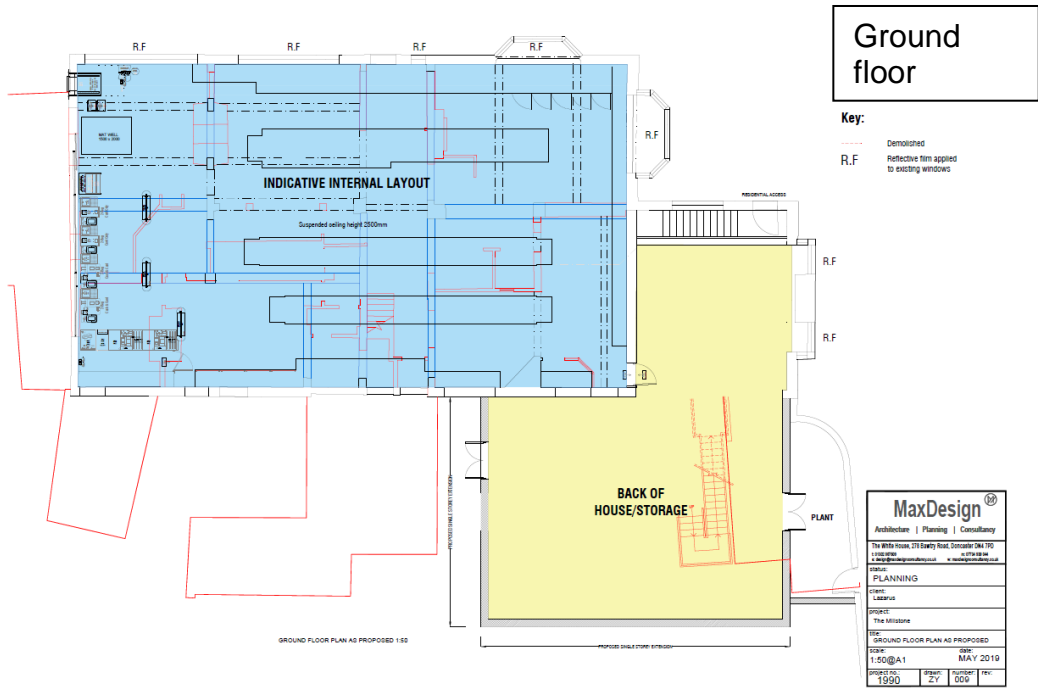
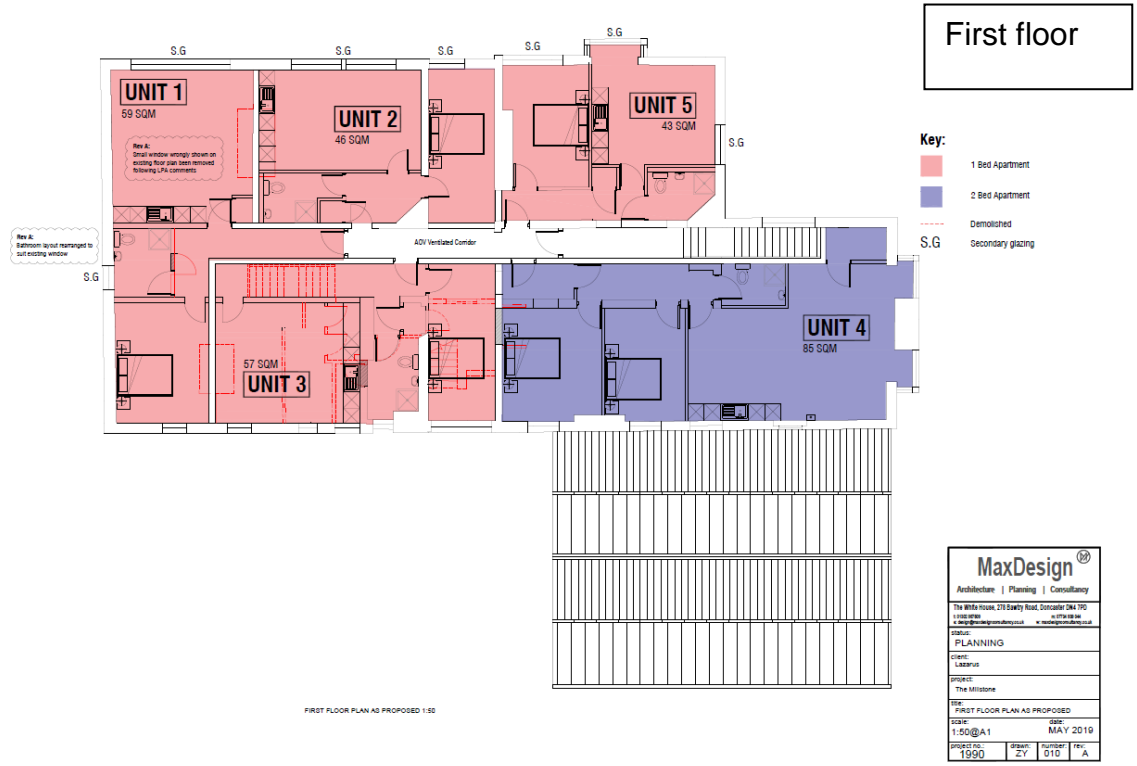


# Appendix 3: Floor Plans

## Existing Floor Plans



# Proposed Floor Plans





**DONCASTER METROPOLITAN BOROUGH COUNCIL**

**PLANNING COMMITTEE – 4<sup>th</sup> February 2020**

<b>Application</b>	<b>04</b>
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<b>Application Number:</b>	19/01814/FUL	<b>Application Expiry Date:</b>	30th September 2019
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<b>Application Type:</b>	Full Application
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<b>Proposal Description:</b>	Change of use and extension of public house to form eight flats
<b>At:</b>	Old Anchor Inn Fishlake Nab Fishlake Doncaster

<b>For:</b>	Mr H Goldthorpe
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<b>Third Party Reps:</b>	7	<b>Parish:</b>	Fishlake Parish Council
		<b>Ward:</b>	Norton And Askern

<b>Author of Report</b>	Mark Ramsay
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<b>MAIN RECOMMENDATION:</b>	GRANT
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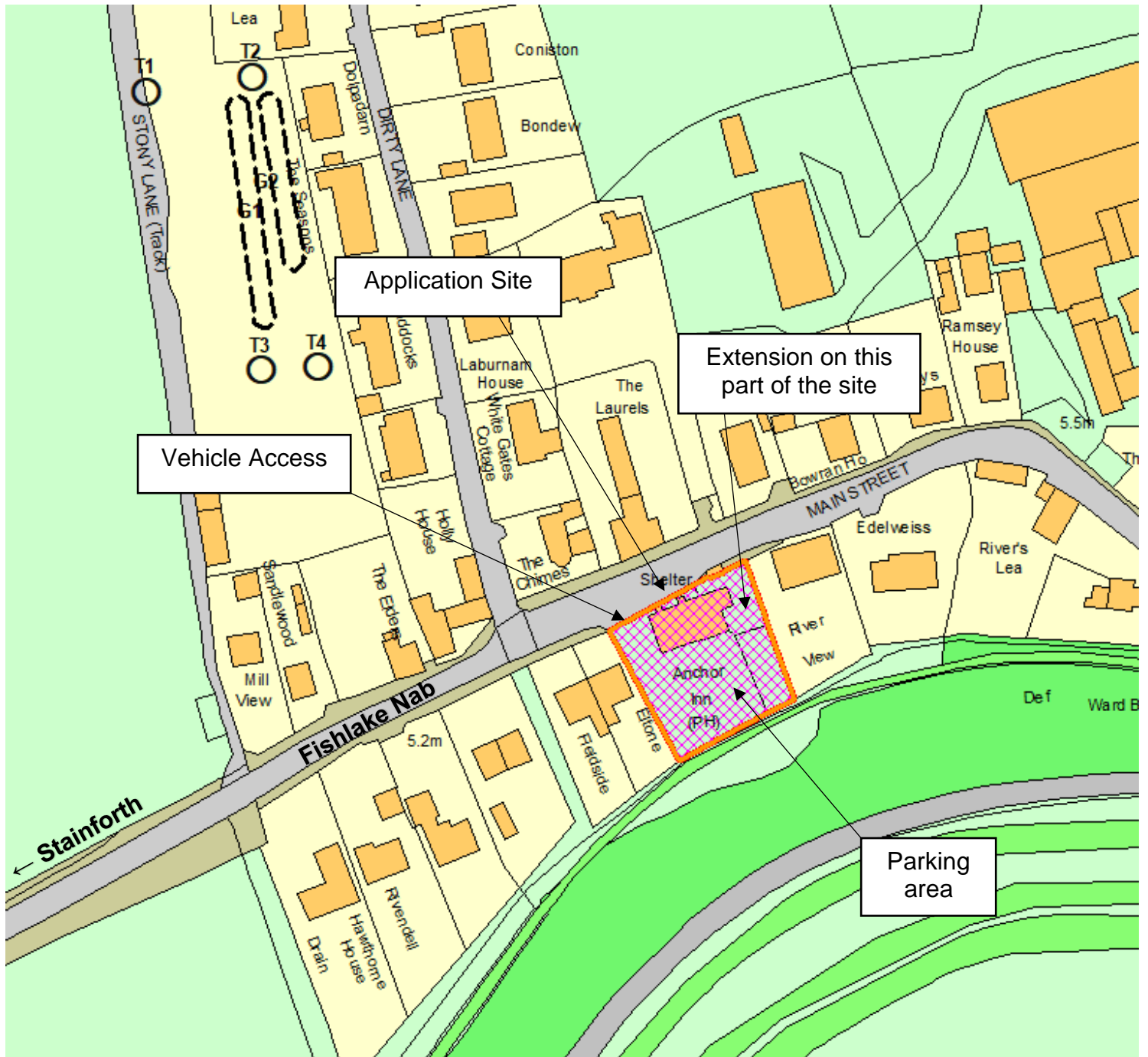
**SUMMARY**

The proposal seeks permission for the erection of an extension to the side of the existing public house building to turn the resultant building into accommodation as 8 flats.

The proposal has been modified in line with comments from the Conservation Officer so that it is in keeping with the Conservation Area and the Highways engineer in terms of providing a suitable access to the parking area for the proposal.

The proposal is considered to be an appropriate use in the residential policy area and is acceptable in the Conservation Area and the alterations and extensions retain its character as a key building. The development is not considered to harm the amenities of adjacent occupiers and provides sufficient parking in line with the standards set out in planning guidance.

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



## **1.0 Reason for Report**

- 1.1 This application is being presented to Planning Committee as a result of the level of public interest in this application.

## **2.0 Proposal**

- 2.1 The application seeks permission to extend and convert the public house known as the Old Anchor Inn in Fishlake to 8 flats by the erection of a new two storey element to the side and single storey element to the rear of the side extension. Conversion of the loft and insertion of roof lights is also proposed to accommodate one of the flats. All flats will have separate bathroom and living space, seven flats have one bedroom and one on the first floor has two bedrooms.
- 2.2 Since first submitted, the application has been amended to reduce the scale of the extension so it is now subservient to the original public house.

## **3.0 Site Description**

- 3.1 The Old Anchor Inn is a 2 storey building constructed of red brick and Welsh slate with terracotta details and sandstone dressings. The building in its present form with symmetrical bays appears on the c1900 OS map suggesting it was purpose built as an Inn. The OS map shows ancillary buildings to the rear with undeveloped plots to each side.
- 3.2 The building has an imposing central doorway with arched fanlight and window head above and to each side there is a ground floor splayed bay window with paired vertically proportioned windows above. To the left is a flat roofed ancillary building of no heritage value and the rear elevation is rather plain. It is relatively imposing in relation to the more modest historic cottages and agricultural buildings elsewhere in the village and being of circa 1900 construction is of a later date than most of these. The building has been identified in the conservation area appraisal as a key unlisted building which makes a positive contribution to the area.
- 3.3 The application site lies on the southern side of the Fishlake Conservation Area. The character of this Conservation Area is of a loosely grained village containing groupings of historic buildings some of which have agricultural origins. The most significant of these and the original principal settlement lie on Main Street and in the area around the grade 1 listed St. Cuthbert's Church that dominates this part of the settlement. Main Street has a mix of mostly detached modern and historic buildings with good separation between them. Those on the south side have open space between their rear gardens and the Don Navigation. There are views through between the buildings and the rear of the buildings are visible from the canal path.
- 3.4 The building is no longer in use as a public house. Modern two storey residential dwellings are located adjacent to either side of the application site. A public footpath runs along the southern boundary of the site and open countryside further to the south.

#### 4.0 Relevant Planning History

- 4.1 There is no recent planning history and the last applications were around 30 years ago for small extensions as listed below;

Application Reference	Proposal	Decision
90/00668/P	Erection of kitchen/lobby/pool room extension (13.00m x 5.48m) to rear and conservatory extension (5.4m x 5.4m) to side	Granted
87/0378/P	Erection of kitchen/lobby/pool room extension (13.00m x 5.48m) to rear and conservatory extension (5.4m x 5.4m) to side	Granted

#### 5.0 Site Allocation

- 5.1 The site is allocated in proposals maps of the Unitary Development Plan as part of a residential policy area that covers the village envelope of Fishlake. The site is a key unlisted building within the Fishlake Conservation Area. The Doncaster Local Plan proposes to retain the site within a residential policy area that covers Fishlake.

##### National Planning Policy Framework (NPPF 2019)

- 5.2 The National Planning Policy Framework 2019 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions and the relevant sections are outlined below:
- 5.3 Paragraphs 7 – 11 establish that all decisions should be based on the principles of a presumption of sustainable development.
- 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 Regarding Highways: Paragraph 109 of the NPPF 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.
- 5.6 Paragraph 117 states Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
- 5.7 Paragraph 124 of the NPPF states 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 5.8 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.
- 5.9 Paragraph 184 Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 5.10 Paragraph 192. In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.11 Paragraph 193 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

## 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 (as amended) and section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended).
- 5.13 In May of 2012 the Local Development Framework Core Strategy was adopted and this replaced many of the policies of the Unitary Development Plan (UDP); 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 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.
- 5.15 Policy CS15 of the Core Strategy seeks to preserve, protect or enhance Doncaster's historic Environment.
- 5.16 Policy CS16 of the Core Strategy states that Doncaster's natural environment will be protected and enhanced.

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

- 5.17 Policy PH11 states that within residential policy areas development for housing will normally be permitted except where:-
- A) the development would be at a density or of a form which would be detrimental to the character of the surrounding area or would result in an over-intensive development of the site;
  - B) the effect of the development on the amenities of occupiers of nearby properties would be unacceptable;
  - C) tandem or backland development would result in an unsatisfactory access, overlooking or over-intensive development;
  - D) the development would result in the loss of social, community and recreational or other local facilities for which there is a demonstrated need.
- 5.18 ENV25 states that within conservation areas, as defined on the proposals map, new development including alterations and extensions to, and changes of use of, existing buildings will be expected to preserve or enhance the character or appearance of the area. Development will not be permitted if it would detract from the character or appearance of the area by virtue of its nature, height, density, form, scale, materials or design or by the removal of trees or other important landscape features. The desirability of preserving or enhancing the character or appearance of a conservation area will be a material consideration when dealing with proposals for new development outside a conservation area which would affect its setting or views into or out of the area.

- 5.18 ENV53 states that the scale and appearance of new development must have regard to its wider visual impact. Development will not normally be permitted if it would have a significant adverse visual impact on:
- A) views from major transportation routes; or
  - B) views across open countryside; or
  - C) views of important landmarks.
- 5.19 ENV54 states that alterations and extensions to existing buildings should be sympathetic in scale, materials, layout and general design to the existing building. All features which contribute to the character of the building or surrounding area should be retained.

### Doncaster Local Plan

- 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 proposed allocation of the application site in the emerging Local Plan would remain unchanged from its current adopted allocation. The document carries limited weight at this stage, although the following emerging policies are applicable
- 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 11 deals specifically with developments in residential policy areas.
- A) New residential development will be supported provided:
    - 1. the development would provide for an acceptable level of residential amenity for both new and existing residents; and
    - 2. the development would help protect and enhance the qualities of the existing area and contribute to a safe, healthy and prosperous neighbourhood; and
    - 3. the development would meet other development plan policies including those relating to flood risk, open space, design and sustainable construction.
  - B) The establishment or increase of non-residential uses of appropriate scale will be permitted provided they would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.
- 5.23 Policy 31: Valuing Biodiversity and Geodiversity seeks to avoid development being harmful to designated sites of ecological interest and protected species at non designated sites.
- 5.24 Policy 38 (Conservation Areas) states that proposal should take into account the identified significance contained in the Conservation Area Appraisal for the relevant designated area where published.
- 5.25 Policy 43 seeks to ensure high standards of residential design.
- 5.26 Policy 46 deals specifically with residential design standards ensuring that new housing meets the Nationally Described Space Standard minimum.

## Other material planning considerations

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

## **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 (as amended) by means of site notice, council website, press advertisement and neighbour notification.

6.2 Seven representations have been received objecting to the proposal. The matters raised in the objections include

- the proposal being out of character and over intensive
- loss of amenity through overlooking and loss of privacy
- increase in traffic and noise
- Insufficient parking space and poor access

## **7.0 Parish Council**

7.1 The Parish Council have objected to the proposal as set out in points 1 to 6 below:

1) *This planning application for change of use from Public House to flats will have a detrimental impact on the character and appearance of the Conservation area. An extension will change the appearance of the building, circa 1900, reduce open space and crowd the adjacent domestic property.*

2) *The change of use to flats is not in keeping with the existing Conservation Area characterised by individual houses. The Public House in an historic part of the Conservation Area and will lose some of its character if it is extended.*

3) *Despite parking to the rear, multiple occupancy will inevitably lead to vehicles parking on the Main Street of the village and have a detrimental impact on the central part of the Conservation Area.*

4) *A number of villagers have raised questions about the noise and anti-social behaviour associated with similar multiple flat developments. The development is seen as against the existing character of the Conservation Area. Similarly it will impact on the amenity value of the Conservation Area.*

5) *The look of the extension and link will spoil the original building as it is too elaborate and does not fit in with the Conservation Area.*



6) *The development will have a huge impact on the sewage and drainage system which was designed fit for purpose when originally built with no extra properties to be added to the system. Since then a further 15 houses have been added and now this proposal for 8 x flats. Concerns whether the sewage system is strong enough to take this.*

## 8.0 Relevant Consultations

- 8.1 **Conservation Officer** - The rationale behind the proposal is to recognise the heritage significance of the Old Anchor as a key unlisted building by maintaining its separate character. The proposals have been amended to a slightly narrower link building, alterations in the design of the attached extension with gable to the road, reduction in ridge height of both and incorporation of bin collection area at the front. The proposal is now considered acceptable in terms of the impact on the conservation area. The applicant has agreed to leave the detail of the materials for approval by condition as there was some question over the use of timber cladding on the rear extension.
- 8.2 **Highways** - Amendments to improve the width of the access and additional paved areas next to the spaces have been provided and the Highways engineer does not object subject to a condition requiring surfacing, sealing and marking out the paved area.
- 8.3 **Drainage** – Raise no objections.
- 8.4 **Yorkshire Wildlife Trust** – “We note that the site lies immediately adjacent to Thorne Watersides, Oxbows and Ings LWS and a number of priority habitats. We would therefore like to request that provision is made for the protection of this LWS both during construction and operation of the proposals. This can be conditioned through the provision of a Construction Environmental Management Plan (CEMP) and an Ecological Enhancement Management Plan (EEMP) produced by a competent ecologist following a walkover survey. Due to the type of construction, we would also welcome the provision of a Preliminary Bat Roost Assessment (PBRA).”
- 8.5 **Ecologist** - The ecologist has seen the response from the YWT in respect of this application with regard to the issue of bats. After consultation with fellow ecologists, it is felt that there is a high likelihood of bats roosting in the central part of the roof where the skylights are to be located. The slate tiles are very close fitting and there are no gaps in either the tiled area or the verge there is a slight amount of lifting of the flashing around one of the chimneys but works will not be close to this part of the roof. Taking everything into consideration there is not a need for a bat survey and given the circumstances we should opt for the developers to instruct experienced bat ecologists to provide a method statement to cover the measures that should be taken during the works to the central roof areas and this can be required by condition.

8.6 **Pollution Control** - Historic maps show the above application is located on a near an unknown hole, so there is a possibility that contaminants may migrate on the site, for example, in the form of landfill gases. Conditions requiring a contamination assessment to be carried out are recommended.

8.7 **Public Rights of Way** - Public Footpath Fishlake Number 21 runs along the river to the rear of the property. Although this is outside the development site, it cannot be impeded or blocked. The Public Rights of Way section has no objection to the planning application.

8.8 **Waste and Recycling** - A bin store area at the front of the site has been designated in accordance with the comments of this consultee and they raised no objections to the amended plan.

## 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;
- Impact on heritage assets;
- Highway safety and traffic;
- Flood risk
- 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 within a residential policy area, and as such the use of the building as multiple dwelling units is acceptable in principle, subject to the impact it has on the character and appearance of the area (including its heritage value within the Conservation Area) and the amenities of adjacent land uses and occupiers. Therefore substantial weight is afforded to the principle of residential use of the site.

## Sustainability

- 9.4 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
- 9.5 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.

## ENVIRONMENTAL AND SOCIAL SUSTAINABILITY

### Character and Appearance of the Area

- 9.6 As previously described, the Old Anchor Inn a two story detached building constructed of red brick and Welsh slate with terracotta details and sandstone dressings, with a gabled roof over. The proposal extends the footprint of the building to the side with a two storey element and a single storey element projecting to the rear of that. Saved Unitary Development Plan Policy (UDP) ENV54 requires that the character of the original building is respected and alterations and extensions to existing buildings should be sympathetic in scale, materials, layout and general design to the existing building. Core Strategy Policy CS15 seeks to preserve or enhance the character of the Conservation Area.
- 9.7 Following consultations with the Conservation Officer the scale of the extension was reduced so that it was subservient to the original public house building and the original building maintained its separate character. Detailed design elements, including window positioning and appearance, were also amended at the request of the Council's Conservation Officer so that the appearance of the extension will be in keeping with the host building and surrounding Conservation Area in compliance with local plan policies.
- 9.8 The building sits in a generous sized plot which can easily accommodate the proposed additions, and the extended footprint would be similar to some of the larger properties at the south end of the village, so not being out of character.
- 9.9 The applicants have shown proposed landscaping and planting around the site, however a detailed landscaping scheme is proposed to be a condition of any permission to ensure the areas shown to be soft landscaped are implemented in an appropriate way.

### Impact on Neighbouring Land Uses

- 9.10 The application proposes a two storey extension attached to the west elevation and a single storey element to the rear of that. The driveway and garage of the property to the west separates the dwelling house from the application site so the main living space is set away from the extension and is not considered to dominate the adjacent dwelling.
- 9.11 The single storey rear element is parallel with the boundary and the roof line also runs parallel, so the eaves of the rearward projection will rise away from the boundary. No new upper floor windows are proposed to overlook the adjacent dwellings and any on the ground floor are screened by the existing boundary fence. The design, therefore will have little impact on the amenities of adjacent occupiers by way of overlooking, over dominance and loss of privacy.

### Impact upon Highway Safety

- 9.12 The proposed access and parking area has been assessed by the Highway engineer and the scheme has been amended to ensure there is a suitable access wide enough for vehicles to pass at the entrance, and for vehicles to manoeuvre within the site.
- 9.13 The amount of parking to be made available complies with the Council Supplementary Planning Document that requires 1.5 spaces per unit, hence the provision of 12 spaces in the parking area.
- 9.14 Highways also required the provision of a bin storage area which has been located at the front of the site which is in accordance with the guidance from the Council's waste management officer.

### Impact on Flood Risk and Drainage

- 9.15 Part of the site is within Flood Zone 2 as shown on the Flood Maps for planning produced by the Environment Agency. This is at the southern extent of the site and none of the area proposed for conversion or extension is within that zone. The part of the site designated at being at risk is part of the car park. Therefore the risk from flooding is considered to be low on this site
- 9.16 Concerns have been raised regarding how surface and foul water is drained from the site, however the building will access the existing foul and surface water systems. The Drainage Officer has been consulted and no objections have been raised. .

### Assets of Community Value

- 9.17 It is recognised that a public house does have value in terms of its function in the community as well as a place for recreation and leisure. However, in May 2019 an application to have the public house registered as an asset of community value was rejected by Doncaster Council for the following reasons;

*• To qualify as an asset of community value, a property must have a current or recent use which can be shown to further the social wellbeing or social interest of the local community.*

- *Taking all facts into account, it is not considered that the Old Anchor offers sufficient unique activities to satisfy this criteria.*
- *The village of Fishlake has other facilities available including an alternative public house, a village hall facility and recreation grounds that are considered to deliver sufficient alternative community provision*

9.18 Given that the site hasn't satisfied this criteria there is little weight that can be given to resist conversion of the building on the basis of trying to retain a community facility.

#### Conclusion on Environmental and Social Issues

9.19 Taking the above matters into consideration, it is concluded that, subject to the imposition of suitably worded conditions for prior approval of materials and a landscaping scheme the development would not have a significant adverse effect on local amenity and respects the character and appearance of its surroundings including the Conservation Area.

#### ECONOMIC SUSTAINABILITY

9.20 There is some economic benefit to the development of the site through the building work involved in converting and extending the site and bringing a redundant building back into use, especially as the property has heritage value.

9.21 Para 8 a) of the NPPF 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.

9.22 The provision of one bed flats in a rural village adds to the housing mix, a type which is in low supply in rural locations and gives the opportunity for local people to remain in the same area while commuting nearby urban centres such as Stainforth, Hatfield or Thorne. There is also a local bus service from stops directly outside the site which operates through to Doncaster.

#### Conclusion on Economic Issues

9.23 The proposal would result in some economic benefit in the creation of construction jobs from the conversion and extension of the redundant public house and extend the type of housing available in a rural village. However the jobs created would be small in scale and short term for the length of the building work, therefore this is given moderate weight in the determination of this planning application. Moderate weight can also be given to the increase of the housing mix available in the village at a sustainable location.

## **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 site is a key building in the conservation area and its re-use within a residential area is appropriate. It adds to the mix of accommodation available in the village and its development does not adversely detract from the conservation area or the amenities of neighbouring land uses. The access has also been assessed as being suitable and meets the standards set out in planning guidance. The comments of the Parish Council and from correspondents have been noted, however the objections raised have been addressed in the report and consultees have not raised objections. On balance, therefore, the proposal is viewed favourably and recommended to be granted.

## **11.0 RECOMMENDATION**

### **11.1 GRANT planning permission subject to conditions**

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02. U0076662        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:  
118/18/2B Elevations and Floor Plans Rev B  
118/18/3B Elevations and Floor Plans 2 Rev B  
118/18/1B Site Layout Rev B  
REASON  
To ensure that the development is carried out in accordance with the application as approved.
03. U0076663        Prior to the implementation of the relevant site works details or samples of the materials to be used in the construction of the external surfaces of the building (i.e. any render or brick, cladding, heads and cills, and details or samples of the roof covering) shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.  
  
REASON  
To ensure that the materials are appropriate to its surroundings and preserve or enhance the character and appearance of the Fishlake Conservation Area in accordance with saved Local Plan policy ENV25 and policies CS14 and CS15 of the Doncaster Core Strategy

04. U0076665 The existing front elevation windows of the building shall be retained as part of the development. Full details of the design, construction and finish of any new doors and windows shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. Unless otherwise agreed in writing, the details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Development shall be carried out in accordance with the approved details.  
REASON  
To ensure that the materials are appropriate to its surroundings and preserve or enhance the character and appearance of the Fishlake Conservation Area in accordance with saved Local Plan policy ENV25 and policies CS14 and CS15 of the Doncaster Core Strategy
05. U0076666 The rooflight hereby permitted shall be low profile conservation rooflights with a central vertical glazing bar. Details of the make/model including the dimensions of any rooflight to be used in the conversion of the attic shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Development shall be carried out in accordance with the approved details.  
REASON  
To ensure that the materials are appropriate to its surroundings and preserve or enhance the character and appearance of the Fishlake Conservation Area in accordance with saved Local Plan policy ENV25 and policies CS14 and CS15 of the Doncaster Core Strategy
06. U0076667 Prior to the implementation of the relevant site works details of the treatment of the gable verges to the new extension shall be submitted to and approved in writing by the local planning authority.  
REASON  
To ensure that the materials are appropriate to its surroundings and preserve or enhance the character and appearance of the Fishlake Conservation Area in accordance with saved Local Plan policy ENV25 and policies CS14 and CS15 of the Doncaster Core Strategy
07. U0076668 Unless otherwise agreed in writing by the local planning authority any rainwater goods to be used in the construction of the building shall be round/half round and black.  
REASON  
To ensure that the materials are appropriate to its surroundings and preserve or enhance the character and appearance of the Fishlake Conservation Area in accordance with saved Local Plan policy ENV25 and policies CS14 and CS15 of the Doncaster Core Strategy
08. CON1B No development shall take place prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being accepted and approved in writing by the Local Planning Authority (LPA). The scheme shall include:

a) The Phase I desktop study, site walkover and initial assessment must be submitted to the LPA for approval. Potential risks to human health, property (existing or proposed) including buildings, livestock, pets, crops, woodland, service lines and pipes, adjoining ground, groundwater, surface water, ecological systems, archaeological sites and ancient monuments must be considered. The Phase 1 shall include a full site history, details of a site walkover and initial risk assessment. The Phase 1 shall propose further Phase 2 site investigation and risk assessment works, if appropriate, based on the relevant information discovered during the initial Phase 1 assessment.

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

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

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

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



REASON

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

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

09. CON2

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

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.

10. CON3

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 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 local planning authority 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.

11. VQ17

No development shall take place on the site until details of a landscaping/planting scheme have been agreed in writing with the local planning authority. The scheme shall indicate all existing trees and hedgerows on the site, showing their respective size, species and condition. It shall distinguish between those which are to be retained, those proposed for removal and those requiring surgery. The scheme should also indicate, where appropriate, full details of new or replacement planting. All planting material included in the scheme shall comply with local planning authority's 'Landscape Specifications in Relation to Development Sites'. Planting shall take place in the first suitable planting season, following the commencement of the development.

Any tree or shrub planted in accordance with the scheme and becoming damaged, diseased, dying or removed within five years of planting shall be replaced in accordance with the above document.

REASON

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

12. U0076669

No roofing works on the existing building shall commence before a licenced bat ecologist has provided a bat method statement to be submitted to and agreed in writing by the local planning authority. The method statement shall contain the following measures:

- Written statement of the legal responsibilities of developers in respect of bats their protection and conservation to be provided to the developers and the operatives carrying out the roof light works.
- The method for the safe and careful removal of slate tiles shall be clearly described.
- The roof works shall only take place between the 1st October until 31st March in order to avoid the active period for bats.
- The licenced bat ecologist will be available to attend the site in the unlikely situation where a bat/bats are found.
- The ecologist shall provide a written report of the works and the outcomes of the method statement.

REASON

In the interests of protected species in accordance with Policy CS16 of the Doncaster Core Strategy

13. HIGH1

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.

00. ICON1

INFORMATIVE

Prior to preparing any reports in support of conditions relating to land contamination, the applicant is strongly advised to refer to the document entitled Development on land affected by contamination. Technical Guidance for Developers, Landowners and Consultants. Yorkshire and Humberside Pollution Advisory Council.

The document can be found at the following web address:

<http://www.doncaster.gov.uk/services/environmental/developing-on-contaminated-land>

Or alternatively you can request a paper copy from the LPA.

## 00. IDRAIN

### 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](http://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](mailto:planning@shiregroup-idbs.gov.uk)

### **Reasons(s) for Granting Planning Permission:**

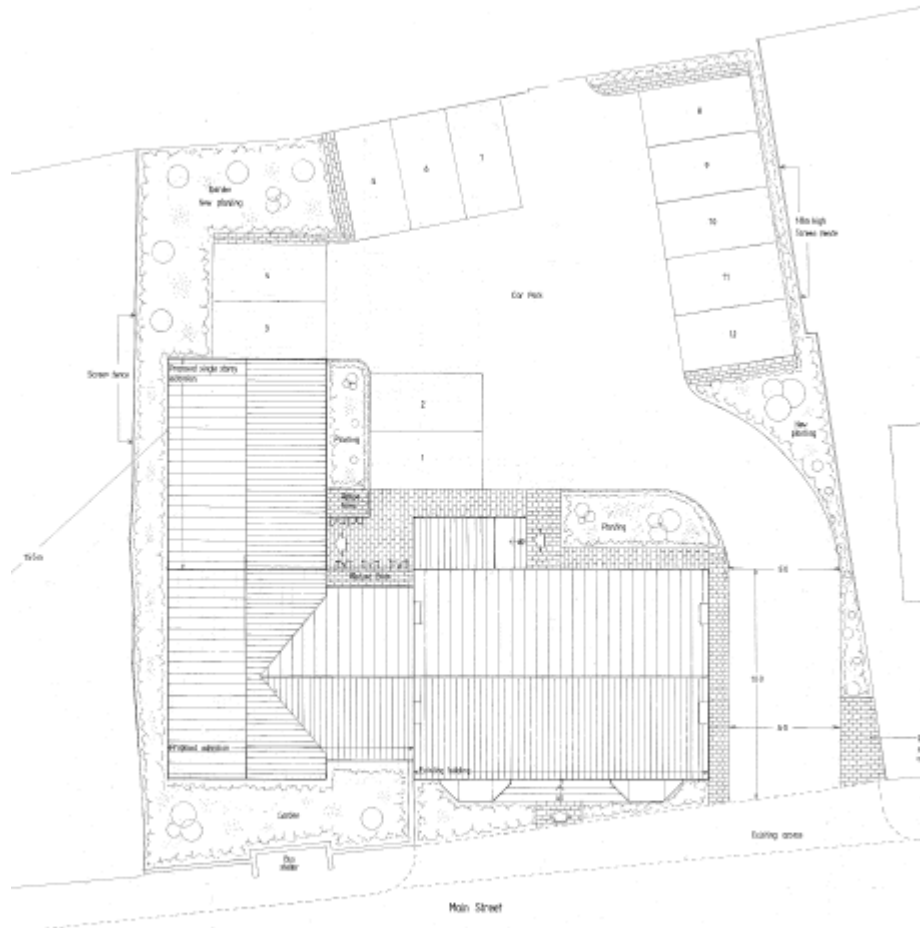
### **STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

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:

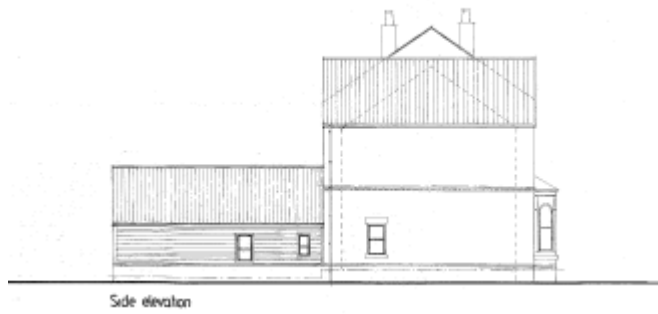
Reduction in scale and other alterations post comments from Highways and Conservation Officer

**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



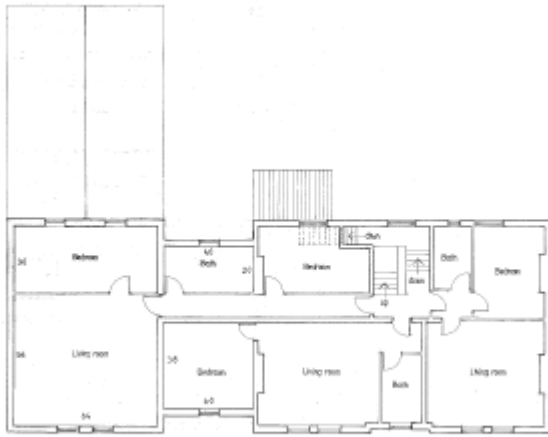
# Appendix 2 Elevations



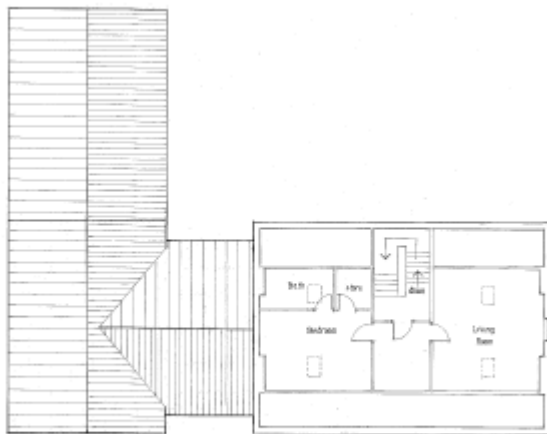
# Appendix 3 Floor Plans



Ground floor plan



First floor plan



Second floor plan



**4<sup>th</sup> February, 2020**

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

**APPEAL DECISIONS**

**EXECUTIVE SUMMARY**

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

**RECOMMENDATIONS**

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

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

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

**BACKGROUND**

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

**OPTIONS CONSIDERED**

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

**REASONS FOR RECOMMENDED OPTION**

6. To make the public aware of these decisions.

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

7.

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

## **RISKS AND ASSUMPTIONS**

8. N/A

## **LEGAL IMPLICATIONS [Officer Initials HL Date 22.01.2020]**

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

## **FINANCIAL IMPLICATIONS [Officer Initials BC Date 22.01.2020]**

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

## **HUMAN RESOURCES IMPLICATIONS [Officer Initials CR Date 22.01.2020]**

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

## **TECHNOLOGY IMPLICATIONS [Officer Initials PW Date 22.01.2020]**

12. There are no technology implications arising from the report

## **HEALTH IMPLICATIONS [Officer Initials RS Date 22.01.2020]**

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

## **EQUALITY IMPLICATIONS [Officer Initials JW Date 22.01.2020]**

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

## **CONSULTATION**

15. N/A



## BACKGROUND PAPERS

16. N/A

## CONCLUSIONS

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

Application No.	Application Description & Location	Appeal Decision	Ward	Decision Type	Committee Overturn
18/00436/M	Appeal against enforcement action for alleged unauthorised erection of boundary wall that exceeds 1m under grounds F at 37 Bruce Crescent, Intake, Doncaster, DN2 5JL	Appeal Dismissed 02/01/2020			No
19/01147/CPE	Certificate for existing lawful use for installation of biomass boiler in existing farm building. at Tudworth Hall Farm, Tudworth Field Road, Hatfield, Doncaster	Appeal Withdrawn 20/12/2019	Hatfield	Delegated	No
17/01254/FULM	Erection of 9 detached dwellings. at Land At Clifton Hill, Conisbrough, Doncaster, DN12 2DA	Appeal Allowed 23/12/2019	Conisbrough	Committee	Yes

## REPORT AUTHOR & CONTRIBUTORS

Mrs J Wride  
01302 734859

TSI Officer  
julia.wride@doncaster.gov.uk

**PETER DALE**  
**Director of Economy and Environment**

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## Appeal Decision

Site visit made on 10 December 2019

by **Laura Renaudon LLM LARTPI Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 02 January 2020

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**Appeal Ref: APP/F4410/C/19/3228220**

**37 Bruce Crescent, Intake, Doncaster DN2 5JL**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Naseem Akhtar against an enforcement notice issued by Doncaster Metropolitan Borough Council.
  - The enforcement notice was issued on 29 March 2019.
  - The breach of planning control as alleged in the notice is *Without planning permission the erection of a boundary wall (including pillars, gate and railings) measuring 2.24m at its highest point on the Land, in the approximate position marked between points A and B on the attached Plan 2.*
  - The requirements of the notice are to (a) remove the boundary wall (including pillars, gate and railings) marked between points A and B on the attached Plan 2 from the Land or (b) reduce the height of the boundary wall (including pillars, gates and railings) marked between points A and B on the attached Plan 2 to a height of not greater than one metre.
  - The period for compliance with the requirements is one month.
  - The appeal is proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended.
- 

### Decision

1. The appeal is dismissed and the enforcement notice is upheld.

### Main Issue

2. The appeal on ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

### Reasons

3. The notice is directed at a boundary wall surrounding the corner plot at 37 Bruce Crescent, which lies at the junction with Armthorpe Road. The land falls away from Armthorpe Road and the dwelling sits at a distinctly lower level, with the wall providing a retaining function against the road above. Recent works have been carried out to erect the wall, which from the Armthorpe Road side measures around 1.75m high. It is then stepped down Bruce Crescent, with varying heights but in some places exceeding 2m.
4. The Council's reasons for issuing the notice relate to its impact on highway safety and on the character and appearance of the locality. As there is no appeal on ground (a) or deemed application for planning permission, it appears

that these concerns are not in dispute. To remedy the breach, the Council's notice requires the removal of the wall or, in an apparent acknowledgement of permitted development rights, to reduce its height to 1m.

5. The appellant explains that the wall was built in order to improve ambient surroundings, and to provide greater security. No alternative requirements to those found in the notice have been proposed: the appellant seeks the retrospective authorisation of the wall as built.
6. I am unable to consider whether to grant planning permission for the wall as built, because there is no appeal on ground (a) or deemed planning application. No lesser steps than those set out in the notice have been proposed for my consideration. No lesser step than requirement (a) would remedy the breach that has occurred or, in the alternative requirement (b), achieve the fallback of what might have been erected as permitted development. Accordingly the appeal on ground (f) fails, and thus the appeal is dismissed and the enforcement notice is upheld.

*Laura Renaudon*

INSPECTOR



# The Planning Inspectorate

Room 3B  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Direct Line: 0303 444 5433  
Customer Services:  
0303 444 5000

Email:  
teame2@planninginspectorate.gov  
.uk

[www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)

Mr John M Hunt  
Hilltop Cottage, 36 Hollingsworth Lane  
Epworth  
DONCASTER  
North Lincolnshire  
DN9 1EY

Your Ref: Sleath  
Our Ref: APP/F4410/X/19/3232319

06 January 2020

Dear Sir,

Town and Country Planning Act 1990  
Appeal by Mr S. Sleath  
Site Address: Tudworth Hall Farm, Tudworth, Doncaster, South Yorkshire, DN7  
6HQ

Thank you for your e-mail withdrawing the above appeal.

I confirm no further action will be taken, the appeal has been closed.

Any event arrangements made for the appeal has been cancelled.

A copy of your e-mail and this letter has been sent to the local planning authority.

Yours sincerely,

***Craig Maxwell***  
Craig Maxwell

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

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## Appeal Decision

Site visit made on 27 November 2019

**by Graham Wraight BA(Hons) MSc MRTPI**

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

**Decision date: 23 December 2019**

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**Appeal Ref: APP/F4410/W/19/3236983**

**Land At Clifton Hill, Conisbrough, Doncaster DN12 2DA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr C Morte (Kilnbridge Developments Ltd) against the decision of Doncaster Metropolitan Borough Council.
  - The application Ref 17/01254/FULM, dated 15 May 2017, was refused by notice dated 25 July 2019.
  - The development proposed is the erection of 9 detached dwellings.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of 9 detached dwellings at Land At Clifton Hill, Conisbrough, Doncaster DN12 2DA in accordance with the terms of the application, Ref 17/01254/FULM, dated 15 May 2017, subject to the conditions set out in the schedule at the end of this decision.

### Application for costs

2. An application for costs was made by Mr C Morte (Kilnbridge Developments Ltd) against Doncaster Metropolitan Borough Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The number of dwellings proposed was reduced during the course of the determination of the planning application and therefore I have used the description of development stated on the decision notice and appeal form, in the banner header above. For the avoidance of doubt, I have assessed the appeal on the basis of the plans referenced in the schedule of conditions, which follows at the end of this decision.
4. The proposal has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and is considered not to be EIA development. An Environmental Statement (ES) is therefore not required

### Main Issue

5. The main issue is the effect of the proposed development upon highway and pedestrian safety.

## Reasons

6. During my visits to the site I found there to be no significant impediment to the movement of vehicles along Kendal Crescent. There were instances of vehicles parked partially on the pavement and thus impeding pedestrian use, however this is an existing occurrence and is likely to continue regardless of whether the appeal development proceeds. Furthermore, the proposed dwellings have on-site car parking provision and there is no substantive evidence that the proposal would increase parking on Kendal Crescent.
7. Whilst the occupiers of the proposed development would marginally increase the number of people using the pavements on Kendal Crescent, the proposal would not discriminate against disabled people and those with reduced mobility because the proposed dwellings would not lead to a material change to the existing parking situation on Kendal Crescent or to the accessibility of pavements. Accordingly, there would be no conflict with the aims of the Public Sector Equality Duty contained in the Equality Act 2010.
8. My attention has been drawn to instances where access along the road for larger vehicles has been difficult due to the positioning of parked cars. However, this appears to have arisen as a result of vehicles being parked too close to one another, rather than due to an inherent deficiency in the specification of the road. The Highway Authority (HA) has not suggested that it has concerns about the use of Kendal Crescent to access the development and from my own observations the road is accessible to larger vehicles, provided that other vehicles are responsibly parked along it. For this reason, I also do not share the concern of the Council and interested parties that emergency and service vehicles would be unable to access the proposed dwellings.
9. Furthermore, the increase in the number of vehicles, including larger vehicles travelling along Kendal Crescent and the single-track Clifton Terrace would not be significant in relation to highway capacity given that only 9 dwellings are proposed. I note comments made in respect of refuse trucks but these will continue to travel along the existing road regardless of whether or not the proposal goes ahead.
10. The proposed access point to the development would be on a section of Kendal Crescent away from the majority of existing dwellings on the road. Due to its separation from the existing dwellings, it does not appear to be an attractive area in which to park vehicles. Therefore, the proposed access is not likely to materially alter the way residents currently park. Furthermore, as parking of vehicles close to the proposed junction would not be particularly convenient to the majority of existing residents, it is unlikely that an unacceptable conflict would arise and the HA have not raised concern with respect to the visibility splays that have been shown. Therefore, the access and egress from the new road is unlikely to be impeded by parked cars. The residual cumulative impacts of the proposed development on the road network would not be severe and in reaching this conclusion I have been mindful that the HA did not object to the proposal.
11. The access to the site construction compound would be from Clifton Hill, via an existing access point. A construction management plan has been submitted which outlines how the compound would be managed during the construction period. This reasonably addresses the constraints relating to the use of the existing access, including with respect to the co-ordination and timing of



deliveries and the size of vehicles to be used. Given that the compound would only be in use for the temporary period whilst the dwellings are constructed and that a construction management plan would be in place, I am satisfied that this element of the proposal would not cause harm to highway safety.

12. For the reasons given above, I conclude that the proposed development would not cause harm to highway or pedestrian safety. Accordingly, there would be no conflict with Policy CS14 Part A (3) and (7) of the Doncaster Council Core Strategy 2012 or the National Planning Policy Framework 2019, both of which seek to ensure that new development does not cause harm to highway and pedestrian safety.

### **Other Matters**

13. Concern has been raised with regard to the potential impact upon trees, health, pollution, biodiversity, crime, the provision of public services, land contamination, the impact on the wall to the rear of properties on Clifton Hill, land stability, light pollution, utility supplies, flood risk and drainage. However, based upon the responses from the relevant consultees and upon the information available to me, there is no clear evidence that harm would arise with respect to these matters. Furthermore I am satisfied that, where necessary, any additional measures required could be adequately secured by planning conditions.
14. Reference has been made to previous refusals of planning permission, however I have not been provided with any details of the circumstances of these. In any event, I am required to assess the appeal primarily upon its own merits and accordingly I have done so. Whilst the construction of the dwellings is likely to cause a degree of noise and disturbance, this would only be a temporary occurrence, and does not justify the withholding of planning permission. Given that the buildings would be in domestic use, the noise levels generated from them would be appropriate in a residential area. I have assessed the proposal on the basis it has been submitted and cannot give regard to speculation about any future planning applications that may be submitted on the site as these would be a matter for the local planning authority.
15. Representations have raised concern that the development would have an adverse impact upon living conditions including through loss of privacy, outlook and light. However, the proposal would be well separated from the nearest dwellings and would not in my judgement cause harm to living conditions. The Council has not raised concern with respect to the design of the dwellings, and I consider that the design would be appropriate within its context.

### **Conditions**

16. The Council has requested that a number of conditions be imposed, to which no objections have been received from the appellant. Conditions relating to the time period for implementation and to the approved plans are necessary to define the terms of the permission. With respect to the approved plans, the sectional drawings for house types A and C have not been amended to reflect the most recent elevational drawings, which show both house types with a reduced roof pitch and ridge height. I have therefore made it clear in the respective condition that the approval of the sectional drawings for these house types relates to the setting out of their ground levels only.

17. Conditions relating to land contamination and imported soil are required to ensure that the development is undertaken in a safe manner, whilst conditions relating to tree protection and drainage are necessary to ensure that the development puts adequate safeguards in place and meets the required standards of construction. The materials to be used and the landscaping of the site require control in the interests of securing an appropriate visual appearance. Details of acoustic fencing adjacent to the adjoining commercial use are required in the interests of the living conditions of the future occupiers of the dwellings and a condition relating to electric vehicle charging points is reasonable in the interests of promoting environmental interests.
18. I have not imposed conditions relating to the access point to the proposed development, as the submitted plans contain details regarding its construction and visibility. Nor have I imposed a condition regarding details of the drainage and hard surfacing of highway areas, as this would duplicate the requirements of other conditions. The Badger Survey Report finds no evidence of Badgers on the site and predicts that the proposed development would have no impact on this species. I have however included the Badger Survey Report in the approved plans/details as it includes a precautionary method statement, so it is not necessary to impose a separate condition relating to this matter.
19. I have reworded the Council's proposed conditions where appropriate, in the interests of precision and to avoid the use of pre-commencement conditions in instances where details are not reasonably required before development begins.

### **Conclusion**

20. For the reasons given above, I conclude that the appeal, subject to conditions, should be allowed.

*Graham Wraight*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details:
  - 01 Revision J
  - 02 Revision C (with regard to ground levels only)
  - 03 Revision B
  - 04 Revision A (with regard to ground levels only)
  - 05
  - 06 Revision A
  - House Type A 01 Revision A
  - House Type B 01
  - House Type C 01 Revision C

- Badger Survey Report dated 5.3.19 MAX.18.1.2019
  - Construction Management Plan Revision B 10.7.19 version 3.
- 3) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
- i) a survey of the extent, scale and nature of contamination;
  - ii) the potential risks to:
    - human health;
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
    - adjoining land;
    - ground waters and surface waters;
    - ecological systems; and
    - archaeological sites and ancient monuments.
- 4) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 5) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 6) Any soil or soil forming materials brought to site for use in garden areas, soft landscaping, filling 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 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 local planning authority prior to any soil and soil forming material being brought on to site.

- 7) Fencing for the protection of retained trees T2 and T3 shall be erected in accordance with the details shown on the Tree Protection Plan (KCC 03) before any construction works commence on plots 7, 8 or 9. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority. The fencing shall be retained for the duration of the construction period.
- 8) Prior to the first occupation of the dwellings hereby permitted details of hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. These details shall include:
  - i) boundary treatments, including the provision of acoustic barriers adjacent to existing commercial premises;
  - ii) hard surfacing materials;
  - iii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities.
  - iv) an implementation programme.

The approved landscaping works shall be carried out in accordance with the agreed implementation programme. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Acoustic barriers shall be retained in accordance with the approved details for the lifetime of the development.

- 9) No above ground construction of the dwellings hereby permitted shall take place until details of all external facing materials to be used in their construction have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved materials.
- 10) No development shall commence until details of the foul water, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved in writing by the local planning authority. These works shall be carried out concurrently with the development in accordance with the approved details and the drainage systems shall be fully operational prior to the first occupation of the development.
- 11) The dwellings hereby permitted shall not be occupied until they have been fitted with electric vehicle charging points, in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.



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## Costs Decision

Site visit made on 27 November 2019

**by Graham Wraight BA(Hons) MSc MRTPI**

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

**Decision date: 23 December 2019**

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### **Costs application in relation to Appeal Ref: APP/F4410/W/19/3236983 Land At Clifton Hill, Conisbrough, Doncaster DN12 2DA**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr C Morte (Kilnbridge Developments Ltd) for a full award of costs against Doncaster Metropolitan Borough Council.
  - The appeal was against the refusal of planning permission for the erection of 9 detached dwellings.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant submits that the Council has acted unreasonably because it refused planning permission against the recommendation of its Officers and has failed to substantiate its reason for refusal in its defence of the appeal. The applicant has also highlighted that there was no objection to the proposed development from the Highway Authority (HA) and this is pertinent as the sole reason for refusal relates to highway matters.
4. In response, the Council has provided a commentary of the events that led to the refusal of planning permission and drawn attention to the information on which the decision was made. In addition, it has referred to the representations made by interested parties, including local Council Members and members of the public.
5. Whilst I accept that it will have been frustrating to the appellant that the Council Members took a different view to that which was recommended by their Officers, they were entitled to take this course of action and it does not represent unreasonable behaviour. Furthermore, in both reaching its decision and in defending the appeal, I consider that the Council has adequately set out and explained the areas of concern which led to its refusal of planning permission.
6. These are legitimate planning matters and ones that have a clear link to the development proposed. Whilst I have not found that the proposed development would result in harm to highway and pedestrian safety, and I note that the HA

did not raise an objection, the Council was entitled to take a contrary view. As the Council has adequately outlined its concerns and defended its position during the appeal process, it follows that I do not consider that it has acted unreasonably.

**Conclusion**

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application for costs fails.

*Graham Wraight*

INSPECTOR



**Doncaster  
Council**

## **Doncaster Metropolitan Borough Council Planning Enforcement Quarterly Report January 2020**

### **Introduction**

This report provides Doncaster Metropolitan Borough Council's Planning Enforcement performance in the Third Quarter 2019/20.

The Investigation Team is now operating at full capacity with the return of a staff member who was previously on sick leave for a number of months. The secondment position has now been filled, in addition to the apprentice who has now joined the team and both have caseloads which include new as well as outstanding cases.

<b><u>Case Updates</u></b>	
Total Cases Still Under Investigation as at end of December 2019.	138
Total Cases Recorded in the Third Quarter (1 <sup>st</sup> October – 31 <sup>st</sup> December 2019).	105
Total Cases Closed Down in the Third Quarter (1st October – 31st December 2019)	151



## Prosecution Cases

### Land at Mallor, Moss Road, Askern



A Breach of Condition Notice was issued in 2016 regarding the erection of a garage not in accordance with approved plans, granted under application 15/00323/FUL. The Notice was not complied with and as a result, the LPA decided to pursue a prosecution for non-compliance at Doncaster Magistrates Court on 11<sup>th</sup> December 2019. The defendant did not attend the hearing so the Court reached a decision in



their absence which resulted in a sentence of a fine of £1,320, costs amounting to £784.40 and a victim surcharge of £132.

### **Pending Court Action**

#### **18 Radiance Road, Wheatley**



This case has been mentioned in a previous quarterly report when an enforcement notice was issued on 4<sup>th</sup> March 2019. The owner submitted a retrospective planning application to regularise the use of the land (Ref: 19/02430/FUL - Erection of fencing to enclose land for use as storage (Retrospective)). The application was subsequently refused on 11.12.2019 on the grounds that it was out of character with the surrounding area and the poor quality development which affected the amenity of the adjacent property.

Following the refusal of the planning application, the case has now been prepared for a prosecution at the Magistrates' Court.

## **General Cases**

The following are a few examples of cases currently under investigation by the Planning Investigation Team:

### **25 Harrow Road, Armthorpe**



Requests were made to reduce the height of the dividing fence between the properties to 1m in height adjacent to the highway and remove the pillars on the wall to the front of the property, or submit a planning application to retain the development. The requests were not taken forward and therefore the LPA issued an Enforcement Notice which came into effect on 7<sup>th</sup> January 2020. The Notice requires the following to occur by 4<sup>th</sup> February 2020:

- (a) removal of the brick wall and brick piers to the front of the property or reduction of the height of the brick wall to the front of the property to a height of not greater than one metre; and
- (b) removal the wooden fence panel and post nearest the highway, or a reduction in the height of the wooden fence panel and post nearest the highway to a height of not greater than one metre.

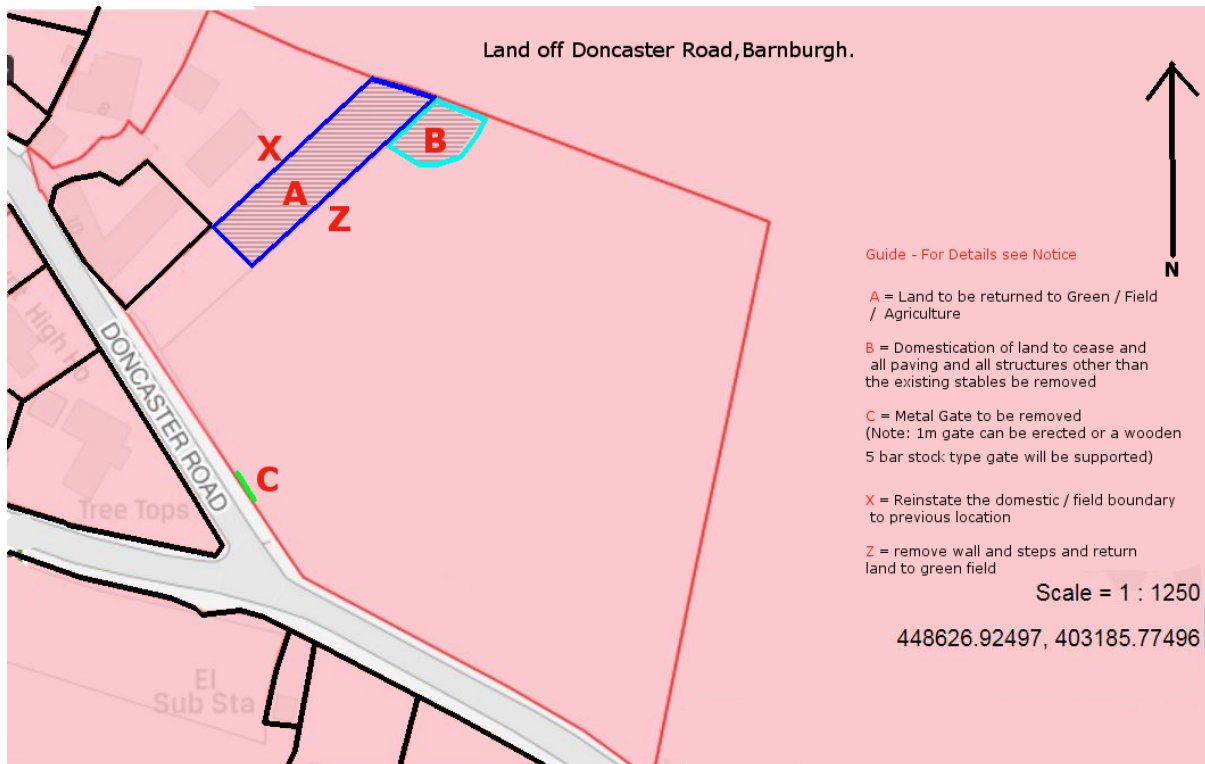
## 9 Hazel Road, Dunscroft

An Enforcement Notice was issued in respect of a property where requests to reduce the fencing panel closest to the highway to 1m in height or submit an application seeking to regularise the development were not forthcoming. The Notice was becomes effective on 7<sup>th</sup> January 2020, and requires the fence panel and post nearest to the highway to be removed or reduced to 1m in height by 3<sup>rd</sup> February 2020.





## 9 Doncaster Road, Barnburgh



Green belt land to the rear of the property had been included as part of the domestic curtilage. Requests were made by the planning investigation team to return the land to its previous condition. An application was submitted seeking approval for the unauthorised change of use of the land, which was subsequently refused. The Enforcement Notice was issued on 24.10.2019 with a compliance period of 1 month from the effective date, which has now expired. As a result of non-compliance with the Enforcement Notice a case will be now be prepared for prosecution the Magistrates' Court for non-compliance with the Enforcement Notice, for which the Magistrates may impose an unlimited fine.

### 37 Bruce Crescent, Intake



A request was made by the investigation team to reduce the height of the boundary wall to 1m and subsequently an Enforcement Notice was issued. The Enforcement Notice was appealed and recently the appeal was dismissed by the Planning Inspector. As such, the enforcement notice must be complied with. The Investigations team will monitor compliance with the enforcement notice as non-compliance with the enforcement notice is a criminal offence. Progress will be reported back at the next quarterly update.

## Quarterly Enforcement Cases

<b>Quarter 3</b>	
Received Enforcement Cases	105
Total Cases Pending	138
Closed Enforcement Cases	151

<b>Case Breakdown</b>	
Unlawful Advertisements	13
Breach of Conditions	22
Unauthorised Change of Use	30
Unauthorised Works to Listed Building	0
Unauthorised Operational Development	39
Unauthorised Works to Protected Trees	1

<b>Areas Where Breaches Take Place</b>	
Adwick and Carcroft	8
Armthorpe	3
Balby South	3
Bentley	5
Bessacarr	5
Conisbrough	8
Edenthorpe and Kirk Sandall	4
Edlington and Warmsworth	4
Finningley	5
Hatfield	5
Hexthorpe and Balby North	6
Mexborough	3
Norton and Askern	1
Roman Ridge	4
Rossington and Bawtry	9
Sprotbrough	2
Stainforth and Barnby Dun	3
Thorne and Moorends	5
Tickhill and Wadworth	5
Town	17
Wheatley Hills and Intake	3

<b>Formal Enforcement Action</b>	
Notices Issued	5
Prosecutions	1

Report Prepared By:  
 Darren Horton  
 Senior Officer Planning Investigation.